



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: June 20, 2019 REPORT NO. PC-19-056

HEARING DATE: June 27, 2019

SUBJECT: MPF 2243 VERUS STREET, Process Three Decision

PROJECT NUMBER: [585642](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-022](#)

OWNER/APPLICANT: Jerrold B. Siegel, Owner and Cannversions, Inc., 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 2243 Verus Street in the IL-2-1 Zone of the Otay Mesa-Nestor Community Plan area?

Staff Recommendation: DENY the appeals and affirm the Hearing Officer's decision to DENY Conditional Use Permit No. 2069323.

Community Planning Group Recommendation: On April 11, 2018, the Otay Mesa-Nestor Community Planning Group voted 9-5-1 to recommend approval of the proposed project with no conditions (Report to the Hearing Officer No. HO-19-022, Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301, Existing Facilities (Report to the Hearing Officer No. HO-19-022, Attachment 6). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 5, 2018, and the opportunity to appeal that determination ended November 20, 2018. Three appeals for the environmental determination were filed, but were withdrawn on November 6, November 15, and November 20, 2018, prior to the scheduled hearing date. Therefore, the environmental determination is final.

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 in the Land Use and Community Planning Element of the General Plan, and Light Industrial by the Otay Mesa-Nestor Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. All of the surrounding parcels are located in the IL-2-1 Zone and the existing uses are 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) 2243 Verus Street Project's (Project) attached [Report to the Hearing Officer HO-19-022](#) (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 9,250-square-foot two-story warehouse building, with an addition of 1,850 square feet to the second-floor mezzanine, located at 2243 Verus Street. The MPF operations would include manufacturing of various cannabis edible products, packaging, storage, and distribution of marijuana 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 40th CUP application for an MPF. This Project's application was also considered on April 3, 2019 by the Hearing Officer after the 40th 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 Catharine Brown on April 16, 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:

Catharine Brown Appeal Issue No. 1: "The Hearing Officer's decision to deny the MPF conflicts with the relevant land use plan, City Council policy, and the Municipal Code."

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. Therefore, the Hearing Officer's decision to deny the subject CUP application is consistent with the applicable land

use plan, City Council policy, and the Municipal Code.

Catharine Brown Appeal Issue No. 2: “The Hearing Officer’s decision to deny the MPF is not supported by the information provided to the Hearing Officer.”

Staff Response: City Staff cannot respond to this appeal issue as the appellant has not identified the information Ms. Brown claims does not support the Hearing Officer’s decision.

Catharine Brown Appeal Issue No. 3: “The Hearing Officer’s decision to deny the MPF should be reversed to approval based on new information that could not be submitted with reasonable effort or due diligence prior to the time of the decision.”

Staff Response: City Staff cannot respond to this appeal issue as the appellant has not identified any new information that was not submitted prior to the time of the decision.

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 requires 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

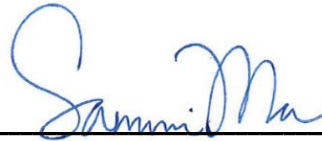
No. 2069323, with modifications.

2. Uphold the Appeals and approve Conditional Use Permit No. 2069323, if the findings required to approve the project can be affirmed.

Respectfully submitted,



PJ Fitzgerald
Assistant Deputy Director
Development Services Department



Sammi Ma
Development Project Manager
Development Services Department

PJF/SYM

Attachments:

1. [Report to the Hearing Officer No. HO-19-022](#)
2. Catharine Brown 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-19-022

HEARING DATE: April 3, 2019

SUBJECT: MPF 2243 VERUS STREET, Process Three Decision

PROJECT NUMBER: [585642](#)

OWNER/APPLICANT: Jerrold B. Siegel, Owner and Cannversions, Inc., Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility located at 2243 Verus Street in the IL-2-1 Zone of the Otay Mesa-Nestor Community Plan area?

Staff Recommendation: Approve or Deny Conditional Use Permit No. 2069323.

Community Planning Group Recommendation: On April 11, 2018, the Otay Mesa-Nestor Community Planning Group voted 9-5-1 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) pursuant to CEQA Section 15301, Existing Facilities (Attachment 6). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 5, 2018, and the opportunity to appeal that determination ended November 20, 2018.

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 9,250 square-foot two-story warehouse building with an addition of 1,850 square-feet to the second floor mezzanine. The 0.39-acre project site is located at 2243 Verus Street, north of I-5, in the IL-2-1 Zone within the Otay Mesa-Nestor Community Plan area (Attachment 1). The project site is also located within the Parking Impact Overlay Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area, Airport Influence Area (Brown Field – Review Area 2), Airport Land Use Compatibility Overlay Zone (Brown Field), and Coastal Overlay (Non-Appealable) Zone. The site is improved with a two-story

building constructed in 1986 and is currently being used as a warehouse with an existing commercial kitchen and storage facility (Attachment 3).

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 Otay Mesa-Nestor Community Plan (Attachment 2). The 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.

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 9,250 square-foot two-story warehouse building with an addition of 1,850 square-feet to the second floor mezzanine. The project proposes tenant improvements to accommodate operations. These include the addition of an 1,851-square-foot mezzanine level to the existing floor area. and 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 manufacturing of various cannabis edible products, packaging, storage, and distribution of marijuana products. Public improvement includes the reconstruction of the existing 25-foot driveway per current City Standards.

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. 2069323, with modifications.
2. Deny Conditional Use Permit No. 2069323, if the findings required to approve the project cannot be affirmed.

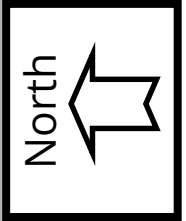
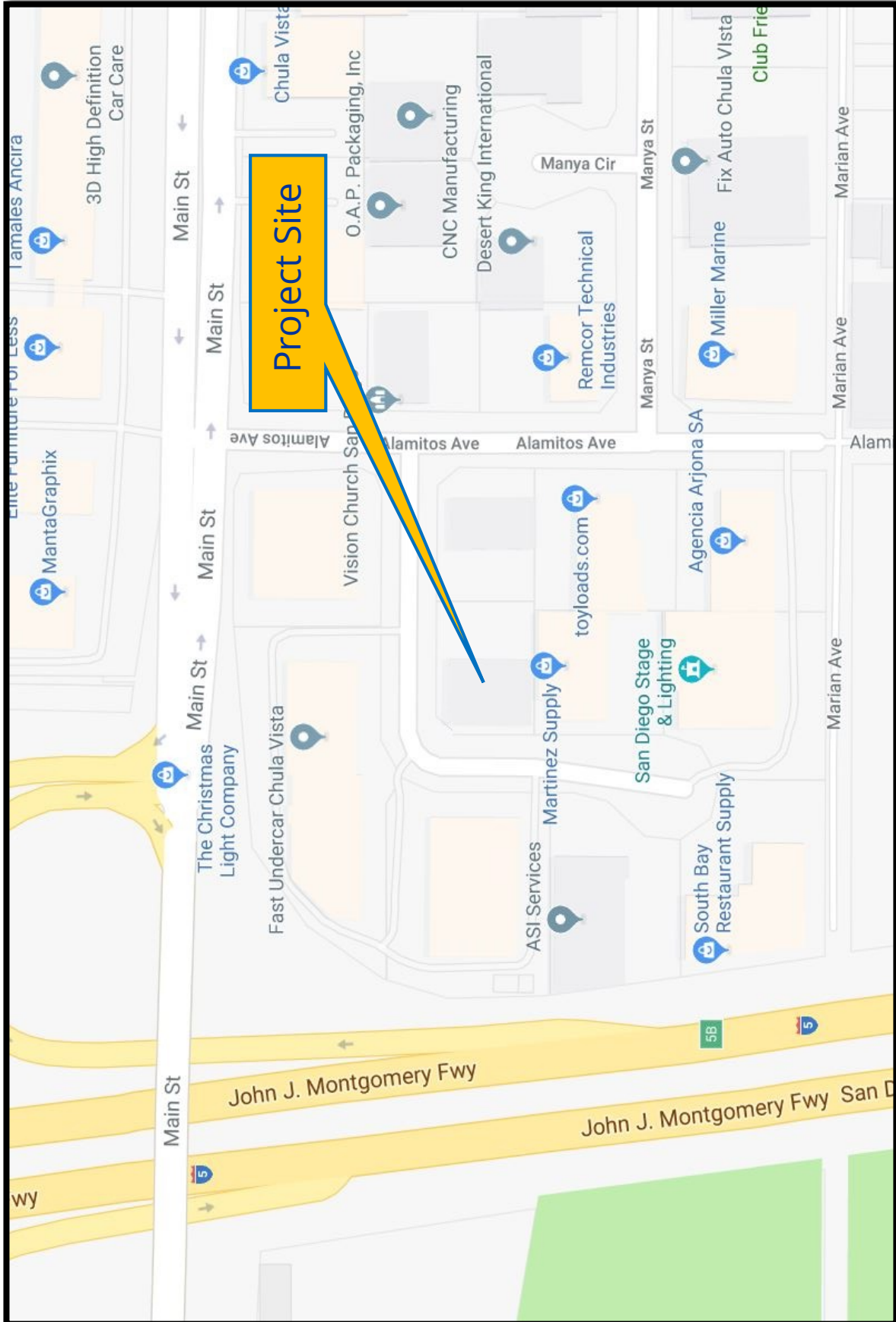
Respectfully submitted,



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



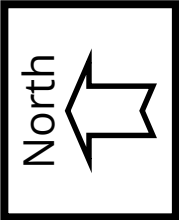
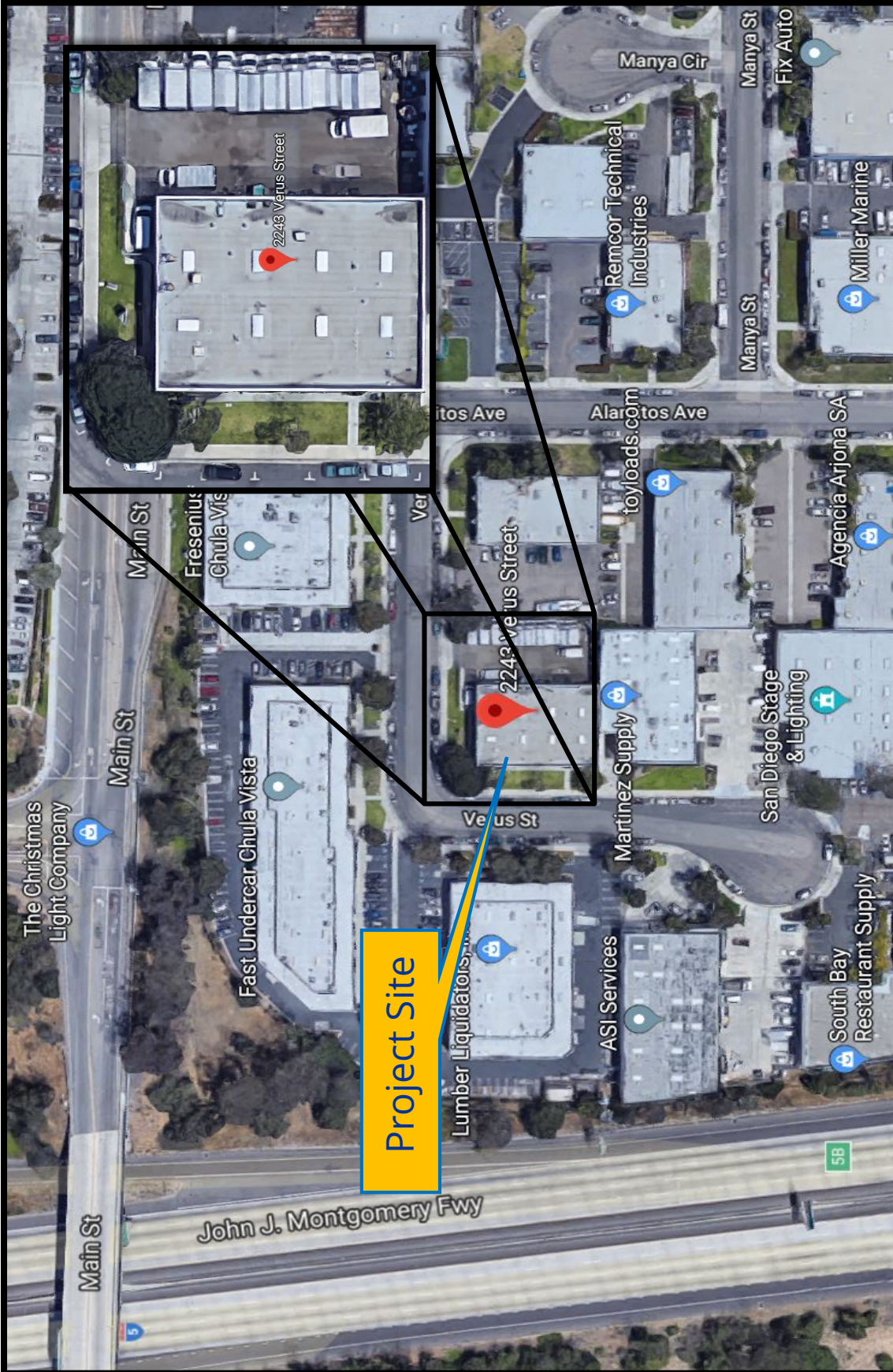
Project Location Map

MPF 2243 Verus street / 2243 Verus street
PROJECT NO. 585642





MPF 2243 Verus street / 2243 Verus street
PROJECT NO. 585642



Aerial Photo

MPF 2243 Verus street / 2243 Verus street

PROJECT NO. 585642



HEARING OFFICER
RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2069323
MPF 2243 VERUS STREET - PROJECT NO. 585642

WHEREAS, JERROLD B. SIEGEL, Owner and CANNVERSIONS, INC., 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. 2069323), on portions of a 0.39-acre site;

WHEREAS, the project site is located at 2243 Verus Street in the IL-2-1 Zone, Parking Impact Overlay Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area, Airport Influence Area (Brown Field – Review Area 2), Airport Land Use Compatibility Overlay Zone (Brown Field), and Coastal Overlay (Non-Appealable) Zone within the Otay Mesa-Nestor Community Plan area;

WHEREAS, the project site is legally described as Lot 18 of Big Sky Industrial Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9993, filed in the Office of the County Recorder of San Diego County, on February 9, 1981;

WHEREAS, on November 5, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301, Existing Facilities, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on April 3, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2069323 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. 2069323:

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 an existing 9,250 square-foot two-story warehouse building with an addition of 1,850 square-feet to the second floor mezzanine, located at 2243 Verus Street in the IL-2-1 Zone within the Otay Mesa-Nestor Community Plan area.

