

THE CITY OF SAN DIEGO

#### **Report to the Hearing Officer**

DATE ISSUED:	March 17, 2021	REPORT NO. HO-21-013
HEARING DATE:	March 24, 2021	
SUBJECT:	Harbor Collective Cannabis Outlet CUP Amen	dment, Process Three Decision
PROJECT NUMBER:	<u>652745</u>	
REFERENCE:	<u>Report No. PC-15-078</u>	
OWNER/APPLICANT:	Basil Shamoun, Owner NS Harbor, Inc., a California Corporation, Peri	mittee

#### <u>SUMMARY</u>

<u>Issue</u>: Should the Hearing Officer approve the request to amend previously approved Conditional Use Permit (CUP) No. 1337996 to allow continued sales of cannabis/cannabis products as a Cannabis Outlet at an existing 1,083-square-foot facility located at 2405 Harbor Drive in the BLPD-Subdistrict D Zone within the Barrio Logan Community Plan area?

Staff Recommendation: Approve CUP No. 2372402.

<u>Community Planning Group Recommendation</u>: On June 17, 2020, the Barrio Logan Planning Group voted 5-1-0 to recommend approval of the proposed project with no additional conditions (Attachment 8).

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15303, New Construction or Conversion of Small Structures. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 20, 2020, and the opportunity to appeal that determination ended November 3, 2020 (Attachment 6).

#### BACKGROUND

The 0.04-acre project site is located at 2405 Harbor Drive in the Barrio Logan Planned District (BLPD-Subdistrict D) and the IH-2-1 Zone, Airport Influence Area (San Diego International Airport), Transit Priority Area, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Review Area 2), and First Public Roadway within the Barrio Logan Community Plan area. The project site is designated for Exclusively Industrial land use within the Barrio Logan/Harbor 101 Community Plan. Industrial Heavy zones are intended for land-intensive industrial activities emphasizing base-sector manufacturing. IH-2-1 allows manufacturing uses with some office. The 0.04-acre project site is zoned both BLPD-Subdistrict D and the IH-2-1, however, the existing Medical Marijuana Consumer Cooperative (MMCC)/proposed Cannabis Outlet (CO) is located within the BLPD-Subdistrict D. The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones, and the existing uses are consistent with the land use designation. when the City of San Diego City Council adopted Ordinance O-20793, which replaced the former MMCC use with the current cannabis retail sales use category.

On June 25, 2015, CUP No. 1337996 was granted by the City of San Diego Planning Commission to the Owner and Permittee to operate a MMCC within the 1,083-square-foot tenant space. On November 8, 2016, the Control, Regulate and Tax Adult Use of Marijuana Act became law and allowed for recreational cannabis sales in California. On February 22, 2017, the City of San Diego City Council adopted Council Ordinance O-20793, replacing the MMCC use with a new retail sales use category, Marijuana Outlet (MO) and the existing MMCC has been allowed to operate as a CO under the terms of the ordinance. On January 8, 2020, the San Diego Municipal Code (SDMC) was amended by Council Ordinance <u>O-21163</u>. The revision replaced the word "marijuana" with "cannabis", to reflect consistency with the State of California cannabis regulations.

On July 30, 2020, the SDMC was amended by Council Ordinance <u>O-21221</u>. The revision changed the Cannabis Outlet CUP amendment process from a Process Three decision to a Process Two decision, if the project qualifies under SDMC Section 141.0504 (n). These regulations are currently in effect city-wide outside the Coastal Zone, and are pending approval by the California Coastal Commission (Commission) for locations within the Coastal Zone. Amendments as adopted by O-21221 will not apply within the Coastal Overlay Zone until the Commission certifies the regulatory change through a Local Coastal Program Amendment. On January 21, 2021, Commission staff made a <u>request</u> for a time extension due to insufficient time to adequately review the SDMC amendment and prepare a recommendation under Covid-19 constraints. This request was approved by the Commission on February 10, 2021 to extend the 60-day time limit to act on the City of San Diego LCP Amendment No. LCP-6-SAN-20-0076-4 for one year. As this project is located within the Coastal Zone, and amendment via Process 2 is not yet available, this application for amendment to the existing CUP must be processed as a Process Three, Hearing Officer decision.

The existing 1,083-square-foot tenant space is currently being used for the retail sale of medicinal and recreational cannabis and cannabis products. The associated building permits, inspections and approvals to establish the retail sales use have been obtained to the satisfaction of the Building Official. All conditions per CUP No. 1337996, including public improvements for the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive, have been satisfied. The business is current with respect to any tax obligations per the Office of the City Treasurer.

#### **DISCUSSION**

The proposed project is a request to amend previously approved CUP No. 1337996 to allow continued sales of cannabis/cannabis products as a Cannabis Outlet at an existing 1,083-square-foot tenant space within an existing 1,966-square-foot, one-story building at 2405 Harbor Drive.

The CUP amendment includes conditions to ensure the facility's operations and continued use of the building for cannabis retail sales will not be detrimental to the public health, safety and welfare or the surrounding neighborhood. The proposed Cannabis Outlet is subject to specific operational requirements and restrictions as set forth in SDMC Section 141.0504, and must comply with SDMC Chapter 4, Article 2, Division 15, which provides guidelines for required background checks and lawful operation. Conditions of the existing CUP required public improvements to install four new parking spaces, curb, gutter, sidewalk and landscaping within the public right-of-way along the Harbor Drive project frontage, and these improvements were installed to the satisfaction of the City Engineer. The applicant is currently working with the City Streets Division under work order #40300263216 regarding the installation of approximately 63 feet of green curb for three of the four existing on-street parking spaces along the site's frontage on Harbor Drive in order to increase parking turnover and availability through implementation of a 30 minute time limitation.

A review of the San Diego Police Department Call for Service report reveals no significant police activities at the subject location within the past three years. A compliance inspection was conducted on October 21, 2020 to evaluate the current cannabis business operation and latest permitted configuration of the existing facility and no issues were identified.

#### **CONCLUSION**

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The proposed project complies with all development regulations of the BLPD-Subdistrict D Zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 4) and draft conditions of approval (Attachment 5) to support the proposed amendment. Staff is recommending the Hearing Officer approve the project as presented.

