



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: March 13, 2019 REPORT NO. HO-19-034

HEARING DATE: March 20, 2019

SUBJECT: MO 3940 Home Avenue, Process Three Decision

PROJECT NUMBER: [599099](#)

OWNER/APPLICANT: Robert B. Kahn, Owner, and Aaron Magagna, Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Outlet to operate within a 2,200 square-foot portion of an existing 8,680 square-foot building located 3940 Home Avenue in the IL-3-1 Zone within the Mid-City, City Heights Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2115900.

Community Planning Group Recommendation: On August 6, 2018, the Mid-City, City Heights Area Planning Committee (CHAPC) considered the project at their meeting and voted on their motion to approve the project; however, the motion failed with a vote of 7-8-2. No further motion was proposed by the CHAPC and the applicant did not return to the CHAPC for a recommendation (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 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 26, 2018, and the opportunity to appeal that determination ended November 13, 2018 (Attachment 6).

BACKGROUND

In 1996, the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and exempts the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary

registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008, the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

On March 25, 2014, the City of San Diego adopted Ordinance No. O-20356 to implement regulations for Medical Marijuana Consumer Cooperatives (MMCCs), which allowed MMCCs with the approval of a Conditional Use Permit (CUP), and limited MMCCs to four per Council District for a total of 36 MMCCs City-wide. A total of 15 MMCCs have been approved to date.

On November 2016, the people of the State of California approved Proposition 64, the Adult Use of Marijuana Act (AUMA). The AUMA allows adults 21 years of age or older to legally grow, possess, and use cannabis for non-medicinal purposes, with certain restrictions. The California State Legislature passed Senate Bill 94 (Chapter 27) on June 2017 that integrated Medical Cannabis Regulation and Safety Act (MCRSA) with AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) contained in Division 10 of the California Business and Professions Code (§26000 et seq.). Under MAUCRSA, a single regulatory system governs the medical and adult-use cannabis industry in California.

A local jurisdiction may adopt and enforce local ordinances that regulate land use requirements as it deems necessary to reduce potential impacts associated with marijuana use. On February 22, 2017, Ordinance No. O-20793 was approved, which included amendments to the Land Development Code and the Local Coastal Program, replacing the MMCC use with a new retail sales use, Marijuana Outlet (Outlet). The Ordinance became effective in areas of the City of San Diego outside of the Coastal Overlay Zone on April 12, 2017, and within the Coastal Overlay Zone on October 12, 2017. An Outlet may be allowed with the approval of a Process Three, CUP, provided each Council District is limited to four Outlets. An Outlet allows the sale of both medicinal and recreational marijuana, and subject to State licensing requirements. A total of five Outlets have been approved to date, with 1 in Council District 1 and 4 in Council District 7. The 15 previously approved MMCCs are allowed to operate as Outlets for the remaining term of the CUP without an amendment pursuant to Ordinance No. O-20793, and would be allowed the retail sale of marijuana upon obtaining the required State license.

The project site is located on a 0.42-acre site at 3940 Home Avenue within an existing two-story, 8,680 square-foot building in the IL-3-1 Zone of the Mid-City, City Heights Community Plan area (Attachment 1). The project site is designated Light Industrial within the Mid-City, City Heights Community Plan (Attachment 2). The building was constructed in 1974 and is currently being used for light industrial and office use (Attachment 3). The project site currently has a Conditional Use Permit application pending ([Project No. 611536](#)) for the operations of a Marijuana Production Facility (MPF) within a 6,840 square-foot portion of the building, pursuant to San Diego Municipal Code ([SDMC](#)) [sec. 126.0303](#).

The purpose and intent of the IL-3-1 Zone is to accommodate a range of light industrial, office and commercial activities in designated areas to promote balanced land use and provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality development and protecting land for industrial uses and limiting nonindustrial uses. The development standards of

this zone are intended to encourage sound industrial development by providing an attractive environment free from adverse impacts associated with some heavy industrial uses. The IL Zones are intended to permit a range of uses, including non-industrial uses in some instances. Specifically, the IL-3-1 allows a mix of light industrial, office, and commercial uses.

DISCUSSION

Project Description:

The project proposes a Conditional Use Permit for an Outlet to occupy 2,200 square-feet of an existing two-story, 8,680 square-foot building at 3940 Home Avenue within Council District 9. Project operations would include the sale of cannabis products as a State of California licensed outlet. The hours of operation would be between 7:00 a.m. and 9:00 p.m., seven days a week. The project proposes tenant improvements, consisting of the interior walls within the 2,200 square-foot area of the existing building. The Outlet operations would be within a completely enclosed area with separate access entry doors from the possible future MPF proposed within the remaining portion of the building. The project also proposes improvements consisting of the reconstruction of the existing driveways, curb, gutter, and portions of the sidewalk per current City Standards, satisfactory to the City Engineer. 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 site is designated General Industrial Land Use Area and the Commercial/Industrial area of the Economic Development Element of the Mid-City Community Plan. The 0.42-acre site is located within the IL-3-1 Zone and subject to the base zone regulations.

Separation Requirements:

The SDMC allows the operation of Outlets in specific land use zones of the City and provides regulations for Marijuana Outlets. One of the criteria of the SDMC is the minimum separation requirements between an Outlet and other specified uses. SDMC section 141.0504(a) requires a 1,000-foot separation from resource and population-based city parks, other marijuana outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. In addition, there is a minimum distance requirement of 100 feet from all residentially zoned properties. City staff has reviewed the 100/1,000-foot radius map and 100/1,000-foot spreadsheet provided by the applicant identifying all the existing uses. The proposed Outlet complies with the minimum separation requirements between uses.

Operational and Security Requirements:

The proposed Outlet is subject to specific operational requirements and restrictions as set forth in SDMC section 141.0504 (b) through (m), which are incorporated as conditions in the CUP. These include: prohibition of consultation by medical professionals on-site; prohibition of the use of specified vending machines except by a responsible person (as defined by the SDMC); provision of interior and exterior lighting, operable cameras, alarms, and a security guard; restriction of hours of operation to between 7:00 a.m. and 9:00 p.m. daily; maintenance of area and adjacent public

sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and restriction of signage to business name, two-colors signs, and alphabetic characters. Outlets must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The applicant has also voluntarily agreed to the following additional security conditions to improve the safety of customers and the surrounding neighborhood, and to also prevent any potential adverse impacts on the community:

- The provision of operable surveillance cameras and a metal detector;
- Use of cameras with a recording device that maintains records for a minimum of 30 days;
- Two security guards must be on the premises during business hours, and at least one security guard must be on the premises 24 hours a day, seven days a week;
- Installation of bullet resistant glass, plastic, or laminate shield at the reception area to protect employees; and
- Installation of bullet resistant armor panels, or solid grouted masonry block walls designed by a licensed professional, in common areas with other tenants, and vault room.

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-3-1 Zone and no deviations are required to approve the project. 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. 2115900, with modifications.
2. Deny Conditional Use Permit No. 2115900, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Tim Daly, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions

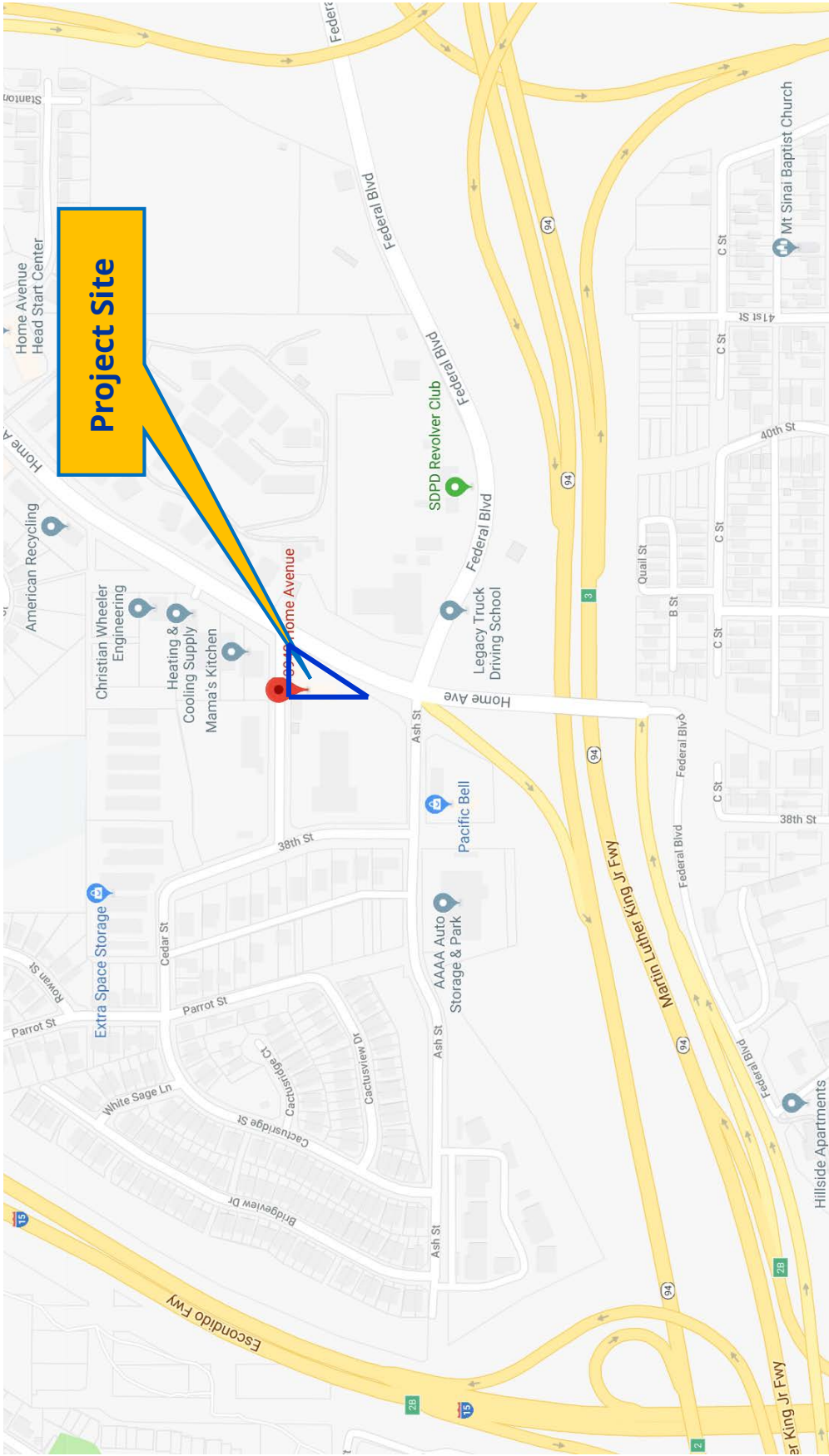
6. Notice of Right to Appeal
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans

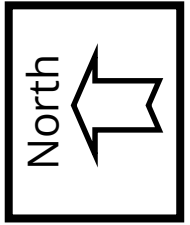


Project Location Map

MO 3940 Home Ave / 3940 Home Avenue

PROJECT NO. 599099



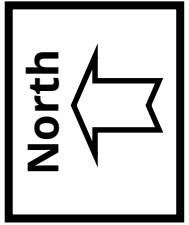


- LEGEND
- General Industrial
 - Light Manufacturing with Commercial
 - General Commercial with Limited Light Manufacturing

Project Site



Community Land Use Map
MO 3940 Home Ave / 3940 Home Avenue
PROJECT NO. 599099



Aerial Photograph
MO 3940 Home Ave / 3940 Home Avenue
PROJECT NO. 599099



HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2115900
MO 3940 HOME AVENUE - PROJECT NO. 599099

WHEREAS, ROBERT BERNARD KAHN, TRUSTEE of the ROBERT BERNARD KAHN TRUST, Owner and 2018HMO, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Outlet within 2,200 square-foot portions of an existing 8,680 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2115900), on portions of a 0.42-acre site;

WHEREAS, the project site is located at 3940 Home Avenue in the IL-3-1 Zone within the Mid-City, City Heights Community Plan area;

WHEREAS, the project site is legally described as Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map No. 5473, filed in the Office of the County Recorder of San Diego County, October 6, 1964;

WHEREAS, on October 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 15303 (c), 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;

WHEREAS, on March 20, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2115900 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 as follows:

That the Hearing Officer adopts the following written Findings, dated March 20, 2019.

