



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: May 8, 2019 REPORT NO. HO-19-047

HEARING DATE: May 15, 2019

SUBJECT: MPF 8020 Ronson Road, Process Three Decision

PROJECT NUMBER: [599948](#)

OWNER/APPLICANT: Neva L. Hartjen and Tim Monetta, Co-Trustees of the Hartjen Family 1983 Trust, Owner and RS Industries, LLC, a California limited liability company, Applicant.

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production located at 8020 Ronson Road, in the IL-2-1 Zone of the Kearny Mesa Community Plan area?

Staff Recommendation: Deny Conditional Use Permit No. 2120761

Community Planning Group Recommendation: On January 16, 2019 the Kearny Mesa Planning Group voted 6-6-0 to recommend approval of the proposed project without conditions or recommendations.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15332, In-Fill Development Projects. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 29, 2019. The scope of the subject hearing only includes the project, and not the environmental determination.

BACKGROUND


The project is a request for a Conditional Use Permit (CUP) pursuant to San Diego Municipal Code ([SDMC](#)) [section 126.0303](#) to operate a 15,303 square-foot Marijuana Production Facility (MPF) within an existing 12,960 square-foot building, project proposes to construct a 2,343 square-foot addition and a 1,550 square-foot patio to an existing building located on a 0.88-acre site at 8020 Ronson Road in the Kearny Mesa Community Plan area. The site is improved with a one-story building constructed in 1976 and rear addition in 1978. Currently the building is being used as a veterinary hospital facility (Attachment 3).

Pursuant to [SDMC section 141.1004](#), MPFs are restricted to forty City-wide, within light and heavy industrial zones. As of the published date of this report, 30 CUP applications for MPFs have been approved. 10 additional CUP applications for MPFs have been approved by the Hearing Officer; however, the decisions of the Hearing Officer on these applications have been appealed to the Planning Commission. The appeals to Planning Commission are currently in process.

Conclusion:

As of April 3, 2019, the City of San Diego Hearing Officer has approved a total of 40 CUP applications for MPFs. Pursuant to SDMC section 141.1004, no more than 40 MPFs may be permitted in the City of San Diego. Therefore, City staff cannot support the Project's CUP findings for approval (Attachment 4), specifically SDMC section 126.0305(c) and (d), and recommends the Hearing Officer deny the Project as no more than 40 MPFs are allowed City-wide by the adopted City Ordinance.