The project site is designated Industrial Employment in the Land Use and Community Planning Element of the General Plan, and Light Industrial by the Otay Mesa-Nestor Community Plan. The variety of industrial land use designations in Otay Mesa-Nestor is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. All of the surrounding parcels are located in the IL-2-1 Zone and the existing uses are 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 Marijuana Production Facility (MPF) an existing 9,250 square-foot two-story warehouse building with an addition of 1,850 square-feet to the second floor mezzanine. The project also proposes tenant improvements to accommodate operations, including non-load bearing partitions, 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 manufacturing of various cannabis edible products, packaging, storage, and distribution of marijuana products. Public improvement includes the reconstruction of the existing 25-foot driveway per current City Standards. 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. 2069323. The Conditional Use Permit No. 2069323 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. 2069323. 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 an existing 9,250 square-foot two-story warehouse building with an addition of 1,850 square-feet to the second floor mezzanine, located at 2243 Verus Street in the IL-2-1 Zone within the Otay Mesa-Nestor Community Plan area. The building is currently being used as a warehouse. The project also proposes interior improvements that include a marijuana production commercial kitchen, quarantine rooms, production areas, product storage rooms, distribution areas and offices. Operations include the manufacturing of various cannabis edible products, packaging, storage, and distribution of marijuana products.

MPFs are allowed in the IL-2-1 Zone of the Otay Mesa-Nestor 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 a an existing 9,250 square-foot two-story warehouse building with an addition of 1,850 square-feet to the second floor mezzanine, located at 2243 Verus Street. The site is located in the IL-2-1 Zone within the Otay Mesa-Nestor 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 Otay Mesa-Nestor 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. 2069323, 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. 2069323, a copy of which is attached hereto and made a part hereof.

Sammi Ma

Development Project Manager
Development Services

Adopted on: April 3, 2019

IO#: 24007608

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: 24007608

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2069323
MPF 2243 VERUS STREET - PROJECT NO. 585642
HEARING OFFICER

This Conditional Use Permit No. 2069323 [Permit] is granted by the Hearing Officer of the City of San Diego to Jerrold B. Siegel, Owner and Cannversions, Inc., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.39-acre site is located at 2243 Verus Street in the IL-2-1 Zone, Parking Impact Overlay Zone, Federal Aviation Administration (FAA) Part 77 Noticing Area, Airport Influence Area (Brown Field – Review Area 2), Airport Land Use Compatibility Overlay Zone (Brown Field), and Coastal Overlay (Non-Appealable) Zone within the Otay Mesa-Nestor Community Plan area. The project site is legally described as Lot 18 of Big Sky Industrial Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9993, filed in the Office of the County Recorder of San Diego County, on February 9, 1981.

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 9,250 square-foot two-story warehouse building and proposed 1,850 square-foot addition to the second floor mezzanine, 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 building encompassing 9,250 square-feet of existing floor area and the addition of 1,851-square-feet to the second floor mezzanine, and interior tenant improvements.
- b. The operation shall include the manufacturing of various cannabis edible products, packaging, storage, and distribution of marijuana products consistent with the requirements of State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- 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, the reconstruction of the existing 25-foot driveway per current City Standards, adjacent to the site on Verus Street, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for the landscape, irrigation, and walkways in the Verus Street Right-of-Way.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices necessary to comply with currently City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

17. All operations shall be conducted indoors within a secured structure. All equipment and storage shall also be located within a secure structure.
18. 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.
19. 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.
20. 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.
21. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

22. A Condition Use Permit for a Marijuana Production Facility shall expire no later than five (5) years from the date of issuance.
23. 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.
24. 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.
25. The Marijuana Production Facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
26. 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.
27. 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.
28. 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.
29. Prior to issuance of any construction permits, construction documents shall fully illustrate landscaping equivalent to the previously conforming condition, consistent with the required landscaping per prior City building permit A33370 or with current City of San Diego Landscape Standards in accordance with SDMC Chapter 14, Article 2, Division 4.

TRANSPORTATION REQUIREMENTS

30. 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.
31. A maximum of 19 employees shall be allowed on-site at any given time to correspond to the 19 provided parking spaces for the project.

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. 2069323
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.**

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.

Jerrold B. Siegel
Owner

By _____
Jerrold B. Siegel

Cannversions, Inc.
Permittee

By _____
Cathy Brown, Vice President

**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 2243 Verus Street / 585642

SCH No.: N.A.

Project Location-Specific: 2243 Verus Street, San Diego, CA 92154

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

Description of nature and purpose of the Project: Conditional Use Permit (CUP) for a Marijuana Production Facility encompassing an existing 9,250 square-foot two-story building with an addition of 1,850 square-feet to the second-floor mezzanine. The project is located at 2243 Verus Street, San Diego, CA 92154. Project operations would include the manufacturing (commercial kitchen for edibles), packaging and distribution of cannabis products to State of California licensed outlets. The project is located within a 0.39-acre site, the IL-2-1 zone, Otay Mesa-Nestor Community Plan Area and is designated Industrial, Geologic Hazard 31, Coastal Overlay Zone (Non-Appealable 1) Very High Severity Zone, Parking Impact Overlay Zone (Coastal), FEMA – FP-100, Airport FAA Part 77 Noticing Area – NOLF Imperial Beach 134' – 144', Airport Influence Area Review Area 2 – Brown Field, Airport Land Use Compatibility Overlay Zone – Brown Field, Otay Watershed, Otay Valley 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: Jerald Mitchell, Cannversions Inc., 1330 Orange Avenue #317, San Diego, CA 92118 (619) 379-0531.

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 15301 (Existing Facilities)
- ☐ Statutory Exemptions:

Reasons why project is exempt: The City of San Diego 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 and the build-out of the mezzanine level has been accounted for. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

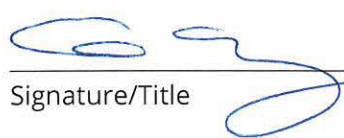
Lead Agency Contact Person: Chris Tracy, AICP Senior Planner

Telephone: (619) 446-5381

If filed by applicant:

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

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


Signature/Title

CHRIS TRACY, AICP
Senior Planner

1/11/19
Date

Check One:

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

Date Received for Filing with County Clerk or OPR:

**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP
MEETING MINUTES
April 11, 2018**

Members Present:

District 1 John Swanson
District 2 Sam Mendoza
District 3 Ed Abraham
District 4 Patty Swanson
District 5 Gabriel Uribe
District 6 Maria Mendoza
District 7 Robert Broomfield
District 8 Edgar Gonzalez
District 9 Jacki Farrington
District 10 Bob Mikloski
District 11 Albert Velasquez
District 12 Carlos Sanchez
District 13 Brian McGonagill

District 14 Wayne Dickey
District 15 Walt Zumstein
District 16 Bobby Hicks

Members Absent:

None

Vacant District Seats:

None

Guests Present: Members of the public were present. The OMNCPG Secretary has the sign-up sheet.

1. **Call to Order/Introduction of Members:** Chair Alberto Velasquez at the Otay Mesa Nestor Branch Library called the meeting to order at 6:36 p.m. He welcomed all Board members and members of the community to the meeting of the Otay Mesa-Nestor Community Planning Group (OMNCPG).
2. **Approval of minutes:** A motion was made to approve the minutes of both the February 14, 2018 and March 14, 2018 OMNCPG meetings, with corrections to minutes of March 14, 2018. Approval was unanimous.
3. **Non-Agenda Public Comments:**
 - a. Walt Zumstein made a motion under **ARTICLE VI Community Planning Group and Planning Group Member Duties, Section 2.a, (a) Meeting Procedures, (viii) ACTION ON AGENDA ITEMS** as follows:
 1. “An item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.”
 - b. The motion requested that the OMNCPG write a letter to Councilmember Alvarez opposing the use of Developer Impact Fees (DIF) funds for a new park located at 25th Street and Grove. Gabriel Uribe seconded the motion.
 1. Ruth Martin of the office of Councilmember Alvarez said this Capital Improvement Project has funding from approximately \$460,000 in DIF monies.

Voting results: Ten in favor, five opposed, one abstention. Motion failed to pass, since it did not receive two-thirds of the vote.

- c. Sabine Prather mentioned that vehicles and trash are accumulating on Beyer Blvd. at Del Sol.
4. **SDPD Community Relations:** Officer Aida Liufau, aliufau@pd.sandiego.gov, 619-424-0412.

- a. Aida stated that the SDPD are addressing homelessness concerns, wild-cattling at the border, and shoplifters at the border outlets with a number of operations.
- b. A community walk was held on Cypress to alert residents to crime and give them an opportunity to express their concerns.
- c. Chief Nesleit, the new SDPD police chief, is planning to come to the Southern Division area soon for a “meet and greet” with the public.

5. **California State Assembly, 80th District Report:** Lucero Chavez, Field Representative, 619-338-8090 lucero.chavez@asm.gov.

- a. He provided an informational handout describing activity of the office of the California State Assembly, 80th District.
- b. He also said that applications are being accepted for junior legislative programs, directed towards juniors and seniors in high school.

6. **Council District 8 Report:** District 8 Representative Vivian Moreno, Council Representative, 619-236-6688 vmoreno@sandiego.gov

District 8 Representative Ruth Martin presented the following information on behalf of Ms. Moreno:

- a. Ruth stated that the Mayor will be releasing the City of San Diego 2019 budget proposal on April 11, 2018.
 1. This budget will then be presented to the San Diego City Council, and will then be discussed in various City Council sub-committee meetings.
- b. Ruth announced those with an EVT card or WIC card are allowed free admission to the San Diego Natural History Museum.

7. **Sub-Committee Reports:** Volunteer Code Compliance, By-Laws, and Parks and Recreation subcommittees.

- a. The Project Review Sub-Committee reported on their review of Project No. 599716: Proposed development of 102 high-quality studio rental apartments for a permanent supportive housing rental community for formerly homeless seniors at the Nestor Unified Methodist Church property. Contact: John Seymour, National CORE, (619) 223-9222 jseymour@nationalcore.org

Voting results: The Project Review Sub-Committee subcommittee voted not to recommend approval of the project to the OMNCPG at that time. They asked that the applicant return at another Sub-Committee meeting in the near future for further review of this project.

- b. The Project Review Sub-Committee reported on their review of Project No. 585642: Cannversions Inc. has applied to the City of San Diego for a conditional use permit at 2243 Verus Street, San Diego, CA 92154, for the ability to operate a legally compliant marijuana production facility. Contact person: Nick Goldberg, (858) 926-9718 nick@gwcpro.com.

Voting results: The vote was three in favor of recommending approval of the project to the OMNCPG.

8. **Action Item:** Project No. 585642: Cannversions Inc. Applicants representative Nick Goldberg presented information about an application to the City of San Diego for a conditional use permit at 2243 Verus Street, San Diego, CA 92154, for the ability to operate a legally compliant marijuana production facility. Contact person: Nick Goldberg, (858) 926-9718 nick@gwcpro.com

- a. Bob Mikloski asked about hiring policy targeting local community.
- b. Sam Mendoza asked for a description of the activity that will be conducted at the facility.
- c. Community member asked about location selection.
- d. Issues regarding odor from processing was also addressed.

Voting results: Walt Zumstein made a motion to approve the application as stated. Robert Broomfield seconded. Nine in favor/ five opposed. One abstention. Motion passes.

9. **Action Item:** #Project 599716: John Seymour, Vice President - Acquisitions & Forward Planning with National Community Renaissance (National CORE), and Nestor United Methodist Church (UMC), are proposing 102 high quality studio rental apartments (one unit for the full-time on- site professional property manager) along with a 4,000 SF joint use community room, on land owned by the NUMC, located at 1120 Nestor Way, San Diego, CA 92154. The development will be a permanent supportive housing rental community for formerly homeless seniors with on and off-site case management services owned, managed and operated by National CORE. Contact: John Seymour, National CORE, (619) 223-9222 jseymour@nationalcore.org

- a. Presenters from various community resource programs encouraged the development of housing sites.

Voting results: John Swanson made a motion to table this item until the next meeting due to time constraints. Albert Velasquez seconded it. Vote was unanimous.

10. **Informational Item:** Khoa Nguyen, Community Outreach Liaison for LimeBike, will be introducing LimeBike and the Dockless Rideshare Concept. Contact: khoa@rathmiller.com

Item tabled until the next meeting due to time constraints.

11. **Chair's report:** OMNCPG Secretary John Swanson will report regarding the required attendance of meetings of members in accordance with the requirements of ARTICLE IV Vacancies, Section I, of the OMNCPG By-Laws.


Item tabled until the next meeting due to time constraints.

12. **City Planner's Report:** Michael Prinz, Senior Planner, 619-533-5931 mprinz@sandiego.gov No report.

13. **Adjournment:** Jackie Farrington made a motion to adjourn at 7:58p.m.

