



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 30, 2019 REPORT NO. PC-19-049

HEARING DATE: June 6, 2019

SUBJECT: MPF 4655 RUFFNER STREET, Process Three Decision

PROJECT NUMBER: [604122](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-014.](#)

OWNER/APPLICANT: Nguyen Family Trust, Owner and Doug McCrady, 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 located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan?

Staff Recommendation: DENY the appeal and uphold the Hearing Officer decision to APPROVE Conditional Use Permit No. 2135497.

Community Planning Group Recommendation: On October 17, 2018, the Kearny Mesa Community Planning Group voted 6-2-1 to recommend approval of the project with no additional conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 26, 2018. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on December 3, 2018, [Resolution No. R-312070](#). 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 site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The IL Zones are intended to permit a range of uses, including non-industrial uses in

some instances. Specifically, the IL-2-1 Zone allows a mix of light industrial, office, and commercial uses. Therefore, the project would not impact the housing supply within the City of San Diego.

BACKGROUND

The proposed MPF 4655 Ruffner Street project (Project) is a Conditional Use Permit (CUP) for the operation of a Marijuana Production Facility (MPF) within an existing two-story, 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone within the Kearny Mesa Community Plan. The MPF operations would re-purpose an existing office facility for the manufacturing and distribution of marijuana products to State of California licensed marijuana outlets. In accordance with San Diego Municipal Code (SDMC) Section 126.0702, a Process Three CUP is required for MPFs considered at a public hearing in accordance with Process Three, Hearing Officer decision.

On February 20, 2019, the Hearing Officer approved the Project. The [Report to the Hearing Officer No. HO-19-014](#) (Attachment 1) contains the project background, analysis and necessary draft findings with a staff recommendation of approval. Thereafter, three separate project appeals were filed with the City of San Diego Development Services Department: March 4, 2019, Charles Wang, filed a Development Permit Appeal Application based upon factual error, conflict with matters, findings not supported, and new information (Attachment 2); March 6, 2019, Khoa Nguyen, filed a Development Permit Appeal Application based upon findings not supported (Attachment 3); and March 6, 2019, RS Industries, filed a Development Permit Appeal Application based upon conflict with matters, findings not supported, and new information (Attachment 4).

PROJECT APPEAL DISCUSSION

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

Charles Wang Appeal Issue: "The staff report provided factual error in that the proposed project does not conform with adopted City Council policies and regulations. There are existing sensitive receptors in proximity to the site. The proposed project is located within sensitive receptors that is, existing uses that restricts the marijuana production facility from operating. Those restrictions include: "resource or population-based city parks, churches, childcare centers, playgrounds, libraries, minor-oriented facilities, residential care facilities and schools."

Based on these factual error and new information, the decision maker cannot make the findings on Section C & D of the Conditional Use Permit and therefore:

The proposed development DOES NOT comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed use is NOT appropriate at the proposed location."

Staff Response: The SDMC allows the operation of MPFs in limited areas of the City and provides criteria in the form of minimum separation requirements between an MPF and specified uses, measured between property lines, to minimize potential adverse impacts on the community. [SDMC Section 141.1004](#) requires 1,000 feet from resource and population-based city parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance

requirement of 100 feet from a residential zone. Per SDMC [Section 113.0225\(c\)](#), when measuring distance between uses, natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses can be taken into consideration. In such cases, the distance can be measured as the most direct route around the barrier in a manner that establishes direct access.

City staff has reviewed the 1,000-foot radius map and 1,000-foot spreadsheet exhibit provided by the applicant identifying all existing uses. City staff has determined that the project complies with the separation requirements and the appellant has not provided any new information.

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

RS Industries Appeal Issue No. 1: “The Site Plans do not demonstrate that the project includes an enclosed garage for distribution purposes, contrary to State Law.”

Staff Response: The SDMC does not require enclosed garage for distribution purposes. Cannabis business operators are required to obtain the necessary State license(s) to conduct their business,

which may require additional modifications and/or construction permits to operate their business.

RS Industries Appeal Issue No. 2: "Project is within 1,000 feet of "Center for Autism," which specifically caters to minors."

Staff Response: The Center for Autism and Related Disorders (CARD) facility is located at 7279 Ronson Road, Suite H, within an existing industrial and commercial development, approximately 7.0 acres parcel lot, and comprised of ten (10) buildings. MPFs are required to maintain a 1,000-foot distance from minor-oriented facilities. The proposed MPF is approximately 720 feet, measured property line to property line, to the parcel lot where the CARD facility is located. The CARD offers treatment of autism services to all family members. A minor-oriented facility is defined as 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 SDMC further defines a primary use as an allowed use on a premise that occupies a majority of the area of the premises. CARD occupies approximately 10 percent of the total square footage of the buildings on the parcel lot and therefore, is not considered the primary use on the premises. Therefore, the proposed MPF is not required to maintain a 1,000-foot distance from this use.

RS Industries Appeal Issue No. 2: "The Project Site Plans do not demonstrate compliance with existing parking agreement standards and requirements."

Staff Response: Parking for applications proposing to utilize existing developed properties are based on either the number of employees identified by the applicant needed to operate the MPF or 2.5 parking spaces per 1,000 square feet of gross floor area. The applicant has identified a maximum of 39 employees to operate the MPF and the draft CUP is conditioned to only allow 39 employees on-site at any given time to correspond to the 42 provided parking spaces for the Project.

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 5) to support the proposed development and draft conditions of approval (Attachment 6). 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. 2135497, with modifications.
2. Uphold the appeals and deny the Conditional Use Permit No. 2135497, 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-19-014, dated February 13, 2019
2. Charles Wang Appeal
3. Khoa Nguyen Appeal
4. RS Industries Appeal
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: February 13, 2019 REPORT NO. HO-19-014
HEARING DATE: February 20, 2019
SUBJECT: MPF 4655 Ruffner Street, Process Three Decision
PROJECT NUMBER: [604122](#)
OWNER/APPLICANT: Nguyen Family Trust, Owner and Doug McCrady, Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan?

Staff Recommendation: Approve Conditional Use Permit No. 2135497.

Community Planning Group Recommendation: On October 17, 2018, the Kearny Mesa Community Planning Group voted 6-2-1 to recommend approval of the project with no additional conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 26, 2018 (Attachment 6). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on December 3, 2018, [Resolution No. R-312070](#). The scope of the subject hearing only includes the project, and not the environmental determination.

BACKGROUND

The Kearny Mesa Community Plan designates the site for industrial development (Attachment 1). The project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The 0.83-acre site, with an existing commercial business office development comprised of a 21,210 square-foot, two-story building was constructed in 1980 and is located at 4655 Ruffner Street in the IL-2-1 Zone (Attachment 2). The existing building, with multiple suites, is currently being used for commercial offices and light industrial uses (Attachment 3). The purpose and intent of the IL-2-1 Zone is to permit light industrial, office, and commercial uses.

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

DISCUSSION

Project Description

The MPF 4655 Ruffner Street Project [Project] proposes a Conditional Use Permit (CUP) to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street. The 0.83-acre project site is in the IL-2-1 Zone, and the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field - Noise 60-65 CNEL and Safety Zone 6, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones in the Kearny Mesa Community Plan area. The Project proposes tenant improvements to the existing building to facilitate operations including the manufacturing, storing, and distributing of cannabis products to State of California licensed outlets. Retail sales are prohibited. The project site is designated Industrial and Business Park per the Kearny Mesa Community Plan and is subject to the IL-2-1 Zone requirements.

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 the existing driveways and curb ramp, adjacent to the project site on Ruffner Road and Opportunity Road 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. 2135497, with modifications.
2. Deny Conditional Use Permit No. 2135497, if the findings required to approve the project cannot be affirmed.

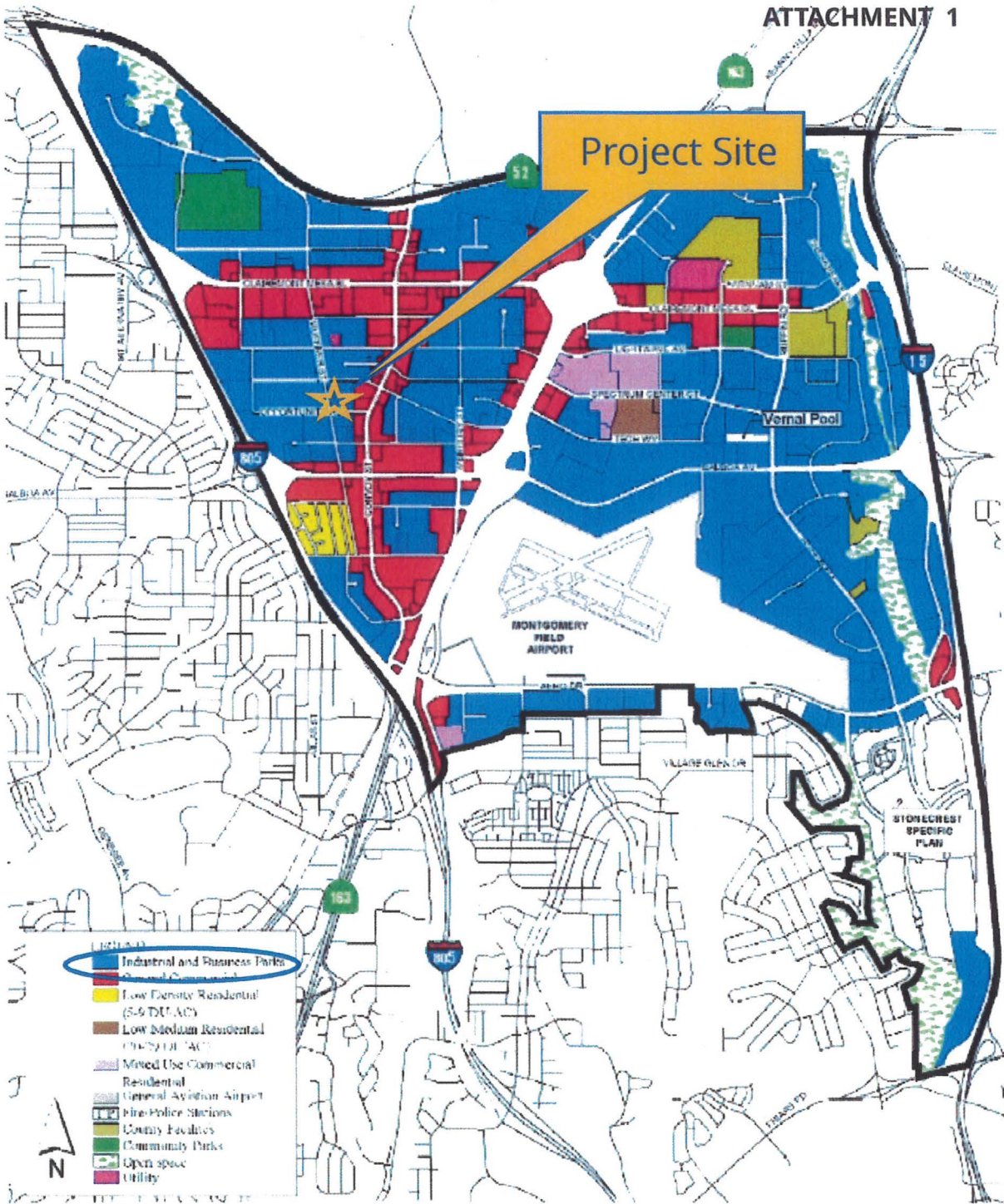
Respectfully submitted,



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



Community Land Use Map

MPF 4655 Ruffner Street / 4655 Ruffner Street
PROJECT NO. 604122





Project Location Map

MPF 4655 Ruffner Street / 4655 Ruffner Street
 PROJECT NO. 604122





Aerial Photo

MPF 4655 Ruffner Street / 4655 Ruffner Street
PROJECT NO. 604122



HEARING OFFICER RESOLUTION NO. HO-XXXX
CONDITIONAL USE PERMIT NO. 2135497
MPF 4655 RUFFNER STREET - PROJECT NO. 604122

WHEREAS, TRI T. NGUYEN AND CHI T. LUONG, TRUSTEES OF THE NGUYEN FAMILY TRUST, DATED FEBRUARY 20, 2008, Owner, and DOUG MCCRADY, Permittee, filed an application with the City of San Diego for a permit to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2135497), on portions of a 0.83-acre site;

