



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: June 20, 2019 REPORT NO. PC-19-055

HEARING DATE: June 27, 2019

SUBJECT: MPF 3443 PICKWICK STREET, Process Three Decision

PROJECT NUMBER: [603679](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-040](#)

OWNER/APPLICANT: Michael J. Norby, Owner and Applicant

### SUMMARY

Issue: Should the Planning Commission deny or approve the appeals of the Hearing Officer's decision to deny the operation of a Marijuana Production Facility within an existing building located at 3443 Pickwick Street in the Southeastern San Diego Community Plan area?

Staff Recommendation: DENY the appeals and affirm the Hearing Officer's decision to DENY Conditional Use Permit No. 2136164.

Community Planning Group Recommendation: On January 16, 2019, the Southeastern San Diego Community Planning Group voted 7-2-0 to recommend approval of the proposed project with no conditions (Report to the Hearing Officer No. HO-19-040, Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 28, 2018 (Report to the Hearing Officer No. HO-19-040, Attachment 6). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 14, 2019, [Resolution No. R-312182](#). The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact Statement: All costs associated with processing of this project are paid through a deposit account by the applicant.

Code Enforcement Impact: None with this application.

Housing Impact Statement: The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The project site is also

designated Light Industrial by the Southeastern San Diego Community Plan. The Light Industrial designation allows a wide variety of industrial uses, such as light manufacturing, research and development, and other industrial uses such as storage and distribution and transportation terminals. Surrounding properties are zoned IL-2-1 and include uses consistent with the Light Industrial designation of the community plan. Therefore, the project would not impact the housing supply within the City of San Diego.

## BACKGROUND

As detailed in the Marijuana Production Facility (MPF) 3443 Pickwick Street Project's (Project) attached [Report to the Hearing Officer HO-19-040](#) (Attachment 1), the project is a request for a Conditional Use Permit (CUP) pursuant to San Diego Municipal Code (SDMC) Section 126.0303 to operate a MPF within an existing 1,920-square-foot one-story building located at 3443 Pickwick Street. The MPF operations would include manufacturing, packaging, storage, and distribution of cannabis products to State of California licensed outlets.

Pursuant to SDMC section 141.1004, MPFs are restricted to forty (40) City-wide, within light and heavy industrial zones. On April 3, 2019, the City of San Diego Hearing Officer approved the 40<sup>th</sup> CUP application for an MPF. This Project's application was also considered on April 3, 2019 by the Hearing Officer after the 40<sup>th</sup> CUP application was approved and therefore, the Hearing Officer denied the Project based upon the inability to support the CUP findings pursuant to SDMC section 126.0305(b), (c), and (d), considering no more than 40 MPFs are allowed City-wide by the adopted City Ordinance.

Two Development Permit Appeal Applications (Appeals) of the Hearing Officer's decision were filed. The first appeal was filed by Kelly Hayes on April 3, 2019 (Attachment 2), and the second appeal was filed by Khoa Nguyen on April 17, 2019 (Attachment 3).

## PROJECT APPEAL DISCUSSION

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

Kelly Hayes Appeal Issue: "Appeal of the Hearing Officer's Decision – Denial of C.U.P."

Staff Response: Pursuant to SDMC section 141.1004, MPFs are restricted to forty (40) City-wide, within light and heavy industrial zones. Considering the City of San Diego Hearing Officer has previously approved 40 CUP applications for an MPF, the Hearing Officer denied the Project based upon the inability to support the CUP findings pursuant to SDMC section 126.0305(b), (c), and (d), since no more than 40 MPFs are allowed City-wide by the adopted City Ordinance.

Khoa Nguyen Appeal Issue: "Findings Not Supported: The Hearing Officer's stated finding to deny 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: San Diego Municipal Code Chapter 14, Article 2, Division 7: Off-Site Development Impact Regulations require the Owner/Permittee of a MPF 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 a MPF, subject to the regulations of the City and any other applicable governmental agency; and stating that the issuance of a 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.

Pursuant to SDMC section 141.1004, MPFs are restricted to forty (40) City-wide, within light and heavy industrial zones. Considering the City of San Diego Hearing Officer has previously approved 40 CUP applications for an MPF, the Hearing Officer denied the Project based upon the inability to support the CUP findings pursuant to SDMC section 126.0305(b), (c), and (d), since no more than 40 MPFs are allowed City-wide by the adopted City Ordinance.

Conclusion:

City staff supports the Hearing Officer's decision to deny the Project and recommends the Planning Commission affirm the Hearing Officer's decision and deny the Appeals based upon the inability to support the CUP findings pursuant to SDMC section 126.0305(b), (c), and (d), since no more than 40 MPFs are allowed City-wide by the adopted City Ordinance.

ALTERNATIVES

1. Deny the Appeals and affirm the Hearing Officer's decision to deny Conditional Use Permit No. 2136164, with modifications.
2. Uphold the Appeals and approve Conditional Use Permit No. 2136164, if the findings required to approve the project can be affirmed.

Respectfully submitted,

  
\_\_\_\_\_  
PJ Fitzgerald  
Assistant Deputy Director  
Development Services Department

  
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Sammi Ma  
Development Project Manager  
Development Services Department

PJF/SYM

Attachments:

1. [Report to the Hearing Officer No. HO-19-040](#)
2. Kelly Hayes Appeal
3. Khoa Nguyen Appeal
4. Draft Resolution with Findings





THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: March 27, 2019

REPORT NO. HO-19-040

HEARING DATE: April 3, 2019

SUBJECT: MPF 3443 PICKWICK STREET, Process Three Decision

PROJECT NUMBER: [603679](#)

OWNER/APPLICANT: Michael J. Norby, Owner and Applicant

### SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility located at 3443 Pickwick Street in the IL-2-1 Zone of the Southeastern San Diego Community Plan area?

Staff Recommendation: Approve or Deny Conditional Use Permit No. 2136164.

Community Planning Group Recommendation: On January 16, 2019, the Southeastern San Diego Community Planning Group voted 7-2-0 to recommend approval of the proposed project with no conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 28, 2018 (Attachment 6). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 14, 2019, [Resolution No. R-312182](#). The scope of the subject hearing only includes the project, and not the environmental determination.

### BACKGROUND

The project is a request for a Conditional Use Permit pursuant to San Diego Municipal Code (SDMC) Section 126.0303 to operate a Marijuana Production Facility (MPF) within an existing 1,920-square-foot one-story building. The 0.17-acre project site is located at 3443 Pickwick Street, south of California State Route 94, west of I-15, in the IL-2-1 Zone within the Southeastern San Diego Community Plan area (Attachment 1). The project site is also located within the Federal Aviation Authority (FAA) Part 77 Noticing Area – San Diego International Airport (SDIA) – Lindberg Field, Airport Influence Area (Review Area 2 - SDIA), and designated Light Industrial Land Use Area. The site is improved with a one-story building constructed in 1982 and is currently being used for auto dismantling (Attachment 3), a light industrial use permitted in the zone.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is also designated Light Industrial by the Southeastern San Diego Community Plan (Attachment 2). The Light Industrial allows a wide variety of industrial uses, such as light manufacturing, research and development uses, and other industrial uses such as storage and distribution and transportation terminals. Surrounding properties are zoned IL-2-1 and include uses consistent with the Light Industrial designation of the community plan. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation.

MPFs are restricted to forty City-wide, within light and heavy industrial zones. As of the published date of this report, 30 CUP applications for MPFs have been approved. Nine additional CUP applications for MPFs have been approved by the Hearing Officer; however, the decisions of the Hearing Officer on these applications have been appealed to the Planning Commission. The appeals to Planning Commission are currently in process.

MPFs require compliance with SDMC Section 141.1004, which 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. MPFs also require a minimum distance requirement of 100 feet from a residential zone. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

## DISCUSSION

### Project Description

The project proposes the operation of a MPF in an existing 1,920 square-foot building located at 3443 Pickwick Street. The project proposes tenant improvements to accommodate operations. These include the construction of non-load bearing partitions to reconfigure space, doors, lighting, security cameras and system, millwork, finishes throughout and associated mechanical, electrical and plumbing improvements. No exterior building alterations would occur. Operations include the would include manufacturing, packaging, storage, and distribution of cannabis products to State of California licensed outlets. Public improvements include the replacement of the existing frontage with curb, gutter, and existing sidewalk, as well as the construction of two 14' driveways, per current City Standards. Landscape improvements are also required.

The proposed MPF is subject to specific operational and security requirements as set forth in SDMC Section 141.1004, and must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation. Furthermore, 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 of California statutes and regulations.

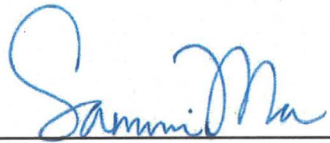
## Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-2-1 Zone and no deviations are 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. However, in the event that the Hearing Officer has already approved one of the four CUP applications for a MPF scheduled for a Hearing Officer decision on April 3, 2019, City staff then recommends that the Hearing Officer deny this application as no more than 40 MPFs are allowed City-wide pursuant to SDMC Section 141.1004.

## ALTERNATIVES

1. Approve Conditional Use Permit No. 2136164, with modifications.
2. Deny Conditional Use Permit No. 2136164, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