#### **ALTERNATIVES**

- 1. Approve Conditional Use Permit No. 2372402, with modifications.
- 2. Deny Conditional Use Permit No. 2372402, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Sammi Ma, Development Project Manager

Attachments:

- 1. Project Location Map
- 2. Community Plan Land Use Map

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- 3. Aerial Photograph
- 4. Draft Resolution with Findings
- 5. Draft Permit with Conditions
- 6. Environmental Exemption
- 7. Copy of Recorded (existing) Permit
- 8. Community Planning Group Recommendation
- 9. Ownership Disclosure Statement
- 10. Project Plans





### **Project Location Map**

Harbor Collective CO CUP Amendment / 2405 E. Harbor Dr. PROJECT NO. 652745







#### **Community Plan Land Use Map**

Harbor Collective CO CUP Amendment / 2405 E. Harbor Dr. PROJECT NO. 652745







Aerial Photo Harbor Collective CO CUP Amendment / 2405 E. Harbor Dr. PROJECT NO. 652745



#### **ATTACHMENT 4**

#### HEARING OFFICER RESOLUTION NO. \_\_\_\_\_ CONDITIONAL USE PERMIT NO. 2372402 HARBOR COLLECTIVE CANNABIS OUTLET - PROJECT NO. 652745 AMENDMENT TO CONDITIONAL USE PERMIT NO. 1337996

WHEREAS, Basil Shamoun, Owner and NS Harbor, Inc, a California Corporation, Permittee, filed an application with the City of San Diego to amend previously approved Conditional Use Permit No. 1337996 regarding continued sales of cannabis/cannabis products at an existing 1,083-squarefoot facility located at 2405 East Harbor Drive (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2372402), on portions of a 0.04-acre site; and

WHEREAS, the project site is located at 2405 Harbor Drive in the Barrio Logan Planned District (BLPD-Subdistrict D) and the IH-2-1 Zone, Airport Influence Area (San Diego International Airport), Transit Priority Area, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Review Area 2), and First Public Roadway within the Barrio Logan Community Plan area; and

WHEREAS, the project site is legally described as Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532; and

WHEREAS, on October 20, 2020, 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 15303, New Construction or Conversion of Small Structures, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, on June 2, 2020, the San Diego City Council approved interim urgency Ordinance O-21198 which granted a 365-day extension of the expiration date of Development Permits, including Cannabis Conditional Use Permits issued under SDMC Section 141.0504 or Section

141.1004 that had not expired prior to March 12, 2020 and had been utilized as of the effective date

of the Ordinance (June 2, 2020) and previously issued Conditional Use Permit No. 1296130 met both

these criteria and so the permit expiration was legislatively extended to June 25, 2021; and

WHEREAS, on March 24, 2021, the Hearing Officer of the City of San Diego considered

Conditional Use Permit No. 2372402 pursuant to the Land Development Code of the City of San

Diego; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of City of San Diego, that it adopts the following

findings with respect to Conditional Use Permit No. 2372402:

#### A. CONDITIONAL USE PERMIT FINDINGS [SDMC Section 126.0305]

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

The proposed project is a request to amend previously approved Conditional Use Permit (CUP) No. 1337996 to allowed continued sales of cannabis/cannabis products at an existing 1,083-square-foot tenant space within an existing 1,966-square-foot, one-story building at 2405 East Harbor Drive. The 0.04-acre site is in the Barrio Logan Planned District (BLPD-Subdistrict D) and the IH-2-1 Zone, Airport Influence Area (San Diego International Airport), Transit Priority Area, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Review Area 2), and First Public Roadway within the Barrio Logan Community Plan area.

The project site is designated for Exclusively Industrial land use within the Barrio Logan/Harbor 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets. Industrial Heavy zones are intended for land-intensive industrial activities emphasizing base-sector manufacturing. IH-2-1 allows manufacturing uses with some office. The 0.04acre project site is zoned both BLPD-Subdistrict D and the IH-2-1, however, the existing Medical Marijuana Consumer Cooperative (MMCC)/proposed Cannabis Outlet (CO) is located within the BLPD-Subdistrict D. The existing tenant suite was improved to meet applicable building code standards for the retail sales of cannabis per conditions of CUP No. 1337996. The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones, and the existing uses are consistent with the land use designation.

On June 25, 2015, CUP No. 1337996 was granted by the City of San Diego Planning Commission to the Owner and Permittee to operate a MMCC within the 1,083-square-

foot tenant space. On November 8, 2016, the Control, Regulate and Tax Adult Use of Marijuana Act became law and allowed for recreational cannabis sales in California. On February 22, 2017, the City of San Diego City Council adopted Council Ordinance O-20793, which replaced the MMCC use with a new retail sales use category, Marijuana Outlet (MO). On July 30, 2020, the San Diego Municipal Code (SDMC) was amended by Council Ordinance O-21221. The revisions include replacing the word "marijuana" with "cannabis", to reflect consistency with the State of California cannabis regulation.

The existing CO use, classified as commercial services, is consistent with the Industrial designation of the community plan and is allowed to continue at this location with a CUP. Therefore, the proposed project will not adversely affect the applicable land use plan.

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

The proposed project is a request to amend previously approved CUP No. 1337996 to allow continued sales of cannabis/cannabis products at an existing 1,083-square-foot facility located at 2405 East Harbor Drive. The existing tenant space is currently being used for the sale of medicinal and recreational cannabis and cannabis products. The associated building permits, inspections and approvals to establish the retail sales use have been obtained to the satisfaction of the Building Official. All conditions per CUP No. 1337996, including public improvements for the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive, were satisfied.

The CUP includes security conditions to improve the safety of the building and the surrounding neighborhood. The proposed CO is subject to specific operational requirements and restrictions as set forth in SDMC Section 141.0504, and must comply with SDMC Chapter 4, Article 2, Division 15, which provides guidelines for required background checks and lawful operation. A review of the San Diego Police Department Call for Service report reveals no significant police activities at the subject location within the past three years. As part of the amendment review, a compliance inspection was conducted to evaluate the current cannabis business operation and latest permitted configuration of the existing facility and no issues were identified.

The proposed project will be required to comply with development conditions as described in CUP No. 2372402. The CUP 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 discretionary permit controlling the development and continued use of this site contains specific regulatory conditions of approval to assure the project's compliance with applicable local, regional, state and federal codes and rules. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent all adverse impacts to the public and community at large. Therefore, the proposed project will not be detrimental to the public health, safety and welfare.

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

The CUP for this project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC regulations for a CO, which include parking, signage, lighting, security measures, hours of operation, and site maintenance. No variance or deviations are requested as part of this application, nor are any required to approve the CUP. Therefore, the proposed development will comply with the regulations of the Land Development Code.

#### 4. The proposed use is appropriate at the proposed location.

The proposed project is a request to amend previously approved CUP No. 1337996 to allow continued sales of cannabis/cannabis products at an existing 1,083-square-foot facility located at 2405 East Harbor Drive. The 0.04-acre site is in the Barrio Logan Planned District (BLPD-Subdistrict D) and the IH-2-1 Zone, Airport Influence Area (San Diego International Airport), Transit Priority Area, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Review Area 2), and First Public Roadway within the Barrio Logan Community Plan area.

