



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: February 14, 2019 REPORT NO. PC-19-016

HEARING DATE: February 21, 2019

SUBJECT: MPF 9938 MESA RIM ROAD, Appeal of Process Three Decision

PROJECT NUMBER: [585402](#)

REFERENCE: Report to the Hearing Officer, MPF 9938 Mesa Rim Road, [Report No. HO-18-096](#)

OWNER/APPLICANT: Khanh Jerry Hoang and Tammy Dang Hoang, Husband and Wife as Joint Tenants, Owner, and Tammy Dang Hoang, Applicant

SUMMARY

Issue: Should the Planning Commission deny or uphold the appeals of the Hearing Officer decision to approve a Marijuana Production Facility (MPF) to operate within an existing 14,829 square-foot, two-story building located at 9938 Mesa Rim Road within the Mira Mesa Community Plan area?

Staff Recommendation: DENY the appeals and APPROVE Conditional Use Permit No. 2063834.

Community Planning Group Recommendation: On June 18, 2018, the Mira Mesa Community Planning Group voted 12-0-0 to recommend approval of the project with no additional conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 25, 2018, and the opportunity to appeal that determination ended August 8, 2018.

Fiscal Impact Statement: None. All costs associated with the processing of this project are paid from a deposit account funded by the applicant.

Code Enforcement Impact: None with this application.

Housing Impact Statement: The project is an industrial development located in the industrial

light, IL-2-1 Zone of the Mira Mesa Community Plan. The site is designated for Industrial Park uses in the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The Sorrento Mesa Subarea was foreseen in the community plan to be developed with a mix of research and development, office and manufacturing uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. Therefore, the project would not impact the housing supply within the City of San Diego.

BACKGROUND

The proposed MPF 9938 Mesa Rim Road project (Project) is a Conditional Use Permit (CUP) for the operation of a Marijuana Production Facility (MPF) within an existing 14,829 square-foot, two-story building within an industrial complex, comprised of seven condominium buildings, located at 9938 Mesa Rim Road. The 3.77-acre site is located within the IL-2-1 Zone in the Mira Mesa Community Plan area. The MPF operations would include the cultivation, manufacturing and distribution of cannabis products to State of California licensed marijuana outlets. In accordance with SDMC Section 126.0702, a Process Three CUP is required for MPFs considered at a public hearing in accordance with Process Three, Hearing Officer decision.

On October 17, 2018, the Hearing Officer approved the Project. The Hearing Officer Report No. HO-18-020 (Attachment 1) contains the project background, analysis and necessary draft findings with a staff recommendation of approval. On October 26, 2018, Biogeneral, Inc./Andrew Paolini, filed a Development Permit Appeal Application (Attachment 4) and on October 31, 2018, Ameditech Inc./Gerrit Smith, filed a Development Permit Appeal Application (Attachment 5).

PROJECT APPEAL DISCUSSION

The Project's appeal issues are provided below along with the City staff responses:

Biogeneral Appeal Issue No.1: "The proposed project conflicts with the Mira Mesa Community Plan, which designates the project site as "Industrial Park" intended to accommodate a mixture of research and development, office and manufacturing uses. The proposed project for the cultivation of marijuana is an agricultural activity and therefore inconsistent with the designation under the Mira Mesa Community Plan."

Staff Response: The Project is located in the industrial light, IL-2-1 Zone of the Mira Mesa Community Plan. The site is designated for Industrial Park uses in the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The Sorrento Mesa Subarea was foreseen in the community plan to be developed with a mix of research and development, office and manufacturing uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. MPFs are considered an industrial use within the Municipal Code Chapter 14, Article 01, Division 10, Industrial Use Category - Separately Regulated Uses. Specifically, SDMC sec. 141.1004, Marijuana Production Facilities are individual or combined uses engaged in the agricultural raising, harvesting, and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from

marijuana and marijuana products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations. Therefore, the MPF is consistent with the designation under the Mira Mesa Community Plan.

Biogeneral Appeal Issue No. 2: “The marijuana production facility will release air contaminants that will contaminate appellant's manufacturing process.”

Staff Response: The Project includes interior design features within each room containing cannabis products to be within a controlled environment that is air-tight and sealed with negative air pressure. This ensures no air escapes a room when a door is open. All air leaving the rooms will go through a constructed series of carbon filtration systems and odor controlling systems before venting from the building. The carbon filtration systems and odor controlling systems are to be maintained and serviced on a regular basis to ensure proper function and avoid air contaminant nuisance.

The Project's CUP contains various conditions related to Municipal Code Chapter 14, Article 2, Division 7: Off-Site Development Impact Regulations, which include: requiring the Owner/Permittee to provide an odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility; requiring the continued use of this MPF, subject to the regulations of the City and any other applicable governmental agency; and stating that the issuance of the Permit by the City of San Diego does not authorize the Owner/Permittee for the Permit to violate any Federal, State or City laws, ordinances, regulations or policies.

In addition, the Municipal Code regulates air contaminants. Specifically, SDMC sec. 142.0710, Air Contaminant Regulations, states air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located. Nuisance complaints for non-compliance will be investigated by the City and/or other regulatory agencies, to including, but not limited to, the California Department of Public Health and the Air Pollution Control District.

Biogeneral Appeal Issue No. 3: “The project violates San Diego Municipal Code Section 142.0701 et seq. by authorizing the release of air contaminants, including terpenes and ozone, that endanger human health, cause damage to vegetation and property (including appellants manufacturing processes), and cause soiling beyond the boundaries of the premises upon which the use emitting the contaminants is located.”

Staff Response: See staff response to Biogeneral Appeal Issue No. 2.

Biogeneral Appeal Issue No. 4: “The proposed conditional use permit authorizes cultivation, processing, distribution, and manufacturing of cannabis products but the City and applicant do not describe what this entails, the types of processing and manufacturing that will occur, the types chemicals, fertilizers, and pesticides to be used, or any basic information about the proposed facility and its operations. The most used chemicals in the processing and manufacturing of cannabis

products are butane, propane, and CO2."

Staff Response: As part of the Project's environmental review and pursuant to the City of San Diego Significance Thresholds, the City requires the submittal of Form DS-165, Hazardous Materials Reporting Form. The form discloses that the Project would include the storage of 25 gallons of Ethanol and use of 1 gallon at a given time for extraction purposes, the storage and use of 120 gallons of Liquified Carbon Dioxide for extraction purposes, and the storage of 0.5 gallon each of Raspberry Ketone, Benzaldehyde, Beta-Gaulene, Phytol, Methanol, Terpene, Alpha-Carene, Limonene, Orange Oil, Marlotherm N, Citronellal, Terpeneol, Levomenal, Caryophyllene, Borneol, Trans-2-Decenal, and Valencene for use of 0.25 gallon each at a given time.

CEQA does not include a definition of "significant amounts of hazardous substances"; neither does the City of San Diego Significance Determination Thresholds. The use of hazardous materials for storage and operations on a project site is regulated by the State, and regulations are implemented at the local level by the County of San Diego Department of Environmental Health (DEH). City staff have consulted DEH on multiple occasions regarding the use and storage of hazardous materials on the proposed MPF project sites, specifically to request their subject matter expertise and experience for assistance in determining how to assess whether a project would involve significant amounts of hazardous substances. With respect to this project, the quantities listed on the Project's Form DS-165 would be well below the requirement for a Hazardous Materials Business Plan (HMBP) permit, and therefore, it would be reasonable to conclude that the project would not involve the use of significant amounts of hazardous substances.

The Project's CUP includes a condition that prior to 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 issuance of a building permit, satisfactory to the Building Official. During review of building permit, the applicant is required to provide hazardous materials information and quantities stored at the MPF. The Owner/Permittee is required to exhibit compliance with all applicable regulations, to include but limited to the California Building Code(s) along with the fire and life safety protection systems and procedures required for storage and handling of hazardous materials, prior to the City issuing a change of use building permit.

Biogeneral Appeal Issue No. 5: "The proposed project fails to comply with the Mira Mesa Community Plan's development criteria in failing to provide the requisite bicycle lockers and shower facilities for employees."

Staff Response: The project provides bicycle lockers for two, short-term and two, long-term bicycles each per SDMC sec. 142.0530(e)(1). An employee shower area is also included in the scope of work and as shown on the Project's Exhibit "A" development plans.

Biogeneral Appeal Issue No. 6: "The proposed project fails to comply with the Mira Mesa Community Plan's development criteria in failing to avoid roof-mounted equipment (or failure to comply with architectural design requirements)."

Staff Response: The Project does not propose any exterior modifications to the existing building.

Biogeneral Appeal Issue No. 7: "The City of San Diego ("City") and Applicant did not have the opportunity to consider new information presented to them relating to the negative impacts the proposed project will have on the Appellant's highly sensitive manufacturing process of monofilaments."

Staff Response: The appellant did not contact or provide any new information prior to the public hearing on October 17, 2018. During the public hearing, the appellant's attorney provided the Hearing Officer with their letter of opposition and testified in opposition. The Hearing Officer considered all testimony during the hearing and decided to approve the Project as proposed.

Biogeneral Appeal Issue No. 8: "City failed to impose on the project specific and measurable performance standards on the release of air contaminants and odor absorbing and ventilation systems."

Staff Response: See staff response to Biogeneral Appeal Issue No. 2.

Biogeneral Appeal Issue No. 9: "City failed to impose on the project specific conditions and restrictions on the emission of air contaminants and noxious odors."

Staff Response: See staff response to Biogeneral Appeal Issue No. 2.

Biogeneral Appeal Issue No. 10: "Applicant did not comply with City Charter and City Municipal Code by failing to have all owners of the property sign the ownership disclosure statement (the property is owned by two persons as joint tenants and only one of the owners signed the ownership disclosure statement). See Attachment Two for a copy of the Grant Deed and additional details.

Staff Response: Ownership Disclosure Statement, Form DS-318, requires a signature of at least one of the property owners. Tammy Dang Hoang signed the application's Ownership Disclosure Statement, Form DS-318, on behalf of Khanh Jerry Hoang and Tammy Dang Hoang, Husband and Wife as Joint Tenants.

Biogeneral Appeal Issue No. 11: "Applicant did not comply with City Charter and City Municipal Code by failing to have all owners of the property sign the application for a marijuana production facility."

Staff Response: General Application, Form DS-3032 only needs the applicant's signature as either the the property owner, authorized agent of the property owner, or other person having a legal right, interest, or entitlement to the use of the property that is the subject of this application per SDMC sec. 112.0102. Tammy Dang Hoang signed the application's General Application, Form DS-3032 as Property Owner.

Biogeneral Appeal Issue No. 12: "City failed to provide the public and affected neighboring property owners with notice of the environmental determination and the public hearing on the Conditional Use Permit."

Staff Response: On July 25, 2018, the City posted the project's Notice of Right to Appeal the Environmental Determination (NORA) consistent with SDMC sec. 112.0310(d), (e), and (f). The

appellant did not previously submit a written request for notification of the proposed development to the City. On October 3, 2018, the City posted and mailed the project's Notice of Public Hearing consistent with SDMC sec. 112.0301(c)(3). The appellant's address as owner and occupant was included in the required City's Public Noticing Package prepared by the Project applicant. The appellant's attorney attended the public hearing on October 17, 2018, provided written information to the Hearing Officer, and provided verbal testimony during the public hearing.

Biogeneral Appeal Issue No. 13: "City's finding that the proposed development will not adversely affect the applicable land use plan is not supported by the Mira Mesa Community Plan as detailed in (1), (2), and (3) above."

Staff Response: See staff responses to Biogeneral Appeal Issue Nos. 1, 2, and 3.

Biogeneral Appeal Issue No. 14: "City's finding that the proposed development will not be detrimental to the public health, safety, and welfare is not supported by facts and information because the marijuana production facility will emit terpenes, will result in increased ozone levels in the vicinity, and noxious odors. Additional reasons are detailed in (3), (4), (8), (9), and (10) above, and the City's failure to adequately analyze the impacts of noxious odors and release of air contaminants generated by the proposed project."

Staff Response: See staff responses to Biogeneral Appeal Issue Nos. 2, 3, 4, 8, 9, and 10.

Biogeneral Appeal Issue No. 15: "City's finding that the proposed development will comply with regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code conflicts Municipal Code section 142.0701 et seq because the project will release air contaminants as described in this appeal, and the facility conflicts with the Mira Mesa Community Plan as detailed in (1), (2), (5) and (6) above."

Staff Response: See staff responses to Biogeneral Appeal Issue Nos. 1, 2, 5, and 6.

Biogeneral Appeal Issue No. 16: "City's finding that the proposed use is appropriate at the proposed location because the marijuana production facility will release air contaminants in violation of the Municipal Code that will harm the adjacent manufacturing facilities, including appellants manufacturing facility. In addition, the use is not supported by the Mira Mesa Community Plan as detailed in (1) above, the San Diego Municipal Code as detailed in (3) and (4) above, and the facts and information as detailed in this appeal."

Staff Response: See staff responses to Biogeneral Appeal Issue Nos. 1, 2, 3, and 4.

Biogeneral Appeal Issue No. 17: "The proposed project does not qualify for the California Environmental Quality Act ("CEQA") categorical exemption for existing facilities under Section 15301 because City has failed to adequately consider and analyze the impacts of noxious odors generated by the proposed project and there is a reasonable possibility of significant impacts on the environment due to unusual circumstances."

Staff Response: This project was determined to be categorically exempt from the California

Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). The environmental exemption determination for this project was made on July 25, 2018, and the opportunity to appeal that determination ended August 8, 2018. However, with regards to the appellants claim that City has failed to adequately consider and analyze the impacts of noxious odors generated by the proposed project, an analysis of impacts is conducted as part of the CEQA Preliminary Review process by EAS pursuant to CEQA Guidelines Section 15060. It was determined through this analysis any impacts with respect to issue area would remain below a level of significance with implementation an internal Odor Control system as described in further detail below.

With respect to the unusual circumstance's assertion concerning the potential release noxious odors generated by the proposed project, the Industrial Land Use designation and IL Zone provide for a variety of manufacturing uses where it could be reasonably foreseeable that odors would be generated with variety of manufacturing operations. Compliance with local, State and Federal requirements would be required for operations and achieved through a variety of methods including Code Enforcement, a ministerial review, or a discretionary review. With discretionary actions, as is the case with the proposed MPF, these impacts are analyzed in order to determine significance and to identify appropriate mitigation or provide project design features to remain below a level of significance.

The Project includes interior design features within each room containing cannabis products to be within a controlled environment that is air-tight and sealed with negative air pressure. This ensures no air escapes a room when a door is open. All air leaving the rooms will go through a constructed series of carbon filtration systems and odor controlling systems before venting from the building. The carbon filtration systems and odor controlling systems are to be maintained and serviced on a regular basis to ensure proper function and avoid air contaminant nuisance.

Further, the Project's CUP contains various conditions to related to Municipal Code Chapter 14, Article 2, Division 7: Off-Site Development Impact Regulations, to include: the Owner/Permittee to provide an odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility; require the continued use of this MPF, subject to the regulations of this and any other applicable governmental agency; and the issuance of the Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies. Consistent with SDMC sec. 142.0710, Air Contaminant Regulations, air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located. Nuisance complaints for non-compliance will be investigated by the City and/or other regulatory agencies, to include but not limited to the California Department of Public Health and the Air Pollution Control District.

Biogeneral Appeal Issue No. 18: "City failed to comply with notice requirements as provided under San Diego Municipal Code Section 112.0310 for environmental determinations."

Staff Response: See staff response to Biogeneral Appeal Issue No. 12.

Biogeneral Appeal Issue No. 19: "See Attachment Two for Appellant's letter to the Hearing Officer detailing additional reasons and grounds for the Appeal."

Staff Response: The appellant's Attachment Two references similar issues as identified in Biogeneral Appeal Issues No. 1 through 18.

Ameditech Appeal Issue No. 1: "The appellant, Ameditech Inc., is located at 9940 Mesa Rim Road (next to MPF 9938 Mesa Rim Road) and is engaged in the development and manufacturing of drugs of abuse diagnostics tests, including tests for the detection of cocaine, amphetamine, methamphetamine, synthetic cannabinoids and Tetrahydrocannabinol ("THC"). The performance of the tests is driven by antibodies in test strips that react specifically to the drug(s) of interest. Consequently, the manufacturing process of drugs of abuse tests is highly sensitive to the environment and air quality. The appellant's facility is FDA certificated and inspected for compliance with the highest medical standards. The site manufactures approximately 15,000,000 devices per year (more than 80% are THC tests)."

Staff Response: Appellant statement. No response required.

Ameditech Appeal Issue No. 2: "The proposed marijuana production facility project will release air contaminants that may contaminate appellant's manufacturing process and could detrimentally affect the quality and reactivity of the appellant's products. Specifically, the Volatile Organic Compounds ("VOCs") released by the marijuana plant during cultivation, processing and storage, aerosolized THC, Cannabidiol or other related molecules could interfere in the manufacturing of the THC test. The THC tests have a high level of sensitivity; consequently even the slightest contamination would have a critical negative impact. Potential impacts could include:

- a. The optimization process used in the manufacture of the THC test would not be possible due to the reactivity of the antibody in the test strips to the VOCs or aerosolized THC related molecules (this would essentially halt the manufacturing of the appellant's THC assay); or
- b. the reactivity of the antibody in the test strip would be reduced by the presence of the VOCs, or aerosolized THC related molecules, thus reducing the sensitivity of the THC tests produced (the result would be THC tests that would potentially yield false positive results)."

Staff Response: See staff response to Biogeneral Appeal Issue No. 2.

Ameditech Appeal Issue No. 3: "The proposed project conflicts with the Mira Mesa Community Plan as follows:

- a. The Mira Mesa Community Plan designates the project site as an "Industrial Park" intended to accommodate a mixture of research and development, office and manufacturing uses;
- b. The proposed project for the cultivation of marijuana is an agricultural activity and therefore inconsistent with the aforesaid designation;
- c. The proposed project fails to comply with the development criteria in failing to provide the requisite bicycle lockers and shower facilities for employees; and
- d. The proposed project fails to comply with the development criteria in failing to avoid roof-mounted equipment (or failure to comply with architectural design requirements)."

Staff Response: See staff response to Biogeneral Appeal Issues Nos. 1, 5, and 6.

Ameditech Appeal Issue No. 4: "The proposed marijuana production facility project violates the San Diego Municipal Code Section 172.0701 et seq. by authorizing the release of air contaminants, including terpenes and ozone, that endanger human health, cause damage to vegetation and property (including appellant's manufacturing processes), and cause soiling beyond the boundaries of the premises upon which the use emitting the contaminants is located."

Staff Response: The Municipal Code does not contain a Chapter 17 and therefore, the appellant's reference to San Diego Municipal Code Section 172.0701 et seq. is incorrect. However, see staff response to Biogeneral Appeal Issue No. 2, related to air contaminants.

Ameditech Appeal Issue No. 5: "The proposed conditional use permit authorizes cultivation, processing, distribution, and manufacturing of cannabis products but the City of San Diego and the Applicant did not provide any detail as to the types of processing and manufacturing that will occur, the chemicals, fertilizers, and pesticides that would be used, or any other essential information about the proposed facility and its operations."

Staff Response: See staff response to Biogeneral Appeal Issue No. 4.

Ameditech Appeal Issue No. 6: "The City of San Diego and Applicant did not have the opportunity to consider new information relating to the detrimental impacts the proposed project would have on the appellant's manufacturing process of drugs of abuse diagnostics tests."

Staff Response: See staff response to Biogeneral Appeal Issue No. 7.

Ameditech Appeal Issue No. 7: "The City of San Diego failed to impose on the project specific and measurable performance standards on the release of air contaminants and odor absorbing and ventilation systems."

Staff Response: See staff response to Biogeneral Appeal Issue Nos. 2 and 8.

Ameditech Appeal Issue No. 8: "City of San Diego failed to impose on the project specific conditions and restrictions on the emission of air contaminants and noxious odors."

Staff Response: See staff response to Biogeneral Appeal Issue No. 2, 8 and 9.

Ameditech Appeal Issue No. 9: "Applicant did not comply with the City of San Diego Charter and Municipal Code by failing to have all owners of the property sign the application for a marijuana production facility and the ownership disclosure statement (the property is owned by two persons as joint tenants and only one of the owners signed the ownership disclosure statement). See Attachment Two for a copy of the Grant Deed."

Staff Response: See staff response to Biogeneral Appeal Issue Nos. 2, 10 and 11.

Ameditech Appeal Issue No. 10: "The City of San Diego failed to provide the public and affected neighboring property owners with notice of the environmental determination and the public hearing on the Conditional Use Permit."

Staff Response: See staff response to Biogeneral Appeal Issue No. 12.

Ameditech Appeal Issue No. 11: "The City of San Diego's finding that the proposed development will not adversely affect the applicable land use plan is not supported by the Mira Mesa Community Plan as detailed in Sections 2, 3, and 4 herein above."

Staff Response: See staff response to Biogeneral Appeal Issues Nos. 1, 2, and 3.

Ameditech Appeal Issue No. 12: "The City of San Diego's finding that the proposed development will not be detrimental to the public health, safety, and welfare is not supported by facts and information because the marijuana production facility will emit terpenes, will result in increased ozone levels in the vicinity, and noxious odors. Additional reasons are detailed in Sections 4, 5, 7, 8, and 9 herein above, and the of City of San Diego's failure to adequately analyze the impacts of noxious odors and release of air contaminants generated by the proposed project."

Staff Response: See staff responses to Biogeneral Appeal Issue Nos. 2, 3, 4, 8, 9, and 10.

Ameditech Appeal Issue No. 13: "The City of San Diego's finding that the proposed development will comply with regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code conflicts with Municipal Code section 142.07.01 et seq. because the project will release air contaminants as described in this appeal, and the proposed marijuana production facility conflicts with the Mira Mesa Community Plan as detailed in Sections 2 and 3 herein above."

Staff Response: See staff responses to Biogeneral Appeal Issue Nos. 1, 2, 5, and 6.

Ameditech Appeal Issue No. 14: "The City of San Diego's finding that the proposed use is appropriate at the proposed location is in violation of the Municipal Code because the proposed marijuana production facility will release air contaminants that will harm the adjacent manufacturing facilities, including the appellant's facility. In addition, the use is not supported by the Mira Mesa Community Plan as detailed in Section 3 herein above, the San Diego Municipal Code as detailed in Sections 4 and 5 herein above, and the facts and information as detailed in this appeal."

Staff Response: See staff responses to Biogeneral Appeal Issue Nos. 1, 2, 3, and 4.

Ameditech Appeal Issue No. 15: "The proposed project does not qualify for the California Environmental Quality Act categorical exemption for existing facilities under Section 15301 because City of San Diego has failed to adequately consider and analyze the impacts of noxious odors generated by the proposed project and there is a reasonable possibility of significant impacts on the environment due to unusual circumstances."

Staff Response: See staff responses to Biogeneral Appeal Issue No. 17.

Ameditech Appeal Issue No. 16: "City of San Diego failed to comply with notice requirements as provided under San Diego Municipal Code Section 112.0310 for environmental determinations."

Staff Response: See staff response to Biogeneral Appeal Issue No. 12.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-2-1 Zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 2) to support the proposed development and draft conditions of approval (Attachment 3). Staff is recommending the Planning Commission deny the appeals and approve the Project as presented.

ALTERNATIVES

1. Deny the appeals and approve Conditional Use Permit No. 2063834, with modifications.
2. Uphold the appeals and deny the Conditional Use Permit No. 2063834, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department



Tim Daly
Development Project Manager
Development Services Department

LOWE/TPD

Attachments:

1. Report to the Hearing Officer, HO-18-096, October 10, 2018
2. Draft Permit Resolution with Findings
3. Draft Permit with Conditions
4. Biogeneral, Inc./Andrew Paolini Appeal
5. Ameditech Inc./Gerrit Smith Appeal



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: October 10, 2018 REPORT NO. HO-18-096

HEARING DATE: October 17, 2018

SUBJECT: MPF 9938 Mesa Rim Road, Process Three Decision

PROJECT NUMBER: 585402

OWNER/APPLICANT: Tammy Dang Hoang, Owner/Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility (MPF) to operate within an existing 14,829 square-foot, two-story building within an industrial complex, comprised of seven condominium buildings, located at 9938 Mesa Rim Road within the IL-2-1 Zone within the Mira Mesa Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2063834.

Community Planning Group Recommendation: On June 18, 2018, the Mira Mesa Community Planning Group voted 12-0-0 to recommend approval of the project with no additional conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 25, 2018, and the opportunity to appeal that determination ended August 8, 2018 (Attachment 6).

BACKGROUND

The Mira Mesa Community Plan designates the site for Industrial Park Land Use Area and the Sorrento Mesa Subarea of the Mira Mesa Community Plan (Attachment 2). The Industrial Park designation is intended to accommodate a mixture of research and development, office and manufacturing uses. The 3.77-acre site is located at 9938 Mesa Rim Road in the IL-2-1 Zone (Attachment 1). The building is currently being used for manufacturing purposes. The purpose and intent of the IL-2-1 zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 Zone allows a mix of light industrial and office uses with limited commercial.

The site presently developed with industrial buildings constructed in 1989 for manufacturing uses (Attachment 3).

The site is designated for Industrial Park uses in the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The Sorrento Mesa Subarea was foreseen in the community plan to be developed with a mix of research and development, office and manufacturing uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The proposed project will promote the policies of the General Plan in that MPFs would create jobs and encourage commerce within the San Diego region.

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

DISCUSSION

Project Description

The project proposes the operation of a MPF within an existing 14,829 square-foot, two-story building within an industrial complex, comprised of seven condominium buildings, located at 9938 Mesa Rim Road. The 3.77-acre site is located within the IL-2-1 Zone in the Mira Mesa Community Plan area. The MPF operations would include the cultivation, manufacturing and distribution of cannabis products to State of California licensed marijuana outlets (Attachment 9).

The project proposes interior improvements that include non-load bearing partitions, doors, lighting, security cameras and system, millwork, finishes throughout and associated mechanical, electrical and plumbing improvements. Other minor site improvements are proposed consistent with the City of San Diego requirements. No exterior building alterations would occur. The proposed improvements would require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the removal and replacement of two existing driveways on Mesa Rim Road per current City Standards, satisfactory to the City Engineer.

Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-2-1 Zone and no deviations are 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. 2063834, with modifications.
2. Deny Conditional Use Permit No. 2063834, if the findings required to approve the project cannot be affirmed.

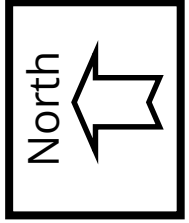
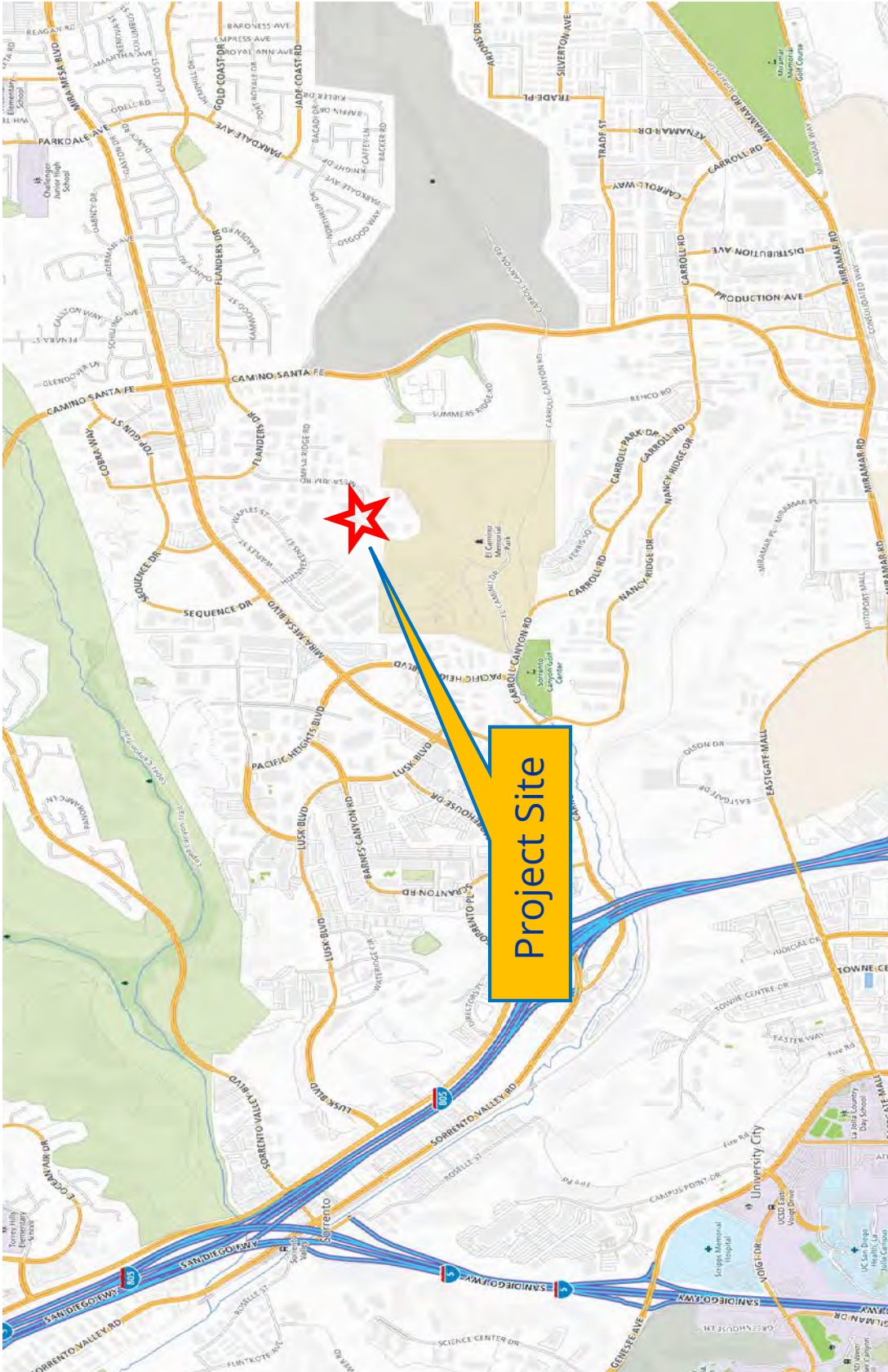
Respectfully submitted,



