THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 30, 2019 REPORT NO. PC-19-042

HEARING DATE: June 6, 2019

SUBJECT: MPF 3940 HOME AVE., Process Three Decision

PROJECT NUMBER: 611536

REFERENCE: Report to the Hearing Officer No. HO-19-020

OWNER/APPLICANT: Robert Bernard Kahn, Trustee of the Robert Bernard Kahn Trust, Owner / 2018HMPF, LLC, a California limited liability company, Applicant

SUMMARY

Issue: Should the Planning Commission deny or approve the appeals of the Hearing Officer's decision to approve the operation of a Marijuana Production Facility within an existing 8,680-square-foot building located at 3940 Home Avenue, within the Mid-City Communities Plan (City Heights Neighborhood) Community Plan area?

Staff Recommendation: DENY the appeals and affirm the Hearing Officer's decision to APPROVE Conditional Use Permit No. 2167710.

Community Planning Group Recommendation: On August 6, 2018, the Mid-City Communities Plan (City Heights Neighborhood) Planning Group (CHNPG) considered the project at their meeting and voted on the motion to approve the project; however, the motion failed with a vote of 7-8-2. No further motion was proposed by the CHNPG.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(c), (New Construction or Conversion of Small Structures). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 18, 2018, and the opportunity to appeal that determination ended November 1, 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 3940 Home Avenue 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 an existing 8,680-square-foot building located at 3940 Home Avenue. The 0.42-acre site is in the IL-3-1 Zone and designated Light Industrial within the Mid-City Communities Plan (City Heights Neighborhood). The MPF operations would re-purpose an existing office and warehouse facility for the cultivation, manufacturing, processing, packaging and distribution of marijuana products. The MPF operations would include the cultivation, 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 March 6, 2019, the Hearing Officer approved the Project. The Report to the Hearing Officer No. HO-19-020 (Attachment 1) contains the project background, analysis and necessary draft findings with a staff recommendation of approval. On March 20, 2019, Khoa Nguyen, filed a Development Permit Appeal Application based upon findings not supported (Attachment 2). On March 20, 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 appellants' 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 March 6, 2019, the Hearing Officer considered CUP No. 2167710 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 are 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-19-020, the project site is within the Light Industrial Land Use Area of the Mid-City Communities Plan (City Heights Neighborhood). The Light Industrial designation is intended to accommodate manufacturing, part suppliers, machine shops, cleaning and dyeing works, building contractors, distributors 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.

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 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. 2167710, with modifications.

2. Grant the appeals, reverse the Hearing Officer's decision, and deny the Conditional Use Permit No. 2167710, 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-19-020, March 6, 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 27, 2019 REPORT NO. HO-19-020

HEARING DATE: March 6, 2019

SUBJECT: MPF 3940 Home Avenue, Process Three Decision

PROJECT NUMBER: 611536

OWNER/APPLICANT: Robert Bernard Kahn, Trustee of the Robert Bernard Kahn Trust, Owner and 2018HMPF, LLC, a California limited liability company, Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility within an existing 8,680 square-foot building located 3940 Home Avenue in the IL-3-1 Zone within the Mid-City, City Heights Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2167710.

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

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(c) (Attachment 6). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 18, 2018, and the opportunity to appeal that determination ended November 1, 2018.

BACKGROUND

The project site is located on a 0.42-acre site at 3940 Home Avenue within an existing 8,680 square-foot building in the IL-3-1 Zone of the Mid-City, City Heights Community Plan area (Attachment 1). The project site is designated Light Industrial within the Mid-City, City Heights Community Plan (Attachment 2). The building was constructed in 1974 and is currently being used for light industrial and office use (Attachment 3). The 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 8,680 square-foot, building located at 3940 Home Avenue. The MPF operations would re-purpose an existing office and warehouse facility for the cultivation, processing, packaging and distribution of marijuana products. The 0.42-acre site is designated Light Industrial within the Mid-City, City Heights Community Plan and subject to the IL-3-1 Zone requirements.

The project proposes interior improvements alterations that include cultivation area, processing area, manufacturing area, packaging area, restrooms and a parking garage. The proposed MPF is subject to specific operation requirements as set forth in SDMC 141.1004, including security requirements. 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 Home Avenue 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. 2167710, with modifications.

2. Deny Conditional Use Permit No. 2167710, 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 3940 Home Ave / 3940 Home Avenue
PROJECT NO. 611536

North

ATTACHMENT 1

Community Land Use Map

MPF 3940 Home Ave / 3940 Home Avenue

PROJECT NO. 611536

North

ATTACHMENT 2

Aerial Photograph

MPF 3940 Home Ave / 3940 Home Avenue

PROJECT NO. 611536

North

ATTACHMENT 3

ATTACHMENT 4

HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2167710
MPF 3940 HOME AVENUE. - PROJECT NO. 611536

WHEREAS, ROBERT BERNARD KAHN, TRUSTEE of the ROBERT BERNARD KAHN TRUST, Owner and 2018HMPF, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 8,680 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2167710), on portions of a 0.42-acre site;

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

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

WHEREAS, on October 18, 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 15303c) (New construction or conversion of small structures) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on March 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2167710 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated March 6, 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 8,680 square-foot building located 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan.

The site is within the Light Industrial Land Use Area of the Mid-City, City Height Community Plan. The Light Industrial designation is intended to accommodate manufacturing, part suppliers, machine shops, cleaning and dyeing works, building contractors, distributors 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 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Height Community Plan. The building is currently being used for light industrial uses. The project proposes to include cultivation, manufacturing, packaging and distribution of cannabis products to State of California License outlets. No 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 Home Avenue, 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

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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. 2167710. The Conditional Use Permit No. 2167710 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. 2167710. 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 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan. The site was developed on 1974. The project proposes interior improvements to convert an existing office and warehouse facility for cultivation, 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 Mid-City, City Heights 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. MPF's must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

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

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

The project proposes to operate an MPF within an existing 8,680 square-foot building located at 3940 Home Avenue. The site and the surrounding parcels are located in the IL-3-1 Zone and is within the Light Industrial Land Use Area of the Mid-City, City Heights Community Plan. The Light Industrial designation is intended to accommodate manufacturing, part suppliers, machine shops, cleaning and dyeing works, building contractors, distributors and similar uses. The IL-3-1 Zone allows a mix of light industrial and office, and commercial uses. The purposed MPF's, 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. 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. 2167710 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. 2167710, a copy of which is attached hereto and made a part hereof.

_____

Hugo Castaneda
Development Project Manager
Development Services

Adopted on: March 6, 2019
IO#: 24007926

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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: 24007926 SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2167710
MPF 3920 HOME AVENUE - PROJECT NO. 611536
HEARING OFFICER

This Conditional Use Permit No. 2167710 ("Permit") is granted by the Hearing Officer of the City of San Diego to Robert Bernard Kahn, Trustee of the Robert Bernard Kahn Trust, Owner and 2018HMPF, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.42-acre site is located at 3940 Home Avenue in the IL-3-1 Zone, within the Mid-City, City Heights Community Plan area. The project site is legally described as Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5473. Filed in the Office of the County Recorder of San Diego County, October 6, 1964.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing 8,680 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 6, 2019, on file in the Development Services Department.

The project shall include:

a. Operation of a Marijuana Production Facility within an existing 8,680 square-foot building, including improvements to the building's mezzanine level for the operations. The operation shall include the requirements consistent with the State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;

b. The Marijuana Production Facility operations include facilities for the cultivation, manufacturing, processing, packaging and distribution of cannabis, as well as a restroom;

c. Off-street parking; and

d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act

[CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 20, 2022.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 20, 2024. Upon expiration of this Permit, the facility and improvements described herein, except for the public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

   a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and

   b. The Permit is recorded in the Office of the San Diego County Recorder.

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.

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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" conditions(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.

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ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any landscaping and irrigation in the Home Avenue Right-of-Way.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any landscaping and irrigation in the Beech Street Right-of-Way.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 14-foot wide driveway at the south corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 20-foot wide driveway at the north corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Home Avenue.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged curb and gutter, adjacent to the site on Home Avenue.

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

20. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

21. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

22. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

23. No fewer than four (4) automobile parking spaces as shown on Exhibit "A". All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of

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the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

24. A maximum of four employees shall be allowed on-site at any given time to correspond to the four parking spaces provided for the Marijuana Production Facility.

25. All operations, including equipment and storage, shall be conducted indoors within a secured structure. Greenhouses are prohibited.

26. 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.

27. 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.

28. 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.

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

30. 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.

31. 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.

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

33. 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.

DRAFT

34. The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.1004(a) has located within the required distance after the approval date of the initial Conditional Use Permit.

TRANSPORTATION REQUIREMENTS:

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

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance. Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section 34.0103(b), taxable activities include but are not limited to, transporting, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

APPROVED by the Hearing Officer of the City of San Diego on March 6, 2019 by Resolution No. HO-XXX.

DRAFT

Permit Type/PTS Approval No.: Conditional Use Permit No. 2167710
Date of Approval: March 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.

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

By _____
Name:
Title:

2018HMPF, LLC
California, limited liability company
Permittee

By _____
Name:
Title:

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

DRAFT

ATTACHMENT 6

NOTICE OF EXEMPTION

(Check one or both)

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

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

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

Project Name/Number: MPF 3940 Home Avenue / 611536

SCH No.: N.A.

Project Location-Specific: 3940 Home Avenue, San Diego, CA 92105

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

Description of nature and purpose of the Project: Conditional Use Permit (CUP) for a Marijuana Production Facility encompassing 6,480 square-foot of operational area within an existing 8,680 square-foot building. The project will provide improvements to the mezzanine level for project operations (within existing floor area of mezzanine). The project is located at 3940 Home Avenue, San Diego, CA 92105. Project operations would include the cultivation, trimming, manufacturing and distribution of cannabis products to State of California licensed outlets. The project is located on a .42-acre site, within the IL-3-1 zone, within the Mid-City: City Heights Community Plan Area and is designated General Industrial, Geologic Hazards 32 and 52, Airport Influence Area Review Area 2 – SDIA, Very-High Fire Brush Management Overlay, Outdoor Lighting Zone Overlay 3, Pueblo San Diego Watershed, Chollas Sub-Area Watershed, and Council District 9 (LEGAL DESC. Lot 5 of Home Avenue Industrial Center, City of San Diego, County of San Diego, State of California, According to Map thereof No. 5473, filed in the Office of the County Recorder of San Diego County, October 6, 1964).

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Aaron Magagna, 3639 Midway Drive, Suite #B-132, San Diego, CA 92110 (619) 405-0298.

Exempt Status: (CHECK ONE)

( ) Ministerial (Sec. 21080(b)(1); 15268);
( ) Declared Emergency (Sec. 21080(b)(3); 15269(a));
( ) Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
(X) Categorical Exemption: Section 15303(c) (New Construction or Conversion of Small Structures)
( ) Statutory Exemptions:

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303(c) which allows for the conversion of existing small structures from one use to another, which is this case for this project and where only minor modifications are made in the exterior of the structure. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. The project has been determined to meet this criterion in terms of occupying an area under 10,000 square feet in floor area, in that the project would not use significant amounts of hazardous substances based on the information provided, public services and facilities are available

in the project area to serve the project, and the project is not located in an environmentally sensitive area. The exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Chris Tracy, AICP Senior Planner Telephone: (619) 446-5381

If filed by applicant:

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

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

CHRIS TRACY AICP
Senior Planner
Signature/Title

1/14/19
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 18, 2018

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007926

PROJECT NO:	611536
PROJECT NAME:	MPF 3940 Home Avenue
COMMUNITY PLAN AREA:	Mid City: City Heights
COUNCIL DISTRICT:	9
LOCATION:	3940 Home Avenue, San Diego, CA 92105

PROJECT DESCRIPTION: The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility encompassing 6,480 square-foot of operational area within an existing 8,680 square-foot building. The project will provide improvements to the mezzanine level for project operations (within existing floor area of mezzanine). The project is located at 3940 Home Avenue, San Diego, CA 92105. Project operations would include the cultivation, trimming, manufacturing and distribution of cannabis products to State of California licensed outlets. The project is located on a .42-acre site, within the IL-3-1 zone, within the Mid-City: City Heights Community Plan Area and is designated General Industrial, Geologic Hazards 32 and 52, Airport Influence Area Review Area 2 – SDIA, Very-High Fire Brush Management Overlay, Outdoor Lighting Zone Overlay 3, Pueblo San Diego Watershed, Chollas Sub-Area Watershed, and Council District 9 (LEGAL DESC. Lot 5 of Home Avenue Industrial Center, City of San Diego, County of San Diego, State of California, According to Map thereof No. 5473, filed in the Office of the County Recorder of San Diego County, October 6, 1964).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303(c) (New construction or conversion of small structures).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303(c) which allows for the conversion of existing small structures from one use to another, which is this case for this project and where only minor modifications are made in the exterior of the structure. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if

not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. The project has been determined to meet this criteria in terms of occupying an area under 10,000 square feet in floor area, in that the project would not use significant amounts of hazardous substances based on the information provided, public services and facilities are available in the project area to serve the project, and the project is not located in an environmentally sensitive area. The exceptions listed in CEQA Section 15300.2 would not apply.

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

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On October 18, 2018 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (November 1, 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 DSD
Posted OCT 17 2018 SS
Removed NOV 06 2018
Posted by Shai Sonta

SD	**City of San Diego** **Development Services** 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	**Ownership Disclosure Statement**	**FORM** **DS-318** **October 2017**

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

Project Title: HOME AVENUE CONTEMPORARYMPF **Project No. *For City Use Only*:** _____

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

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

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

☐ Partnership ☐ Individual

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

Property Owner

Name of Individual: ROBERT B KAHN ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 8820 CANYON SPRINGS DRIVE

City: LAS VEGAS State: NV Zip: 89117

Phone No.: (858) 692-0926 Fax No.: _____ Email: RBKAHN5@GMAIL.COM

Signature: DocuSigned by: Robert B Kahn 8990D7A57BFD448B... Date: December 14, 2018

Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: 2018HMPF llc ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency

Street Address: 3639 MIDWAY DRIVE SUITE B #132

City: SAN DIEGO State: CA Zip: 92110

Phone No.: (619) 405-0298 Fax No.: _____ Email: AARONMAGAGNA@GMAIL.COM

Signature: _____ Date: December 14, 2018

Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

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

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 2

Project Name:	Project Number:	Distribution Date:
MPF 3940 Home Ave	611536	7/6/2018

Project Scope/Location:

MID CITY: CITY HEIGHTS - (Process 3) Conditional Use Permit for a new Marijuana Production Facility (MPF) within an existing industrial building for an interior tenant improvement of 6,480 square feet to an existing 8,680 square foot building located at 3940 Home Avenue. The 0.42 acre site is located in the IL-3-1 Base Zone of the Mid City: City Heights Community Planning Area. Council District 9.

Applicant Name:	Applicant Phone Number:
Aaron Magagna	(619) 405-0298

Project Manager:	Phone Number:	Fax Number:	E-mail Address:
John Fisher	(619) 446-5231	(619) 446-5245	JSFisher@Sandiego.gov

Committee Recommendations (To be completed for Initial Review):

	Members Yes	Members No	Members Abstain
☐ Vote to Approve			
☑ Vote to Approve With Conditions Listed Below	7	8	1 + CNV
☐ Vote to Approve With Non-Binding Recommendations Listed Below			
☐ Vote to Deny			

☐ No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.) ☐ Continued

CONDITIONS: No sign spinning advertising, No billboards within 1/2 mile, hours of operation 9AM to 9PM, Exterior lighting that does not interfer with nearby uses.

NAME: Russ Connelly	~~TITLE~~: 06-07-2018
SIGNATURE:	~~DATE~~: Chair

Attach Additional Pages If Necessary.