WHEREAS, the project site is located at 4655 Ruffner Street in the IL-2-1 zone of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel B of Parcel Map No. 1208, 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 January 2, 1973 as Instrument No. 73-000494 of 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-312070;

WHEREAS, on February 20, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2135497 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. 2135497:

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 an existing 21,210 square-foot building located at 4655 Ruffner Street. The 0.83-acre project site is in the IL-2-1 Zone, and the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field - Noise 60-65 CNEL and Safety Zone 6, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones in the Kearny Mesa Community Plan area.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

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 an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The existing building, with multiple suites, is currently being used for commercial offices and light industrial uses. The project proposes interior improvements that include offices, storage, manufacturing, 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 the existing driveways and curb ramp, adjacent to the project site on Ruffner Road and Opportunity Road with current City Standards.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC), section 141.1004, which

require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPF's also 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. 2135497. The Conditional Use Permit No. 2135497 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. 2135497. 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 an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

MPF's are allowed in the IL-2-1 Zone of the Kearny 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 an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

The proposed MPF conforms with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with the development regulations for Industrial Use Category – Separately Regulated Uses, Marijuana Production Facilities pursuant to SDMC Chapter 14, Article 1, Division 10. 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. 2135497 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. 2135497, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: February 20, 2019

IO#: 24007809

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: 24007809

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2135497
MPF 4655 RUFFNER STREET - PROJECT NO. 604122
HEARING OFFICER

This Conditional Use Permit No. 2135497 is granted by the Hearing Officer of the City of San Diego to Tri T. Nguyen and Chi T. Luong, Trustees of the Nguyen Family Trust, dated February 20, 2008, Owner, and Doug McCrady, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.83-acre site is located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The project site is legally described as Parcel B of Parcel Map No. 1208, 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 January 2, 1973 as Instrument No. 73-000494 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility (MPF) within an existing 21,210 square-foot, two-story building. 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 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 March 6, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 6, 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. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains in the Ruffner Street and Opportunity Road public right-of-way, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the two existing driveways on Opportunity Road and Ruffner Street to ADA compliant and current City Standards, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all non-standard lawn in the Ruffner Street and Opportunity Road public right-of-way.
17. 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.
18. 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:

19. Prior to issuance of any construction permits, the Owner/Permittee shall submit plans that show landscaping equivalent to the previously conforming condition consistent with City of San Diego Landscape Standards per SDMC 142.0406, to the Development Services Department for approval. Any landscaping that is removed or damaged during construction shall be replaced in kind.
20. 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 of other approved entity.
21. 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.

22. 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.

PLANNING/DESIGN REQUIREMENTS:

23. 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.

24. A maximum of 42 employees shall be allowed on-site at any given time to correspond to the 42 provided parking spaces for the project.

25. 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.

26. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.

27. 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.

28. 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.

29. 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.

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

31. 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.

32. 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.

33. 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 20, 2019 by Resolution No. HO-XX.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2135497
Date of Approval: February 20, 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.

**Tri T. Nguyen, Trustee of the Nguyen Family Trust,
dated February 20, 2008**
Owner

By _____

**Chi T. Luong, Trustee of the Nguyen Family Trust,
dated February 20, 2008**
Owner

By _____

Doug McCrady
Permittee

By _____

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



THE CITY OF SAN DIEGO

DATE OF NOTICE: September 26, 2018

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007809

PROJECT NO: 604122
PROJECT NAME: MPF 4655 Ruffner Street
COMMUNITY PLAN AREA: Kearny Mesa
COUNCIL DISTRICT: 6
LOCATION: 4655 Ruffner Street, San Diego, CA 92111

PROJECT DESCRIPTION: The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility within an existing 21,210 square-foot building located at 4655 Ruffner Street. Project operations would include the manufacturing, extraction, and distribution of cannabis products to State of California licensed outlets. The building is located within a .83-acre site within the IL-2-1 zone, within Kearny Mesa Community Plan Area and is designated Industrial and Business Parks, Geologic Hazard 52, Airport FAA Part 77 Noticing Area – Montgomery Field – 472'-477' & MCAS Miramar – 565'-570', Airport Land Use Compatibility Overlay Zone – Montgomery Field, Airport Land Use Compatibility Overlay Zone – Noise – Montgomery Field - 60-65 CNEL, Airport Safety Zone 6 – Montgomery Field, Outdoor Lighting Zone 3, Penasquitos Watershed, Tecolote 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.

ATTACHMENT 6

CITY PROJECT MANAGER: Firouzeh Tirandazi
MAILING ADDRESS: 1222 First Avenue, MS 501
San Diego, CA 92101
PHONE NUMBER/E-MAIL: (619) 446-5325 / FTirandazi@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.

Minutes of the Monthly Meeting of the
Kearny Mesa Planning Group
October 17, 2018
Serra Mesa/Kearny Mesa Public Library
9005 Aero Drive, San Diego, CA 92123

Planning Group Members in Attendance:

Tim Nguyen Paul Yung Tana Lorah Todd Matcher Ray Richmond Jeff Sallen
 John Turpit Meridith Marquis Buzz Gibbs Ed Quinn Karen Ruggels Robyn Badilla
 Derek Applbaum John Mulvihill Dana Hooper Mike Huntoon

Community Members in Attendance:

Michael Sosamon, Alan Austin, Stefanie Benvenuto, Denise Stein, Mike Calhoun, Trevor Snipes, Cindy Moore, Steven Bossi, Marcela, Clint Fowler, Allen Young, David Belanich, Juan Arriaga, Sidd Vineh, Kari Logen,

The Meeting was brought to order at 11:35 PM by Jeff Sallen, chair of the Kearny Mesa Planning Group. Copies of the **Minutes of the September 2018 meeting** were distributed. A vote was postponed due to insufficient planning group members present. Additional members showed up throughout the meeting.

Just made an announcement that the Kearny Mesa Planning Group would not be meeting next month (November 2018) b/c of the meeting date's proximity to Thanksgiving. The next meeting will be held in December 2018.

Kearny Mesa Community Plan Update / Public Comment:

Action Item:

1. Gina Austin with Austin Legal Group presented on an existing marijuana production facility seeking a Conditional Use Permit located at 4655 Ruffner Street in Kearny Mesa. Project #604122. The operation is currently operating under a state mandated license that is set to expire in November of 2019. The CUP will allow this group to continue operations without interruption as long as certain additional measures are taken which are stricter when compared to the state mandated rules. The KMPG voted to approve the project (6-2-1).

Vote: The Kearny Mesa Planning Group Members took a vote to approve Planning Group Member John Turpit as the Kearny Mesa Representative on the Community Planners Committee (CPC). Vote received a vote approval (9-0-0).

The Kearny Mesa Planning Group reviewed the Meeting Minutes from September 2018 and voted to approve the minutes without any changes (5-0-4).

Informational Item:

2. Marcela with the Atlantis Group gave a brief presentation to discuss a redevelopment of 8875 Aero Drive. The former Bank of America Vault building is set to be redeveloped into an approximate 114,000 SF veterans affairs hospital annex facility. Details on the project remain limited at this time. Plans for construction of a three story parking structure were discussed as well as landscaping/beautification of the site.
3. Rodrigo Carrasco (Senior Transportation Planner) gave a brief presentation and asked for our participation in future meetings to discuss bus routes and how they will relate to the future trolley extension. Workshops will take place at the following times and locations:
 - a. October 29th (4-7pm) @ Pacific Beach Recreation Center (1405 Diamond Street)
 - b. November 1st (5-8pm) North Clairemont Recreation Center (4421 Bannock Avenue)

ATTACHMENT 7

- c. November 13th (5-8pm) Doyle Recreation Center (8175 Regents Road)
4. Stephanie Benvenuto (Director, Public Affairs) from the San Diego Regional Chamber of Commerce spoke briefly with regards to job growth and economic retention throughout San Diego. Stephanie mentioned that she works closely with a number of companies in Kearny Mesa and if we would like for her to reach out to any one of them to inform them about updates in the area she would be happy to do so.

Jeff then thanked everyone for coming and ended the meeting.



City of San Diego
Development Services
1212 First Ave., MS 307
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: THREE INDUSTRIES

Project No. For City Use Only: 604122

Project Address: 4655 RUFFNER STREET, SAN DIEGO, CA 92115

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

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

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

Property Owner

Name of Individual: NGUYEN FAMILY TRUST Owner Tenant/Lessee Successor Agency

Street Address: P.O. BOX 675927

City: RANCHO SANTA FE

State: CA Zip: 92067

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

Signature: [Signature] Date: 3-30-2018

Additional pages Attached: Yes No

Applicant

Name of Individual: DOUG MCCRADY Owner Tenant/Lessee Successor Agency

Street Address: 6815 MURRAY PARK DRIVE

City: SAN DIEGO

State: CA Zip: 92119

Phone No.: 619-666-3524 Fax No.: _____ Email: platinurm420@att.net

Signature: [Signature] Date: 03-30-2018

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: NONE Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____

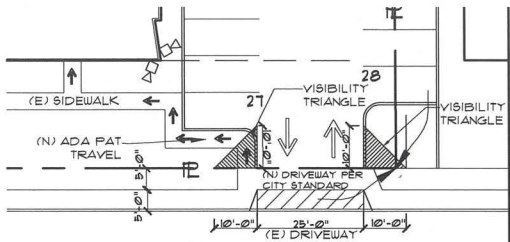
State: _____ Zip: _____

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

Signature: _____ Date: _____

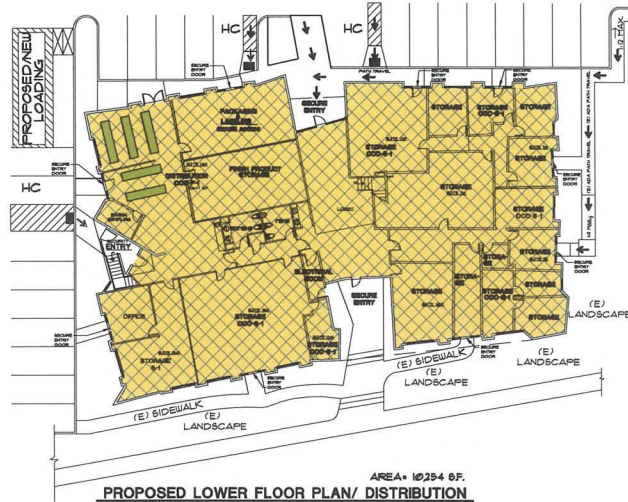
Additional pages Attached: Yes No

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



OPPORTUNITY ROAD
DRIVEWAYS ENLARGEMENT

SCALE: 1" = 20'-0"



AREA = 10,254 SF.
PROPOSED LOWER FLOOR PLAN / DISTRIBUTION



AREA = 10,356 SF.
PROPOSED UPPER FLOOR PLAN / MANUFACTURING

EASEMENT LEGEND:

- ITEM No. 2 - EASEMENT FOR AERIAL AND UNDERGROUND PUBLIC UTILITIES IN 10/18/1911 INST # 11-421491 OF OFFICIAL RECORDS AFFECTS SAID PORTION AS DESCRIBED IN THE DOCUMENT.
- ITEM No. 3 - EASEMENT FOR INGRESS AND EGRESS IN 10/20/1978 INST # 18 - 448160 OF OFFICIAL RECORDS AFFECTS SAID AS DESCRIBED IN THE DOCUMENT.
- ITEM No. 4 - EASEMENT FOR VEHICULAR PARKING WITH RIGHT OF INGRESS AND EGRESS IN 10/20/1978 INST # 18 - 448160 OF OFFICIAL RECORDS AFFECTS SAID PORTION AS DESCRIBED IN THE DOCUMENT.

