



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2015 REPORT NO. HO-15-037

ATTENTION: Hearing Officer

SUBJECT: EJ MARKETING MMCC
PROJECT NUMBER: 368343

LOCATION: 7128 Miramar Road

APPLICANT: Ebon A Johnson Sr.

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 1,055 square foot tenant space within an existing 21,500 square foot building within the Mira Mesa Community Plan Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1296361.

Community Planning Group Recommendation: On August 18, 2014, the Mira Mesa Community Planning Group voted under Special Rules for Consideration of the MMCC applications and did not recommend approval of this project (attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on October 27, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the

California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

On March 25, 2014 the City of San Diego adopted Ordinance No. O-20356, to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). MMCC's are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision. A limit of four MMCC's per Council District (36 city-wide) was adopted in order to minimize the impact on the City and residential neighborhoods.

This proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a 1,055 square foot tenant space within an existing 21,500 square foot building on a 1.9-acre site. The proposed MMCC site is located at 7128 Miramar Road, north of Miramar Road, east of Camion Santa Fe, and west of Carroll Road (Attachment 2). The site is in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone and the 70-75 dB CNEL for Miramar within the Mira Mesa Community Plan Area. The site was developed in 1988 per Building Permit No. A29764.

The site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea is designated Light Industrial which encourages a mix of light industrial and specialized commercial uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines. The parcels to the north, east and west are within the IL-3-1 Zone, the parcel to the south is within the AR-1-1 Zone. The existing surrounding uses within the IL-3-1 Zone are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit within this community plan.

DISCUSSION

The project site located at 7128 Miramar Road is a 1.9-acre site developed with four buildings in a shopping center. The proposed tenant space is currently vacant. The MMCC proposes interior improvements that include a reception area, dispensary area, office and storage. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvement for this project include replacement of the existing curb ramps located on both sides of the signalized entrance with City standard curb ramps with truncated domes and installation of a wheelchair lift to provide Americans with Disabilities Act (ADA) access to the project site.

MMCC's must comply with San Diego Municipal Code (SDMC), Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCC's prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard for the tenant/facility space and directly adjacent area. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCC's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The applicant has voluntarily agreed to the following conditions in order avoid adverse impact to the community: 1) operable surveillance cameras and a metal detector to the satisfaction of the San Diego Police Department 2) the cameras shall have and use a recording device that maintains the records for a minimum of 30 days 3) an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U. S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws 4) the security guard is required to be on the premises 24 hours a day, seven days a week and 5) graffiti must be removed within 24 hours (Attachment 4, Conditions Number 16 & 20).

The City of San Diego, Development Services staff has reviewed the 1,000 foot radius map (Attachment 6) and 1,000 foot spreadsheet exhibit (Attachment 7) provided by the applicant identifying all the existing uses. Staff has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements. The permit has been conditioned to include all development restrictions and the applicant has willingly proposed additional conditions in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

CONCLUSION

The Conditional Use Permit for the proposed MMCC may be approved if the Hearing Officer finds that the MMCC meets all applicable regulations. Staff has reviewed the proposed MMCC and has determined that it meets all applicable sections of the San Diego Municipal Code, the Mira Mesa Community Plan and the General Plan. Additionally, the required findings can be made and therefore, staff is recommending approval of the project as proposed.

ALTERNATIVE

1. Approve Conditional Use Permit No. 1296361, with modifications.
2. Deny Conditional Use Permit No. 1296361, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Edith Gutierrez, Development Project Manager

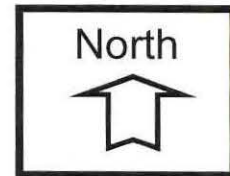
Attachments:

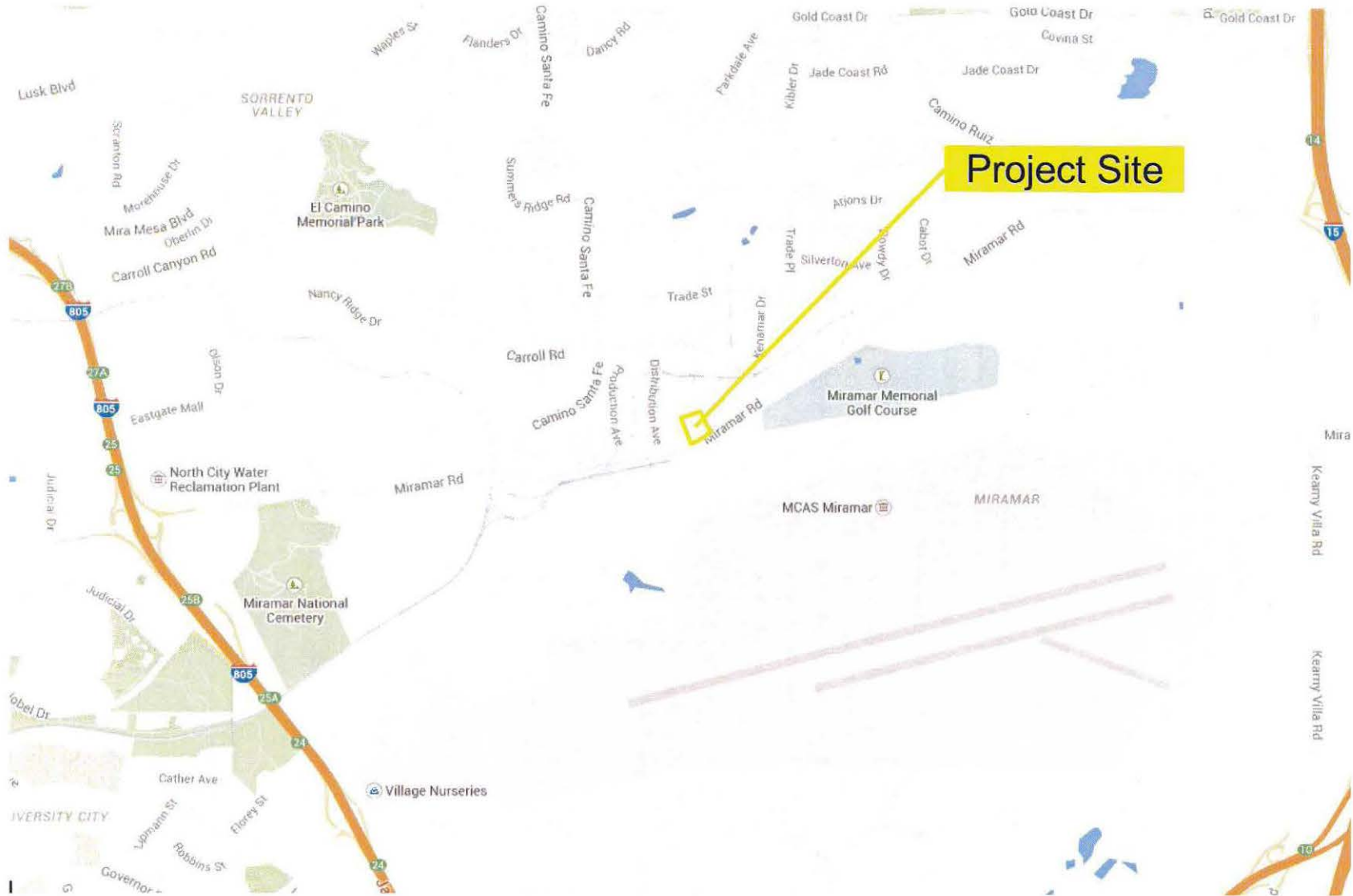
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000 Foot Radius Map
7. 1000 Foot Radius Map Spreadsheet
8. Notice of Right to Appeal
9. Project Site Plan(s)
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Crime Prevention Through Environmental Design recommendations