Tim Daly
Development Project Manager

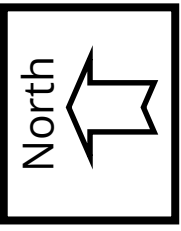
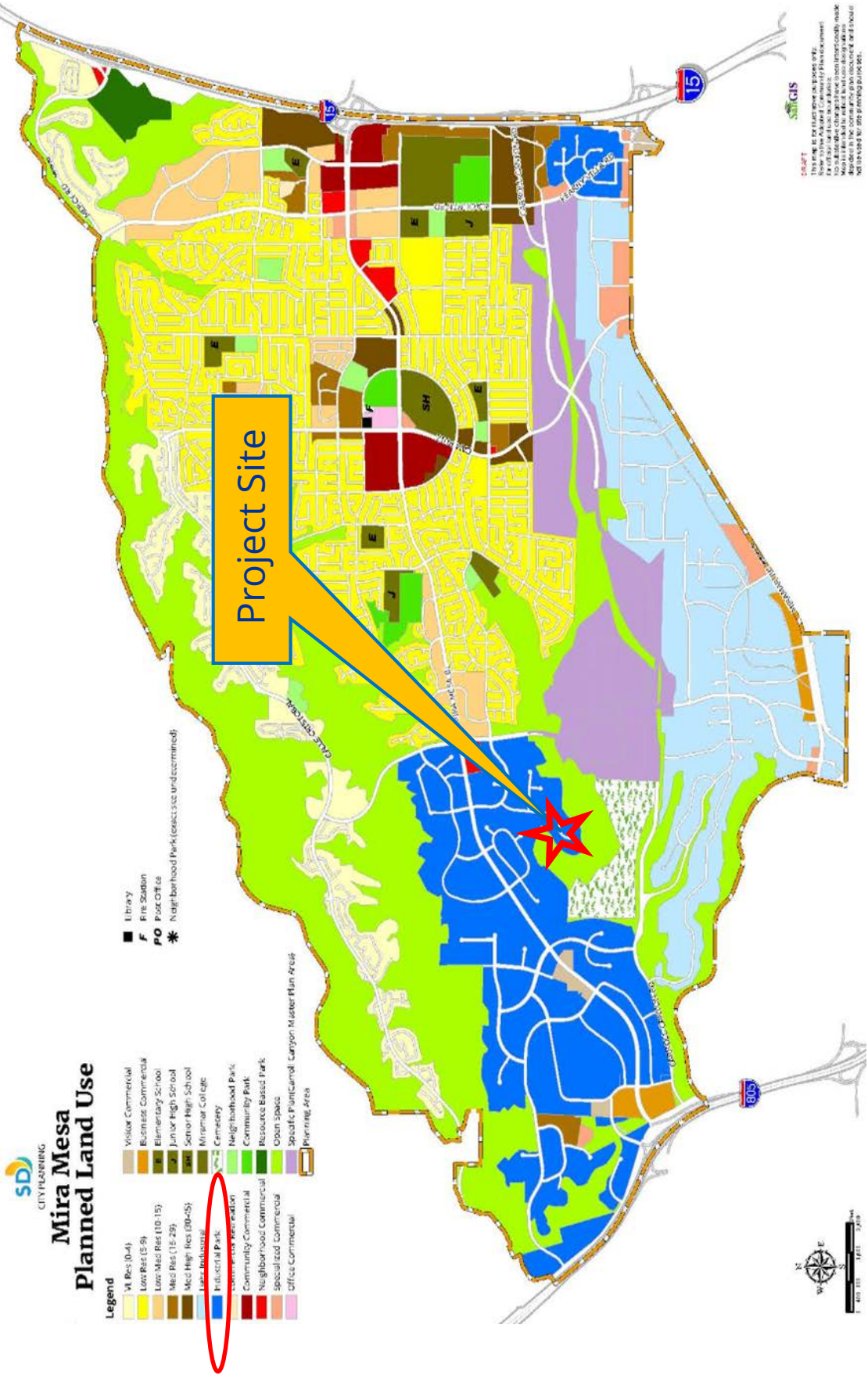
Attachments:

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



Project Location Map
PROJECT NO. 585402, MPF 9938 MESA RIM ROAD
9938 Mesa Rim Road, San Diego CA 92121

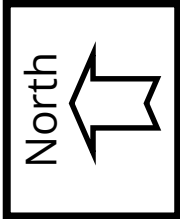




Community Land Use Map
PROJECT NO. 585402, MPF 9938 MESA RIM ROAD
9938 Mesa Rim Road, San Diego CA 92121



CAUTION
This map is for illustrative purposes only.
It is not intended to be used for any legal or financial purposes.
No warranty is made by the City of San Diego for the accuracy or completeness of the information shown on this map.
The City of San Diego is not responsible for any errors or omissions on this map.
The City of San Diego is not responsible for any damages or losses resulting from the use of this map.
The City of San Diego is not responsible for any claims or liabilities arising from the use of this map.
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Aerial Photograph

PROJECT NO. 585402, MPF 9938 MESA RIM ROAD
9938 Mesa Rim Road, San Diego CA 92121



HEARING OFFICER RESOLUTION NO. HO-XXXX
CONDITIONAL USE PERMIT NO. 2063834
MPF 9938 MESA RIM ROAD - PROJECT NO. 585402

WHEREAS, TAMMY DANG HOANG, Owner/Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 14,829 square-foot, two-story building within an existing industrial business park comprised of seven condominium buildings (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2063834), on portions of a 3.77-acre site;

WHEREAS, the project site is located at 9938 Mesa Rim Road in the IL-2-1 Zone of the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as a condominium comprised of Parcel 1, an undivided 1/7th interest in and to all portions of Lots 2 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map No. 12395, filed in the Office of the County Recorder of San Diego County, May 31, 1989;

WHEREAS, on July 25, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on October 17, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2063834 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 October 17, 2018.

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in an existing 14,829 square-foot, two-story building within an existing industrial business park, comprised of seven condominium buildings. The 3.77-acre site is located at 9938 Mesa Rim Road in the IL-2-1 Zone of the Mira Mesa Community Plan.

The site is designated for Industrial Park uses in the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The Sorrento Mesa Subarea was foreseen in the community plan to be developed with a mix of research and development, office and manufacturing uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The proposed project will promote the policies of the General Plan in that MPFs would create jobs and encourage commerce within the San Diego region.

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

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

The proposed MPF in an existing 14,829 square-foot, two-story building within an existing industrial business park, comprised of seven condominium buildings, is currently being used as a manufacturing facility. The project proposes interior improvements that include a lobby area, offices, restrooms, indoor loading/unloading area, drying/processing area, manufacturing area, and storage. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the removal and replacement of two existing driveways on Mesa Rim Road per current City Standards, satisfactory to the City Engineer.

MPFs are restricted to forty City-wide, within light and heavy industrial zones. MPFs require compliance with San Diego Municipal Code (SDMC) Section 141.1004, 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 a minimum

distance requirement of 100 feet from a residential zone. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed project will be required to comply with the operational conditions as described in the Conditional Use Permit No. 2063834. The Conditional Use Permit No. 2063834 will be valid for five years and may be revoked if the Owner/Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2063834. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed MPF in an 14,829 square-foot, two-story building is located at 9938 Mesa Rim Road within an existing 3.77-acre, industrial business park, comprised of seven condominium buildings, in the IL-2-1 Zone in the Mira Mesa Community Plan area. The site was developed in 1989. The project proposes interior improvements that include a lobby area, offices, restrooms, indoor loading/unloading area, drying/processing area, manufacturing area, and storage. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPFs are allowed in the IL-2-1 Zone of the Mira Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with SDMC Section 141.1004 and SDMC Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours.

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

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

The proposed project requests a Conditional Use Permit to operate a MPF in an 14,829 square-foot, two-story building is located at 9938 Mesa Rim Road within an existing 3.77-acre, industrial business park, comprised of seven condominium buildings, in the IL-2-1 Zone in the Mira Mesa Community Plan area. The site is designated for Industrial Park uses in the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The Sorrento Mesa Subarea was foreseen in the community plan to be developed with a mix of research and development, office and manufacturing uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The proposed project will promote the policies of the General Plan in that MPFs would create jobs and encourage commerce within the San Diego region.

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

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2063834 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. 2063834, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: October 17, 2018

IO#: 24007565

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: 24007565

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2063834
MPF 9938 MESA RIM ROAD PROJECT NO. 585402
Hearing Officer

This Conditional Use Permit No. 2063834 is granted by the Hearing Officer of the City of San Diego to Tammy Dang Hoang, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 3.77-acre site is located at 9938 Mesa Rim Road in the IL-2-1 Zone of the Mira Mesa Community Plan. The project site is legally described as a condominium comprised of Parcel 1, an undivided 1/7th interest in and to all portions of Lots 2 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map No. 12395, filed in the Office of the County Recorder of San Diego County, May 31, 1989.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing 14,829 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 17, 2018, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 14,829 square-foot, two-story building within an existing industrial business park comprised of seven condominium buildings. The operation shall include the production of marijuana products consistent with the requirements of the State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations; and the wholesale distribution and storage of marijuana products;
- b. The Marijuana Production Facility operations would include the cultivation, processing, manufacturing, and distribution of cannabis products to State of California licensed marijuana outlets;
- 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 October 31, 2021.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on October 31, 2023. Upon expiration of this Permit, the facilities and building improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

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

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 for building structure, the Owner/Permittee shall assure, by permit and bond, the removal and replacement of a 26-foot driveway and a 24-foot driveway, per current City Standards, adjacent to the site on Mesa Rim Road, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices necessary to comply with current City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

16. 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.
17. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
18. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
19. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
20. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.
21. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

22. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.

23. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.

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

25. The Owner/Permittee shall provide an odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.

BRUSH MANAGEMENT REQUIREMENTS

26. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A", Brush Management Plan, on file in the Office of the Development Services Department.

27. The Brush Management Program shall be based on a standard Zone One of 35-ft in width and Zone Two of 65-ft in width, extending out from the structure towards the native/naturalized vegetation, consistent with the Brush Management Regulations of the Land Development Code, section 142.0412. Zone One shall range from 47-ft to 57-ft in width and Zone Two shall range from 5-ft to 47-ft in width, based on the previously conforming structures and Zone Two reduction set forth under 142.0412(f).

28. Prior to issuance of any construction permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

29. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area, subject to Fire Marshall and Development Services Department approval.

30. Prior to final inspection, the approved Brush Management Program shall be implemented. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Manual, Landscape Standards.

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 October 17, 2018 by Resolution No XXXXX.

Permit Type/PTS Approval No.: Conditional Use Permit No 2063834
Date of Approval: October 17, 2018

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.

Tammy Dang Hoang
Owner/Permittee

By _____

Name:

Title:

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

NOTICE OF EXEMPTION

(Check one or both)

TO: ☒ Recorder/County Clerk
 P.O. Box 1750, MS A-33
 1600 Pacific Hwy, Room 260
 San Diego, CA 92101-2400

FROM: City of San Diego
 Development Services Department
 1222 First Avenue, MS 501
 San Diego, CA 92101

☐ Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

Project Name/Number: MPF 9938 Mesa Rim Road / 585402

SCH No.: N.A.

Project Location-Specific: 9938 Mesa Rim Road, San Diego, CA 92121

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

Description of nature and purpose of the Project: The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF) to operate within an existing 14,829 square-foot two-story building (with mezzanine level) located at 9938 Mesa Rim Road. The 3.77-acre site is located within the IL-2-1 zone within the Mira Mesa Community Plan area. Project operations would include the cultivation, processing, manufacturing, and distribution of cannabis products to State of California licensed outlets. The 3.77-acre site is designated Industrial and is subject to the IL-2-1 zone requirements. The project is also subject to Airport FAA Part 77 Noticing Area – MCAS Miramar (550 – 560 ASML), Airport Influence Area – MCAS Miramar Review Area 1, Airport Land Use Compatibility Overlay Zone – MCAS Miramar, Airport Land Use Compatibility Overlay Zone – Noise – 60-65 CNEL, Accident Potential Zone 2 – MCAS Miramar, Geologic Hazards Type 53, Prime Industrial Lands, Outdoor Lighting Zone 3, Penasquitos Watershed, Miramar Reservoir Sub-area Watershed, and Council District 6.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Tammy Dang Hoang, 11878 Charmine Way, San Diego, CA, 92131, (858) 449-3010

Exempt Status: (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- ☒ Categorical Exemption: 15301 (Existing Facilities)
- ☐ Statutory Exemptions:

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

Lead Agency Contact Person: Chris Tracy, AICP Senior Planner


Telephone: (619) 446-5381

ATTACHMENT 6

If filed by applicant:

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

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

 CHRIS TRACY, AICP
Senior Planner
Signature/Title

8/9/18
Date

Check One:

- (X) Signed By Lead Agency
() Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Mira Mesa Community Planning Group Meeting Minutes

1.	Robert Mixon	6.	Jeff Stevens	11.	Julia Schriber	16.	Bari Vaz
2.	Craig Radke	7.	Ted Brengel	12.	Wayne Cox	17.	Albert Lee
3.	Bruce Brown	8.	Marv Miles	13.	Tom Derr	18.	Chris Morrow
4.	Joe Punsalan	9.	Jon Labaw	14.	Craig Jackson	19.	Justin Mandelbaum
5.	Kent Lee	10.	Ralph Carolin	15.	Michael Linton	20.	

(HIGHLIGHTED INDICATES ATTENDANCE)

Mira Mesa Community Planning Group Minutes

Date/Time: Monday, June 18, 2018, 7:00pm

Location: Mira Mesa Public Library, 8405 New Salem Street, San Diego CA 92126

Call to Order/Confirm quorum:


1. Non-Agenda Public Comments: None.
2. Modifications to the Agenda.
 1. City Council report by Luis Pallera moved to first on the agenda.
3. Adopt Previous Meeting Minutes (Action). Approved unanimously.
4. Report of the Chair
 1. All staff reports have been received for MPF's
 2. Community plan update – 3 year process
 1. Existing conditions report – Please take a look
 3. 3 Roots project
 1. Looked at low income housing portion of the project
 1. Due to financial constraints, it was not possible to spread out the low income housing site areas
 2. Will be asking for approval in October
 4. Mira Mesa marketplace signs approved
 5. No environmental review required for any MPF
5. Old Business
 1. Mira Mesa Community Plan Update – Alex Frost
 1. Community workshop on Oct 11
 2. Please see the website for documents and the presentation that was shown
Planmiramesa.org
 2. Mesa Rim Climbing Center/Project No. 607546 – Glenn Linthicum (Action)
 1. Built in 2009 – Existing use was 80% gym, 20% office use;
 2. Action: Jon Labaw/Chris Morrow; Approved 13-0-0
 3. 4930 Directors Place Substantial Conformance Review – Michael Asaro (Action)
 1. HCP – Life Science Public traded REIT Life Science focus

Mira Mesa Community Planning Group Meeting Minutes

2. 600,000 Sorrento Mesa SF
3. 5 story building uses all FAR
4. Ratio of Lab to Office space? Generally speaking 50/50
5. City response to SCR?
 1. Landscaping/Storm Water/Brush Management
6. Concern from Flightpath?
 1. Compatible with 1996 plan (APZ 2)
7. Action: Ted Brengel/Craig Jackson; Approved 13-0-0
4. MPF Subcommittee Report – Craig Jackson
 1. None adequately addressed impacts to community
5. MPF 585533 - 7542 Trade Street (Action) – Jessica McElfresh
 1. Manufacturing/Distribution
 2. Closed loop system/carbon dioxide
 3. 7350 SF, Existing Building
 4. Improve driveway and update parking to current code
 5. Comments
 1. Is the site operational currently?
 1. Not for over a month
 2. Any studies done on volatility/safety issues?
 1. Yes, can provide as requested
 3. Can you have multiple licenses for uses?
 1. Yes
 4. Is same air filtration system going to be in place?
 1. Yes, same method, but needs to be fixed
 5. Ted Brengel/Chris Morrow – Note odors have been reports, condition that odor control be improved. Acceptable subject to odor mitigation control. (As reported by adjacent businesses) 13-0-0 Approved.
6. MPF 585617 - 9212 Mira Este Ct (Action) – Gina Austin
 1. This is an existing location for medical manufacturing/distribution
 2. Adding Production to use type
 3. 15,950 SF
 4. Seeking CUP approval
 5. Will use butane
 6. Craig Jackson - Unacceptable due to inadequate information
 1. Action: Ted Brengel/Chris Morrow move to approve provided that more information is given on butane safety(12-1-0) (Craig Jackson voted against) Approved
7. MPF 585651 - 7755 Arjons Drive (Action) – Marty Reed
 1. Manufacturing
 2. Action: Motion to approve – Jon Labaw/Chris Morrow – 12-0-0 Approved
8. MPF 585503 - 7745 Arjons Drive (Action) - Gina Austin
 1. Cultivation/Distribution
 2. 12,393 SF
 3. No volatile solids
 4. Action: Jon Labaw/Bari Vaz (13-0-0) Approved
9. MPF 585486 - 7740 Formula Place (Action) – Joe Esposito
 1. Use: Bakery
 2. Action: Jon Labaw/Craig Jackson; 12-0-0 Approved

Mira Mesa Community Planning Group Meeting Minutes

10. MPF 585583 – 7830 Trade Street (Action) – Joe Esposito
 1. Use: Bakery
 2. Minor site improvements (screening)
 3. Action: Craig Jackson/Jon Labaw; 12-0-0 Approved
11. MPF 585509 - 5752 Oberlin Drive Suite #111 (Action) – Bert Telles
 1. CUP permit
 2. 964 SF
 3. Use: Laboratory
 4. Negative pressure design HVAC system
 5. Acceptable with a condition that a minor oriented business is not within the 1000' radius. 5627 Oberlin. Action: Jon Labaw/Craig Radke; 12-0-0 Approved
12. MPF 585637 – 7540 Trade Street (Action) - Jessica McElfresh
 1. Non volatile manufacturing/distribution
 2. 5,557 SF
 3. Not operating currently
 4. Action: Craig Jackson/Justin Mandelbaum; Motion to approve 13-0-0.
13. MPF 585402 - 9938 Mesa Rim Road (Action) – Kent Costi
 1. Use: Cultivation/Manufacturing
 2. 14,000 SF
 3. Ethanol Drying system
 4. Action: Ted Brengel/Jon Labaw; 12-0-0 Approved
14. MPF 585902 – 7720 Kenamar Court (Action) – Jessica McElfresh
 1. Distribution/Cultivation/Manufacturing
 2. 60,431 SF
 3. Minor site improvements
 4. Action: Craig Jackson – Move to defer to next month because of the inadequacy of information provided.
6. New Business - none
7. Elected Officials/Government Agencies – no reports
8. Announcements: None.
9. Reports: None.
10. Adjourn 9:30 PM.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	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: Mesa Rim MPF **Project No. For City Use Only:** _____
Project Address: 9938 Mesa Rim Rd San Diego, CA 92121

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

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. _____
☐ Partnership ☒ Individual

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

Property Owner

Name of Individual: Tammy Dang Hoang ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 11878 Charmaine Way
 City: San Diego State: CA Zip: 92131
 Phone No.: 858-449-3010 Fax No.: _____ Email: thysytrinh@gmail.com
 Signature: [Signature] Date: NOV 16-2017
 Additional pages Attached: ☐ Yes ☐ No

Applicant

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

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

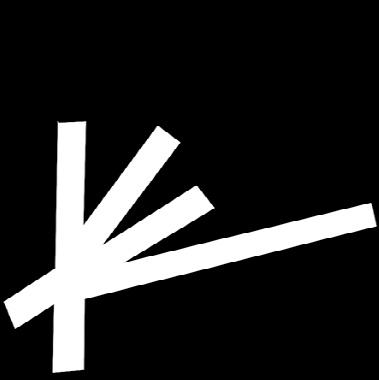

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.



Conditional Use Permit Marijuana Production Facility

9938 Mesa Rim Road San Diego, CA 92121



	<h3>General Notes</h3> <p>1. I am the designer/owner in responsible charge of this tenant improvement. I have inspected the site/premises and determined that existing conditions are in full compliance with current site accessibility requirements to the extent required by law.</p> <p>Print name: <u>Kent Coston</u></p> <p>Signature: _____</p> <p>2. If the city building inspection determines non-compliance with any accessibility provisions, a complete detailed reused plans clearly showing all existing non-complying conditions and the proposed modifications to meet current accessibility requirements (including site plan, floor plans, details, and etc.) will be submitted to the department for review and approval.</p> <p>3. Provide building address numbers, visible and legible from the street or road fronting the property per FHPS Policy P-00-6 (UFC 901.4.4)</p> <p>4. This project proposes no soil disturbance and no development improvements outside the existing building footprint for this Discretionary Review and therefore does not require any permanent storm water Best Management Practices.</p> <p>5. The Marijuana Production Facility will implement an odor suppression system to address potential odor impacts. This will include Carbon Filters on all exhaust and return Duct.</p> <p>6. The exhaust carbon scrubber to address any release of odors from operations and the project's HVAC system shall be designed in manner with positive and negative air flow consistent industry standards and the California Building Code.</p>	<h3>Governing Building Codes</h3> <p>1. All construction, including material and workmanship shall conform to the following California Building Codes:</p> <ul style="list-style-type: none">a. 2016 California Building Code (Title 24 Part 2)b. 2016 California Residential Code (Title 24 Part 2.5)c. 2016 California Electrical Code (Title 24 Part 3)d. 2016 California Mechanical Code (Title 24 Part 4)e. 2016 California Plumbing Code (Title 24 Part 5)f. 2016 California Energy Code (Title 24 Part 6)g. 2016 California Fire Code (Title 24 Part 9)h. 2016 California Building Energy Efficiency Standards <p>2. Wherever code or California Building Code (CBC) is referred in the following general notes or other note sections, it shall imply the CBC code with governing agency amendments.</p>	<h3>Project Information</h3> <p>Project Address: 9938 Mesa Rim Road San Diego, CA 92121</p> <p>APN: 341-362-29-07</p> <p>Legal Description: Lots 3 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4 in the City of San Diego, County of San Diego, State of California, according to map thereof no. 12395, filed in the office of the County Recorder of San Diego County May 31, 1989.</p> <p>Previous Discretionary Permit: PID 84-0667</p> <p>Original Building Permit: A009784-89</p> <p>Existing Building Construction Date: 1989</p> <p>Zone: IL-2-1</p> <p>Overlays: Airport Influence Prime Industrial Land Residential Tandem Parking Fire Brush Zones 300' Buffer Very High Fire Hazard Severity Zone FAA Part 77 Noticing Area Airport Land Use Compatibility Environmentally Sensitive Lands</p> <p>Environmentally Sensitive Lands:</p> <table><tr><td>Sensitive Biological Resources:</td><td>Yes</td></tr><tr><td>Steep Hillside:</td><td>Yes</td></tr><tr><td>Coastal Beaches:</td><td>No</td></tr><tr><td>Sensitive Coastal Bluffs:</td><td>No</td></tr><tr><td>100-Year Floodplain:</td><td>No</td></tr></table> <p>Historic District: No</p> <p>Designated Historic: No</p> <p>Geologic Hazard Categories: 53</p> <p>Earthquake Fault Buffer: No</p> <p>Existing Occupancy: F-1, B Proposed Occupancy: F-1, B</p> <p>Existing Use: Manufacturing Warehouse Proposed Use: Marijuana Production Facility</p> <p>Construction Type: VB</p> <p>Site Area: 165,014 SF (3.79 Acres)</p> <p>Building Area: 12,873 SF</p> <p>FAR: 0.09 14,829 SF / 165,014 SF = 0.09</p> <p>Coverage: 0.08 12,873 SF / 165,014 SF = 0.08</p>	Sensitive Biological Resources:	Yes	Steep Hillside:	Yes	Coastal Beaches:	No	Sensitive Coastal Bluffs:	No	100-Year Floodplain:	No	<h3>Scope of Work</h3> <p>1. Convert existing 14,829 SF Manufacturing Warehouse to new 14,829 SF Marijuana Production Facility.</p> <p>2. No new floor area proposed.</p> <p>3. No proposed exterior modifications to existing building.</p>	<h3>Sheet Index</h3> <table><thead><tr><th></th><th>Sheet Name</th><th>Issue Date</th><th colspan="2">Revision</th></tr><tr><th></th><th></th><th></th><th>#</th><th>Issue Date</th></tr></thead><tbody><tr><td>Architectural</td><td></td><td></td><td></td><td></td></tr><tr><td>A0.0</td><td>Cover Sheet</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A0.1</td><td>Stormwater Checklist</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A0.2</td><td>Area Code Analysis</td><td>03/15/18</td><td></td><td></td></tr><tr><td>A1.0</td><td>Transit Stop Plan</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A1.1</td><td>Site Plan</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A1.3</td><td>Parking Plan</td><td>04/02/18</td><td></td><td></td></tr><tr><td>A1.4</td><td>Brush Management Plan</td><td>04/02/18</td><td></td><td></td></tr><tr><td>A1.5</td><td>Site Details</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A2.0</td><td>Accessibility Plan</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A3.0</td><td>Existing Floor Plans</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A3.1</td><td>Proposed First Floor Plan</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A3.2</td><td>Proposed Mezzanine Floor Plan</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A3.3</td><td>Operation Plan</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A4.0</td><td>Existing Exterior Elevations</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A5.0</td><td>Enlarged Floor Plans</td><td>01/09/2018</td><td></td><td></td></tr><tr><td>A5.1</td><td>Enlarged Floor Plans</td><td>02/13/18</td><td></td><td></td></tr></tbody></table>		Sheet Name	Issue Date	Revision					#	Issue Date	Architectural					A0.0	Cover Sheet	01/09/2018			A0.1	Stormwater Checklist	01/09/2018			A0.2	Area Code Analysis	03/15/18			A1.0	Transit Stop Plan	01/09/2018			A1.1	Site Plan	01/09/2018			A1.3	Parking Plan	04/02/18			A1.4	Brush Management Plan	04/02/18			A1.5	Site Details	01/09/2018			A2.0	Accessibility Plan	01/09/2018			A3.0	Existing Floor Plans	01/09/2018			A3.1	Proposed First Floor Plan	01/09/2018			A3.2	Proposed Mezzanine Floor Plan	01/09/2018			A3.3	Operation Plan	01/09/2018			A4.0	Existing Exterior Elevations	01/09/2018			A5.0	Enlarged Floor Plans	01/09/2018			A5.1	Enlarged Floor Plans	02/13/18		
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	<h3>Project Directory</h3> <p>Owner: Khanh Jerry Hoang & Tammy Dang Hoang 8660 Villa La Jolla Drive, Suite 202 La Jolla, CA 92037 Contact: Tammy Dang Hoang 858-449-3010</p> <p>Applicant: Tammy Dang Hoang 8660 Villa La Jolla Drive, Suite 202 La Jolla, CA 92037 Contact: Tammy Dang Hoang 858-449-3010</p> <p>Architect: Coston Architects Incorporated 8415 La Mesa Blvd, Suite 4 La Mesa, CA 91942 Contact: Kent Coston kc@kentcoston.com 619-518-8071</p>	<div><div>COSTON ARCHITECTS INCORPORATED 8415 La Mesa Blvd Suite 4 La Mesa, CA 91942</div><div></div></div> <div><h3>Conditional Use Permit Marijuana Production Facility 9938 Mesa Rim Road San Diego, CA 92121</h3><h3>Cover Sheet</h3><table><thead><tr><th>DATE</th><th>Revision Schedule</th></tr></thead><tbody><tr><td>01/09/2018</td><td></td></tr></tbody></table><table><thead><tr><th>DRAWN</th><th></th></tr></thead><tbody><tr><td>CR</td><td></td></tr></tbody></table><table><thead><tr><th>PROJECT</th><th></th></tr></thead><tbody><tr><td>1736</td><td></td></tr></tbody></table><div><h1>A0.0</h1><div>1 OF 16</div></div></div>	DATE	Revision Schedule	01/09/2018		DRAWN		CR		PROJECT		1736																																																																																																	
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Storm Water Quality Notes

1. The contractor shall be responsible for cleanup of all silt & mud on adjacent street(s), due to construction vehicles or any other construction BMP's which may compromise Storm Water Quality within any street(s). A stabilized construction exit may be required to prevent construction vehicles or equipment from tracking mud or silt onto the street.


2. All stockpiles of soil &/or building materials that are intended to be left for a period greater than 7 calendar days are to be covered. All removable BMP devices shall be in place at the end of each working day when 5 day rain probability forecast exceeds 40%.

3. A concrete washout shall be provided on all projects which propose the construction of any concrete improvements which are to be poured in place on site.

4. The contractor shall restore all erosion/sediment control devices to working order after each run-off producing rainfall or after any material breach in effectiveness.

5. All slopes that are created or disturbed by construction activity must be protected against erosion and sediment transport at all times.

6. The storage of all construction materials and equipment must be protected against any potential release of pollutants into the environment.

	City of San Diego Department Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Storm Water Requirements</h1> <h2 style="margin: 0;">Applicability Checklist</h2>	FORM DS-560 OCTOBER 2016
Project Address: 9938 Mesa Rim Road, San Diego, CA 92121		Project Number (for City Use Only): 585402	
SECTION 1. Construction Storm Water BMP Requirements: All construction sites are required to implement construction BMPs in accordance with the performance standards in the Storm Water Standards Manual . Some sites are additionally required to obtain coverage under the State Construction General Permit (CGP), which is administered by the State Water Resources Control Board.			
For all projects complete PART A: If project is required to submit a SWPPP or WPCP, continue to PART B.			
PART A: Determine Construction Phase Storm Water Requirements.			
1. Is the project subject to California's statewide General NPDES permit for Storm Water Discharges Associated with Construction Activities, also known as the State Construction General Permit (CGP)? (Typically projects with land disturbance greater than or equal to 1 acre.)			
<input type="checkbox"/> Yes; SWPPP required, skip questions 2-4 <input checked="" type="checkbox"/> No; next question			
2. Does the project propose construction or demolition activity, including but not limited to, clearing, grading, grubbing, excavation, or any other activity resulting in ground disturbance and contact with storm water runoff?			
<input type="checkbox"/> Yes; WPCP required, skip 3-4 <input checked="" type="checkbox"/> No; next question			
3. Does the project propose routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility? (Projects such as pipeline/utility replacement)			
<input type="checkbox"/> Yes; WPCP required, skip 4 <input checked="" type="checkbox"/> No; next question			
4. Does the project still include the following Permit types listed below?			
<ul style="list-style-type: none"> • Electrical Permit, Fire Alarm Permit, Fire Sprinkler Permit, Plumbing Permit, Sign Permit, Mechanical Permit, Spa Permit. • Individual Right of Way Permits that exclusively include only ONE of the following activities: water service, sewer lateral, or utility service. • Right of Way Permits with a project footprint less than 150 linear feet that exclusively include only ONE of the following activities: curb ramp, sidewalk and driveway apron replacement, pot holing, curb and gutter replacement, and retaining wall encroachments. 			
<input type="checkbox"/> Yes; no document required			
Check one of the boxes below, and continue to PART B:			
<input type="checkbox"/> If you checked "Yes" for question 1, a SWPPP is REQUIRED. Continue to PART B			
<input type="checkbox"/> If you checked "No" for question 1, and checked "Yes" for question 2 or 3, a WPCP is REQUIRED . If the project proposes less than 5,000 square feet of ground disturbance AND has less than a 5-foot elevation change over the entire project area, a Minor WPCP may be required instead. Continue to PART B.			
<input type="checkbox"/> If you checked "No" for all questions 1-3, and checked "Yes" for question 4, PART B does not apply and no document is required. Continue to Section 2.			
1. More information on the City's construction BMP requirements as well as CGP requirements can be found at: www.sandiego.gov/stormwater/regulation/development-services			
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.			
DS-560 (10-16)			Clear Page 1

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

PART B: Determine Construction Site Priority

This prioritization must be completed within this form, noted on the plans, and included in the SWPPP or WPCP. The city reserves the right to adjust the priority of projects both before and after construction. Construction projects are assigned an inspection frequency based on if the project has a "high threat to water quality." The City has aligned the local definition of "high threat to water quality" to the risk determination approach of the State Construction General Permit (CGP). The CGP determines risk level based on project specific sediment risk and receiving water risk. Additional inspection is required for projects within the Areas of Special Biological Significance (ASBS) watershed. **NOTE:** The construction priority does **NOT** change construction BMP requirements that apply to projects; rather, it determines the frequency of inspections that will be conducted by city staff.

