

## Report to the Hearing Officer

DATE ISSUED: August 28, 2018 REPORT NO. HO-18-073

HEARING DATE: September 5, 2018

SUBJECT: MPF 7745 Arjons Drive, Process Three Decision

PROJECT NUMBER: <u>585503</u>

OWNER/APPLICANT: ZENLEAF, LLC, Owner/Applicant

#### **SUMMARY**

<u>Issue:</u> Should the Hearing Officer approve a Marijuana Production Facility located at 7745 Arjons Drive within the Mira Mesa Community Plan area?

<u>Staff Recommendation</u>: Approve Conditional Use Permit No. 2070636.

Community Planning Group Recommendation: At the time of printing of this report, the Mira Mesa Community Planning Group (MMCPG) has not taken any action on this project; however, the project is included on the MMCPG's meeting agenda for August 20, 2018. The project applicant has decided to continue processing their application for the City's public hearing and should a recommendation be provided by the MMCPG, then it will be provided to the decision-maker.

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 21, 2018, and the opportunity to appeal that determination ended July 6, 2018.

#### **BACKGROUND**

The project is a request for a Conditional Use Permit pursuant to San Diego Municipal Code (SDMC) Section 126.0303 to operate a Marijuana Production Facility (MPF) within a 12,393 square-foot warehouse building on a 0.51-acre site. The proposed MPF site is located at 7745 Arjons Drive, east of Trade Place, in the IL-2-1 Zone within the Mira Mesa Community Plan area (Attachment 1). The project site is also located within the Airport Land Use Compatibility (MCAS Miramar), Airport Influence Area (Review Area 1), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones, and designated Prime Industrial Land in the Prosperity Element of the General Plan. The site is

improved with a two-story building constructed in 1987 and is currently being used for furniture storage and is otherwise vacant (Attachment 3).

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan (Attachment 2). The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea, designated Light Industrial, encourages a mix of light industrial and specialized commercial uses. The IL zones are intended to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 Zone allows a mix of light industrial, office, and commercial uses. Surrounding properties are zoned IL-2-1 and include uses consistent with the Light Industrial designation of the community plan. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with SDMC Section 141.1004, which require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPF's also require a minimum distance 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. MPF's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

#### **DISCUSSION**

#### **Project Description**

The project proposes to operate a MPF within an existing 12,393 square-foot, two-story building. The project proposes tenant improvements to accommodate operations, including non-load bearing partitions, doors, lighting, security cameras and system, millwork, finishes throughout and associated mechanical, electrical and plumbing improvements. No exterior building alterations would occur. Operations include commercial cultivation, trimming, extraction, storage, and distribution of cannabis products. Public improvements would include reconstruction of the existing 30-foot-wide shared driveway, satisfactory to the City Engineer.

The proposed MPF is subject to specific operational and security requirements as set forth in SDMC Section 141.1004. Furthermore, the proposed improvements would require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. The facility is also subject to State of California statues and regulations.

#### Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The project complies with all development regulations of the IL-2-1 zone and no deviations are requested. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff is recommending the Hearing Officer approve the Project as presented.

#### **ALTERNATIVES**

- 1. Approve Conditional Use Permit No. 2070636, with modifications.
- 2. Deny Conditional Use Permit No. 2070636, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Firouzeh Tirandazi

Development Project Manager

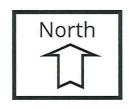
#### Attachments:

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



# **Project Location Map**

MPF 7745 Arjons Drive / 7745 Arjons Drive PROJECT NO. 585503

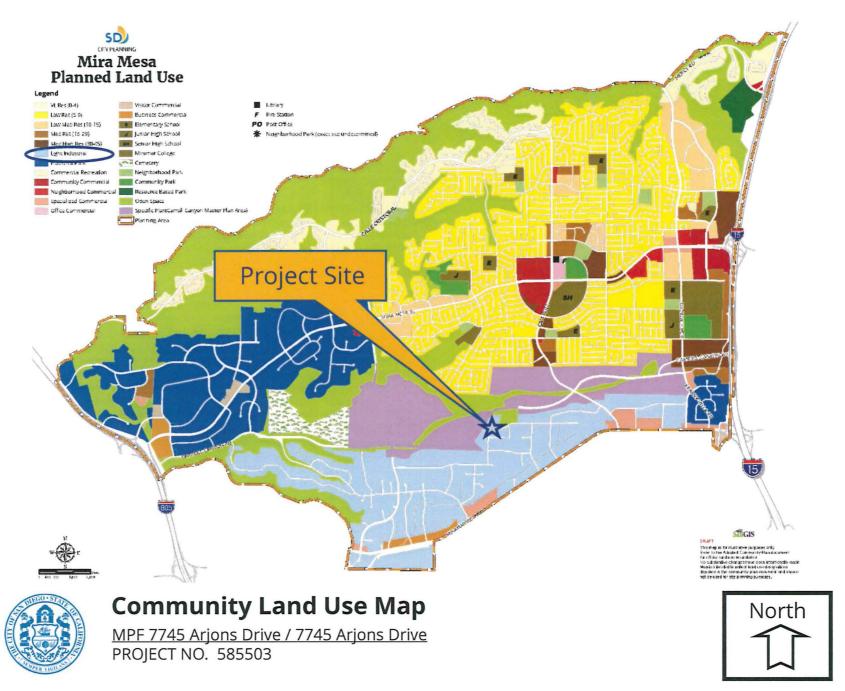








7745 Arjons Drive Aerial Photograph
MPF 7745 Arjons Drive / 7745
PROJECT NO. 585503



### Hearing Officer Resolution No. HO-XXXX Conditional Use Permit No. 2070636 MPF 7745 ARIONS DRIVE PROJECT NO. 585503

WHEREAS, ZENLEAF, 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 12,393 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2070636), on portions of a 0.51-acre site:

WHEREAS, the project site is located at 7745 Arjons Drive in the IL-2-1 zone of the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 25 of Koll Business Center – Miramar Point, according to Map thereof No. 11161, filed February 27, 1985;

WHEREAS, on June 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 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 September 5, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2070636 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego that it adopts the following findings with respect to Conditional Use Permit No. 2070636:

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

#### 1. <u>Findings for all Conditional Use Permits:</u>

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

The proposed project is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 12,393 square-foot building. The 0.51-acre site is located at 7745 Arjons Drive in the IL-2-1 zone of the Mira Mesa Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea, designated Light Industrial, encourages a mix of light industrial and specialized commercial 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.

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

The MPF is proposed within an existing 12,393 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. 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 the existing 30-foot-wide shared driveway, satisfactory to the City Engineer.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC), section 141.1004, which require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPF's also have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC Section 141.1004 (a).