Respectively submitted by John C. Swanson, Secretary

(2)

 <p>City of San Diego Development Services Attn: Deposit Accounts 1222 First Ave., MS-401 San Diego, CA 92101 (619) 446-5000</p>	<h1>Deposit Account/Financially Responsible Party</h1>	FORM DS-3242 AUGUST 2014

Project Address/Location: 2243 VERUS ST. SAN DIEGO CA 92154 Project No.: 585642 Internal Order No.: 24007608

Approval Type: Check appropriate box for type of approval requested:

- ☐ Grading ☐ Public Right-of-Way ☐ Subdivision ☐ Neighborhood Use ☐ Coastal ☐ Neighborhood Development
☐ Site Development ☐ Planned Development ☐ Conditional Use ☐ Variance ☐ Vesting Tentative Map
☐ Tentative Map ☐ Map Waiver ☐ Other: _____

Is the project subject to a Reimbursement Agreement? ☐ No ☐ Yes

If yes, provide Reimbursement Agreement Application Project Number or Resolution/Ordinance No.: _____

Deposit Trust Fund Account Information: A deposit into a Trust Fund account with an initial deposit to pay for the review, inspection and/or project management services is required. The initial deposit is drawn against to pay for these services. The Financially Responsible Party will receive a monthly statement reflecting the charges made against the account, and an invoice when additional deposits are necessary to maintain a minimum balance. The payment of the invoice will be required in order to continue processing your project. At the end of the project, any remaining funds will be returned to the Financially Responsible Party.

FINANCIALLY RESPONSIBLE PARTY

Name/Firm Name: CANNVCREIONS INC. Address: 1330 ORANGE AVE #317 E-mail: SOCALM.TRM@GMAIL.COM
 City: CORONADO State: CA Zip Code: 92118 Telephone: 619-379-0531 Fax No.: _____

Financially Responsible Party Declaration: I understand that City expenses may exceed the estimated advance deposit and, when requested by the City of San Diego, will provide additional funds to maintain a positive balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the trust account, unless the City of San Diego approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested advance deposit is received.

☐ This is a continuation of existing Project No.: _____ Internal Order No.: _____

NOTE: Using an existing opened account may be allowed when:

1. Same location for both projects;
2. Same Financially Responsible Party;
3. Same decision process (Ministerial and discretionary projects may not be combined);
4. Same project manager is managing both projects; and
5. Preliminary Review results in a project application.

Please be advised: Billing statements cannot distinguish charges between two different projects.

Please Print Legibly.

Print Name: JORNAID MITCHELL Title: PRESIDENT

Signature: [Signature] Date: 11/11/17

*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer).

FOR CITY USE ONLY

Project Title: MPF 2243 VERUS ST Date Requested: 11/16/2017

☐ Keep existing Project No.: _____ as lead or ☒ Use new Project No.: 585642 as lead

ACCOUNT CLOSURE AUTHORIZATION

Date Requested: _____ ☐ Completed ☐ Inactive ☐ Withdrawn ☐ Collections

Print Name: _____ Signature: _____

LEGEND:

- W** WATER METER
G GAS METER
E ELECTRICAL PANEL
S SEWER LINE
--- PROPERTY LINE
--- SETBACK LINE
EXISTING STRUCTURES
AS-BUILT STRUCTURES
PROPOSED STRUCTURES

CONDITIONS OF APPROVAL :

- ALL operations shall be conducted indoor within a secured structure. ALL equipment and storage shall be also located within a secure structure.
- Lighting shall be provided to illuminate the immediate surrounding area of the facility, including packing lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- Security shall including 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 productions facility in a location visible to 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 as required pursuant to Chapter 4, Article 2, Division 15.
- A Conditional Use Permit for a marijuana production facility shall expire on later than five (5) years from the date of issuance.
- 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 latter 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.
- Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing (25 ft) driveway per current City Standards, adjacent to the site in Verus St. satisfactory to the City Engineer.
- Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the removal of the existing mid block curb ramp adjacent to site on Verus St, and replacing it with current City Standard curb, gutter and sidewalk, satisfactory to the City Engineer.
- Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices 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.
- 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 Standard Chapter 4 of the City's Storm Water Standards.
- Once Conditional Use Permit (CUP) is recorded the applicant shall provide documentation to the Development services Project Manager that the reconstruction of the existing driveway and the curb ramp have been reconstructed to current city Standards, adjacent to the site on Verus street, to the satisfaction of the City Engineer.

VERUS STREET

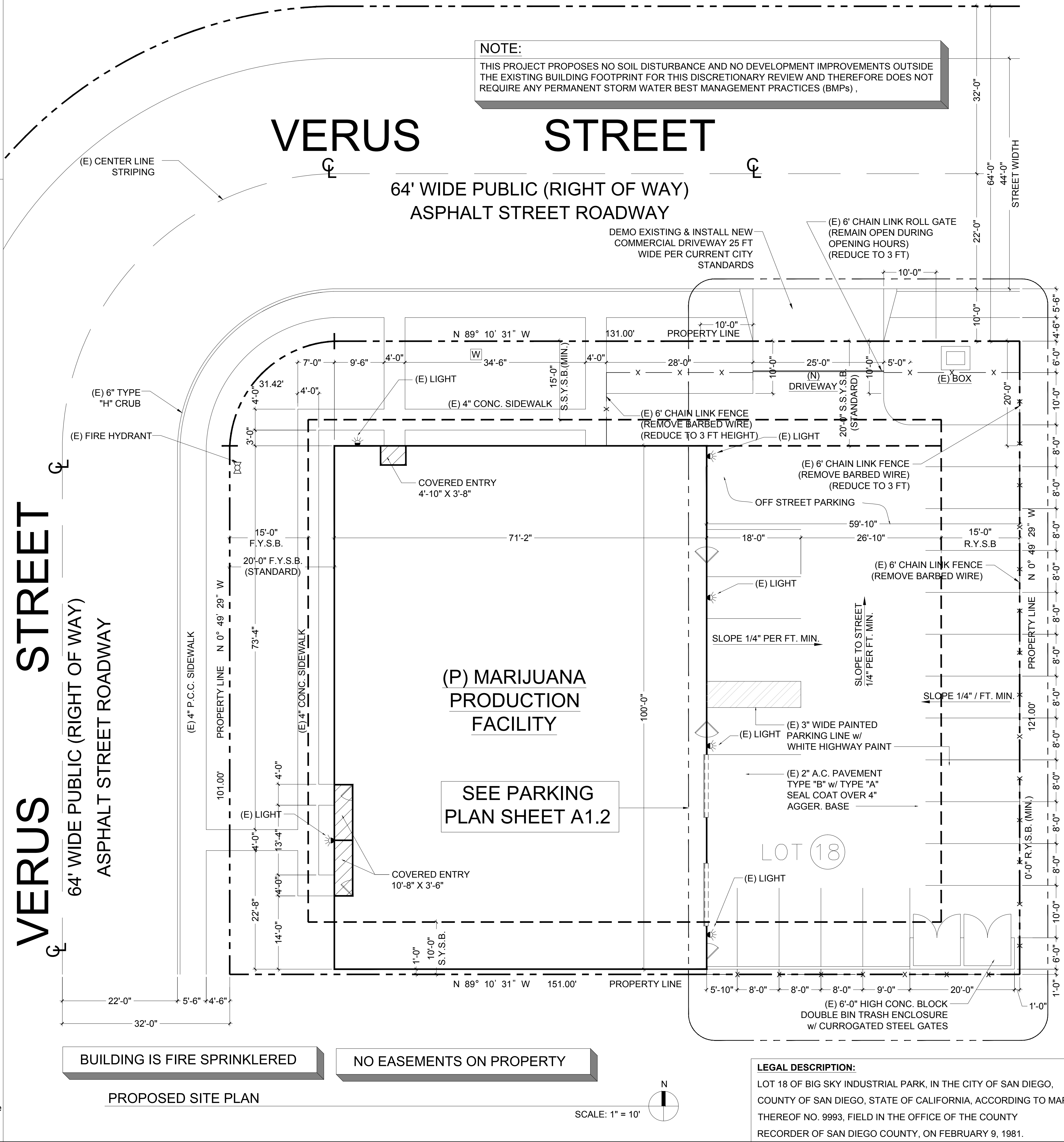
64' WIDE PUBLIC (RIGHT OF WAY)
ASPHALT STREET ROADWAY

VERUS STREET

64' WIDE PUBLIC (RIGHT OF WAY)
ASPHALT STREET ROADWAY

NOTE:

THIS PROJECT PROPOSES NO SOIL DISTURBANCE AND 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) ,



BUILDING IS FIRE SPRINKLERED

NO EASEMENTS ON PROPERTY

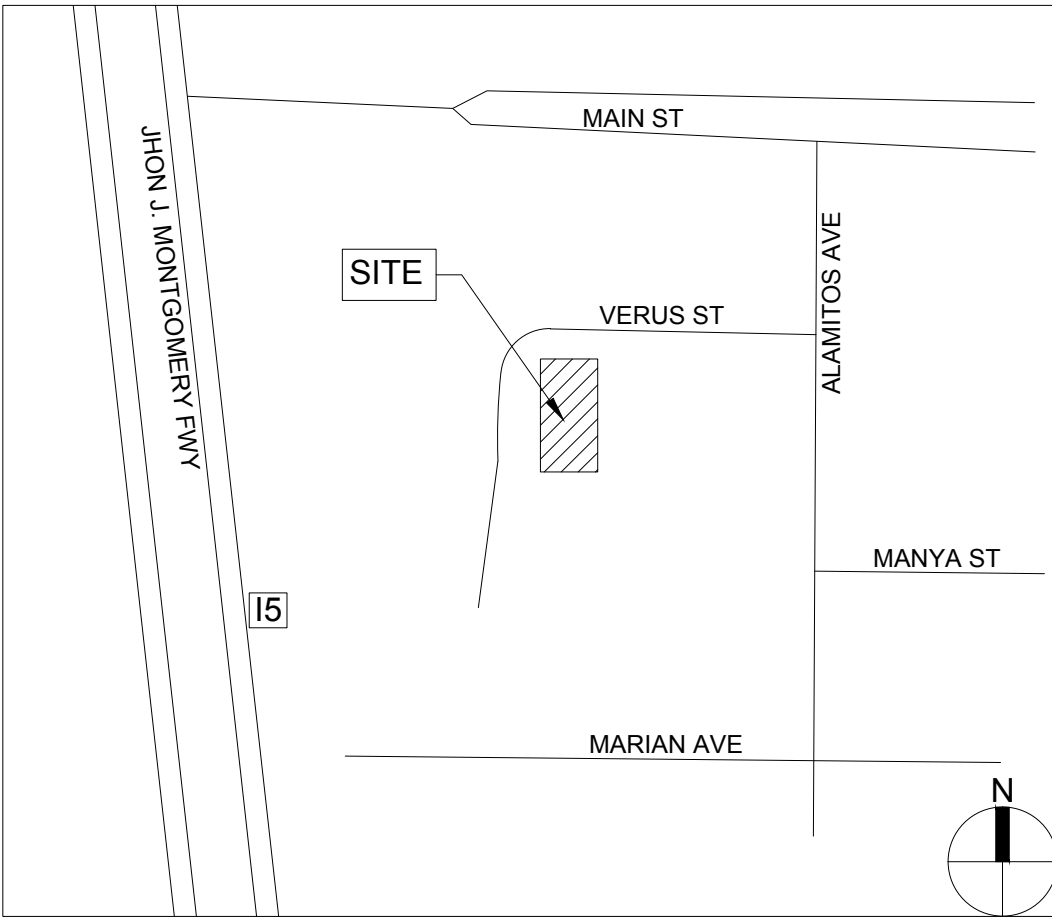
PROPOSED SITE PLAN

SCALE: 1" = 10'

LEGAL DESCRIPTION:

LOT 18 OF BIG SKY INDUSTRIAL PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 9993, FIELD IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON FEBRUARY 9, 1981.

VICINITY MAP:



SCOPE OF WORK :

- CHANGE OF USE FROM COMMERCIAL KITCHEN & STORAGE FACILITY TO MARIJUANA PRODUCTION FACILITY.
- NEW 25 FT COMMERCIAL DRIVEWAY PER CURRENT CITY STANDARDS.
- 1851 SF ADDITION TO SECOND FLOOR
- INSTALL NEW NON-BEARING WALLS (214 LF)
- DEMO NON-BEARING WALLS (10 LF)

PROJECT DATA:

PROJECT NAME:	2243 VERUS STREET WAREHOUSE TI
PROJECT ADDRESS:	2243 VERSUS STREET, SAN DIEGO, CA 92154
EXISTING USE:	LIGHT MANUFACTURING
PROPOSED USE:	MARIJUANA PRODUCTION FACILITY
OCCUPANCY CLASSIFICATION:	F1
TYPE OF CONTRUCTION:	VB
NUMBER OF STORIES:	2
ZONE:	IL-2-1
OWNER:	SIEGEL JERROLD B & LUANNE LIVING TRUST
A.P.N.	622-120-42-00
YEAR BUILT:	1986
SET BACK:	FRONT: 15'-0" MIN/ 20'-0" STD, STREET SIDE: 15'-0" MIN/ 20'-0" STD, SIDE: 10'-0", REAR: 8'-0" MIN/ 15'-0" STD

BUILDING DATA:

EXISTING WAREHOUSE:	9250 SF
BUILDING HEIGHT:	22'-8"
LOT SIZE:	16867 SF

SHEET INDEX:

SHEET NO.	ITEM
A1.0	PROPOSED SITE PLAN
A1.1	EXISTING AREA SITE PLAN
A1.2	PARKING PLAN
A2.0	(E) FIRST FLOOR PLAN
A2.1	(E) SECOND FLOOR PLAN
A2.2	(P) FIRST FLOOR PLAN
A2.3	(P) SECOND FLOOR PLAN
A3.0	ELEVATIONS
A3.1	ELEVATIONS
A4.0	SECTIONS
A5.0	ROOF PLAN
BMP-1	STORM WATER

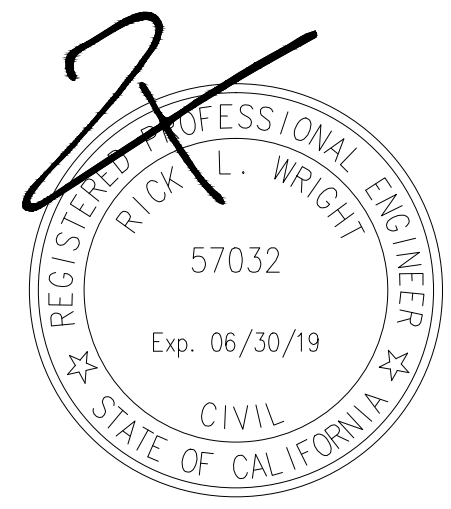
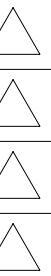
CODE COMPLIANCE:

- 2016 EDITION OF THE CALIFORNIA BUILDING CODE
- 2016 EDITION OF THE CALIFORNIA GREEN BUILDING CODE
- ACI 318-14
- ASCE 7-10
- IBC 2015
- AISC 360-10



6161 EL CAJON BLVD.
SUITE B-405
SAN DIEGO, CA 92115
T: 619.550.5465
www.momentadesign.com

2243 VERUS STREET
WAREHOUSE
2243 VERSUS STREET,
SAN DIEGO, CA 92154



DIGITALLY SIGNED: 10/6/2018

PROJECT NO.