Please return to:
Project Management Division
City of San Diego
Development Services Department
1222 First Avenue, MS 302
San Diego, CA 92101

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

ATTACHMENT 8

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

MEMORANDUM FOR: Tim Daly – Project Manager, Development Services

From: Committee Chairman
Russ Connelly

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

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

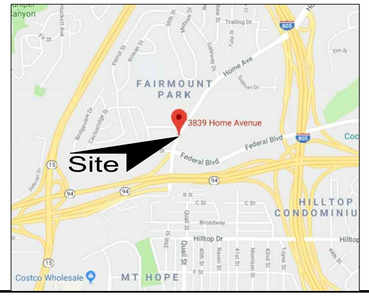
Several community members attended and voiced concerns about this project's proximity to nearby housing and parking for the project both at the location and in the surrounding neighborhood. The applicant offered to work with the community to help mitigate issues that might arise from these projects but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

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

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

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

Vicinity Map:



PARKING INFORMATION

PARKING TABLE

CODE RATIO	OCCUPANT RATIO	PARKING REQ.	PARKING PROVIDED
M.O./RETAIL @ 1,000 sq.ft. : 5 PRKG	2,200 S.F.	11 SPACES	11 SPACES
M.P.F. @ 1 EMPLOYEE :1 PRKG	4 EMP. PER SHIFT MAX.	4 SPACES	4 SPACES
ADA PARKING	PER SDM-117	1 SPACES	1 SPACES
E.V. PARKING	PER CBGSC5.106.5.2	1 SPACES	1 SPACES
L.E.V. PARKING	PER CBGSC5.106.5.3	1 SPACES	1 SPACES
.	.	.	
. TOTAL REQUIRED		15 SPACES	
TOTAL PROVIDED		15 SPACES	
MOTORCYCLE PARKING	TOTAL PROVIDED	2 SPACES	
SHORT TERM BICYCLE PARKING		8 SPACES	
LONG TERM BICYCLE PARKING		2 SPACES	
	TOTAL PROVIDED	10 SPACES	

5 prkg : 1,000 SF. REQ. 5 X 2,200 PROPOSED S.F. FOR USE = 11 PRKG REQ. FOR M.O. USE

1 prkg : EMPLOYEE, 4 EMPLOYEES, = 4 PRKG REQ. FOR FUTURE M.P.F. USE (MAX 4 EMPLOYEES PER SHIFT) @ REMAINING 6,480 SQ. FT. OF BUILDING

15 PRKG. TOTAL SPACES PROVIDED.

1 HC. 1EV. CHARGE STATIONS & 1 L.E.V. (LOW EMISSIONS VEHICLE SPACE.)
PER CBGSC TABLE 5.106.5.2 & 5.106.5.3

2 MOTORCYCLE PARKING SPACES

8 SHORT TERM BICYCLE PARKING SPACES
2 LONG TERM BICYCLE LOCKERS
10 TOTAL BICYCLE PARKING SPACES PROVIDED

FAA SELF CERTIFICATION

I, Jerald Garapich DO HEREBY CERTIFY THAT THE STRUCTURE(S) OR MODIFICATION TO EXISTING STRUCTURE(S) SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION ADMINISTRATION NOTIFICATION BECAUSE PER SECTION 77.15 (a) OF TITLE 14 OF THE CODE OF FEDERAL REGULATIONS CFR PART 77, NOTIFICATION IS NOT REQUIRED.

LICENSED ENGINEER JERALD GARAPICH No.C 28945 REN.11/30/2018 STATE OF CALIFORNIA

Building Code Notes:

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING BUILDING CODES AND ASSOCIATED AMENDMENTS:

1. 2016 CALIFORNIA BUILDING CODE
2. 2016 CALIFORNIA RESIDENTIAL CODE
3. 2016 CALIFORNIA ELECTRICAL CODE
4. 2016 CALIFORNIA PLUMBING CODE
5. 2016 CALIFORNIA FIRE CODE
6. 2016 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS
7. 2016 CALIFORNIA MECHANICAL CODE
8. 2016 CALIFORNIA ENERGY CODE
9. 2016 CALIFORNIA GREEN STANDARDS CODE AS AMMENDED BY THE CITY OF SAN DIEGO

Sheet Index:

	DATE	DELTA	REV. DESCRIPTION
	8/03/18	1	C.U.P. REVIEW COMMENTS
	8/30/18	2	C.U.P. REVIEW COMMENTS
	10/01/18	3	MEGHAN CEDENO EMAIL COMMENTS

	SHEET#	SHEET DESCRIPTION
1 2 3	CS	COVER SHEET
	PN	PROJECT NOTES
1 2	SP1	EXISTING SITE PLAN
1 2 3	SP2	PROPOSED SITE – NEW DRIVEWAY & PARKING LAYOUT
1	AE1.01	ERGRESS PLAN
1	A0.01	EXISTING/DEMO FLOOR PLAN
1 2	A1.00	FIRST & SECOND FLOOR FLOOR PLAN
1 2	A2.00	EXISTING ROOF PLAN
1	A3.00	LIGHTING PLAN
1	A4.00	SECURITY CAMARA PLAN
1	A5.00	EXTERIOR ELEVATIONS
	A6.00	SECTIONS
	TOPO	TOPO PLAN
	PS	PHOTO SURVEY
	ZE1	ZONING EXHIBIT 1

PROJECT TEAM

OWNER:
ARRON MAGAGNA
3639 MIDWAY DR. SUITE B #132 , SAN DIEGO CA. 92110

ARCHITECT:
PACIFIC DESIGN CONCEPTS
925 B ST. SUITE #300
SAN DIEGO CA. 92101
CONTACT: BRUNO VASQUEZ (PROJECT MANAGER) (619) 823 – 9750
EMAIL: brunov@pacdesignconcepts.com
ARCHITECT: JERRY GARAPICH CEL (702) 204 – 9398
EMAIL: jerryg@pacdesignconcepts.com

GEOLOGIC HAZARD CATEGORY

GEOLOGIC HAZARD CATEGORY: 32/52

GENERAL PROJECT NOTES

1. THIS PROJECTC PROPOSES NO SOILS DISTRUBANCE AS PART OF THE SCOPE OF WORK AND NO DEVELOPMET IMPROVEMENTS OUTSIDE OF THE EXISTING BUILDING FOOT PRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT BMP'S

2. DURING CONSTRUCTION THE APPLICANT MUST COMPLY WITH SEC. 59.5.0404 OF THE SAN DIEGO MUNICIPAL CODE FOR CONSTRUCTION NOISE.

SCOPE OF WORK:

A CONDITIONAL USE PERMIT TO LEGALLY OPERATE A MARIJUANA PRODUCTION FACILITY (M.P.F.) CONSISTING OF:

1. TENANT IMPROVEMENT 6,480 sq. ft. INTERIOR WALLS ONLY, AT EXISTING TWO-STORY COMMERCIAL BUILDING
2. NO CHANGES TO EXISTING EXTERIOR SHELL BUILDING.
3. WIDENING OF GARAGE ROLL-UP DOOR FROM 12' TO 16' TO PROVIDE 2 INTERIOR PARKING SPACES.

PROJECT INFORMATION

SITE DATA

Owner:
ARRON MAGAGNA
3639 MIDWAY DR. SUITE B #132 , SAN DIEGO CA. 92110

Property Address:
3940 HOME AVE., SAN DIEGO CA. 92105

Assessor's Parcel Number:
540-581-06-00

Proposed Use:
MARIJUANA PRODUCTION FACILITY

Existing Use:
1). METHADONE CLINIC 5,600 S.F.
2). PLUMBING SUPPLY MANUFACTURER & RETAIL 3,080 S.F.

Existing Occupancy:
F1 FACTORY INDUSTRIAL & B – BUSINESS

Proposed Occupancy:
F1 FACTORY INDUSTRIAL & B – BUSINESS

Legal Description:
Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5473, filed in the Office of the County Recorder of San Diego County, October 6, 1964.

Lot Size:
LOT SIZE 18,398 SQ. FT.

HEIGHT:
NO MAX

F.A.R:
2.0

TYPE OF CONST.:
V-A NO SPRINKLERS

STORIES:
NO MAX

LANDSCAPE AREA.:
4,465 S.F.

PAVING AREA:
6,804 S.F.

Setback:

FRONT	20'
STREET SIDE	15'
REAR	0'

Zone:
IL-3-1

Building Sq.Ft.
8,680

Year Built:
1974

T.I. Sq.Ft.
6,480

Remaining Sq. Ft.:
2,200 (future M.O.)

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

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

sheet title :
COVER SHEET & PROPERTY INFO.

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

as instruments of service these drawings and specifications are the property of the architect and may not be reproduced or used for any purpose without the architects written consent. copies of the drawings and specifications retained by the client may be utilized only for their use and for occupying the project for which they were prepared, and not for construction of any other projects. any use or reproduction of this drawing in whole or part by any means whatsoever is strictly prohibited. these documents are not final and ready for use, and therefore not valid, unless they are sealed, signed, and dated. noc 6121.7(b) pacific design concepts, llc © 2021

GENERAL NOTES

1. THESE DRAWINGS AND COPIES THEREOF ARE LEGAL INSTRUMENTS OF SERVICE FOR THE USE OF THE OWNER AND AUTHORIZED AGENTS, ON THE DESIGNATED PROPERTY ONLY.
2. EACH TRADE SHALL BE RESPONSIBLE FOR KNOWLEDGE OF RELATIVE INFORMATION CONTAINED IN THESE DOCUMENTS AND THE CONDITIONS UNDER WHICH HE WILL BE EXPECTED TO PERFORM.
3. THE GENERAL CONTRACTOR AND ALL SUB–CONTRACTORS SHALL CAREFULLY AND THOROUGHLY EXAMINE THE PROJECT SITE, FIELD VERIFY ALL CONDITIONS, GRADES, ELEVATIONS AND DIMENSIONS OF THE VARIOUS FEATURES OF THE PROJECT SITE AND SHALL COMPARE THE DRAWINGS WITH THE EXISTING SITE CONDITIONS, DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT IN WRITING, BEFORE BEGINNING WORK.
4. THE GENERAL CONTRACTOR AND ALL SUB–CONTRACTORS SHALL REVIEW AND THOROUGHLY EXAMINE AND FAMILIARIZE THEMSELVES WITH ALL ELEMENTS AND CONDITIONS IN THE CONTRACT DRAWINGS AND SPECIFICATIONS. THE GENERAL CONTRACTOR AND ALL SUB–CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON THE DRAWINGS. ANY DISCREPANCIES AND/OR CONDITIONS NEEDING CLARIFICATION SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT, IN WRITING, BEFORE BEGINNING WORK.
5. ALL CONSTRUCTION, FABRICATION AND INSTALLATIONS SHALL CONFORM TO THE LATEST ADOPTED EDITIONS OF THE C.B.C., C.F.C., C.M.C., C.P.C., C.E.C AND ANY FEDERAL, STATE AND LOCAL CODES, REGULATIONS AND ORDINANCES OF THE GOVERNING AGENCY HAVING JURISDICTION OVER THE PROJECT. SUCH APPLICABLE CODES, ETC. ARE THOSE WHICH ARE IN EFFECT AT THE TIME THE PERMIT APPLICATION FOR THE PROJECT IS RECORDED.
6. EACH SUB–CONTRACTOR IS CONSIDERED A SPECIALIST IN HIS RESPECTIVE FIELD/TRADE AND SHALL (BEFORE SUBMISSION OF BID OR PERFORMANCE OF WORK) NOTIFY THE GENERAL CONTRACTOR AND THE DEVELOPER, IN WRITING, OF ANY WORK CALLED OUT ON THE DRAWINGS OR IN THE SPECIFICATIONS WHICH CANNOT BE FULLY GUARANTEED OR CONSTRUCTED AS DESIGNED AND/OR DETAILED.
7. DUE TO REPROGRAPHIC PROCESSES, THESE PLANS MAY NOT BE ACCURATE TO SCALE. ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE SHOWN AND IN NO CASE SHALL WORKING DIMENSIONS BE SCALED FROM PLANS, SECTIONS, ELEVATIONS OR DETAILS.
8. THE STRUCTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS ARE SUPPLEMENTARY TO THE ARCHITECTURAL DRAWINGS. SHOULD THERE BE ANY DISCREPANCY BETWEEN THE VARIOUS DRAWINGS, IT SHALL BE BROUGHT TO THE ARCHITECT'S ATTENTION FOR CLARIFICATION.
9. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER'S REPRESENTATIVE FOR INSTALLATION OR SPECIAL MANUFACTURING EQUIPMENT NO SHOWN IN THIS DRAWINGS. THE CONTRACTOR SHALL VERIFY EQUIPMENT LOCATIONS WITH THE OWNER'S REPRESENTATIVE AND/OR EQUIPMENT MANUFACTURER PRIOR TO FORMING THE SLAB FOR PROPER SIZE AND LOCATION OF FUNDATION DEPRESSIONS, DRAINS, AND WARPS.
10. UNLESS OTHERWISE NOTED, MANUFACTURER'S ITEMS SHALL BE PROVIDED. CONTRACTOR SHALL VERIFY ANY SUBSTITUTIONS WITH THE OWNER AND ARCHITECT PRIOR TO BID AND/OR INSTALLATION.
11. WHERE CONSTRUCTION DETAILS ARE NOT SHOWN OR NOTED FOR ANY PART OF THE WORK, DETAILS SHALL BE THE SAME AS FOR OTHER SIMILAR FIRST CLASS WORK: FOR THE TRADE INVOLVED THE DEVELOPER SHALL BE NOTIFIED IMMEDIATELY, IN WRITING, OF ANY ALTERNATE NON–STANDARD OR UNTESTED METHOD(S) PROPOSED.
12. ALL EXISTING UTILITIES OR STRUCTURES ARE INDICATED ON THESE PLANS BASED ON INFORMATION OF RECORD. THE CONTRACTOR SHALL TAKE PRE– CAUTIONARY MEASURES TO PROTECT THE UTILITY LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH OCCUR DUE TO HIS FAILURE TO LOCATE AND PROTECT ANY AND ALL UNDERGROUND UTILITIES.
13. THE GENERAL CONTRACTOR AND ALL SUB–CONTRACTORS SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL REQUIREMENTS AND REGULATIONS AND SHALL PERFORM ALL WORK ON THIS PROJECT IN COMPLIANCE WITH THE STATE OF CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT.
14. INTERIOR FINISH SHALL COMPLY WITH C.F.C. AND C.B.C. CHAPTER 8
15. MATERIALS TO BE USED SHALL BE OF FIRST QUALITY. THE WORK SHALL BE PERFORMED BY SKILLED MECHANICS IN A WORKMANLIKE MANNER.
16. CLEAN, PATCH AND/OR REPAIR ALL SURFACES DAMAGED BY DEMOLITION OR ALTERATION OF WORK AS REQUIRED.
17. CONTRACTOR SHALL PICK–UP AND PAY FOR ANY PERMITS NOT PROVIDED BY THE BUILDING OWNER.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS FROM THE BUILDING PREMISES. BUILDING TRASH RECEPTACLES ARE NOT TO BE USED FOR CONSTRUCTION DEBRIS.
19. ALL EXISTING WALL SHALL BE FINISHED AS NECESSARY FOR SPECIFIED INTERIOR FINISH APLICATION.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND INSTALLING ANY "BUILDING STANDARD" FIXTURES AND FINISHES IN ADDITION TO THOSE NOTED ON PLAN.
21. CONTRACTOR SHALL INSTALL REQUIRED FIRE ALARM SYSTEM. PER LOCAL CODES (IF REQUIRED)
22. EXIT SIGNAGE SHALL BE PROVIDED AS REQUIRED BY BUILDING DEPARTMENT.
23. ALL EQUIPMENT AND FURNISHINGS SHALL BE AS NOTED, ELSE N.I.C.
24. INSTALL (ADDITIONAL) BLOCKING IN WALLS AS REQUIRED FOR INSTALLATION OF ANY AND ALL HANDICAPPED ACCESSIBILITY DEVICES I.E. GRAB BARS ETC. PER ICC/ANSI A117.1–2009
25. CONTRACTOR SHALL PROVIDE PORTABLE FIRE EXTINGUISHERS PER 2016 CFC SECTION 906 (VERIFY MOUNTING TYPE W/OWNER).