Complete Part B and continued to Section 2

1. ☒ ASBS

a. Projects located in the ASBS watershed.

2. ☐ High Priority

a. Projects 1 acre or more determined to be Risk Level 2 or Risk Level 3 per the Construction General Permit and not located in the ASBS watershed.

b. Projects 1 acre or more determined to be LUP Type 2 or LUP Type 3 per the Construction General Permit and not located in the ASBS watershed.

3. ☐ Medium Priority

a. Projects 1 acre or more but not subject to an ASBS or high priority designation.

b. Projects determined to be Risk Level 1 or LUP Type 1 per the Construction General Permit and not located in the ASBS watershed.

4. ☐ Low Priority

a. Projects requiring a Water Pollution Control Plan but not subject to ASBS, high, or medium priority designation.

SECTION 2. Permanent Storm Water BMP Requirements.

Additional information for determining the requirements is found in the [Storm Water Standards Manual](#).

PART C: Determine if Not Subject to Permanent Storm Water Requirements.

Projects that are considered maintenance, or otherwise not categorized as "new development projects" or "redevelopment projects" according to the [Storm Water Standards Manual](#) are not subject to Permanent Storm Water BMPs.

If "yes" is checked for any number in Part C, proceed to Part F and check "Not Subject to Permanent Storm Water BMP Requirements".

If "no" is checked for all of the numbers in Part C continue to Part D.

1. Does the project only include interior remodels and/or is the project entirely within an existing enclosed structure and does not have the potential to contact storm water? ☒ Yes ☐ No

2. Does the project only include the construction of overhead or underground utilities without creating new impervious surfaces? ☐ Yes ☐ No

3. Does the project fall under routine maintenance? Examples include, but are not limited to: roof or exterior structure surface replacement, resurfacing or reconfiguring surface parking lots or existing roadways without expanding the impervious footprint, and routine replacement of damaged pavement (grinding, overlay, and pothole repair). ☐ Yes ☐ No

Clear Page 2

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

PART D: PDP Exempt Requirements.

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

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

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

1. Does the project ONLY include new or retrofit sidewalks, bicycle lanes, or trails that:

- Are designed and constructed to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable areas? Or;
- Are designed and constructed to be hydraulically disconnected from paved streets and roads? Or;
- Are designed and constructed with permeable pavements or surfaces in accordance with the Green Streets guidance in the City’s Storm Water Standards manual?

☐ Yes; PDP exempt requirements apply

☐ No; next question

2. Does the project ONLY include retrofitting or redeveloping existing paved alleys, streets or roads designed and constructed in accordance with the Green Streets guidance in the City’s Storm Water Standards Manual?

☐ Yes; PDP exempt requirements apply

☐ No; project not exempt.

PART E: Determine if Project is a Priority Development Project (PDP).

Projects that match one of the definitions below are subject to additional requirements including preparation of a Storm Water Quality Management Plan (SWQMP).

If “yes” is checked for any number in PART E, continue to PART F and check the box labeled “Priority Development Project”.

If “no” is checked for every number in PART E, continue to PART F and check the box labeled “Standard Development Project”.

1. New Development that creates 10,000 square feet or more of impervious surfaces collectively over the project site. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.

☐ Yes ☐ No

2. Redevelopment project that creates and/or replaces 5,000 square feet or more of impervious surfaces on an existing site of 10,000 square feet or more of impervious surfaces. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.

☐ Yes ☐ No

3. New development or redevelopment of a restaurant. Facilities that sell prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC 5812), and where the land development creates and/or replace 5,000 square feet or more of impervious surface.

☐ Yes ☐ No

4. New development or redevelopment on a hillside. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site) and where the development will grade on any natural slope that is twenty-five percent or greater.

☐ Yes ☐ No

5. New development or redevelopment of a parking lot that creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).

☐ Yes ☐ No

6. New development or redevelopment of streets, roads, highways, freeways, and driveways. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).

☐ Yes ☐ No

Clear Page

Page 4 of 4 City of San Diego • Development Services • Storm Water Requirements Applicability Checklist							
7. New development or redevelopment discharging directly to an Environmentally Sensitive Area. The project creates and/or replaces 2,500 square feet of impervious surface (collectively over project site), and discharges directly to an Environmentally Sensitive Area (ESA). "Discharging directly to" includes flow that is conveyed overland a distance of 200 feet or less from the project to the ESA, or conveyed in a pipe or open channel any distance as an isolated flow from the project to the ESA (i.e. not commingled with flows from adjacent lands).	<input type="checkbox"/> Yes <input type="checkbox"/> No						
8. New development or redevelopment projects of a retail gasoline outlet (RGO) that create and/or replaces 5,000 square feet of impervious surface. The development project meets the following criteria: (a) 5,000 square feet or more or (b) has a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.	<input type="checkbox"/> Yes <input type="checkbox"/> No						
9. New development or redevelopment projects of an automotive repair shops that creates and/or replaces 5,000 square feet or more of impervious surfaces. Development projects categorized in any one of Standard Industrial Classification (SIC) codes 5013, 5014, 5541, 7532-7534, or 7536-7539.	<input type="checkbox"/> Yes <input type="checkbox"/> No						
10. Other Pollutant Generating Project. The project is not covered in the categories above, results in the disturbance of one or more acres of land and is expected to generate pollutants post construction, such as fertilizers and pesticides. This does not include projects creating less than 5,000 sf of impervious surface and where added landscaping does not require regular use of pesticides and fertilizers, such as slope stabilization using native plants. Calculation of the square footage of impervious surface need not include linear pathways that are for infrequent vehicle use, such as emergency maintenance access or bicycle pedestrian use, if they are built with pervious surfaces if they sheet flow to surrounding pervious surfaces.	<input type="checkbox"/> Yes <input type="checkbox"/> No						
PART F: Select the appropriate category based on the outcomes of PART C through PART E.							
1. The project is NOT SUBJECT TO PERMANENT STORM WATER REQUIREMENTS.	<input checked="" type="checkbox"/>						
2. The project is a STANDARD DEVELOPMENT PROJECT. Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.	<input type="checkbox"/>						
3. The project is PDP EXEMPT. Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.	<input type="checkbox"/>						
4. The project is a PRIORITY DEVELOPMENT PROJECT. Site design, source control, and structural pollutant control BMP requirements apply. See the Storm Water Standards Manual for guidance on determining if project requires a hydromodification plan management	<input type="checkbox"/>						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;"> Kent Coston </td> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;"> Agent </td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;"> Name of Owner or Agent (Please Print) </td> <td style="border-bottom: 1px solid black; padding-bottom: 5px;"> Title </td> </tr> <tr> <td style="height: 100px; vertical-align: bottom; padding-top: 5px;"> Signature </td> <td style="vertical-align: bottom; padding-top: 5px;"> <div style="text-align: right; font-size: 1.2em;">06/26/2018</div> <div style="border-bottom: 1px solid black; width: 100%;"></div> Date </td> </tr> </table>		Kent Coston	Agent	Name of Owner or Agent (Please Print)	Title	Signature	<div style="text-align: right; font-size: 1.2em;">06/26/2018</div> <div style="border-bottom: 1px solid black; width: 100%;"></div> Date
Kent Coston	Agent						
Name of Owner or Agent (Please Print)	Title						
Signature	<div style="text-align: right; font-size: 1.2em;">06/26/2018</div> <div style="border-bottom: 1px solid black; width: 100%;"></div> Date						

Conditional Use Permit

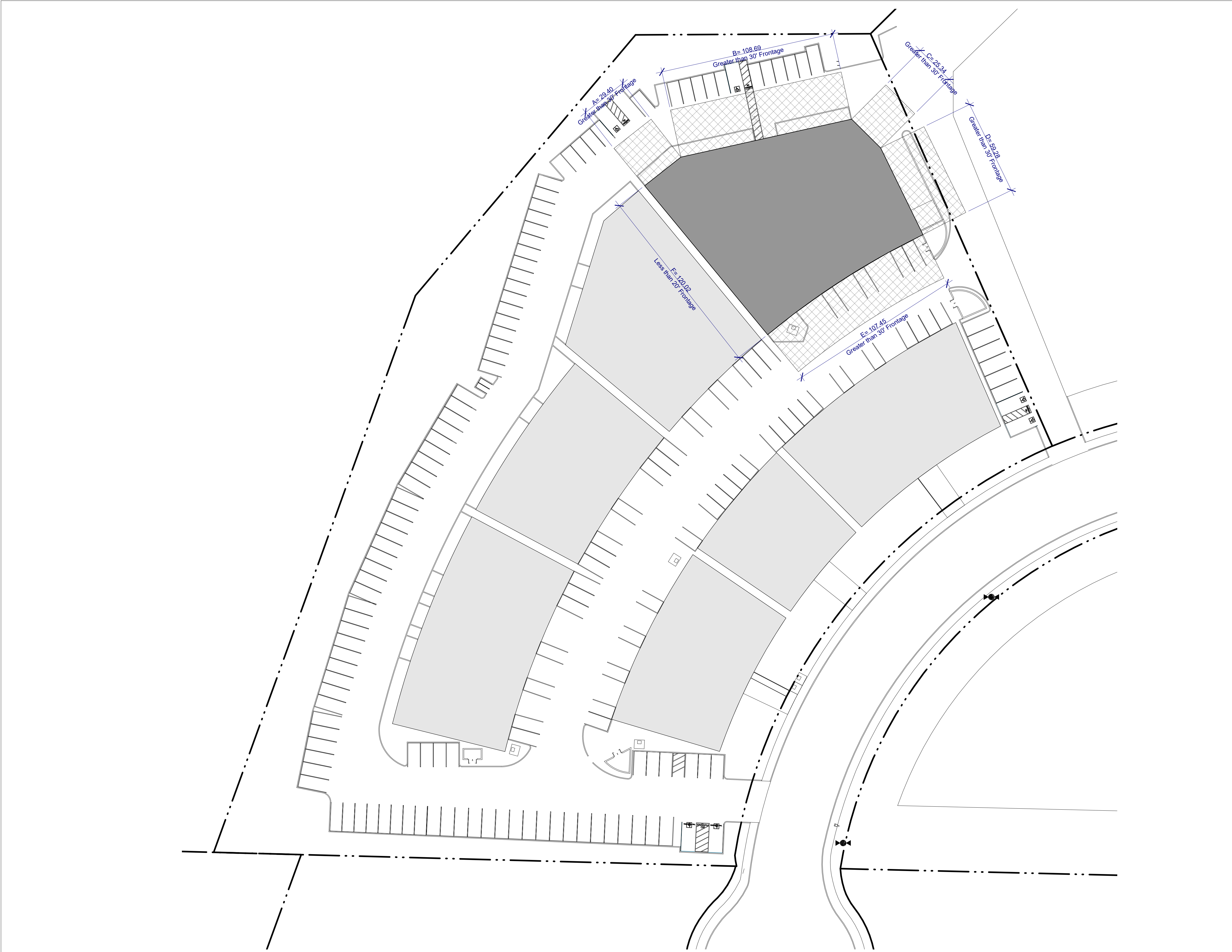
Marijuana Production Facility

9938 Mesa Rim Road

San Diego, CA 92121

Stormwater Checklist

DATE	01/09/2018	Revision Schedule
DRAWN	CR	
PROJECT	1736	A0.1
		2 OF 16



Legend

- Limit of Work
- (E) Building per plan
(No Work Proposed)
- Area greater than 30' frontage

Area Code Analysis

Building Area Modifications
per CBC 506

$Aa = [At + (NS \times If)] \times Sa$
 $Aa = [34,000 + (8,500 \times 0.48)] \times 1$
 $Aa = [34,000 + (4,080)] \times 1$
 $Aa = 38,080$

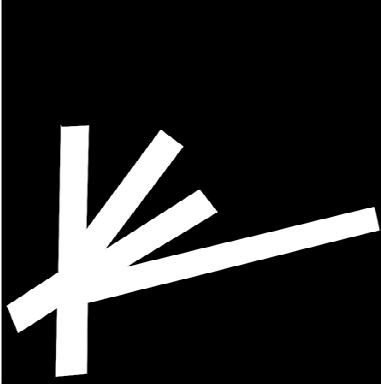
Frontage Increase If
per CBC 506.3

$If = [F/P - 0.25] W / 30$
 $If = [330.16/450.18 - 0.25] 30 / 30 = 0.48$

Frontage Increase Calculation


>30'	<20'
A = 29.40	
B = 108.69	
C = 25.34	
D = 59.28	
E = 107.45	F = 120.02
330.16	120.02

Total Perimeter= 450.18



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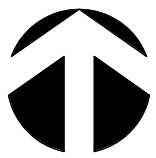
8415 La Mesa Blvd Suite 4
La Mesa, CA 91942



Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

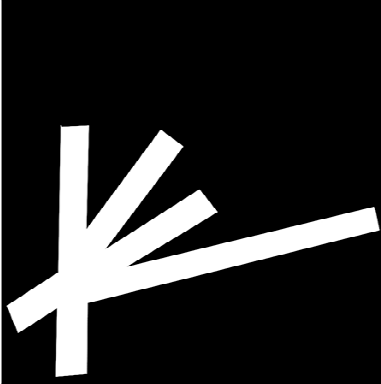
Area Code Analysis

DATE	Revision Schedule
03/15/18	
DRAWN	
CR	
PROJECT	
1736	
	A0.2
	3 OF 16




Legend

- Limit of Work
- (E) Building per plan (No Work Proposed)
- (E) Transit Stop
- (E) Fire Hydrant



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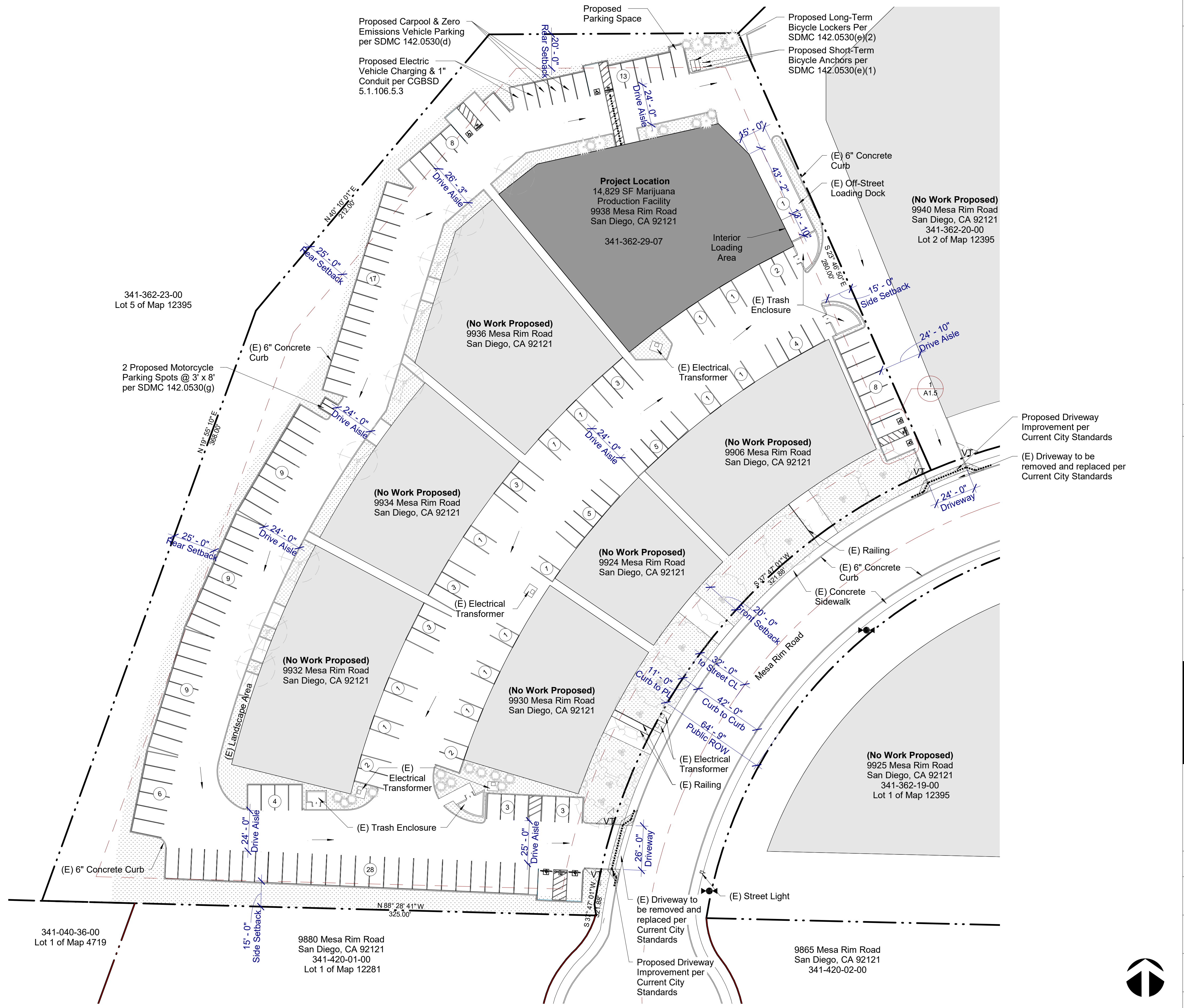
8415 La Mesa Blvd Suite 4
La Mesa, CA 91942



Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

Transit Stop Plan

DATE	Revision Schedule		
	01/09/2018		
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			A1.0
			4 OF 16



Legend

Accessible path of travel with 98" min. vertical clearance per CBC 11B-501. Accessible route surface will consist of stable, firm, and slip-resistant material per CBC 11B-302.1. Minimum 80" vertical clearance along all accessible routes and within all accessible spaces per CBC 11B-307.4

(E) Structure per plan (No work proposed)

Proposed Area of Work

(E) Landscape Area

Visibility Triangle per SDMC 113.0273. No obstruction including solid walls in the Visibility Area shall exceed 3'-0" in height. Plant Material, other than trees, within the public right-of-way that is locating within the visibility areas shall not exceed 0'-24" in height, measured from the top of the adjacent curb.

(E) Fire Hydrant

General Notes

1. No existing or proposed Transit Stops.

2. Signs shall be directed toward users on the premises. Street-oriented signs shall be for directional purposes only. No new street facing signage proposed other than adding tenant name to any existing directory.

Site Analysis

Landscape Area Calculation

Total: 20,726 (0.48 Acres)

COSTON ARCHITECTS INCORPORATED
8415 La Mesa Blvd Suite 4
La Mesa, CA 91942

Conditional Use Permit

Marijuana Production Facility

9938 Mesa Rim Road
San Diego, CA 92121

Site Plan

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1736	

Site Plan

1" = 30'-0"

1

5

OF

16

A1.1

Site Parking Calculations

Area (SF)	Required Regulations per 1,000 SF	Min. Parking Required
Existing Buildings		
46958 SF	2.65	124.4
Proposed MPF		
14829 SF	2.5	37.1
	Total Min. Required Parking	162
	Total Existing Parking	161
	Proposed Parking Spaces	1

Note: Previously approved parking rate for existing buildings per Approved Drawing A009784-89

Site Accessibility Parking Requirements

(Per CBC Table 11B-208.2 & 11B-208.4)

Existing Parking Spaces:	161
Proposed Parking Space:	1
Required ADA Spaces:	6
Existing ADA Spaces:	6
Required ADA Van Accessible Spaces:	1
Existing ADA Van Accessible Spaces:	

Compact Parking Calculation

Regulation per SDMC 142.0560(e)(2)	Total Parking Spaces	Existing Compact Spaces (7'-6" x 15'-0")	Calculation	Max Amount of Allowable Compact Spaces
A maximum of 60% of the total number of spaces may be 7 feet, 6 inches wide by 15 feet long with 18 foot aisles.	162	83	162 x .6	97.2

Note: Required Off-street Parking Approved before January 1, 2000
Refer to Approved Drawing A009784-89, Approval Date:06/01/1990

Additional Site Parking Requirements

Requirement	Regulations	Calculation	Total Required	Total Existing	Total Proposed
Short-Term Bicycle	Per SDMC 142.0530(e)(1): SF/1,000 x .1 or 2 required; Whichever is greater	14,829 SF/1,000 x 0.1= 1.48	2	0	2
Long-Term Bicycle	Per SDMC 142.0530(e)(1): 5% of Total Parking or 2 Spaces; Whichever is greater	37 x .05= 1.85	2	0	2
Motorcycle	Per SDMC 142.0533: 2% of Total Parking or 2 Spaces; Whichever is greater	37 x .02= 0.74	2	0	2
Zero Emissions & Carpool	Per SDMC 142.0530: 3 Designated Spaces for 26-50 Automobile Parking Spaces	N/A	3	0	3
Electric Vehicle Charging Station	Per Table CGBSD 5.106.5.3.3	N/A	2	0	2
Loading Space	Per SDMC Section 142.1010, Table 142-10B	N/A	1	1	0

Note: The Parking Requirements for the Proposed Development is 37 Spaces.

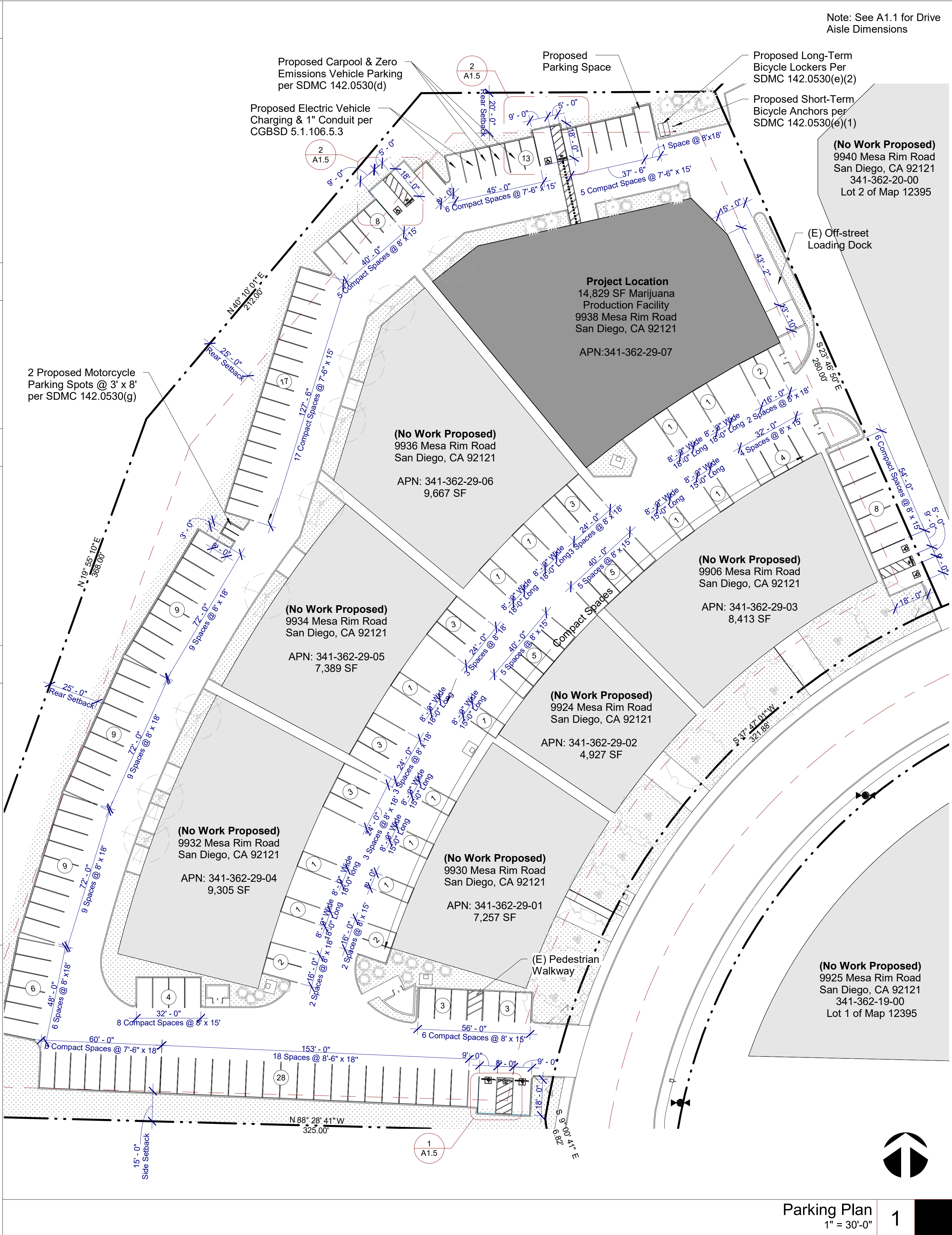
Proposed Development Parking Requirements

Use	Calculation	Total Spaces
Light Manufacturing: (Proposed Development)	14,829 SF/1,000 x 2.5	37
Required Parking:		37
Existing Parking:		37

ADA Parking Requirements

(Proposed Development)
(Per CBC Table 11B-208.2 & 11B-208.4)

Existing Standard Spaces:	37
Required ADA Spaces:	2
Required ADA Van Accessible Spaces:	1



Note: See A1.1 for Drive Aisle Dimensions

(No Work Proposed)
9940 Mesa Rim Road
San Diego, CA 92121
341-362-20-00
Lot 2 of Map 12395

(No Work Proposed)
9925 Mesa Rim Road
San Diego, CA 92121
341-362-19-00
Lot 1 of Map 12395

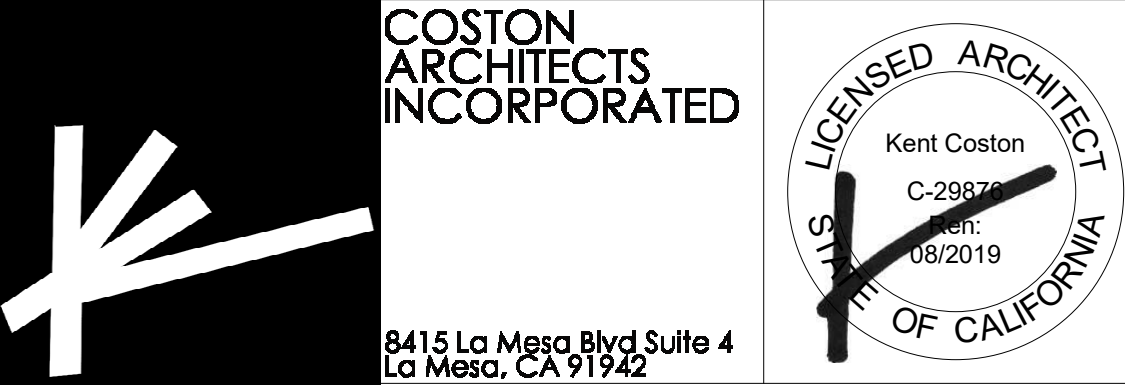
Parking Plan

1" = 30'-0"

1

Notes

1. Per SDMC 142.0560 (h)(5), the length of a parking space may overhang a raised curb or wheel stop and a required landscape area by a maximum of 3 feet, provided that the height of the curb does not exceed 6 inches and the area of overhang is not part of a required pedestrian path.



Conditional Use Permit
Marijuana Production Facility
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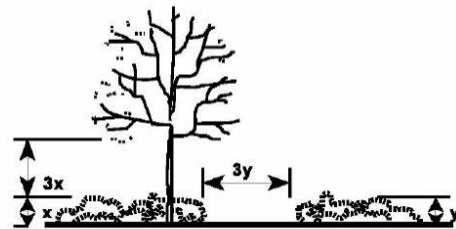
Parking Plan

DATE		Revision Schedule
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DRAWN		
	CR	
PROJECT		A1.3
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BMZ Maintenance Notes

Section III: Brush Management
3-1 Brush Management- Description
Fire safety in the landscape is achieved by reducing the readily flammable fuel adjacent to structures. This can be accomplished by pruning and thinning of native and naturalized vegetation, revegetation with low fuel volume plantings or a combination of the two. Implementing brush management in an environmentally appropriate manner requires a reduction in the amount and continuity of highly flammable fuel while maintaining plant coverage for soil protection. Such a transition will minimize the visual, biological and erosion impacts while reducing the risks of wildland fires.
3-2 Brush Management- Requirements
3.2-1 Basic Requirements- All Zones
3.2-1.01 For zone two, plants shall not be cut below six inches.
3.2-1.02 Debris and trimmings produced by thinning and pruning shall be removed from the site or if left, shall be converted into mulch by a chipping machine and evenly dispersed, non-irrigated, to a maximum depth of 6 inches.
3.2-1.03 Trees and large tree form shrubs (e.g., Oaks, Sumac, Toyon) which are being retained shall be pruned to provide clearance of three times the height of the under story plant material or six feet whichever is higher (Figure 3-1). Dead and excessively twiggy growth shall also be removed.

FIGURE 3-1
PRUNING TREES TO PROVIDE CLEARANCE FOR BRUSH MANAGEMENT



3.2-1.04 All plants or plant groupings except cacti, succulents, trees and tree-form shrubs shall be separated by a distance three times the height of the tallest adjacent plants (Figure 3-1).
3.2-1.05 Maximum coverage and area limitations as stated herein shall not apply to indigenous native tree species (i.e., Pinus, Quercus, Platanus, Salix and Populus).
3.2-2 Zone 1 Requirements - All Structures
3.2-2.01 Do not use, and remove if necessary, highly flammable plant materials (see Appendix "B").
3.2-2.02 Trees should not be located any closer to a structure than a distance equal to the tree's mature spread.
3.2-2.03 Maintain all plantings in a succulent condition.
3.2-2.04 Non-irrigated plant groupings over six inches in height may be retained provided they do not exceed 100 square feet in area and their combined coverage does not exceed 10 percent of the total Zone 1 area.
3.2-3 Zone 2 Requirements - All Structures
3.2-3.01 Individual non-irrigated plant groupings over 24 inches in height may be retained provided they do not exceed 400 square feet in area and their combined coverage does not exceed 30 percent of the total Zone 2 area.