The project site is designated for Exclusively Industrial land use within the Barrio Logan/Harbor 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets. Industrial Heavy zones are intended for land-intensive industrial activities emphasizing base-sector manufacturing. IH-2-1 allows manufacturing uses with some office. The 0.04acre project site is zoned both BLPD-Subdistrict D and the IH-2-1, however, the existing Medical Marijuana Consumer Cooperative (MMCC)/proposed Cannabis Outlet (CO) is located within the BLPD-Subdistrict D. The existing tenant suite was improved to meet applicable building code standards for the retail sales of cannabis per conditions of CUP No. 1337996. The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones, and the existing uses are consistent with the land use designation.

The existing MMCC has been allowed to operate as a CO since February 22, 2017, when the City of San Diego City Council adopted Ordinance O-20793, which replaced the former MMCC use with the current cannabis retail sales use category. COs, classified as commercial services, are allowed in BLPD-Subdistrict D zone with a CUP and are consistent with the land use designation of Industrial use in the Barrio Logan/Harbor 101 Community Plan. The CO use is consistent with the community plan and all land development regulations relevant for the site and is a compatible continued use allowed at this location for another five-year term with approval of a CUP. No deviations are required or requested to approve the CUP. The associated building permits, inspections and approvals to establish the retail sales use have been obtained to the satisfaction of the Building Official and City Engineer. All conditions per CUP No. 1337996, including public improvements for the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive, have been satisfied. The business is current with respect to any tax obligations per the Office of the City Treasurer. Therefore, the proposed continued CO use is appropriate 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, based on the findings hereinbefore adopted by the Hearing

Officer, Conditional Use Permit No. 2372402 is hereby GRANTED by the Hearing Officer to the

referenced Owner and Permittee, in the form, exhibits, terms and conditions as set forth in Permit

No. 2372402, a copy of which is attached hereto and made a part hereof.

Sammi Ma Development Project Manager Development Services

Adopted on: March 24, 2021

IO#: 24008466

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: 24008466

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### CONDITIONAL USE PERMIT NO. 2372402 HARBOR COLLECTIVE CANNABIS OUTLET - PROJECT NO. 652745 AMENDMENT TO CONDITIONAL USE PERMIT NO. 1337996 HEARING OFFICER

This Conditional Use Permit No. 2372402 (Amendment to Conditional Use Permit No. 1337996) is granted by the Hearing Officer of the City of San Diego to Basil Shamoun, Owner and NS Harbor, Inc, a California Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.04 -acre site is located at 2405 Harbor Drive in the Barrio Logan Planned District (BLPD-Subdistrict D) and the IH-2-1 Zone, Airport Influence Area (San Diego International Airport), Transit Priority Area, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Review Area 2), and First Public Roadway within the Barrio Logan Community Plan area. The project site is legally described as: Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532.

Subject to the terms and conditions set forth in this Permit, permission to amend previously approved Conditional Use Permit No. 1337996 regarding continued sales of cannabis/cannabis products at an existing 1,083-square-foot facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 24, 2021, on file in the Development Services Department.

The project shall include:

- a. Operation of a Cannabis Outlet (CO) in an existing 1,966-square-foot facility located at 2405 Harbor Drive;
- b. Existing Landscaping (planting, irrigation and landscape related improvements);
- c. Existing Off-street parking;
- 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 Conditional Use Permit [CUP] and corresponding Cannabis Outlet use of this site shall expire on June 25, 2026.

2. 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.

3. 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.

4. 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.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. 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.).

7. The Owner/Permittee shall secure all necessary building 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.

8. 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.

9. 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" conditions(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.

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, 10. 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 Owner/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.

#### **CLIMATE ACTION PLAN REQUIREMENTS:**

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

#### PLANNING/DESIGN REQUIREMENTS:

12. Lighting shall be provided to illuminate the interior, facade, and the immediate surrounding area of the cannabis outlet, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

13. Security shall be provided at the cannabis outlet which 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.

14. Signage: Primary signs shall be posted on the outside of the cannabis outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors. Secondary signs advertising cannabis, window signs and any display visible from the public right-of-way, are not permitted. No marketing or advertising for cannabis or cannabis products shall be displayed visible from the public right-of-way. All cannabis licensees, and any person acting on behalf of a licensee, must comply with the State of California statutes and regulations governing commercial cannabis advertising and/or promoting.

15. The name and emergency contact phone number of the designated responsible managing operator shall be posted in a location visible from outside the cannabis outlet in character size at least two inches in height.

16. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

17. The use of vending machines which allow access to cannabis and cannabis products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to cannabis and cannabis products without a human intermediary.

18. An annual operating permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

19. Deliveries shall be permitted as an accessory use only from cannabis outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.

20. The cannabis outlet, adjacent public sidewalks, and areas under the control of the cannabis outlet, shall be maintained free of litter and graffiti at all times.

21. The cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

22. Consultations by medical professionals shall not be a permitted accessory use at a cannabis outlet.

#### TRANSPORTATION REQUIREMENTS:

23. There is not a minimum parking requirement for this site per SDMC 142.0504(a) and Table 142-05H. The lot size is less than 10,000 square feet and there is no alley access. The project will maintain the four existing off-street parking spaces along the site's frontage.

24. The Cannabis Outlet must permanently maintain off-site, off-street employee parking.

#### **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 <u>34.0103 (b)</u>, 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 Hearing Officer of the City of San Diego on March 24, 2021 and HO-21-013.

#### **ATTACHMENT 5**

Permit Type/PTS Approval No.: 2372402 Date of Approval: March 24, 2021

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.

