



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: July 11, 2018 REPORT NO. [HO-18-050](#)

HEARING DATE: July 18, 2018

SUBJECT: MPF 9874 VIA DE LA AMISTAD, Process Three Decision

PROJECT NUMBER: [585422](#)

OWNER/APPLICANT: Amistad Holdings, LLC, Owner/Carol Carpenter, Applicant

SUMMARY

Issue: Should the Hearing Officer approve a marijuana production facility located at 9874 Via De La Amistad in the IL-2-1 zone of the Otay Mesa Community Plan area?

Staff Recommendation:

1. Approve Conditional Use Permit No. 2070246.

Community Planning Group Recommendation: The Otay Mesa Community Planning Group voted 8-0-2 on June 20, 2018 to recommend approval of the project without any recommended conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 21, 2018, and the opportunity to appeal that determination ended June 5, 2018.

BACKGROUND

The Otay Mesa Community Plan designates the site for industrial development (Attachment 1). The project site is designated Light Industrial by the Otay Mesa Community Plan. Additionally, the project site is designated as Prime Industrial Land by the Economic Prosperity Element of the General Plan. The 0.54-acre site is located at 9874 Via De La Amistad in the IL-2-1 zone (Attachment 2). The building is currently being used as a warehouse/shipping facility. 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 and office uses with limited commercial. The site is presently developed with an industrial building constructed in 1993 (Attachment 3).

Marijuana Production Facilities are restricted to forty City-wide, within light and heavy industrial zones. Marijuana Production Facilities 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. Marijuana Production Facilities 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. Marijuana Production Facilities must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

DISCUSSION

Project Description

The project proposes the operation of a Marijuana Production Facility within an existing 10,140-square-foot warehouse building located 9874 Via De La Amistad (Attachment 4). The operation shall include the production of marijuana products consistent with the requirements of the State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations; and the wholesale distribution and storage of marijuana products.

The Marijuana Production Facility operations would include receiving marijuana plant trim from marijuana cultivators and drying of the trim before an extraction process. The extraction process would obtain cannabis concentrates from the trim. The concentrates would be produced in a scientific manner utilizing solvents such as butane, alcohol or carbon dioxide. The extraction process would produce marijuana oils needed for various marijuana products. After extraction the marijuana oils would begin a winterizing process (purifying) and distillation process. The winterizing process creates a product that is further purified by removing the fats and waxes from the oil. During the distillation process the extracted oil is exposed to heat and deep vacuum, which separates various cannabinoids and terpenes from the concentrate. The oil would then be filled into cartridges for packaging and distribution to licensed Marijuana Outlets in San Diego.

The project proposes interior improvements that include a lobby area, offices, restrooms, indoor loading/unloading area, packing area, trim area, lab, extraction area and storage. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements would require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the replacement of one of the existing driveways with a 24-foot wide City standard driveway and closure of the other existing driveway, on Via De La Amistad, and landscaping.

Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land

Development Code. The design of the proposed Project complies with all development regulations of the IL-2-1 zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 5) to support the proposed development and draft conditions of approval (Attachment 6). Staff is recommending the Hearing Officer approve the Project as presented.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2070246, with modifications.
2. Deny Conditional Use Permit No. 2070246, if the findings required to approve the project cannot be affirmed.

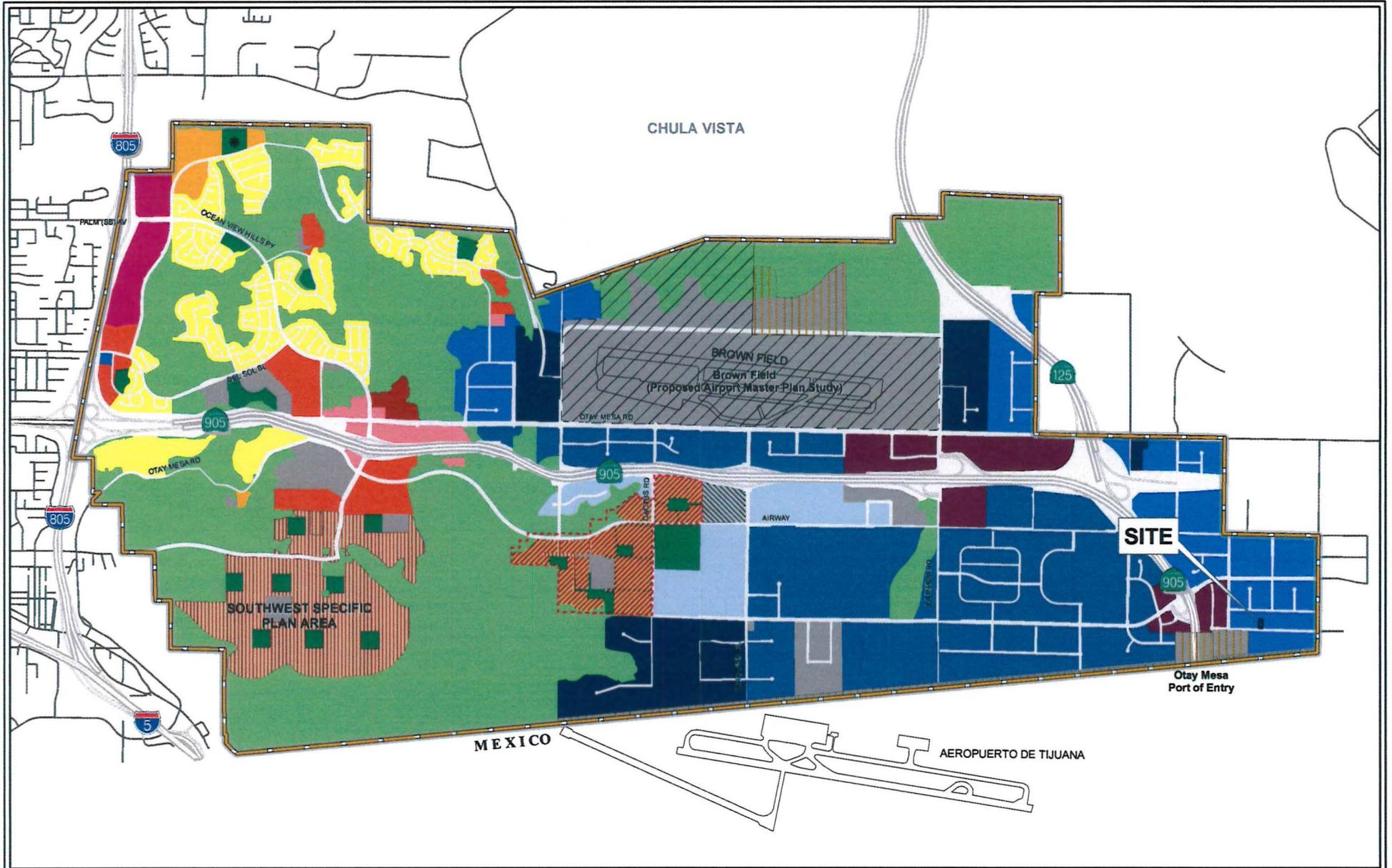
Respectfully submitted,



John S. Fisher
Development Project Manager

Attachments:

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



OTAY MESA COMMUNITY PLAN UPDATE - Figure 2-1

Legend

<p>Parks, Open Space, and Institutional</p> <ul style="list-style-type: none"> Open Space Parks Institutional <p>Village Centers</p> <ul style="list-style-type: none"> Neighborhood Village 15-25 du/ac Community Village 10-44 du/ac 	<p>Residential</p> <ul style="list-style-type: none"> Residential - Low 5-9 du/ac Residential - Low Medium 10-14 du/ac Residential - Medium 15-29 du/ac Residential Medium High 30-44 du/ac 	<p>Commercial - Residential Prohibited</p> <ul style="list-style-type: none"> Community Commercial Regional Commercial Heavy Commercial Neighborhood Commercial * Potential Residential Site if Park Relocated 	<p>Industrial</p> <ul style="list-style-type: none"> Business Park - Office Permitted Light Industrial Heavy Industrial Business Park - Residential Permitted 15 - 44 du/ac Business and International Trade 	<p>Overlays</p> <ul style="list-style-type: none"> U.S. Government Facility Brown Field Boundary Planning Areas Central Village Specific Plan 	<p>Other</p> <ul style="list-style-type: none"> Right-Of-Way
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N

0 2,000 4,000 feet

SanGIS

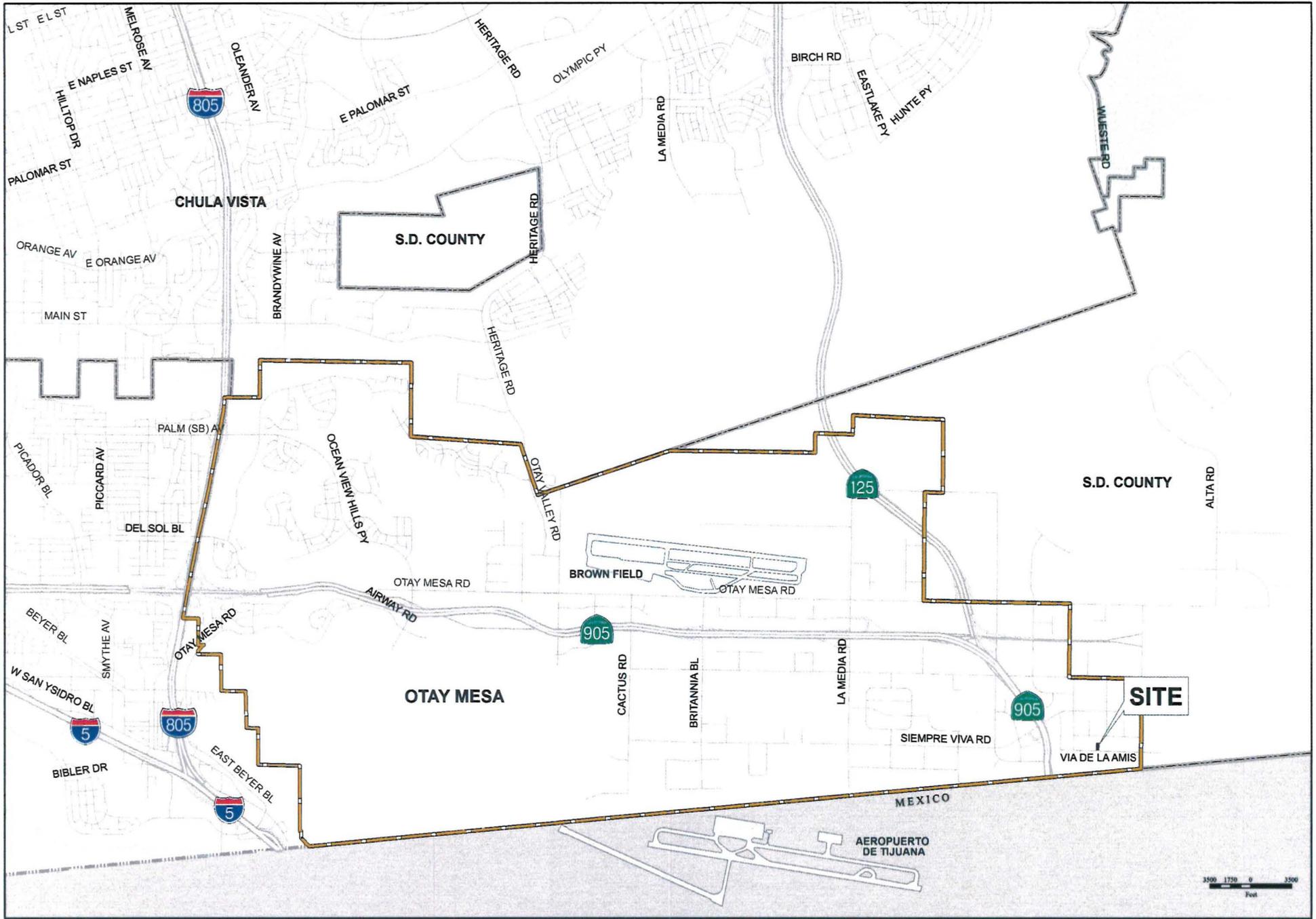
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MARIJUANA PRODUCTION FACILITY (MPF) NOTES:

- 1. MARIJUANA PRODUCTION FACILITIES SHALL MAINTAIN THE FOLLOWING MINIMUM SEPARATION BETWEEN USES, AS MEASURED BETWEEN PROPERTY LINES, IN ACCORDANCE WITH SECTION 113.0225:
A. 1,000 FEET FROM RESOURCE AND POPULATION-BASED CITY PARKS, CHURCHES, CHILD CARE CENTERS, PLAYGROUNDS, LIBRARIES OWNED AND OPERATED BY THE CITY OF SAN DIEGO, MINOR-ORIENTED FACILITIES, RESIDENTIAL CARE FACILITIES, AND SCHOOLS.
B. 100 FEET FROM A RESIDENTIAL ZONE.
2. ALL OPERATIONS SHALL BE CONDUCTED INDOORS WITHIN A SECURED STRUCTURE. ALL EQUIPMENT AND STORAGE SHALL BE ALSO LOCATED WITHIN A SECURE STRUCTURE.
3. 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.
4. 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.
5. THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED OUTSIDE THE MARIJUANA PRODUCTION FACILITY IN A LOCATION VISIBLE TO THE PUBLIC FROM THE PUBLIC RIGHT-OF-WAY IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT. THE PERMITTEE SHALL PROVIDE THIS CONTACT INFORMATION TO THE SAN DIEGO POLICE DEPARTMENT. THE OPERATOR OR MANAGER SHALL ALSO BE AVAILABLE 24 HOURS A DAY TO ADDRESS PUBLIC NUISANCE COMPLAINTS AND INTERACT WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AUTHORITIES. OTHER THAN THE CONTACT INFORMATION, A MARIJUANA PRODUCTION FACILITY SHALL LIMIT SIGNAGE ON THE EXTERIOR OF THE PROPERTY VISIBLE FROM THE PUBLIC RIGHT-OF-WAY TO THE ADDRESS.
6. A PERMIT SHALL BE OBTAINED AS REQUIRED PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 15.

- 7. A CONDITIONAL USE PERMIT FOR A MARIJUANA PRODUCTION FACILITY SHALL EXPIRE NO LATER THAN FIVE (5) YEARS FROM THE DATE OF ISSUANCE.
8. AN EXTENSION OF TIME FOR A CONDITIONAL USE PERMIT GRANTED TO A MARIJUANA PRODUCTION FACILITY SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 126.0111 WITH THE FOLLOWING EXCEPTIONS:
A. THE EXTENSION SHALL BE FOR A MAXIMUM OF FIVE (5) YEARS.
B. A DECISION ON AN APPLICATION FOR AN EXTENSION OF TIME SHALL BE MADE IN ACCORDANCE WITH PROCESS TWO. APPEALS OF A DECISION TO APPROVE AN EXTENSION OF TIME SHALL BE MADE TO THE PLANNING COMMISSION.
C. THE SEPARATION REQUIREMENTS IN SECTION 141.0504(A) SHALL NOT BE CONSIDERED IN MAKING THE FINDINGS REQUIRED IN SECTION 126.0111(G) WHEN A SPECIFIED USE IN SECTION 141.1004(A) HAS LOCATED WITHIN THE REQUIRED DISTANCE AFTER THE APPROVAL DATE OF THE INITIAL CONDITIONAL USE PERMIT.
D. A CHANGE IN ZONING AFTER THE APPROVAL DATE OF THE INITIAL CONDITIONAL USE PERMIT SHALL NOT BE CONSIDERED IN MAKING THE FINDINGS REQUIRED IN SECTION 126.0111(G).
9. 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.
10. 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.
11. THE MARIJUANA PRODUCTION FACILITY SHALL PROVIDE DAILY REMOVAL OF TRASH, LITTER, AND DEBRIS. GRAFFITI SHALL BE REMOVED FROM THE PREMISES WITHIN 24 HOURS.

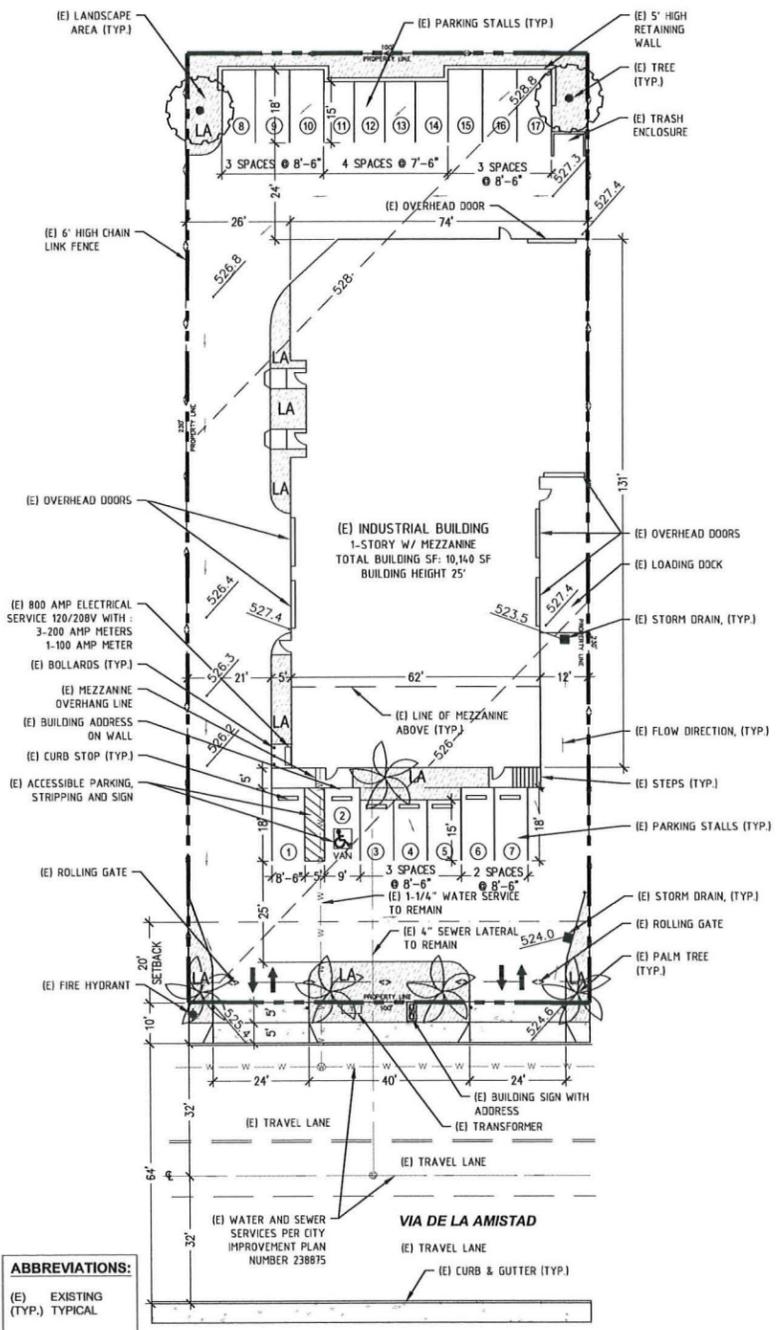
PARKING TABLE

Table with 3 columns: Use, Number of Spaces Required, Number of Spaces Provided. Includes sections for Automobile Spaces, Accessible Parking Spaces, Carpool and Zero Emissions Vehicles, and Motorcycle Spaces.

