



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: February 13, 2019 REPORT NO. HO-19-014

HEARING DATE: February 20, 2019

SUBJECT: MPF 4655 Ruffner Street, Process Three Decision

PROJECT NUMBER: [604122](#)

OWNER/APPLICANT: Nguyen Family Trust, Owner and Doug McCrady, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan?

Staff Recommendation: Approve Conditional Use Permit No. 2135497.

Community Planning Group Recommendation: On October 17, 2018, the Kearny Mesa Community Planning Group voted 6-2-1 to recommend approval of the project with no additional conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 26, 2018 (Attachment 6). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on December 3, 2018, [Resolution No. R-312070](#). The scope of the subject hearing only includes the project, and not the environmental determination.

### BACKGROUND

The Kearny Mesa Community Plan designates the site for industrial development (Attachment 1). The project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The 0.83-acre site, with an existing commercial business office development comprised of a 21,210 square-foot, two-story building was constructed in 1980 and is located at 4655 Ruffner Street in the IL-2-1 Zone (Attachment 2). The existing building, with multiple suites, is currently being used for commercial offices and light industrial uses (Attachment 3). The purpose and intent of the IL-2-1 Zone is to permit light industrial, office, and commercial uses.

Marijuana Production Facilities (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, 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. 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. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

## DISCUSSION

### Project Description

The MPF 4655 Ruffner Street Project [Project] proposes a Conditional Use Permit (CUP) to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street. The 0.83-acre project site is in the IL-2-1 Zone, and the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field - Noise 60-65 CNEL and Safety Zone 6, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones in the Kearny Mesa Community Plan area. The Project proposes tenant improvements to the existing building to facilitate operations including the manufacturing, storing, and distributing of cannabis products to State of California licensed outlets. Retail sales are prohibited. The project site is designated Industrial and Business Park per the Kearny Mesa Community Plan and is subject to the IL-2-1 Zone requirements.

The project proposes interior improvements that include security lights, security cameras and system, millwork, finishes throughout, and associated mechanical, electrical and plumbing improvements. Other minor site improvements are proposed consistent with the City of San Diego requirements. Public improvements would include the reconstruction of the existing driveways and curb ramp, adjacent to the project site on Ruffner Road and Opportunity Road with current City Standards. No exterior building alterations would occur. The proposed improvements would 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. The facility is also subject to State California statutes and regulations.

### 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 design of the proposed Project complies with all development regulations of the IL-2-1 Zone and no deviations are requested. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff is recommending the Hearing Officer approve the Project as presented.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2135497, with modifications.
2. Deny Conditional Use Permit No. 2135497, if the findings required to approve the project cannot be affirmed.

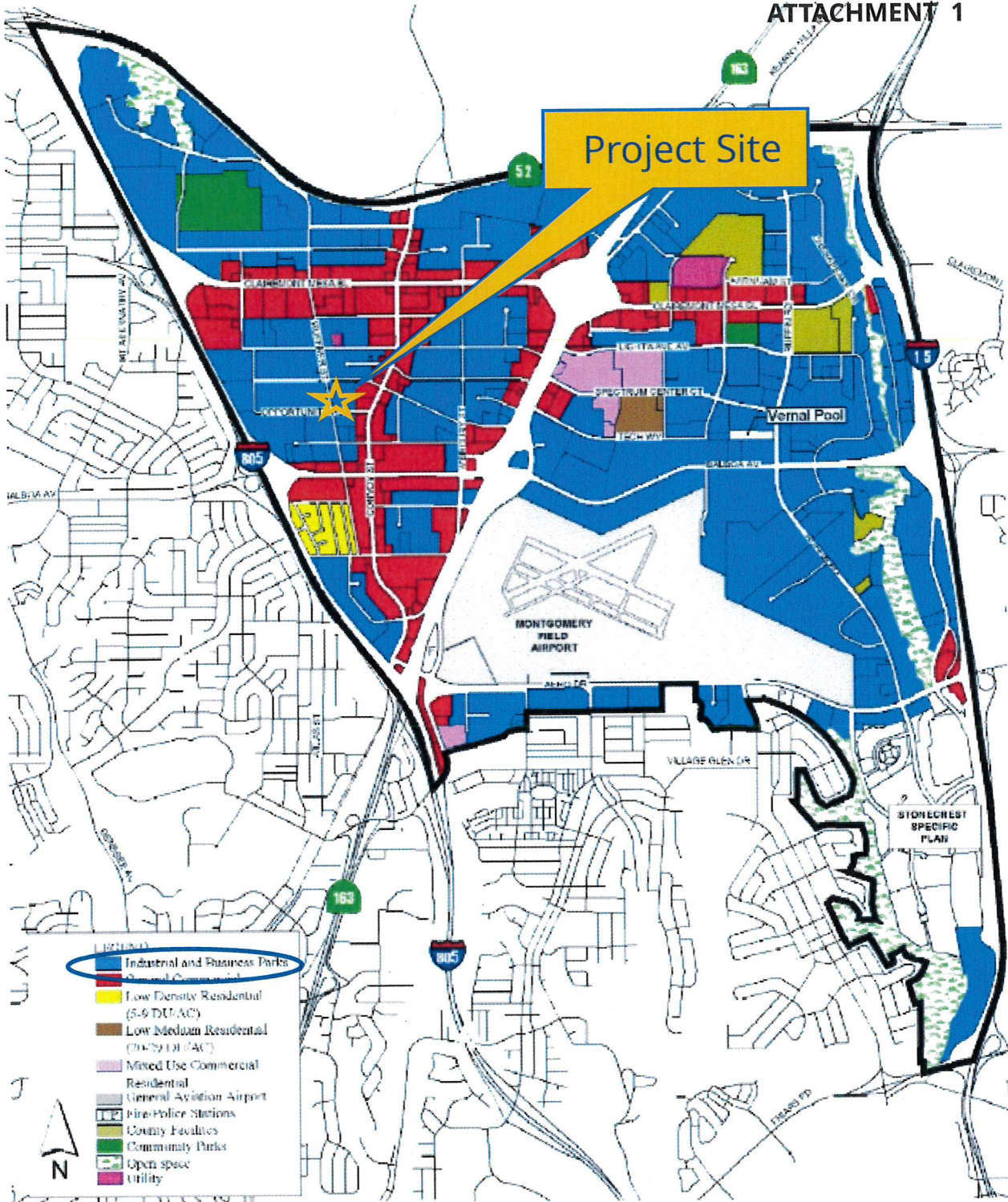
Respectfully submitted,



Tim Daly  
Development Project Manager

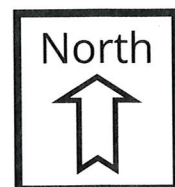
Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Notice of Right to Appeal Environmental Determination
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans

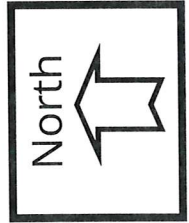
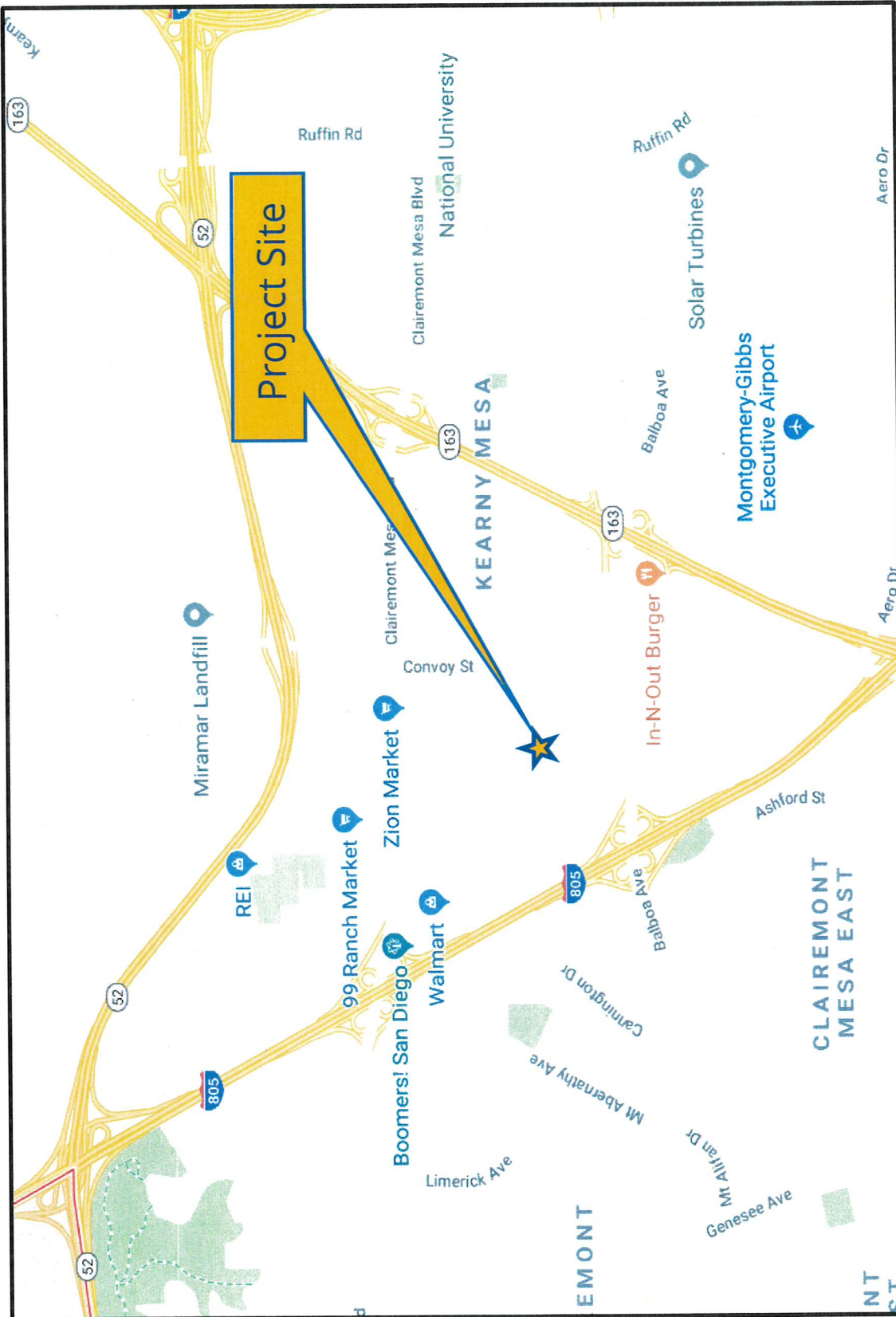


# Community Land Use Map

MPF 4655 Ruffner Street / 4655 Ruffner Street  
PROJECT NO. 604122







## Project Location Map

MPF 4655 Ruffner Street / 4655 Ruffner Street

PROJECT NO. 604122



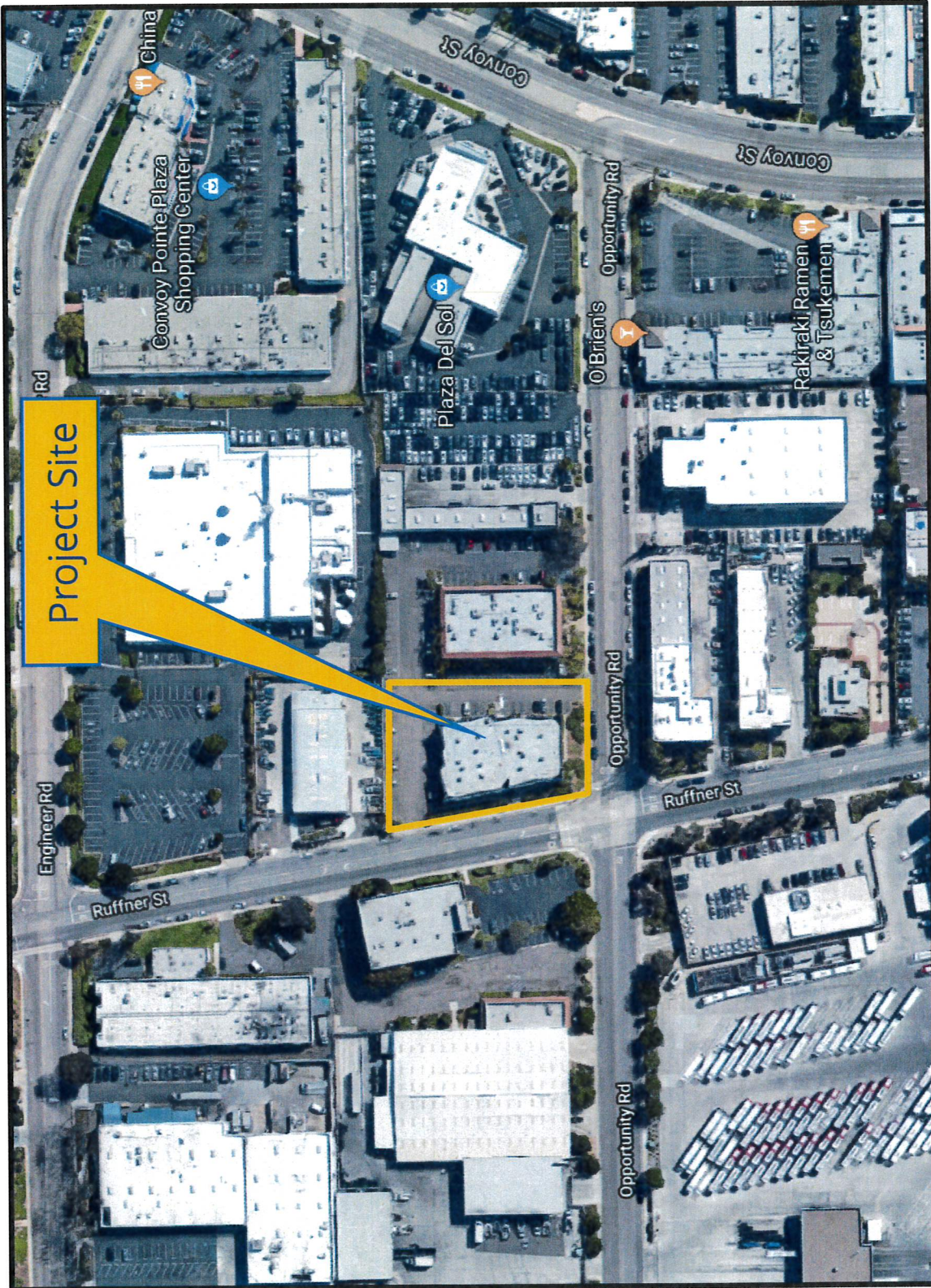




## Aerial Photo

MPF 4655 Ruffner Street / 4655 Ruffner Street

PROJECT NO. 604122





HEARING OFFICER RESOLUTION NO. HO-XXXX  
CONDITIONAL USE PERMIT NO. 2135497  
**MPF 4655 RUFFNER STREET - PROJECT NO. 604122**