The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPF's must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2070636. The Conditional Use Permit No. 2070636 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. 2070636. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project is a request for a Conditional Use Permit to operate a MPF within a 12,393 square-foot warehouse building on a 0.51-acre site located at 7745 Arjons Drive, in the IL-2-1 Zone within the Mira Mesa Community Plan area. The site was developed in 1987. The project proposes tenant improvements to accommodate operations, including non-load bearing partitions, doors, lighting, security cameras and system, millwork, finishes throughout and associated mechanical, electrical and plumbing improvements. No exterior building alterations would occur. Operations include commercial cultivation, trimming, extraction, storage, and distribution of cannabis products. Public improvements would include reconstruction of the existing 30-foot-wide shared driveway, satisfactory to the City Engineer.

MPF's 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 San Diego Municipal Code (SDMC), Section 141.1004 and Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours.

The proposed MPF is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. Therefore, the proposed MPF will comply with the regulations of the Land Development Code.

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

The proposed MPF within an existing 12,393 square-foot building is located at 7745 Arjons Drive in the IL-2-1 Zone of the Mira Mesa Community Plan. 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 project site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan. The Miramar Subarea encourages a mix of light industrial and specialized commercial uses. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The IL zones are intended to permit a range of uses, including nonindustrial uses in some instances. 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. Specifically, the IL-2-1 allows a mix of light industrial, office, and commercial 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 all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Light Industrial designation of the Mira Mesa Community Plan. Therefore, the proposed MPF is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2070636 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. 2070636, a copy of which is attached hereto and made a part hereof.

Firouzeh Tirandazi Development Project Manager Development Services

Adopted on: September 5, 2018

IO#: 24007581

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: 24007581** 

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Conditional Use Permit No. 2070636

MPF 7745 ARJONS DRIVE PROJECT NO. 585503

Hearing Officer

This Conditional Use Permit No. 2070636 is granted by the Hearing Officer of the City of San Diego to ZENLEAF, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.51-acre site is located at 7745 Arjons Drive in the IL-2-1 zone, within the Mira Mesa Community Plan area. The project site is legally described as Lot 25 of Koll Business Center – Miramar Point, according to Map thereof No. 11161, filed February 27, 1985.

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 12,393 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 5, 2018, on file in the Development Services Department.

#### The project shall include:

- Operation of a Marijuana Production Facility within an existing 12,393 square-foot building. The operation shall include requirements consistent with the State of California statues and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations will include commercial cultivation, trimming, extraction, storage, and distribution of cannabis;
- 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 September 20, 2021.
- 2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on September 20, 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" conditions(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. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing 30-foot-wide shared driveway per current City Standards, adjacent to the site along Arjons Drive, satisfactory to the City Engineer.
- 14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the landscaping, irrigation, and walkway in the Arjons Drive right-of-Way.
- 15. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices necessary to comply with 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.
- 16. Prior to the issuance of any construction permits, 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:**

- 17. 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.
- 18. A maximum of twelve employees shall be allowed on-site at any given time to correspond to the twelve parking spaces provided for the project.
- 19. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
- 20. 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.
- 21. 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.
- 22. 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.

- 23. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.
- 24. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.
- 25. 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.
- 26. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- 27. 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.

#### **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 September 5, 2018 by Resolution No. HO-XXXX.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2070636 Date of Approval: September 5, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT				
Firouzeh Tirandazi Development Project Manager				
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.				
<b>The undersigned Owner/Permittee</b> , by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.				
	<b>ZENLEAF, LLC</b> , a California limited liability company Owner/Permittee			
	By Name: Title:			
NOTE: Notary acknowledgments must be attached per Civil Code				

section 1189 et seq.

#### NOTICE OF EXEMPTION

(Check o	ne or both,	ĺ		
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
	Approximation	Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814		

Project Name/Number: MPF 7745 Arjons Drive / 585503 SCH No.: N.A.

Project Location-Specific: 7745 Arjons Drive, San Diego, CA 92121

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

**Description of nature and purpose of the Project:** The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF) to operate within an existing 12,393-square-foot two-story commercial office building located at 7745 Arjons Drive in the Mira Mesa Community Plan area. Project operations would include the cultivation, trimming, extraction, and distribution of cannabis products to State of California licensed outlets. The 22,215-square-foot lot is designated Light Industrial and is subject to the IL-2-1 zone requirements. The project is also subject to Airport FAA Part 77 Noticing Area – MCAS Miramar 500′ – 510′ (Approximate 390′ ASML), Airport Influence Area – MCAS Miramar Review Area 1, Airport Land Use Compatibility Overlay Zone – MCAS Miramar, Airport Land Use Compatibility Overlay Zone – Noise – 65-70 CNEL, Geologic Hazards Type 51, Prime Industrial Lands, Fire - Brush Management, Very High Fire Severity, Outdoor Lighting Zone 3, Penasquitos Watershed - Miramar Reservoir Sub-Area Watershed, and Council District 6.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Michael Boshart, 7905 Balboa Avenue, San Diego, CA, 92111, (619) 208-5733

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))

(X ) Categorical Exemption: 15301 (Existing Facilities)

( ) Statutory Exemptions:

**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, as included in the Project Description of this notice, 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: Chris Tracy, AICP Senior Planner Telephone: (619) 446-5381

If filed by applicant:

1. Attach certified document of exemption finding.

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

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

Signature/Title

Senior Planner

7/9/18 Date

Check One:

(X) Signed By Lead Agency

( ) Signed by Applicant

Date Received for Filing with County Clerk or OPR:



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

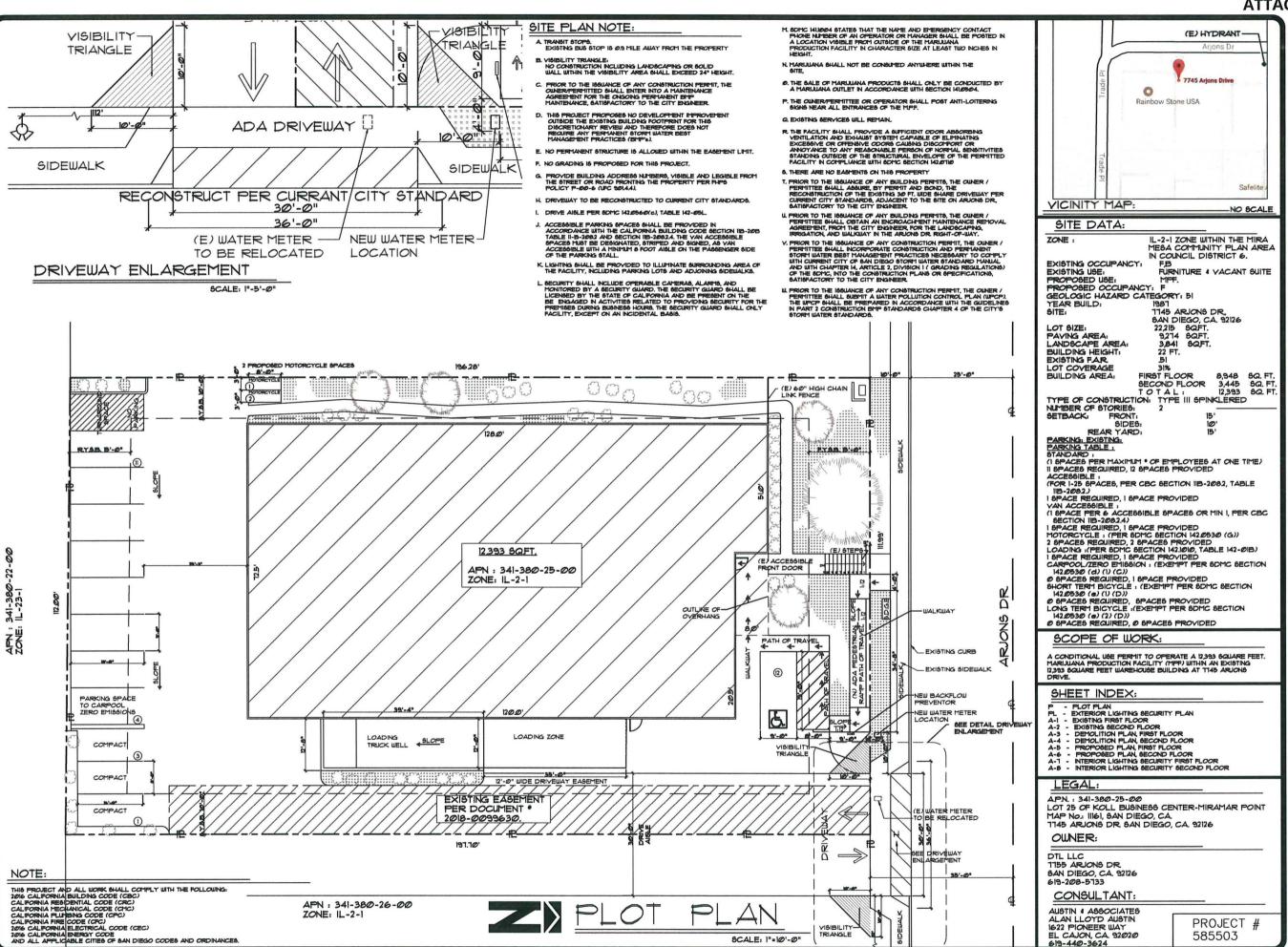
# Ownership Disclosure Statement

**FORM** 

**DS-318** 

October 2017

Approval Type: Check appropriate box for type of approval(s) requested: □ Neighborhood □ Neighborhood Development Permit □ Site Development Permit □ Planned Developm □ Tentative Map □ Wasting Tentative Map □ Map Waiver □ Land Use Plan Amendment	ent Permit St Conditional Use Permit St Variance
Project Title: ZENLEAT MAKLUVANA PRODUCTION FACILITY	Project No. For City Use Only:
Project Address: 7745 ARJONS TRIVE PARCH	Number 341-390-25-00
SAN DIEGO CA 92126	
Specify Form of Ownership/Legal Status (please check):	Identification No. 2のいろとろしなころし
By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an applicable with the City of San Diego on the subject property with the Intent to record an encurrowner(s), applicant(s), and other financially interested persons of the above referenced individual, firm, co-partnership, joint venture, association, social club, fraternal organiza with a financial interest in the application. If the applicant includes a corporation or paindividuals owning more than 10% of the shares. If a publicly-owned corporation, include officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or as true. A signature is required of at least one of the property owners. Attach additional page notifying the Project Manager of any changes in ownership during the time the application of the project Manager at least thirty days prior to any public accurate and current ownership information could result in a delay in the hearing process.	nbrance against the property. Please list below the property. A financially interested party includes any tion, corporation, estate, trust, receiver or syndicate rtnership, include the names, titles, addresses of all de the names, titles, and addresses of the corporate ganization or a trust, list the names and addresses of stee or beneficiary of the nonprofit organization is if needed. Note: The applicant is responsible for ation is being processed or considered. Changes in hearing on the subject property. Failure to provide
Property Owner	
Name of Individual: ZENLEAF LLC	△Owner ☐ Tenant/Lessee ☐ Successor Agency
Street Address: _7745 APJONS DRIVE	
City: SAN DIFC.0	State: <u>CA</u> zip: <u>9212.6</u>
Phone No.: 419-706 5735 Fax No.:	Emall: ZENLEAF CA @ GMALL.COM
City: SAN DIFC.Q  Phone No.: 419-708 5783 Fax No.:  Signature: 5 MANALUL MEMBER	Date: 8. 21.2018
Additional pages Attached: 🔾 Yes 🐧 No	
Applicant	
Name of Individual: ZENVERF LLC YO MICHAEL BOSHAR	☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
Street Address: 7745 ARJUNS DRIVE	
City: SAN DIEGO	State: CA Zip: 92121c
Phone No.: 49 208 5733 Fax No.:	Emall: ZENLEAFCA A GMAIL. (M)
Signature: MANILINE MEMBER	Date: 8.21.2018
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:	Oate:
Additional pages Attached:	