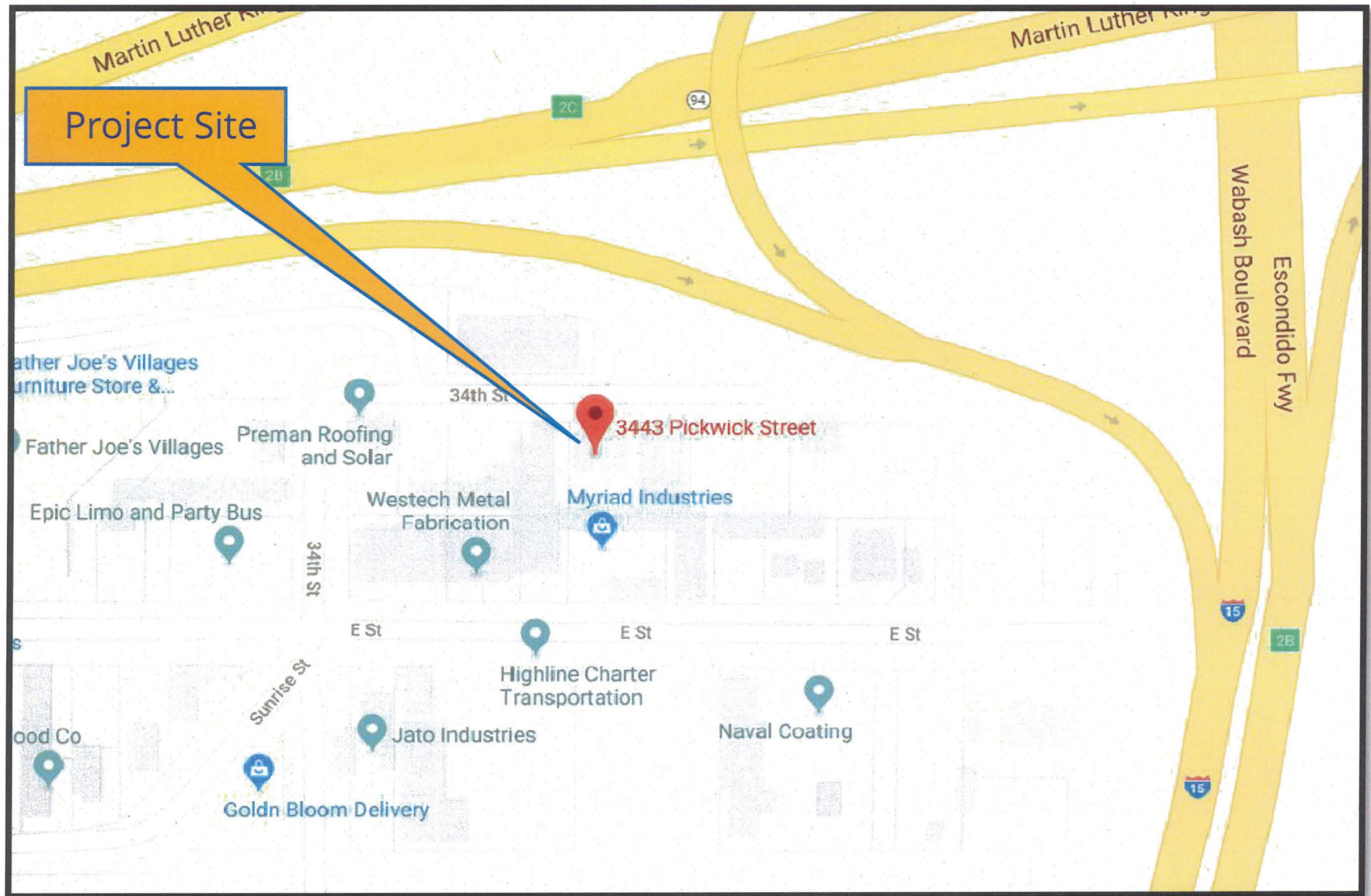


Sammi Ma, Development Project Manager

## Attachments:

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





## Project Location Map

MPF 3443 Pickwick St / 3443 Pickwick Street

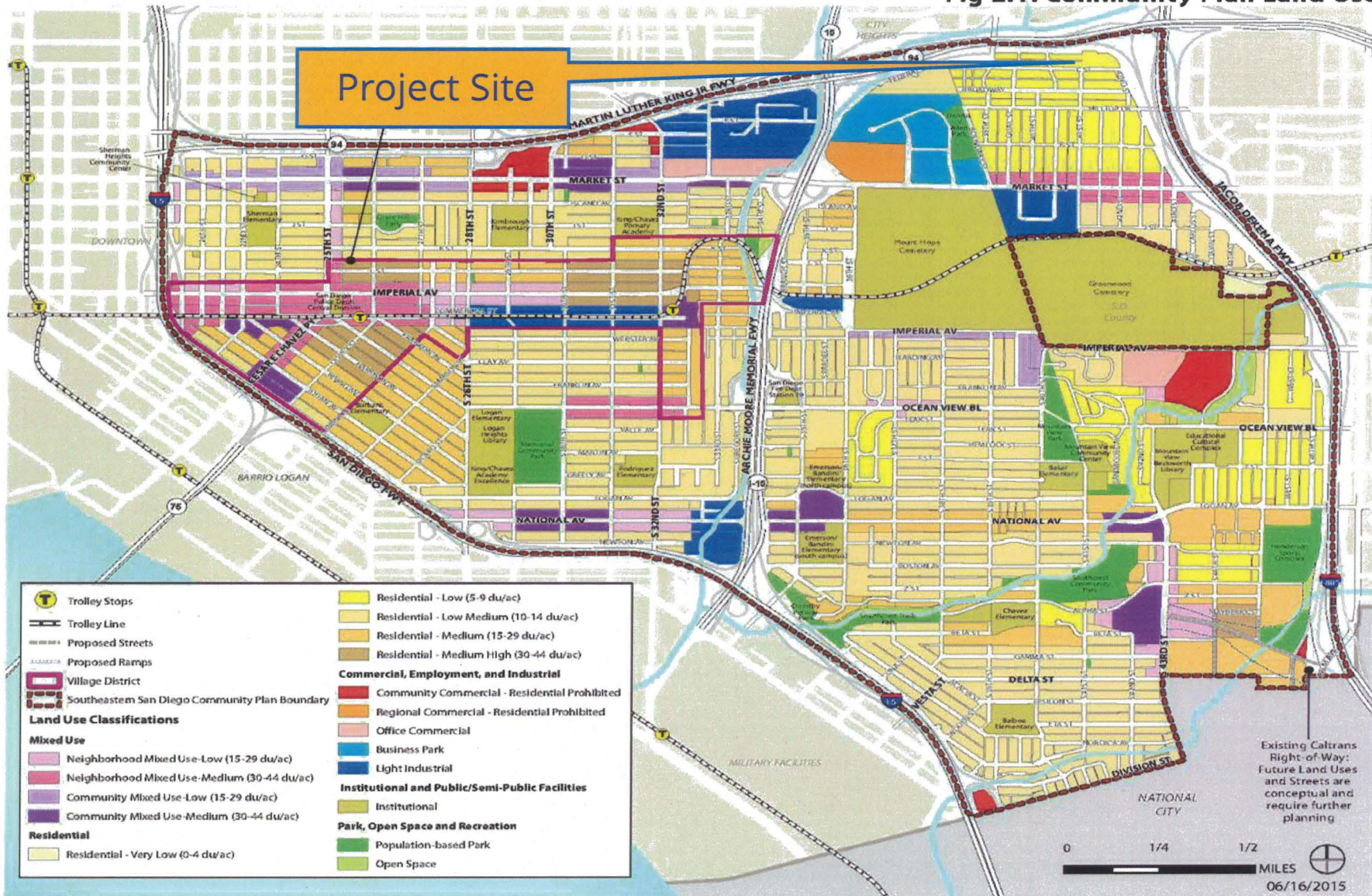
PROJECT NO. 603679

North





Fig 2.1: Community Plan Land Use

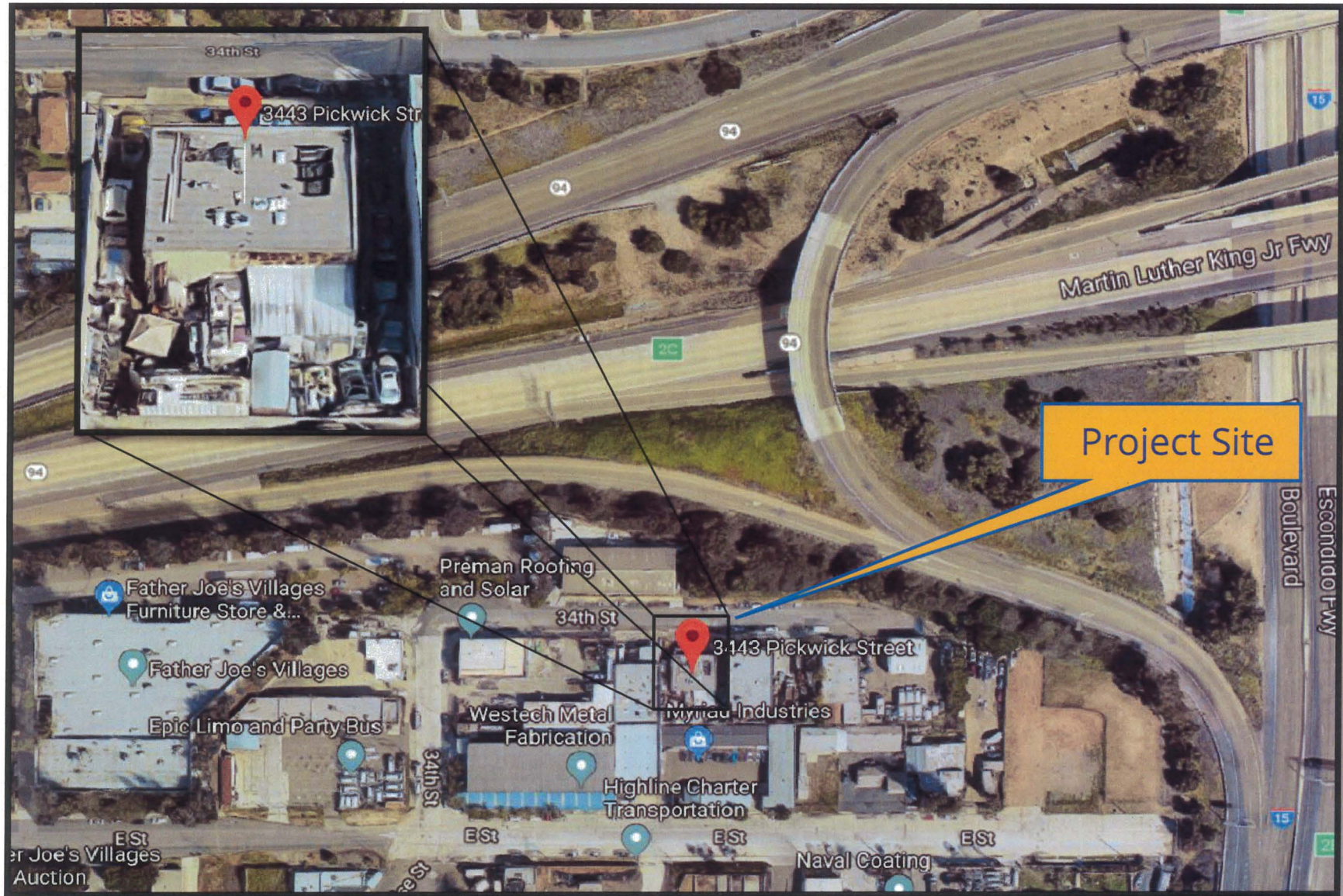


## Land Use Map

MPF 3443 Pickwick St / 3443 Pickwick Street  
PROJECT NO. 603679.