WHEREAS, TRI T. NGUYEN AND CHI T. LUONG, TRUSTEES OF THE NGUYEN FAMILY TRUST, DATED FEBRUARY 20, 2008, Owner, and DOUG MCCRADY, Permittee, filed an application with the City of San Diego for a permit to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2135497), on portions of a 0.83-acre site;

WHEREAS, the project site is located at 4655 Ruffner Street in the IL-2-1 zone of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel B of Parcel Map No. 1208, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on January 2, 1973 as Instrument No. 73-000494 of official records;

WHEREAS, on September 26, 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, and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 3, 2018 pursuant to Resolution No. R-312070;

WHEREAS, on February 20, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2135497 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego that it adopts the following findings with respect to Conditional Use Permit No. 2135497:

**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 is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 21,210 square-foot building located at 4655 Ruffner Street. The 0.83-acre project site is in the IL-2-1 Zone, and the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field - Noise 60-65 CNEL and Safety Zone 6, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones in the Kearny Mesa Community Plan area.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

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, and therefore 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 is a request for a Conditional Use Permit to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The existing building, with multiple suites, is currently being used for commercial offices and light industrial uses. The project proposes interior improvements that include offices, storage, manufacturing, and distribution area. Other minor site improvements are proposed consistent with the City of San Diego requirements. 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 the reconstruction of the existing driveways and curb ramp, adjacent to the project site on Ruffner Road and Opportunity Road with current City Standards.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC), section 141.1004, 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. MPF's also have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as 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. MPF's 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. 2135497. The Conditional Use Permit No. 2135497 will be valid for five years and may be revoked if the Owner/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 the Conditional Use Permit No. 2135497. 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. 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 proposed project is a request for a Conditional Use Permit to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

MPF's are allowed in the IL-2-1 Zone of the Kearny Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with San Diego Municipal Code (SDMC), Section 141.1004 and Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires 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. There is also a minimum distance requirement of 100 feet from a residential zone. Security requirements, expressed as conditions in the Permit, 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.

The proposed MPF is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. 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 proposed project is a request for a Conditional Use Permit to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

The proposed MPF conforms with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with the development regulations for Industrial Use Category – Separately Regulated Uses, Marijuana Production Facilities pursuant to SDMC Chapter 14, Article 1, Division 10. 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, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2135497 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2135497, a copy of which is attached hereto and made a part hereof.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: February 20, 2019

IO#: 24007809



**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: 24007809

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2135497  
**MPF 4655 RUFFNER STREET - PROJECT NO. 604122**  
HEARING OFFICER

This Conditional Use Permit No. 2135497 is granted by the Hearing Officer of the City of San Diego to Tri T. Nguyen and Chi T. Luong, Trustees of the Nguyen Family Trust, dated February 20, 2008, Owner, and Doug McCrady, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.83-acre site is located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The project site is legally described as Parcel B of Parcel Map No. 1208, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on January 2, 1973 as Instrument No. 73-000494 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility (MPF) within an existing 21,210 square-foot, two-story building. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis manufacturing and distribution;
- 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 March 6, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 6, 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 Owners/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 Owners/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 Owners/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 Owners/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 Owners/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, Owners/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 Owners/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 Owners/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittee.

**BUILDING OFFICIAL REQUIREMENTS:**

12. Prior to the commencement of operations granted by this Permit, the Owners/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. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains in the Ruffner Street and Opportunity Road public right-of-way, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the two existing driveways on Opportunity Road and Ruffner Street to ADA compliant and current City Standards, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all non-standard lawn in the Ruffner Street and Opportunity Road public right-of-way.
17. Prior to the issuance of any construction permit, the Owners/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices (BMPs) necessary to comply with current City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permit the Owners/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.

**LANDSCAPE REQUIREMENTS:**

19. Prior to issuance of any construction permits, the Owner/Permittee shall submit plans that show landscaping equivalent to the previously conforming condition consistent with City of San Diego Landscape Standards per SDMC 142.0406, to the Development Services Department for approval. Any landscaping that is removed or damaged during construction shall be replaced in kind.
20. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District of other approved entity.
21. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees shall not be permitted.



22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage of Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

23. 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.

24. A maximum of 42 employees shall be allowed on-site at any given time to correspond to the 42 provided parking spaces for the project.

25. The Owners/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.

26. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.

27. 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.

28. 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.

29. 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.

30. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.

31. 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.

32. 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.

33. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

**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 Hearing Officer of the City of San Diego on February 20, 2019 by Resolution No. HO-XX.



Permit Type/PTS Approval No.: Conditional Use Permit No. 2135497  
Date of Approval: February 20, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Tim Daly  
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.

**Tri T. Nguyen, Trustee of the Nguyen Family Trust,**  
**dated February 20, 2008**  
Owner

By \_\_\_\_\_

**Chi T. Luong, Trustee of the Nguyen Family Trust,**  
**dated February 20, 2008**  
Owner

By \_\_\_\_\_

**Doug McCrady**  
Permittee

By \_\_\_\_\_

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



THE CITY OF SAN DIEGO

DATE OF NOTICE: September 26, 2018

## NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007809

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**PROJECT NO:** 604122  
**PROJECT NAME:** MPF 4655 Ruffner Street  
**COMMUNITY PLAN AREA:** Kearny Mesa  
**COUNCIL DISTRICT:** 6  
**LOCATION:** 4655 Ruffner Street, San Diego, CA 92111

**PROJECT DESCRIPTION:** The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility within an existing 21,210 square-foot building located at 4655 Ruffner Street. Project operations would include the manufacturing, extraction, and distribution of cannabis products to State of California licensed outlets. The building is located within a .83-acre site within the IL-2-1 zone, within Kearny Mesa Community Plan Area and is designated Industrial and Business Parks, Geologic Hazard 52, Airport FAA Part 77 Noticing Area – Montgomery Field – 472'-477' & MCAS Miramar – 565'-570', Airport Land Use Compatibility Overlay Zone – Montgomery Field, Airport Land Use Compatibility Overlay Zone – Noise – Montgomery Field - 60-65 CNEL, Airport Safety Zone 6 – Montgomery Field, Outdoor Lighting Zone 3, Penasquitos Watershed, Tecolote Sub-Area Watershed, and Council District 6.

