



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: October 31, 2018 REPORT NO. HO-18-082

HEARING DATE: November 7, 2018

SUBJECT: MPF 9244 Balboa Avenue, Process Three Decision

PROJECT NUMBER: [585542](#)

OWNER/APPLICANT: 9244 Balboa Blvd., LLC, Owner and Focused Health, LLC, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility located at 9244 Balboa Avenue in the IL-2-1 Zone of the Kearny Mesa Community Plan?

Staff Recommendations:

1. Adopt Negative Declaration No. 585542, and;
2. Approve Conditional Use Permit No. 2068902.

Community Planning Group Recommendation: On July 18, 2018, the Kearny Mesa Community Planning Group voted 7-2-0 to recommend approval of the project with no additional conditions (Attachment 7).

Environmental Review: In accordance with the State of California Environmental Quality Act (CEQA) Guidelines, Negative Declaration No. 585542 has been prepared for this project. The project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required.

### BACKGROUND

The Kearny Mesa Community Plan designates the site for industrial development (Attachment 1). The project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The 2.93-acre site is located at 9244 Balboa Avenue in the IL-2-1 Zone (Attachment 2). The existing 45,600 square-foot building is currently being used for light industrial uses. The purpose

and intent of the IL-2-1 Zone is to permit light industrial, office, and commercial uses. The site presently developed with an industrial building constructed in 1968 (Attachment 3).

Marijuana Production Facilities (MPFs) are restricted to forty City-wide, within light and heavy industrial zones. MPFs require compliance with San Diego Municipal Code (SDMC), section 141.1004, which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPFs also require a minimum distance requirement of 100 feet from a residential zone. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

## DISCUSSION

### Project Description

The project proposes a Conditional Use Permit for a MPF to operate within the existing 45,600 square-foot industrial building located at 9244 Balboa Avenue, in the Kearny Mesa Community Plan area. The project proposes tenant improvements to the existing building to facilitate operations including the cultivation, manufacturing, storing, and distributing of cannabis products to State of California licensed outlets. Retail sales are prohibited. The 2.93-acre site is designated Industrial and Business Park per the Kearny Mesa Community Plan and is subject to the IL-2-1 Zone requirements.

The facility would utilize 3,915 square feet of the interior area for common areas includes a lobby, conference room, security office, break room, hall corridor, and a women's and men's locker/restrooms. The manufacturing area includes 9,030 square feet of interior area inclusive of an office, commercial kitchen, extraction room, processing room, packaging and labeling room, sally port, delivery processing and sorting room, a vault, manufacturing lab, storage closets, and a hallway. The remaining area is identified for cultivation purposes comprising of 32,665 square feet of interior area with ten bloom rooms, two mother clone vegetation rooms, a cultivation lab, a chemical storage room, an irrigation mechanical room, a packaging and labeling room, a cultivation vault, a cultivation delivery room, a dry room, a curing room, a trimming room, three offices, a secure waste room, an electric meter room, and an interior hallway.

The manufacturing activities that would be associated with this project includes the extraction, processing, and manufacturing of edible cannabis products, as well as packaging and labeling for distribution. Along with the tenant improvements, the project would also implement an odor suppression system to control odors produced from the activities within the facility. A combination of carbon filters, space pressurization controls, and air sanitation units would be installed to insure compliance.

The project proposes interior improvements to organize the interior spaces in the manner required to facilitate the manufacturing process. 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 removal and replacement of the westernmost driveway, adjacent to the site on Balboa Avenue, per current City Standards.

#### Project Related Issues

Maxwell Technologies is an energy company that previously occupied the project site. With operations of this prior use at the site, there were three spill related incidents (as identified on the State's Geotracker website: <https://geotracker.waterboards.ca.gov/>). These spills contained harmful contaminants which affected the project site. Subsequently, these actions prompted corrective protocols and future monitoring if the contaminated soil was to be disturbed. All three cases have been closed since 2000 with no further action is required. However, pursuant to CEQA Section 15300.2 (e) Hazardous Waste Sites, a Categorical Exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

In communications with the San Diego County Department of Environmental Health (DEH), implementation of the minor access improvements at a depth approximately six inches below the existing grade would not prompt re-evaluation of the closed cases. This was based on the determination that the affected contaminated soil exists below grade, at an approximate depth of five feet, and would not be disturbed during the project's minor access improvements. Furthermore, in communications with the DEH, the project applicant would be required to comply with all local, state, and federal regulations concerning this issue area and the project permit would be conditioned accordingly. Provided this background, the City prepared Negative Declaration No. 585542 for this project and potential impacts would be less than significant.

#### Conclusion

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

#### ALTERNATIVES

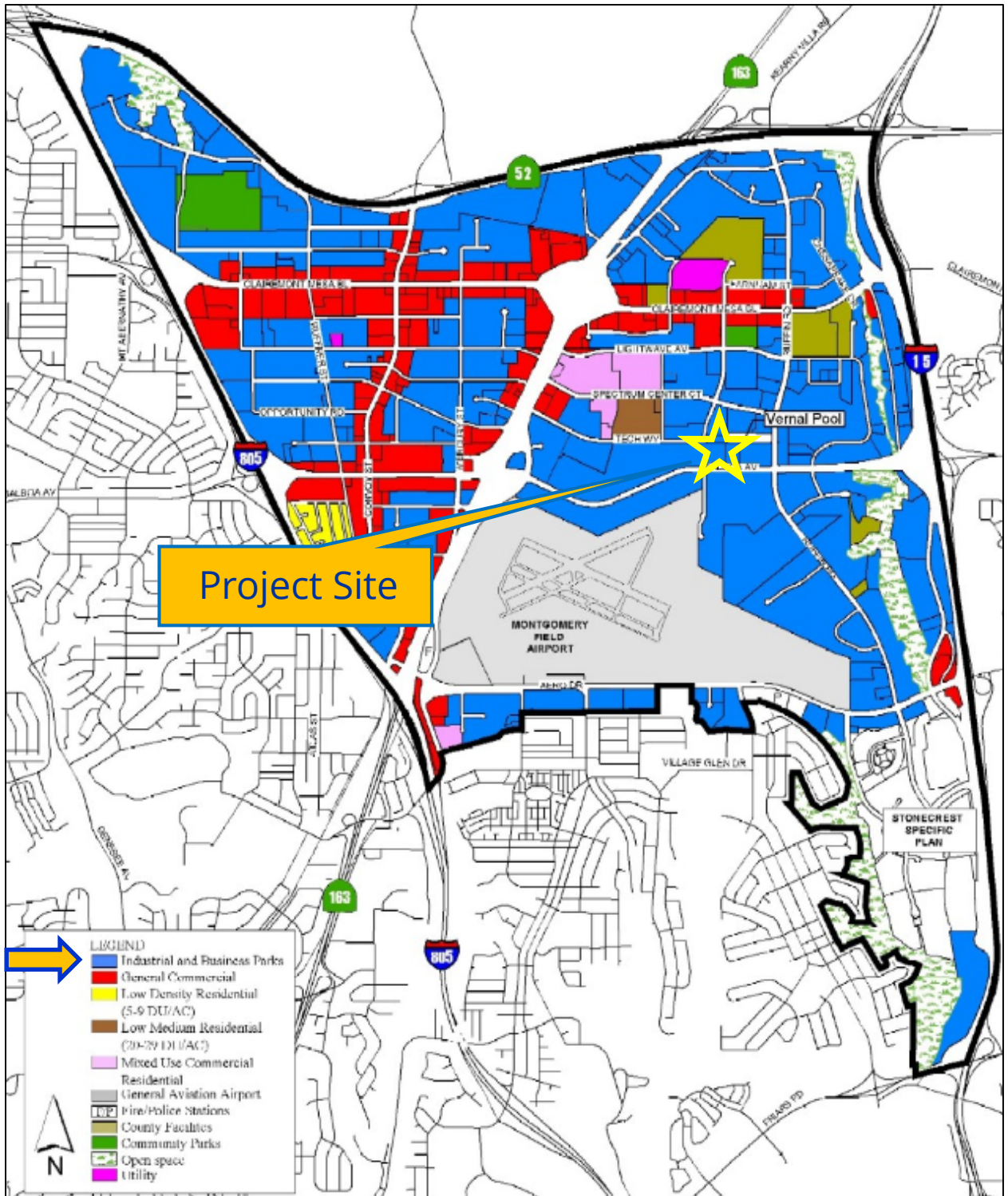
1. Approve Conditional Use Permit No. 2068902, with modifications.
2. Deny Conditional Use Permit No. 2068902, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

  
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Tim Daly  
Development Project Manager

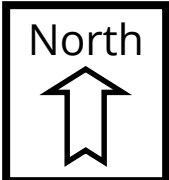
Attachments:

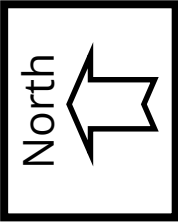
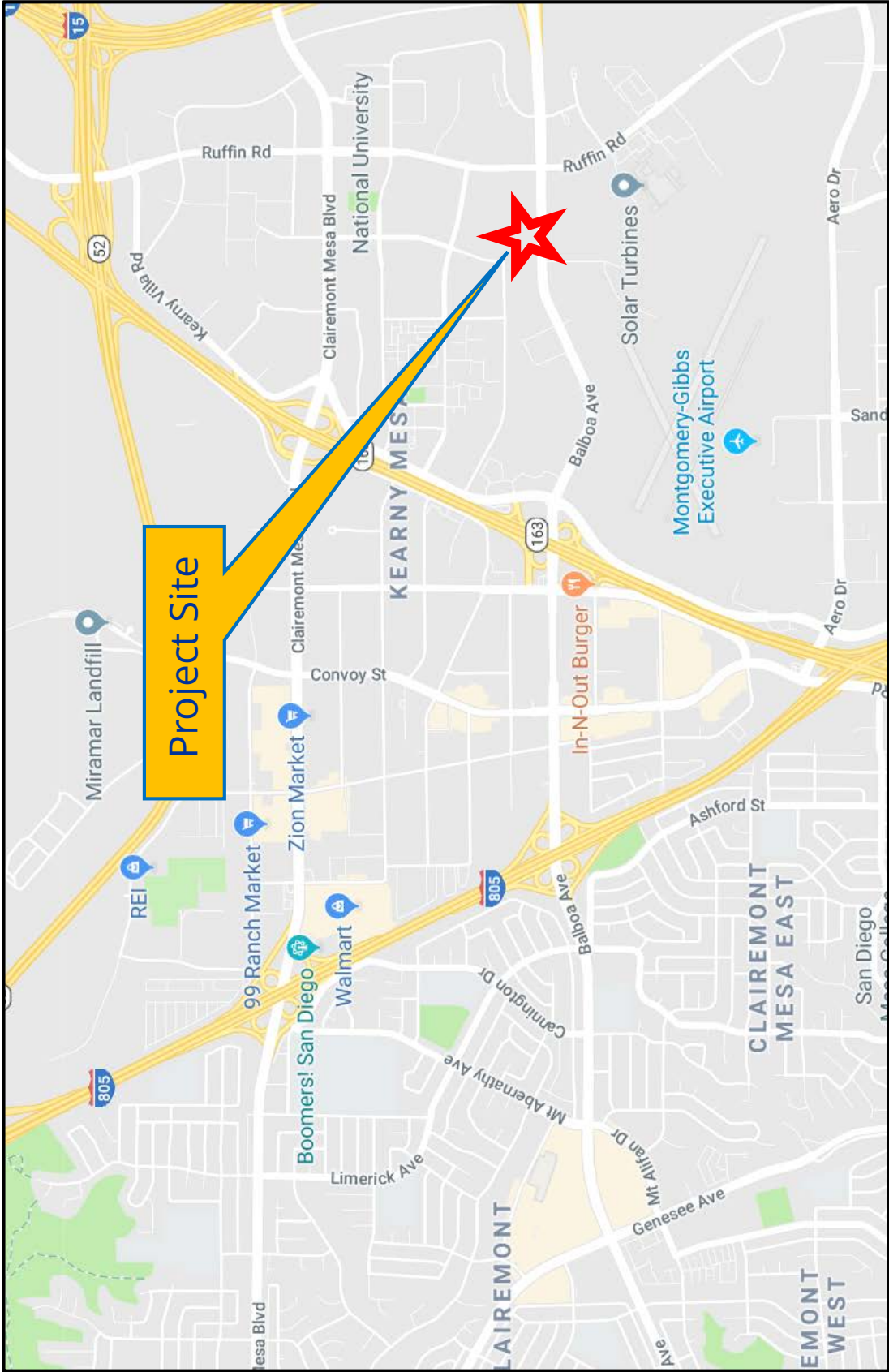
1. Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Draft Resolution Negative Declaration No. 585542
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans



## Community Land Use Map

MPF 9244 Balboa Avenue / 9244 Balboa Avenue  
PROJECT NO. 585542

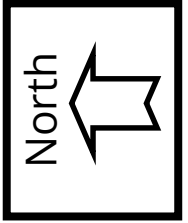




## Project Location Map

MPF 9244 Balboa Avenue / 9244 Balboa Avenue  
PROJECT NO. 585542





## Aerial Photograph

MPE 9244 Balboa Avenue / 9244 Balboa Avenue  
PROJECT NO. 585542



HEARING OFFICER RESOLUTION NO. HO-XXXX  
CONDITIONAL USE PERMIT NO. 2068902  
**MPF 9244 BALBOA AVENUE - PROJECT NO. 585542**

WHEREAS, 9244 BALBOA BLVD., LLC, a California limited liability company, Owner, and FOCUSED HEALTH, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 45,600 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2068902), on portions of a 2.93-acre site;

WHEREAS, the project site is located at 9244 Balboa Avenue in the IL-2-1 Zone, Prime Industrial Lands, FAA Part 77 Noticing Area - MCAS Miramar and Montgomery Field, Airport Influence Area - MCAS Miramar Review Area 2 and Montgomery Field Review Area 1, Airport Land Use Compatibility Overlay Zone - MCAS Miramar and Montgomery Field, Airport Safety Zone - Montgomery Field, Fire Brush Management, Fire Brush Zone, Very High Fire Hazard Severity Zone, and Transit Priority Area of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 12 of the San Diego Industrial Park Unit No. 3, Map No. 4650, filed in the office of the County Recorder of San Diego County on October 18, 1960;

WHEREAS, on November 7, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2068902 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. 2068902:

**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 is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 45,600 square-foot building. The 2.93-acre site is located at 9244 Balboa Avenue in the IL-2-1 Zone of the Kearny Mesa Community Plan.

The Community Plan designates the site for industrial development. The project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

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 project proposes to operate a MPF within an existing 45,600 square-foot building. The project proposes tenant improvements to accommodate operations. These include construction of partition walls to reconfigure space, lighting, security cameras and system, 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 associated with this project would include reconstruction of the curb, gutter, and two driveways, and the construction of a new non-contiguous sidewalk within the public right-of-way, 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. 2068902. The Conditional Use Permit No. 2068902 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. 2068902. 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 an existing 45,600 square-foot building on a 2.93-acre site located at 9244 Balboa Avenue in the IL-2-1 Zone of the Kearny Mesa Community Plan. The site was developed in 1960. The project proposes interior improvements to convert the building into a MPF producing marijuana. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPF's are allowed in the IL-2-1 Zone of the Kearny 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. 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 45,600 square-foot building is located at 9244 Balboa Avenue in the IL-2-1 Zone of the Kearny Mesa Community Plan. The project site is

designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

The purpose and intent of the industrial 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 purpose of the IL zone is to provide for a wide range of manufacturing and distribution activities. 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 nonindustrial uses in some instances. Specifically, the IL-2-1 Zone 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 Kearny 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. 2068902 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. 2068902, a copy of which is attached hereto and made a part hereof.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: November 7, 2018

IO#: 24007591

DRAFT

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24007591

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2068902  
**MPF 9244 BALBOA AVENUE - PROJECT NO. 585542**  
HEARING OFFICER

This Conditional Use Permit No. 2068902 [Permit] is granted by the Hearing Officer of the City of San Diego to 9244 Balboa Blvd., LLC, a California limited liability company, Owner, and Focused Health, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.93-acre site is located at 9244 Balboa Avenue in the IL-2-1 Zone, Prime Industrial Lands, FAA Part 77 Noticing Area - MCAS Miramar and Montgomery Field, Airport Influence Area - MCAS Miramar Review Area 2 and Montgomery Field Review Area 1, Airport Land Use Compatibility Overlay Zone - MCAS Miramar and Montgomery Field, Airport Safety Zone - Montgomery Field, Fire Brush Management, Fire Brush Zone, Very High Fire Hazard Severity Zone, and Transit Priority Area within the Kearny Mesa Community Plan area. The project site is legally described as Lot 12 of the San Diego Industrial Park Unit No. 3, Map No. 4650, filed in the office of the County Recorder of San Diego County on October 18, 1960.

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 45,600 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 7, 2018, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 45,600 square-foot building. The operation shall include the cultivation, processing, packaging and distribution of marijuana consistent with the requirements of State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. Off-street parking;
- c. Landscaping (planting, irrigation and landscape related improvements); 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 November 23, 2021.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on November 23, 2023. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary 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.

