



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: August 31, 2022 REPORT NO. PC-22-047
HEARING DATE: September 8, 2022
SUBJECT: 7720 Kenamar Court Rezone, Process Five Decision
PROJECT NUMBER: [1054295](#)
OWNER/APPLICANT: 7720 Kenamar Ct. Holdings LLC, Owner / Aaron Magagna, Applicant

SUMMARY

Issue: Should the Planning Commission recommend the City Council approve, deny or modify the proposed rezone of a site located at 7720 Kenamar Court from the IL-2-1 Zone into the IL-3-1 Zone (Industrial-Light Zones) within the Mira Mesa Community Plan area?

Staff Recommendation:

1. Recommend to the City Council approval of a resolution determining the rezone is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Existing Facilities); and
2. Recommend to the City Council to approve an ordinance for Rezone No. 3144149.

Community Planning Group Recommendation: On August 15, 2022 the Mira Mesa Community Planning Group voted 16-0-0 to support the project (Attachment 10).

Environmental Review: Staff has determined the proposed rezone to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Fiscal Impact Statement: None with this action. All costs are recovered through a deposit account funded by the applicant.

BACKGROUND

The 2.8-acre site is located at 7720 Kenamar Court and is developed with a 61,529 square-foot industrial building within an urbanized area in the Mira Mesa Community Plan area (Attachments 1-3). The site is in the IL-2-1 Zone, MCAS Miramar Airport Land Use Compatibility Overlay Zone, MCAS Miramar Review Area 1, MCAS Miramar FAA Part 77 Noticing Area, MCAS Miramar Noise Contour 65-70 and 70-75 and within Prime Industrial Lands.

On November 21, 2018, the City's Hearing Officer approved Conditional Use Permit No. 2074478 (CUP) (Attachment 7) to operate a Cannabis Production Facility onsite. On February 1, 2022, the Development Services Department approved an Extension of Time (No. 2585810) (Attachment 8) to the previously approved CUP granting a one-year extension for the Cannabis Production Facility, which is currently in operation.

Pursuant to San Diego Municipal Code (SDMC) Section [123.0105](#), a decision on a rezone shall be made in accordance with Process Five decision. The City Council may approve a rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies this action. Before the rezone is considered by the City Council, the request shall be presented to the City's Planning Commission for a recommendation, pursuant to SDMC Section [112.0509](#).

DISCUSSION

Project Description:

The proposed project is a rezone of the site from the IL-2-1 Zone into the IL-3-1 Zone (Industrial-Light Zones). There is no new construction associated with the proposed action. Currently, the site is authorized for an Eating and Drinking Establishment, however a limitation of the IL-2-1 Zone restricts the size of dining establishments to 3,000 square feet of gross floor area, except if the industrial development is greater than 12,000 square feet and is primarily engaged in the manufacturing of malt beverages or distilled spirits. Since the subject site has an approved CUP for a Cannabis Production Facility, the existing zoning would limit the size of the potential Eating and Drinking Establishment. The proposed rezone into the IL-3-1 Zone would authorize an Eating and Drinking Establishment as an accessory use, subject to applicable state and local regulations, as long as it does not exceed 25 percent of the gross floor area of the structures on the premises. With an existing 61,529 square-foot industrial building, the site would be eligible to have an Eating and Drinking establishment that does not exceed 15,382 square-feet. There are several sites scattered within a mile radius of the project site that are zoned IL-3-1.

The base zones, in accordance with SDMC Section [131.0603](#), differentiate between allowances of mixed light industrial and office uses with limited commercial uses in the IL-2-1 Zone. Whereas, the IL-3-1 Zone allows a mix of light industrial, office and commercial uses.

The development standards of the IL Zones are intended to encourage sound industrial development by providing an attractive environment free from adverse impacts associated with heavy industrial uses. The IL Zones permit a range of uses, including non-industrial uses, per SDMC Section [131.0603\(a\)](#).

Staff has determined that rezoning the site to allow for an Eating and Drinking Establishment as an accessory use without the limitation of SDMC Section [131.0623\(b\)\(1\)](#) will not adversely impact the site and would be required to comply with the development regulations of SDMC [Table 131-06B](#) - Use Regulations for Industrial Zones. The site is fully developed with an industrial facility within an area of similar land uses. The site does not contain any sensitive biological resources, nor is the site adjacent to the Multi-Habitat Planning Area. In addition, there are no impacts to historical resources and there are no archaeological resources on-site.

Community Plan Analysis:

The project site is designated Industrial Park by the Mira Mesa Community Plan. The Industrial Park designation is intended to accommodate a mixture of research and development, office and manufacturing uses. The project site is included within an area identified as Prime Industrial Land by the Economic Prosperity Element of the General Plan. Prime Industrial Lands, as depicted in Figure EP-1 of the General Plan, identifies areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, research, and development uses. Staff has determined that the proposed rezone meets all relevant Community Plan development criteria for the rezone and is consistent with the existing General Plan and Community Plan land use and zoning designations.

Conclusion:

Staff has reviewed the proposed rezone and all issues identified through the review process have been resolved in conformance with the relevant adopted polices and regulations of the Land Development Code. Staff has provided a draft ordinance and CEQA exemption resolution and recommends that the Planning Commission recommend to the City Council approval of the rezone as proposed.