## Aerial Photo

MPF 3443 Pickwick St / 3443 Pickwick Street  
PROJECT NO. 603679



HEARING OFFICER  
RESOLUTION NO. \_\_\_\_\_  
CONDITIONAL USE PERMIT NO. 2136164  
**MPF 3443 PICKWICK STREET - PROJECT NO. 603679**

WHEREAS, MICHAEL J. NORBY, Owner and Permittee, filed an application with the City of San Diego for a Conditional Use Permit to operate a Marijuana Production Facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2136164), on portions of a 0.17-acre site;

WHEREAS, the project site is located at 3443 Pickwick Street in the IL-2-1 Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area – San Diego International Airport (SDIA) – Lindbergh Field, Airport Influence Area (Review Area 2 - SDIA), and designated Light Industrial Land Use Area within the Southeastern San Diego Community Plan area;

WHEREAS, the project site is legally described as Lot 13, 14 and 15, in block 2 of Orange Park in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1210, filed in the Office of the County Recorder of San Diego County, on September 25, 1909;

WHEREAS, on October 28, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303(c), New Construction or Conversion of Small Structures, and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 14, 2019 pursuant to Resolution No. R-312182;

WHEREAS, on April 3, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2136164 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. 2136164:

**A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]**

**1. Findings for all Conditional Use Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.**

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in 1,920-square-foot one-story building located at 3443 Pickwick Street in the IL-2-1 Zone within the Southeastern San Diego Community Plan area.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is also designated Light Industrial by the Southeastern San Diego Community Plan. The Light Industrial allows a wide variety of industrial uses, such as light manufacturing, research and development uses, and other industrial uses such as storage and distribution and transportation terminals. Surrounding properties are zoned IL-2-1 and include uses consistent with the Light Industrial designation of the community plan. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation.

The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with 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 requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in 1,920-square-foot one-story building located at 3443 Pickwick Street in the IL-2-1 Zone within the Southeastern San Diego Community Plan area. The building is currently being used for auto dismantling. The project proposes tenant improvements to accommodate operations. These include the construction of non-load bearing partitions to reconfigure space, doors, lighting, security cameras and system, millwork, finishes throughout and associated mechanical, electrical and plumbing improvements. No exterior building alterations would occur. Operations would include manufacturing, packaging, storage, and distribution of cannabis products to State of California licensed outlets. Public improvements include the replacement of the existing frontage with curb, gutter, and existing sidewalk, as well as the construction of two 14' driveways, per current City Standards. Landscape improvements are also required. Furthermore, 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.



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. 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 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.

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2136164. The Conditional Use Permit No. 2136164 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. 2136164. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in 1,920-square-foot one-story building located at 3443 Pickwick Street in the IL-2-1 Zone within the Southeastern San Diego Community Plan area.

MPFs are allowed in the IL-2-1 Zone of the Southeastern San Diego Community Plan with a Conditional Use Permit. The proposed use requires compliance with SDMC section 141.1004 and SDMC Chapter 4, Article 2, Division 15. SDMC section 141.1004 requires a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. 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 requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in 1,920-square-foot one-story building located at 3443 Pickwick Street in the IL-2-1 Zone within the Southeastern San Diego Community Plan area. Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The purpose and intent of the IL Base Zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial, office, and commercial uses. Surrounding properties are zoned IL-2-1 and include uses consistent with the Light Industrial designation of the community plan. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation.

The proposed MPF is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed MPF is a compatible use for this location with a Conditional Use Permit and consistent with the industrial designation of the Southeastern San Diego Community Plan. Therefore, the proposed MPF is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2136164, 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. 2136164, a copy of which is attached hereto and made a part hereof.

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Sammi Ma  
Development Project Manager  
Development Services

## ATTACHMENT 4

Adopted on: April 3, 2019

IO#: 24007802

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: 24007802

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2136164

**MPF 3443 PICKWICK STREET - PROJECT NO. 603679**

HEARING OFFICER

This Conditional Use Permit No. 2136164 [Permit] is granted by the Hearing Officer of the City of San Diego to Michael J. Norby, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.17-acre site is located at 3443 Pickwick Street in the IL-2-1 Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area – San Diego International Airport (SDIA) – Lindbergh Field, Airport Influence Area (Review Area 2 - SDIA), and designated Light Industrial Land Use Area within the Southeastern San Diego Community Plan area. The project site is legally described as Lot 13, 14 and 15, in block 2 of Orange Park in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1210, filed in the Office of the County Recorder of San Diego County, on September 25, 1909.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing 1,920-square-foot one-story building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 3, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 1,920-square-foot one-story building, and interior tenant improvements.
- b. The operation shall include manufacturing, packaging, storage, and distribution of cannabis products to State of California licensed outlets;
- 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 April 20, 2022.
2. This Permit and corresponding use of this site shall expire on April 20, 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 building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

**BUILDING OFFICIAL REQUIREMENT:**

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

**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to replace the existing frontage with curb and gutter per current City Standards, adjacent to the site on Pickwick Street, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to replace the existing sidewalk with current City Standards sidewalk, adjacent to the site on Pickwick Street, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to construct two 14' driveways per current City Standards, adjacent to the site on Pickwick Street, satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate an additional three (3) feet on Pickwick Street to provide a 10-foot curb-to-property-line distance, satisfactory to the City Engineer.

17. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances.

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

**LANDSCAPE REQUIREMENTS:**

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

20. Prior to issuance of any construction permits for tenant and site improvements, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall provide a 40 square-foot area around each tree, that is unencumbered by hardscape and utilities, unless otherwise approved per Land Development Code 142.0403(b)5.

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



entity. All required landscape shall be maintained in a disease, weed, and litter free condition at all times, consistent with the City of San Diego Landscape Regulations and Standards.

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 or Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

23. All operations shall be conducted indoors within a secured structure. All equipment and storage shall also be located within a secure structure. Greenhouses are prohibited.

24. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

25. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.

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

27. 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

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

29. A Condition Use Permit for a Marijuana Production Facility shall expire no later than five (5) years from the date of issuance.

30. An extension of time for a Conditional Use Permit granted to a marijuana production facility shall comply with the requirements of section 126.0111 with the following exceptions:

- (1) The extension shall be for a maximum of five (5) years,



(2) A decision on an application for an extension of time shall be made in accordance with Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.

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

(4) A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in Section 126.0111(g).

31. The sale of marijuana and marijuana products shall only be conducted by a Marijuana Outlet in accordance with Section 141.0504. A Marijuana Production Facility is prohibited from providing marijuana and marijuana products to any person other than another Marijuana Production Facility, a testing lab, or a Marijuana Outlet.

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.

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

35. Owner/Permittee shall maintain minimum off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

36. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

**TRANSPORTATION REQUIREMENTS:**

37. The 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 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 authorized by the appropriate City decision maker in accordance with the SDMC.

38. A maximum of 2 employees shall be allowed on-site at any given time to correspond to the 5 provided parking spaces for the project.

39. Prior to the issuance of any construction permit, the Owner/Permittee shall record a shared parking agreement with the adjacent property at 3433 Pickwick Street (APN 545-071-1000), to the satisfaction of the City Engineer. No fewer than 2 automobile parking spaces located at 3443 Pickwick Street shall be accessible and made available at all times to the Owner/Permittee at 3433 Pickwick Street, to the satisfaction of the City Engineer.

**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 April 3, 2019 and [Approved Resolution Number].

## ATTACHMENT 5

Permit Type/PTS Approval No.: Conditional Use Permit No. 2136164

Date of Approval: April 3, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

---

Sammi Ma  
Development Project Manager

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

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**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.

Michael J. Norby  
**Owner/Permittee**

By \_\_\_\_\_  
Michael J. Norby

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

## NOTICE OF EXEMPTION

(Check one or both)

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

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

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

**Project Name/Number:** MPF 3443 Pickwick St / 603679

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

**Project Location-Specific:** 3443 Pickwick Street, San Diego, CA 92103

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

**Description of nature and purpose of the Project:** Conditional Use Permit for a Marijuana Production Facility to operate within an existing 1,920-square-foot one-story building located at 3443 Pickwick Street. The building is located on a 7,500-square-foot parcel which is located within the IL-2-1 zone within the Southeastern Community Plan area. Project operations would include the cultivation, trimming, extraction, manufacturing and distribution of cannabis products to State of California licensed outlets. The site is designated Light-Industrial and is subject to the IL-2-1 zone requirements. The project is also subject to Airport FAA Part 77 Noticing Area (SDIA - Lindberg Field - 190 - 195 ASML), Airport Influence Area - San Diego International Review Area 1, Airport Land Use Compatibility Overlay Zone - Noise - 65-70 CNEL, Geologic Hazards Type 52, Outdoor Lighting Zone 3, Pueblo Watershed, Chollas Sub-Area Watershed, and Council District 8.

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

**Name of Person or Agency Carrying Out Project:** Michael Norby, 3960 West Point Loma Blvd., San Diego, CA 92111 (619) 255-3700.

**Exempt Status: (CHECK ONE)**

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

**Reasons why project is exempt:** The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303(c) which allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Chris Tracy, AICP Senior Planner

Telephone: (619) 446-5381

If filed by applicant:

Revised May 2018

## ATTACHMENT 6

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

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

 CHRIS TRACY, AICP  
Senior Planner


1/14/19  
Date

Check One:

(X) Signed By Lead Agency


( ) Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Page 4		City of San Diego • Information Bulletin 620		August 2018	
		<b>City of San Diego Development Services</b> 1222 First Ave., MS-302 San Diego, CA 92101		<b>Community Planning Committee Distribution Form Part 2</b>	
Project Name: Marijuana Production Facility (MPF)		Project Number: 603679		Distribution Date: 01/14/19	
Project Scope/Location: 3443 Pickwick Street Conditional Use Permit (Process 3) for a MPF to operate within an existing 1,920-sf building located at 3443 Pickwick Street. The 0.17-acre site is located within the IL-2-1 zone within the Southeastern San Diego Community Plan area in Council District 8.					
Applicant Name: Joe E. Esposito		Applicant Phone Number: 619.236.0143			
Project Manager: Cherlyn Cac		Phone Number: 619) 236-6327		Email Address: CCac@sanidiego.gov	
Committee Recommendations (to be completed for Initial Review): None					
<input checked="" type="checkbox"/> Vote to Approve		Members Yes 7	Members No 2	Members Abstain 0	
<input type="checkbox"/> Vote to Approve With Conditions Listed Below		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Deny		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				<input type="checkbox"/> Continued	
CONDITIONS: None					
NAME: Steve Veach		TITLE: Chair			
SIGNATURE: <i>Steve Veach</i>		DATE: 01/16/19			
Attach Additional Pages if Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			

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 Upon request, this information is available in alternative formats for persons with disabilities.