--

DATE

09.06.2018

SHEET TITLE

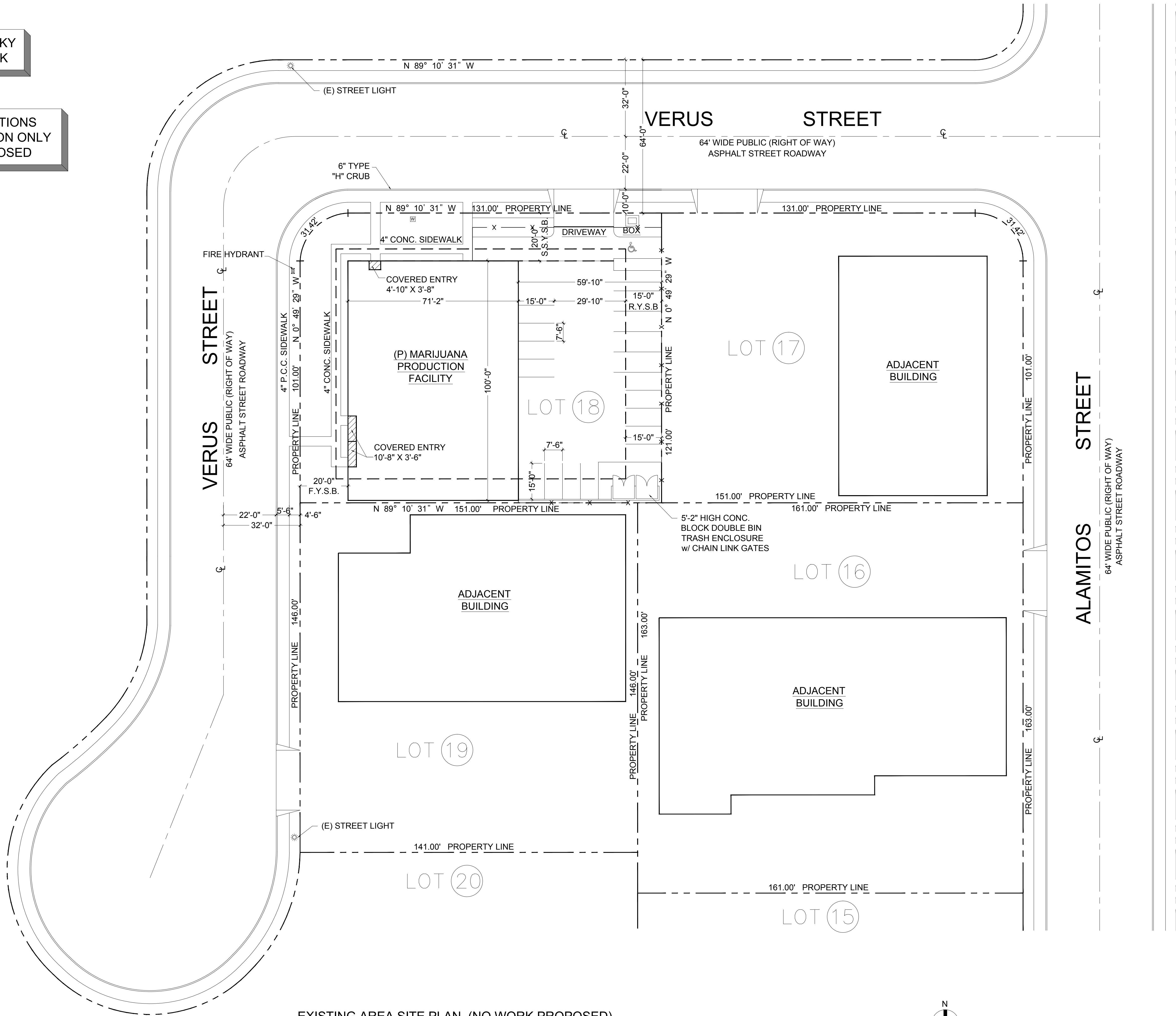
PROPOSED SITE
PLAN

SHEET NO.

A1.0

MAP 9993 - BIG SKY
INDUSTRIAL PARK

EXISTING CONDITIONS
FOR INFORMATION ONLY
NO WORK PROPOSED



EXISTING AREA SITE PLAN (NO WORK PROPOSED)

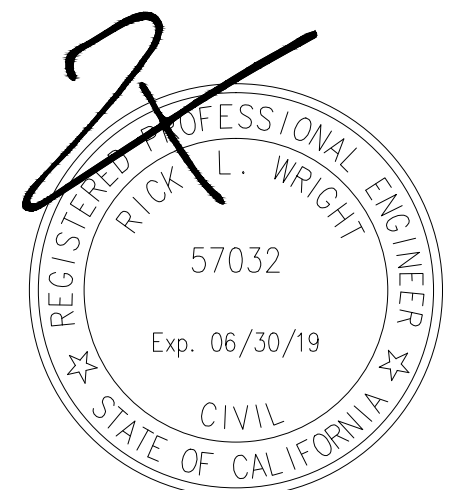
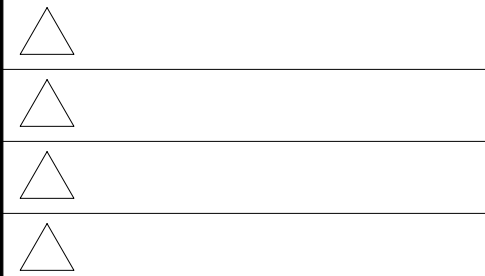
SCALE: 1" = 20'

NEAREST BUS STOP:
HOLLISTER ST. & MAIN ST.
1,000 FT.



6161 EL CAJON BLVD.
SUITE B-405
SAN DIEGO, CA 92115
T: 619.550.5465
www.momentadesign.com

2243 VERUS STREET
WAREHOUSE
2243 VERSUS STREET,
SAN DIEGO, CA 92154



DIGITALLY SIGNED: 9/6/2018

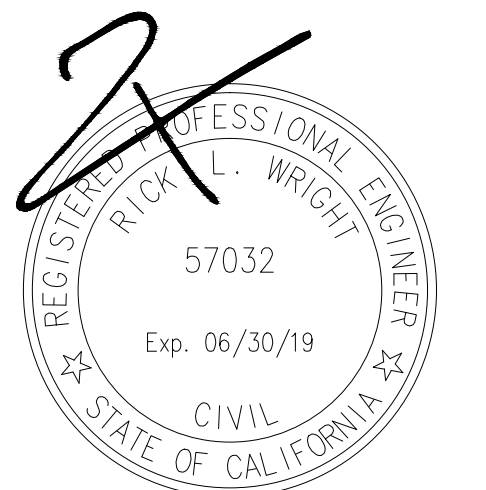
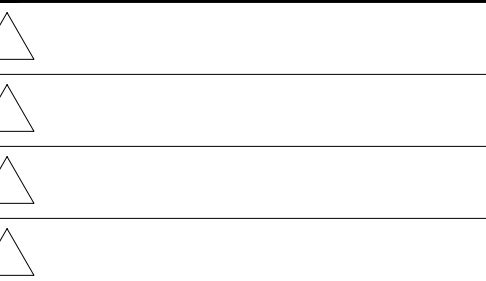
PROJECT NO.

DATE
09.06.2018

SHEET TITLE
EXISTING AREA
SITE PLAN

SHEET NO.
A1.1

2243 VERUS STREET
WAREHOUSE
2243 VERSUS STREET,
SAN DIEGO, CA 92154



DIGITALLY SIGNED: 9/6/2018

PROJECT NO.

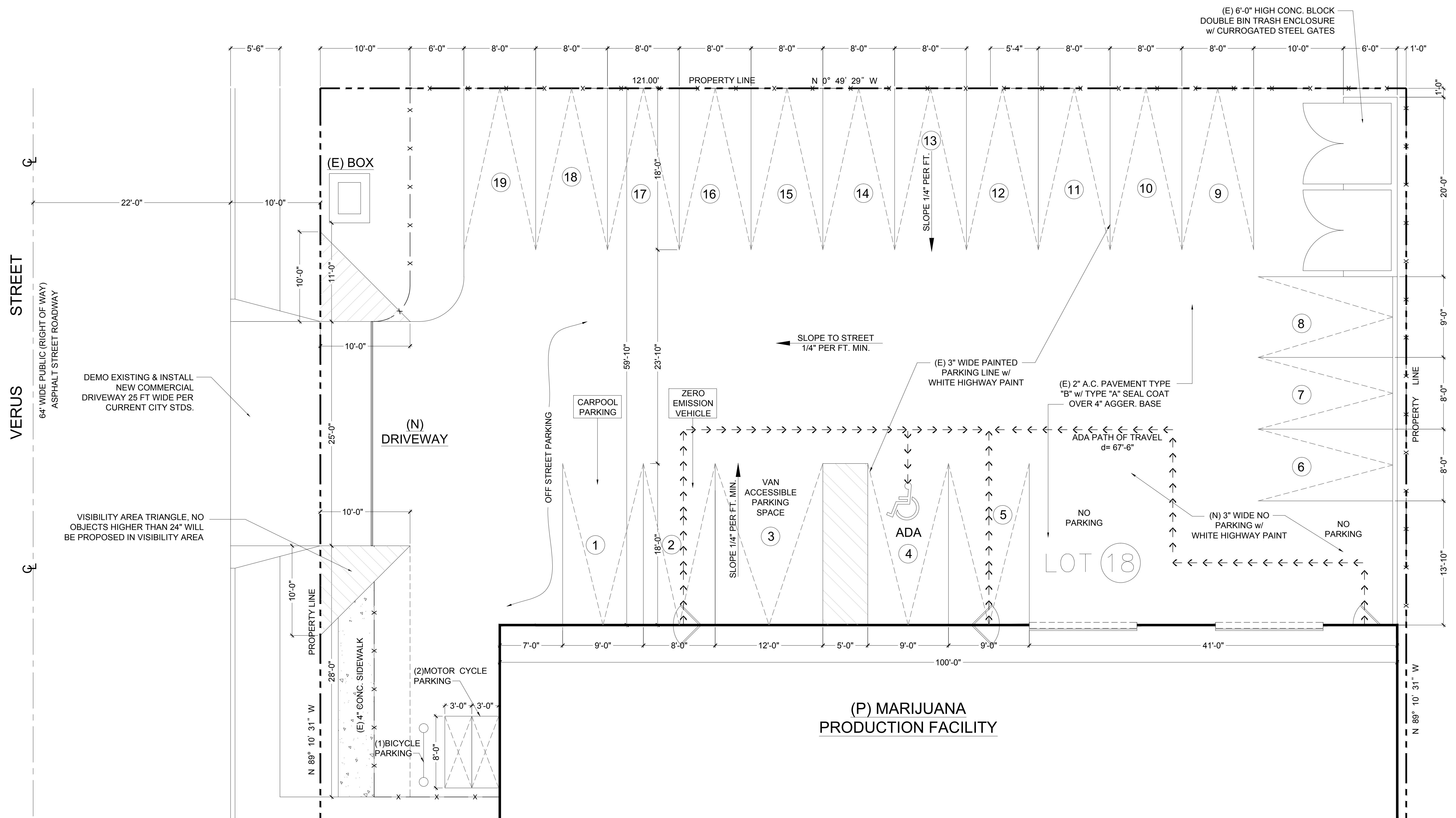
DATE 09.06.2018

SHEET TITLE

PARKING PLAN

SHEET NO.

A1.2



PARKING PLAN

SCALE: 3/16" = 1'-0"


EMPLOYEE COUNT TABLE:

ENTRY GUARD	1
MANUFACTURING	4
PRODUCTION	4
NON-VOLATILE EXTRACTION	1
QUARANTINE ROOM	1
STORAGE/ DISTRIBUTION	2
UPSTAIRS STORAGE	2
TOTAL EMPLOYEE	15

PARKING TABLE:
MIN PARKING REQUIREMENTS:

ADA	1	
CARPOOL	1	
VAN	1	
ZERO EMISSIONS	1	
MOTOR CYCLE	2	
BICYCLE	1	
REGULAR STALL	15	

TOTAL SPACES = 7797 SF/ 1000 X 2.5 = 19 SPACES
REGULAR SPACES = (19 - (1 ADA - 1 CARPOOL - 1 VAN - 1 ZERO EMISSIONS)) = 15 SPACES
ONE SPACE PER EMPLOYEE MINIMUM



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Storm Water Requirements Applicability Checklist

FORM
DS-560
OCTOBER 2016

Project Address: _____

Project Number (for City Use Only): _____

SECTION 1. Construction Storm Water BMP Requirements:

All construction sites are required to implement construction BMPs in accordance with the performance standards in the [Storm Water Standards Manual](#). Some sites are additionally required to obtain coverage under the State Construction General Permit (CGP), which is administered by the State Water Resources Control Board.

For all projects complete PART A: If project is required to submit a SWPPP or WPCP, complete PART B.

PART A: Determine Construction Phase Storm Water Requirements.

- Is the project subject to California's statewide General NPDES permit for Storm Water Discharges Associated with Construction Activities, also known as the State Construction General Permit (CGP)? (Typically projects with land disturbance greater than or equal to 1 acre.)