ALTERNATIVES

1. Recommend to the City Council to APPROVE the CEQA Exemption for the Rezone and APPROVE Rezone No. 3144149, with modifications.
2. Recommend to the City Council to NOT APPROVE the CEQA Exemption for the Rezone and NOT APPROVE Rezone No. 3144149.

Respectfully submitted,



Renee Mezo
Deputy Director
Development Services Department

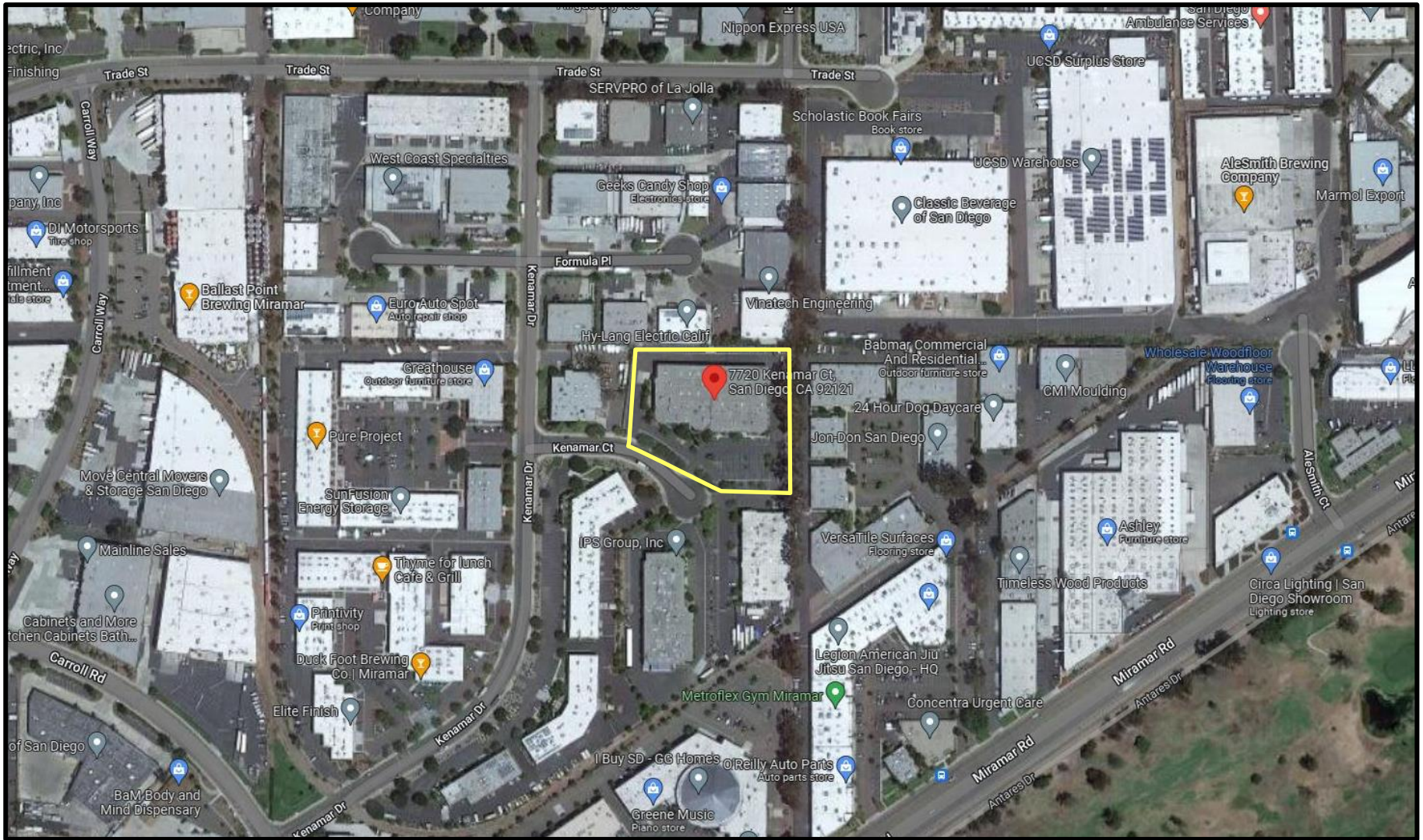


Xavier Del Valle
Development Project Manager
Development Services Department

MEZO/XAD

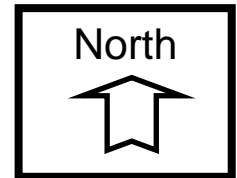
Attachments:

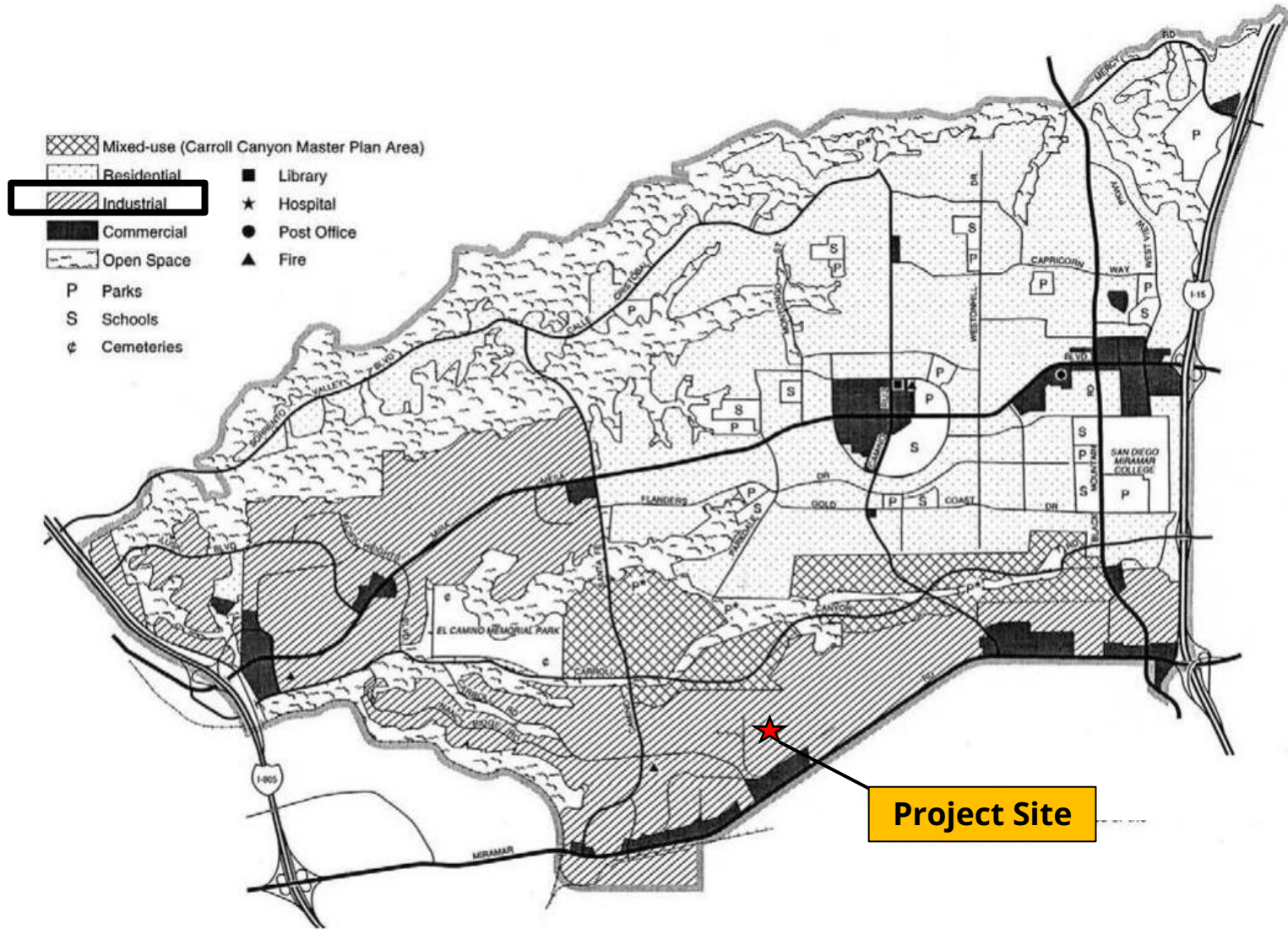
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. CEQA Exemption Resolution
5. Draft Rezone Ordinance
6. Planning Commission Recommendation Resolution
7. Prior Approved Permit
8. Prior Approved Extension of Time
9. Rezone B-Sheet
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement



Aerial Photograph

7720 Kenamar Court Rezone
PRJ-1054295: 7720 Kenamar Court



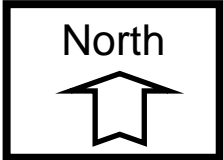


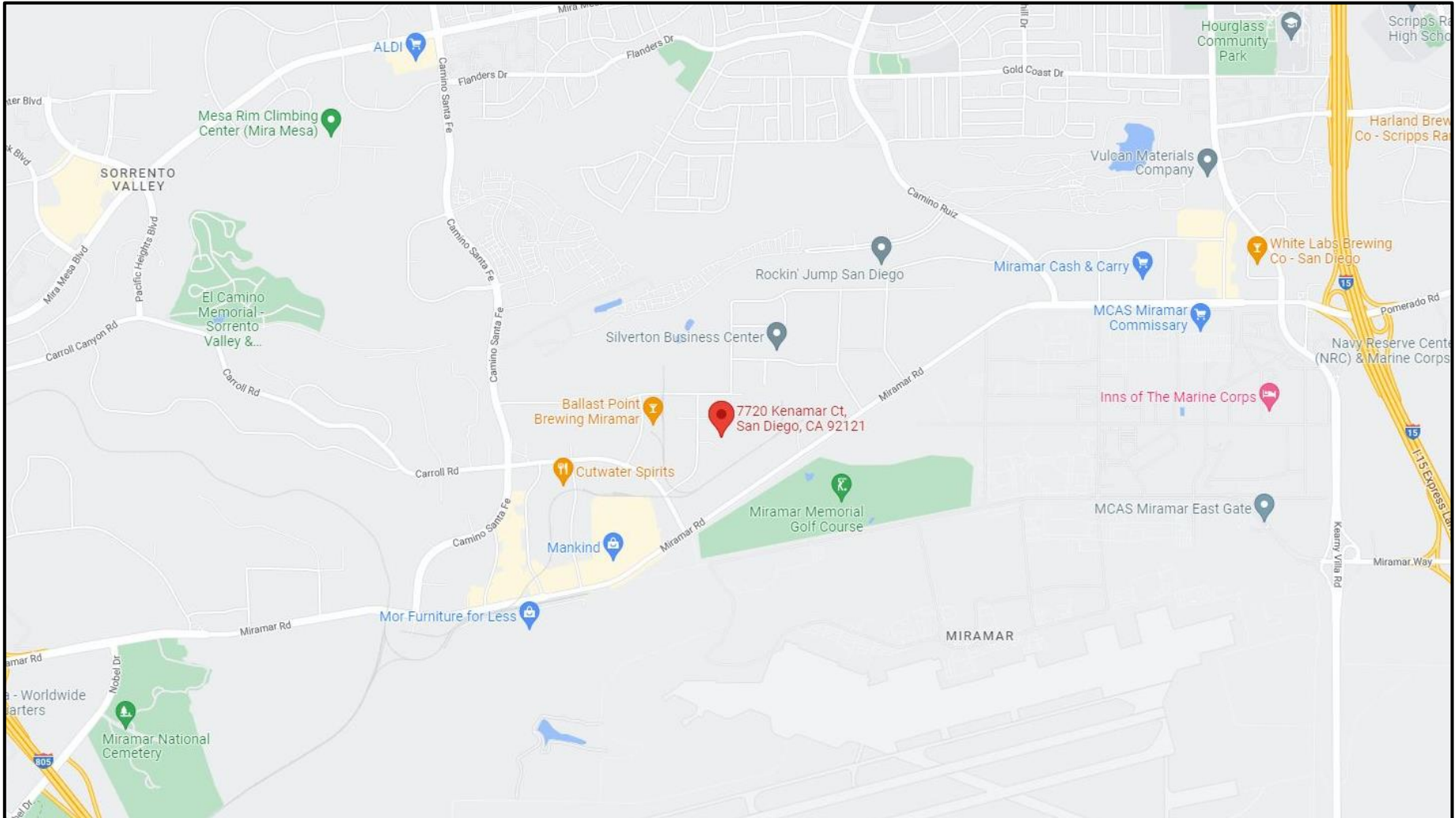
Project Site



Land Use Map

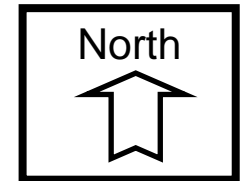
7720 Kenamar Court Rezone
 PRJ-1054295: 7720 Kenamar Court





Project Location Map

7720 Kenamar Court Rezone
PRJ-1054295: 7720 Kenamar Court



RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DETERMINING THAT THE APPROVAL OF THE
7720 KENAMAR COURT PROJECT IS CATEGORICALLY
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT PURSUANT TO CEQA GUIDELINES
SECTION; 15301 (EXISTING FACILITIES)

7720 KENAMAR COURT - PROJECT NO. 3144149

WHEREAS, 7720 KENAMAR CT HOLDINGS, LLC, requested a rezone of a 2.8-acre site from the IL-2-1 (Industrial Light Zone) to the IL-3-1 (Industrial Light Zone) located at 7720 Kenamar Court, in the Mira Mesa Community Plan area to expand the gross floor area for an Eating and Drinking Establishment as an allowable use; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of Projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Development Services Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section; 15301(Existing Facilities) and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the Project, and

WHEREAS, on _____, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the project meets the criteria set forth in CEQA Section 15301 (Existing Facilities),

WHEREAS, 15301 (Existing Facilities) allows for projects that consist of the operation, repair maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features involving negligible or no expansion of existing or former use to be exempt from CEQA and since the proposed project would not result in any substantial changes to the project site and would not expand an existing or former use it was determined that the exemption is appropriate; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities) and that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

BE IT FURTHER RESOLVED that the City Clerk is directed to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]
Doc. No.

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

(O-2022~)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 2.8 ACRES LOCATED AT 7720 KENAMAR COURT WITHIN THE MIRA MESA COMMUNITY PLAN AREA, FROM THE IL-2-1 ZONE (INDUSTRIAL-LIGHT ZONE) INTO THE IL-3-1 ZONE (INDUSTRIAL-LIGHT ZONE), AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0603; ADDED ON DECEMBER 9, 1997 BY O-18451, EFFECTIVE ON JANUARY 1, 2000.