REVISIONS BY
12-07-17 MJC
2-2-17 MJC
04-24-18 QQ
06-06-18 MJC
06-12-18 MJC

ZENLEAF LLC
MARIJUANA PRODUCTION FACILITY

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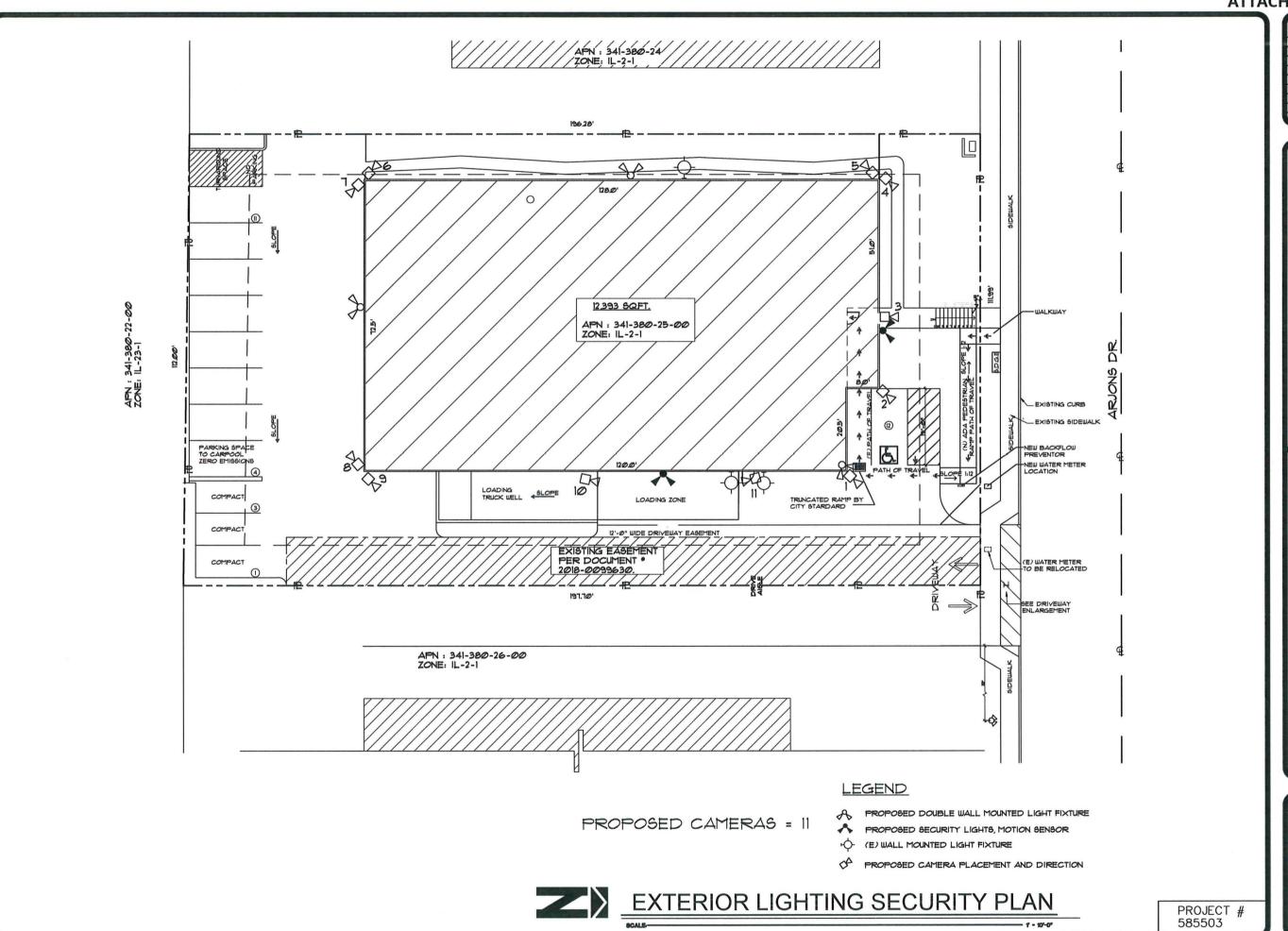
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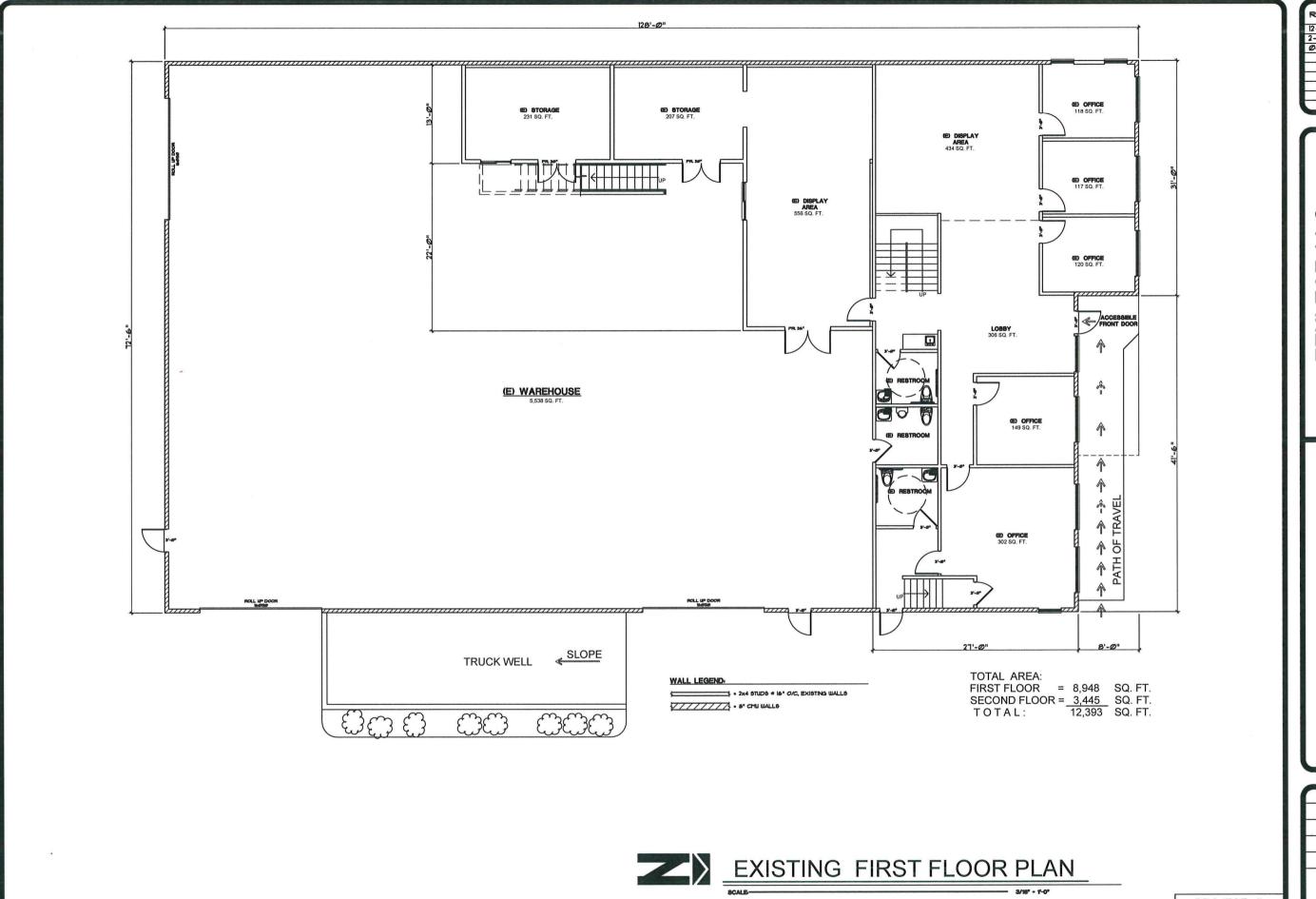
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AUSTIN BD ALAN LLOYD A Ph. (619)440-3624 AUSTIN & ASSOCIATES
1622 PIONEER WAY EL CAJON CA. 92020
RESIDENTAL & COMMERCIAL PLANNING AND DESIGN
MEMBER. AMERICAN INSTITUTE OF BUILDING DESIGN

