



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 2, 2019 REPORT NO. PC-19-044

HEARING DATE: May 9, 2019

SUBJECT: MPF 9350 TRADE PLACE, Process Three Decision

PROJECT NUMBER: [585463](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-009.](#)

OWNER/APPLICANT: San Diego Trade Partners LP, a California Limited Partnership, Owner and Tradeworx Partners Inc. a California Limited Partnership, Applicant

SUMMARY

Issue: Should the Planning Commission deny or approve the appeal of the Hearing Officers' decision to approve the operation of a Marijuana Production Facility within an existing 40,536 square-foot building located at 9350 Trade Place in the Mira Mesa Community Plan area?

Staff Recommendation: DENY the appeal and uphold the Hearing Officer decision to APPROVE Conditional Use Permit No. 2068720.

Community Planning Group Recommendation: On November 19, 2018, the Mira Mesa Community Planning Group voted 13-1-1 to recommend approval of the project without additional conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15301, Existing Facilities. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on December 3, 2018, [Resolution No. R-312076](#). 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 project is an industrial development located in the industrial light, IL-2-1 Zone of the Mira Mesa Community Plan. The site is designated for Industrial Park

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

BACKGROUND

The proposed MPF 9350 Trade Place project (Project) is a Conditional Use Permit (CUP) for the operation of a Marijuana Production Facility (MPF) within an existing 40,536 square-foot, two-story building located at 9350 Trade Place. The MPF would occupy Suites A, B, C, and D, which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The MPF operations would re-purpose an existing office and warehouse facility for the cultivation, manufacturing, and distribution of marijuana products. The 2.3-acre site is located within the IL-2-1 Zone in the Mira Mesa Community Plan area. The MPF operations would include the cultivation, manufacturing and distribution of cannabis products to State of California licensed marijuana outlets. In accordance with SDMC Section 126.0702, a Process Three CUP is required for MPFs considered at a public hearing in accordance with Process Three, Hearing Officer decision.

On February 6, 2019, the Hearing Officer approved the Project. The Report to the Hearing Officer No. HO-19-009 (Attachment 1) contains the project background, analysis and necessary draft findings with a staff recommendation of approval. On February 20, 2019, Shahin Mobine, filed a Development Permit Appeal Application (Attachment 2) and on February 21, 2019, Khoa Nguyen, filed a Development Permit Appeal Application (Attachment 3).

PROJECT APPEAL DISCUSSION

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

Shahin Mobine Appeal Issue No. 1: "Project is within 1,000 feet of "The Momentum Dance Company," which specifically caters to women and children."

Staff Response: Appellant claims the Project is within 1,000 feet of the Momentum Dance Company at 9235 Trade Place, Suite F. 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. A minor-oriented facility "means any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the primary use is devoted to people under the age of 18." The Momentum Dance Company offers both adult and youth dance classes.

In addition, the City defines "primary use" as "the allowed use on a premises that occupies a majority of the area of the premises." Premises is defined as "an area of land with its structures that, because of its unity of use, is regard as the smallest conveyable unit." The building at 9235 Trade Place contains multiple tenants operating a variety of business, including Mobilab Environmental Determinations, Mumsy Goose, NEWest Construction, Distinctive Home Improvements, and A.G.

Stone & Tile. Some businesses occupy more than one unit. The Momentum Dance Company does not occupy more than 50% of the premises and is not considered primary use and would not qualify separation requirements under SDMC section 141.1004(a)(1).

Shahin Mobine Appeal Issue No. 2: “The Site Plans do not provide the required or provided number of short-term bicycle parking spaces; the required or provided number of long-term bicycle parking spaces; or the required or provided number of EV/carpool/zero emissions spaces provided.”

Staff Response: The site currently provides 108 off-street parking spaces which will be maintained. The amount of parking required for the MPF is based on a rate of one automobile parking space per employee, plus two motorcycle spaces. The project is anticipated to have 46 employees, which requires a minimum of 46 parking spaces. The deli requires 1 parking space. Therefore, a total of 47 parking spaces is required. The Project does not propose any additions to the existing building and therefore is exempt pursuant to SDMC sections 142.0530(d)(1)(C)(i), Parking Spaces for Carpool/Vanpool Vehicles, Electric Vehicles, and Zero Emissions Vehicles; 142.0530(e)(1)(D)(i), Short-Term Bicycle Parking Spaces; and 142.0530(e)(2)(D)(i), Long-Term Bicycle Parking Spaces and Facilities.

Shahin Mobine Appeal Issue No. 3: “The Site Plans do not show a delineation between each licensee in violation of Business and Professions Code sections 26001 and 26053.”

Staff Response: Neither the City’s Land Development Manual, Project Submittal Requirements’ Development Plan nor the SDMC require development plans to “show a delineation between each licensee” pursuant to Business and Professions Code (BPC) sections 26001 and 26053.

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

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

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

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-2-1 Zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff is recommending the Planning Commission deny the appeals and approve the Project as presented.

ALTERNATIVES

1. Deny the appeals and approve Conditional Use Permit No. 2068720, with modifications.
2. Uphold the appeals and deny the Conditional Use Permit No. 2068720, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department



Tim Daly
Development Project Manager
Development Services Department

LOWE/TPD

Attachments:

1. Report to the Hearing Officer No. HO-19-009, January 30, 2019
2. Shahin Mobine Appeal
3. Khoa Nguyen Appeal
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: January 30, 2019 REPORT NO. HO-19-009

HEARING DATE: February 6, 2019

SUBJECT: MPF 9350 Trade Place, Process Three Decision

PROJECT NUMBER: [585463](#)

OWNER/APPLICANT: San Diego Trade Partners LP, a California Limited Partnership, Owner and Tradeworx Partners Inc. a California Limited Partnership, Permittee

SUMMARY

Issue: Should the Hearing Officer approve the operation of a Marijuana Production Facility within an existing 40,536 square-foot building located at 9350 Trade Place in the Mira Mesa Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2068720.

Community Planning Group Recommendation: On November 19, 2018, the Mira Mesa Community Planning Group voted 13-1-1 to recommend approval of the project without additional conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15301, Existing Facilities (Attachment 6). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on December 3, 2018. The scope of the subject hearing only includes the project, and not the environmental determination.

BACKGROUND

The project is a request for a Conditional Use Permit pursuant to San Diego Municipal Code (SDMC) Section 126.0303 to operate a Marijuana Production Facility (MPF) within an existing 40,536 square-foot building. The project site is within the Light Industrial Land Use area and the Miramar Subarea of the Mira Mesa Community Plan (Attachment 1). The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Miramar Subarea was foreseen in the community plan to be developed with a mix of light industrial and specialized commercial uses. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 Zone, Prime Industrial Lands, Federal Aviation Authority (FAA) Part 77 Noticing Area (Marine Corps Air Station (MCAS) Miramar), Airport Influence Area (MCAS Miramar – Review Area 1), Airport Land Use

Compatibility Overlay Zone (MCAS Miramar), and designated Industrial and Business Parks within the Mira Mesa Community Plan (Attachment 2). The building, constructed in 1989, is currently being used as a furniture store and bakery, with a vacant suite (Attachment 3). The purpose and intent of the IL-2-1 Zone is to accommodate a range of industrial and manufacturing 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 nonindustrial uses in some instances. Specifically, the IL-2-1 Zone allows a mix of light industrial, office, and commercial uses.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Industrial and Business Park designation per the Mira Mesa Community Plan would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The proposed project will promote the policies of the General Plan because Marijuana Production Facilities (MPFs) are industrial manufacturing uses. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation.