Location Aerial Photo

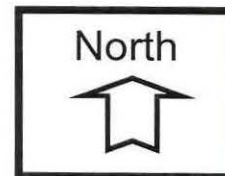
EJ MARKETING MMCC- 7128 Miramar Road
PROJECT NO. 368343












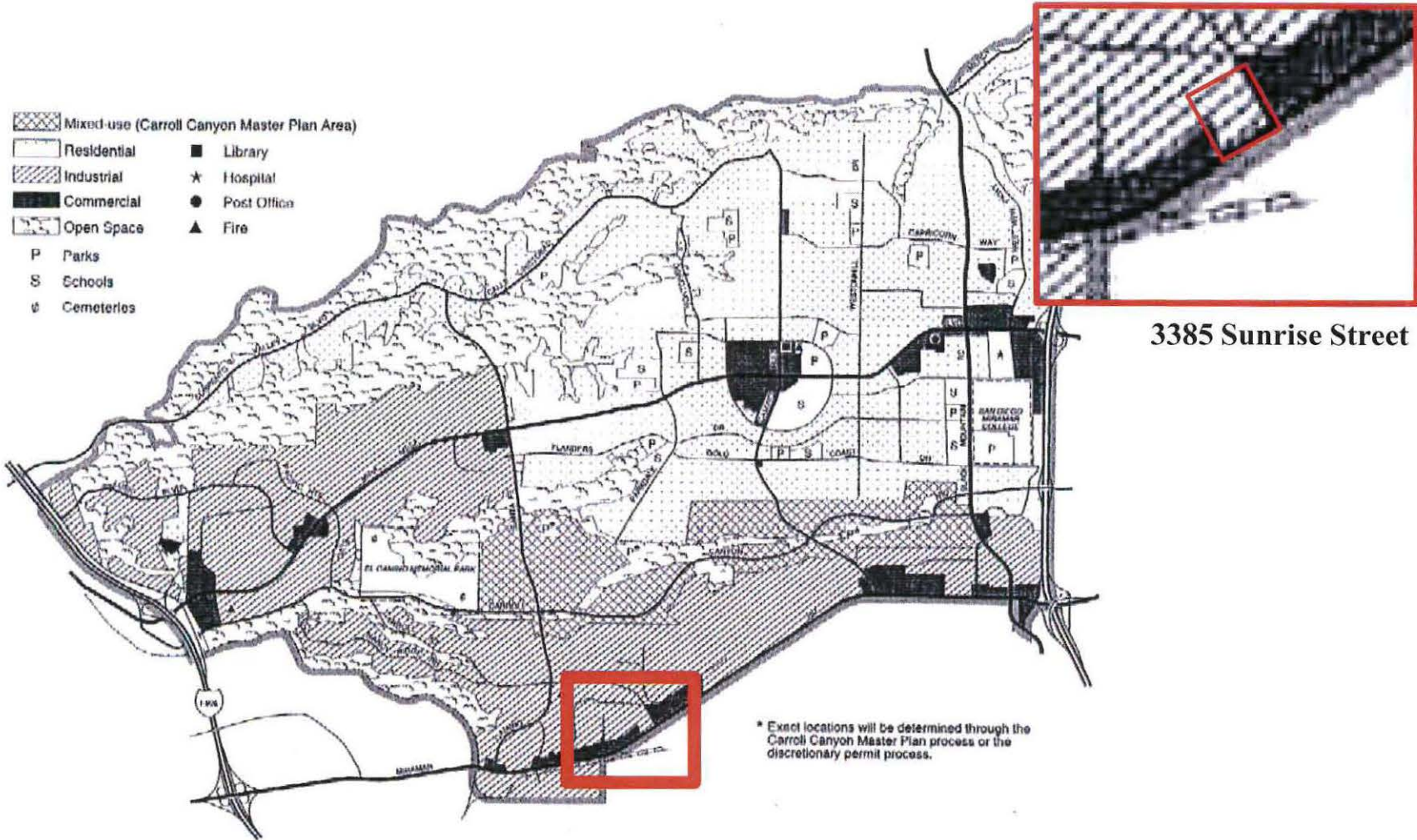


Project Location Map

EJ MARKETING MMCC- 7128 Miramar Road
PROJECT NO. 368343



-  Mixed-use (Carroll Canyon Master Plan Area)
-  Residential
-  Industrial
-  Commercial
-  Open Space
- P Parks
- S Schools
- ⊕ Cemeteries
-  Library
-  Hospital
-  Post Office
-  Fire



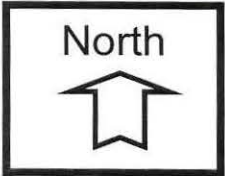
3385 Sunrise Street

Southeastern San Diego Community Plan Land Use



Land Use Map

EJ MARKETING MMCC- 7128 Miramar Road
 PROJECT NO. 368343



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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004659

CONDITIONAL USE PERMIT NO. 1296361
EJ MARKETING MMCC - PROJECT NO. 368343
HEARING OFFICER

This Conditional Use Permit No. 1296361 is granted by the Hearing Officer of the City of San Diego to REAL OUTRAGEOUS PARTNERS (ROP), LLC, Owner and GREEN NECTAR EJM COOPERATIVE, INC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 1.9-acre site is located at 7128 Miramar Road in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 70-75 dB CNEL for Miramar within the Mira Mesa Community Plan Area. The project site is legally described as: Lot 1 of Barlow Subdivision, Map No. 7084, October 18, 1971.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 25, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,055 square foot tenant space within an existing 21,500 square foot building on a 1.9-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- 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 April 10, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on April 10, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, 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.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC 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.
6. This Permit is a covenant running with the MMCC 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.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. 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.).

9. The Owner/Permittee shall secure all necessary building 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.

10. 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.

11. 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.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 1,055 square foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of the San Diego Police Department, alarms, and an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guard shall be licensed by the State of California and be on the premises 24 hours a day, seven days a week. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.
21. Medical marijuana shall not be consumed anywhere within the 1.9-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramps, located on both sides of the signalized entrance, with City standard curb ramps with truncated domes, satisfactory to the City Engineer.
25. Prior to the issuance of the building occupancy, the Owner/Permittee shall install a wheelchair lift to provide Americans with Disabilities Act (ADA) access to the project site.