	<b>City of San Diego Development Services</b> 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	<b>FORM DS-318</b>  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:** MPF 3443 Pickwick **Project No. For City Use Only:** 603679  
**Project Address:** 3443 Pickwick Street, San Diego, CA 92102

**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: Mike Norby ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: 3960 W. Point Loma Blvd  
 City: San Diego State: CA Zip: 92111  
 Phone No.: 619-255-3700 Fax No.: \_\_\_\_\_ Email: mikenorbyx@gmail.com  
 Signature: [Signature] Date: 4-3-18  
 Additional pages Attached: ☐ Yes ☒ No

**Applicant**

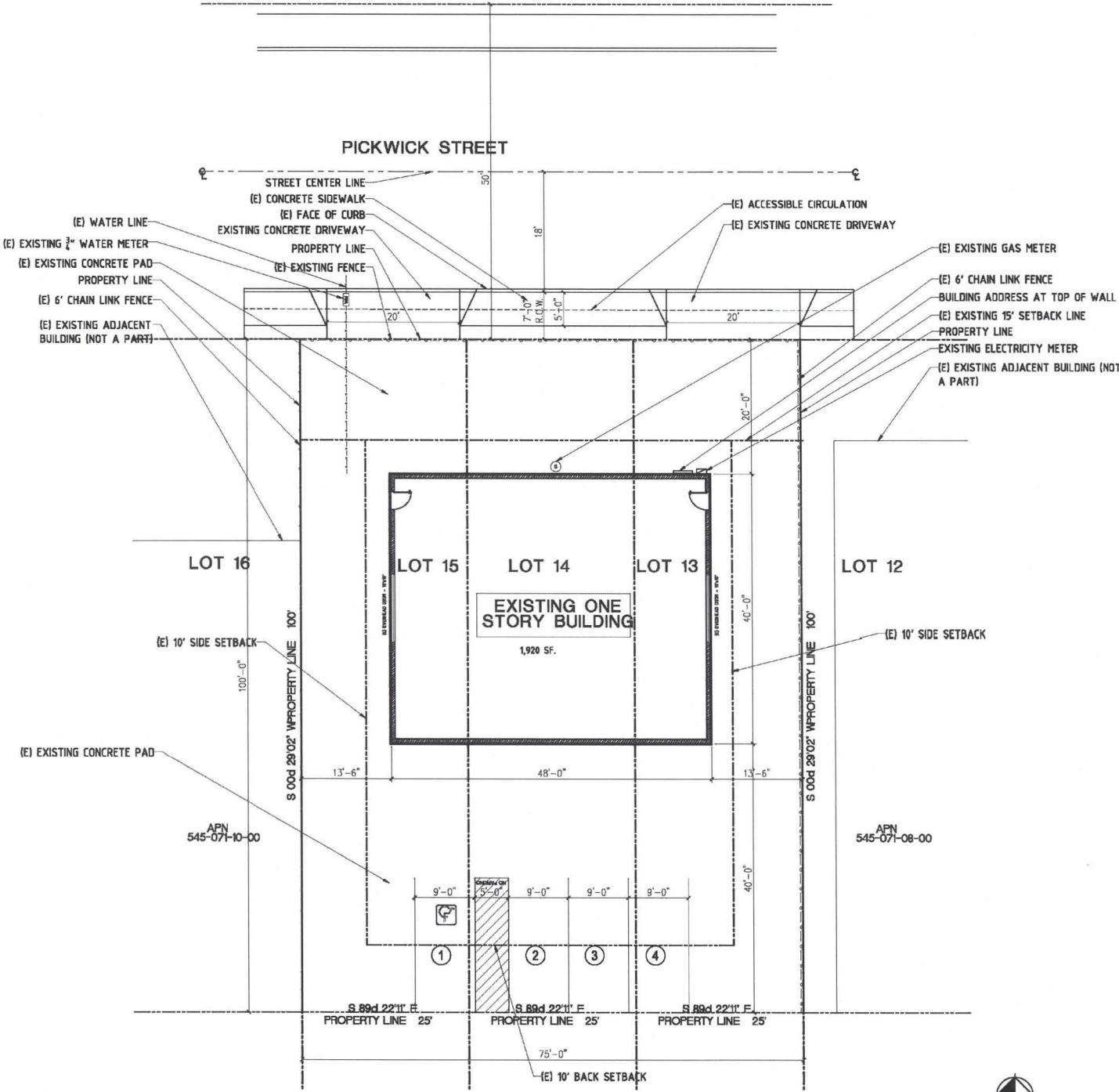
Name of Individual: Mike Norby ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: 3960 W. Point Loma Blvd  
 City: San Diego State: CA Zip: 92111  
 Phone No.: 619-255-3700 Fax No.: \_\_\_\_\_ Email: mikenorbyx@gmail.com  
 Signature: [Signature] Date: 4-3-18  
 Additional pages Attached: ☐ Yes ☒ No

**Other Financially Interested Persons**

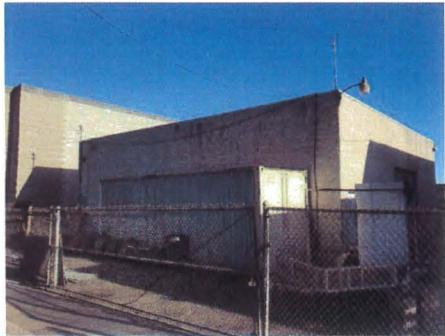
Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached: ☐ Yes ☐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

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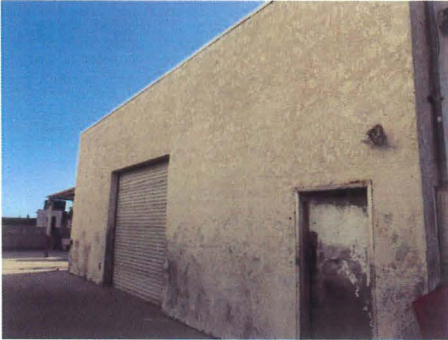




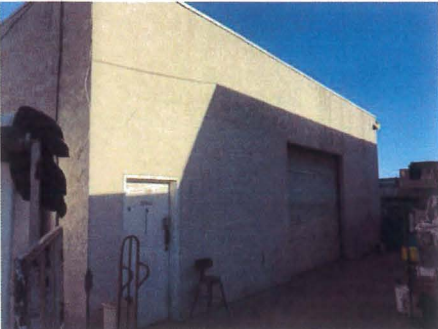
EXISTING SITE PLAN



(E) FRONT FACADE



(E) EAST FACADE



(E) WEST FACADE



(E) REAR FACADE

EXISTING ELEVATIONS

- MARIJUANA PRODUCTION FACILITY (MPF) NOTES:
- MARIJUANA PRODUCTION FACILITIES SHALL MAINTAIN THE FOLLOWING MINIMUM SEPARATION BETWEEN USES, AS MEASURED BETWEEN PROPERTY LINES, IN ACCORDANCE WITH SECTION 113.0226:
    - 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.
    - 100 FEET FROM A RESIDENTIAL ZONE.
  - ALL OPERATIONS, INCLUDING EQUIPMENT AND STORAGE, SHALL BE CONDUCTED INDOORS WITHIN A SECURED STRUCTURE. GREENHOUSES ARE PROHIBITED.
  - LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE IMMEDIATE SURROUNDING AREA OF THE FACILITY, INCLUDING PARKING LOTS AND ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
  - SECURITY SHALL INCLUDE OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.
  - THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED OUTSIDE THE MARIJUANA PRODUCTION FACILITY IN A LOCATION VISIBLE TO THE PUBLIC FROM THE PUBLIC RIGHT-OF-WAY IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT. THE PERMITTEE SHALL PROVIDE THIS CONTACT INFORMATION TO THE SAN DIEGO POLICE DEPARTMENT. THE OPERATOR OR MANAGER SHALL ALSO BE AVAILABLE 24 HOURS A DAY TO ADDRESS PUBLIC NUISANCE COMPLAINTS AND INTERACT WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AUTHORITIES.
  - OTHER THAN THE CONTACT INFORMATION, A MARIJUANA PRODUCTION FACILITY SHALL LIMIT SIGNAGE ON THE EXTERIOR OF THE PROPERTY VISIBLE FROM THE PUBLIC RIGHT-OF-WAY TO THE ADDRESS.
  - 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 OF ISSUANCE.
  - AN EXTENSION OF TIME FOR A CONDITIONAL USE PERMIT GRANTED TO A MARIJUANA PRODUCTION FACILITY SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 126.0111 WITH THE FOLLOWING EXCEPTIONS:
    - THE EXTENSION SHALL BE FOR A MAXIMUM OF FIVE (5) YEARS.
    - A DECISION ON AN APPLICATION FOR AN EXTENSION OF TIME SHALL BE MADE IN ACCORDANCE WITH PROCESS TWO. APPEALS OF A DECISION TO APPROVE AN EXTENSION OF TIME SHALL BE MADE TO THE PLANNING COMMISSION.
    - THE SEPARATION REQUIREMENTS IN SECTION 141.0504(A) SHALL NOT BE CONSIDERED IN MAKING THE FINDINGS REQUIRED IN SECTION 126.011(G) WHEN A SPECIFIED USE IN SECTION 141.004(A) HAS LOCATED WITHIN THE REQUIRED DISTANCE AFTER THE APPROVAL DATE OF THE INITIAL CONDITIONAL USE PERMIT.
    - A CHANGE IN ZONING AFTER THE APPROVAL DATE OF THE INITIAL CONDITIONAL USE PERMIT SHALL NOT BE CONSIDERED IN MAKING THE FINDINGS REQUIRED IN SECTION 126.011(G).
  - THE SALE OF MARIJUANA AND MARIJUANA PRODUCTS SHALL ONLY BE CONDUCTED BY A MARIJUANA OUTLET IN ACCORDANCE WITH SECTION 141.0504. A MARIJUANA PRODUCTION FACILITY IS PROHIBITED FROM PROVIDING MARIJUANA AND MARIJUANA PRODUCTS TO ANY PERSON OTHER THAN ANOTHER MARIJUANA PRODUCTION FACILITY, A TESTING LAB, OR A MARIJUANA OUTLET.
  - THE 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.
  - THE MARIJUANA PRODUCTION FACILITY SHALL PROVIDE DAILY REMOVAL OF TRASH, LITTER, AND DEBRIS. GRAFFITI SHALL BE REMOVED FROM THE PREMISES WITHIN 24 HOURS.
  - THE FACILITY SHALL PROVIDE A SUFFICIENT ODOR ABSORBING VENTILATION AND EXHAUST SYSTEM CAPABLE OF MINIMIZING EXCESSIVE OR OFFENSIVE ODORS EMANATING OUTSIDE OF THE PERMITTED FACILITY TO THE SATISFACTION DEVELOPMENT SERVICES DEPARTMENT.

