



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 30, 2019 REPORT NO. PC-19-041
HEARING DATE: June 6, 2019
SUBJECT: MPF 9220 MIRA ESTE CT., Process Three Decision
PROJECT NUMBER: [585378](#)
REFERENCE: [Report to the Hearing Officer No. HO-19-011](#)
OWNER/APPLICANT: RM-USE, LLC Owner / Humanity Holdings, Inc. Applicant

SUMMARY

Issue: Should the Planning Commission deny or approve the appeals of the Hearing Officer's decision to approve the operation of a 10,149-square-foot Marijuana Production Facility within an existing building located at 9220 Mira Este Court, within the Mira Mesa Community Plan area?

Staff Recommendation: DENY the appeals and affirm the Hearing Officer's decision to APPROVE Conditional Use Permit No. 2063424.

Community Planning Group Recommendation: On September 17, 2018, the Mira Mesa Community Planning Group voted 15-0-0 to recommend approval of the proposed project with no conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 9, 2018, and the opportunity to appeal that determination ended October 23, 2018. The scope of the subject hearing only includes the project, and not the environmental determination.

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 current use is light industrial and office with no housing on-

site. The proposed project is a Marijuana Production Facility, and industrial use, and would not impact the housing supply within the City of San Diego.

BACKGROUND

The proposed MPF 9220 Mira Este Court project (Project) is a request for a Conditional Use Permit (CUP) pursuant to [San Diego Municipal Code \(SDMC\) Section 126.0303](#) to operate a Marijuana Production Facility (MPF) within the existing 10,149-square-foot, one-story building located at 9220 Mira Este Court. The 0.55-acre site is in the IL-3-1 Zone and designated Light Industrial within the Miramar Subarea of the Mira Mesa Community Plan. The MPF operations would re-purpose an existing office and warehouse facility for the processing, packaging and distribution of marijuana products. The MPF operations would include the processing, packaging and distribution of cannabis products to State of California licensed marijuana outlets. In accordance with SDMC Section 126.0702, a Process Three CUP is required for MPFs considered at a public hearing in accordance with Process Three, Hearing Officer decision.

On February 20, 2019, the Hearing Officer approved the Project. The Report to the Hearing Officer No. HO-19-011 (Attachment 1) contains the project background, analysis and necessary draft findings with a staff recommendation of approval. On March 6, 2019, Khoa Nguyen, filed a Development Permit Appeal Application based upon findings not supported (Attachment 2). On March 6, 2019, Rodney Eales with RS Industries, filed a Development Permit Appeal Application based upon conflict with matters, findings not supported, and new information (Attachment 3).

PROJECT APPEAL DISCUSSION

The appellant's project appeal issues are provided below along with City staff responses:

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 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.

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 20, 2019, the Hearing Officer considered CUP No. 2063424 pursuant to the Land Development Code and adopted the required findings, as set forth in [SDMC 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-19-011](#), the project site is within the Light Industrial Land Use Area and the Miramar Subarea of the Mira Mesa Community Plan. The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution and similar uses. The IL-3-1 Zone allows a mix of light industrial, office, and commercial uses. The proposed MPF, an industrial use category, 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-3-1 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 an 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.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-3-1 Zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval, with minor edits to condition No. 18 (Attachment 5). Staff is recommending the Planning Commission deny the appeals, affirm the Hearing Officer's decision and approve the Project as presented.

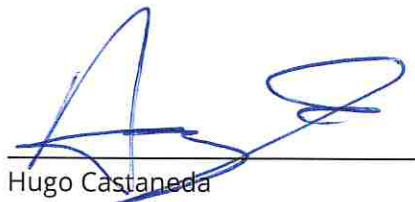
ALTERNATIVES

1. Deny the appeals, affirm the Hearing Officer's decision as modified, and approve Conditional Use Permit No. 2063424, with modifications.
2. Grant the appeals, reverse the Hearing Officer's decision, and deny the Conditional Use Permit No. 2063424, if the findings required to approve the Project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department



Hugo Castaneda
Development Project Manager
Development Services Department

FitzGerald/HC

Attachments:

1. Report to the Hearing Officer No. HO-19-011, February 20, 2019
2. Khoa Nguyen Appeal
3. Rodney Eales with RS Industries Appeal
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: February 12, 2019 REPORT NO. HO-19-011

HEARING DATE: February 20, 2019

SUBJECT: MPF 9220 Mira Este Ct., Process Three Decision

PROJECT NUMBER: [585378](#)

OWNER/APPLICANT: RM-USE, LLC, Owner / Humanity Holdings, Inc. Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facilities within an existing 10,149 square-foot, one-story building located 9220 Mira Este Court in the IL-3-1 Zone within the Mira Mesa Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2063424.

Community Planning Group Recommendation: At the September 17, 2018 meeting of the Mira Mesa Community Planning Group, the Group voted 15-0-0 to recommend approval of the proposed project, with no recommendations (Attachment 8).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(Attachment 6). 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 site is located on a 0.55-acre site at 9220 Mira Este Court within an existing 10,149 square-foot, one-story building in the IL-3-1 Zone of the Mira Mesa Community Plan (Attachment 1). The project site is designated Light Industrial within the Miramar Subarea of the Mira Mesa Community Plan (Attachment 2). The building was constructed in 2001 and is currently being used for light industrial and office use (Attachment 3). The purpose and intent of the IL-3-1 Zone is to accommodate a range of light industrial, office and commercial activities in designated areas to promote balanced land use and provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality development and protecting land for industrial uses and limiting nonindustrial uses. The development standards of this zone are intended to encourage

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

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

DISCUSSION

Project Description:

A Conditional Use Permit is required pursuant to [SDMC Section 126.0303](#) for a MPF. The project proposes a Conditional Use Permit for the operation of an MPF within the existing 10,149 square-foot, one-story building located at 9220 Mira Este Court. The MPF operations would re-purpose an existing office and warehouse facility for the processing, packaging and distribution of marijuana products. The 0.55-acre site is designated Light Industrial within the Miramar Subarea of the Mira Mesa Community Plan and subject to the IL-3-1 Zone requirements.

The project proposes interior improvements alterations that include security cameras and system, throughout and associated mechanical and electrical improvements. Other minor site improvements are proposed consistent with the City of San Diego requirements. No exterior building alterations would occur. The proposed improvements would require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include reconstruction of two existing driveway, curb, gutter and sidewalk along Mira Este Court per current City Standards, satisfactory to the City Engineer.

Conclusion


City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-3-1 Zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff is recommending the Hearing Officer approve the Project as presented.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2063424, with modifications.

2. Deny Conditional Use Permit No. 2063424, if the findings required to approve the project cannot be affirmed.

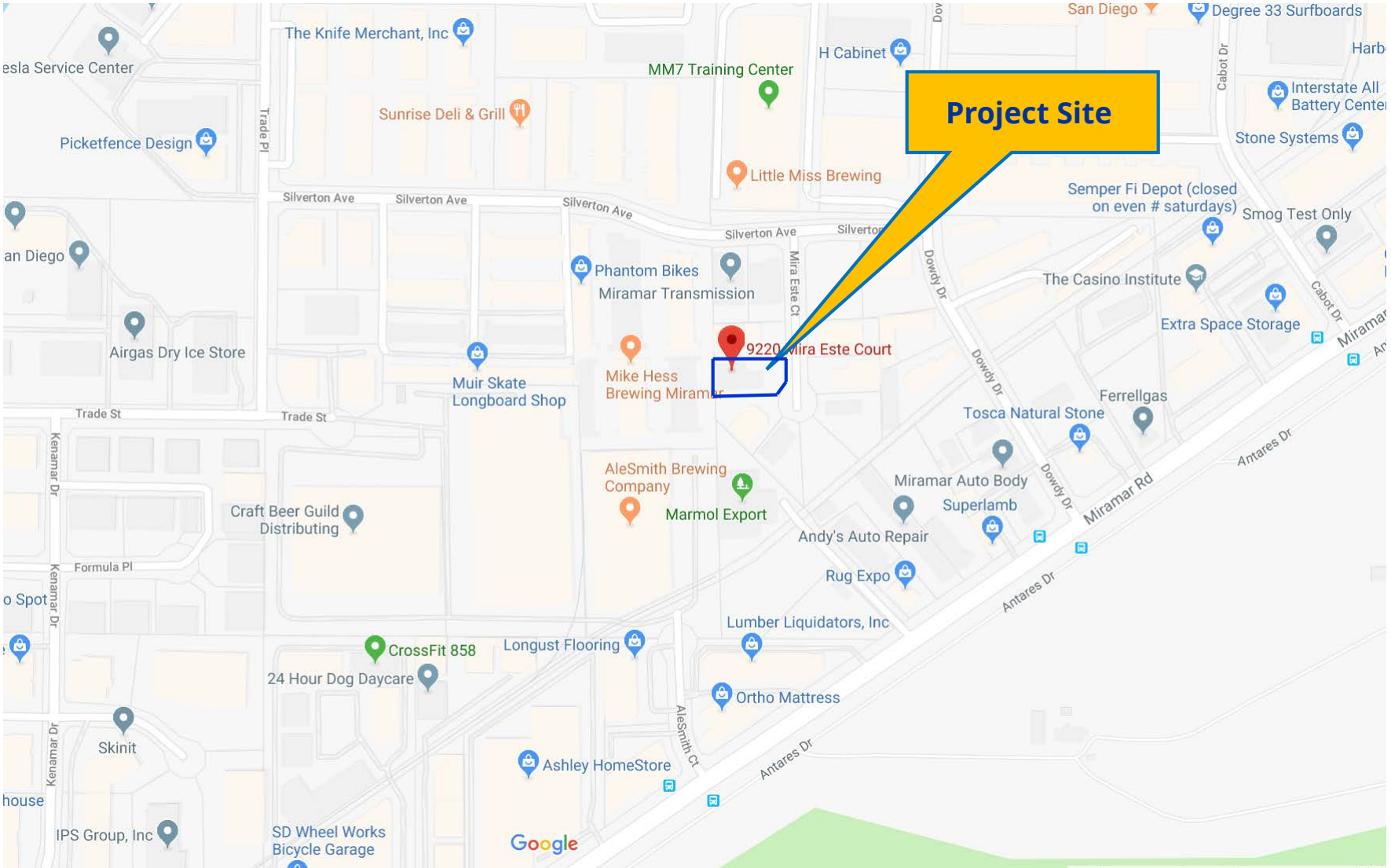
Respectfully submitted,



Hugo Castaneda
Development Project Manager

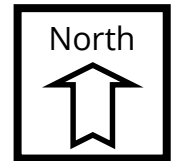
Attachments:

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

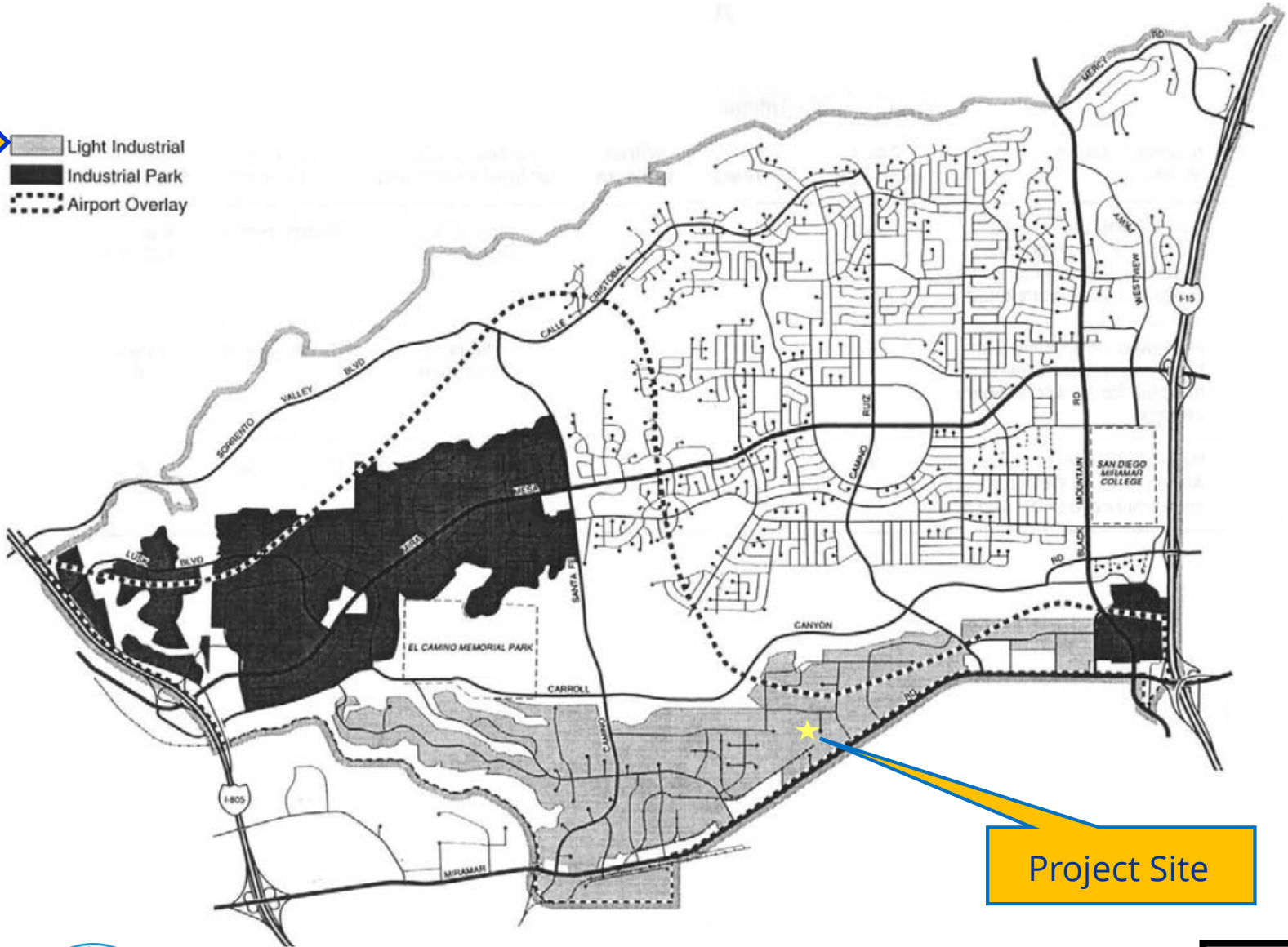


Project Location Map

MPF 9220 Mira Este Court / 9220 Mira Este Court
PROJECT NO. 585378



-  Light Industrial
-  Industrial Park
-  Airport Overlay

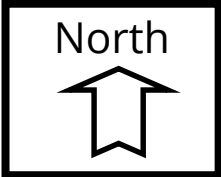


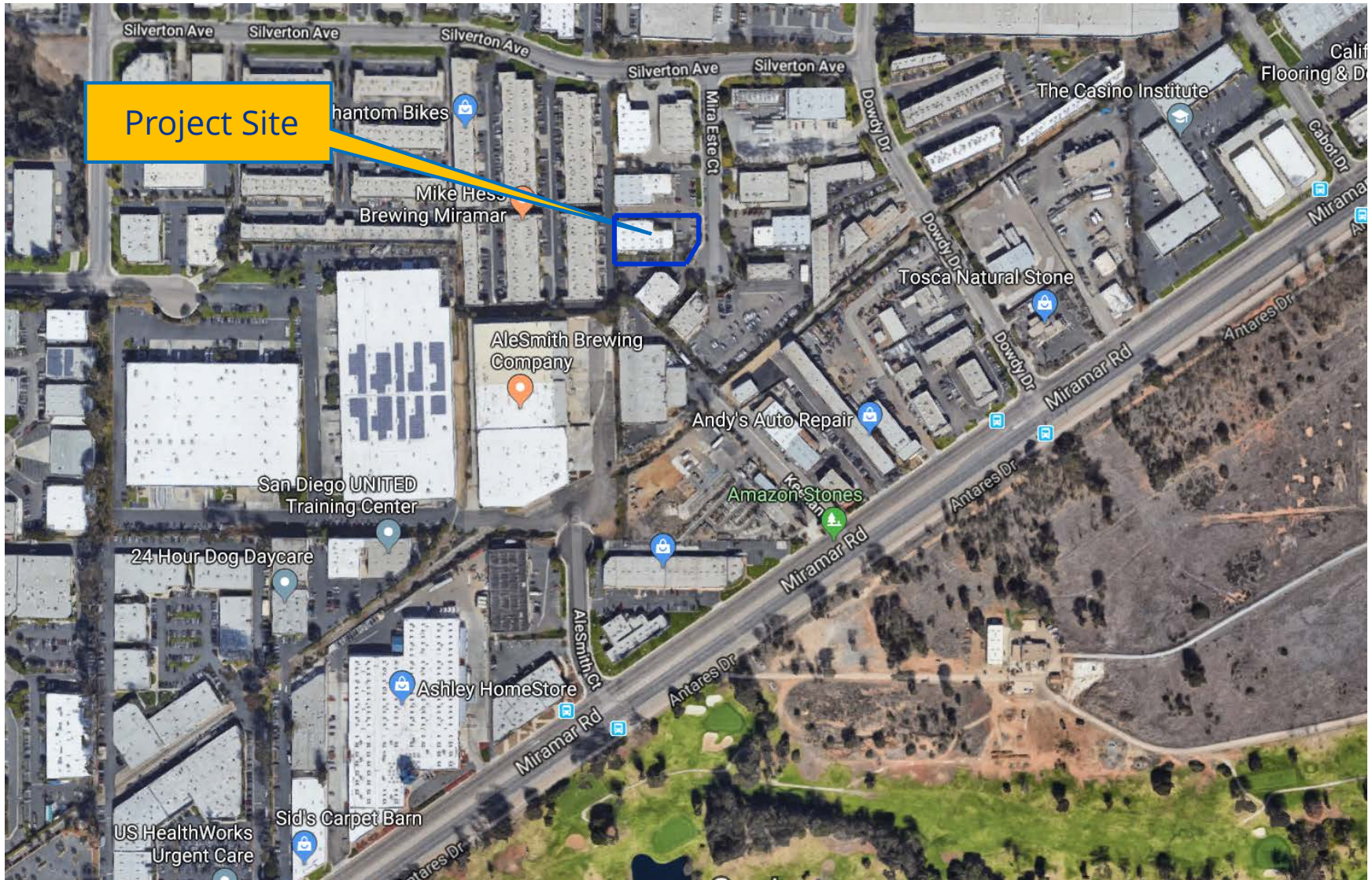
Project Site



Community Land Use Map

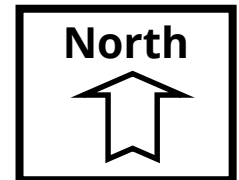
MPF 9220 Mira Este Court / 9220 Mira Este Court
PROJECT NO. 585378





Aerial Photograph

MPF 9220 Mira Este Court / 9220 Mira Este Court
PROJECT NO. 585378



HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2063424
MPF 9220 MIRA ESTE CT. - PROJECT NO. 585378

WHEREAS, RM-USE, LLC, a California limited liability company, Owner and HUMANITY HOLDINGS, a California Incorporation, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 10,149 square-foot, one-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2063424), on portions of a 0.55-acre site;

WHEREAS, the project site is located at 9220 Mira Este Court in the IL-3-1 Zone within the Mira Mesa Community Plan area;

WHEREAS, the project site is legally described as Lot 15 of Mira Este Business Park, in the City of San Diego, County of San Diego, State of California, according to Map No. 11683, filed in the office of the County Recorder of San Diego County, December 17, 1986.

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 February 20, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2063424 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

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

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]**1. Findings for all Conditional Use Permits:****a. The proposed development will not adversely affect the applicable land use plan.**

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 10,149 square-foot, one-story building located 9220 Mira Este Court. The 0.55-acre site is located within the IL-3-1 Zone within the Mira Mesa Community Plan.

The site is within the Light Industrial Land Use Area and the Miramar Subarea of the Mira Mesa Community Plan. The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution and similar uses. The IL-3-1 Zone allows a mix of light industrial, office, and commercial uses. The proposed MPF, and industrial use category, is a compatible use for this location with the Conditional Use Permit and is consistent with the community plan. Therefore, the proposed MPF will not adversely affect the applicable land use.

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

The proposed project requests a Conditional Use Permit to operate an MPF within an existing 10,149 square-foot, one-story building located at 9220 Mira Este Court. The 0.55-acre site is located within the IL-3-1 Zone within the Mira Mesa Community Plan. The building is currently being used for light industrial uses. The project proposes to include manufacturing, storage, packaging and distribution of cannabis products to State of California License outlets. No cultivation or retail sales are proposed. The proposed project 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 permits, satisfactory to the Building Official. Public improvements will include the removal and replacement of two existing driveways, curb, gutter, and sidewalk fronting the site on Mira Este Court, per current City Standards.

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

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2063424. The Conditional Use Permit No. 2063424 will be valid for five years and may be revoked if the Owner/Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2063424. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project requests a Conditional Use Permit to operate an MPF within an existing 10,149 square-foot, one-story building located at 9220 Mira Este Court. The 0.55-acre site is located within the IL-3-1 Zone within the Mira Mesa Community Plan. The site was developed on 2001. The project proposes interior improvements alterations that include security cameras and system, throughout and associated mechanical and electrical improvements. The project proposes minor interior improvements to convert an existing office and warehouse facility for processing, packaging and distribution of marijuana products. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPF's are allowed in the IL-3-1 Zone of the Mira Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with SDMC, Section 141.1004 and SDMC Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The proposed MPF's comply with the separation requirements between uses set forth in SDMC Section 141.1004 (a). Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours.

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

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

The project proposes to operate an MPF within an existing 10,149 square-foot, one-story building located at 9220 Mira Este Court. The site and the surrounding parcels are

located in the IL-2-1 and IL-3-1 Zones and is within the Light Industrial Land Use Area and the Miramar Subarea of the Mira Mesa Community Plan. The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution and similar uses. The IL-3-1 Zone allows a mix of light industrial and office, and commercial uses. The proposed MPF, classified as industrial, is consistent with the community plan designation.

The proposed MPF is consistent with all land development regulations relevant for the site and use. Also, the proposed MPF complies with the separation requirements between uses set forth in SDMC Section 141.1004 (a). No deviations are required or requested to approve the Conditional Use Permit. The proposed MPF is a compatible use for this location with a Conditional Use Permit. Therefore, the proposed MPF is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2063424 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. 2063424, a copy of which is attached hereto and made a part hereof.

Hugo Castaneda
Development Project Manager
Development Services

Adopted on: February 20, 2019
IO#: 24007555

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: 24007555

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2063424
MPF 9220 MIRA ESTE CT.- PROJECT NO. 585378
HEARING OFFICER

This Conditional Use Permit No. 2063424 ("Permit") is granted by the Hearing Officer of the City of San Diego to RM-USE, LLC, a California limited liability company, Owner and Humanity Holdings, a California Incorporation Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.55-acre site is located at 9220 Mira Este Court in the IL-3-1 Zone, within the Mira Mesa Community Plan area. The project site is legally described as Lot 15 of Mira Este Business Park, Map No. 11683, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 11683, filed in the office of County Recorder of San Diego County on December 17, 1986.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing 10,149 square-foot, one-story building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 10,149 square-foot, one-story building, located at 9220 Mira Este Court. The operation shall include the requirements consistent with the State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include administrative space, restroom, storage, manufacturing, processing, packaging 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 March 7, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 7, 2024. Upon expiration of this Permit, the facilities and improvements described herein, except for the public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new northerly 24 feet wide driveway per current City Standards, adjacent to the site on Mira Este Court.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new southerly 24 feet wide driveway per current City Standards, adjacent to the site on Mira Este Court.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Mira Este Court.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the curb and gutter with current City Standard curb and gutter, adjacent to the site on Mira Este Court.
17. Prior to issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a 4 feet wide pedestrian path adjacent to the site on Mira Este Court, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

18. No fewer than 20 parking spaces including 1 van accessible space, plus 2 ZE/CP spaces, 1 loading area, 2 motorcycle spaces, short term bicycle spaces and 2 long term bicycle spaces shall be provided on site as required by the Land Development Code as shown on the project's Exhibit "A". 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.
19. 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.
20. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
21. 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.
22. 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.

23. 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, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.

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

25. 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.

26. 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.

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

28. Odor Control - The facility 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, cultivating, packaging, or retail

ATTACHMENT 5

sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

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

DRAFT

Permit Type/PTS Approval No.: Conditional Use Permit No. 2063424
Date of Approval: February 20, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Hugo Castaneda
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.

RM-USE, LLC
A California Limited Liability Company
Owner / Permittee

By _____
Name:
Title:

Humanity Holdings, Inc.
A California Incorporation
Owner / Permittee

By _____
Name:
Title:

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

NOTICE OF EXEMPTION

(Check one or both)

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

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

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

Project Name/Number: MPF 9220 Mira Este Court / 585378

SCH No.: N/A

Project Location-Specific: 9220 Mira Este Court, San Diego, CA 92126

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

Description of nature and purpose of the Project: The project is requesting a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF) to operate within an existing 10,149-square-foot building located at 9220 Mira Este Court. Project operations would include manufacturing and distribution of cannabis and cannabis products. The 0.55-acre site's land use designation is Light Industrial per the Mira Mesa Community Plan and is subject to the IL-3-1 zoning requirements. The project is also subject to Prime Industrial Lands, FAA Part 77 Noticing Area (MCAS Miramar 485' to 490' - site elevation 415' AMSL), Airport Influence Area - Review Area 1 MCAS Miramar, Airport Land Use Compatibility Overlay Zone - MCAS Miramar, and Council District 6.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: James Schmachtenberger

5205 Kearny Villa Way, Suite 101
 San Diego, CA 92123
 (858) 863-3839

Exempt Status: (CHECK ONE)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption: CEQA State Guidelines Section 15301, Existing Facilities

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 all operations will be contained within the existing building. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 would apply.