ABBREVIATIONS

A.F.F.	Above finish floor
Acous.	Acoustic
A.T. / ACT	Acoustical Ceiling Tile
Add.	Addendum
Add'n	Addition
Adj.	Adjustable
A.B.C.	Aggregate Base Course
Agg.	Aggregate
A/C	Air Conditioning
Al.	Aluminum
Alt.	Alternate
A.B.	Anchor Bolt
&	And
∠	Angle
Anod.	Anodized
Approx.	Approximately
Arch't	Architect
Arch.	Architectural
A.D.	Area Drain
Asb.	Asbestos
A.C.	Asphaltic Concrete
@	At
BSMT.	Basement
Bm.	Beam
B.M.	Bench Mark
Bitum.	Bituminous
Blk.	Block
Blkg.	Blocking
Bd.	Board
Bot.	Bottom
B.N.	Boundary Nailing
Bldg.	Building
Cab.	Cabinet
Clkg.	Caulking
C.I.	Cast Iron
C.I.P.	Cast In Place
C.B.	Catch Basin
Clng.	Ceiling
Cem.	Cement
Ctr./CTRD.	Center(ed)
Cg.	Centigram
Cm.	Centimeter
Cl.	Centerline
Cer.	Ceramic
C.T.	Ceramic Tile
Chan	Channel
C.R.	Classroom
Clr.	Clear
C.O.	Clean Out
Clo.	Closet
Col.	Column
Conc.	Concrete
C.B.	Concrete Block
C.M.U.	Concrete Masonry Unit
Conn.	Connection
Const.	Construction
C.J.	Construction Joint, Control Joint
Cont.	Continuous
Contr.	Contractor
CU	Copper
Corr.	Corridor
Cor'g	Corrugated
Ctr.	Counter
Ctsk.	Countersunk
C.F.	Curb face
D.P.	Damp-Proofing
Db.	Decibel
DP.	Deep
Dept.	Department
Det.	Detail
Diag.	Diagonal
Ø , Dia.	Diameter
Dim.	Dimension
D.S.	Directional Sign
Disp.	Dispenser
Do	Ditto
Dr.	Door
D.O.	Door Opening
Dbl.	Double
Dwl.	Dowel
Dn.	Down
Ds.	Downspout
Dwr.	Drawer
Dwg.	Drawing
D.F.	Drinking Fountain
DT.	Drive thru
D.S.P.	Dry Standpipe
Ea.	Each
E.	East
Elec.	Electrical
E.N.	Edge Nail
E.P.	Electrical Panelboard
E.W.C.	Electric Water Cooler
El.	Elevation
Elev.	Elevator
Emer.	Emergency
Encl.	Enclosure
Eq.	Equal
Equip.	Equipment
Exh.	Exhaust
Exp.	Expansion
E.J.	Expansion Joint
(E), Exist.	(E), Existing
Expo.	Exposed
Ext.	Exterior
E.I.F.S.	Exterior Insulation and Finish System
F.O.C.	Face Of Concrete
F.O.F.	Face Of Finish
F.O.S.	Face Of Stud
F.O.W.	Face Of Wall
Ft.	Feet or Foot
F.R.P.	Fiberglass Reinforced Panel
Fin.	Finish
F.F.	Finish Floor
F.A.	Fire Alarm
F.E.	Fire Extinguisher
F.E.C.	Fire Extinguisher Cabinet
F.H.C.	Fire Hose Cabinet
Fprf./F.P.	Fireproof
Fixt.	Fixture
Flash.	Flashing
F.B.	Flat Bar
Flr.	Floor
F.D.	Floor Drain
Fluor.	Fluorescent
Ftg.	Footing
Fdn.	Foundation
Fr.	Frame
F.S.	Floor Sink
Furr.	Furring
Fut.	Future
Galv.	Galvanized
G.I.	Galvanized Iron
Ga.	Gauge
Gen.	General
G.C.	General Contractor
Gl.	Glass
G.B.	Grab Bar
Gr.	Grade
Gm.	Gram
Gr.	Grass, Glazing Glazed
Grl.	Grille
Gnd.	Ground
G.	Gutter
Gyp.	Gypsum
G.W.B.	Gypsum Wall Board
H.R.	Handrail
Hdn.	Hardener
Hdwr.	Hardware
Hdwd.	Hardwood
Htr.	Heater
Hgt./Ht.	Height
H.P.	High Point
H.C.	Hollow Core
H.M.	Hollow Metal
Horiz.	Horizontal
H.B.	Hose Bibb
H.W.	Hot Water
Hr.	Hour
H.D.	Hub Drain
In.	Inch
I.D.	Inside Diameter
Insul.	Insulation
I/F	Interface
Int.	Interior
Inv.	Invert
Jan.	Janitor
Jt.	Joint
Jst.	Joist
K.P.	Kick Plate
Kit.	Kitchen
Lab.	Laboratory
Lam.	Laminated
Ldg.	Landing
Lth.	Lath
Lav.	Lavatory
Lgth.	Length
Lt.	Light
Ltg.	Lighting
L.W.C.	Lightweight Concrete
Lin.	Linen
Lkr.	Locker
Lvr.	Louver
M.H.	Manhole
M.O.	Masonry Opening
Mat'l.	Material
Mfr.	Manufacturer
Max.	Maximum
Mech.	Mechanical
M.C.	Medicine Cabinet
Memb.	Membrane
Met./Mtl.	Metal
M.L.	Metal Lath
M.T.	Metal Threshold
M.	Meter
Mezz.	Mezzanine
Mm.	Millimeter
Mg.	Milligram
Min.	Minimum
Misc.	Miscellaneous
Mldg.	Moulding
Mtd.	Mounted
Mul.	Mullion
N.G.	Natural Grade
Nom.	Nominal
N.	North
N.I.C.	Not In Contract
N.T.S.	Not to Scale
#, No.	Number, Pound
Obs	Obscure
Off.	Office
O.C.	On Center
Opng.	Opening
Opp.	Opposite
O.A.	Overall
O.D.	Outside Diameter
O/	Over
O.A.H.	Overall Height
O.F.S.	Overflow Scupper
O.R.D.	Overflow Roof Drain
O.H.	Overhead
O.	Owner
O.F.C.I.	Owner Furnished, Contractor Installed
O.F.O.I.	Owner Furnished, Owner Installed
P.G.	Paint Grade
Ptd.	Painted
Pg.	Page
Pr.	Pair
Pnl.	Panel
P.T.D.	Paper Towel Dispensers
P.T.D/R	Combination Towel Dispens./Recept.
P.T.R.	Paper Towel Receptacle
Ptn./Part.	Partition
d	Penny - nail size 0
Perf.	Perforation, Perforated
⊥,Perp.	Perpendicular
P. Lam.	Plastic Laminate
Plas.	Plaster
P	Plate
Plmbg.	Plumbing
Plywd.	Plywood
Pt.	Point
PVC	Poly Vinyl Chloride
P.C.C.	Portland Cement Concrete
P.C.P.	Portland Cement Plaster
P.S.I.	Pounds per Square Inch
PrS.F.	Pounds per Square Foot
Pair	
Prcst.	Precast
P.T.D.F.	Pressure Treated Douglas Fir
P.L.	Property Line
Q.T.	Quarry Tile
Rad., R.	Radius
Rwd.	Redwood
Ref.	Reference
R.C.P.	Reflected Ceiling Plan
Refr.	Refrigerator
Reg.	Register
Reinf.	Reinforced, Reinforcing
Req.	Required
Resil.	Resilient
Ret.	Return
R.A.	Return Air
Rev.	Revision, Reverse
R.	Riser
R.D.	Roof Drain
Rfg/Roof'g	Roofing
Rm.	Room
Rgh.	Rough
R.O.	Rough Opening
Rd.	Round
S.N.D.	Sanitary Napkin Dispenser
S.N.R.	Sanitary Napkin Receptacle
S.E.	Satin Enamel
Sched.	Schedule
Scr.	Screw
S.C.D.	Seat Cover Dispenser
Sect.	Section
Sel.	Select
S.G.E.	Semi-Gloss Enamel
Sht'g.	Sheathing
Sht.	Sheet
Sh.	Shelf
Shwr.	Shower
Sdg.	Siding
S.C.R.	Silicone Control Rectifier
Sim.	Similar
SK.	Sink
Sldg.	Sliding
Sm.	Smooth
S.D.	Soap Dispenser
Sol.	Solid
S.C.	Solid Core South
Spec.	Specification
Spl.	Splash
Sq.	Square
St. Stl./S.S.	Stainless Steel Service Sink
Std.	Standard
Sta.	Station
Stl.	Steel
Stor.	Storage
St.	Street, Strain
Struct.	Structure, Structural
Strl.	Structural
Susp.	Suspended
Sw.	Switch
Sw.Bd.	Switchboard
Sym.	Symmetrical
Sys.	System
TEL.	Telephone
T.V.	Television
TER.	Terrazzo
Thermo.	Thermostat
THK.	Thick
Thru	Through
Toil.	Toilet
T.P.D.	Toilet Paper Dispenser
T&G	Tongue & Groove
T.C.	Top of Groove
T.P.	Top of Pavement
T.R.	Top of Roof
T.S.	Top of Slab
T.W.	Top of Wall
T.S.B.	Top Set Base
T.B.	Towel Bar
TRD./T.	Tread
T.S.	Tube Steel
TYP.	Typical
U.L.	Underwriters Laboratories
Unfin.	Unfinished
U.N.O.	Unless Noted Otherwise
Ur.	Urinal
V.T.R.	Vent Through Roof
V.	Vent
Vent.	Ventilate, Ventilation
VERMIC.	Vermiculite
VERT.	Vertical
V.G.	Vertical Grain
VEST.	Vestibule
V.C.T.	Vinyl Composition Tile
V.W.C.	Vinyl Wall Covering
VCP	Vitreous Clay Pipe
WSCT	Wainscot
W.C.	Water Closet
W.H.	Water Heater
W.S.	Water Softener
W.P.	Water Proof
Wt.	Weight
W.W.F.	Welded Wire Fabric
W.W.M.	Welded Wire Mesh
W.	West, Wide, Width
W/	With
W/O	Without
Wd.	Wood
W.I.C.	Walk In Cooler
W.I.F.	Walk In Freezer

C.U.P. NOTES

§141.0504
marijuana outlets marijuana outlets that are consistent with the requirements for retailer or dispensary license requirements in the california business and professions code may be permitted with a conditional use permit decided in accordance with process three in the zones indicated with a "c" in the use regulations tables in chapter 13, article 1 (base zones), provided that no more than four marijuana outlets are permitted in each city council district. marijuana outlets are subject to the following regulations.

(b) lighting shall be provided to illuminate the interior, façade, and the immediate surrounding area of the marijuana outlet, including any accessory uses, parking lots, and adjoining sidewalks. lighting shall be hooded or oriented to deflect light away from adjacent properties.
(c) security shall be provided at the marijuana outlet which 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.
(d) primary signs shall be posted on the outside of the marijuana outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.
(e) the name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside the marijuana outlet in character size at least two inches in height.
ch. art. div. 14 1 5 10
san diego municipal code chapter 14: general regulations (10–2017)
(f) the marijuana outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
(g) the use of vending machines which allow access to marijuana and marijuana products except by a responsible person, as defined in san diego municipal code section 42.1502, is prohibited. for purposes of this section, a vending machine is any device which allows access to marijuana and marijuana products without a human intermediary.
(h) a permit shall be obtained as required pursuant to chapter 4, article 2, division 15.
(i) a conditional use permit for a marijuana outlet shall expire no later than five years from the date of issuance.
(j) deliveries shall be permitted as an accessory use only from marijuana outlets with a valid conditional use permit unless otherwise allowed pursuant to the compassionate use act of 1996.
(k) the marijuana outlet, adjacent public sidewalks, and areas under control of the marijuana outlet, shall be maintained free of litter and graffiti at all times.
(l) the marijuana outlet shall provide daily removal of trash, litter, and debris. graffiti shall be removed from the premises within 24 hours.
(m) consultations by medical professionals shall not be a permitted accessory use at a marijuana outlet.

("marijuana outlets" added 2–22–2017 by o–20793 n.s.; effective 4–12–2017. former section 141.0504 "plant nurseries" renumbered to section 141.0505.)

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

sheet title :
PROJECT NOTES

issue dates :

drawn by :

checked by :
BVZ

project no. :
023–2018C

revisions :

sheet no.
PN

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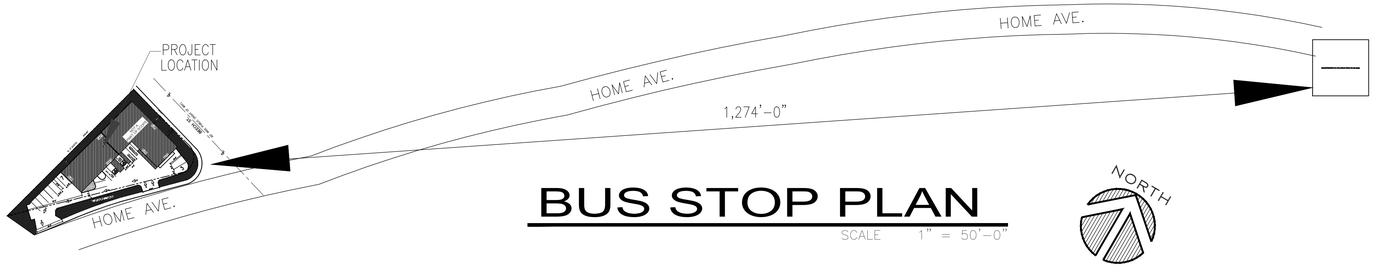
ATTACHMENT 9



BUS STOP PLAN

SCALE 1" = 50'-0"

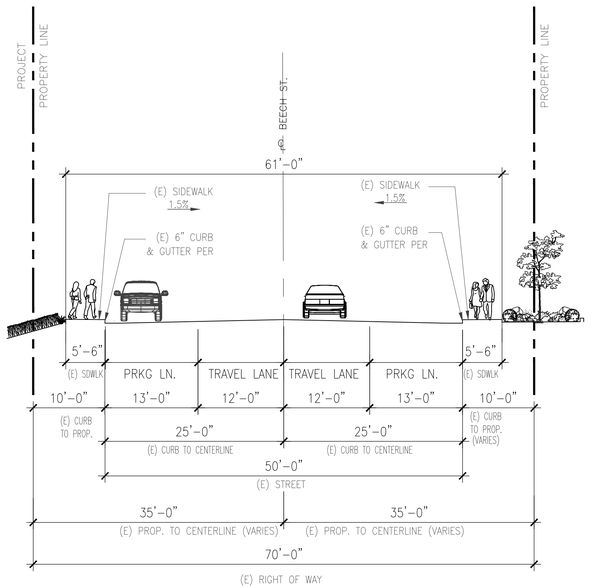
NORTH

SITE PLAN NOTES

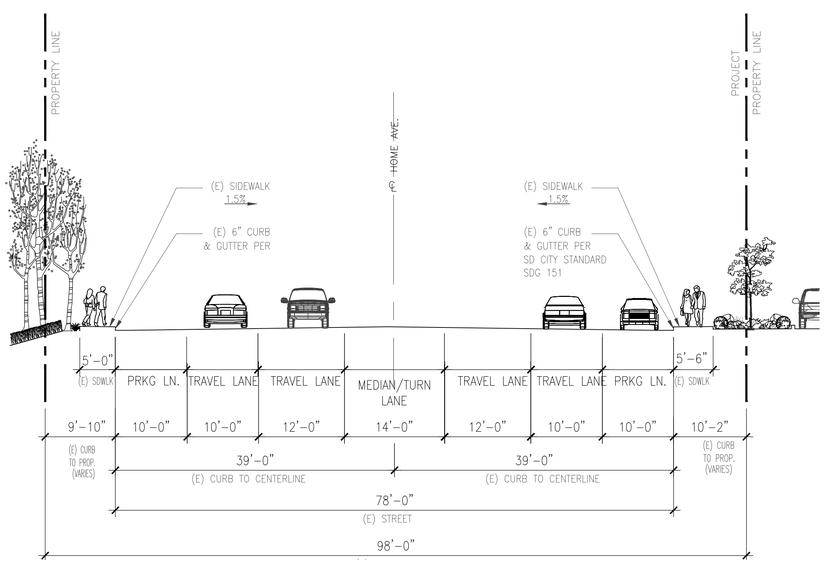
Federal Boulevard Marijuana Outlet
Site Plan Proposed

A. The site plan is for informational and general site reference only. Refer to other construction documents for complete scope of work.
B. Before commencing any site foundation or slab cutting or excavation, the contractor shall verify and mark locations of all site utilities, dimensions and conditions. These include but are not limited to property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other new or existing site items which could affect in any way the construction for the building. Flag or otherwise mark all locations of site property lines, easements (if any), underground utilities, and indicate utility type.
C. The Contractor or subcontractor shall notify Owner if any conflicts or discrepancy occurs between the information on this plan and actual field conditions. Do not proceed with work in conflict with these drawing until written or verbal instructions are issued by Owner.
D. Protect and mark all existing building structure including walls, beams, columns, area separation walls, and other items that are part of the existing structure and not part of the scope of the tenant improvement, and mark perimeter of construction zone.