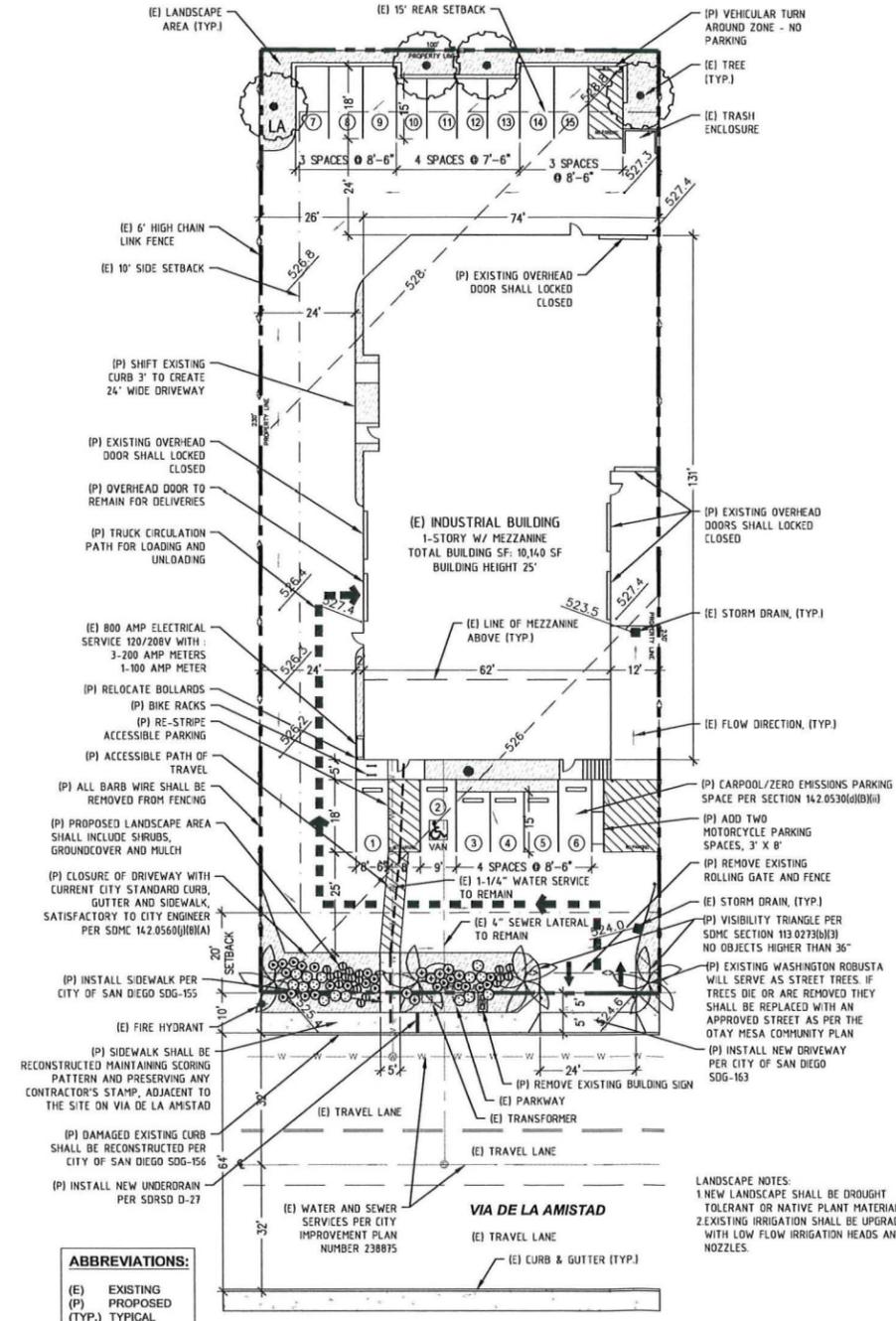
DEVELOPMENT SUMMARY

Table with 2 columns: Field Name, Value. Includes Project Team, Legal Description, Assessor's Parcel Number, Owner's Name & Address, Sheet Index, Type of Construction, Occupancy Classification, Zoning Designation, Gross Site Area & Floor Area, Existing Use, Proposed Use, Year Constructed, Geologic Hazard Category, and Landscape Area Square Footage.

PROJECT DESCRIPTION
Amistad Holdings, LLC intends to operate a Marijuana Production Facility (MPF) located at: 9874 Via De La Amistad, San Diego, CA. The facility shall obtain a permit per San Diego Municipal Code Chapter 4, Article 2, Division 15 and operate in strict compliance with the San Diego Municipal Code Section 141.1004.
The Marijuana Production Facility shall be engaged in the production of marijuana products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations; and the wholesale distribution and storage of marijuana products.
The MPF processes shall include the receiving of trim from marijuana cultivators and the drying of the trim before the extraction process. The extraction process shall obtain cannabis concentrates from the marijuana plants (trim). The concentrates are produced in a scientific manner that utilizes solvents like butane, alcohol or carbon dioxide. The extraction process produces the marijuana oils needed for various marijuana products.
After extraction the marijuana begins the winterizing (purifying) and distillation process. The winterizing process creates a product that is further purified by removing the fats and waxes from the oil. Winterizing entails dissolving the extracted oil (non-polar) in a polar liquid (usually ethanol), freezing the mixture at sub-zero temps, then removing the waxes through a low-micron filter. During the distillation process the extracted oil is exposed to heat and deep vacuum, which separate various cannabinoids and terpenes from concentrate.
The oil concentrate will now be filled into cartridges for packaging and distribution to licensed Marijuana Outlets in San Diego.