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

DISCUSSION

Project Description

The project proposes to operate an MPF within an existing 40,536 square-foot, two-story building located at 9350 Trade Place. The MPF would occupy Suites A, B, C, and D, which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The MPF operations would re-purpose an existing office and warehouse facility for the cultivation, manufacturing, and distribution of marijuana products.

The project proposes interior improvements that include security lights, security cameras and system, millwork, finishes throughout, and associated mechanical, electrical and plumbing improvements. Other minor site improvements are proposed consistent with the City of San Diego requirements. Public improvements would include the reconstruction of two existing driveways and curb ramp, adjacent to the project site on Trade Place with current City Standards. No exterior building alterations would occur. The proposed improvements would require the Owner/Permittee

to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. The facility is also subject to State California statutes and regulations.

Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-2-1 Zone and no deviations are requested. 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. 2068720, with modifications.
2. Deny Conditional Use Permit No. 2068720, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

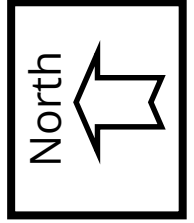
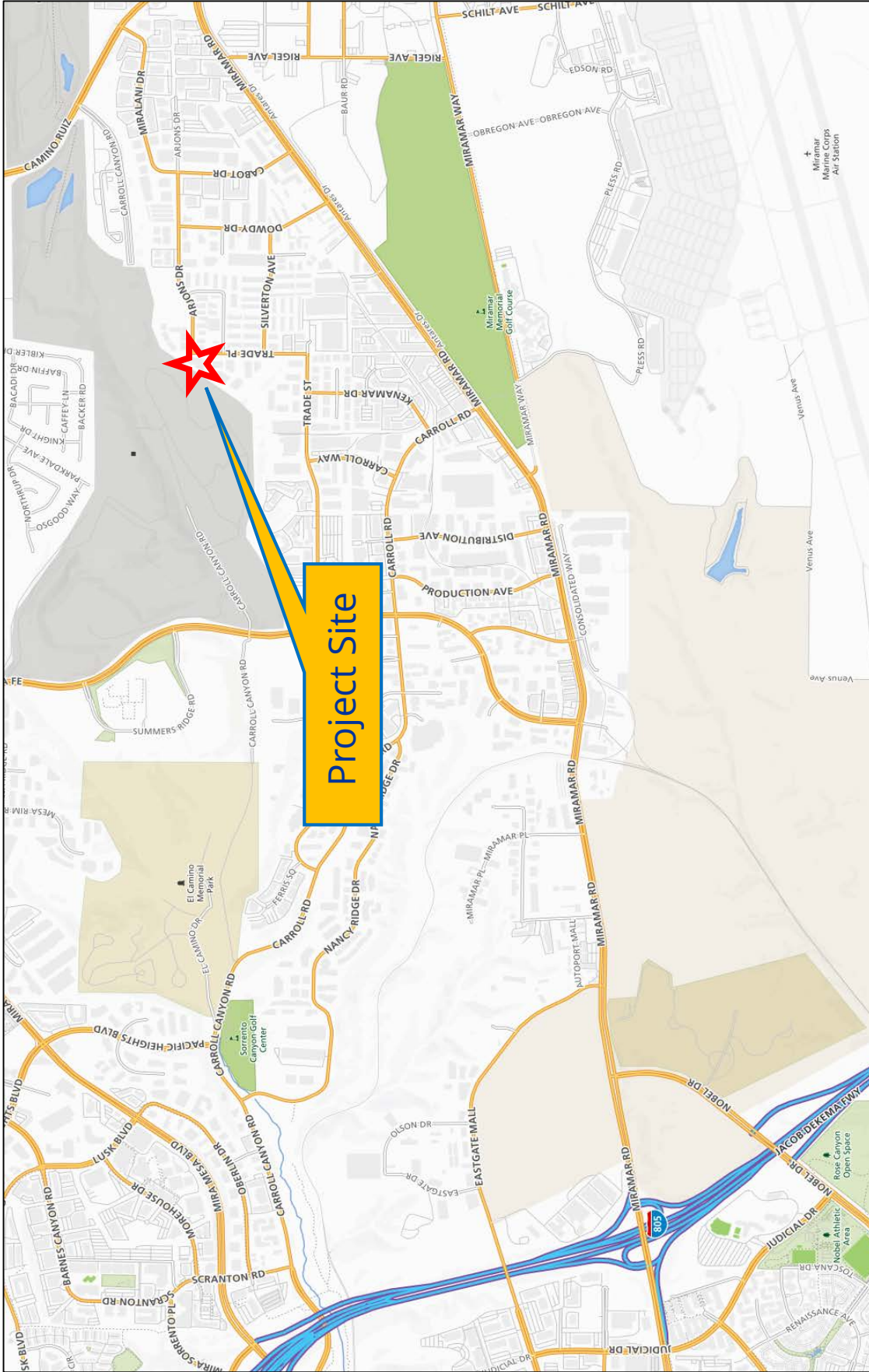


Tim Daly
Development Project Manager

Attachments:

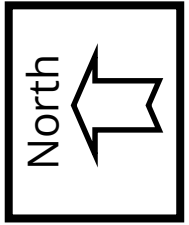
1. Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Notice of Right to Appeal Environmental Determination
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans





Project Location Map
PROJECT NO. 585463, MPF 9350 TRADE PLACE
9350 TRADE PLACE, SAN DIEGO CA 92121





Aerial Photograph

PROJECT NO. 585463, MPF 9350 TRADE PLACE
9350 TRADE PLACE, SAN DIEGO CA 92121



HEARING OFFICER RESOLUTION NO. HO-XXXX
CONDITIONAL USE PERMIT NO. 2068720
MPF 9350 TRADE PLACE - PROJECT NO. 585463

WHEREAS, SAN DIEGO TRADE PARTNERS LP, a California Limited Partnership, Owner, and TRADEWORX PARTNERS INC., a California Limited Partnership, Permittee, filed an application with the City of San Diego for a permit to operate a 40,368 square-foot Marijuana Production Facility within an existing 40,536 square-foot, two-story building at 9350 Trade Place in Suites A, B, C and D. (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2068720), on portions of a 2.3-acre site;

WHEREAS, the project site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 15372, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on September 15, 1988 as filed/page No. 88-464708, official records;

WHEREAS, on September 26, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301, Existing Facilities, and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 3, 2018 pursuant to Resolution No. R-312076;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2068720 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego that it adopts the following findings with respect to Conditional Use Permit No. 2070636:

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 is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within a 40,536 square-foot building located at 9350 Trade Place. The MPF would occupy Suites A, B, C, and D which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 Zone, Prime Industrial Lands, Federal Aviation Authority (FAA) Part 77 Noticing Area (Marine Corps Air Station (MCAS) Miramar), Airport Influence Area (MCAS Miramar – Review Area 1), Airport Land Use Compatibility Overlay Zone (MCAS Miramar), and designated Industrial and Business Parks of the Mira Mesa Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea, designated Light Industrial, encourages a mix of light industrial and specialized commercial uses.