**ENVIRONMENTAL REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall provide written documentation from the County of San Diego Department of Environmental Health, Land and Water Quality Division, that assesses if the proposed tenant improvements will disturb the existing vapor barrier and/or the existing ventilation system. If the County's assessment concludes the tenant improvements will result in a health risk, the Owner/Permittee shall be required to implement remedial requirements and actions, to the satisfaction of the Department of Environmental Health, Land and Water Quality Division. If remedial requirements and actions are required, then prior to the issuance of any construction permits, the Owner/Permittee shall provide written documentation from the County of San Diego, Department of Environmental Health, Land and Water Quality Division, to the Development Services Department indicating all health risks have been satisfactorily addressed.

**ENGINEERING REQUIREMENTS:**

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond of a new 5-foot wide sidewalk per current City Standards, adjacent to the site in the Balboa Avenue public right-of-way, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond the reconstruction of the two existing driveways, 20 feet and 24.5 feet, as shown on Exhibit A, per current City Standards, adjacent to the site in the Balboa Avenue, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the landscape and irrigation in the Balboa Avenue public right-of-way, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

18. 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:**

19. 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.



20. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
21. 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.
22. 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.
23. 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.
24. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.
25. 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.
26. 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.
27. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
28. 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.

## ATTACHMENT 5

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section [34.0103\(b\)](#), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

APPROVED by the Hearing Officer of the City of San Diego on November 7, 2018 by Resolution No. HO-XXXX.

DRAFT

Permit Type/PTS Approval No.: Conditional Use Permit No. 2068902  
Date of Approval: November 7, 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.

**9244 Balboa Blvd., LLC**  
a California limited liability company  
Owner

By \_\_\_\_\_  
*Name:*  
*Title:*

**Focused Health, LLC**  
a California limited liability company  
Permittee

By \_\_\_\_\_  
*Name:*  
*Title:*

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

RESOLUTION NUMBER HO- \_\_\_\_\_

ADOPTED ON NOVEMBER 7, 2018

WHEREAS, on December 6, 2017, Focused Health, LLC, a California limited liability company, submitted an application to Development Services Department for a Conditional Use Permit for the MPF 9244 Balboa Avenue Project (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on November 7, 2018; and

WHEREAS, the Hearing Officer considered the issues discussed in Negative Declaration No. 585542 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

**ATTACHMENT 6**

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED:

By: \_\_\_\_\_  
Tim Daly  
Development Project Manager

DRAFT

Minutes of the Monthly Meeting of the  
Kearny Mesa Planning Group  
July 18, 2018  
Serra Mesa/Kearny Mesa Public Library  
9005 Aero Drive, San Diego, CA 92123

**Planning Group Members in Attendance:**

Tim Nguyen  Paul Yung  Tana Lorah  Todd Matcher  Ray Richmond  Jeff Sallen  
 John Turpit  Meridith Marquis  Buzz Gibbs  Ed Quinn  Karen Ruggels  Robyn Badilla  
 Derek Applbaum  John Mulvihill  Dana Hooper  Mike Huntoon

**Community Members in Attendance:**

Lisa Lind, Allen Young, Chris Cate, Kevin Wood, Byron Nobis, Michael Sosamon, Jason Weisz, Stephanie Groom, David Belanich and Stephanie Green

The Meeting was brought to order at 11:40 PM by Jeff Sallen, chair of the Kearny Mesa Planning Group. Copies of the **Minutes of the May meeting** were distributed and discussed. After the members reviewed the minutes, Jeff asked for any changes or corrections. They were **approved 9-0-0**.

**Public Comment:**

Kevin Wood with The Center for Sustainable Energy presented on a project titled Plug-in-San Diego. The purpose of the presentation was to inform community members on how electric vehicles support local and state environmental goals and actions. Discussions moved into the different types of charging stations and the cost to install.

Councilmember Chris Cate addressed the Planning Group and provided a brief update from City Hall. Chris announced that the Cities Strategic Plan may be found on the City Website and requested that now was the time for the community members as well as the Kearny Mesa Planning Group to submit requests to his cabinet regarding desired upgrades and needs/wants for District 6. Byron Nobis w/Gold Coast Designs asked Chris to address some of the rules and regulations pertaining to Marijuana Production Facility CUP's. The Planning Group also brought to Chris' attention the unknown actions the city will take once the new community plan is taken into account and MPF's under CUP's fall within zones that no longer conform to their use. Chris mentioned that this was a question that was above his pay grade and should be addressed to the City Attorney's Office.

**Action Item:**

1. Denise Vo (Planner w/Latitude 33) was not present to discuss the upcoming project located at 8575 Aero Drive. No vote was taken.
2. Stephanie Green (Project Manager) with Focused Health LLC presented a very detailed project and requested a vote to approve a MPF CUP (Project #585542) located at 9244 Balboa Avenue. The Planning Group voted in favor of the project. 7-2-0.
3. Byron Nobis (Senior Project Manager w/Gold Coast Design, Inc.) presented on projects #585418 & #585530 requesting two separate votes to approve a CUP for Marijuana cultivation and another CUP to allow for marijuana packaging and distribution. Project #585418 was approved 7-2-0. Preject #585530 was approved 7-2-0. Both CUP's were approved with additional comments. Additional Comments request that upon the both CUP's expiration, the City exam the projects use and how the use at the time of expiration conforms with the zoning map that would have been updated with the new Kearny Mesa Community Plan.



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

# Ownership Disclosure Statement

FORM

DS-318

October 2017

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

Project Title: BALBOA AVENUE MPFProject No. For City Use Only: 585542Project Address: 9244 BALBOA AVENUESAN DIEGO, CA 92123**Specify Form of Ownership/Legal Status (please check):** Corporation  Limited Liability -or-  General - What State? CA Corporate Identification No. 95-6214605 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: Philip R MacDonald OF 9244 BALBOA BLVD., LLC  Owner  Tenant/Lessee  Successor AgencyStreet Address: 2 Upper Newport PlazaCity: Newport BeachState: CAZip: 92660Phone No.: 949-660-8609Fax No.: 949-660-8617Email: p.macdonald@bobs.netSignature: Philip MacDonaldDate: 11-15-17Additional pages Attached:  Yes  No**Applicant**Name of Individual: Focused Health LLC  Owner  Tenant/Lessee  Successor AgencyStreet Address: 340 S LEMON AVE #3986City: WALNUTState: CAZip: 91789Phone No.: 858-945-3655Fax No.: N/AEmail: FOCUSEDHEALTHLLC@GMAIL.COMSignature: Stephanie Beal

Secretary

Date: 11/15/2017Additional 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

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

# Focused Health, LLC

## Conditional Use Permit Application for Marijuana Production Facility (MPF) at 9244 Balboa Avenue San Diego, CA 92123-1514

APN: 369-161-11-00

Zone: IL-2-1

Kearny Mesa Community Plan

### SCOPE OF WORK

- TENANT IMPROVEMENT TO EXISTING OFFICE/ LIGHT MANUF. STRUCTURE
- EXISTING RESTROOMS AND OFFICES TO REMAIN
- MANUFACTURING AREA TO BECOME MARIJUANA PRODUCTION FACILITY

#### COMPLIANCE WITH SAN DIEGO MUNICIPAL CODE (SDMC),

##### SECTION 141.1004 AND CHAPTER 4, ARTICLE 2, DIVISION 15

- PARCEL IS MORE THAN 100 FEET FROM ANY RESIDENTIAL ZONE (PER SECTION 113.0225)
- PARCEL IS NOT WITHIN 1000 FEET OR THE PROPERTY LINE OF THE FOLLOWING USES; PUBLIC PARK, CHURCH, CHILD CARE CENTER, PLAYGROUND, CITY LIBRARY, MINOR ORIENTED FACILITY, RESIDENTIAL CARE FACILITIES OR SCHOOLS (PER SECTION 113.0225)
- NO EXTERIOR MODIFICATIONS PROPOSED
- NO OUTDOOR STORAGE OR OPERATIONS
- SECURITY SHALL INCLUDE OPERABLE CAMERAS, ALARMS AND SECURITY GUARD PER THE SAN DIEGO MUNICIPAL CODE

- EMERGENCY CONTACT INFORMATION SHALL BE DISPLAYED FROM THE PUBLIC RIGHT-OF-WAY
- ONLY ADDRESS SIGNAGE SHALL BE DISPLAYED ON THE BUILDING OR PROPERTY
- LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE IMMEDIATE FACILITY INCLUDING PARKING LOTS AND ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJOINING PROPERTIES

#### TRANSPORTATION DEMAND MANAGEMENT PROGRAM

THE PROJECT PROPOSES TO IMPLEMENT A PARKING CASH OUT PROGRAM, COMMITTING TO MAINTAINING AN EMPLOYER NETWORK IN THE SANDAG ICOMMUTE PROGRAM AND PROMOTING ITS RIDEMATCHER SERVICE TO TENANTS/ EMPLOYEES, FLEXIBLE OR ALTERNATIVE WORK HOURS, AND TRANSIT, CARPOOL, AND VANPOOL SUBSIDIES.

