



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 2, 2019 REPORT NO. PC-19-045

HEARING DATE: May 9, 2019

SUBJECT: MPF 2220 NIELS BOHR COURT, Process Three Decision

PROJECT NUMBER: [585368](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-010.](#)

OWNER/APPLICANT: Pacific Rim Business Center, LLC., Owner and Willie Senn, Applicant

SUMMARY

Issue: Should the Planning Commission deny or approve the appeal of the Hearing Officers' decision to approve the operation of an 86,288 square-foot, Marijuana Production Facility within an existing, two-story building located at 2220 Niels Bohr Court in the Otay Mesa Community Plan area?

Staff Recommendation: DENY the appeal and uphold the Hearing Officer decision to APPROVE Conditional Use Permit No. 2062816.

Community Planning Group Recommendation: On September 26, 2018, the Otay Mesa Planning Group voted 13-1-1 to recommend approval of the project without conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15301, Existing Facilities. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on December 3, 2018, [Resolution No. R-312077](#). The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account funded by the applicant.

Code Enforcement Impact: None with this application.

Housing Impact Statement: The project site is designated Light Industrial within the South District of the Otay Mesa Community Plan. The Light Industrial designation is intended for manufacturing, research and development, storage, warehousing, distribution and similar 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 project site is surrounded by commercial and industrial uses consistent with the Light Industrial and Heavy Commercial designations of the community plan. Therefore, the project would not impact the housing supply within the City of San Diego.

BACKGROUND

The proposed MPF 2220 Niels Bohr Court project (Project) is a Conditional Use Permit (CUP) for the operation of a Marijuana Production Facility (MPF) encompassing an existing 43,144 square-foot ground level, 3,135 square-foot existing mezzanine level, and an internal addition of 40,009 square-feet to the mezzanine level for a total of 86,288 square-feet of interior space within an existing two-story building located on a 2.61-acre site at 2220 Niels Bohr Court in the IL-2-1 Zone within the Otay Mesa Community Plan. The MPF operations would re-purpose an existing office and warehouse facility for the cultivation, manufacturing, and distribution of marijuana products. The MPF operations would include the cultivation, manufacturing and distribution of cannabis products to State of California licensed marijuana outlets. In accordance with SDMC Section 126.0702, a Process Three CUP is required for MPFs considered at a public hearing in accordance with Process Three, Hearing Officer decision.

On February 6, 2019, the Hearing Officer approved the Project. The Report to the Hearing Officer No. HO-19-010 (Attachment 1) contains the project background, analysis and necessary draft findings with a staff recommendation of approval. On February 20, 2019, Rodney Eales, filed a Development Permit Appeal Application based upon conflict with matters, findings not supported, and new information (Attachment 2).

PROJECT APPEAL DISCUSSION

The Project's appeal issues are provided below along with the City staff responses:

Rodney Eales Appeal Issue No. 1: "There is an internal inconsistency between the noticing and project descriptions disseminated to the public and as presented at the Hearing Officer Hearing. It is not clear whether the project will intensify the existing use on site via the addition of 40,009 SF to the mezzanine level."

Staff Response: During the Hearing Officer meeting, City staff clarified the operation of the MPF will be encompassing an existing 43,144 square-foot ground level, 3,135 square-foot existing mezzanine level, and an internal addition of 40,009 square-feet to the mezzanine level for a total of 86,288 square-feet of interior space within the existing two-story building located at 2220 Niels Bohr Court.

The existing building was constructed in 1999 as a shell building for industrial uses to serve the Otay Mesa Community. It was previously occupied by a semi-conductor manufacturer and distributor from July 2000 through July 2010 and the location for a distributor of store-return merchandise from April 2013 through August 2017. The project is a cultivation facility with a distribution component which is comparable to prior uses on the project site. The expected trip generation for the proposed project is approximately 201 daily trips. Previous use was estimated to have generated 232 daily

trips. The minimum parking requirements for the Project is 50 spaces at a rate of 1 parking space per employee. The previous use would require minimum parking at a rate of 1 space per 1,000 square feet, or 86 parking spaces for the 86,288 square-foot building. Therefore, the Project would be less intensive in comparison to the prior distribution uses.

Rodney Eales Appeal Issue No. 2: "Because the project will be adding new development, the project is required to provide parking at a ratio of 2.5 parking spaces per 1,000 GFA. The project application does not abide by this requirement and does not provide sufficient parking."

Staff Response: Parking for applications proposing to utilize existing developed properties are based on either the number of employees identified by the applicant needed to operate the MPF or 2.5 parking spaces per 1,000 square feet of gross floor area. The applicant has identified a maximum of 50 employees to operate the MPF and the draft CUP is conditioned to only allow 50 employees on-site at any given time to correspond to the 82 provided parking spaces for the project.

Rodney Eales Appeal Issue No. 3: "The project is increasing the FAR to 0.76, which is in excess of the Otay Mesa Community Plan area limit of the FAR 0.5. Therefore, the project is inconsistent with the Community Plan."

Staff Response: Pursuant to SDMC section 113.0234(d)(2), Elements Not Included in Gross Floor Area (GFA), interior modifications, including additions of actual floor areas that do not affect the outer limits of the existing structural envelope are not included in GFA. Therefore, the Project is not increasing the Floor Area Ratio (FAR) as the GFA remains the same within the existing building.

Rodney Eales Appeal Issue No. 4: "The Site Plans do not demonstrate that the project includes an enclosed garage for distribution purposes, contrary to local regulations State Law."

Staff Response: The SDMC does not require enclosed garage for distribution purposes. Cannabis business operators are required to obtain the necessary State license(s) to conduct their business, which may require additional modifications and/or construction permits to operate their business.

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 3) to support the proposed development and draft conditions of approval (Attachment 4). Staff is recommending the Planning Commission deny the appeals and approve the Project as presented.

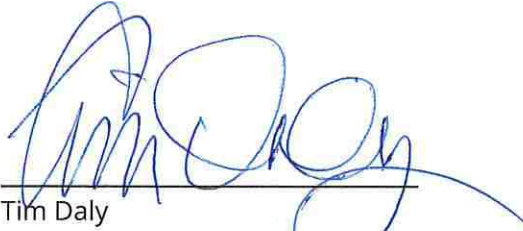
ALTERNATIVES

1. Deny the appeals and approve Conditional Use Permit No. 2062816, with modifications.
2. Uphold the appeals and deny the Conditional Use Permit No. 2062816, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department



Tim Daly
Development Project Manager
Development Services Department

LOWE/TPD

Attachments:

1. Report to the Hearing Officer No. HO-19-010, January 30, 2019
2. Rodney Eales Appeal
3. Draft Permit Resolution with Findings
4. Draft Permit with Conditions



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: January 30, 2019 REPORT NO. HO-19-010

HEARING DATE: February 6, 2019

SUBJECT: MPF 2220 Niels Bohr Court, Process Three Decision

PROJECT NUMBER: [585368](#)

OWNER/APPLICANT: Pacific Rim Business Center, LLC., Owner and Willie Senn, Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility within an existing 86,288 square-foot, two-story building located at 2220 Niels Bohr Court in the Otay Mesa Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2062816.

Community Planning Group Recommendation: On September 26, 2018, the Otay Mesa Planning Group voted 13-1-1 to recommend approval of the project without conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301, Existing Facilities (Attachment 6). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on October 23, 2018. The scope of the subject hearing only includes the project, and not the environmental determination.

BACKGROUND

The project is a request for a Conditional Use Permit pursuant to San Diego Municipal Code (SDMC) Section 126.0303 to operate a Marijuana Production Facility (MPF) within an existing 86,288 square-foot, two-story building located on a 2.61-acre site at 2220 Niels Bohr Court (Attachment 1). The project site is in the IL-2-1 Zone and the Community Plan Implementation Overlay Zone-Type A (CPIOZ-A) within the Otay Mesa Community Plan area. The project site is also located within Prime Industrial Lands, Airport Land Use Compatibility Overlay Zone – Brown Field, Airport Influence Area (Brown Field - Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Noticing Area (Brown Field) Overlay Zones. The building, constructed in 1999, is currently being used as a warehouse and office.

The project site is designated Prime Industrial Land in the Prosperity Element, and 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 designated Light Industrial within the South District of the Otay Mesa Community Plan (Attachment 2). The Light Industrial designation is intended for manufacturing, research and development, storage, warehousing, distribution and similar 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 project site is surrounded by commercial and industrial uses consistent with the Light Industrial and Heavy Commercial designations of the community plan. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation (Attachment 3).

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 an MPF within an existing 86,288 square-foot, two-story building. The project proposes tenant improvements to accommodate operations, including interior walls to reconfigure space, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. No exterior building alterations would occur. Operations include cannabis cultivation, extraction, manufacturing, and distribution. Public improvements would include the reconstruction of two existing driveways with current City Standard concrete commercial driveways, adjacent to the site on Niels Bohr Court, and the reconstruction of an existing curb ramp at the southwest corner of Heinrich Hertz Drive and Niels Bohr Court, 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 statutes and regulations.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The 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. 2062816, with modifications.
2. Deny Conditional Use Permit No. 2062816, if the findings required to approve the project cannot be affirmed.

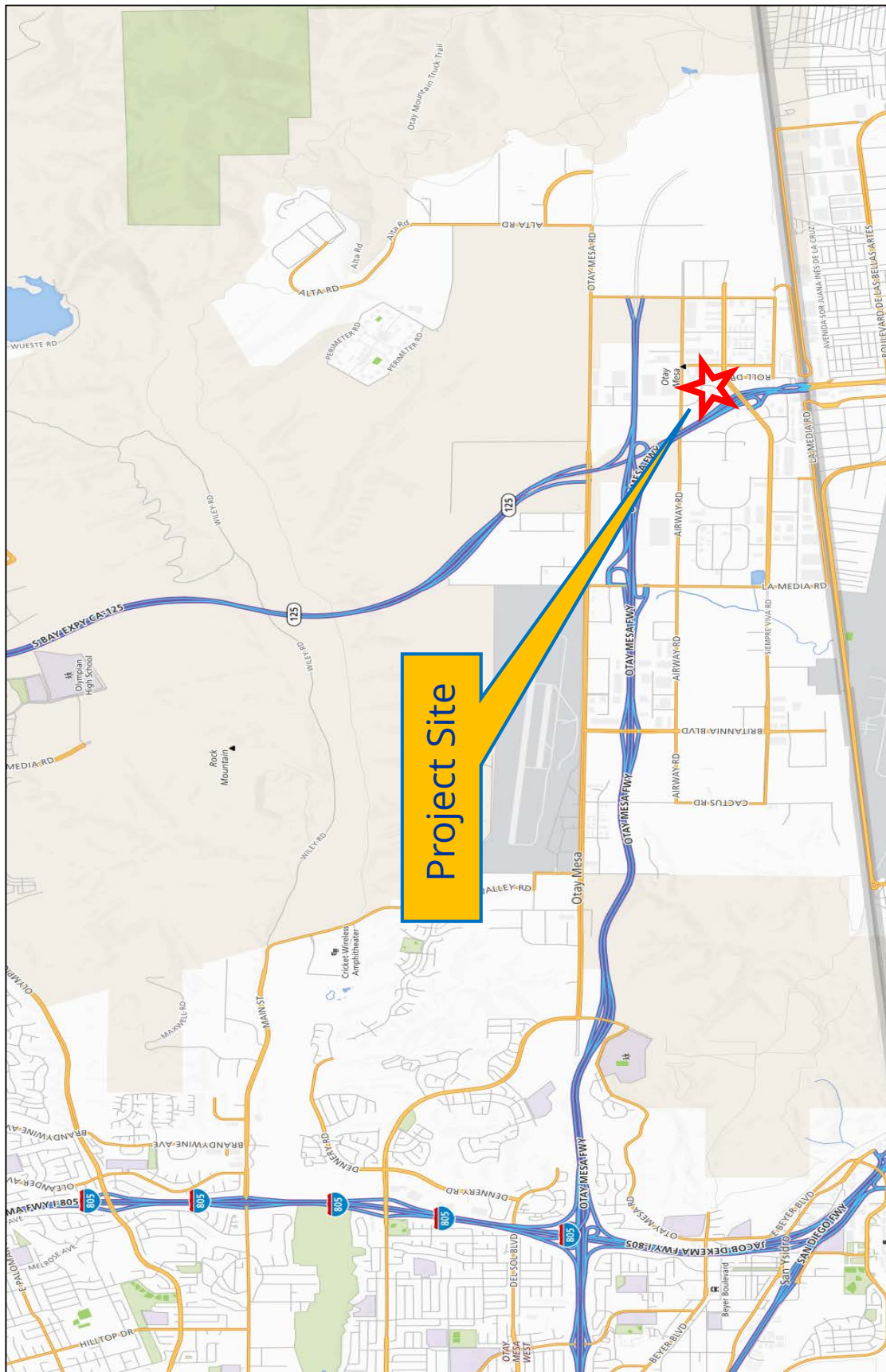
Respectfully submitted,



Tim Daly
Development Project Manager

Attachments:

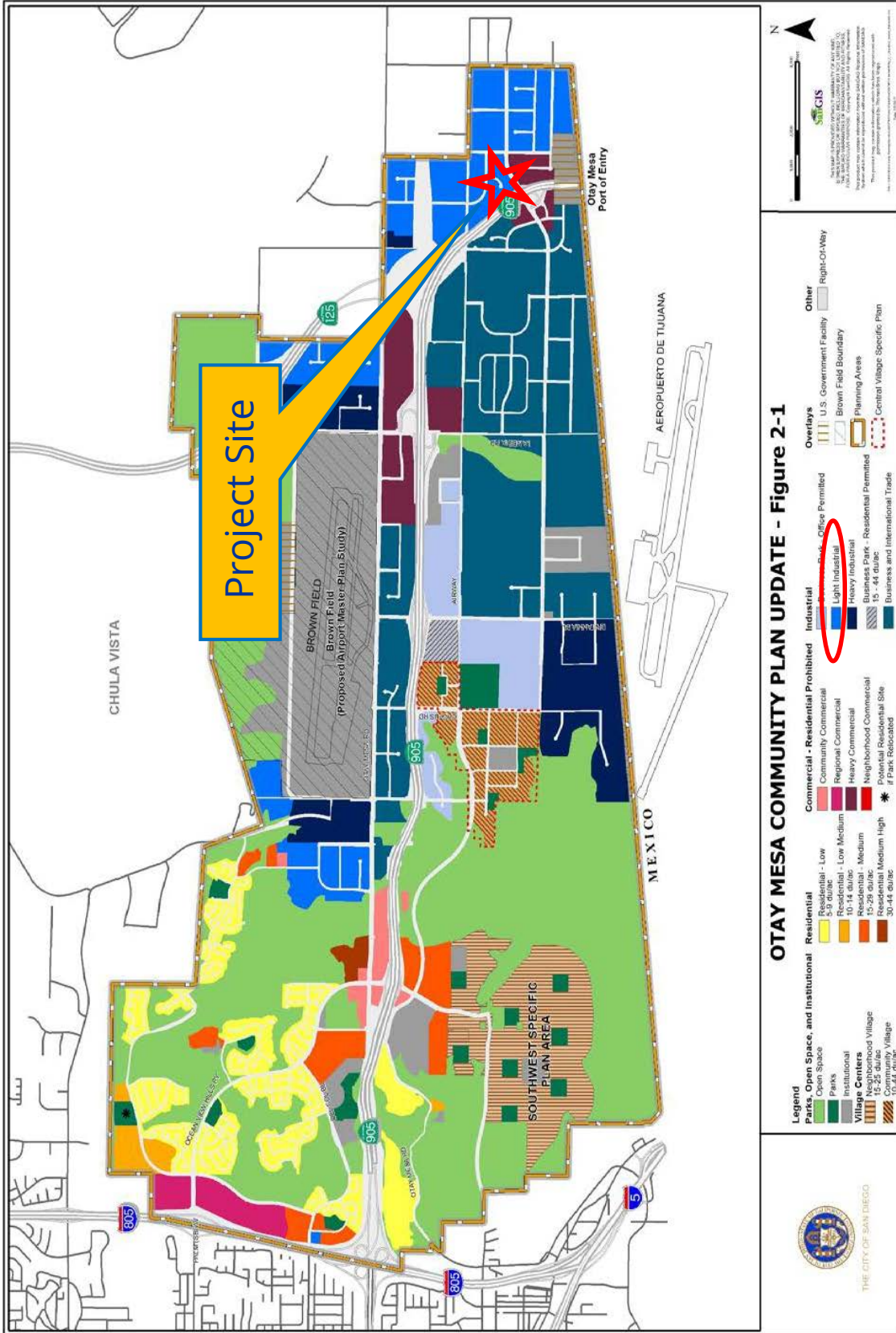
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Notice of Right to Appeal Environmental Determination
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans



Project Location Map

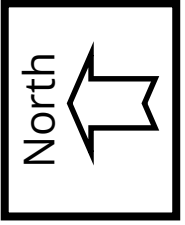
PROJECT NO. 585368, MPF 2220 NIELS BOHR COURT
2220 NIELS BOHR COURT, SAN DIEGO CA 92154

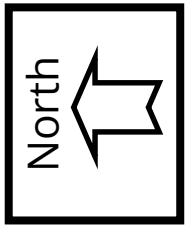
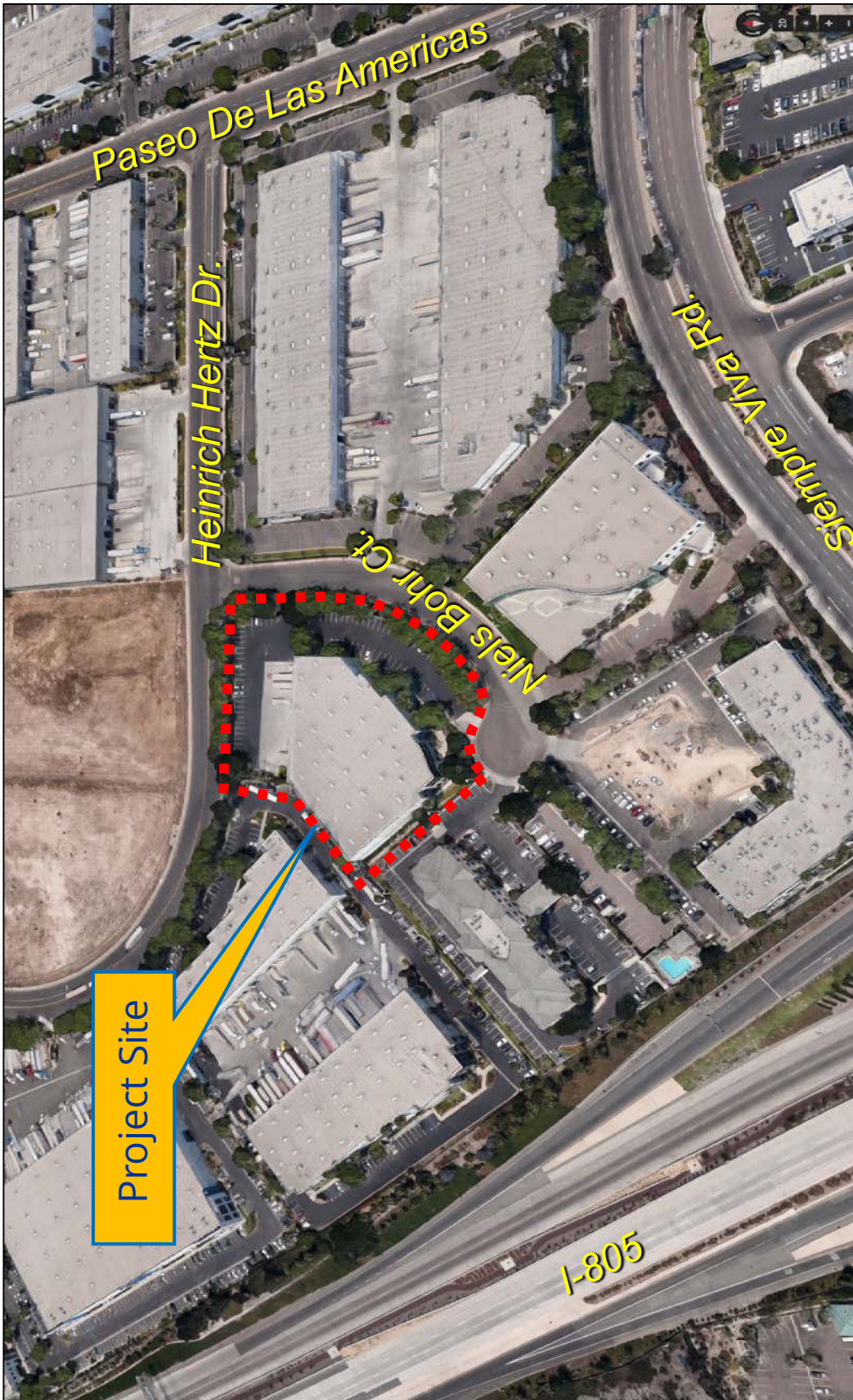




Community Land Use Map

PROJECT NO. 585368, MPF 2220 NIELS BOHR COURT
2220 NIELS BOHR COURT, SAN DIEGO CA 92154





Aerial Photograph

PROJECT NO. 585368, MPF 2220 NIELS BOHR COURT
2220 NIELS BOHR COURT, SAN DIEGO CA 92154



HEARING OFFICER RESOLUTION NO. HO-XXXX
CONDITIONAL USE PERMIT NO. 2062816
MPF 2220 NIELS BOHR COURT - PROJECT NO. 585368

WHEREAS, PACIFIC RIM BUSINESS CENTER, LLC, a California Limited Liability Company, Owner, and WILLIE SENN, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 86,288 square-foot, two-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2062816), on portions of a 2.61-acre site;

WHEREAS, the project site is located at 2220 Niels Bohr Court in the IL-2-1 Zone, Community Plan Implementation Overlay Zone -Type A (CPIOZ-A), Prime Industrial Lands, Airport Land Use Compatibility Overlay Zone – Brown Field, Airport Influence Area (Brown Field - Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Noticing Area (Brown Field) Overlay Zones of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as Lots 4, 5, 6, 7, and 8 of Otay International Center Lot 4 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12439, filed in the Office of the County Recorder of San Diego County, August 10, 1989;

WHEREAS, on September 26, 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 15303 (c) [Existing Facilities] and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 3, 2018 pursuant to Resolution No. R-312077;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2062816 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. 2062816.

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing two-story, 86,288 square-foot building. The 2.61-acre site is located at 2220 Niels Bohr Court in the IL-2-1 Zone, Community Plan Implementation Overlay Zone -Type A (CPIOZ-A), Prime Industrial Lands, Airport Land Use Compatibility Overlay Zone – Brown Field, Airport Influence Area (Brown Field - Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Noticing Area (Brown Field) Overlay Zones within the Otay Mesa Community Plan.

The project site is designated Light Industrial within the South District of the Otay Mesa Community Plan. The South District is one of five Districts within Otay Mesa. The variety of industrial land use designations in Otay Mesa is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. Industrial development in Otay Mesa has played a major role in the history of this neighborhood as private developers have purchased this land of this designation for a variety of industrial uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MPF, classified as industrial, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

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

The proposed project requests a Conditional Use Permit to operate a MPF within an existing two-story, 86,288 square-foot building. The 2.61-acre site is located at 2220 Niels Bohr Court in the IL-2-1 Zone of the Otay Mesa Community Plan. The building is currently being used as an office/warehouse facility. The project proposes interior improvements that include offices, cultivation area, extraction area, material staging, manufacturing area and distribution area. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will

require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the reconstruction of the two existing driveways to meet City Standard concrete commercial driveways, adjacent to the site on Niels Bohr Court, and reconstructing the existing curb ramp at the southwest corner of Heinrich Hertz Drive and Niels Bohr Court.

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

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2062816. The Conditional Use Permit No. 2062816 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. 2062816. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project requests a Conditional Use Permit to operate a MPF within an existing two-story, 86,288 square-foot building. The 2.61-acre site is located at 2220 Niels Bohr Court in the IL-2-1 Zone of the Otay Mesa Community Plan. The site is located in the IL-2-1 Zone and designated by the Otay Mesa Community Plan for Light Industrial uses. The site was developed in 1990. The project proposes interior improvements including an office, lab, extraction area, packaging, and storage area. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPFs are allowed in the IL-2-1 Zone of the Otay 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 project requests a Conditional Use Permit to operate a MPF within an existing two-story, 86,288 square-foot building. The 2.61-acre site is located at 2220 Niels Bohr Court in the IL-2-1 Zone of the Otay Mesa Community Plan. The site is located in the IL-2-1 Zone and designated by the Otay Mesa Community Plan for Light Industrial uses. The Light Industrial IL-2-1 Zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. The site, designated Light Industrial, is within the South District of the Otay Mesa Community Plan. The use of a variety of industrial land use designations in Otay Mesa is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. All of the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MPF, classified as industrial, is consistent with the community plan.