Lead Agency Contact Person: Rachael Lindquist

Telephone: (619) 446-5129

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

12/18/18
Date

Check One:

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

Date Received for Filing with County Clerk or OPR:



THE CITY OF SAN DIEGO

Date of Notice: October 9, 2018

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007555

PROJECT NAME / NUMBER: MPF 9220 MIRA ESTE COURT / 585378

COMMUNITY PLAN AREA: MIRA MESA

COUNCIL DISTRICT: 6

LOCATION: 9220 MIRA ESTE COURT, SAN DIEGO CA, 92126

PROJECT DESCRIPTION: The project is requesting a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF) to operate within an existing 10,149 square foot building located at 9220 Mira Este Court. Project operations would include manufacturing and distribution of cannabis and cannabis products. The 0.55-acre site's land use designation is Light Industrial of the Mira Mesa Community Plan and is subject to the IL-3-1 zoning requirements. The project is also subject to Prime Industrial Lands, FAA Part 77 Noticing Area (MCAS Miramar 485' to 490' - site elevation 415' AMSL), Airport Influence Area - Review Area 1 MCAS Miramar, Airport Land Use Compatibility Overlay Zone - MCAS Miramar, and Council District 6.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301, Existing Facilities.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

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

DEVELOPMENT PROJECT MANAGER: Hugo Castaneda
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER / EMAIL: (619) 446-5220 / HCastaneda@sandiego.gov

On October 9, 2018 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (October 23, 2018). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

POSTED IN THE OFFICE OF DBD
Posted OCT 05 2018 ml
Removed OCT 24 2018
Posted by myalee

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="text-align: center;">Ownership Disclosure Statement</h1>	FORM DS-318
			October 2017

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

Project Title: Marijuana Production Facility **Project No. For City Use Only:** _____

Project Address: 9220 Mira Este Court, San Diego, 92126

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

Corporation Limited Liability -or- General - What State? CA Corporate Identification No. 199932210091

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: RM-USE by Ron Reynolds Owner Tenant/Lessee Successor Agency

Street Address: PO Box 997

City: Alpine State: CA Zip: 91903

Phone No.: 619-306-2914 Fax No.: _____ Email: calcommercial@hotmail.com

Signature: Ron Reynolds Date: 11/3/2017

Additional pages Attached: Yes No

Applicant

Name of Individual: Humanity Holdings, Inc. James Schmachtenberger Owner Tenant/Lessee Successor Agency

Street Address: 213 Countryhaven Road

City: Encinitas State: CA Zip: 92024

Phone No.: 858-863-7142 Fax No.: _____ Email: jamesschmachtenberger@gmail.com

Signature: [Signature] Date: 10/27/17

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

Printed on recycled paper. Visit our web site at
 Upon request, this information is available in alternative formats for persons with disabilities.

MIRA MESA COMMUNITY PLANNING GROUP

Meeting Minutes

Date/Time: Monday, September 17, 2018, 7:00pm

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

Prepared by Chris Morrow, AICP

Items follow the agenda sequence; items were heard in a different order.

Highlighted were in attendance:

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

Guests in attendance: Patty Schreibman, Pam Stevens, Lisa Bridges, Andrew Sang

Call to Order/Confirm quorum:

1. Non-Agenda Public Comments: 3 Minutes per speaker.
 - a. Joe Frichtel: Need guidance on making new Salem Street a 15mph street. Its 25mph; seeking a consistent 15 mph speed limit.
 - b. Kathy Lippitt: Educational consultant; speaks against Marijuana Production Facilities (MPF). Process is not transparent. Concerns over noticing.
 - c. Kelly McCormick: Land use affects public health; MPF can affect public health. Potential odor and wastewater disposal impacts.
 - d. Judy Strang: Concern over clustering of MPF. Relays concerns to PTA. Noticing concerns. Vaping products are a concern.

2. Modifications to the Agenda.
 - a. Jeff will reorder the agenda so the two Marijuana Production Facilities (MPF) can be heard consecutively.

3. Adopt Previous Meeting Minutes (Action).

- a. Approved as written.

4. Report of the Chair

- a. CPU was discussed earlier this evening. Provided corrections to Community Atlas. Reviewed sustainability/conservation components this evening.
- b. November 11th from 4-7pm will be the CPU open house.
- c. 3Roots is here in October to present park design; EIR may be released in December; applicant seeking discretionary project approvals in early 2019.
- d. October 6th will be Mira Mesa Street Fair. Planning Group will have a space in the MMTC booth. October 20th is the Challenged Athletes Foundation 25th Anniversary Block Party. Waples Street between Huennekens and Steadman Streets.
- e. Scranton Court SCR was approved.
- f. Mira Mesa Market Center was approved.
- g. Received various notices. Terra Alta RZ is on City Council agenda 9/27.

5. Old Business

- a. Mira Mesa Community Plan Update – Alex Frost
 - CPU kick off meeting will be at Mira Mesa Recreation Center on October 11, 4-7 PM.
- b. MPF 585902 – 7720 Kenamar Court (Action) – Jessica McElfresh
 - Action item. Ms. McElfresh presents project. 7720 Kenamar-see attachment. Craig Jackson had asked this to return from last month; missing water pollution control. Applicant responds, “It is pending-will be done after project approved.” Responses are adequate for the group states Craig. Applicant notes that the, “Required contact information will be posted onsite. OSHA specifically addresses these facilities; Fire Department is heavily involved as well. Heavily regulated facilities.” Additional discussions. Applicant states that, “Cultivation, manufacturing, and distribution will take place at the facility.” Craig notes that there are no volatile solvents at the proposed facility. Craig recommends that the group find it acceptable; motion approved 15-0. Robert Mixon seconds.

6. New Business

- a. NFC Strategic Plan – Chris Cate
 - Councilperson Chris Cate overviews Neighborhood First Coalition (NFC) and requests input from the community. Wants three year community plan update process. What will improve your quality of life? Budget priorities released January 2019. CIP is also discussed. Q and A with group. Discussion of pension plan; alleged procedural violations; working to resolve.
- b. Department of Transportation – Cory Binns
 - Cory Binns, District Director for Caltrans District 11 provides DOT update. Caltrans mission has changed/broadened to include supporting the economy and addressing mobility aspects. District 11 includes a very diverse range of geographies. Overviews the transformation of I-15. Multi-model system now. Illustrates the new lanes since

1995. Overviews SB1; 26M is being generated for both State and local governments. Performance measurements are in place to track progress. Program creates job and infrastructure improvements.

Joe F: Does SB1 money go to High Speed Rail? "No"

Marv: What happens to the dollars that come in? "We are getting less dollars as fuel efficiencies have improved. This is the next pot of money. Perhaps a federal program could come into place. Do congestion management pricing and more tolling."

How much money comes to San Diego? "Varied distribution; San Diego typically gets around 10%."

What's planned for our planning group? "I-15 is much better; SR-78 is a choke point. Hope to extend HOV connections. Unaware of I-805 projects; will try to create Fastpass."

Miramar Road to 15 South? "Funding comes to different pots. Looking now at these types of operational issues."

Northbound trucks to avoid Miramar Road? "How to educate and enforce-no answer to at this time."

Can we get an update in three months? With a focus on I-5 access, truck movements, and Miramar Road. "Smart signals could help; will gladly come back to discuss." Mr. Binns will make the PowerPoint available to the group.

c. **MPF 585378 – 9220 Mira Este Court (Action) – Jessica McElfresh**

- **Manufacturing and distribution facility. Ms. McElfresh provides project overview. 10,000 square foot building. Describes parking; building layout; security plan; Craig Jackson noted that the cycle issues report is incomplete. "Handful of minor comments that have been addressed." Audience member wants the group to wait for CEQA determination. "All projects are deemed exempt." Discussion amongst group- Jeff notes that all the MPF have been deemed categorically exempt from CEQA. Ted Brengel makes motion to approve as acceptable. Julia Schriber seconds, project is approved. (15-0)**

Discussion of potential future MPF projects with the applicant's representative.

7. Elected Officials/Government Agencies

- a. United States Congress – California 52nd District – None.
- b. California Senate – District 39 – None.
- c. California Assembly – District 77 – None.
- d. San Diego County – Board of Supervisors District 3 – None.
- e. San Diego – Mayor's Office – None.
- f. San Diego – City Council District 6 – None.
- g. MCAS Miramar – None.
- h. CalTrans/SANDAG – None.

8. Announcements: None.

9. Reports

- a. Stone Creek Subcommittee – Not a lot of project activity at this time.
- b. Community Park Subcommittee – 3Roots park is coming up for a vote at the next Mira Mesa Recreation Council meeting.
- c. Marijuana Dispensaries Subcommittee (joint with Torrey Pines) – Torrey Pines Community Planning Group approved two dispensaries.
- d. Community Planners Committee – has not met since last MMCPG meeting and will not meet in September.
- e. Los Peñasquitos Canyon Preserve Citizens Advisory Committee – Meeting cancelled. November is the next meeting.

10. Adjourn: Meeting ended at 8:21PM.

Development Summary

Project Scope:
 - Conditional Use Permit needed to operate a Marijuana Production Facility
 - The 0.55-acre site is in Council District 6 and within the Mira Mesa Community Plan
 - Reconstruct Driveways & Sidewalk per City Standards

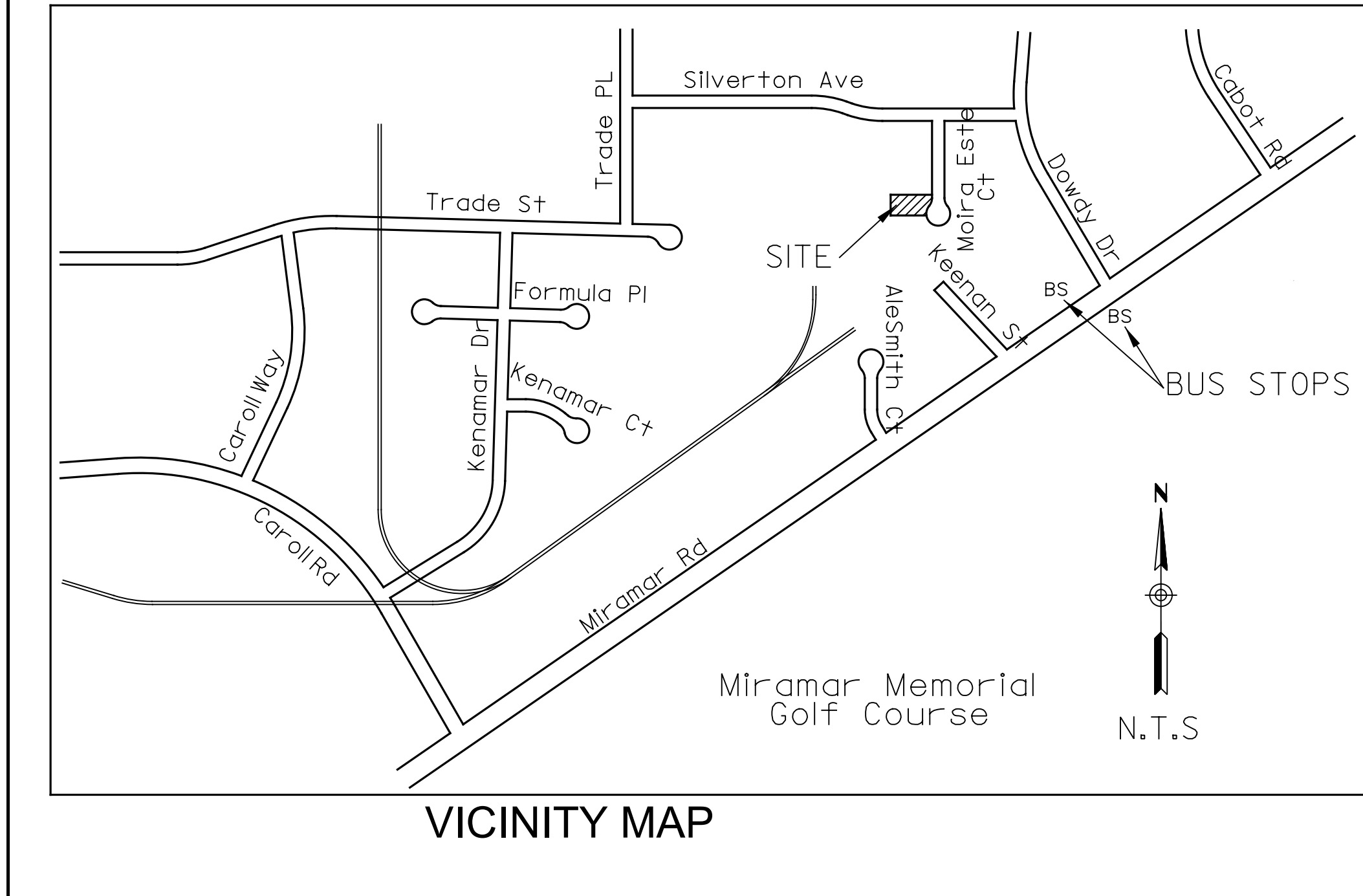
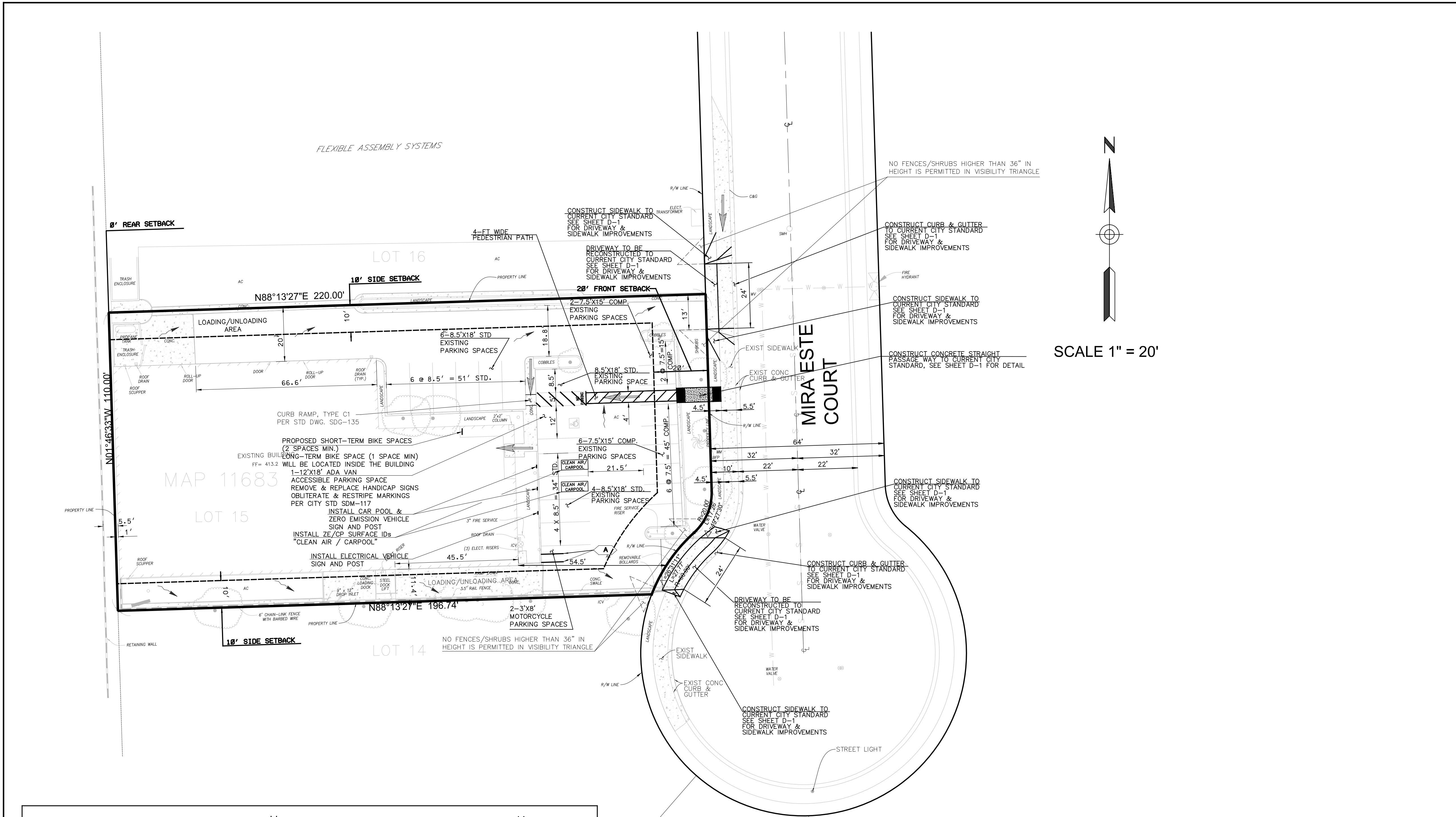
Project Team:
 - Main Contact-James Schmachtenberger-Humanity Holdings (858) 863-3839
 - Architect-Margit Whitlock-Architectural Concepts, Inc (619) 531-0110
 - Civil Engineer-Joe Gonzalez-JLK Engineers (949) 257-5340
 - Surveyor-Allen Turner-Kappa Surveying (619) 465-8948