TRANSPORTATION REQUIREMENTS:

26. No fewer than 130 off-street parking spaces (with 136 off-street parking spaces provided) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

POLICE DEPARTMENT RECOMMENDATION:

27. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on March 25, 2015 and Resolution No. HO-XXXX.

Conditional Use Permit No.1296361/PTS No. 368343
Date of Approval: March 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
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.

REAL OUTRAGEOUS PARTNERS, LLC
Owner

By _____
Ralph Rischman
Partner

REAL OUTRAGEOUS PARTNERS, LLC
Owner

By _____
Steve Blumkin
Partner

REAL OUTRAGEOUS PARTNERS, LLC
Owner

By _____
Ross Margolin
Partner

GREEN NECTAR EJM COOPERATIVE, INC.
Permittee

By _____
Ebon A Johnson Sr.
Director

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RECORDING REQUESTED BY
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- 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 April 10, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on April 10, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
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8. 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.).

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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.

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ENGINEERING REQUIREMENTS:

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TRANSPORTATION REQUIREMENTS:

26. No fewer than 130 off-street parking spaces (with 136 off-street parking spaces provided) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

POLICE DEPARTMENT RECOMMENDATION:

27. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

INFORMATION ONLY:

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- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on March 25, 2015 and Resolution No. HO-XXXX.

Conditional Use Permit No.1296361/PTS No. 368343
Date of Approval: March 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
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.

REAL OUTRAGEOUS PARTNERS, LLC
Owner

By _____
Ralph Rischman
Partner

REAL OUTRAGEOUS PARTNERS, LLC
Owner

By _____
Steve Blumkin
Partner

REAL OUTRAGEOUS PARTNERS, LLC
Owner

By _____
Ross Margolin
Partner

GREEN NECTAR EJM COOPERATIVE, INC.
Permittee

By _____
Ebon A Johnson Sr.
Director

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1296361
EJ MARKETING MMCC - PROJECT NO. 368343

WHEREAS, REAL OUTRAGEOUS PARTNERS (ROP), LLC, Owners and GREEN NECTAR EJM COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to construct and operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,055 square foot tenant space within an existing 21,500 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1296361), on portions of a 1.9-acre site;

WHEREAS, the project site is located 7128 Miramar Road in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 70-75 dB CNEL for Miramar within the Mira Mesa Community Plan Area;

WHEREAS, the project site is legally described as Lot 1 of Barlow Subdivision, Map No. 7084, October 18, 1971;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1296361 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 27, 2014, 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 Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309478;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated March 25, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed project is a request for a Conditional Use Permit to operate a MMCC in a 1,055 square foot tenant space within an existing 21,500 square foot building. The 1.9-acre site is located at 7128 Miramar Road in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone and the 70-75 dB CNEL for Miramar within the Mira Mesa Community Plan Area.

The site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan.

The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea is designated Light Industrial which encourages a mix of light industrial and specialized commercial uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines.

The parcels to the north, east and west are within the IL-3-1 Zone, the parcel to the south is within the AR-1-1 Zone. The existing surrounding uses within the IL-3-1 Zone are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, therefore will not adversely affect the applicable land use plan.

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

The proposed project is a request for a Conditional Use Permit to operate an MMCC in a 1,055 square foot tenant space located at 7128 Miramar Road which is currently vacant. The project proposes interior improvements that include a reception area, dispensary area, office and storage. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvement for this project include replacement of the existing curb ramps located on both sides of the signalized entrance with City standard curb ramps with truncated domes and installation of a wheelchair lift to provide Americans with Disabilities Act (ADA) access to the project site.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures).

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1296361. The Conditional Use Permit is valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

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 and therefore, the proposed MMCC will not be detrimental to the public health, safety and welfare.

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

The proposed project is a request for a Conditional Use Permit to operate an MMCC in a 1,055 square foot tenant space located at 7128 Miramar Road on a 1.9-acre site. The project proposes interior improvements that include a reception area, dispensary area, office and storage. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvement for this project include replacement of the existing curb ramps located on both sides of the signalized entrance with City standard curb ramps with truncated domes and installation of a wheelchair lift to provide Americans with Disabilities Act (ADA) access to the project site.

MMCCs are allowed in the IS-1-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation of Light Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The proposed project is a request for a Conditional Use Permit to operate an MMCC in a 1,055 square foot tenant space within an existing 21,500 square foot building. The site is in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, the 70-75 dB CNEL for Miramar and within the Miramar Subarea which is designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea is designated Light Industrial which encourages a mix of light industrial and specialized commercial uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines. The proposed MMCC, classified as commercial services, is therefore consistent with the community plan.

MMCCs are allowed in the IL-3-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and

ATTACHMENT 5

schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The parcels to the north, east and west are within the IL-3-1 Zone, the parcel to the south is within the AR-1-1 Zone. The existing surrounding uses in the IL-3-1 Zone are consistent with the Light Industrial designation of the community plan and compatible uses with MMCCs. Therefore, the proposed MMCC is an appropriate use at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1296361 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. 1296361, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: March 25, 2015

Job Order No. 24004659

PROJECT TITLE:		368343				
Parcel Number - (This information is needed for all Occupants and On-site tenants)	First & Last Name or- Owners / Occupant / On-site tenants	Address of the - Owners / Occupants / On-site tenants (including Apt/Ste #)	City	State	Zip Code (5 Digit)	Plus 4 Zip Code (Optional)
343-070-11-00	Smith Ben F Inc	P.O. Box 5945	El Monte	CA	91734	
343-070-11-00	Athlete's Nutrition	7094 Miramar Road Suite #101	San Diego	CA	92121	
343-070-11-00	JF Remodeling	7094 Miramar Road Suite #102	San Diego	CA	92121	
343-070-11-00	Kim's Mart	7094 Miramar Road Suite #103	San Diego	CA	92121	
343-070-11-00	Lee's Hair Cut	7094 Miramar Road Suite #106	San Diego	CA	92121	
343-070-11-00	Kabob	7094 Miramar Road Suite #110	San Diego	CA	92121	
343-070-11-00	Miramar Pizza	7094 Miramar Road Suite #111	San Diego	CA	92121	
343-070-11-00	Dentist	7094 Miramar Road Suite #112	San Diego	CA	92121	
343-070-11-00	Churchill's Cigar Lounge	7094 Miramar Road Suite #113	San Diego	CA	92121	
343-070-11-00	Motor City Deli	7094 Miramar Road Suite #114	San Diego	CA	92121	
343-070-11-00	CKO	7094 Miramar Road Suite #115	San Diego	CA	92121	
343-070-11-00	American Reprographics	7094 Miramar Road Suite #117	San Diego	CA	92121	
343-070-11-00	Commercial Lock	7094 Miramar Road Suite #118	San Diego	CA	92121	
343-070-11-00	Roberto's Taco Shop	7094 Miramar Road Suite #119	San Diego	CA	92121	
343-070-11-00	Miramar Relax Spa	7094 Miramar Road Suite #121	San Diego	CA	92121	
343-070-19-00	Atchison Topeka & Santa Fe Railway					
343-070-15-00	Ralph Rischman	5055 Avenida Encinas #100	Carlsbad	CA	92008	
343-070-15-00	Top Bun Sandwiches	7128 Miramar Road Suite #1	San Diego	CA	92121	
343-070-15-00	Flooring Depot	7128 Miramar Road Suite #3	San Diego	CA	92121	
343-070-15-00	Outrageous Rugs Corp Offcs	7128 Miramar Road Suite #4	San Diego	CA	92121	
343-070-15-00	SD Fight Shop	7128 Miramar Road Suite #5	San Diego	CA	92121	
343-070-15-00	Mattress By Appointment	7128 Miramar Road Suite #6	San Diego	CA	92121	
343-070-15-00	Miramar Café	7128 Miramar Road Suite #8	San Diego	CA	92121	
343-070-15-00	Keepsake Companies	7128 Miramar Road Suite #11	San Diego	CA	92121	
343-070-15-00	Tattoo Shop	7128 Miramar Road Suite #12	San Diego	CA	92121	
343-070-15-00	City Property Mgmt..	7128 Miramar Road Suite #14A	San Diego	CA	92121	
343-070-15-00	STEP Project	7128 Miramar Road Suite #14B	San Diego	CA	92121	
343-070-24-00	Priority One Properties	P.O. Box 420404	San Diego	CA	92142	
343-070-24-00	McDonalds	7140 Miramar Road	San Diego	CA	92121	