A. CONDITIONAL USE PERMIT [San Diego Municipal Code Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed project requests a Conditional Use Permit (CUP) to operate a Marijuana Outlet (Outlet) within an existing 8,680 square-foot building located 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the City's General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Industrial Employment designation would permit limited commercial uses, thereby an Outlet would be appropriate should the findings be made that the use promotes the policies of the General and Community Plans. The project site is within the General Industrial Land Use Area and the Commercial/Industrial area of the Economic Development Element of the Mid-City Community Plan. These designations allow for a wide variety of industrial and commercial uses, such as light manufacturing, assembly, and various commercial uses that support the goal of providing employment centers for the community.

The purpose and intent of the IL Base Zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-3-1 allows a mix of light industrial, office, and commercial uses. The proposed Outlet, and industrial use category, is a compatible use for this location with the Conditional Use Permit and is consistent with the community plan. Therefore, the proposed Outlet will not adversely affect the applicable land use.

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

The proposed project requests a CUP to operate an Outlet within an existing 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Height Community Plan.

The building is currently being used for light industrial uses. The proposed development will not be detrimental to the public's health, safety and welfare because the discretionary permit controlling the development and continued use of this site contains specific regulatory conditions of approval. 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.

The proposed Outlet is subject to specific operational requirements and restrictions as set forth in San Diego Municipal Code (SDMC) section 141.0504 (b) through (m), which have also been incorporated as conditions in the CUP, including prohibiting consultation by medical professionals on-site; prohibiting the use of specified vending machines except by a responsible person (as defined by the SDMC); provision of interior and exterior lighting, alarms; restriction of hours of operation to between 7:00 am and 9:00 pm daily; maintenance of area and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and restriction of signage to business name, two-color signs, and alphabetic characters.

The CUP also includes additional security conditions to improve the safety of the building and surrounding neighborhood, including the provision of operable surveillance cameras and a metal detector; use of cameras with a recording device that maintains records for a minimum of 30 days; two security guards during business hours with one security guard present on the premises 24 hours a day, seven days a week; installation of bullet resistant glass, plastic, or laminate shield at the reception area to protect employees; and installation of 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. Outlets must also operate in compliance with SDMC Chapter 4, Article 2, Division 15, which provides requirements for lawful operation.

Furthermore, construction of the project authorized through this permit will be subject to all adopted building, electrical, mechanical, fire and plumbing codes, which will be enforced through construction review and building inspections.

Outlets must comply with SDMC section 141.0504 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. Outlets must also be a minimum distance of 100 feet from a residential zone. The proposed Outlet complies with the separation requirements between uses set forth in SDMC section 141.0504 (a).

The proposed project will be required to comply with the development conditions as described in the CUP No. 2115900. The CUP No. 2115900 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. Therefore, the proposed Outlet 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 requests a CUP to operate an Outlet within an existing 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan. The IL-3-1 Zone regulations allow for an Outlet with a CUP pursuant to SDMC sections 131.0522 and 141.0504.

The site was developed on 1974. The project proposes interior improvements to convert an existing office and warehouse facility for commercial retail sales of marijuana products. Other minor site improvements are proposed consistent with the City of San Diego requirements.

Outlets must comply with SDMC section 141.0504 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. Outlets also must be a minimum distance of 100 feet from a residential zone. The proposed Outlet complies with the separation requirements between uses set forth in SDMC sec. 141.0504 (a). The proposed Outlet is subject to specific operations requirements for security, such as , lighting, security cameras, alarms, and security guards, as referenced in CUP No. 2115900. Outlets must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The CUP for this project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC regulations of the for an Outlet. 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.

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

The project proposes to operate an Outlet within an existing 8,680 square-foot building located at 3940 Home Avenue. The site and the surrounding parcels are located in the IL-3-1 Zone, and within the General Industrial Land Use Area and the Commercial/Industrial area of the Economic Development Element of the Mid-City Community Plan. These designations allow for a wide variety of industrial and commercial uses, such as light manufacturing, assembly, and various commercial uses that support the goal of providing employment centers for the community. The IL-3-1 Zone allows a mix of light industrial and office, and commercial uses. The proposed Outlet, classified as commercial retail use, is consistent with the community plan designation.

Outlets require compliance with SDMC section 141.0504 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. Outlets also require a minimum distance requirement of 100 feet from a residential zone. The proposed Outlet complies with the separation requirements between uses set forth in SDMC section 1141.0504 (a). The proposed Outlet is subject to specific operations requirements for security, such as lighting, security cameras, alarms, and security guards, as referenced in CUP No. 2115900. Outlets must also operate in compliance with SDMC Chapter 4, Article 2, Division 15, which provides regulations for lawful operation.

The proposed Outlet is consistent with all land development regulations relevant for the site and use. No deviations are required or requested to approve the CUP. The proposed Outlet is a compatible use for this location with a CUP. Therefore, the proposed Outlet 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. 2115900 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. 2115900, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: March 20, 2019
IO#: 24007757

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: 24007757

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2115900
MO 3940 HOME AVENUE - PROJECT NO. 599099
HEARING OFFICER

This Conditional Use Permit No. 2115900 ("Permit") is granted by the Hearing Officer of the City of San Diego to Robert Bernard Kahn, Trustee of the Robert Bernard Kahn Trust, Owner and 2018HMO, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.42-acre site is located at 3940 Home Avenue in the IL-3-1 Zone, within the Mid-City, City Heights Community Plan area. The project site is legally described as Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5473, filed in the Office of the County Recorder of San Diego County, October 6, 1964.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Outlet within an existing 8,680 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 20, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Outlet within a 2,200 square-foot portion of an existing 8,680 square-foot building. The operation shall include the requirements consistent with the State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include facilities for the cultivation, manufacturing, processing, packaging and distribution of cannabis, as well as a restroom;
- 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 20, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 20, 2024. Upon expiration of this Permit, the facility and improvements described herein, except for the 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.
 - c. A Marijuana Outlet Permit issued by the Development Services Department is approved in accordance with SDMC Section 42.1504.
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 State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the 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.

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any landscaping and irrigation in the Home Avenue Right-of-Way.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, the closure of all non-utilized driveway with current City Standard curb, gutter and sidewalk.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 14-foot wide driveway at the south corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 20-foot wide driveway at the north corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.
17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Home Avenue.
18. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged curb and gutter, adjacent to the site on Home Avenue.
19. 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 SDMC, into the construction plans or specifications.
20. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.
21. 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.
22. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

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. The Owner/Permittee must provide and maintain an accessible path from the building entrance to the public street.
25. The sale of marijuana shall be prohibited without a valid license from the State authorizing such activity.
26. The Marijuana Outlet must comply with Chapter 4, Article 2, Division 15 of the San Diego Municipal Code, including obtaining a Marijuana Outlet Permit, and Background Checks and Reporting Convictions.
27. Consultations by medical professionals shall not be a permitted accessory use at this Marijuana Outlet.
28. Deliveries shall be permitted as an accessory use to and from 3940 Home Avenue. Each delivery person shall be employed by the Owner or Permittee, the successor, or the person using the property at 3940 Home Avenue that is subject to this Permit.
29. The Owner/Permittee shall provide lighting to illuminate the interior of the Marijuana Outlet, façade, 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.
30. The Owner/Permittee shall install and maintain operable security cameras and a metal detector for security to the satisfaction of Development Services Department. The security cameras shall have and use a recording device that maintains the recordings for a minimum of 30 days. This Marijuana Outlet shall also include alarms and two security guards. The security guards shall be licensed by the State of California. Two security guards must be on the premises during business hours. At least one security guard must be on the premises 24 hours a day, seven days a week. The security guards should only be engaged in activities related to providing security for the Marijuana Outlet, except on an incidental basis.
31. The Owner/Permittee shall install a combination of full-height bullet resistant glass, plastic or laminate shield and bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at the reception area.
32. The Owner/Permittee shall install full-height bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at all walls adjoining common areas and other tenants, and vault room.

33. 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. Ground signs shall not be pole signs. A primary sign shall be posted on the outside of the Marijuana Outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.

34. The Owner/Permittee shall post and maintain a sign showing the name and emergency contact phone number of an operator or manager in a location visible from outside the Marijuana Outlet in font size at least two inches in height.

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

36. The use of vending machines which allow access to marijuana and marijuana products except by a responsible person, as defined in the SDMC Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to marijuana and marijuana products without a human intermediary.

37. The Owner/Permittee shall maintain the Marijuana Outlet, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times.

38. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

39. The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of eliminating excessive or offensive odors causing discomfort or annoyance to any reasonable person of normal sensitivities standing outside of the structural envelope of this Marijuana Outlet facility in compliance with SDMC Section 142.0710.

40. Medical marijuana, recreational marijuana, or marijuana products, in any form, shall not be consumed anywhere within the property.

TRANSPORTATION REQUIREMENTS:

41. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the re-construction of the southerly driveway to a 14 feet wide, one-way exit only driveway and the northerly driveway to a 20 feet wide driveway to current City standards, satisfactory to the City Engineer. Along with reconstruction of the driveways, the Owner/Permittee shall install red curb at the southern driveway, 30 feet of red curb to the north and 15 feet of red curb to the south; and at the northern driveway, 30 feet of red curb to the north, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to any final inspection for the building.

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, 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 20, 2019 by Resolution No. HO-XXX.

ATTACHMENT 5

Permit Type/PTS Approval No.: Conditional Use Permit No. 2115900
Date of Approval: March 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.

ROBERT B. KAHN
Trustee of the Robert Bernard Kahn Trust
Owner

By _____
Name:
Title:

2018HMO, LLC
California, limited liability company
Permittee

By _____
Name:
Title:

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



THE CITY OF SAN DIEGO

Date of Notice: October 26, 2018

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007757

PROJECT NAME / NUMBER: Marijuana Outlet 3940 Home Avenue/599099**COMMUNITY PLAN AREA:** City Heights Neighborhood of Mid-City Communities Plan**COUNCIL DISTRICT:** 9**LOCATION:** 3940 Home Avenue, San Diego, California 92105

PROJECT DESCRIPTION: The project is a request for a Conditional Use Permit for a Marijuana Outlet (MO) to occupy 2,200-square-feet of an existing 2-story, 8,680-square-foot building at 3940 Home Avenue. Project operations include the sales of cannabis products as a State of California licensed outlet, and the hours of operation would be between 7:00 a.m. and 9:00 p.m., seven days a week. The project proposes tenant improvements, consisting of the interior walls within the 2,200 square-foot area of the existing building. The project also proposes improvements consisting of the reconstruction of the existing driveways, curb, gutter, and portions of the sidewalk. The site is designated General Industrial Land Use Area and the Commercial/Industrial area of the Economic Development Element of the Mid-City Community Plan. The 0.42-acre site is located within the IL-3-1 zone of the City Heights Neighborhood of the Mid-City Communities Plan, Central Urbanized Planned District, Geologic Hazards 32 and 52, Very High Fire Hazard Severity Zones, and the Airport Influence Area (Review Area 2) for the San Diego International Airport. (Legal Description: Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof no. 5473, filled in the Office of the County Recorder of San Diego County, October 6, 1964.)

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (c), New Construction or Conversion of Small Structures.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: 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 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 structure. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on

sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. It has 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.