EXISTING SITE PLAN



PROPOSED SITE PLAN

PROJECT NOTES:

- 1. INTERIOR TENANT IMPROVEMENTS WILL BE REQUIRED TO CONFIGURE THE SPACE FOR THE NEEDS OF THE MARIJUANA PRODUCTION FACILITY. THESE WILL BE PER PROPOSED FLOOR PLAN SHOWN AND PERMITTED AS PER CITY OF SAN DIEGO REQUIREMENTS.
2. PROPOSED PARKING TO COMPLY WITH CITY OF SAN DIEGO PARKING STANDARDS.
3. PROPOSED/EXISTING LIGHTING IS SUFFICIENT TO ILLUMINATE THE INTERIOR OF THE MARIJUANA PRODUCTION FACILITY, THE BUILDING FACADE AND IMMEDIATE ADJACENT PARKING AND WALKWAYS. ANY FUTURE LIGHTING OR LIGHTING MODIFICATIONS SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
4. SECURITY SHALL BE PROVIDED AT THE MARIJUANA PRODUCTION FACILITY WHICH INCLUDES OPERABLE CAMERAS, ALARMS AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.
5. NO EASEMENTS EXIST.
6. NEAREST BUS STOP 1,320-FEET AWAY.
7. HOURS OF OPERATION SHALL BE 9:00 AM TO 5:00 PM. NO SHIFT WORK REQUIRED.
8. TOTAL NUMBER OF EMPLOYEES SHALL BE SIX (6).
9. THIS PROJECT PROPOSES ONLY MINOR DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING BUILDING FOOTPRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES (BMPs).
10. DURING CONSTRUCTION PHASE OF THE PROJECT, THE APPLICANT SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPPCL). THE WPPCL SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.

APPLICANT:

Carol Carpenter
7660 Fay, Ave, H247
La Jolla, CA 92037
(858) 204-6071

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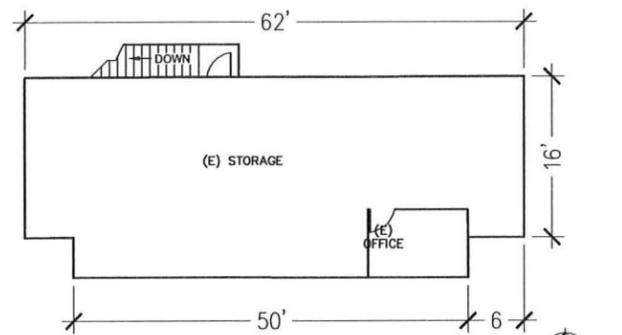


LOCATION MAP

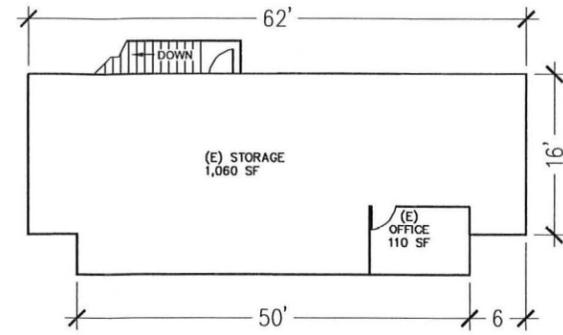
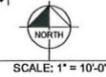
9874 VIA DE LA AMISTAD, SAN DIEGO, CA 92154
MARIJUANA PRODUCTION FACILITY CUP
DEVELOPMENT PLANS

DATE: 11/7/2017; REVISION: 4/18/2018
SHEET: 1 OF 2

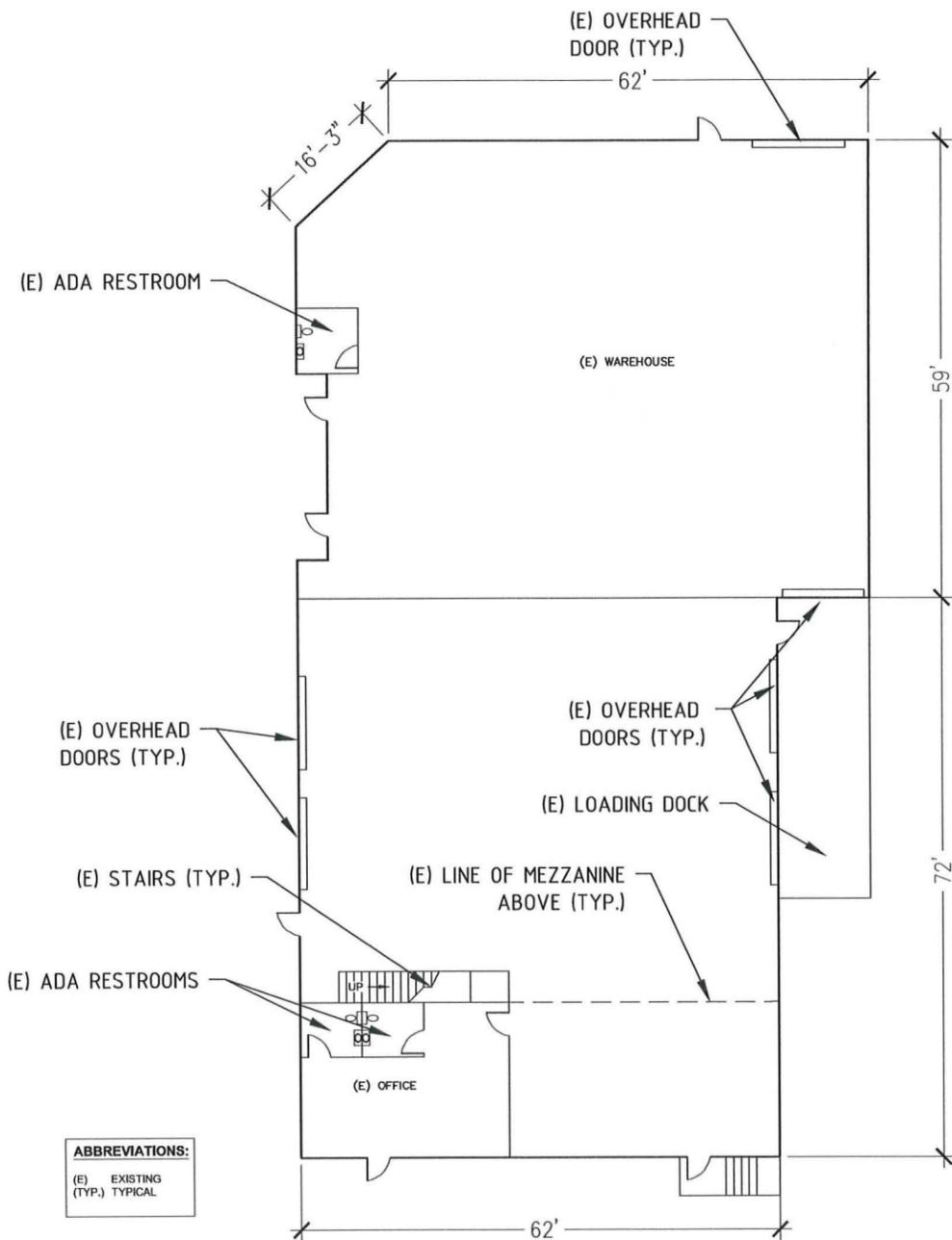
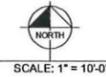
Estrada Land Planning
Urban Design Landscape Architects Computer Imaging
819 278 0143
228 Broadway, Suite 180
San Diego, California 92101
819 278 0578 Fax
ELP@estrada-land.com