DEVELOPMENT SUMMARY	
3443 Pickwick St, San Diego, CA 92102	
Narrative: The Marijuana Production Facility (MPF) will be located in an existing industrial building. Tenant improvements will be installed in order to configure the space for the needs of the MPF, while providing accessibility and security. These improvements may include changes to walls, lighting and HVAC. Driveways will be upgraded per current City standards. Parking lot will be re-striped per current City standards. Street trees and additional landscape will be added to site. All tenant improvements will be permitted as per City of San Diego requirements.	
Required Permits/Approvals	Conditional Use Permit Marijuana Production Facility
Project Team	Estrada Land Planning, Joe Esposito, 619.236.0143
Legal Description	Block 2, Subdivision: Orange Park, Map No. 1410, Lots 13, 14 & 15
Assessor's Parcel Number	545-071-11-00
Owner's Name & Address	Mike Norby 3960 W Point Loma Blvd, Suite H368 San Diego, CA 92110
Sheet Index	1 of 3
Type of Construction	Type V (Existing Building)
Occupancy Classification per CA Building Code	B
Zoning Designation	IL-2-1
Gross Site Area & Floor Area	Gross Site Area: 7,500 SF Building Floor Area: 1920 SF Proposed MPF Floor Area: 1920 SF
Existing Use	Light Industrial - Auto Dismantling
Proposed Use	Light Industrial - Marijuana Production Facility
Year Constructed	1982
Geologic Hazard Category	52
Landscape Area Square Footage	613 SF

APPLICANT:	SHEET INDEX:
MIKE NORBY	VICINITY MAP
3960 W POINT LOMA BLVD,	EXISTING SITE PLAN
SUITE H368	DEVELOPMENT SUMMARY
SAN DIEGO, CA 92110	MPF NOTES
	EXISTING ELEVATION PHOTOS
	PROPOSED SITE PLAN
	PARKING TABLE
	PROJECT NOTES
	PROJECT DESCRIPTION
	EX. AND PROPOSED FLOOR PLANS
	ROOF PLAN
	EXISTING/PROPOSED ELEVATIONS



VICINITY MAP

3443 PICKWICK STREET, SAN DIEGO, CA 92103  
MARIJUANA PRODUCTION FACILITY CUP  
DEVELOPMENT PLANS

DATE: 4/3/2018 REVISION: 10/15/2018  
SHEET: 1 OF 4

Estrada Land Planning  
Urban Design Landscape Architecture Computer Imaging  
619.236.0143  
225 Broadway, Suite 180  
San Diego, California 92101  
ESTP@estrada-land.com  
ELP@estrada-land.com



PROJECT NOTES:

1. NO EXTERIOR IMPROVEMENTS ARE PROPOSED WITH PROJECT.
2. INTERIOR TENANT IMPROVEMENTS WILL BE REQUIRED TO CONFIGURE THE SPACE FOR THE NEEDS OF THE MARIJUANA PRODUCTION FACILITY. THESE WILL BE PER PROPOSED FLOOR PLAN SHOWN AND PERMITTED AS PER CITY OF SAN DIEGO REQUIREMENTS.
3. PROPOSED PARKING TO COMPLY WITH CITY OF SAN DIEGO PARKING STANDARDS.
4. PROPOSED/EXISTING LIGHTING IS SUFFICIENT TO ILLUMINATE THE INTERIOR OF THE MARIJUANA PRODUCTION FACILITY, THE BUILDING FACADE AND IMMEDIATE ADJACENT PARKING AND WALKWAYS. ANY FUTURE LIGHTING OR LIGHTING MODIFICATIONS SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
5. SECURITY SHALL BE PROVIDED AT THE MARIJUANA PRODUCTION FACILITY WHICH INCLUDES 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.
6. NO EASEMENTS EXIST.
7. NEAREST BUS STOP 2,000 FEET AWAY.
8. HOURS OF OPERATION SHALL BE 9:00 AM TO 4:00 PM, MONDAY THROUGH FRIDAY. NO SHIFT WORK REQUIRED.
9. TOTAL NUMBER OF EMPLOYEES SHALL BE TWO (2).
10. THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING BUILDING FOOTPRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES (BMPs).
11. DURING CONSTRUCTION PHASE OF THE PROJECT, THE APPLICANT SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.

PROJECT DESCRIPTION:

A PROPOSED MARIJUANA PRODUCTION (MPF) FACILITY LOCATED AT 3443 PICKWICK STREET, SAN DIEGO, CA. THE FACILITY SHALL OBTAIN A PERMIT PER SAN DIEGO MUNICIPAL CODE CHAPTER 4, ARTICLE 2, DIVISION 15 AND OPERATE IN STRICT COMPLIANCE WITH THE SAN DIEGO MUNICIPAL CODE SECTION 141.1004.

THE MARIJUANA PRODUCTION FACILITY, AT FULL PRODUCTION, WILL INCLUDE 100 CLONES CUT FROM 14 MOTHER PLANTS. THOSE PLANTS WILL GROW IN THE VEGETATIVE ROOM FOR A TOTAL OF 6 WEEKS THEN THE BEST 60 PLANTS WILL MOVE INTO FLOWER ROOM #1 AND WILL BE HARVESTED AFTER A NINE WEEK CYCLE.

AFTER HARVEST THESE PLANTS WILL HANG IN THE DRY ROOM FOR 17 DAYS PLUS OR MINUS. WHEN DRY THEY WILL BE TRIMMED IN APPROXIMATELY 5 DAYS.

CURING WILL START AFTER THE PRODUCT HAS BEEN TRIMMED BY STORING IN LARGE CANNING JARS FOR APPROXIMATELY 2 WEEKS. THIS PROCESS OCCURS IN THE VAULT. ONCE THE PRODUCT IS FULLY CURED IT WILL BE PACKAGED AND LABELED ACCORDINGLY AND THEN THE PRODUCT IS READY FOR DISTRIBUTION.

FACILITY ANTICIPATES ONE DELIVERY PER WEEK IN A COMPANY PICKUP TRUCK. DISTRIBUTION OUT OF THE FACILITY WILL BE ONCE A MONTH BY A LICENSED DISTRIBUTION COMPANY PICKING UP PRODUCT. THE PROCESS WILL BE DUPLICATED FOR FLOWER ROOM #2 ALTERNATING EVERY 5 WEEKS.

ALL PLANTS AND PRODUCT WILL BE REGISTERED WITH THE CALIFORNIA CANNABIS TRACK-AND-TRACE SYSTEM. THE SUGAR LEAF TRIMMED OF THE PRODUCT WILL ALSO BE PACKAGED FOR DISTRIBUTION AND ALL REMAINING STALKS, LEAF LITTER, AND DEBRIS WILL BE PACKAGED FOR HAZMAT TO REMOVE.

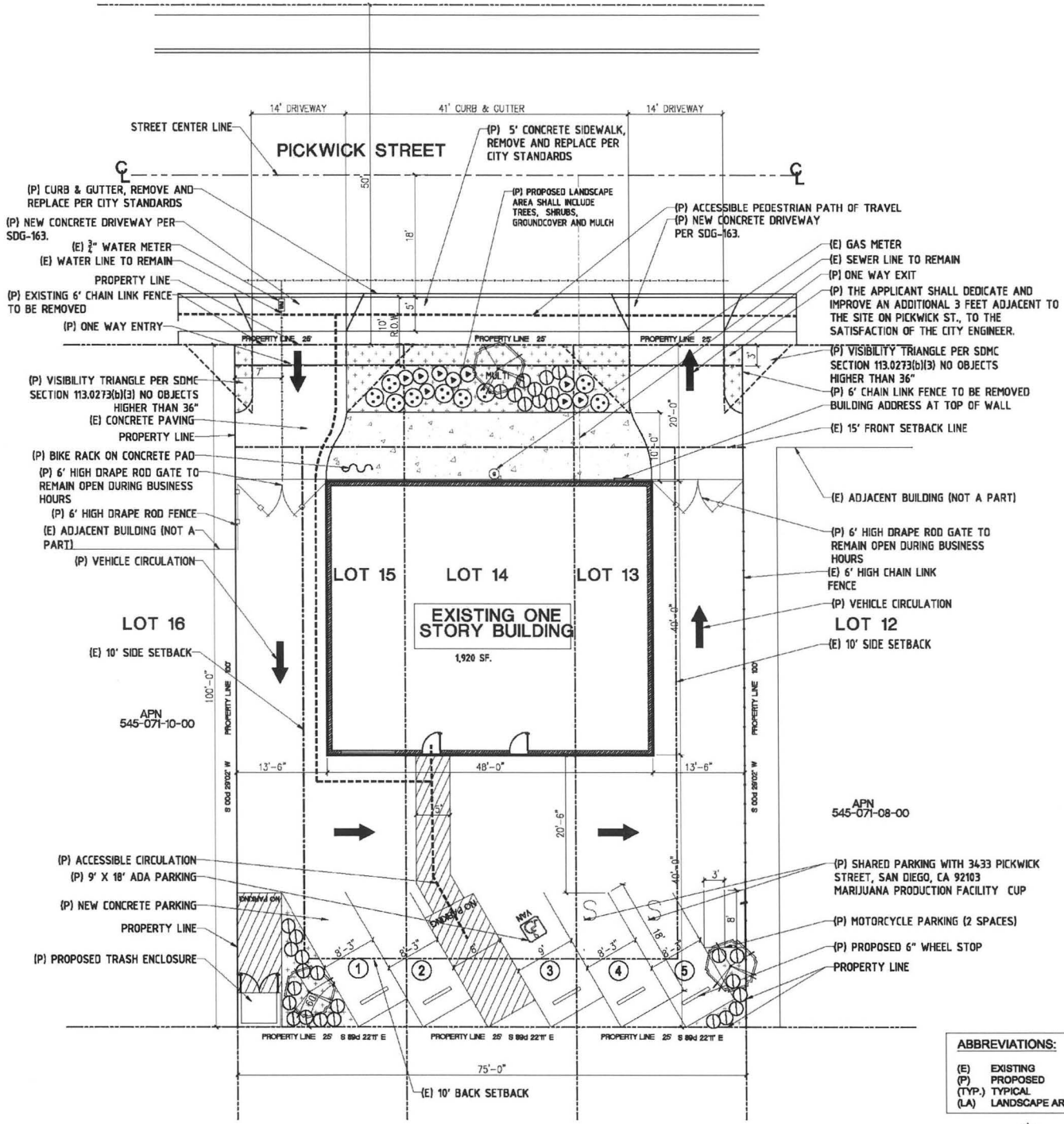
Planting Legend

Trees:		
	Koeleruteria paniculata	Golden Rain Tree 24" Box
	Koeleruteria paniculata (Multi)	Golden Rain Tree 36" Box
Shrubs:		
	Bougainvillea 'Och-la-la'	Bougainvillea 1 Gal.
	Phormium 'Pink Stripe'	New Zealand Flax 1 Gal.
	Salvia leucantha	Mexican Sage 1 Gal.
	Senecio serpens	Senecio 1 Gal.