Property Description:
 Legal Description: Lot 15 in the City of San Diego, County of San Deigo, State of California, according to Map thereof No. 11683, filed in the office of the County Recorder December 17, 1986
 Assessor's Parcel No.: 343-082-50

Owner:
 Humanity Holdings
 9220 Mira Este Court
 San Diego, CA 92126
 (858) 863-7142

Type of Construction: - Type 3	Occupancy Classification: - Class F2
Zoning Designations: - IL-3-1 - Industrial Zone - MCAS Miramar-Airport Influence Area (AIA)	Gross Site & Floor Areas: - Gross Site Area: 23,802.0 sf - Gross Building Area: 10,149 sf
Existing Use - Vacant	Proposed Use: - Marijuana Production Facility
Existing Structures: Year Constructed: 2001	Geologic Hazard: Category: 53
Transit Stops: - Miramar Rd / Dowdy Dr Intersection (2,110 ft)	Landscape Area: - 1,155 sf

Parking Calculation
 - IL-3-1
 Total Required = 19 spaces (based on maximum number of employees)
 Regular = 15 spaces
 ADA Van Accessible = 1 space
 Electric Vehicle = 1 space
 Carpool/Zero Emission = 2 spaces
 Motorcycle = 2 spaces
 Short-term Bicycle = 2 spaces
 Long-term Bicycle = 1 space
 Loading zone: 1 space
 Total Provided = 20 spaces
 Regular = 16 spaces
 ADA Van Accessible = 1 space
 Electric Vehicle = 1 space
 Carpool/Zero Emission = 2 spaces
 Motorcycle = 2 spaces
 Short-term Bicycle = 2 spaces
 Long-term Bicycle = 1 space
 Loading zone = 2 spaces



LEGEND:

- Drainage Pattern
- Pedestrian Path
- 4" White Line

NOTES:

1. Once the Conditional Use Permit (CUP) is recorded the applicant shall provide documentation to the Development Services Project Manager that the new sidewalks and driveways have been reconstructed to current City Standards, adjacent to the site on Mira Este Court, to the satisfaction of the City Engineer.
2. There are no existing or proposed easements on this property.
3. Odor Suppression System equivalent to CD-1200.

SHEET INDEX	
S-1 - Site Plan	
D-1 - Driveway and Sidewalk Improvements	
A-1.1 - Floor Plan	
A-1.2 - Roof Plan	
A-2.1 - Elevations	

APPROVED BY:

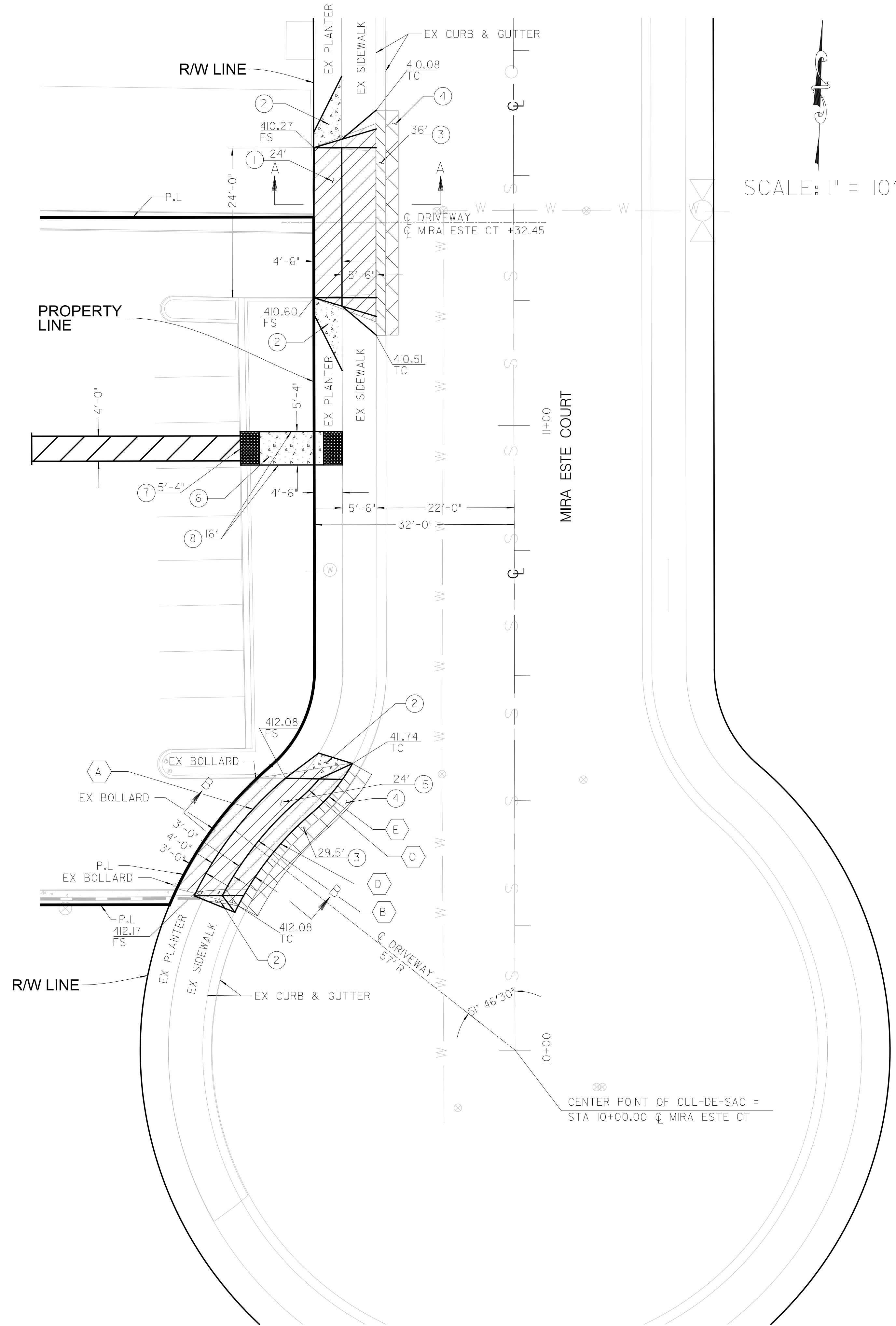
JOE R. GONZALEZ 09/25/2018 DATE

45733 No. 12-31-18 Exp. CIVIL

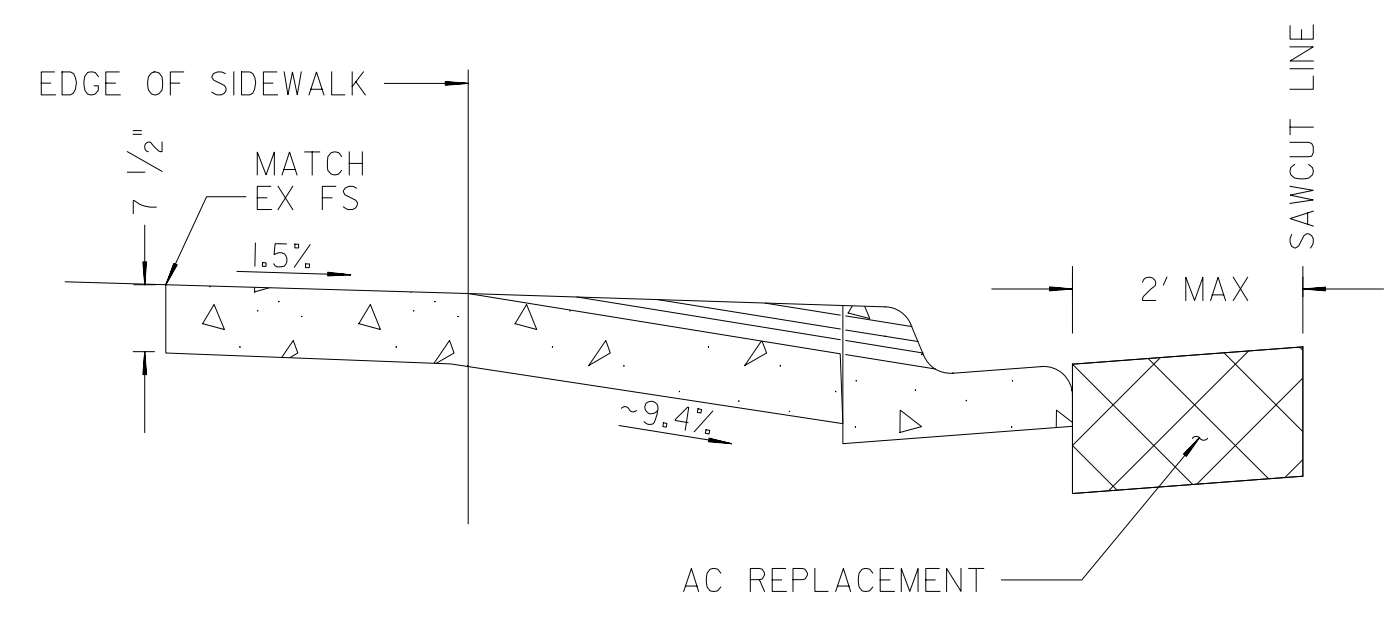
JLK ENGINEERS
 805 Brickyard Lane
 Costa Mesa, CA 92627
 949-257-5340

<p>SITE PLAN 9220 Mira Este Court San Diego, California Project No. 585378</p> <p>ORIGINAL APPLICATION DATE: 11/16/17</p> <p>CYCLE 1 REVISION DATE: 11/16/17 CYCLE 2 REVISION DATE: 03/14/18 CYCLE 3 REVISION DATE: 08/03/18 CYCLE 4 REVISION DATE: 09/05/18 CYCLE 5 REVISION DATE: 09/25/18</p>	SHEET NO.
	S-1