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

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2062816 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. 2062816, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: February 6, 2018

IO#: 24007553

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: 24007553

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2062816
MPF 2220 NIELS BOHR COURT - PROJECT NO. 585368
HEARING OFFICER

This Conditional Use Permit No. 2062816 is granted by the Hearing Officer of the City of San Diego to Pacific Rim Business Center, LLC, a California Limited Liability Company, Owner, and Willie Senn, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.61-acre site is located at 2220 Niels Bohr Court within the IL-2-1 Zone within the Otay Mesa Community Plan area. The project site is legally described as Lots 4, 5, 6, 7, and 8 of Otay International Center Lot 4 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12439, filed in the Office of the County Recorder of San Diego County, August 10, 1989.

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 two-story building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 6, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing two-story 86,288 square-foot building located at 2220 Niels Bohr Court. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis cultivation, extraction, manufacturing, and distribution;
- 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 February 21, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on February 21, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary 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, Owners/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, to reconstruct the two existing driveways with current City Standard concrete commercial driveways, adjacent to the site on Niels Bohr Court, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct existing curb ramp at the southwest corner of Heinrich Hertz Drive and Niels Bohr Court, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with Detectable/Tactile Warning Title, satisfactory to the City Engineer.

TRANSPORTATION DEVELOPMENT:

15. 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.
16. A maximum of 50 employees shall be allowed on-site at any given time to correspond to the 82 provided parking spaces for the project.

PLANNING/DESIGN REQUIREMENTS:

17. 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.
18. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
19. 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.
20. 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.
21. 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.

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

23. 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.

24. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.

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

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section [34.0103 \(b\)](#), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at (619) 615-1580.

APPROVED by the Hearing Officer of the City of San Diego on February 6, 2019 by Resolution No. HO-XX.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2062816

Date of Approval: February 6, 2019

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.

Pacific Rim Business Centre, LLC.
Owner

By _____

Willie Senn
Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code**

section 1189 et seq.



THE CITY OF SAN DIEGO

DATE OF NOTICE: September 20, 2018

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007553

PROJECT NO: 585368
PROJECT NAME: MPF 2220 Niels Bohr Ct.
COMMUNITY PLAN AREA: Otay Mesa
COUNCIL DISTRICT: 8
LOCATION: 2220 Niels Bohr Ct., San Diego, CA 92154

PROJECT DESCRIPTION: The project is a request for a Conditional Use Permit (CUP) for a Marijuana Production Facility within an existing 86,288 square-foot building located at 2220 Niels Bohr Ct., San Diego, CA 92154. Project operations would include the cultivation, trimming, and distribution of cannabis products to State of California licensed outlets. The project is located within a 2.61-acre site, within the IL-2-1 zone, Otay Mesa Community Plan Area, Transit Priority Area, Community Plan Implementation Zone 'A' (CPIOZ-A), Geologic Hazard 53, Very High Severity Zone, Airport FAA Part 77 Noticing Area – Brown Field 621' – 631', Airport Influence Area Review Area 2 – Brown Field, Airport Land Use Compatibility Overlay Zone – Brown Field, Tijuana Watershed, Water Tanks Sub-Area Watershed, and Council District 8.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15301 (Existing Facilities)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: 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 as the use will be contained within the existing building. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

CITY PROJECT MANAGER: Tim Daly

MAILING ADDRESS: 1222 First Avenue, MS 501
San Diego, CA 92101
PHONE NUMBER/E-MAIL: (619) 446-5356 / tpdaly@sanidiego.gov

On September 20, 2018 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (October 4, 2018). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.


This information will be made available in alternative formats upon request.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: MPF 2220 Niels Bohr Ct.		Project Number: 585368		Distribution Date:	
Project Scope/Location: URBAN LEAF - CUP - MPF 2220 Niels Bohr Court, San Diego, CA 92154					
Applicant Name:				Applicant Phone Number:	
Project Manager: Tim Daly		Phone Number: 619 446 5356	Fax Number: (619) 321-3200	E-mail Address: tpdaly@sandiego.gov	
Committee Recommendations (To be completed for Initial Review):					
<input checked="" type="checkbox"/> Vote to Approve 09/26/2018		Members Yes 13	Members No 1	Members Abstain 1	
<input type="checkbox"/> Vote to Approve With Conditions Listed Below		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Deny		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				<input type="checkbox"/> Continued	
CONDITIONS:					
NAME: Rob Hixson III			TITLE: Planning Group Chairman		
SIGNATURE: 			DATE: 1/29/2019		
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.					

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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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: 2220 Niels Bohr Court **Project No. For City Use Only:** 585368
Project Address: 2220 Niels Bohr Court, San Diego, CA 92154

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

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. _____
☐ 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: Michael A. Vogt / Pacific Rim Business Centre LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 821 Kuhn Drive, Suite 100
 City: Chula Vista State: CA Zip: 91914
 Phone No.: (619) 661-6681 ext 107 Fax No.: (619) 591-2411 Email: mike@ireddevelopment.com
 Signature: [Signature] Date: 10/23/17
 Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: Willie Senn ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency
 Street Address: 1028 Buenos Ave
 City: San Diego State: CA Zip: 92110
 Phone No.: 619.346.0587 Fax No.: _____ Email: wfsenn@gmail.com
 Signature: [Signature] Date: 10/23/17
 Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: ☐ Yes ☐ No

Scott Bernet Architects

A Professional Corporation

2031 Second Ave., San Diego, CA 92101 619/237-9433 fax 619/237-9499

NIELS BOHR COURT MPF

2220 NIELS BOHR COURT.

SAN DIEGO, CA. 92154



SHEET TITLE:
SITE PLAN

DRAWING DATE :
11/09/17

REVISION 1 :

REVISION 2 :

REVISION 3 :

REVISION 4 :

REVISION 5 :

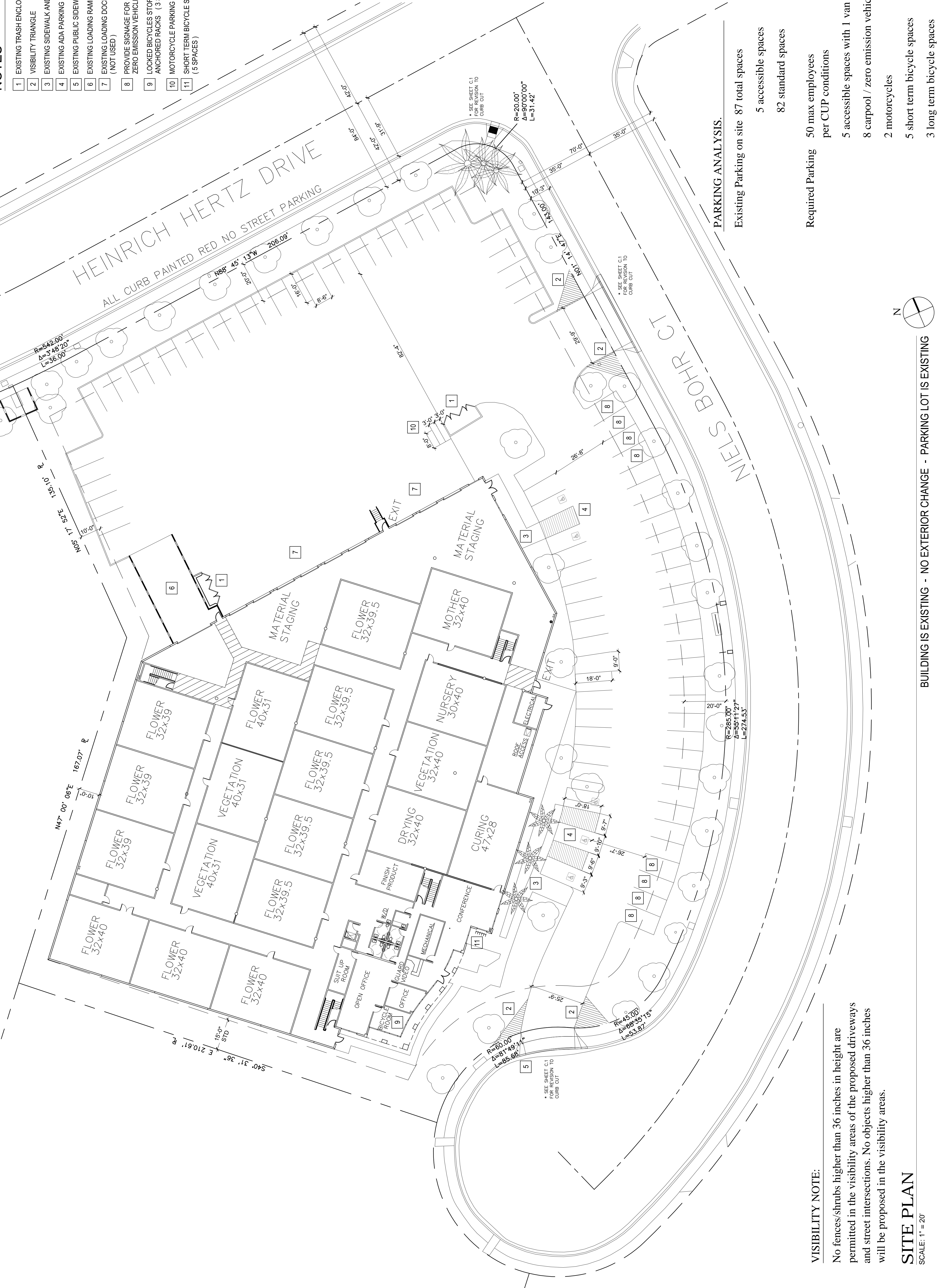
SHEET NUMBER

A1

SHEET 2 OF 9

NOTES

- 1 EXISTING TRASH ENCLOSURE
- 2 VISIBILITY TRIANGLE
- 3 EXISTING SIDEWALK AND RAMP
- 4 EXISTING ADA PARKING
- 5 EXISTING PUBLIC SIDEWALK
- 6 EXISTING LOADING RAMP
- 7 EXISTING LOADING DOCKS (NOT USED)
- 8 PROVIDE SIGNAGE FOR CARPOOL / ZERO EMISSION VEHICLES.
- 9 LOCKED BICYCLES STORAGE WITH ANCHORED RACKS (3 SPACES)
- 10 MOTORCYCLE PARKING
- 11 SHORT TERM BICYCLE SPACES (5 SPACES)

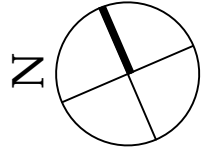


VISIBILITY NOTE:

No fences/shrubs higher than 36 inches in height are permitted in the visibility areas of the proposed driveways and street intersections. No objects higher than 36 inches will be proposed in the visibility areas.

SITE PLAN

SCALE: 1" = 20'



BUILDING IS EXISTING - NO EXTERIOR CHANGE - PARKING LOT IS EXISTING

PARKING ANALYSIS.