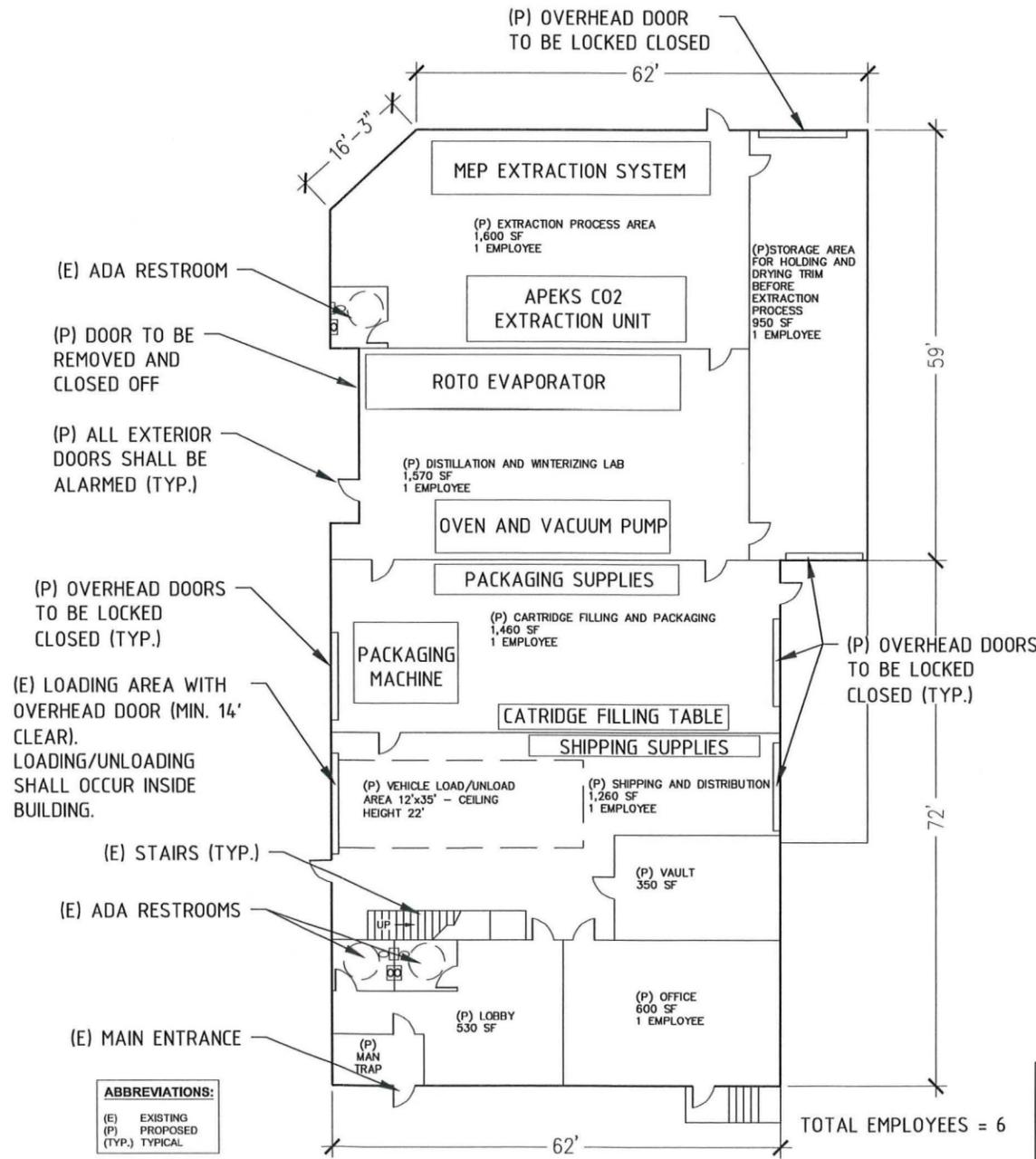
EXISTING MEZZANINE FLOOR PLAN



PROPOSED MEZZANINE FLOOR PLAN

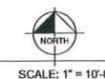


EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN

ABBREVIATIONS:
 (E) EXISTING
 (P) PROPOSED
 (TYP.) TYPICAL



TOTAL EMPLOYEES = 6



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

ELEVATION PHOTOS

9874 VIA DE LA AMISTAD, SAN DIEGO, CA 92154
 MARIJUANA PRODUCTION FACILITY CUP
 DEVELOPMENT PLANS

DATE: 11/7/2017; REVISION: 4/18/2018
 SHEET: 2 OF 2

Estrada Land Planning
 Urban Design Landscape Architecture Computer Imaging
 818 238 0443
 225 Broadway, Suite 200
 San Diego, California 92101
 818 238 0576 Fax
 ELP@estrada-land.com

Hearing Officer Resolution No. [REDACTED]
Conditional Use Permit No. 2070246
MPF 9874 VIA DE LA AMISTAD PROJECT NO. 585422

WHEREAS, AMISTAD HOLDINGS, LLC, a California limited liability company, Owner/Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 10,140-square-foot warehouse building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2070246), on portions of a 0.54-acre site;

WHEREAS, the project site is located at 9874 Via De La Amistad in the IL-2-1 zone of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 40 of Otay International Center Lots 8 & 9 Unit No. 1, according to Map thereof No. 11741, filed March 4, 1987;

WHEREAS, on May 21, 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 July 18, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2070246 pursuant to the Land Development Code of the City of San Diego;

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

That the Hearing Officer adopts the following written Findings, dated July 18, 2018.