#### BASIL SHAMOUN

Owner

By

Basil Shamoun

**NS HARBOR, INC** Permittee

Ву \_\_\_

Noel Shamoun

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

#### NOTICE OF EXEMPTION

(Check one or both)

- TO: <u>X</u> Recorder/County Clerk P.O. Box 1750, MS A-33
  - 1600 Pacific Hwy, Room 260 San Diego, CA 92101-2400
- FROM: City of San Diego Development Services Department 1222 First Avenue, MS 501 San Diego, CA 92101
- Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814

#### Project Name/Number: Harbor Collective Cannabis Outlet CUP Amendment/ 652745 SCH No.: N.A.

Project Location-Specific: 2405 Harbor Drive, San Diego, CA 92113

Project Location-City/County: San Diego/San Diego

**Description of nature and purpose of the Project:** The project is a request for an Amendment to Conditional Use Permit (CUP) No. 1337996, to change the existing use from a 1,083-square-foot Medical Marijuana Consumer Cooperative (MMCC) to a 1,083-square-foot Cannabis Outlet (CO) in Suite A of an existing 1,966-square-feet building consisting of Suites A and B, located at 2405 Harbor Drive, San Diego, California, on a 0.4-acre site. No work or construction is proposed in Suites A and B. The marijuana outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week. The project site is in the BLPD-SUBD-D and IH-2-1 (Industrial-Heavy) Zones within the Barrio Logan Community Plan, Promise Zone, First Public Roadway, Coastal Overlay Zone (Non-Appealable-2), Parking Impact Overlay Zone (Coastal Impact), Parking Standards Transit Priority Area, Transit Area Overlay Zone, Airport Influence Area (San Diego International Airport (SDIA)-Review Area 2), and the Federal Aviation Administration (SDIA and NAS North Island) Part 77 Notification area (Legal Description: Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532, APN 538-800-02-00). The project site is designated Exclusively Industrial by the Barrio Logan Community Plan.

#### Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Kent Coston, Coston Architects, Inc. (Firm), 8415 La Mesa Boulevard, Suite 4, La Mesa, CA 91942, (619) 518-8071

#### Exempt Status: (CHECK ONE)

- () Ministerial (Sec. 21080(b)(1); 15268);
- ( ) Declared Emergency (Sec. 21080(b)(3); 15269(a));
- () Emergency Project (Sec. 21080(b)( 4); 15269 (b)(c))
- (X) Categorical Exemption: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction or Conversion of Small Structures).

**Reasons why project is exempt:** The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 (c) that allows for the conversion of existing small structures from one use to another, which is the case for this project, and where only minor modifications are made to the exterior of the structure. This would include a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. It has

#### **ATTACHMENT 6**

been determined the project meets this criteria in terms of occupying an area under 10,000 square feet in floor area. Further, based on the information provided the project would not use significant amounts of hazardous substances, public services and facilities are available in the area to serve the project, and the project is not located in an environmentally sensitive area. The exemptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Rhonda Benally

Telephone: (619) 446-5468

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project? ( ) Yes ( ) No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

Senior Planner

<u>November 4, 2020</u> Date

Signature/Title

Check One: (X) Signed By Lead Agency () Signed by Applicant

Date Received for Filing with County Clerk or OPR:

#### ATTACHMENT 7

### DOC# 2015-0337274

Jun 29, 2015 10:38 AM OFFICIAL RECORDS Ernest J. Dronenburg, Jr., SAN DIEGO COUNTY RECORDER FEES: \$77.00

PAGES: 13

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

PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24004934

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### CONDITONAL USE PERMIT NO. 1337996 SOUTH BAY MMCC - PROJECT NO. 381308 PLANNING COMMISSION

This Conditional Use Permit No. 1337996 is granted by the Hearing Officer of the City of San Diego to BASIL SHAMOUN, Owner and SOUTH BAY DREAMS COOPERATIVE, INC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.04-acre site located at 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone (MMCC within BLPD-Subdistrict D only), the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 2 and other jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area. The project site is legally described as: Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 25, 2015, on file in the Development Services Department.

The project shall include:

- a. Demolition of 293 square-feet to an existing 2,259 square-foot building for a total of 1,966 square-feet to remain on a 0.04-acre site.
- b. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,083 squarefoot tenant space within a proposed 1,966 square-foot, one-story building;
- c. Landscaping (planting, irrigation and landscape related improvements);

Page 1 of 7



- d. Providing on-street parking;
- e. 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 June 25, 2018

2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on June 25, 2020.

3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.

4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, 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.
- b. The Permit is recorded in the Office of the San Diego County Recorder.
- c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.

5. While this Permit is in effect, the MMCC 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.

6. This Permit is a covenant running with the MMCC 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.

7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

Page 2 of 7

8. 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.).

9. The Owner/Permittee shall secure all necessary building 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.

10. 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.

11. All of the conditions contained in this Permit have been considered and were determinednecessary 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" conditions(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.

12. 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 Owner/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.

Page 3 of 7

#### PLANNING/DESIGN REQUIREMENTS:

13. The use within the 1,083 square-foot tenant space shall be limited to the MMCC and any use permitted in the BLPD-Subdistrict D.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.

15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

16. Security shall include operable cameras and a metal detector to the satisfaction of Development Services Department. This facility shall also include alarms and two armed security guards to the extent the possession of a firearm is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guards shall be licensed by the State of California. One security guard must be on the premises 24 hours a day, seven days a week, the other must be present during business hours. The security guards should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.

17. The Owner/Permittee shall install bullet resistant glass, plastic, or laminate shield at the reception area to protect employees.

18. The Owner/Permittee shall install bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, in common areas with other tenants, reception area, and vault room.

19. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.

20. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

21. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.

22. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.

23. Medical marijuana shall not be consumed anywhere within the 0.04-acre site.

Page 4 of 7



24. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.

25. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

#### **ENGINEERING REQUIREMENTS:**

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive, satisfactory to the City Engineer.

27. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way, satisfactory to the City Engineer.

28. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

30. 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 Appendix E of the City's Storm Water Standards.

#### **TRANSPORTATION REQUIREMENTS:**

31. There is not a minimum parking requirement for this site per SDMC 142.0540(a) and Table 142-05H. The lot size is less than 10,000 square-feet and there is no alley access. The proposed public improvements along the site's frontage will allow for 4 on-street parking spaces.

32. The MMCC must permanently maintain off-site, off- street employee parking.

#### **POLICE DEPARTMENT RECOMMENDATION:**

33. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

#### **INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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.

APPROVED by the Planning Commission of the City of San Diego on June 25, 2015 and Resolution No. PC-4716.

Conditional Use Permit No.1337996/PTS No. 381308 Date of Approval: June 25, 2015

### AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Edith Gutierrez 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.