Existing Parking on site 87 total spaces

- 5 accessible spaces
- 82 standard spaces

Required Parking 50 max employees per CUP conditions

- 5 accessible spaces with 1 van space
- 8 carpool / zero emission vehicles
- 2 motorcycles
- 5 short term bicycle spaces
- 3 long term bicycle spaces

ODOR CONTROL NOTE:

NEG = NEGATIVE PRESSURE

* SEALED ROOM

* INDIVIDUAL CARBON FILTRATION (CAN - LITE 3000 CFM) FOR EACH SPACE

* ATMOSPHERE V-12XL FANS FOR EACH SPACE

POS = POSITIVE PRESSURE (SPACES WITH NO ODOR ISSUES)

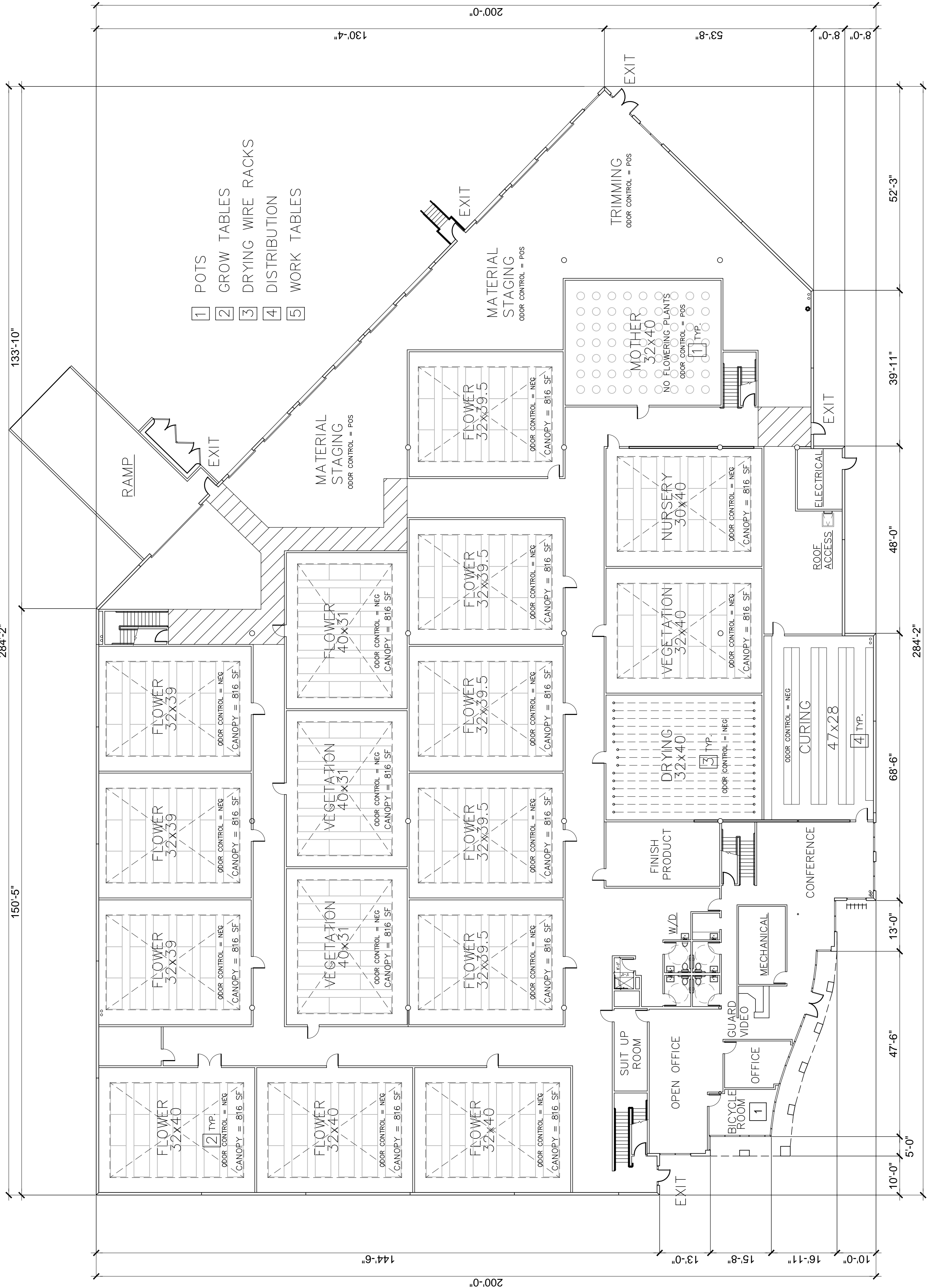
* STANDARD BALANCED AIR SYSTEM WITH SEPARATE FRESH AIR

(OFFICES, CIRCULATION, SUPPORT SPACES)

NOTES

- 1 LOCKED BICYCLES STORAGE WITH ANCHORED RACKS (3 SPACES)

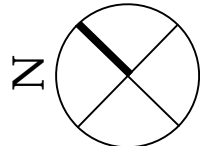
Space	Area SF	No of rooms	No of plants
First Floor			
Flower Rooms	15,882	12	8,640
Vegetation	3912	3	4,320
Mother Room	1346	1	50
Nursery	1271	1	4,320
Drying	1343	1	
Curing	1390	1	
Finish product	512	1	
Material staging	6878	2	
Office	2364	1	
Misc*	8246	4	
Total First Flr	43,144		17,330



FIRST FLOOR PLAN

3/32" = 1'-0"

EXISTING BUILDING - NO CHANGE TO FOOTPRINT OR EXTERIOR



MPF 2220 Niels Bohr Court
Project # 585368

Project Description

The project is for a CUP for a two level 86,288 square foot Marijuana Production Facility (MPF). The facility will be used for cultivation purposes. The project will be located in an existing tilt up concrete building with existing parking, loading, and landscape.

Manufacturing

No manufacturing is proposed for this facility.

Distribution

No distribution is proposed for this facility.

Operations

Hours of operation: The facility will operate 24 hrs/ day
Employees: 41 total, 15 trimmers, 17 cultivation workers, 3 plant foreman, 3 operations mgr., 3 guard
Proposed Shift schedules: 3 shifts
Maximum number of employees on site:

Shift 1 - 31 employees (15 trimmers, 13 cultivation workers, 1 plant foreman, 1 operations mgr, 1 guard

Shift 2 - 5 employees (3 cultivation workers, 1 plant foreman, 1 guard)

Shift 3 - 5 employees (3 cultivation workers, 1 plant foreman, 1 guard)

Delivery information

Number and Type of deliveries: 1 material delivery per week 1 product shipment per week

Schedule of deliveries: Every Friday for both material delivery and shipment

Size of trucks: 1-14' pand truck for material 1-14' panel truck for shipment

Parking

The cultivation project proposes to be conditioned to a maximum number of employees to 50 employees. The project estimates there will be an actual operational count 41 total over three shifts with the largest shift having 21 employees. Since the existing project has an existing parking lot with 87 striped spaces, the projects proposes to cap employees at 50 in the CUP to allow for a reserve for potential future employee additions.

Odor Control:

The facility will have an industrial air cleaner odor control system utilizing carbon filtration. The facility will utilize a negative air pressure vacuum system in the spaces with odor issues to maximize odor control. Each room will be sealed with an individual filter system using Can-Lite 3000 CFM carbon filters. Filtered air will be scrubbed and vented at the roof after treatment. See plans for each space odor control designation.

Conservation

Water conservation – the facility will reclaim all air conditioning condensate to use in the cultivation process. In addition water will be reclaimed from the dehumidifiers in the drying and curing spaces. In addition, approximately 50% of the irrigation water can be recycled. The reclaimed AC condensate water and recycled irrigation water will be sufficient to meet all cultivation water requirements on site.

Energy conservation – The lighting design has been selected to use approximately 50% less light than a standard cultivation facility. This is through the use of high pressure sodium lighting with an adjustable ballast which will allow the light output to be reduced. In addition, the reduced lighting will result in a 50% reduction in the air conditioning equipment load sizing. The air conditioning equipment will be high energy efficiency. The operator will also consider using LED/LEC lighting fixtures as they are becoming commercially available for this type of facility which would be an additional energy saving. All conditioned spaces will be insulated to minimize temperature loss.

Waste stream – all of the product of the cultivation process will be used or composted. The nursery medium is made of cocoa fibers which will be composted.

Cultivation Operations

Mother Room:

Where mother plants are grown that are used to make new cannabis clones. Cannabis mother plants are mature strong, vigorous plants that are deliberately kept in their vegetative state in order to produce cuttings that grow and develop quickly. They do not produce the odors typical of flowering plants.

These mother plants are kept in organic soil and housed in 5-10 gallon pots and are hand watered about once a week. The mother plants require minimum fluorescent lighting and typically sit on the floor with a fluorescent light directly above.

Nursery room: Where seedling plants / clones are nurtured and grown for approximately 2 weeks until reaching adolescent vegetative state. Seedlings are housed in propagation stations containing 50 1" cubes. Each propagation station is 10"x20", and multiple stations are stored on racks/shelves. Once seedling plants reach adolescence vegetative state they are transferred to vegetation room.

Vegetation room: Adolescent plants are transferred from the nursery and transplanted into 1 gallon pots where they are grown from adolescent plants to larger taller adult plants for 3 weeks. At which time they are transferred to the flower room. The vegetative plants are arranged in 4'x8' trays, where they receive nutrient water through a recycled flood and drain water system.

Flower room: The adult plants are transferred from the vegetation room to the flower room for the final stage of their life cycle. The plant is grown for 8-9 weeks until they reach full maturity, at which time the ripened flowers are harvested. The plants are arranged on rolling bench table systems and fed water and nutrient mixtures with a high efficiency irrigation drip system.

Drying/curing room: Once the ripened plants are cut and harvested, the full plants are transferred to drying/curing room. In the drying/curing room, a controlled environment allows the plant to properly dry and cure for 7-10 days to the desired finished product. At this time the product is ready to be trimmed and processed.

Trimming room: After being transferred from the drying/curing room the flowers are separated from the branches, where the excess leaves are trimmed off of the flower. Finished products are weighed and prepared for packaging.

Finished product room:

Finished product will be stored in the finished product room until picked up for distribution delivery service. Product is stored in plastic bins. This room has no odor issues.

NIELS BOHR COURT MPF
2220 NIELS BOHR COURT.

SAN DIEGO, CA. 92154



SHEET TITLE:
NEW FLOOR PLAN
DRAWING DATE :
11/08/17

REVISION 1 :

REVISION 2 :

REVISION 3 :

REVISION 4 :

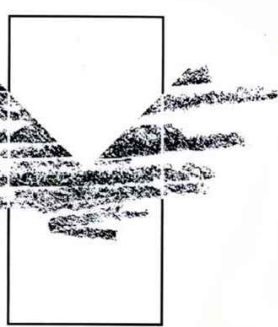
REVISION 5 :

SHEET NUMBER

A2.1

SHEET 3 OF 9

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Scott Bernet Architects

A Professional Corporation

NIELS BOHR COURT MPF

2220 NIELS BOHR COURT.

SAN DIEGO, CA. 92154



SHEET TITLE:
NEW FLOOR PLAN

DRAWING DATE :
11/08/17

REVISION 1 :

REVISION 2 :

REVISION 3 :

REVISION 4 :

REVISION 5 :

SHEET NUMBER
A2.2

SHEET 4 OF 9

MPF 2220 Niels Bohr Court

Project # 585368

Project Description

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No manufacturing is proposed for this facility.

Distribution

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Operations

Hours of operation: The facility will operate 24 hrs/ day
Employees: 41 total, 15 trimmers, 17 cultivation workers, 3 plant foreman, 3 operations mgr., 3 guard
Proposed Shift schedules: 3 shifts
Maximum number of employees on site:

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Conservation

Water conservation – the facility will reclaim all air conditioning condensate to use in the cultivation process. In addition water will be reclaimed from the dehumidifiers in the drying and curing spaces. In addition, approximately 50% of the irrigation water can be recycled. The reclaimed AC condensate water and recycled irrigation water will be sufficient to meet all cultivation water requirements on site.

