



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: May 2, 2019 REPORT NO. PC-19-037

HEARING DATE: May 9, 2019

SUBJECT: MPF 9731 SIEMPRE VIVA ROAD, Process Three Decision

PROJECT NUMBER: [585480](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-005](#)

OWNER/APPLICANT: Courtney Business Center, LLC., Owner/ Paragon Partners, LLC., Applicant

### SUMMARY

Issue: Should the Planning Commission deny or approve the appeal of the Hearing Officer's decision to approve the operation of a Marijuana Production Facility within five tenant spaces in an existing 16,820 square-foot building located at 9731 Siempre Viva Road within the Otay Mesa Community Plan area?

Staff Recommendation: DENY the appeal and uphold the Hearing Officer decision to APPROVE Conditional Use Permit No. 2070245.

Community Planning Group Recommendation: On October 17, 2018, the Otay Mesa Community Planning Group voted 11-0-2 to recommend approval of the proposed project with no conditions (Report No. HO-19-005, 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. The environmental exemption determination for this project was made on October 9, 2018, and the opportunity to appeal that determination ended October 23, 2018. An appeal of the environmental determination was previously filed and was withdrawn on October 31, 2018.

Fiscal Impact Statement: 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 site is designated Light Industrial within the Otay Mesa Community Plan. The Light Industrial designation allows a variety of industrial uses,

permitting a range of light manufacturing, research and development, storage, and distribution uses. The purposes and intent of the IL base zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial and office uses with limited commercial. Therefore, the project would not impact the housing supply within the City of San Diego.

## BACKGROUND

The proposed MPF 9731 Siempre Viva Road project (Project) is a request for a Conditional Use Permit pursuant to [San Diego Municipal Code \(SDMC\) Section 126.0303](#) to operate a Marijuana Production Facility (MPF) within five tenant spaces in an existing 16,820 square-foot building located at 9731 Siempre Viva Road. The project site is designated Light Industrial within the Otay Mesa Community Plan. The Light Industrial designation allows a variety of industrial uses, permitting a range of light manufacturing, research and development, storage, and distribution. The purpose and intent of the IL base zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial and office uses with limited commercial.

As detailed in the [Report to the Hearing Officer HO-19-005](#), the existing building has eleven suites. The MPF would be located within Suites A, B, C, H, and I totaling 10,042 square-feet, consisting of 6,140 square-feet of existing floor area and a 3,902-square-foot second floor addition, exempt from the Gross Floor Area per [SDMC Section 113.0234\(d\)\(2\)](#). Suites 101-105, 106, and 200 will remain as offices, and suites D, E, F, and G will remain for light industrial uses unrelated to the MPF project. The project would include interior tenant improvements to accommodate operations, including interior walls to reconfigure space, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. No exterior building alterations would occur. The MPF operation would include cultivation, packaging, and distribution of cannabis. Public improvements would include reconstruction of the existing driveways and curb ramp, satisfactory to the City Engineer. The facility is also subject to State of California statutes and regulations.

## PROJECT APPEAL DISCUSSION

Two appeals of the Hearing Officer's decision were filed. The first was filed on February 20, 2019, by Rodney Eales (Attachment 2). The second appeal was filed on February 21, 2019, by Khoa Nguyen (Attachment 3).

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

Rodney Eales Appeal Issue No. 1: "New Information. New Information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision."

Staff Response: City Staff cannot respond to this appeal issue as the appellant has not identified any new information that was not available at the time of the decision.

Rodney Eales Appeal Issue No. 2: "Findings Not Supported. The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.

Staff Response: On February 6, 2019, the Hearing Officer considered CUP No. 2070245 pursuant to the Land Development Code and adopted the required findings, as set forth in [San Diego Municipal Code Section 126.0305](#), to approve the CUP. The appellant has not provided any evidence as to how the stated findings to approve the CUP is not supported by the information provided to the decision maker.

Rodney Eales Appeal Issue No. 3: "Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code."

Staff Response: The appellant has not provided any evidence as to how the Hearing Officer's decision on the subject CUP application conflicts with a land use plan, a City Council policy, or the Municipal Code.

As detailed in the [Report to the Hearing Officer HO-19-005](#), the project site is designated Prime Industrial Land in the Prosperity Element, and Industrial Employment by the Land Use and Community Planning Element, of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Prime Industrial and Industrial Employment designations would permit light manufacturing uses; thereby, providing additional land suitable for manufacturing activities. The project site is within the Light Industrial Land Use Area of the Otay Mesa Community Plan. The Light Industrial designation permits light manufacturing, distribution and storage uses. The IL-2-1 Zone allows a mix of light industrial and office uses with limited commercial. 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.

City Staff has reviewed the project and concluded the project is in conformance with all applicable City Council policies and regulations of the Land Development Code. The project complies with all development regulations of the IL-2-1 Zone and no deviations are requested.

Rodney Eales Appeal Issue No. 4: "The Site Plans do not demonstrate that the project includes an enclosed garage for distribution purposes, contrary to municipal and State Law."

Staff Response: The SDMC does not require enclosed garage for distribution purposes. MPF operators are required to obtain the necessary State license(s) to conduct their business which may require additional modifications and/or construction permits to operate their business.

Rodney Eales Appeal Issue No. 5: "County Records indicate the property is closer to 20,000 square feet. This would add approximately 4,000 SF to the project, increasing the FAR is in excess of the Otay Mesa Community Plan area limit of the FAR 0.5. Therefore, the project is inconsistent with the

Community Plan.”

Staff Response: The Otay Mesa Community Plan area limits of FAR 0.5 is not applicable to a site that has a final map recorded prior to May 18, 2014. The final map for the property was recorded in 1987, which had the maximum FAR of 2.0 per the base zone per the Land Development Code.

Khoa Nguyen Appeal Issue: “Findings Not Supported: The Hearing Officer's stated finding to approve is not supported by the information that was provided to the Hearing Officer. It is widely known that Marijuana Production Facilities produce strong odors. The applicant has not sufficiently demonstrated that their marijuana production facility will not produce odors that will be detrimental to surrounding businesses and to the public.”

Staff Response: The heating, ventilation, and air conditioning (HVAC) system for the project would be designed such that rooms would be under negative or positive pressure with respect to the outside and other rooms, as appropriate, to prevent odor from escaping the facility. Additionally, the project would include an industrial air cleaner odor control system to remove any odors prior to exhausting to the outside.

The Project's CUP contains various conditions related to San Diego 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 Section 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, including, but not limited to, the California Department of Public Health and the Air Pollution Control District.

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 Planning Commission deny the appeals and approve the Project as presented.



## ALTERNATIVES

1. Deny the appeals and approve Conditional Use Permit No. 2070245, with modifications.
2. Uphold the appeals and deny the Conditional Use Permit No. 2070245, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

  
PJ Fitzgerald  
Assistant Deputy Director  
Development Services Department  
Sammi Ma  
Development Project Manager  
Development Services Department

PJF/SYM

### Attachments:

1. Report to the Hearing Officer No. HO-19-005
2. Rodney Eales Appeal
3. Khoa Nguyen Appeal
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: January 16, 2019 REPORT NO. HO-19-005

HEARING DATE: January 23, 2019

SUBJECT: MPF 9731 Siempre Viva Road, Process Three Decision

PROJECT NUMBER: [585480](#)

OWNER/APPLICANT: Courtney Business Center, LLC, Owner/ Paragon Partners, LLC, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility located at 9731 Siempre Viva Road within the Otay Mesa Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2070245.

Community Planning Group Recommendation: On October 17, 2018, the Otay Mesa Community Planning Group voted 11-0-2 to recommend approval of the proposed project (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 October 9, 2018, and the opportunity to appeal that determination ended October 23, 2018.

### BACKGROUND

The project is a request for a Conditional Use Permit pursuant to San Diego Municipal Code (SDMC) Section 126.0303 to operate a Marijuana Production Facility (MPF) within an existing building located at 9731 Siempre Viva Road in the IL-2-1 Zone within the Otay Mesa Community Plan area (Attachment 1). The existing building has eleven suites. The MPF is proposed within Suites A, B, C, H, and I of the existing building. The project site is designated Light Industrial within the Otay Mesa Community Plan (Attachment 2). The Light Industrial designation allows a variety of industrial uses, permitting a range of light manufacturing, research and development, storage, and distribution. The purpose and intent of the IL base zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial and office uses with limited commercial. The site is presently developed with a building constructed in 1985 (Attachment 3).

Marijuana Production Facilities (MPF) are restricted to forty City-wide, within light and heavy industrial zones. Marijuana Production Facilities 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. Marijuana Production Facilities also require a minimum distance requirement of 100 feet from a residential zone. Security requirements include 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. Marijuana Production Facilities must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

## DISCUSSION

### Project Description:

The project proposes to operate a MPF within five tenant spaces in an existing 16,820 square-foot building. The MPF operation would include cultivation, a nursery, storage, packaging, and distribution of cannabis.

The MPF would be located within Suites A, B, C, H, and I of an existing building. Suites A, B, and C have 4,004 square-feet existing on the first floor and 1,119 square-feet existing on the second floor. The project proposes to add 2,885 square-feet within the existing building envelope, totaling 4,004 square-feet, on the second floor of Suites A, B, and C resulting in a total occupied floor area of 8,008 square-feet. These suites would consist of administrative space, a restroom, cultivation, packaging, and distribution. Suites H and I have 1,017 square-feet existing on the first floor and a proposed addition of 1,017 square-feet on the second floor within the existing building envelope for a total occupied floor area of 2,034 square feet. Suites H and I would consist of a nursery, cultivation, restroom, storage, and distribution. The combined suites propose a total occupied floor area of 10,042 square-feet. The proposed Marijuana Production Facility is subject to specific operation requirements as set forth in SDMC 141.1004, including security requirements. Furthermore, 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 reconstruction of the existing driveways and curb ramp, satisfactory to the City Engineer. The facility is also subject to State of California statutes and regulations.

### Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed project complies with all development regulations of the IL-2-1 Zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 4) to support the proposed project 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. 2070245, with modifications.
2. Deny Conditional Use Permit No. 2070245, if the findings required to approve the project cannot be affirmed.

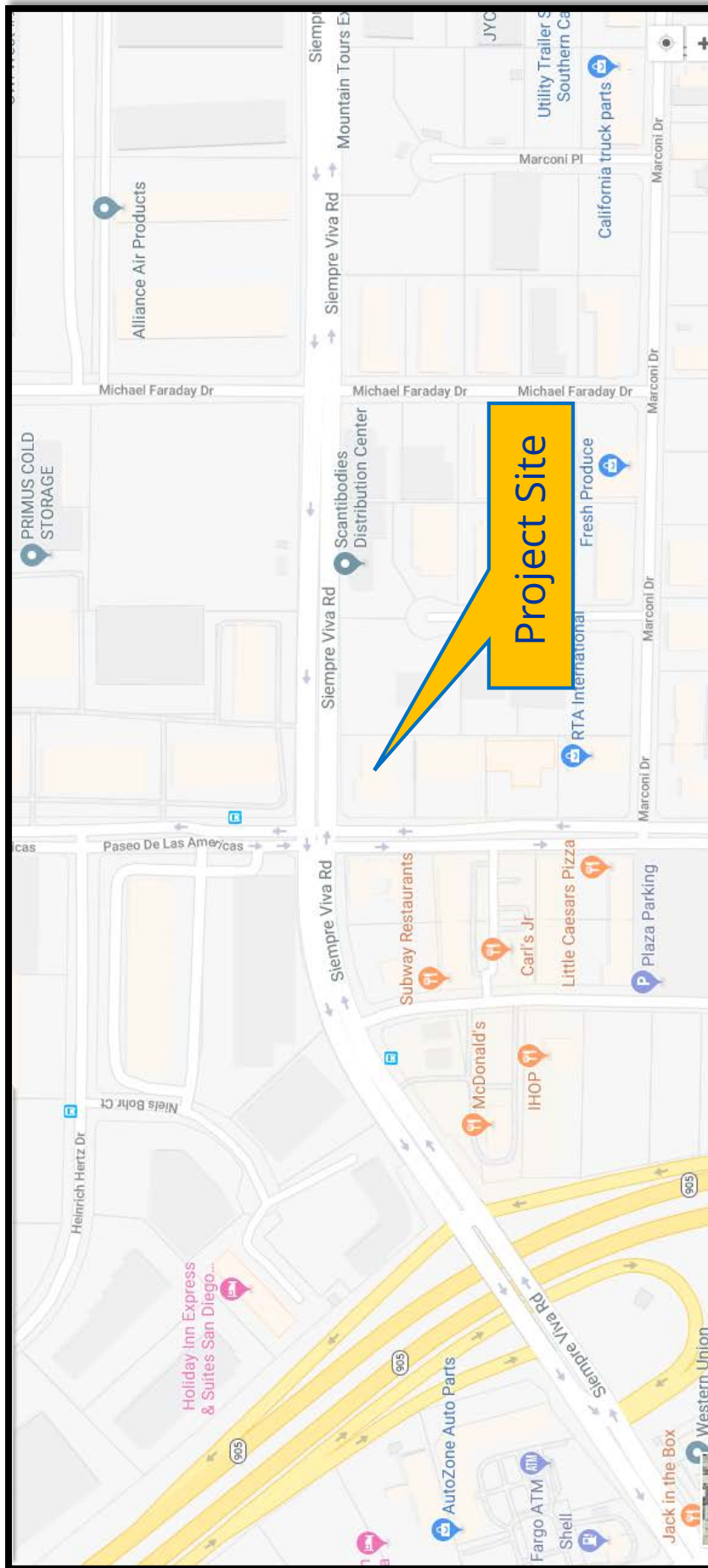
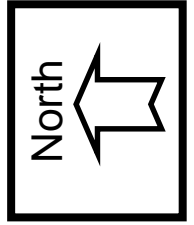
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CC', followed by a horizontal line.

Cherlyn Cac  
Development Project Manager

Attachments:

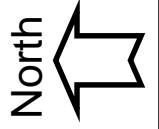
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans



## Project Location Map

MPF 9731 Siempr Viva Road / 9731 Siempr Viva Road  
PROJECT NO. 585480



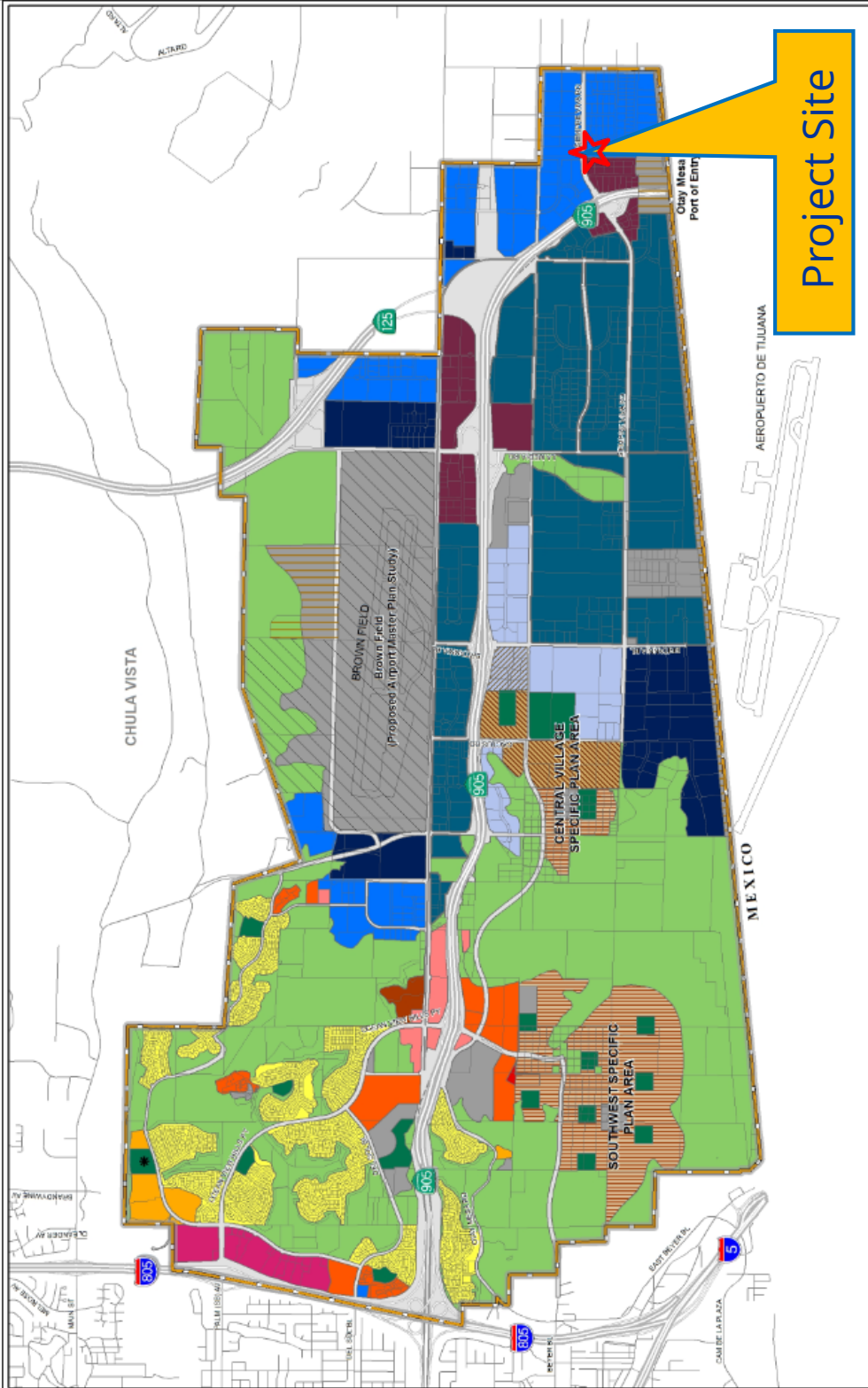


# Land Use Map

MPF 9731 Siempre Viva Road / 9731 Siempre Viva Road  
PROJECT NO. 585480



OTAY MESA COMMUNITY PLAN UPDATE - Figure 2-1



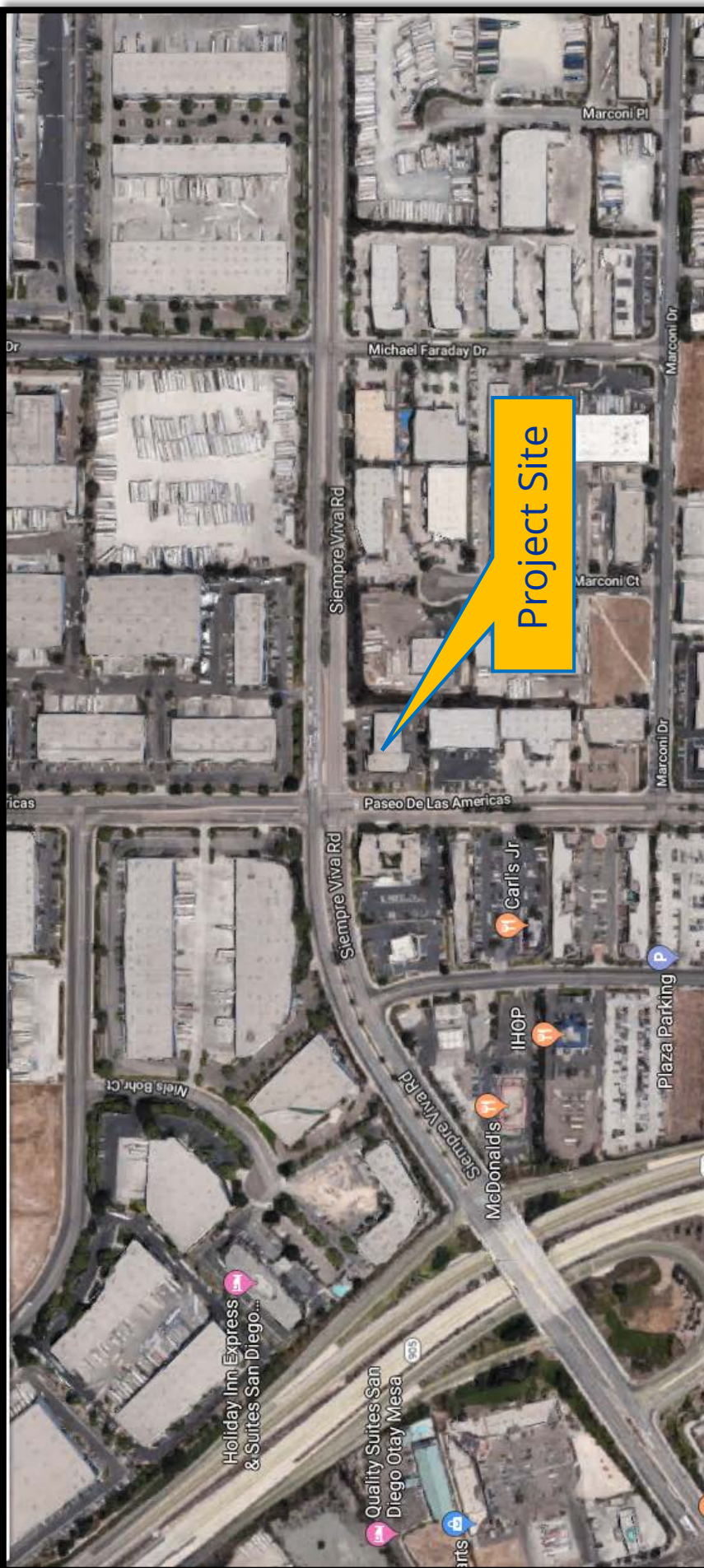
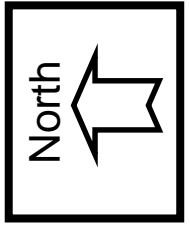
The City of San Diego  
PLANNING, NEIGHBORHOOD &  
ECONOMIC DEVELOPMENT DEPARTMENT  
3/11/2014

Legend		
Parks, Open Space, and Institutional	Residential	Commercial - Residential Prohibited
Open Space	Residential - Low	Community Commercial
Parks	Residential - Low Medium	Regional Commercial
Industrial	Residential - Medium	Heavy Commercial
Village Centers	Residential - High	Neighborhood Commercial
Neighborhood Village	Residential Medium High	Potential Residential Site
15-25 du/ac	Residential Medium High	Park Relocated
30-44 du/ac	Residential Medium High	Business and International Trade
30-44 du/ac	Residential Medium High	
Overlays		
U.S. Government Facility	Right-of-Way	Other
Brown Field Boundary	Planning Area	

Scale: 0 1/4 1/2 3/4 1 Mile

THE LAND USE MAPS AND ZONING ORDINANCES OF THE CITY OF SAN DIEGO ARE THE PROPERTY OF THE CITY OF SAN DIEGO. THEY ARE TO BE USED FOR THE PURPOSES FOR WHICH THEY WERE PREPARED AND NOT FOR ANY OTHER PURPOSE. THE CITY OF SAN DIEGO DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.





## Aerial Photo

MPF 9731 Siempre Viva Road / 9731 Siempre Viva Road  
PROJECT NO. 585480





HEARING OFFICER RESOLUTION NO. \_\_\_\_\_  
CONDITIONAL USE PERMIT NO. 2070245  
**MPF 9731 SIEMPRE VIVA ROAD - PROJECT NO. 585480**

WHEREAS, COURTNEY BUSINESS CENTER, LLC, a California limited liability company, Owner, and PARAGON PARTNERS, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility in existing tenant spaces (Suites A, B, C, H, and I) within an existing 16,820 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2070245), on portions of a 1.03-acre site;

WHEREAS, the project site is located at 9731 Siempre Viva Road, Suites A, B, C, H, and I, in the IL-2-1 Zone of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 4 of Otay International Lots 8 and 9 Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map No. 11741, filed in the Office of the County Recorder of San Diego County, March 4, 1987;

WHEREAS, on October 9, 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 January 23, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2070245 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego that it adopts the following findings with respect to Conditional Use Permit No. 2070245:

**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 existing tenant spaces, Suites A, B, C, H, and I, within an existing building. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The 1.03-acre site is located at 9731 Siempre Viva Road in the IL-2-1 Zone of the Otay Mesa Community Plan.

The project site is designated as Prime Industrial by the Economic Prosperity Element and Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Prime Industrial and Industrial Employment designations would permit light manufacturing uses; thereby, providing additional land suitable for manufacturing activities. The project site is within the Light Industrial Land Use Area of the Otay Mesa Community Plan. The Light Industrial designation permits light manufacturing, distribution and storage uses. The IL-2-1 Zone allows a mix of light industrial and office uses with limited commercial. 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. Therefore, the proposed MPF will not adversely affect the applicable land use plan.

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

The proposed project at 9731 Siempre Viva Road proposes to operate a MPF in existing tenant spaces, Suites A, B, C, H and I, within an existing building. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The MPF operation would include cultivation, a nursery, storage, packaging, and distribution of cannabis. 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 reconstruction of the existing driveways and curb ramp, 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 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPFs also require a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements between uses set forth in SDMC Section 141.1004 (a). The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as lighting, security cameras, alarms, and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. 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 development conditions as described in the Conditional Use Permit No. 2070245. The Conditional Use Permit No. 2070245 will be valid for five years and may be revoked if the Owner or Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The 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 Conditional Use Permit No. 2070245. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety, and welfare. 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 project proposes the operation of a MPF in existing tenant spaces within an existing building at 9731 Siempre Viva Road, Suites A, B, C, H, and I. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The 1.03-acre site is located in the IL-2-1 Zone of the Otay Mesa Community Plan area. The site is developed with a building constructed in 1985. The MPF operation would include cultivation, a nursery, storage, packaging, and distribution of cannabis.

MPFs are allowed in the IL-2-1 Zone with a Conditional Use Permit. The proposed use requires compliance with SDMC Section 141.1004 and Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation 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. The proposed MPF complies with the separation requirements between uses. The proposed MPF is subject to specific operational requirements for security, as referenced in Conditional Use Permit No.

2070245, in 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 MPF is consistent with all land development regulations relevant for the site and the use. No deviations are required or requested to approve the Conditional Use Permit. 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 project proposes the operation of a MPF in existing tenant spaces, Suites A, B, C, H, and I, within an existing building at 9731 Siempre Viva Road in the IL-2-1 Zone of the Otay Mesa Community Plan. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The project site is designated as Prime Industrial by the Economic Prosperity Element and Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Prime Industrial and Industrial Employment designations would permit light manufacturing uses; thereby, providing additional land suitable for manufacturing activities. The project site is within the Light Industrial Land Use Area of the Otay Mesa Community Plan. The Light Industrial designation permits light manufacturing, distribution and storage uses. The IL Zone is to provide for a wide range of uses from manufacturing and distribution, including non-industrial uses in some instances. Specifically, the IL-2-1 Zone a mix of light industrial and office uses with limited commercial.

The proposed MPF is consistent with all land development regulations relevant for the site and the use. No deviations are required or requested to approve the Conditional Use Permit. The proposed MPF is classified as industrial 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. 2070245 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. 2070245, a copy of which is attached hereto and made a part hereof.

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Cherlyn Cac  
Development Project Manager  
Development Services

Adopted on: January 23, 2018

IO#: 24007577

**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: 24007577

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2070245  
**MPF 9731 SIEMPRE VIVA ROAD - PROJECT NO. 585480**  
Hearing Officer

This Conditional Use Permit No. 2070245 is granted by the Hearing Officer of the City of San Diego to Courtney Business Center LLC, a California limited liability company, Owner, and Paragon Partners, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 1.03-acre site is located at 9731 Siempre Viva Road, Suites A, B, C, H, and I, in the IL-2-1 Zone, Community Plan Implementation Overlay Zone – Type A, Brownfield Airport Land Use Compatibility Overlay Zone (Airport Influence Area – Review Area 2), Transit Priority Area, and Prime Industrial Lands within the Otay Mesa Community Plan area. The project site is legally described as Lot 4 of Otay International Lots 8 and 9 Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map No. 11741, filed in the Office of the County Recorder of San Diego County, March 4, 1987.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within 10,042 square-feet in an existing 16,820 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 23, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility encompassing a 10,042 square-foot area, consisting of 6,140 square-feet of existing tenant space and 3,902 square-feet of second floor addition in an existing 16,820 square-foot building. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture and Consumer Affairs regulations;
- b. The Marijuana Production Facility operations include:
  - Suites A, B, and C, a two-story, 8,008-square-foot space, that includes administrative space, a restroom, cultivation, packaging, and distribution of cannabis;

- Suites H and I, a two-story, 2,034-square-foot space, that includes a nursery, cultivation, restroom, storage, and distribution of cannabis;
- 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 February 7, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on February 7, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.



7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary construction permits. The 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 Owners/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**BUILDING OFFICIAL REQUIREMENTS:**

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

**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing 25-foot driveway adjacent to the site on Paseo De Las Americas, to current City Standards, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing 30-foot driveway adjacent to the site on Siempre Viva Road, to current City Standards, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb ramp at the intersection of Siempre Viva Road and Paseo De Las Americas, per current City Standards, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of the encroaching portions of the existing Keystone walls and mailboxes in the Paseo De Las Americas Right-of-Way.

17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the palm trees, landscape, irrigation and private walkway in the Siempre Viva Road Right-of-Way.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.

19. 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:**

20. 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.

21. A maximum of 20 employees shall be allowed on-site at any given time to correspond to the 20 provided parking spaces for the project.
22. The Owner/Permittee shall transport marijuana and marijuana products within the property granted by this Permit within a locked vehicle, or trailer, or by foot, hand truck, fork lift, or other similar means. The Owner/Permittee shall comply with all current state law and regulations during such transportation. At all times during transportation, marijuana and marijuana products shall be in a container, such as a box or pallet, that is locked and opaque. All transportation of goods shall be accompanied by the licensed security guard.
23. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
24. 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.
25. 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.
26. 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.
27. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.
28. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.
29. 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.
30. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

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

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section [34.0103 \(b\)](#), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

APPROVED by the Hearing Officer of the City of San Diego on January 23, 2019 by Resolution No. HO-

\_\_\_\_\_.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2070245  
Date of Approval: January 23, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Cherlyn Cac  
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.

**COURTNEY BUSINESS CENTER, LLC**  
a California limited liability company  
Owner

By \_\_\_\_\_  
Name:  
Title:

**PARAGON PARTNERS, LLC**  
a California limited liability company  
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 9731 Siempre Viva Road / 585480

**SCH No.:** N.A.

**Project Location-Specific:** 9731 Siempre Viva Road, Suites A-C, H-I, San Diego, CA 92154

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

**Description of nature and purpose of the Project:** Conditional Use Permit (CUP) for a Marijuana Production Facility encompassing 10,042 square-foot of operational area within an existing 16,820 square-foot building (Gross Floor Area). The project will occupy 6,140 square-foot of existing floor area and the build-out the mezzanine level with 3,902 square-feet of additional internal space for project operations. The project is located at 9731 Siempre Viva Road, Suites A-C, H-I, San Diego, CA 92154. (Please Note: The mezzanine build-out was considered in the analysis/determination for the project). Project operations would include the cultivation, trimming, and distribution of cannabis products to State of California licensed outlets. The project is located on a 1.3-acre site, within the IL-2-1 zone, within the Otay Mesa Community Plan Area and is designated Light Industrial, Prime Industrial Lands, Transit Priority Area, Community Plan Implementation Zone 'A' (CPIOZ-A), Geologic Hazard 53, Airport FAA Part 77 Noticing Area – Brown Field 636' – 641', Airport Influence Area Review Area 2 – Brown Field, Airport Land Use Compatibility Overlay Zone – Brown Field, Tijuana Watershed, Water Tanks Sub-Area Watershed, and Council District 8.

**Name of Public Agency Approving Project:** City of San Diego Hearing Officer

**Name of Person or Agency Carrying Out Project:** Raymond J. Taylor, 3703 Camino Del Rio S., Suite #215B 92108, (858) 371-1409

**Exempt Status:** (CHECK ONE)

- ( ) Ministerial (Sec. 21080(b)(1); 15268);
- ( ) Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ( ) Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- (X) Categorical Exemption: 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 as the use will be contained within the existing building envelope and the mezzanine build-out scenario is built into the analysis and does not result in a different determination. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

## ATTACHMENT 6

Lead Agency Contact Person: Chris Tracy, AICP Senior Planner

Telephone: (619) 446-5381

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

  
Signature/Title

CHRIS TRACY, AICP  
Senior Planner

11/1/18  
Date

Check One:

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

Date Received for Filing with County Clerk or OPR:





City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101

## Community Planning Committee Distribution Form Part 2

<b>MPF 9731 SIEMPRE VIVA ROAD</b>		<b>Project Number:</b> 585480	<b>Distribution Date:</b>
<b>CONDITIONAL USE PERMIT - MARIJUANA PRODUCTION FACILITY - MPF</b>			
<b>Applicant Name:</b> JOSH WAGGONER		<b>Applicant Phone Number:</b>	
<b>Project Manager:</b> Cherlyn Cac	<b>Phone Number:</b> (619) 236-6327	<b>Fax Number:</b> (619) 321-3200	<b>E-mail Address:</b> ccac@sandiegogov
<b>Committee Recommendations (To be completed for Initial Review):</b>			
<input checked="" type="checkbox"/> <b>Vote to Approve</b> VOTE TAKEN OCTOBER 17, 2018	<b>Members Yes</b> 11	<b>Members No</b> 0	<b>Members Abstain</b> 2
<input type="checkbox"/> <b>Vote to Approve</b> With Conditions Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> <b>Vote to Approve</b> With Non-Binding Recommendations Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> <b>Vote to Deny</b>	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> <b>No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)</b>			<input type="checkbox"/> <b>Continued</b>
<b>CONDITIONS:</b>			
<b>NAME:</b> ROB HIXSON, III		<b>TITLE:</b> PLANNING GROUP CHAIR	
<b>SIGNATURE:</b>		<b>DATE:</b> 1/11/19	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.			

