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Jul 12, 2019 10:03 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$53.00 (SB2 Atkins: \$0.00)

PAGES: 14

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 for cannabis cultivation only;
- 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

ORIGINAL

[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.

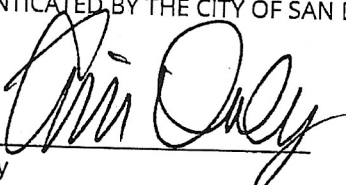
INFORMATION ONLY:

- 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. 5008-PC.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2062816
Date of Approval: May 9, 2019

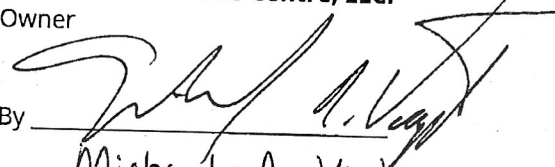
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


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 
Michael A. Vogt

Willie Senn
Permittee

By 
AKA Willie Frank Senn

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)
County of San Diego)
On July 1, 2019 before me, Stacie L. Maxwell, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared --- Tim Daly ---
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: MPF 2220 Niels Bohr Court - Project No. 585368

Document Date: May 9, 2019 Number of Pages: 6

Signer(s) Other Than Named Above: --- Michael A. Vogt and Willie Senn ---

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

ORIGINAL

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

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of San Diego)

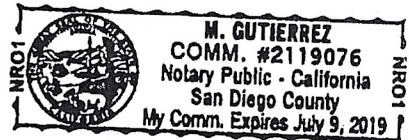
On June 14, 2019 before me, M. Gutierrez, Notary Public,
(here insert name and title of the officer)

personally appeared Michael A. Vogt

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

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

WITNESS my hand and official seal.



Signature M. Gutierrez

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Conditional Use Permit No. 20062816

containing 6 pages, and dated -

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____
Title(s) _____

- ☐ Guardian/Conservator
☒ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: Pacific Rim Business Ctr. LLC
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 17 Entry # 7

Notary contact: M. Gutierrez

Other

☐ Additional Signer(s) ☒ Signer(s) Thumbprint(s)

☐

ORIGINAL

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

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

State of California)

County of San Diego)

On 17 June 2019 before me, Nicole Novak, Notary Public
(here insert name and title of the officer)

personally appeared Willie Frank Senn

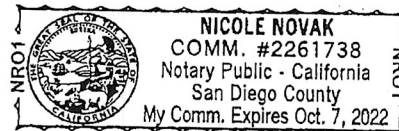
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

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

WITNESS my hand and official seal.

Signature

Nicole Novak



(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document

titled/for the purpose of Conditional Use Permit

MPP Niles Bohn Ct.

containing 6 pages, and dated 5/9/19

The signer(s) capacity or authority is/are as:

☐ Individual(s)

☐ Attorney-in-Fact

☒ Corporate Officer(s)

Permitter

Title(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other:

representing: 2220 NBL LLC.

Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 13 Entry # 2

Notary contact: Nicole Novak

Other

☐ Additional Signer(s)

☒ Signer(s) Thumbprint(s)

ORIGINAL

PLANNING COMMISSION RESOLUTION NO. 5008-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.

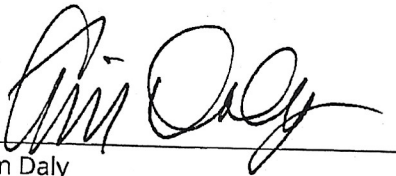
The proposed project requests a Conditional Use Permit to operate a MPF within an existing 43,144 square-foot ground level and 3,135 square-foot mezzanine level building with new interior construction addition of 40,009 square feet to the mezzanine level for a total of 86,288 square-feet. The 2.61-acre 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