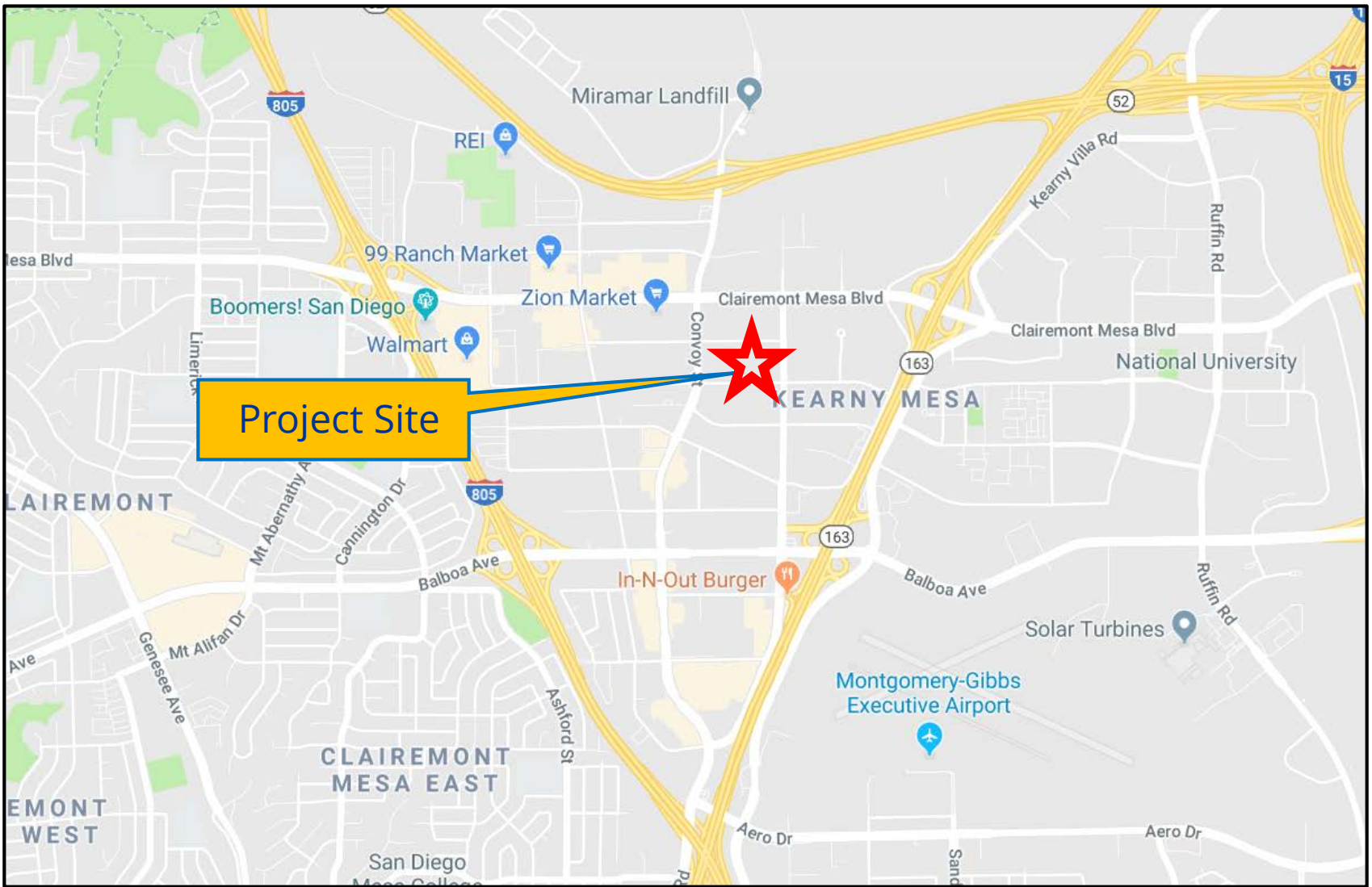
Respectfully submitted,



Hugo Castaneda, Development Project Manager

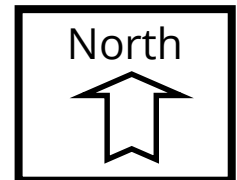
Attachments:

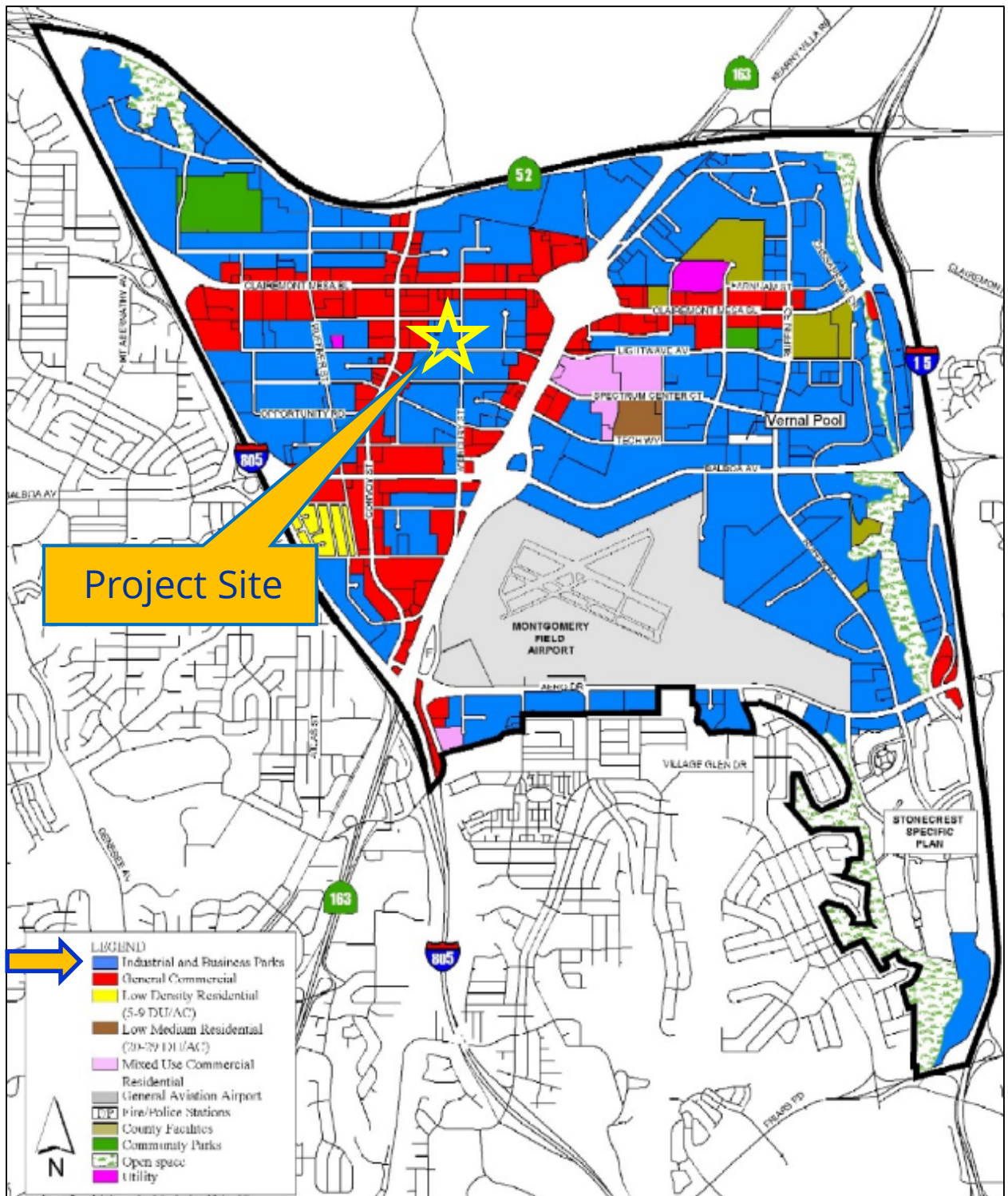
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Notice of Right to Appeal Environmental Determination
6. Ownership Disclosure Statement