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** CEQA Exemption 15301 (Existing Facilities)

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City conducted an environmental review which determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), involving negligible or no expansion of use beyond that existing at the time of the determination. The proposed project, as included in the Project Description of this notice, is not an expansion of use as the use will be contained within the existing building. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

**CITY PROJECT MANAGER:** Firouzeh Tirandazi  
**MAILING ADDRESS:** 1222 First Avenue, MS 501  
San Diego, CA 92101  
**PHONE NUMBER/E-MAIL:** (619) 446-5325 / FTirandazi@sandiego.gov

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On September 26, 2018 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (October 10, 2018). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



Minutes of the Monthly Meeting of the  
Kearny Mesa Planning Group  
October 17, 2018  
Serra Mesa/Kearny Mesa Public Library  
9005 Aero Drive, San Diego, CA 92123

**Planning Group Members in Attendance:**

☒ Tim Nguyen ☐ Paul Yung ☒ Tana Lorah ☒ Todd Matcher ☐ Ray Richmond ☒ Jeff Sallen  
☐ John Turpit ☒ Meridith Marquis ☒ Buzz Gibbs ☐ Ed Quinn ☒ Karen Ruggels ☐ Robyn Badilla  
☒ Derek Applbaum ☒ John Mulvihill ☒ Dana Hooper ☒ Mike Huntoon

**Community Members in Attendance:**

Michael Sosamon, Alan Austin, Stefanie Benvenuto, Denise Stein, Mike Calhoon, Trevor Snipes, Cindy Moore, Steven Bossi, Marcela, Clint Fowler, Allen Young, David Belanich, Juan Arriaga, Sidd Vineh, Kari Logen,

The Meeting was brought to order at 11:35 PM by Jeff Sallen, chair of the Kearny Mesa Planning Group. Copies of the **Minutes of the September 2018 meeting** were distributed. A vote was postponed due to insufficient planning group members present. Additional members showed up throughout the meeting.

Just made an announcement that the Kearny Mesa Planning Group would not be meeting next month (November 2018) b/c of the meeting date's proximity to Thanksgiving. The next meeting will be held in December 2018.

**Kearny Mesa Community Plan Update / Public Comment:**

Action Item:

1. Gina Austin with Austin Legal Group presented on an existing marijuana production facility seeking a Conditional Use Permit located at 4655 Ruffner Street in Kearny Mesa. Project #604122. The operation is currently operating under a state mandated license that is set to expire in November of 2019. The CUP will allow this group to continue operations without interruption as long as certain additional measures are taken which are stricter when compared to the state mandated rules. The KMPG voted to approve the project (6-2-1).

Vote: The Kearny Mesa Planning Group Members took a vote to approve Planning Group Member John Turpit as the Kearny Mesa Representative on the Community Planners Committee (CPC). Vote received a vote approval (9-0-0).

The Kearny Mesa Planning Group reviewed the Meeting Minutes from September 2018 and voted to approve the minutes without any changes (5-0-4).

Informational Item:

2. Marcela with the Atlantis Group gave a brief presentation to discuss a redevelopment of 8875 Aero Drive. The former Bank of America Vault building is set to be redeveloped into an approximate 114,000 SF veterans affairs hospital annex facility. Details on the project remain limited at this time. Plans for construction of a three story parking structure were discussed as well as landscaping/beautification of the site.
3. Rodrigo Carrasco (Senior Transportation Planner) gave a brief presentation and asked for our participation in future meetings to discuss bus routes and how they will relate to the future trolley extension. Workshops will take place at the following times and locations:
  - a. October 29<sup>th</sup> (4-7pm) @ Pacific Beach Recreation Center (1405 Diamond Street)
  - b. November 1<sup>st</sup> (5-8pm) North Clairemont Recreation Center (4421 Bannock Avenue)



## ATTACHMENT 7

- c. November 13<sup>th</sup> (5-8pm) Doyle Recreation Center (8175 Regents Road)
- 4. Stephanie Benvenuto (Director, Public Affairs) from the San Diego Regional Chamber of Commerce spoke briefly with regards to job growth and economic retention throughout San Diego. Stephanie mentioned that she works closely with a number of companies in Kearny Mesa and if we would like for her to reach out to any one of them to inform them about updates in the area she would be happy to do so.

Jeff then thanked everyone for coming and ended the meeting.



City of San Diego  
Development Services  
1222 First Ave., MS 302  
San Diego, CA 92101  
(619) 446-5000

# Ownership Disclosure Statement

FORM  
DS-318

October 2017

Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit  
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit ☐ Variance  
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other

Project Title: THINC INDUSTRIES

Project No. For City Use Only: 604122

Project Address: 4655 RUFFNER STREET, SAN DIEGO, CA 92111

## Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability Co. ☐ General - What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_

☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

### Property Owner

Name of Individual: NGUYEN FAMILY TRUST

☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: P O BOX 675927

City: RANCHO SANTA FE

State: CA Zip: 92067

Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: [Signature]

Date: 3-30-2018

Additional pages Attached: ☐ Yes ☐ No

### Applicant

Name of Individual: DOUG MCCRADY

☐ Owner ☒ Tenant/Lessee ☐ Successor Agency

Street Address: 6815 MURRAY PARK DRIVE

City: SAN DIEGO

State: CA Zip: 92119

Phone No.: 619-666-3524

Fax No.: \_\_\_\_\_

Email: platinumrx420@att.net

Signature: [Signature]

Date: 03-30-2018

Additional pages Attached: ☐ Yes ☐ No

### Other Financially Interested Persons

Name of Individual: NONE

☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Additional pages Attached: ☐ Yes ☐ No

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Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (10-17)









## EXISTING UPPER FLOOR PLAN

SCALE: \_\_\_\_\_ 3/32" = 1'-0"

SUITE	TENANT	USE
100	SHAKE SHINGLE ROOF	ROOFING SALES OFFICE
105	RICHARD LEE	CPA & TAX OFFICE
110	VACANT	
115	VACANT	
118	STEVE SEO	INTERNET MARKETING
120	DAVID J. JOO DC	CHIROPRACTIC OFFICE
130	VACANT	VACANT
140	VACANT	VACANT
160	PARALAN	DISTRIBUTOR
180	VFN TV	VIDEO PRODUCTION
200	ROYM-YUKO TANNO	NAIL & BEAUTY SALON
210	VACANT	
220	VISUAL CONCEPTS	LIGHTING CONSULTANT
230	VACANT	VACANT
235	VACANT	VACANT
240	VACANT	VACANT
250	GOLF INT'L AJI, LLC	GOLF PROMOTION
260	HANA LABEL USA	LABEL SALES
270	PACIFIC HOMELAND ESCROW	ESCROW COMPANY
280	SIMON CHOI G-LUZ, INC.	SALES & MARKETING
290	INT'L. TIMES CORP.	NEWS PUBLICATIONS

**AUSTIN & ASSOCIATES**

1622 PIONEER WAY, EL CAJON, CA 92020  
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MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN &  
CALIFORNIA INSTITUTE OF BUILDING DESIGN