DEVELOPMENT PROJECT MANAGER: Tim Daly
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER / EMAIL: (619) 446-5356/ TPDaly@sandiego.gov

On October 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 (November 13, 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.



CHAPC
P.O. Box 5859
City Heights, CA 92165
(619) 266-7161

MEMORANDUM FOR: Tim Daly – Project Manager, Development Services

From: Committee Chairman
Russ Connelly

Subject: 599099 MO 3940 Home Avenue
611536 MPF 3940 Home Avenue

At the August 6, 2018 CHAPC meeting, the applicant appeared before the committee and presented these projects. This memo highlights the discussion and input that the committee received and heard as a part of this presentation.

Several community members attended and voiced concerns about this project's proximity to nearby housing and parking for the project both at the location and in the surrounding neighborhood. The applicant offered to work with the community to help mitigate issues that might arise from these projects but didn't believe that the projects would cause any issues that could not be solved during modification to the property for the uses requested.

Questions were also asked about security onsite and improvements and layouts that were proposed for the property. Discussion also centered on the understanding that while the local community voted to approved legal marijuana use, the community is concerned about the proximity and number of proposed locations of outlets and production facilities in the community and potential issues of crime and traffic impacts that such facilities could bring to the mostly residential uses adjacent to the proposed facility. Recent crime statistics were cited by the audience. The Chair noted the issues with the current conditions of the property. There was further discussion about the current property ownership and potential for a change in ownership of the parcel if the proposed CUPs are approved.

After one hour of community and committee discussion and input, a motion was made and seconded:

"To approve CUPs for a Marijuana Outlet and a Marijuana Processing Facility at 3940 Home Avenue with the following conditions: No sign spinning advertising, no billboards within ½ mile of the facility, hours of operation to be 9am to 9pm, use and placement of exterior lighting that does not interfere with nearby uses." After discussion of the motion, the chair called for the vote. The vote was 7-8-1 with the Chair not voting and the motion failed. No further motion was proposed by the committee. The recusal was due to the non-profit that a particular member of the committee represented has not taken a formal position on the subject. A straw poll after the vote by the Chair indicated that members of the Committee voted either based on a desire to follow the voter's intent of legalizing marijuana use but also the input of the community who requested that the Committee not approve the CUPs for this project.

	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
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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: HOME AVENUE CONTEMPORARY RETAIL

Project No. For City Use Only: 599099

Project Address: 3940 HOME AVENUE, SAN DIEGO, CA 92105

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

☒ Corporation ☐ Limited Liability -or- ☐ General – What State? CALIFORNIA 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: ROBERT B KAHN ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 8820 CANYON SPRINGS DRIVE
 City: LAS VEGAS State: NV Zip: 89117
 Phone No.: (858) 692-0926 Fax No.: _____ Email: RBKAHN5@GMAIL.COM
 Signature: Robert B Kahn Date: December 14, 2018
 Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: 2018HMO LLC ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency
 Street Address: 3639 MIDWAY DRIVE SUITE B #132
 City: SAN DIEGO State: CA Zip: 92110
 Phone No.: (619) 405-0298 Fax No.: _____ Email: AARONMAGAGNA@GMAIL.COM
 Signature: _____ Date: December 14, 2018
 Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: ☐ Yes ☐ No

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

SITE PLAN NOTES

- Federal Boulevard Marijuana Outlet
Site Plan Proposed
- A. The site plan is for informational and general site reference only. Before commencing any site foundation or slab cutting or excavation, the contractor shall verify and mark locations of all site utilities, dimensions and conditions. These include but are not limited to property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other new or existing site items which could affect in any way the construction for the building. Flag or otherwise mark all locations of site property lines, easements (if any), underground utilities, and indicate utility type.
- B. The Contractor or subcontractor shall notify Owner if any conflicts or discrepancy occurs between the information on this plan and actual field conditions. Do not proceed with work in conflict with these drawing until written or verbal instructions are issued by Owner.
- C. Protect and mark all existing building structure including walls, beams, columns, area separation walls, and other items that are part of the existing structure and not part of the scope of the tenant improvement project. Coordinate with other tenants, the temporary shutoff of any site utilities.
- E. TRANSIT STOP: Nearest transit stop is approximately 1 mile away from project.
- F. BUILDING ADDRESS: Building address numbers must be visible and legible from the street or road fronting the property, per FHPS Policy P-00-6 (UFC 901.4.4)
- G. No obstruction including solid walls in the visibility area shall exceed 3 feet in height. Plant material, other than trees, within the public right-of-way that is located within visibility areas shall not exceed 24 inches in height, measured from the top of the adjacent curb.
- H. 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 San Diego Municipal Code, in the construction plans or specifications.
- I. The City of San Diego requires any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction PMP Standards Chapter 4 of the City's Storm Water Standards.
- J. No trees or shrubs whose height will be 3' at maturity shall be installed or retained within 5' of any publicly maintained water facilities or within 10' of any publicly maintained sewer facilities.
- K. No water, sewer, or general utility easements associated with the property under review.
- E. NO CHANGES TO EXISTING ON SITE UTILITIES
- F. No transit stops within a 1,000 ft. & none proposed
- G. NO KNOWN EXISTING OR PROPOSED EASEMENTS.
- H. Provide building address numbers, visible & legible from the street or road fronting the property per FHPS Policy P-00-6 (UFC 901.4.4)
- I. No proposed sidewalks, curb & gutters.
- L. No proposed damaged sidewalk panels along the project frontage.
- K. If any damaged sidewalk panels are present, these shall be replaced joint-to-joint.

pacific design concepts, llc

6725-s. eastern avenue
las vegas, nevada 89118
(702) 454-5842 fax (702) 454-7842

project title :
MARIJUANA OUTLET
HOME AVE.
3940 HOME AVE.
SAN DIEGO CA, 92105

SETBACK NOTES

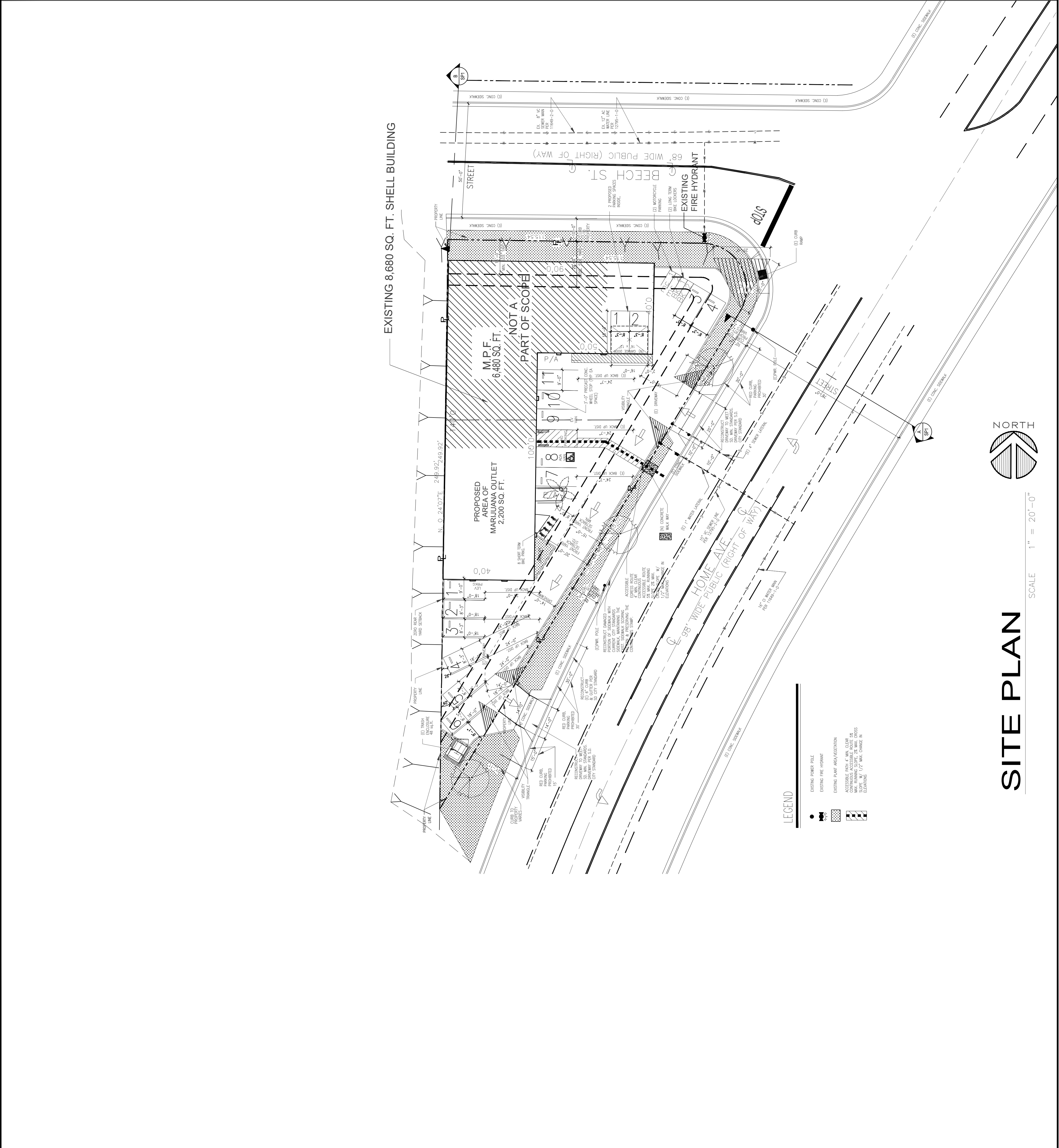
SETBACKS PER
SDMC 131.0543 (a) (2)

PROPOSED
SITE PLAN

Sheet title :

Issue dates :
drawn by :
checked by :
Project no. :
revisions :
Sheet no.