	<b>City of San Diego Development Services</b> 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<b>Ownership Disclosure Statement</b>	<b>FORM DS-318</b>  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:** 9731 Siempre Viva Road Suites A, B, C, H & I San Diego, CA 92154 **Project No. For City Use Only:** 585480

**Project Address:** 9731 Siempre Viva Road Suites A B C H & I San Diego, CA 92154

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

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

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

**Property Owner**

Name of Individual: Michael A. Vogt / Courtney Business Center LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: 821 Kuhn Drive, Suite 100  
 City: Chula Vista State: CA Zip: 91914  
 Phone No.: (619) 661-6681 ext 107 Fax No.: \_\_\_\_\_ Email: mike@ireddevelopment.com  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached: ☐ Yes ☒ No

**Applicant**

Name of Individual: Paragon Partners, LLC - Member Managers Attached ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency  
 Street Address: 3703 Camino Del Rio South, #215A  
 City: San Diego State: CA Zip: 92108  
 Phone No.: 858-524-9522 Fax No.: \_\_\_\_\_ Email: josh@grassrootsinv.com  
 Signature: \_\_\_\_\_ Date: 11/8/2017  
 Additional pages Attached: ☒ Yes ☐ No

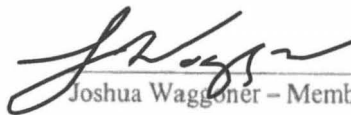
**Other Financially Interested Persons**

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

Attachment to DS-318 – Ownership Disclosure Statement

Applicant Information – Paragon Partners, LLC

Date: 11/2/17

  
Joshua Waggoner – Member-Manager

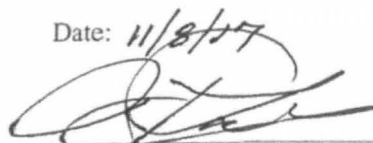
Date: 11/8/2017

  
Omar Ibrahim – Member-Manager

Date: 11/8/17

  
James V. Dickinson – Member-Manager

Date: 11/8/17

  
Raymond Taylor – Member-Manager

Date: 11/8/17

  
Michael Adkins – Member-Manager

**Limited Liability Company Profile of  
Courtney Business Center, LLC,  
a California limited liability company,  
reviewed as of June 27, 2002**

**1. Authorized Managers:**

- a. Authorized in Articles of Organization: 1
- b. Authorized in Operating Agreement: 1

**2. Current Manager:**

<u>Name</u>	<u>When First Elected</u>
I.R.E. Enterprises, Inc., a California corporation	June 6, 2002

**3. Members:**

<u>Name</u>	<u>Percentage Interest</u>
Michael A. and Kellie J. Vogt	50%
James L. and Sandra K. Courtney	50%
Total:	<u>100%</u>

**4. Articles of Organization:**

- a. Date Filed: June 6, 2002
- b. Amendments Filed: None

**5. Termination Date of LLC: Perpetual**



APPLICANT:PARAGON PARTNERS LLC. 3703 CAMINO DEL RIO SOUTH #215A, SAN DIEGO CA 92108 858 524 9522

ARCHITECT : SCOTT BERNET ARCHITECT. 2031 SECOND AVENUE, SAN DIEGO CA 92101 619 237 9433

LEGAL DESCRIPTION:LOT 4 OF OTAY INTERNATIONAL CENTER LOTS 8 & 9 UNIT #1 MAP 11741

APN: 646-160-04-00

OWNER: MICHAEL A. VOGT. 821 KUHN DRIVE, SUITE 100 CHULA VISTA CA. 91914 619 661 6681 X107

CONSTRUCTION TYPE: TYPE III B

OCCUPANCY CLASSIFICATION: B / F1

ZONE: IL - 2 - 1

GROSS SITE AREA: 45,032 SQ. FT. (1.03 AC)

EXISTING USE: WAREHOUSE / OFFICE / MANUFACTURING

PROPOSED USE: CULTIVATION AND DISTRIBUTION (MPF)

YEAR CONSTRUCTED: 1985

GEOLOGIC HAZARD CATEGORY: 53

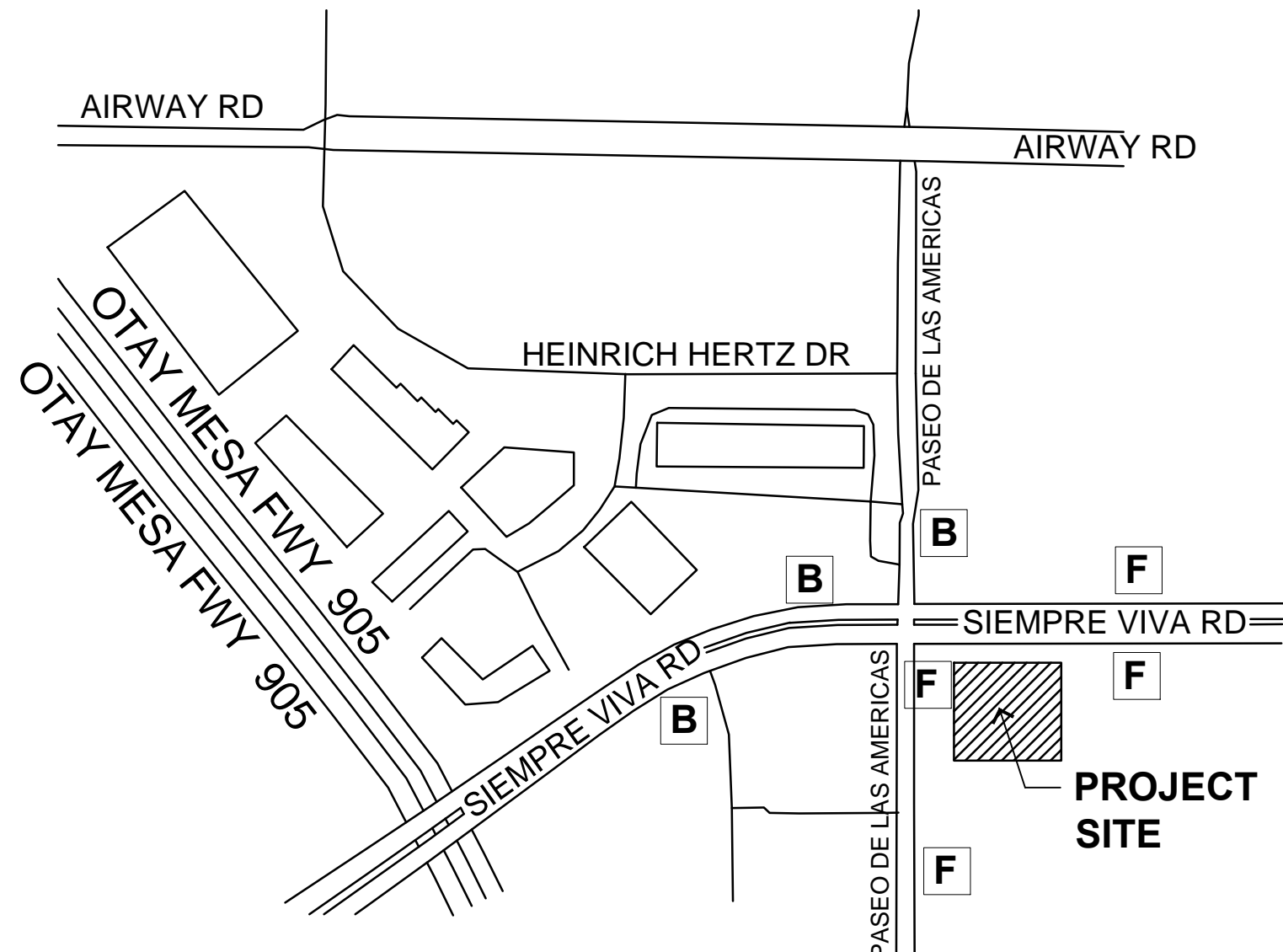
LANDSCAPE AREA: 6,010 SF.

SHEET INDEX:

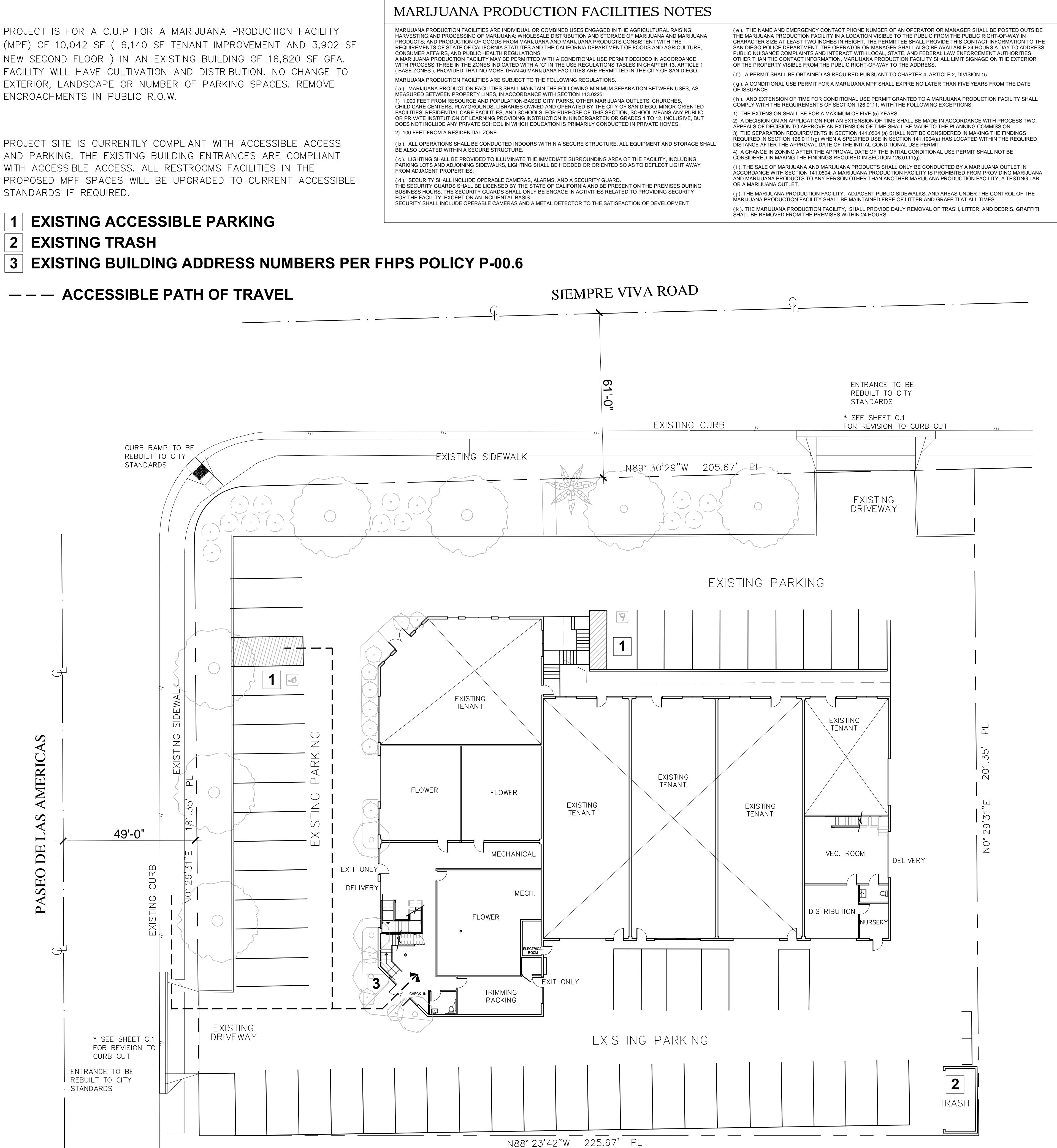
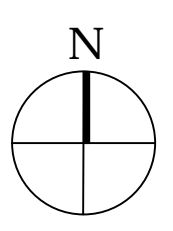
TS	-	TITLE SHEET
A1	-	SITE PLAN
A2.0	-	EXISTING FLOOR PLANS
A2.1	-	NEW FIRST FLOOR PLAN
A2.2	-	NEW SECOND FLOOR PLAN
A3	-	SECURITY SITE PLAN
A4	-	EXTERIOR ELEVATIONS
A5	-	LANDSCAPE PLAN
A6	-	DS 560
C0	-	TOPOGRAPHIC SURVEY
C1	-	PRELIMINARY IMPROVEMENT

BUILDING AREAS :

GFA :	16,820 SF EXISTING ( NO CHANGE )
TOTAL OCCUPIED SPACE :	20,722 SF Per SDMC 113.0234 d(2)



**B** BUS STATION **F** FIRE HYDRANT



EXISTING ADA PATH OF TRAVEL SITE PLAN  
SCALE: 1/16" = 1'-0"

( SEE SHEET A1 FOR RELOCATED ACCESSIBLE PARKING SPACE )

MARIJUANA PRODUCTION FACILITIES NOTES

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 DEPARTMENT OF FOODS AND AGRICULTURE, CONSUMER AFFAIRS, AND PUBLIC HEALTH REGULATIONS.

A MARIJUANA PRODUCTION FACILITY MAY BE PERMITTED WITH A CONDITIONAL USE PERMIT DECIDED IN ACCORDANCE WITH PROCESS THREE IN THE ZONES INDICATED WITH A "C" IN THE USE REGULATIONS TABLES IN CHAPTER 13, ARTICLE 1 (BASE ZONES), PROVIDED THAT NO MORE THAN 40 MARIJUANA FACILITIES ARE PERMITTED IN THE CITY OF SAN DIEGO.

MARIJUANA PRODUCTION FACILITIES ARE SUBJECT TO THE FOLLOWING REGULATIONS.

(a.) MARIJUANA PRODUCTION FACILITIES SHALL MAINTAIN THE FOLLOWING MINIMUM SEPARATION BETWEEN USES, AS MEASURED BETWEEN PROPERTY LINES, IN ACCORDANCE WITH SECTION 113.0225:

1) 1,000 FEET FROM RESOURCE AND POPULATION-BASED CITY PARKS, OTHER MARIJUANA OUTLETS, CHURCHES, CHILD CARE CENTERS, PLAYGROUNDS, LIBRARIES OWNED AND OPERATED BY THE CITY OF SAN DIEGO, MINOR-ORIENTED FACILITIES, RESIDENTIAL CARE FACILITIES, AND SCHOOLS. FOR PURPOSE OF THIS SECTION, SCHOOL MEANS ANY PUBLIC OR PRIVATE INSTITUTION OR LEARNING PROVIDING INSTRUCTION IN KINDERGARTEN OR GRADES 1 TO 12, INCLUSIVE, BUT DOES NOT INCLUDE ANY PRIVATE SCHOOL IN WHICH EDUCATION IS PRIMARILY CONDUCTED IN PRIVATE HOMES.

2) 100 FEET FROM A RESIDENTIAL ZONE.

(b.) ALL OPERATIONS SHALL BE CONDUCTED INDOORS WITHIN A SECURE STRUCTURE. ALL EQUIPMENT AND STORAGE SHALL BE ALSO LOCATED WITHIN A SECURE STRUCTURE.

(c.) 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 SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.

(d.) SECURITY SHALL INCLUDE OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARDS SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARDS SHALL ONLY BE ENGAGE IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS. SECURITY SHALL INCLUDE OPERABLE CAMERAS AND A METAL DETECTOR TO THE SATISFACTION OF DEVELOPMENT.

(e.) THE NAME AND EMERGENCY CONTACT PHONE 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, MARIJUANA PRODUCTION FACILITY SHALL LIMIT SIGNAGE ON THE EXTERIOR OF THE PROPERTY VISIBLE FROM THE PUBLIC RIGHT-OF-WAY TO THE ADDRESS.

(1.) A PERMIT SHALL BE OBTAINED AS REQUIRED PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 15.

(g.) A CONDITIONAL USE PERMIT FOR A MARIJUANA MPF SHALL EXPIRE NO LATER THAN FIVE YEARS FROM THE DATE OF ISSUANCE.

(h.) AND EXTENSION OF TIME FOR CONDITIONAL USE PERMIT GRANTED TO A MARIJUANA PRODUCTION FACILITY SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 126.0111, WITH THE FOLLOWING EXCEPTIONS:

1) THE EXTENSION SHALL BE FOR A MAXIMUM OF FIVE (5) YEARS.

2) A DECISION ON AN APPLICATION FOR AN EXTENSION OF TIME SHALL BE MADE IN ACCORDANCE WITH PROCESS TWO. APPEALS OF DECISION TO APPROVE AN EXTENSION OF TIME SHALL BE MADE TO THE PLANNING COMMISSION.

3) THE SEPARATION REQUIREMENTS IN SECTION 141.0504 (a) SHALL NOT BE CONSIDERED IN MAKING THE FINDINGS REQUIRED IN SECTION 126.0111(g) WHEN A SPECIFIED USE IN SECTION 141.1004(a) HAS LOCATED WITHIN THE REQUIRED DISTANCE AFTER THE APPROVAL DATE OF THE INITIAL CONDITIONAL USE PERMIT.