LEGEND:

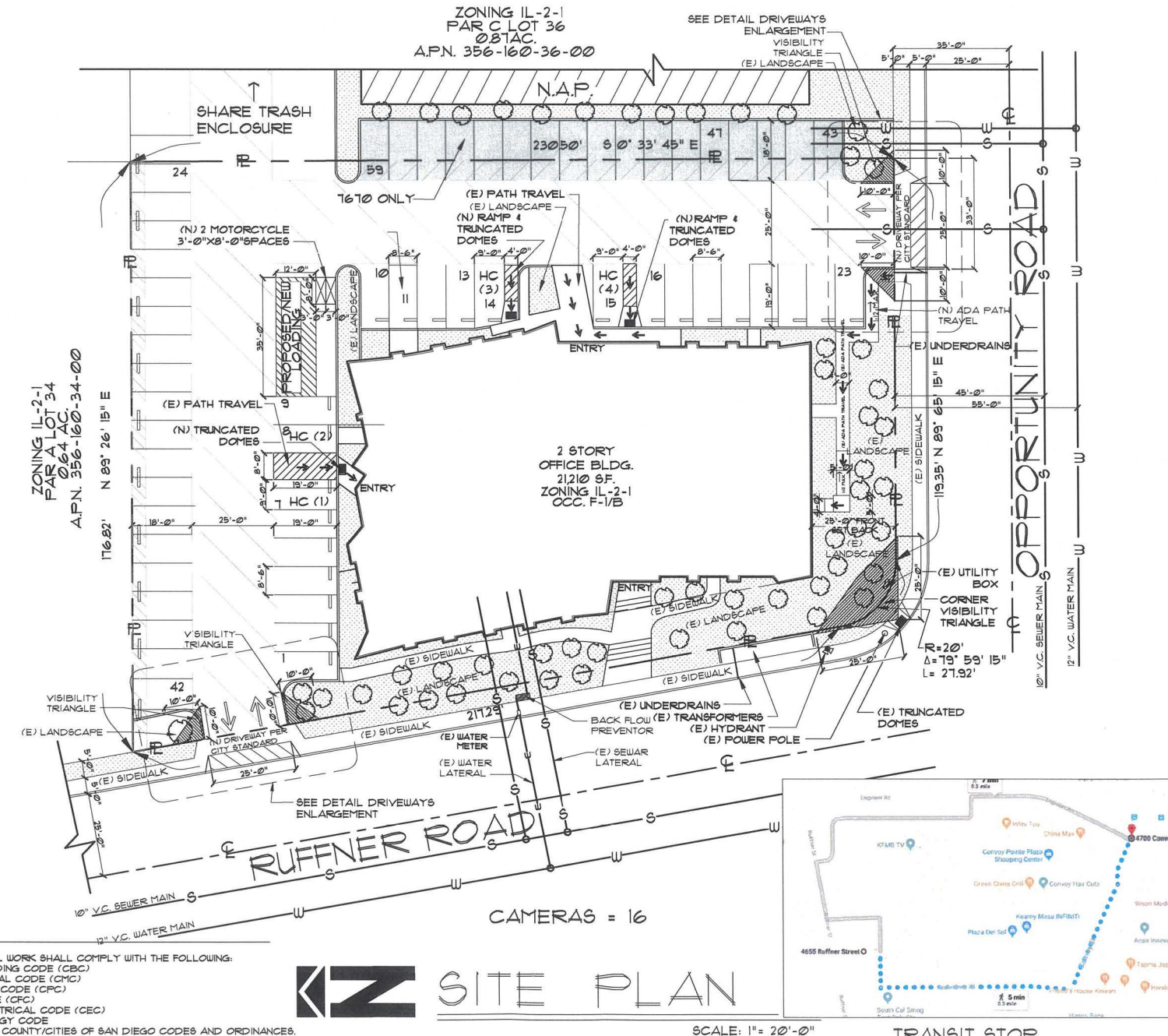
- DENOTES MANUFACTURING = 332 SF.
- DENOTES DISTRIBUTION = 10,254 SF.
- DENOTES STORAGE = 1,711 SF.
- DENOTES MANUFACTURED = 4,234 SF.
- DENOTES (E.) LANDSCAPING = 7,992 SF.
- DENOTES (E.) ASPHALT SURFACE = 17,882 SF.
- DENOTES (E.) TREE

SITE PLAN NOTE:

- TRANSIT STOPS. EXISTING BUS STOP IS 0.3 MILE AWAY FROM THE PROPERTY ON CONVOY ST.
- VISIBILITY TRIANGLE. NO CONSTRUCTION INCLUDING LANDSCAPING OR SOLID WALL WITHIN THE VISIBILITY AREA SHALL EXCEED 24" HEIGHT.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
- THE PROJECT PROPOSES TO EXPORT NO MATERIAL FROM THE PROJECT SITE. ANY EXCAVATED MATERIAL THAT IS EXPORTED, SHALL BE EXPORTED TO A LEGAL DISPOSAL SITE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (THE "GREEN BOOK"), 2015 EDITION AND REGIONAL SUPPLEMENT "AMENDMENTS ADOPTED BY REGIONAL STANDARD COMMITTEE.
- NO PERMANENT STRUCTURE IS ALLOWED WITHIN THE EASEMENT LIMIT.
- NO GRADING IS PROPOSED FOR THIS PROJECT.
- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHP'S POLICY P-20-6 (UFC 9214.4).
- (2) NEW DRIVEWAYS TO BE RECONSTRUCTED TO CURRENT CITY STANDARDS.
- DRIVE AISLE PER SDMC 142.0560(c), TABLE 142-205L.
- ACCESSIBLE PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE SECTION 11B-205 TABLE 11B-205.2 AND SECTION 11B-205.2.4. THE VAN ACCESSIBLE SPACES MUST BE DESIGNATED, STRIPED AND SIGNED AS VAN ACCESSIBLE WITH A MINIMUM 8 FOOT AISLE ON THE PASSENGER SIDE OF THE PARKING STALL.
- NEW PATH OF TRAVEL ADA BUILT AGREEMENT CITY OF SAN DIEGO STANDARD SPECIFICATIONS.
- LIGHTING SHALL BE PROVIDED TO ILLUMINATE SURROUNDING AREA OF THE FACILITY, INCLUDING PARKING LOTS AND ADJOINING SIDEWALKS.
- 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.
- SDMC 142.064 STATES THAT THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MARIJUANA PRODUCTION FACILITY IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
- SDMC 142.064 PROHIBITS THE USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 42.1B.02. A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MARIJUANA WITHOUT A HUMAN INTER-MEDIARY.
- MARIJUANA SHALL NOT BE CONSUMED ANYWHERE WITHIN THE SITE.
- "THE SALE OF MARIJUANA AND MARIJUANA PRODUCTS SHALL ONLY BE CONDUCTED BY A MARIJUANA OUTLET IN ACCORDANCE WITH SECTION 142.094. A MARIJUANA PRODUCTION FACILITY IS PROHIBITED FROM PROVIDING MARIJUANA AND MARIJUANA PRODUCTS TO ANY PERSON OTHER THAN ANOTHER MARIJUANA PRODUCTION FACILITY, A TESTING LAB, OR A MARIJUANA OUTLET."
- THE OWNER/PERMITTEE OR OPERATOR SHALL POST ANTI-LOITERING SIGNS NEAR ALL ENTRANCES OF THE MFF.
- THE APPLICANT SHALL IMPLEMENT AN EXHAUST CARBON SCRUBBER TO ADDRESS ANY RELEASE OF ODORS FROM OPERATIONS AND THE PROJECT'S HVAC SYSTEM SHALL BE DESIGNED IN MANNER WITH POSITIVE AND NEGATIVE AIR FLOW CONSISTENT INDUSTRY STANDARDS AND THE CALIFORNIA BUILDING CODE.
- THE FACILITY SHALL PROVIDE A SUFFICIENT ODOR ABSORBING VENTILATION AND EXHAUST SYSTEM CAPABLE OF ELIMINATING EXCESSIVE OR OFFENSIVE ODORS CAUSING DISCOMFORT OR ANNOYANCE TO ANY REASONABLE PERSON OF NORMAL SENSITIVITIES STANDING OUTSIDE OF THE STRUCTURAL ENVELOPE OF THE PERMITTED FACILITY IN COMPLIANCE WITH SDMC SECTION 142.010.

- HOURS OF OPERATION, 6 AM - 6 PM.
- SHARED TRASH ENCLOSURE ON ADJACENT LOT 36.
- ALL OPERATIONS SHALL BE CONDUCTED INDOORS WITHIN A SECURED STRUCTURE. ALL EQUIPMENT AND STORAGE SHALL BE ALSO LOCATED WITHIN A SECURED STRUCTURE.
- A PERMIT SHALL BE OBTAINED AS REQUIRED PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 15.
- A CONDITIONAL USE PERMIT FOR A MARIJUANA PRODUCTION FACILITY SHALL EXPIRE NO LATER THAN FIVE (5) YEARS FROM THE DATE ISSUANCE.
- THE MARIJUANA PRODUCTION FACILITY, ADJACENT PUBLIC SIDEWALKS, AND AREAS UNDER CONTROL OF THE MARIJUANA PRODUCTION FACILITY SHALL BE MAINTAINED FREE OF LITTER AND GRAFFITI AT ALL TIMES.
- AA. THE MARIJUANA PRODUCTION FACILITY SHALL PROVIDE DAILY REMOVAL OF TRASH, LITTER, AND DEBRIS. GRAFFITI SHALL BE REMOVED FROM THE PREMISES WITHIN 24 HOURS.
- PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PERMITTEE SHALL OBTAIN AN ENCROACHMENT MAINTENANCE REMOVAL AGREEMENT FROM THE CITY ENGINEER FOR THE SIDEWALK UNDERDRAINS AN FOR ALL CITY NON-STANDARD LAWN IN THE RUFFER ROAD 4 OPPORTUNITY ROAD RIGHT-OF-WAY.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE OWNER / PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP) SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN PART 2 CONSTRUCTION BMP STANDARDS CHAPTER 4 OF THE CITY'S STORM WATER STANDARDS.
- THERE ARE EXISTING UNDERDRAINS WITHIN THE PARKWAY. THE PROJECT WILL BE CONDITIONED TO PROVIDE BMP'S FOR THE EXISTING UNDERDRAINS.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SDMC, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
- PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PERMITTEE SHALL ASSURE, BY PERMIT AND BOND, TO RECONSTRUCT THE TWO EXISTING DRIVEWAYS ON OPPORTUNITY ROAD 4 RUFFER STREET TO ADA COMPLIANT AND CURRENT CITY STANDARD.