WHEREAS, 7720 KENAMAR CT HOLDINGS, LLC, requested a rezone of a 2.8-acre site located at 7720 Kenamar Court, as legally described below, in the Mira Mesa Community Plan area to expand the gross floor area for an Eating and Drinking Establishment as an allowable use; and

WHEREAS, on September 8, 2022 the Planning Commission of the City of San Diego considered and voted _____ to recommend the Council of the City of San Diego (Council) _____ this Rezone No. 3144149 of the property from the IL-2-1 Zone (Industrial-Light Zone) into the IL-3-1 Zone (Industrial-Light Zone); and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; and

WHEREAS, the matter was set for public hearing on _____ with testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being fully advised regarding the same; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where

the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 2.8-acres located at 7720 Kenamar Court, as legally described as Lots 15 and 16 of Santa Fe Business Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11277, filed in the Office of the County Recorder of San Diego County, July 8, 1985, as file No. 85-243127 of Official Records, in the Mira Mesa Community Plan area, in the City of San Diego, California as shown on Zone Map Drawing B-4364 filed in the Office of the City Clerk as Document No. OO-_____, are rezoned from the IL-2-1 Zone into the IL-3-1 Zone, as the zones are described and defined by San Diego Municipal Code Section 131.0603. This action amends the Official Zoning Map adopted by Resolution R-301263 on March 14, 2006.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Shannon Eckmeyer
Deputy City Attorney

Date: XXXXX
Or.Dept: DSD
O-XXXXX

PLANNING COMMISSION RESOLUTION NO. _____-PC

RECOMMENDING TO THE CITY COUNCIL

APPROVAL OF REZONE NO. 3144149

7720 KENAMAR COURT REZONE - PROJECT NO. 1054295

WHEREAS, on September 8, 2022, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval of Rezone No. 3144149 and of the environmental exemption determination pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and

WHEREAS, 7720 KENAMAR CT HOLDINGS, LLC, Owner/Permittee, requested a rezone of a 2.8-acre site for the purpose of rezoning the property from the IL-2-1 Zone (Industrial-Light Zone) into the IL-3-1 Zone (Industrial-Light Zone) to expand the gross floor area for an Eating and Drinking Establishment as an allowable use; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego approval of Rezone No. 3144149, and of the environmental exemption determination pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Xavier Del Valle
Development Project Manager
Development Services

Dated September 8, 2022
By a vote of x:x:x

DOC# 2019-0037892



Feb 01, 2019 11:36 AM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$58.00 (SB2 Atkins: \$0.00)

PAGES: 15

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: 24007616

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2074478
MPF 7720 KENAMAR COURT PROJECT NO. 585902
HEARING OFFICER

This Conditional Use Permit No. 2074478 is granted by the Hearing Officer of the City of San Diego to 7720 Kenamar Ct. Holdings, LLC, Owner and Neptune Holdings SD, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.70-acre site is located at 7720 Kenamar Court in the IL-2-1 Zone, Prime Industrial Lands, FAA Part 77 Noticing Area for MCAS Miramar, Airport Influence Area for MCAS Miramar Review Area 1, and Airport Land Use Compatibility Overlay Zone for MCAS Miramar within the Mira Mesa Community Plan. The project site is legally described as Lots 15 and 16 of Santa Fe Business Center, according to Map thereof No. 11277, filed in the Office of the County Recorder of San Diego County, July 8, 1985 as File No. 85-243127 of official records.

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 61,539 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 21, 2018, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 61,539 square-foot, two-story building. The operation shall include the production of marijuana products consistent with the requirements of the State of California statues 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 would include the cultivation, processing, manufacturing, and distribution of cannabis products to State of California licensed marijuana outlets;
- c. Off-street parking; and

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 7, 2021.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on December 7, 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 construction 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.

PLANNING/DESIGN REQUIREMENTS:

13. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.
14. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
15. 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.
16. 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.
17. 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.
18. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
19. This Conditional Use Permit for a marijuana production facility shall expire five years from the date of issuance.
20. 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.
21. 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.
22. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

23. 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.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of existing two driveways on Kenamar Court per current City Standard 9SDG-159, to satisfaction of the City Engineer.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private walk within the public right-of-way of Kenamar Court.

26. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

27. 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.

INFORMATION ONLY:

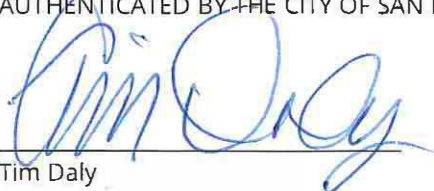
- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required 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, 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 November 21, 2018 by Resolution No. HO-7179.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2074478

Date of Approval: November 21, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



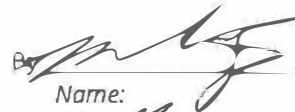
Tim Daly
Development Project Manager

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

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

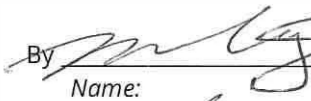
7720 Kenamar Ct. Holdings, LLC

Owner

By  Marc Lipschitz
Name:
Title: *Managing Member* 01/04/19

Neptune Holdings SD, LLC

Permittee

By  Marc Lipschitz
Name:
Title: *Managing member* 01/04/19

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On February 1, 2019 Date

before me, Rose Marie White, Notary Public Here, Insert Name and Title of the Officer

personally appeared

Jim Daly Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rose Marie White Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Document Date: Number of Pages: Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Corporate Officer - Title(s): Partner - Limited General Individual Attorney in Fact Trustee Guardian of Conservator Other: Signer is Representing:

ORIGINAL

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of San Diego }

On January 4, 2019 before me, Nimisha J Amin / Notary Public,
(Here insert name and title of the officer)

personally appeared Mark Lipschitz
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nimisha J Amin
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
7720 Keymax Ct, Holding LLC
Conditional Use Permit
(Title or description of attached document)
NO: 2074478
(Title or description of attached document continued)
Number of Pages 6 Document Date 1/4/19

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer

(Title)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

ORIGINAL

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of San Diego }

On January 4, 2019 before me, Nimisha J Amin/Notary Public
(Here insert name and title of the officer)

personally appeared Mark Lipschitz
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nimisha J Amin
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
Neptune Holdings SD, LLC - Conditional use permit
(Title or description of attached document)

NO - 585982
(Title or description of attached document continued)

Number of Pages 6 Document Date 1-4-19

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, ~~is/are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer
- _____ (Title)
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

ORIGINAL

HEARING OFFICER RESOLUTION NO. HO-7179
CONDITIONAL USE PERMIT NO. 2074478
MPF 7720 KENAMAR COURT - PROJECT NO. 585902

WHEREAS, 7720 KENAMAR CT. HOLDINGS LLC, Owner and NEPTUNE HOLDINGS SD, LLC, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 61,539 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2074478), on portions of a 2.70-acre site;

WHEREAS, the project site is located at 7720 Kenamar Court in the IL-2-1 Zone, Prime Industrial Lands, FAA Part 77 Noticing Area for MCAS Miramar, Airport Influence Area for MCAS Miramar Review Area 1, and Airport Land Use Compatibility Overlay Zone for MCAS Miramar within the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as Lots 15 and 16 of Santa Fe Business Center, according to Map thereof No. 11277, filed in the Office of the County Recorder of San Diego County, July 8, 1985 as File No. 85-243127 of official records;

WHEREAS, on August 13, 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 November 21, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2074478 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 November 21, 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 (MPF) within an existing 61,539 square-foot, two-story building at 7720 Kenamar Court. The 2.70-acre site is in the IL-2-1 Zone within the Mira Mesa Community Plan area.

The Mira Mesa Community Plan designates the site for Light Industrial Land Use Area and the Miramar Subarea. The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Miramar Subarea was foreseen in the community plan to be developed with a mix of light industrial and specialized commercial uses. The purpose and intent of the IL-2-1 Zone is to accommodate a range of industrial and manufacturing activities in designated areas to promote balanced land use and provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality development and protecting land for industrial uses and limiting nonindustrial uses. The development standards of this zone are intended to encourage sound industrial development by providing an attractive environment free from adverse impacts associated with some heavy industrial uses. The IL Zones are intended to permit a range of uses, including non-industrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial, office, and commercial uses.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses.

The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The proposed project will promote the policies of the General Plan because MPFs are industrial manufacturing uses.

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

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

The MPF is proposed within an existing 61,539 square-foot building. The project proposes interior improvements that include non-load bearing partitions, doors, lighting, security cameras and system, millwork, finishes throughout and associated mechanical, electrical and plumbing improvements. Other minor site improvements are proposed consistent with the City of San Diego requirements. No exterior building alterations would occur. The proposed improvements would require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the reconstruction of two existing driveways, and new curb ramp, and accessible ramp, all satisfactory to the City Engineer.

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 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 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. 2074478. The Conditional Use Permit No. 2074478 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. 2074478. 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 MPF within an existing 61,539 square-foot building is located at 7720 Kenamar Court on a 2.70-acre site. The site is located in the IL-2-1 Zone in the Mira Mesa Community Plan area. The site was developed in 1985. The project proposes interior improvements to convert an existing office and warehouse facility for the cultivation, manufacturing,

and distribution of marijuana products. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPFs are allowed in the IL-2-1 Zone of the Mira Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with 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. The proposed MPF complies with the separation requirements between uses. The proposed MPF is subject to specific operational requirements for security, as referenced in Conditional Use Permit No. 2074478, in 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 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 MPF within an existing 61,539 square-foot building is located at 7720 Kenamar Court in the IL-2-1 Zone of the Mira Mesa Community Plan. The Mira Mesa Community Plan designates the site for Light Industrial Land Use Area and the Miramar Subarea. The Light Industrial designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Miramar Subarea was foreseen in the community plan to be developed with a mix of light industrial and specialized commercial uses. The purpose and intent of the IL-2-1 Zone is to accommodate a range of industrial and manufacturing activities in designated areas to promote balanced land use and provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality development and protecting land for industrial uses and limiting nonindustrial uses. The development standards of this zone are intended to encourage sound industrial development by providing an attractive environment free from adverse impacts associated with some heavy industrial uses. The IL Zones are intended to permit a range of uses, including non-industrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial, office, and commercial uses.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses.

The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The proposed

project will promote the policies of the General Plan because MPFs are industrial manufacturing uses.

The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan. 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. 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. 2074478 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. 2074478, a copy of which is attached hereto and made a part hereof.