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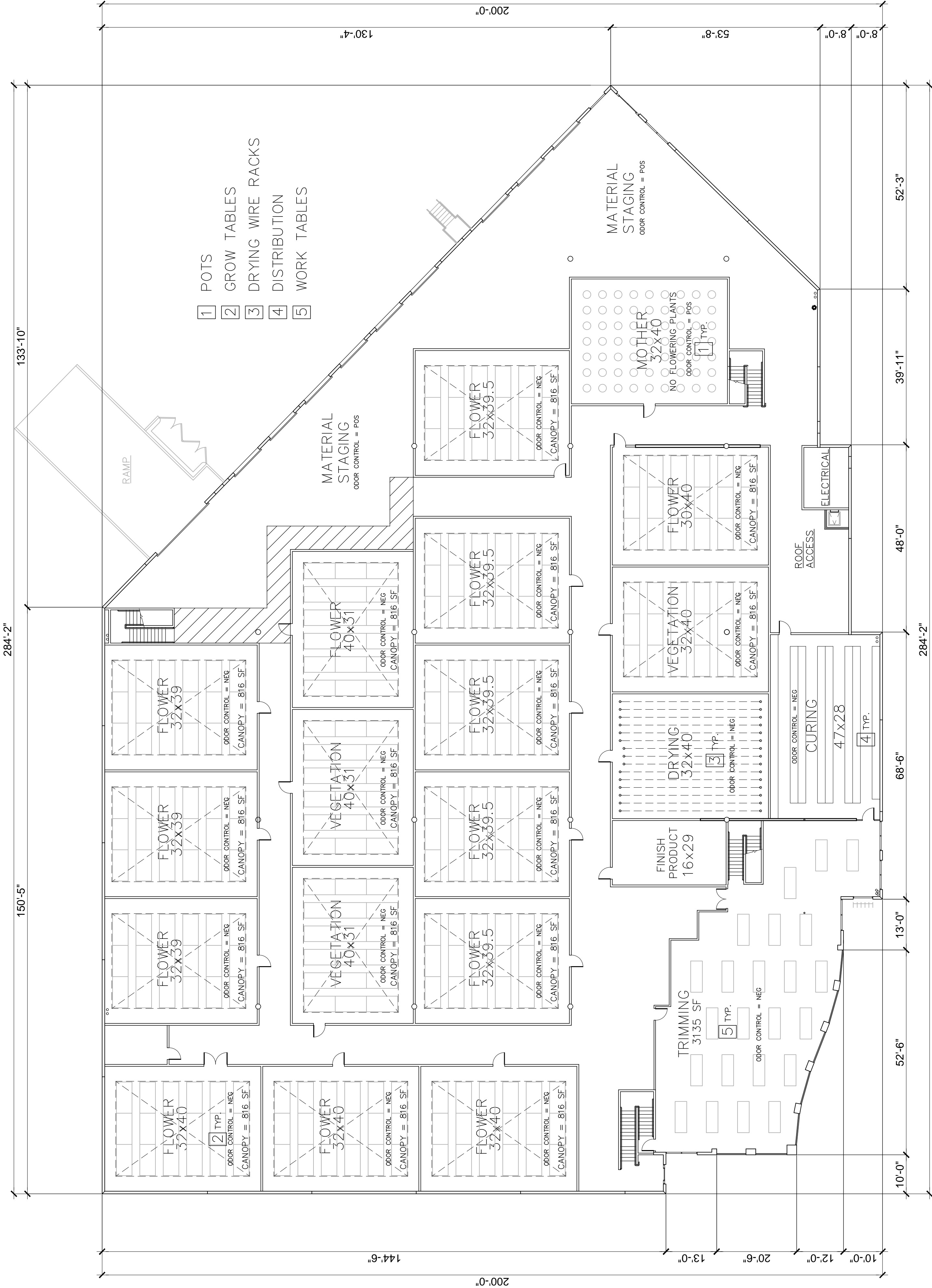
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Finished product room:

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Space	Area SF	No of rooms	No of plants
Second Floor			
Flower Rooms	17153	13	9,360
Vegetation	3912	3	4,680
Mother Room	1346	1	50
Drying	1343	1	
Curing	1390	1	
Finish product	512	1	
Material staging	6984		
Trimming	3305	2	
Misc*	7199	4	
Total Second Flr	43,144		14,090

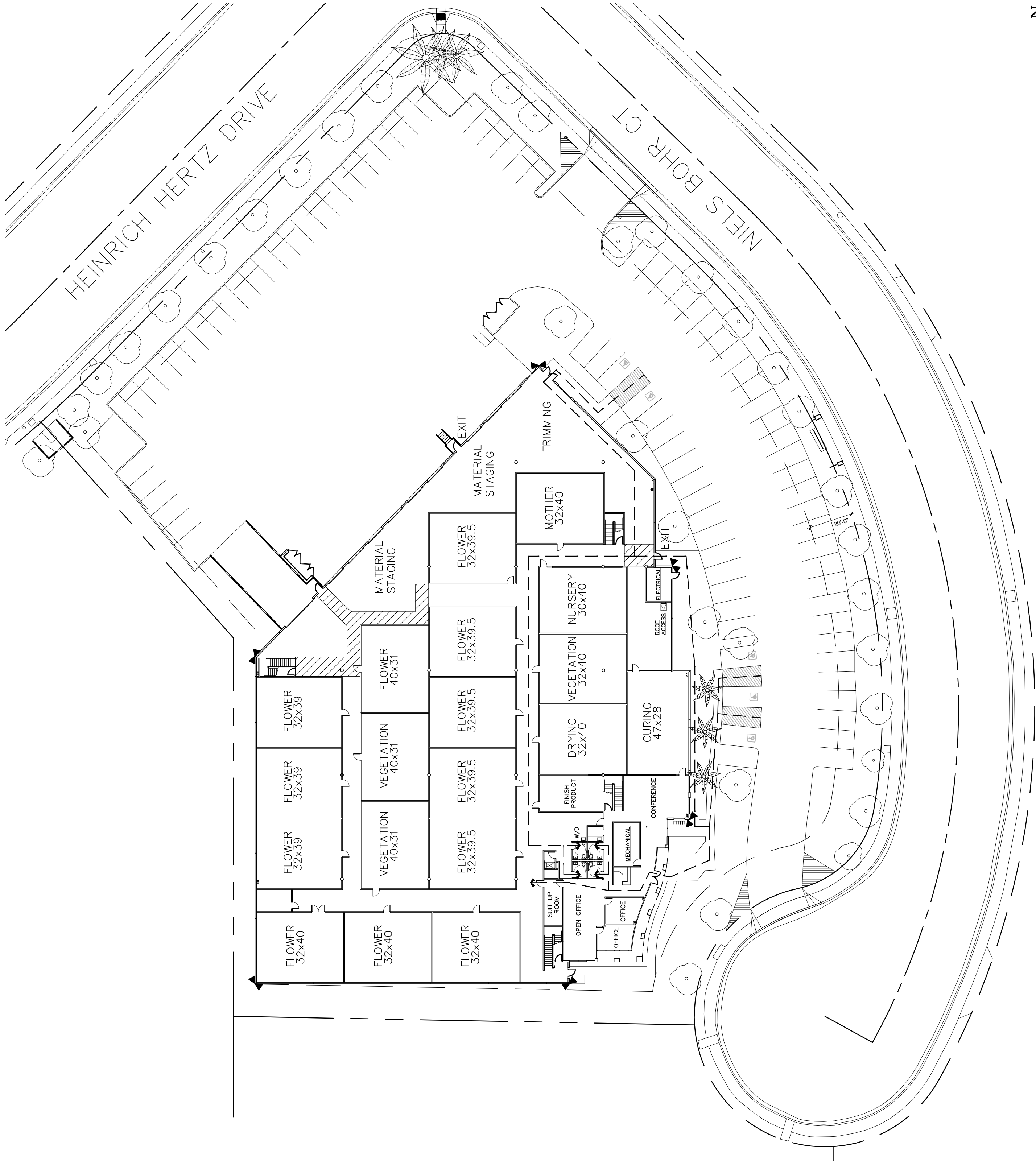


SECOND FLOOR PLAN

1/16" = 1'-0"

EXISTING BUILDING - NO CHANGE TO FOOTPRINT OR EXTERIOR
PARTIAL NEW SECOND FLOOR

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SECURITY SITE PLAN

SCALE: 1/32" = 1'-0"

POLICE NOTES

44. Revise the plans to clearly include a description and detailed schematic of the overall facility security. Identify with illustration and notes the proposed security measures to be implemented, including, but not limited to:
- a. Alarm System: Provide a valid alarm Company Operator License.
 - b. The site shall be alarmed with centrally monitored fire and burglary alarm system and monitored by an alarm company licensed by the State of California (B & P Code 7590 et seq.)
 - c. Operable Cameras: Illustrate on the plans the locations where cameras will be placed around the building.
 - d. Show and note on the floor plan that a surveillance camera shall be placed at face level to capture recording of every individual coming and going from the business for identification purposes.
 - e. Show and note on the floor plan that a surveillance camera shall be placed at face level to capture recording of every individual coming and going from the business for identification purposes.
 - f. Add a note that states that "24-hour fixed camera video surveillance shall be available for 90 days after recording. The recording shall be of a sufficient quality to provide identification of any individual being recorded; that the surveillance covers every interior area and room and adjacent perimeter area within a minimum of 50 feet; and that the City of La Mesa Police Department or other City authorized department shall have 24 hour remote access to the surveillance system.

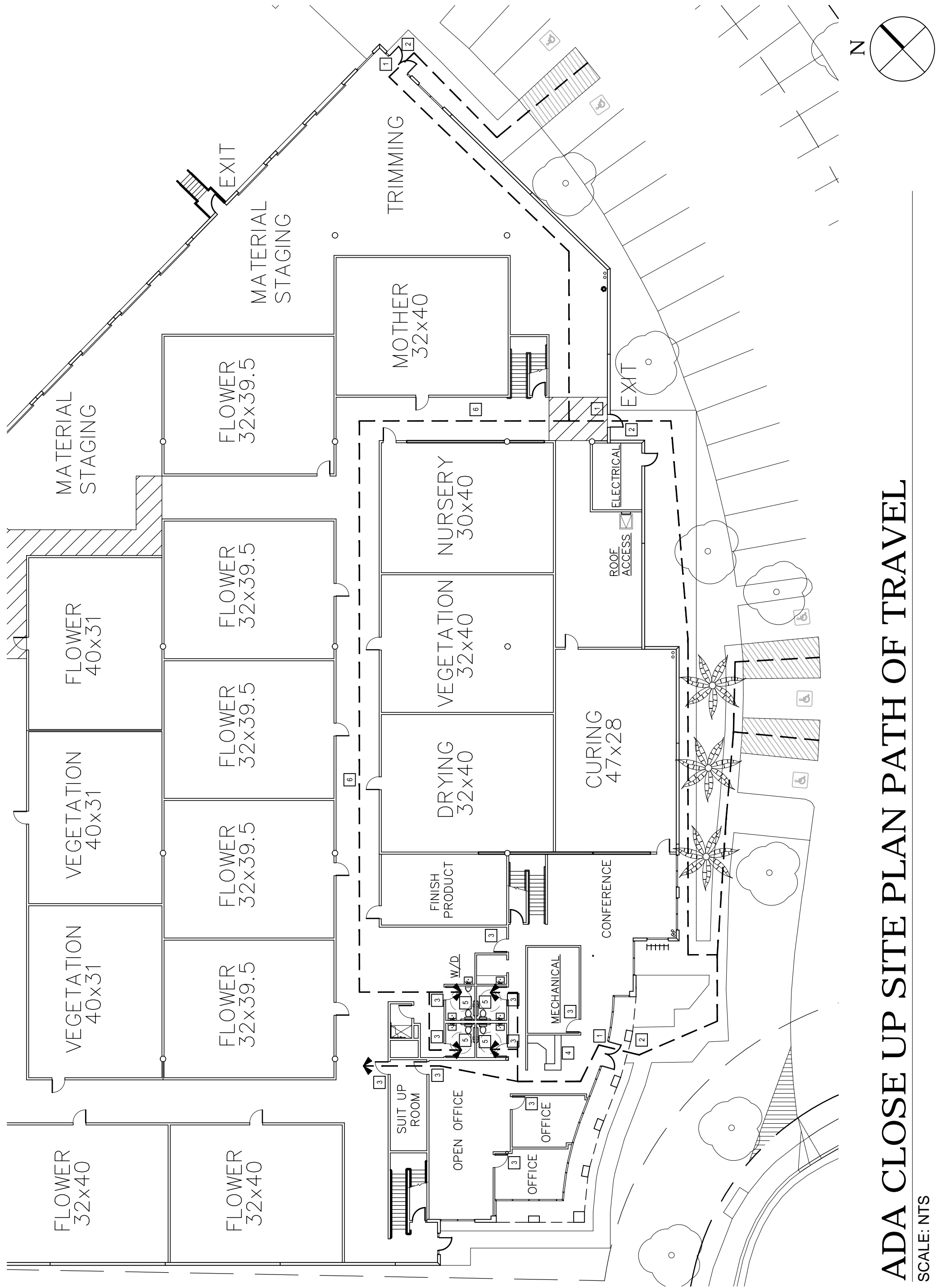
45. Site Lighting
- The property shall be well lit at night to prevent loitering and eliminate hiding places. Lighting should be consistent to reduce contrast between shadows and illuminated areas.
46. Building lighting shall:
- a. Illuminate building numbers
 - b. Illuminate building accesses
 - c. Illuminate front and back areas
47. Parking area shall be well lit with uniformity throughout the property.
48. Landscape design and maintenance shall implement applicable CPTED principles. A note shall be added to the landscape plan that states:
- a. Trees shall be at least 8 feet above the ground and bushes shall be trimmed to less than 3 feet to allow for natural surveillance of the property.
 - b. Landscape shall not obstruct the view of any windows, doorway, security cameras and light.
49. Provide evidence of a California State Licensed Security Guard contracted for the business.
50. Provide an Internet Protocol (IP) Address to your surveillance system. A complete review of the system shall occur at Building Permit application stage.