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

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

The proposed project is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan. The building is currently being used as a furniture store and bakery, with a vacant suite. The project proposes interior improvements that include offices, storage, cultivation area, extraction area, manufacturing area and distribution area. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the reconstruction of two existing driveways and curb

ramp, adjacent to the project site on Trade Place with current City Standards. Brush Management shall be provided on the western portion of the project site, adjacent to the Carroll Canyon mining operations property, and landscape improvements and maintenance will also be required at the project site.

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 have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC Section 141.1004 (a).

The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. 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. 2068720. The Conditional Use Permit No. 2068720 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. 2068720. 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 is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan.

MPF's are allowed in the IL-2-1 Zone of the Mira Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with San Diego Municipal Code (SDMC), Section 141.1004 and Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. Security

requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours.

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

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

The proposed project is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Industrial and Business Park designation per the Mira Mesa Community Plan would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The proposed project will promote the policies of the General Plan because Marijuana Production Facilities (MPFs) are industrial manufacturing uses.

The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation. The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Light Industrial designation of the Mira Mesa Community Plan. 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. 2068720 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. 2068720, a copy of which is attached hereto and made a part hereof.

Tim Daly

Development Project Manager
Development Services

Adopted on: February 6, 2019

IO#: 24007574

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: 24007574

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2068720
MPF 9350 TRADE PLACE - PROJECT NO. 585463
HEARING OFFICER

This Conditional Use Permit No. 2068720 is granted by the Hearing Officer of the City of San Diego to San Diego Trade Partners LP, a California Limited Partnership, Owner and Tradeworx Partners Inc, a California Limited Partnership, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 Zone of the Mira Mesa Community Plan. The project site is legally described as Parcel 2 of Parcel Map No. 15372, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on September 15, 1988 as filed/page No. 88-464708, official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 40,368 square-foot Marijuana Production Facility within an existing 40,536 square-foot, two-story building at 9350 Trade Place in Suites A, B, C and D, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 6, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility (MPF) within an existing 40,536-square-foot, two-story building. The MPF would occupy Suites A, B, C, and D which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis cultivation, extraction, manufacturing, and distribution;
- c. Off-street parking; and

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 21, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on February 21, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

11. The Owners/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 Owners/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owners/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 Owners/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 Owners/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittee.

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owners/Permittee shall assure, by permit and bond, to reconstruct the existing 21-foot wide, south driveway and 24-foot wide, north driveway, per current City Standards (24-foot wide each), adjacent to site on Trade Place, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permits, the Owners/Permittee shall assure, by permit and bond, to reconstruct the curb ramp adjacent to site on Trade Place public right-of-way with current City Standards, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permit, the Owners/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices (BMPs) necessary to comply with current City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permit the Owners/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.

LANDSCAPE REQUIREMENTS:

17. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents of right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilizes. Driveways, utilizes, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
18. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.
19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees shall not be permitted.
20. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage of Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

21. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan on file in the Office of the Development Services Department.
22. The Brush Management Program shall include a modified Zone One, ranging in width from 25 feet to 80 feet, extending from the rear of the structure to the rear property line. An off-site Zone Two, ranging in width from 0 feet to 75 feet, shall be provided adjacent property to the west per the Carroll Canyon Mining Reclamation Plan, CUP No. 89-0585, exercising Zone Two reduction set forth under 142.0412(f) and Zone Two expansion set forth under 142.0412(h)(7).
23. Prior to the issuance of any construction permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 412.0412.
24. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to the approval of the Fire Marshal.
25. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

26. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.
27. The Owners/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.
28. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
29. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

30. 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.

31. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.

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

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

34. 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.

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

INFORMATION ONLY:

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

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

DRAFT

ATTACHMENT 5

Permit Type/PTS Approval No.: Conditional Use Permit No. 2068720
Date of Approval: February 6, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Tim Daly
Development Project Manager

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

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

San Diego Trade Partners, LP.
Owner

By _____

Tradeworx Partners Inc.
Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code**

section 1189 et seq.

DRAFT



THE CITY OF SAN DIEGO

DATE OF NOTICE: September 26, 2018

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007574

PROJECT NO: 585463
PROJECT NAME: MPF 9350 Trade Place
COMMUNITY PLAN AREA: Mira Mesa
COUNCIL DISTRICT: 6
LOCATION: 9350 Trade Place, San Diego, CA 92126

PROJECT DESCRIPTION: The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility within an existing 43,536 square-foot building within Suites A, B, C, D located at 9350 Trade Place. The Marijuana Production Facility would occupy 40,368 square-feet of floor area and an existing deli would occupy the remaining 168 square-feet of floor area. Project operations would include the cultivation, trimming, manufacturing (baking), and distribution of cannabis products to State of California licensed outlets. The building is located within a 2.3-acre site within the IL-2-1 zone, Mira Mesa Community Plan Area and is designated Industrial, Geologic Hazards 51 and 53, FAA Part 77 Noticing Area – MCAS Miramar – 505'-515', Airport Review Area 1 – MCAS Miramar, Airport Land Use Compatibility Overlay Zone – MCAS Miramar, Airport Land Use Compatibility Overlay Zone – Noise – MCAS Miramar - 60-70 CNEL, Very High Fire – Brush Management Overlay, Outdoor Lighting Zone 3, Penasquitos Watershed, Miramar Reservoir Sub-Area Watershed, and Council District 6.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15301 (Existing Facilities)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

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

15300.2 apply.

CITY PROJECT MANAGER: Tim Daly
MAILING ADDRESS: 1222 First Avenue, MS 501
San Diego, CA 92101
PHONE NUMBER/E-MAIL: (619) 446-5356 / tpdaly@sandiego.gov

On September 26, 2018 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

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

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

MIRA MESA COMMUNITY PLANNING GROUP

Meeting Minutes

Date/Time: Monday, November 19, 2018 at 7:00pm

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

Prepared by Chris Morrow, AICP

Call to Order/Confirm quorum:

1. Non-Agenda Public Comments: 3 Minutes per speaker.

- a. Joe Frichtel: Phase II of community park has been delayed for six (6) months.

2. Modifications to the Agenda.

- a. Marijuana Production Facility (MPF) 585470 is postponed.

3. Adopt Previous Meeting Minutes (Action).

- a. Minutes approved as written.

4. Report of the Chair

- a. 3Roots is on agenda for preliminary approval.
- b. Received email re: new traffic lights.
- c. Park-n-Ride permits submitted. Old newspapers are distributed.

5. Old Business

- a. Mira Mesa Community Plan Update – Alex Frost
 - Reviewed public facilities, services, and safety today. Distributed Community Atlas.