Parcel Number - (This information is needed for all Occupants and On-site tenants)	First & Last Name or- Owners / Occupant / On-site tenants	Address of the - Owners / Occupants / On-site tenants (including Apt/Ste #)	City	State	Zip Code (5 Digit)	Plus 4 Zip Code (Optional)
343-070-24-00	Hanna Garden	7160 Miramar Road Suite #124	San Diego	CA	92121	
343-070-24-00	Sima's Grill & Deli	7160 Miramar Road Suite #100	San Diego	CA	92121	
343-070-24-00	Chung Hing	7160 Miramar Road Suite #112	San Diego	CA	92121	
343-070-24-00	Golden Rugs Gallery	7160 Miramar Road Suite #126	San Diego	CA	92121	
343-070-24-00	Elite Salon & Day Spa	7160 Miramar Road Suite #108	San Diego	CA	92121	
343-070-24-00	Four Seasons Yoga	7160 Miramar Road Suite #116	San Diego	CA	92121	
343-070-24-00	Factory Direct Floor	7160 Miramar Road Suite #118	San Diego	CA	92121	
343-070-24-00	Lighthouse Cleaners	7160 Miramar Road Suite #104	San Diego	CA	92121	
343-070-24-00	Kitchens Plus	7160 Miramar Road Suite #106	San Diego	CA	92121	
343-070-26-00	Morgan Stanley Real Estate	555 California Street #21	San Francisco	CA	94104	
343-070-26-00	Shinoda Design Center	7130 Miramar Road	San Diego	CA	92121	
343-070-26-00	Bedrosians	7130 Miramar Road	San Diego	CA	92121	
343-070-26-00	ATK Space Systems	7130 Miramar Road	San Diego	CA	92121	
343-070-26-00	World Trans	7130 Miramar Road	San Diego	CA	92121	
343-100-23-00	Spectrum Property Mgmt	8799 Balboa Ave #260	San Diego	CA	92123	
343-100-24-00	Anhay LLC	9555 Distribution Ave	San Diego	CA	92121	
343-100-24-00	Discount Glass & Mirror	9555 Distribution Ave	San Diego	CA	92121	
345-060-06-00	USA	MCAS	San Diego	CA	92121	
ALL	Mira Mesa Community Planning	1606 Camino Ruiz PMB 230	San Diego	CA	92126	



THE CITY OF SAN DIEGO

Date of Notice: October 27, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004659

PROJECT NAME/NUMBER: EJ Marketing MMCC/368343**COMMUNITY PLAN AREA:** Mira Mesa Community Plan**COUNCIL DISTRICT:** 6**LOCATION:** The project is located at 7128 Miramar Road, San Diego, CA 92121

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate within a 1,055 square foot suite within an existing 21,500 square foot building on a 1.9 acre site located at 7128 Miramar Road within the Mira Mesa Community Plan Area; it is designated for Light Industrial use. The project is zoned IL-3-1 and is subject to the Airport Influence Area for Miramar, the Part 77 Noticing, the 70-75 dB CNEL for MCAS Miramar.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff**ENVIRONMENTAL DETERMINATION:** CEQA Exemption 15303 (New Construction or Conversion of Small Structures)**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER:

Edith Gutierrez

MAILING ADDRESS:

1222 First Avenue, MS 501

San Diego, CA 92101

PHONE NUMBER:

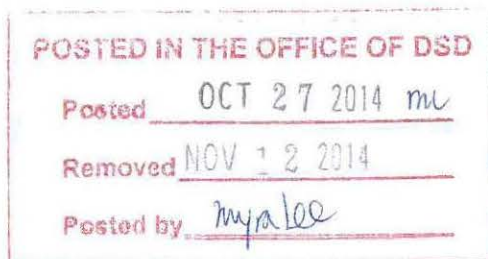
(619) 446-5147

On October 27, 2014, 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 (November 10, 2014). 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.



THE FOLLOWING ARE A COMPLETE LIST OF THE REQUIRED FINDINGS:

Findings for Conditional Use Permit Approval - Section §126.0305

An application for a Conditional Use Permit may be approved or conditionally approved only if the decision maker makes the following findings:

- (a) The proposed development will not adversely affect the applicable land use plan;
- (b) The proposed development 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; and
- (d) The proposed use is appropriate at the proposed location.

7128 Miramar Road MMCC

DEVELOPMENT SUMMARY

1. SUMMARY OF REQUEST
-PROCESS A MEDICAL MARIJUANA CONSUMER COOPERATIVE CONDITIONAL USE PERMIT
-TENANT IMPROVEMENTS TO AN EXISTING TENANT UNIT
2. REQUIRED DISCRETIONARY PERMITS
-CONDITIONAL USE PERMIT

STREET ADDRESS:

3. 7128 MIRAMAR ROAD, Suite #10, SAN DIEGO, CA, 92121

4. GENERAL PLAN LAND USE: INDUSTRIAL

5. ZONING: IL-3-1

LEGAL DESCRIPTION: LOT 1 OF BARLOW SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7084, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 18, 1971.

6. ASSESSORS PARCEL NUMBER: 343-070-15-00

7. LAMBERT COORDINATES: 258-1719

9. EXISTING USE: VACANT

10. PROPOSED USE: MEDICAL MARIJUANA CONSUMER COOPERATIVE ACCORDING TO THE SAN DIEGO MUNICIPAL CODE, SECTION 141.0614 AND CHAPTER 4, ARTICLE 2, DIVISION 15.

