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May 24, 2019 12:35 PM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$56.00 (SB2 Atkins: \$0.00)

PAGES: 15

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007577

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2070245

MPF 9731 SIEMPRE VIVA ROAD - PROJECT NO. 585480

PLANNING COMMISSION

This Conditional Use Permit No. 2070245 is granted by the Planning Commission of the City of San Diego to Courtney Business Center LLC., a California Limited Liability Company, Owner and Paragon Partners, LLC., a California Limited Liability Company, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 1.03-acre site is located at 9731 Siempre Viva Road, Suites A, B, C, H, and I, in the IL-2-1 Zone, Community Plan Implementation Overlay Zone – Type A, Brownfield Airport Land Use Compatibility Overlay Zone (Airport Influence Area – Review Area 2), Transit Priority Area, and Prime Industrial Lands within the Otay Mesa Community Plan area. The project site is legally described as Lot 4 of Otay International Lots 8 and 9 Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map No. 11741, filed in the Office of the County Recorder of San Diego County, March 4, 1987.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within 10,042 square-feet in an existing 16,820 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 9, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility encompassing a 10,042 square-foot area, consisting of 6,140 square-feet of existing tenant space and 3,902 square-feet of second floor addition in an existing 16,820 square-foot building. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture and Consumer Affairs regulations;
- b. The Marijuana Production Facility operations include:
 - Suites A, B, and C, a two-story, 8,008-square-foot space, that includes administrative space, a restroom, cultivation, packaging, and distribution of cannabis;

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- Suites H and I, a two-story, 2,034-square-foot space, that includes a nursery, cultivation, restroom, storage, and distribution of cannabis;
- c. Off-street parking; and
 - d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 9, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 9, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

BUILDING OFFICIAL REQUIREMENTS:

12. Prior to the commencement of operations granted by this Permit, the Owner/Permittee shall obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing 25-foot driveway adjacent to the site on Paseo De Las Americas, to current City Standards, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing 30-foot driveway adjacent to the site on Siempre Viva Road, to current City Standards, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb ramp at the intersection of Siempre Viva Road and Paseo De Las Americas, per current City Standards, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of the encroaching portions of the existing Keystone walls and mailboxes in the Paseo De Las Americas Right-of-Way.

17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the palm trees, landscape, irrigation and private walkway in the Siempre Viva Road Right-of-Way.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

20. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

21. A maximum of 20 employees shall be allowed on-site at any given time to correspond to the 20 provided parking spaces for the project.
22. The Owner/Permittee shall transport marijuana and marijuana products within the property granted by this Permit within a locked vehicle, or trailer, or by foot, hand truck, fork lift, or other similar means. The Owner/Permittee shall comply with all current state law and regulations during such transportation. At all times during transportation, marijuana and marijuana products shall be in a container, such as a box or pallet, that is locked and opaque. All transportation of goods shall be accompanied by the licensed security guard.
23. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
24. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
25. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
26. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.
27. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.
28. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.
29. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.
30. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
31. The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section 34.0103 (b), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

APPROVED by the Planning Commission of the City of San Diego on May 9, 2019 by Resolution No. 5006-PC.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2070245
Date of Approval: May 9, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



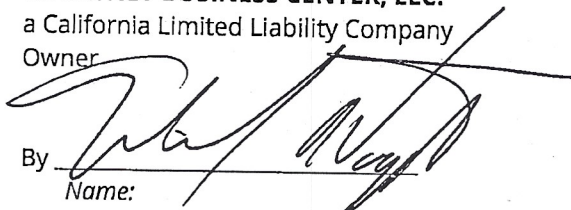
Sammi Ma
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

COURTNEY BUSINESS CENTER, LLC.

a California Limited Liability Company
Owner

By 
Name:
Title:

PARAGON PARTNERS, LLC.

a California Limited Liability Company
Permittee

By 
Name:
Title:

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

ORIGINAL

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

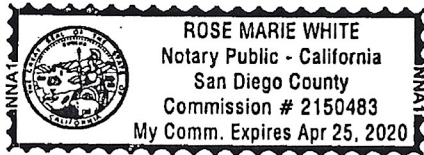
On May 23, 2019
Date

before me, Rose Marie White, Notary Public
Here Insert Name and Title of the Officer

personally appeared

Samma Ma
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rose Marie White
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

ORIGINAL

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of San Diego)

On May 22, 2019 before me, M. Gutierrez, Notary Public,
(here insert name and title of the officer)

personally appeared Michael A. Vogt

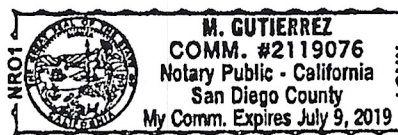
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

M. Gutierrez



(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Conditional Use Permit
No. 2070245 - 9731 Siempre Viva Rd.,
containing 7 pages, and dated May 9, 2019.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s)

Title(s)

- ☐ Guardian/Conservator
☒ Partner - Limited/General
☐ Trustee(s)
☐ Other:

representing: Courtney Business Center, LLC
Name(s) of Person(s) or Entity(ies) Signer Is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 17 Entry # 2

Notary contact:

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of San Diego)

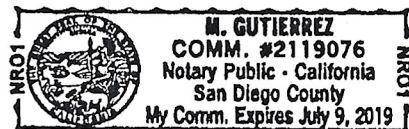
On May 23, 2019 before me, M. Gutierrez, Notary Public,
(here insert name and title of the officer)

personally appeared Omar Yousef Ibrahim

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

M. Gutierrez

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Conditional Use Permit NO. 2070245-9731 Siempre Viva Rd. containing 7 pages, and dated May 9, 2019.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s)