6. New Business

- a. 3Roots-Allegria Parisi (Action)
 - Allegria Parisi is presenting. Updates group on progress. Sixty percent of the site is in open space and/or parks. Traffic is reduced by 30% from master plan due to removal of manufacturing uses. Maintaining 1800 dwelling units per the adopted master plan; wide array of housing products. The applicant has had numerous discussions of increasing residential density with City. Affordable housing will be provided for seniors. First submittal was in November 2017; submittal package was deemed complete in March 2018. Scoping meeting was May 2018. GDP process is underway; park plan was presented in October. Back to Park&Recreation Board in the near term. Eleven technical studies have been approved by City staff; two are outstanding. The EIR is going through screenchecks; hope to release this winter. Public hearings for formal project approval are possible in June/July 2019. Overview of schedule is provided. Most recent resubmittal was this month. Most issues are resolved. Resources agencies are involved from both

federal and state levels. MHPA is an important component. SDG&E is an important stakeholder; need to remove poles from creek. Transmission lines have been adjusted to accommodate the competing objectives of the stakeholders. MMCPG, MM Advisory Board, ALUCP, and FEMA have all been heavily involved and met with repeatedly. PowerPoint presentation will be made available to the planning group. Possible model home openings in 2020; building permits and improvement plans are currently being processed. Discussion of CCR –important issue with multiple property owners. Discussion of rip-rap and green channels. Biggest land plan differences are no manufacturing, provided community park, expanded residential areas, and realignment of CCR. Still have village core with 600 units, 1800 total units over 111 acres where 70 acres was originally planned to accommodate the dwelling units. Fifteen acres of park are required for the project per the residential units being proposed; 20 acres per Master Plan; almost 40 acres being provided by 3Roots. FBA obligations (FBA-funded projects): P94-developer obligation for 10 acres of sport field. Parkdale Park – 5.5 passive park built by City and purchased by City (13.6 M\$); approved mining activities shrunk the available land. Resource agencies don't want park near the vernal pools. They wanted the park removed. Park would impact mule deer. The applicant requests a re-allocation of funds to assist with sports park. There will be a passive overlook. 3Roots wants to create a nice passive place in lieu of park. Ms. Parisi describes the overall plan and relationship of FBA projects – there are opportunities to move resources to assist with development of the community park. The applicant will build the trailhead overlook and the community park. The project applicant illustrates the MHPA corridor, it will be larger than the approved master plan configuration. SDG&E towers will stay. Overviews land plans. Chelsea is the senior affordable housing partner. Shows trail network. Would like to take the group out to site to see physical constraints. MHPA corridor will be fenced. There are significant topographic constraints. Trails on both north and south sides of creek. Parks will be HOA maintained with most open to the public; only private facility is the pool location. Community is designed to be very walkable. Community park is 25 net acres; three soccer and four baseball fields; dog parks; parking; recreation center has been planned for and the site will be prepared for a recreation center of approximately 20,000 square feet. All fields are lighted with LED lights. Light poles will be installed first as part of Phase Two of the project. Two signalized intersections provide ingress/egress to the site. Site is being remediated now per reclamation plan. All existing facilities are slated to be gone by mid-2019. Brush management will be maintained by HOA. Clearance will begin starting next week. Some eucalyptus trees will be removed. Working on being a good neighbor now and in the future. There are 256 total acres of open space. Homes are sited a good distance from existing homes with significant topographic separation. Privacy impacts are negligible. The eight-mile trail system links with available off-site trails. Lots of discussion with group throughout the presentation. Applicant wants some pop-up retail with Phase One. Community art is important to creating a sense of place. All homes will have solar capabilities. MHPA trails will be natural with erosion control being implemented.

Jeff: moves that we like this project; need to insure community impacts are mitigated. Need to see EIR and traffic study prior to formal recommendations. The motion for the 3Roots project:

MMCPG recommends approval subject to further review of the EIR and Traffic study and with the following comments and conditions:

1. The new master plan is a significant improvement over the master plan approved in 1994.
2. The GDP for the "Seed" Community Park is a good design that has had considerable community review and been approved by the Mira Mesa Recreation Advisory Group.
3. The GDP for the "Seed" Community Park leaves a space for a future recreation center. The new recreation center currently planned for Mira Mesa Community Park should be moved to this location.
4. Completion of Carroll Canyon Road from I-805 to Camino Ruiz is essential to avoid traffic impacts on the existing community.
5. A financing plan should be developed to ensure that Carroll Canyon Road, Seed Park and the Recreation Center at Seed Park are all developed concurrent with the residential development.
6. The project proposes to reallocate money currently in the FBA for acquisition and construction of Parkdale Park to the construction of Seed Park, and to only build a trailhead at the southern end of Parkdale.
 - a. FBA credits used for Seed Park should be limited to the funds currently allocated for Parkdale Park.
 - b. A small overlook park should be developed together with the trailhead at the southern end of Parkdale.

Allegra: PDC has been meeting with Tom Tomlinson of City planning to address the completion of CCR. May design the road for FBA credit. City staff are currently evaluating the applicant's proposal to design the road. Project applicant will host GDP if movement of resources is done by MMCPG.

Jeff: continues discussion of motion.

Allegra: we don't want to hard medians on Miramar Road; would install ITS-City said "no". Group will send letter to Chris Cate.

Allegra: Discussion of park and recreation fees; would like credit – doesn't want to pay recreation fee if providing land for recreation center.

Ted: Seconded Jeff's motion

Group discussion of motion. Motion approved by a vote of 14-0-1.

b. MPF 585470 9151 Rehco Road-Joe Esposito (Action)

This item was postponed.

c. MPF 585463 9350 Trade Place- Gina Austin (Action)

Applicant: Existing building; 40,000 SF approximately; no volatile substances; no issues with neighboring uses; open 7 days a week; 108 parking spaces where 46 required.

Subcommittee: Deli remains to provide food for workers; currently open to public.

Applicant: Not using anything but CO2; no volatile substances. Relying on carbon filter system to preclude odor emission. Residual materials are disposed of per regulations; picked up by licensed disposal company. A single property owner for the building.

Motion and seconded; 13-1-1.

7. Elected Officials/Government Agencies

- a. United States Congress – California 52nd District – None.
- b. California Senate – District 39 – None.
- c. California Assembly – District 77 – None.
- d. San Diego County – Board of Supervisors District 3 – None.
- e. San Diego – Mayor's Office – None.
- f. San Diego – City Council District 6 – Collected 3300 pounds of rice, pancake breakfast 12-1; need City help on CCR permit.
- g. MCAS Miramar – None.
- h. CalTrans/SANDAG – None.

8. Announcements: None.

9. Reports

- a. Stone Creek Subcommittee – Meeting on EIR next week.
- b. Community Park Subcommittee – None.
- c. Marijuana Dispensaries Subcommittee (joint with Torrey Pines) – None.
- d. Community Planners Committee – None.
- e. Los Peñasquitos Canyon Preserve Citizens Advisory Committee – Met last Thursday; took action opposing office project (The Preserve); reaching directional signage for the canyon.

10. Adjourn: Meeting ended at 8:50PM.

It was noted that the group needs to invite Caltrans back in early 2019.