11. ADDITIONAL PROJECT DATA RELATED TO USE:

PER SAN DIEGO MUNICIPAL CODE §141.0614:

(B) CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT A MEDICAL MARIJUANA CONSUMER COOPERATIVE.

(C) LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACADE, AND THE IMMEDIATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.

(D) SECURITY SHALL BE PROVIDED AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE WHICH 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 SHOULD ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.

(E) SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER AND SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT, LIMITED TO TWO COLORS AND 2 TYPEFACES. POLE SIGNS ARE PROHIBITED. IN ADDITION; ALL SIGNS ASSOCIATED WITH THIS DEVELOPMENT SHALL BE CONSISTENT WITH SIGN CRITERIA ESTABLISHED BY CITY-WIDE SIGN REGULATIONS AND SHALL FURTHER BE RESTRICTED BY THIS PERMIT. SIGN COLORS ARE LIMITED TO TWO. A SIGN IS REQUIRED TO BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS.

(F) THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.

(G) THE MEDICAL MARIJUANA CONSUMER COOPERATIVE SHALL OPERATE ONLY BETWEEN THE HOURS OF 7:00 A.M. AND 9:00 P.M., SEVEN DAYS A WEEK.

(H) THE USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 42.1502, IS PROHIBITED. FOR PURPOSES OF THIS SECTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.

(I) A PERMIT SHALL BE OBTAINED AS REQUIRED PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 15.

12. TYPE OF CONSTRUCTION: TYPE V (EXISTING BUILDING)

13. BUILDING CONSTRUCTED: 1986

14. BUS STOPS: LOCATED IN FRONT OF THE SHOPPING CENTER, APPROXIMATELY 100 FEET EAST OF THE PARCEL BOUNDARY.

15. OCCUPANCY GROUP: B

16. SITE AREA: 1.88 ACRES PARCEL, LOT 1 OF MAP 7084.

17. FLOOR AREA: PROPOSED MMCC: 1,055 SQUARE FEET (SUITE #10 LOCATED ON THE SECOND FLOOR) OVERALL EXISTING BUILDING IS 18,966 SQ. FT. (SUITES 9, 10, 11, 12, 13, 14A AND 14B COMBINED)

18. PARKING: WILL BE PER PREVIOUSLY APPROVED SITE PLAN. NO ADDITIONAL OFFICE AREA IS PROPOSED - PREVIOUSLY APPROVED SHOPPING CENTER (MIRAMAR GALLERIA) AND PERMITTED USES TO REMAIN.

Parking Calculations:
Proposed (IL 3-1 Zone): Commercial Services:
1,055 SF x 5.0 spaces/1,000 SF = 5 automobile parking spaces
Existing to remain:
MXN Mexican Restaurant:
2,352 SF x 15 spaces/1,000 SF = 35 spaces Office/retail/restaurant/Other Uses:
(21,500 SF - 2,352 SF - 1,055 SF) =
18,093 SF x 5 spaces/1,000 SF = 90 spaces
Overall parking requirement: (35 + 90 + 5) = 130 automobile parking spaces

19. WATER SERVICE / SEWER SERVICE: CITY OF SAN DIEGO

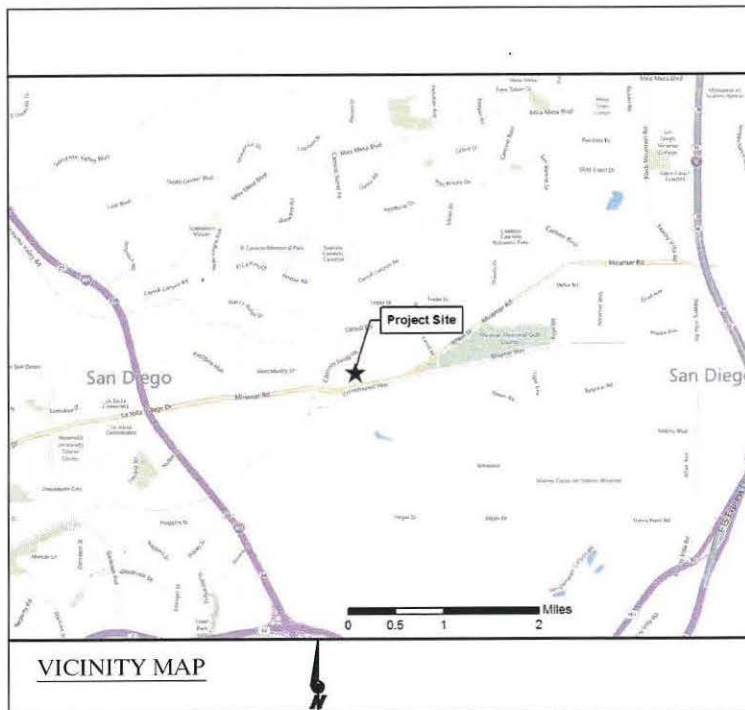
20. BUILDING CODE: 2010 C.B.C.

21. OWNERS NAME & ADDRESS: REAL-OUTRAGEOUS PARTNERS (ROP) LLC, 5055 AVENIDA ENCINAS SUITE 100, CARLSBAD, CA 92008-4375

22. FUTURE USES ARE LIMITED TO USES PERMITTED BY THE IL-3-1 ZONE.

23. PROJECT TEAM: ENGINEER: SHAPOURI ENGINEERING COMPANY, INC., 18029 CALLE AMBIENTE, PO BOX 3275, RANCHO SANTA FE, CA 92067, Phone: 858-412-0033.
CONTACT: M. H. SHAPOURI RCE

LEGAL: JESSICA C. MCELFRISH, ATTORNEY-AT-LAW, LAW OFFICE OF JESSICA C. MCELFRISH, P.O. Box 230363, ENCINITAS, CA 92023, PHONE: 858-756-7107



VICINITY MAP

CONSULTANT:

SHAPOURI ENGINEERING COMPANY, INC

18029 Calle Ambiente, Suite 502, P.O. Box 3275, Rancho Santa Fe, California 92067
Phone: (858) 412-0033 Fax: (858) 756-8344