BASIL SHAMOUN Owner

By

Basil Shamoun Owner

SOUTH BAY DREAMS COOPERATIVE, INC Permittee

ORIGINAL

Noel Shamoun Permittee

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

Page 7 of 7

#### CALIFORNIA ALL-PURPOSE 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 <u>San Diego</u>		)
On June 29, 2015	before me.	Vivian M. Gies, Notary Public
Date		Here Insert Name and Title of the Officer
personally appeared	~~~~	~~~~~Edith Gutierrez~~~~~~~~~
		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(les), 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

Signature of Notary Public

ORIGINAL

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

#### Description of Attached Document PTS #381308/South Bay MMCC/CUP#1337996

Title or Type of Document: _		Docum	ent Date:
Number of Pages:	Signer(s) Other Than	Named Above:	
Capacity(ies) Claimed by Sig			
Signer's Name:		Signer's Name:	
□ Corporate Officer - Title(s)	):	Corporate Offic	er — Title(s):
Partner - Limited		🛛 Partner – 🗆 L	imited 🛛 General
□ Individual □ Attorney	/ in Fact	Individual	□ Attorney in Fact
□ Trustee □ Guardia	n or Conservator	🗆 Trustee	Guardian or Conservator
Other:	1	□ Other:	A second s
Signer Is Representing:		Signer Is Represe	enting:

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#### ATTACHMENT 7

CALIFORNIA ALL-PURPOSE 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 AM Dill On June 26, 2015 before me, <u>Anh Tuy Tu</u>, <u>Notary Public</u>, Date Here Insert Name and Title of the Officer personally appeared <u>Shamoun</u>, <u>Nocl Jahad and Shamoun</u>, Name(s) of Signer(s) Banil J.

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.

Signature



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 of Notary Public

ORIGINAL

Place Notary Seal Above

e

#### OPTIONAL -

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Title or Type of	Attached Document Document:		
Number of Page	es: Signer(s) Other Than	Named Above:	
	aimed by Signer(s)		
Signer's Name:		Signer's Name: _	
Corporate Off	cer – Title(s):	Corporate Offici	cer — Title(s):
□ Partner □	Limited  General	□ Partner – □ L	imited  General
□ Individual	□ Attorney in Fact	🗆 Individual	□ Attorney in Fact
□ Trustee	Guardian or Conservator		Guardian or Conservator
□ Other:		Other:	
Signer Is Repres	enting:	Signer Is Repres	enting:

©2014 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item #5907

#### PLANNING COMMISSION RESOLUTION NO. PC-4516 CONDITONAL USE PERMIT NO. 1337996 SOUTH BAY MMCC PROJECT NO. 381308

WHEREAS, BASIL SHAMOUN, Owner and SOUTH BAY DREAMS COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,083 square-foot tenant space within a proposed 1,966 squarefoot, one-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1337996), on portions of a 0.04-acre site;

WHEREAS, the project site located at 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone (MMCC within BLPD-Subdistrict D only), the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 2 and State Coastal Jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area;

WHEREAS, the project site is legally described as Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1337996 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 5, 2015, Scott Chipman filed an appeal of the Hearing Officer's decision;

WHEREAS, on June 25, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1337996 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 4, 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 Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309535;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 25, 2015.

FINDINGS:

**Conditional Use Permit Approval – Section §126.0305** 

Page 1 of 4

### 1. The proposed development will not adversely affect the applicable land use Plan.

The proposed project is a request for a Conditional Use Permit to operate in a 1,083 square-foot tenant space within a proposed 1,966 square-foot, one-story building. The 0.04-acre site located at a 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone, the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 2 and State Coastal Jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area.

The site is designated Exclusively Industrial within the Barrio Logan/Highway 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets.

The 0.04-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site contains a one-story building with two tenant spaces constructed in 1963. The proposed 1,083 square-foot MMCC tenant space is currently vacant the other tenant space is currently being used for food preparation (commercial services). The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones and the existing uses are consistent with the land use designation. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, therefore will not adversely affect the applicable land use plan.

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

The proposed 1,083 square-foot MMCC site located at 2405 Harbor Drive is within a proposed 1,966 square-foot building on a 0.04-acre site. The proposed tenant space is currently vacant. The project proposes minor demolition and interior improvements that include a reception area, dispensary area, office, and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive and an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way.

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC) section 141.0614 which require a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

Page 2 of 4

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1337996. The Conditional Use Permit is valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area and therefore, the proposed MMCC will not be detrimental to the public health, safety and welfare.

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

The proposed 1,083 square-foot MMCC located at 2405 Harbor Drive is within a proposed 1,966 squarefoot building. The 0.04-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site contains a one-story building with two tenant spaces constructed in 1963. The proposed 1,083 square-foot MMCC tenant space is currently vacant the other tenant space is currently being used for food preparation (commercial services). The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones and the existing uses are consistent with the land use designation. The project proposes minor demolition and interior improvements that include a reception area, dispensary area, office, and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive and an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way.

MMCCs are allowed in the BLPD-Subdistrict D zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation of Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

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

The proposed 1,083 square-foot MMCC located at 2405 Harbor Drive is within a proposed 1,966 square-foot building. The 0.04-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC

Page 3 of 4

is located within the BLPD-Subdistrict D. The site is designated Exclusively Industrial within the Barrio Logan/Highway 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets.

MMCCs, classified as commercial services, are allowed in the BLPD-Subdistrict D with a Conditional Use Permit (CUP) and are consistent with the land use designation of Industrial use in the Barrio Logan/Highway 101Community Plan. The CUP requires MMCCs to comply with SDMC section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The proposed MMCC is a compatible use for this location with a Conditional Use Permit, is consistent with the community plan and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code and therefore, the use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1337996 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. 1337996, a copy of which is attached hereto and made a part hereof.

led a

Edith Gutierrez ( Development Project Manager Development Services

Adopted on: June 25, 2015

Job Order No. 24004934

Page 4 of 4



June 24, 2020

Edith Gutierrez Project Manager The City of San Diego

Development Services Department 1222 1<sup>st</sup> Avenue San Diego, CA 92101

#### RE: Project Number 652745, Harbor MO CUP Amendment

Dear Ms. Gutierrez,

At our regular meeting of June 17, 2020 held virtually, the Barrio Logan Planning Group voted to support the CUP amendment identified above with a vote of 5-1-0 with no conditions.

Please contact me if you require further information.

Sincerely,

Mall

Mark W Steele, FAIA, AICP Chair Barrio Logan Planning Group

#### **ATTACHMENT 9**



city: JAMUL			State: <u>CA</u> Zip: <u>91935</u>
Phone No .: 619-778.	7665	Fax No.:	Email: Sanybayperkshell @ yahos.com
Signature:	Yum		Date: 11-14-19
Additional pages Attached:	Yes	D No	
. Pri	nted on recycled	naner. Visit our web si	te at www.sandiego.gov/development-services

Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u>. Upon request, this information is available in alternative formats for persons with disabilities.