### PROJECT DATA

#### ASSESSOR'S PARCEL NUMBER

APN: 369-161-11-00

#### ZONING

PRIME INDUSTRIAL  
IL-2-1 (MPFs ARE ALLOWED)

#### COMMUNITY PLAN

KEARNY MESA

#### AIRPORT LAND USE COMPATIBILITY OVERLAY ZONES

MCAS MIRAMAR - REVIEW AREA 2  
MONTGOMERY FIELD - REVIEW AREA 1 IN MONTGOMERY FIELD SAFETY ZONE

#### OCCUPANCY CLASSIFICATIONS

EXISTING: OFFICE = B  
LIGHT MANUFACTURING = F-2

PROPOSED: OFFICE = B  
LIGHT MANUFACTURING = F-1

#### YEAR BUILT

1968

#### CONSTRUCTION TYPE

EXISTING TYPE IV-NR

#### SPRINKLERS

YES

#### GEOLOGIC HAZARD CATEGORY

51 LEVEL MESAS

#### FLOOD ZONE

NO

#### BUILDING HEIGHT

18' - ONE STORY

#### AREA SUMMARY

GROSS SITE AREA	- 127,515 SF
GROSS FLOOR AREA	- 45,600 SF
EXISTING TO REMAIN	- 4,325 SF
AREA OF WORK	- 41,275 SF

#### EXISTING & PROPOSED USES

EXISTING USE: OFFICE / LIGHT MANUFACTURING  
PROPOSED USE: OFFICE / MPF (GROUP F OCCUPANCY)

### SHEET INDEX

T1.01	COVER SHEET
A1.01	1,000 FOOT RADIUS MAP
A1.02	EXISTING SITE CONDITIONS
A1.03	PROPOSED SITE PLAN
A1.04	EXISTING FLOOR PLAN
A1.05	PROPOSED FLOOR PLAN
A1.06	ELEVATION PHOTOS
A1.07	FORM DS-503

### PROJECT TEAM

APPLICANT / PROJECT MANAGER  
NAME: PERMIT SOLUTIONS LTD / BRIAN LONGMORE  
ADDRESS: P.O. Box 503943

San Diego, CA 92150  
TEL: 858.603.9478  
EMAIL: permitsolutions@hotmail.com

#### OWNER

NAME: Philip R. MacDonald

ADDRESS: 2 Upper Newport Plaza

Newport Beach, CA 92660

TEL: 949.660.8609

EMAIL: p.macdonald@bobbs.net

#### TENANT

NAME: FOCUSED HEALTH, LLC

ADDRESS: 340 SOUTH LEMON AVENUE, #3986

WALNUT, CA 91789

EMAIL: focusedhealthllc@gmail.com

#### ARCHITECT

NAME: AVRPP Skypport / John Muller

ADDRESS: 703 16 Street, Suite 200

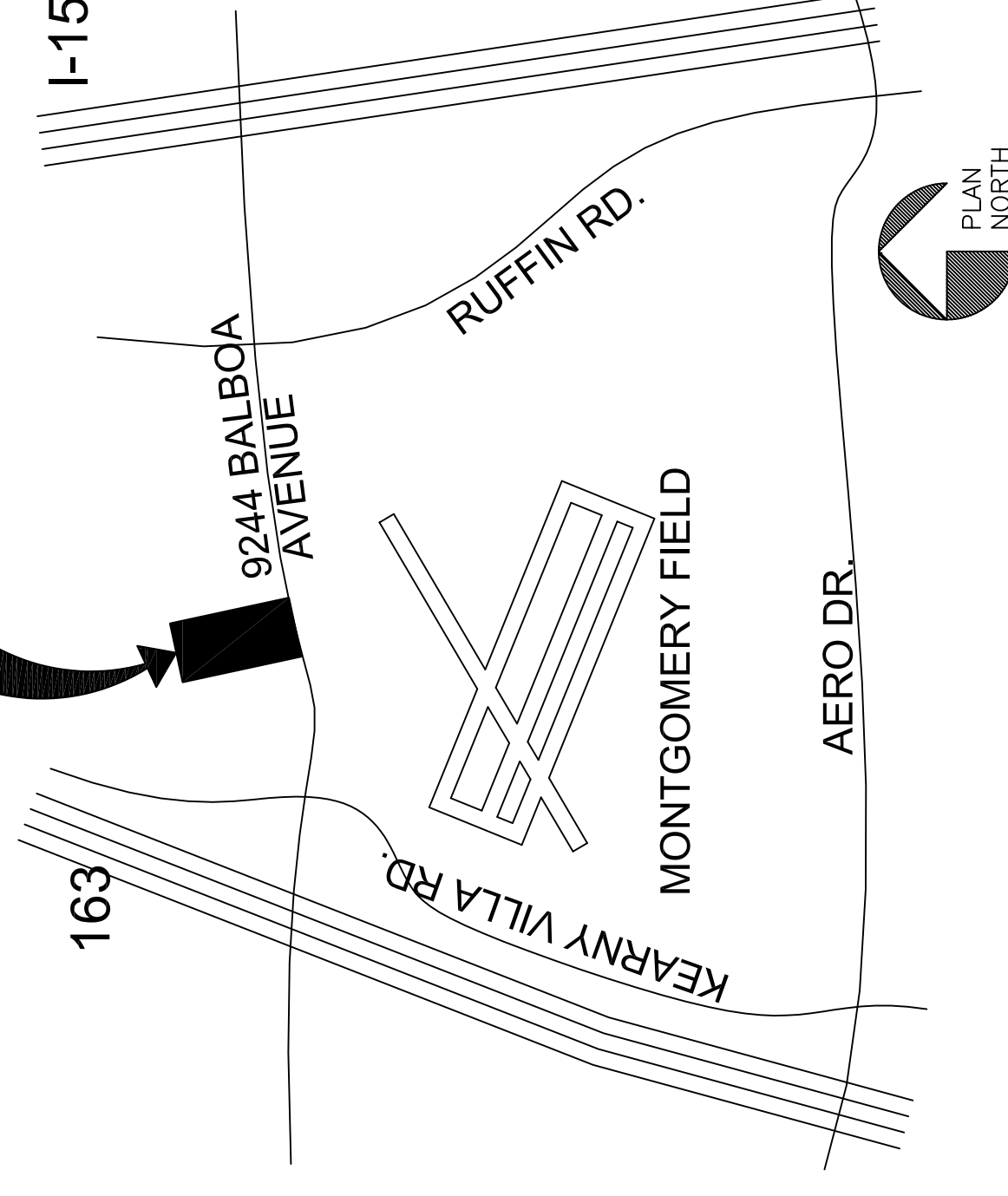
San Diego, CA 92101

TEL: 619.704.2700

EMAIL: jmuller@avrppstudios.com

### VICINITY PLAN (N.T.S.)

## PROJECT SITE



PROJECT REF: \_\_\_\_\_  
AGENCY #: \_\_\_\_\_  
DRAWN BY: J. MULLER  
CHECKED BY: \_\_\_\_\_  
SHEET TITLE: \_\_\_\_\_

TITLE SHEET

SHEET NUMBER: \_\_\_\_\_

# T1.01

SHEET 1 of 8



STAMP:

CONSULTANT:

Stephanie Green, PLA  
10531 4S Commons Dr., Suite 506  
San Diego, CA 92127  
P 858.945.3655  
stephgreengpa@gmail.com

PROJECT NAME:

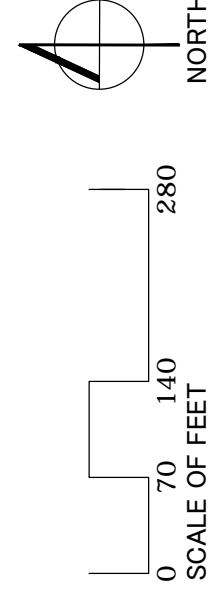
**PERMIT RE-SUBMITTAL SET - 2018.5.25**  
**Balboa Avenue MPF**  
9244 Balboa Avenue  
San Diego, CA 92123

ISSUE SET	DESCRIPTION	DATE
1	Permit Submittal Set	11.16.2017
2	Permit Resubmittal Set	2.21.2018
3	Permit Resubmittal Set	4.9.2018
4	Permit Resubmittal Set	5.25.2018

PROJECT REF:	DSD
AGENCY #:	00000.00
CHANGED BY:	SG
CHECKED BY:	SG
SHEET TITLE:	