General Notes and Vicinity Map

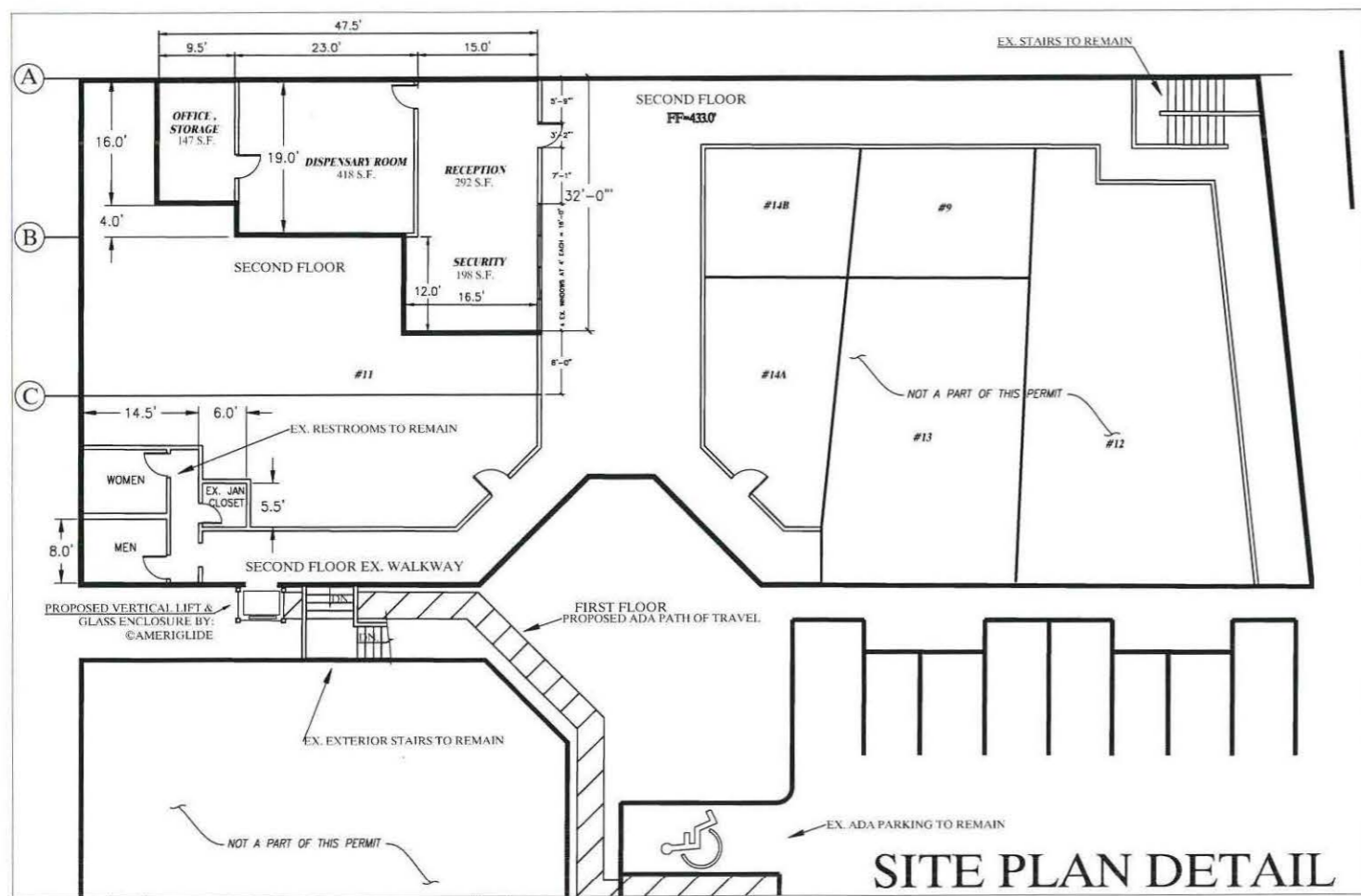
MMCC CUP PLAN
SUITE #10
7128 Miramar Road
SAN DIEGO, CALIFORNIA

SHEET TITLE:

DATE: 2014-07-21, REVISED ON:
2014-09-15, 2014-09-17,
2014-09-25

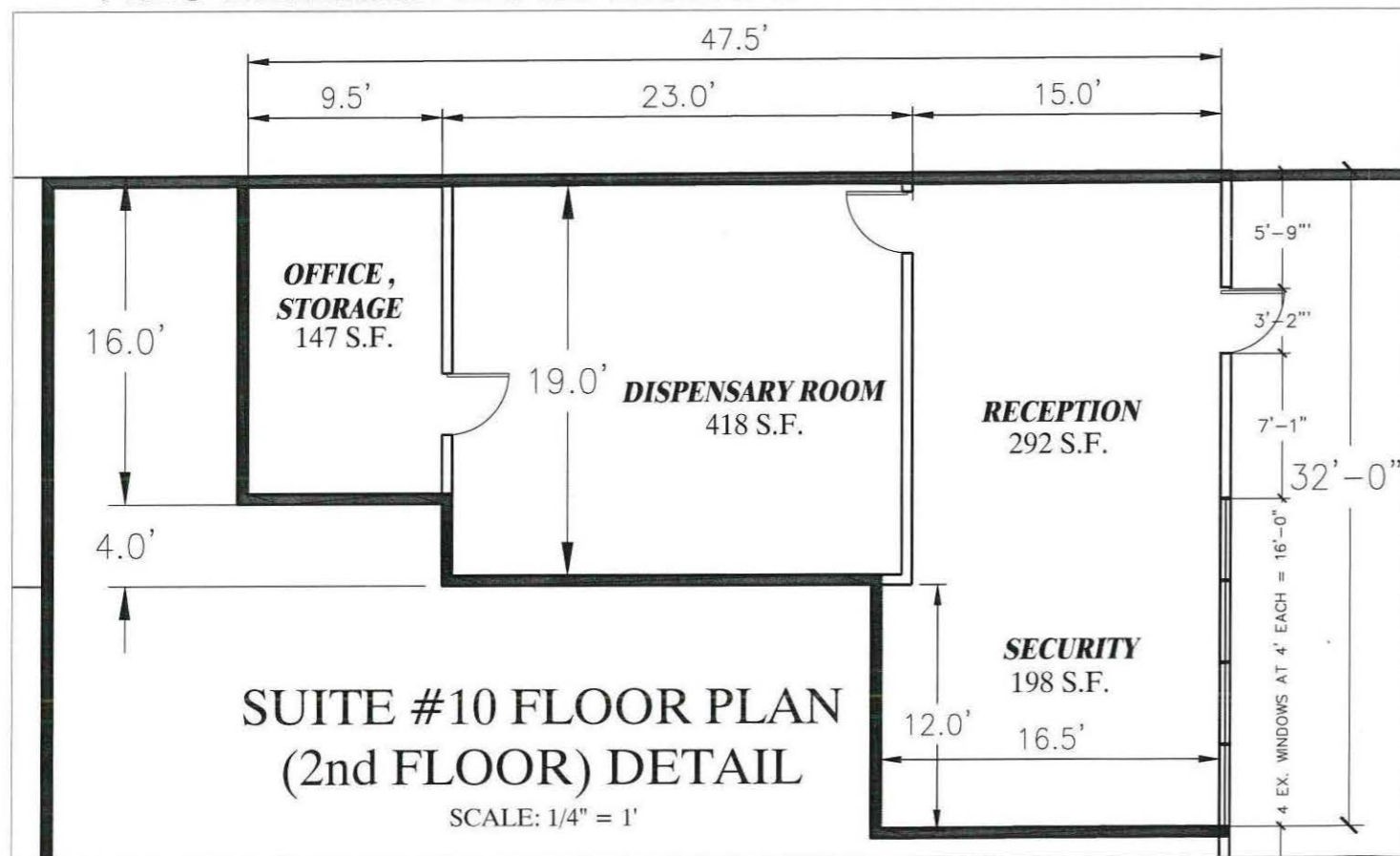
CITY OF SAN DIEGO
PROJECT NO: 368343

SHEET NO.