MJC CHECKED BY ALA AS NOTED 

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PROJECT # 585503

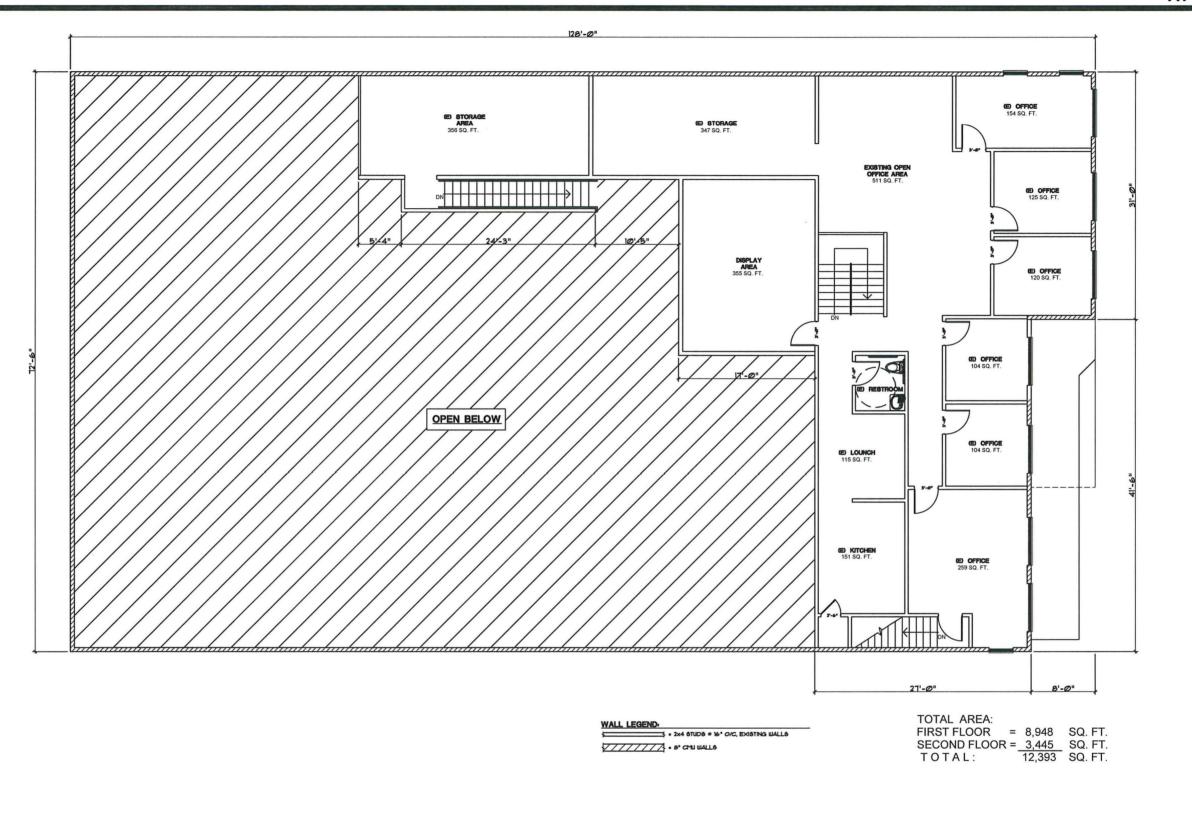


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MEMBER- AMERICAN INSTITUTE OF BUILDING DESIGN

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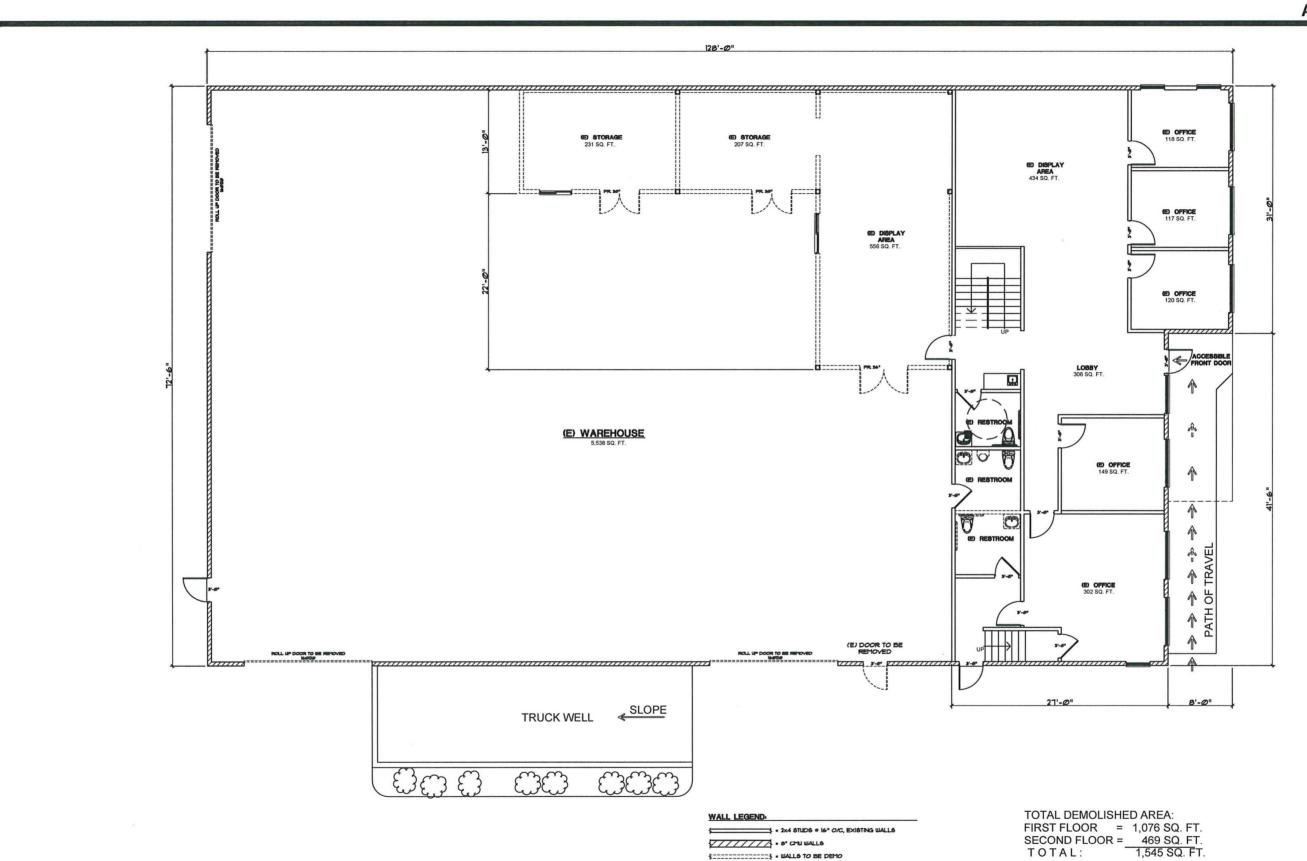