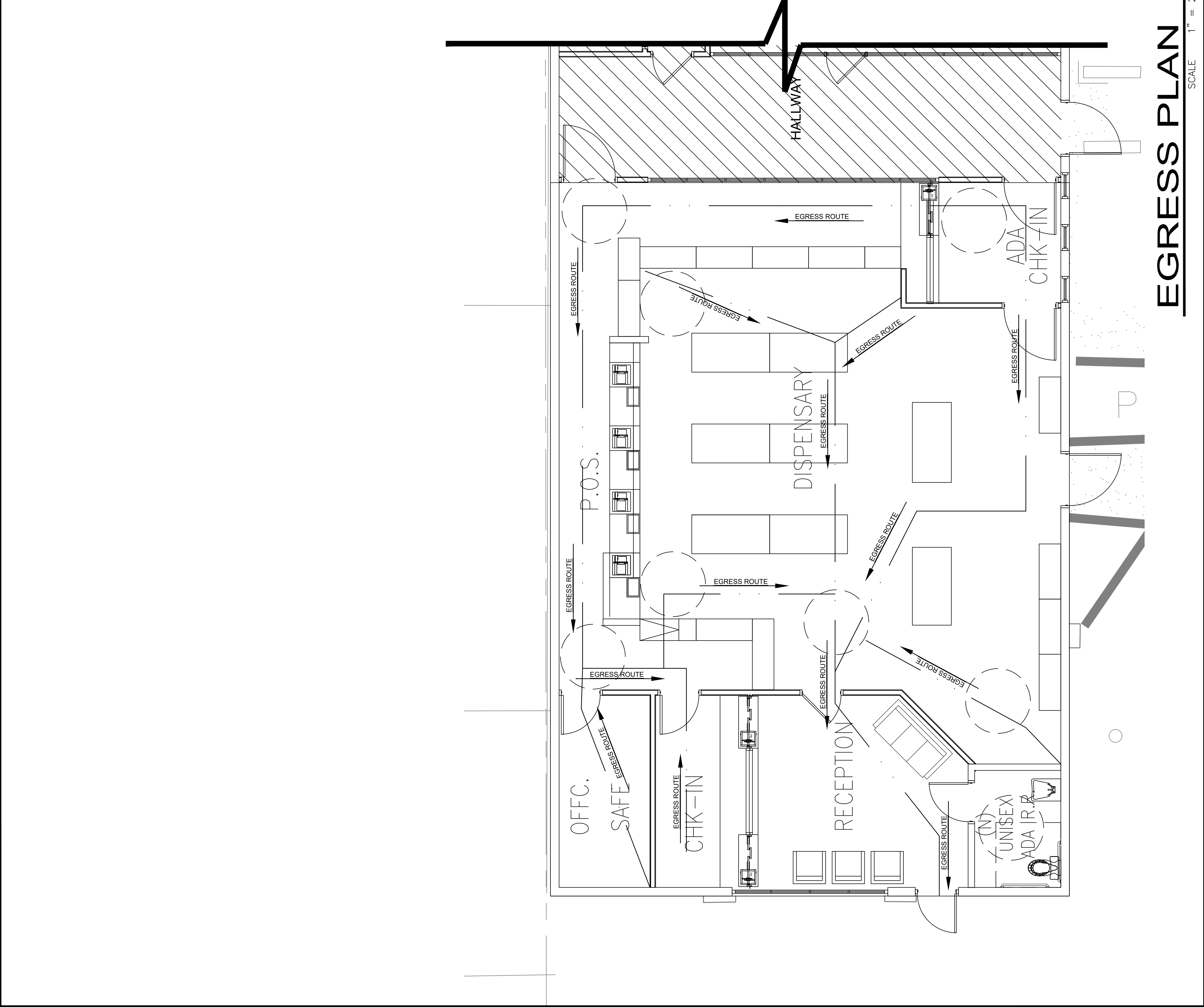
SP2



SITE PLAN

SCALE 1" = 20'-0"

NORTH



DESIGN OCCUPANT LOAD – The number of occupants whom means egress facilities shall be provided.

Where occupants from accessory area egress through a primary space, the calculated occupant load for the primary space plus the number of occupants egressing through it from the accessory area.

Minimum Egress Width – The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.3 inches as (7.62 mm) per occupant for stairways and by 0.2 inches (5.08 mm) per occupant for other egress components. Multiple means of egress shall be sized such that the loss of any one means of egress shall not reduce the available capacity to less than 50 percent of the required capacity. The maximum capacity required from any story of a building shall be maintained to the termination of the means of egress.

DOOR ENGAGEMENT – Doors, when fully opened, and handrails shall not reduce the required means of egress width by more than 7 inches (178 mm). Doors in any position shall not reduce the required width by more than one-half. Other nonstructural projections such as trim and similar decorative features shall be permitted to project into the required width a maximum of 1½ inches (38 mm) on each side. (CBC 1005.2)

EGRESS DOORS - Egress doors shall be readily openable from the egress side without the use of a special key knowledge or effort. (CBC 1008.1.9)

EGRESS ILLUMINATION – The means of egress, including the exit times the building space served by the means of egress is occupied. Egress illumination shall comply with CBC 2010 Section 1006.

ILLUMINATION EMERGENCY POWER – The power supply for means of egress illumination shall be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.
2. Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.
3. Exterior egress components at other than their levels of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
4. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.

Exterior landings as required by Section 1008.1.6 for exit discharge required to have two or more exits.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with CBC 2016 Section 2702. Illumination level under emergency power. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 footcandle (11 lux) and a minimum at any point of 0.1 footcandle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 footcandle (6 lux) average and a minimum at any point of 0.06 footcandle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-maximum illumination uniformity ratio of 40 to 1 shall not be exceeded.

EGRESS PLAN NOTES

- Egress Plan - Proposed Accessibility Notes
1. All entrances and all exterior ground-floor exit doors to buildings and facilities shall be made accessible to persons with disabilities. (Sec. 11338.1.1.1.1)
 2. Latching and locking hand activated doors in a path of travel shall be operable with a single effort by lever type hardware, panic bars, push pull activating bars, or other hardware designed to provide passage without requiring the ability to grasp the opening hardware. Locked exit doors shall operate as above in egress direction. (Sec. 11338.2.5.2)
 3. Hand activated door opening hardware shall be centered between 30 inches (762 mm) and 44 inches (1118 mm) above the floor. (Sec. 11338.2.5.2)
 4. The width and height of doorways shall comply with section 1008. Every required exit doorway shall permit the installation of a door not less than 3 feet (914 mm) wide and not less than 6 feet (1829 mm) high. Exit doors shall be capable of opening at least 90 degrees clear width, not less than 32 inches clear width (813mm). (Sec. 11338.2.2 and Figure 11B-33) except where noted.
 5. For hinged doors, the opening width shall be measured with the door positioned at an angle of 90 degrees from its closed position. (Sec. 1133.2.3 and Fig. 11B-33).
 6. Minimum maneuvering clearances at doors shall be as shown in Figures 11B-26A and 11B-26B. The floor or ground area within the required clearances shall be level and clear (Sec. 11338.2.4.2).
 7. There shall be a level and clear floor or landing on each side of a door. The level area shall have a length in the direction of door swing of at least 60 inches (1524 mm) and the length opposite the direction of door swing of 48 inches (1219 mm) as measured at right angle to the plane of the door in its closed position (Sec. 11338.2.4.2 and Fig. 11B-26A and 11B-26B). The width of the level area on the side to which the door swings shall extend 24 inches (610 mm) minimum past the strike edge of the door for exterior doors and 18 inches (457 mm) minimum past the strike edge for interior doors. This also applies to obstructions and recesses. An additional 12 inches is required at the push side if a frontal approach, if door is equipped with both latch and closer (Sec. 113382.4.3, 11338.2.4.5, 11338.2.5.3, Figures 11B-26A and B, and 11B-33(a)).
 9. The floor or landing shall be not more than ½ inch (12.7 mm) lower than the threshold of the doorway. Change in level between ¼ inch (6mm) and 275 inch (12.7 mm) shall be beveled with a slope no greater than one unit vertical to 2 unit horizontal (50-percent slope) (Sec. 11338.2.4.1 and Figures 11B-32) and 10 inches (254 mm) of all doors except automatic and sliding shall have a top uningrained surface to allow the door to be opened by a wheelchair footrest without creating a trap or hazardous condition. Where narrow frame doors are used, a 10 inch (254 mm) high smooth panel shall be installed on the push side. (Sec. 1133.2.6 and Fig 11B-29).
 11. Maximum effort to operate doors shall not exceed 5 pounds (22 N) for exterior and interior doors, applied at right angles to hinged doors and at the center plane of sliding or folding doors. Compensating devices or automatic door operators may be utilized. The maximum effort to operate fire doors may be increased up to 15 pounds (66.72 N) if allowed by the appropriate administrative authority. (Sec. 11338.2.5)
 12. Specific work stations need only comply with the required aisle width (Sec. 11338.6.1 and 11338.6.2 and floors and levels (Sec. 11208). (Sec. 11238.2).
 13. Clearways to specific work stations shall be 32 inches clear width. (Sec. 11238.2)
 14. PROVIDE PANIC HARDWARE AT EXIT DOORS WHERE NOTED.
 15. Gates used as a component in a means of egress shall conform to the applicable requirements for doors. (Sec. 1008.2)
 16. Exterior Exit doors shall have a sign posted above stating: DOOR TO REMAIN UNLOCKED DURING REGULAR BUSINESS HOURS. (Sec. 1008 1.9.3)
 17. Public accommodations shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and useable by persons with disabilities isolated or temporary interruptions in service or accessibility due to maintenance or repairs shall be permitted. §11B-302.1
 18. Means of egress doors shall be readily distinguishable from the surrounding area and finishes such that the doors are easily recognised. Mirrors or similar reflecting materials shall not be used.
- Egress & Accessibility Notes
- ACCESSIBLE ROUTE – Accessible routes shall comply with CBC 2016 Section 11B-402. Walking surfaces shall provide clearances complying with CBC 2016 Section 11 B-403.5. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48. Except as provided in CBC 2016 Sections 11B-403.5.2 and 11B-403.5.3, the clear width of walking surfaces in corridor serving an occupant load of 10 or more shall be 44 inches (1118 mm) minimum. The clear width for sidewalks shall be 48 inches (1219 mm) minimum.
- MEANS OF EGRESS – Continuous and unobstructed path of vertical and horizontal egress travel from an occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge. Means of Egress shall comply with CBC 2016 Chapter 10.

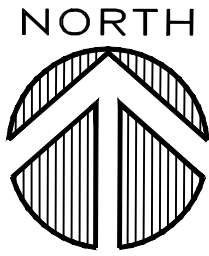
project title :
HOME AVE.
MARIJUANA OUTLET
3940 HOME AVE.
SAN DIEGO CA. 92105
6725-S, eastern avenue
las vegas, nevada 89118
(702) 454-5842 fax (702) 454-7842

project title :
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MARIJUANA OUTLET
3940 HOME AVE.
SAN DIEGO CA. 92105

Sheet title :
EGRESS PLAN

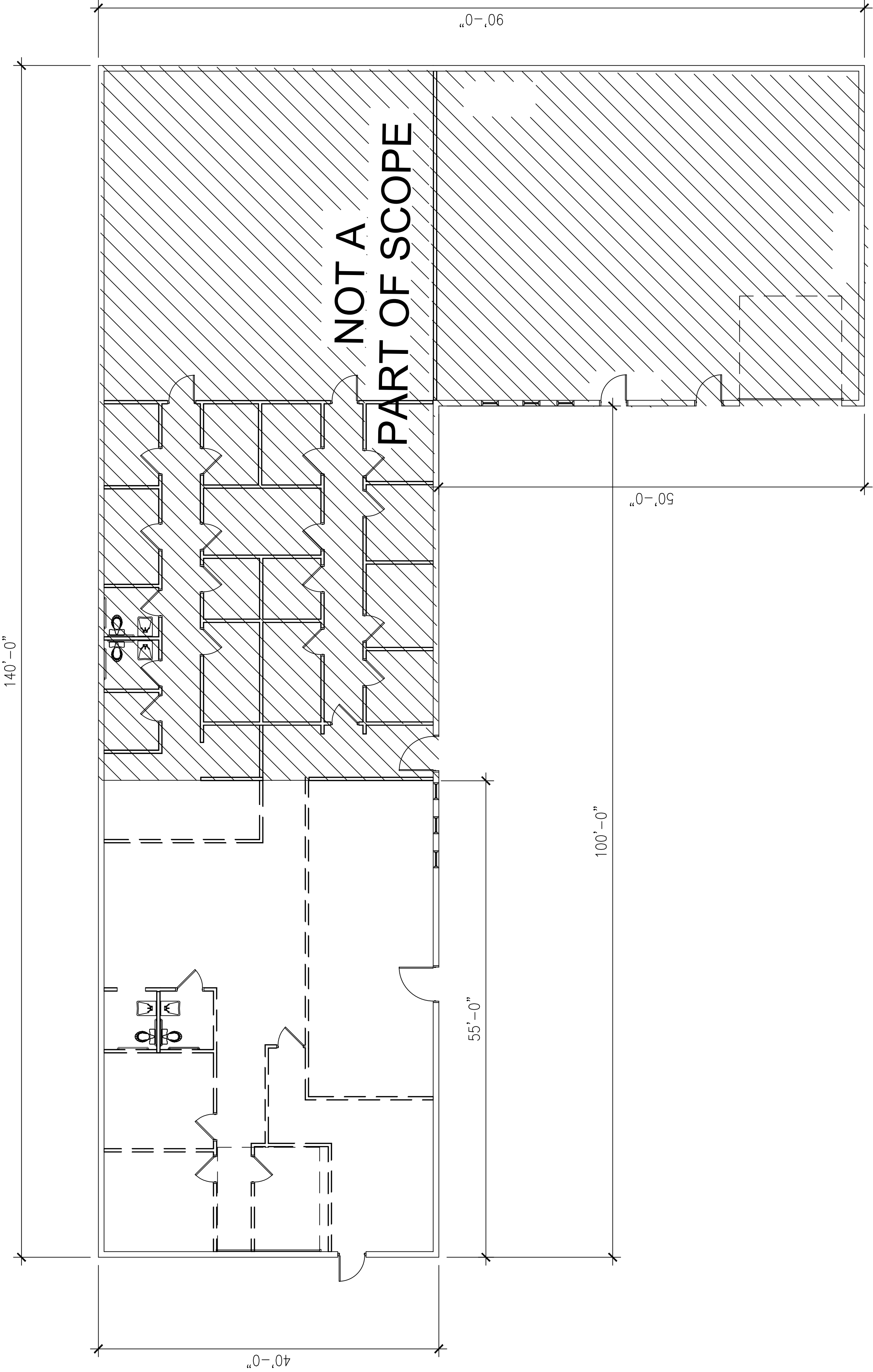
Issue dates :
drawn by :
checked by :
Project no. :
Revisions :
Sheet no.