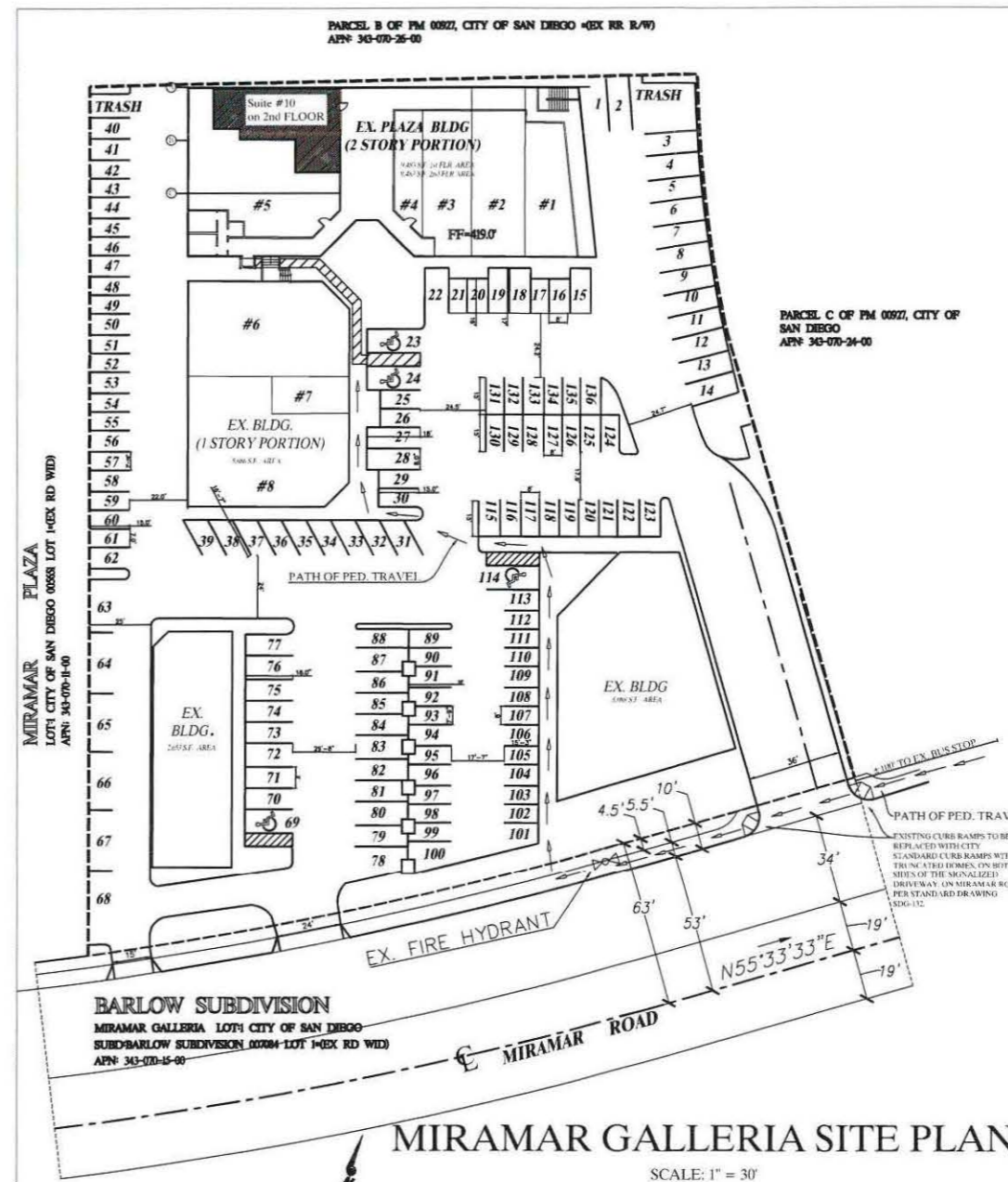
7128 Miramar Road MMCC

SCALE: 1" = 10'



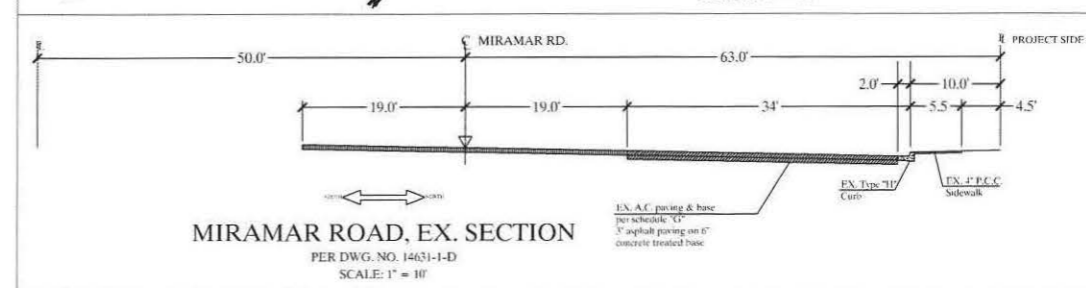
SUITE #10 FLOOR PLAN
(2nd FLOOR) DETAIL

SCALE: 1/4" = 1'



MIRAMAR GALLERIA SITE PLAN

SCALE: 1" = 30'



MIRAMAR ROAD, EX. SECTION

PER DWG. NO. 14631-1-D
SCALE: 1" = 10'

CONSULTANT:

**SHAPOURI ENGINEERING
COMPANY, INC**

18029 Calle Ambiente, Suite 502, P.O. Box 3275, Rancho Santa Fe,
California 92067
Phone: (858) 412-0033 Fax: (858) 756-8344