☐ Yes; SWPPP required, skip questions 2-4
☐ No; next question
- Does the project propose construction or demolition, including but not limited to, clearing, grading, grubbing, excavation, or any other activity resulting in ground disturbance and contact with storm water runoff?

☐ Yes; WPCP required, skip 3-4
☐ No; next question
- Does the project propose routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility? (Projects such as pipeline/utility replacement)

☐ Yes; WPCP required, skip 4
☐ No; next question
- Does the project only include the following Permit types listed below?

- Electrical Permit, Fire Alarm Permit, Fire Sprinkler Permit, Plumbing Permit, Sign Permit, Mechanical Permit, Spa Permit.
 - Individual Right of Way Permits that exclusively include only ONE of the following activities: water service, sewer lateral, or utility service.
 - Right of Way Permits with a project footprint less than 150 linear feet that exclusively include only ONE of the following activities: curb ramp, sidewalk and driveway apron replacement, pot holing, curb and gutter replacement, and retaining wall encroachments.

☒ Yes; no document required

Check one of the boxes below, and continue to PART B:

☐

If you checked "Yes" for question 1,
a SWPPP is REQUIRED. Continue to PART B

☐

If you checked "No" for question 1, and checked "Yes" for question 2 or 3,
a WPCP is REQUIRED. If the project proposes less than 5,000 square feet of ground disturbance AND has less than a 5-foot elevation change over the entire project area, a Minor WPCP may be required instead. **Continue to PART B.**

☒

If you checked "No" for all questions 1-3, and checked "Yes" for question 4
PART B does not apply and no document is required. Continue to Section 2.

1. More information on the City's construction BMP requirements as well as CGP requirements can be found at:
www.sandiego.gov/stormwater/regulations/index.shtml

Printed on recycled paper. Visit our web site at www.sandiego.gov/development_services.
 Upon request, this information is available in alternate formats for persons with disabilities.
 DS-560 (10-16)

Page 2 of 4 City of San Diego • Development Services • Storm Water Requirements Applicability Checklist

PART B: Determine Construction Site Priority

This prioritization must be completed within this form, noted on the plans, and included in the SWPPP or WPCP. The city reserves the right to adjust the priority of projects both before and after construction. Construction projects are assigned an inspection frequency based on if the project has a "high threat to water quality." The City has aligned the local definition of "high threat to water quality" to the risk determination approach of the State Construction General Permit (CGP). The CGP determines risk level based on project specific sediment risk and receiving water risk. Additional inspection is required for projects within the Areas of Special Biological Significance (ASBS) watershed. **NOTE:** The construction priority does **NOT** change construction BMP requirements that apply to projects; rather, it determines the frequency of inspections that will be conducted by city staff.

Complete PART B and continued to Section 2

1. ☐ **ASBS**
 - a. Projects located in the ASBS watershed.
2. ☐ **High Priority**
 - a. Projects 1 acre or more determined to be Risk Level 2 or Risk Level 3 per the Construction General Permit and not located in the ASBS watershed.
 - b. Projects 1 acre or more determined to be LUP Type 2 or LUP Type 3 per the Construction General Permit and not located in the ASBS watershed.
3. ☐ **Medium Priority**
 - a. Projects 1 acre or more but not subject to an ASBS or high priority designation.
 - b. Projects determined to be Risk Level 1 or LUP Type 1 per the Construction General Permit and not located in the ASBS watershed.
4. ☐ **Low Priority**
 - a. Projects requiring a Water Pollution Control Plan but not subject to ASBS, high, or medium priority designation.

SECTION 2. Permanent Storm Water BMP Requirements.

Additional information for determining the requirements is found in the [Storm Water Standards Manual](#).

PART C: Determine if Not Subject to Permanent Storm Water Requirements.

Projects that are considered maintenance, or otherwise not categorized as "new development projects" or "redevelopment projects" according to the [Storm Water Standards Manual](#) are not subject to Permanent Storm Water BMPs.

If "yes" is checked for any number in Part C, proceed to Part F and check "Not Subject to Permanent Storm Water BMP Requirements".

If "no" is checked for all of the numbers in Part C continue to Part D.

1. Does the project only include interior remodels and/or is the project entirely within an existing enclosed structure and does not have the potential to contact storm water? ☐ Yes ☐ No
2. Does the project only include the construction of overhead or underground utilities without creating new impervious surfaces? ☐ Yes ☐ No
3. Does the project fall under routine maintenance? Examples include, but are not limited to: roof or exterior structure surface replacement, resurfacing or reconfiguring surface parking lots or existing roadways without expanding the impervious footprint, and routine replacement of damaged pavement (grinding, overlay, and pothole repair). ☐ Yes ☐ No

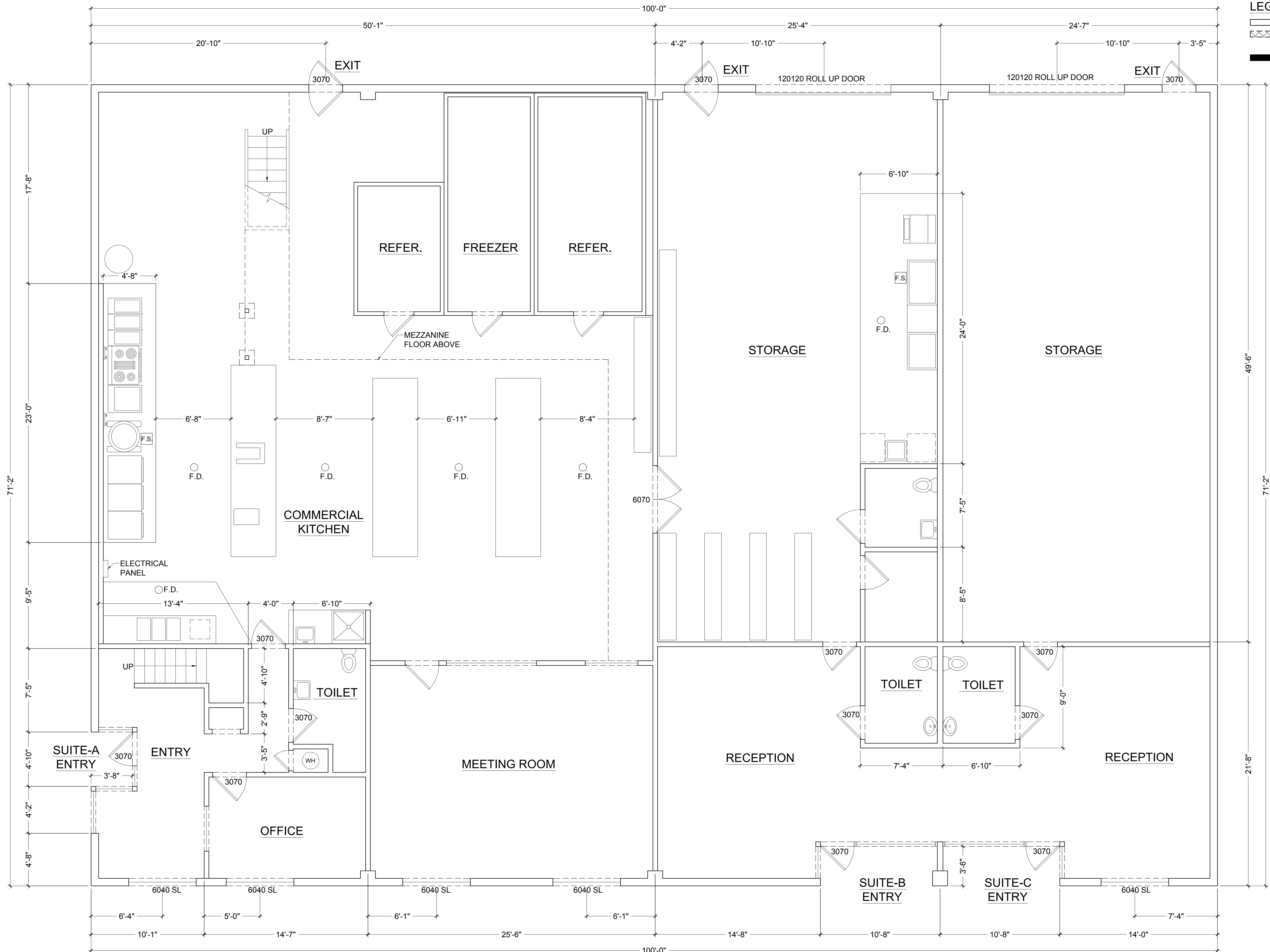
City of San Diego • Development Services • Storm Water Requirements Applicability Checklist	Page 3 of 4
PART D: PDP Exempt Requirements. PDP Exempt projects are required to implement site design and source control BMPs. If "yes" was checked for any questions in Part D, continue to Part F and check the box labeled "PDP Exempt." If "no" was checked for all questions in Part D, continue to Part E.	
1. Does the project ONLY include new or retrofit sidewalks, bicycle lanes, or trails that:	
<ul style="list-style-type: none"> • Are designed and constructed to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable area? Or; • Are designed and constructed to be hydraulically disconnected from paved streets and roads? Or; • Are designed and constructed with permeable pavements or surfaces in accordance with the Green Streets guidance in the City's Storm Water Standards manual? 	
<input type="checkbox"/> Yes; PDP exempt requirements apply <input type="checkbox"/> No; next question	
2. Does the project ONLY include retrofitting or redeveloping existing paved alleys, streets or roads designed and constructed in accordance with the Green Streets guidance in the City's Storm Water Standards Manual?	
<input type="checkbox"/> Yes; PDP exempt requirements apply <input type="checkbox"/> No; project not exempt.	
PART E: Determine if Project is a Priority Development Project (PDP). Projects that match one of the definitions below are subject to additional requirements including preparation of a Storm Water Quality Management Plan (SWQMP).	
If "yes" is checked for any number in PART E, continue to PART F and check the box labeled "Priority Development Project".	
If "no" is checked for every number in PART E, continue to PART F and check the box labeled "Standard Development Project".	
1. New Development that creates 10,000 square feet or more of impervious surfaces collectively over the project site. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Redevelopment project that creates and/or replaces 5,000 square feet or more of impervious surfaces on an existing site of 10,000 square feet or more of impervious surfaces. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. New development or redevelopment of a restaurant. Facilities that sell prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC 5812), and where the land development creates and/or replace 5,000 square feet or more of impervious surface.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. New development or redevelopment on a hillside. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site) and where the development will grade on any natural slope that is twenty-five percent or greater.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. New development or redevelopment of a parking lot that creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. New development or redevelopment of streets, roads, highways, freeways, and driveways. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p>Page 4 of 4 City of San Diego • Development Services • Storm Water Requirements Applicability Checklist</p>	
<p>7. New development or redevelopment discharging directly to an Environmentally Sensitive Area. The project creates and/or replaces 2,500 square feet of impervious surface (collectively over project site), and discharges directly to an Environmentally Sensitive Area (ESA). "Discharging directly" includes flow that is conveyed overland a distance of 200 feet or less from the project to the ESA, or conveyed in a pipe or open channel any distance as an isolated flow from the project to the ESA (i.e. not commingled with flows from adjacent lands).</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>8. New development or redevelopment projects of a retail gasoline outlet (RGO) that create and/or replaces 5,000 square feet of impervious surface. The development project meets the following criteria: (a) 5,000 square feet or more or (b) has a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>9. New development or redevelopment projects of an automotive repair shops that creates and/or replaces 5,000 square feet or more of impervious surfaces. Development projects categorized in any one of Standard Industrial Classification (SIC) codes 5013, 5014, 5541, 7532-7534, or 7536-7539.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>10. Other Pollutant Generating Project. The project is not covered in the categories above, results in the disturbance of one or more acres of land and is expected to generate pollutants post construction, such as fertilizers and pesticides. This does not include projects creating less than 5,000 sf of impervious surface and where added landscaping does not require regular use of pesticides and fertilizers, such as slope stabilization using native plants. Calculation of the square footage of impervious surface need not include linear pathways that are for infrequent vehicle use, such as emergency maintenance access or bicycle pedestrian use, if they are built with pervious surfaces or if they sheet flow to surrounding pervious surfaces.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>PART F: Select the appropriate category based on the outcomes of PART C through PART E.</p>	
<p>1. The project is NOT SUBJECT TO PERMANENT STORM WATER REQUIREMENTS.</p>	<input checked="" type="checkbox"/>
<p>2. The project is a STANDARD DEVELOPMENT PROJECT. Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.</p>	<input type="checkbox"/>
<p>3. The project is PDP EXEMPT. Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.</p>	<input type="checkbox"/>
<p>4. The project is a PRIORITY DEVELOPMENT PROJECT. Site design, source control, and structural pollutant control BMP requirements apply. See the Storm Water Standards Manual for guidance on determining if project requires a hydromodification plan management</p>	<input type="checkbox"/>
<p>RICK L WRIGHT, P.E.</p> <p>Name of Owner or Agent (Please Print)</p>	<p>PRINCIPAL ENGINEER</p> <p>Title</p> <p>09/04/2018</p> <p>Date</p>
<p>Signature</p>	

Source Control BMP Checklist for Standard Projects			Form I-4A
All development projects must implement source control BMPs. Refer to Chapter 4 and Appendix E of the BMP Design Manual for information to implement BMPs shown in this checklist. Note: All selected BMPs must be shown on the construction plans.			
Source Control Requirement	Applied ¹ ?		
4.2.1 Prevention of Illicit Discharges into the MS4	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
4.2.2 Storm Drain Stenciling or Signage	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
4.2.3 Protect Outdoor Materials Storage Areas from Rainfall, Run-On, Runoff, and Wind Dispersal	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
4.2.4 Protect Materials Stored in Outdoor Work Areas from Rainfall, Run-On, Runoff, and Wind Dispersal	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
4.2.5 Protect Trash Storage Areas from Rainfall, Run-On, Runoff, and Wind Dispersal	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
4.2.6 BMPs based on Potential Sources of Runoff Pollutants			
On-site storm drain inlets	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Interior floor drains and elevator shaft sump pumps	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Interior parking garages	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Need for future indoor & structural pest control	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Landscape/Outdoor Pesticide Use	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Pools, spas, ponds, decorative fountains, and other water features	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Food service	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Refuse areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Industrial processes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Outdoor storage of equipment or materials	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Vehicle/Equipment Repair and Maintenance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Fuel Dispensing Areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Loading Docks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Fire Sprinkler Test Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Miscellaneous Drain or Wash Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Plazas, sidewalks, and parking lots	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
SC-6A: Large Trash Generating Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
SC-6B: Animal Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
SC-6C: Plant Nurseries and Garden Centers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
SC-6D: Automotive Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Discussion / justification for all "No" answers shown above:			

Site Design BMP Checklist for Standard Projects		Form I-5A
<p>All development projects must implement site design BMPs. Refer to Chapter 4 and Appendix E of the BMP Design Manual for information to implement BMPs shown in this checklist. Note: All selected BMPs must be shown on the construction plans.</p>		
Site Design Requirement	Applied ⁽¹⁾	
4.3.1 Maintain Natural Drainage Pathways and Hydrologic Features	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.2 Conserve Natural Areas, Soils, and Vegetation	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.3 Minimize Impervious Area	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.4 Minimize Soil Compaction	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.5 Impervious Area Dispersion	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.6 Runoff Collection	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.7 Landscaping with Native or Drought Tolerant Species	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4.3.8 Harvest and Use Precipitation	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Discussion / justification for all "No" answers shown above:		
<p>(1) Answer for each source control and site design category shall be pursuant to the following:</p> <ul style="list-style-type: none"> • "Yes" means the project will implement the BMP as described in Chapter 4 and/or Appendix E of the BMP Design Manual. Discussion / justification is not required. • "No" means the BMP is applicable to the project but it is not feasible to implement. Discussion / justification must be provided. • "N/A" means the BMP is not applicable at the project site because the project does not include the feature that is addressed by the BMP (e.g., the project has no outdoor materials storage areas). Discussion / justification may be provided. 		