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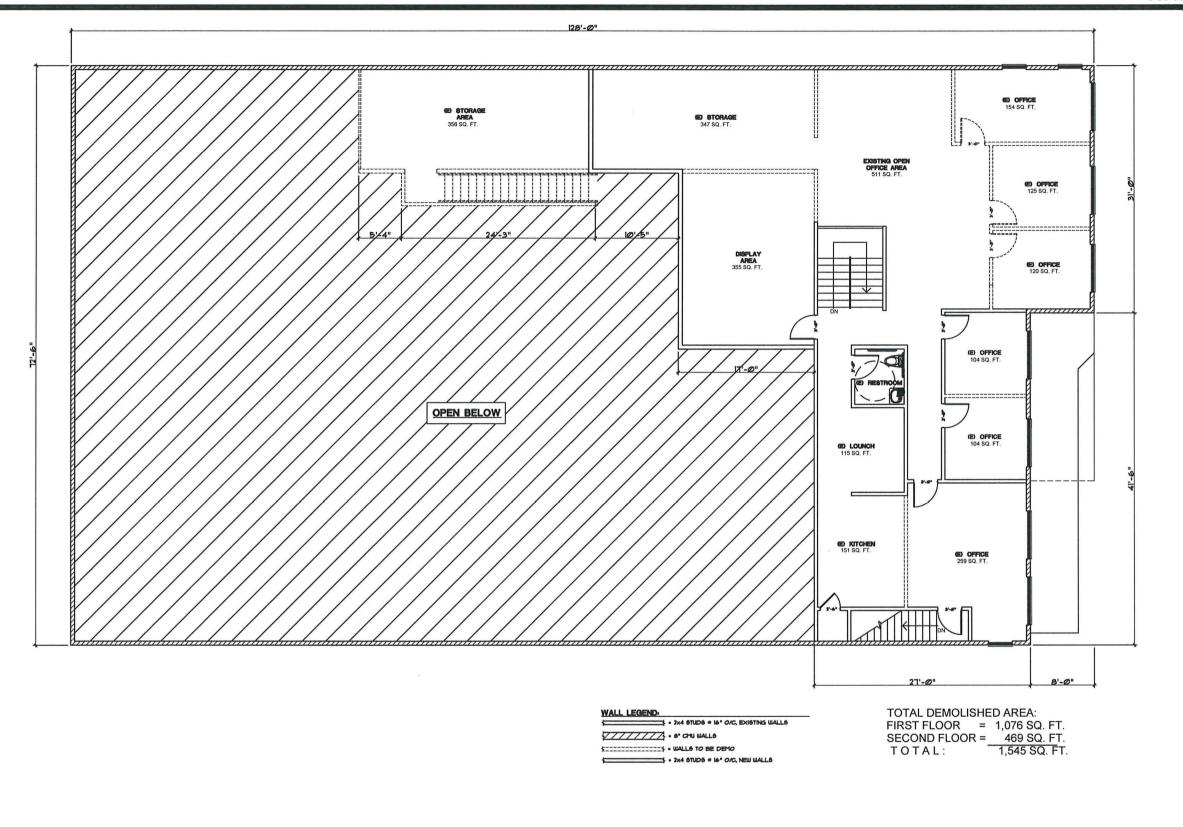
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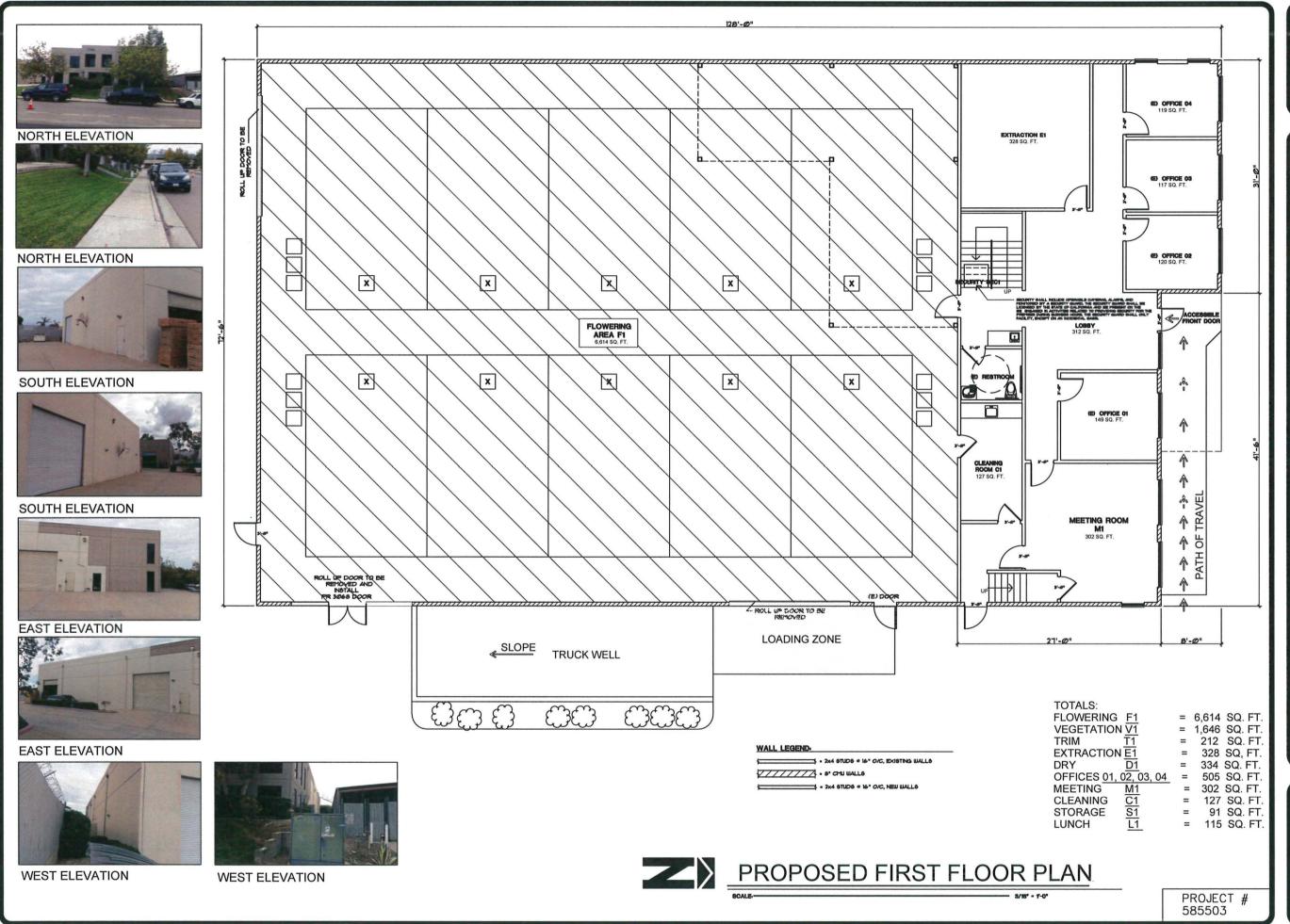
ZENLEAF LLC
MARIJUANA PRODUCTION FACILITY CA. 7745 ARJONS DR. SAN DIEGO, ZENLEAF