State of California     Secretary of State     Summer of Information     State of California     Secretary of State     Statement of Information     Ormestic Stock and Agricultural Cooperative Corporations)     FEES (Filing and Disclosure): 52:0.0.     If this is an amendment, asses instructions.     Important – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM     CORPORATE NAME     Corporate NAME     Concrete NAME     Concrete NAME     Concrete NAME     Information for the second of the second is a P.O. Box address. See instructions     of State, or Device of Philophic Name Name     of State, or Device of Philophic Name     of State, or Device Name     Ormer Statement (Not spolation if agent address of neord is a P.O. Box address. See instructions     of State, or Device Name     of State, or State     of State, or State,						ATTACHM	ENT 9
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of State, or no statement of information has been previously filed, this form must be completed in its entirety.       In the name of handing hangy of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to item 17.         Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)       If the name of the city. Items 4 and 5 cannot be P.O. Boxes.)         4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE       OTY       STATE       ZIP CODE         5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY       OTY       STATE       ZIP CODE         6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4       OTY       STATE       ZIP CODE         7. OHEF EXECUTIVE OFFICER       ADDRESS       OTY       STATE       ZIP CODE         8. SECRETARY       ADDRESS       OTY       STATE       ZIP CODE         9. CHIEF FINANCIAL OFFICER/       ADDRESS       OTY       STATE       ZIP CODE         10. NAME       ADDRESS       OTY       STATE       ZIP CODE         11. NAME       ADDRESS       OTY       STATE       ZIP CODE         12. NAME       ADDRESS       OTY       STATE       ZIP CODE         13. NUMBER OF VACANCIAL OFFICER/       ADDRESS       OTY       STATE       ZIP CODE         14.							iornia Secretary
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6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4       CITY       STATE       ZIP CODE         Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)         7. CHIEF EXECUTIVE OFFICER/       ADDRESS       CITY       STATE       ZIP CODE         8. SECRETARY       ADDRESS       CITY       STATE       ZIP CODE         9. CHIEF FINANCIAL OFFICER/       ADDRESS       CITY       STATE       ZIP CODE         9. CHIEF FINANCIAL OFFICER/       ADDRESS       CITY       STATE       ZIP CODE         10. NAME       ADDRESS       CITY       STATE       ZIP CODE         11. NAME       ADDRESS       CITY       STATE       ZIP CODE         12. NAME       ADDRESS       CITY       STATE       ZIP CODE         13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:       Address is not acceptable. If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is must have be left blank.       IA         14. NAME OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY       STATE       ZIP CODE         15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	4. STREET ADDRESS	OF PRINCIPAL EXECU	TIVE OFFICE	C	ITY	STATE	ZIP CODE
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					STATE,	THE CORPORATION CERTIFIE	S THE INFORMATION
	DATE	TYPE/PRINT NAME C	F PERSON COMPLETING FORM	TITLE		SIGNATU	RE



All construction, including material and conform to the following California Buildi a. 2016 California Building Code ( b. 2016 California Residential Code

- c. 2016 California Electrical Code
- d. 2016 California Electrical Code
  d. 2016 California Mechanical Code
  e. 2016 California Plumbing Code
  f. 2016 California Energy Code (T
  g. 2016 California Fire Code (Title
  h. 2016 California Building Energy

2. Wherever code or California Building the following general notes or other note CBC code with governing agency amene



1. The Marijuana Outlet shall operate only between the hours of 7:00 am and 9:00 pm, 7 days a week.

# Marijuana Outlet **Conditional Use Permit**

2405 E Harbor Drive San Diego, CA 92113



Iding Codes	Project	t Information	Scope of Work
and workmanship shall	Project Address:	2405 E Harbor Drive San Diego, CA 92113	<ol> <li>Amending CUP Approval #1337996 from to change</li> <li>from (E) 1,083 SF Medical Marijuana Consumer</li> </ol>
ilding Codes: le (Title 24 Part 2) De de (Title 24 Part 2 5)	APN:	538-800-02-00	Cooperative Use to 1,083 SF Marijuana Outlet Us
Code (Title 24 Part 2.5) de (Title 24 Part 3) Code (Title 24 Part 4) ode (Title 24 Part 5) e (Title 24 Part 6) Title 24 Part 9) ergy Efficiency Standards ng Code (CBC) is referred in ote sections, it shall imply the endments.	Land and Town Compar County of San Diego, St county recorder October of said addition and bein Avenue (formerly Pierce Street (formerly 28th Str the right of way of Califo map, composed of two i 379. Also that portion of the s vacated and closed to p	numbered fractional blocks in San Diego ny's Addition, in the City of San Diego, cate of California, filed in the office of the 30th, 1886, lying southeast of Block 54 ng bounded on the northeast by Colton Avenue) on the northeast by Schley reet) and on the south by the north line of rrnia Southern Railroad as shown on said rregular lots numbered 47 and 48 Map southeasterly half of Schley Street as ublic use by Resolution No. 141796 of the	
	Book 6756, Page 532 of	n Diego, recorded September 20, 1957 in official records in the office of the county county, adjoining said Lot 48 on the north.	
	Existing Building Construction Date:	1963	
	Zone:	IH-2-1 (Industrial-Heavy) Barrio Logan Planned District: Subdistrict D (BLPD-SUBD-D)	
	Overlays:	Airport Influence Area (AIA) Airport (FAA) Coastal (City) First Public Road-Way	
Мар		Parking Impact Transit Area	Project Directory
School Standon Standon Standon Vie	Environmentally Sensitive Land Sensitive Biological Resources: Steep Hillsides: Coastal Beaches: Sensitive Coastal Bluffs: 100-Year Floodplain: Historic District:	ds: No No No No	Owner: Basil Shamoun 3459 Ashley Park Dr. Jamul, CA 91935 Contact: Basil Shamoun basilrescue@gmail.com 619-518-7570
	Designated Historic:	No	Applicant: NS Harbor
13B Marcy Ave	Geologic Hazard Categories:	13	2405 Harbor Dr.
National Ave	Earthquake Fault Buffer:	No	San Diego, CA 92113 Contact: Jessica McElfresh
San Die	Existing Occupancy: Proposed Occupancy:	B B	858-756-7107
多い Boston Ave 28	Existing Use: Proposed Use:	Medical Marijuana Consumer Collective Marijuana Outlet	Architect: Coston Architects Incorporated
BARRIO LOGAN Main St 2405 East Harbor Drive o	Construction Type:	VB	8415 La Mesa Blvd, Suite 4 La Mesa, CA 91942 Contact: Kent Coston
Harbor D	Site Area:	2,415 SF	kc@costonarchitects.com 619-518-8071
	Building Area:	1,966 SF	
Harbor Dr	FAR:	0.81 1,966 SF / 2,414 SF = 0.81	