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**AI  
BD**  
AMERICAN INSTITUTE OF BUILDING DESIGN

**CAIBD**  
CALIFORNIA INSTITUTE OF BUILDING DESIGN

**ThinC INDUSTRIES**  
MARIJUANA PRODUCTION FACILITY

JOB NAME: THINC  
DATE: 3-13-18  
DR BY: OQ  
CK BY: ALA  
SCALE: AS SHOWN

SHEET  
NUMBER

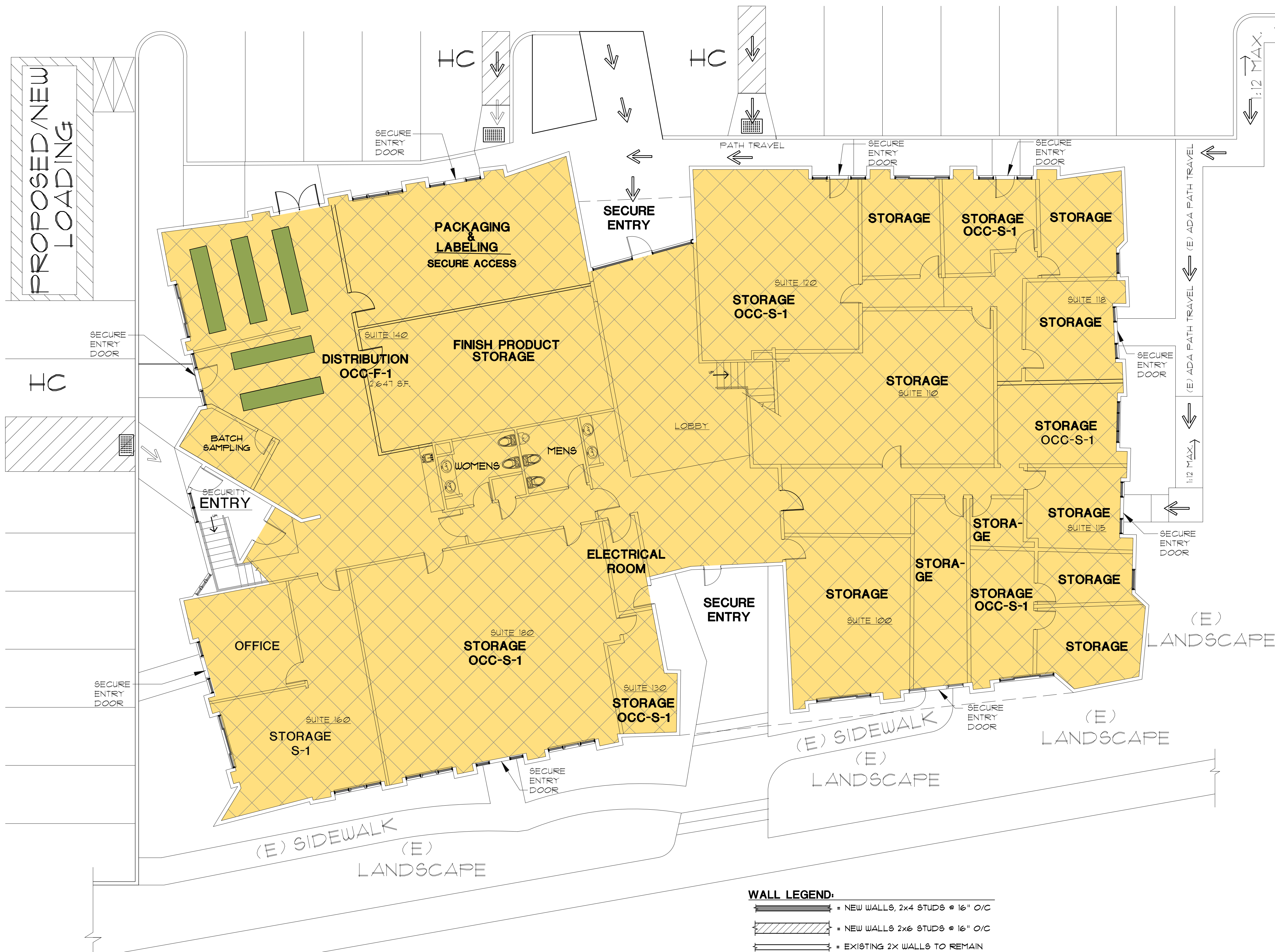
A-0

2 OF 8 SHEETS

THING

PROJECT #  
604122





PROPOSED LOWER FLOOR PLAN/ DISTRIBUTION

SCALE: 1/8" = 1'-0"



MPE  
Detailed Description of Spaces & Summary of Marijuana Production Process

Project Number: \_\_\_\_\_

Detailed Description of Spaces

Distribution OCC-F-1 (3,153 SF):

**Holding Area** - This room is comprised of both inbound and outbound orders. This is the final location for orders that have been packed and prepped and are ready to leave our facility. This is also the initial space where orders will be kept until they are added to inventory and scheduled for testing. There will be approximately 2 occupants in this space intermittently.

**Picking & Packing** - This room is designated for packing and verifying orders once they are transferred from the inventory room before they are sent to the holding area. At this point all product quantities and final destinations will be finalized and checked for errors. There will be approximately 2 occupants in this space intermittently.

**Processing & Packaging** - This room is solely used to package raw cannabis flower into designated pre-packaged quantities. This room will be a sanitary room where all employees are dressed in appropriate garments and protective gear. Once items are packaged, they will be moved to the storage & inventory room. There will be approximately 4 occupants in this space intermittently.

**Storage & Inventory** - This room will store all product that has been added to inventory. Once products are sent for testing and added to the inventory they will be transferred to this room in an area designated for "Awaiting Test Results". Items that have been pre-packaged and passed required testing will be stored by product category (i.e. flower, edibles, concentrate, etc.). There will be approximately 2 occupants in this space intermittently.

Production (1,280 SF):

**Production** - This area will be used for the initial phases of manufacturing and producing cannabis products. It will be comprised of a commercial kitchen that will be used to manufacture raw cannabis materials into finalized cannabis edible products. Products from this room will be transferred to the processing center to be packaged into their final form. There will be approximately 5 occupants in this space intermittently.

**Processing** - This area will be used to package finished manufactured cannabis products including infused edibles and beverages into their final form. From this

stage products will be transferred down to the Storage & Inventory room (S1). There will be approximately 5 occupants in this space intermittently.

Sales Office (Suite 240):

**Sales Office** - This is an administrative only space where our sales reps will conduct all of their in office activities including: making sales calls, following up with accounts, customer service, paperwork, and various other activities. There will be approximately 6 occupants in this space intermittently.

Administration (2,722 SF):

**Reception** - This is an administrative only room that will be utilized for all customer service activities including answering phone calls and inbound emails. There will be approximately 1 occupant in this space intermittently.

**Order Processing** - This is an administrative only space that will be utilized for verifying and filing all invoices and manifests. There will be approximately 1 occupant in this space intermittently.

**Account Receivable** - This is an administrative only space that will be utilized for posting customer payments by recording cash, checks, and credit card transactions. This space is also where receivables will be updated by totaling unpaid, net term, invoices. There will be approximately 1 occupant in this space intermittently.

Cold Storage (1,522 SF):

**Inventory Management** - This room is designated for the storage of all products that are required to be cold stored once they are completed in the manufacturing room. Products from this room will be moved down to the Storage and Inventory room once they are complete. There will be approximately 3 occupants in this space intermittently.