Project Location Map

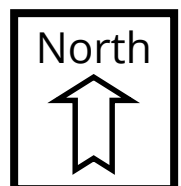
MPF 8020 Ronson Road | 8020 Ronson Road
PROJECT NO. 599948





Community Land Use Map

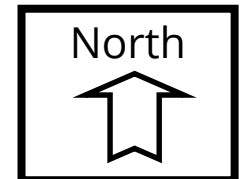
MPF 8020 Ronson Road | 8020 Ronson Road
PROJECT NO. 599948





Aerial Photograph

MPF 8020 Ronson Road | 8020 Ronson Road
PROJECT NO. 599948



HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2120761
MPF 8020 RONSON PROJECT NO. 599948

WHEREAS, NEVA L. HARTJEN and TIM MONETTA, CO-TRUSTEES of the HARTJEN FAMILY 1983 TRUST, dated 11-8-83, Owner and RS INDUSTRIES, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within a 12,960 square-foot building that is proposed to be increased. The project proposes tenant improvements and a 2,343 square-foot addition to bring the total square-footage of the building to 15,303 (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2120761), on portions of a 0.88-acre site;

WHEREAS, the project site is located at 8020 Ronson Road in the IL-2-1 Zone of the Kearny Mesa Community Plan area;

WHEREAS, the project site is legally described as Lot 3 of STANFIELD INDUSTRIAL PARK, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7304 filed in the Office of the County Recorder of San Diego County, June 9, 1972.;

WHEREAS, on November 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 15332 (In-Fill Development Projects); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 29, 2019 pursuant to Resolution No. R-312193;

WHEREAS, on May 15, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2120761 pursuant to the Land Development Code of the City of San Diego;

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. 2120761:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed project requests for a Conditional Use Permit (CUP) to operate a 15,303-square-foot Marijuana Production Facility with a proposed 2,343-square-foot addition of conditioned area and 1,550-square-foot addition of unconditioned area to an existing 12,960 square foot building located at 8020 Ronson Road. The 0.88-acre site is located in the IL-2-1 Zone, Airport Influence Area (MCAS Miramar & Montgomery Field -Review Area1) and Transit Priority Area within 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 Parks designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

The operations of the proposed MPF include the cultivation and distribution of cannabis products, which are classified as an industrial use. Therefore, the proposed development is consistent with the community plan, and 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 requests for a CUP to operate a 15,303-square-foot Marijuana Production Facility with a proposed 2,343-square-foot addition of conditioned area and 1,550-square-foot addition of unconditioned area to an existing 12,960 square foot building. The project also includes tenant improvements to accommodate operations, including non-load bearing partitions, doors, lighting, security cameras and system, millwork, finishes throughout, and associated mechanical, electrical and plumbing improvements. 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.

MPFs require compliance with 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. The proposed MPF complies with the separation requirements as set forth in SDMC section 141.1004(a).

As of April 3, 2019, the Hearing Officer of the City of San Diego has approved a total of 40 CUP applications for MPF's. Pursuant to SDMC section 141.1004, no more than 40 MPF's may be permitted in the City of San Diego. Therefore, the proposed MPF is not an appropriate use at the proposed location.

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

The proposed project requests a CUP to operate a 15,303-square-foot Marijuana Production Facility with a proposed 2,343-square-foot addition of conditioned area and 1,550-square-foot addition of unconditioned area to an existing 12,960 square foot building located at 8020 Ronson Road. The 0.88-acre site is located in the IL-2-1 zone within the Kearny Mesa Community Plan area

MPFs are allowed in the IL-2-1 Zone of the Kearny Mesa Community Plan with a CUP. However, as of April 3, 2019, the Hearing Officer of the City of San Diego has approved a total of 40 CUP applications for MPF's. Pursuant to SDMC section 141.1004, no more than 40 MPF's may be permitted in the City of San Diego. Therefore, the proposed MPF does not comply with the regulations of the Land Development Code as 40 CUP applications for an MPF have been previously approved.