Title(s)

- ☐ Guardian/Conservator
☒ Partner - Limited/General
☐ Trustee(s)
☐ Other:

representing: Paragon Partners LLC
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 17 Entry # 3

Notary contact:

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

PLANNING COMMISSION RESOLUTION NO. 5006-PC
CONDITIONAL USE PERMIT NO. 2070245
MPF 9731 SIEMPRE VIVA ROAD - PROJECT NO. 585480

WHEREAS, COURTNEY BUSINESS CENTER, LLC., a California Limited Liability Company, Owner, and PARAGON PARTNERS, LLC., a California Limited Liability Company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility in five existing tenant spaces (Suites A, B, C, H, and I) within an existing 16,820 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2070245), on portions of a 1.03-acre site;

WHEREAS, the project site is located at 9731 Siempre Viva Road, Suites A, B, C, H, and I, in the IL-2-1 Zone of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 4 of Otay International Lots 8 and 9 Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map No. 11741, filed in the Office of the County Recorder of San Diego County, March 4, 1987;

WHEREAS, on October 9, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities). One appeal of the Environmental Determination was filed within the time period provided by San Diego Municipal Code Section 112.0520 on October 22, 2018. However, it was later withdrawn on October 31, 2018;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2070245 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 19, 2019, Rodney Eales, filed a Development Permit Appeal Application and on February 21, 2019, Khoa Nguyen, filed a Development Permit Appeal Application (Appeals); and

WHEREAS, on May 9, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2070245 pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by Planning Commission of the City of San Diego, that it denies the Appeals and adopts the following findings with respect to Conditional Use Permit No. 2070245:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

a. The proposed development will not adversely affect the applicable land use plan.

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in existing tenant spaces, Suites A, B, C, H, and I, within an existing building. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The 1.03-acre site is located at 9731 Siempre Viva Road in the IL-2-1 Zone of the Otay Mesa Community Plan.

The project site is designated as Prime Industrial by the Economic Prosperity Element and Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Prime Industrial and Industrial Employment designations would permit light manufacturing uses; thereby, providing additional land suitable for manufacturing activities. The project site is within the Light Industrial Land Use Area of the Otay Mesa Community Plan. The Light Industrial designation permits light manufacturing, distribution and storage uses. The IL-2-1 Zone allows a mix of light industrial and office uses with limited commercial. The proposed MPF, classified as an

industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan. Therefore, the proposed MPF will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project at 9731 Siempre Viva Road proposes to operate a MPF in existing tenant spaces, Suites A, B, C, H and I, within an existing building. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The MPF operation would include cultivation, a nursery, storage, packaging, and distribution of cannabis. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include reconstruction of the existing driveways and curb ramp, satisfactory to the City Engineer.

MPFs are restricted to forty City-wide, within light and heavy industrial zones. MPFs require compliance with San Diego Municipal Code (SDMC) Section 141.1004 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPFs also require a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements between uses set forth in SDMC Section 141.1004 (a). The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as lighting, security cameras, alarms, and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2070245. The Conditional Use Permit No. 2070245 will be valid for five years and may be revoked if the Owner or Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The proposed development will not be detrimental to the public's health, safety, and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in Conditional Use Permit No. 2070245. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety, and welfare. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project proposes the operation of a MPF in existing tenant spaces within an existing building at 9731 Siempre Viva Road, Suites A, B, C, H, and I. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The 1.03-acre site is located in the IL-2-1 Zone of the Otay Mesa Community Plan area. The site is developed with a building constructed in 1985. The MPF operation would include cultivation, a nursery, storage, packaging, and distribution of cannabis.

MPFs are allowed in the IL-2-1 Zone with a Conditional Use Permit. The proposed use requires compliance with SDMC Section 141.1004 and Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements between uses. The proposed MPF is subject to specific operational requirements for security, as referenced in Conditional Use Permit No. 2070245, in lighting, security cameras, alarms, and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MPF is consistent with all land development regulations relevant for the site and the use. No deviations are required or requested to approve the Conditional Use Permit. Therefore, the proposed MPF will comply with the regulations of the Land Development Code.

d. The proposed use is appropriate at the proposed location.

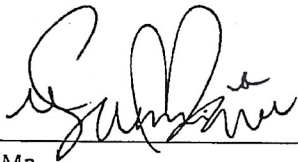
The project proposes the operation of a MPF in existing tenant spaces, Suites A, B, C, H, and I, within an existing building at 9731 Siempre Viva Road in the IL-2-1 Zone of the Otay Mesa Community Plan. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The project site is designated as Prime Industrial by the Economic Prosperity Element and Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Prime Industrial and Industrial Employment designations would permit light manufacturing uses; thereby, providing additional land suitable for manufacturing activities. The project site is within the Light Industrial Land Use Area of the Otay Mesa Community Plan. The Light Industrial designation permits light manufacturing, distribution and storage uses. The IL Zone is to provide for a wide range of uses from manufacturing and

distribution, including non-industrial uses in some instances. Specifically, the IL-2-1 Zone a mix of light industrial and office uses with limited commercial.

The proposed MPF is consistent with all land development regulations relevant for the site and the use. No deviations are required or requested to approve the Conditional Use Permit. The proposed MPF is classified as industrial use for this location with a Conditional Use Permit. Therefore, the proposed MPF is an appropriate use at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Appeals are denied, the decision of the Hearing Officer is affirmed, and based on the Findings hereinbefore, Conditional Use Permit No. 2070245 is hereby granted by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2070245, a copy of which is attached hereto and made a part hereof.



Sammi Ma
Development Project Manager
Development Services

Adopted on: May 9, 2019

IO#: 24007577