**Employees** - The number of employees on the Premises will vary. It is expected that there will be between 4 - 8 employees at any given time. These employees will include a warehouse manager, supervisor, pickers, and packagers, drivers, and processors.

Summary of Processes

The marijuana production processes proposed in this space include Distribution and Manufacturing.

**Distribution Process**  
The distribution process includes the receiving and shipping of cannabis products. Bulk products will first enter the holding area where they will be added to inventory

and prepped for testing. Products will then move to the storage and inventory room where they will be stored until they are ready to be packaged. Inbound and Outbound products will be transferred to/from loading zone and into/out of a transport vehicle, typically a 1/4 van or a smaller transport vehicle.

**Manufacturing Process**  
The manufacturing process includes processing raw cannabis distillate into consumer ready infused products such as edibles, beverages and joints. The final products are packaged and labeled in accordance with state laws and then are transferred into the Storage and Inventory Room while they await distribution to licensed retail facilities.

Employee Shifts

The actual number of shifts will depend on demand. There will be between 1- 2 shifts depending on product demand.

Shift 1: 6am - 12pm. General distribution hours, expected 4 people on any given day.  
Shift 2: 12pm - 6pm. General distribution hours, expected 4 people on any given day.

REVISION	BY
01-30-2018	OQ
08-23-18	MJC
09-20-18	OQ

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**CAIBD**  
CALIFORNIA ASSOCIATION OF INDEPENDENT BUILDING DESIGNERS

**ThinC INDUSTRIES**  
MARIJUANA PRODUCTION FACILITY  
4655 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME:	ThinC
DATE:	3-13-18
DR BY:	OQ
CK BY:	ALA
SCALE:	AS SHOWN

SHEET NUMBER
A-1
2 OF 7 SHEETS

PROJECT #  
604122



REVISION	BY
01-30-2018	OQ
08-23-18	MJC
09-20-18	OQ

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MEMBER  
A I B D

MEMBER  
CAIBD

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MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN &  
CALIFORNIA INSTITUTE OF BUILDING DESIGN

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4655 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME: ThinC

DATE: 3-13-18

DR BY: OQ

CK BY: ALA

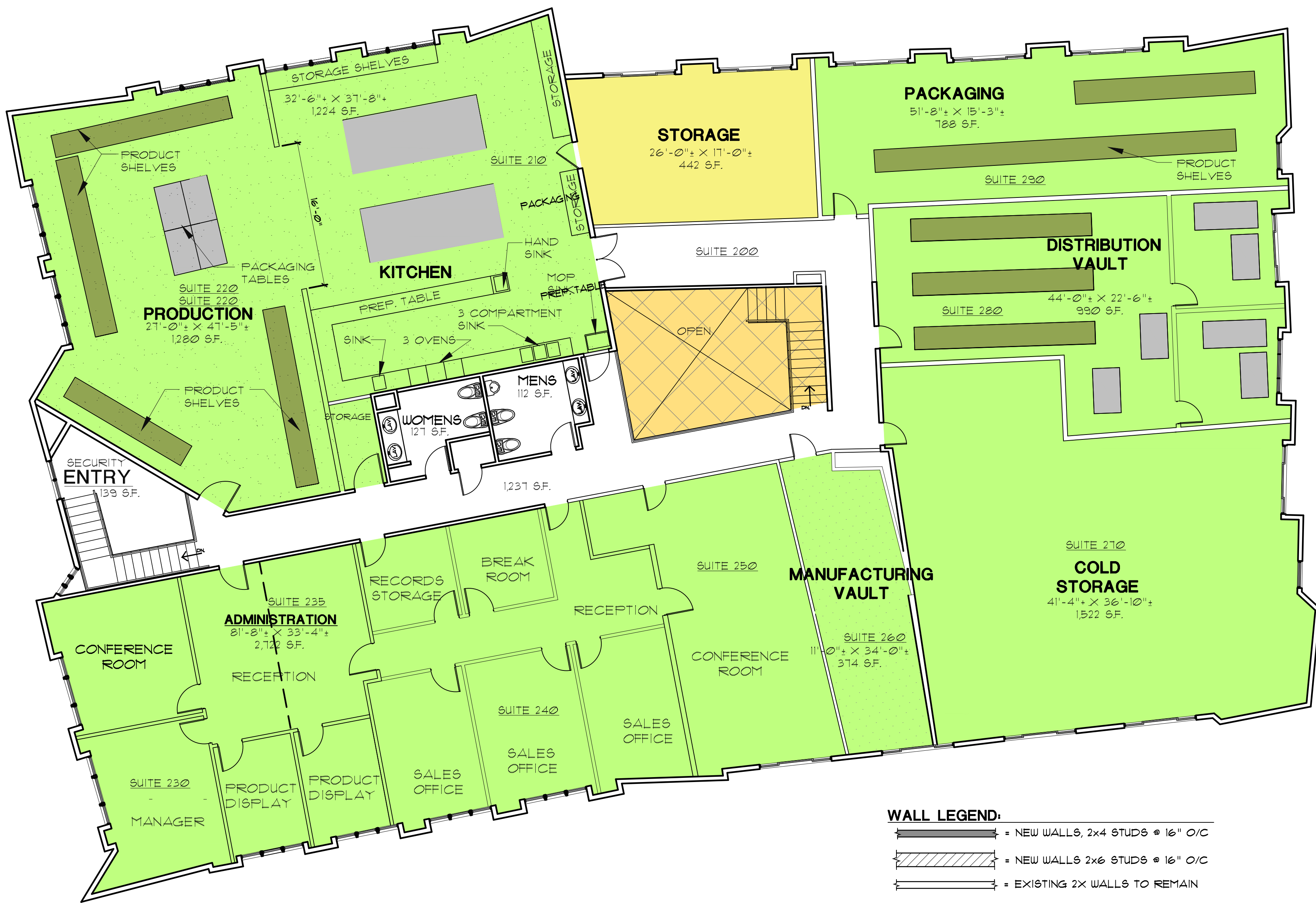
SCALE: AS SHOWN

SHEET NUMBER  
A-2  
3 OF 7 SHEETS

PROJECT #  
604122



DEMOLITION UPPER FLOOR PLAN



AREA = 10,956 S.F.

PROPOSED UPPER FLOOR PLAN / MANUFACTURING

**MPF**  
Detailed Description of Spaces & Summary of Marijuana Production Process  
Project Number: \_\_\_\_\_

**Detailed Description of Spaces**

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Shift 2: 12pm – 6pm. General distribution hours, expected 4 people on any given day.