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

The proposed project requests a CUP to operate a 15,303-square-foot Marijuana Production Facility with a proposed 2,343-square-foot addition of conditioned area and 1,550-square-foot addition of unconditioned area to an existing 12,960 square foot building located at 8020 Ronson Road. The 0.88-acre site is located in the IL-2-1 zone within 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 Parks designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

ATTACHMENT 4

As of April 3, 2019, the Hearing Officer of the City of San Diego has approved a total of 40 CUP applications for MPF's. Pursuant to SDMC section 141.1004, no more than 40 MPF's may be permitted in the City of San Diego. Therefore, the proposed MPF is not 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. 2120761 is hereby DENIED by the Hearing Officer.

Hugo Castaneda
Development Project Manager
Development Services

Adopted on: May 15, 2019

IO#: 24007767



THE CITY OF SAN DIEGO

Date of Notice: November 26, 2018

NOTICE OF RIGHT TO APPEAL

ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007767

PROJECT NAME / NUMBER: MPF 8020 RONSON ROAD / 599948**COMMUNITY PLAN AREA:** KEARNY MESA**COUNCIL DISTRICT:** 6**LOCATION:** 8020 RONSON ROAD, San Diego CA, 92111

PROJECT DESCRIPTION: The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF) to operate within an existing 12,960 square-foot building located at 8020 Ronson Road. The project proposes tenant improvements and a 2,343 square-foot addition to bring the total square footage of the building to 15,303 square-feet. Operations would include indoor cultivation of cannabis, manufacturing, packaging and storage of finished product for distribution to state licensed Marijuana Outlets. The 0.88-acre site is designated Industrial Business Parks per the Kearny Mesa Community Plan area and is subject to the IL-2-1 zone requirements. The project is also subject to Airport Influence Area (MCAS Miramar & Montgomery Field – Review Area 1), Transit Priority Area, and Council District 6.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15332, In-Fill Development Projects.**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 15332, which allows for the implementation of the exemption provided the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; and the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be adequately served by all required.

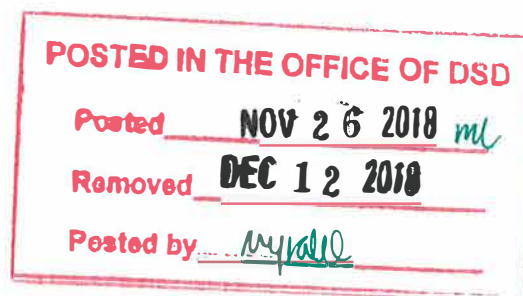
The proposed project, as included in the Project Description of this notice is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation (IL-2-1 Zone) and regulations. Secondly, the project is on a 0.88-acre site which is less than 5 acres which meets the parcel size limitations and is located on an infill site within the urbanized Kearny Mesa community. Third, the project site is developed and does not contain Environmentally Sensitive Lands (ESL) and does not provide value as habitat for endangered, rare or threatened species. Fourth, approval of the project has been found not to result in any significant effects relating to traffic, noise, air quality, or water quality. Lastly, the site can be adequately served by all required utilities and public services as they are located at or adjacent to the site. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.


DEVELOPMENT PROJECT MANAGER: Hugo Castaneda
MAILING ADDRESS: 1222 First Avenue, MS 501
San Diego, CA 92101
PHONE NUMBER / EMAIL: (619) 446-5220 / HCastaneda@sandiego.gov

On November 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 (December 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.



	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: RS Industries, LLC **Project No. For City Use Only:** 599948
Project Address: 8020 Ranson Rd San Diego CA 92111

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

☐ Corporation ☒ Limited Liability -or- ☐ General - What State? CA 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: Neva Hartjen, Trustee ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 8020 Ranson Rd
 City: San Diego State: CA Zip: 92111
 Phone No.: 760 438 3744 Fax No.: _____ Email: _____
 Signature: Neva Hartjen, Trustee Date: _____
 Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: Rodney Sales ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 2905 Canon Street
 City: San Diego State: CA Zip: 92106
 Phone No.: 619 226 4064 Fax No.: 619 228 7180 Email: Sales1980@gmail.com
 Signature: Rodney Sales Date: 3/2/18
 Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: Shuhin Mobine ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 2905 Canon Street
 City: San Diego State: CA Zip: 92106
 Phone No.: 858 699 2085 Fax No.: 858 433 2988 Email: smobine@gmail.com
 Signature: Shuhin Mobine Date: 3/2/2018
 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.