BMZ Maintenance Notes

II. BRUSH MANAGEMENT PROGRAM ~ In conjunction with the Brush Management Plan, provide a Brush Management Program with the following notes:
B) Brush Management Program, additional Maintenance Notes (provide on plan):
1. General Maintenance ~ Regular inspections and landscape maintenance are necessary to minimize the potential damage or loss of property from brush fires and other natural hazards such as erosion and slope failures. Because each property is unique establishing a precise maintenance schedule is not feasible. For effective fire and watershed management, however, property owners should expect to provide maintenance according to each brush management zone: Zone 1: Year-round maintenance, Zone 2: Seasonal maintenance. Brush management activities are prohibited within coastal sage scrub, maritime succulent scrub, and coastal sage-chaparral habitats from March 1 through August 15, except where documented to the satisfaction of the City Manager that the thinning would be consistent with conditions of species coverage described in the City of San Diego's MSCP Subarea Plan.
2. Brush Management Zone 1 ~ This is the most critical area for fire and watershed safety. All ornamental plantings should be kept well watered and any irrigation run-off should drain toward the street. Rain gutters and drainage pipes should be cleaned regularly and all leaves removed from the roof before the fire season begins. All planting, particularly nonirrigated natives and large trees should be regularly pruned to eliminate dead fuels, to reduce excessive fuel and to provide adequate space between plants and structures.
3. Brush Management Zone 2 ~ Seasonal maintenance in this zone should include removal of dead woody plants, eradication of weedy species and periodic pruning and thinning of trees and shrubs. Removal of weeds should not be done with hand tools such as hoes, as this disturbs valuable soil. The use of weed trimmers or other tools which retain short stubble that protects the soil is recommended. Native shrubs should be pruned in the summer after the major plant growth occurs. Well pruned healthy shrubs should typically require several years to build up excessive live and dead fuel. On slopes all drainage devices must be kept clear. Re-inspect after each major storm since minor soil slips can block drains. Various groundcovers should be periodically sheared and thatch removed. Diseased and dead wood should be pruned from trees. Fertilizing trees and shrubs is not typically recommended as this may stimulate excessive growth.
4. Long-term Maintenance Responsibility ~ All Landscaping / Brush Management within the Brush Management Zone(s) as shown on these plans shall be the responsibility of ____ Tammy Dang Hoang _____. The Brush Management Zone areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition.

City of San Diego BMZ Notes

- (f) The Zone Two width may be decreased by 1½ feet for each 1 foot of increase in Zone One width.
- (g) Zone One Requirements
(1) The required Zone One width shall be provided between native or naturalized vegetation and any structure and shall be measured from the exterior of the structure to the vegetation.
(2) Zone One shall contain no habitable structures, structures that are directly attached to habitable structures, or other combustible construction that provides a means for transmitting fire to the habitable structures. Structures such as fences, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated or heavy timber construction.
(3) Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Plants shall be low-fuel and fire-resistant.
(4) Trees within Zone One shall be located away from structures to a minimum distance of 10 feet as measured from the structures to the drip line of the tree at maturity in accordance with the Landscape Standards of the Land Development Manual.
(5) Permanent irrigation is required for all planting areas within Zone One except as follows:
(A) When planting areas contain only species that do not grow taller than 24 inches in height, or
(B) When planting areas contain only native or naturalized species that are not summer-dormant and have a maximum height at plant maturity of less than 24 inches.
(6) Zone One irrigation overspray and runoff shall not be allowed into adjacent areas of native or naturalized vegetation.
(7) Zone One shall be maintained on a regular basis by pruning and thinning plants, controlling weeds, and maintaining irrigation systems.
- (h) Zone Two Requirements
(1) The required Zone Two width shall be provided between Zone One and the undisturbed, native or naturalized vegetation, and shall be measured from the edge of Zone One that is farthest from the habitable structure, to the edge of undisturbed vegetation.
(2) No structures shall be constructed in Zone Two.
(3) Within Zone Two, 50 percent of the plants over 24 inches in height shall be cut and cleared to a height of 6 inches.
(4) Within Zone Two, all plants remaining after 50 percent are reduced in height, shall be pruned to reduce fuel loading in accordance with the Landscape Standards in the Land Development Manual. Non-native plants shall be pruned before native plants are pruned.
(5) The following standards shall be used where Zone Two is in an area previously graded as part of legal development activity and is proposed to be planted with new plant material instead of clearing existing native or naturalized vegetation:
(A) All new plant material for Zone Two shall be native, low-fuel, and fire-resistant. No non-native plant material may be planted in Zone Two either inside the MHPA or in the Coastal Overlay Zone, adjacent to areas containing sensitive biological resources.
(B) New plants shall be low-growing with a maximum height at maturity of 24 inches. Single specimens of fire resistant native trees and tree form shrubs may exceed this limitation if they are located to reduce the chance of transmitting fire from native or naturalized vegetation to habitable structures and if the vertical distance between the lowest branches of the trees and the top of adjacent plants are three times the height of the adjacent plants to reduce the spread of fire through ladder fueling.
(C) All new Zone Two plantings shall irrigated temporarily until established to the satisfaction of the City Manager. Only lowflow, low-gallonage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation. Temporary irrigation systems shall be removed upon approved establishment of the plantings. Permanent irrigation is not allowed in Zone Two.
(D) Where Zone Two is being revegetated as a requirement of Section 142.0411(a), revegetation shall comply with the spacing standards in the Land Development Manual. Fifty percent of the planting area shall be planted with material that does not grow taller than 24 inches. The remaining planting area may be planted with taller material, but this material shall be maintained in accordance with the requirements for existing plant material in Zone Two.
(6) Zone Two shall be maintained on a regular basis by pruning and thinning plants, removing invasive species, and controlling weeds.
(7) Except as provided in Section 142.0412(i), where the required Zone One width shown in Table 142-04H cannot be provided on premises with existing structures, the required Zone Two width shall be increased by one foot for each foot of required Zone One width that cannot be provided.

Legend

- Proposed Manufacturing Production Facility
- Property Line
- Limit of Brush Management Zones

General Notes

- Brush Management Requirements per SDMC Section 142.0412
- Existing Vegetation outside of development limits to remain.

Site Analysis

Total Parcel: 14,829 SF

BMZ Basis of Design

Brush Management Zone One varies from 47'-0" - 57'-0".
Brush Management Zone Two varies from 5'-0" - 47'-0".
Based on previously conformed structures and Zone Two reduction per 142.0412(f). Site landscaping per A009784-89.



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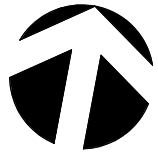
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La Mesa, CA 91942



Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

Brush Management Plan

DATE	Revision Schedule	
04/02/18		
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	7	OF 16



Accessible path of travel with 98" min. vertical clearance per CBC 11B-501. Accessible route surface will consist of stable, firm, and slip-resistant material per CBC 11B-302.1. Minimum 80" vertical clearance along all accessible routes and within all accessible spaces per CBC 11B-307.4

1. All accessible spaces shall be served by at least as many accessible means of egress as required means of egress per CBC 1015.1 or CBC 1021.1

2. Egress doors shall be readily operable from the egress side without the use of a key or special knowledge of effort per CBC 1008.1.9

3. 2.1% maximum cross slope for each ramp run and landing.

4. All ramp run surfaces shall contain stable, firm, and slip-resistant material with no changes in level other than running slope or cross slope per CBC 11B-302.1 and CBC 11B-405.4.

5. All required elements shall comply with reach ranges per CBC 11B-308.

6. Electrical switches and receptacle outlets shall be located within reach ranges per CBC 11B-308 except low reach shall be measured from the bottom of the outlet box and high reach shall be measured to the top of the outlet box.

7. Any carpet shall comply with CBC 11B-302.2.

8. Provide knee and toe clearance at accessible elements per CBC 11B-306

9. An accessible route with running slope exceeding 5% requires an accessible ramp per CBC 11B-403.3.

10. Room designation signs, where provided, shall comply with CBC 11B-703.

11. Accessible routes serving seating areas widths to be as follows, per CBC 11B-403.5.1.1:

- 36" min to each accessible space
- 36" wide aisle serving tables or seats on one side
- 44" wide aisle serving tables or seats on both sides

12. Required clearances at doors & openings per CBC 11B-404.2.4.1 & 11B-404.2.4.2.

13. Detectable warning surfaces shall contrast visually with adjacent walking surfaces either light-on-dark or dark-on-light. The material used to provide contrast shall be an integral part of the surface per Section 11B-705.1.1.3

14. Only approved DSA-AC detectable warning products and directional surfaces shall be installed as provided in the California Code of Regulations (CCR), Title 24, Part 1, Chapter 5, Article 2, 3, and 4 per Section 11B705.3.

15. Egress doors shall be readily operable from the egress side without the use of a key or special knowledge or effort per Section 1008.1.9.

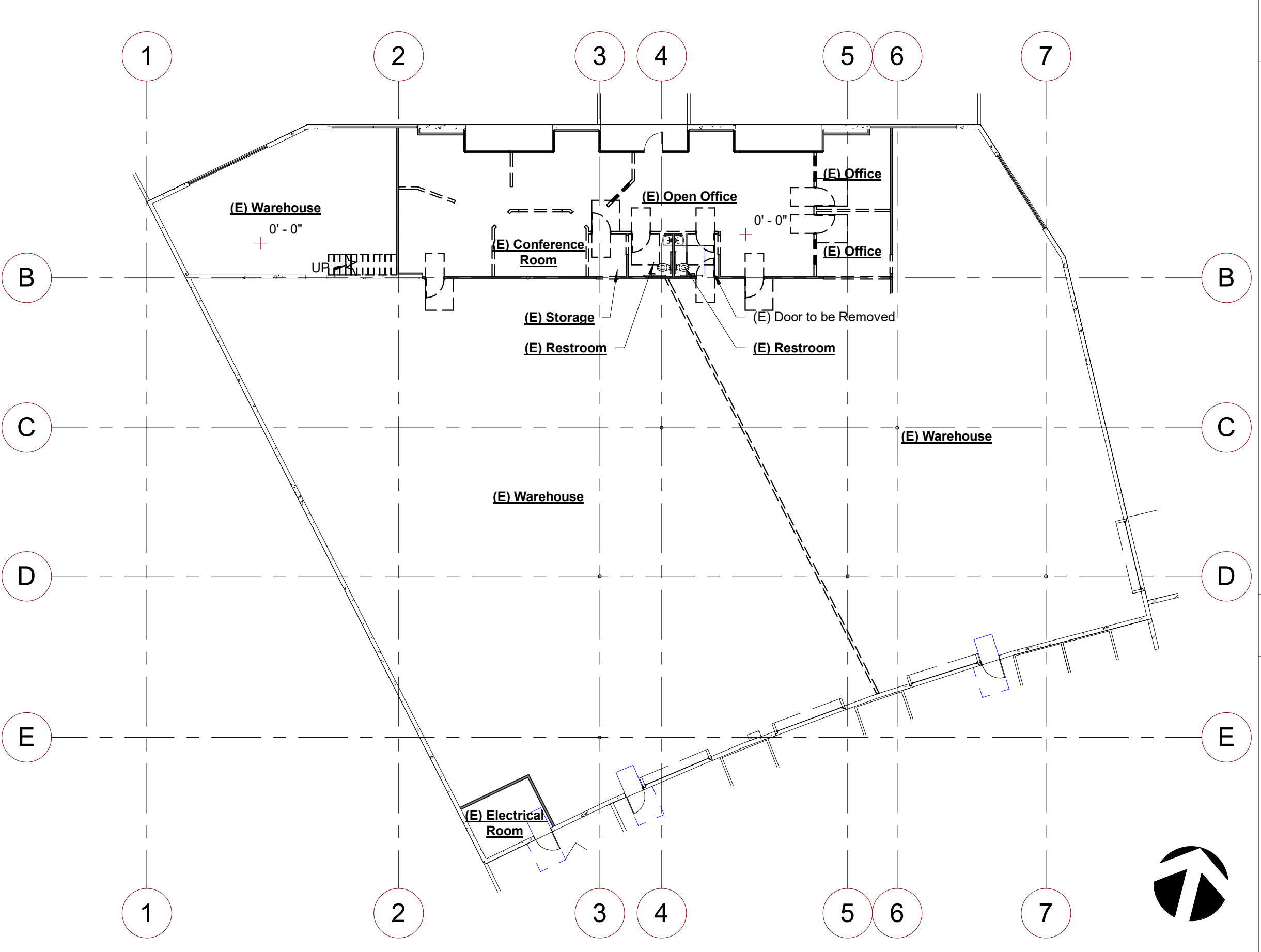
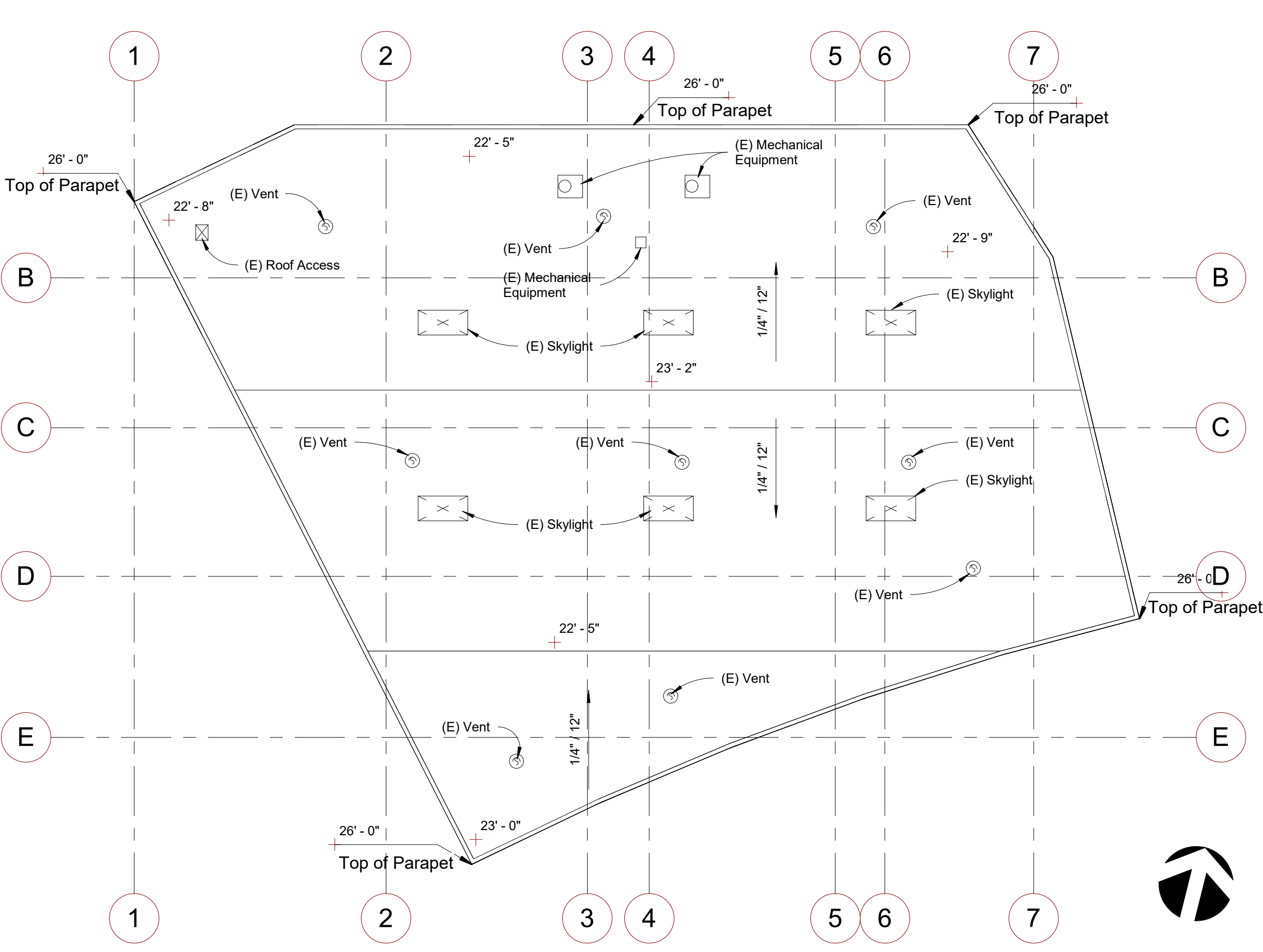
16. The means of egress, including the exit discharge, will be illuminated to a level not less than one foot-candle at the walking surface at all times the building space served by the means of egress is occupied per Sections 1006.1 and 1006.2.

17. Exit signs shall be internally or externally illuminated at all times and shall be connected to an emergency power system (batteries, unit equipment or an on-site generator) that will automatically illuminate the means of egress for a duration of not less than 90 minutes per Section 1011.



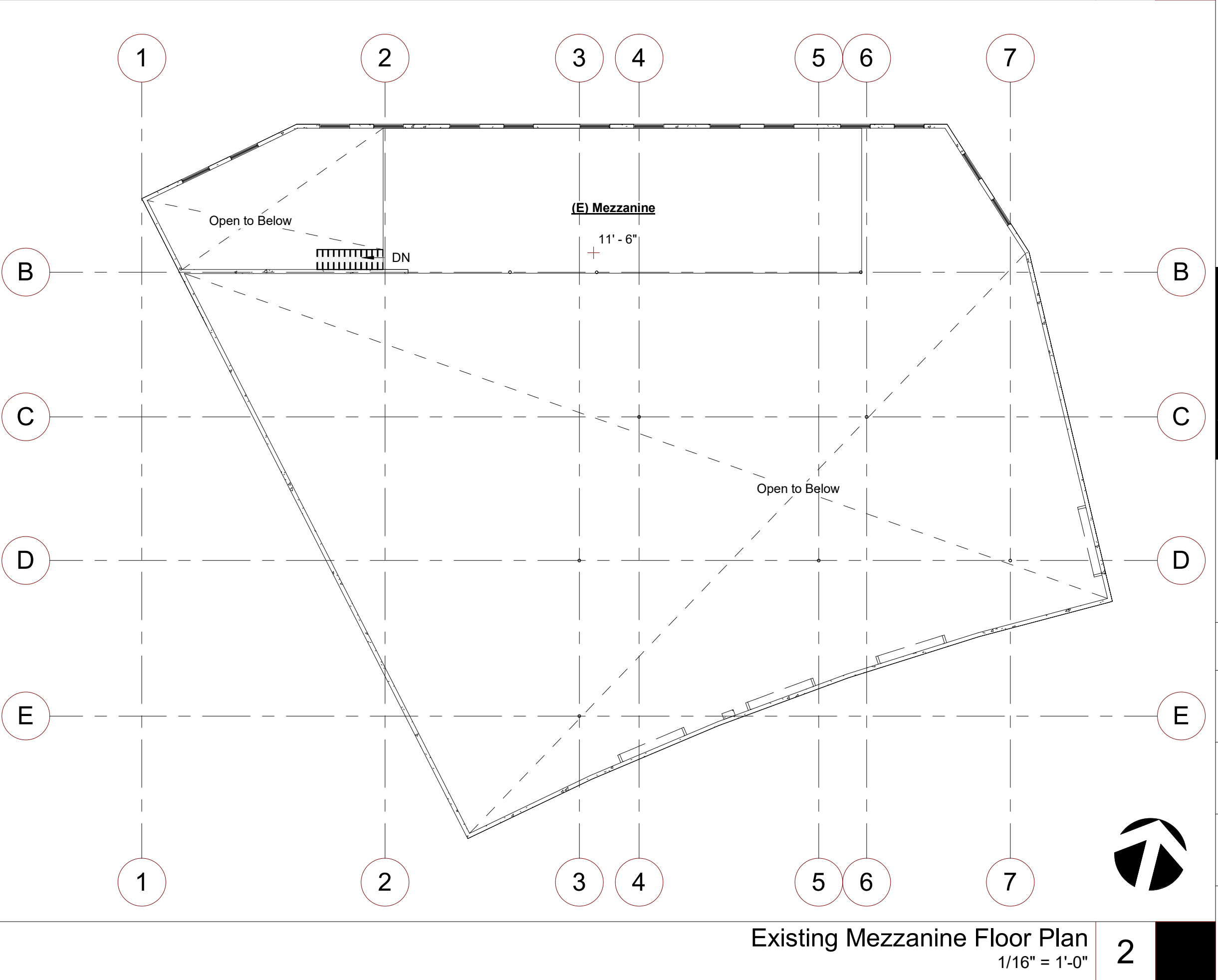
Accessibility Plan

A2.0



Existing Roof Plan
1/16" = 1'-0"

Existing First Floor Plan
1/16" = 1'-0"



Existing Mezzanine Floor Plan
1/16" = 1'-0"

Legend

- [---] Existing Wall or Fixture to be Demolished per plan
- [---] Existing Wall to Remain

Notes



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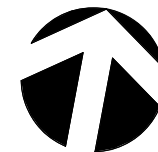
8415 La Mesa Blvd Suite 4
La Mesa, CA 91942



Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

Existing Floor Plans

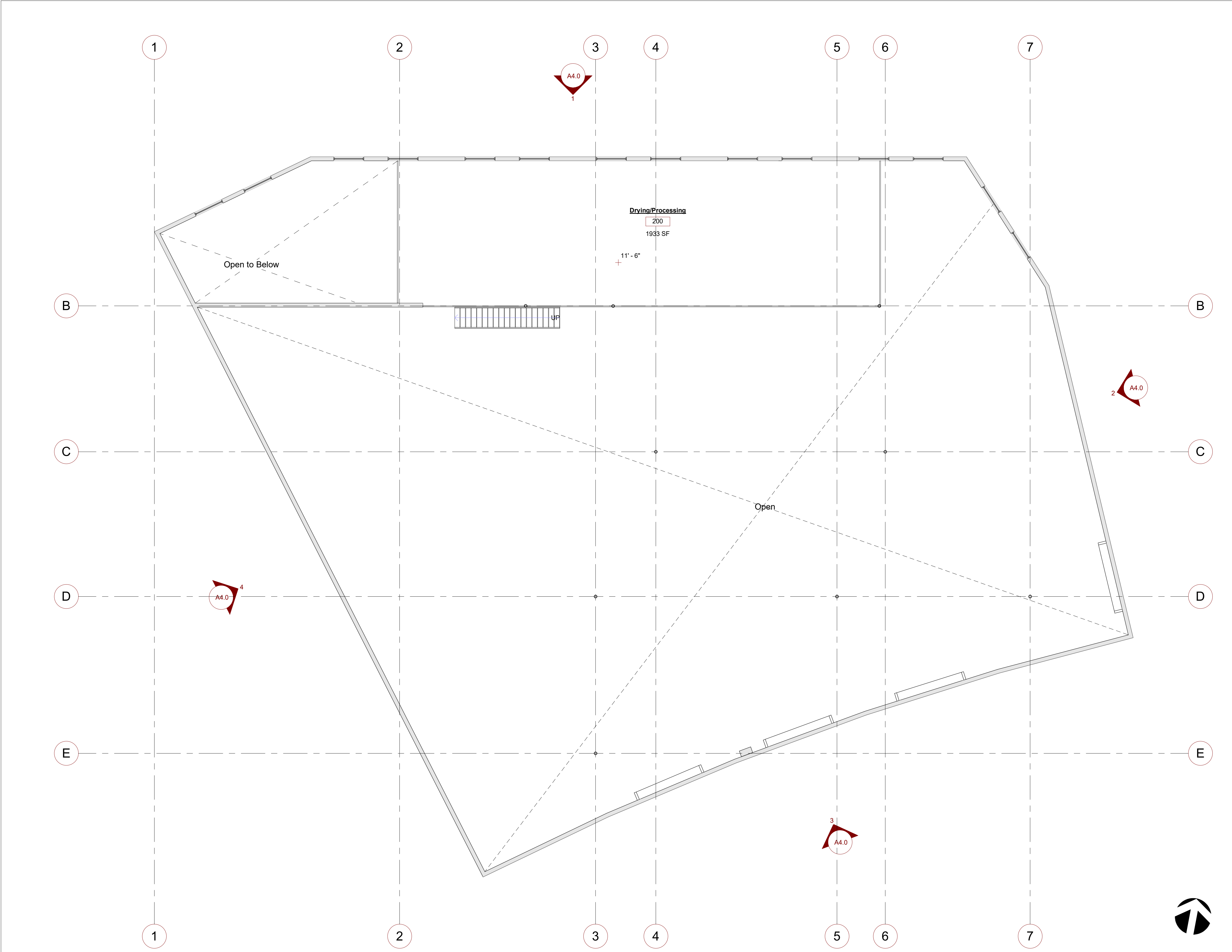
DATE	Revision Schedule	A3.0
01/09/2018		
DRAWN	CR	A3.0
PROJECT	1736	A3.0
		10 OF 16



1

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BIM 360://1736- 9938 Mesa Rim Rd. CUP/1736- 9938 Mesa Rim Rd. CUP V1- CLOUD.rvt



Legend

- Existing Wall to Remain
- New Wall per plan
- Security Camera
- 4' x 8' Nominal 2-Layer Cultivation Rack (Unless Otherwise Noted)
- 4' x 4' Nominal 2-Layer Cultivation Rack (Unless Otherwise Noted)

Notes



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8415 La Mesa Blvd Suite 4
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Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

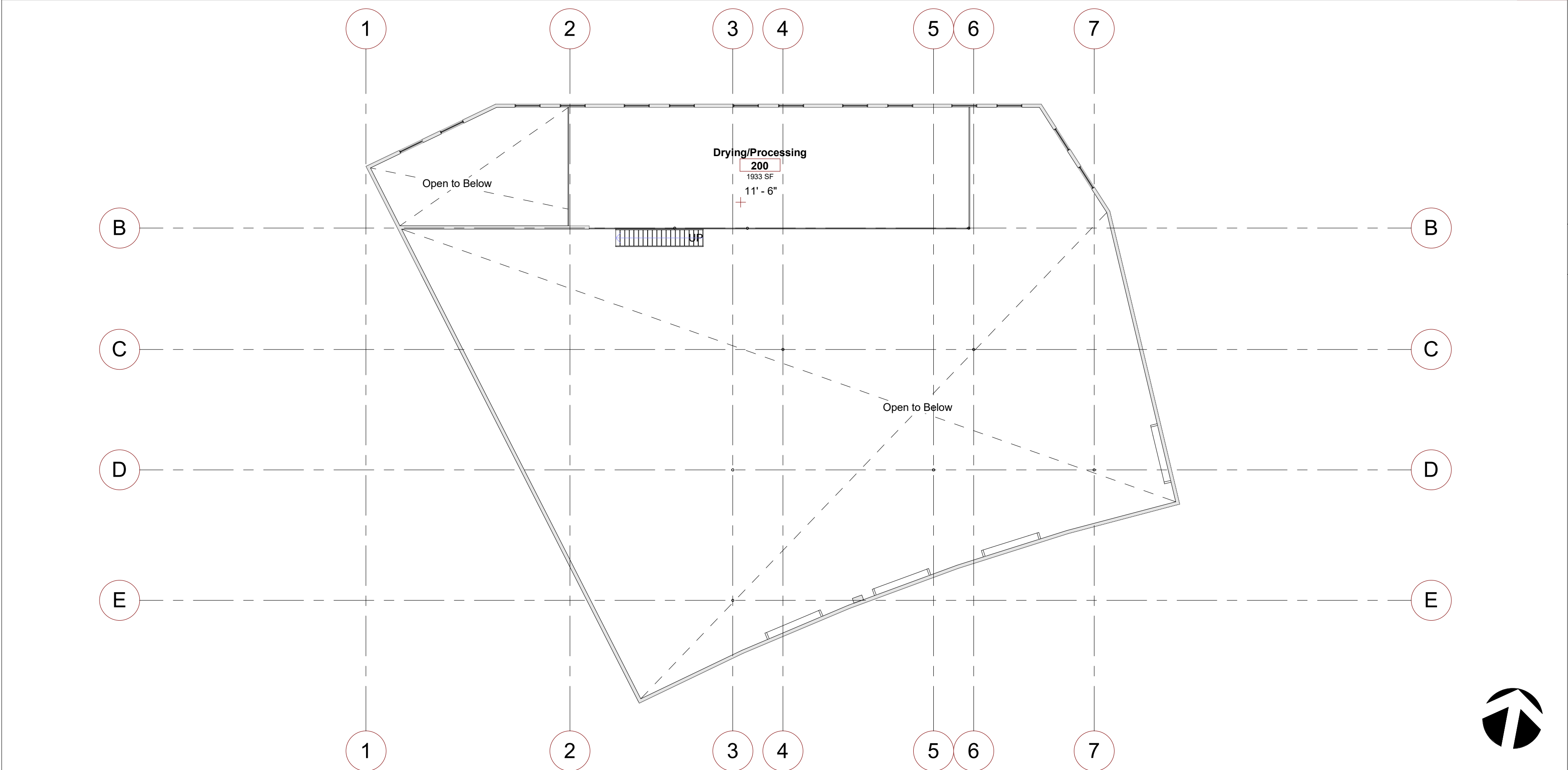
Proposed Mezzanine Floor Plan

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01/09/2018			
DRAWN			
CR			
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1736		A3.2	
		12	OF 16



First Floor Operation Plan
1/16" = 1'-0"

1



Mezzanine Operation Plan
1/16" = 1'-0"

2

Operations Schedule

Number	Name	Area	Description	Number of Employees
100	Lobby	261 SF	Will serve as a Security check-in for employees and visitors with controlled access to all other areas. No Cannabis operations or tasks relating to will take place.	1
102	Restroom	50 SF	For employee use only. No Cannabis Operations or tasks relating to will take place	0
103	Restroom	50 SF	For employee use only. No Cannabis Operations or tasks relating to will take place.	0
104	Exec. Office	326 SF	For employee use only. No Cannabis operations or tasks relating to will take place.	2
105	Secure Storage	194 SF	Controlled Access. Will serve as secure storage for Processed Cannabis and Cannabis related products/processing tools.	0
106	Manufacturing	511 SF	Controlled Access. Will involve placing oven dried raw Cannabis in the extraction system & conducting extraction using solvents that are then filtered and heated into gas forms.	4
107	Cultivation	1007 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	2
108	Cultivation	1011 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	2
109	Cultivation	735 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	1
110	Elec.	107 SF	Controlled Access. No Cannabis Operations or tasks relating to will take place.	0
111	Cultivation	1115 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	2
112	Cultivation	1054 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	2
113	Cultivation	1015 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	2
114	Cultivation	728 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	1
115	Cultivation	743 SF	Controlled Access. Will serve as secure storage of vegetation in process of harvesting.	1
116	Office	515 SF	For employee administrative tasks only. No Cannabis manufacturing will take place.	4
117	Breakroom	127 SF	For employee use only. No Cannabis Operations or tasks relating to will take place.	
118	Employee Shower	44 SF	For employee use only. No Cannabis Operations or tasks relating to will take place	
119	Circulation	2562 SF	For employee circulation to secure areas of operation.	
200	Drying/Processing	1933 SF	Controlled Access. Will include preparing Raw Cannabis for manufacturing and distribution.	3