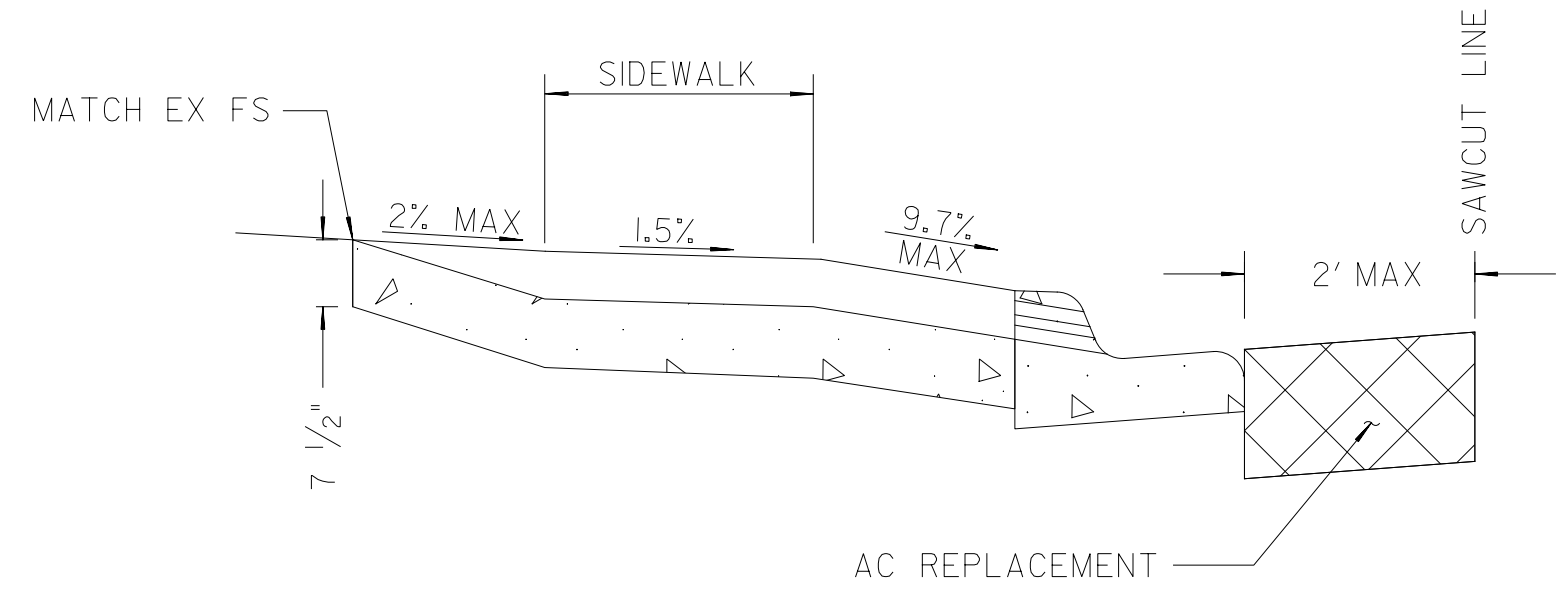
SHEET 1 OF 5



SCALE: 1" = 10'



SECTION A-A
SCALE: NTS



SECTION B-B
SCALE: NTS

CURVE DATA

No.	R	Δ	T	L
A	57.00'	23° 21'58"	11.79'	23.25'
B	53.00'	20° 16'55"	9.48'	18.76'
C	27.00'	9° 34'25"	2.26'	4.51'
D	50.00'	21° 49'43"	9.64'	19.05'
E	30.00'	19° 44'22"	5.22'	10.34'

CONSTRUCTION NOTES:

- ① REPLACE EX DRIVEWAY PER STD DWGS SDG-163 & SDG-164, WIDTH PER PLAN
- ② CONSTRUCT SIDEWALK PER STD DWG SDG-155
- ③ REPLACE EX CURB & GUTTER PER STD DWGS SDG-151 & SDG-156, LENGTH PER PLAN
- ④ REPLACE PAVEMENT WITH SCHEDULE J SDG-113
- ⑤ REPLACE EX DRIVEWAY PER STD DWGS SDG-159 (TYPE B), WIDTH PER PLAN
- ⑥ REMOVE EX PLANTER AND CONSTRUCT CONCRETE STRAIGHT PASSWAY PER STD DWG SDG-139
- ⑦ REMOVE EX CURB, LENGTH PER PLAN
- ⑧ CONSTRUCT 6" WIDE RETAINING CURB, LENGTH PER PLAN

GENERAL NOTES:

1. ELEVATIONS SHOWN AT TIE-IN POINTS ARE APPROXIMATE. THE CONTRACTOR SHALL MATCH EXISTING ELEVATIONS AT ALL TIE-IN POINTS.
2. REPLACE ALL DISTURBED LANDSCAPING IN-KIND.
3. PROTECT IN PLACE ALL EXISTING UTILITIES & STRUCTURES UNLESS OTHERWISE SHOWN ON PLANS.

<p>APPROVED BY:</p> <p>JOE R. GONZALEZ No. 45733 Exp. 12-31-18 CIVIL</p>	<p>DRIVEWAY & SIDEWALK IMPROVEMENTS</p> <p>9220 Mira Este Court San Diego, California Project No. 585378</p> <p>ORIGINAL APPLICATION DATE: 11/16/17</p> <p>CYCLE 1 REVISION DATE: 11/16/17 CYCLE 2 REVISION DATE: 03/14/18 CYCLE 3 REVISION DATE: 08/03/18 CYCLE 4 REVISION DATE: 09/05/18 CYCLE 5 REVISION DATE: 09/25/18</p>	<p>SHEET NO.</p> <p style="font-size: 24pt; text-align: center;">D-1</p> <p>SHEET 2 OF 5</p>
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ROOM NUMBER	NAME	DESCRIPTION & ACTIVITY	SIZE SF	# FULL TIME EMPLOYEES
100	RECEIVING	RECEIVE DELIVERY OF DISTILLATE, WEIGHING, VERIFICATION	652	0
101	CONCENTRATE PROCESSING	A WORKER WILL TAKE THE CANNABIS DISTILLATE, AND THEN FURTHER REFINES AND DISTILL IT USING A SERIES OF BEAKERS, CENTRIFUGES, HEATING, AND COOLING, INCLUDING IN VACUUM OVENS, TO FURTHER REFINES THE CANNABIS DISTILLATE	811	1
102	CARTRIDGE PROCESSING	A WORKER WILL TAKE PROCESSED CANNABIS OIL AND INSERT IT INTO CARTRIDGES FOR VAPORIZING.	692	1
103	DISTILLATE STORAGE & SORTING	THIS FACILITY WILL NOT EXTRACT CANNABIS. INSTEAD, IT WILL RECEIVE CANNABIS DISTILLATE - MEANING EXTRACTED CANNABIS - AND THEN USE THE DISTILLATE TO CREATE VARIOUS MANUFACTURED PRODUCTS, SUCH AS EDIBLES AND CARTRIDGES.	346	0
104	INFUSION	WITH INFUSION, THE CANNABIS CONCENTRATE IS COMBINED WITH VARIOUS FOOD INGREDIENTS TO PRODUCE EDIBLES. INFUSION ALSO OCCURS WHEN CANNABIS CONCENTRATE IS COMBINED WITH OILS AND OTHER INGREDIENTS TO PRODUCE CONCENTRATED PRODUCTS SUCH AS INFUSED OLIVE OIL OR BUTTER AND TINCTURES.	840	3
105	PACKAGING	PACKAGING IS THE PROCESS OF TAKING A FINISHED CANNABIS PRODUCT AND PLACING IT IN A WRAPPER, BOX, OR OTHER PACKAGE. PACKAGES MUST BE TAMPER EVIDENT AND CHILD RESISTANT. LABELING IS AFFIXING THE VARIOUS LABELS REQUIRED UNDER STATE LAW TO A PACKAGE. LABELS INCLUDE GOVERNMENT WARNINGS, DOSAGES, WEIGHT OF PRODUCT IN THE PACKAGE, INSTRUCTIONS FOR USE, NUTRITIONAL INFORMATION, THC AND CBD CONTENT, AND THE STATE'S UNIVERSAL SYMBOL FOR CANNABIS PRODUCTS.	815	1
106	INFUSION	WITH INFUSION, THE CANNABIS CONCENTRATE IS COMBINED WITH VARIOUS FOOD INGREDIENTS TO PRODUCE EDIBLES. INFUSION ALSO OCCURS WHEN CANNABIS CONCENTRATE IS COMBINED WITH OILS AND OTHER INGREDIENTS TO PRODUCE CONCENTRATED PRODUCTS SUCH AS INFUSED OLIVE OIL OR BUTTER AND TINCTURES.	840	2
107	WAREHOUSE	STORAGE OF NON-CANNABIS GOODS INCLUDING PAPER PRODUCTS, LABELS, BOXES, EMPTY CARTRIDGES.	514	0
108	IN-HOUSE LAB & TESTING	TO ENSURE THAT THE MANUFACTURED CANNABIS PRODUCTS ARE OF HIGH QUALITY AND SAFE, THE LICENSEE WILL HAVE AN ONSITE LAB AND TESTING FACILITY. THIS LAB WILL TEST THE CANNABIS DISTILLATE AND NON-CANNABIS PRODUCTS OF PURITY AND SAFETY. THIS IS FOR INTERNAL QUALITY CONTROL ONLY.	746	2
109	DISTRIBUTION	DISTRIBUTION IS RECEIVING CANNABIS AND CANNABIS PRODUCTS FROM MANUFACTURERS AND CULTIVATORS, ARRANGING FOR THE TRANSPORTATION OF GOODS, STORING CANNABIS GOODS AND PRODUCTS WHILE A REPRESENTATIVE OF A TESTING LAB COLLECTS SAMPLES AND CONDUCTS TESTS, AND ARRANGING FOR DELIVERY TO LICENSED RETAILERS.	896	2
110	OFFICE	PLANT MANAGER	144	1
111	OFFICE	HUMAN RESOURCES AND RECORDSKEEPING	125	1
112	OFFICE	SALES	98	1
113	OFFICE	SALES	102	1
114	RECEPTION	ADMINISTRATIVE ASSISTANT	473	1
115	SECURITY	SECURITY CAMERAS AND GUARD	85	1
116	OPEN OFFICE	GENERAL WORK AREA FOR ALL MANAGERS AND OFFICE PERSONNEL	951	0
117	OFFICE	MANAGER	107	1
118	CONFERENCE	IN-HOUSE CONFERENCE ROOM - NO CANNABIS ACTIVITIES	132	0
119	CONFERENCE	IN-HOUSE CONFERENCE ROOM - NO CANNABIS ACTIVITIES	326	0
120	MEN'S REST ROOM	REST ROOM FACILITIES FOR EMPLOYEES - NO CANNABIS ACTIVITIES	62	0
121	WOMEN'S REST ROOM	REST ROOM FACILITIES FOR EMPLOYEES - NO CANNABIS ACTIVITIES	56	0
122	ELECTRICAL	MAIN ELECTRICAL ROOM FOR THIS BUILDING	182	0
			9,995	19

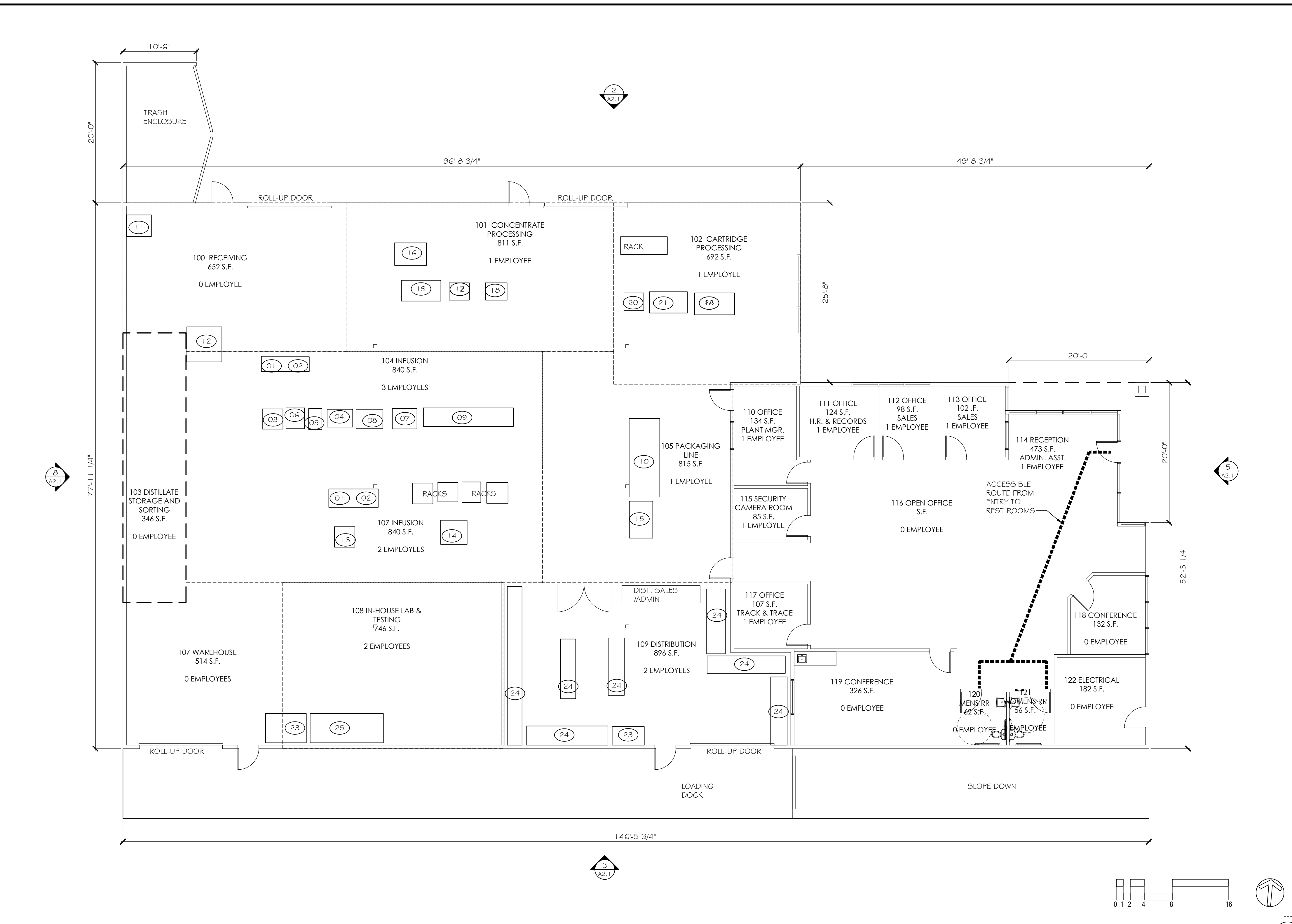
SQUARE FOOTAGE AND EMPLOYEE COUNTS N.T.S. 14