**MINIMUM TREE SEPARATION DISTANCE:**  
IMPROVEMENT / MINIMUM DISTANCE TO TREE  
TRAFFIC SIGNALS (STOP SIGN) - 20 FEET  
UNDERGROUND UTILITY LINES - 5 FEET (10 FEET FOR SEWER)  
ABOVE GROUND UTILITY STRUCTURES - 10 FEET  
DRIVEWAY (ENTRIES) - 10 FEET (5 FEET ON RESIDENTIAL STREETS RATED AT 25 MPH OR LOWER)  
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET

**MAINTENANCE NOTE:**  
ALL REQUIRED LANDSCAPE AREAS AS SHOWN ON THESE PLANS SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION CONSISTENT WITH THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS AND STANDARDS.

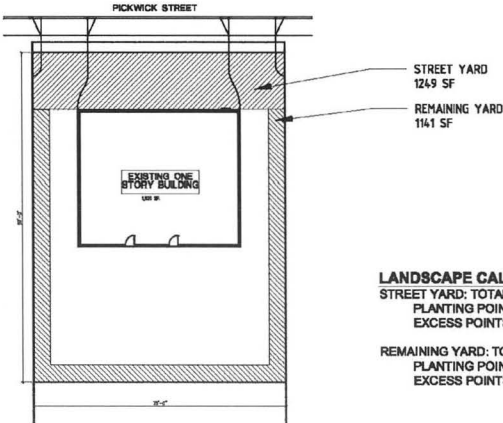
**IRRIGATION NOTE:**  
THE LANDSCAPE WILL BE IRRIGATED WITH POTABLE WATER USING AN AUTOMATIC IRRIGATION SYSTEM, ACCURATELY PROGRAMMABLE CONTROLLER AND LOW FLOW IRRIGATION HEADS. WATERING WILL GRADUALLY BE REDUCED AS THE NATIVE VEGETATION MATURES. A SEPARATE BUBBLER SYSTEM WILL BE INSTALLED TO PROVIDE MOISTURE TO TREES.



ABBREVIATIONS:	
(E)	EXISTING
(P)	PROPOSED
(TYP.)	TYPICAL
(LA)	LANDSCAPE AREA



PROPOSED SITE PLAN



**LANDSCAPE CALCULATIONS:**  
STREET YARD: TOTAL AREA 1249 SF x 0.05 = 62.5 POINTS  
PLANTING POINTS PROVIDED = 78 POINTS  
EXCESS POINTS PROVIDED = 15.5 POINTS  
REMAINING YARD: TOTAL AREA 1141 SF x 0.05 = 57 POINTS  
PLANTING POINTS PROVIDED = 60 POINTS  
EXCESS POINTS PROVIDED = 3 POINTS

Parking Table per SDMC 142.0530		
Automobile Spaces		
Use	Number of Spaces Required per SDMC Table 142.0530	Number of Spaces Provided
IL-2-1	1 space per employee 1 x 2 = 2 spaces w/ 1 van accessible space	5 spaces w/ 1 van accessible space
Accessible Parking Spaces per Americans with Disabilities Act (ADA) and SDSD SDMC-117		
Use	Number of Spaces Required	Number of Spaces Provided
IL-2-1	1 accessible parking space for 1-25 parking spaces with at least 1 van accessible parking space for every 6 accessible parking spaces	1 van accessible parking space
Carpool and Zero Emissions Vehicles per SDMC 142.0530(d)(1)(A) and (2)(A)		
Use	Number of Spaces Required	Number of Spaces Provided
IL-2-1	0 designated space if there are 0-9 parking spaces	N/A
Bicycle Spaces per SDMC 142.0530(e)(1)(A) and 142.0530(e)(2)(A)		
Use	Number of Spaces Required	Number of Spaces Provided
IL-2-1	Short-term - minimum of 2 or 0.1 per 1,000 SF of floor area Long-term - 1 space or 5% of the required automobile parking for any premises with more than 10 full-time employees	2 spaces N/A
Motorcycle Spaces per SDMC 142.0530(g)		
Use	Number of Spaces Required	Number of Spaces Provided
IL-2-1	2% of the minimum number of automobile parking spaces required or 2 spaces, whichever is greater	2 spaces

**MAXIMUM APPLIED WATER ALLOWANCE (MAWA)**  
MAWA FORMULA =  $[Eto] \cdot [0.62] \cdot [0.45 \times LA] + [0.55 \times SLA]$   
WHERE: SAN DIEGO, CA  
Eto= EVAPOTRANSPIRATION IN INCHES PER YEAR  
0.62= CONVERSION FACTOR TO GALLONS PER SQUARE FOOT  
0.7= ET ADJUSTMENT FACTOR  
LA= LANDSCAPED AREA  
0.3= THE ADDITIONAL WATER ALLOWANCE FOR A SPECIAL LANDSCAPED AREA  
SLA= SPECIAL LANDSCAPE AREA

PROJECT SPECIFIC FACTORS:	
Eto=	47
.62=	0.62
.45=	0.45
LA=	613
.55=	0.55
SLA=	0 NO SPECIAL LANDSCAPE AREA
MAWA FORMULA = $[47] \cdot [0.62] \cdot [0.45 \times 613] + [0.55 \times 0]$	
MAWA=	8,038 GALLONS PER YEAR

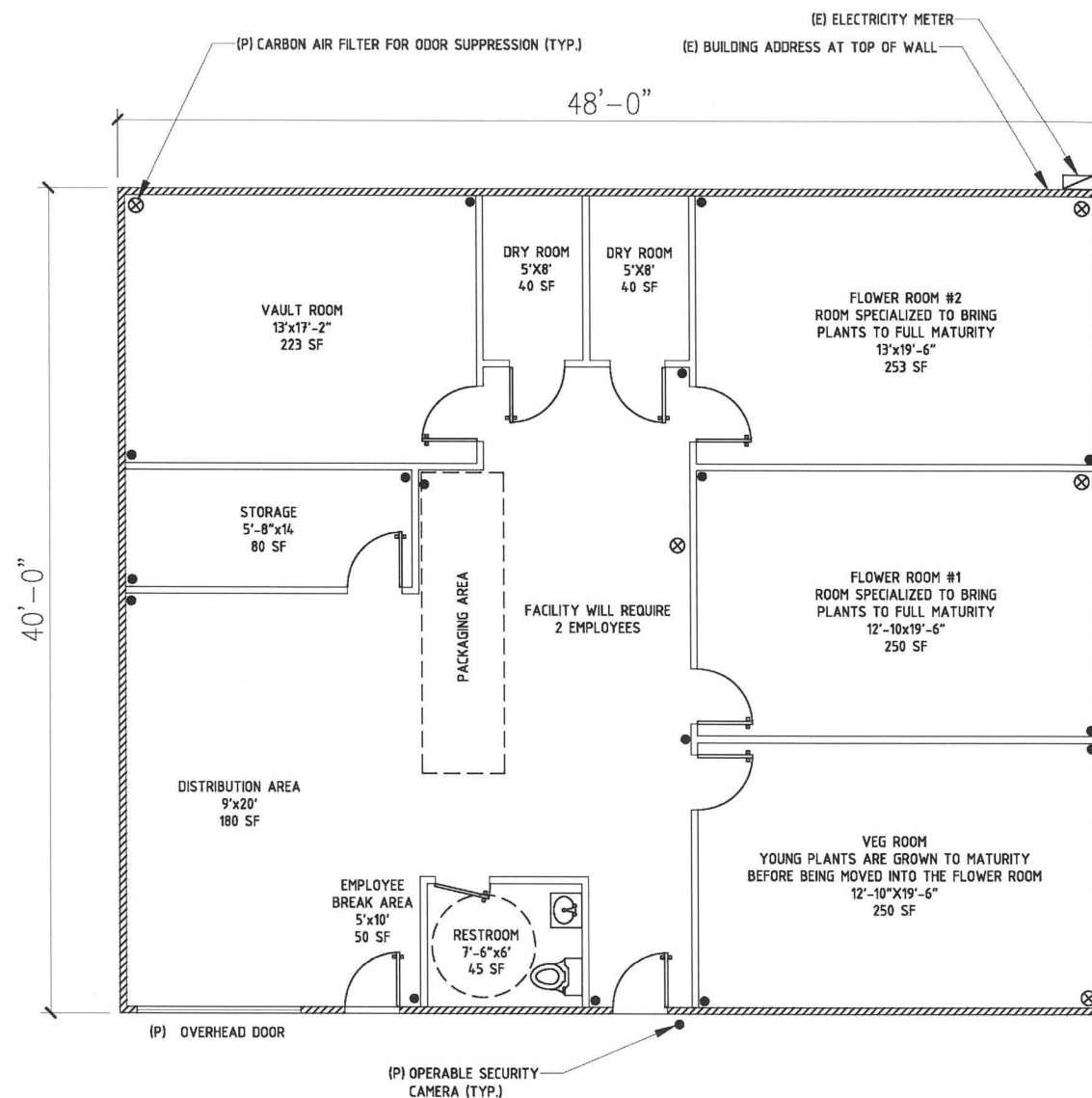
**ESTIMATED TOTAL WATER USE (ETWU)**  
WHERE: SAN DIEGO, CA  
ETWU= ESTIMATED TOTAL WATER USE IN GALLONS PER YEAR  
Eto= EVAPOTRANSPIRATION IN INCHES PER YEAR  
0.62= CONVERSION FACTOR TO GALLONS PER SQUARE FOOT  
PF= AVERAGE PLANT FACTOR FOR EACH HYDROZONE BASED ON WHETHER THE HYDROZONE IS CLASSIFIED AS HIGH, MEDIUM OR LOW WATER USE.  
IE= IRRIGATION EFFICIENCY OF THE IRRIGATION METHOD USED IN THE HYDROZONE  
SLA= SPECIAL LANDSCAPED AREA IN SQUARE FEET  
HA= AREA IN SQUARE FEET FOR HYDROZONE UNDER EVALUATION

PROJECT SPECIFIC FACTORS: NATIVE PLANTS	
Eto=	47
.62=	0.62
PF=	0.2 LOW WATER USE PLANTS (NATIVE)
HA=	613 LANDSCAPE AREA
IE=	0.75 MP ROTOR IRRIGATION (.75)
SLA=	0 NO SPECIAL LANDSCAPE AREAS ON THIS PROJECT
ETWU FORMULA = $[Eto] \cdot [0.62] \cdot [PF \times HA / IE]$ FOR EACH HYDROZONE (SLAs EXCLUDED)	
ETWU=	4,763 GALLONS PER YEAR