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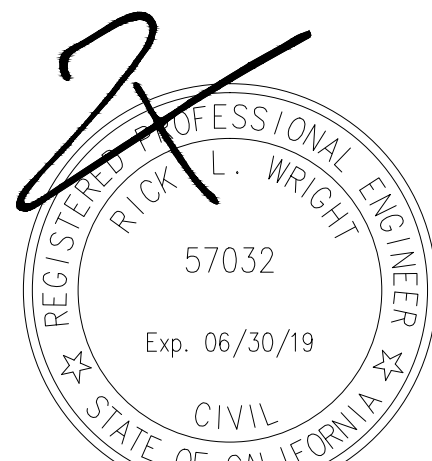
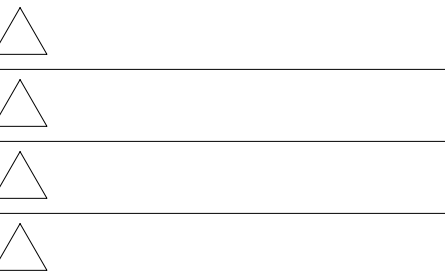
LEGEND:

- EXISTING WALL
- EXISTING WALL TO BE REMOVED
- NEW WALL
- 2X4 STUDS @ 16" O.C.



6161 EL CAJON BLVD.
SUITE B-405
SAN DIEGO, CA 92115
T: 619.550.5465
www.momentadesign.com

**2243 VERUS STREET
WAREHOUSE**
2243 VERSUS STREET,
SAN DIEGO, CA 92154



DIGITALLY SIGNED: 9/6/2018

PROJECT NO. --

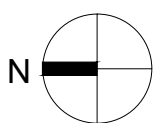
DATE 09.06.2018

SHEET TITLE
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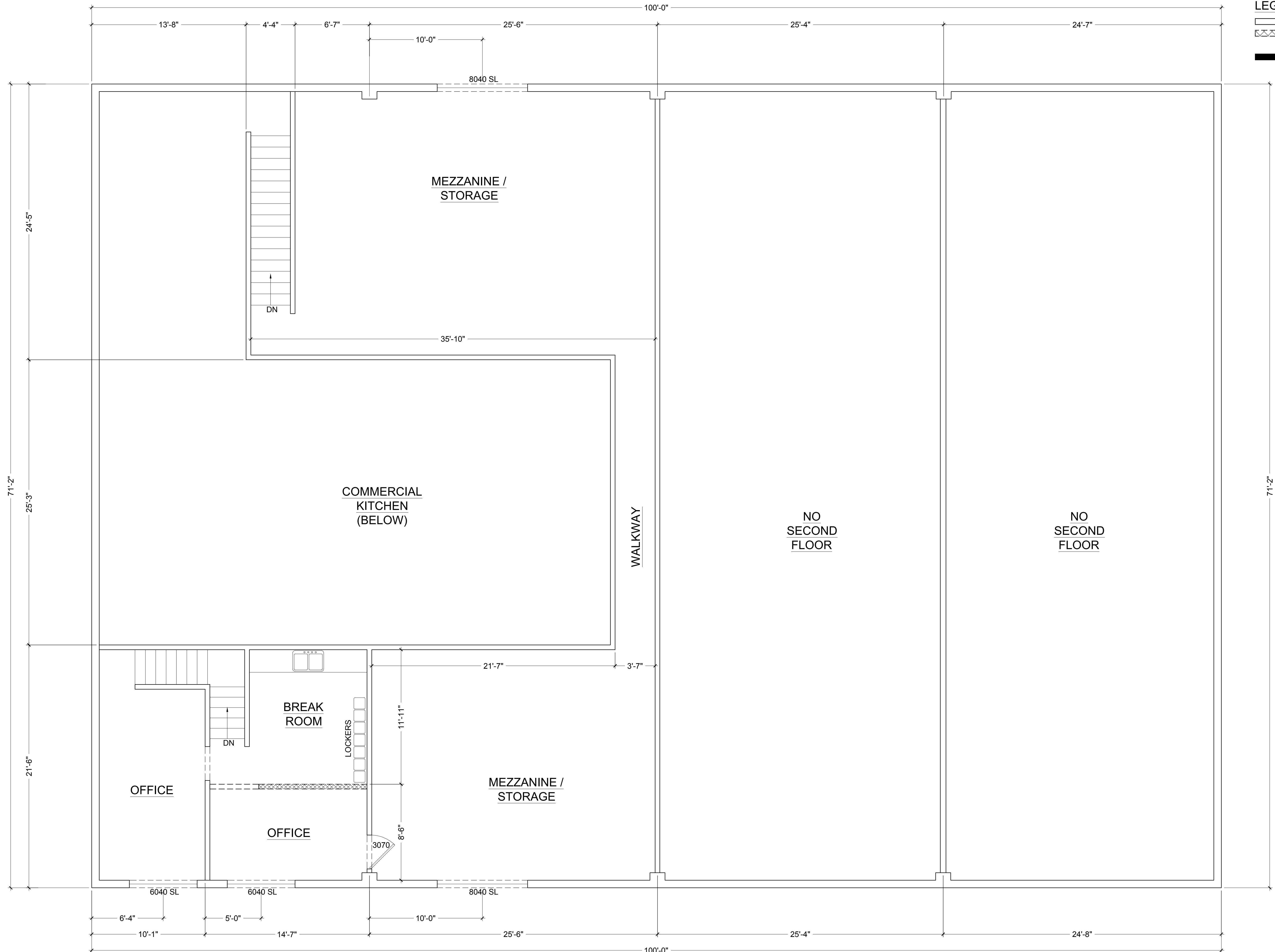
SHEET NO.
A2.0

EXISTING FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"




10/6/2018 11:36 AM



LEGEND:


- EXISTING WALL
- EXISTING WALL TO BE REMOVED
- NEW WALL
- 2X4 STUDS @ 16" O.C.



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SAN DIEGO, CA 92154

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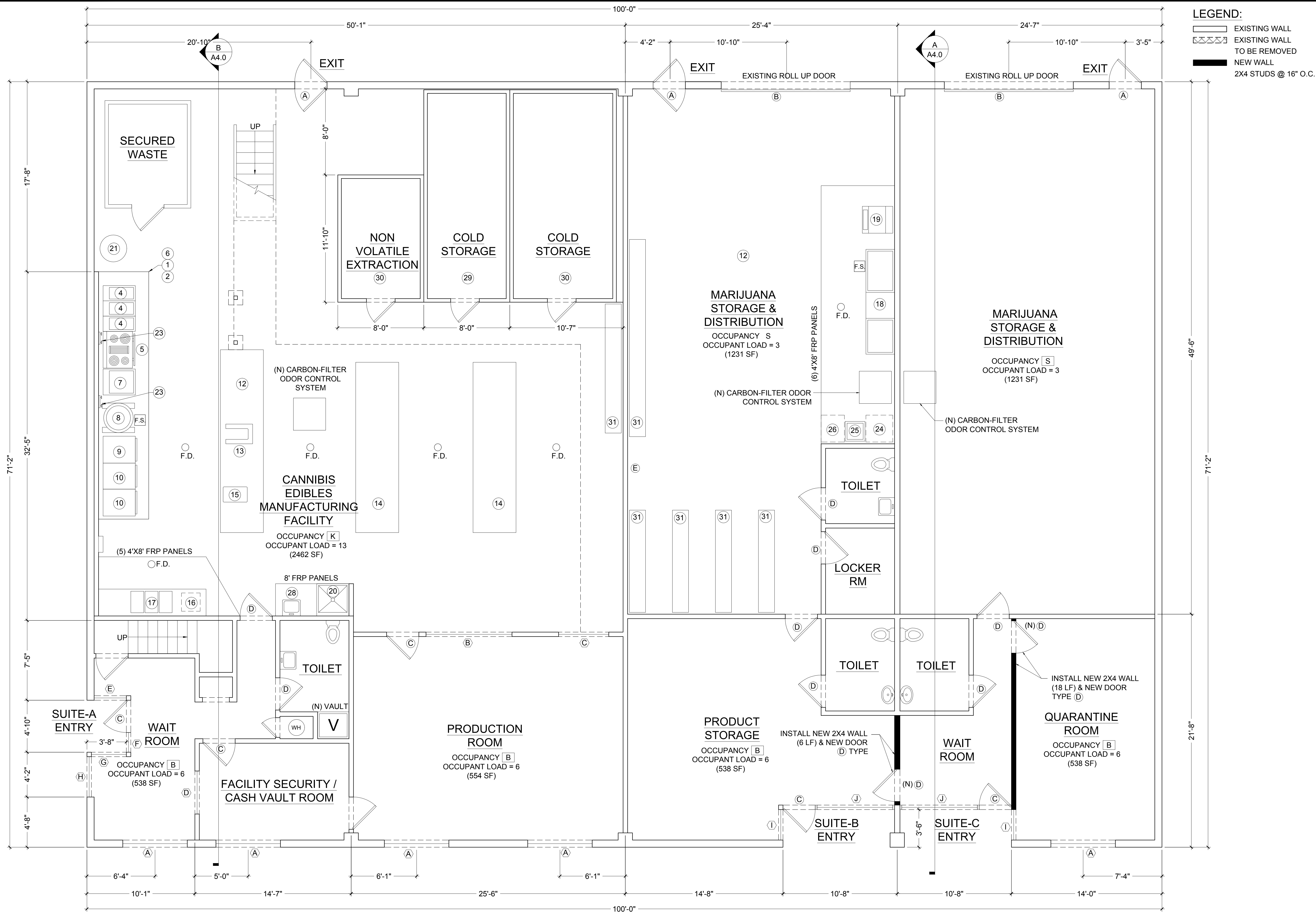
PROJECT NO.
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DATE
09.06.2018

SHEET TITLE
EXISTING
SECOND FLOOR
PLAN

SHEET NO.
A2.1

9/6/2018 2:32 PM



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**2243 VERUS STREET
WAREHOUSE**