ZONING IL-2-1
PAR C LOT 36
08TAC.
A.P.N. 356-160-36-00



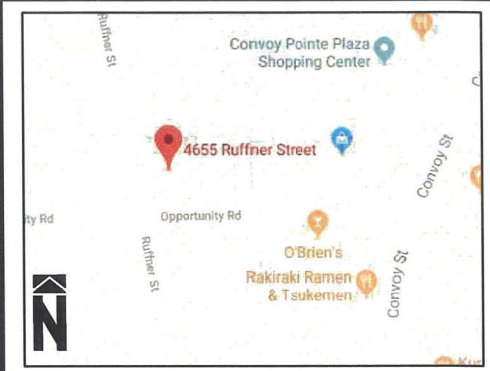
NOTE:

THIS PROJECT AND ALL WORK SHALL COMPLY WITH THE FOLLOWING:
2016 CALIFORNIA BUILDING CODE (CBC)
CALIFORNIA MECHANICAL CODE (CMC)
CALIFORNIA PLUMBING CODE (CPC)
CALIFORNIA FIRE CODE (CFC)
2016 CALIFORNIA ELECTRICAL CODE (CEC)
2016 CALIFORNIA ENERGY CODE
AND ALL APPLICABLE COUNTY/CITIES OF SAN DIEGO CODES AND ORDINANCES.



SITE PLAN

SCALE: 1" = 20'-0"



VICINITY MAP:

NO SCALE

SITE DATA:

ZONE: IL-2-1
EXISTING OCCUPANCY: F-1/B
EXISTING USE: COMMERCIAL BUSINESS OFFICES
PROPOSED USE: MARIJUANA PRODUCTION FACILITY
PROPOSED OCCUPANCY: B/S -1 /F-1
TYPE OF CONSTRUCTION: V/B
GEOLOGIC HAZARD CATEGORY:
YEAR BUILT: 1980
HEIGHT: 30'-0" - 2 STORY

-DENOTES MANUFACTURING = 332 SF.
-DENOTES DISTRIBUTION = 10,254 SF.
-DENOTES STORAGE = 1,711 SF.
-DENOTES MANUFACTURED = 4,234 SF.

SETBACK: FRONT = 25'
SIDE: 0' REAR YARD = 0'
LOT SIZE: 36,154 SQFT. 0.83 AC.
PAVING AREA: 17,882 SQFT.
LANDSCAPE AREA: 7,992 SQFT.
EXISTING FAR: 10,280 /36,154 x 0.28
LOT COVERAGE: 28%
BUILDING AREA: 21,210 SQ. FT.
NUMBER OF STORIES: TWO

PARKING TABLE:

FARKING: EXISTING
PARKING STALL MINIMUM REQUIREMENT:
TYPICAL STALL 8'-0" WIDE X 19'-0" LONG = 23 STALL
TYPICAL STALL 8'-6" WIDE X 18'-0" LONG = 36 STALL
TOTAL: 59 STALLS

ACCESSIBLE:
TYPICAL 9'-0" WIDE X 19'-0" LONG = 4 STALL
ONE STALL PER EMPLOYEE
39 EMPLOYEES
39 SPACE PROVIDES
TOTAL PROJECT PARKING SPACE PROVIDE = 42 SPACES
4 HANDICAP SPACES, INCLUDED
2 NEW MOTORCYCLE PARKING SPACES 3 FT X 8 FT.
LOADING NOTE: LOADING SPACES REQUIRED=1 12'x35'
LOADING SPACES PROVIDED=1 12'x35'

SCOPE OF WORK:

PROJECT PROPOSES A 21210 SQUARE FOOT, MARIJUANA PRODUCTION FACILITY (MFF) LOCATED AT 4655 RUFFER STREET IN THE IL-2-1 ZONE OF THE KEARNY MESA COMMUNITY PLANNING AREA. OVERLAY ZONES INCLUDE: FAA PART 11 NOTICING AREA (MCAS MIRAMAR 5063' AND MONTGOMERY FIELD 471' SITE ELEVATION 475' BUILDING HEIGHT 30') AIRPORT INFLUENCE AREA-REVIEW AREA 1 (MONTGOMERY FIELD) AND REVIEW AREA 2 (MCAS MIRAMAR), AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE-MCAS MIRAMAR AND MONTGOMERY FIELD, AND TRANSIT PRIORITY AREA.

SHEET INDEX:

- P - SITE PLAN
- A-0 - EXISTING LOWER & UPPER FLOOR PLAN
- A-1 - PROPOSED LOWER FLOOR PLAN
- A-2 - PROPOSED UPPER FLOOR PLAN
- A-3 - INTERIOR LIGHTING & SECURITY LOWER FLOOR PLAN
- A-4 - INTERIOR LIGHTING & SECURITY UPPER FLOOR PLAN
- A-5 - EXTERIOR LIGHTING & SECURITY FLOOR PLAN
- PL - EXTERIOR LIGHTING SECURITY FLOT PLAN

LEGAL:

A.P.N. : 356-160-35-00
MAP NO. 4639-AREO INDUSTRIAL PARK
PARCEL "B" IN THE CITY OF SAN DIEGO AS SHOWN ON PARCEL MAP # 1208 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JANUARY 2, 1973

SITE ADDRESS: 4655 RUFFER ST.
SAN DIEGO, CA 92111

OWNER:

NGUYEN FAMILY TRUST
4655 RUFFER ST.
SAN DIEGO, CA 92111

TENANT:

THINC INDUSTRIES
DOUG MCCORDY
PO BOX 675927
RANCHO SANTA FE, CA. 92067 PH: (619) 666-3524

CONSULTANT:
AUSTIN & ASSOCIATES
ALAN LLOYD AUSTIN
1622 PIONEER WAY
EL CAJON, CA. 92020
619-440-3624

PROJECT #
604122

REVISION	BY
01-30-2018	HJC
08-23-18	HJC
09-20-18	CC
10-29-2018	CC

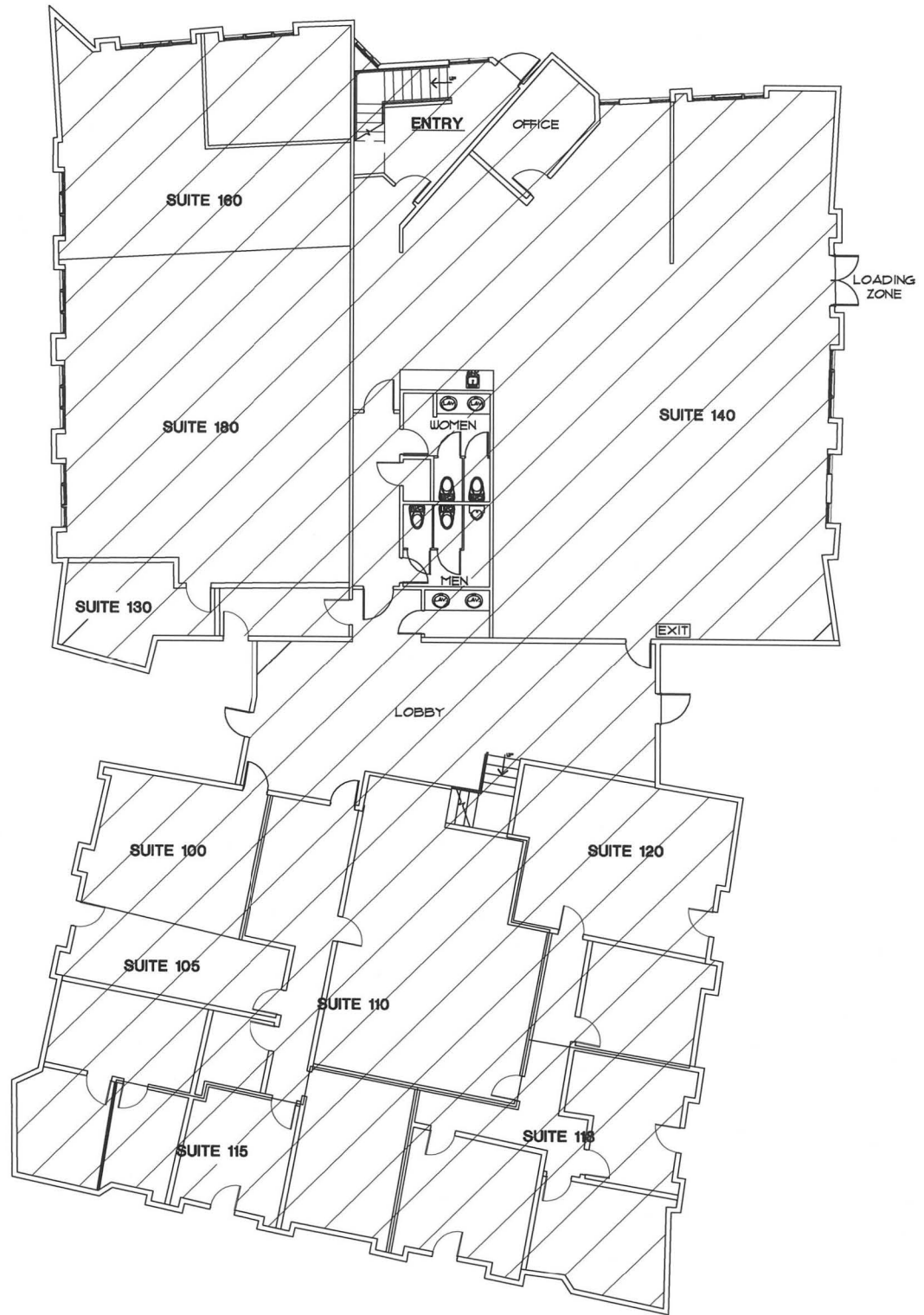
AUSTIN & ASSOCIATES
ALAN LLOYD AUSTIN
1622 PIONEER WAY EL CAJON, CA 92020
RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN
MEMBER OF AMERICAN INSTITUTE OF PLANNING DESIGN
CALIFORNIA INSTITUTE OF PLANNING DESIGN