4) A CHANGE IN ZONING AFTER THE APPROVAL DATE OF THE INITIAL CONDITIONAL USE PERMIT SHALL NOT BE CONSIDERED IN MAKING THE FINDINGS REQUIRED IN SECTION 126.0111(g).

(i.) THE 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.

(j.) 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.

(k.) THE MARIJUANA PRODUCTION FACILITY, SHALL PROVIDE DAILY REMOVAL OF TRASH, LITTER, AND DEBRIS. GRAFFITI SHALL BE REMOVED FROM THE PREMISES WITHIN 24 HOURS.

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**SIEMPRE VIVA MPF**  
**9731 SIEMPRE VIVA ROAD**  
SAN DIEGO, CA. 92154



TITLE SHEET  
110917

**TS**

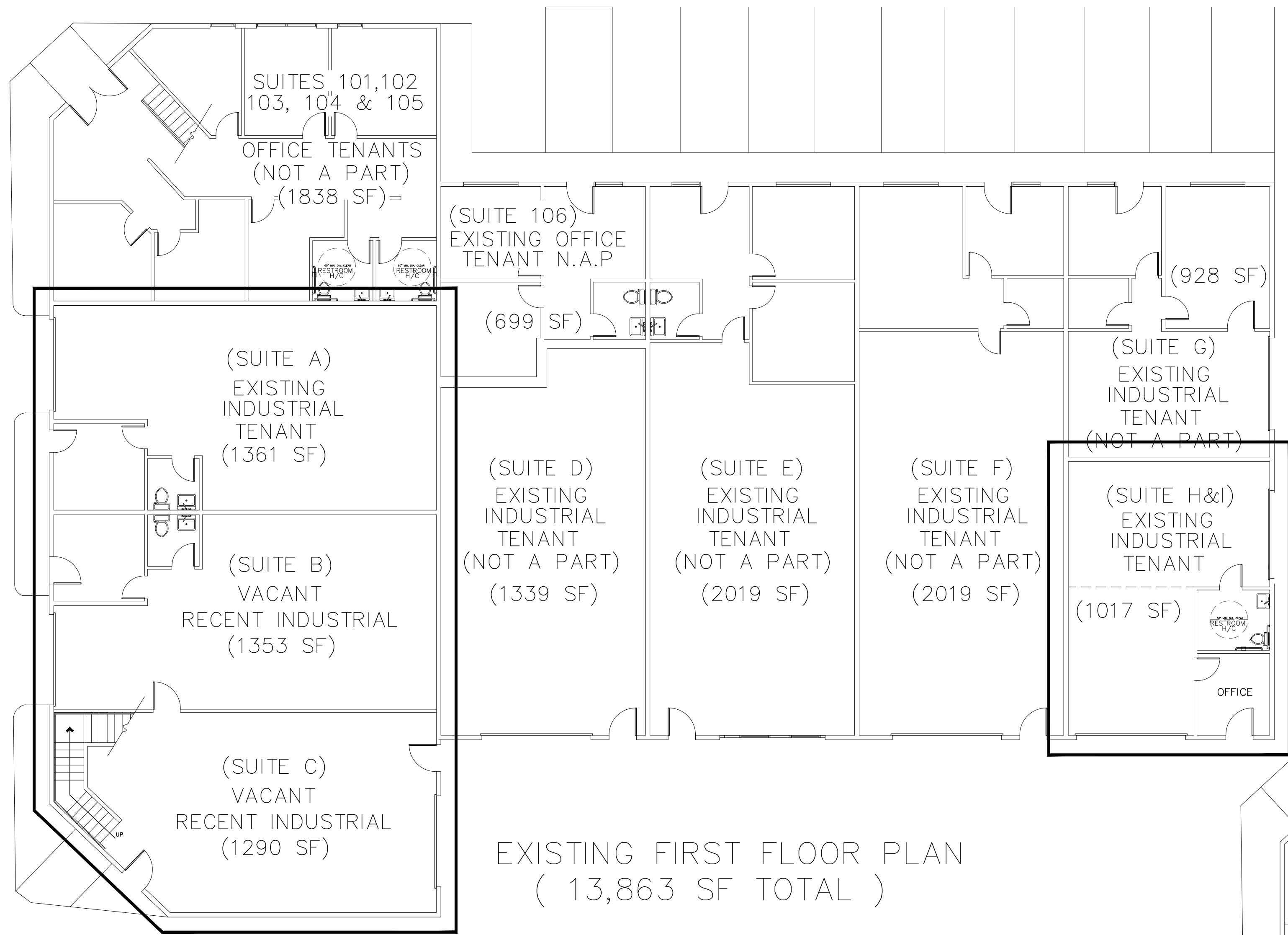
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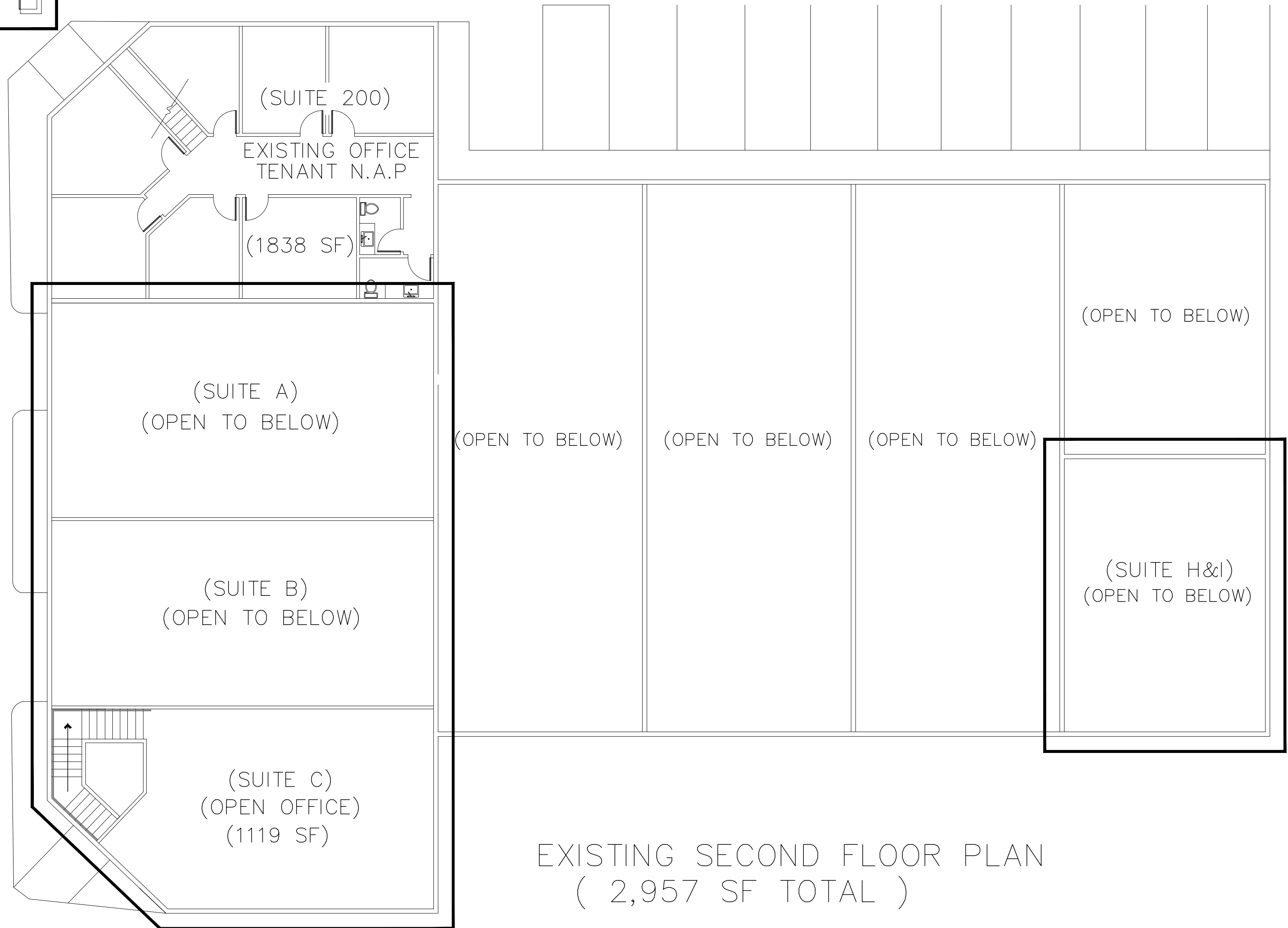




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— INDICATES LOCATION OF PROPOSED MPF SUITES

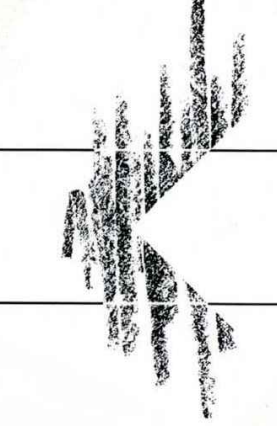


EXISTING FIRST AND SECOND FLOOR PLAN ( 16,820 SF ) ( GFA )

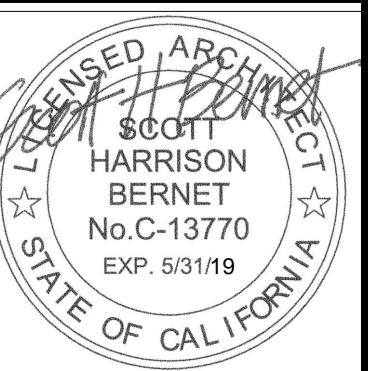
3/32" = 1'-0"

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SHEET TITLE:  
NEW FLOOR PLAN  
DRAWING DATE :  
110917  
REVISION 1 :  
REVISION 2 :  
REVISION 3 :  
REVISION 4 :  
REVISION 5 :

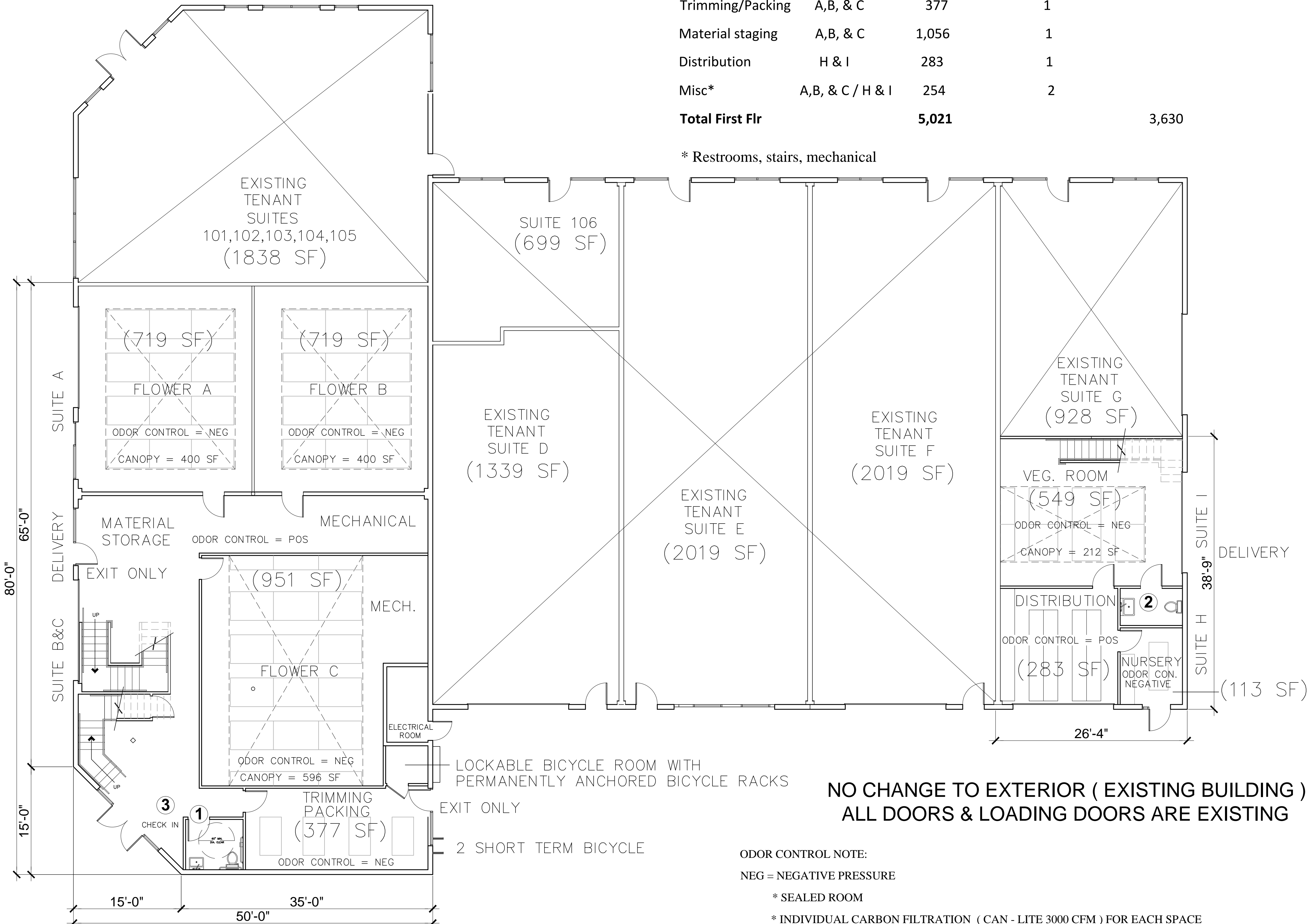
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SHEET 3 OF 9



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- 1 NEW ADA RESTROOM
- 2 EXISTING ACCESSIBLE RESTROOM
- 3 GUARD STATION

NEW FIRST FLOOR PLAN

1/8" = 1'-0"

Space	Suite	Area SF	No of rooms	No of plants
<b>First Floor</b>				
Flower Rooms	A,B, & C	2,389	3	1,080
Vegetation	H & I	549	1	1,275
Nursery	H & I	113	1	1,275
Trimming/Packing	A,B, & C	377	1	
Material staging	A,B, & C	1,056	1	
Distribution	H & I	283	1	
Misc*	A,B, & C / H & I	254	2	
<b>Total First Flr</b>		<b>5,021</b>		<b>3,630</b>

\* Restrooms, stairs, mechanical

NO CHANGE TO EXTERIOR ( EXISTING BUILDING )  
ALL DOORS & LOADING DOORS ARE EXISTING

ODOR CONTROL NOTE:  
NEG = NEGATIVE PRESSURE  
\* SEALED ROOM  
\* INDIVIDUAL CARBON FILTRATION ( CAN - LITE 3000 CFM ) FOR EACH SPACE  
\* ATMOSPHERE V-12XL FANS FOR EACH SPACE  
POS = POSITIVE PRESSURE ( SPACES WITH NO ODOR ISSUES )  
\* STANDARD BALANCED AIR SYSTEM WITH SEPARATE FRESH AIR  
( OFFICES, CIRCULATION, SUPPORT SPACES )

MPF 9731 Siempre Viva Road  
Project # 585580

**Project Description**  
The project is for a CUP for a two level 10,020 square foot Marijuana Production Facility (MPF). The facility will be used for cultivation and distribution purposes. The project will be located in an existing tilt up concrete building with existing parking, loading, and landscape. The project will occupy Suites A,B,C,H, and I in an existing multi-tenant industrial building.

**Cultivation**  
The facility will be used for cultivation purposes. The project includes the following spaces:

Space	Area	No of Plants
Nursery Room	113 SF	1,275
Flower Rooms	5,398 SF	2,250
Nursery Room	113 SF	1,275
Vegetation Room	549 SF	1,275
Drying/Curing Room	617 SF	-
Trimming Room	377 SF	-
Finish Product Rooms	400 SF	-
Material Staging Spaces	1,056 SF	-
Misc Circulation and Support Spaces	1,323 SF	-

**Manufacturing**  
No manufacturing is proposed for this facility.

**Distribution**  
The facility will be used for distribution purposes. The project includes the following spaces:  
Distribution 283 SF

**Operations**  
Hours of operation: The facility will operate 8 hrs/ day  
Employees: 5 trimmers, 1 cultivation workers, 1 distribution employee, 1 p/t operations manager, 1 guard  
Proposed Shift schedules: 1 shift

**Maximum number of employees on site:**  
Shift 1 - 9 employees (5 trimmers, 1 cultivation workers, 1 distribution employee, 1 p/t operations mgr, 1 guard

**Building/Tenant Spaces Operations**  
The proposed project includes two separate tenant spaces within the same building. All cultivation and distribution operations will take place indoors. The proposed operations are as follows:

**Initial plant cuttings will be delivered from a state licensed distributor to the nursery space. The cuttings will be unloaded at the existing loading door. The cuttings will be transferred internally to the vegetation room after 2 weeks. The vegetation process takes about 4 weeks. When ready, the immature plants will be loaded in to a state licensed distributor van and moved the short distance to the flowering room spaces. This operation will take approximately 20 minutes to complete. The number of plants is limited due to the small size of the overall facility. After approximately 8 weeks the plants will be moved internally to the wet trimming space on the first floor and stored in plastic tote type containers. Every two weeks a state licensed distributor using a small van will move the plastic totes from the loading door and transfer to the adjacent space where it will be unloaded for drying and curing, again a 20 minute operation. All transfer operations will be under the observation of the armed security guard dedicated to the site.**

**Nursery room:** Where seedling plants / clones are nurtured and grown for approximately 2 weeks until reaching adolescent vegetative state. Seedlings are housed in propagation stations containing 50 1" cubes. Each propagation station is 10"x20", and multiple stations are stored on racks/shelves. Once seedling plants reach adolescence vegetative state they are transferred to vegetation room.