EQUIPMENT I.D.	DESCRIPTION
01	CARDINAL DETECTO WPS 12 MARINER WATERPROOF 12 LB. DIGITAL SCALE
02	TOR REY P/LP-5/5-5000/10000 PROTEC 5' X 5' 10,000 LB PLATFORM RECEIVING SCALE
03	BAKON MTD 123 MELTING TANK, 18 GALLON
04	BAKON CHTT-15 TEMPERING MACHINE
05	UNIFILLER HOPPER TRANSFER PUMP
06	AVANTCO 117MX20 MIXER
07	CHOCOVISION ENROBER 10
08	BAKON CHVT-115 VIBRATING TABLE
09	DELANI FRIDOBELT 100 COOLING TUNNEL
10	DELANI PACK-101-CRM PACKING MACHINE
11	INGERSOLL RAND 7.5 HP AIR COMPRESSOR
12	TOR REY P/LP-5/5-5000/10000 PROTEC 5' X 5' 10,000 LB PLATFORM RECEIVING SCALE
13	VITAMIX COMMERCIAL BLENDER
14	DOYON JAOP6SL RACK OVEN
15	EXPIRY DATE CODE CO2 LASER PRINTING MACHINE
16	SUMMIT LABORATORY VLT1250 ULTRA LOW TEMPERATURE LABORATORY FREEZER
17	0.5 HP VACUUM PUMP
18	ROTO EVAPORATION MACHINE
19	EDEN LABS SL 2K DISTILLATION MACHINE
20	710 SHARK CARTRIDGE FILLING MACHINE S510SE
21	710 CAPTAIN CAPPING MACHINE
22	710 SEALING MACHINE SMALL/MEDIUM
23	CANNABIS WASTE CONTAINERS
24	STORAGE RACKS
25	DISTILLATE STORAGE

EQUIPMENT SCHEDULE N.T.S. 15

- ALL MPF-RELATED ACTIVITIES WILL BE CONDUCTED INDOORS.
- LIGHTING SHALL BE PROVIDED FOR EXTERIOR AREAS AND THE LIGHTING SHALL BE DIRECTED DOWNWARD, OR HOODED TO PREVENT CASTING LIGHT OR GLARE ON TO ADJACENT PROPERTIES.
- THE SECURITY GUARD SHALL BE PRESENT AT ALL TIMES DURING BUSINESS HOURS, AND SHALL ONLY DO SECURITY WORK.
- 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.
- 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, A MARIJUANA PRODUCTION FACILITY SHALL LIMIT SIGNAGE ON THE EXTERIOR OF THE PROPERTY VISIBLE FROM THE PUBLIC RIGHT-OF-WAY TO THE ADDRESS.
- 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.
- THE MPF AND SURROUNDING AREAS WILL BE MAINTAINED IN A LITTER-FREE CONDITION.
- THE TRASH AND RECYCLING SERVICES AT THE MPF WILL BE PROVIDED BY A LICENSED WASTE DISPOSAL PROVIDER.
- GRAFFITI SHALL BE REMOVED WITHIN 24 HOURS.

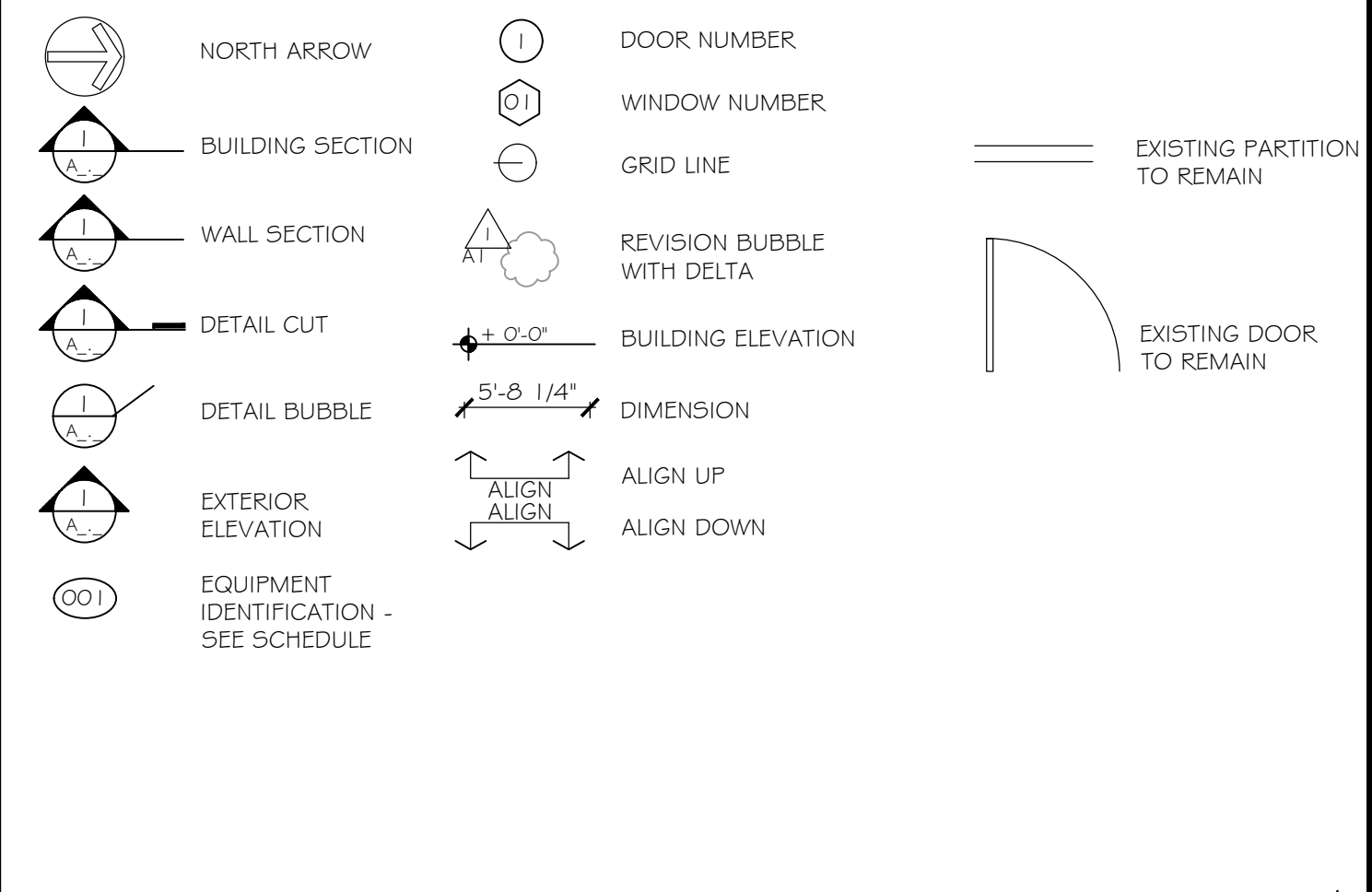
MPF-SPECIFIC NOTES N.T.S. 16



ARCHITECTURAL FLOOR PLAN N.T.S. 17

- ALL BUILDING ELEMENTS SHOWN ARE EXISTING TO REMAIN.
- DIMENSIONS REFLECT EXISTING CONDITIONS.
- FACILITY WILL BE EQUIPPED WITH A CD-1200 AIR FILTRATION SYSTEM.
- THE EXHAUST CARBON SCRUBBER TO ADDRESS ANY RELEASE OF ODORS FROM OPERATIONS AND THE PROJECTS HVAC SYSTEM SHALL BE DESIGNED IN A MANNER WITH POSITIVE AND NEGATIVE AIR FLOW CONSISTENT INDUSTRY STANDARDS AND THE CALIFORNIA BUILDING CODE.
- REFER TO TABULAR DATA FOR TOTAL SQUARE FOOTAGES AND EMPLOYEE COUNTS.

GENERAL NOTES N.T.S. 12



FLOOR PLAN LEGEND N.T.S. 8

. 1/8" = 1'-0" 3

FLOOR PLAN
 9220 MIRA ESTE COURT
 SAN DIEGO, CA 92126

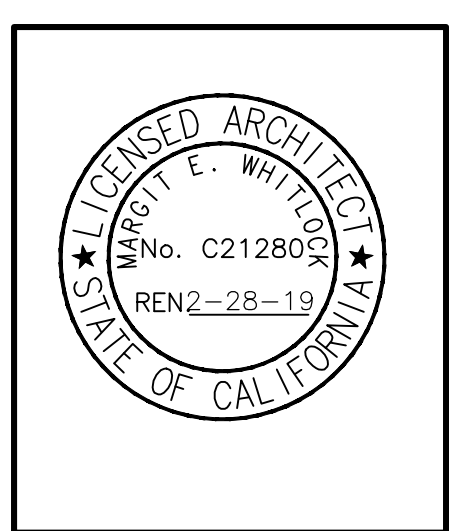
PROJECT #585378

REQUEST:
 A NEW CONDITIONAL USE PERMIT FOR A
 MARIJUANA PRODUCTION FACILITY

ORIGINAL APPLICATION DATE: 11-16-2017

CYCLE 1 REVISION DATE: 03-14-2018
 CYCLE 2 REVISION DATE: 08-03-2018

REVISIONS:



3958 FIRST AVENUE
 SAN DIEGO, CA 92103
 619.531.0110
 ADMIN@ADESIGN.COM

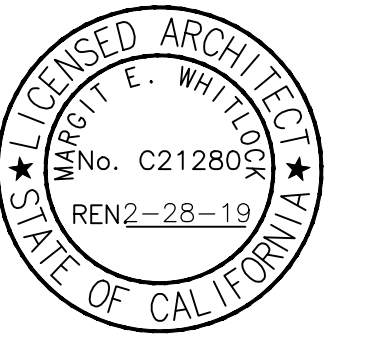
ARCHITECTURAL CONCEPTS

9220 MIRA ESTE COURT
 CONDITIONAL USE PERMIT
 9220 MIRA ESTE COURT
 SAN DIEGO, CA 92126

FLOOR PLAN
 SHEET TITLE

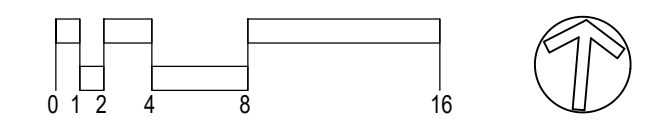
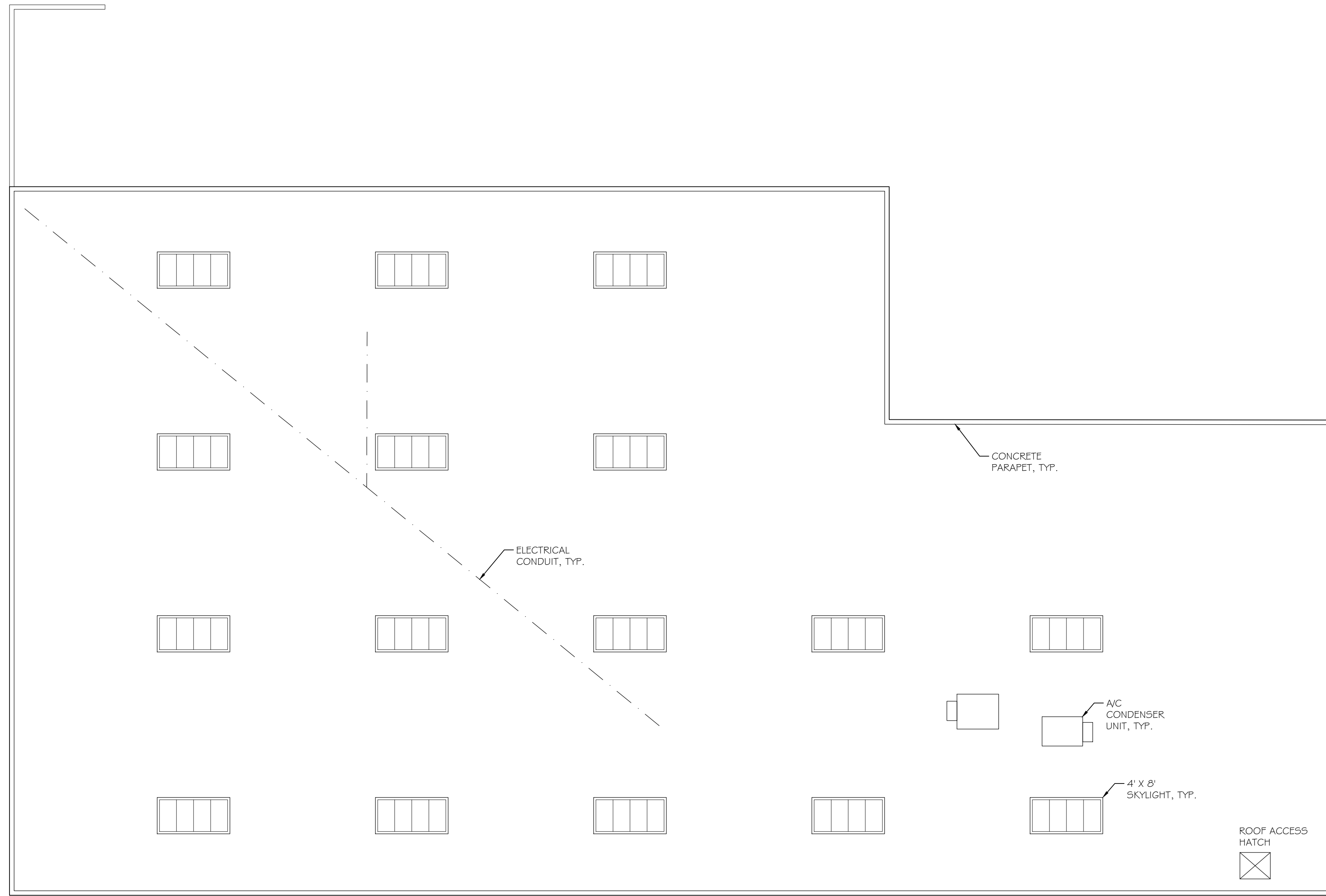
DATE PRINTED:	2018-08-03
DATE:	2017-11-10
SCALE:	AS NOTED
DRAWN:	BJG
PROJECT ACQ NO.:	2766
SHEET NO.:	A1.1
SHEET 2 OF 4	

REVISIONS:



3958 FIRST AVENUE
 SAN DIEGO, CA 92103
 619.531.0110
 ADMIN@4DESIGNS.COM
 ARCHITECTURAL CONCEPTS

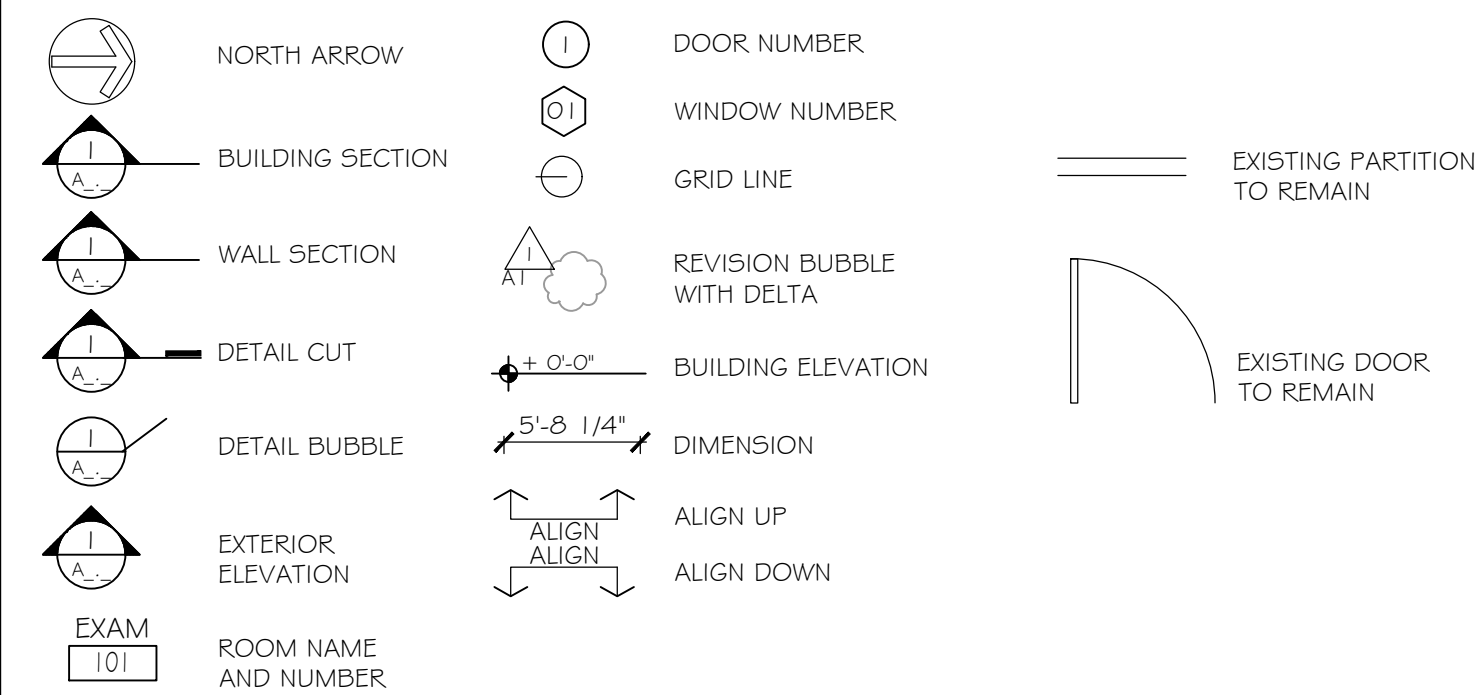
9220 MIRA ESTE COURT
 CONDITIONAL USE PERMIT
 9220 MIRA ESTE COURT
 SAN DIEGO, CA 92126



ROOF PLAN

1/8" = 1'-0" 3

1. ALL BUILDING ELEMENTS SHOWN ARE EXISTING TO REMAIN.
2. DIMENSIONS REFLECT EXISTING DIMENSIONS.
- 3.



GENERAL NOTES

N.T.S. 12

ROOF PLAN LEGEND

N.T.S. 8

ROOF PLAN
 9920 MIRA ESTE COURT
 SAN DIEGO, CA 92126
 PROJECT #585378

REQUEST:
 A NEW CONDITIONAL USE PERMIT FOR A
 MARIJUANA PRODUCTION FACILITY

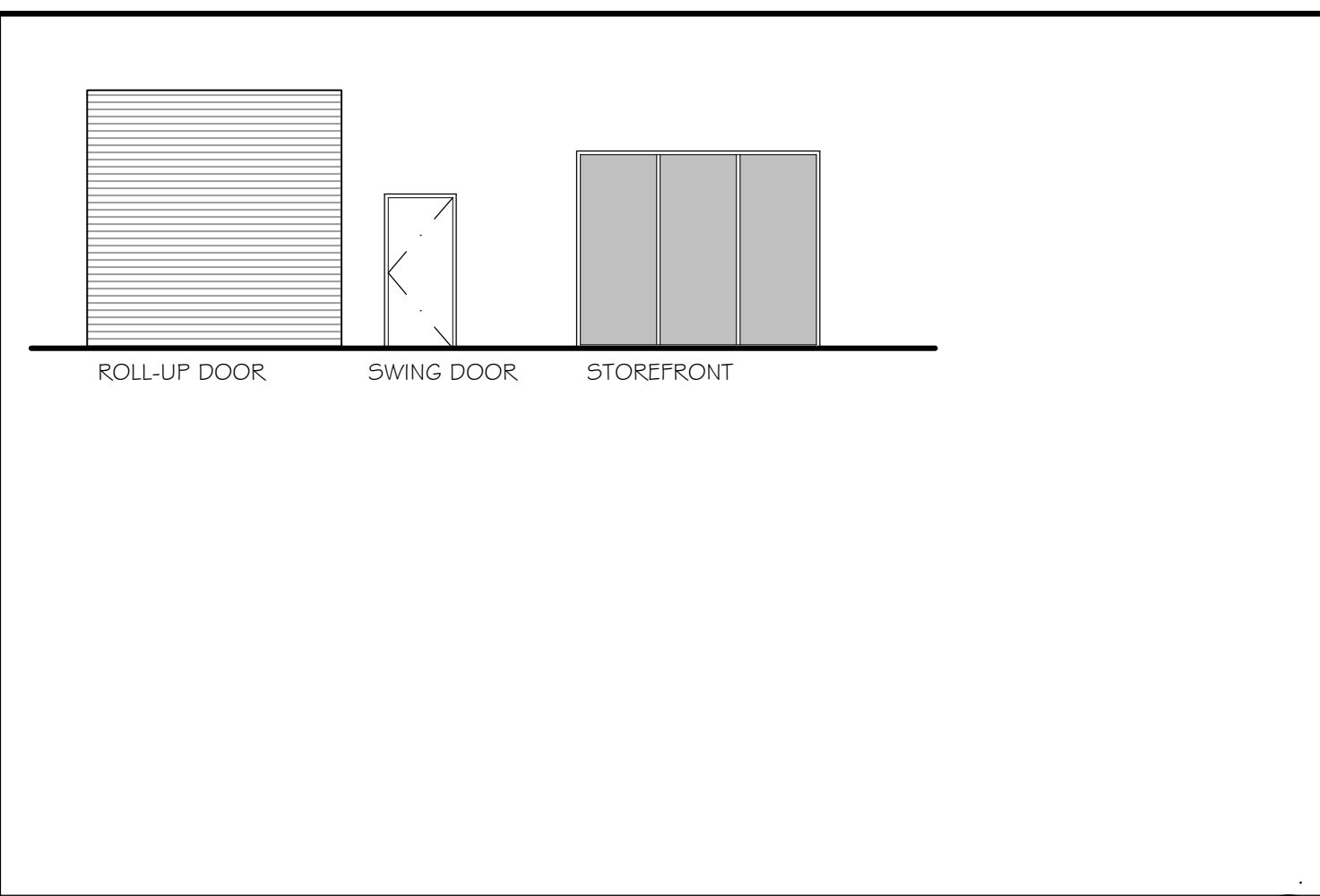
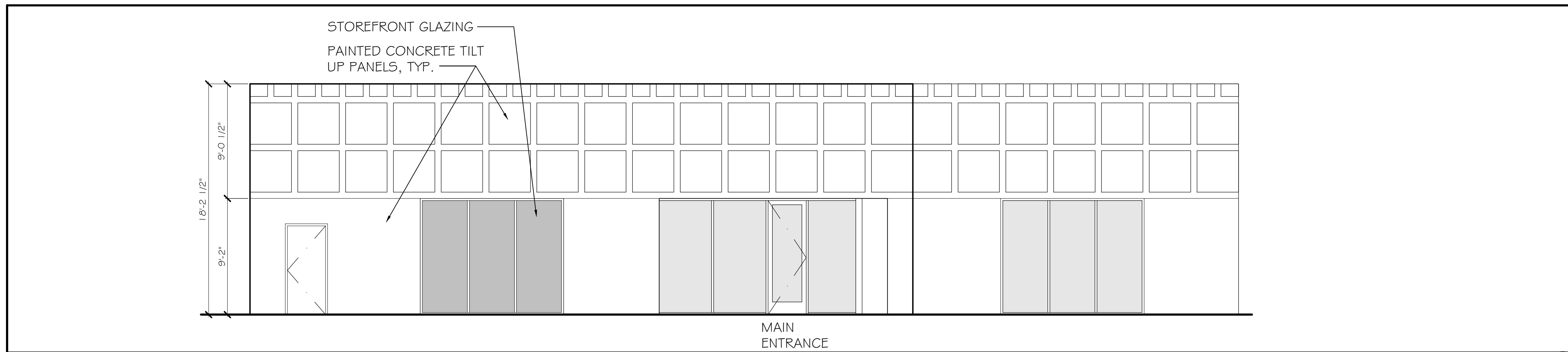
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CYCLE 1 REVISION DATE: 03-14-2018
 CYCLE 2 REVISION DATE: 08-03-2018