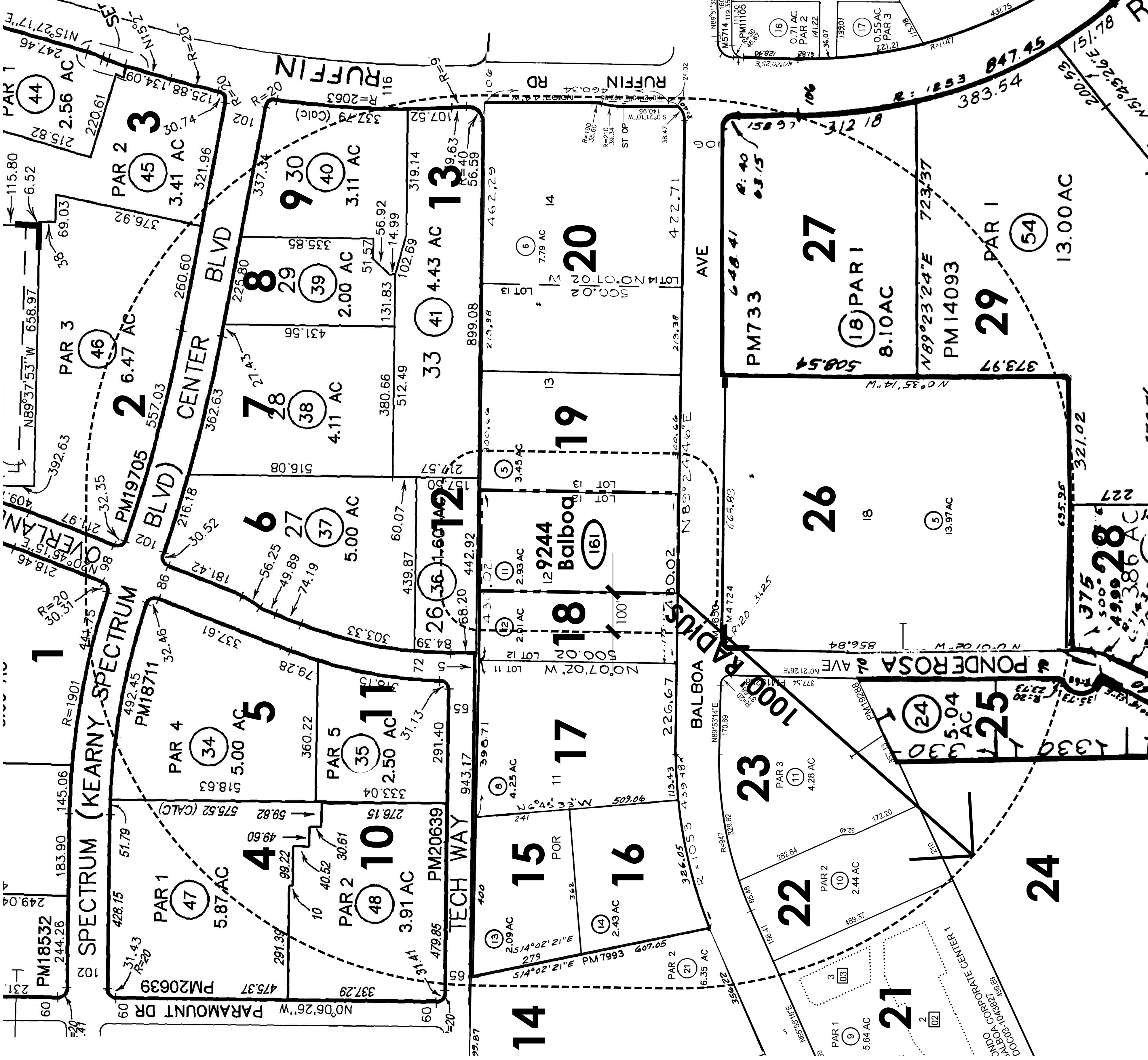
1000-FT  
RADIUS MAP

SHEET NUMBER:

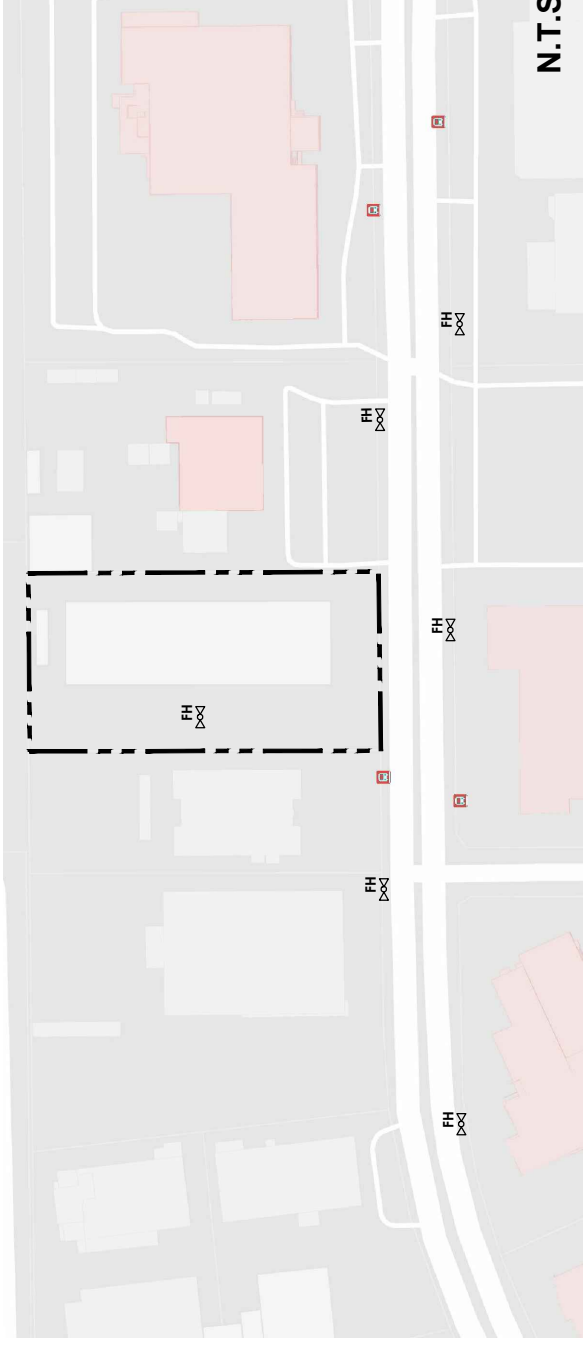


A1.01

NOTES:  
 1. SEE DOCUMENT: A1.01X FOR 1000' RADIUS TABLE.  
 2. NO RESIDENTIAL ZONES WITHIN 100' OF PROJECT.