ALAN LLOYD AUSTIN
Ph. (619)440-3624
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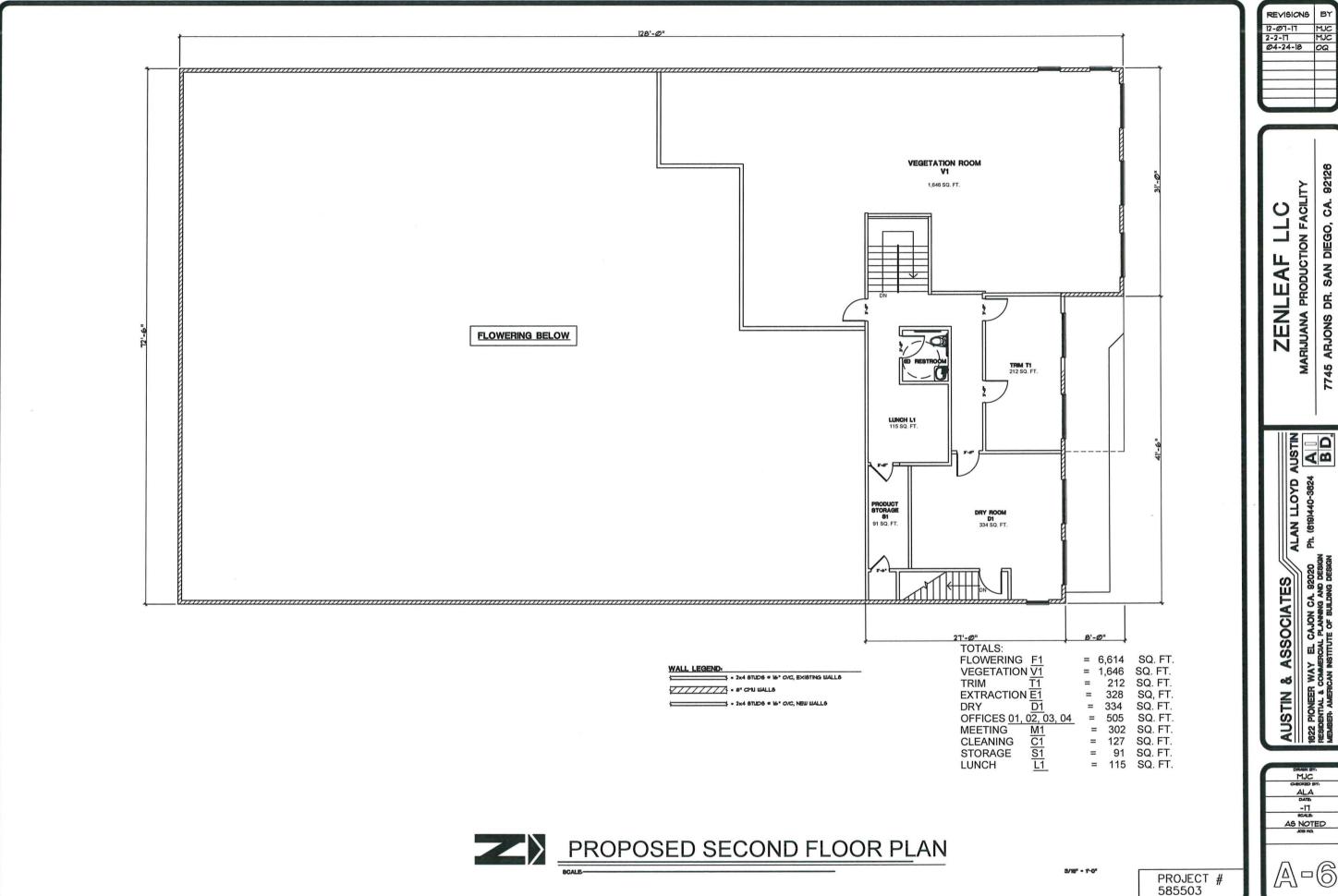
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