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### **ATTACHMENT 10**

### 'ork

om to change use Consumer na Outlet Use

### Sheet Index

				Revision
	Sheet Name	Issue Date	#	Issue Date
Archite	cture			
A0.00	Cover Sheet	11/08/2019		
A0.10	Stormwater Checklist	11/08/2019		
A1.00	Site Plan	11/08/2019		
A2.01	Existing Floor Plan	11/08/2019		
A4.00	Existing Exterior Elevations	11/08/2019		



Conditional Use Permit
2405 E Harbor Drive
San Diego, CA 92113
Cover Sheet

DATE		Revision Schedule
	11/08/2019	
DRAWN		
	CAI	
PROJECT		
	1727	A0.00
		1 OF 5

(	50)	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000	Stori		•	irements Checklist	105 560
Pro	ject Address:	8				Project Number:	
All	construction the Storm Wa	onstruction Storm Wa sites are required to impl ater Standards Manual. eneral Permit (CGP) <sup>1</sup> , whi	ement cons Some sites	truction BMPs in are additionally	n accordance required to	o obtain coverage u	under the State
	r all project RT B.	ts complete PART A: I	f project i	s required to	submit a S	SWPPP or WPCP,	continue to
P/	RT A: Deter	mine Construction Pl	hase Storr	n Water Requ	irements.		
1	with Construct	subject to California's sta tion Activities, also know nee greater than or equal	n as the Sta	eral NPDES perr te Construction	nit for Storr General Pe	n Water Discharges rmit (CGP)? (Typical	s Associated ly projects with
1	Yes; SWPP	P required, skip question	is 2-4 🗵	No; next quest	ion		
2.1	Does the proj grubbing, exc	ect propose construction avation, or any other acti	or demoliti vity resultin	on activity, inclu g in ground dist	iding but no urbance an	t limited to, clearin d/or contact with si	g, grading, torm water?
I	Yes; WPC	required, skip questions	3-4 🗵	No; next quest	ion		
3. 1	Does the proj nal purpose o	ect propose routine main f the facility? (Projects su	itenance to ch as pipelii	maintain origina ne/utility replace	al line and g ement)	rade, hydraulic cap	acity, or origi-
[	Yes; WPCF	required, skip question	4 🗵	No; next quest	ion		
4, 1	Does the proj	ect only include the follow	wing Permit	types listed bel	ow?		
1000	Electrical Pe Spa Permit	ermit, Fire Alarm Permit,	Fire Sprinkl	er Permit, Plumi	oing Permit,	Sign Permit, Mech	anical Permit,
8	Individual F sewer later	light of Way Permits that al, or utility service.	exclusively	include only ON	E of the foll	owing activities: wa	iter service,
8	the following	y Permits with a project f ng activities: curb ramp, s nt, and retaining wall enco	idewalk and	driveway apror	n feet that on replacement	exclusively include ent, pot holing, curt	only ONE of and gutter
	🖵 Yes; no	document required					
	Check one	of the boxes below, and o	continue to	PART B:			
	□ if a	you checked "Yes" for qu SWPPP is REQUIRED. Co	estion 1, ontinue to	PART B			
	If If a of	you checked "No" for que WPCP is REQUIRED. If ti f ground disturbance ANI ntire project area, a Mino	estion 1, and he project p D has less th r WPCP may	d checked "Yes" roposes less tha nan a 5-foot elev y be required in:	for question an 5,000 squ vation chang stead. <b>Con</b>	n 2 or 3, Jare feet ge over the <b>Linue to PART B.</b>	
	I If P/	you checked "No" for all o ART B <b>does not apply an</b>	questions 1 d no docur	-3, and checked nent is require	"Yes" for qu d. Continue	lestion 4 e to Section 2.	
		in on the City's construction F ov/stormwater/regulations/in		nents as well as CC	SP requireme	nts can be found at:	
		Printed on recycled pa Upon request, this info					Clear Page 1
				S-560 (11-18)			

If " ori If " "St

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Clear Page 3

Page 3 of 4 City of San Diego • Development Services • Storm Water Requirements Applicability Checklist

PART D: PDP Exempt Requirements.

PDP Exempt projects are required to implement site design and source control BMPs.

If "yes" was checked for any questions in Part D, continue to Part F and check the box labeled "PDP Exempt."

If "no" was checked for all questions in Part D, continue to Part E.

- 1. Does the project ONLY include new or retrofit sidewalks, bicycle lanes, or trails that:
- Are designed and constructed to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable areas? Or;
- Are designed and constructed to be hydraulically disconnected from paved streets and roads? Or;
   Are designed and constructed with permeable pavements or surfaces in accordance with the Green Streets guidance in the City's Storm Water Standards manual?

Yes; PDP exempt requirements apply

Does the project ONLY include retrofitting or redeveloping existing paved alleys, streets or roads designed and constructed in accordance with the Green Streets guidance in the <u>City's Storm Water Standards Manual</u>?

Yes; PDP exempt requirements apply No; project not exempt.

PART E: Determine if Project is a Priority Development Project (PDP). Projects that match one of the definitions below are subject to additional requirements including preparation of a Storm Water Quality Management Plan (SWQMP).

New Development that creates 10,000 square feet or more of impervious surfaces collectively over the project site. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.	Yes	No
Redevelopment project that creates and/or replaces 5,000 square feet or more of impervious surfaces on an existing site of 10,000 square feet or more of impervious surfaces. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.	□Yes	
New development or redevelopment of a restaurant. Facilities that sell prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands sellir prepared foods and drinks for immediate consumption (SIC 5812), and where the land development creates and/or replace 5,000 square feet or more of impervious surface.	ng □Yes	
New development or redevelopment on a hillside. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site) and where the development will grade on any natural slope that is twenty-five percent or greater.	□Yes	
New development or redevelopment of a parking lot that creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).	□Yes	No
New development or redevelopment of streets, roads, highways, freeways, and driveways. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).	□ Yes	

Page 2 of 4 City of San Diego • Development Services • Storm Water Requirements Ap