FIRE HYDRANT AND TRANSIT STOP LOCATIONS



EXISTING PARKING CONDITIONS

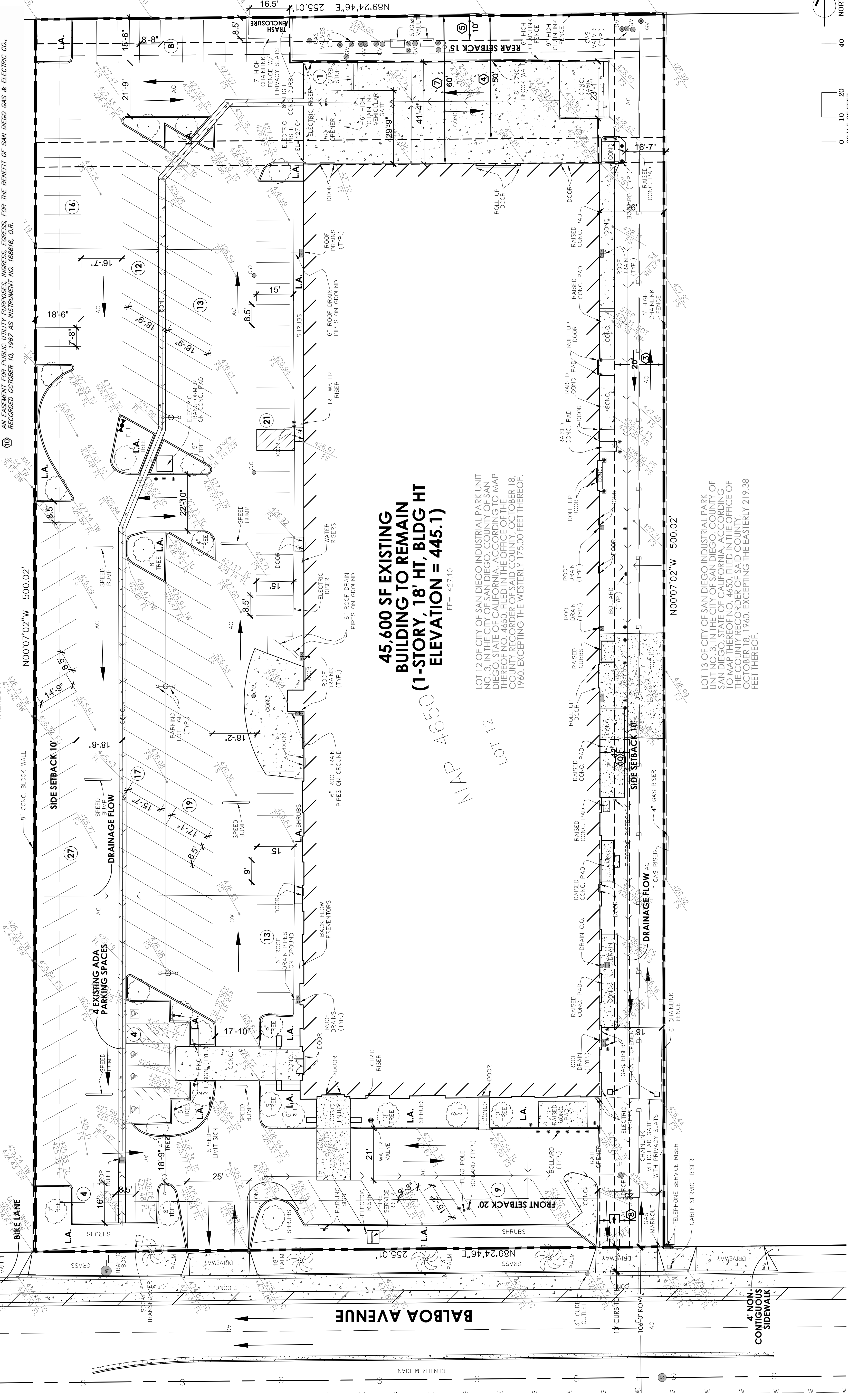
ON GRADE STANDARD 161  
ON GRADE ADA 4

EASEMENTS:

- EASEMENTS PLOTTED HEREON ARE PER PROFORMA #2, POLICY NO. 93020843-JSD ISSUED BY CHICAGO TITLE INSURANCE COMPANY, RECEIVED DECEMBER 8, 2017.
- ITEMS LISTED BELOW PERTAIN TO SCHEDULE "B" EXCEPTION ITEM NUMBERS LISTED IN THE ABOVE REFERENCED POLICY. SDOGE EASEMENTS (ITEMS #9, #12 AND #13) ARE NOT PLOTTABLE. SEE POLICY ABOVE.
- AN EASEMENT FOR A PIPE LINE PURPOSES, FOR THE BENEFIT OF SAN DIEGO GAS & ELECTRIC CO., AS STATED IN "USE AND OCCUPANCY AGREEMENT" PER CITY COUNCIL RESOLUTION NO. 133486, RECORDED JUNE 11, 1956 IN BOOK 6135, PAGE 398, O.R. BOOK 7246, PAGE 272, C.R.
- AN EASEMENT FOR WATER MAIN PURPOSES, FOR THE BENEFIT OF THE CITY OF SAN DIEGO, RECORDED SEPTEMBER 8, 1958 IN BOOK 7246, PAGE 272, C.R.
- AN EASEMENT FOR PUBLIC UTILITY PURPOSES, INGRESS, EGRESS, FOR THE BENEFIT OF SAN DIEGO GAS & ELECTRIC CO., RECORDED NOVEMBER 18, 1954 IN BOOK 7355, PAGE 2, O.R.
- AN EASEMENT OFFERED FOR DEICATION, ON MAP NO. 4650, FOR SEWER, WATER, DRAINAGE, RAILROAD AND GENERAL UTILITY PURPOSES, RECORDED OCTOBER 18, 1960.
- AN EASEMENT FOR PUBLIC UTILITY PURPOSES, INGRESS, EGRESS, FOR THE BENEFIT OF SAN DIEGO GAS & ELECTRIC CO., RECORDED JUNE 1, 1962 AS INSTRUMENT NO. 93991, O.R.
- AN EASEMENT FOR PUBLIC UTILITY PURPOSES, INGRESS, EGRESS, FOR THE BENEFIT OF SAN DIEGO GAS & ELECTRIC CO., RECORDED OCTOBER 18, 1967 AS INSTRUMENT NO. 106676, C.R.

LOT 12 OF CITY OF SAN DIEGO INDUSTRIAL PARK UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4650, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, OCTOBER 18, 1960, EXCEPTING THE EASTERLY 255.02 FEET THEREOF.

5' CONTIGUOUS SIDEWALK  
MTS BUS STOP 60/870 IN FRONT OF ADJACENT PROPERTY



**45,600 SF EXISTING BUILDING TO REMAIN (1-STORY, 18' HT, BLDG HT ELEVATION = 445.1)**  
FF = 427.10

LOT 12 OF CITY OF SAN DIEGO INDUSTRIAL PARK UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4650, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, OCTOBER 18, 1960, EXCEPTING THE WESTERLY 175.00 FEET THEREOF.

LOT 13 OF CITY OF SAN DIEGO INDUSTRIAL PARK UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4650, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, OCTOBER 18, 1960, EXCEPTING THE EASTERLY 219.38 FEET THEREOF.

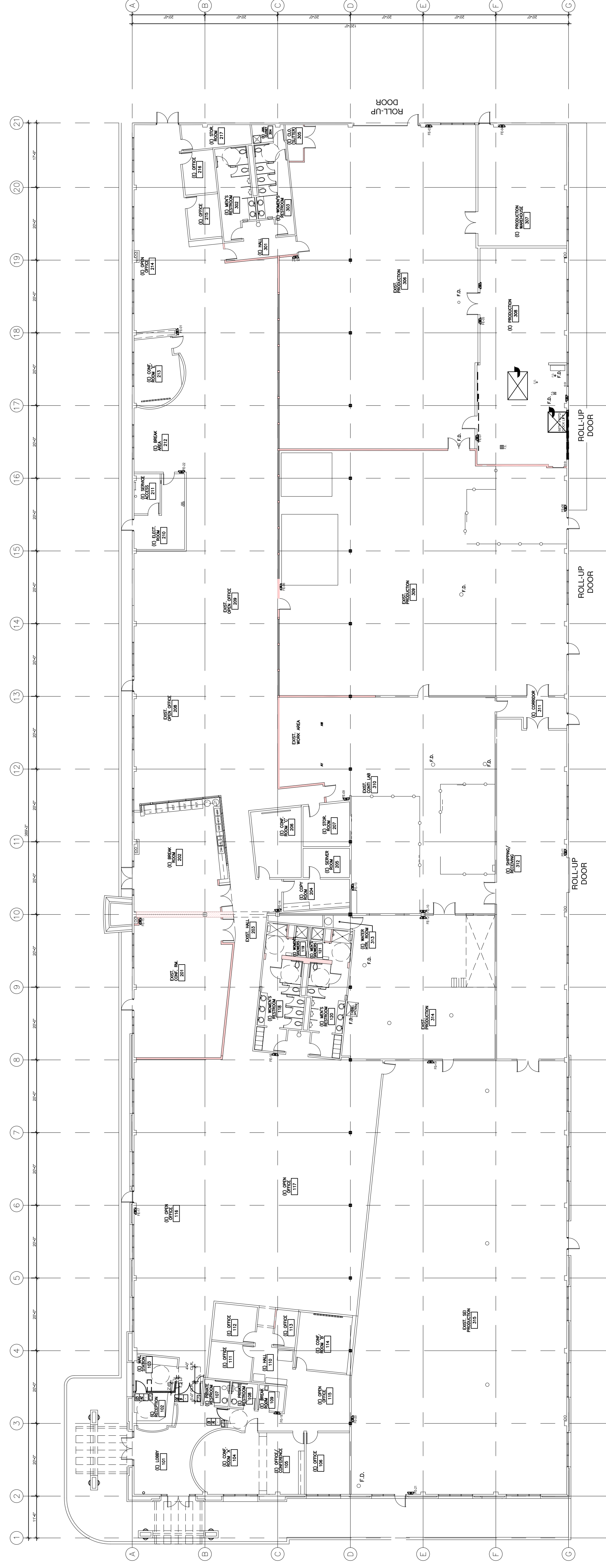
**PERMIT RE-SUBMITTAL SET - 2018.5.25**  
**Balboa Avenue MPF**  
9244 Balboa Avenue  
San Diego, CA 92123

ISSUE NO.	DATE:
DESCRIPTION:	11.16.2017
Permit Submittal Set	2.21.2018
Permit Resubmittal Set	4.9.2018
Permit Resubmittal Set	5.25.2018

PROJECT REF:	DSD
AGENCY #:	00000.00
CHECKED BY:	SG
SHEET TITLE:	SG

EXISTING  
SITE CONDITIONS  
SHEET NUMBER:





BALBOA AVENUE

**EXISTING FLOOR PLAN**

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



PROJECT NAME:

**Balboa Avenue MPF**  
**9244 Balboa Avenue**  
**San Diego, CA 92123**

CONSULTANT:

ISSUE DATES	DESCRIPTION	DATE
Permit Submittal Set		11.16.2017
Permit Resubmittal Set		02.21.2018
Permit Resubmittal Set		04.09.2018
Permit Resubmittal Set		05.25.2018

PROJECT REF: \_\_\_\_\_  
 AGENCY #:  
 DRAWN BY:  
 CHECKED BY:  
 SHEET TITLE:

**EXISTING  
FLOOR PLAN**

SHEET NUMBER:

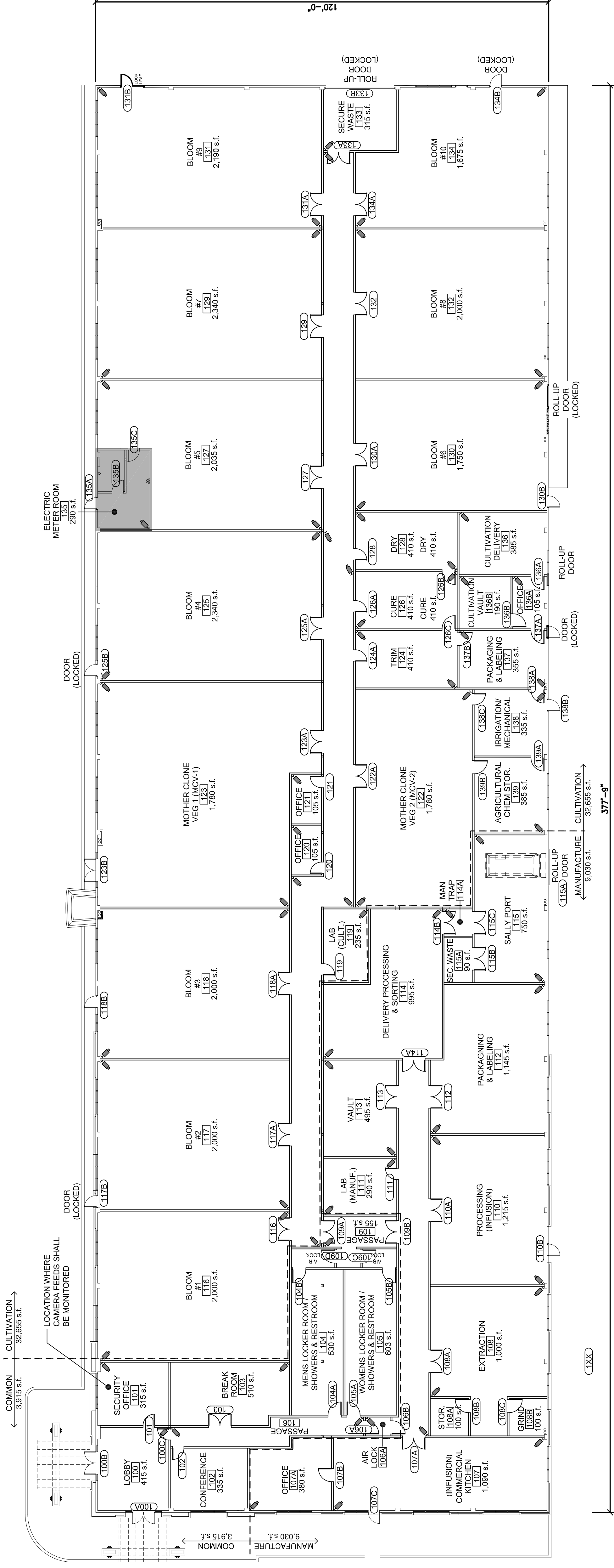
**A1.04**

CONSULTANT:

**BERGMANN**

Architects Engineers Planners  
 280 East Broad Street, Suite 200  
 Rochester, New York 14604  
 P 585.498.7908  
 www.bergmannpc.com  
 PROJECT NAME:

BALBOA AVENUE



**Balboa Avenue MPF**  
**9244 Balboa Avenue**  
**San Diego, CA 92123**  
**PERMIT RE-SUBMITTAL SET - 2018.05.25**



**PROPOSED FLOOR PLAN**

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

TO CONTROL ODORS AT THIS FACILITY, A COMBINATION OF CARBON FILTERS, SPACE PRESSURIZATION CONTROL AND AIR SANITATION UNITS WILL BE UTILIZED. MORE SPECIFICALLY:

- CARBON CANISTERS SHALL BE INSTALLED ON ANY EXHAUST AIRSTREAM LEAVING ALL GROW AND PROCESSING AREAS.
- CARBON MEDIA TO REMOVE ODOR FROM THE ROOM.
- CARBON FILTERS SHALL BE INSTALLED ON THE RETURN AIR CIRCULATING BACK TO THE AIR HANDLERS THAT SERVE GROW ROOMS (BLOOM AND MCV ROOMS) TO FILTER ODOR OUT OF THE RECIRCULATED AIR.
- SANITIZATION UNITS CONTROLLING ARBORE CONTAMINANTS AND VOC'S SHALL BE INSTALLED IN GROW ROOMS (BLOOM AND MCV ROOMS)
- PRESSURIZATION CONTROL SHALL BE UTILIZED TO KEEP THE CORRIDORS AROUND GROW AREAS NEGATIVE TO CONTAIN THE ODORS WITHIN THE GROW/PROCESS AREAS. OFFICE AND BUILDING ENTRANCES SHALL BE POSITIVE TO HELP CONTAIN ODORS TO THE GROW AREAS.

**PLUMBING NOTES:**

- PLUMBING FIXTURES AND FITTINGS PROVIDED AS PART OF THE PROJECT SHALL BE LOW-FLOW FIXTURES/APPLIANCES BE CONSISTENT WITH EACH OF THE FOLLOWING:
- PLUMBING FIXTURES AND FITTINGS THAT DO NOT EXCEED THE MAXIMUM FLOW RATE SPECIFIED IN TABLE A5.303.2.3.1 (VOLUNTARY MEASURES) OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, AND
  - APPLIANCES AND FIXTURES FOR COMMERCIAL APPLICATIONS THAT MEET THE PROVISIONS OF SECTION A5.303.3 (VOLUNTARY MEASURES) OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

**FLOOR PLAN LEGEND**

- SOLID HATCH INDICATES EXISTING AREAS TO REMAIN
- SECURITY CAMERA - SEE SHEET A1.03 FOR EXTERIOR SECURITY CAMERAS

ISSUE DATES	DESCRIPTION	DATE
Permit Submittal Set	Permit Submittal Set	11.16.2017
Permit Resubmittal Set	Permit Resubmittal Set	02.21.2018
Permit Resubmittal Set	Permit Resubmittal Set	04.09.2018
Permit Resubmittal Set	Permit Resubmittal Set	05.25.2018

PROJECT REF:  
 AGENCY #:  
 DRAWN BY: D. PARGANI  
 CHECKED BY: M. TINSLEY  
 SHEET TITLE:

**PROPOSED FLOOR PLAN**

SHEET NUMBER:

STAMP:

CONSULTANT:

Stephanie Green, P.L.A.  
10531 4S Commons Dr., Suite 506  
San Diego, CA 92127  
P 858.945.3655  
stephgreepia@gmail.com

PROJECT NAME:

**PERMIT RE-SUBMITTAL SET - 2018.5.25**  
**Balboa Avenue MPF**  
9244 Balboa Avenue  
San Diego, CA 92123

ISSUE SET	DESCRIPTION	DATE
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3	Permit Resubmittal Set	4.9.2018
4	Permit Resubmittal Set	5.25.2018

PROJECT REF:	DSD
AGENCY #:	00000.00
CREATED BY:	SG
CHECKED BY:	SG
SHEET TITLE:	