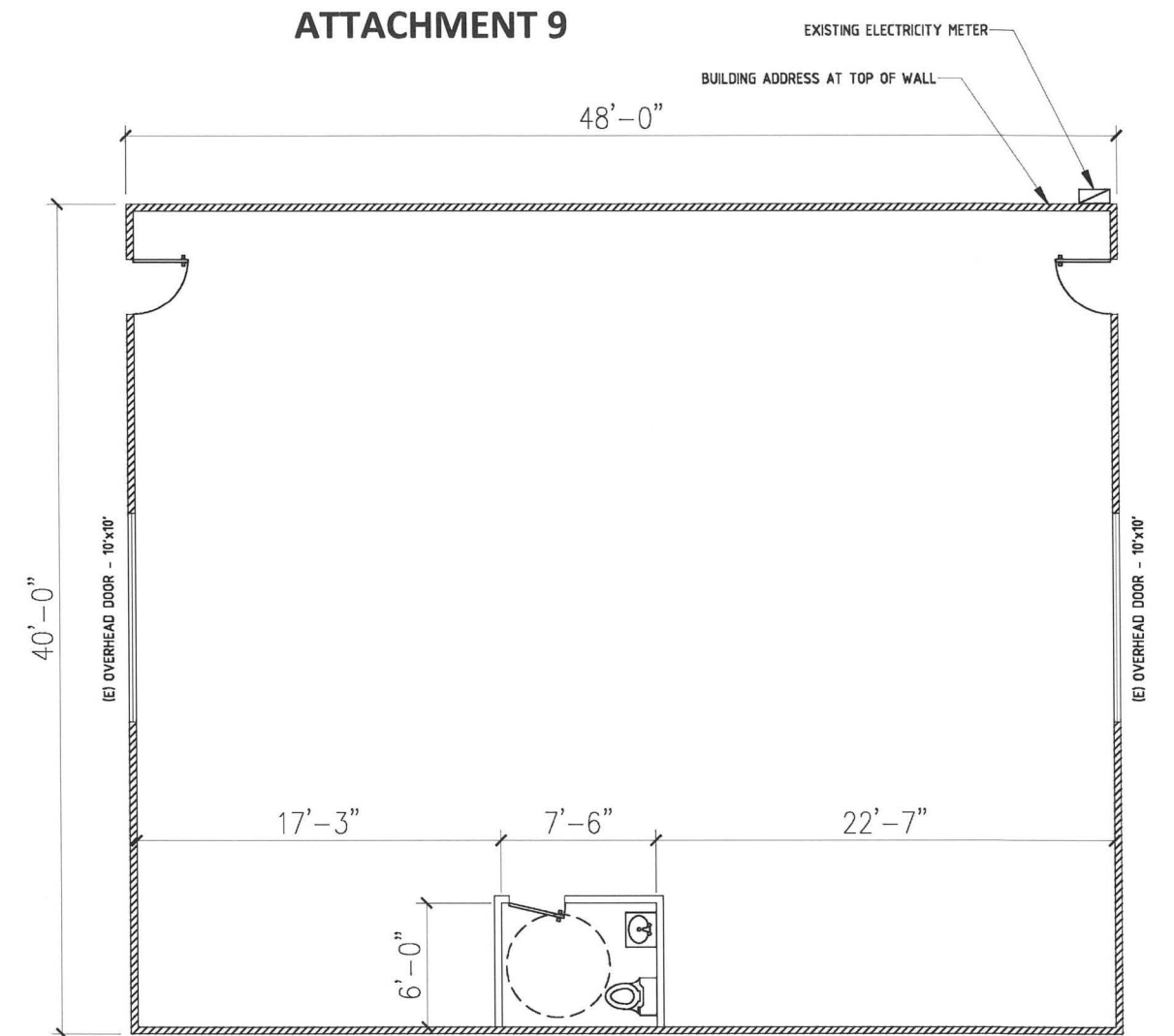
**TOTAL ESTIMATED WATER USE:**  
ETWU= 4,763 GALLONS PER YEAR

3443 PICKWICK STREET, SAN DIEGO, CA 92103  
MARIJUANA PRODUCTION FACILITY CUP  
DEVELOPMENT PLANS

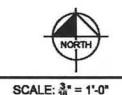
DATE: 4/3/2018 REVISION: 10/15/2018  
SHEET: 2 OF 4



**PROPOSED FLOOR PLAN - 1,920 SF**



**EXISTING FLOOR PLAN - 1,920 SF**



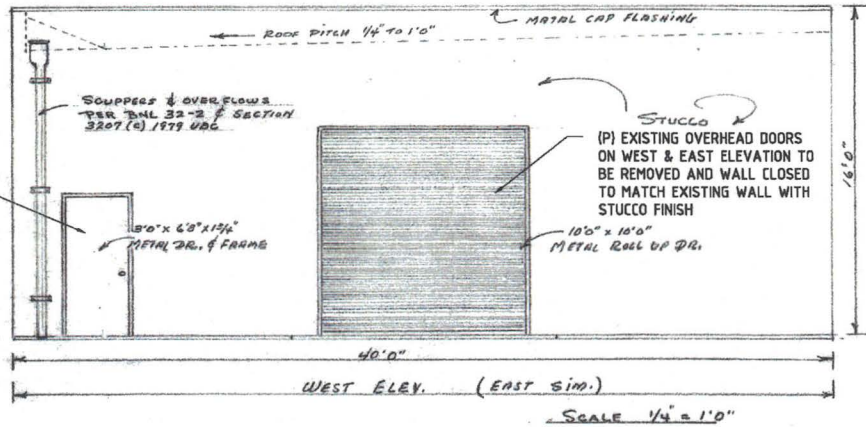
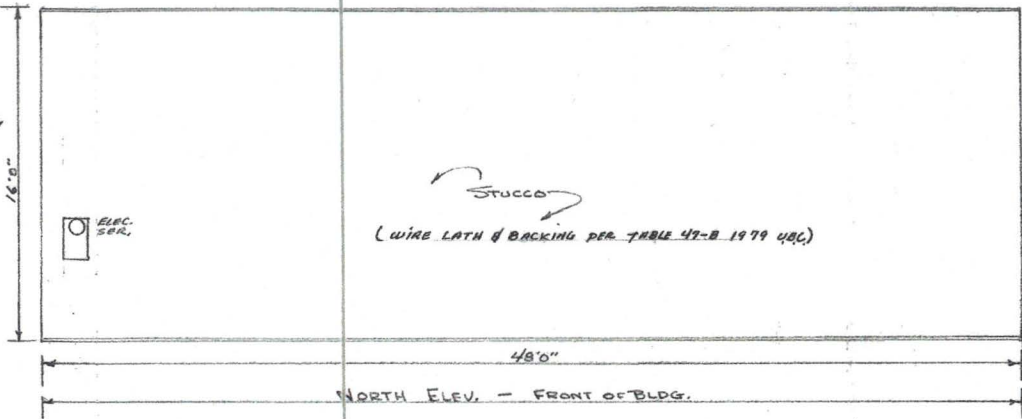
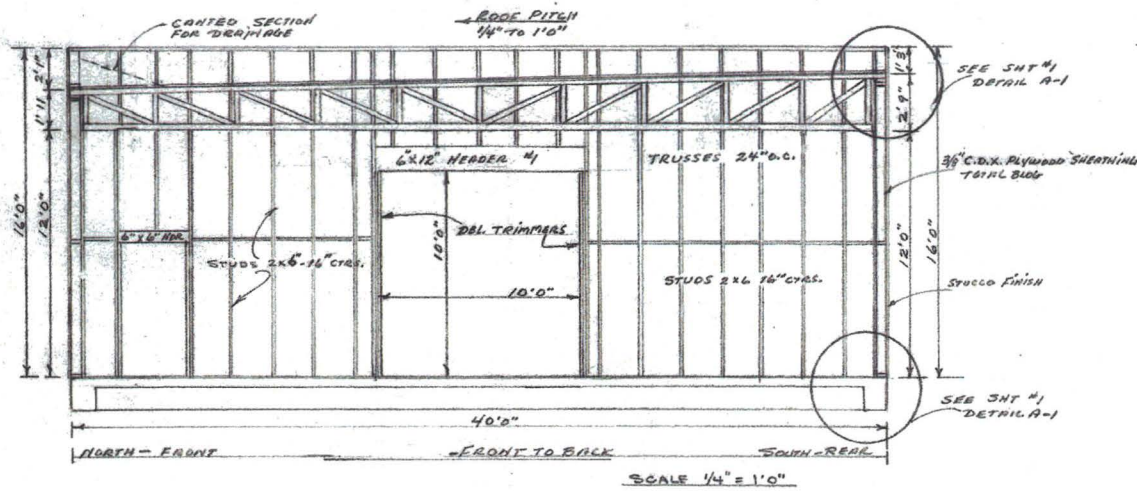
**EXISTING ROOF PLAN**

**3443 PICKWICK STREET, SAN DIEGO, CA 92103**  
**MARIJUANA PRODUCTION FACILITY CUP**  
**DEVELOPMENT PLANS**

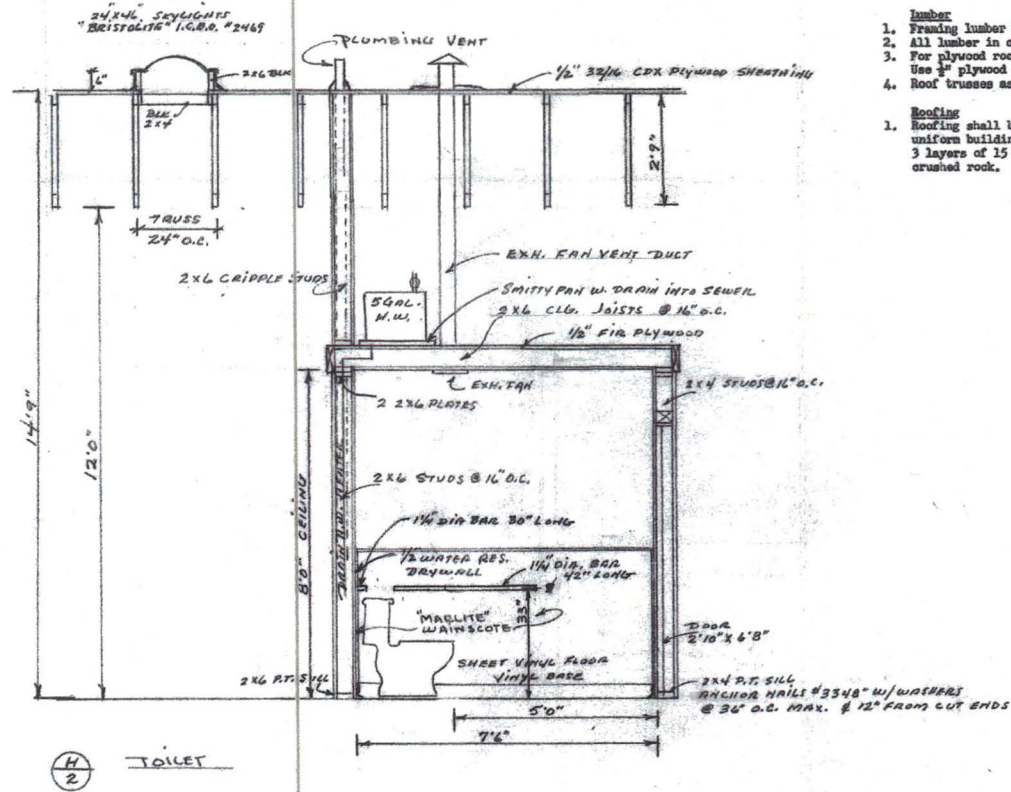
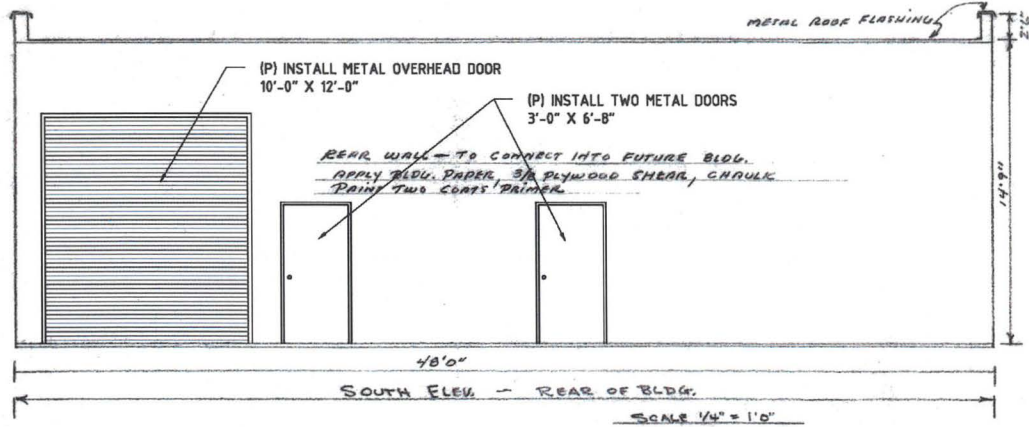
DATE: 4/3/2018 REVISION: 10/15/2018  
 SHEET: 3 OF 4