AE1.01



DEMO PLAN

SCALE 1/4" = 1'-0"



Wall Legend:

- EXISTING TO REMAIN
- EXISTING TO BE REMOVED

DEMO NOTES:

- Demolition Notes
- Removal of existing interior walls and doors.
 - Contractor shall verify all existing structures, containers and objects to be removed prior to commencement of work.
 - Contractor to verify all property boundaries, location of all utilities -underground and overhead existing on the property.
 - All demolition material shall be disposed of at city approved locations by contractor.
 - Notify Pacific Design Concepts of any discrepancy found in the information provided in these plan. Prior to commencement of work.

sheet no.

revisions :

project no. :

checked by :

drawn by :

issue dates :

DEMOLITION
PLAN

Sheet title :

project title :
HOME AVE.
MARIJUANA OUTLET
3940 HOME AVE.
SAN DIEGO CA. 92105

pacific design concepts, llc
6725-s. eastern avenue
las vegas, nevada 89118
(702) 454-5842 fax (702) 454-7842

ROOF PLAN NOTES

1. The General Contractor or Subcontractor shall verify all conditions or dimensions on plans and in the field with the actual site conditions.
2. Written dimensions shall take precedence over scaled dimensions and shall be verified on the job site. On-site verification of all dimensions and conditions shall be the sole responsibility of the General Contractor and Subcontractors.
3. The Contractor or subcontractor shall notify Owner of any conflicts or discrepancies occurs between the information on this plan and actual field conditions.
4. Any discrepancies with this drawing affecting project layout shall be brought written with Owner and the architect.
5. This Roof Plan is intended to depict existing conditions based on field observations.
6. NO ROOF, DECK OR BALCONY DRAINS PROPOSED FOR THIS PROJECT.

ROOF PLAN

sheet title :

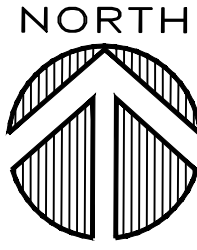
drawn by :

project no. :

A2.00

ROOF PLAN

SCALE 1" = 20'-0"



BEECH ST.®

CONCRETE
BLOCK BLDG

(E) 1/8" 
SLOPE TYP.

(E) 1/8"

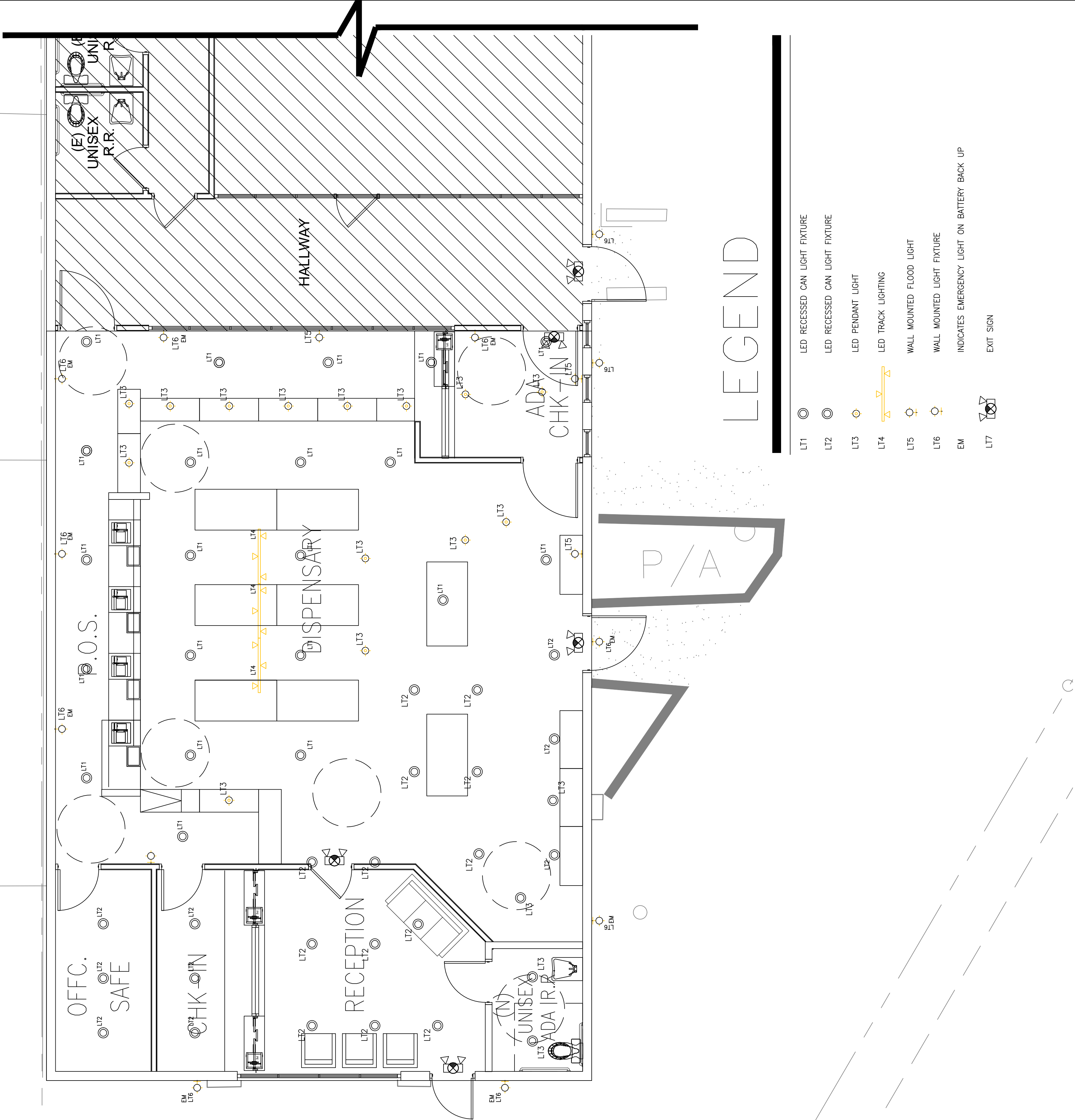
SLOPE TYP.

(E) $1/8"$
SLOPE TYP.

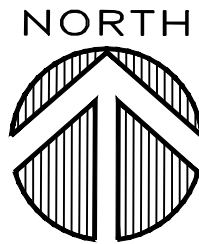
LIGHTING PLAN NOTES

Lighting Plan Proposed

1. The locations of switches, outlets and light fixtures shown on electrical plans are approximate. The owner shall be responsible for determining the correct locations. Do not run wire until all boxes are in place and the owner has been called to make visual review of all locations.
2. Verify all electrical requirements for new work and provide service as necessary. All new work shall be installed in accordance with the latest edition of the N.E.C. state and local codes.
3. Kitchens shall have 50% for more of the wattage used for lighting be from high efficiency lighting fixtures. Incandescent lighting shall be switched separately and/or have dimmer switches.
4. Exterior light fixtures attached to building shall be fluorescent light fixtures or incandescent lighting with photo/motion sensor.
5. All electric switches unless noted on the plan are to be located 42 inches above the finish floor.
6. All outlet receptacles shall be 15 inches above finish floor, unless noted otherwise. Verify locations for horizontally mounted outlets (marked "Horizontal" on plans). Multiple switches shall be ganged together, unless noted otherwise.
7. Verify the location of light fixtures shown on plans are from finish floor or finished ceiling. Verify the location of light fixtures shown on plans are from finish floor or finished ceiling of junction box, unless noted otherwise. Also, refer to exterior and interior elevations for additional information regarding fixture-mounting heights.
8. Verify the location of light fixtures shown on plans are from finish floor or finished ceiling of junction box, unless noted otherwise. Also, refer to exterior and interior elevations for additional information regarding fixture-mounting heights.
9. Convenience outlets in bedrooms shall be protected with Arc Fault (GFCI) type outlets (NEC120-8).
10. Convenience outlets in bedrooms shall be protected with Arc Fault (GFCI) type outlets (NEC120-12).
11. Electrical outlet plate gaskets shall be installed on all receptacles, switches or other electrical equipment in exterior walls and any wall on perimeter of conditioned space. Equipment shall be installed in accordance with manufacturer's instructions for proper equipment prior to turning on. Verify the location of light fixtures shown on plans are from finish floor or finished ceiling of junction box, unless noted otherwise. Also, refer to exterior and interior elevations for additional information regarding fixture-mounting heights.
12. See Appliance Schedule and floor plans for equipment.
13. All electrical panels shall have permanent legible labels indicating circuit use, amperage, etc.
14. Owner supplied fixtures shall be installed by contractor.
15. Verify with owner number of telephone lines to be provided to residence. Pre-wire for cable TV and telephone per plans. Verify size and shielding requirements for TV cable. Verify locations for telephones, cable and computer outlets with owner prior to installation.
16. Verify with owner any electrical stub outs for future electrical.
17. Verify with owner and coordinate installation requirements of sound system and speaker wire to be installed in accordance with manufacturer's instructions. (System and wiring are not in contract unless specified in bid).
18. SMOKE DETECTORS: Shall be installed in each bedroom, in access points to each sleeping area and in each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Per CRC 2013 Sec. R314
19. INTERCONNECTION NOTE: Where more than one smoke alarm is required to be installed, the smoke alarm shall be interconnected in such manner that the activation of one smoke alarm shall activate all the alarms in the individual dwelling unit. The alarm shall be activate audible in all sleeping areas and in each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Per CRC 2013 Sec. R314
20. POWER SOURCE: In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery back-up. Smoke alarms shall emit a signal when the batteries are low.
21. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.
22. EXISTING BUILDINGS: Smoke detectors shall be installed for all dwelling units intended for human occupancy, for a permit for alterations, repairs, or additions, exceeding one thousand dollars (\$1,000). Contractor to verify with the owner and coordinate any electrical requirements for the installation of security system and/or intercom system. (System and wiring not in contract in bid).
23. Junction boxes for ceiling fans shall be securely fastened to framing instructions.
24. Provide Carbon Monoxide Alarms per CRC 2013Sec. R315.



LT1		LED RECESSED CAN LIGHT FIXTURE
LT2		LED RECESSED CAN LIGHT FIXTURE
LT3		LED PENDANT LIGHT
LT4		LED TRACK LIGHTING
LT5		WALL MOUNTED FLOOD LIGHT
LT6		WALL MOUNTED LIGHT FIXTURE
LEM		INDICATES EMERGENCY LIGHT ON BATTERY BACK UP
LT7		EXIT SIGN



LIGHTING PLAN

SCALE 1/4" = 1'-0"

pacific design concepts, llc
 6725-5-s. eastern avenue
 las vegas, nevada 89118
 (702) 454-5842 fax (702) 454-7842

project title :
HOME AVE.
MARIJUANA OUTLET
3940 HOME AVE.
SAN DIEGO CA. 92105

sheet title :

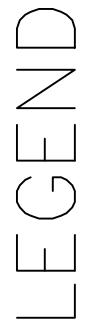
PLAN

issue dates :
drawn by :
checked by :
project no. :
revisions :
sheet no.