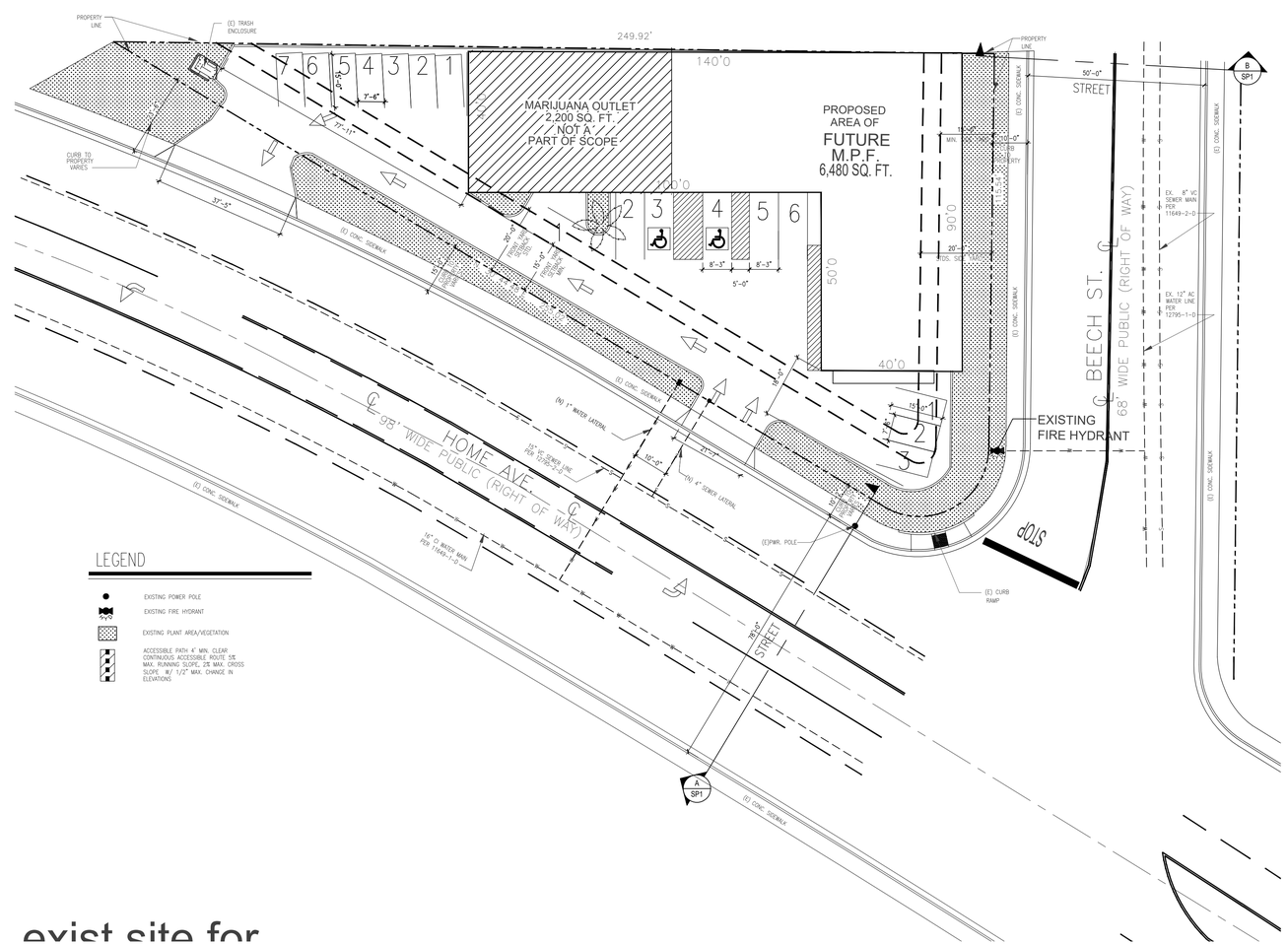
E. NO CHANGES TO EXISTING ON SITE UTILITIES
F. No transit stops within a 1,000 ft. & none proposed
G. NO KNOWN EXISTING OR PROPOSED EASEMENTS.
H. Provide building address numbers, visible & legible from the street or road fronting the property per FHPS Policy P-00-6 (UFC 901.4.4)
I. No known previous or proposed discretionary permits for this site.
J. No proposed sidewalks, curb & gutters.
K. No known damaged sidewalk panels along the project frontage. If any damaged sidewalk panels are present, these shall be replaced joint-to joint.
L.



B / SP1 STREET CROSS SECTION
BEECH AVE.
SCALE 1" = 10'-0"



A / SP1 STREET CROSS SECTION
HOME AVE.
SCALE 1" = 10'-0"



exist site for

EXISTING SITE PLAN

SCALE 1" = 20'-0"

NORTH

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6725-5 s. eastern avenue
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(702) 454-5842 fax (702) 454-7842

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

sheet title :
EXISTING SITE PLAN

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

sheet no.
SP1

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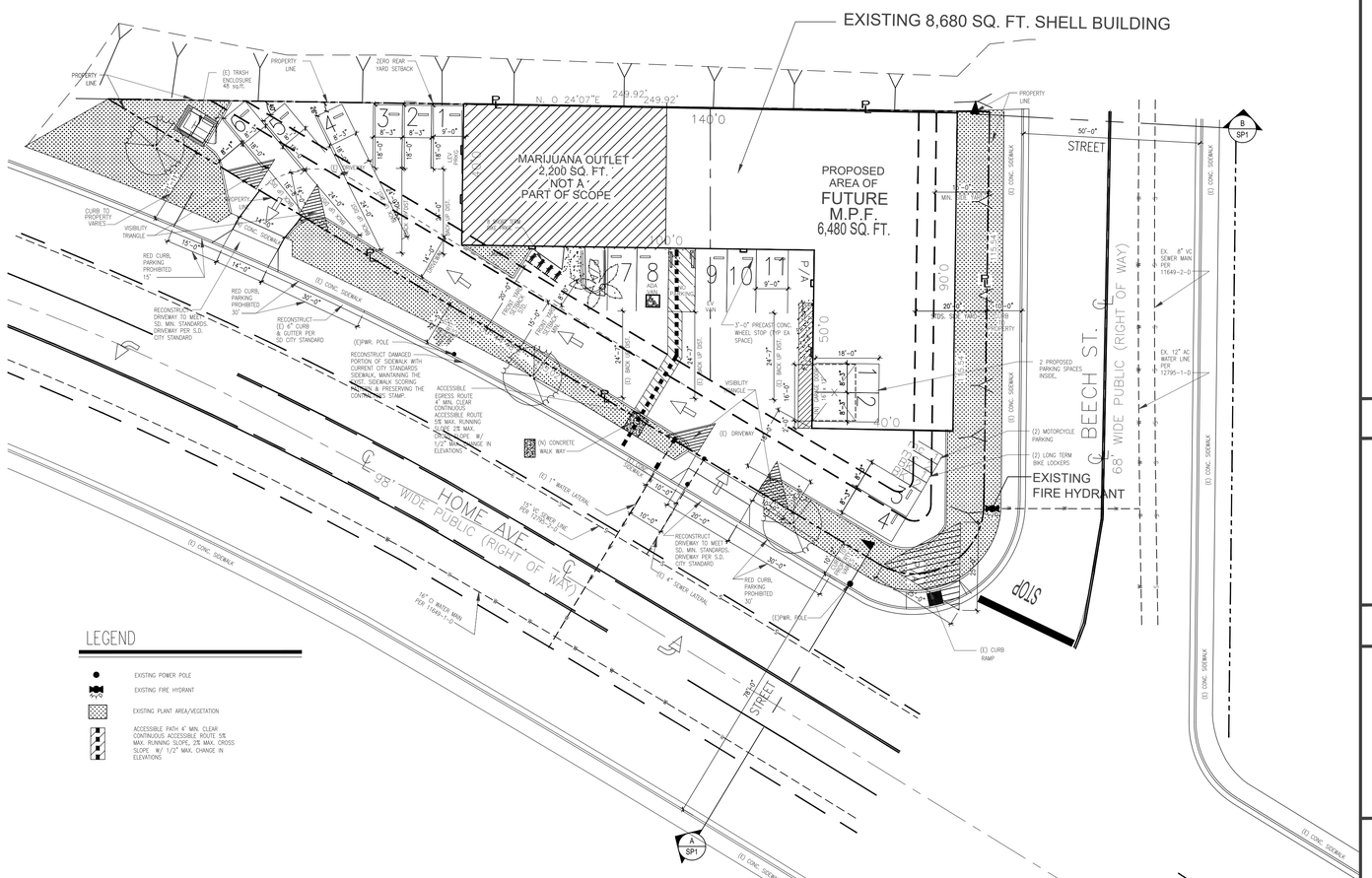
ATTACHMENT 9



SITE PLAN

SCALE 1" = 20'-0"

SITE PLAN NOTES

Federal Boulevard Marijuana Outlet
Site Plan Proposed

A. The site plan is for informational and general site reference only. Before commencing any site foundation or slab cutting or excavation, the contractor shall verify and mark locations of all site utilities, dimensions and conditions. These include but are not limited to property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other new or existing site items which could affect in any way the construction for the building. Flag or otherwise mark all locations of site property lines, easements (if any), underground utilities, and indicate utility type.
B. The Contractor or subcontractor shall notify Owner if any conflicts or discrepancy occurs between the information on this plan and actual field conditions. Do not proceed with work in conflict with these drawing until written or verbal instructions are issued by Owner.
C. Protect and mark all existing building structure including walls, beams, columns, area separation walls, and other items that are part of the existing structure and not part of the scope of the tenant improvement, and mark perimeter of construction zone.
D. Coordinate with other tenants, the temporary shutoff of any site utilities.
E. TRANSIT STOP: Nearest transit stop is approximately 1 mile away from project.
F. BUILDING ADDRESS: Building address numbers must be visible and legible from the street or road fronting the property, per FHPS Policy P-00-6 (UFC 901.4.4)
G. No obstruction including solid walls in the visibility area shall exceed 3 feet in height. Plant material, other than trees, within the public right-of-way that is located within visibility areas shall not exceed 24 inches in height, measured from the top of the adjacent curb.
H. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14 Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, in the construction plans or specifications.
I. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP_. The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction PMP Standards Chapter 4 of the City's Storm Water Standards.
J. No trees or shrubs whose height will be 3' at maturity shall be installed or retained within 5' of any publicity maintained water facilities or within 10' of any publicity maintained sewer facilities.
K. No water, sewer, or general utility easements associated with the property under review.

E. NO CHANGES TO EXISTING ON SITE UTILITIES
F. No transit stops within a 1,000 ft. & none proposed
G. NO KNOWN EXISTING OR PROPOSED EASEMENTS.
H. Provide building address numbers, visible & legible from the street or road fronting the property per FHPS Policy P-00-6 (UFC 901.4.4)
I. No known previous or proposed discretionary permits for this site.
J. No proposed sidewalks, curb & gutters.
K. No known damaged sidewalk panels along the project frontage. If any damaged sidewalk panels are present, these shall be replaced joint-to joint.
L. Lighting shall be provided to illuminate surrounding area of facility, including parking lots & adjoining sidewalks. Lighting shall be hooded/shielded or oriented so as to deflect light away from adjacent properties.
M. Prior to the issuance of any building permits, the Owner/Permitee shall obtain an Encroachment Maintenance removal Agreement, from the City Engineer, for the constructed lawn and irrigation in the Home Avenue & Beech Street Right of Way.

N. NO ROOF, DECK OR BALCONY DRAINS ARE PROPOSED FOR THIS PROJECT.

SETBACK NOTES

SETBACKS PER

SDMC 131.0543 (a) (2)

ODOR SUPPRESSION:

THE FACILITY SHALL PROVIDE A SUFFICIENT ODOR ABSORBING VENTILATION AND EXHAUST SYSTEM CAPABLE OF ELIMINATING EXCESSIVE OR OFFENSIVE ODORS CAUSING DISCOMFORT OR ANNOYANCE TO ANY REASONABLE PERSON OF NORMAL SENSITIVITIES STANDING OUTSIDE OF THE STRUCTURAL ENVELOPE OF THE PERMITTED FACILITY IN COMPLIANCE WITH SDMA SECTION 142.0710. CARBON FILTERS OR EQUAL WILL BE INSTALLED TO LIMIT ODOR.

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

sheet title :
PROPOSED
SITE PLAN

issue dates :
drawn by :
checked by :
project no. :
revisions :
sheet no.
SP2

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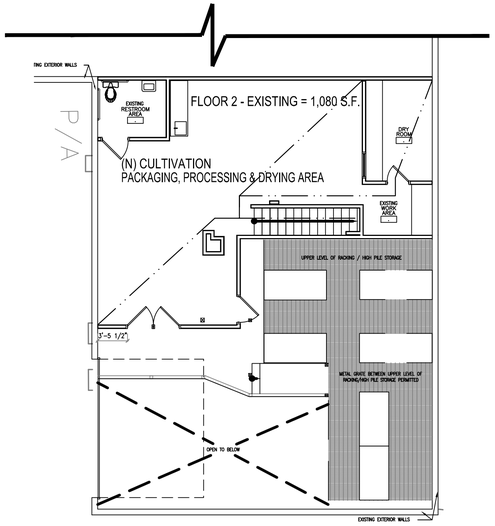
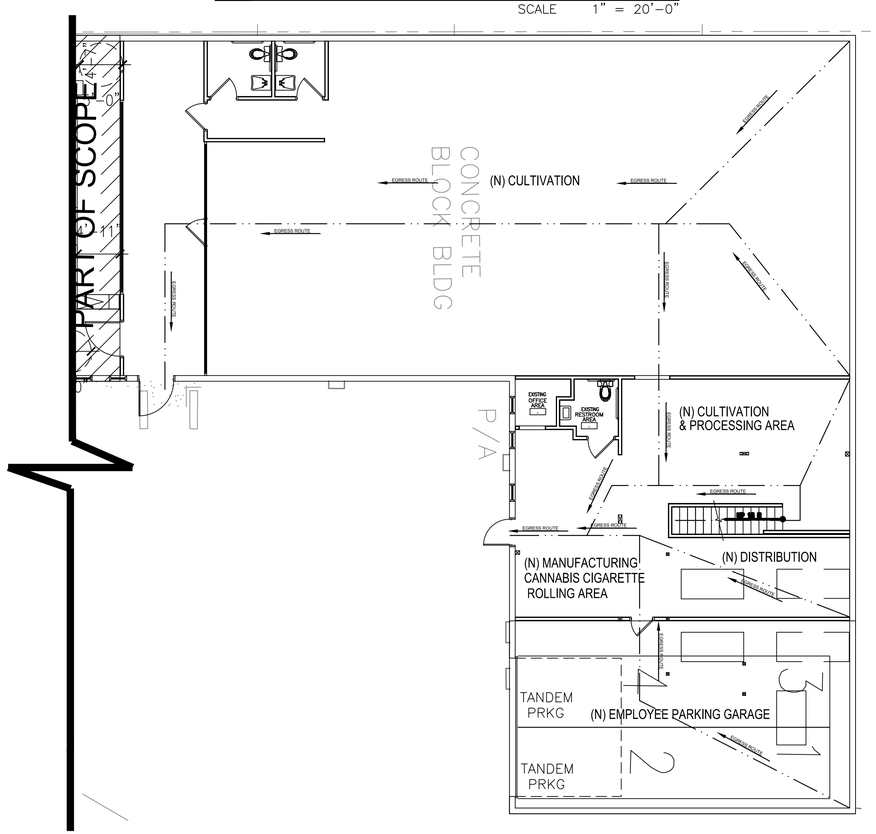
SP2 10-01-2018



2nd. FLOOR EGRESS PLAN

SCALE 1" = 20'-0"

NORTH



1st. FLOOR EGRESS PLAN

SCALE 1" = 20'-0"

NORTH

EGRESS PLAN NOTES

DESIGN OCCUPANT LOAD – The number of occupants whom means egress facilities shall be provided.
Where occupants from accessory area egress through a primary space, the calculated occupant load for
the primary space plus the number of occupants egressing through it from the accessory area.
Minimum Egress Width – The total width of means of egress in inches (mm) shall not be less than the
total occupant load served by the means of egress multiplied by 0.3 inches as (7.62 mm) per occupant
for stairways and by 0.2 inches (5.08 mm) per occupant for other egress components. Multiple means of
egress shall be sized such that the loss of any one means of egress shall not reduce the available
capacity to less than 50 percent of the required capacity. The maximum capacity required from any
story of a building shall be maintained to the termination of the means of egress. (CBC 1005.1)
DOOR ENCROACHMENT – Doors, when fully opened, and handrails shall not reduce the required means
of egress width by more than 7 inches (178 mm). Doors in any position shall not reduce the required
width by more than one-half. Other nonstructural projections such as trim and similar decorative
features shall be permitted to project into the required width a maximum of 1½ inches (38 mm) on each
side. (CBC 1005.2)
EGRESS DOORS - Egress doors shall be readily openable from the egress side without the use of a special
key knowledge or effort. (CBC 1008.1.9)
EGRESS ILLUMINATION – The means of egress, including the exit discharge, shall be illuminated at all
times the building space served by the means of egress is occupied. Egress illumination shall comply
with CBC 2016 Section 1006.
ILLUMINATION EMERGENCY POWER – The power supply for means of egress illumination shall normally
be provided by the premises' electrical supply.
In the event of power supply failure, an emergency electrical system shall automatically illuminate all of
the following areas:
1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of
egress.
2. Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.
3. Exterior egress components at other than their levels of exit discharge until exit discharge is
accomplished for buildings required to have two or more exits.
4. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have
two or more exits.
5. Exterior landings as required by Section 1008.1.6 for exit discharge doorways in buildings
required to have two or more exits.
The emergency power system shall provide power for a duration of not less than 90 minutes and shall
consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency
power system shall be in accordance with CBC 2016 Section 2702.
Illumination level under emergency power. Emergency lighting facilities shall be arranged to provide
initial illumination that is at least an average of 1 footcandle (11 lux) and a minimum at any point of 0.1
footcandle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted
to decline to 0.6 footcandle (6 lux) average and a minimum at any point of 0.06 footcandle (0.6 lux) at
the end of the emergency lighting time duration. A maximum-to-maximum illumination uniformity ratio
of 40 to 1 shall not be exceeded.