**Vegetation room:** Adolescent plants are transferred from the nursery and transplanted into 1 gallon pots where they are grown from adolescent plants to larger/taller adult plants for 3 weeks. At which time they are transferred to the flower room. The vegetative plants are arranged in 4'x8' trays, where they receive nutrient water through a recycled flood and drain water system.

**Flower room:** The adult plants are transferred from the vegetation room to the flower room for the final stage of their life cycle. The plant is grown for 8-9 weeks until they reach full maturity, at which time the ripened flowers are harvested. The plants are arranged on rolling bench table systems and fed water and nutrient mixtures with a high efficiency irrigation drip system.

**Drying/curing room:** Once the ripened plants are cut and harvested, the full plants are transferred to drying/curing room. In the drying/curing room, a controlled environment allows the plant to properly dry and cure for 7-10 days to the desired finished product. At this time the product is ready to be trimmed and processed.

**Trimming room:** After being transferred from the drying/curing room the flowers are separated from the branches, where the excess leaves are trimmed off of the flower. Finished products are weighed and prepared for packaging.

**Finished product room:** Where finished product is packaged/sealed and stored until distribution.

**Distribution:** Once the Cannabis is processed, it is weighed, labeled, and packaged in sealed air tight, smell proof, compliant packaging. The packages vary in size and weight, but typically include amounts of .25lb, .5lb, and 1lb packages. The individual packages are then bulked together in larger totes and/or boxes and prepared for shipping. The larger totes/ boxes are eventually loaded on to a sprinter type van and delivered by a licensed distributor, to a licensed dispensary, where the product will be broken down further and sold on shelves.

**Delivery Information**  
Number and Type of deliveries: 1 material delivery bi-month 1 product shipment bi-month  
1 distribution weekly route  
1 plant/trimming transfer weekly between the two suites taking approximately 20 minutes.

**Schedule of deliveries:** Bi-monthly for both material delivery and shipment  
Bi-monthly for distribution  
Weekly for plant/trimmings transfer (internal on site transfer)

**Size of trucks:** 1-14' panel truck (Sprinter Van) for material 1-14' panel truck for shipment 1- 14' panel truck for distribution 1-14' panel truck for transfer (this will be the same panel truck - total of one van)

**Cannabis disposal:** Weekly

**Odor Control:**  
The facility will have an industrial air cleaner odor control system utilizing carbon filtration. The facility will utilize a negative air pressure vacuum system in the spaces to maximize odor control

**Conservation**  
Water conservation - the facility will reclaim all air conditioning condensate to use in the cultivation process. In addition water will be reclaimed from the dehumidifiers in the drying and curing spaces. The reclaimed water will be sufficient to meet all cultivation water requirements on site.

**Energy conservation** - The project has been designed to use high pressure sodium lighting with an adjustable ballast which will allow the light output to be reduced for energy conservation purposes. The air conditioning equipment will be high energy efficiency. The operator will also consider using LED/LEC lighting fixtures as they are becoming commercially available for this type of facility which would be an additional energy saving. All conditioned spaces will be insulated to minimize temperature loss.

**Waste stream** - all of the product of the cultivation process will be used or sent out to be composted. The nursery medium is made of cocoa fibers which will be composted.

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STATE OF CALIFORNIA  
SCOTT HARRISON BERNET  
No.C-13770  
EXP. 5/31/19

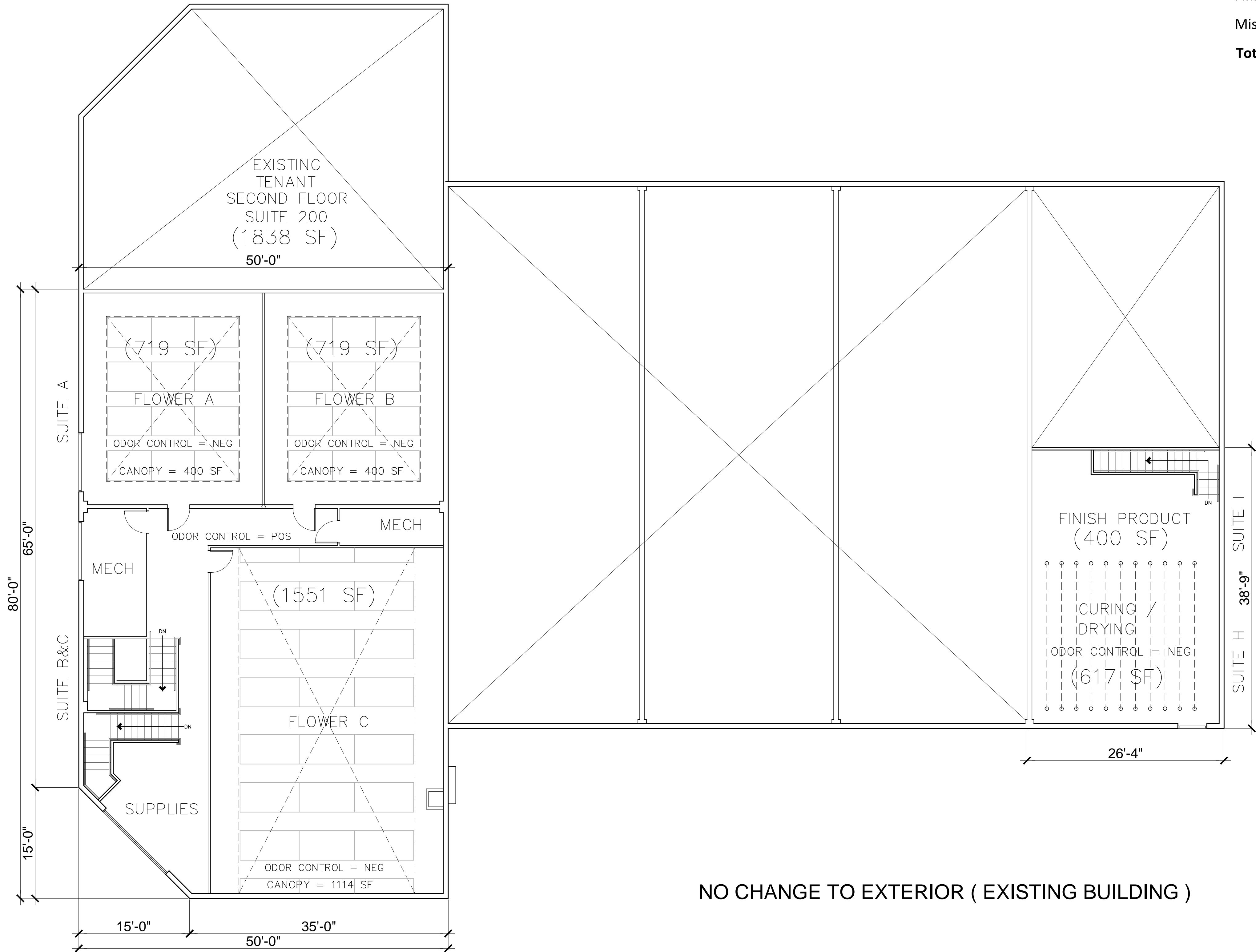
SHEET TITLE:  
NEW FLOOR PLAN  
DRAWING DATE :  
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REVISION 1 :  
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REVISION 4 :  
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TOTAL FIRST FLOOR 13,863 SF ( GFA )  
( SUITE A,B & C 4,004 SF. ) ( SUITE H & I 1,017 SF. ) ( TOTAL MPF 1ST FLOOR 5,021 SF )



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Space	Suite	Area SF	No of rooms	No of plants
Second Floor				
Flower Rooms	A & B	1,458	2	720
Flower Rooms	C	1,551	1	750
Drying / Curing	H & I	617	1	
Finish product	H & I	400	1	
Misc*	A,B, & C	995	1	
Total Second Flr		5,021		1,470

ODOR CONTROL NOTE:  
NEG = NEGATIVE PRESSURE  
\* SEALED ROOM  
\* INDIVIDUAL CARBON FILTRATION ( CAN - LITE 3000 CFM ) FOR EACH SPACE  
\* ATMOSPHERE V-12XL FANS FOR EACH SPACE  
  
POS = POSITIVE PRESSURE ( SPACES WITH NO ODOR ISSUES )  
\* STANDARD BALANCED AIR SYSTEM WITH SEPARATE FRESH AIR  
( OFFICES, CIRCULATION, SUPPORT SPACES )

NEW SECOND FLOOR PLAN

1/8" = 1'-0"

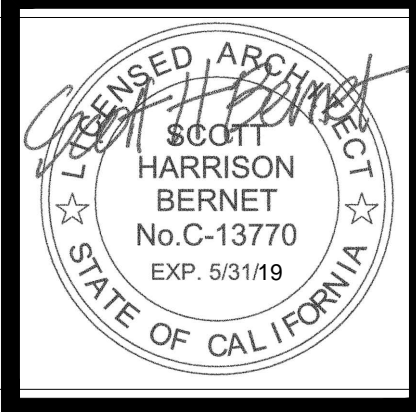
TOTAL OCCUPIED SPACE 6,859 SF ( 2,957 SF EXISTING GFA + 3,902 SF NON GFA per SDMC 113.0234 d(2)  
( SUITE A,B & C 4,004 SF. ) ( SUITE H & I 1,017 SF. ) ( TOTAL MPF SECOND FLOOR 5,021 SF )

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SIEMPRE VIVA MPF

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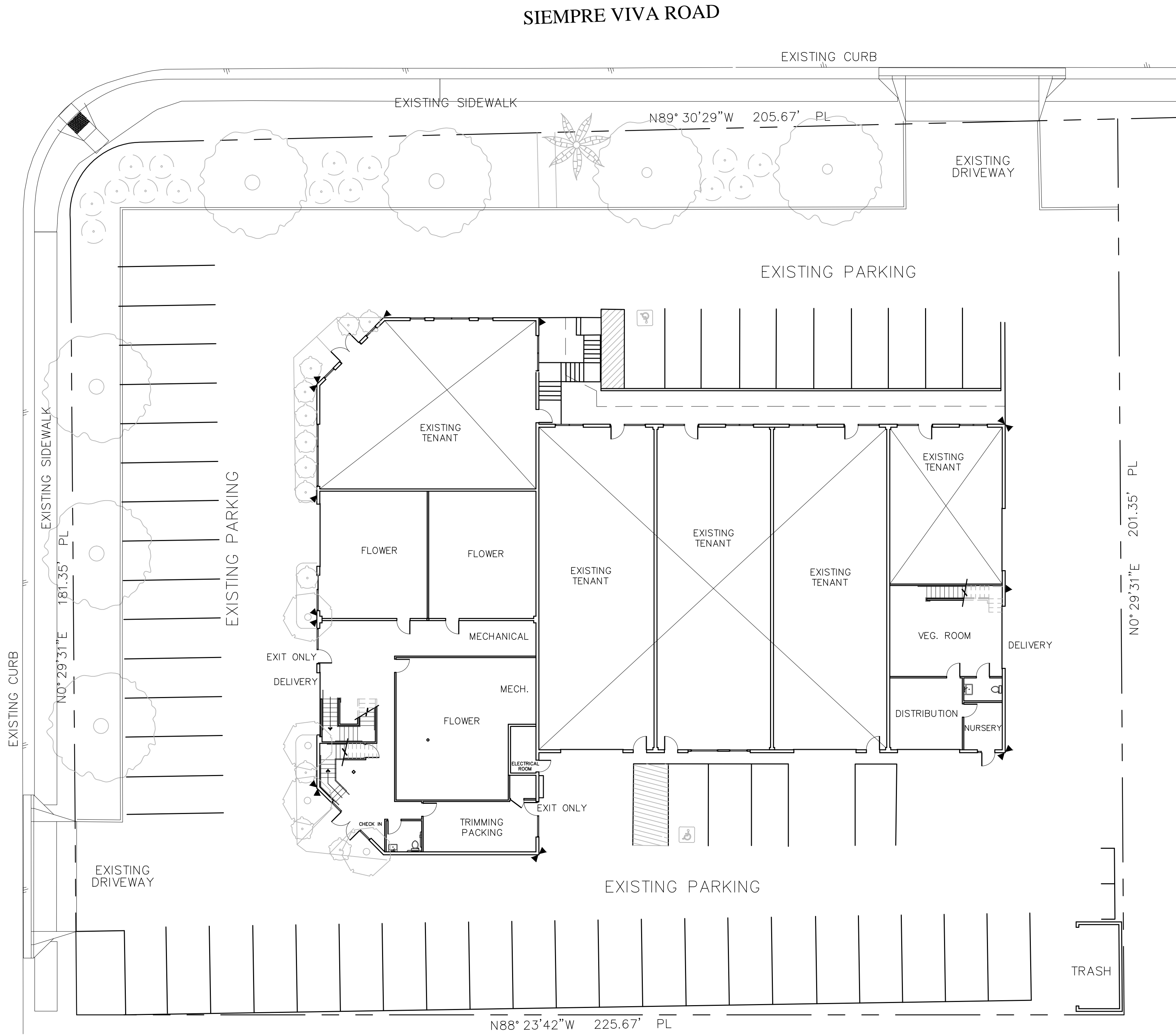
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DRAWING DATE :  
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SHEET 5 OF 9

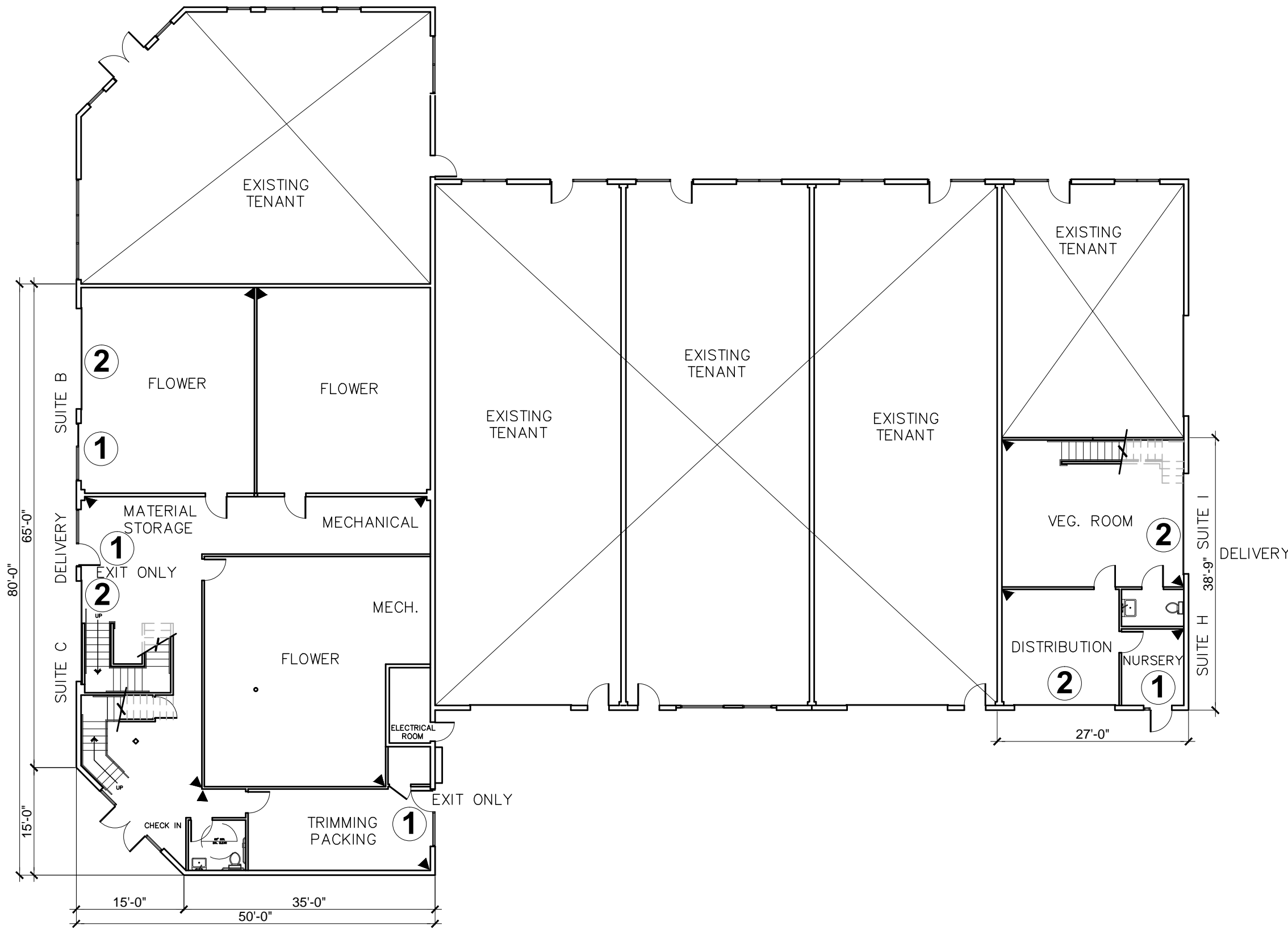
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PASEO DE LAS AMERICAS