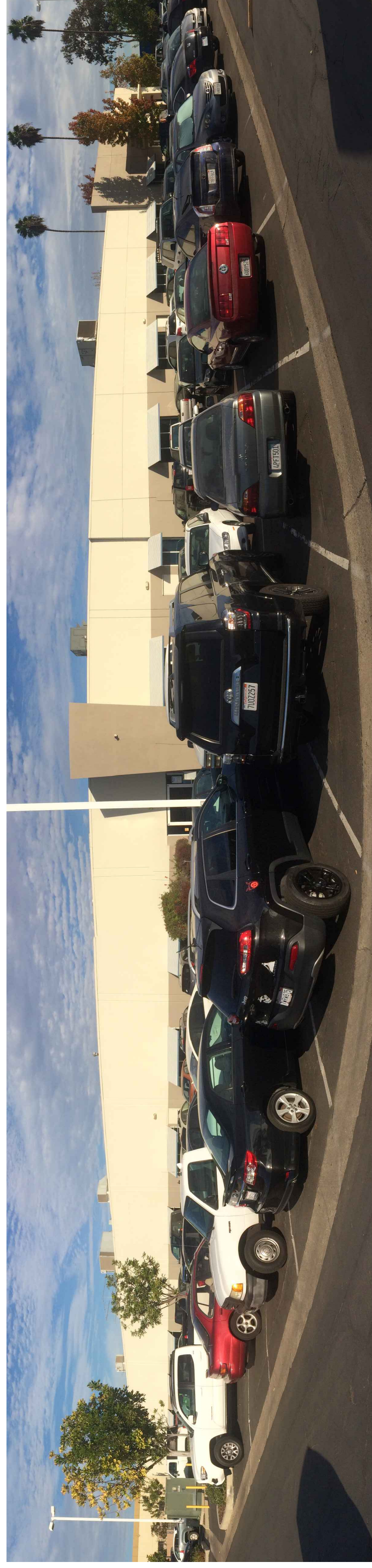
**EXISTING**  
**BUILDING ELEVATIONS**  
SHEET NUMBER:

**A1.06**

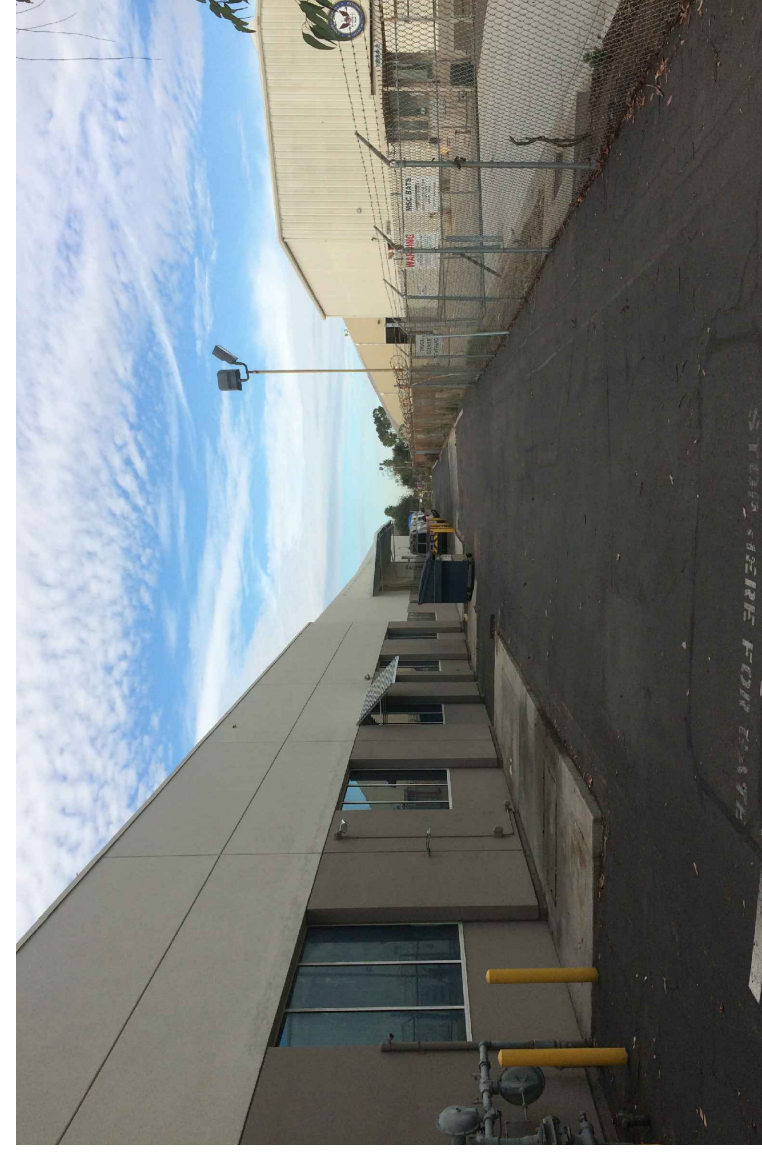
**NOTE:**  
NO EXTERIOR MODIFICATIONS PROPOSED.



**EXISTING SOUTH ELEVATION**



**EXISTING WEST ELEVATIONS**



**EXISTING EAST ELEVATION**



**EXISTING NORTH ELEVATION**



Architecture • Interior Design • Planning  
703 16th Street, Suite 200  
San Diego, California 92101  
P 619.704.2700 F 619.704.2699  
www.avrpstudios.com

CONSULTANT:

PROJECT NAME:

**PERMIT RE-SUBMITTAL SET - 2018.05.25**  
**Balboa Avenue MPF**  
**9244 Balboa Avenue**  
**San Diego, CA 92123**

ISSUE DATES	DESCRIPTION	DATE
	Permit Submittal Set	11.16.2017
	Permit Resubmittal Set	02.21.2018
	Permit Resubmittal Set	04.09.2018
	Permit Resubmittal Set	05.25.2018

PROJECT REF: \_\_\_\_\_  
AGENCY #:  
DRAWN BY:  
CHECKED BY: J. MULLER  
SHEET TITLE:  
FORM DS-503

SHEET NUMBER:

City of San Diego  
Development Services  
155302  
5222 First Ave.  
San Diego, CA 92101  
(619) 446-5000

**No FAA Notification  
Self-Certification Agreement**

FORM  
DS-503  
Mar 2013

This agreement is made by and between the City of San Diego, a Municipal Corporation [City] and the owner or owner's duly authorized representative of real property [Property Owner], located at  
**9244 Balboa Avenue, San Diego, CA 92123**  
[Property Address]

and more particularly described as  
**LOT 12 OF CITY OF SAN DIEGO INDUSTRIAL PARK UNIT NO. 3.**  
[Official Assessor's No. 3]

IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4652, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, OCTOBER 18, 1966, EXCEPTING THE WESTERLY 175.00 FEET THEREOF, in the City of San Diego, County of San Diego, State of California [Property].

Per Section 77.15 of Title 14 of the Code of Federal Regulations ([CFR Part 77](#)), no person is required to notify the Federal Aviation Administration (FAA) of the construction of a structure if the structure is of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so sited will not adversely affect safety in air navigation.

The City will not require notification to the FAA if a professional, licensed by the state of California to prepare construction documents provides certification on their plans along with their signature and registration stamp that the structure(s) or modification to existing structure(s) shown on the plans do not require notification to the FAA under Section 77.15 (a) of Title 14 of the Code of Federal Regulations ([CFR Part 77](#)). notification is not required.

In consideration of the grant of permission by the City of San Diego to allow the self certification of the determination of no requirement to notify FAA under section 77.15 of Title 14 of the Code of Federal Regulations ([CFR Part 77](#)), the applicant covenants and agrees with the City of San Diego as follows:

- Should it be subsequently determined by the City, Airport Land Use Commission, State, or the Federal Aviation Administration that the structure(s) or modification to existing structure(s) shown on the plans require notification to the FAA under Section 77.15 (a) of Title 14 of the Code of Federal Regulations ([CFR Part 77](#)), the City assumes no responsibility or liability for any changes required to the submitted construction drawings and documents and to the structures installed on the project site as a result of and to achieve consistency with the FAA's determination of No Hazard to Air Navigation.
- The applicant certifies that said owner(s) acknowledges and accepts that the construction drawings and documents that are part of the ministerial approval application as well as the construction in accordance with the drawings and documents are the responsibility of the applicant and not the City of San Diego. The applicant also acknowledges that if a Determination of Presumed Hazard is made by the FAA, that the City will stop all construction until a Determination of No Hazard to Air Navigation is made by the FAA for the project or a permit from the California Department of Transportation is obtained in accordance with Public Utilities Code Section 21659. The applicant acknowledges that this may cost the applicant more money in permitting and construction costs, as well as delays in project construction.
- Furthermore, the applicant certifies that said owner(s) acknowledges and accepts all responsibility for changes required to the submitted construction drawings and documents and to the structures installed on the project site as a result of and to achieve consistency with the FAA's determination. The applicant acknowledges and accepts that the City assumes no responsibility for said changes and the impacts that result to the development as a result. The applicant 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,

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officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval or decision.

The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the City or its agents, officers, or employees harmless. The City may request reimbursement of its defense attorneys' fees, costs, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

4. Lastly, the applicant certifies that said owner acknowledges and accepts that additional plan review and inspection fees may be required if additional staff reviews of the revised drawings and documents or additional inspections are necessary to reflect the final design of the development to be consistent with a FAA Determination of Hazard to Air Navigation

  
(SIGNATURE)

**John Muller, Associate**  
(PRINT NAME & TITLE)

**AVRP Skyport**  
(COMPANY ORGANIZATION NAME)

**2/14/2018**  
(DATE)