THINC INDUSTRIES
MARIJUANA PRODUCTION FACILITY
4655 RUFFER ST. SAN DIEGO, CA. 92111

JOB NAME: THINC
DATE: 3-13-18
DR BY: CC
CK BY: ALA
SCALE: AS SHOWN

SHEET NUMBER
P
1 OF 8 SHEETS

REVISION	BY
07-30-2018	CG
08-23-18	MJC
09-20-18	CG
10-29-2018	CG



EXISTING LOWER FLOOR PLAN

SCALE: 3/32" = 1'-0"



EXISTING UPPER FLOOR PLAN

SCALE: 3/32" = 1'-0"

SUITE	TENANT	USE
100	SHAKE SHINGLE ROOF	ROOFING SALES OFFICE
105	RICHARD LEE	CPA & TAX OFFICE
110	VACANT	
115	VACANT	
118	STEVE SEO	INTERNET MARKETING
120	DAVID J. JOO DC	CHIROPRACTIC OFFICE
130	VACANT	VACANT
140	VACANT	VACANT
160	PARALAN	DISTRIBUTOR
180	VFN TV	VIDEO PRODUCTION
200	ROYM-YUKO TANNO	NAIL & BEAUTY SALON
210	VACANT	
220	VISUAL CONCEPTS	LIGHTING CONSULTANT
230	VACANT	VACANT
235	VACANT	VACANT
240	VACANT	VACANT
250	GOLF INT'L AJI, LLC	GOLF PROMOTION
260	HANA LABEL USA	LABEL SALES
270	PACIFIC HOMELAND ESCROW	ESCROW COMPANY
280	SIMON CHOI G-LUZ, INC.	SALES & MARKETING
290	INT'L. TIMES CORP.	NEWS PUBLICATIONS

AUSTIN & ASSOCIATES
 ALAN LLOYD AUSTIN
 ARCHITECTURAL ASSOCIATE
 PH. (619) 440-3624
 1622 PIONEER WAY, EL CAJON, CA 92020
 RESIDENTIAL & COMMERCIAL ARCHITECTURE AND DESIGN
 CALIFORNIA INSTITUTE OF BUILDING DESIGN

ThinC INDUSTRIES
 MARIJUANA PRODUCTION FACILITY
 4655 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME:	ThinC
DATE:	3-13-18
DR BY:	CG
CK BY:	ALA
SCALE:	AS SHOWN

PROJECT #
604122

SHEET NUMBER
A-0
 2 OF 8 SHEETS

REVISION	BY
07-30-2018	OQ
08-23-18	MJC
09-20-18	OQ

MPE
Detailed Description of Spaces & Summary of Marijuana Production Process
Project Number: _____

Detailed Description of Spaces

Distribution OCC-F-1 (3,153 SF):
Holding Area - This room is comprised of both inbound and outbound orders. This is the final location for orders that have been packed and prepped and are ready to leave our facility. This is also the initial space where orders will be kept until they are added to inventory and scheduled for testing. There will be approximately 2 occupants in this space intermittently.
Picking & Packing - This room is designated for packing and verifying orders once they are transferred from the inventory room, before they are sent to the holding area. At this point all product quantities and final destinations will be finalized and checked for errors. There will be approximately 2 occupants in this space intermittently.
Processing & Packaging - This room is solely used to package raw cannabis flower into designated pre-packaged quantities. This room will be a sanitary room where all employees are dressed in appropriate garments and protective gear. Once items are packaged, they will be moved to the storage & inventory room. There will be approximately 4 occupants in this space intermittently.
Storage & Inventory - This room will store all product that has been added to inventory. Once products are sent for testing and added to the inventory they will be transferred to this room in an area designated for "Awaiting Test Results". Items that have been pre-packaged and passed required testing will be stored by product category (i.e. flower, edibles, concentrates, etc.). There will be approximately 2 occupants in this space intermittently.
Production (1,280 SF):
Production - This area will be used for the initial phases of manufacturing and producing cannabis products. It will be comprised of a commercial kitchen that will be used to manufacture raw cannabis materials into finalized cannabis edible products. Products from this room will be transferred to the processing center to be packaged into their final form. There will be approximately 5 occupants in this space intermittently.
Processing - This area will be used to package finished manufactured cannabis products including infused edibles and beverages into their final form. From this

stage products will be transferred down to the Storage & Inventory room (S1). There will be approximately 5 occupants in this space intermittently.
Sales Office (Suite 240):
Sales Office - This is an administrative only space where our sales reps will conduct all of their in office activities including making sales calls, following up with accounts, customer service, paperwork, and various other activities. There will be approximately 6 occupants in this space intermittently.
Administration (2,722 SF):
Reception - This is an administrative only room that will be utilized for all customer service activities including answering phone calls and inbound emails. There will be approximately 1 occupant in this space intermittently.
Order Processing - This is an administrative only space that will be utilized for verifying and filing all invoices and manifests. There will be approximately 1 occupant in this space intermittently.
Account Receivable - This is an administrative only space that will be utilized for posting customer payments by recording cash, checks, and credit card transactions. This space is also where receivables will be updated by totaling unpaid, net term, invoices. There will be approximately 1 occupant in this space intermittently.
Cold Storage (1,522 SF):
Inventory Management - This room is designated for the storage of all products that are required to be cold stored once they are completed in the manufacturing room. Products from this room will be moved down to the Storage and Inventory room once they are complete. There will be approximately 3 occupants in this space intermittently.
Employees - The number of employees on the Premises will vary. It is expected that there will be between 4 - 8 employees at any given time. These employees will include a warehouse manager, supervisor, pickers, and packagers, drivers, and processors.

Summary of Processes

The marijuana production processes proposed in this space include Distribution and Manufacturing.

Distribution Process
 The distribution process includes the receiving and shipping of cannabis products. Bulk products will first enter the holding area where they will be added to inventory and prepped for testing. Products will then move to the storage and inventory room where they will be stored until they are ready to be packaged. Inbound and Outbound products will be transferred to/from loading zone and into/out of a transport vehicle, typically a ¼ van or a smaller transport vehicle.

Manufacturing Process
 The manufacturing process includes processing raw cannabis distillate into consumer ready infused products such as edibles, beverages and joints. The final products are packaged and labeled in accordance with state laws and then are transferred into the Storage and Inventory Room while they await distribution to licensed retail facilities.

Employee Shifts
 The actual number of shifts will depend on demand. There will be between 1-2 shifts depending on product demand.
 Shift 1: 6am - 12pm. General distribution hours, expected 4 people on any given day.
 Shift 2: 12pm - 6pm. General distribution hours, expected 4 people on any given day.

AUSTIN & ASSOCIATES
 1632 PIONEER WAY, EL CAJON, CA 92020
 RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN
 MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN
 CALIFORNIA INSTITUTE OF BUILDING DESIGN

ALAN LLOYD AUSTIN
 ALANLLOYDASSOCIATE.COM
 PH. (619) 440-3624

CAIBD

THiNC INDUSTRIES
 MARIJUANA PRODUCTION FACILITY
 4655 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME: THiNC
 DATE: 3-13-18
 DR BY: OQ
 CK BY: ALA
 SCALE: AS SHOWN

SHEET NUMBER
A-1
 2 OF 7 SHEETS

PROJECT #
 604122



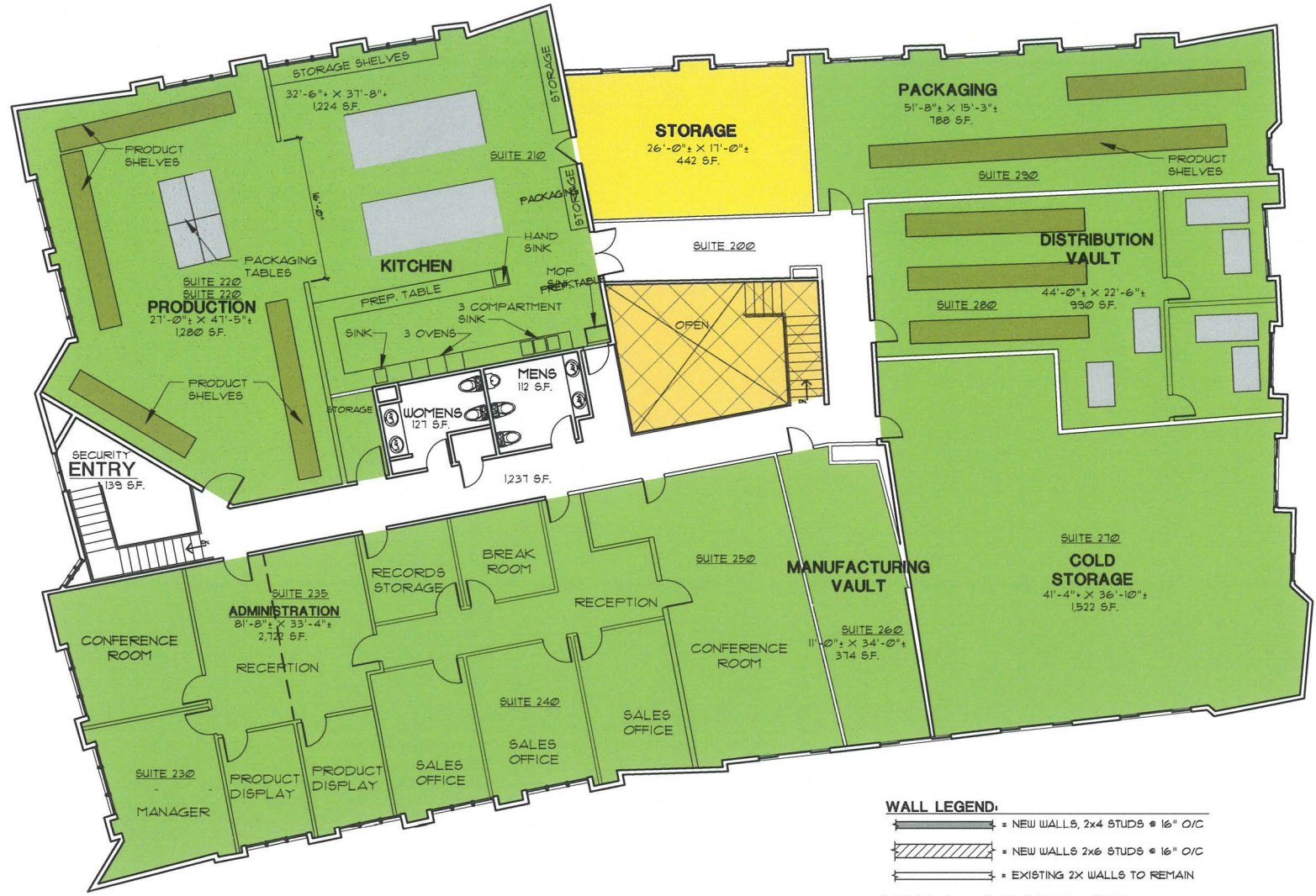
PROPOSED LOWER FLOOR PLAN/ DISTRIBUTION

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



THE PLANS & SPECIFICATIONS CONTAINED HEREIN HAVE BEEN PREPARED BY THE ARCHITECTURE FIRM OF AUSTIN & ASSOCIATES, INC. THE ARCHITECTURE FIRM OF AUSTIN & ASSOCIATES, INC. HAS BEEN LICENSED BY THE STATE OF CALIFORNIA AS AN ARCHITECTURE FIRM. THE ARCHITECTURE FIRM OF AUSTIN & ASSOCIATES, INC. IS NOT PROVIDING CONTRACT ADMINISTRATION SERVICES. THE ARCHITECTURE FIRM OF AUSTIN & ASSOCIATES, INC. IS NOT PROVIDING CONTRACT ADMINISTRATION SERVICES. THE ARCHITECTURE FIRM OF AUSTIN & ASSOCIATES, INC. IS NOT PROVIDING CONTRACT ADMINISTRATION SERVICES.