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 in an existing 10,140 square foot building. The 0.54-acre site is located at 9874 Via de La Amistad in the IL-2-1 Zone, Otay Mesa Community Plan.

The site is designated Light Industrial within the South District of the Otay Mesa Community Plan. The South District is one of five Districts within Otay Mesa. The variety of industrial land use designations in Otay Mesa 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. Industrial development in Otay Mesa has played a major role in the history of this neighborhood as private developers have purchased this land of this designation for a variety of industrial uses. All the surrounding parcels are located in the IL-2-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MPF, classified as industrial, 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 Marijuana Production Facility in an existing 10,140 square foot building located at 9874 Via de La Amistad is within an existing one-story building with a small mezzanine. The building is currently being used as a warehouse/shipping facility. The project proposes interior improvements that include a lobby area, offices, restrooms, indoor loading/unloading area, packing area, trim area, lab, extraction area and storage. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements will include the replacement of one of the existing driveways with a 24-foot wide City standard driveway and closure of the other existing driveway, on Via De La Amistad, and landscaping.

Marijuana Production Facilities are restricted to forty City-wide, within light and heavy industrial zones. Marijuana Production Facilities 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. Marijuana Production Facilities also 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. Marijuana Production Facilities must also comply with 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. 2070246. The Conditional Use Permit No. 2070246 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. 2070246. 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 Marijuana Production Facility 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 10,140 square foot building located at 9874 Via De LA Amistad is within an existing one-story building with a small mezzanine on a 0.54-acre site. The site is located in the IL-2-1 Zone in the Otay Mesa Community Plan area. The site was developed in 1993. The project proposes interior improvements including a lobby area, offices, restrooms, indoor loading/unloading area, packing area, trim area, lab, extraction area and storage. Other minor site improvements are proposed consistent with the City of San Diego requirements.

Marijuana Production Facilities are allowed in the IL-2-1 Zone of the Otay Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with San Diego Municipal Code (SDMC), Section 141.1004 and Chapter 4, Article 2, Division 15. 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 Marijuana Production Facility is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. Therefore, the proposed Marijuana Production Facility will comply with the regulations of the Land Development Code.

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

The proposed 10,140 square foot Marijuana Production Facility located at 9874 Via De La Amistad is within an existing one-story building with a small mezzanine on a 0.54-acre site. The site is located in the IL-2-1 Zone and designated by the Otay Mesa Community Plan for Light Industrial uses. The Light Industrial IL-2-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. The site, designated Light Industrial, is within the South District of the Otay Mesa Community Plan. The use of a variety of industrial land use designations in Otay Mesa 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. All of the surrounding parcels are located in the IL-2-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed Marijuana Production Facility, classified as industrial, is consistent with the community plan.

The proposed Marijuana Production Facility is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed Marijuana Production Facility is a compatible use for this location with a Conditional Use Permit. Therefore, the proposed MPF is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2070246 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. 2070246, a copy of which is attached hereto and made a part hereof.

John S. Fisher
Development Project Manager
Development Services

Adopted on: July 18, 2018

IO#: 24007568

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: 24007568

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Conditional Use Permit No. 2070246
MPF 9874 VIA DE LA AMISTAD PROJECT NO. 585422
 Hearing Officer

This Conditional Use Permit No. 2070246 is granted by the Hearing Officer of the City of San Diego to AMISTAD HOLDINGS, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.54-acre site is located at 9874 Via De La Amistad in the IL-2-1 zone of the Otay Mesa Community Plan. The project site is legally described as Lot 40 of Otay International Center Lots 8 & 9 Unit No. 1, according to Map thereof No. 11741, filed March 4, 1987.

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 10,140-square-foot warehouse building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 18, 2018, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 10,140-square-foot warehouse building located 9874 Via De La Amistad. The operation shall include the production of marijuana products consistent with the requirements of the State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations; and the wholesale distribution and storage of marijuana products;
- b. The Marijuana Production Facility operations will include the receiving of marijuana plant trim from marijuana cultivators and the drying the trim before an extraction process. The extraction process will obtain cannabis concentrates from the trim. The concentrates will be produced in a scientific manner utilizing solvents such as butane, alcohol or carbon dioxide. The extraction process will produce marijuana oils needed for various marijuana products. After extraction the marijuana oils will begin a winterizing process (purifying) and distillation process. The winterizing process creates a product that is further purified by removing the fats and waxes from the oil. Winterizing entails dissolving the extracted oil (non-polar) in a polar liquid (usually ethanol), freezing the mixture at sub-zero

temperatures, then removing the waxes through a low-micron filter. During the distillation process the extracted oil is exposed to heat and deep vacuum, which separates the various cannabinoids and terpenes from the concentrate. The oil will then be filled into cartridges for packaging and distribution to licensed Marijuana Outlets in San Diego;

- 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 August 2, 2021.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on August 2, 2023. Upon expiration of this Permit, the facilities and improvements described herein 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 REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

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

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

15. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the removal of existing western driveway and replace it with curb, gutter and sidewalk per City Standard, adjacent to the site on Via De La Amistad, satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 24-foot-wide driveway per current City Standards, adjacent to the site on Via De La Amistad.

17. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Via De La Amistad.

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb with curb and gutter per current City Standards, adjacent to the site on Via De La Amistad, satisfactory to the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the Sidewalk Underdrain/Curb Outlet in the Via De La Amistad Right-of-Way.

20. Prior to issuance of any engineering permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for all existing and proposed improvements of any kind, including utilities, landscaping and electrical conduits to be installed within the Via De La Amistad Public right-of-way.

21. 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.