Notes

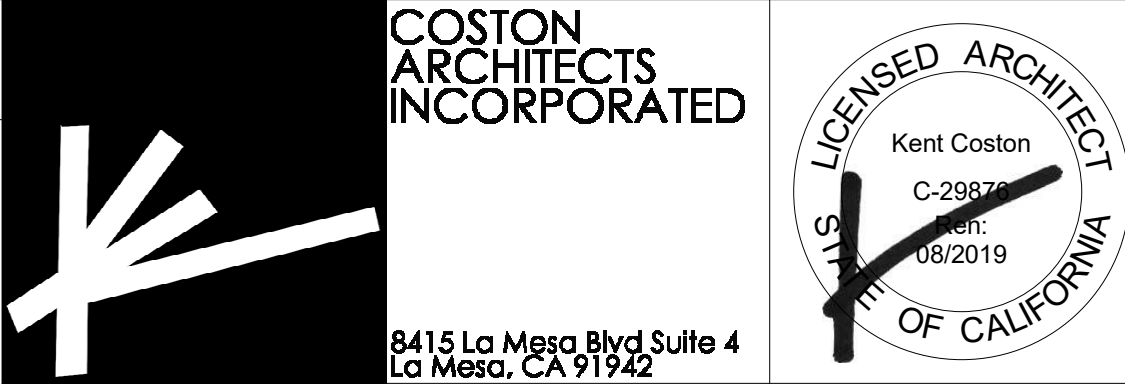
- Max Number of Employees working on site per shift:

8:00-5:00-	14 Employees
4:00-12:00-	13 Employees
12:00 - 8:00-	14 Employees
- Hours of operation:

24 hrs/day
- Expected Shift Schedules:

8:00-5:00
4:00-12:00
12:00-8:00
- Expected Number, type & Schedule of Deliveries per day
 - Distributor deliveries will occur as needed 1-3 times daily.
 - Armored vehicles to make deliveries. Deliveries will consist of distributing Cannabis product in bulk
 - Delivery schedule will vary during non-peak traffic hours.
- Delivery Vehicle Dimensions:

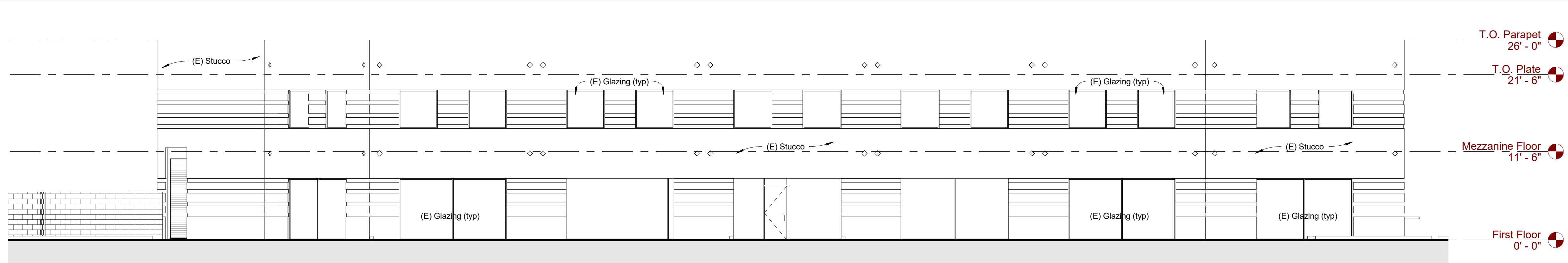
18' x 6'-6" x 6'-8"



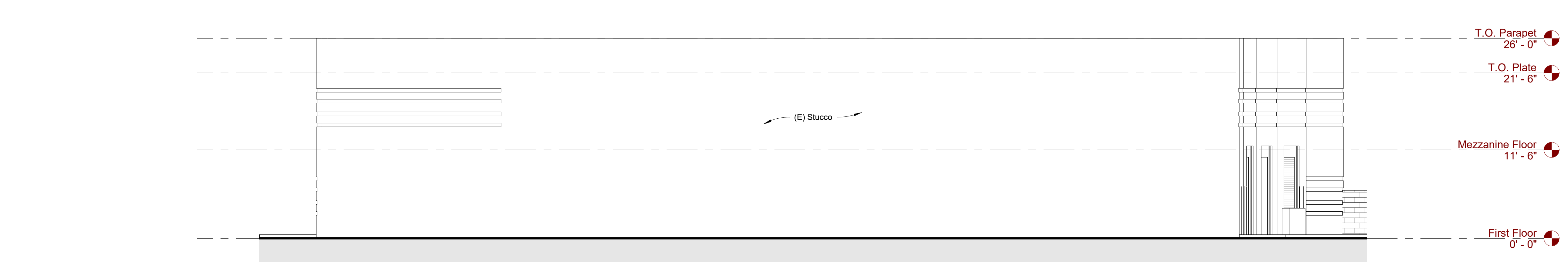
Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

Operation Plan

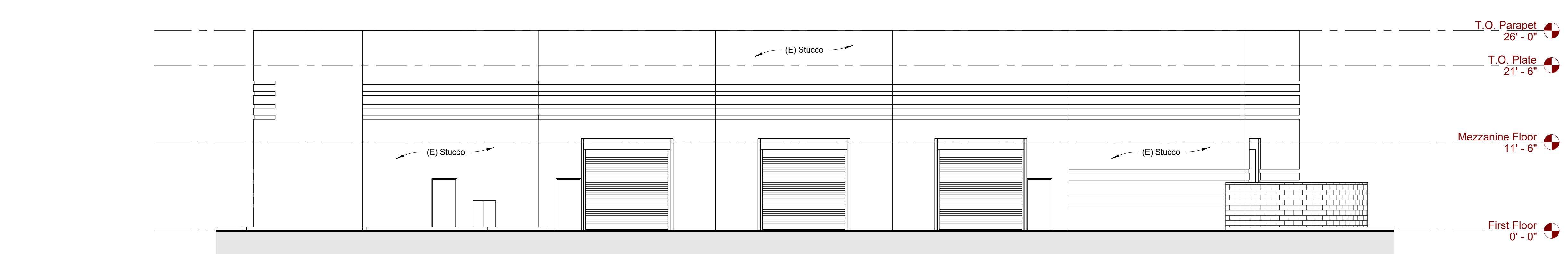
DATE	Revision Schedule
01/09/2018	
DRAWN	CR
PROJECT	1736
A3.3	
13	OF 16



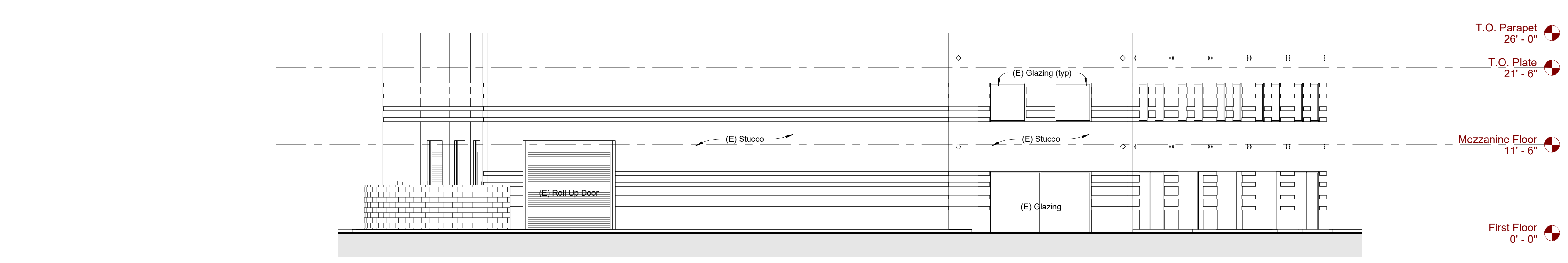
North Elevation
1/8" = 1'-0" 1



West Elevation
1/8" = 1'-0" 4



South Elevation
1/8" = 1'-0" 3



East Elevation
1/8" = 1'-0" 2

Notes

1. No proposed exterior modifications to existing building.



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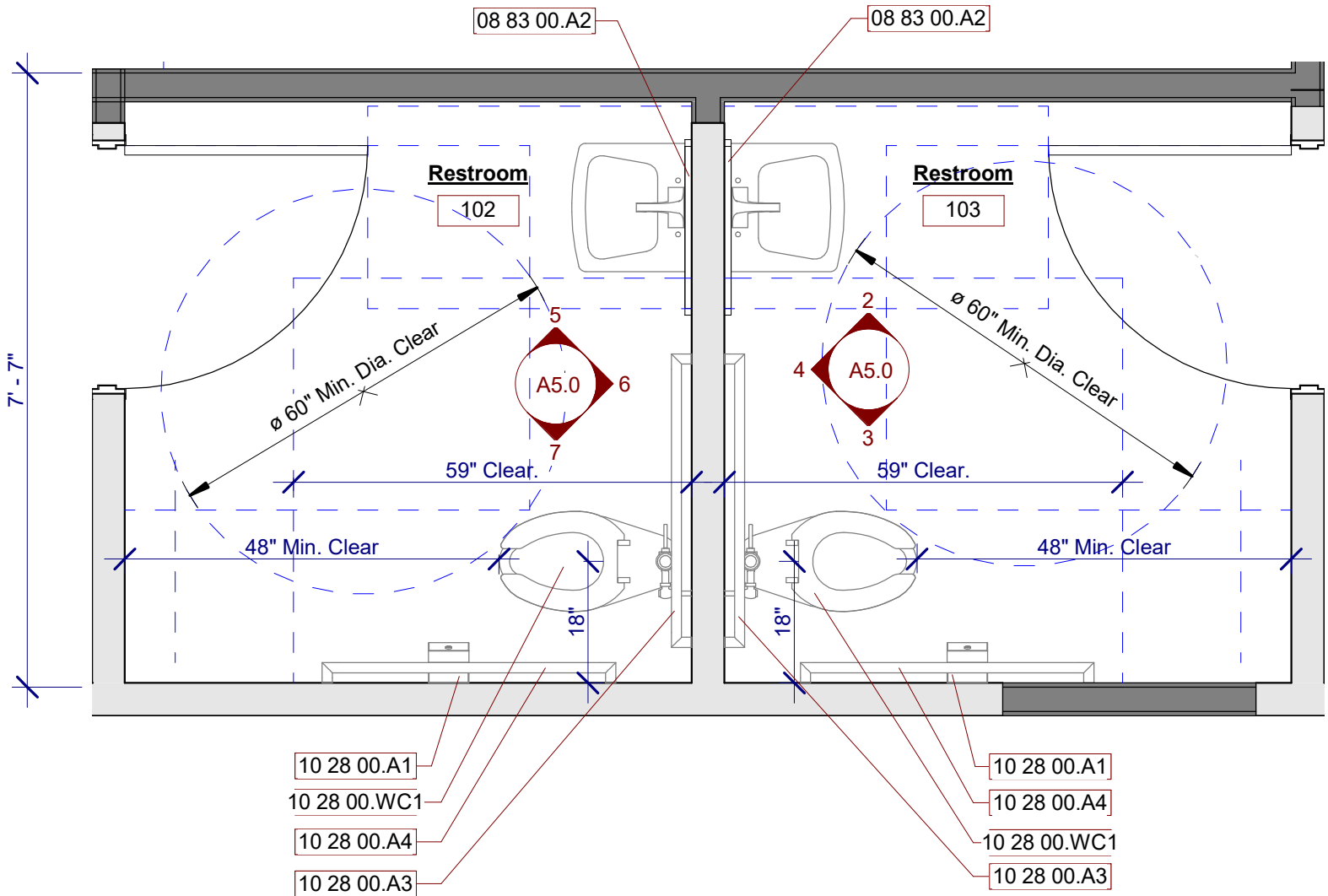
8415 La Mesa Blvd Suite 4
La Mesa, CA 91942



Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

Existing Exterior Elevations

DATE		Revision Schedule	
01/09/2018			
DRAWN		CR	
PROJECT		1736	
		<div>A4.0</div>	
		14	OF 16

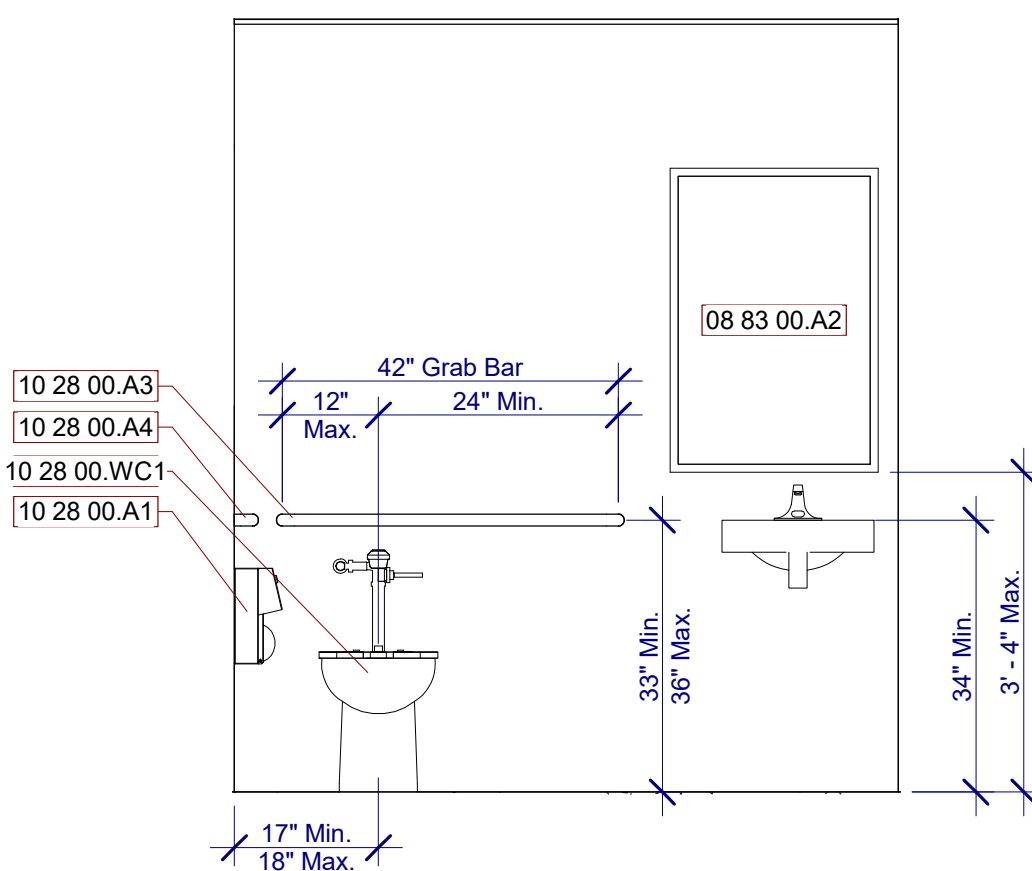
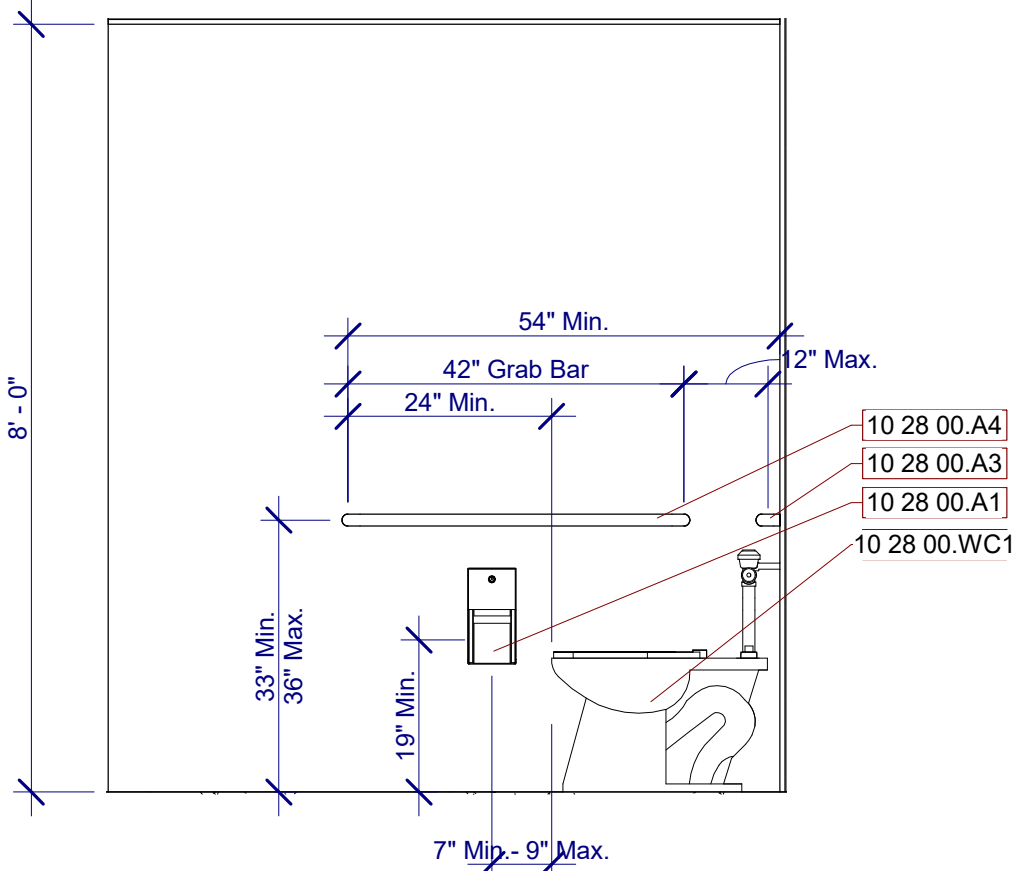
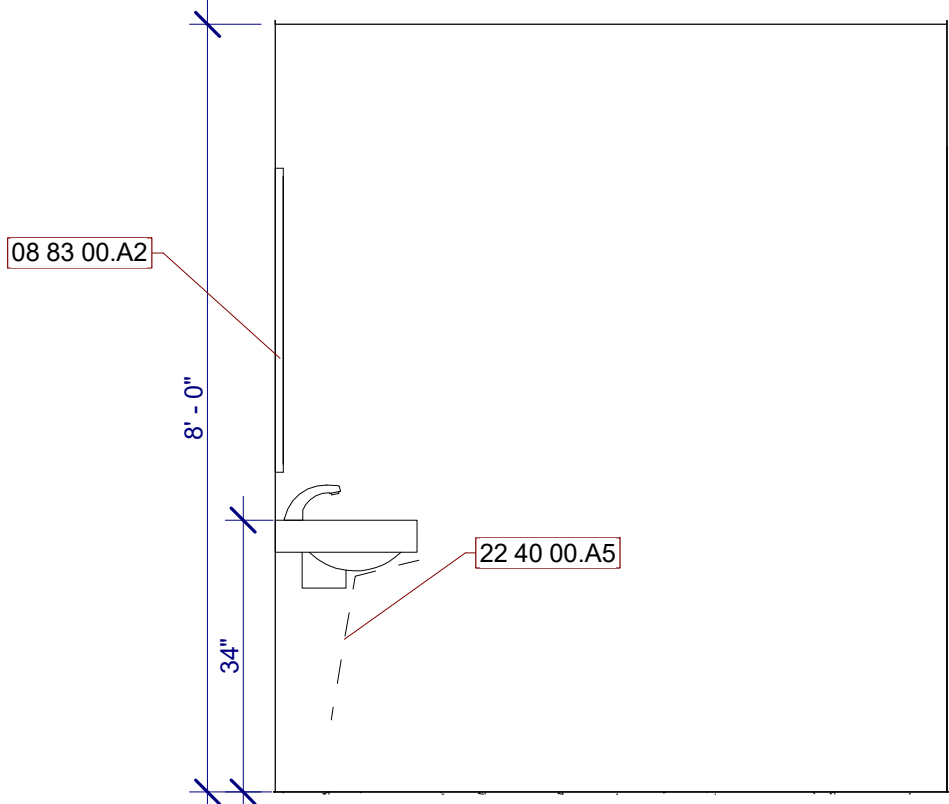


Enlarged Floor Plan - Restrooms
1/2" = 1'-0"

1

Keynotes

Key Value	Keynote Text
08 83 00.A2	Mirror to be installed per CBC 11B-603.3
10 28 00.A1	Toilet Tissue Dispenser per CBC 11B-604.7
10 28 00.A3	36" Rear Wall Grab Bar per CBC 11B-604.5
10 28 00.A4	42" Side Wall Grab Bar per CBC 11B-604.5
10 28 00.WC1	Kohler Highline Class Five K-3658 toilet and controls to be installed per CBC 11B-604, white with Kohler K-4670-CA 'Lustra' Seat, solid plastic, elongated, open front, check hinge, anti-microbial agent, white to be installed per CBC 11B-604.4
22 40 00.A5	Corner Sink



103 Restroom
1/2" = 1'-0"

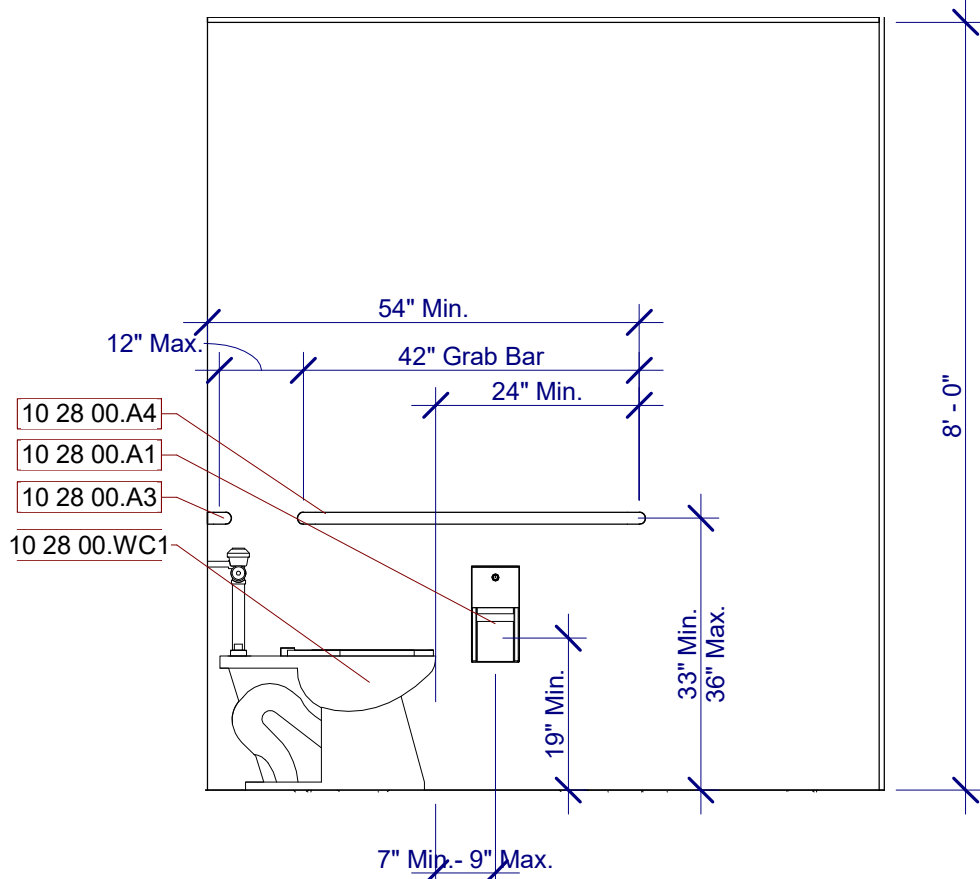
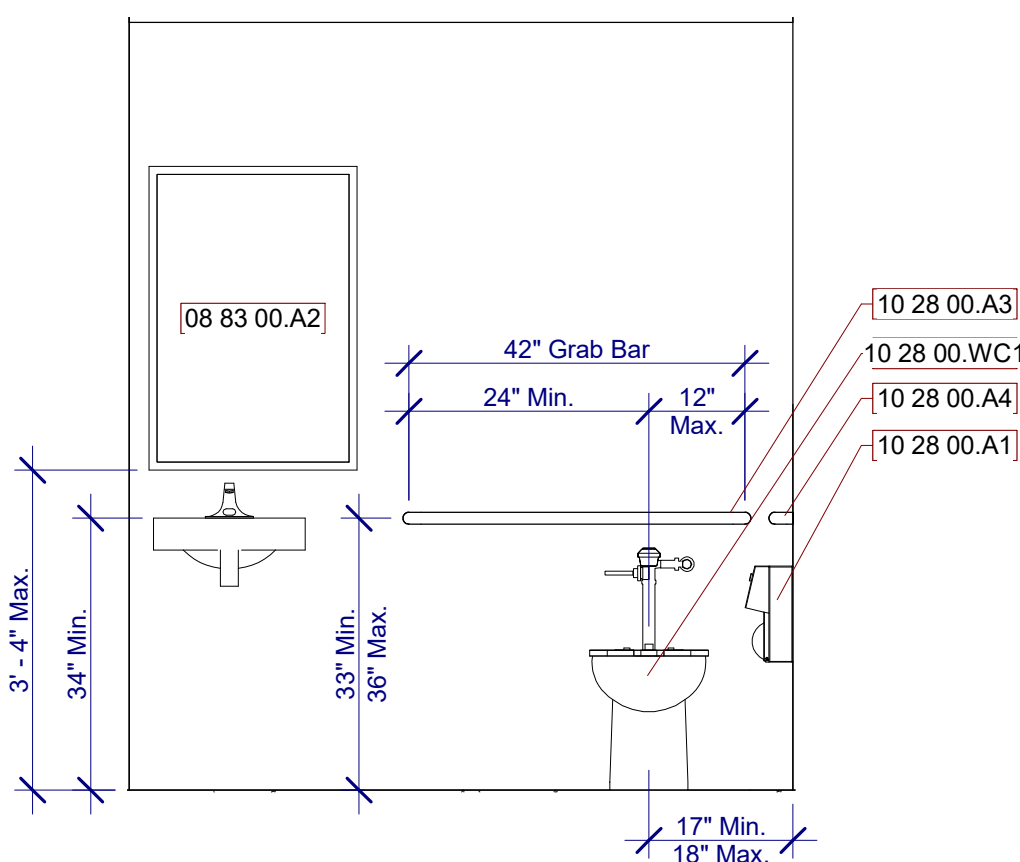
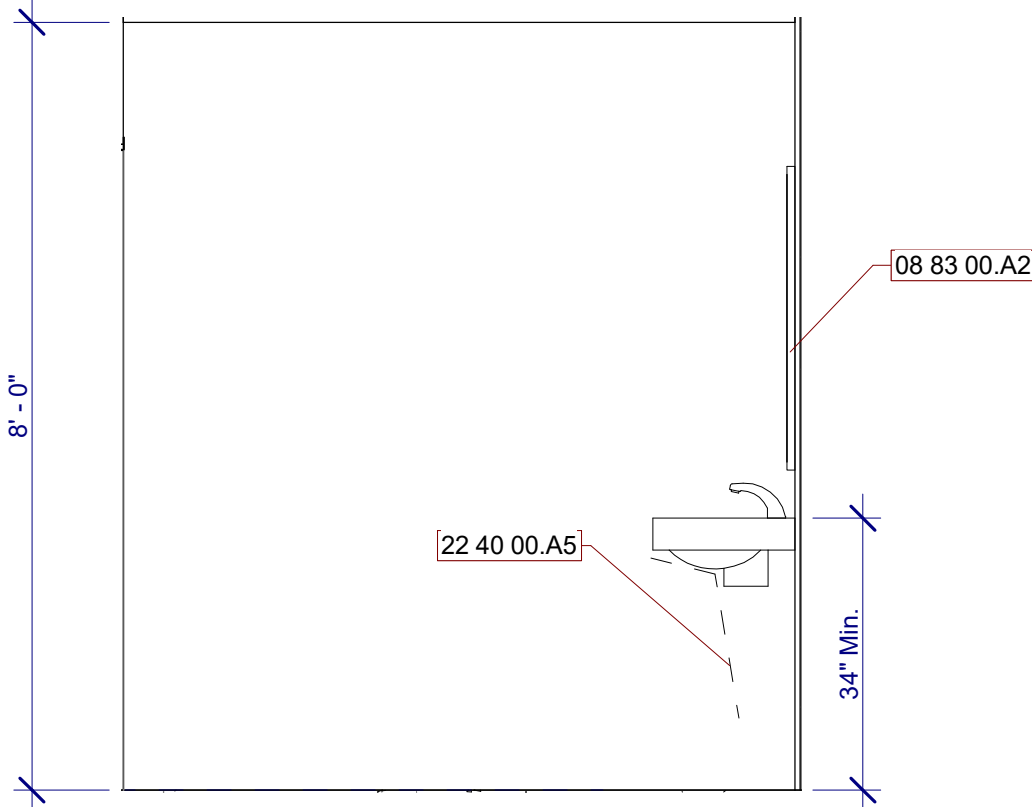
2

103 Restroom
1/2" = 1'-0"

3

103 Restroom
1/2" = 1'-0"

4



102 Restroom
1/2" = 1'-0"

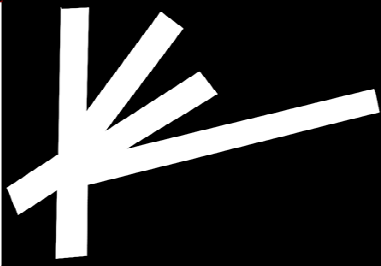
5

102 Restroom
1/2" = 1'-0"

6


102 Restroom
1/2" = 1'-0"

7



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8415 La Mesa Blvd Suite 4
La Mesa, CA 91942