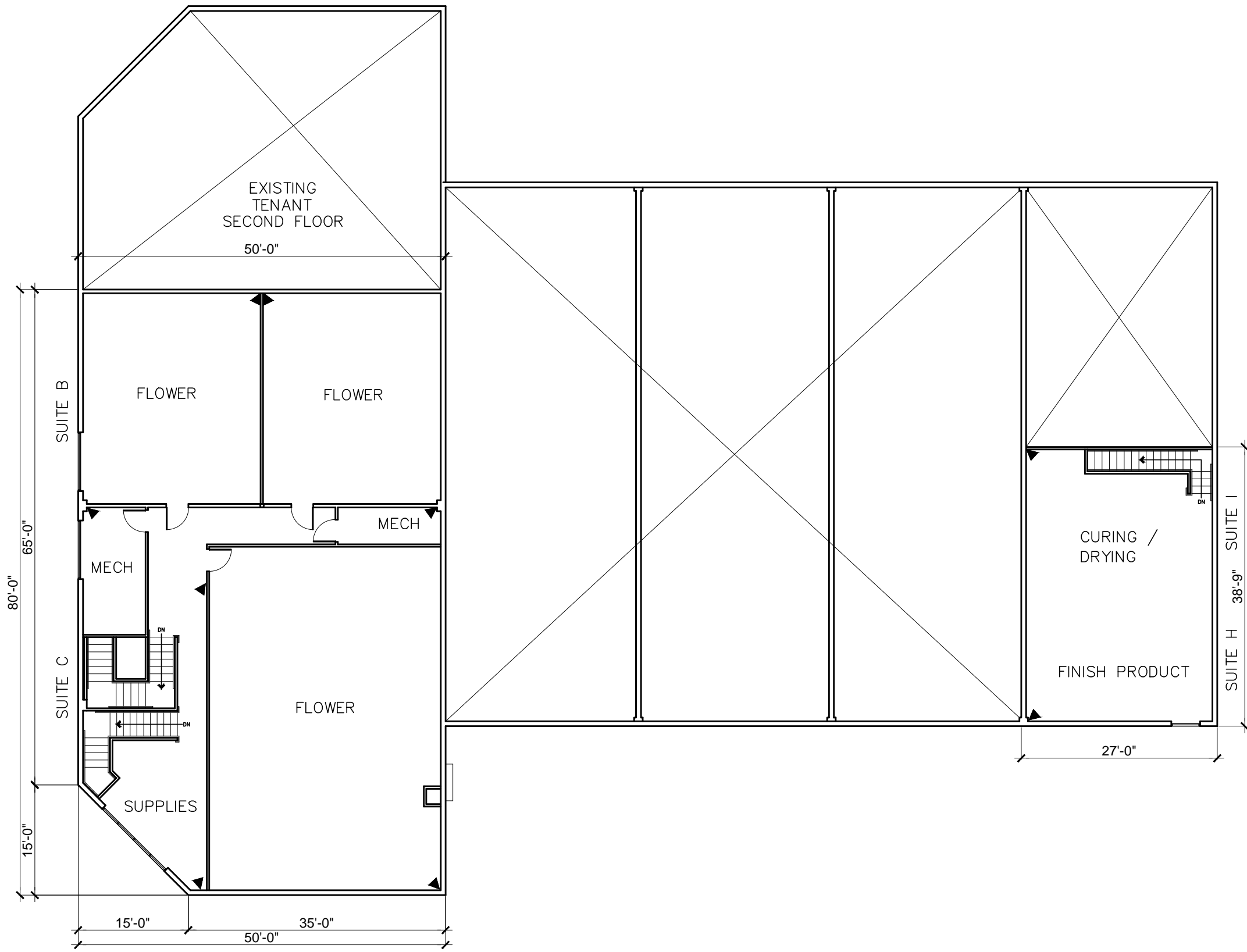
SECURITY SITE PLAN  
SCALE: NTS

◀▶ DIRECTIONAL CAMERA



SECURITY FIRST FLOOR PLAN  
SCALE: NTS

◀▶ DIRECTIONAL CAMERA

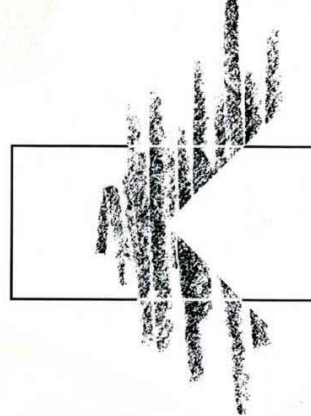


SECURITY SECOND FLOOR PLAN  
SCALE: NTS

◀▶ DIRECTIONAL CAMERA

- ① DOOR SECURED WITH ALARM & LOCK WHEN NOT IN USE
- ② LOADING DOOR SECURED WITH ALARM & LOCK WHEN NOT IN USE
- ALL OTHER DOORS ACCESS CONTROLLED

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SECURITY SITE PLAN  
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A3  
SHEET 6 OF 9



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LOOKING SOUTH EAST FROM PARKING LOT



LOOKING SOUTH WEST FROM PARKING LOT



LOOKING SOUTH FROM PARKING LOT



LOOKING NORTH WEST FROM PARKING LOT



LOOKING NORTH EAST FROM PARKING LOT



LOOKING NORTH FROM PARKING LOT

EXTERIOR ELEVATIONS

SCALE: NTS

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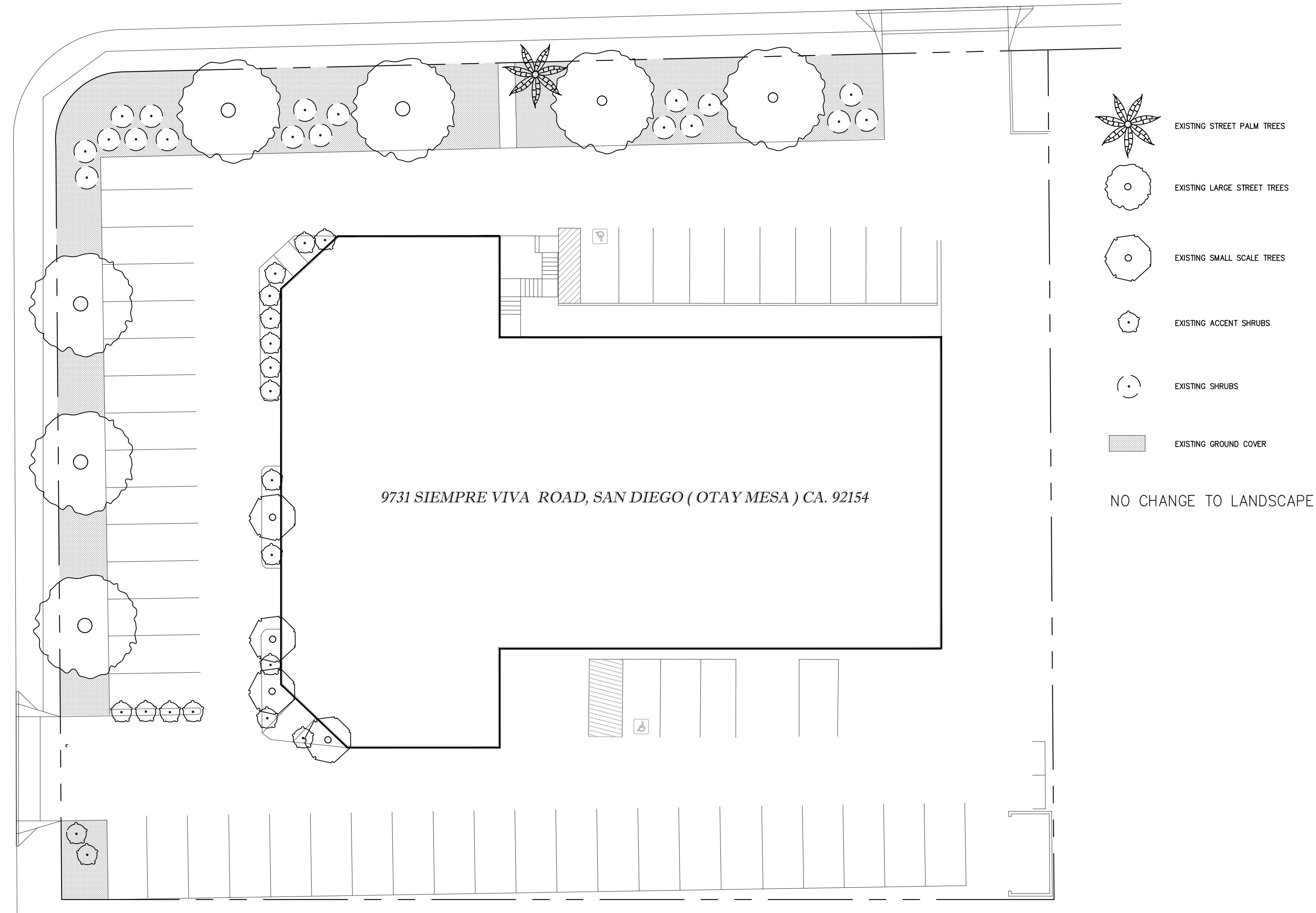


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EXTERIOR ELEVATIONS  
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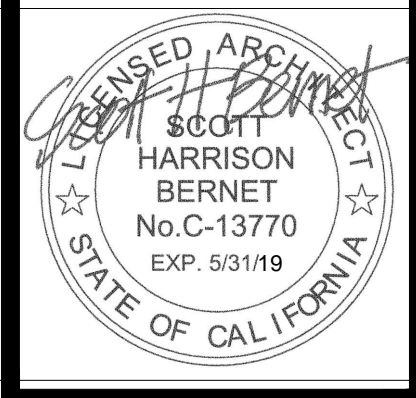
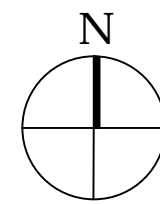


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## EXISTING LANDSCAPE PLAN

SCALE: 1/16" = 1'-0"



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LANDSCAPE PLAN  
DRAWING DATE :  
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SHEET 8 OF 9

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<div><div><div><div><div><div><span></span></div><div>City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000</div></div></div><div><div><div><div><div><span></span></div><div>Storm Water Requirements Applicability Checklist</div></div></div><div><div><div>FORM DS-560</div><div>October 2016</div></div></div></div></div></div></div></div>	<div>Project Address: 9731 Siempre Viva Road</div> <div>Project Number (for City Use Only):</div>
<div><div><div><div><div><div>SECTION 1. Construction Storm Water BMP Requirements:</div><div>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.</div></div></div><div><div><div>For all projects complete PART A: If project is required to submit a SWPPP or WPCP, continue to PART B.</div><div><div><div>PART A: Determine Construction Phase Storm Water Requirements.</div><div>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.)<div><div><div><div><input type="checkbox"/> Yes; SWPPP required, skip questions 2-4</div><div><input checked="" type="checkbox"/> No; next question</div></div></div><div>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?<div><div><div><div><input checked="" type="checkbox"/> Yes; WPCP required, skip 3-4</div><div><input type="checkbox"/> No; next question</div></div></div><div>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)<div><div><div><div><input type="checkbox"/> Yes; WPCP required, skip 4</div><div><input type="checkbox"/> No; next question</div></div></div><div>4. Does the project only include the following Permit types listed below?<div><div><div><div><div>• Electrical Permit, Fire Alarm Permit, Fire Sprinkler Permit, Plumbing Permit, Sign Permit, Mechanical Permit, Spa Permit.</div><div>• Individual Right of Way Permits that exclusively include only ONE of the following activities: water service, sewer lateral, or utility service.</div><div>• 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.</div></div></div><div><div><div><div><input type="checkbox"/> Yes; no document required</div></div></div></div></div></div><div><div><div>Check one of the boxes below, and continue to PART B:</div><div><div><div><div><input type="checkbox"/> If you checked "Yes" for question 1, a SWPPP is REQUIRED. Continue to PART B</div><div><input checked="" 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.</div><div><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.</div></div></div></div></div></div><div><div>1. More information on the City's construction BMP requirements as well as CGP requirements can be found at: <a href="http://www.sandiego.gov/stormwater/regulation/index.shtml">www.sandiego.gov/stormwater/regulation/index.shtml</a></div><div>Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a></div><div>Upon request, this information is available in alternative formats for persons with disabilities.</div><div>DS-560 (10-16)</div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div>	

Page 2 of 4 City of San Diego • Development Services • Storm Water Requirements Applicability Checklist	
<div><div><div><div><div><div>PART B: Determine Construction Site Priority</div><div>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. <b>NOTE:</b> The construction priority does <b>NOT</b> change construction BMP requirements that apply to projects; rather, it determines the frequency of inspections that will be conducted by city staff.</div></div></div></div></div></div>	
<div><div><div><div><div><div>Complete PART B and continued to Section 2</div><div>1. <input type="checkbox"/> ASBS<div>a. Projects located in the ASBS watershed.</div></div><div>2. <input type="checkbox"/> High Priority<div>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.</div><div>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.</div></div><div>3. <input type="checkbox"/> Medium Priority<div>a. Projects 1 acre or more but not subject to an ASBS or high priority designation.</div><div>b. Projects determined to be Risk Level 1 or LUP Type 1 per the Construction General Permit and not located in the ASBS watershed.</div></div><div>4. <input checked="" type="checkbox"/> Low Priority<div>a. Projects requiring a Water Pollution Control Plan but not subject to ASBS, high, or medium priority designation.</div></div></div></div></div></div></div>	
<div><div><div><div><div><div>SECTION 2. Permanent Storm Water BMP Requirements.</div><div>Additional information for determining the requirements is found in the Storm Water Standards Manual.</div><div>PART C: Determine if Not Subject to Permanent Storm Water Requirements.</div><div>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.</div><div>If "yes" is checked for any number in Part C, proceed to Part F and check "Not Subject to Permanent Storm Water BMP Requirements".</div><div>If "no" is checked for all of the numbers in Part C continue to Part D.</div><div>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?<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>2. Does the project only include the construction of overhead or underground utilities without creating new impervious surfaces?<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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).<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div></div></div></div></div></div></div></div></div>	

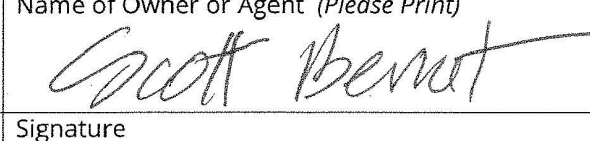
Source Control BMP Checklist for Standard Projects		Form I-4A
All development projects must implement source control BMPs. Refer to Chapter 4 and Appendix E of the BMP Design Manual for information to implement BMPs shown in this checklist. <b>Note: All selected BMPs must be shown on the construction plans.</b>		
Source Control Requirement	Applied <sup>(1)</sup> ?	
4.2.1 Prevention of Illicit Discharges into the MS4	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.2.2 Storm Drain Stenciling or Signage	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.2.3 Protect Outdoor Materials Storage Areas from Rainfall, Run-On, Runoff, and Wind Dispersal	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.2.4 Protect Materials Stored in Outdoor Work Areas from Rainfall, Run-On, Runoff, and Wind Dispersal	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.2.5 Protect Trash Storage Areas from Rainfall, Run-On, Runoff, and Wind Dispersal	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.2.6 BMPs based on Potential Sources of Runoff Pollutants		
On-site storm drain inlets	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Interior floor drains and elevator shaft sump pumps	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Interior parking garages	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Need for future indoor & structural pest control	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Landscape/Outdoor Pesticide Use	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Pools, spas, ponds, decorative fountains, and other water features	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Food service	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Refuse areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Industrial processes	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Outdoor storage of equipment or materials	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Vehicle/Equipment Repair and Maintenance	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Fuel Dispensing Areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Loading Docks	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Fire Sprinkler Test Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Miscellaneous Drain or Wash Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Plazas, sidewalks, and parking lots	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
SC-6A: Large Trash Generating Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SC-6B: Animal Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SC-6C: Plant Nurseries and Garden Centers	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SC-6D: Automotive Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Discussion / justification for all "No" answers shown above:		

Site Design BMP Checklist for Standard Projects		Form I-5A
All development projects must implement site design BMPs. Refer to Chapter 4 and Appendix E of the BMP Design Manual for information to implement BMPs shown in this checklist. <b>Note: All selected BMPs must be shown on the construction plans.</b>		
Site Design Requirement	Applied <sup>(1)</sup> ?	
4.3.1 Maintain Natural Drainage Pathways and Hydrologic Features	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.2 Conserve Natural Areas, Soils, and Vegetation	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.3 Minimize Impervious Area	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.4 Minimize Soil Compaction	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.5 Impervious Area Dispersion	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.6 Runoff Collection	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.7 Landscaping with Native or Drought Tolerant Species	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.8 Harvest and Use Precipitation	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Discussion / justification for all "No" answers shown above:		

<sup>(1)</sup> Answer for each source control and site design category shall be pursuant to the following:

- "Yes" means the project will implement the BMP as described in Chapter 4 and/or Appendix E of the BMP Design Manual. Discussion / justification is not required.
- "No" means the BMP is applicable to the project but it is not feasible to implement. Discussion / justification must be provided.
- "N/A" means the BMP is not applicable at the project site because the project does not include the feature that is addressed by the BMP (e.g., the project has no outdoor materials storage areas). Discussion / justification may be provided.