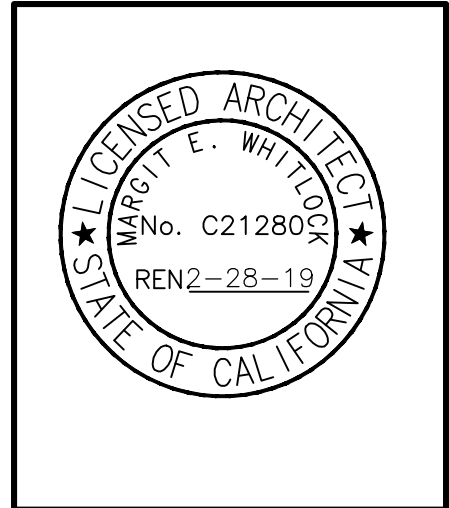
ROOF PLAN

DATE PRINTED:	2018-08-03
DATE:	2017-11-10
SCALE:	AS NOTED
DRAWN:	BJG
PROJECT ACQ NO.:	2766
SHEET NO.:	A1.2

SHEET 3 OF 4



REVISIONS:

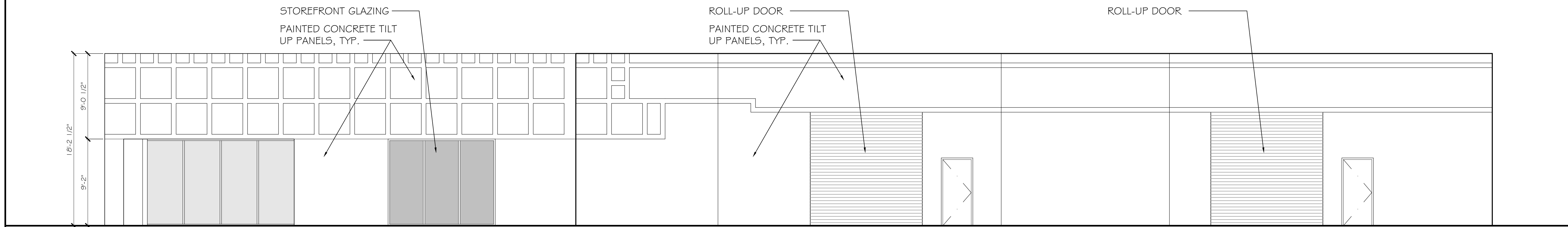


FRONT (EAST) ELEVATION

3/16" = 1'-0" 5

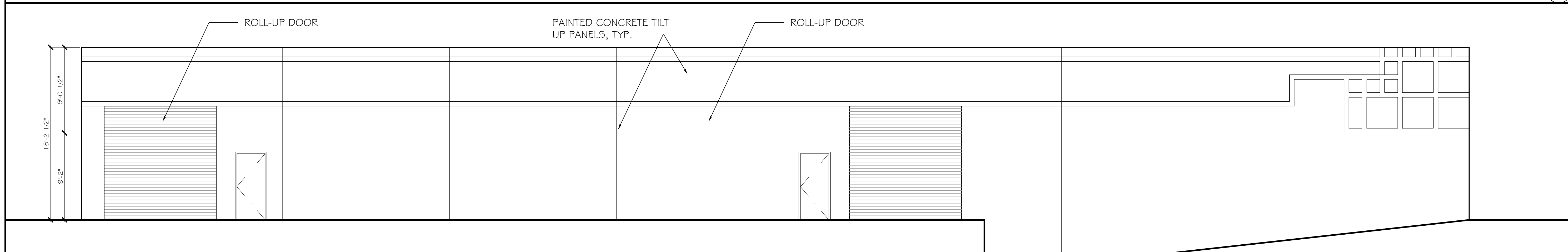
ELEVATIONS LEGEND

N.T.S. 1



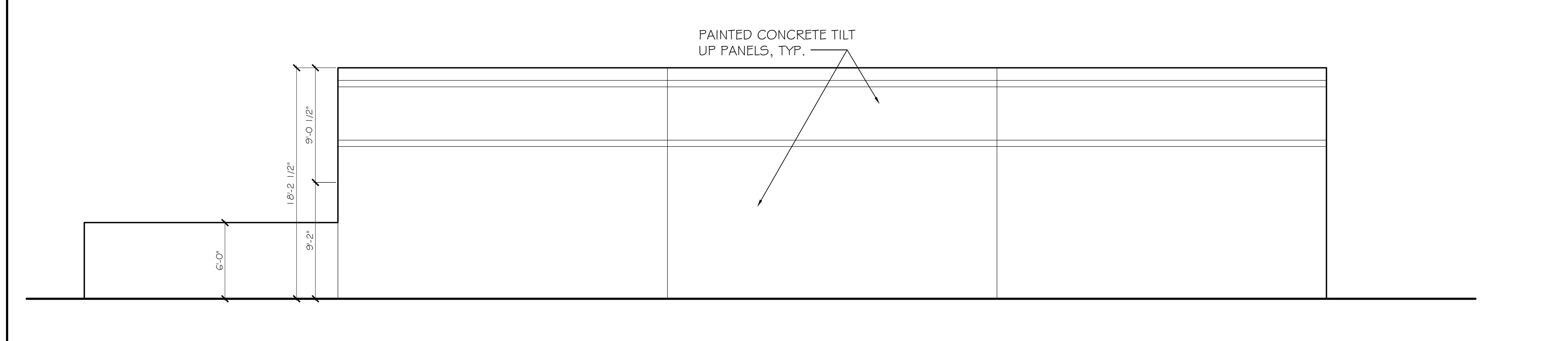
SIDE (NORTH) ELEVATION

3/16" = 1'-0" 2



SIDE (SOUTH) ELEVATION

3/16" = 1'-0" 3



REAR (WEST) ELEVATION

3/16" = 1'-0" 8

1. ALL BUILDING MATERIALS SHOWN ARE EXISTING TO REMAIN.
2. DIMENSION SHOWN ARE APPROXIMATE HEIGHTS ABOVE FINISH GRADE.

GENERAL NOTES N.T.S. 4

BUILDING ELEVATIONS	
9920 MIRA ESTE COURT SAN DIEGO, CA 92126	
PROJECT #585378	
REQUEST: A NEW CONDITIONAL USE PERMIT FOR A MARIJUANA PRODUCTION FACILITY	
ORIGINAL APPLICATION DATE:	11-16-2017
CYCLE 1 REVISION DATE:	03-14-2018
CYCLE 2 REVISION DATE:	08-03-2018

3958 FIRST AVENUE
SAN DIEGO, CA 92103
619.531.0110
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ARCHITECTURAL CONCEPTS

**9220 MIRA ESTE COURT
CONDITIONAL USE PERMIT**

9220 MIRA ESTE COURT
SAN DIEGO, CA 92126

BUILDING ELEVATIONS

DATE PRINTED:	2018-08-03
DATE:	2017-11-10
SCALE:	AS NOTED
DRAWN:	BJG
PROJECT ACQ NO.:	2766
SHEET NO.:	A2.1

SHEET 4 OF 4

MPF 9220 Mira Este Court, Project No. 585378

DESCRIPTION OF GROUNDS FOR APPEAL:

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.

ATTACHMENT 1 – GROUNDS FOR APPEAL

Appeal of Hearing Officer Decision Re: MPF 9220 Mira Este Court - Project No. 585378

- **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 State Law.**

PLANNING COMMISSION RESOLUTION NO. XXXX-PC
CONDITIONAL USE PERMIT NO. 2063424
MPF 9220 MIRA ESTE CT. - PROJECT NO. 585378

WHEREAS, RM-USE, LLC, a California limited liability company, Owner and HUMANITY HOLDINGS, a California Incorporation, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 10,149 square-foot, one-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2063424), on portions of a 0.55-acre site;

WHEREAS, the project site is located at 9220 Mira Este Court in the IL-3-1 Zone within the Mira Mesa Community Plan area;

WHEREAS, the project site is legally described as Lot 15 of Mira Este Business Park, in the City of San Diego, County of San Diego, State of California, according to Map No. 11683, filed in the office of the County Recorder of San Diego County, December 17, 1986.

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 February 20, 2019, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 2063424 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on March 6, 2019, Khoa Nguyen, filed a Development Permit Appeal Application and on March 6, 2019, Rodney Eales with RS Industries, filed a Development Permit Appeal Application (Appeals); and

WHEREAS, on June 6, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2063424 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 the Planning Commission of the City of San Diego, that it denies the Appeals, affirm the Hearing Officer's decision, and adopts the following findings with respect to Conditional Use Permit No. 2063424;

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) within an existing 10,149 square-foot, one-story building located 9220 Mira Este Court. The 0.55-acre site is located within the IL-3-1 Zone within the Mira Mesa Community Plan.

The site is within the Light Industrial Land Use Area and the Miramar Subarea of the Mira Mesa Community Plan. The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution and similar uses. The IL-3-1 Zone allows a mix of light industrial, office, and commercial uses. The proposed MPF, an industrial use category, 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.

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

The proposed project requests a Conditional Use Permit to operate an MPF within an

existing 10,149 square-foot, one-story building located at 9220 Mira Este Court. The 0.55-acre site is located within the IL-3-1 Zone within the Mira Mesa Community Plan. The building is currently being used for light industrial uses. The project proposes to include manufacturing, storage, packaging and distribution of cannabis products to State of California License marijuana outlets. No cultivation or retail sales are proposed. The proposed project 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 permits, satisfactory to the Building Official. Public improvements will include the removal and replacement of two existing driveways, curb, gutter, and sidewalk fronting the site on Mira Este Court, per current City Standards.

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

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2063424. The Conditional Use Permit No. 2063424 will be valid for five years and may be revoked if the Owner/Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2063424. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project requests a Conditional Use Permit to operate an MPF within an existing 10,149 square-foot, one-story building located at 9220 Mira Este Court. The 0.55-acre site is located within the IL-3-1 Zone within the Mira Mesa Community Plan. The site was developed on 2001. The project proposes interior improvements alterations that include security cameras and system, throughout and associated mechanical and electrical improvements. The project proposes minor interior improvements to convert an existing office and warehouse facility for processing, packaging and distribution of

marijuana products. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPF's are allowed in the IL-3-1 Zone of the Mira Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with SDMC, Section 141.1004 and SDMC Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements between uses set forth in SDMC Section 141.1004 (a). Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours.

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

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

The project proposes to operate an MPF within an existing 10,149 square-foot, one-story building located at 9220 Mira Este Court. The site and the surrounding parcels are located in the IL-2-1 and IL-3-1 Zones and is within the Light Industrial Land Use Area and the Miramar Subarea of the Mira Mesa Community Plan. The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution and similar uses. The IL-3-1 Zone allows a mix of light industrial and office, and commercial uses. The proposed MPF, classified as industrial, is consistent with the community plan designation.

The proposed MPF is consistent with all land development regulations relevant for the site and use. Also, the proposed MPF complies with the separation requirements between uses set forth in SDMC Section 141.1004 (a). No deviations are required or requested to approve the Conditional Use Permit. The proposed MPF is a compatible use for this location with a Conditional Use Permit. Therefore, the proposed MPF is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED, that the Appeals are denied, the decision of the Hearing Officer is affirmed, and based on the Findings hereinbefore, Conditional Use Permit No. 2063424 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. 2063424, a copy of which is attached hereto and made a part hereof.

Hugo Castaneda
Development Project Manager
Development Services

Adopted on: June 6, 2019

IO#: 24007555

DRAFT

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: 24007555

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2063424
MPF 9220 MIRA ESTE CT.- PROJECT NO. 585378
PLANNING COMMISSION

This Conditional Use Permit No. 2063424 ("Permit") is granted by the Planning Commission of the City of San Diego to RM-USE, LLC, a California limited liability company, Owner and Humanity Holdings, a California Incorporation Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.55-acre site is located at 9220 Mira Este Court in the IL-3-1 Zone, within the Mira Mesa Community Plan area. The project site is legally described as Lot 15 of Mira Este Business Park, Map No. 11683, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 11683, filed in the office of County Recorder of San Diego County on December 17, 1986.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing 10,149 square-foot, one-story building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 6, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 10,149 square-foot, one-story building, located at 9220 Mira Este Court. The operation shall include the requirements consistent with the State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include administrative space, restroom, storage, manufacturing, processing, packaging 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 June 6, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 6, 2024. Upon expiration of this Permit, the facilities and improvements described herein, except for the public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new northerly 24 feet wide driveway per current City Standards, adjacent to the site on Mira Este Court.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new southerly 24 feet wide driveway per current City Standards, adjacent to the site on Mira Este Court.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Mira Este Court.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the curb and gutter with current City Standard curb and gutter, adjacent to the site on Mira Este Court.
17. Prior to issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a 4 feet wide pedestrian path adjacent to the site on Mira Este Court, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

18. No fewer than 20 parking spaces including 1 van accessible space, plus 2 zero emission/carpool spaces, 1 loading area, 2 motorcycle spaces, 2 short term bicycle spaces and 1 long term bicycle spaces shall be provided on site as required by the Land Development Code as shown on the project's Exhibit "A". 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.
19. 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.
20. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
21. 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.
22. 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.

23. 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, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.

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

25. 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.

26. 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.

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

28. Odor Control - The facility 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, cultivating, packaging, or retail

ATTACHMENT 5

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 June 6, 2019 by Resolution No. XXXX-PC.

DRAFT

Permit Type/PTS Approval No.: Conditional Use Permit No. 2063424
Date of Approval: June 6, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Hugo Castaneda
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.

RM-USE, LLC
A California Limited Liability Company
Owner / Permittee

By _____
Name:
Title:

Humanity Holdings, Inc.
A California Incorporation
Owner / Permittee

By _____
Name:
Title:

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