A3.00

Security Plan Proposed

1. Refer to condition use permit conditions for additional information.
2. Check in / Reception area shall be LEVEL 1 Bullet resistant, including windows, from floor to ceiling. Ceiling @ 8' at this area.
3. Safe room area shall be LEVEL 1 Bullet resistant, including windows, from floor to ceiling. Ceiling @ 8' at this area. All windows are above 8' at safe area.



- | | |
|---|---|
|  | SECURITY CAMERA |
| 21 | INTERIOR SECURITY CAMERAS |
| 9 | EXTERIOR SECURITY CAMERAS |
|  | LEVEL 1 BULLET RESISTANT WALL ASSEMBLY. |

SECURITY PLAN

SCALE $1/4" = 1'-0"$

ELEVATION NOTES

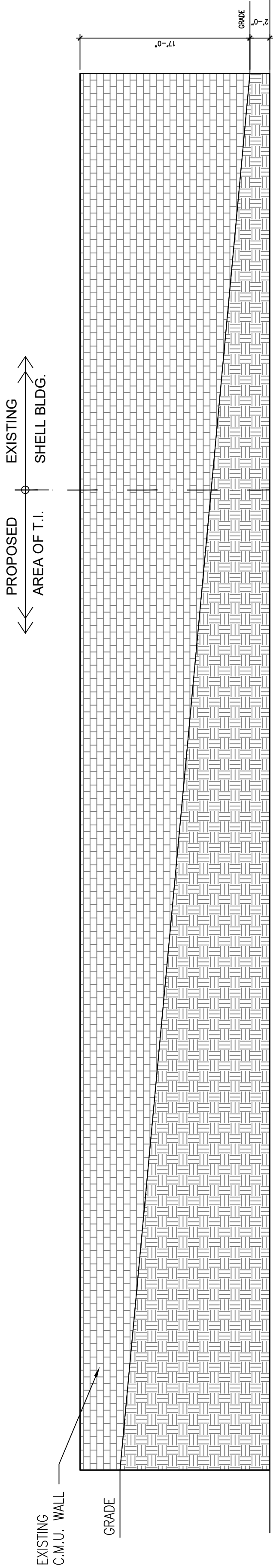
Existing Exterior Elevation

PLEASE NOTE , NO EXTERIOR MODIFICATIONS ARE PROPOSED.

Elevation lines shown are from top of slab (TOSL)

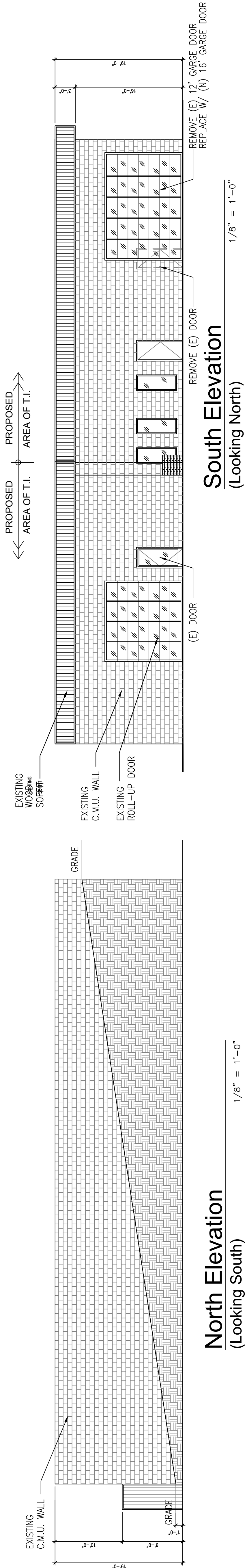
A. See sheet A6.00 for Building Sections

B. The pre-construction inspection must be scheduled and cleared by the field inspector before any subsequent inspections can be scheduled. Call (858) 581-7111 to schedule the pre-construction inspection. Contact inspection services office at 492-5070, if you have any questions pertaining to the Pre-construction inspection.



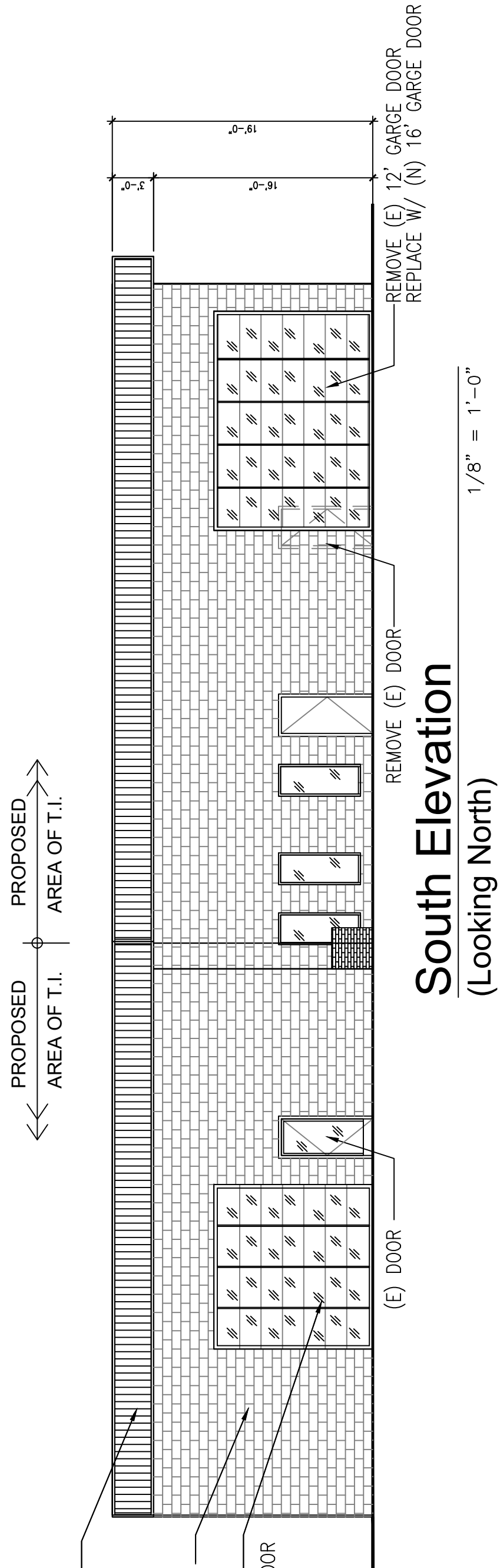
West Elevation
(Looking East)

1/8" = 1'-0"



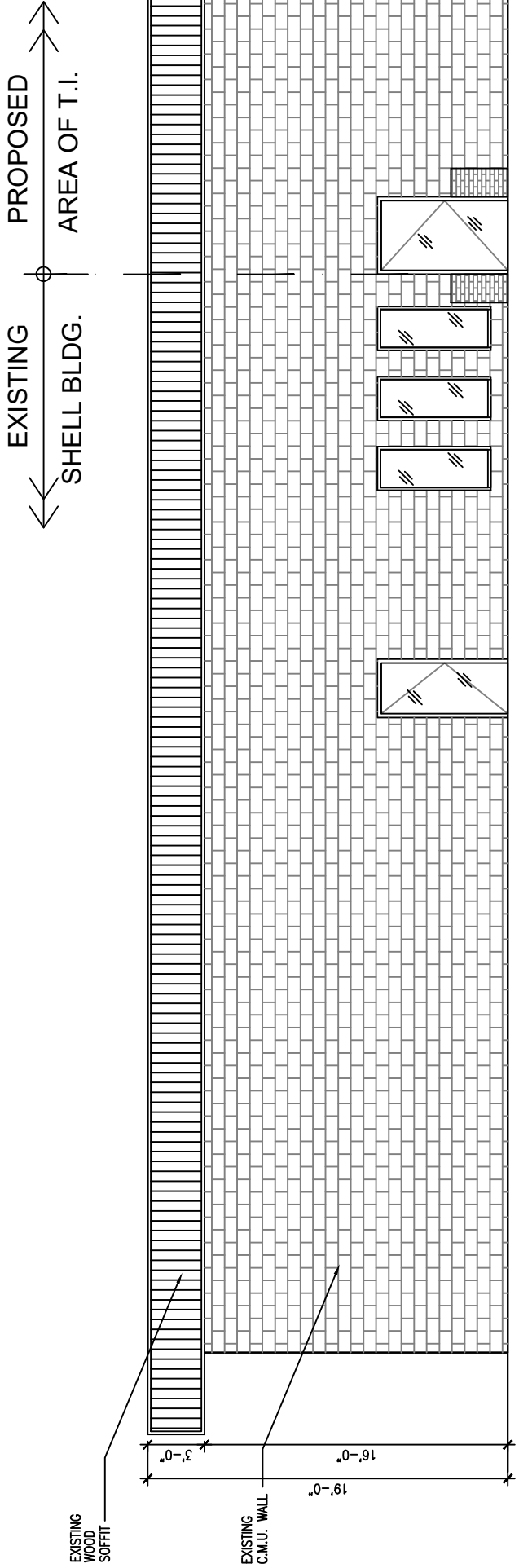
North Elevation
(Looking South)

1/8" = 1'-0"



South Elevation
(Looking North)

1/8" = 1'-0"



East Elevation
(Looking West)

1/8" = 1'-0"

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pacific design concepts, llc