EGRESS PLAN NOTES

Egress Plan - Proposed
Accessibility Notes
1. All entrances and all exterior ground-floor exit doors to buildings and facilities shall be made
accessible to persons with disabilities. (Sec. 1133B.1. 1.1.1)
2. Latching and locking hand activated doors in a path of travel shall be operable with a single
effort by lever type hardware, panic bars, push pull activating bars, or other hardware designed
to provide passage without requiring the ability to grasp the opening hardware. Locked exit
doors shall operate as above in egress direction. (Sec. 1133B.2.5.2)
3. Hand activated door opening hardware shall be centered between 30 inches (762 mm) and 44
inches (1118 mm) above the floor. (Sec. 1133B.2.5.2)
4. The width and height of doorways shall comply with section 1008. Every required exit doorway
shall permit the installation of a door not less than 3 feet (914 mm) wide and not less than 6 feet
8 inches (2032 mm) high. Exit doors shall be capable of opening at least 90 degrees and provide
not less than 32 inches clear width (813mm). (Sec. 1133B.2.2 and Figure 11B 33) except where
noted.
5. For hinged doors, the opening width shall be measured with the door positioned at an angle of
90 degrees from its closed position. (Sec. 1133.2.3 and Fig. 11B 33).
6. Minimum maneuvering clearances at doors shall be as shown in Figures 11B-26A and 11B-26B.
The floor or ground area within the required clearances shall be level and clear (Sec.
1133B.2.4.2).
7. There shall be a level and clear floor or landing on each side of a door. The level area shall have
a length in the direction of door swing of at least 60 inches (1524 mm) and the length opposite
the direction of door swing of 48 inches (1219 mm) as measured at right angle to the plane of
the door in its closed position (Sec. 1133B.2.4.2 and Fig. 11B2 6A and 11B 26B).
8. The width of the level area on the side to which the door swings shall extend 24 inches (610
mm) minimum past the strike edge of the door for exterior doors and 18 inches (457 mm)
minimum past the strike edge for interior doors. This also applies to obstructions and recesses.
An additional 12 inches is required at the push side if a frontal approach, if door is equipped
with both latch and closer (Sec. 1133B2.4.3, 1133B.2.4.5, 1133B.2.5.3, Figures 11B 26A and B,
and 11B-33(a).
9. The floor or landing shall be not more than ½ inch (12.7 mm) lower than the threshold of the
doorway. Change in level between ¼ inch (6mm) and 275 inch (12.7 mm) shall be beveled with a
slope no greater than one unit vertical to 2 unit horizontal (50-percent slope) (Sec. 1133B.2.4.1
and Figures 11B 32).
10. The bottom 10 inches (254 mm) of all doors except automatic and sliding shall have a smooth,
uninterrupted surface to allow the door to be opened by a wheelchair footrest without creating
a trap or hazardous condition. Where narrow frame doors are used, a 10 inch (254 mm) high
smooth panel shall be installed on the push side. (Sec. 1133.2.6 and Fig 11B 29).
11. Maximum effort to operate doors shall not exceed 5 pounds (22 N) for exterior and interior
doors, applied at right angles to hinged doors and at the center plane of sliding or folding doors.
Compensating devices or automatic door operators may be utilized. The maximum effort to
operate fire doors may be increased up to 15 pounds (66.72 N) if allowed by the appropriate
administrative authority. (Sec. 1133B.2.5)
12. Specific work stations need only comply with the required aisle width (Sec. 1133B.6.1 and
1133B.6.2 and floors and levels (Sec. 1120B). (Sec. 1123B.2).
13. Entry ways to specific work stations shall be 32 inches clear width. (Sec 1123B.2).
14. PROVIDE PANIC HARDWARE AT EXIT DOORS WHERE NOTED.
15. Gates used as a component in a means of egress shall conform to the applicable requirements
for doors. (Sec. 1008.2)
16. Exterior Exit doors shall have a sign posted above stating: DOOR TO REMAIN UNLOCKED DURING
REGULAR BUSINESS HOURS. (Sec. 1008 1.9.3)
17. Public accommodations shall maintain in operable working condition those features of facilities
and equipment that are required to be accessible to and useable by persons with disabilities
isolated or temporary interruptions in service or accessibility due to maintenance or repairs shall
be permitted. §11B-302.1
18. Means of egress doors shall be readily distinguishable from the adjacent construction and
finishes such that the doors are easily recognized. Mirrors or similar reflecting materials shall
not be used.
Egress & Accessibility Notes
ACCESSIBLE ROUTE – Accessible routes shall comply with
CBC 2016 Section 11B-402. Walking surfaces
shall provide clearances complying with CBC 2016 Section 11 B-403.5. The running slope of walking
surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than
1:48. Except as provided in CBC 2016 Sections 11B-403.5.2 and 11B-403.5.3, the clear width of walking
surfaces shall be 36 inches (914 mm) minimum. The clear width for walking surfaces in corridor serving
an occupant load of 10 or more shall be 44 inches (1118 mm) minimum. The clear width for sidewalks
and walks shall be 48 inches (1219 mm) minimum.
MEANS OF EGRESS – A continuous and unobstructed path of vertical and horizontal egress travel from
an occupied portion of a building or structure to a public way. A means of egress consists of three
separate and distinct parts: the exit access, the exit and the exit discharge. Means of Egress shall comply
with CBC 2016 Chapter 10.

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

sheet title :
EGRESS PLAN

issue dates :
drawn by :
checked by :
project no. :
revisions :
sheet no.
AE1.01

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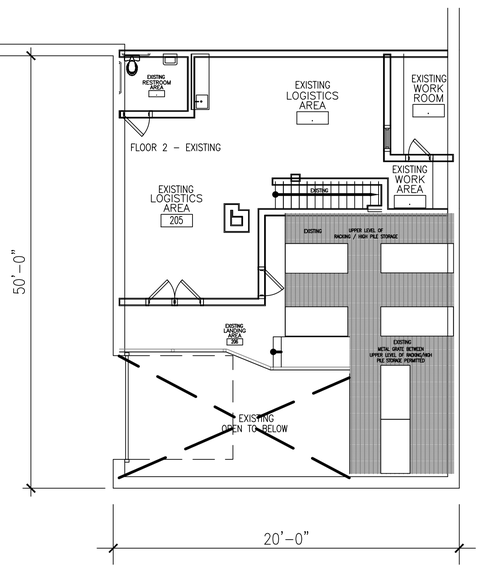
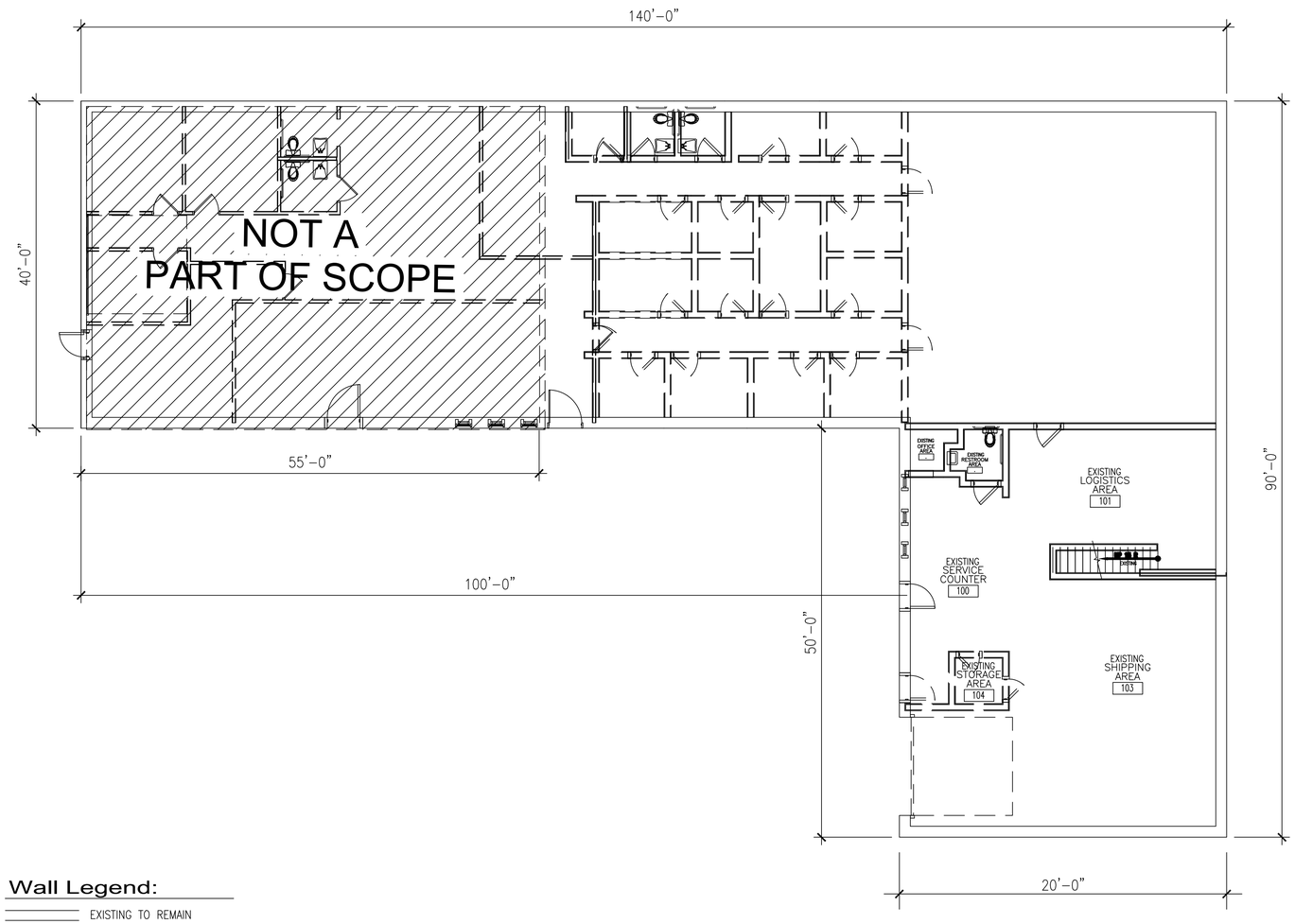
DEMO NOTES:

Demolition Notes

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





Wall Legend:

- EXISTING TO REMAIN
- EXISTING TO BE REMOVED

EXISTING/ DEMO PLAN

SECOND FLOOR

SCALE 1/4" = 1'–0"

NORTH

EXISTING/ DEMO PLAN

FIRST FLOOR

SCALE 1/4" = 1'–0"

NORTH

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3940 HOME AVE.
SAN DIEGO CA. 92105

sheet title :
EXISTING/DEMOLITION PLAN

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revisions :

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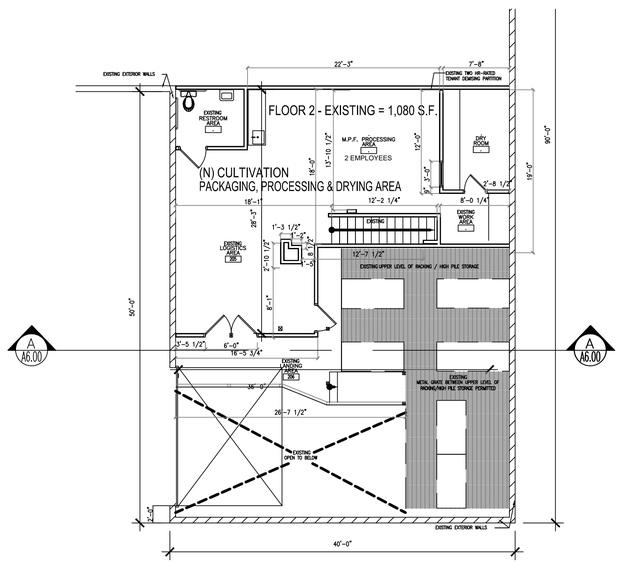
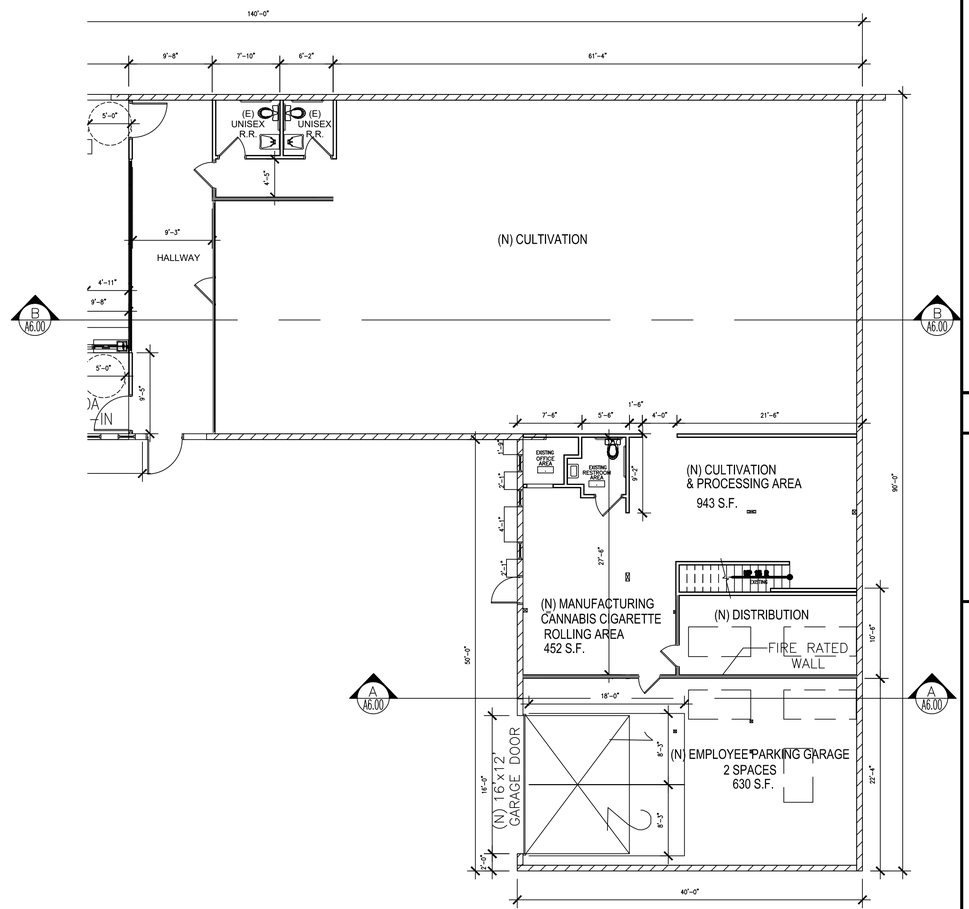


PROPOSED 2nd. FLOOR PLAN

SCALE 1/8" = 1'-0"

NORTH



PROPOSED 1st. FLOOR PLAN

SCALE 1/8" = 1'-0"

NORTH

Wall Legend:

EXISTING 8" C.M.U. WALL FULLY GROUTED

NEW WALL W/ 2X4 STUDS @ 16" O.C. AND R-13 BATT. INSULATION @ EXTERIOR WALLS.