**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: TRADEWORX PARTNERS INC MPF

Project No. For City Use Only: 585463

Project Address: 9350 TRADE PLACE, S.D. CA 92126

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

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? CALIF. 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: SAN DIEGO TRADE PARTNERS LP ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
Street Address: 9350 TRADE PLACE
City: SAN DIEGO State: CA Zip: 92126
Phone No.: 858-829-9306 Fax No.: Email: abdulla@elajouig.com
Signature: Abdulla Elajou Date: 11-14-2017
Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: Tradeworx Partners Inc. ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency
Street Address: 9350 TRADE PLACE
City: SAN DIEGO State: CA Zip: 92126
Phone No.: 858-829-9306 Fax No.: Email: eelajou1000@gmail.com
Signature: [Signature] Date: 11-14-2017
Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
Street Address: _____
City: _____ State: _____ Zip: _____
Phone No.: _____ Fax No.: _____ Email: _____
Signature: _____ Date: _____
Additional pages Attached: ☐ Yes ☐ No

REVISIONS	BY
12-08-17	MJC
01-30-2018	OQ
04-13-2018	OQ
05-24-18	MJC
06-19-2018	OQ
07-24-2018	OQ

TRADEWORX
PARTNERS, INC.
9350 TRADE PLACE SAN DIEGO, CA. 92126

AUSTIN + ASSOCIATES
1622 PIONEER WAY EL CAJON CA, 92020
RESIDENTIAL + COMMERCIAL PLANNING AND DESIGN
MEMBER: AMERICAN INSTITUTE OF BUILDING DESIGN
ALAN LLOYD AUSTIN
Ph. (619) 440-3624

TRADEWORX

PL

DESIGNED BY:
OQ

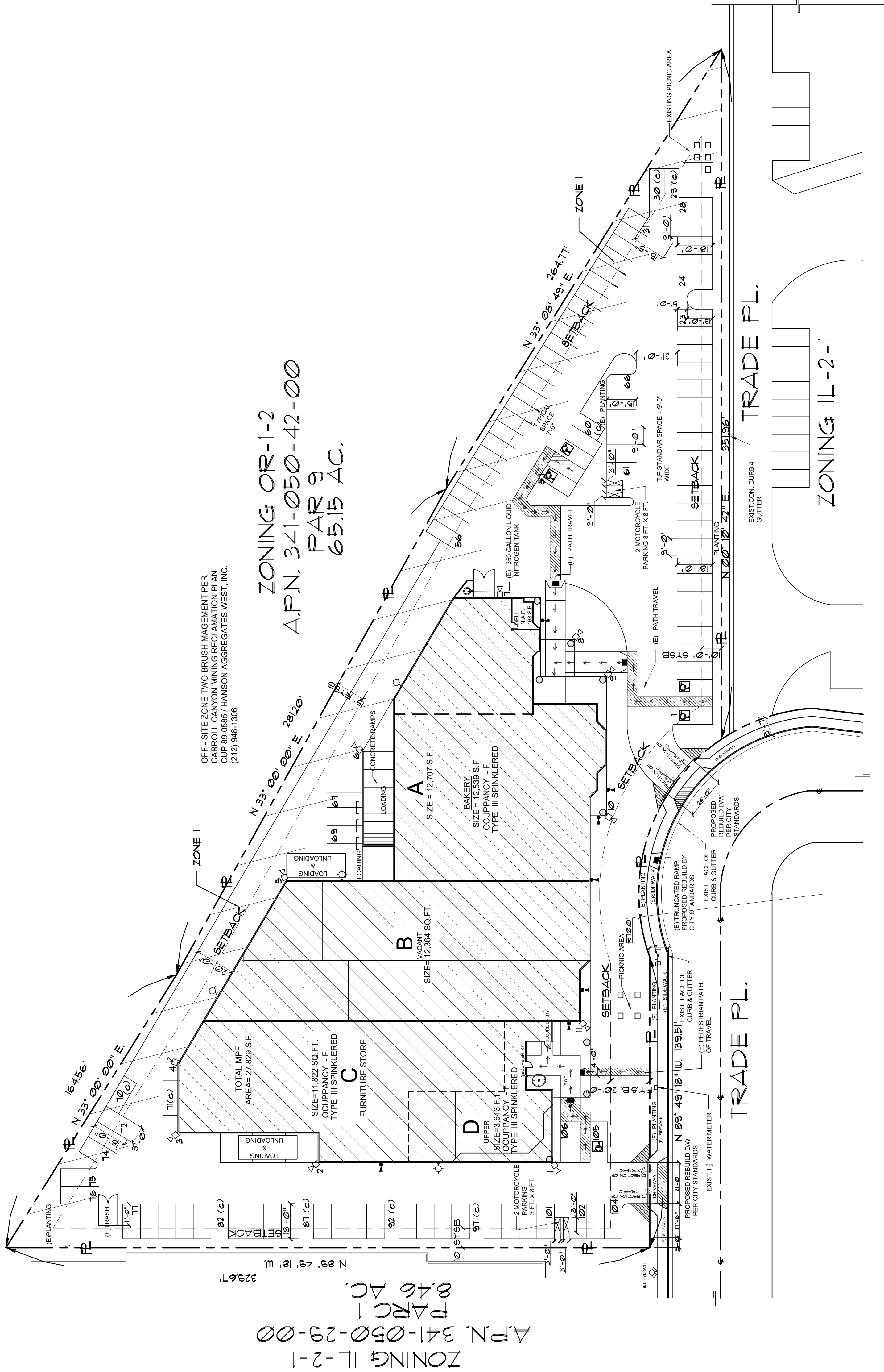
CHECKED BY:
ALA

DATE:
9-26-16

SCALE:
AS NOTED

CDS NO.

PROJECT #
585463



- LEGEND**
- PROPOSED DOUBLE WALL MOUNTED LIGHT FIXTURE
 - PROPOSED SECURITY LIGHTS, MOTION SENSOR
 - (E) WALL MOUNTED LIGHT FIXTURE
 - PROPOSED CAMERA PLACEMENT AND DIRECTION
 - (E) SECURITY LIGHTS

PROPOSED CAMERAS = 11

EXTERIOR LIGHTING SECURITY PLAN

SCALE: 1" = 10'-0"

REVISIONS	BY
12-08-17	MJC
01-30-2018	OQ
04-15-2018	OQ
05-24-18	MJC
06-19-2018	OQ
07-24-2018	OQ

TRADEWORX
PARTNERS, INC.
9350 TRADE PLACE SAN DIEGO, CA. 92126

AUSTIN + ASSOCIATES
ALAN LLOYD AUSTIN
Ph. (619) 440-3624

1622 PIONEER WAY EL CAJON CA. 92020
RESIDENTIAL + COMMERCIAL PLANNING AND DESIGN
MEMBER: AMERICAN INSTITUTE OF BUILDING DESIGN

DRAWN BY: OQ
CHECKED BY: ALA
DATE: 9-26-16
SCALE: AS NOTED
CDS NO.