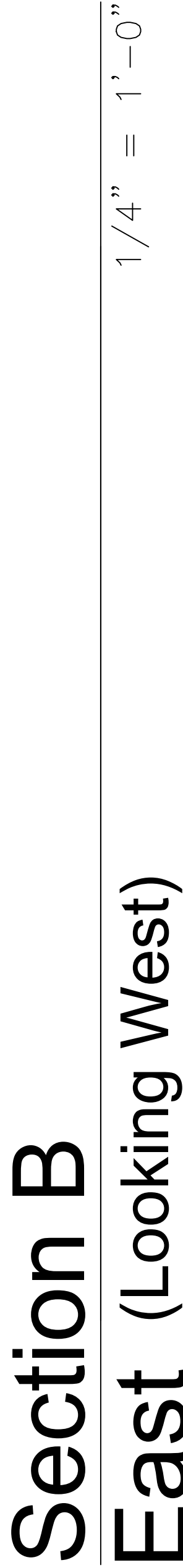
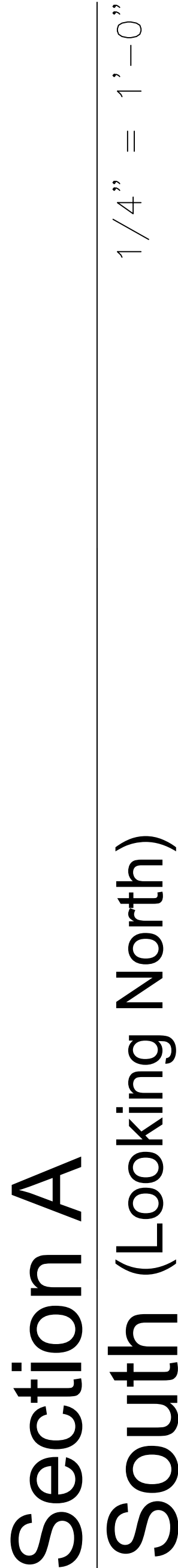
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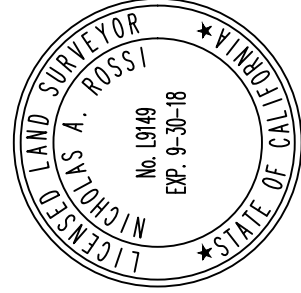
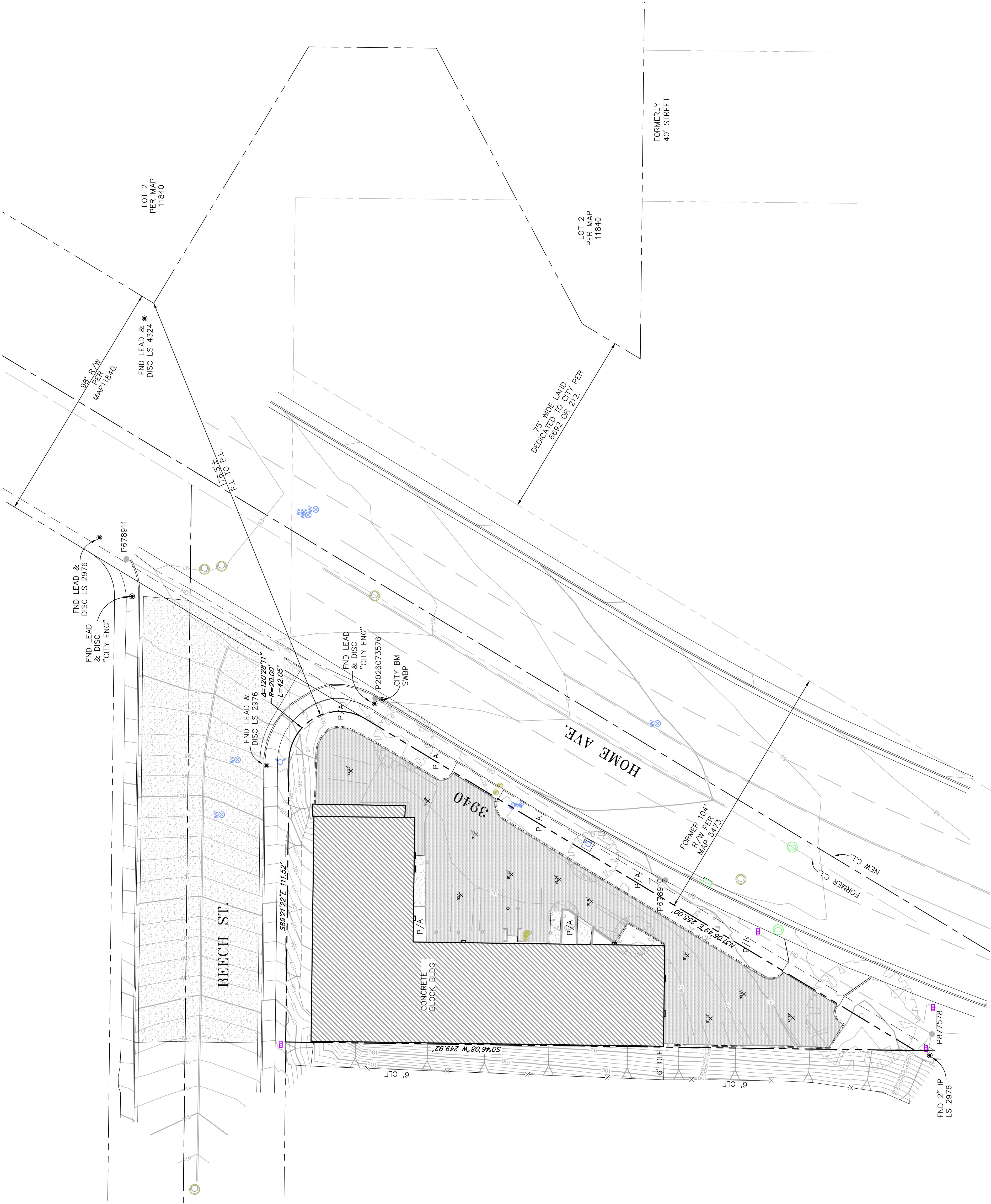
Sheet title :
Exterior
Elevations

Issue dates :
drawn by :
checked by :
Project no. :
Revisions :
Sheet no.

A5.00

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TOPOGRAPHIC MAP & BOUNDARY SURVEY

PREPARED FOR: A. MAGAGNA DATE SUBMITTED: 3/19/2018

JOB NUMBER
18-0002

SHEET NUMBER
1
OF
1 SHEETS
SCALE
HORIZONTAL: 1"=20'

NOTES

THIS IS A TOPOGRAPHIC AND BOUNDARY SURVEY OF LOT 5 PER MAP No. 5473,
DATED 10/06/1984.

WORK WAS PERFORMED ON 3/17/2018.

BASIS OF COORDINATES

THE COORDINATES ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983
THE COORDINATES ARE BASED ON THE OBSERVED LINE
ZONE VI AT EPOCH 1891.35, AND ARE BASED ON POINT #1068 PER PUBLISHED
RECORD OF SURVEY 14482. THE GRID VALUE FOR
#1068 = N=1846363.42 SFT, E=6290447.33 SFT.

BASIS OF BEARINGS:

BEARINGS ARE REFERENCED TO GRID NORTH AS DEFINED BY THE CALIFORNIA
COORDINATE SYSTEM 1983, ZONE VI AND ARE BASED ON THE OBSERVED LINE
FROM POINT #1068 TO POINT #1153, SMD BEARING = N 81°47'14" E

ELEVATIONS:

ELEVATIONS ARE REFERENCED TO NGVD29, UTILIZING GEOID12A AND DETERMINED
LOCALLY BY CITY OF SAN DIEGO BENCHMARK. BENCHMARK IS A SOUTHWEST
BRASS PLUG AT THE INTERSECTION OF BEECH ST. AND HOME AVE.
NGVD ELEVATION = 91.717 SFT.

SYMBOL LEGEND

- TELEPHONE RISER
- FOUND MONUMENT AS NOTED
- CLF CHAINLINK FENCE
- SPOT ELEVATION
- POWER POLE
- FIRE HYDRANT
- WATER VALVE
- BACK FLOW PREVENTER
- WATER METER
- STORM DRAIN MANHOLE
- SEWER MANHOLE
- SEWER CLEANOUT
- SIGN
- BOLLARD
- P/A PLANTED AREA
- AC BERM
- OVERHEAD ELECTRIC
- SUBJECT PROPERTY LINES
- NEIGHBORING PROPERTY LINES
- FENCE LINE AS NOTED
- ASPHALT PAVING
- CONCRETE PAVING

NO.	BY	DATE	REVISIONS:

PS

Sheet no.

revisions :

project no. :

checked by :

drawn by :

issue dates :

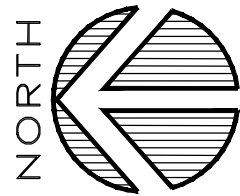
consultant :

Photo Survey

project title :
Home Ave.
MARIJUANA OUTLET
3940 HOME AVE.
SAN DIEGO CA. 92105

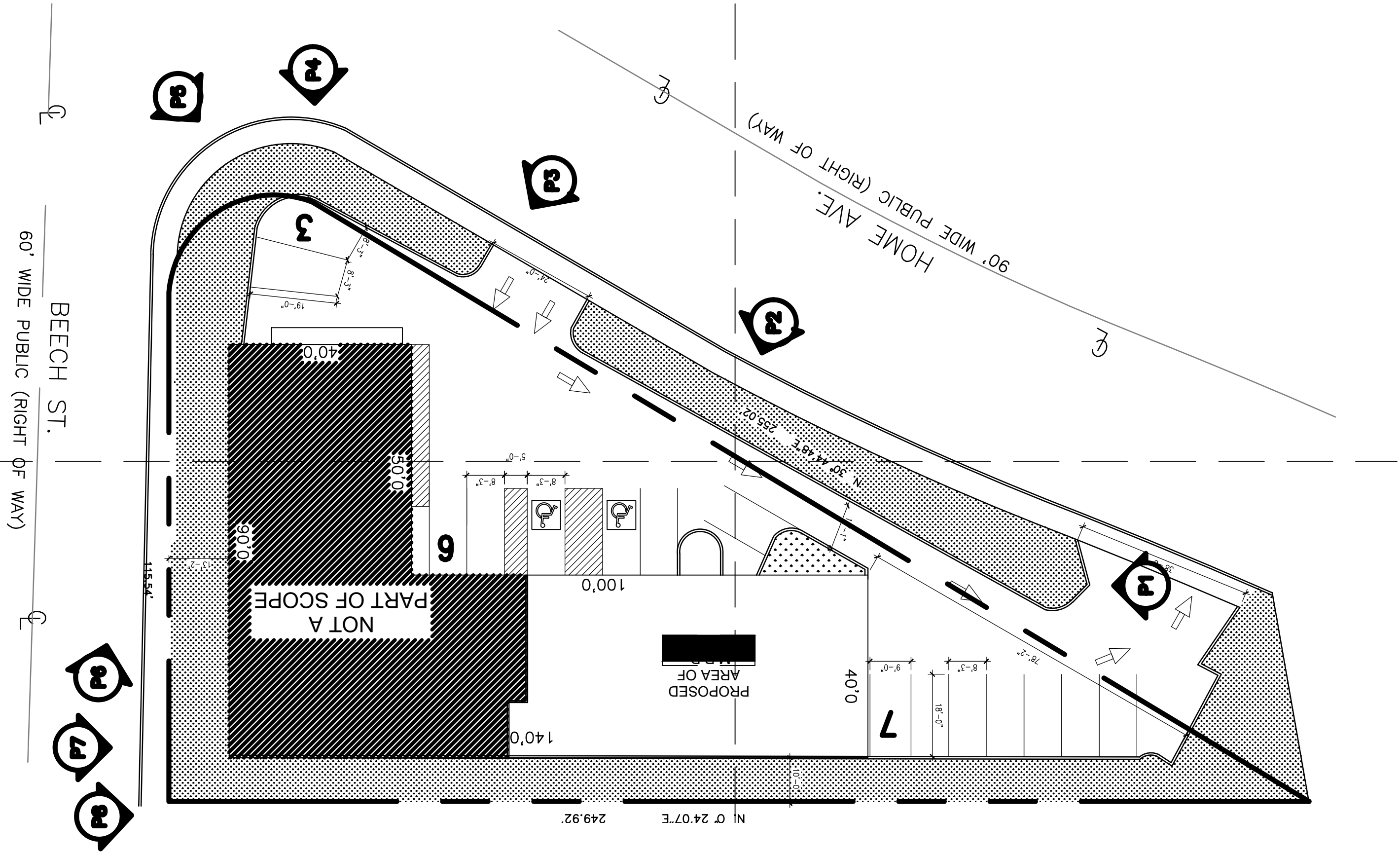
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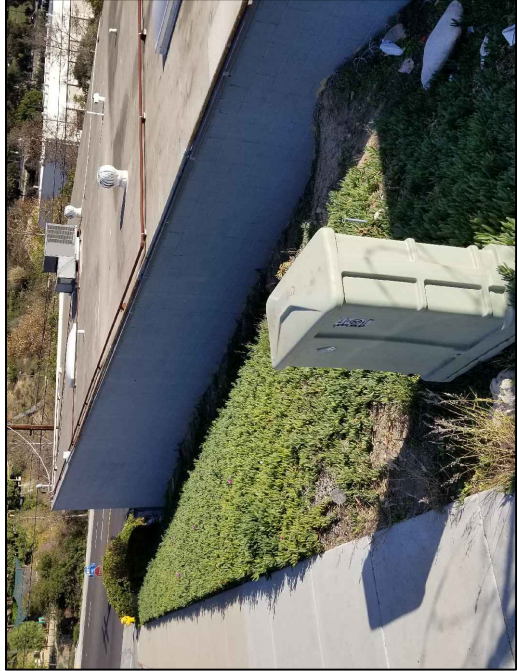