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

PLANNING/DESIGN REQUIREMENTS:

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

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

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

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

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

28. This Conditional Use Permit for a marijuana production facility shall expire no later than five years from the date of issuance.

29. The retail 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.

30. 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.

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

32. The Owner/Permittee shall provide an 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.

33. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval.

TRANSPORTATION REQUIREMENTS

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

35. A maximum of fifteen employees shall be allowed on-site at any given time to correspond to the fifteen parking spaces provided 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.

APPROVED by the Hearing Officer of the City of San Diego on July 18, 2018 by Resolution No. (to be completed).

Permit Type/PTS Approval No.: 2070246
Date of Approval: July 18, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

John S. Fisher
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.

Amistad Holdings, LLC,
a California limited liability company
Owner/Permittee

By _____
Carol Carpenter
Managing Member

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

NOTICE OF EXEMPTION

(Check one or both)

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

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

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

Project Name: MPF Via de la Amistad**Project No.:** 585422

Project Location-Specific: The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF) to operate within an existing 10,140-square-foot warehouse building located at 9874 Via De La Amistad in the Otay Mesa Community Plan area. Project operations would include the processing of cannabis, and the production and distribution of cannabis infused products to State of California licensed outlets. The 0.54-acre site is designated Light Industrial and is subject to the IL-2-1 zone and within the Community Plan Implementation Overlay Zone 'A' area. The project is also subject to Airport FAA Part 77 Noticing Area - Brown Field 646 - 656 (Elevation at approx. 530), Airport Influence Area - Brown Field Review Area 2, and Airport Land Use Compatibility Overlay Zone - Brown Field.

Project Location-City/County: San Diego/San Diego**Description of nature and purpose of the Project:****Name of Public Agency Approving Project:** City of San Diego

Name of Person or Agency Carrying Out Project: Carol Carpenter
 Happy Brands, LLC.
 7660 H Fay Avenue, Suite 247
 La Jolla, CA 92037
 (858) 204-6071

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: CEQA Section 15301 (Existing Facilities)

Reasons why project is exempt: The City conducted an environmental review which determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), involving negligible or no expansion of use beyond that existing at the time of the determination. The proposed project, a minor modification of an existing WCF, is not an expansion of use. 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: Anna L. McPherson AICP**Telephone:** (619) 446-5276

If filed by applicant:

Revised May 2016

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



/Senior Planner

June 6, 2018

Signature/Title

Date

Check One:

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

Date Received for Filing with County Clerk or OPR:

Fisher, John

From: Hixson, Rob @ San Diego Downtown <Rob.Hixson@cbre.com>
Sent: Monday, June 25, 2018 3:40 PM
To: Fisher, John
Cc: JEsposito@estradaLandplan.com
Subject: FW: Project Number 585422 - MPF 9874 Via De La Amistad

John, we approved this project with a 8-0-2 vote on June 20th.

Rob Hixson, SIOR | Senior Vice President | Lic. 00944946
CBRE | Advisory & Transaction Services | Investor Leasing
Industrial & Logistics
350 Tenth Avenue, Suite 800 | San Diego, CA 92101
T +1 619 696 8350 | F +1 619 232 2462 | C +1 619 954 9520
rob.hixson@cbre.com | www.cbre.com/rob.hixson

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From: Joe Esposito [mailto:JEsposito@estradaLandplan.com]
Sent: Monday, June 25, 2018 3:37 PM
To: Hixson, Rob @ San Diego Downtown <Rob.Hixson@cbre.com>
Subject: Project Number 585422 - MPF 9874 Via De La Amistad

Hi Rob,

Thanks again for allowing us to present out project. John Fisher has requested the results of the vote. Do you send that to him or can I?

Thank you.

Joe Esposito, PLA, ASLA
Estrada Land Planning
225 Broadway, Suite 1160 | San Diego, CA 92101
619.236.0143 | jesposito@estradaLandplan.com
Hours: Mon-Thurs 7:00am-6:00pm, Closed Fri

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

Ownership Disclosure Statement

FORM
DS-318

October 2017

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

Project Title: Amistad **Project No. For City Use Only:** _____

Project Address: 9874 Via de la Amistad

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

Corporation Limited Liability -or- General - What State? CA Corporate Identification No. 201730510244

Partnership Individual

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

Property Owner

Name of Individual: Amistad Holdings LLC Owner Tenant/Lessee Successor Agency

Street Address: 7660H Fay Ave, H247

City: La Jolla State: CA Zip: 92037

Phone No.: 858-750-0502 Fax No.: _____ Email: kavaughnb@gmail.com

Signature: [Signature] Date: 07/02/2018

Additional pages Attached: Yes No

Applicant

Name of Individual: Carol Carpenter Owner Tenant/Lessee Successor Agency

Street Address: 7660 Fay Ave, H247

City: La Jolla State: CA Zip: 92037

Phone No.: 858-204-1071 Fax No.: _____ Email: clcarpen@gmail.com

Signature: [Signature] Date: _____

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: N/A Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

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

Signature: _____ Date: _____

Additional pages Attached: Yes No

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

PROJECT DATA SHEET		
PROJECT NAME:	585422 – MPF 9874 Via De La Amistad	
PROJECT DESCRIPTION:	Marijuana Production Facility	
COMMUNITY PLAN AREA:	Otay Mesa Community Plan	
DISCRETIONARY ACTIONS:	Process 3 – Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Light Industrial	
<u>ZONING INFORMATION:</u>		
<p>ZONE: IL-2-1</p> <p>HEIGHT LIMIT: None</p> <p>LOT SIZE: 23,480 SF</p> <p>FLOOR AREA RATIO: 2.0</p> <p>FRONT SETBACK: Minimum at 15' / standard at 20 feet</p> <p>SIDE SETBACK: 10 feet</p> <p>REAR SETBACK: Minimum at 0 feet / standard at 10 feet</p> <p>PARKING: Fifteen employees, fifteen required parking spaces</p>		
<u>ADJACENT</u> PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Light Industrial & IL-2-1	Vacant
SOUTH:	Light Industrial & IL-2-1	Vacant
EAST:	Light Industrial & IL-2-1	Vacant/Industrial
WEST:	Light Industrial & IL-2-1	Warehouse, Storage
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Otay Mesa Community Planning Group voted 8-0-2 on June 20, 2018 to recommend approval of the project without any recommended conditions.	