Tim Daly
Development Project Manager
Development Services

Adopted on: November 21, 2018

IO#: 24007616

DOC# 2022-0073452



RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

Feb 16, 2022 04:33 PM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$35.00 (SB2 Atkins: \$0.00)

PAGES: 8

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

JOB ORDER NUMBER: 11003679

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME 2585810
EXTENSION OF TIME TO CONDITIONAL USE PERMIT NO. 2074478
7720 KENAMAR CPF EOT - PROJECT NO. 698429
DEVELOPMENT SERVICES DEPARTMENT

This EXTENSION OF TIME 2585810 is a one-year Extension of Time to previously approved Conditional Use Permit No. 2074478, and is hereby granted by the Development Services Department to 7720 Kenamar Ct. Holdings, LLC, Owner and 5th Period LLC, Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 2.70-acre site is located at 7720 Kenamar Court in the IL-2-1 Zone, Prime Industrial Lands, FAA Part 77 Noticing Area for MCAS Miramar, Airport Influence Area for MCAS Miramar Review Area 1, and Airport Land Use Compatibility Overlay Zone for MCAS Miramar within the Mira Mesa Community Plan. The project site is legally described as Lots 15 and 16 of Santa Fe Business Center, according to Map thereof No. 11277, filed in the Office of the County Recorder of San Diego County, July 8, 1985 as File No. 85-243127 of official Records.

Subject to the terms and conditions set forth in this Permit, and previously approved Conditional Use Permit No. 2074478, permission is granted to Owner/Permittee to operate a Cannabis Production Facility within an existing 61,539 square-foot building described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original project, Project No. 585902, and Conditional Use Permit No. 2074478, approved by the Hearing Officer on November 21, 2018, is hereby extended as indicated within this permit until December 7, 2022.

The project shall include:

- a. A one-year extension of time for the previously approved Conditional Use Permit No. 2074478, Project No. 585902.

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to December 7, 2022, which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.

ORIGINAL

2. 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.
3. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
4. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for approved Conditional Use Permit No. 2074478, Project No. 585902, recorded with the County of San Diego Recorder on February 1, 2029 as Document Number 2019-0037892, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 development 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Development Services Department of the City of San Diego on February 1, 2022, and Resolution No. CM-7090.

EXTENSION OF TIME 2585810
EXTENSION OF TIME TO CONDITIONAL USE PERMIT NO. 2074478
FEBRUARY 1, 2022


AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


Travis Cleveland
Development Project Manager

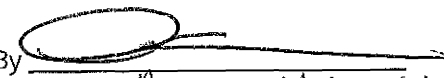
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

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

7720 Kenamar Ct Holdings LLC
Owner

By 
NAME Marc Lipschitz
TITLE Managing Member


5th Period LLC
Permittee

By 
NAME Aaron Magagna
TITLE OWNER - Managing Member

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

PLEASE SEE ATTACHMENTS

SEE ATTACHMENT FOR NOTARIZATION


2.2.22

ORIGINAL

CALIFORNIA ACKNOWLEDGMENT

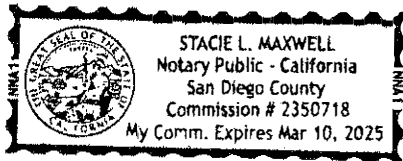
CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of San Diego }

On February 16, 2022 before me, Stacie L. Maxwell, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared --Travis Cleveland, Development Project Manager--
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: 7720 Kenamar - Project Number 698429
Document Date: February 1, 2022 Number of Pages: 8
Signer(s) Other Than Named Above: --Aar a Magagna and Marc Lipschitz--

Capacity(ies) Claimed by Signer(s)

Signer's Name: Signer's Name:
[] Corporate Officer - Title(s): [] Corporate Officer - Title(s):
[] Partner - [] Limited [] General [] Partner - [] Limited [] General
[] Individual [] Attorney in Fact [] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator [] Trustee [] Guardian or Conservator
[] Other: [] Other:
Signer is Representing: Signer is Representing:

ORIGINAL

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN DIEGO

On FEBRUARY 2, 2022 before me, BRITTNEY BUCHER, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared MARC LIPSCHITZ
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)

On 2-2-22 before me, Quinlin R. Holmes, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Aaron MAGAGNA
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Extension of Time to complete use permit Document Date: 2-2-22
Number of Pages: 3 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: As Above
[] Corporate Officer - Title(s):
[] Partner - [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:

Signer's Name: N/A
[] Corporate Officer - Title(s):
[] Partner - [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:

Signer Is Representing: N/A

Signer Is Representing:

ORIGINAL

DEVELOPMENT SERVICES DEPARTMENT RESOLUTION NO. CM-7090
EXTENSION OF TIME NO. 2585810
EXTENSION OF TIME TO CONDITIONAL USE PERMIT NO. 2074478
7720 KENAMAR CPF EOT – PROJECT NO. 698429

WHEREAS, 7720 KENAMAR CT. HOLDINGS, LLC, Owner and 5TH PERIOD LLC, Permittee, filed an application with the City of San Diego for a one-year Extension of Time to Conditional Use Permit No. 2074478 to operate a Cannabis Production Facility within an existing 61,539 square-foot building. The 2.70-acre site is located at 7720 Kenamar Court in the IL-2-1 Zone, Prime Industrial Lands, FAA Part 77 Noticing Area for MCAS Miramar, Airport Influence Area for MCAS Miramar Review Area 1, and Airport Land Use Compatibility Overlay Zone for MCAS Miramar within the Mira Mesa Community Plan. The property is legally described as Lots 15 and 16 of Santa Fe Business Center, according to Map thereof No. 11277, filed in the Office of the County Recorder of San Diego County, July 8, 1985 as File No. 85-243127 of official Records; and