**Estrada Land Planning**  
 Urban Design Landscape Architecture Computer Imaging  
 619.236.0143  
 255 Broadway, Suite 160  
 San Diego, California 92101  
 619.236.0878 Fax  
 ELP@estrada-land.com





(P) EXISTING DOORS ON WEST & EAST ELEVATIONS TO BE REMOVED AND WALL CLOSED TO MATCH EXISTING WALL WITH STUCCO FINISH



- NOTES
- GENERAL
1. All materials and workmanship shall be in strict accordance with the uniform building code (1979 ed.).
  2. Footings shall extend 12" min. natural grade.
  3. Building shall have 2 air changes per hour use 2 - 14" gravity (625 C.F.M.) roof ventilators.
- Concrete
1. All structural concrete shall have a minimum ultimate compressive strength of 2000 p.s.i. at 28 days.
  2. Minimum coverage for reinforcing steel - footings = 3", floor slab = 3/4".
- Lumber
1. Framing lumber shall be Douglas Fir species, grade 2 or better.
  2. All lumber in contact with concrete shall be pressure treated douglas fir.
  3. For plywood roof sheathing - 24/0 1/2" douglas fir plywood. Use 1" plywood sheathing clips - 2 ea. for 24" space.
  4. Roof trusses as per engineered plan by Boise Cascade.
- Roofing
1. Roofing shall be "built up roofing assembly (in accordance with sect. 3209(c1) uniform building code) and shall consist of the following:  
3 layers of 15 lb. organic or inorganic fiber felt and 400 lbs per sq. of crushed rock.

STORAGE BLDG FOR			
SCALE:	APPROVED BY:	DRAWN BY J.H.S.	
DATE: 9/1/82		REVISED	
JOSEPH H. SNYDER			
LOCATION: 3443 PICKWICK ST. S.D.			
DRAWING NUMBER: #2			

EXISTING/PROPOSED ELEVATIONS WITH PROPOSED CHANGES NOTED

3443 PICKWICK STREET, SAN DIEGO, CA 92103  
MARIJUANA PRODUCTION FACILITY CUP  
DEVELOPMENT PLANS

DATE: 4/3/2018 REVISION: 9/19/2018  
SHEET: 4 OF 4

Estrada Land Planning  
Urban Design Landscape Architecture Computer Imaging  
60220 CHS  
205 Broadway, Suite 100  
San Diego, California 92101  
619-204-0075 Fax  
ELP@EstradaLandPlanning.com



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: Kelly Hayes E-mail: Kelly.Hayes@grlaw.com  
Address: 401 W. A. Street Ste 1150 City: San Diego State: CA Zip Code: 92101 Telephone: 619-544-6400

3. Project Name:  
MPP 3443 Pickwick ST

4. Project Information  
Permit/Environmental Determination & Permit/Document No.: Proj. No. 603679 Date of Decision/Determination: 4/3/2019 City Project Manager: Sammi Ma

Decision(Describe the permit/approval decision):  
H.O. Denial of C.U.P.

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.)

Appeal of Hearing Officer's Decision

RECEIVED

APR 03 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: Kelly Hayes

Date: 4/3/2019

Note: Fixed appeals are not accepted.



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: Kelly Hayes E-mail: Kelly.Hayes@pnlaw.com  
Address: 401 W. A. St. Ste 1150 City: San Diego, CA 92101 Telephone: 619-544-6400  
3. Project Name: MPF 9151 Rehco Rd.

4. Project Information  
Permit/Environmental Determination & Permit/Document No.: Proj. No. 585470 Date of Decision/Determination: 4/3/2019 City Project Manager: Tim Daly

Decision (Describe the permit/approval decision):  
Hearing Officer Denial of C.U.P.

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.)

Appeal of Hearing Officer Decision

RECEIVED

APR 03 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: Kelly Hayes

Date: 4/3/2019

Note: Faxed appeals are not accepted.





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 3443 Pickwick Street - Project No. 603679

4. Project Information  
Permit/Environmental Determination & Permit/Document No.: Conditional Use Permit No. 2136164 Date of Decision/Determination: April 3, 2019 City Project Manager: Sammi Ma

Decision(Describe the permit/approval decision):  
Denial of a Conditional Use Permit by Hearing Officer for MPF Located at 3443 Pickwick Street.

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

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

*please see attached.*

RECEIVED

APR 17 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: April 17, 2019

Note: Faxed appeals are not accepted.

## MPF 3443 PICKWICK STREET - PROJECT NO. 603679

### DESCRIPTION OF GROUNDS FOR APPEAL:

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

PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_  
CONDITIONAL USE PERMIT NO. 2136164  
**MPF 3443 PICKWICK STREET - PROJECT NO. 603679**

WHEREAS, MICHAEL J. NORBY, Owner and Permittee, filed an application with the City of San Diego for a Conditional Use Permit to operate a Marijuana Production Facility on portions of a 0.17-acre site;

WHEREAS, the project site is located at 3443 Pickwick Street in the IL-2-1 Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area – San Diego International Airport (SDIA) – Lindbergh Field, Airport Influence Area (Review Area 2 - SDIA), and designated Light Industrial Land Use Area within the Southeastern San Diego Community Plan area;

WHEREAS, the project site is legally described as Lot 13, 14 and 15, in block 2 of Orange Park in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1210, filed in the Office of the County Recorder of San Diego County, on September 25, 1909;

WHEREAS, on October 28, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303(c), New Construction or Conversion of Small Structures, and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 14, 2019 pursuant to Resolution No. R-312182;

WHEREAS, on April 3, 2019, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 2136164 pursuant to the Land Development Code of the City of San Diego; and



WHEREAS, two Development Permit Appeal Applications (Appeals) of the Hearing Officer's decision were filed. The first appeal was filed by Kelly Hayes on April 3, 2019, and the second appeal was filed by Khoa Nguyen on April 17, 2019; and

WHEREAS, on June 27, 2019, the Planning Commission of the City of San Diego considered the Appeal and Conditional Use Permit No. 2136164 pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it denies the Appeals, affirms the Hearing Officer's decision, and adopts the following findings with respect to Conditional Use Permit No. 2136164:

**A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]**

**1. Findings for all Conditional Use Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.**

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 1,920-square-foot one-story building located at 3443 Pickwick Street in the IL-2-1 Zone within the Southeastern San Diego Community Plan area.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a City-wide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is also designated Light Industrial by the Southeastern San Diego Community Plan. The Light Industrial designation allows a wide variety of industrial uses, such as light manufacturing, research and development uses, and other industrial uses such as storage and distribution and transportation terminals. Surrounding properties are zoned IL-2-1 and include uses consistent with the Light Industrial designation of the community plan.

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 requests a Conditional Use Permit to operate a MPF within an existing 1,920-square-foot one-story building located at 3443 Pickwick Street in the IL-2-1 Zone within the Southeastern San Diego Community Plan area.

MPFs are allowed in the IL-2-1 Zone of the Community Plan with a CUP. However, on April 3, 2019, the Hearing Officer of the City of San Diego approved a total of 40 CUP applications for MPFs. Pursuant to SDMC section 141.1004, no more than 40 MPFs may be permitted in the City of San Diego. The proposed MPF will not comply with the regulations of the Land Development Code as 40 CUP applications for an MPF have been previously approved. Therefore, the proposed MPF will 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.**

MPFs are allowed in the IL-2-1 Zone of the Mira Mesa Community Plan with a CUP. However, on April 3, 2019, the Hearing Officer of the City of San Diego approved a total of 40 CUP applications for MPFs. Pursuant to SDMC section 141.1004, no more than 40 MPFs may be permitted in the City of San Diego. Therefore, the proposed MPF will not comply with the regulations of the Land Development Code as 40 CUP applications for an MPF have been previously approved.

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

The proposed project requests a Conditional Use Permit to operate a MPF within an existing 1,920-square-foot one-story building located at 3443 Pickwick Street in the IL-2-1 Zone within the Southeastern San Diego Community Plan area.

The Southeastern San Diego Community Plan designates the site for Light Industrial use, which is intended for manufacturing, storage, warehousing, distribution and similar uses. The purpose and intent of the IL Base Zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial, office, and commercial uses. Surrounding properties are zoned IL-2-1 and include uses consistent with the Light Industrial designation of the community plan. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation.

However, on April 3, 2019, the Hearing Officer of the City of San Diego approved a total of forty (40) CUP applications for MPFs. Pursuant to SDMC section 141.1004, no more than 40 MPFs may be permitted in the City of San Diego. Therefore, the proposed MPF

will exceed the limitation established by the City Ordinance and is not 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. 2136164 is hereby denied by the Planning Commission.

---

Sammi Ma  
Development Project Manager  
Development Services

Adopted on: June 27, 2019

IO#: 24007802