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REVISION	BY
01-30-2018	OQ
08-23-18	MJC
09-20-18	OQ

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ALAN@AUSTINANDASSOCIATES.COM  
PH: (619) 440-3624



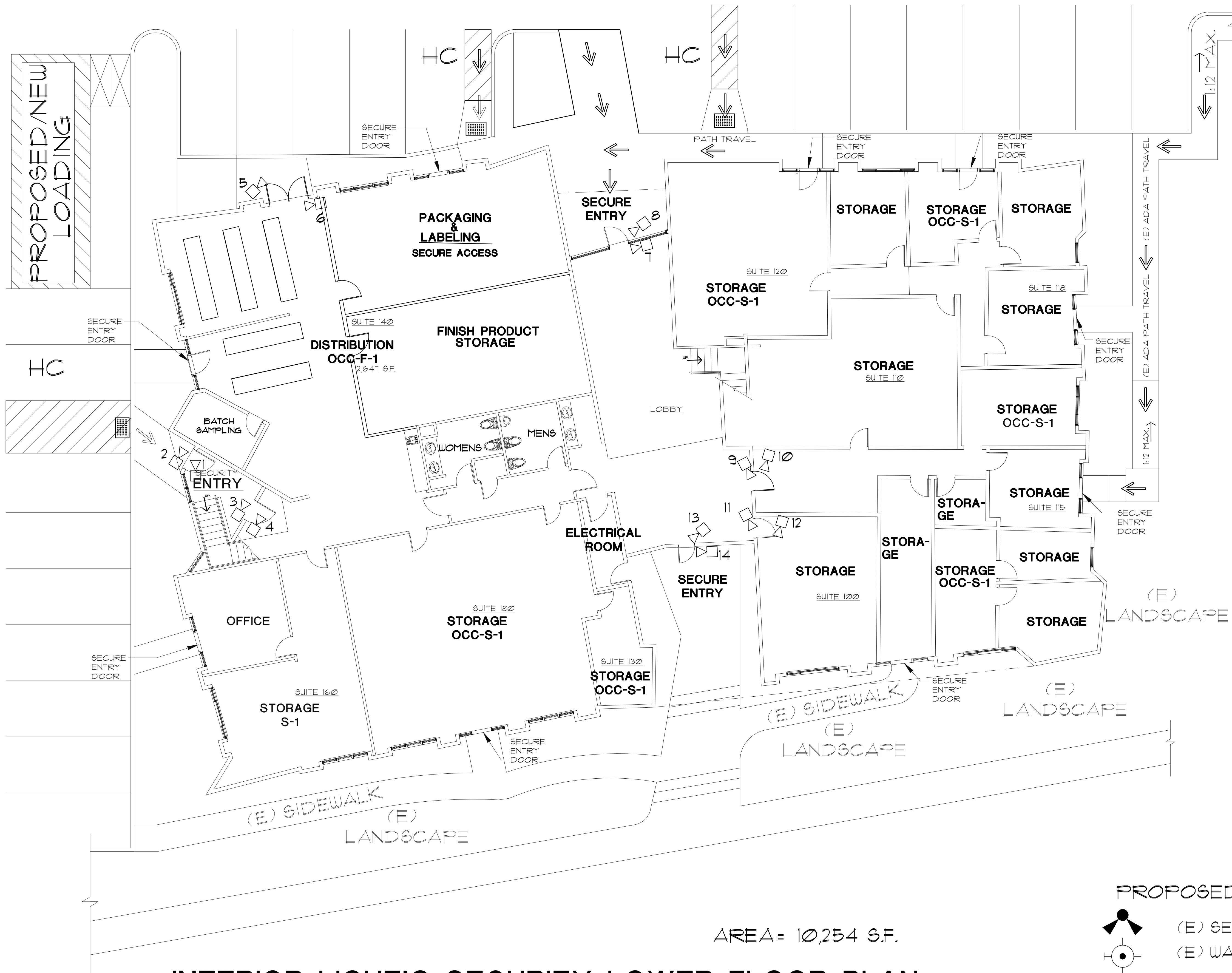
1622 PIONEER WAY, EL CAJON, CA 92020  
RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN  
ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE DESIGN  
CALIFORNIA INSTITUTE OF BUILDING DESIGN

**THiNC INDUSTRIES**  
MARIJUANA PRODUCTION FACILITY  
4655 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME:	THiNC
DATE:	3-13-18
DR BY:	OQ
OK BY:	ALA
SCALE:	AS SHOWN

SHEET NUMBER  
**A-3**  
SHEETS

PROJECT #  
604122



AREA= 10,254 S.F.

# INTERIOR LIGHT'G SECURITY LOWER FLOOR PLAN

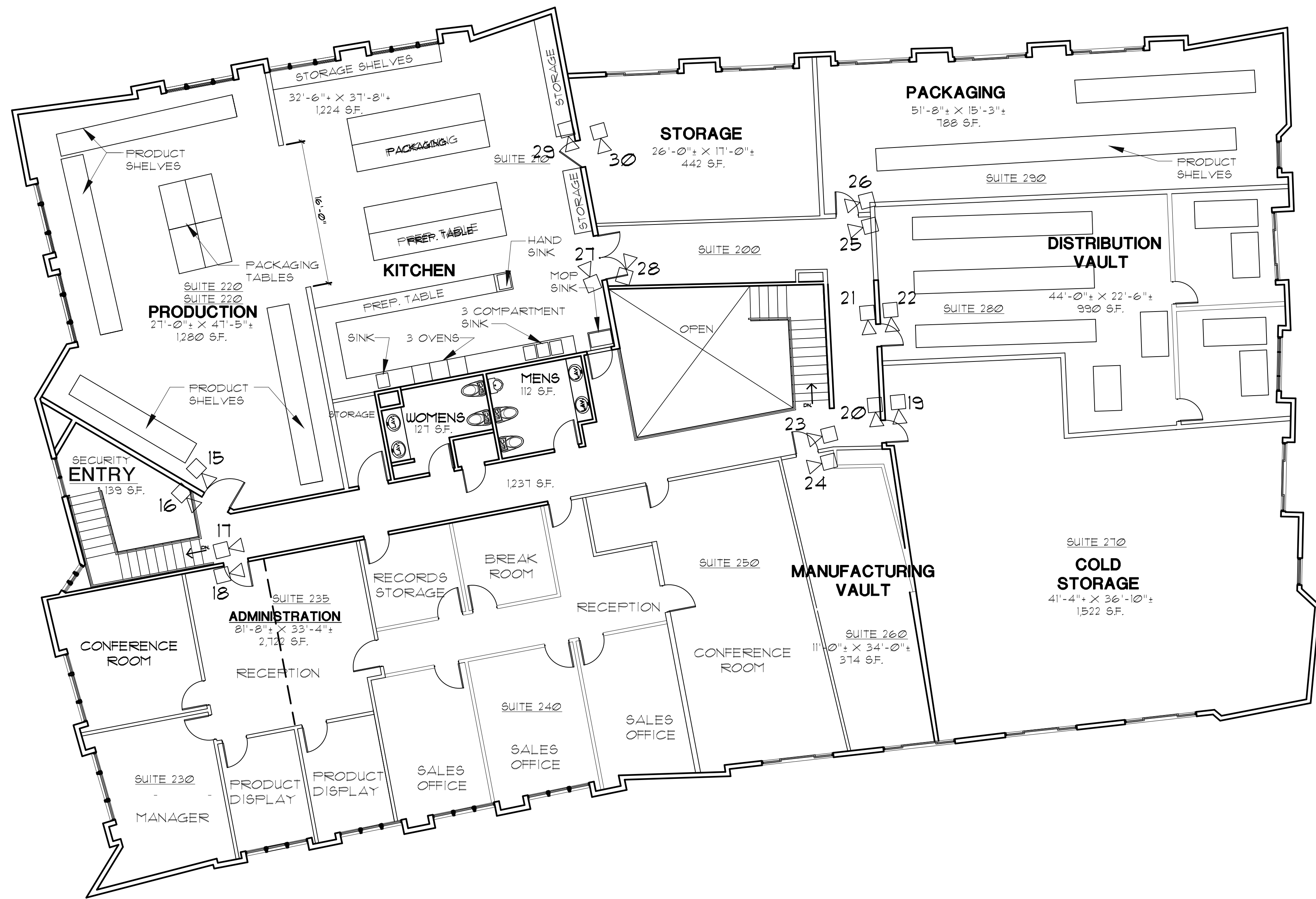
SCALE: 1/8" = 1'-0"