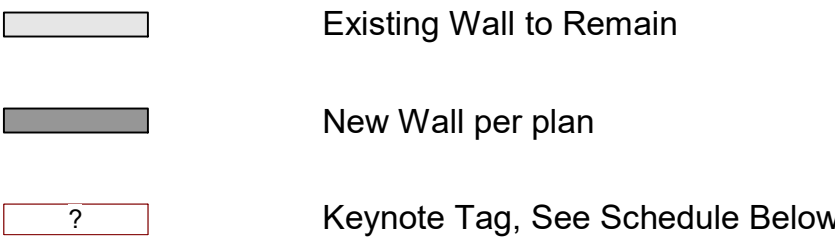


Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

Enlarged Floor Plans

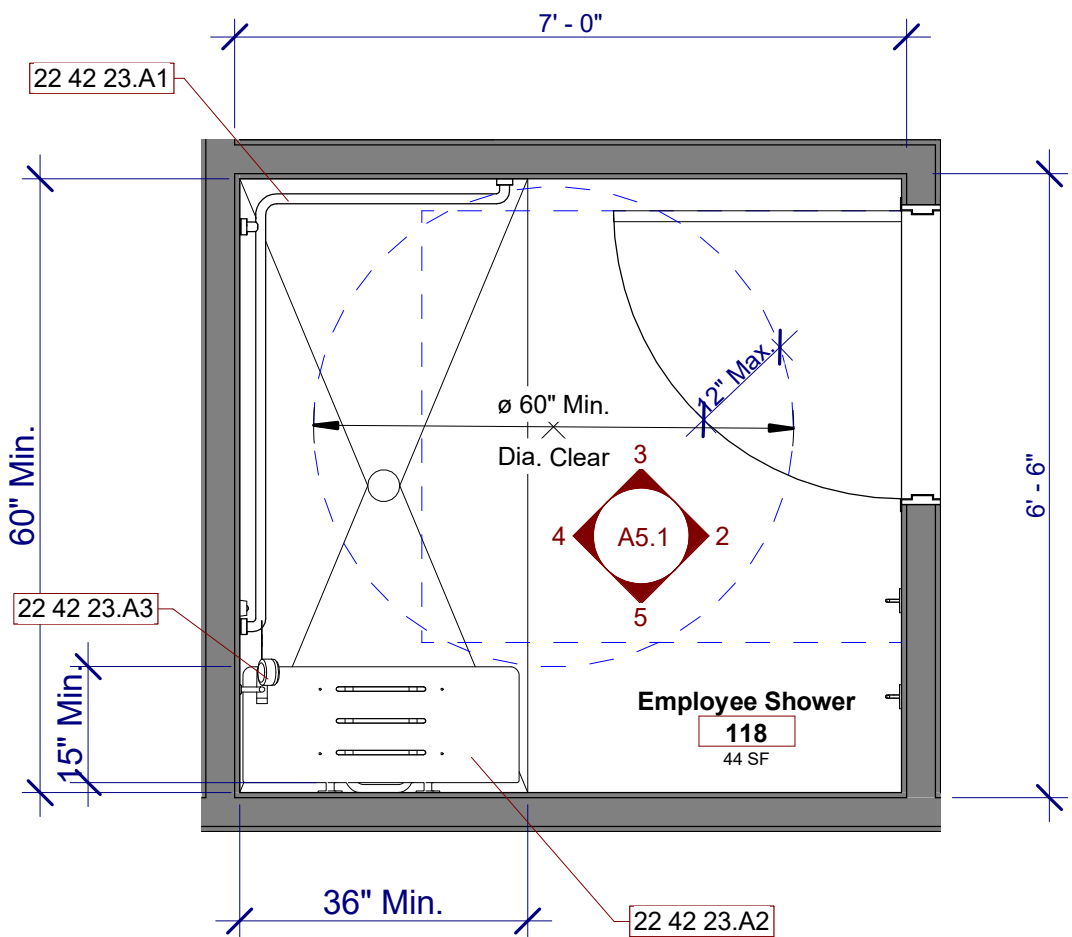
DATE	Revision Schedule
01/09/2018	
DRAWN	CR
PROJECT	1736
A5.0	
15	OF 16

Legend



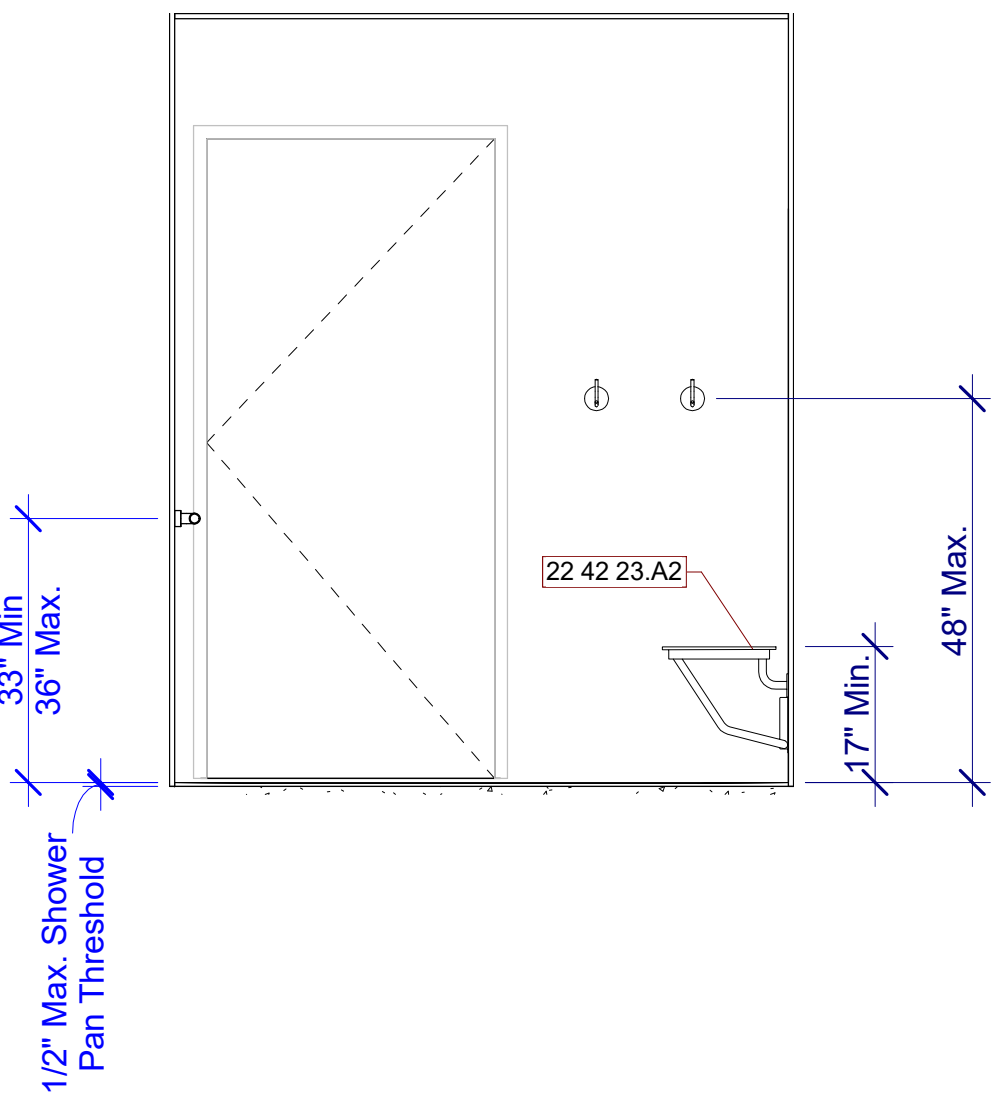
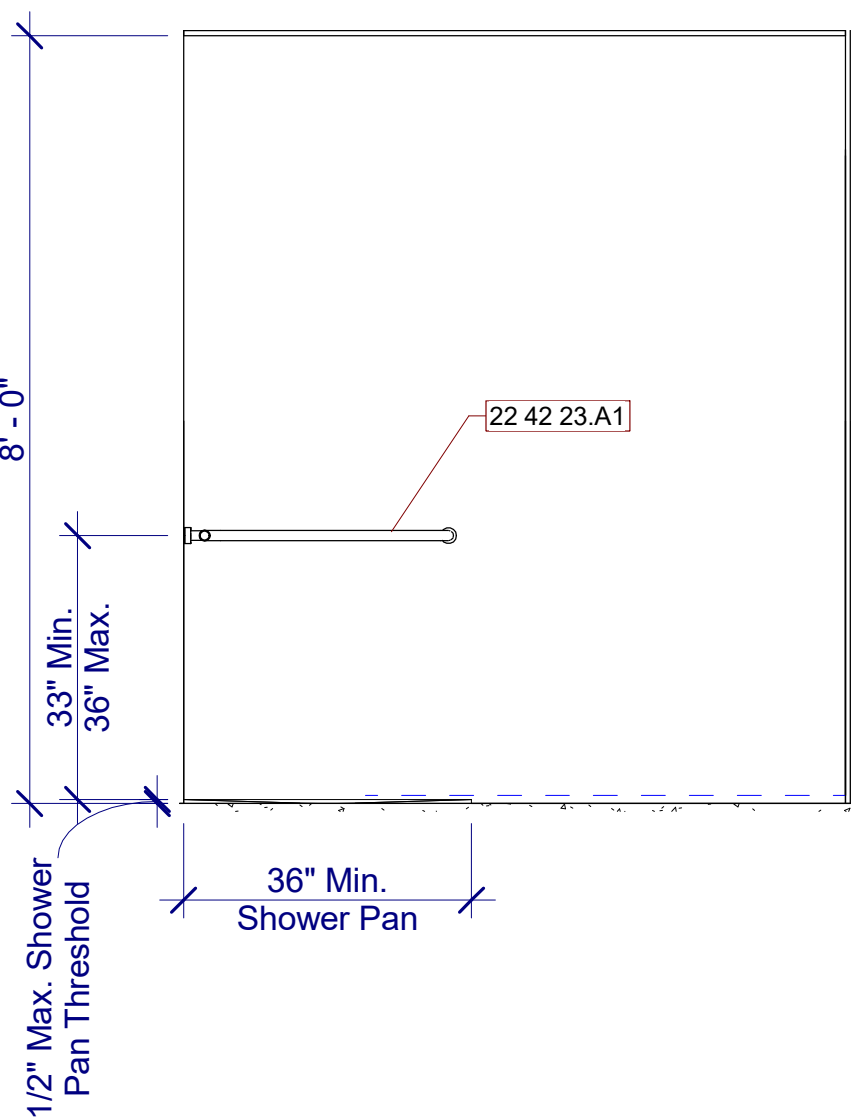
Keynotes

Key Value	Keynote Text
22 42 23.A1	L-Shape Grab Bar per CBC 11B-609
22 42 23.A2	Folding Shower Seat
22 42 23.A3	Hand Held Sprayer per CBC 11B-608



Employee Shower 118

1

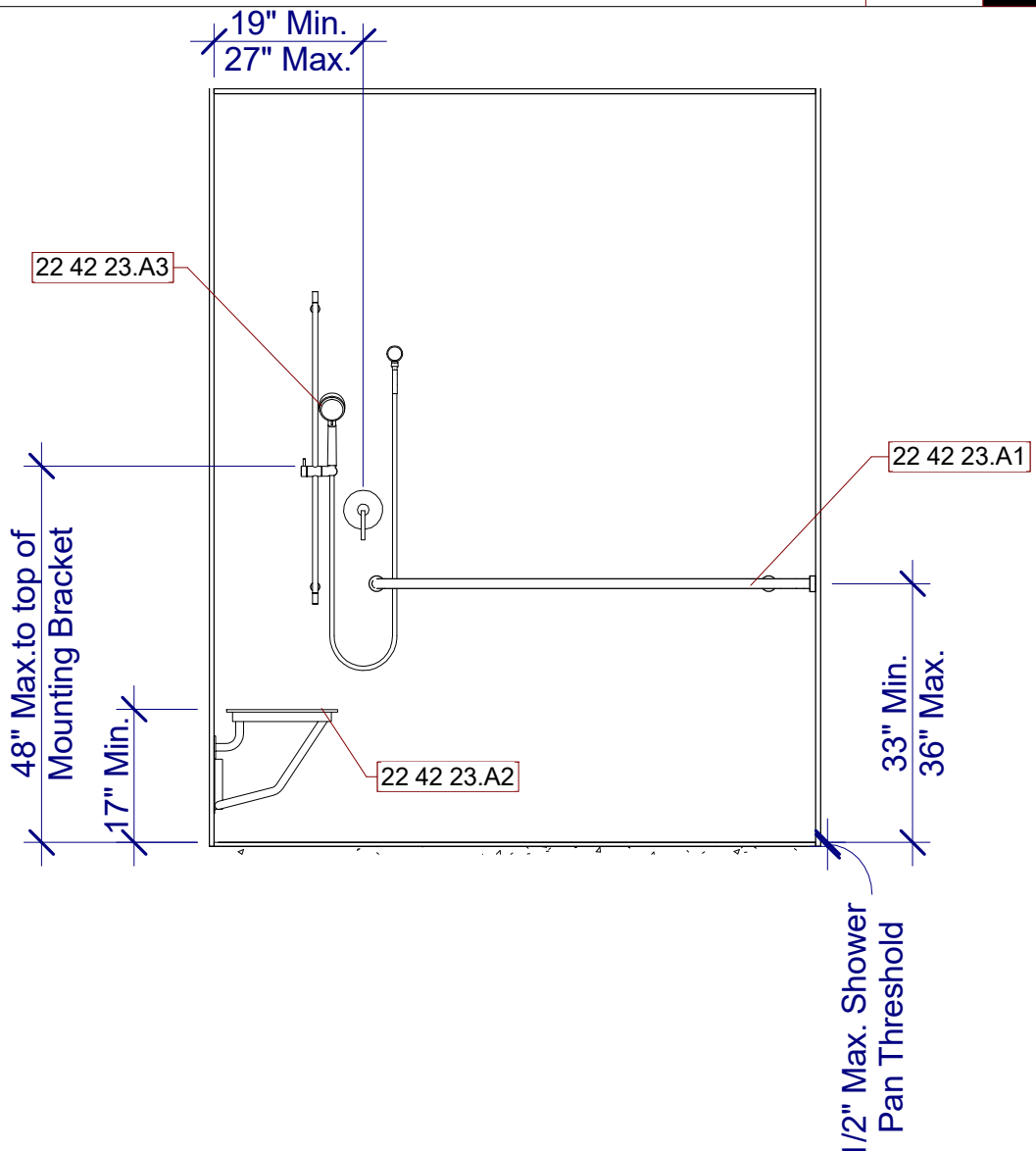
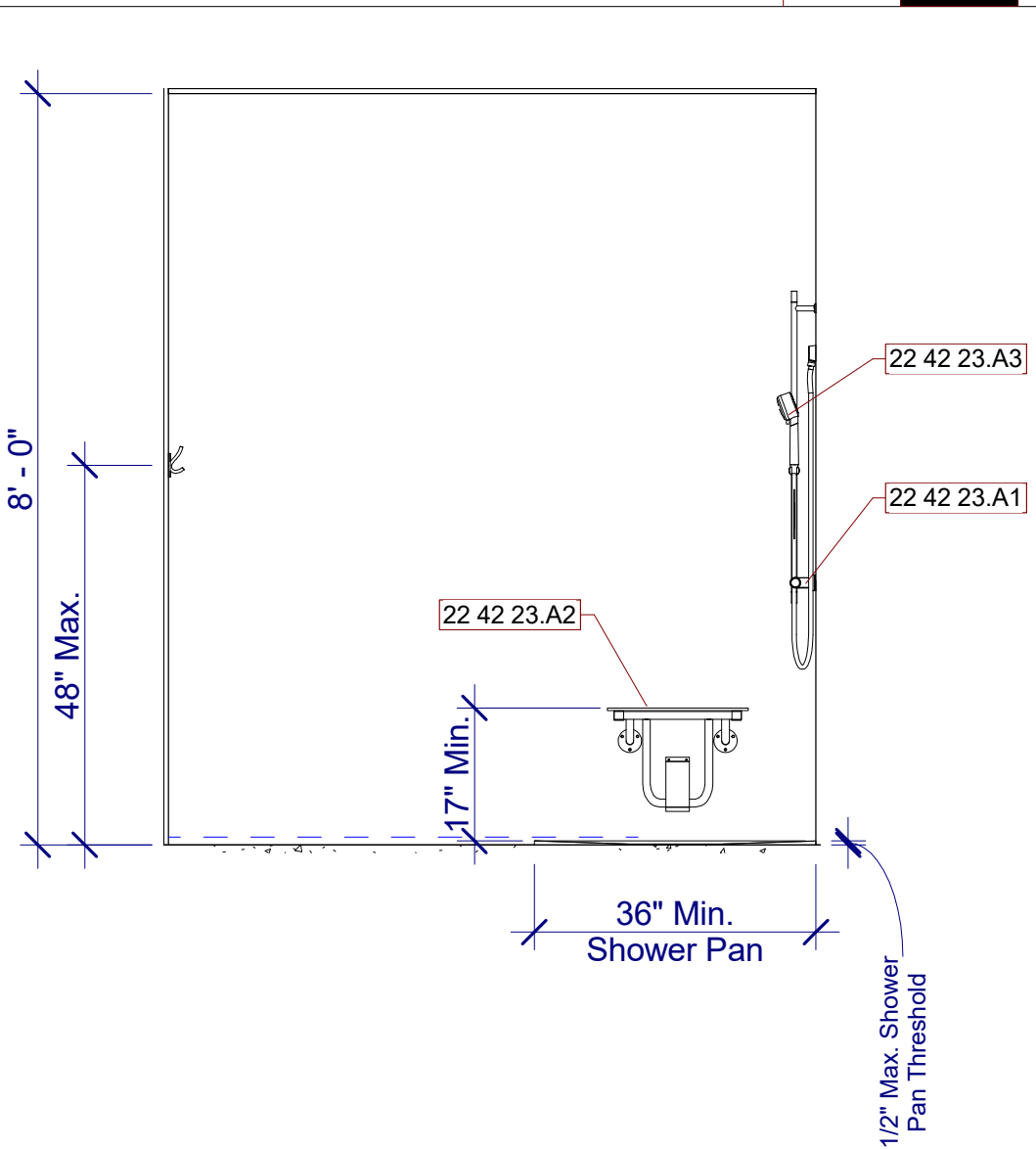


Employee Shower 118
1/2" = 1'-0"

3

Employee Shower 118

2

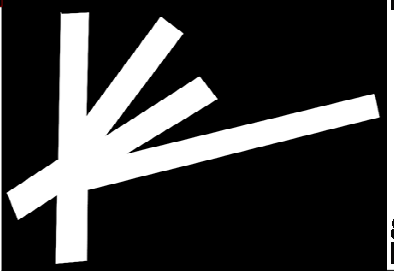


Employee Shower 118
1/2" = 1'-0"

5

Elevation 1 - d
1/2" = 1'-0"

4



**COSTON
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INCORPORATED**



Conditional Use Permit
Marijuana Production Facility
9938 Mesa Rim Road
San Diego, CA 92121

Enlarged Floor Plans

DATE	02/13/18	Revision Schedule
DRAWN	CR	
PROJECT	1736	A5.1
		16 OF 16

PLANNING COMMISSION RESOLUTION NO. XXXXX-PC
CONDITIONAL USE PERMIT NO. 2063834
MPF 9938 MESA RIM ROAD - PROJECT NO. 585402

WHEREAS, KHANH JERRY HOANG and TAMMY DANG HOANG, Husband and Wife as Joint Tenants, Owner/Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 14,829 square-foot, two-story building within an existing industrial business park comprised of seven condominium buildings (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2063834), on portions of a 3.77-acre site;

WHEREAS, the project site is located at 9938 Mesa Rim Road in the IL-2-1 Zone of the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as a condominium comprised of Parcel 1, an undivided 1/7th interest in and to all portions of Lots 2 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map No. 12395, filed in the Office of the County Recorder of San Diego County, May 31, 1989;

WHEREAS, on July 25, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on October 17, 2018, the Hearing Officer considered and approved Conditional Use Permit No. 2063834; and

WHEREAS, on October 26, 2018, Biogeneral, Inc./Andrew Paolini, filed a Development Permit Appeal Application and on October 31, 2018, Ameditech Inc./Gerrit Smith, filed a Development Permit Appeal Application (Appeals); and

WHEREAS, on February 21, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2063834 pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by Planning Commission of the City of San Diego, that it denies the Appeals and adopts the following findings with respect to Conditional Use Permit No. 2063834:

That the Planning Commission adopts the following written Findings, dated February 21, 2019.

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in an existing 14,829 square-foot, two-story building within an existing industrial business park, comprised of seven condominium buildings. The 3.77-acre site is located at 9938 Mesa Rim Road in the IL-2-1 Zone of the Mira Mesa Community Plan.

The site is designated for Industrial Park uses in the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The Sorrento Mesa Subarea was foreseen in the community plan to be developed with a mix of research and development, office and manufacturing uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The proposed project will promote the policies of the General Plan in that MPFs would create jobs and encourage commerce within the San Diego region.

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

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

The proposed MPF in an existing 14,829 square-foot, two-story building within an existing industrial business park, comprised of seven condominium buildings, is currently being used as a manufacturing facility. The project proposes interior improvements that include a lobby area, offices, restrooms, indoor loading/unloading area, drying/processing area, manufacturing area, and storage. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit issuance, satisfactory to the Building Official. Public improvements would include the removal and replacement of two existing driveways on Mesa Rim Road per current City Standards, satisfactory to the City Engineer.

MPFs are restricted to forty City-wide, within light and heavy industrial zones. MPFs require compliance with San Diego Municipal Code (SDMC) Section 141.1004, 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 a minimum distance requirement of 100 feet from a residential zone. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed project will be required to comply with the operational conditions as described in the Conditional Use Permit No. 2063834. The Conditional Use Permit No. 2063834 will be valid for five years and may be revoked if the Owner/Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The proposed Conditional Use Permit contains various conditions to related to Municipal Code Chapter 14, Article 2, Division 7: Off-Site Development Impact Regulations, which include: requiring the Owner/Permittee to provide an odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility; requiring the continued use of this MPF, subject to the regulations of the City and any other applicable governmental agency; and stating that the issuance of the Permit by the City of San Diego does not authorize the Owner/Permittee for the Permit to violate any Federal, State or City laws, ordinances, regulations or policies.

In addition, the Municipal Code regulates air contaminants. Specifically, SDMC sec. 142.0710, Air Contaminant Regulations, states air contaminants including smoke,

charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located.

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2063834. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed MPF in an 14,829 square-foot, two-story building is located at 9938 Mesa Rim Road within an existing 3.77-acre, industrial business park, comprised of seven condominium buildings, in the IL-2-1 Zone in the Mira Mesa Community Plan area. The site was developed in 1989. The project proposes interior improvements that include a lobby area, offices, restrooms, indoor loading/unloading area, drying/processing area, manufacturing area, and storage. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPFs are allowed in the IL-2-1 Zone of the Mira Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with SDMC Section 141.1004 and SDMC Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours.

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

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

The proposed project requests a Conditional Use Permit to operate a MPF in an 14,829 square-foot, two-story building is located at 9938 Mesa Rim Road within an existing 3.77-acre, industrial business park, comprised of seven condominium buildings, in the IL-2-1 Zone in the Mira Mesa Community Plan area. The site is designated for Industrial Park

uses in the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The Sorrento Mesa Subarea was foreseen in the community plan to be developed with a mix of research and development, office and manufacturing uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The proposed project will promote the policies of the General Plan in that MPFs would create jobs and encourage commerce within the San Diego region.

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

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

BE IT FURTHER RESOLVED, that the Appeals are denied, the decision of the Hearing Officer is affirmed, and based on the Findings hereinbefore Conditional Use Permit No. 2063834 is hereby granted to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2063834, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: February 21, 2019
IO#: 24007565

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: 24007565

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2063834
MPF 9938 MESA RIM ROAD PROJECT NO. 585402
Planning Commission

This Conditional Use Permit No. 2063834 is granted by the Planning Commission of the City of San Diego to Khanh Jerry Hoang and Tammy Dang Hoang, Husband and Wife as Joint Tenants, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 3.77-acre site is located at 9938 Mesa Rim Road in the IL-2-1 Zone of the Mira Mesa Community Plan. The project site is legally described as a condominium comprised of Parcel 1, an undivided 1/7th interest in and to all portions of Lots 2 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map No. 12395, filed in the Office of the County Recorder of San Diego County, May 31, 1989.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing 14,829 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 21, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 14,829 square-foot, two-story building within an existing industrial business park comprised of seven condominium buildings. The operation shall include the production of marijuana products consistent with the requirements of the State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations; and the wholesale distribution and storage of marijuana products;
- b. The Marijuana Production Facility operations would include the cultivation, processing, manufacturing, and distribution of cannabis products to State of California licensed marijuana outlets;
- 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 7, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 7, 2024. Upon expiration of this Permit, the facilities and building improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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 issuance, satisfactory to the Building Official.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal and replacement of a 26-foot driveway and a 24-foot driveway, per current City Standards, adjacent to the site on Mesa Rim Road, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices necessary to comply with current City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

16. 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.
17. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
18. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
19. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
20. The Owner/Permittee shall post the name and emergency contact telephone number of an operator or manager outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The Permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.
21. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

22. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with Section 141.0504. This marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.

23. The Owner/Permittee shall maintain the marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility free of litter and graffiti at all times.

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

25. The Owner/Permittee shall provide an odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.

BRUSH MANAGEMENT REQUIREMENTS

26. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A", Brush Management Plan, on file in the Office of the Development Services Department.

27. The Brush Management Program shall be based on a standard Zone One of 35-ft in width and Zone Two of 65-ft in width, extending out from the structure towards the native/naturalized vegetation, consistent with the Brush Management Regulations of the Land Development Code, section 142.0412. Zone One shall range from 47-ft to 57-ft in width and Zone Two shall range from 5-ft to 47-ft in width, based on the previously conforming structures and Zone Two reduction set forth under 142.0412(f).

28. Prior to issuance of any construction permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

29. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area, subject to Fire Marshall and Development Services Department approval.

30. Prior to final inspection, the approved Brush Management Program shall be implemented. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Manual, Landscape Standards.

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 Planning Commission of the City of San Diego on February 21, 2019 by Resolution No XXXXX.

ATTACHMENT 3

Permit Type/PTS Approval No.: Conditional Use Permit No 2063834
Date of Approval: February 21, 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.

**Khanh Jerry Hoang and Tammy Dang Hoang,
Husband and Wife as Joint Tenants**
Owner/Permittee

By _____
Name:
Title:

**Khanh Jerry Hoang and Tammy Dang Hoang,
Husband and Wife as Joint Tenants**
Owner/Permittee

By _____
Name:
Title:

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

**Development Permit/
Environmental Determination
Appeal Application**

FORM
DS-3031

November 2017

1. Type of Appeal: ☒ Appeal of the Project
☐ Appeal of the Environmental Determination

2. Appellant: Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person"
(Per M.C. Sec. 113.0103)

Name:	E-mail:
Biogeneral, Inc./Andrew Paolini	apaolini@biogeneral.com

Address:	City:	State:	Zip Code:	Telephone:
9925 Mesa Rim Road	San Diego	CA	92121	(858) 404-1338

3. Project Name: MPF 9938 Mesa Rim Road

4. Project Information		
Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination	City Project Manager:
585402	October 17, 2018	Tim Daly

Decision(Describe the permit/approval decision):
Approval of Conditional Use Permit No. 2063834 with no additional conditions (relating to the approval of a Marijuana Facility (MPF) to operate within an existing 14,829 square-foot, two story building within an industrial complex, comprised of seven condominium buildings, located at 9938 Mesa Rim Road within the IL-2-1 Zone within the Mira Mesa Community Plan area).

5. Ground for Appeal(Please check all that apply):

<input checked="" type="checkbox"/> Factual Error	<input checked="" type="checkbox"/> New Information
<input checked="" type="checkbox"/> Conflict with other matters	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input checked="" type="checkbox"/> Findings Not Supported	

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

See Attachment One and Attachment Two

RECEIVED

OCT 26 2018

DEVELOPMENT SERVICES

6. **Appellant's Signature:** I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Date:

Note: Faxed appeals are not accepted.

ATTACHMENT ONE**Description of Grounds for Appeal
(Process 3 – Conditional Use Permit)**

Appellant appeals based on factual errors, new information, the findings are not supported by the information provided to the decision maker, and the decision conflicts with the *land use plan* and the Municipal Code for the following reasons:

1. The proposed project conflicts with the Mira Mesa Community Plan, which designates the project site as "Industrial Park" intended to accommodate a mixture of research and development, office and manufacturing uses. The proposed project for the cultivation of marijuana is an agricultural activity and therefore inconsistent with the designation under the Mira Mesa Community Plan.
2. The marijuana production facility will release air contaminants that will contaminate appellant's manufacturing process.
3. The project violates San Diego Municipal Code Section 142.0701 et seq. by authorizing the release of air contaminants, including terpenes and ozone, that endanger human health, cause damage to vegetation and property (including appellants manufacturing processes), and cause soiling beyond the boundaries of the premises upon which the use emitting the contaminants is located.
4. The proposed conditional use permit authorizes cultivation, processing, distribution, and manufacturing of cannabis products but the City and applicant do not describe what this entails, the types of processing and manufacturing that will occur, the types chemicals, fertilizers, and pesticides to be used, or any basic information about the proposed facility and its operations. The most used chemicals in the processing and manufacturing of cannabis products are butane, propane, and CO2,
5. The proposed project fails to comply with the Mira Mesa Community Plan's development criteria in failing to provide the requisite bicycle lockers and shower facilities for employees.
6. The proposed project fails to comply with the Mira Mesa Community Plan's development criteria in failing to avoid roof-mounted equipment (or failure to comply with architectural design requirements).
7. The City of San Diego ("City") and Applicant did not have the opportunity to consider new information presented to them relating to the negative impacts the proposed project will have on the Appellant's highly sensitive manufacturing process of monofilaments.
8. City failed to impose on the project specific and measurable performance standards on the release of air contaminants and odor absorbing and ventilation systems.
9. City failed to impose on the project specific conditions and restrictions on the emission of air contaminants and noxious odors.

10. Applicant did not comply with City Charter and City Municipal Code by failing to have all owners of the property sign the ownership disclosure statement (the property is owned by two persons as joint tenants and only one of the owners signed the ownership disclosure statement). See Attachment Two for a copy of the Grant Deed and additional details.
11. Applicant did not comply with City Charter and City Municipal Code by failing to have all owners of the property sign the application for a marijuana production facility.
12. City failed to provide the public and affected neighboring property owners with notice of the environmental determination and the public hearing on the Conditional Use Permit.
13. City's finding that the proposed development will not adversely affect the applicable land use plan is not supported by the Mira Mesa Community Plan as detailed in (1), (2), and (3) above.
14. City's finding that the proposed development will not be detrimental to the public health, safety, and welfare is not supported by facts and information because the marijuana production facility will emit terpenes, will result in increased ozone levels in the vicinity, and noxious odors. Additional reasons are detailed in (3), (4), (8), (9), and (10) above, and the City's failure to adequately analyze the impacts of noxious odors and release of air contaminants generated by the proposed project.
15. City's finding that the proposed development will comply with regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code conflicts Municipal Code section 142.0701 *et seq* because the project will release air contaminants as described in this appeal, and the facility conflicts with the Mira Mesa Community Plan as detailed in (1), (2), (5) and (6) above.
16. City's finding that the proposed use is appropriate at the proposed location because the marijuana production facility will release air contaminants in violation of the Municipal Code that will harm the adjacent manufacturing facilities, including appellants manufacturing facility. In addition, the use is not supported by the Mira Mesa Community Plan as detailed in (1) above, the San Diego Municipal Code as detailed in (3) and (4) above, and the facts and information as detailed in this appeal.
17. The proposed project does not qualify for the California Environmental Quality Act ("CEQA") categorical exemption for existing facilities under Section 15301 because City has failed to adequately consider and analyze the impacts of noxious odors generated by the proposed project and there is a reasonable possibility of significant impacts on the environment due to unusual circumstances.
18. City failed to comply with notice requirements as provided under San Diego Municipal Code Section 112.0310 for environmental determinations.
19. See Attachment Two for Appellant's letter to the Hearing Officer detailing additional reasons and grounds for the Appeal.