A-1

TRADEWORX

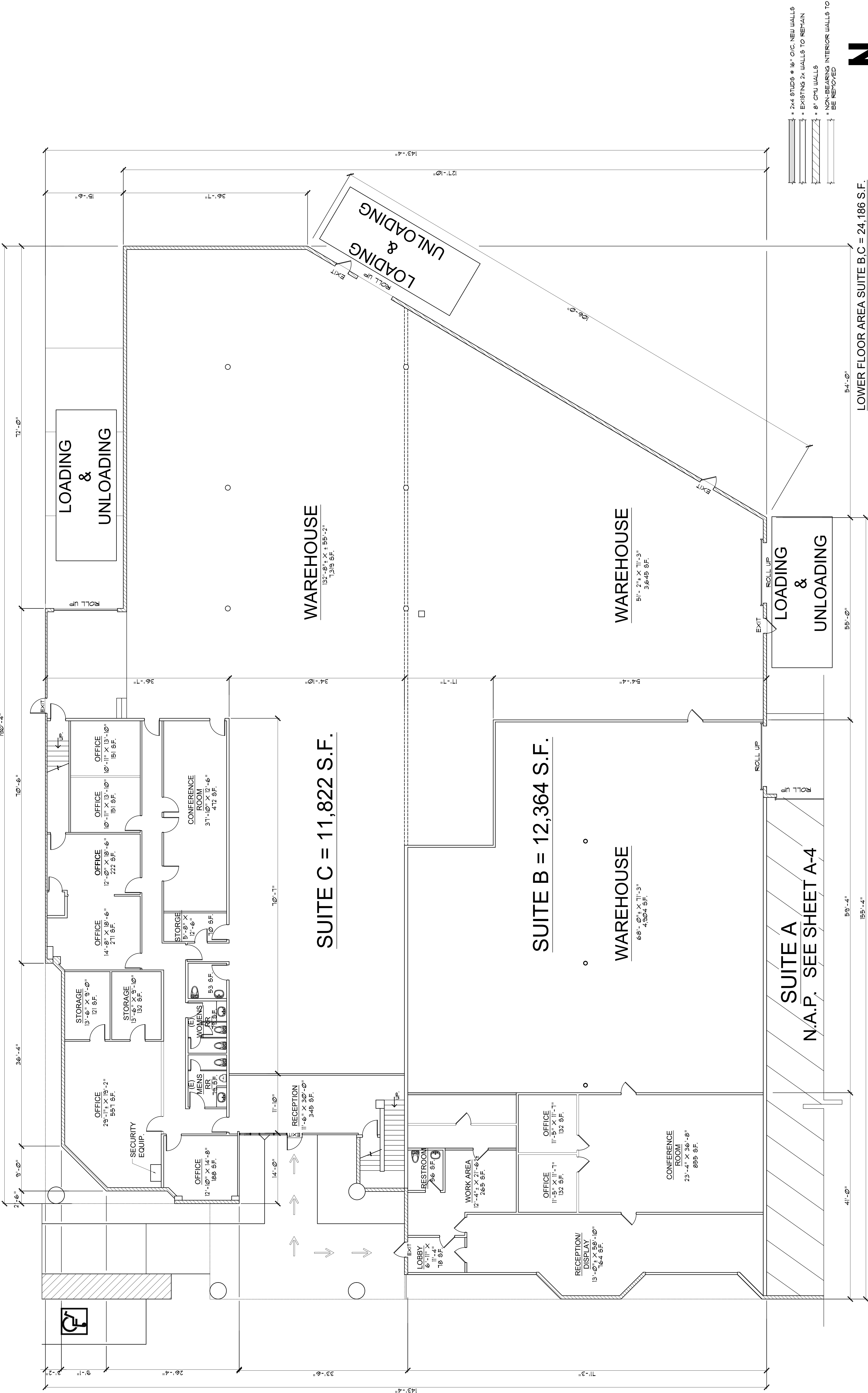
PROJECT #
585463



EXISTING LOWER FLOOR PLAN

SCALE: 1/8" = 1'-0"

LOWER FLOOR AREA SUITE B,C = 24,186 S.F.



REVISIONS	BY
12-08-17	NJC
01-30-2018	OQ
04-13-2018	OQ
05-24-18	NJC
06-19-2018	OQ
01-24-2018	OQ

TRADEWORX
PARTNERS, INC.
9350 TRADE PLACE SAN DIEGO, CA. 92126

ALAN LLOYD AUSTIN
Ph. (619)440-3624

AUSTIN + ASSOCIATES
1622 PIONEER WAY EL CAJON CA. 92020
RESIDENTIAL + COMMERCIAL PLANNING AND DESIGN
MEMBER: AMERICAN INSTITUTE OF BUILDING DESIGN

DESIGNED BY:	OQ
CHECKED BY:	ALA
DATE:	9-26-16
SCALE:	AS NOTED
CDS NO.	

A-3

TRADEWORX

OFFICE (OX)

- O¹ WELCOME AREA / OFFICE
- O² SECURITY COMMAND CENTER
- O³ TRAINING
- O⁴ CHANGING ROOM
- O⁵ PACKAGING
- O⁶ TRIMMING
- O⁷ SHIPPING PREP ZONE & FLOOR SCALES
- O⁸ BREAK ROOM & MEETINGS (PRODUCTION STAFF)
- O⁹ SHOWER
- O¹⁰ BATHROOM (PRODUCTION STAFF)
- O¹¹ BATHROOM (FEMALE)
- O¹² BATHROOM (MALE)

VEGA (V):

- V¹ SECURITY ENTRANCE INTO VEGA ZONE
- V² MATERIALS AND PREP
- V³ MOTHERS
- V⁴ CLONING / SPLICING
- V⁵ NURSERY
- V⁶ VEGA ZONE 1
- V⁷ VEGA ZONE 2

FLOWERING (F):

- F¹ FLOWER ZONE 1
- F² FLOWER ZONE 2

HARVESTING (H):

- H¹ DRYING STAGE 1
- H² DRYING STAGE 2
- H³ HANGING / CURE STAGE 1
- H⁴ HANGING / CURE STAGE 2

EMPLOYEE TOTAL

- PRODUCTION
 - 1- DAY GROWER
 - 6- TRIMMING & PACKING
 - 2- GEN. LABOR / PORTER
 - 4- PACK STAFF
 - 28- BAKERS
 - TOTAL = 46
- 2- OFFICE STAFF (ONLY WHEN UPSTAIRS STAFF IS GONE)
- 3- GROWERS
- 8- TRIMMING & PACKAGING
- 5- GEN. LABOR / PORTER
- 28- BAKERS
- TOTAL = 42

- UPSTAIRS OFFICE:
- 4- OFFICE STAFF (ONLY 1 SHIFT PER DAY)
- * CURRENTLY ONLY 1 SHIFT WILL BE NEEDED.
- MAX. AMOUNT OF EMPLOYEES PER DAY
- 46- EMPLOYEES

ELECTRICAL ROOM (EXIST)

STORAGE/PREP/PRODUCTION ENTRANCE / BR

VEGA ROOM - 2,120 S.F.

FLOWER ZONE - 10,850 S.F.