PROPOSED CAMERAS = 30 INTERIOR

- (E) SECURITY LIGHTS, MOTION SENSOR
- (E) WALL MOUNTED LIGHT FIXTURE

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REVISION	BY
01-30-2018	OQ
08-23-18	MJC
09-20-18	OQ



AREA= 10,956 S.F.

# INTERIOR LIGHT'G SECURITY UPPER FLOOR PLAN

SCALE: 1/8" = 1'-0"

PROPOSED CAMERAS = 30 INTERIOR

- (E) SECURITY LIGHTS, MOTION SENSOR
- (E) WALL MOUNTED LIGHT FIXTURE

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**ThinC INDUSTRIES**  
MARIJUANA PRODUCTION FACILITY  
4655 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME:	THINC
DATE:	3-13-18
DR BY:	OQ
OK BY:	ALA
SCALE:	AS SHOWN

SHEET NUMBER  
**A-4**  
5 OF 7 SHEETS

PROJECT #  
604122



REVISION	BY
01-30-2018	OQ
08-23-18	MJC
09-20-18	OQ

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PH: (619) 440-3624

CAIBD

REGISTERED ARCHITECT

AL

REGISTERED ARCHITECT

BD

REGISTERED ARCHITECT

1622 PIONEER WAY, EL CAJON, CA 92020

PRESIDENTIAL & COMMERCIAL PLANNING AND DESIGN

MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN

CALIFORNIA INSTITUTE OF BUILDING DESIGN

THiNC INDUSTRIES

MARIJUANA PRODUCTION FACILITY

4855 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME:	THiNC
DATE:	3-13-18
DR BY:	OQ
OK BY:	ALA
SCALE:	AS SHOWN

SHEET NUMBER

A-5

6 OF 7 SHEETS

THiNC

PROJECT #  
604122

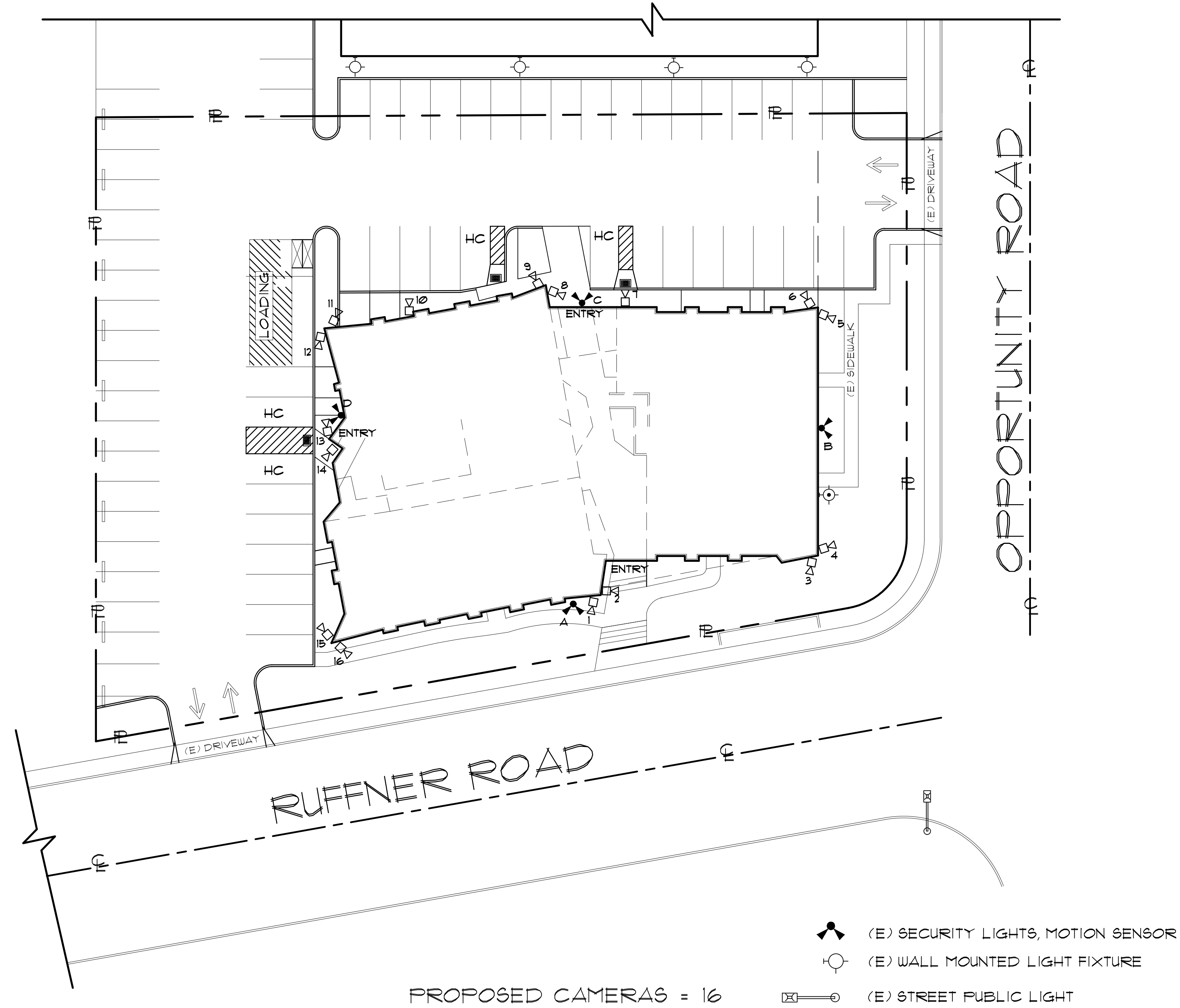
## EXTERIOR LIGHT'G SECURITY FLOOR PLAN

SCALE: 1/8" = 1'-0"

PROPOSED CAMERAS = 16 EXTERIOR


- (E) SECURITY LIGHTS, MOTION SENSOR
- (E) WALL MOUNTED LIGHT FIXTURE





PROPOSED CAMERAS = 16

 (E) SECURITY LIGHTS, MOTION SENSOR  
 (E) WALL MOUNTED LIGHT FIXTURE  
 (E) STREET PUBLIC LIGHT



# EXTERIOR LIGHTING SECURITY SITE PLAN

SCALE: 1" = 20'-0"

PROJECT #  
604122