ATTACHMENT TWO

**Description of Grounds for Appeal
(Process 3 – Conditional Use Permit)**

**Letter to Hearing Officer dated October 17, 2018
[See Attached]**

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October 17, 2018

Via Hand Delivery

Hearing Officer
City of San Diego
1222 First Ave, MS 501
San Diego, CA 92101

Re: MPF 9938 Mesa Rim Road
Hearing Officer Meeting, October 17, 2018, Item No. 12

Dear Hearing Officer:

We represent Biogeneral, a manufacturer of high performance monofilament, tubing, and film used in surgeries and other applications, located at 9925 Mesa Rim Drive. Biogeneral is located across the street from MPF 9938 Mesa Rim Road, which is requesting City approval of a conditional use permit for a marijuana production facility.

Requested Action.

We request that you continue the hearing to evaluate the impacts noxious odors generated by the cultivation, processing, and manufacturing of marijuana will have on Biogeneral's manufacturing operations and other adjacent businesses.

In the alternative, we request that you deny the application for a conditional use permit because the project will adversely affect Biogeneral's manufacturing operations and other adjacent businesses, and for the additional reasons stated in this letter.

Biogeneral.

Biogeneral is a manufacturer of monofilament and tubing, bioabsorbable monofilament and tubing, intraocular lens haptic monofilament, membrane and film. As an example, Biogeneral manufactures monofilament used in surgical procedures and other applications in diameters as small as 15 microns (invisible to the naked eye) for use brain aneurysm surgical procedures and other applications. Biogeneral's manufacturing operations are extremely sensitive to the environment and air quality.

SELTZER | G A P L A N | M c M A H O N | V I T E K

October 17, 2018

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Biogeneral's manufacturing facility is FDA certificated and inspected for compliance with the highest medical standards. Failure to comply with these standards could require Biogeneral to destroy any product that fails to meet the applicable standards and to recall any product that has already been shipped. This could be catastrophic for Biogeneral's business and reputation.

Discussion.

Biogeneral requests a continuance (and if a continuance is not granted opposes) the proposed project for the following reasons:

1. Noxious Odors.

Noxious odors generated by the cultivation, processing, and manufacturing of cannabis products is a problem for all cannabis operations. Attached as Attachments 1 through 5 are several articles discussing the noxious odors generated by cannabis cultivation, processing, and manufacturing. While the proposed project is required to cultivate marijuana indoors, indoor cultivation still generates noxious odors (see attached articles).

Biogeneral is required to manufacture its products to the strictest standards and its manufacturing process is highly sensitive to the environment and air quality. Odors generated by a neighboring business have caused manufacturing problems in the past. A coffee roaster used to operate in the same building in which the proposed marijuana production facility would be located. The odors generated by the coffee roaster were carried by the prevailing winds towards Biogeneral, and caused manufacturing issues for Biogeneral requiring Biogeneral to have to shut down its manufacturing operations every time the coffee roaster operated. The proposed marijuana production facility would have an even greater impact since the noxious odors generated by marijuana production facilities would be continuous. The impact on Biogeneral would be catastrophic to Biogeneral's manufacturing process and may result in Biogeneral having to shut down resulting in the loss of another local manufacturing facility.

To our knowledge, there has been no analysis of the odors that this marijuana production facility will generate. Based on our review of the available documents, we could not determine any of the information necessary to evaluate the noxious odor impacts, such as the maximum size of the cultivation operation, the maximum amount of square footage that could be used to cultivate, the marijuana processing methods, types of marijuana products that the applicant will be allowed to manufacture, solvent and chemical usage, or other basic information.

More importantly, there is no discussion of methods to prevent noxious odors from impacting the surrounding manufacturing community. While Condition of Approval No. 25 requires odor absorbing ventilation and exhaust system, it does not specify any type of equipment and there are no performance standards that could be used to monitor and ensure compliance. In

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October 17, 2018

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addition, City has not imposed any conditions restricting opening of garage doors, windows, and doors, or other conditions restricting the project's emission of noxious odors.

We request that the hearing be continued to address this issue.

2. The ownership disclosure statement is not signed by all the owners.

According to a 2017 grant deed attached as Attachment 6), the property is owned by two persons as joint tenants. Only one of the owners signed the ownership disclosure statement. This is a violation of the City Charter and City Municipal Code.

The application for a marijuana production facility must also be signed by all the owners. If the application has not been signed by all the owners, a decision cannot be made at the Hearing Officer hearing and the application should be sent back for further processing.

3. The project is subject to Planned Industrial Development Permit No. 87-0060 and 84-0667.

The project site appears to be subject to Planned Industrial Development Permits Nos. 87-0060 and 84-0667. We request that the hearing be continued to allow time for additional investigation of this issue.

4. The project is inconsistent with the Mira Mesa Community Plan.

The Mira Mesa Community Plan designates the project site as Industrial Park, which is defined as:

The Industrial Park designation is intended to accommodate a mixture of research and development, office and manufacturing uses. Freestanding commercial and automotive services are not consistent with the industrial park designation.¹

The project proposes to cultivate marijuana inside the existing building located on the project site, which is an agriculture activity. Agriculture uses are inconsistent with the Mira Mesa Community Plan's requirement that the project site be developed to accommodate research and development, office and manufacturing uses.

¹ Mira Mesa Community Plan, p.

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5. The project is required to comply with the Mira Mesa Community Plan Development Criteria for Commercial and Industrial Development.

The Mira Mesa Community Plan requires industrial development, such as the proposed project, to comply with the following development criteria:

In the review of discretionary permits proposed for property in the commercially or industrially designated areas, the City shall employ the following criteria in its determination of consistency with this Plan.

4. All new industrial development shall provide bicycle lockers and shower facilities for employees, and where feasible bikeways that provide a linkage to the City bikeway system.

...

7. Roof-mounted equipment should be avoided. If roof mounted equipment must be provided, all equipment and appurtenances shall be designed so that they appear to be an integral part of the overall architectural design of the building.²

The proposed project does not comply with these development criteria.

6. The Project is not exempt from the California Environmental Quality Act because the project will generate noxious odors.

City claims the proposed project qualifies for the existing facilities categorical exemption. However, the proposed project does not qualify for an exemption from the California Environmental Quality Act because a fair argument can be made that the proposed project may have potentially significant effect on the environment, including generating noxious odors as discussed above.

The proposed project also does not qualify for the existing facilities exemption because there is a reasonable possibility of a significant effect on the environment due to unusual circumstances. While the operation of an existing facility may often qualify for an exemption, the proposed marijuana production facility will generate noxious odors (see Condition of Approval No. 25 and Attachments 1 through 5). The project, therefore, does not qualify for the existing facility exemption.

² Mira Mesa Community Plan, pgs. 107-108.

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In addition, mitigated categorical exemptions are not allowed. Thus, the City cannot determine the project is exempt by relying on a condition of approval requiring odors to be reduced.

For the reasons discussed in this letter, we request that you continue the hearing to evaluate the proposed marijuana production facility's noxious odor impacts and the other issues addressed in this letter.

Very truly yours,



Erik Schraner

Seltzer Caplan McMahon Vitek

A Law Corporation

BUSINESS

Marijuana stinks. Here's what cities, businesses and neighbors can do about it



The Nasal Ranger helps users measure the intensity of smells. It's gaining popularity in places where marijuana is legal. (Courtesy of St. Croix Sensory)

By **BROOKE STAGGS** | bstaggs@scng.com | Orange County Register
PUBLISHED: September 10, 2018 at 5:11 pm | UPDATED: September 11, 2018 at 11:18 pm

Even the most ardent marijuana lovers can't deny it: The plant, at least to some noses, stinks.

Marijuana odors have triggered lawsuits against cannabis companies. They've led residents to try to block commercial operations from coming to California and the other eight states where recreational cannabis is legal and, increasingly, big business.

ADVERTISING



Replay

Odor even has sparked some neighborhood friction, too, as marijuana smoke drifts from one apartment or yard to the next.

There are products on the market that claim to test for smells, block all odors from wafting out of indoor operations, and even help control the stench of outdoor marijuana farms.

Long before legalization, the cannabis industry grew accustomed to working underground — making growers and processors and distributors pretty good at hiding the smells associated with their businesses. While that might ease the possibility of odor-related friction, it doesn't foster industry-wide communication about new ideas for tackling the issue, even as new anti-odor technologies are coming to market.

Only now — with odor control an area that's both problematic and ripe for technical solutions — are marijuana entrepreneurs starting to share ideas about their industry's stink factor.

ADVERTISING



InRead invented by Teads

"That's probably the biggest hurdle now, for everybody involved, is knowing what's available as best practices, and what's feasible," said Dana Pack with Fogco, an Arizona-based company that makes systems to neutralize unwanted smells.

Cities can mandate odor-control systems for home growers, or as a condition for approval of marijuana-related business permits.

But some in the industry note that odor requirements aren't yet universal, and that odor control is yet another element of the marijuana business in which regulators aren't keeping pace with the spread of legalization.

"The licensing agencies are still in a learning curve," said Chuck McGinley, technical director of St. Croix Sensory, a lab in Minnesota that tests for odors and makes products that help others do so in the field. "This is a very young industry."

Neighbors fight back

Residents claim the stench of weed disrupts their quality of life, lowers their property values and causes problems for people with respiratory issues such as asthma.

In June, after the city of Palm Springs issued what might be the first permit for a cannabis lounge in Southern California, the owner of a spa next-door threatened to leave town.

Since January 2016, the South Coast Air Quality Management District — which monitors air quality issues for most of Los Angeles, Orange, Riverside and San Bernardino counties — has received 11 complaints of odors allegedly created by marijuana growers, dispensaries or processing facilities, according to spokesman Sam Atwood.

Santa Barbara County and cities in its boundaries have received more permits to grow marijuana than any other county in California. Now residents of the beach town Carpinteria say they're stuffing pillows under their doors to block odors coming from nearby cannabis farms.

In Colorado, three years ago, owners of residential property sued a marijuana farm that was set to open next-door, claiming cannabis-related odors would ruin their horse rides and harm their property values. The lawsuit cited racketeering laws, typically used to prosecute organized crime rings, since marijuana remains illegal under federal law.

A federal district court initially dismissed the Colorado claim, but an appeals court in 2017 cleared the case to move forward. That paved the way for a number of other lawsuits that raise racketeering charges while also citing odor and other nuisance concerns, and similar suits have been filed in Massachusetts and Oregon.

Some of those suits have been settled or dismissed. Others are pending, raising concerns within the industry about how state-legal marijuana programs might be upended by legal battles that often start with simple complaints about smell.

Solutions are out there

Most odor control solutions for the marijuana industry involve tweaking products that are already used by landfills, wastewater treatment plants and other businesses that generate offensive smells.

The most common fix is to add carbon filters, or "scrubbers," to ventilation systems. As air passes through, odor molecules bind to the activated charcoal. As long as everything is properly installed and maintained, McGinley said the air that comes out of the vents should be virtually odorless.

But carbon filters have to be replaced often, making them pricey for large operators. Carbon filters also rely on a lot of electricity, making them less than ideal for many environmentally conscious greenhouse owners. And, of course, air filters can't do anything about the smell generated by outdoor farms.

That's where fog systems might come into play.

These systems involve placing nozzles at the spot where air from a grow operation will be expelled. The system mixes water with an odor-neutralizing chemical and forces that mixture through the nozzles at high pressure. The water instantly evaporates, leaving the chemical in the air to attract and neutralize any cannabis smells.

"The idea is to build a barrier of fog between the odorous air and community," said Pack with Fogco.

Such systems don't need to be in constant use, so Pack said energy use and maintenance are "a fraction" of what's required to use carbon filters.

Mark Stanley, a vice president with Palm Springs-based MicroCool, which also makes a fog odor-control system, said marijuana growers are showing enough interest in his company's products that it's hard to keep up with demand.

Pack, of Fogco, said that while greenhouse operators are his company's biggest clients, his company also sets up systems to control odors from outdoor farms. They line the perimeter of the farm with nozzles, which they can turn on when plants are flowering and monitors show that wind speed and direction might carry the scent to neighbors.

Some online grower forums recommend "ozone generators," which can disrupt smells by converting oxygen into ozone. But the California Air Resources Board advises against using the devices with people around since, to remove odors, they have to create ozone molecules at levels that aren't safe for humans to breathe.

Local law rules

With such a wide range of techniques available, Santa Monica-based cannabis attorney Michael Jensen said it's key to write odor-control regulations that leave room for innovation.

Currently, California law doesn't do much to address odors, requiring only that marijuana businesses limit emissions from generators and from the solvents used in the extraction of certain marijuana compounds. Otherwise, state agencies overseeing cannabis have said odor control is a local issue.

Most California jurisdictions ban all marijuana businesses. And many cities and counties that do permit them simply include a line or two in their regulations that say marijuana odors can't be noticeable.

Los Angeles's marijuana regulation rules run 33 pages, only three sentences of which address odor control. The rules state that air vented from marijuana businesses must be filtered so that odors can't be detected outside, or in adjoining sites, by a person with a "normal sense of smell."

Long Beach requires businesses to submit odor control plans when they apply for local permits, and the system must be certified by a licensed engineer.

Local authorities are also the go-to source for complaints about marijuana odors.

While it's legal in California for adults 21 and over to consume marijuana, and grow up to six plants at home, residents bothered by the smell can report it as a nuisance to their local code enforcement office. If the neighbor lives in an apartment, under a homeowner's association or has a landlord, residents might have better luck reporting complaints through those entities, since they can ban smoking and cultivation in their units.

Enforcement challenges

Odor complaints are tricky to investigate, according to Alan Abbs, executive director of the California Air Pollution Control Officers Association. Smells tend to dissipate quickly, and the offensiveness of certain smells can be subjective.

One way to remove some of that subjectivity is to use devices called field olfactometers, which offer science-backed data about the intensity of odors.

McGinley's lab makes a field olfactometer called the Nasal Ranger. It looks like a telescope with a mask on the skinny end and a rotating dial on the fatter end. Users adjust that dial, then hold the Nasal Ranger up to their nose and breath in. Carbon filters purify some of the air. Then, based on the dial's setting, the device mixes the filtered air with the air coming in from outside before it gets to the user's nose. The more dilution required to get rid of the smell, the stinkier the outside air would be.

Denver has set odor standards for marijuana and other stinky businesses based on the measurements tracked by the Nasal Ranger and similar devices. But for now, many California cities and counties rely on repeated complaints as evidence of a problem.

In Santa Barbara County, for example, if county authorities get three odor complaints from a business in a year, the company must take steps to fix the problem. And if the business doesn't stop the stench, the county may revoke local permits.

"There's going to be a tough learning curve," Jensen said. "Time will tell whether this becomes an issue."

An earlier version of this story misstated the number of recent complaints to South Coast Air Quality Management District related to marijuana odors due to incorrect information provided to the Orange County Register. The story has been updated.

Tags: Cannabis, Environment, Marijuana, Top Stories Breeze, top stories ivdb, Top Stories LADN, Top Stories LBPT, Top Stories OCR, Top Stories PE, Top Stories PSN, top stories rdf, Top Stories SGVT, top stories sun, Top Stories WDN



Brooke Staggs

Brooke Edwards Staggs is a general assignment reporter with a focus on covering the politics, business, health and culture of cannabis. Journalism has led Staggs to a manhunt in Las Vegas, a zero gravity flight over Queens and a fishing village in Ghana. The Big Bear native is addicted to education. She earned her bachelors degree in English from California Baptist University, then got her master's in education as she taught high school English in the Inland Empire. After four years in the classroom, she left in 2006 to be a student again herself, earning a masters degree in journalism from New York University while interning and freelancing for a variety of publications. She sees journalism as another form of teaching, helping readers make informed decisions and better understand the world around them. Staggs spent five years as a staff writer then city editor at the Daily Press in Victorville. She won several awards for her work there, including best breaking news story from the California Newspaper Publishers Association

for her tale of a teen who shot his father in a hunting accident. She joined the Orange County Register in January 2013, covering several south Orange County communities and the city of Tustin before taking on the marijuana beat in February 2016. On occasion, she also teaches community college and ghostwrites nonfiction books. Staggs loves dancing and new adventures. She hates water slides and injustice. If she doesn't get right back to you, there's a good chance she's sitting with her DJ husband on a plane or train or boat destined for somewhere – anywhere – they've never been.

🐦 Follow Brooke Staggs @JournoBrooke

A Colorado weed business may lose its permit over odor issues

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SHARES



PUBLISHED: OCT 10, 2017, 7:58 AM • UPDATED: 7 MONTHS AGO

By Ryan Summerlin, *The Post Independent*

After numerous odor complaints spanning more than a year, one of Carbondale's marijuana businesses has its permit up for revocation.

Carbondale town staff is recommending that The Laughing Dog Group's special use permit be revoked, and the Town Council will hold a revocation hearing Tuesday evening.

This will be the first marijuana business in Carbondale to be summoned before trustees for a revocation hearing. The town reports that it has contacted the owner numerous times over odor issues since it's been in operation.

The Laughing Dog Group holds a special use permit for a "marijuana infused products" facility (also known as a MIP facility), and operates at 500 Buggy Circle in the Village Business Center, which is situated near a residential area on the north side of town. Laughing Dog is one of three MIP facilities in town.

Town Manager Jay Harrington has commented in recent weeks that town staff expected the MIP facilities to be a relatively easily managed type of marijuana business. However, the MIPs have become one of the town's biggest challenges in the marijuana industry due to their odor, Harrington has said.

[This story was first published on PostIndependent.com](#)

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[Oregon marijuana growers face lawsuit from vineyard owner over crop's smell](#)

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Carpinteria wrestles with marijuana odor with shift from flower farms

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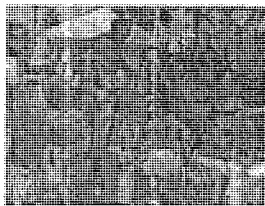
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Carpinteria wrestles with marijuana odor amid shift from one type of bud to another

Amy Taxin, The Associated Press

Published 1:59 a.m. PT May 12, 2018 | Updated 2:39 a.m. PT May 12, 2018



(Photo: Joe C. Hong, AP)

CARPINTERIA - This picturesque coastal town cradled by mountains and sandy shores is a scene out of a Southern California postcard. Residents say they feel lucky to live in what they consider a slice of paradise in a part of Santa Barbara County that's just across the Ventura County line.

But change is in the air. And sometimes, they say, it stinks.

That's because marijuana has become a new crop of choice in the farmlands surrounding this tight-knit community of 14,000, which has long helped fuel the U.S. cut flower industry.

Residents say a thick, skunk-like odor from the marijuana plants settles over the valley in the evenings and before dawn. To keep out the stench, they have tried stuffing pillows under doors, lighting incense and shutting windows, a reluctant choice since it also keeps out the cool ocean breezes that are part of the town's allure.

More about marijuana in California:

- [Santa Barbara County leads California in permits to legally grow marijuana \(/story/news/2018/04/29/santa-barbara-county-leads-california-number-permits-legally-grow-marijuana/562364002/\)](http://story/news/2018/04/29/santa-barbara-county-leads-california-number-permits-legally-grow-marijuana/562364002/)
- [More businesses are mellowing out over hiring pot smokers \(/story/news/2018/05/06/more-businesses-mellowing-out-over-hiring-pot-smokers/575768002/\)](http://story/news/2018/05/06/more-businesses-mellowing-out-over-hiring-pot-smokers/575768002/)
- [California has slow start to marijuana tax collections \(/story/news/2018/05/08/california-has-slow-start-marijuana-tax-collections/593168002/\)](http://story/news/2018/05/08/california-has-slow-start-marijuana-tax-collections/593168002/)

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"We don't want a marijuana smell," said Xave Saragosa, a 73-year-old retired sheriff's deputy who was born and raised in the town and lives near a greenhouse that grows marijuana. "We want fresh air."

Saragosa said the odor pervades his hillside home at night and keeps his wife up coughing.

The area is famous for its beaches, wine and temperate climate. It's also becoming known as a haven for cannabis growers.

10/18/2018

Carpinteria wrestles with marijuana odor with shift from flower farms

The county amassed the largest number of marijuana cultivation licenses in California since broad legalization arrived on Jan. 1 — about 800, according to state data compiled by The Associated Press. Two-thirds of them are in Carpinteria and Lompoc.

Virtually all of Carpinteria's licenses are for small, "mixed-light" facilities, which essentially means greenhouses.

The result is a large number of licenses but small total acreage. Only about 200 acres of the county's farmland is devoted to marijuana, compared with tens of thousands sown with strawberries and vegetables, said Dennis Bozanich, who oversees the county's marijuana planning.

The area's greenhouses have their roots in Carpinteria's flower industry, which was sapped after the U.S. government granted trade preferences to South American countries in the 1990s to encourage their farmers to grow flowers instead of coca, the plant used to make cocaine.

In an ironic twist, some California flower growers weary of import competition have started trying to grow cannabis, a plant that, like coca, is deemed illicit by the federal government. Others have sold their greenhouses to marijuana investors.

"We have literally no carnation production in the United States any longer because South America grows them so cheaply," said Kasey Cronquist, chief executive of the California Cut Flower Commission. "Farmers had to move crops, and that is what we have seen happen over time — they've gone to crops that are more valuable or more difficult for Ecuador and Colombia to ship."

Domestic cut flower growers saw their share of the U.S. market drop to 27 percent in 2015 from 58 percent in 1991. Sales of imported cut flowers grew to more than \$1 billion during the same period, according to data compiled by the commission.



In this April 12 photo, workers labor in a greenhouse growing cannabis plants at Glass House Farms in Carpinteria. The touristy area is famous for its beaches, wine and temperate climate. It's also gaining notoriety for marijuana. (Photo: Jao C. Hong, AP)

Greenhouses that once produced flowers are seen as ideal for marijuana. In Carpinteria's climate, the greenhouses heat and cool easily and inexpensively, and the plants thrive. It takes only about three months to grow cannabis in pots of shredded coconut husks, so farmers can get multiple harvests each year.

In the hills of the so-called Emerald Triangle of Northern California, where most of the state's pot is grown, there is a single harvest each year.

Some farmers see cannabis as a plant that can help preserve the area's farming culture, said Mollie Culver, a consultant for the Cannabis Business Council of Santa Barbara County. Many growers live locally and welcomed the county's recently crafted regulations requiring odor abatement, she said.

"Santa Barbara isn't like cannabis run amok," said Jared Ficker, a partner at advocacy group California Strategies who consults with local cannabis growers. "It is actually the most compliant market we've seen in the state."

Some residents said the stench has decreased in recent months as some growers installed systems aimed at reducing the smells. Others said the problem persists.

10/16/2018

Carpinteria wrestles with marijuana odor with shift from flower farms

The county passed rules in February requiring growers to submit odor abatement plans and designate a representative to handle complaints. They are expected to take effect in some county areas this year and in Carpinteria following a review by state coastal regulators.

Californians voted to legalize marijuana in 2016, but counties and cities have a say on whether they allow cannabis production, distribution or sales.

Even before the ballot measure, Santa Barbara County recognized a number of farmers were growing marijuana to supply the state's medical market. So officials started looking at establishing odor, security and other rules.

"We have a lot of people who are interested in being compliant and getting into the regulated market," Bozanich said. "If we can continue that kind of relationship where they're going to stay in the regulated market," it will be easier to target and eliminate black market growers, he said.

All of the county's licenses are to grow medical marijuana, Bozanich said, though the state allows some crossover into the adult market.

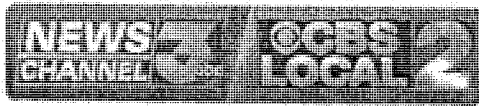
In Carpinteria, some residents worry property values will fall if the town keeps reeking of pot. They hope the smell will fade as more growers install odor control systems and those who don't are shut down.

Toni Stuart, an 80-year-old retired Episcopal priest, said the odor doesn't creep into the area near the beach where she lives, but she worries about the community changing.

"I would not like Carpinteria to be the 'cannabis capital' of Southern California. I like it the way it is. It's a very quiet, unpretentious beach town," she said.

"If people want to grow cannabis instead of flowers or avocados or macadamia nuts — I suppose that's their right. But they've got to think about their neighbors."

Read or Share this story: <https://www.vcstar.com/story/news/2018/05/12/carpinteria-wrestles-marijuana-odor-shift-flower-farms/601102002/>

News

Something stinks in Cathedral City

Code compliance working to reduce cannabis smell

By:

Joe Galli (<https://www.kesq.com/meet-the-team/joe-galli/62472904>)

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🐦 (<https://twitter.com/JoeGalliNews>)

Chris Tarpene (<https://www.kesq.com/meet-the-team/chris-tarpene/49182906>)

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Posted: Nov 15, 2017 08:22 PM PST

Updated: Nov 16, 2017 04:34 AM PST



Code compliance working to reduce cannabis smell in Cathedral City

Code compliance working to reduce cannabis smell in Cathedral City

CATHEDRAL CITY, Calif. - The first cannabis cultivation businesses in Cathedral City opened about six months ago and are having their first harvest. People can smell the plants from more than block away.

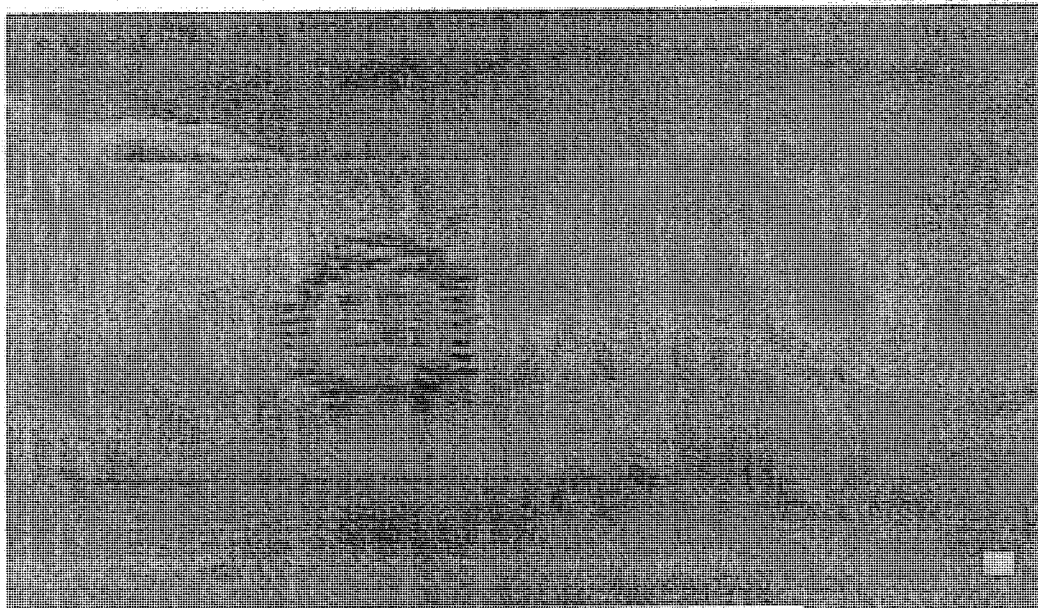
10/16/2018

Something stinks in Cathedral City - KESQ

ATTACHMENT 4

For the past couple weeks employees here at City Hall were having to deal with the pungent smell of cannabis. People who were at the Mary Pickford movie theater were smelling it too. The city believes the smell came from one particular cultivation site.

ADVERTISING



"When the customers show up they think that we smoke weed and it kind of throws us off and makes us look bad," said Steve T, an employee with Auto Creations. For months Steve has had a nose full of cannabis odor from his neighbors PS Patients Collective.

"It's been pretty smelly. We work every day, so we kind of got used to it," Steve T said.

Someone called into Cathedral City code compliance to complain about the smell. That call was the first ever official cannabis odor complaint for the city since cultivation was legalized.

City officials said code compliance officers were already on the problem and gave a notice to the owners of PS Patients Collective to stop stinking up the neighborhood.

The cultivators have already submitted plans to add more filtration to their ventilation system, which have been approved by the city.

KESQ and CBS Local 2 reporter Joe Galli went to PS Patients Collective to talk to them but no one answered the door.

Harvest time is the smelliest time for cannabis cultivation sites. When buds mature, the odor of cannabis is at its most powerful and some businesses might need some upgrades.

"What we are finding is some need to install more carbon filters to neutralize the odor," said Chris Parman, communications and events manager for Cathedral City.

According to Parman, the money from taxing cannabis is going to help regulate the industry. The city was able to hire another person for code compliance to keep cannabis businesses in check.

If you are in Cathedral City and you're smelling cannabis odor you can call City Hall at (760) 770-0340 with an approximate address of where you think the smell is coming from and code compliance will go and check it out.

JOE GALLI IS ON FACEBOOK AND ON TWITTER!



HOME > CULTURE > CULTURE FEATURES

MAY 11, 2018 8:12PM ET

Inside the High-Tech Solution for Smelly, Smelly Weed

Cannabis companies have been threatened with lawsuits based on complaints about pot's skunky smell – so one man is coming up with ways to contain it

By AMANDA CHICAGO LEWIS



Some people love marijuana's distinctive smell – but others really don't.

Ed Kashi/VII/Redux

On a sunny day in October, Mike Arnold swings open the door to his barn storehouse outside of Eugene, Oregon, and takes a big whiff. The stench hits him immediately, a sweet and skunky wall of cool air. "Smells like money," Arnold says in his Missouri drawl, gazing out at row after row of makeshift wood-and-mesh shelving, where 12,000 pounds of marijuana were lying out to dry.

~~with those responsible for keeping that pungent odor safely within the confines of the building.~~
year-old Daniel Gustafik. Gustafik has been building out pot grow rooms for 20 years, designing novel solutions for everything from irrigation to lighting to humidity control in hidden sub-basements and on off-grid homesteads long before anyone could even conceive of Bob Marley-branded weed sold openly in sleek boutiques. He and his company, Hybrid Tech, are now considered to be among the best in the game when it comes to putting together industrial-scale legal cannabis operations. In the past four years, they've completed over a hundred projects in 37 states and two countries.

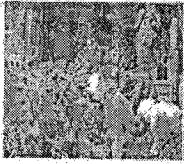
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Even as marijuana becomes increasingly mainstream, not everyone is feeling chill about legalization. Pot reeks, and pot being grown or processed at commercial scale reeks even more. Some states and municipalities have included specifications about odor control in their medical and recreational marijuana regulations.

But cannabis's federally illegal status creates all sorts of thorny problems. Last June, a 10th-circuit court in Colorado decided that a family who complained about the "noxious odors" coming from a cannabis venture next door had sufficient grounds to argue the aroma had hurt their property values, and could therefore sue for triple damages under federal racketeering law. The ruling sent shockwaves through the legal weed industry, triggering similar lawsuits in Oregon and Massachusetts, and potentially establishing a precedent by which private citizens could use federal law to topple locally licensed pot businesses. That means that marijuana's distinctive stink could actually be worse for the legalization movement than anything Attorney General Jeff Sessions has done, and the continued success of state-legal weed is dependent on rigorous odor-proofing.

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So as legalization spreads, pissing off neighbors with sensitive noses from Vancouver to Los Angeles to Montevideo, Uruguay, containing the powerful scent of pot has become an essential part of Gustafik's job.