2243 VERSUS STREET,
SAN DIEGO, CA 92154

REGISTERED PROFESSIONAL ENGINEER
RICK L. WRIGHT
57032
Exp. 06/30/19
CIVIL
STATE OF CALIFORNIA

DIGITALLY SIGNED: 9/6/2018

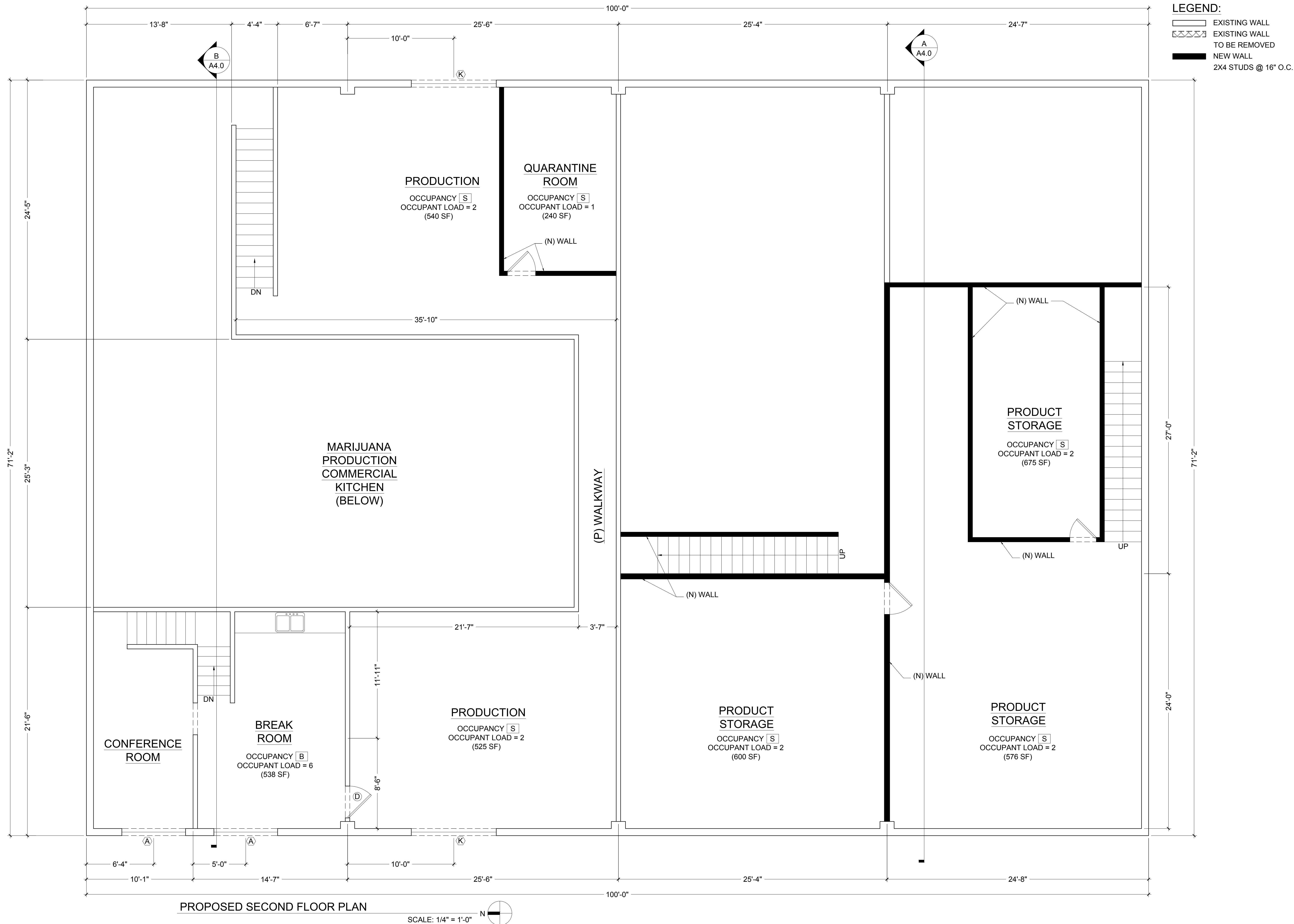
PROJECT NO. --

DATE 09.06.2018

SHEET TITLE
PROPOSED FIRST FLOOR PLAN

SHEET NO.
A2.2

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SAN DIEGO, CA 92154

REGISTERED PROFESSIONAL ENGINEER
RICK L. WRIGHT
57032
Exp. 06/30/19
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STATE OF CALIFORNIA

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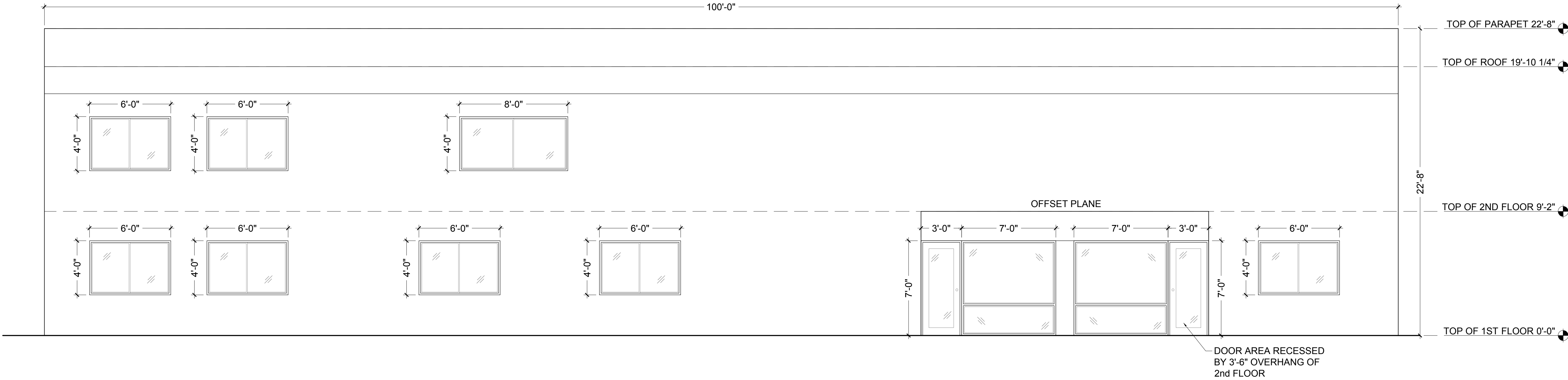
SHEET TITLE
PROPOSED
SECOND FLOOR
PLAN

SHEET NO.
A2.3

GENERAL NOTES:
NOTES...

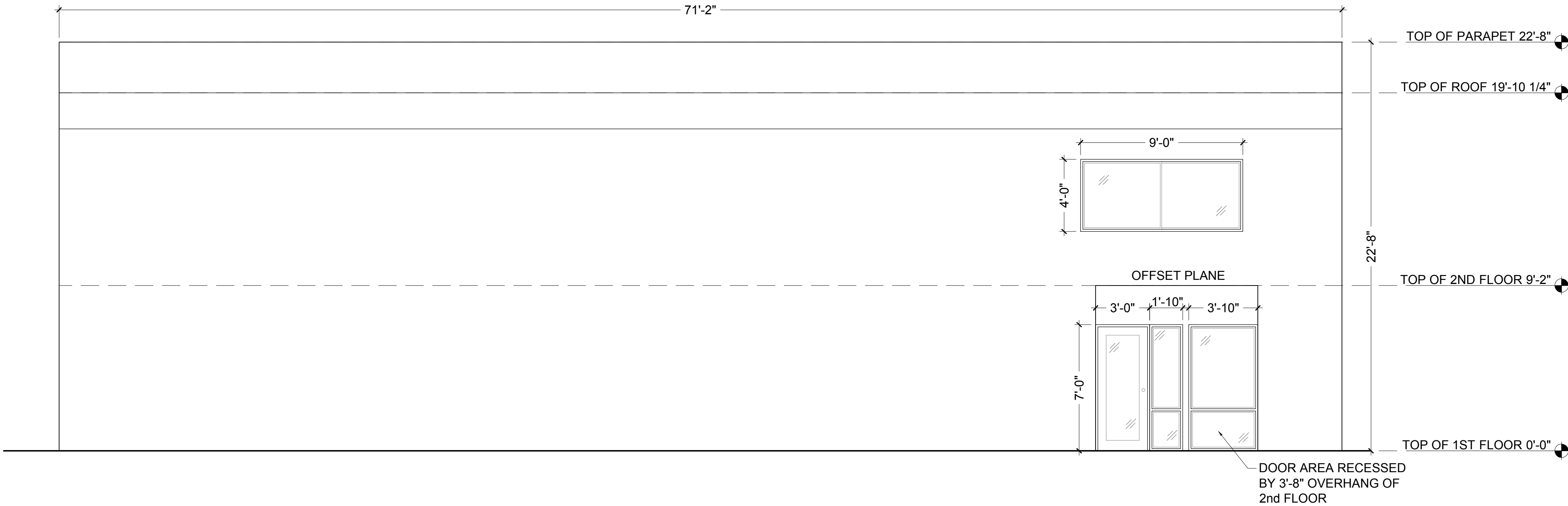
ELEVATION KEY NOTES:
1.

NO EXTERIOR
MODIFICATIONS
PROPOSED



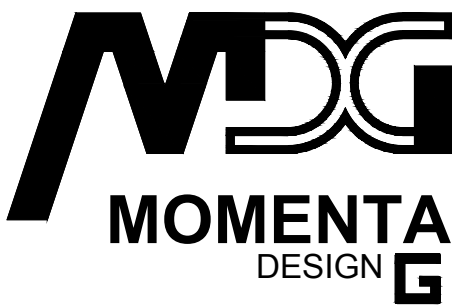
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



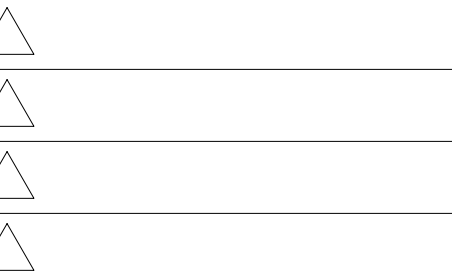
LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



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PROJECT NO.

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DATE

09.06.2018

SHEET TITLE

ELEVATIONS

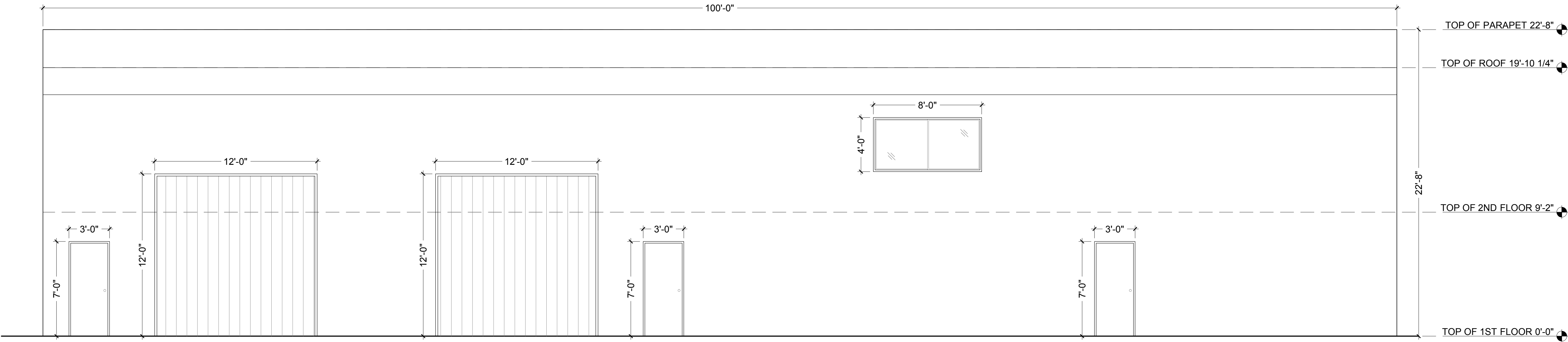
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A3.0

GENERAL NOTES:
NOTES...

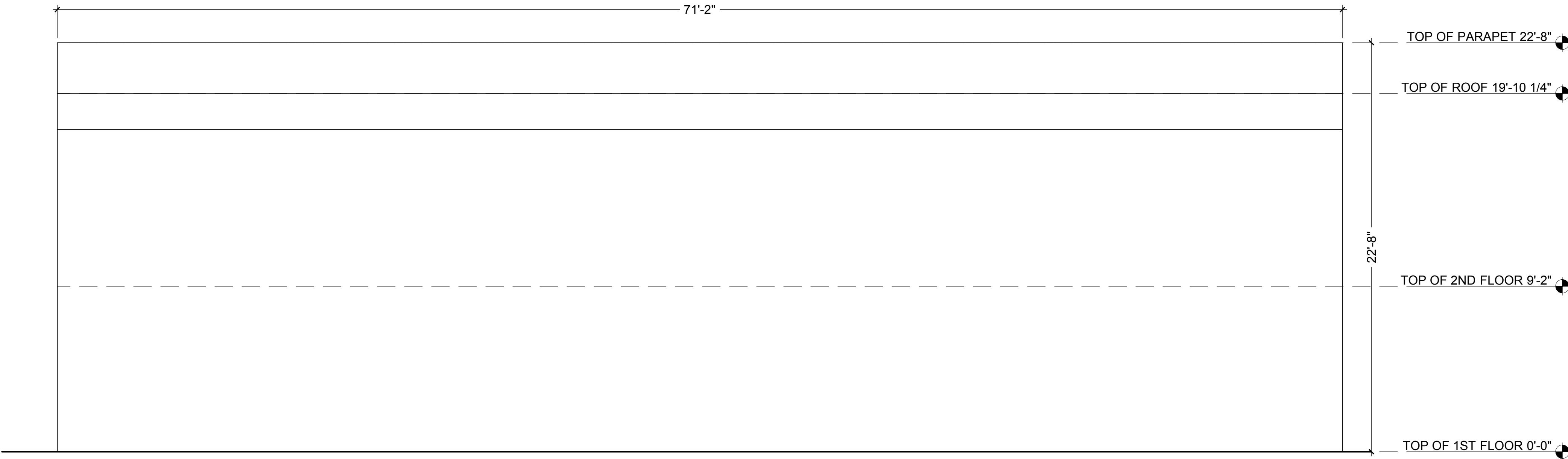
ELEVATION KEY NOTES:
1.

NO EXTERIOR
MODIFICATIONS
PROPOSED



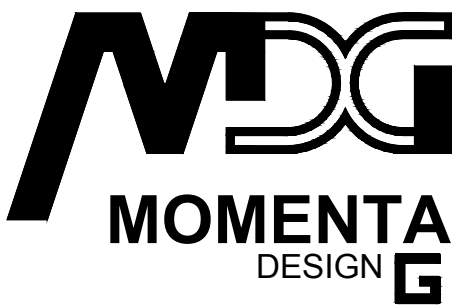
REAR ELEVATION

SCALE: 1/4" = 1'-0"



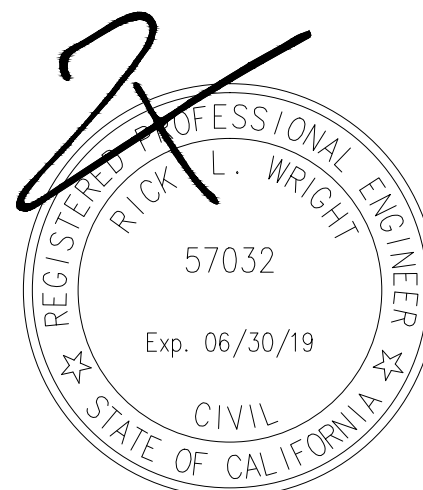
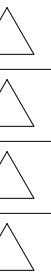
RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



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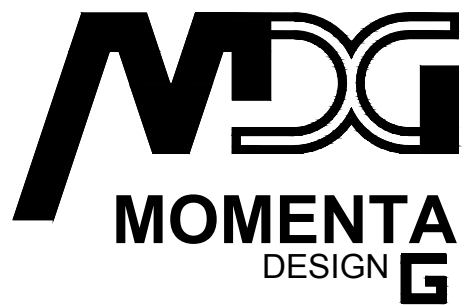
09.06.2018

SHEET TITLE

ELEVATIONS

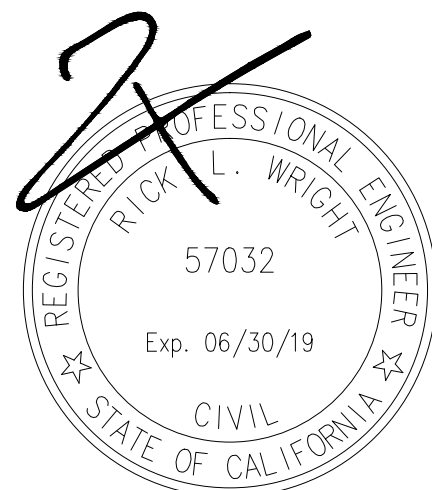
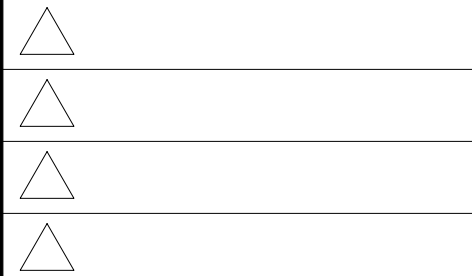
SHEET NO.