FIRE NOTES

37. Dispensaries shall comply with the most recent adopted California Fire Codes and Standards.
38. A fire inspection is required prior to a certificate of occupancy or business license being issued. The applicant shall ensure the dispensary is set up and ready for operation prior to the fire inspection.
39. The applicant shall provide a letter indicating any hazardous materials to be used or stored on site for the dispensary. This does not include normal business cleaning materials, however, they must be in a limited quantity.
40. The applicant shall provide a letter detailing the security provisions for the

ADA CLOSE UP SITE PLAN PATH OF TRAVEL

SCALE: NTS

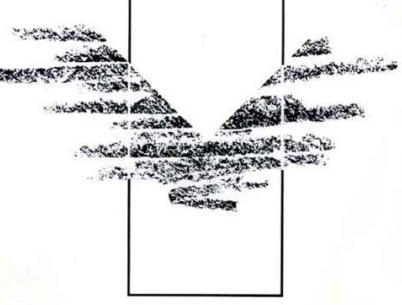


ADA NOTES

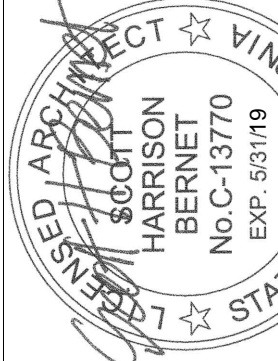
THE PROJECT WILL COMPLY WITH ALL APPLICABLE DISABLED ACCESSIBILITY REGULATIONS AS CONTAINED IN CHAPTERS 11B, TITLE 24 CALIFORNIA BUILDING CODE.

- | | |
|---|--------------------------------|
| 1 | 3'-0" ACCESSIBLE ENTRY |
| 2 | LEVEL ENTRY / EXIT |
| 3 | 3'-0" ACCESSIBLE DOOR |
| 4 | ACCESSIBLE COUNTER AT CHECK IN |
| 5 | ACCESSIBLE RESTROOMS |
| 6 | ACCESSIBLE HALL WIDTH |

Scott Bernet Architects
A Professional Corporation
2031 Second Ave., San Diego, CA 92101 619/237-9433 fax 619/237-9499



NIELS BOHR COURT MPF
2220 NIELS BOHR COURT.
SAN DIEGO, CA. 92154



SHEET TITLE :
SITE PLAN
DRAWING DATE :
11/08/17
REVISION 1 :

REVISION 2 :

REVISION 3 :

REVISION 4 :

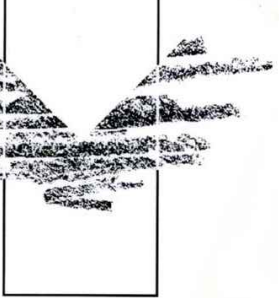
REVISION 5 :

SHEET NUMBER
A2.3
SHEET 5 OF 9

2031 Second Ave., San Diego, CA 92101 619/237-9433 fax 619/237-9439

Scott Bernet Architects

A Professional Corporation



NIELS BOHR COURT MPF

2220 NIELS BOHR COURT.

SAN DIEGO, CA. 92154

REGISTERED ARCHITECT

SCOTT HARRISON BERNET

No.C-13770

EXP. 5/31/19

STATE OF CALIFORNIA

SHEET TITLE:
NEW FLOOR PLAN

DRAWING DATE :
11/09/17

REVISION 1 :

REVISION 2 :

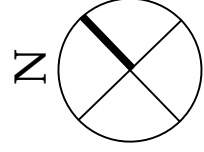
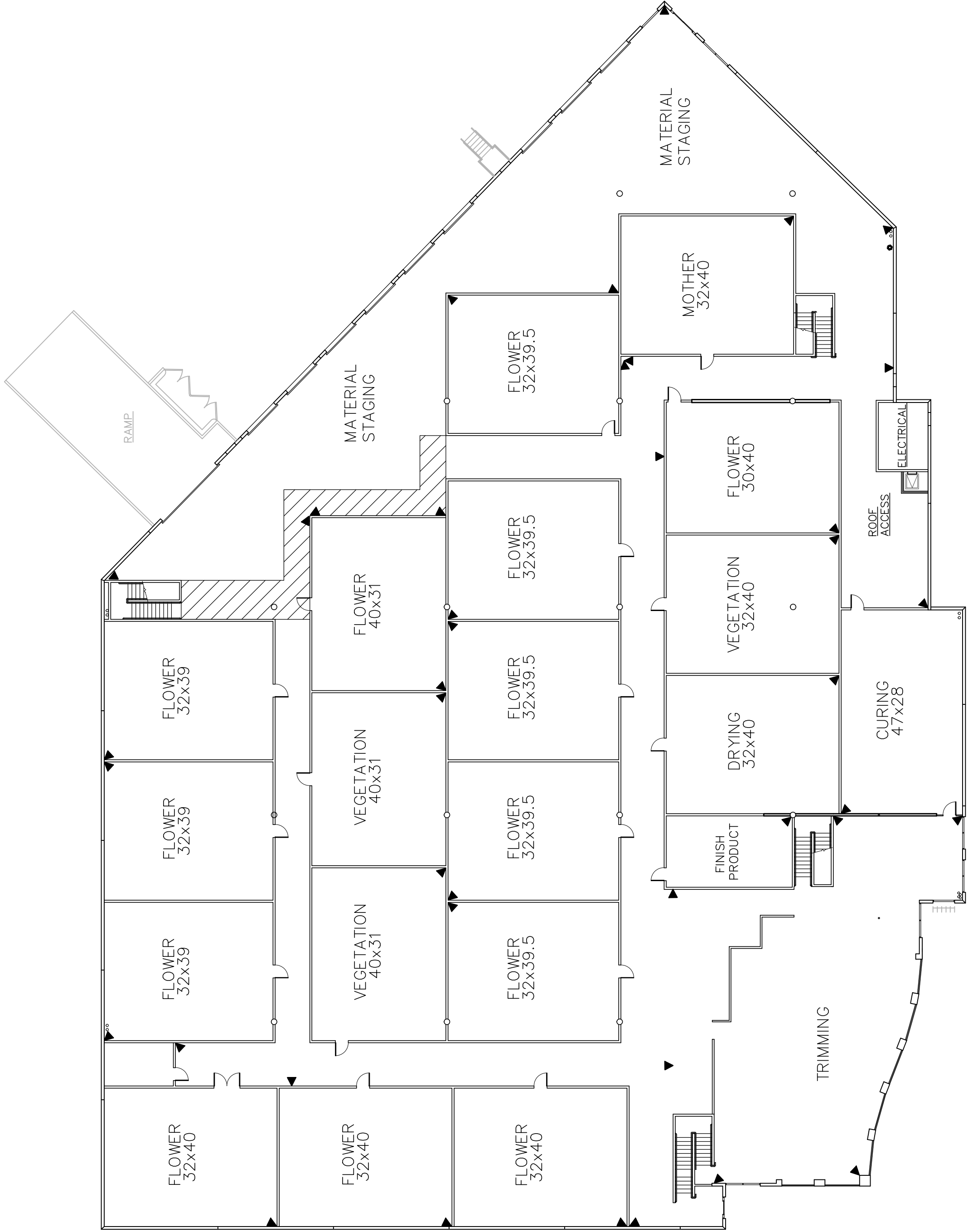
REVISION 3 :

REVISION 4 :

REVISION 5 :

SHEET NUMBER
A2.4

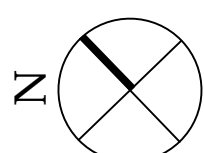
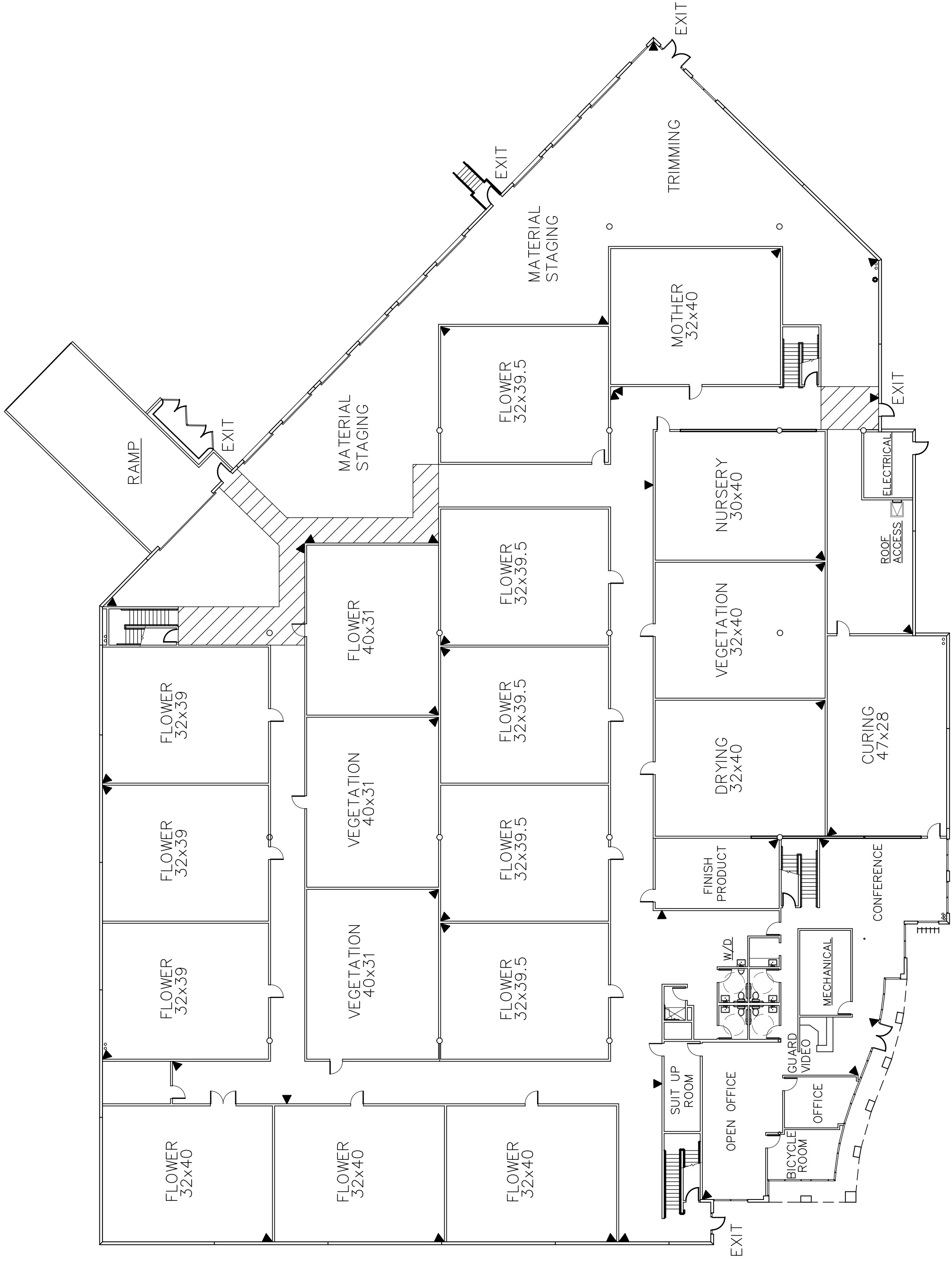
SHEET 6 OF 9



DIRECTIONAL CAMERA

SECURITY SECOND FLOOR PLAN

SCALE: NTS



DIRECTIONAL CAMERA


SECURITY FIRST FLOOR PLAN

SCALE: NTS

2031 Second Ave., San Diego, CA 92101 619/237-9433 fax 619/237-9439

Scott Bernet Architects

A Professional Corporation



NIELS BOHR COURT MPF

2220 NIELS BOHR COURT.

SAN DIEGO, CA. 92154

LOANED ARCHITECT

SCOTT HARRISON BERNET

No.C-13770

EXP. 5/31/19

STATE OF CALIFORNIA

SHEET TITLE: SITE PLAN

DRAWING DATE: 11/09/17

REVISION 1:

REVISION 2:

REVISION 3:

REVISION 4:

REVISION 5:

SHEET NUMBER

A3

SHEET 7 OF 9



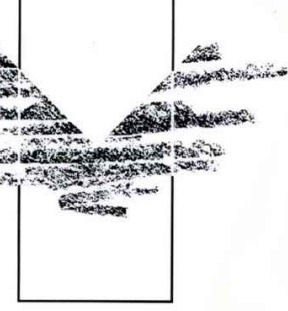
EXTERIOR ELEVATIONS

SCALE: NTS

2031 Second Ave., San Diego, CA 92101 619/237-9433 fax 619/237-9439

Scott Bernet Architects

A Professional Corporation



NIELS BOHR COURT MPF

2220 NIELS BOHR COURT.

SAN DIEGO, CA. 92154

REGISTERED ARCHITECT

SCOTT HARRISON BERNET

No. C-13770

EXP. 5/31/19

STATE OF CALIFORNIA

SHEET TITLE:
LANDSCAPE PLAN

DRAWING DATE :
11/09/17

REVISION 1 :

REVISION 2 :

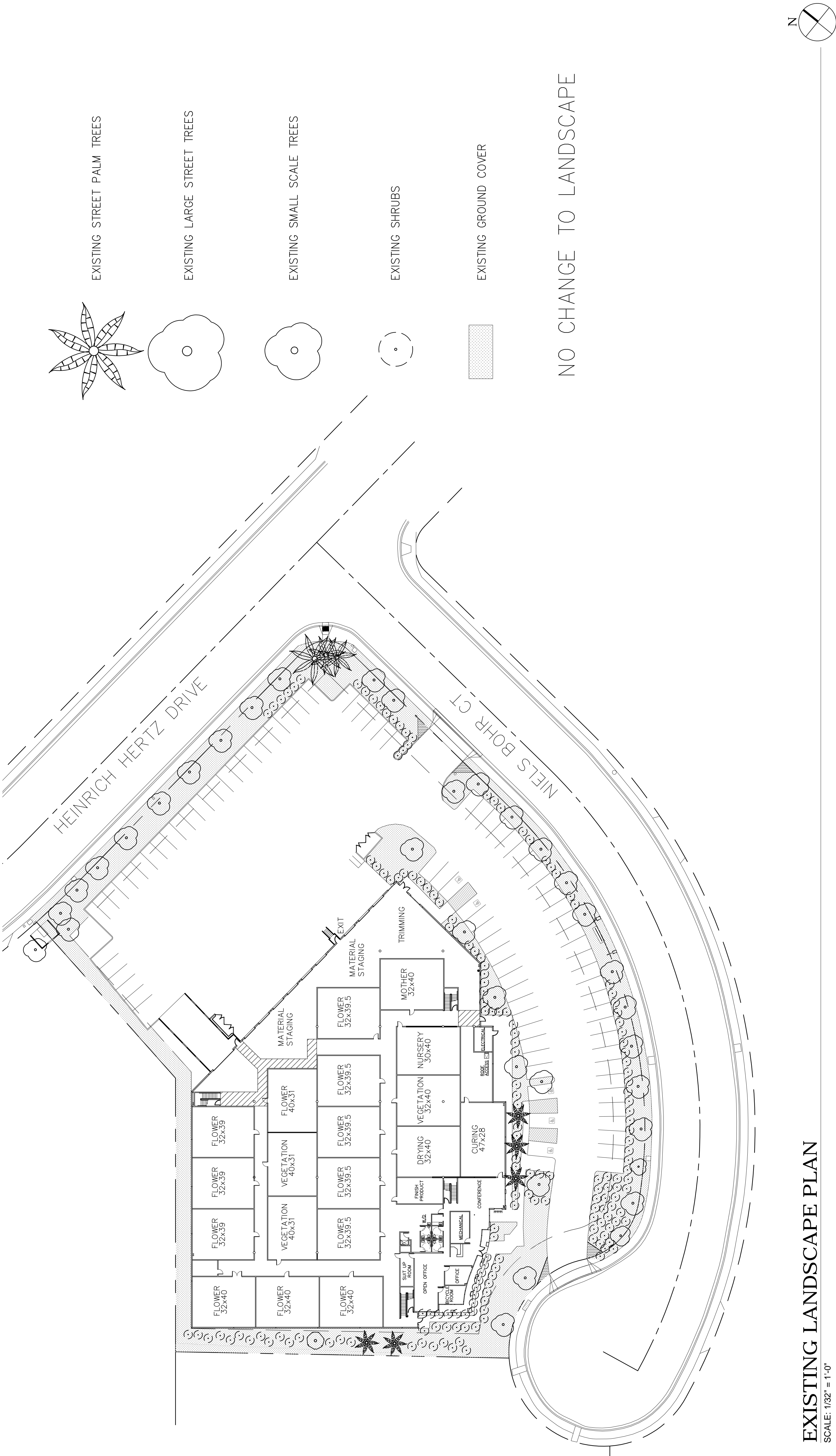
REVISION 3 :

REVISION 4 :

REVISION 5 :

SHEET NUMBER
A4

SHEET 8 OF 9



NOTES

1. THIS TOPOGRAPHIC SURVEY WAS PERFORMED FOR THE PURPOSES OF A SPECIFIC PROJECT, AND SOME AREAS MAY HAVE GREATER OR LESSER DETAIL BASED ON PROJECT REQUIREMENTS. CHANGES TO THE SCOPE, DESIGNER, OR LOCATION OF WORK MAY REQUIRE THAT ADDITIONAL SURVEYING BE PERFORMED TO SATISFY THE NEW REQUIREMENTS.
2. THIS IS A TOPOGRAPHIC SURVEY, NOT A BOUNDARY SURVEY OR RECORD OF EXISTING. THE PROPERTY LINES DEPICTED ON THIS PLAN ARE GENERATED FROM EXISTING PUBLIC RECORD MAPS, DRAWINGS, OR DESCRIPTIONS. THE PROPERTY LINES AND/OR EASEMENTS SHOWN HEREIN HAVE BEEN INCLUDED TO REPRESENT THEIR APPROXIMATE LOCATIONS RELATIVE TO THE TOPOGRAPHIC FEATURES.
3. THE LOCATIONS OF UTILITIES, IF ANY, SHOWN ON THIS PLAN ARE GENERATED FROM RECORDS PROVIDED BY UTILITY/GOVERNING AGENCIES AND/OR FIELD DATA COLLECTED DURING THE SURVEY. THE PLOTTING OF UTILITIES ON THIS PLAN DOES NOT CONSTITUTE A GUARANTEE OF THEIR LOCATION, DEPTH SIZE, OR TYPE.

BENCHMARK

FOUND L&D IN CONC. WALK (NW SIDE OF SIEMPRE VIVA ROAD &
ROOL DRIVE)
ELEV = 576.72 ; DATUM: NGVD29; CITY OF SAN DIEGO CONTROL
NETWORK. (ROS 14492)

ABBREVIATIONS

AC	ASPHALTIC CONCRETE
A.C.	ASPHALTIC CONCRETE
BLK	BRICK
BRK	BRICK
EW	GRADE AT BOTTOM OF WALL
FL	CONCRETE FLOOR
FL CONC	GRADE AT BOTTOM OF WALL
G.O.	CONCRETE GROUND
EL	ELECTRIC
ELEV	ELEVATION
FL	FLOOR LINE
FL BK	FLOOR BOOK
FLD	HIGH FIELD
LP	LOW PRESSURE
PLTR	PLASTER
PMT	PAVEMENT
SCO	SEWER CLEANOUT
SMH	SEWER MANHOLE
TN	GRADE AT TOP OF WALL
WM	TYPICAL WATER METER

EASEMENTS

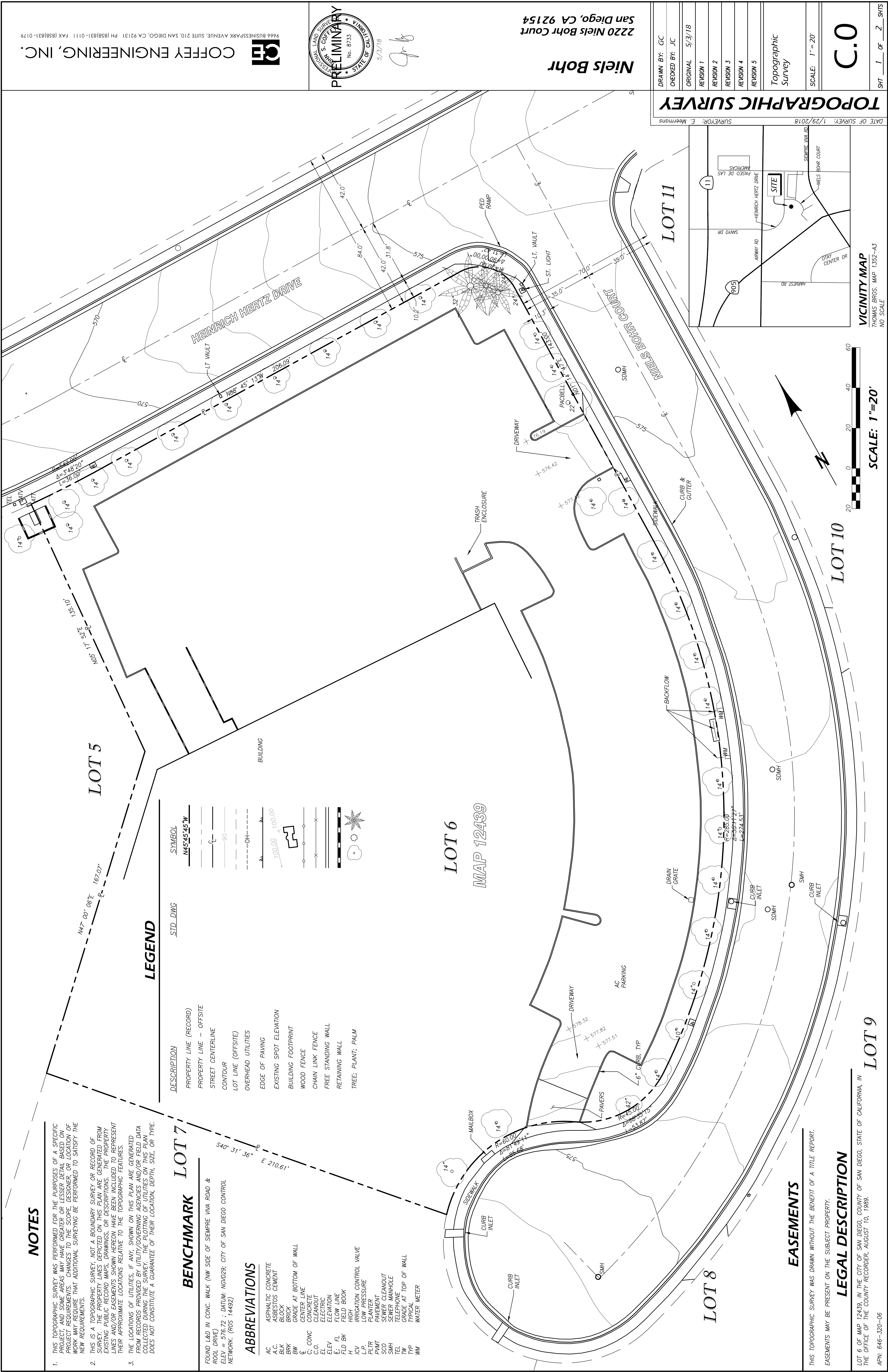
THIS TOPOGRAPHIC SURVEY WAS DRAWN WITHOUT THE BENEFIT OF A TITLE REPORT.