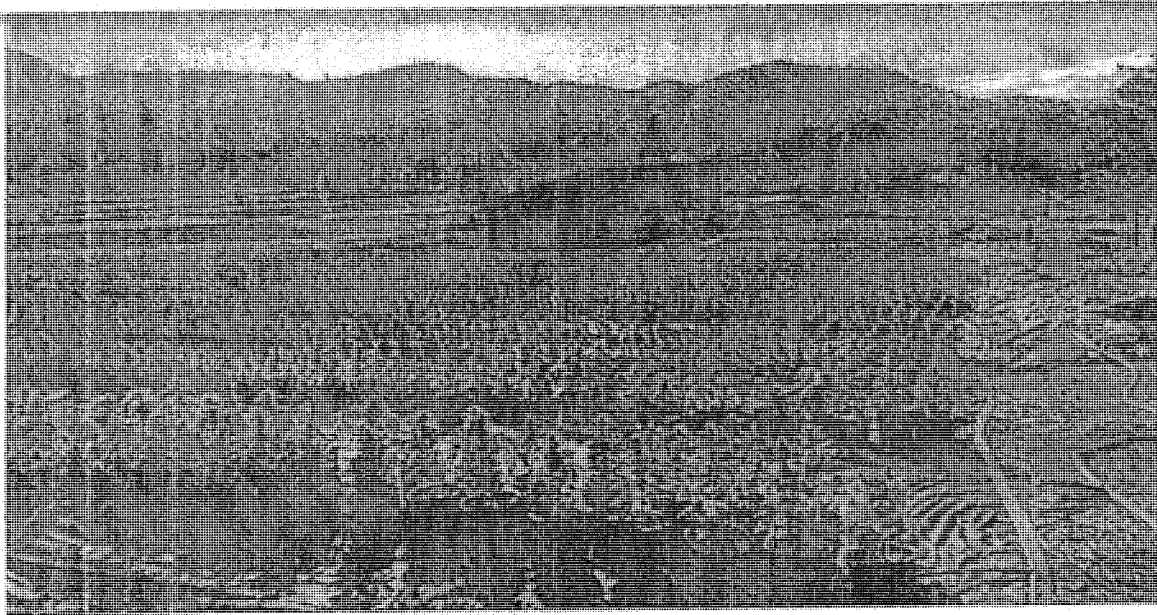


How Anti-Mafia Laws Could Bring Down Legal Pot

Trump's Misogyny on Full Display With Stormy Daniels Tweet

Take Arnold's cavernous drying barn, nestled among rolling hills and maple trees. This, Gustafik says, is his magnum olfactory opus: a 5,000 square foot facility, outfitted in a mere 21 days, and operating in a county with the strictest marijuana scent control rules in the world. Before Oregon legalized recreational weed, a much looser medical cannabis law had been in place for several years, attracting inconsiderate growers accustomed to the black market. The noise, traffic and stink annoyed locals who, in turn, annoyed officials with their complaints. So when it came time to regulate adult use, some counties preemptively took a hard line. At a meeting to determine what these rules would look like in Clackamas County, one community member compared the smell to "skunk dipped in turpentine and gym socks." As a result, the Clackamas ordinance ultimately specified everything from the angle of exhaust vents to the strength of the fans used to circulate air. Lane County, where Arnold's barn is located, ultimately decided to use the same language in their ordinance.

Arnold, a blustering former trial lawyer who represented rancher Ammon Bundy after his armed occupation of the Malheur National Wildlife Refuge, called Gustafik in June of 2017 with an urgent request. Arnold had an opportunity to pick up six tons of cannabis, but he needed a place for it to cure and dry, and he needed it fast. Would Gustafik be able to put something together on the cheap and up to code in three weeks?



"It was so bloody novel. I just got excited," Gustafik recalls. He had done drying rooms before, of course, and built enormous cultivation facilities, but he had never put together a curing and drying operation in such a large building, especially under such intense legal and time constraints. The challenge reminded him of his early days in the weed business, inventing new ways to put together a productive and efficient grow room with little more than an HVAC textbook, a high school electronics class, and a contractor's license under his belt. Gustafik rarely smokes pot, but he's the kind of person who enjoys developing solutions to unusual problems; that's what drew him to such a niche area of expertise in the first place. "There are no manuals for marijuana. Going into shit not knowing answers and not being able to find any PhD white papers is actually seriously entertaining."

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Over the years, Gustafik has seen some pretty ridiculous attempts at masking the smell of weed. Downey fabric softener sheets in the exhaust line. Air purifiers that produce ozone, a toxic form of oxygen that damages the plants. Sterilization units that release negatively charged particles called hydrogen peroxide plasma, which smells like fresh rain and eliminates mold but doesn't eradicate the existing stench. A "craptastic product that sprays this super stinky mist," meant to be redolent of a mountain breeze.

None were effective.

growers can have the right technology and instead air filters made with activated charcoal, an innovation originally developed for the automotive painting industry in response to clean air legislation in Europe. Charcoal pumped with oxygen to be extra porous absorbs malodorous particles as air passes through it. Over time, the cavities reach capacity, and the filters must be replaced.

But even the cultivators who used charcoal would typically buy a single filter, throw it in a corner, and call it a day. Gustafik took things to an entirely new level. Thinking of the facility as “an organism” in which each element affects the larger system, he spent five years tinkering in a demo lab to determine the best humidity, temperature and air flow settings for growing each marijuana strain and controlling its smell.

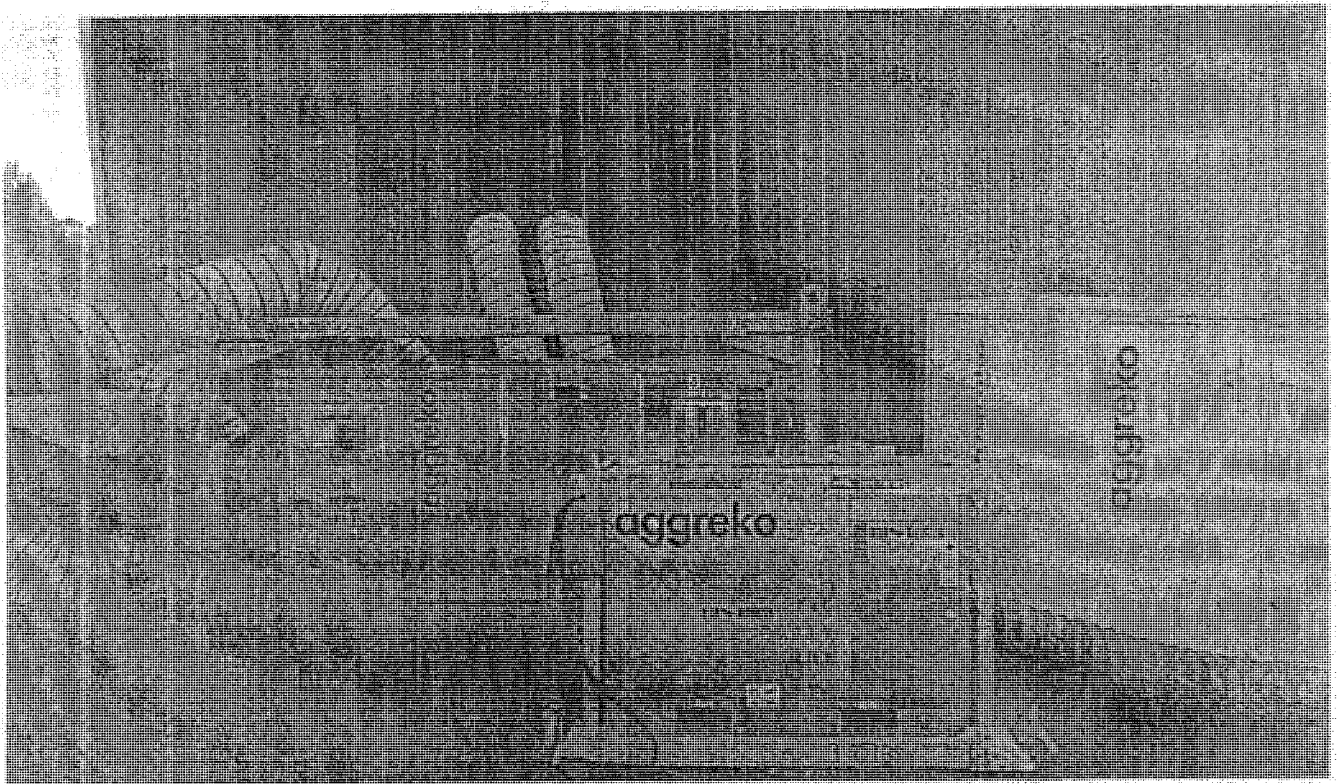
As he walked into Arnold’s dry barn for the first time he pointed out the charcoal filters mounted on the wall. Gustafik had strategically positioned fans and grilles around the drying weed to push the smelly air toward the charcoal. He also made sure that the fans pushed dirty air out of the room at a slightly faster rate than the clean air being pumped in, creating a mild vacuum.

“If you put the whole building under vacuum, you could be standing in front of the house and,” *sniff, sniff, sniff*, “smell nothing. You can successfully get zero smell,” Gustafik explains. But the people who wrote these county-level marijuana regulations were not as well-versed in weed engineering as Gustafik, and their laws, based on greenhouse grow rooms rather than indoor drying operations where one has more insulation and temperature control, were sometimes counterproductive. Take for instance, the requirement that all of the air in the room be replaced every five minutes. “In reality, the slower you run the air, the more scent control you get – the polar opposite of what the ordinance actually said,” Gustafik says.

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Jack Sanders used his passion for architecture to rebuild a community around a Nerbern, Alabama baseball field. Watch below.

Ad by YETI



Arnold hadn't wasted quite as much money following the air-replacement stipulation as some of Gustafik's other clients – one of whom had needed to spend close to \$10,000 on high-powered fans that moved the smell around so quickly that it was much more difficult to capture. But in the end, none of Gustafik's work on Arnold's property made much of a difference to the neighbors. Just outside the barn, Arnold had 25,000 cannabis plants germinating in black plastic buckets, spread across the property. The Lane County ordinance had said nothing about protecting nearby nostrils from outdoor cultivation.

~~Arnold says he doesn't want to be dismissive about the pig~~ But fuck, move to the Midwest and live next to a pig farm and then talk to me."

Arnold himself had grown up next to an industrial hog concern. He has little patience for anyone who bought real estate near a plot zoned for agriculture, and then decided they couldn't handle the consequences.

Outside the drying barn, the cannabis funk was far less intense. Somewhere in the distance, someone was burning something, and the nose took in first that note, and then, as the wind picked up, soft floral waves of ganja.

"We plan to plant aromatics around the perimeter, like lavender," says Arnold's VP of sales, Catherine Mann.

"I've heard that plan before," Gustafik replied.

Does it make a difference?

"No," Gustafik said. "It smells like lavender weed."



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COMMENTS 10

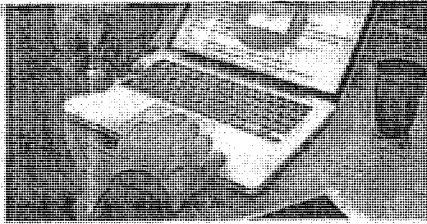
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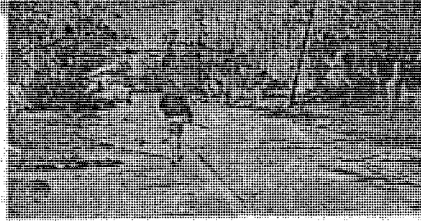
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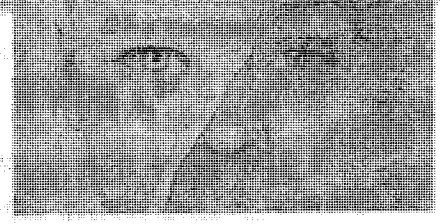
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CALIFORNIA TITLE COMPANY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Name KHANH JERRY HOANG & TAMMY DANG
 Street HOANG
 Address 8660 VILLA LA JOLLA DRIVE
 City SUITE 202
 State LA JOLLA, CA 92037
 Zip

DOC# 2017-0523484



Nov 08, 2017 04:59 PM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$2,841.00

PCOR: YES

PAGES: 8

RECORDERS USE ONLY

ORDER NO. 400-1808284-34

ESCROW NO. 147577R-AJ

Executed in Counterpart

GRANT DEED

TAX PARCEL NO. 341-362-29-07

The undersigned grantor declares that the documentary transfer tax is \$2,805.00 and is

☒ computed on the full value of the interest of the property conveyed, or is☐ computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.

The land, tenements or realty is located in

unincorporated area

☒ city SAN DIEGO

and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DAN KENNY, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AND FEDERICK P. WALLACE AND
 LORA L. WALLACE, TRUSTEES, OR THEIR SUCCESSORS IN TRUST UNDER THE WALLACE LIVING TRUST
 DATED JUNE 25, 2009, AND ANY AMENDMENTS THERETO

hereby GRANT(S) to

KHANH JERRY HOANG AND TAMMY DANG HOANG, Husband and Wife as Joint Tenants

The following described real property in the City of SAN DIEGO, County of San Diego, State of California:

A CONDOMINIUM COMPRISED OF:

PARCEL 1:

AN UNDIVIDED 1/TH INTEREST IN AND TO ALL THAT PORTION OF LOTS 3 AND 4 OF LUSK MIRA MESA BUSINESS
 PARK EAST, AS MORE PARTICULARLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
 HEREOF.

Dated 08/22/2017

DAN KENNY

THE WALLACE LIVING TRUST DATED
 JUNE 25, 2009

By:

FREDERICK P. WALLACE, TRUSTEES

LORA L. WALLACE, TRUSTEES

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

STATE OF CALIFORNIA)

COUNTY OF San Diego)

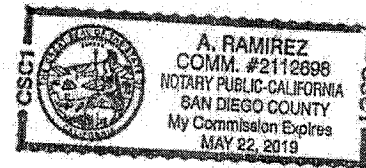
On November 8, 2017 before me,
A. Ramirez, Notary Public

personally appeared Dan Kenny

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

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

WITNESS my hand and official seal.



Signature [Signature], Notary Public

(Notary Seal)

GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

NAME OF THE NOTARY: A. RAMIREZ

COMMISSION NUMBER: 2112698


EXPIRATION DATE: MAY 22, 2019

COUNTY WHERE BOND IS FILED: SAN DIEGO

MANUFACTURER/VENDOR NUMBER: CSC1

PLACE OF EXECUTION: CALIFORNIA TITLE CO., SAN DIEGO, CALIFORNIA

SIGNATURE:


Charles W. Bishop

DATE: NOVEMBER 8, 2017

Order No. 400-1898284-34

Exhibit "A"

A Condominium Comprised Of:

Parcel 1:

An undivided 1/7th interest in and to all that portion of Lots 3 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12395, filed in the Office of the County Recorder of San Diego County on May 30, 1989, shown and defined as "Common Area" on the Condominium Plan recorded April 2, 1992 as Document No. 1992-0190161 of Official Records of said County.

Excepting therefrom Units A through G, inclusive as shown and defined on the above Condominium Plan.

Parcel 2:

All that portion of Lots 3 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, shown and defined as Unit G on said Condominium Plan.

Parcel 3:

An exclusive use Common Area for parking spaces purposes only to be appurtenant to Lots 3 and 4 above, in over, across and through that portion of the Common Area consisting of "PH" as shown and defined on said Condominium Plan.

RECORDING REQUESTED BY

California Title Company
AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Name KHANH JERRY HOANG & TAMMY DANG
Street Address HOANG
8660 VILLA LA JOLLA DRIVE
City SUITE 202
State LA JOLLA, CA 92037
Zip

RECORDERS USE ONLY

GRANT DEED

ORDER NO. 400-1898284-34

ESCROW NO. 147577R-AJ

executed in Counterpart

TAX PARCEL NO. 341-362-29-07

The undersigned grantor declares that the documentary transfer tax is ~~\$2,895.00~~ and is

☒ computed on the full value of the interest of the property conveyed, or is
computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.

The land, tenements or realty is located in

unincorporated area ☒ city SAN DIEGO and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DAN KENNY, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AND FEDERICK P. WALLACE AND
LORA L. WALLACE, TRUSTEES, OR THEIR SUCCESSORS IN TRUST UNDER THE WALLACE LIVING TRUST
DATED JUNE 25, 2009, AND ANY AMENDMENTS THERETO

hereby GRANT(S) to

KHANH JERRY HOANG AND TAMMY DANG HOANG, Husband and Wife as Joint Tenants

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HEREOF.

Dated 08/22/2017

DAN KENNY

THE WALLACE LIVING TRUST DATED
JUNE 25, 2009

By:

F.P. Wallace

FREDERICK P. WALLACE, TRUSTEES

Lora L. Wallace
LORA L. WALLACE, TRUSTEES

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

STATE OF CALIFORNIA,)
COUNTY OF El Dorado)

On August 23, 2017 before me,
Aolna Shortes Bosold, Notary Public

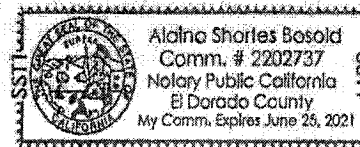
personally appeared Frederick P. Wallace, Cora L. Wallace

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

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

WITNESS my hand and official seal.

Signature Aolna Shortes Bosold, Notary Public



(Notary Seal)

GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

NAME OF THE NOTARY: ALAINA SHORTES BOSOLD

COMMISSION NUMBER: 2202737


EXPIRATION DATE: JUNE 25, 2021

COUNTY WHERE BOND IS FILED: EL DORADO

MANUFACTURER/VENDOR NUMBER: SST1

PLACE OF EXECUTION: CALIFORNIA TITLE CO., SAN DIEGO, CALIFORNIA

SIGNATURE:


Charles W. Bishop

DATE: NOVEMBER 8, 2017

Order No. 400-1898284-34

Exhibit "A"

A Condominium Comprised Of:

Parcel 1:

An undivided 1/7th interest in and to all that portion of Lots 3 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12395, filed in the Office of the County Recorder of San Diego County on May 30, 1989, shown and defined as "Common Area" on the Condominium Plan recorded April 2, 1992 as Document No. 1992-0190161 of Official Records of said County.

Excepting therefrom Units A through G, inclusive as shown and defined on the above Condominium Plan.

Parcel 2:

All that portion of Lots 3 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, shown and defined as Unit G on said Condominium Plan.

Parcel 3:

An exclusive use Common Area for parking spaces purposes only to be appurtenant to Lots 3 and 4 above, in over, across and through that portion of the Common Area consisting of "PH" as shown and defined on said Condominium Plan.

	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 November 2017
In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."			
1. Type of Appeal: <input checked="" type="checkbox"/> Appeal of the Project <input type="checkbox"/> Appeal of the Environmental Determination			
2. Appellant: Please check one <input type="checkbox"/> Applicant <input type="checkbox"/> Officially recognized Planning Committee <input checked="" type="checkbox"/> "Interested Person" (Per M.C. Sec. 113.0103)			
Name: Ameditech Inc. / Gerrit Smith		E-mail: Gerrit.Smith@abbott.com	
Address: 9940 Mesa Rim Road	City: San Diego	State: CA	Zip Code: 92121 Telephone: (858) 535-1968
3. Project Name:			
4. Project Information			
Permit/Environmental Determination & Permit/Document No.: 585402		Date of Decision/Determination October 17, 2018	City Project Manager: Tim Daly
Decision(Describe the permit/approval decision): Approval of Conditional Use Permit No. 2063834 with no additional conditions (relating to the approval of a Marijuana Facility (MPF) to operate within an existing 14,829 square-foot, two (2) story building within an industrial complex, comprised of seven (7) condominium buildings, located at 9938 Mesa Rim Road within the IL-2-1 Zone within the Mira Mesa Community Plan area).			
5. Ground for Appeal(Please check all that apply):			
<input checked="" type="checkbox"/> Factual Error <input checked="" type="checkbox"/> Conflict with other matters <input checked="" type="checkbox"/> Findings Not Supported		<input checked="" type="checkbox"/> New Information <input type="checkbox"/> City-wide Significance (Process Four decisions only)	
Description of Grounds for Appeal (<i>Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code.</i> Attach additional sheets if necessary.) See Attachment One and Attachment Two			
<div style="font-size: 2em; font-weight: bold;">RECEIVED</div> <div>OCT 31 2018</div> <div style="margin-top: -20px;">DEVELOPMENT SERVICES</div>			
6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct. Signature: _____ Date: 10/31/18			
Note: Faxed appeals are not accepted.			

ATTACHMENT ONE
Description of Grounds for Appeal
(Process 3 - Conditional Use Permit)

Appellant appeals based on factual errors, new information, the findings are not supported by the information provided to the decision maker, and the decision conflicts with the land use plan and the Municipal Code for the following reasons:

1. The appellant, **Ameditech Inc.**, is located at 9940 Mesa Rim Road (next to MPF 9938 Mesa Rim Road) and is engaged in the development and manufacturing of drugs of abuse diagnostics tests, including tests for the detection of cocaine, amphetamine, methamphetamine, synthetic cannabinoids and Tetrahydrocannabinol (“THC”). The performance of the tests is driven by antibodies in test strips that react specifically to the drug(s) of interest. Consequently, the manufacturing process of drugs of abuse tests is highly sensitive to the environment and air quality. The appellant’s facility is FDA certificated and inspected for compliance with the highest medical standards. The site manufactures approximately 15,000,000 devices per year (more than 80% are THC tests).
2. The proposed marijuana production facility project will release air contaminants that may contaminate appellant's manufacturing process and could detrimentally affect the quality and reactivity of the appellant’s products.

Specifically, the Volatile Organic Compounds (“VOCs”) released by the marijuana plant during cultivation, processing and storage, aerosolized THC, Cannabidiol or other related molecules could interfere in the manufacturing of the THC test. The THC tests have a high level of sensitivity; consequently even the slightest contamination would have a critical negative impact. Potential impacts could include:

- a. The optimization process used in the manufacture of the THC test would not be possible due to the reactivity of the antibody in the test strips to the VOCs or aerosolized THC related molecules (this would essentially halt the manufacturing of the appellant’s THC assay); or
- b. the reactivity of the antibody in the test strip would be reduced by the presence of the VOCs, or aerosolized THC related molecules, thus reducing the sensitivity of the THC tests produced (the result would be THC tests that would potentially yield false positive results).
3. The proposed project conflicts with the Mira Mesa Community Plan as follows:
 - a. The Mira Mesa Community Plan designates the project site as an “**Industrial Park**” intended to accommodate a mixture of research and development, office and manufacturing uses;
 - b. The proposed project for the cultivation of marijuana is an agricultural activity and therefore inconsistent with the aforesaid designation;
 - c. The proposed project fails to comply with the development criteria in failing to provide the requisite bicycle lockers and shower facilities for employees; and
 - d. The proposed project fails to comply with the development criteria in failing to avoid roof-mounted equipment (or failure to comply with architectural design requirements).

4. The proposed marijuana production facility project violates the San Diego Municipal Code Section 172.0701 *et seq.* by authorizing the release of air contaminants, including terpenes and ozone, that endanger human health, cause damage to vegetation and property (including appellant's manufacturing processes), and cause soiling beyond the boundaries of the premises upon which the use emitting the contaminants is located.
5. The proposed conditional use permit authorizes cultivation, processing, distribution, and manufacturing of cannabis products but the City of San Diego and the Applicant did not provide any detail as to the types of processing and manufacturing that will occur, the chemicals, fertilizers, and pesticides that would be used, or any other essential information about the proposed facility and its operations.
6. The City of San Diego and Applicant did not have the opportunity to consider new information relating to the detrimental impacts the proposed project would have on the appellant's manufacturing process of drugs of abuse diagnostics tests.
7. The City of San Diego failed to impose on the project specific and measurable performance standards on the release of air contaminants and odor absorbing and ventilation systems.
8. City of San Diego failed to impose on the project specific conditions and restrictions on the emission of air contaminants and noxious odors.
9. Applicant did not comply with the City of San Diego Charter and Municipal Code by failing to have all owners of the property sign the application for a marijuana production facility and the ownership disclosure statement (the property is owned by two persons as joint tenants and only one of the owners signed the ownership disclosure statement). See Attachment Two for a copy of the Grant Deed.
10. The City of San Diego failed to provide the public and affected neighboring property owners with notice of the environmental determination and the public hearing on the Conditional Use Permit.
11. The City of San Diego's finding that the proposed development will not adversely affect the applicable land use plan is not supported by the Mira Mesa Community Plan as detailed in Sections 2, 3, and 4 herein above.
12. The City of San Diego's finding that the proposed development will not be detrimental to the public health, safety, and welfare is not supported by facts and information because the marijuana production facility will emit terpenes, will result in increased ozone levels in the vicinity, and noxious odors. Additional reasons are detailed in Sections 4, 5, 7, 8, and 9 herein above, and the of City of San Diego's failure to adequately analyze the impacts of noxious odors and release of air contaminants generated by the proposed project.
13. The City of San Diego's finding that the proposed development will comply with regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code conflicts with Municipal Code section 142.07.01 *et seq.* because the project will release air contaminants as described in this appeal, and the proposed marijuana production facility conflicts with the Mira Mesa Community Plan as detailed in Sections 2 and 3 herein above.

14. The City of San Diego's finding that the proposed use is appropriate at the proposed location is in violation of the Municipal Code because the proposed marijuana production facility will release air contaminants that will harm the adjacent manufacturing facilities, including the appellant's facility. In addition, the use is not supported by the Mira Mesa Community Plan as detailed in Section 3 herein above, the San Diego Municipal Code as detailed in Sections 4 and 5 herein above, and the facts and information as detailed in this appeal.
15. The proposed project does not qualify for the California Environmental Quality Act categorical exemption for existing facilities under Section 15301 because City of San Diego has failed to adequately consider and analyze the impacts of noxious odors generated by the proposed project and there is a reasonable possibility of significant impacts on the environment due to unusual circumstances.
16. City of San Diego failed to comply with notice requirements as provided under San Diego Municipal Code Section 112.0310 for environmental determinations.

Attachment to DS-3031

MPF 9938 Mesa Rim Road

Project No. 585402

ATTACHMENT TWO
Description of Grounds for Appeal
(Process 3 - Conditional Use Permit)

Copy of the Grant Deed

RECORDING REQUESTED BY

CALIFORNIA TITLE COMPANY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Name KHANH JERRY HOANG & TAMMY DANG
Street Address HOANG
8660 VILLA LA JOLLA DRIVE
City SUITE 202
State LA JOLLA, CA 92037
Zip

DOC# 2017-0523484



Nov 08, 2017 04:59 PM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$2,841.00

PCOR: YES

PAGES: 8

RECORDERS USE ONLY

GRANT DEED

ORDER NO. 400-1898284-34

ESCROW NO. 147577R-AJ

Executed in Counterpart

TAX PARCEL NO. 341-362-29-07

The undersigned grantor declares that the documentary transfer tax is \$2,805.00 and is

☒ computed on the full value of the interest of the property conveyed, or is

computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.

The land, tenements or realty is located in

unincorporated area ☒ city SAN DIEGO and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DAN KENNY, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AND FEDERICK P. WALLACE AND
LORA L. WALLACE, TRUSTEES, OR THEIR SUCCESSORS IN TRUST UNDER THE WALLACE LIVING TRUST
DATED JUNE 25, 2009, AND ANY AMENDMENTS THERETO

hereby GRANT(S) to

KHANH JERRY HOANG AND TAMMY DANG HOANG, Husband and Wife as Joint Tenants

The following described real property in the City of SAN DIEGO, County of San Diego, State of California:

A CONDOMINIUM COMPRISED OF:

PARCEL 1:

AN UNDIVIDED 1/7TH INTEREST IN AND TO ALL THAT PORTION OF LOTS 3 AND 4 OF LUSK MIRA MESA BUSINESS
PARK EAST, AS MORE PARTICULARLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF.

Dated 08/22/2017


DAN KENNY

THE WALLACE LIVING TRUST DATED
JUNE 25, 2009

By:

FREDERICK P. WALLACE, TRUSTEES

LORA L. WALLACE, TRUSTEES

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

STATE OF CALIFORNIA)

COUNTY OF San Diego)

On November 8, 2017 before me,
A. Ramirez, Notary Public

personally appeared Don Kenny

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

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

WITNESS my hand and official seal.

Signature [Signature], Notary Public



(Notary Seal)

GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

NAME OF THE NOTARY: A. RAMIREZ

COMMISSION NUMBER: 2112698

EXPIRATION DATE: MAY 22, 2019

COUNTY WHERE BOND IS FILED: SAN DIEGO

MANUFACTURER/VENDOR NUMBER: CSC1

PLACE OF EXECUTION: CALIFORNIA TITLE CO., SAN DIEGO, CALIFORNIA

SIGNATURE: _____

Charles W. Bishop

DATE: NOVEMBER 8, 2017

Order No. 400-1898284-34

Exhibit "A"

A Condominium Comprised Of:

Parcel 1:

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Excepting therefrom Units A through G, inclusive as shown and defined on the above Condominium Plan.

Parcel 2:

All that portion of Lots 3 and 4 of Lusk Mira Mesa Business Park East I, Unit No. 4, shown and defined as Unit G on said Condominium Plan.

Parcel 3:

An exclusive use Common Area for parking spaces purposes only to be appurtenant to Lots 3 and 4 above, in over, across and through that portion of the Common Area consisting of "PH" as shown and defined on said Condominium Plan.

RECORDING REQUESTED BY

California Title Company
AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Name KHANH JERRY HOANG & TAMMY DANG
Street Address HOANG
8880 VILLA LA JOLLA DRIVE
City SUITE 202
State LA JOLLA, CA 92037
Zip

RECORDERS USE ONLY

GRANT DEED

ORDER NO. 400-1898284-34

ESCROW NO. 147577R-AJ

executed in Counterpart

TAX PARCEL NO. 341-382-29-07

The undersigned grantor declares that the documentary transfer tax is ~~\$2,905.00~~ and is

X computed on the full value of the interest of the property conveyed, or is

computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.

The land, tenements or realty is located in

unincorporated area

X city SAN DIEGO

and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DAN KENNY, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AND FEDERICK P. WALLACE AND LORA L. WALLACE, TRUSTEES, OR THEIR SUCCESSORS IN TRUST UNDER THE WALLACE LIVING TRUST DATED JUNE 25, 2009, AND ANY AMENDMENTS THERETO

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KHANH JERRY HOANG AND TAMMY DANG HOANG, Husband and Wife as Joint Tenants

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Dated 08/22/2017

DAN KENNY

THE WALLACE LIVING TRUST DATED
JUNE 25, 2009

By:

F.P. Wallace

FREDERICK P. WALLACE, TRUSTEES

Lora L. Wallace
LORA L. WALLACE, TRUSTEES

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

STATE OF CALIFORNIA,)
COUNTY OF El Dorado)

On August 23, 2017 before me,
Alaina Shortes Bosold, Notary Public

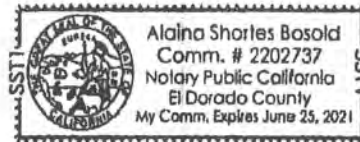
personally appeared Frederick P. Wallace and Cora L. Wallace

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

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

WITNESS my hand and official seal.

Signature Deborah Buell, Notary Public



(Notary Seal)

GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

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Charles W. Bishop

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