REVISION	BY
07-30-2018	OQ
08-23-18	MJC
09-20-18	OQ



WALL LEGEND:
 ——— = NEW WALLS, 2x4 STUDS @ 16" O/C
 // // // = NEW WALLS 2x6 STUDS @ 16" O/C
 ——— = EXISTING 2X WALLS TO REMAIN

AREA = 10,956 S.F.

PROPOSED UPPER FLOOR PLAN / MANUFACTURING

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



DEMOLITION UPPER FLOOR PLAN

SCALE: N.T.S.

MPE
 Detailed Description of Spaces & Summary of Marijuana Production Process
 Project Number: _____
Detailed Description of Spaces
Distribution OCC-F-1 (3,153 SF):
Holding Area - This room is comprised of both inbound and outbound orders. This is the final location for orders that have been packed and prepped and are ready to leave our facility. This is also the initial space where orders will be kept until they are added to inventory and scheduled for testing. There will be approximately 2 occupants in this space intermittently.
Picking & Packing - This room is designated for packing and verifying orders once they are transferred from the inventory room, before they are sent to the holding area. At this point all product quantities and final destinations will be finalized and checked for errors. There will be approximately 2 occupants in this space intermittently.
Processing & Packaging - This room is solely used to package raw cannabis flower into designated pre-packaged quantities. This room will be a sanitary room where all employees are dressed in appropriate garments and protective gear. Once items are packaged, they will be moved to the storage & inventory room. There will be approximately 4 occupants in this space intermittently.
Storage & Inventory - This room will store all product that has been added to inventory. Once products are sent for testing and added to the inventory they will be transferred to this room in an area designated for "Awaiting Test Results". Items that have been pre-packaged and passed required testing will be stored by product category (i.e. flower, edible, concentrate, etc.). There will be approximately 2 occupants in this space intermittently.
Production (1,280 SF):
Production - This area will be used for the initial phases of manufacturing and producing cannabis products. It will be comprised of a commercial kitchen that will be used to manufacture raw cannabis materials into finalized cannabis edible products. Products from this room will be transferred to the processing center to be packaged into their final form. There will be approximately 5 occupants in this space intermittently.
Processing - This area will be used to package finished manufactured cannabis products including infused edibles and beverages into their final form. From this

stage products will be transferred down to the Storage & Inventory room (S1). There will be approximately 5 occupants in this space intermittently.
Sales Office (Suite 240):
Sales Office - This is an administrative only space where our sales reps will conduct all of their in office activities including: making sales calls, following up with accounts, customer service, paperwork, and various other activities. There will be approximately 6 occupants in this space intermittently.
Administration (2,722 SF):
Reception - This is an administrative only room that will be utilized for all customer service activities including answering phone calls and inbound emails. There will be approximately 1 occupant in this space intermittently.
Order Processing - This is an administrative only space that will be utilized for verifying and filing all invoices and manifests. There will be approximately 1 occupant in this space intermittently.
Account Receivable - This is an administrative only space that will be utilized for posting customer payments by recording cash, checks, and credit card transactions. This space is also where receivables will be updated by totaling unpaid, net term, invoices. There will be approximately 1 occupant in this space intermittently.
Cold Storage (1,522 SF):
Inventory Management - This room is designated for the storage of all products that are required to be cold stored once they are completed in the manufacturing room. Products from this room will be moved down to the Storage and Inventory room once they are complete. There will be approximately 3 occupants in this space intermittently.
Employees - The number of employees on the Premises will vary. It is expected that there will be between 4 - 8 employees at any given time. These employees will include a warehouse manager, supervisor, pickers, and packagers, drivers, and processors.
Summary of Processes
 The marijuana production processes proposed in this space include Distribution and Manufacturing.
Distribution Process
 The distribution process includes the receiving and shipping of cannabis products. Bulk products will first enter the holding area where they will be added to inventory

and prepped for testing. Products will then move to the storage and inventory room where they will be stored until they are ready to be packaged. Inbound and Outbound products will be transferred to/from loading zone and into/out of a transport vehicle, typically a ¼ van or a smaller transport vehicle.
Manufacturing Process
 The manufacturing process includes processing raw cannabis distillate into consumer ready infused products such as edibles, beverages and joints. The final products are packaged and labeled in accordance with state laws and then are transferred into the Storage and Inventory Room while they await distribution to licensed retail facilities.
Employee Shifts
 The actual number of shifts will depend on demand. There will be between 1-2 shifts depending on product demand.
 Shift 1: 6am - 12pm. General distribution hours, expected 4 people on any given day.
 Shift 2: 12pm - 6pm. General distribution hours, expected 4 people on any given day.

AUSTIN & ASSOCIATES
 ALAN LLOYD AUSTIN
 ALAN@AUSTINANDASSOCIATES.COM
 PH: (619) 440-8824
 1622 PIONEER WAY, EL CAJON, CA 92020
 RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN
 MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN & CALIFORNIA INSTITUTE OF BUILDING DESIGN

THiNC INDUSTRIES
 MARIJUANA PRODUCTION FACILITY
 4855 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME: THiNC
 DATE: 5-19-18
 DR BY: OQ
 CK BY: ALA
 SCALE: AS SHOWN

SHEET NUMBER
A-2
 3 of 7 SHEETS

PROJECT #
 604122

THESE PLANS AND SPECIFICATIONS WERE PREPARED FOR THE EXCLUSIVE USE OF AUSTIN & ASSOCIATES, L.L.C. AS SHOWN ON THESE DRAWINGS AND ARE OWNED BY AND ARE THE SOLE PROPERTY OF AUSTIN & ASSOCIATES, L.L.C. THEY ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AUSTIN & ASSOCIATES, L.L.C. THESE DRAWINGS OR SPECIFICATIONS ARE NOT TO BE USED FOR ANY OTHER PROJECT, EXCEPT AS SHOWN ON THESE DRAWINGS. A SIGNATURE OF THE ARCHITECT IS REQUIRED FOR ANY REVISIONS TO THESE DRAWINGS.



REVISION	BY
01-30-2018	CG
08-23-18	MJC
09-20-18	CG



INTERIOR LIGHT'G SECURITY LOWER FLOOR PLAN

AREA = 10,254 S.F.

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

- PROPOSED CAMERAS = 30 INTERIOR
-  (E) SECURITY LIGHTS, MOTION SENSOR
 -  (E) WALL MOUNTED LIGHT FIXTURE

AUSTIN & ASSOCIATES
 ALAN LLOYD AUSTIN
 ARCHITECT
 1622 PIONEER WAY, EL CAJON, CA 92020
 RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN
 (619) 440-8624
 CALIFORNIA INSTITUTE OF BUILDING DESIGN

THINC INDUSTRIES
 MARIJUANA PRODUCTION FACILITY
 4855 RUFFNER ST. SAN DIEGO, CA. 92111

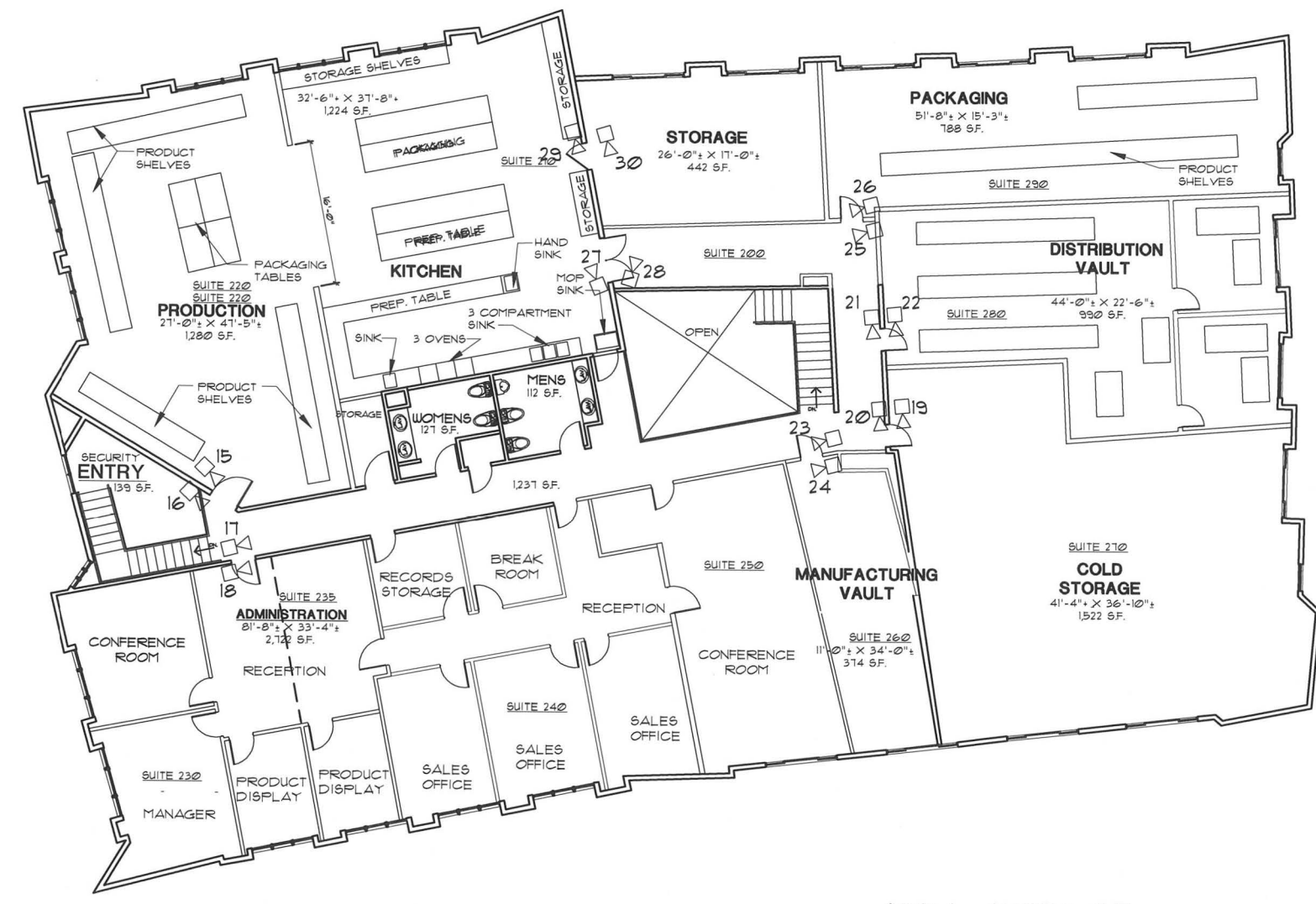
JOB NAME: Thinc
 DATE: 3-13-18
 DR BY: CG
 CK BY: ALA
 SCALE: AS SHOWN

SHEET NUMBER
A-3
 4F 7 SHEETS

PROJECT #
 604122

THE PLANS & SPECIFICATIONS CONTAINED HEREIN WERE PREPARED BY THE ENGINEER OR ARCHITECT AND ARE THE SOLE PROPERTY OF AUSTIN & ASSOCIATES, LLC. NO PART OF THESE PLANS OR SPECIFICATIONS SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF AUSTIN & ASSOCIATES, LLC. ALL RIGHTS RESERVED.