Existing Site Plan

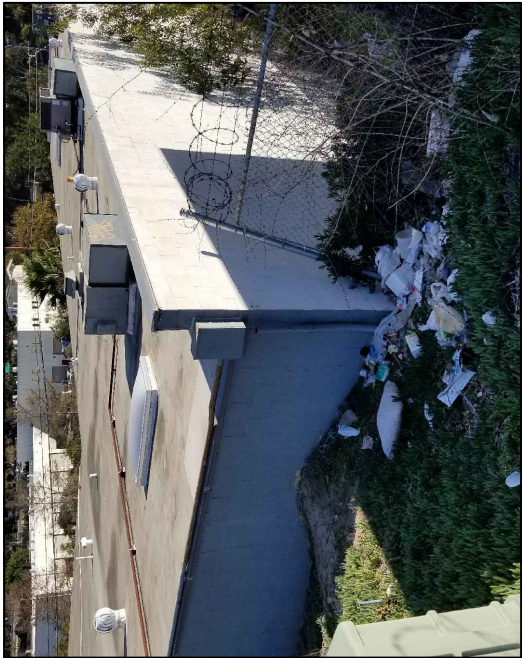
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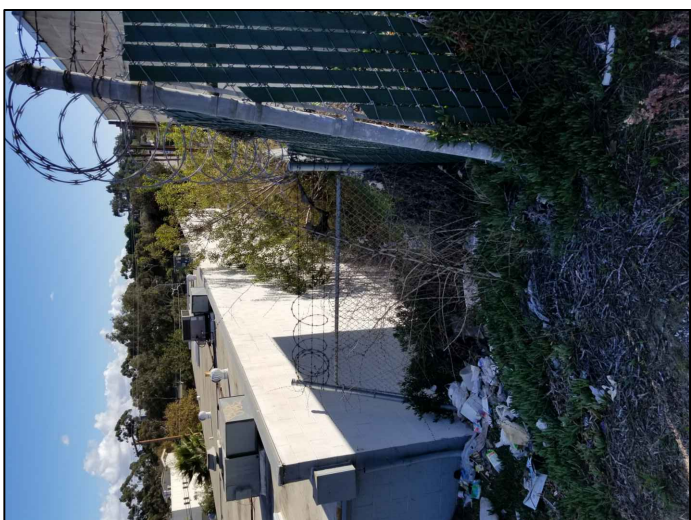
P5



P6



P7



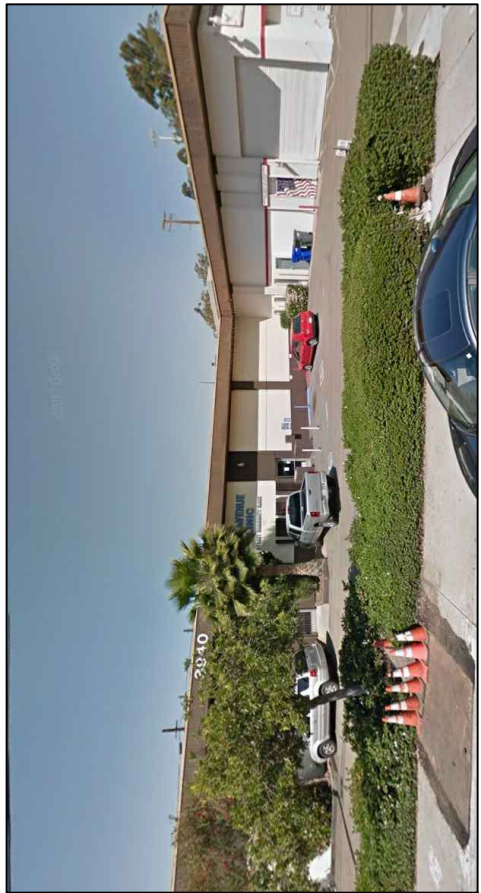
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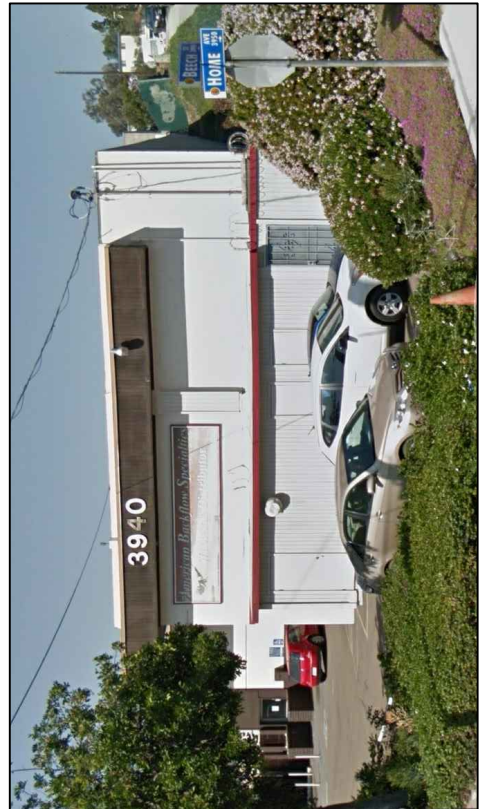
P1



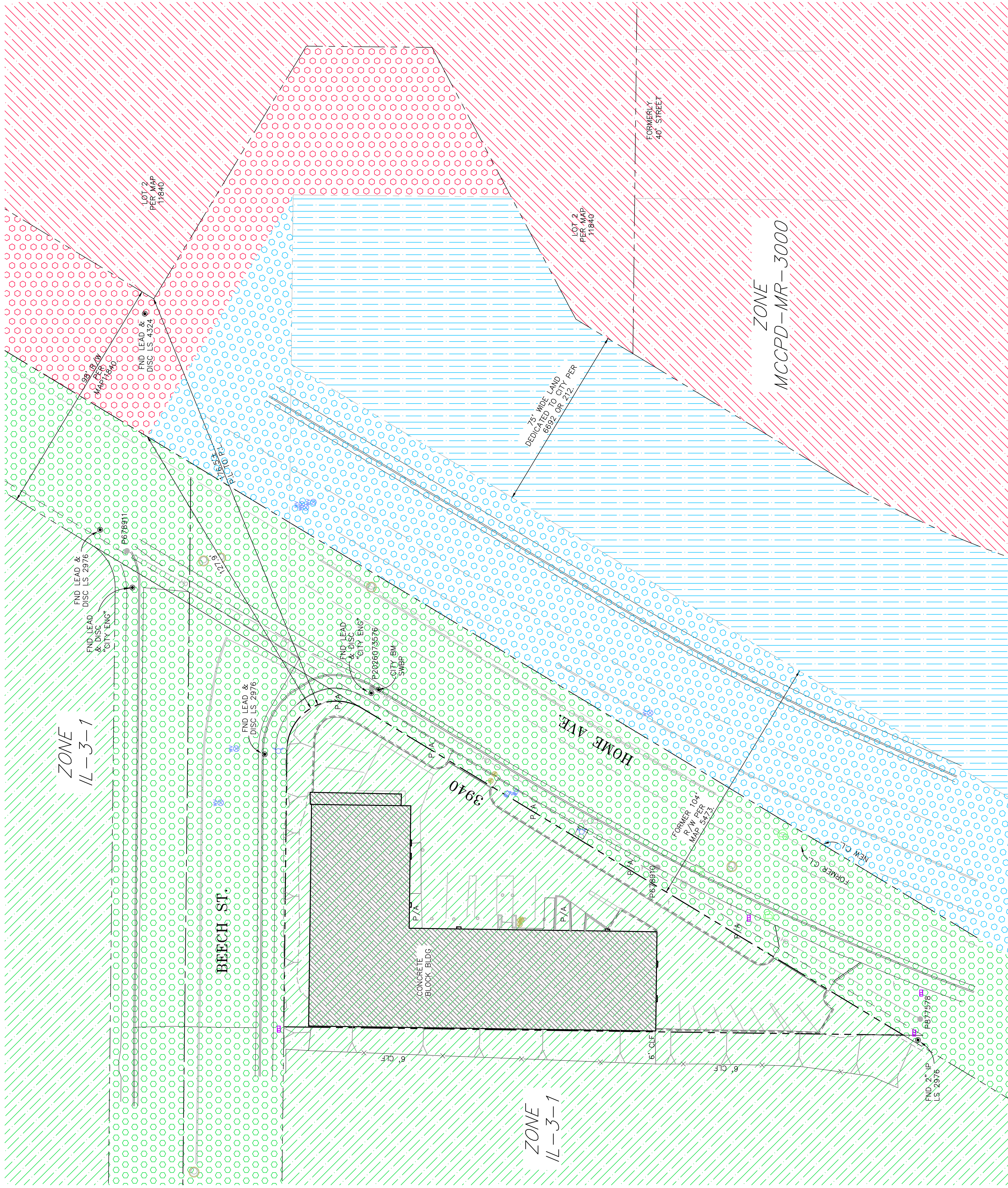
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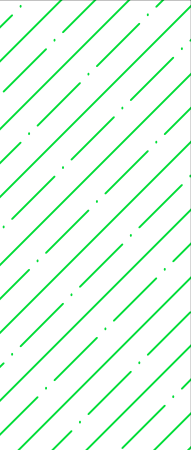
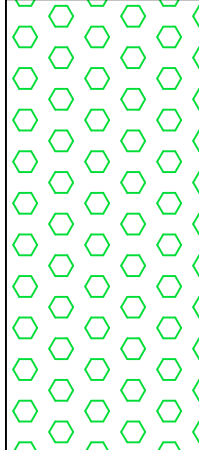
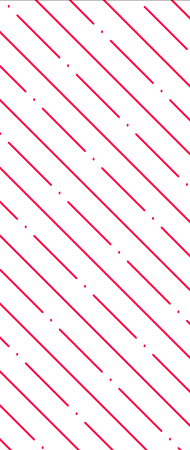
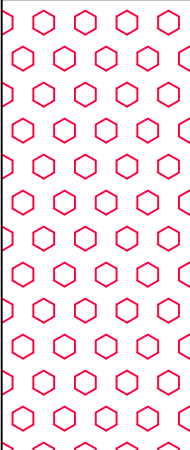
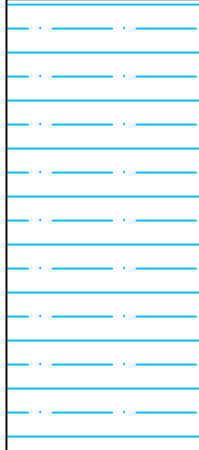
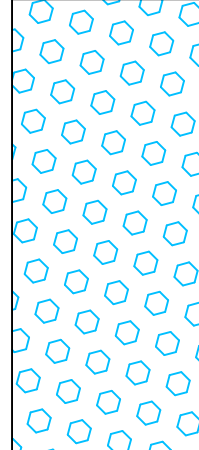


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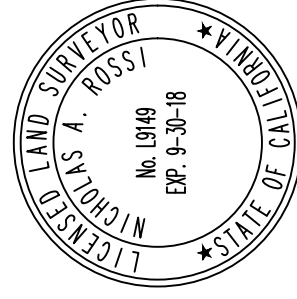


P4



INDUSTRIAL ZONE PROPERTY	
INDUSTRIAL ZONE RIGHT OF WAY	
FUTURE RESIDENTIAL	
FUTURE RESIDENTIAL RIGHT OF WAY	
CITY OF SAN DIEGO DRAINAGE AREA	
RIGHT OF WAY	

NO.	BY	DATE	REVISIONS:



ZONE EXHIBIT #1

PREPARED FOR: A. MAGAGNA DATE SUBMITTED: 5/17/2018

SHEET NUMBER
1
 OF 1
 SCALE
 HORIZONTAL: 1"=20'
 JOB NUMBER
18-0002