WHEREAS, after the approval and recordation of Conditional Use Permit No. 2074478, the Owner, 7720 KENAMAR CT. HOLDINGS, LLC, ended its business relationship with the previous Permittee, NEPTUNE HOLDINGS SD, LLC, and the Owner has indicated that 5TH PERIOD LLC will assume duties as Permittee under Conditional Use Permit No. 2074478, with that entity being a signatory to this Extension of Time No. 2585810; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit "A" and conditions on file with the Development Services Department pursuant to Conditional Use Permit No. 2074478, Project No. 585902, with the exception of the expiration date and Permittee; and

WHEREAS, the activity is covered under the California Environmental Quality Act (CEQA) Exemption previously filed for Conditional Use Permit No. 2074478 per CEQA Guidelines Section 15303, New Construction of Conversion of Small Structures. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental documents adequately covered this activity as part of the previously approved project and the activity is not a separate project for the purpose of CEQA review pursuant to CEQA Guidelines Section 15162; and

BE IT FURTHER RESOLVED, by the Development Services Department of the City of San Diego, that it adopts the following findings with respect to Extension of Time No. 2585810:

- 1. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.**

Finding A.1.b for Conditional Use Permit No. 2074478, herein incorporated by reference, determined that the project would not be detrimental to the public health, safety, and welfare. Review of the application for Extension of Time No. 2585810 did not discover new information related to this finding. Therefore, it still applies to the project, and the project as originally approved and without any new conditions would not place the occupants of the

proposed development or the immediate community in a condition dangerous to their health or safety.

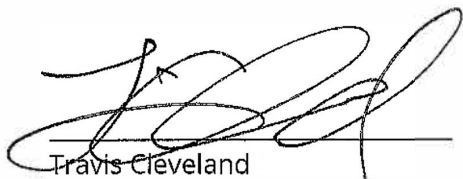
2. **No new condition is required to comply with state or federal law.**

Review of the application for this Extension of Time No. 2585810 did not identify state or federal laws that would necessitate a new permit condition. Therefore, the conditions of Conditional Use Permit No. 2074478 continue to apply, and no new condition is required to comply with state or federal law.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Extension of Time No. 2585810 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Extension of Time No. 2585810, a copy of which is attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, CALIFORNIA, ON FEBRUARY 1, 2022.

By



Travis Cleveland
Development Project Manager
Development Services Department


IO: 11003679



PROPOSED REZONING



ORDINANCE NO. _____ EFF. DATE ORD. _____ ZONING SUBJ. TO _____ BEFORE DATE _____ EFF. DATE ZONING _____ MAP NAME AND NO. _____		REQUEST <input type="text"/> PLANNING COMM. RECOMMENDATION CITY COUNCIL ACTION	CASE NO. DEVELOPMENT SERVICES MANAGER B-4364 APN: 343-321-24-00 (218-1707)
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Page 3	City of San Diego · Information Bulletin 620		August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101		<h2 style="text-align: center;">Community Planning Committee Distribution Form</h2>
Project Name: 7720 Kenamar Ct Rezone		Project Number: PRJ-1054295	
Community: Mira Mesa			
<p style="text-align: center;">For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p style="text-align: center;">Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input checked="" type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny			Date of Vote: August 15, 2022
# of Members Yes 16	# of Members No 0	# of Members Abstain 0	
Conditions or Recommendations: None.			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Jeffry L Stevens			
TITLE: Chair, Mira Mesa Community Planning Group			DATE: August 16, 2022
<i>Attach additional pages if necessary (maximum 3 attachments).</i>			

Visit our web site at www.sandiego.gov/development-services.

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

DS-5620 (08-18) ONLINE FORM

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM
			<h1>DS-318</h1>
			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 Policy Approval - Rezone

Project Title: 7720 Kenamar Ct **Project No. For City Use Only:** _____

Project Address: 7720 Kenamar Ct, San Diego, CA 92121

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

Corporation Limited Liability -or- General - What State? CA Corporate Identification No. 201731010240

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: 7720 Kenamar Ct Holdings LLC Owner Tenant/Lessee Successor Agency

Street Address: 7065 Neptune Pl.

City: La Jolla State: CA Zip: 92037

Phone No.: 619-405-0298 Fax No.: _____ Email: aaronmagagna@gmail.com

Signature:  Date: _____

Additional pages Attached: Yes No

Applicant

Name of Individual: 7720 Kenamar Ct Holdings LLC ----
Point of Contact: Aaron Magagna Owner Tenant/Lessee Successor Agency

Street Address: 7065 Neptune Pl.

City: La Jolla State: CA Zip: 92037

Phone No.: 619-405-0298 Fax No.: _____ Email: aaronmagagna@gmail.com

Signature:  Date: _____

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

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

Signature: _____ Date: _____

Additional pages Attached: Yes No

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