REVISION	BY
07-30-2018	CG
08-23-18	MJC
09-20-18	CG




AREA = 10,956 S.F.

INTERIOR LIGHT'G SECURITY UPPER FLOOR PLAN

SCALE: _____

1/8" = 1'-0"

- PROPOSED CAMERAS = 30 INTERIOR
-  (E) SECURITY LIGHTS, MOTION SENSOR
 -  (E) WALL MOUNTED LIGHT FIXTURE

AUSTIN & ASSOCIATES
 1622 PIONEER WAY, EL CAJON, CA 92020
 ALAN LLOYD AUSTIN
 ALAN@AUSTINASSOCIATES.COM
 PH. (619) 440-3824
 RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN
 MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN'S
 CALIFORNIA INSTITUTE OF BUILDING DESIGN

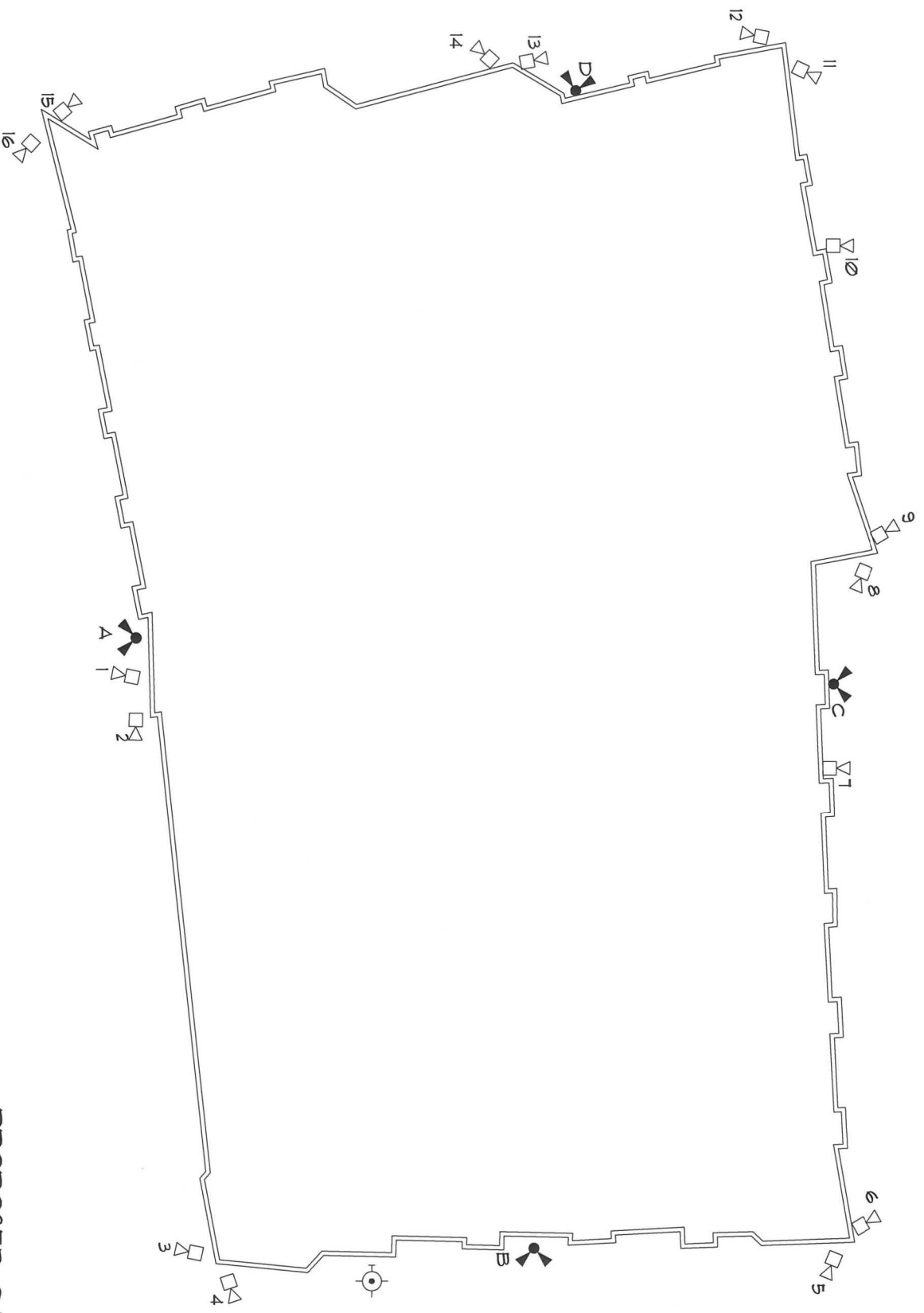
ThinC INDUSTRIES
 MARIJUANA PRODUCTION FACILITY
 4855 RUFFNER ST. SAN DIEGO, CA. 92111

JOB NAME: THINC
 DATE: 3-13-18
 DR BY: CG
 CK BY: ALA
 SCALE: AS SHOWN

SHEET NUMBER
A-4
 5 OF 7 SHEETS

PROJECT #
 604122

THIS PLAN & SPECIFICATIONS CONTAINED HEREIN WERE PREPARED FOR THE EXCLUSIVE USE OF AUSTIN & ASSOCIATES, L.L.C. BY THE ARCHITECTURE AND ENGINEERING FIRM OF AUSTIN & ASSOCIATES, L.L.C. ANY REPRODUCTION, COPIES, OR ALTERATIONS OF ANY KIND, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF AUSTIN & ASSOCIATES, L.L.C. IS PROHIBITED. THE ARCHITECTURE AND ENGINEERING FIRM OF AUSTIN & ASSOCIATES, L.L.C. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR SPECIFICATIONS. THE ARCHITECTURE AND ENGINEERING FIRM OF AUSTIN & ASSOCIATES, L.L.C. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR SPECIFICATIONS. THE ARCHITECTURE AND ENGINEERING FIRM OF AUSTIN & ASSOCIATES, L.L.C. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR SPECIFICATIONS.



EXTERIOR LIGHT'G SECURITY FLOOR PLAN

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

PROPOSED CAMERAS = 16 EXTERIOR
 (E) SECURITY LIGHTS, MOTION SENSOR
 (E) WALL MOUNTED LIGHT FIXTURE

REVISION	BY
01-20-2018	OC
08-23-18	MJC
03-20-18	OC

AUSTIN & ASSOCIATES
 1622 PIONEER WAY, EL CAJON, CA 92020
 RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN
 MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN & CALIFORNIA INSTITUTE OF BUILDING DESIGN

ALAN LLOYD AUSTIN
 ALAN@AUSTINANDASSOCIATE.COM
 PH. (619) 440-3824



ThinC INDUSTRIES
 MARIJUANA PRODUCTION FACILITY
 4655 RUFFNER ST. SAN DIEGO, CA. 92111

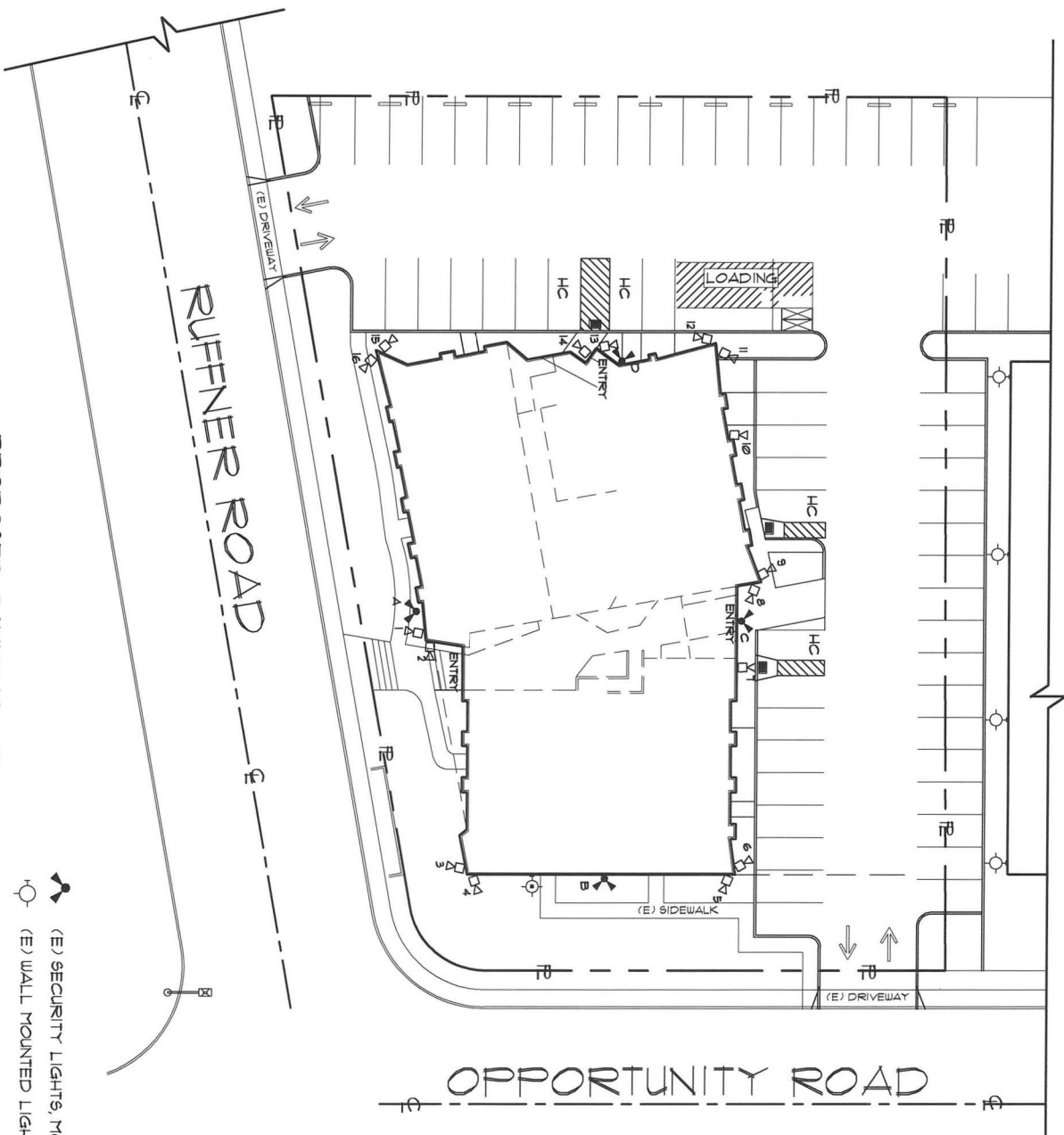
JOB NAME: ThinC
 DATE: 3-13-18
 PREP'D: CDR
 OR BY: ALA
 SCALE: AS SHOWN

PROJECT #
 604122

SHEET NUMBER
A-5
 6 OF 7 SHEETS

THE PLANS & SPECIFICATIONS CONTAINED HEREIN WERE DESIGNED FOR THE EXCLUSIVE USE OF AUSTIN & ASSOCIATES, LLC. ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR PRESENTED BY THESE DRAWINGS ARE OWNED BY AND ARE THE SOLE PROPERTY OF AUSTIN & ASSOCIATES, LLC. THEY WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THIS SPECIFIC PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY OTHER PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF AUSTIN & ASSOCIATES, LLC. NO PART OF THESE DRAWINGS OR SPECIFICATIONS SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AUSTIN & ASSOCIATES, LLC.