CURE / HARVEST

TRIM / PACKAGING & DISTRIBUTION ZONE

LAB. STORAGE, VAULTS & QC

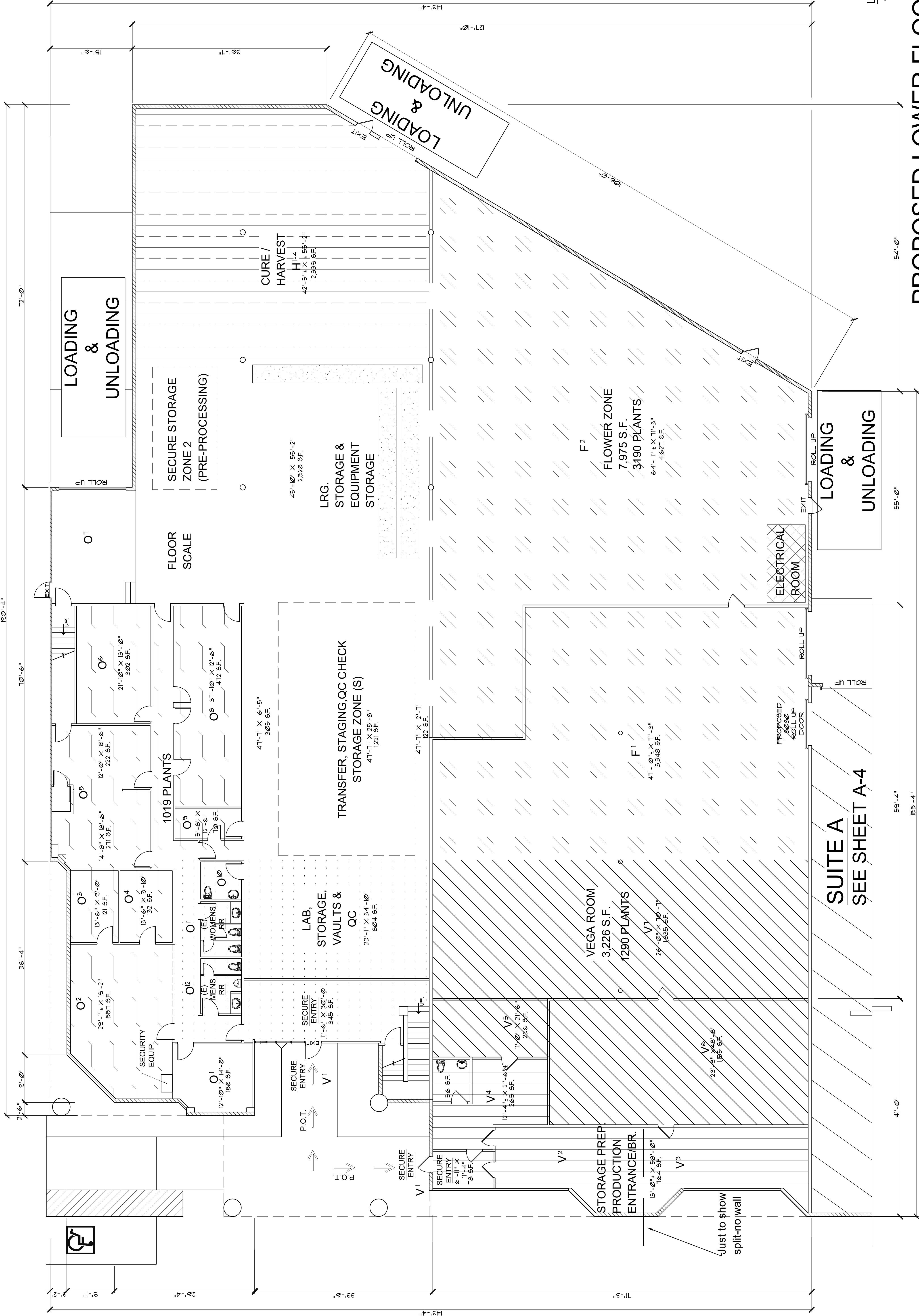
LRG. STORAGE & EQUIPMENT STORAGE

LOWER FLOOR AREA SUITE B,C = 24,186 S.F.
TOTAL PLANTS 5,443

PROPOSED LOWER FLOOR PLAN

PROJECT #
585463

SCALE: 1/8" = 1'-0"



SUITE A
SEE SHEET A-4

REVISIONS	BY
12-08-17	NJC
01-30-2018	OQ
04-13-2018	OQ
05-24-18	NJC
06-19-2018	OQ
07-24-2018	OQ

TRADEWORX
PARTNERS, INC.
9350 TRADE PLACE SAN DIEGO, CA. 92126

ALAN LLOYD AUSTIN

ALAN LLOYD AUSTIN

ALAN LLOYD AUSTIN

A

BD

Ph. (619) 440-3624

1622 PIONEER WAY EL CAJON CA. 92020

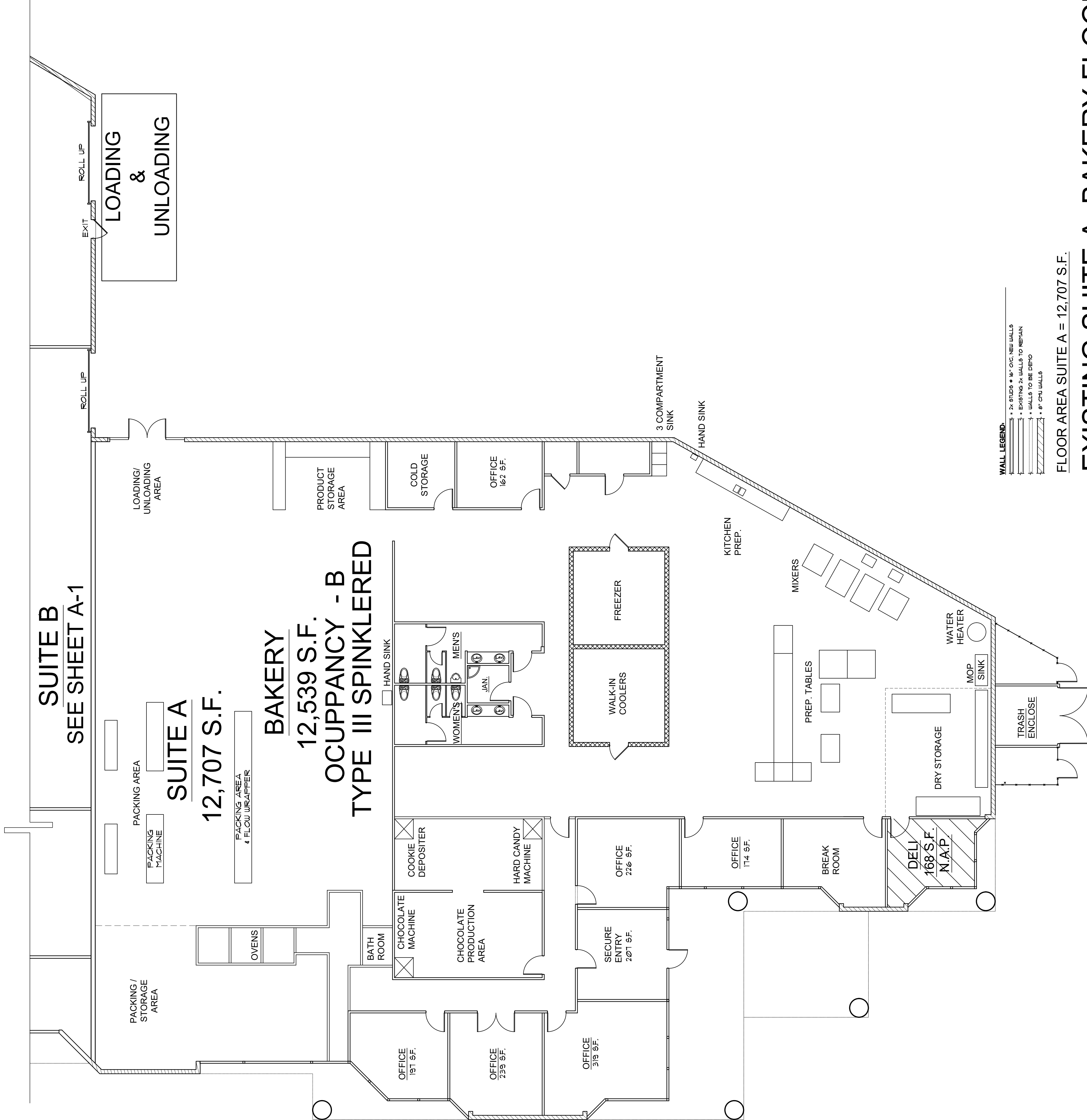
RESIDENTIAL + COMMERCIAL PLANNING AND DESIGN

MEMBER: AMERICAN INSTITUTE OF BUILDING DESIGN

DESIGNED BY: OQ
CHECKED BY: ALA
DATE: 9-26-16
SCALE: AS NOTED
DWG NO.