A3.1



6161 EL CAJON BLVD.
SUITE B-405
SAN DIEGO, CA 92115
T: 619.550.5465
www.momentadesign.com

2243 VERUS STREET
WAREHOUSE
2243 VERSUS STREET,
SAN DIEGO, CA 92154



DIGITALLY SIGNED: 9/6/2018

PROJECT NO.

--

DATE

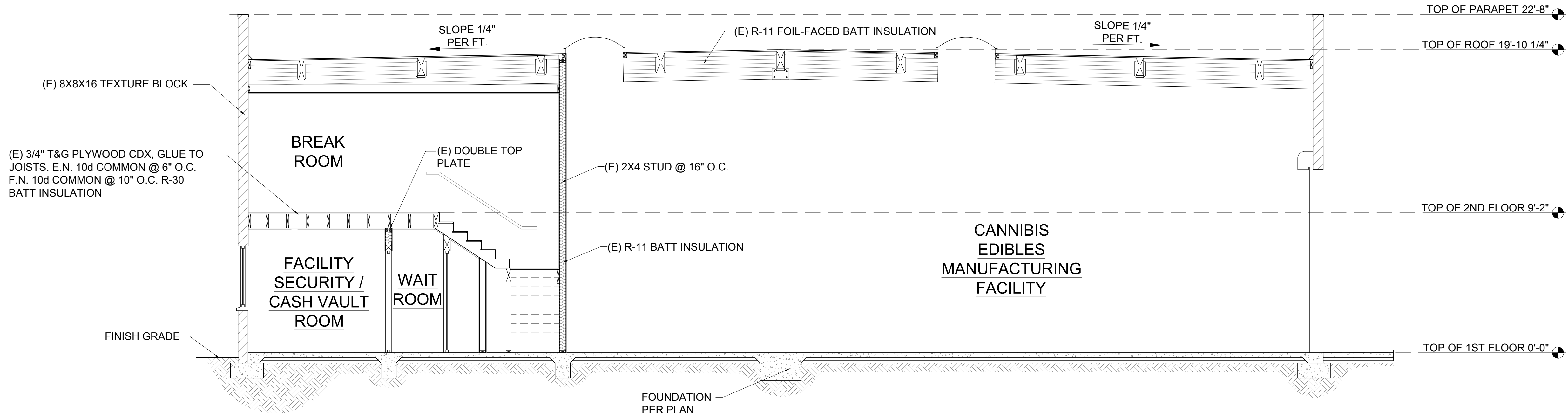
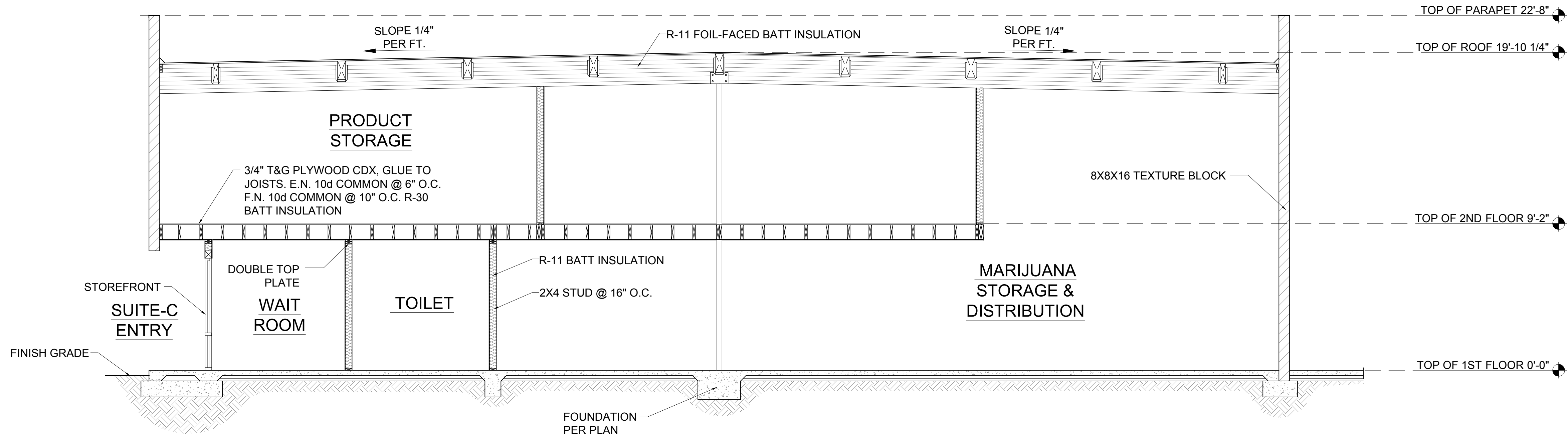
09.06.2018

SHEET TITLE

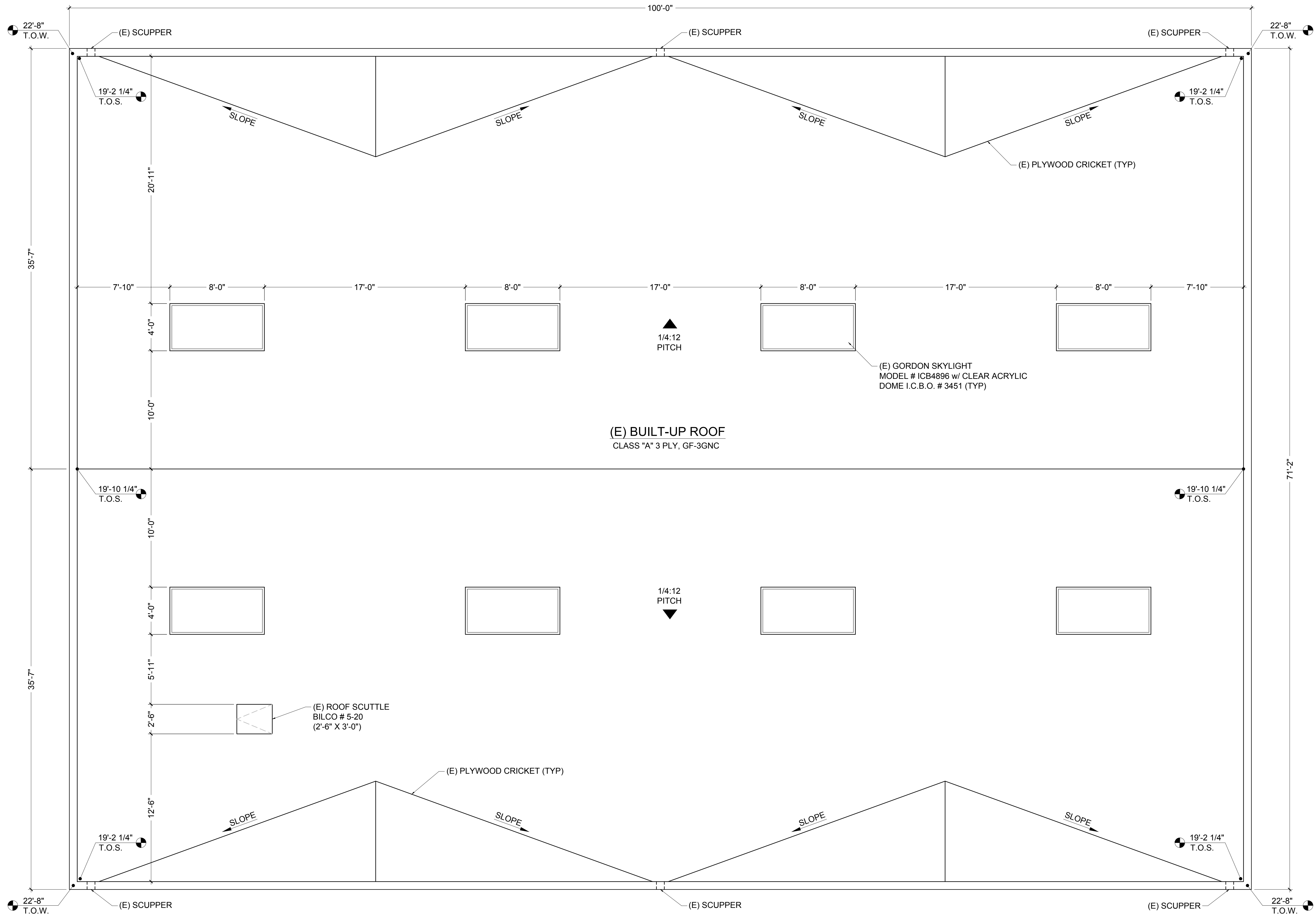
SECTIONS

SHEET NO.

A4.0



9/6/2018 2:33 PM



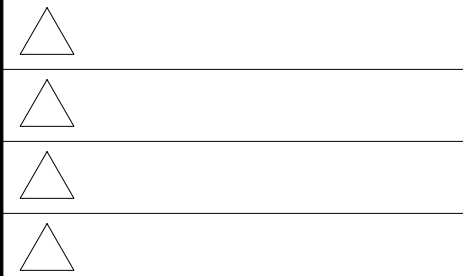
ROOF PLAN

SCALE: 1/4" = 1'-0" N



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SAN DIEGO, CA 92154



DIGITALLY SIGNED: 9/6/2018

PROJECT NO.

--

DATE

09.06.2018

SHEET TITLE

ROOF PLAN

SHEET NO.

A5.0



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)

Canversions, Inc.

Name: Catharine Brown E-mail: socalcathyb@gmail.com

Address: 1330 Orange Avenue, Ste. S-2, City: Coronado State: CA Zip Code: 92118 Telephone: 619-316-3489

3. Project Name:

MPF 2243 Verus Street

4. Project Information

Permit/Environmental Determination & Permit/Document No.: 585642 Date of Decision/Determination: November 20, 2018 City Project Manager: Cherlyn Cac then Sammi Ma

Decision(Describe the permit/approval decision):

MPF 2243 Verus Street was denied CUP on April 3, 2019 by the City of San Diego Hearing Officer

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.)

1. The Hearing Officer's decision to deny the MPF conflicts with the relevant land use plan, City Council policy, and the Municipal Code.
2. The Hearing Officer's decision to deny the MPF is not supported by the information provided to the Hearing Officer
3. The Hearing Officer's decision to deny the MPF should be *Reversed to Approval* based on new information that could not be submitted with reasonable effort or due diligence prior to the time of the decision

RECEIVED

APR 16 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:

Catharine Brown

Date: April 16, 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 2243 VERUS STREET - PROJECT NO. 585642

4. Project Information
Permit/Environmental Determination & Permit/Document No.: Conditional Use Permit No. 2069323 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 2243 Verus 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.

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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: _____

Date: April 17, 2019

Note: Faxed appeals are not accepted.

MPF 2243 VERUS STREET - PROJECT NO. 585642

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. 2069323
MPF 2243 VERUS STREET - PROJECT NO. 585642

WHEREAS, JERROLD B. SIEGEL, Owner and CANNVERSIONS, INC., 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 0.39-acre site;

WHEREAS, the project site is located at 2243 Verus Street in the IL-2-1 Zone, Parking Impact Overlay Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area, Airport Influence Area (Brown Field – Review Area 2), Airport Land Use Compatibility Overlay Zone (Brown Field), and Coastal Overlay (Non-Appealable) Zone within the Otay Mesa-Nestor Community Plan area;

WHEREAS, the project site is legally described as Lot 18 of Big Sky Industrial Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9993, filed in the Office of the County Recorder of San Diego County, on February 9, 1981;

WHEREAS, on November 5, 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. Three appeals for the environmental determination were filed and were withdrawn on November 20, 2018, January 8, 2019, and January 10, 2019;

WHEREAS, on April 3, 2019, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 2069323 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 Catharine Brown on April 16, 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 Appeals and Conditional Use Permit No. 2069323 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. 2069323:

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 9,250 square-foot two-story warehouse building, with an addition of 1,850 square feet to the second-floor mezzanine, located at 2243 Verus Street in the IL-2-1 Zone within the Otay Mesa-Nestor Community Plan area.

The project site is designated Industrial Employment in the Land Use and Community Planning Element of the General Plan, and Light Industrial by the Otay Mesa-Nestor Community Plan. The variety of industrial land use designations in Otay Mesa-Nestor is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. 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.

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 9,250 square-foot two-story warehouse building, with an addition of 1,850 square feet to the second-floor mezzanine, located at 2243 Verus Street in the IL-2-1 Zone within the Otay Mesa-Nestor 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 9,250 square-foot two-story warehouse building, with an addition of 1,850 square feet to the second-floor mezzanine, located at 2243 Verus Street. The site is located in the IL-2-1 Zone within the Otay Mesa-Nestor Community Plan area. 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. 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. 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. 2069323 is hereby denied by the Planning Commission.

Sammi Ma
Development Project Manager
Development Services

Adopted on: June 27, 2019

IO#: 24007608