FLOOR PLAN NOTES

Floor Plan Notes

1. The General Contractor or Subcontractor shall verify all conditions or dimensions on these plans in the field with actual site conditions.
2. Written dimensions shall take precedence over scaled dimensions and shall be verifced on the jobsite. On-site verification of all dimensions and conditions shall be the sole responsibility of the General Contractor and Subcontractors.
3. The Contractor or subcontractors shall notify Owner if any conflicts or discrepancy occurs between this information on this plan and actual field conditions.
4. Any discrepancies with this drawing affecting project layout shall be brought to the attention of the Owner. Do not proceed with work until written or verbal instructions are issued by Owner.
5. INSULATION: R-13 Batt Insulation at all Exterior 2x4 Walls.

R-13 Batt Insulation at all accessible interior walls for sound control.
R-30 Batt Insulation at 2 x 10 Ceiling, Raised Floor and Roof Areas.
R-4.5 Insulation Wrap on all New Hot Water Piping.
R-4.5 Insulation Wrap on all New Supply Ducts.

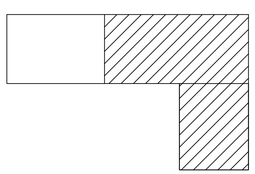
Dimensions
EXTERIOR WALL DIMENSIONS TO FACE OF FINISH (U.N.O)
INTERIOR WALL DIMENSIONS TO CENTER LINE OF STUD (U.N.O)
CLEARANCE DIMENSIONS ARE TO FACE OF FINISH MATERIALS, NOTED WITH CLR.

ODOR SUPPRESSION:

THE FACILITY SHALL PROVIDE A SUFFICIENT ODOR ABSORBING VENTILATION AND EXHAUST SYSTEM CAPABLE OF ELIMINATING EXCESSIVE OR OFFENSIVE ODORS CAUSING DISCOMFORT OR ANNOYANCE TO ANY REASONABLE PERSON OF NORMAL SENSITIVITIES STANDING OUTSIDE OF THE STRUCTURAL ENVELOPE OF THE PERMITTED FACILITY IN COMPLIANCE WITH SDMA SECTION 142.0710. CARBON FILTERS OR EQUAL WILL BE INSTALLED TO LIMIT ODOR.

KEY:

AREA OF WORK SHOWN HATCHED



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

sheet title :
PROPOSED FLOOR PLAN

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

A1.00

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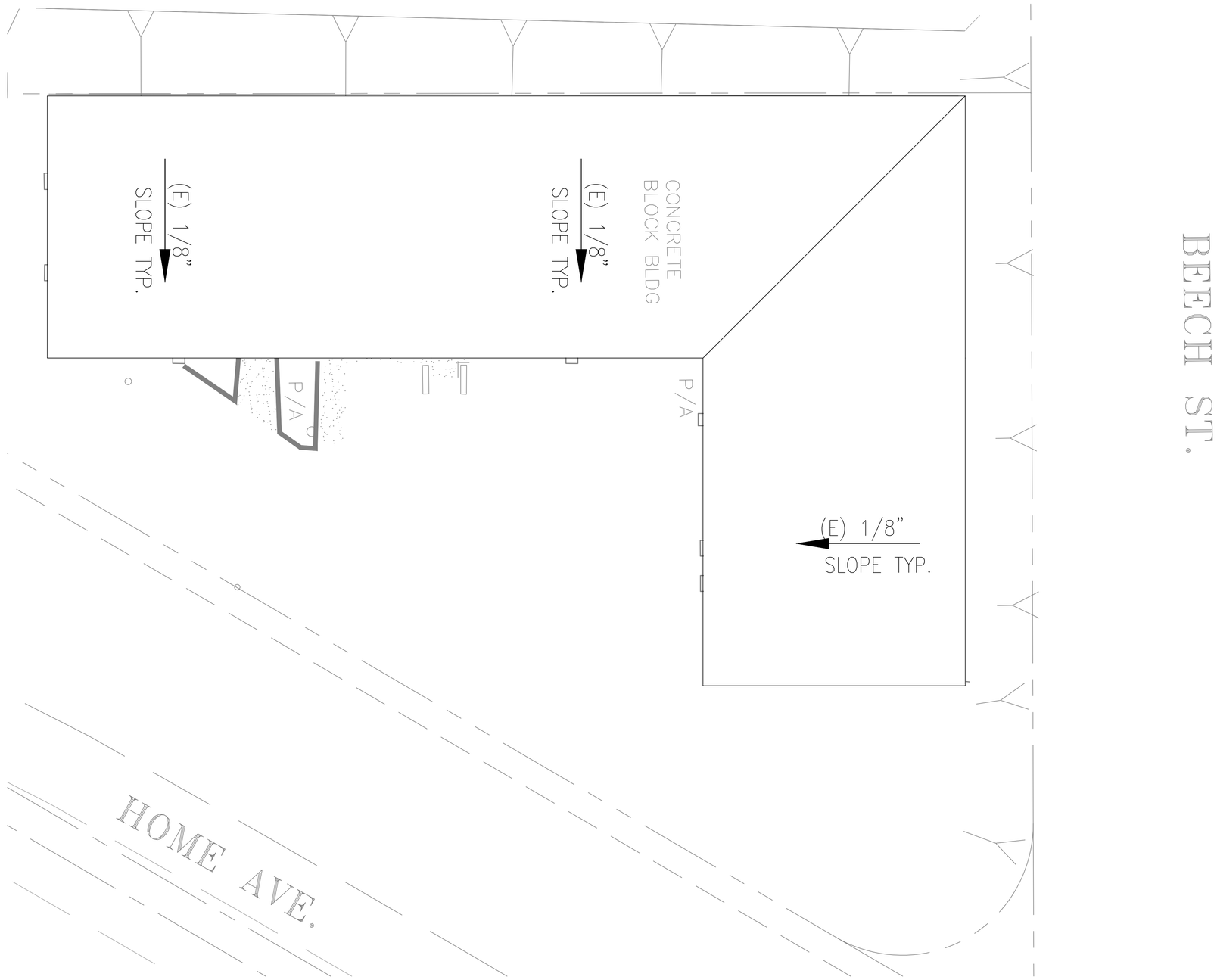

ROOF PLAN

SCALE 1" = 20'-0"

NORTH

ROOF PLAN NOTES

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

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

sheet title :
ROOF PLAN

issue dates :
drawn by :
checked by :
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revisions :

sheet no.
A2.00

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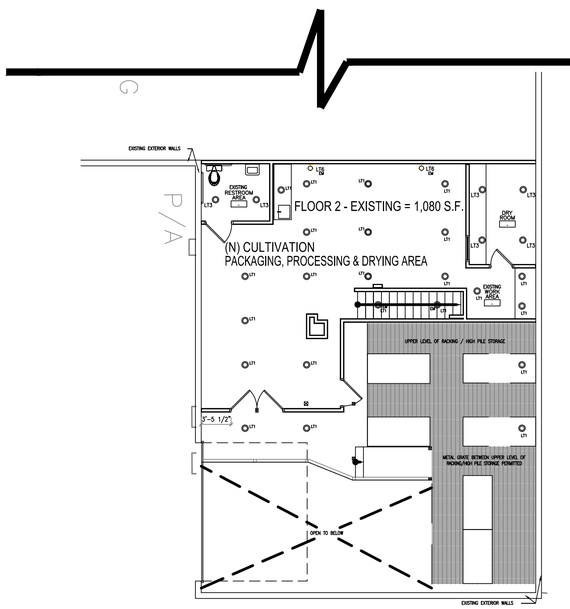
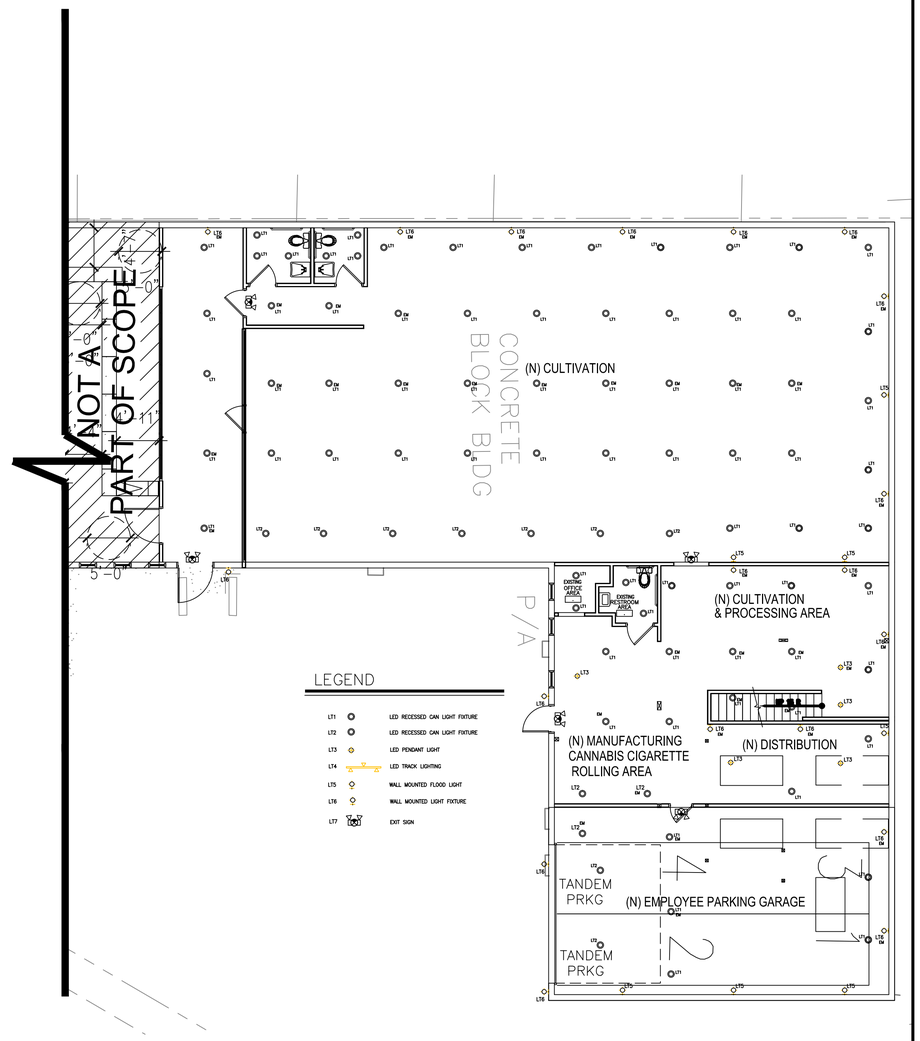
ATTACHMENT 9





LEGEND

LT1		LED RECESSED CAN LIGHT FIXTURE
LT2		LED RECESSED CAN LIGHT FIXTURE
LT3		LED PENDANT LIGHT
LT4		LED TRACK LIGHTING
LT5		WALL MOUNTED FLOOD LIGHT
LT6		WALL MOUNTED LIGHT FIXTURE
LT7		EXIT SIGN

2nd FLOOR LIGHTING PLAN

SCALE 1/8" = 1'-0"

NORTH

1st FLOOR LIGHTING PLAN

SCALE 1/8" = 1'-0"

NORTH

LIGHTING PLAN NOTES

Lighting Plan Proposed

1. The locations of switches, outlets and light fixtures shown on electrical plans are approximate. Do not run wire until all boxes are in place and the owner has been called to make visual review of all locations.
2. Verify all electrical requirements for new work and provide service as necessary. All new electrical wiring and installation shall comply with the latest adopted edition of the N.E.C. state and local requirements.
3. Kitchens shall have 50% for more of the wattage used for lighting be from high efficiency light fixtures. Incandescent lighting shall be switched separately and/or have dimmer switches.
4. Exterior light fixtures attached to building shall be fluorescent light fixtures or incandescent lighting equipped with photo/motion sensor.
5. All electric switches unless noted on the plan are to be located 42 inches above the finish floor. All outlet receptacles shall be 15 inches above finish floor, unless noted otherwise. Verify locations for horizontally mounted outlets (marked "Horizontal" on plans). Multiple switches shall be ganged together, unless noted otherwise.
6. Mounting heights for light fixtures shown on plans are from finish floor or flatwork to the centerline of junction box, unless noted otherwise. Also, refer to exterior and interior elevations for additional information regarding fixture-mounting heights.
7. Convenience outlets in bathrooms, kitchens, wet bar sink, laundry rooms, outdoors, basements and garages shall be Ground Fault Circuit Interrupts (GFCI) type outlets (NEC210-8).
8. Convenience outlets in bedrooms shall be protected with Arc Fault Circuit Interrupters (AFCI type outlets. (NEC210.12)
9. Electrical outlet plate gaskets shall be installed on all receptacles, switches or other electrical boxes in exterior walls and any wall on perimeter of conditioned space.
10. Verify electrical requirements for new appliances and mechanical equipment prior to running wire. See Appliance Schedule and floor plans for equipment.
11. All electrical panels shall have permanent legible labels indicating circuit use, amperage, etc.
12. Owner supplied fixtures shall be installed by contractor.
13. Verify with owner number of telephone lines to be provided to residence. Pre-wire for cable TV and telephone per plans, verify size and shielding requirements for TV cable. Verify locations of telephone, cable and computer outlets with owner prior to installation.
14. Verify with owner any electrical stub outs for future electrical.
15. Verify with owner and coordinate installation requirements of sound system and speaker wire for sound system. (System and wiring are not in contract unless specified in bid)
16. SMOKE DETECTORS: Shall be installed in each bedroom, in access points to each sleeping area and in each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Per CRC 2013 Sec. R314
17. INTERCONNECTION NOTE: Where more than one smoke alarm is require to be installed, the smoke alarm shall be interconnected in such manner that the activation of one alarm will activate all the alarms in the individual dwelling unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.
18. POWER SOURCE: In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery back-up. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.
19. EXISTING BUILDINGS: Smoke detectors shall be installed for all dwelling units intended for human occupancy, for a permit for alterations, repairs, or additions, exceeding one thousand dollars ($1,000).
20. General Contractor to verify with the owner and coordinate any electrical requirements for the installation of security system and/or intercom system. (System and wiring not in contract unless specified in bid).
21. Junction boxes for ceiling fans shall be securely fastened to framing per fan manufacturer's instructions.
22. Provide Carbon Monoxide Alarms per CRC 2013Sec. R315.
23. Lighting shall be provided to illuminate surrounding area of facility, including parking lots & adjoining sidewalks. Lighting shall be hooded/shielded or oriented so as to deflect light away from adjacent properties.