BY	01-30-2018	04
REVISION	08-23-18	14C
	05-10-18	00



PROPOSED CAMERAS = 16

- (E) SECURITY LIGHTS, MOTION SENSOR
- (E) WALL MOUNTED LIGHT FIXTURE
- (E) STREET PUBLIC LIGHT



EXTERIOR LIGHTING SECURITY SITE PLAN

SCALE: 1" = 20'-0"

PROJECT # 604122

THiNC INDUSTRIES
MARIJUANA PRODUCTION FACILITY
 4655 RUFFNER ST. SAN DIEGO, CA. 92111

AUSTIN & ASSOCIATES
 1622 PIONEER WAY, EL CAJON, CA 92020
 RESIDENTIAL & COMMERCIAL PLANNING AND DESIGN
 MEMBER OF AMERICAN INSTITUTE OF BUILDING DESIGN & CALIFORNIA INSTITUTE OF BUILDING DESIGN

ALAN LLOYD AUSTIN
 ALAN@AUSTINANDASSOCIATE.COM
 PH. (619) 440-3624



JOB NAME: THiNC
 DATE: 3-13-18
 DRAWN BY: OAG
 CHECKED BY: ALA
 SCALE: AS SHOWN

SHEET NUMBER
1 OF **1** SHEETS

PL

THE PLANS & SPECIFICATIONS CONTAINED HEREIN WERE DESIGNED FOR THE EXCLUSIVE USE OF AUSTIN & ASSOCIATES, LLC. ALL IDEAS, DESIGN, ARRANGEMENTS AND PLANS INDICATED OR PRESENTED BY THESE DRAWINGS ARE OWNED BY AND ARE THE SOLE PROPERTY OF AUSTIN & ASSOCIATES, LLC. THEY WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THIS SPECIFIC PROJECT. NONE OF SUCH IDEAS, DESIGN, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY OTHER PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF AUSTIN & ASSOCIATES, LLC. FILING THESE DRAWINGS OR SPECIFICATIONS WITH ANY PUBLIC AGENCY IS NOT PUBLICATION OF THE SAME, AND NO COPYING, REPRODUCTION, OR USE THEREOF IS PERMISSIBLE WITHOUT THE WRITTEN CONSENT OF AUSTIN & ASSOCIATES, LLC.



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

Development Permit/
Environmental Determination
Appeal Application

FORM
DS-3031

November 2017

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

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

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

Name: Charles Wang E-mail: Pingwang10@gmail.com

Address: 7670 Opportunity Road City: San Diego State: CA Zip Code: 92111 Telephone: (619) 253-3831

3. Project Name:
MPF 4655 Ruffner Street, CUP # 2135497

4. Project Information
Permit/Environmental Determination & Permit/Document No.: Report No. HO-19-014; CUP# 2135497 Date of Decision/Determination: Feb. 20, 2019 City Project Manager: Tim Daly & Firouzeh Tirandazi

Decision(Describe the permit/approval decision):

Approve CUP No. 2135497

Firouzeh
Tirandazi

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

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

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

see attached.

RECEIVED

MAR X 4 2019

DEVELOPMENT SERVICES

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

Signature: _____

Charles Wang

Date: _____

Charles Wang 3/4/2019

Note: Faxed appeals are not accepted.

March 4, 2019

We, the Wang Family, are appealing this project for the following reasons per the Grounds for Appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code:

Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;

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;

Specifically:

The staff report provided factual error in that the proposed project does not conform with adopted City Council policies and regulations. There are existing sensitive receptors in proximity to the site. The proposed project is located within sensitive receptors that is, existing uses that restricts the marijuana production facility from operating. Those restrictions include: "resource- or population-based city parks, churches, childcare centers, playgrounds, libraries, minor-oriented facilities, residential care facilities and schools;"

Based on these factual error and new information, the decision maker cannot make the findings on Section C & D of the Conditional Use Permit and therefore:

The proposed development DOES NOT comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed use is NOT appropriate at the proposed location.



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

Development Permit/
Environmental Determination
Appeal Application

FORM
DS-3031

November 2017

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

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

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

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

3. Project Name:
MPF 4655 Ruffner Street, Project No. 604122

4. Project Information
Permit/Environmental Determination & Permit/Document No.: Conditional Use Permit No. 2135497 Date of Decision/Determination: 2/9/2019 City Project Manager: Tim Daly

Decision(Describe the permit/approval decision):
Approval of a Conditional Use Permit by Hearing Officer for a marijuana production facility.

5. Ground for Appeal(Please check all that apply):
 Factual Error New Information
 Conflict with other matters City-wide Significance (Process Four decisions only)
 Findings Not Supported

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

RECEIVED
MAR - 6 2019
DEVELOPMENT SERVICES

RECEIVED
MAR - 6 2019
DEVELOPMENT SERVICES

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

Signature: Khoa Nguyen Date: 3/5/2019

Note: Faxed appeals are not accepted.

MPF 4655 Ruffner Street, Project No. 604122

DESCRIPTION OF GROUNDS FOR APPEAL:

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

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

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

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

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

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

3. Project Name:
MPF 4655 Ruffner Street - Project No. 604122

4. Project Information
 Permit/Environmental Determination & Permit/Document No.: Conditional Use Permit No. 2135497
 Date of Decision/Determination: February 20, 2019
 City Project Manager: Tim Daly

Decision(Describe the permit/approval decision):
Approval of Conditional Use Permit No. 2135497.

5. Ground for Appeal(Please check all that apply):
 Factual Error Conflict with other matters Findings Not Supported
 New Information City-wide Significance (Process Four decisions only)

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

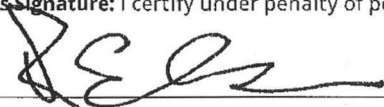
Please see Attachment 1 - Grounds for Appeal.

RECEIVED

MAR - 6 2019

DEVELOPMENT SERVICES

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

Signature:  Date: March 6 2019

Note: Faxed appeals are not accepted.

ATTACHMENT 1 – GROUNDS FOR APPEAL

Appeal of Hearing Officer Decision Re: MPF 4655 Ruffner Street - Project No. 604122

- New Information. New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision.
- Findings Not Supported. The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.
- Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.
- The Site Plans do not demonstrate that the project includes an enclosed garage for distribution purposes, contrary to State Law.
- Project is within 1,000 feet of "Center for Autism," which specifically caters to minors.
- The Project Site Plans do not demonstrate compliance with existing parking agreement standards and requirements.

PLANNING COMMISSION RESOLUTION NO. XXXX-PC
CONDITIONAL USE PERMIT NO. 2135497
MPF 4655 RUFFNER STREET - PROJECT NO. 604122

WHEREAS, TRI T. NGUYEN AND CHI T. LUONG, TRUSTEES OF THE NGUYEN FAMILY TRUST, DATED FEBRUARY 20, 2008, Owner, and DOUG MCCRADY, Permittee, filed an application with the City of San Diego for a permit to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2135497), on portions of a 0.83-acre site;

WHEREAS, the project site is located at 4655 Ruffner Street in the IL-2-1 zone of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel B of Parcel Map No. 1208, 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 January 2, 1973 as Instrument No. 73-000494 of 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-312070;

WHEREAS, on February 20, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2135497; and

WHEREAS, on March 4, 2019, Charles Wang, filed a Development Permit Appeal Application; March 6, 2019, Khoa Nguyen, filed a Development Permit Appeal Application; and March 6, 2019, RS Industries, filed a Development Permit Appeal Application (Appeals); and

WHEREAS, on June 6, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2135497 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. 2135497:

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 an existing 21,210 square-foot building located at 4655 Ruffner Street. The 0.83-acre project site is in the IL-2-1 Zone, and the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field - Noise 60-65 CNEL and Safety Zone 6, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones in the Kearny Mesa Community Plan area.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

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 an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The existing building, with multiple suites, is currently being used for commercial offices and light industrial uses. The project proposes interior improvements that include offices, storage, manufacturing, 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 the existing driveways and curb ramp, adjacent to the project site on Ruffner Road and Opportunity Road with current City Standards.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC), section 141.1004, which require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPF's also 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. 2135497. The Conditional Use Permit No. 2135497 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. 2135497. 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 an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

MPF's are allowed in the IL-2-1 Zone of the Kearny 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 an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

The proposed MPF conforms with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with the development regulations for Industrial Use Category – Separately Regulated Uses, Marijuana Production Facilities pursuant to SDMC Chapter 14, Article 1, Division 10. 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. 2135497 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. 2135497, a copy of which is attached hereto and made a part hereof..

Tim Daly
Development Project Manager
Development Services

Adopted on: June 6, 2019

IO#: 24007809

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: 24007809

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2135497
MPF 4655 RUFFNER STREET - PROJECT NO. 604122
PLANNING COMMISSION

This Conditional Use Permit No. 2135497 is granted by the Planning Commission of the City of San Diego to Tri T. Nguyen and Chi T. Luong, Trustees of the Nguyen Family Trust, dated February 20, 2008, Owner, and Doug McCrady, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.83-acre site is located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The project site is legally described as Parcel B of Parcel Map No. 1208, 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 January 2, 1973 as Instrument No. 73-000494 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 6, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility (MPF) within an existing 21,210 square-foot, two-story building. 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 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 June 6, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 6, 2024. Upon expiration of this Permit, the facilities and improvements described herein, 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. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains in the Ruffner Street and Opportunity Road public right-of-way, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the two existing driveways on Opportunity Road and Ruffner Street to ADA compliant and current City Standards, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all non-standard lawn in the Ruffner Street and Opportunity Road public right-of-way.

17. 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.

18. 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:

19. Prior to issuance of any construction permits, the Owner/Permittee shall submit plans that show landscaping equivalent to the previously conforming condition consistent with City of San Diego Landscape Standards per SDMC 142.0406, to the Development Services Department for approval. Any landscaping that is removed or damaged during construction shall be replaced in kind.

20. 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 of other approved entity.

21. 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.

22. 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.

PLANNING/DESIGN REQUIREMENTS:

23. 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.

24. A maximum of 39 employees shall be allowed on-site at any given time to correspond to the overall 42 provided parking spaces for the project.

25. 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.

26. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.

27. 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.

28. 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.

29. 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.

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

31. 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.

32. 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.

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

Permit Type/PTS Approval No.: Conditional Use Permit No. 2135497

Date of Approval: June 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.

**Tri T. Nguyen, Trustee of the Nguyen Family Trust,
dated February 20, 2008**
Owner

By _____

**Chi T. Luong, Trustee of the Nguyen Family Trust,
dated February 20, 2008**
Owner

By _____

Doug McCrady
Permittee

By _____

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