A-4

TRADEWORX



FLOOR AREA SUITE A = 12,707 S.F.

EXISTING SUITE A BAKERY FLOOR PLAN

SCALE: 1/8" = 1'-0"



- WALL LEGEND:**
- 2x 8" LUGS & 16" O.C. NEW WALLS
 - EXISTING 2x WALLS TO REMAIN
 - WALLS TO BE DEMO
 - 8" CMU WALLS

PROJECT #
585463

ATTACHMENT 1 – GROUNDS FOR APPEAL

Appeal of Hearing Officer Decision Re: MPF 9350 Trade Place – Project No. 585463

- **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.
- **Project is within 1,000 feet of "The Momentum Dance Company,"** which specifically caters to women and children.
- **The Site Plans do not provide the required or provided number of short-term bicycle parking spaces; the required or provided number of long-term bicycle parking spaces; or the required or provided number of EV/carpool/zero emissions spaces provided.**
- **The Site Plans do not show a delineation between each licensee in violation of Business and Professions Code sections 26001 and 26053.**

**Development Permit/
Environmental Determination
Appeal Application**

November 2017

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.
DS-3032 (11-17)

ATTACHMENT 1 – GROUNDS FOR APPEAL

MPF 9350 Trade Place, Project No. 585463, CUP No. 2068720

Findings Not Supported:

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

PLANNING COMMISSION RESOLUTION NO. XXXX-PC
CONDITIONAL USE PERMIT NO. 2068720
MPF 9350 TRADE PLACE - PROJECT NO. 585463

WHEREAS, SAN DIEGO TRADE PARTNERS LP, a California Limited Partnership, Owner, and TRADEWORX PARTNERS INC., a California Limited Partnership, Permittee, filed an application with the City of San Diego for a permit to operate a 40,368 square-foot Marijuana Production Facility within an existing 40,536 square-foot, two-story building at 9350 Trade Place in Suites A, B, C and D. (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2068720), on portions of a 2.3-acre site;

WHEREAS, the project site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 15372, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on September 15, 1988 as filed/page No. 88-464708, official records;

WHEREAS, on September 26, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301, Existing Facilities, and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 3, 2018 pursuant to Resolution No. R-312076;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2068720; and

WHEREAS, on February 20, 2019, Shahin Modine, filed a Development Permit Appeal Application and on February 21, 2019, Khoa Nguyen, filed a Development Permit Appeal Application (Appeals); and

WHEREAS, on May 9, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2068720 pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by Planning Commission of the City of San Diego, that it denies the Appeals and adopts the following findings with respect to Conditional Use Permit No. 2068720:

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 is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within a 40,536 square-foot building located at 9350 Trade Place. The MPF would occupy Suites A, B, C, and D which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 Zone, Prime Industrial Lands, Federal Aviation Authority (FAA) Part 77 Noticing Area (Marine Corps Air Station (MCAS) Miramar), Airport Influence Area (MCAS Miramar – Review Area 1), Airport Land Use Compatibility Overlay Zone (MCAS Miramar), and designated Industrial and Business Parks of the Mira Mesa Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea, designated Light Industrial, encourages a mix of light industrial and specialized commercial uses.

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

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

The proposed project is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan. The building is currently being used as a furniture store and bakery, with a vacant suite. The project proposes interior improvements that include offices, storage, cultivation area, extraction area, manufacturing area and distribution area. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the reconstruction of two existing driveways and curb ramp, adjacent to the project site on Trade Place with current City Standards. Brush Management shall be provided on the western portion of the project site, adjacent to the Carroll Canyon mining operations property, and landscape improvements and maintenance will also be required at the project site.

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 have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC Section 141.1004 (a).

The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. 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. 2068720. The Conditional Use Permit No. 2068720 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. 2068720. 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 is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan.

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

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

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

The proposed project is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Industrial and Business Park designation per the Mira Mesa Community Plan would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The proposed project will promote the policies of the General Plan because Marijuana Production Facilities (MPFs) are industrial manufacturing uses.

The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation. The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Light Industrial

designation of the Mira Mesa Community Plan. 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. 2068720 is hereby granted by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2068720, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: May 9, 2019

IO#: 24007574

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: 24007574

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2068720
MPF 9350 TRADE PLACE - PROJECT NO. 585463
PLANNING COMMISSION

This Conditional Use Permit No. 2068720 is granted by the Planning Commission of the City of San Diego to San Diego Trade Partners LP, a California Limited Partnership, Owner and Tradeworx Partners Inc, a California Limited Partnership, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 Zone of the Mira Mesa Community Plan. The project site is legally described as Parcel 2 of Parcel Map No. 15372, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on September 15, 1988 as filed/page No. 88-464708, official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 40,368 square-foot Marijuana Production Facility within an existing 40,536 square-foot, two-story building at 9350 Trade Place in Suites A, B, C and D, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 9, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility (MPF) within an existing 40,536-square-foot, two-story building. The MPF would occupy Suites A, B, C, and D which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis cultivation, extraction, manufacturing, and distribution;
- c. Off-street parking; and

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 9, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 9, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

11. The Owners/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 Owners/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owners/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 Owners/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 Owners/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittee.

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owners/Permittee shall assure, by permit and bond, the reconstruction of the existing 21-foot wide, south driveway and 24-foot wide, north driveway, per current City Standards (24-foot wide each), adjacent to site on Trade Place, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owners/Permittee shall assure, by permit and bond, the reconstruction of the curb ramp adjacent to site on Trade Place public right-of-way with current City Standards, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permit, the Owners/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices (BMPs) necessary to comply with current City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit the Owners/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.

LANDSCAPE REQUIREMENTS:

17. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents of right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilizes. Driveways, utilizes, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

18. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees shall not be permitted.

20. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage of Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

21. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan on file in the Office of the Development Services Department.
22. The Brush Management Program shall include a modified Zone One, ranging in width from 25 feet to 80 feet, extending from the rear of the structure to the rear property line. An off-site Zone Two, ranging in width from 0 feet to 75 feet, shall be provided adjacent property to the west per the Carroll Canyon Mining Reclamation Plan, CUP No. 89-0585, exercising Zone Two reduction set forth under 142.0412(f) and Zone Two expansion set forth under 142.0412(h)(7).
23. Prior to the issuance of any construction permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.
24. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to the approval of the Fire Marshal.
25. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

26. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.
27. The Owners/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.
28. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
29. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

30. 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.

31. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.

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

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

34. 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.

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

INFORMATION ONLY:

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

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

DRAFT

ATTACHMENT 5

Permit Type/PTS Approval No.: Conditional Use Permit No. 2068720
Date of Approval: May 9, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Tim Daly
Development Project Manager

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

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

San Diego Trade Partners, LP.
Owner

By _____

Tradeworx Partners Inc.
Permittee

By _____

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