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HOME AVE.
MARIJUANA PRODUCTION FACILITY
3940 HOME AVE.
SAN DIEGO CA. 92105

sheet title :
LIGHTING PLAN

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

A3.00

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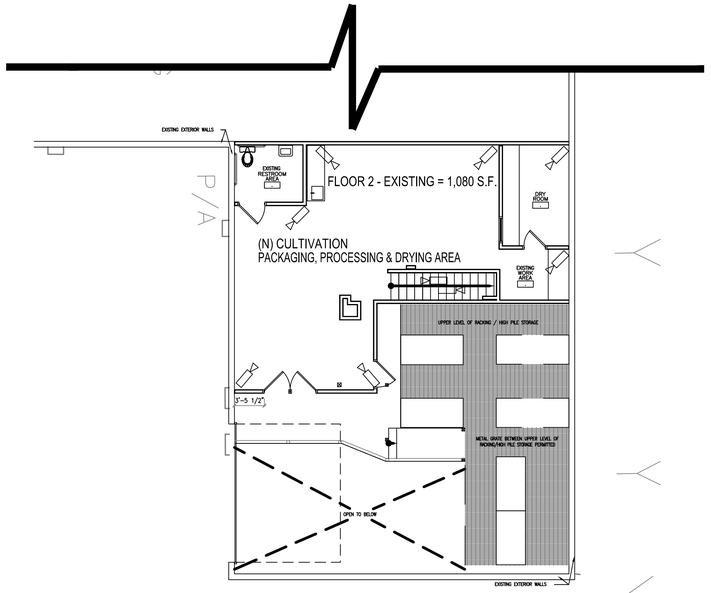

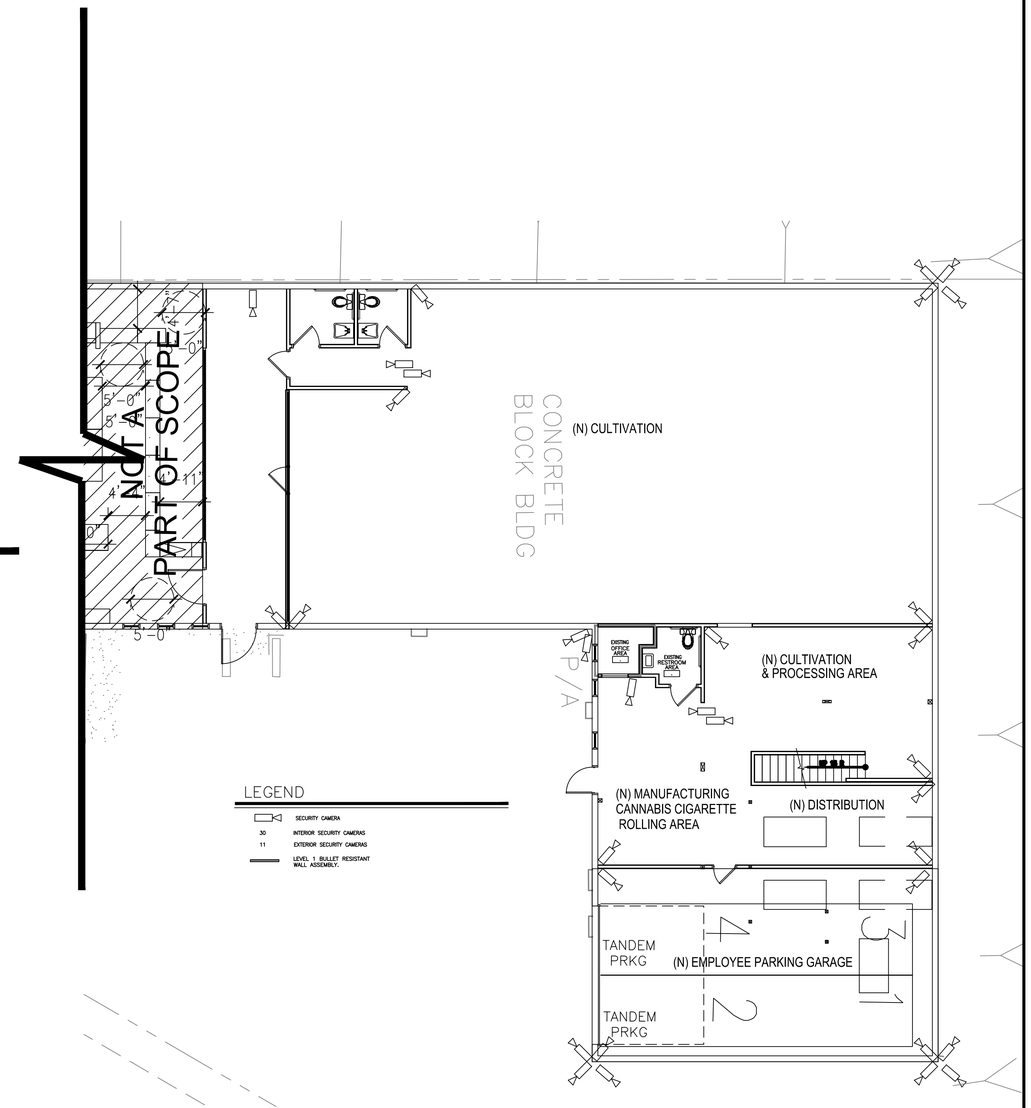

2nd FLOOR SECURITY PLAN

SCALE 1/4" = 1'-0"

NORTH

1st FLOOR SECURITY PLAN

SCALE 1/4" = 1'-0"

NORTH

SECURITY PLAN NOTES

Security Plan Proposed

Security Plan Notes

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

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las vegas, nevada 89118
(702) 454-5842 fax (702) 454-7842

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

sheet title :
SECURITY PLAN

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

A4.00

SP_SITE_SPn_BMP.dwg plotted: 8/8/2018 5:56 PM by: Bruno Vasquez

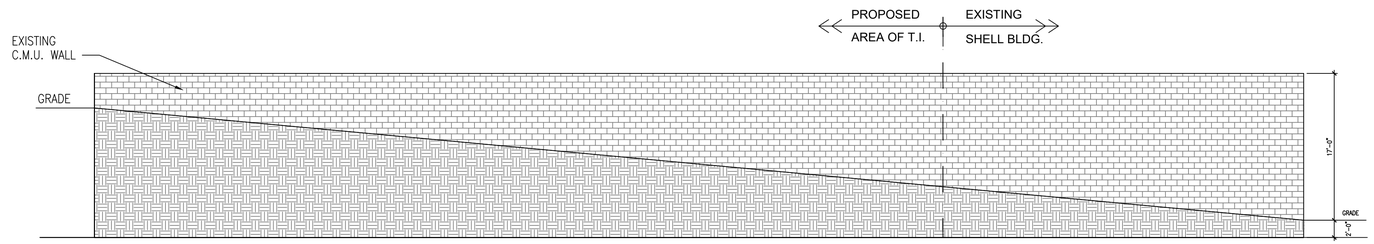
ELEVATION NOTES

Proposed Exterior Elevation

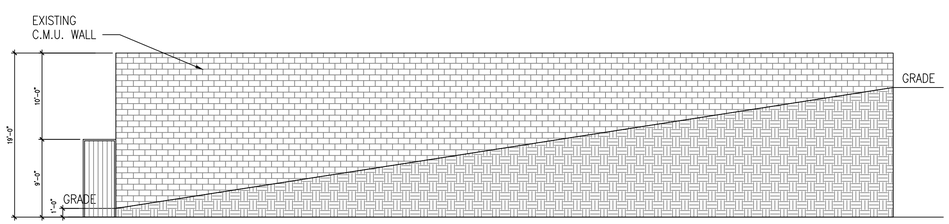
PLEASE NOTE , MINOR EXTERIOR MODIFICATIONS ARE PROPOSED.

Elevation lines shown are from top of slab (TOSL)

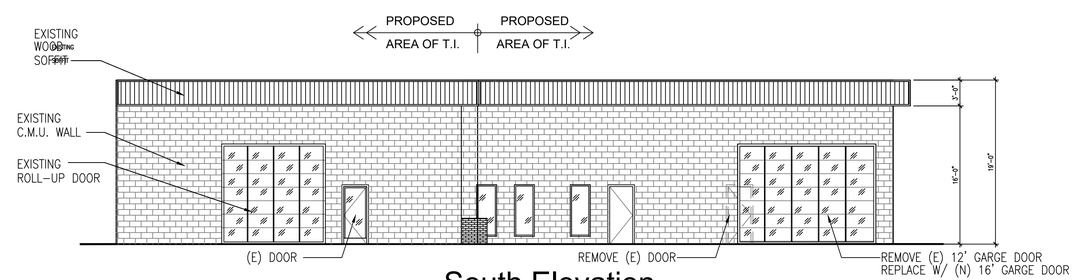
A. Remove existing man door to allow for new 16' wide Garage door to replace existing 12' garage door.
B. See sheet A6.00 for Building Sections
C. The pre-construction inspection must be scheduled and cleared by the field inspector before any subsequent inspections can be scheduled. Call (858) 581-7111 to schedule the pre-construction inspection. Contact inspection services office at 492-5070, if you have any questions pertaining to the Pre-construction inspection.



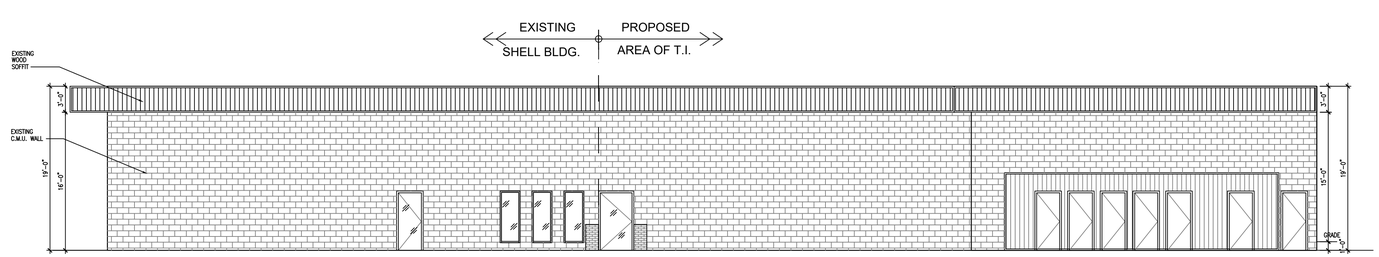
West Elevation
(Looking East)
1/8" = 1'-0"



North Elevation
(Looking South)
1/8" = 1'-0"



South Elevation
(Looking North)
1/8" = 1'-0"



East Elevation
(Looking West)
1/8" = 1'-0"

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

sheet title :
Exterior Elevations

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

A5.00

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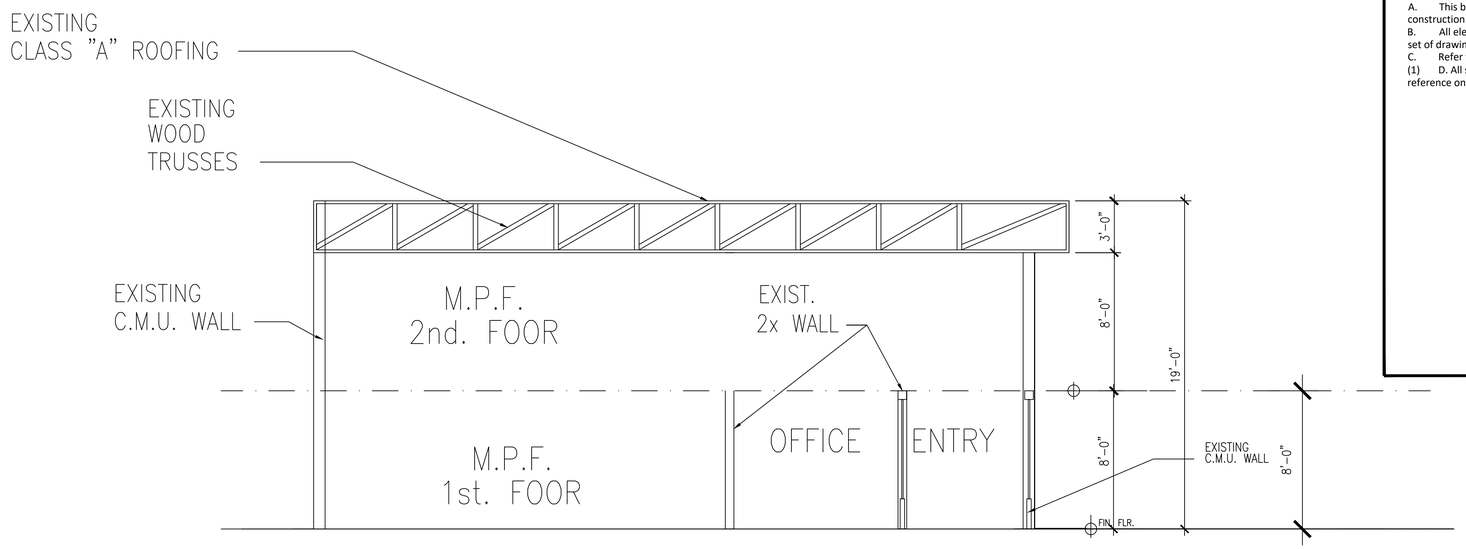
A4- ELEVATIONS.dwg plotted: 8/8/2018 6:21 PM by: Bruno Vasquez

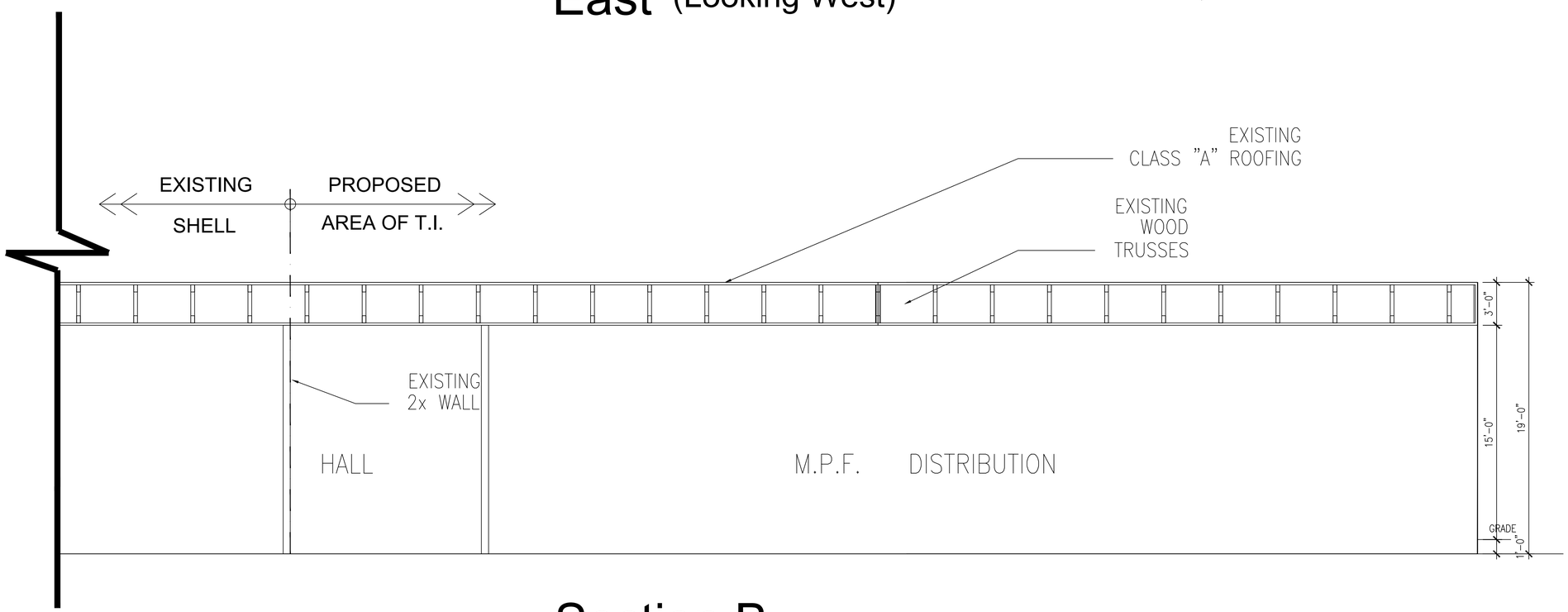
SECTION NOTES

Building Section Proposed
Section Notes
A. This building section drawing is schematic in nature and not for construction.
B. All elevations are based on the Topographic Survey found within this set of drawings.
C. Refer to Site Plan drawing for additional information.
(1) D. All structural components such as foundations, wall, etc. .. are for reference only.



Section A
East (Looking West)

1/4" = 1'-0"



Section B
East (Looking West)

1/4" = 1'-0"

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(702) 454-5842 fax (702) 454-7842

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

sheet title :
Building Sections

issue dates :
drawn by :
checked by :
project no. :
revisions :
sheet no.
A6.00

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A4- ELEVATIONS.dwg plotted: 8/8/2018 6:22 PM by: Bruno Vasquez

GRAPHIC SCALE

0' 10' 20' 30' 40' 60' 80'

SCALE 1"= 20'

NOTES

THIS IS A TOPOGRAPHIC AND BOUNDARY SURVEY OF LOT 5 PER MAP No. 5473, DATED 10/06/1964.