City of San Diego • Development Services • Storm Water Requirements Applicability Checklist		Page 3 of 4
<div><div><div><div><div><div>PART D: PDP Exempt Requirements.</div><div>PDP Exempt projects are required to implement site design and source control BMPs.</div><div>If "yes" was checked for any questions in Part D, continue to Part F and check the box labeled "PDP Exempt."</div><div>If "no" was checked for all questions in Part D, continue to Part E.</div><div>1. Does the project ONLY include new or retrofit sidewalks, bicycle lanes, or trails that:<div><div><div><div><div>• Are designed and constructed to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable areas? Or;</div><div>• Are designed and constructed to be hydraulically disconnected from paved streets and roads? Or;</div><div>• Are designed and constructed with permeable pavements or surfaces in accordance with the Green Streets guidance in the City's Storm Water Standards manual?</div></div></div><div><div><div><div><input type="checkbox"/> Yes; PDP exempt requirements apply</div><div><input checked="" type="checkbox"/> No; next question</div></div></div></div><div>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?<div><div><div><div><input type="checkbox"/> Yes; PDP exempt requirements apply</div><div><input checked="" type="checkbox"/> No; project not exempt.</div></div></div></div></div></div></div></div></div></div></div></div></div>		
<div><div><div><div><div><div>PART E: Determine if Project is a Priority Development Project (PDP).</div><div>Projects that match one of the definitions below are subject to additional requirements including preparation of a Storm Water Quality Management Plan (SWQMP).</div><div>If "yes" is checked for any number in PART E, continue to PART F and check the box labeled "Priority Development Project".</div><div>If "no" is checked for every number in PART E, continue to PART F and check the box labeled "Standard Development Project".</div><div>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.<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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.<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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.<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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.<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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).<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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).<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div></div></div></div></div></div></div></div></div></div></div></div>		

Page 4 of 4 City of San Diego • Development Services • Storm Water Requirements Applicability Checklist	
<div><div><div><div><div><div>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).<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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.<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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.<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div><div>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.<div><div><div><div><input type="checkbox"/> Yes</div><div><input checked="" type="checkbox"/> No</div></div></div></div></div></div></div></div></div></div></div></div></div>	
<div><div><div><div><div><div>PART F: Select the appropriate category based on the outcomes of PART C through PART E.</div><div>1. The project is <b>NOT SUBJECT TO PERMANENT STORM WATER REQUIREMENTS.</b><div><input type="checkbox"/></div></div><div>2. The project is a <b>STANDARD DEVELOPMENT PROJECT.</b> Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.<div><input checked="" type="checkbox"/></div></div><div>3. The project is <b>PDP EXEMPT.</b> Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.<div><input type="checkbox"/></div></div><div>4. The project is a <b>PRIORITY DEVELOPMENT PROJECT.</b> 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<div><input type="checkbox"/></div></div></div></div></div></div></div>	
Scott Bernet	Architect
Name of Owner or Agent (Please Print)	Title
	08/06/2018
Signature	Date

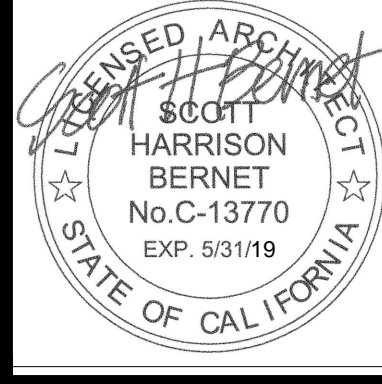


## CONSTRUCTION B.M.P.'S NOTES

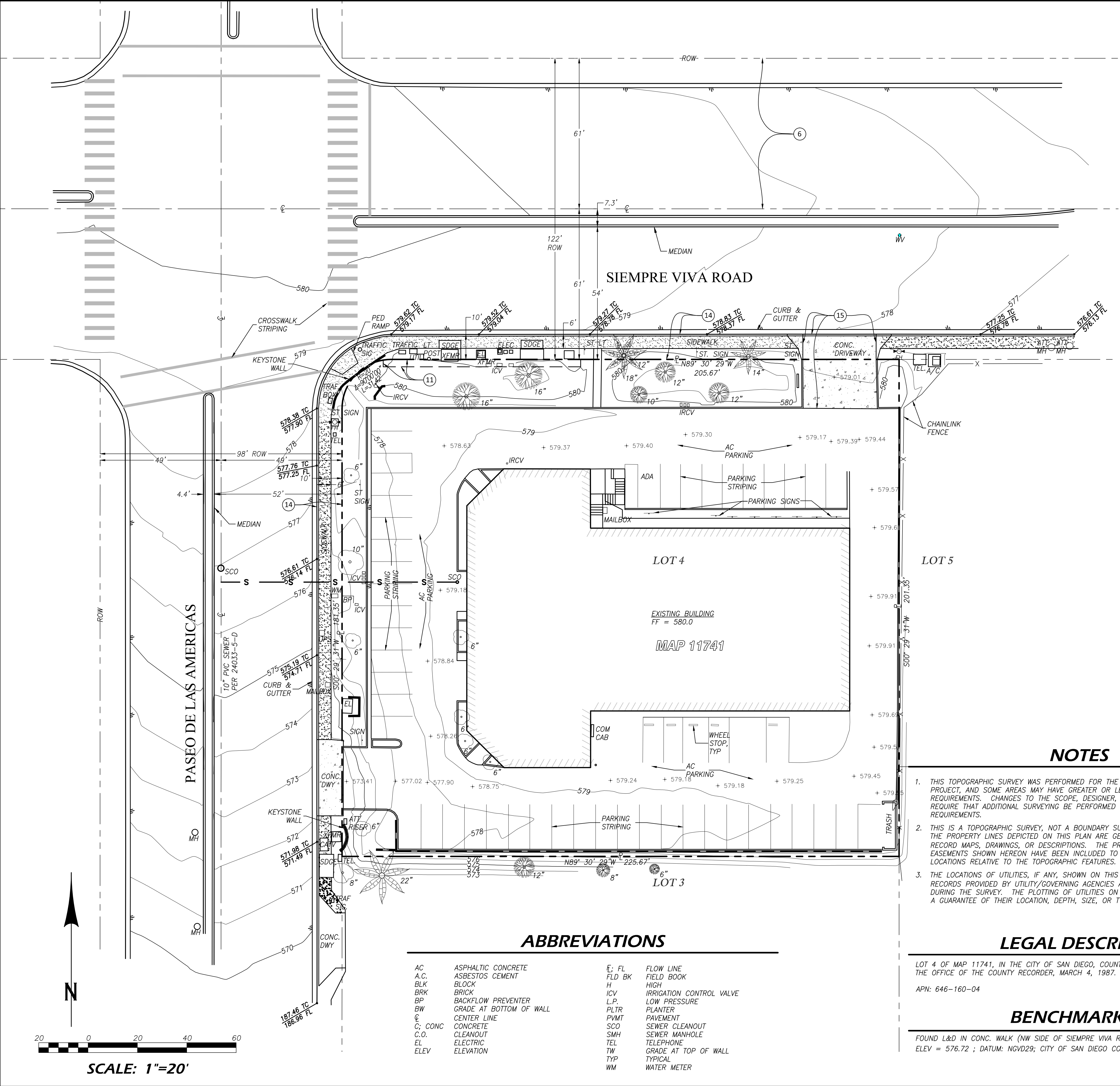
STORM WATER QUALITY NOTES CONSTRUCTION B.M.P.'S  
THIS PROJECT SHALL COMPLY WITH ALL CURRENT REQUIREMENTS OF THE STATE PERMIT; CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB), SAN DIEGO MUNICIPAL STORM WATER PERMIT, THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE, AND THE STORM WATER STANDARDS MANUAL.

NOTES BELOW REPRESENT KEY MINIMUM REQUIREMENTS FOR CONSTRUCTION BMP'S.

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANUP OF ALL SILT AND MUD ON ADJACENT STREET(S). DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY, AT THE END OF EACH WORKDAY, OR AFTER A STORM EVENT THAT CAUSES A BREACH IN INSTALLED 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.
- ALL STOCKPILES OF SOIL AND/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT FOR A PERIOD GREATER THAN SEVEN CALENDAR DAYS ARE TO BE COVERED. ALL REMOVABLE BMP DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN FIVE DAY RAIN PROBABILITY FORECAST EXCEEDS 40%.
- 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.
- 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.
- ALL SLOPES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.
- THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.







LEGEND

DESCRIPTION	STD DWG	SYMBOL
PROPERTY LINE (RECORD)		N45°45'45"W
PROPERTY LINE - OFFSITE		
STREET CENTERLINE		
CONTOUR		90
LOT LINE (OFFSITE)		
OVERHEAD UTILITIES		OH
EDGE OF PAVING		
EXISTING SPOT ELEVATION		100.00
BUILDING FOOTPRINT		
WOOD FENCE		
CHAIN LINK FENCE		
FREE STANDING WALL		
RETAINING WALL		
POWER POLE		PP
WATER SERVICE		W
SEWER SERVICE		S
GAS SERVICE		G
TREE; PLANT; PALM		

EASEMENTS

PER CALIFORNIA TITLE COMPANY, FILE #: 400-1939577-34, DATED MARCH 7, 2018.

6 AN EASEMENT FOR THE RIGHT TO EXTEND AND MAINTAIN DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS OF SAID RIGHT OF WAY WHERE REQUIRED FOR CONSTRUCTION AND MAINTENANCE AND INCIDENTAL PURPOSES THERETO AS DEDICATED AND DELINEATED ON THE TRACT MAP RECORDED 2/28/1985, M11163, OF MAPS.

7 A DEVELOPMENT AGREEMENT, EXECUTED BY THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION AND OTAY INTERNATIONAL CENTER, A PARTNERSHIP; RECORDED 11/10/1986, AS INSTRUMENT NO. S1986-568338 OFFICIAL RECORDS.

10 AN ENCROACHMENT REMOVAL AGREEMENT, EXECUTED BY: OTAY INTERNATIONAL CENTER AND THE CITY OF SAN DIEGO; RECORDED 4/23/1987, AS INSTRUMENT NO. 1987-221121 OFFICIAL RECORDS.

11 AN EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED 4/24/1987, AS INSTRUMENT NO. 1987-224382, OFFICIAL RECORDS.

12 AN INSTRUMENT ENTITLED "PLANNING DIRECTOR RESOLUTION NO. 7328-PD", OTAY MESA DEVELOPMENT PERMIT NO. 87-0431, RECORDED: 3/29/1988, AS INSTRUMENT NO. 1988-141106, OFFICIAL RECORDS.

13 AN ENCROACHMENT REMOVAL AGREEMENT, EXECUTED BY: OTAY INTERNATIONAL CENTER, A CALIFORNIA GENERAL PARTNERSHIP AND THE CITY OF SAN DIEGO, RECORDED: 9/29/1988, AS INSTRUMENT NO. 1988-494897 OFFICIAL RECORDS. (NOT PLOTTED; NOT APPLICABLE TO THIS PROPERTY.)

14 AN ENCROACHMENT REMOVAL AGREEMENT, EXECUTED BY OTAY INTERNATIONAL CENTER, A CALIFORNIA GENERAL PARTNERSHIP AND THE CITY OF SAN DIEGO, RECORDED: 9/28/1989, AS INSTRUMENT NO. 1989-523308 OFFICIAL RECORDS.

15 AN ENCROACHMENT REMOVAL AGREEMENT, EXECUTED BY AND BETWEEN THE CITY OF SAN DIEGO AND MICHAEL VOGT, ET AL, OWNER; RECORDED 12/11/1991, AS INSTRUMENT NO. 1991-642521, OFFICIAL RECORDS.

OTHER EASEMENTS MAY BE PRESENT ON THE SUBJECT PROPERTY.

NOTES

1. THIS TOPOGRAPHIC SURVEY WAS PERFORMED FOR THE PURPOSES OF A SPECIFIC PROJECT, AND SOME AREAS MAY HAVE GREATER OR LESSER DETAIL BASED ON PROJECT REQUIREMENTS. CHANGES TO THE SCOPE, DESIGNER, OR LOCATION OF WORK MAY REQUIRE THAT ADDITIONAL SURVEYING BE PERFORMED TO SATISFY THE NEW REQUIREMENTS.
2. THIS IS A TOPOGRAPHIC SURVEY, NOT A BOUNDARY SURVEY OR RECORD OF SURVEY. THE PROPERTY LINES DEPICTED ON THIS PLAN ARE GENERATED FROM EXISTING PUBLIC RECORD MAPS, DRAWINGS, OR DESCRIPTIONS. THE PROPERTY LINES AND/OR EASEMENTS SHOWN HEREON HAVE BEEN INCLUDED TO REPRESENT THEIR APPROXIMATE LOCATIONS RELATIVE TO THE TOPOGRAPHIC FEATURES.
3. THE LOCATIONS OF UTILITIES, IF ANY, SHOWN ON THIS PLAN ARE GENERATED FROM RECORDS PROVIDED BY UTILITY/GOVERNING AGENCIES AND/OR FIELD DATA COLLECTED DURING THE SURVEY. THE PLOTTING OF UTILITIES ON THIS PLAN DOES NOT CONSTITUTE A GUARANTEE OF THEIR LOCATION, DEPTH, SIZE, OR TYPE.

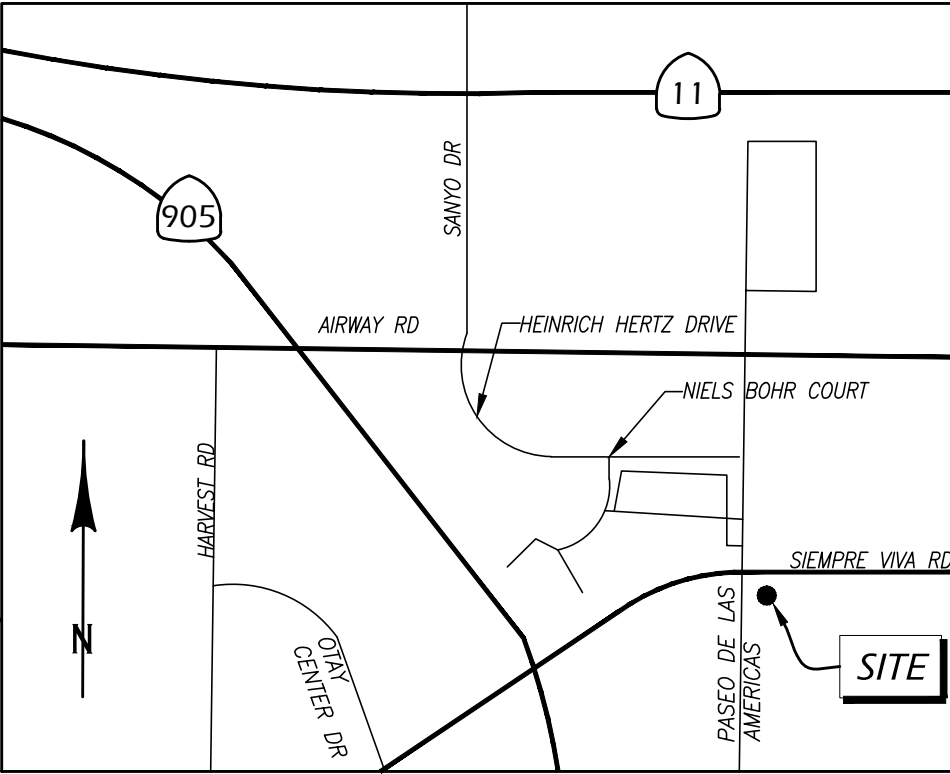
LEGAL DESCRIPTION

LOT 4 OF MAP 11741, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER, MARCH 4, 1987.

APN: 646-160-04

BENCHMARK

FOUND L&D IN CONC. WALK (NW SIDE OF SIEMPRE VIVA ROAD & ROOL DRIVE)  
ELEV = 576.72 ; DATUM: NGVD29; CITY OF SAN DIEGO CONTROL NETWORK. (ROS 14492)



VICINITY MAP  
THOMAS BROS. MAP 1352-A3  
NO SCALE

DATE OF SURVEY: 2/22/2018  
SURVEYOR: E. Meermans

TOPOGRAPHIC SURVEY

DRAWN BY:	GC
CHECKED BY:	JC
ORIGINAL	03/22/18
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	
REVISION 5	

Topographic  
Survey

SCALE: 1" = 20'

C.O.