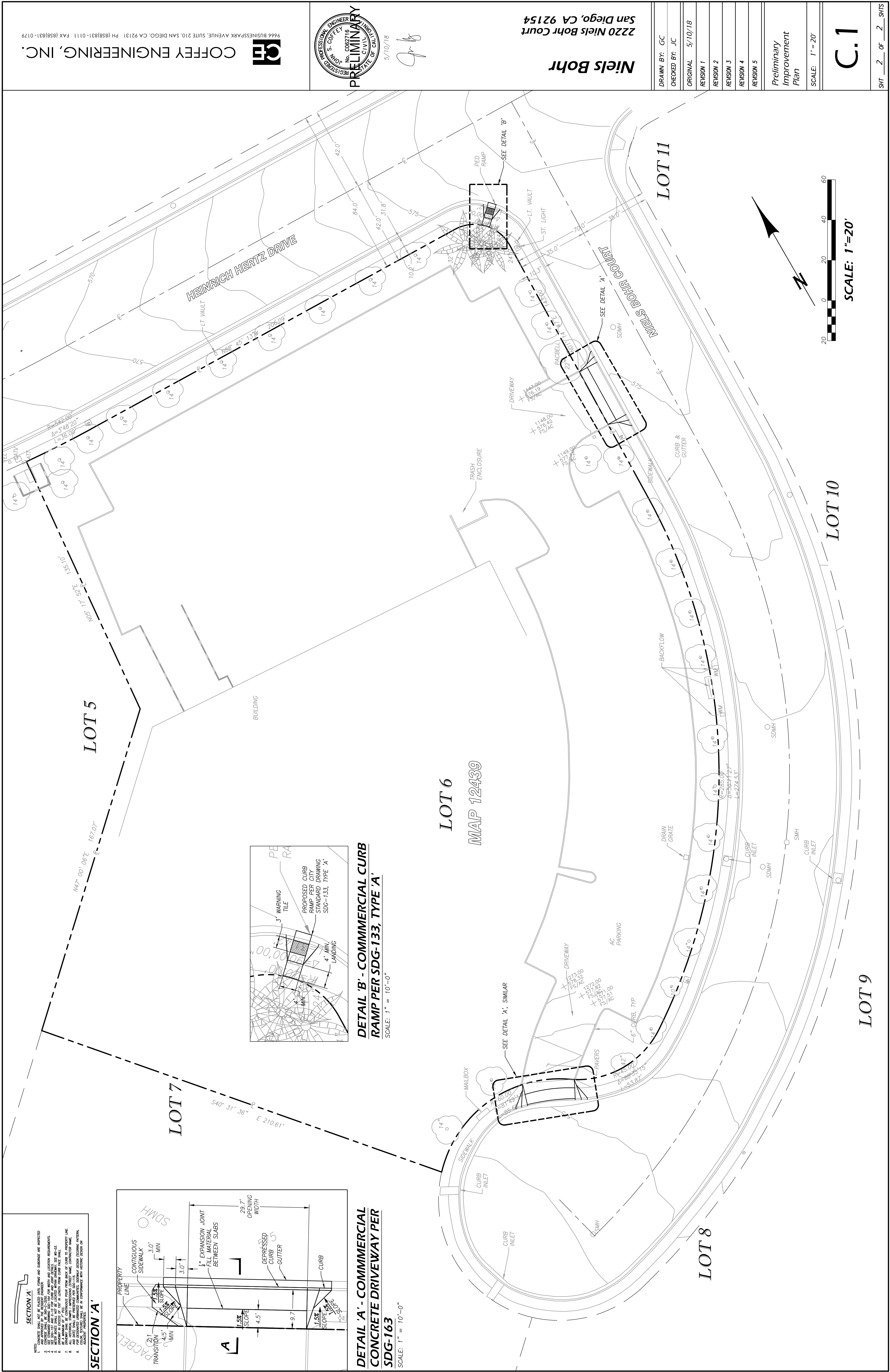
EASEMENTS MAY BE PRESENT ON THE SUBJECT PROPERTY.

LEGAL DESCRIPTION

LOT 6 OF MAP 12439, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER, AUGUST 10, 1989.

APN: 646-320-06





Development Permit/
Environmental Determination
Appeal Application

FORM
DS-3031

November 2017

1. Type of Appeal: ☒ Appeal of the Project
☐ Appeal of the Environmental Determination

2. Appellant: Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person"
(Per M.C. Sec. 113.0103)

Name: Rodney Eales E-mail: rodney@urbngreens.com

Address:	City:	State:	Zip Code:	Telephone:
2905 Canon Street	San Diego	CA	92106	619.228.7182

3. Project Name:

MPF 2220 Niels Bohr Court - Project No. 585368

4. Project Information		
Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination	City Project Manager:
Conditional Use Permit No. 2062816	February 6, 2019	Tim Daly

Decision(Describe the permit/approval decision):

Hearing Officer adoption of Findings with respect to Conditional Use Permit No. 2062816. Hearing Officer granting of Conditional Use Permit No. 2062816.

5. Ground for Appeal(Please check all that apply):

- ☐ Factual Error
 ☒ New Information
 ☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in [Chapter 11, Article 2, Division 5 of the San Diego Municipal Code](#). Attach additional sheets if necessary.)

Please see Attachment 1 - Grounds for Appeal.

RECEIVED

FEB 20 2019

DEVELOPMENT SERVICES

6. **Appellant's Signature:** I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Date: February 19, 2019

Note: Faxed appeals are not accepted.

ATTACHMENT 1 – GROUNDS FOR APPEAL

Appeal of Hearing Officer Decision Re: MPF 2220 Niels Bohr Court – Project No. 585368

- **New Information.** New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision.
- **Findings Not Supported.** The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.
- **Conflicts.** The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.
- **There is an internal inconsistency between the noticing and project descriptions disseminated to the public and as presented at the Hearing Officer Hearing.** It is not clear whether the project will intensify the existing use on site via the addition of 40,009 SF to the mezzanine level.
- **Because the project will be adding new development, the project is required to provide parking at a ratio of 2.5 parking spaces per 1,000 GFA.** The project application does not abide by this requirement and does not provide sufficient parking.
- **The project is increasing the FAR to 0.76, which is in excess of the Otay Mesa Community Plan area limit of the FAR 0.5.** Therefore, the project is inconsistent with the Community Plan.
- **The Site Plans do not demonstrate that the project includes an enclosed garage for distribution purposes, contrary to local regulations State Law.**

PLANNING COMMISSION RESOLUTION NO. XXXX-PC
CONDITIONAL USE PERMIT NO. 2062816
MPF 2220 NIELS BOHR COURT - PROJECT NO. 585368

WHEREAS, PACIFIC RIM BUSINESS CENTER, LLC, a California Limited Liability Company, Owner, and WILLIE SENN, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 43,144 square-foot ground level and 3,135 square-foot mezzanine level building with new interior construction addition of 40,009 square feet to the mezzanine level for a total of 86,288 square-feet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2062816), on portions of a 2.61-acre site;

WHEREAS, the project site is located at 2220 Niels Bohr Court in the IL-2-1 Zone, Community Plan Implementation Overlay Zone -Type A (CPIOZ-A), Prime Industrial Lands, Airport Land Use Compatibility Overlay Zone – Brown Field, Airport Influence Area (Brown Field - Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Noticing Area (Brown Field) Overlay Zones of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as Lots 4, 5, 6, 7, and 8 of Otay International Center Lot 4 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12439, filed in the Office of the County Recorder of San Diego County, August 10, 1989;

WHEREAS, on September 26, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 [Existing Facilities] and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 3, 2018 pursuant to Resolution No. R-312077;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2062816; and

WHEREAS, on February 20, 2019, Rodney Eales, filed a Development Permit Appeal Application (Appeal); and

WHEREAS, on May 9, 2019, the Planning Commission of the City of San Diego considered the Appeal and Conditional Use Permit No. 2062816 pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by Planning Commission of the City of San Diego, that it denies the Appeal and adopts the following findings with respect to Conditional Use Permit No. 2062816:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 43,144 square-foot ground level and 3,135 square-foot mezzanine level building with new interior construction addition of 40,009 square feet to the mezzanine level for a total of 86,288 square-feet located at 2220 Niels Bohr Ct. in the Community Plan Implementation Overlay Zone -Type A (CPIOZ-A), Prime Industrial Lands, Airport Land Use Compatibility Overlay Zone – Brown Field, Airport Influence Area (Brown Field - Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Noticing Area (Brown Field) Overlay Zones within the Otay Mesa Community Plan.

The project site is designated Light Industrial within the South District of the Otay Mesa Community Plan. The South District is one of five Districts within Otay Mesa. The variety of industrial land use designations in Otay Mesa is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. Industrial development in Otay Mesa has played a major role in

the history of this neighborhood as private developers have purchased this land of this designation for a variety of industrial uses. All the surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MPF, classified as industrial, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

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

The proposed project requests a Conditional Use Permit to operate a MPF within an existing 43,144 square-foot ground level and 3,135 square-foot mezzanine level building with new interior construction addition of 40,009 square feet to the mezzanine level for a total of 86,288 square-feet. The 2.61-acre site is located at 2220 Niels Bohr Court in the IL-2-1 Zone of the Otay Mesa Community Plan. The building is currently being used as an office/warehouse facility. The project proposes interior improvements that include offices, cultivation area, extraction area, material staging, manufacturing area and distribution area. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the reconstruction of the two existing driveways to meet City Standard concrete commercial driveways, adjacent to the site on Niels Bohr Court, and reconstructing the existing curb ramp at the southwest corner of Heinrich Hertz Drive and Niels Bohr Court.

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

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2062816. The Conditional Use Permit No. 2062816 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. 2062816. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons

patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project requests a Conditional Use Permit to operate a MPF within an existing 43,144 square-foot ground level and 3,135 square-foot mezzanine level building with new interior construction addition of 40,009 square feet to the mezzanine level for a total of 86,288 square-feet. The 2.61-acre site is located at 2220 Niels Bohr Court in the IL-2-1 Zone of the Otay Mesa Community Plan. The site is located in the IL-2-1 Zone and designated by the Otay Mesa Community Plan for Light Industrial uses. The site was developed in 1990. The project proposes interior improvements including an office, lab, extraction area, packaging, and storage area. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPFs are allowed in the IL-2-1 Zone of the Otay 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 project requests a Conditional Use Permit to operate a MPF within an existing 43,144 square-foot ground level and 3,135 square-foot mezzanine level building with new interior construction addition of 40,009 square feet to the mezzanine level for a total of 86,288 square-feet. The 2.61-acre site is located at 2220 Niels Bohr Court in the IL-2-1 Zone of the Otay Mesa Community Plan. The site is located in the IL-2-1 Zone and designated by the Otay Mesa Community Plan for Light Industrial uses. The Light Industrial IL-2-1 Zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. The site, designated Light Industrial, is within the South District of the Otay Mesa Community Plan. The use of a variety of industrial land use designations in Otay Mesa is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. All of the

surrounding parcels are located in the IL-2-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MPF, classified as industrial, is consistent with the community plan.

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

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

BE IT FURTHER RESOLVED, that the Appeal is denied, the decision of the Hearing Officer is affirmed, and based on the Findings hereinbefore, Conditional Use Permit No. 2062816 is hereby granted by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2062816, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: May 9, 2019

IO#: 24007553

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: 24007553

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2062816
MPF 2220 NIELS BOHR COURT - PROJECT NO. 585368
PLANNING COMMISSION

This Conditional Use Permit No. 2062816 is granted by the Planning Commission of the City of San Diego to Pacific Rim Business Center, LLC, a California Limited Liability Company, Owner, and Willie Senn, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.61-acre site is located at 2220 Niels Bohr Court within the IL-2-1 Zone within the Otay Mesa Community Plan area. The project site is legally described as Lots 4, 5, 6, 7, and 8 of Otay International Center Lot 4 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12439, filed in the Office of the County Recorder of San Diego County, August 10, 1989.

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 two-story building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 9, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 43,144 square-foot ground level and 3,135 square-foot mezzanine level building with new interior construction addition of 40,009 square feet to the mezzanine level for a total of 86,288 square feet. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis cultivation, extraction, manufacturing, and distribution;
- 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 May 9, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 9, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary 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, Owners/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 two existing driveways with current City Standard concrete commercial driveways, adjacent to the site on Niels Bohr Court, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of existing curb ramp at the southwest corner of Heinrich Hertz Drive and Niels Bohr Court, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with Detectable/Tactile Warning Title, satisfactory to the City Engineer.

TRANSPORTATION DEVELOPMENT:

15. 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.

16. A maximum of 50 employees shall be allowed on-site at any given time to correspond to the 82 provided parking spaces for the project.

PLANNING/DESIGN REQUIREMENTS:

17. 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.

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

19. 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.

20. 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.

21. 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.

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

23. 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.

24. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.

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

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section [34.0103\(b\)](#), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at (619) 615-1580.

APPROVED by the Hearing Officer of the City of San Diego on May 9, 2019 by Resolution No. XXXX-PC.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2062816

Date of Approval: May 9, 2019

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.

Pacific Rim Business Centre, LLC.
Owner

By _____

Willie Senn
Permittee

By _____

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