WORK WAS PERFORMED ON 3/17/2018.

BASIS OF COORDINATES

THE COORDINATES ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 AND ARE EXPRESSED IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM 1983, ZONE VI, AT EPOCH 1991.35, AND ARE BASED ON POINT #1068 PER PUBLISHED RECORD OF SURVEY 14492. THE GRID VALUE FOR

#1068 = N-1846363.42 SFT, E-6290447.33 SFT.

BASIS OF BEARINGS:

BEARINGS ARE REFERENCED TO GRID NORTH AS DEFINED BY THE CALIFORNIA COORDINATE SYSTEM 1983, ZONE VI AND ARE BASED ON THE OBSERVED LINE FROM POINT #1068 TO POINT #1159, SAID BEARING = N 81°47'14" E

BASIS OF ELEVATION:

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

NGVD ELEVATION =91.717 SFT.

SYMBOL LEGEND

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

LICENSED LAND SURVEYOR NICHOLAS A. ROSSI No. L9149 EXP. 9-30-18 STATE OF CALIFORNIA

TOPOGRAPHIC MAP & BOUNDARY SURVEY

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

SHEET NUMBER 1 OF 1 SHEETS

SCALE HORIZONTAL: 1"=20'

JOB NUMBER 18-0002

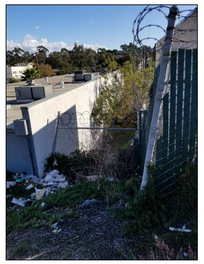
NO.	BY	DATE	REVISIONS:

P4

P3

P2

P1

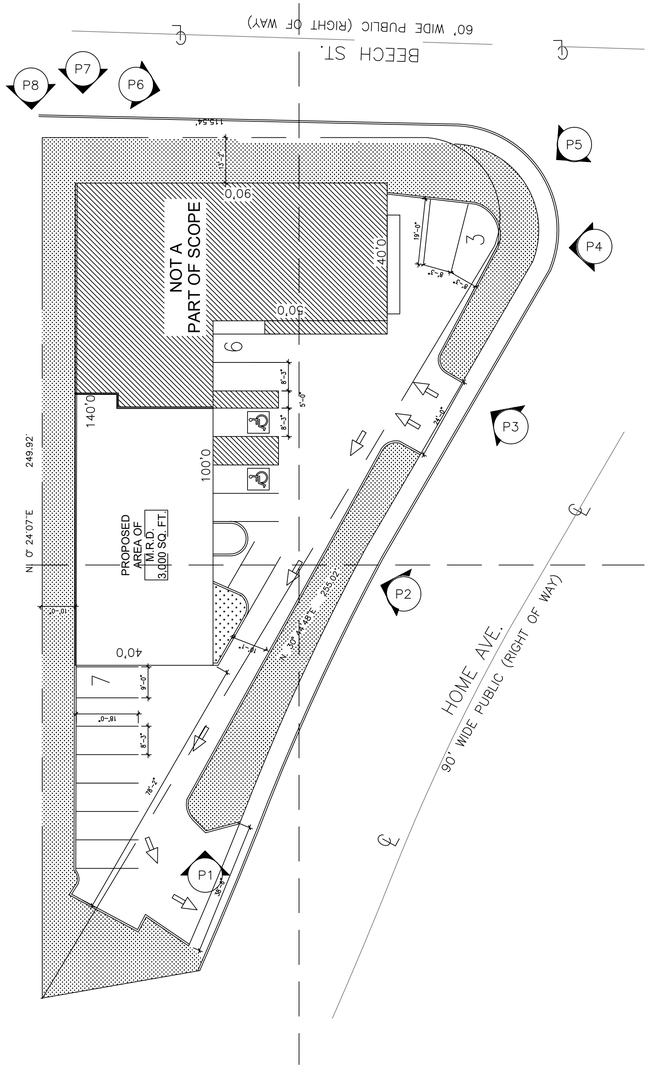


P8

P7

P6

P5



Existing Site Plan

N.T.S.

NORTH

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

sheet title :
Photo Survey

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

sheet no.
PS 3

19siteSurveyPic – Copy.dwg plotted: 6/19/2018 12:16 AM by: Bruno Vasquez

GRAPHIC SCALE
0' 10' 20' 30' 40' 60' 80'
SCALE 1"= 20'

INDUSTRIAL ZONE PROPERTY

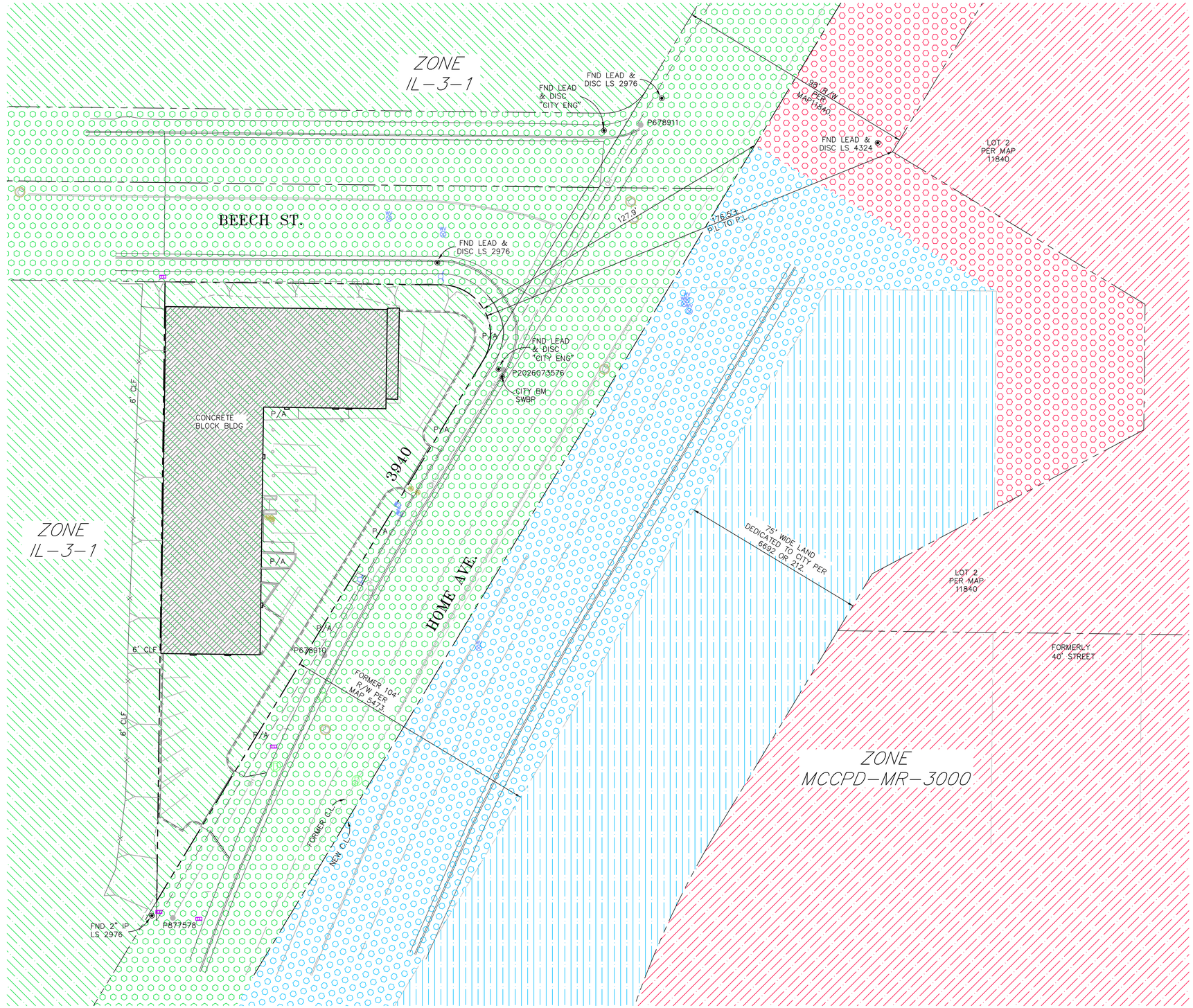
INDUSTRIAL ZONE RIGHT OF WAY

FUTURE RESIDENTIAL

FUTURE RESIDENTIAL RIGHT OF WAY

CITY OF SAN DIEGO DRAINAGE AREA

RIGHT OF WAY



LICENSED LAND SURVEYOR
NICHOLAS A. ROSSI
No. L9149
EXP. 9-30-18
STATE OF CALIFORNIA

ZONE EXHIBIT #1

SHEET NUMBER 1 OF 1 SHEETS

SCALE
HORIZONTAL: 1"=20'

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

JOB NUMBER 18-0002

NO.	BY	DATE	REVISIONS:

ATTACHMENT 2

SD	**City of San Diego** **Development Services** 1222 First Ave., MS-302 San Diego, CA 92101	**Development Permit/ Environmental Determination Appeal Application**	**FORM** **DS-3031** **November 2017**

In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."

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

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

Name:			E-mail:	
Khoa Nguyen			khoa@rathmiller.com	
Address:	**City:**	**State:**	**Zip Code:**	**Telephone:**
525 B Street, Suite 1410	San Diego	CA	92101	619.550.6037

3. Project Name:

MPF 3940 Home Avenue, Project No. 611536

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination	City Project Manager:
Conditional Use Permit No. 2167710	March 6, 2019	Hugo Castaneda

Decision(Describe the permit/approval decision):
Approval of a Conditional Use Permit by Hearing Officer for MPF Located at 3940 Home Avenue.

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

☐ Factual Error
☐ Conflict with other matters
☒ Findings Not Supported
☐ New Information
☐ City-wide Significance (Process Four decisions only)

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

please see attached.

RECEIVED
MAR 20 2019
DEVELOPMENT SERVICES

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

Signature: Khoa Nguyen Date: 3/20/19

Note: Faxed appeals are not accepted.

ATTACHMENT 2

MPF 3940 Home Avenue, Project No. 611536

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.

SD	**City of San Diego** **Development Services** 1222 First Ave., MS-302 San Diego, CA 92101	**Development Permit/ Environmental Determination Appeal Application**	**FORM** **DS-3031** **November 2017**

In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."

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

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

Name:			E-mail:	
RS Industries, Rodney Eales			rodney@urbngreens.com	
Address:	City:	State:	Zip Code:	Telephone:
2905 Canon Street	San Diego	CA	92106	619.228.7182

3. Project Name:

MPF 611536 - 3940 Home Avenue

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination	City Project Manager:
Conditional Use Permit No. 2167710	March 6, 2019	Hugo Castaneda

Decision(Describe the permit/approval decision):

Hearing Officer adoption of Findings with respect to Conditional Use Permit No. 2167710. Hearing Officer granting of Conditional Use Permit No. 2167710.

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

☐ Factual Error
☒ Conflict with other matters
☒ Findings Not Supported
☒ New Information
☐ City-wide Significance (Process Four decisions only)

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

Please see Attachment 1 - Grounds for Appeal.

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

Signature: _____ Date: March 20, 2019

Note: Faxed appeals are not accepted.

ATTACHMENT 1 – GROUNDS FOR APPEAL

Appeal of Hearing Officer Decision Re: MPF 3940 Home Avenue – Project No. 611536

- 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.

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ATTACHMENT 4

PLANNING COMMISSION RESOLUTION NO. XXXX-PC
CONDITIONAL USE PERMIT NO. 2167710
MPF 3940 HOME AVENUE. - PROJECT NO. 611536

WHEREAS, ROBERT BERNARD KAHN, TRUSTEE of the ROBERT BERNARD KAHN TRUST, Owner and 2018HMPF, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 8,680 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2167710), on portions of a 0.42-acre site;

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

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

WHEREAS, on October 18, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303(c) (New construction or conversion of small structures) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on March 6, 2019, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 2167710 pursuant to the Land Development Code of the City of San Diego; and

DRAFT

WHEREAS, on March 20, 2019, Khoa Nguyen, filed a Development Permit Appeal Application and on March 20, 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. 2167710 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. 2167710.

A. <u>CONDITIONAL USE PERMIT [SDMC Section 126.0305]</u>

1. <u>Findings for all Conditional Use Permits:</u>

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 8,680 square-foot building located 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan.

The site is within the Light Industrial Land Use Area of the Mid-City, City Height Community Plan. The Light Industrial designation is intended to accommodate manufacturing, part suppliers, machine shops, cleaning and dyeing works, building contractors, distributors 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 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Height Community Plan. The building is currently being used for light industrial uses. The project proposes to include cultivation, manufacturing, packaging and distribution of cannabis products to State of California License outlets. No 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 Home Avenue, 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. 2167710. The Conditional Use Permit No. 2167710 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. 2167710. 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 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan. The site was developed on 1974. The project proposes interior improvements to convert an existing office and warehouse facility for cultivation, processing, packaging and distribution of marijuana products. Other minor site improvements are proposed

DRAFT

consistent with the City of San Diego requirements.

MPF's are allowed in the IL-3-1 Zone of the Mid-City, City Heights 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. MPF's must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MPF is consistent with all land development regulations relevant for the site and the use 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 8,680 square-foot building located at 3940 Home Avenue. The site and the surrounding parcels are located in the IL-3-1 Zone and is within the Light Industrial Land Use Area of the Mid-City, City Heights Community Plan. The Light Industrial designation is intended to accommodate manufacturing, part suppliers, machine shops, cleaning and dyeing works, building contractors, distributors and similar uses. The IL-3-1 Zone allows a mix of light industrial and office, and commercial uses. The purposed MPF's, 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. 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. 2167710 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits,

DRAFT

terms and conditions as set forth in Permit No. 2167710, 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#: 24007926

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: 24007926 SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2167710
MPF 3920 HOME AVENUE - PROJECT NO. 611536
PLANNING COMMISSION

This Conditional Use Permit No. 2167710 ("Permit") is granted by the Planning Commission of the City of San Diego to Robert Bernard Kahn, Trustee of the Robert Bernard Kahn Trust, Owner and 2018HMPF, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.42-acre site is located at 3940 Home Avenue in the IL-3-1 Zone, within the Mid-City, City Heights Community Plan area. The project site is legally described as Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5473. Filed in the Office of the County Recorder of San Diego County, October 6, 1964.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing 8,680 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 6, 2019, on file in the Development Services Department.

The project shall include:

a. Operation of a Marijuana Production Facility within an existing 8,680 square-foot building, including improvements to the building's mezzanine level for the operations. The operation shall include the requirements consistent with the State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;

b. The Marijuana Production Facility operations include facilities for the cultivation, manufacturing, processing, packaging and distribution of cannabis, as well as a restroom;

c. Off-street parking; and

d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act

[CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by 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 facility and improvements described herein, except for the public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

   a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and

   b. The Permit is recorded in the Office of the San Diego County Recorder.

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.

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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" conditions(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.

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ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any landscaping and irrigation in the Home Avenue Right-of-Way.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any landscaping and irrigation in the Beech Street Right-of-Way.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 14-foot wide driveway at the south corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 20-foot wide driveway at the north corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Home Avenue.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged curb and gutter, adjacent to the site on Home Avenue.

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

20. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

21. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

22. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

23. No fewer than four (4) automobile parking spaces shall be provided on site, as shown on Exhibit "A". All automobile, motorcycle and bicycle parking spaces must be constructed in

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accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

24. A maximum of four employees shall be allowed on-site at any given time to correspond to the four parking spaces provided for the Marijuana Production Facility.

25. All operations, including equipment and storage, shall be conducted indoors within a secured structure. Greenhouses are prohibited.

26. 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.

27. 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.

28. 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.

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

30. 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.

31. 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.

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

33. 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.

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34. The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.1004(a) has located within the required distance after the approval date of the initial Conditional Use Permit.

TRANSPORTATION REQUIREMENTS:

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

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

- This development may be subject to impact fees at the time of construction permit issuance. Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section 34.0103(b), taxable activities include but are not limited to, transporting, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

APPROVED by the Planning Commission of the City of San Diego on June 6, 2019 by Resolution No. XXXX-PC.

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Permit Type/PTS Approval No.: Conditional Use Permit No. 2167710
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.

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

By _____
Name:
Title:

2018HMPF, LLC
California, limited liability company
Permittee

By _____
Name:
Title:

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

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