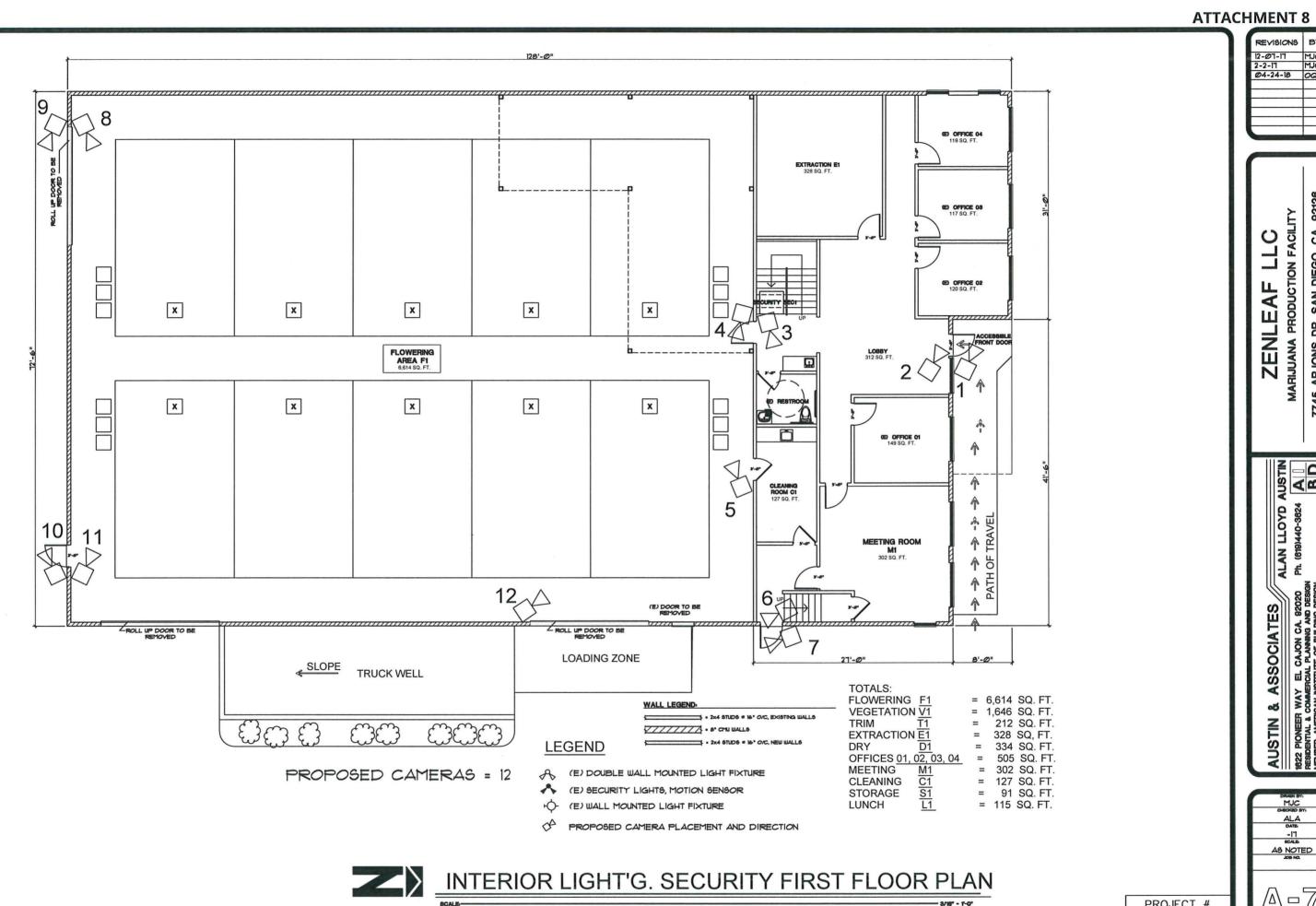
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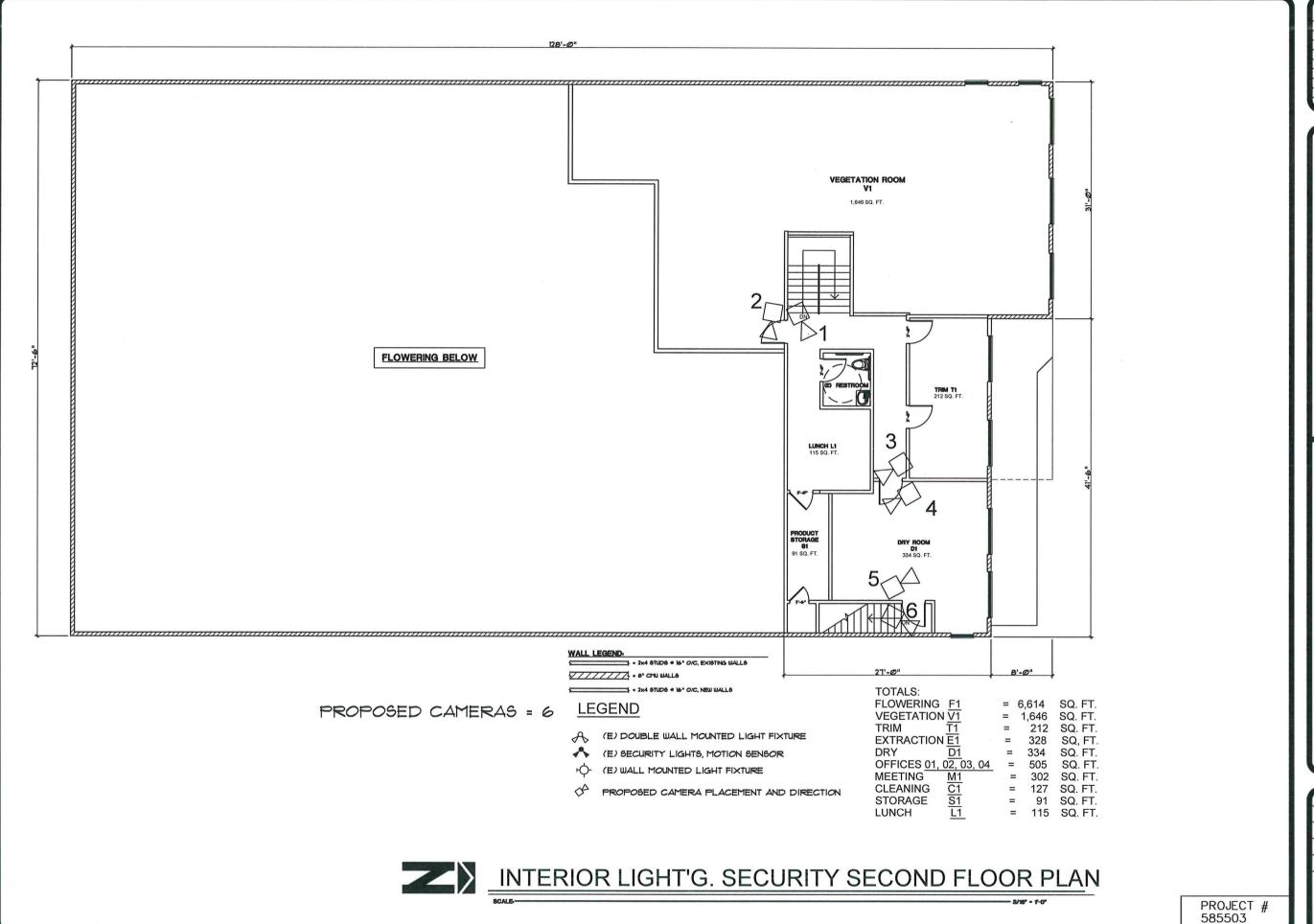


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