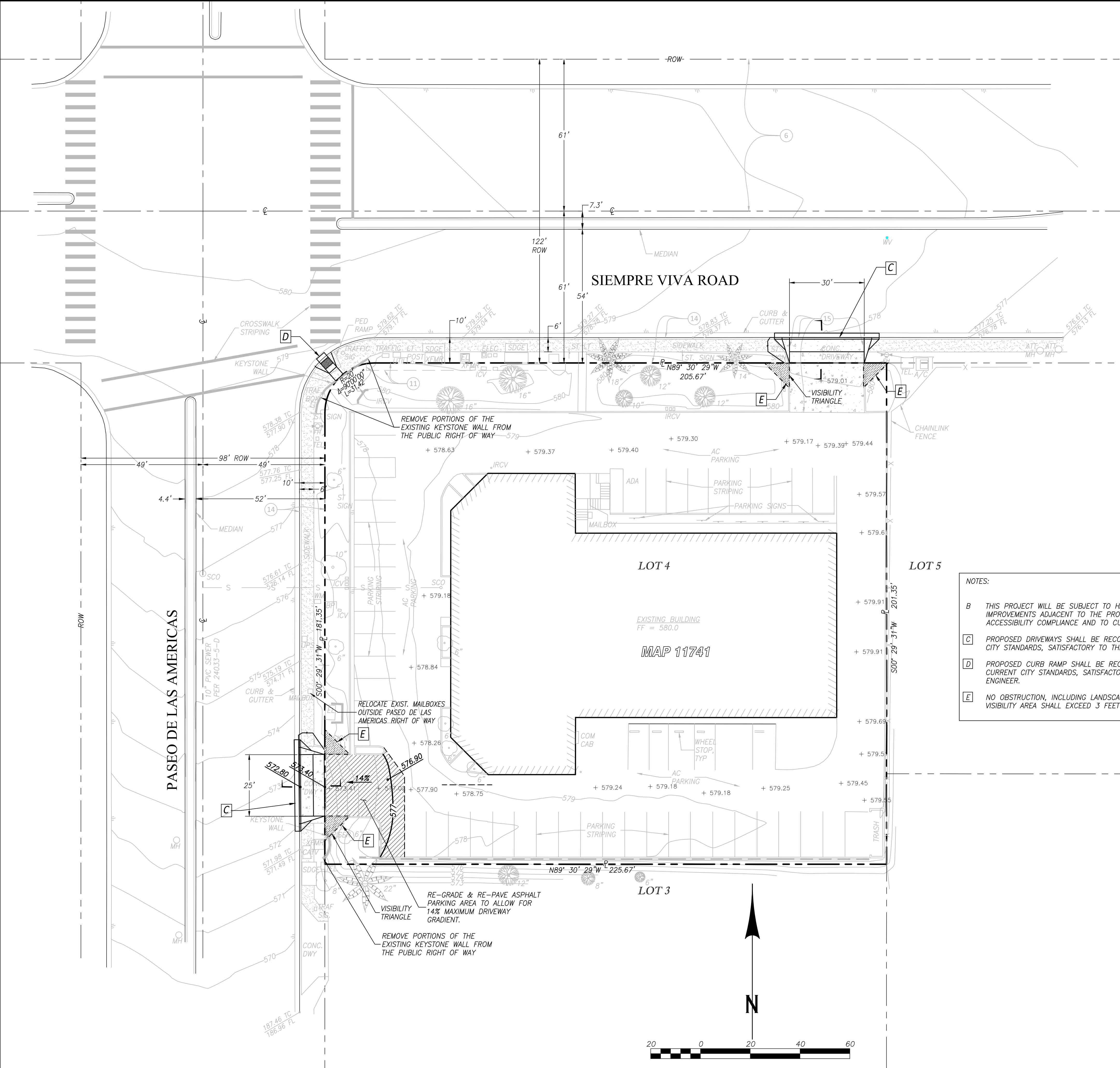
SHT 1 OF 2 SHTS

COFFEY ENGINEERING, INC.  
9466 BUSINESSPARK AVENUE, SUITE 210, SAN DIEGO, CA 92131 PH (858)831-0111 FAX (858)831-0179



Siempre Viva  
9731 Siempre Viva Road  
San Diego, CA, 92154





LEGEND

DESCRIPTION	STD DWG	SYMBOL
PROPERTY LINE (RECORD)		N45°45'45"W
PROPERTY LINE - OFFSITE		
STREET CENTERLINE		
CONTOUR		90
LOT LINE (OFFSITE)		
OVERHEAD UTILITIES		OH
EDGE OF PAVING		
EXISTING SPOT ELEVATION		100.00 +100.00
BUILDING FOOTPRINT		
WOOD FENCE		
CHAIN LINK FENCE		
FREE STANDING WALL		
RETAINING WALL		
WATER SERVICE		W
SEWER SERVICE		S
GAS SERVICE		G
TREE; PLANT; PALM		

NOTES:

B THIS PROJECT WILL BE SUBJECT TO HAVING ALL PUBLIC IMPROVEMENTS ADJACENT TO THE PROJECT SITE STATE ACCESSIBILITY COMPLIANCE AND TO CURRENT CITY STANDARDS.

C PROPOSED DRIVEWAYS SHALL BE RECONSTRUCTED TO CURRENT CITY STANDARDS, SATISFACTORY TO THE CITY ENGINEER.

D PROPOSED CURB RAMP SHALL BE RECONSTRUCTED TO CURRENT CITY STANDARDS, SATISFACTORY TO THE CITY ENGINEER.

E NO OBSTRUCTION, INCLUDING LANDSCAPING OR WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT.

COFFEY ENGINEERING, INC.

9466 BUSINESSPARK AVENUE, SUITE 210, SAN DIEGO, CA 92131 PH (858)831-0111 FAX (858)831-0179



Siempre Viva

9731 Siempre Viva Road  
San Diego, CA, 92154

DRAWN BY:	GC
CHECKED BY:	JC
ORIGINAL	7/26/18
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	
REVISION 5	

Preliminary  
Improvement  
Plan

SCALE: 1" = 20'

C.1

SHT 2 OF 2 SHTS





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: ☒ 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: Rodney Eales E-mail: rodney@urbngreens.com

Address: 2905 Canon Street City: San Diego State: CA Zip Code: 92106 Telephone: 619.228.7182

3. Project Name:  
MPF 9731 Siempre Viva Road - Project No. 585480

4. Project Information  
Permit/Environmental Determination & Permit/Document No.: Conditional Use Permit No. 2070245 Date of Decision/Determination: February 6, 2018 City Project Manager: Cheryl Cac

Decision(Describe the permit/approval decision):  
Hearing Officer adoption of Findings with respect to Conditional Use Permit No. 2070245. Hearing Officer granting of Conditional Use Permit No. 2070245.

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

- ☐ Factual Error ☒ New Information  
☒ Conflict with other matters ☐ City-wide Significance (Process Four decisions only)  
☒ 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.)

Please see Attachment 1 - Grounds for Appeal.

RECEIVED

FEB 20 2019

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: February 19, 2019

Note: Faxed appeals are not accepted.

**ATTACHMENT 1 – GROUNDS FOR APPEAL**

**Appeal of Hearing Officer Decision Re: MPF 9731 Siempre Viva – Project No. 585480**

- **New Information.** New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision.
- **Findings Not Supported.** The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.
- **Conflicts.** The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.
- **The Site Plans do not demonstrate that the project includes an enclosed garage for distribution purposes, contrary to municipal and State law.**
- **County Records indicate the property is closer to 20,000 square feet. This would add approximately 4,000 SF to the project, increasing the FAR is in excess of the Otay Mesa Community Plan area limit of the FAR 0.5. Therefore, the project is inconsistent with the Community 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: ☒ 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: Khoa Nguyen E-mail: khoa@rathmiller.com  
Address: 525 B Street City: San Diego State: CA Zip Code: 92101 Telephone: 6195506037

3. Project Name:  
MPF 9731 Siempre Viva, Project No. 585480

4. Project Information  
Permit/Environmental Determination & Permit/Document No.: Conditional Use Permit No. 2070245 Date of Decision/Determination: February 6, 2019 City Project Manager: Cherlyn Cac

Decision(Describe the permit/approval decision):  
Approval of conditional use permit No. 2070245.

5. Ground for Appeal(Please check all that apply):  
☐ Factual Error ☐ New Information  
☐ Conflict with other matters ☐ City-wide Significance (Process Four decisions only)  
☒ 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 1.*

**RECEIVED**

FEB 21 2019

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: \_\_\_\_\_

*Khoa Nguyen*

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

*2/21/2019*

**Note: Faxed appeals are not accepted.**

**ATTACHMENT 1 – GROUNDS FOR APPEAL**

**MPF 9731 Siempre Viva, Project No. 585480, CUP No. 2070245**

**Findings Not Supported:**

The Hearing Officer's stated finding to approve is not supported by the information that was provided to the Hearing Officer. It is widely known that Marijuana Production Facilities produce strong odors. The applicant has not sufficiently demonstrated that their marijuana production facility will not produce odors that will be detrimental to surrounding businesses and to the public.

PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_  
CONDITIONAL USE PERMIT NO. 2070245  
**MPF 9731 SIEMPRE VIVA ROAD - PROJECT NO. 585480**

WHEREAS, COURTNEY BUSINESS CENTER, LLC., a California Limited Liability Company, Owner, and PARAGON PARTNERS, LLC., a California Limited Liability Company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility in five existing tenant spaces (Suites A, B, C, H, and I) within an existing 16,820 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2070245), on portions of a 1.03-acre site;

WHEREAS, the project site is located at 9731 Siempre Viva Road, Suites A, B, C, H, and I, in the IL-2-1 Zone of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 4 of Otay International Lots 8 and 9 Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map No. 11741, filed in the Office of the County Recorder of San Diego County, March 4, 1987;

WHEREAS, on October 9, 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). One appeal of the Environmental Determination was filed within the time period provided by San Diego Municipal Code Section 112.0520 on October 22, 2018. However, it was later withdrawn on October 31, 2018;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2070245 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 19, 2019, Rodney Eales, filed a Development Permit Appeal Application and on February 21, 2019, Khoa Nguyen, filed a Development Permit Appeal Application (Appeals); and

WHEREAS, on May 9, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2070245 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. 2070245:

**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 existing tenant spaces, Suites A, B, C, H, and I, within an existing building. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The 1.03-acre site is located at 9731 Siempre Viva Road in the IL-2-1 Zone of the Otay Mesa Community Plan.

The project site is designated as Prime Industrial by the Economic Prosperity Element and Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Prime Industrial and Industrial Employment designations would permit light manufacturing uses; thereby, providing additional land suitable for manufacturing activities. The project site is within the Light Industrial Land Use Area of the Otay Mesa Community Plan. The Light Industrial designation permits light manufacturing, distribution and storage uses. The IL-2-1 Zone allows a mix of light industrial and office uses with limited commercial. 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. Therefore, the proposed MPF will not adversely affect the applicable land use plan.

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

The proposed project at 9731 Siempre Viva Road proposes to operate a MPF in existing tenant spaces, Suites A, B, C, H and I, within an existing building. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The MPF operation would include cultivation, a nursery, storage, packaging, and distribution of cannabis. 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 reconstruction of the existing driveways and curb ramp, 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 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPFs also require a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements between uses set forth in SDMC Section 141.1004 (a). The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as lighting, security cameras, alarms, and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. 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 development conditions as described in the Conditional Use Permit No. 2070245. The Conditional Use Permit No. 2070245 will be valid for five years and may be revoked if the Owner or Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The 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 Conditional Use Permit No. 2070245. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety, and welfare. 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 project proposes the operation of a MPF in existing tenant spaces within an existing building at 9731 Siempre Viva Road, Suites A, B, C, H, and I. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The 1.03-acre site is located in the IL-2-1 Zone of the Otay Mesa Community Plan area. The site is developed with a building constructed in 1985. The MPF operation would include cultivation, a nursery, storage, packaging, and distribution of cannabis.

MPFs are allowed in the IL-2-1 Zone with a Conditional Use Permit. The proposed use requires compliance with SDMC Section 141.1004 and Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation 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. The proposed MPF complies with the separation requirements between uses. The proposed MPF is subject to specific operational requirements for security, as referenced in Conditional Use Permit No. 2070245, in 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 MPF is consistent with all land development regulations relevant for the site and the use. No deviations are required or requested to approve the Conditional Use Permit. 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 project proposes the operation of a MPF in existing tenant spaces, Suites A, B, C, H, and I, within an existing building at 9731 Siempre Viva Road in the IL-2-1 Zone of the Otay Mesa Community Plan. The proposed 10,042 square-foot MPF operation consists of 6,140 square-feet of existing tenant space with a 3,902 square-foot second floor addition in an existing 16,820 square-foot building. The project site is designated as Prime Industrial by the Economic Prosperity Element and Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Prime Industrial and Industrial Employment designations would permit light manufacturing uses; thereby, providing additional land suitable for manufacturing activities. The project site is within the Light Industrial Land Use Area of the Otay Mesa Community Plan. The Light Industrial designation permits light manufacturing, distribution and storage uses. The IL Zone is to provide for a wide range of uses from manufacturing and



distribution, including non-industrial uses in some instances. Specifically, the IL-2-1 Zone a mix of light industrial and office uses with limited commercial.

The proposed MPF is consistent with all land development regulations relevant for the site and the use. No deviations are required or requested to approve the Conditional Use Permit. The proposed MPF is classified as industrial 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. 2070245 is hereby granted by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2070245, a copy of which is attached hereto and made a part hereof.

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Sammi Ma  
Development Project Manager  
Development Services

Adopted on: May 9, 2019

IO#: 24007577

**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: 24007577

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2070245  
**MPF 9731 SIEMPRE VIVA ROAD - PROJECT NO. 585480**  
PLANNING COMMISSION

This Conditional Use Permit No. 2070245 is granted by the Planning Commission of the City of San Diego to Courtney Business Center LLC., a California Limited Liability Company, Owner and Paragon Partners, LLC., a California Limited Liability Company, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 1.03-acre site is located at 9731 Siempre Viva Road, Suites A, B, C, H, and I, in the IL-2-1 Zone, Community Plan Implementation Overlay Zone – Type A, Brownfield Airport Land Use Compatibility Overlay Zone (Airport Influence Area – Review Area 2), Transit Priority Area, and Prime Industrial Lands within the Otay Mesa Community Plan area. The project site is legally described as Lot 4 of Otay International Lots 8 and 9 Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map No. 11741, filed in the Office of the County Recorder of San Diego County, March 4, 1987.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within 10,042 square-feet in an existing 16,820 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 9, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility encompassing a 10,042 square-foot area, consisting of 6,140 square-feet of existing tenant space and 3,902 square-feet of second floor addition in an existing 16,820 square-foot building. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture and Consumer Affairs regulations;
- b. The Marijuana Production Facility operations include:
  - Suites A, B, and C, a two-story, 8,008-square-foot space, that includes administrative space, a restroom, cultivation, packaging, and distribution of cannabis;

- Suites H and I, a two-story, 2,034-square-foot space, that includes a nursery, cultivation, restroom, storage, and distribution of cannabis;
- 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 May 9, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 9, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary construction permits. The 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 Owners/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**BUILDING OFFICIAL REQUIREMENTS:**

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

**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing 25-foot driveway adjacent to the site on Paseo De Las Americas, to current City Standards, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing 30-foot driveway adjacent to the site on Siempre Viva Road, to current City Standards, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb ramp at the intersection of Siempre Viva Road and Paseo De Las Americas, per current City Standards, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of the encroaching portions of the existing Keystone walls and mailboxes in the Paseo De Las Americas Right-of-Way.

17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the palm trees, landscape, irrigation and private walkway in the Siempre Viva Road Right-of-Way.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.

19. 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:**

20. 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.

21. A maximum of 20 employees shall be allowed on-site at any given time to correspond to the 20 provided parking spaces for the project.
22. The Owner/Permittee shall transport marijuana and marijuana products within the property granted by this Permit within a locked vehicle, or trailer, or by foot, hand truck, fork lift, or other similar means. The Owner/Permittee shall comply with all current state law and regulations during such transportation. At all times during transportation, marijuana and marijuana products shall be in a container, such as a box or pallet, that is locked and opaque. All transportation of goods shall be accompanied by the licensed security guard.
23. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
24. 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.
25. 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.
26. 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.
27. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.
28. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.
29. 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.
30. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
31. The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section [34.0103 \(b\)](#), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

APPROVED by the Planning Commission of the City of San Diego on May 9, 2019 by Resolution No. PC-XXXX.

**ATTACHMENT 5**

Permit Type/PTS Approval No.: Conditional Use Permit No. 2070245  
Date of Approval: May 9, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Sammi Ma  
Development Project Manager

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

\_\_\_\_\_  
**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**COURTNEY BUSINESS CENTER, LLC.**  
a California Limited Liability Company  
Owner

By \_\_\_\_\_  
Name:  
Title:

**PARAGON PARTNERS, LLC.**  
a California Limited Liability Company  
Permittee

By \_\_\_\_\_  
Name:  
Title:

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