#### BART B: Determine Construction Site Priority

Sta an nif	ý has alig ate Constr d receivin icance (A	assigned an inspection frequency base ned the local definition of "high threat to ruction General Permit (CGP). The CGP og water risk. Additional inspection is re SBS) watershed. <b>NOTE:</b> The construction oprojects; rather, it determines the free	o water quality" to the risk determ determines risk level based on pro quired for projects within the Area n priority does <b>NOT</b> change constr
Co	mplete l	PART B and continued to Section 2	2
1.		ASBS	had
2.		a. Projects located in the ASBS water High Priority	sned.
	Ц	a. Projects that qualify as Risk Level 2	or Risk Level 3 per the Construction
		(CGP) and not located in the ASBS b. Projects that qualify as LUP Type 2 watershed.	
3.		Medium Priority	
		<ul> <li>a. Projects that are not located in an</li> <li>b. Projects that qualify as Risk Level 1</li> </ul>	
		watershed. c. WPCP projects (>5,000sf of ground	disturbance) located within the Lo
4.		watershed management area.	
		<ul> <li>Projects not subject to a Medium of watershed.</li> </ul>	r High site priority designation and
SE	CTION 2	. Permanent Storm Water BMP R	equirements.
ve BN If	lopment ( 1Ps. "yes" is ( ent Storr	t are considered maintenance, or other projects" according to the <u>Storm Water</u> checked for any number in Part C n Water BMP Requirements". hecked for all of the numbers in F	<u>Standards Manual</u> are not subject , proceed to Part F and check
1.		e project only include interior remodel	
2.	Does th	enclosed structure and does not have e project only include the construction g new impervious surfaces?	
3.	Does th roof or	e project fall under routine maintenant exterior structure surface replacement existing roadways without expanding th	resurfacing or reconfiguring surfa
_		ment of damaged pavement (grinding,	overlay, and pothole repair).
	ge 4 of 4 New de Sensitiv	City of San Diego • Development Servic velopment or redevelopment discha re Area. The project creates and/or rep	es - Storm Water Requirements App rging directly to an Environment laces 2,500 square feet of impervio
7.	ge 4 of 4 New de Sensitiv (collectiv Area (ES feet or le as an iso lands).	City of San Diego • Development Servic velopment or redevelopment discha re Area. The project creates and/or rep rely over project site), and discharges d A). "Discharging directly to" includes flo ess from the project to the ESA, or conv plated flow from the project to the ESA (	res - Storm Water Requirements App rging directly to an Environment laces 2,500 square feet of impervi rectly to an Environmentally Sensi w that is conveyed overland a dista eyed in a pipe or open channel an i.e. not commingled with flows fro
	ge 4 of 4 New de Sensitiv (collectiv Area (ES feet or k as an iso lands). New de create a project of	City of San Diego • Development Servic velopment or redevelopment discha re Area. The project creates and/or rep /ely over project site), and discharges d A). "Discharging directly to" includes flo ess from the project to the ESA, or conv	res - Storm Water Requirements App rging directly to an Environment laces 2,500 square feet of imperviour rectly to an Environmentally Sensi w that is conveyed overland a dista eyed in a pipe or open channel any i.e. not commingled with flows fro to commingled with flows fro to commingled with flows fro to commingle outlet (RGC mpervious surface. The develop uare feet or more or (b) has a pro
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7. 8. 9.	ge 4 of 4 New de Sensitiv (collectiv Area (ES feet or li as an iso lands). New de create a project r Average New de creates projects 5541, 79 Other P results i post cor less that use of p the source	City of San Diego • Development Servic velopment or redevelopment discha re Area. The project creates and/or rep vely over project site), and discharges d A). "Discharging directly to" includes flo ess from the project to the ESA, or conv olated flow from the project to the ESA ( velopment or redevelopment project and/or replaces 5,000 square feet of i meets the following criteria: (a) 5,000 sc Daily Traffic (ADT) of 100 or more vehi velopment or redevelopment project and/or replaces 5,000 square feet or categorized in any one of Standard Ind	res - Storm Water Requirements App rging directly to an Environment laces 2,500 square feet of impervi- rectly to an Environmentally Sensi w that is conveyed overland a dista eyed in a pipe or open channel any i.e. not commingled with flows fro the commingled with flows fro t
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### **ATTACHMENT 10**

Applicability Checklist			
luded in the SWPPP or WPCP. onstruction. Construction hreat to water quality." The rmination approach of the project specific sediment risk reas of Special Biological Sig- nstruction BMP requirements e conducted by city staff.			
ction General Permit not located in the ASBS as a High priority site.			
not located in an ASBS Los Penasquitos			
ind are not located in an ASBS			
ter Standards Manual. ments. evelopment projects" or "rede- ect to Permanent Storm Water ck "Not Subject to Perma-			
vithin an vater?			
Ilities without Yes No t limited to: rface parking			
Clear Page 2			
Applicability Checklist entally rvious surface nsitive istance of 200 any distance from adjacent Yes No CO) that opment projected Yes No			
Pps that Development 5013, 5014, Tries above, rate pollutants ects creating t require regular Calculation of t are for infrequent f they are built Yes No	COSTON ARCHITE INCORPO	Kent Coston C-29876 Ken: 08/2021	
s. X		na Outlet	
apply.	Conditional	Use Permit	
ol, and andards Manual agement	2405 E Ha San Diego		
	San Diego, CA 92113 Stormwater Checklist		
	DATE	Revision Schedule	
	11/08/2019 DRAWN		
	CAI		
	PROJECT 1727	A0.10	
Clear Page 4 Clear Form			
		2 OF 5	

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## **ATTACHMENT 10**

Leg	jend					
Limit of Wo (E) Adjacen (E) Landsca (E) Concret (E) Fire Hyo (E) Street S Zone Separ	at Suite, No Work Proposed ape Area de Path drant Striping					
General Notes						
<ol> <li>No proposed or existing Transit Stops.</li> <li>No proposed or existing Easements.</li> <li>Any interference with ROW will be removed.</li> <li>Existing unpermitted Storage Yard to be removed.</li> <li>Per SDMC 142.1010 Table 142-10B a Loading Space is not required.</li> <li>No Parking required per SDMC 142.0540 and Table 142-05H due to small lot status of less than 10,000 SF with no alley access.</li> </ol>						
Site A	nalysis					
Landscape Area Calculation Total: 3,372 SF						
	CTS ORATED Kent Coston C-29876 C Kent Coston C-29876 C Kent Coston C-29876 C Kent Coston C-29876 C Kent Coston C-29876 C Kent Coston C Kent Coston C Kent Coston C C C C C C C C C C C C C C C C C C C					
Marijuana Outlet Conditional Use Permit 2405 E Harbor Drive San Diego, CA 92113						
Site Plan						
DATE 11/08/2019	Revision Schedule					
DRAWN						
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	Notes		
	Existing Wal	ll to Remain	
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	INCORPO	Kent Coston	
		Blvd Suite 4	
	8415 La Mesa La Mesa, CA S		
	Marijuana Outlet Conditional Use Permit		
	2405 E Harbor Drive		
	San Diego, CA 92113 Existing Floor Plan		
	DATE	Revision Schedule	
	11/08/2019		
	DRAWN		
	PROJECT 1727		
		A2.01	
<sup>n</sup> " 1		4 OF 5	

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(E) Stucco	

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