SITE PLAN
AND
FLOOR PLAN

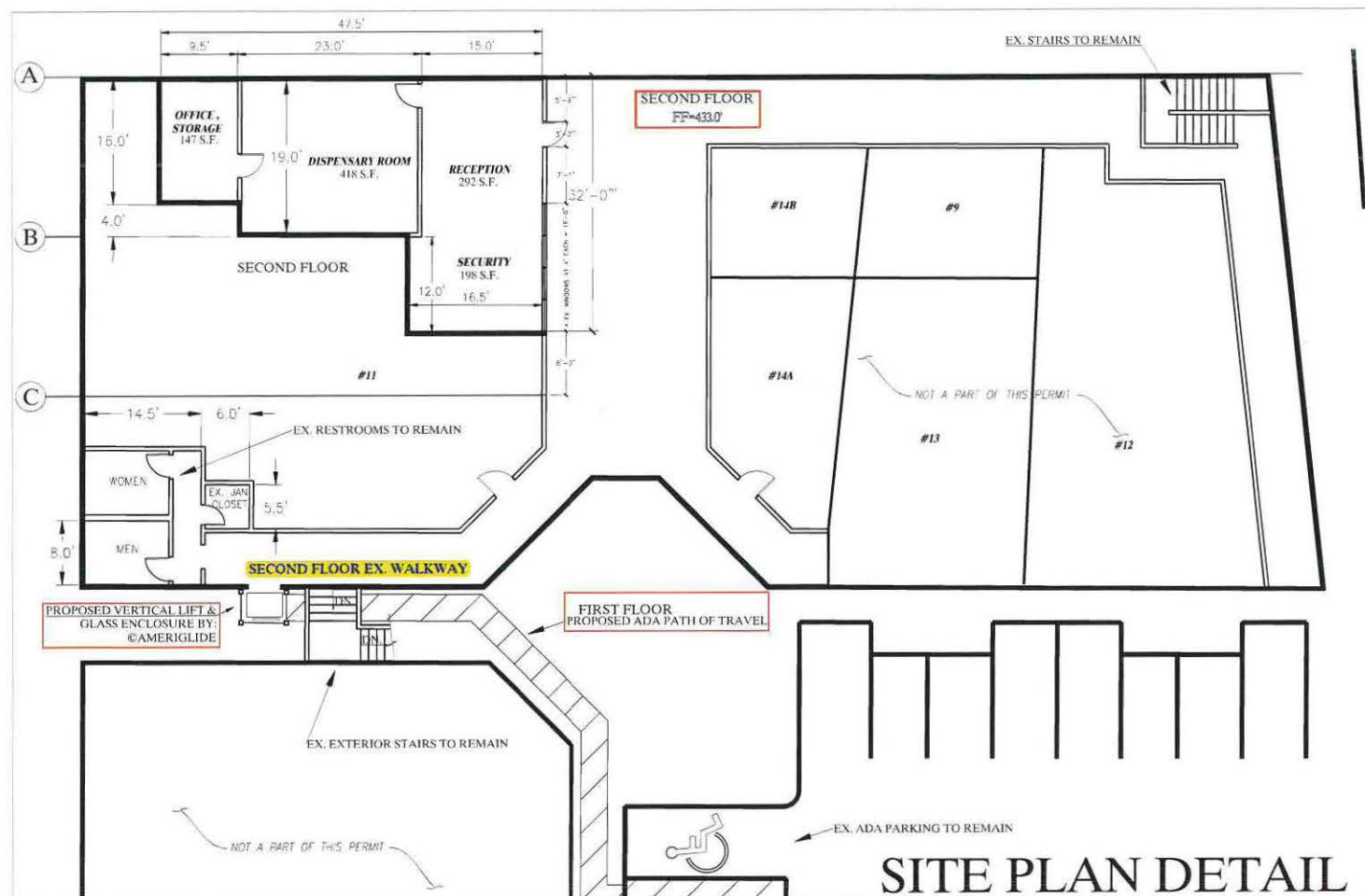
MMCC CUP PLAN
SUITE #10
7128 Miramar Road
SAN DIEGO, CALIFORNIA

SHEET TITLE:

DATE: 2014-08-21, REVISED ON:
2014-09-15, 2014-09-17,
2014-09-25

CITY OF SAN DIEGO
PROJECT NO: 308343

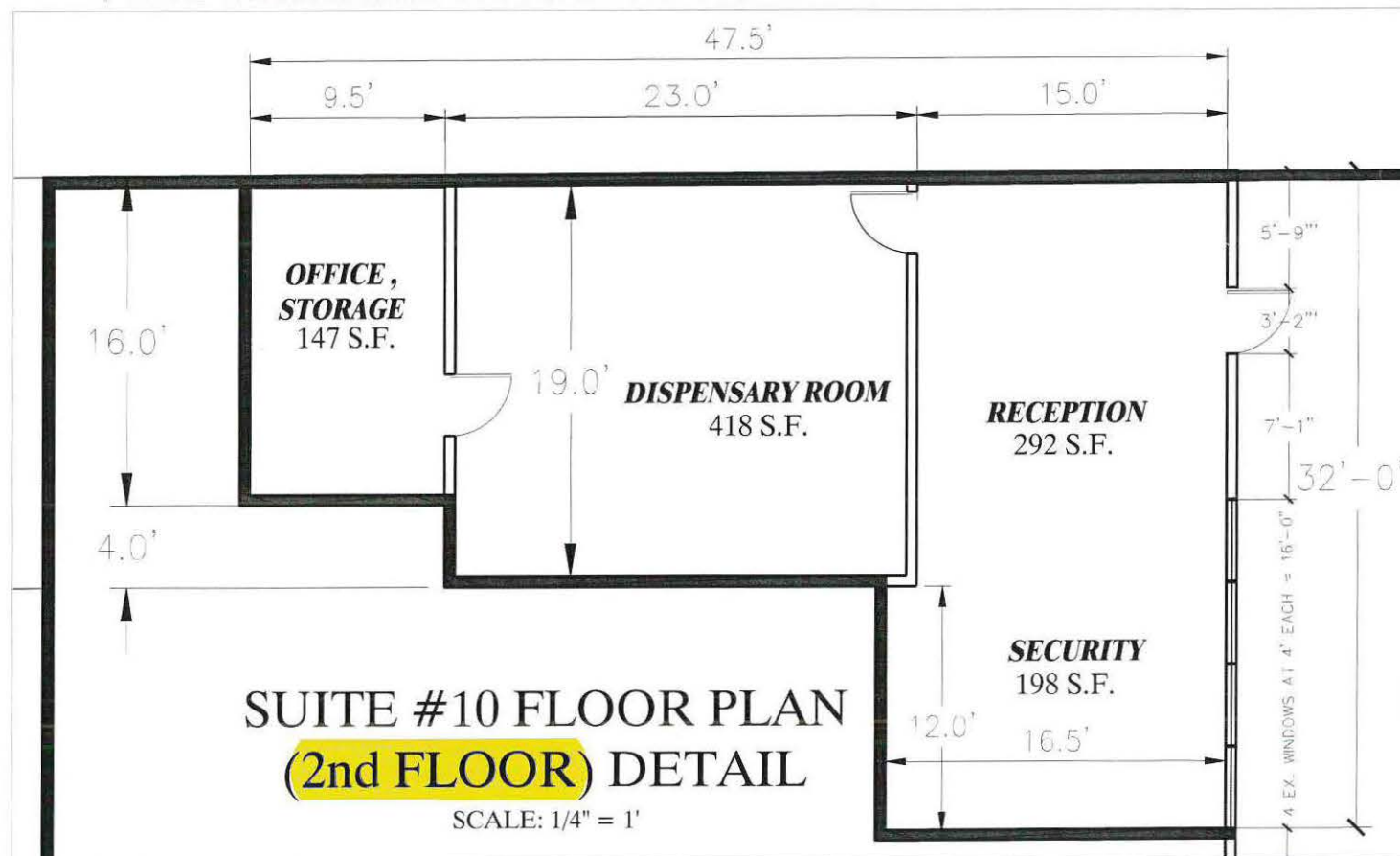
SHEET NO.



7128 Miramar Road MMCC

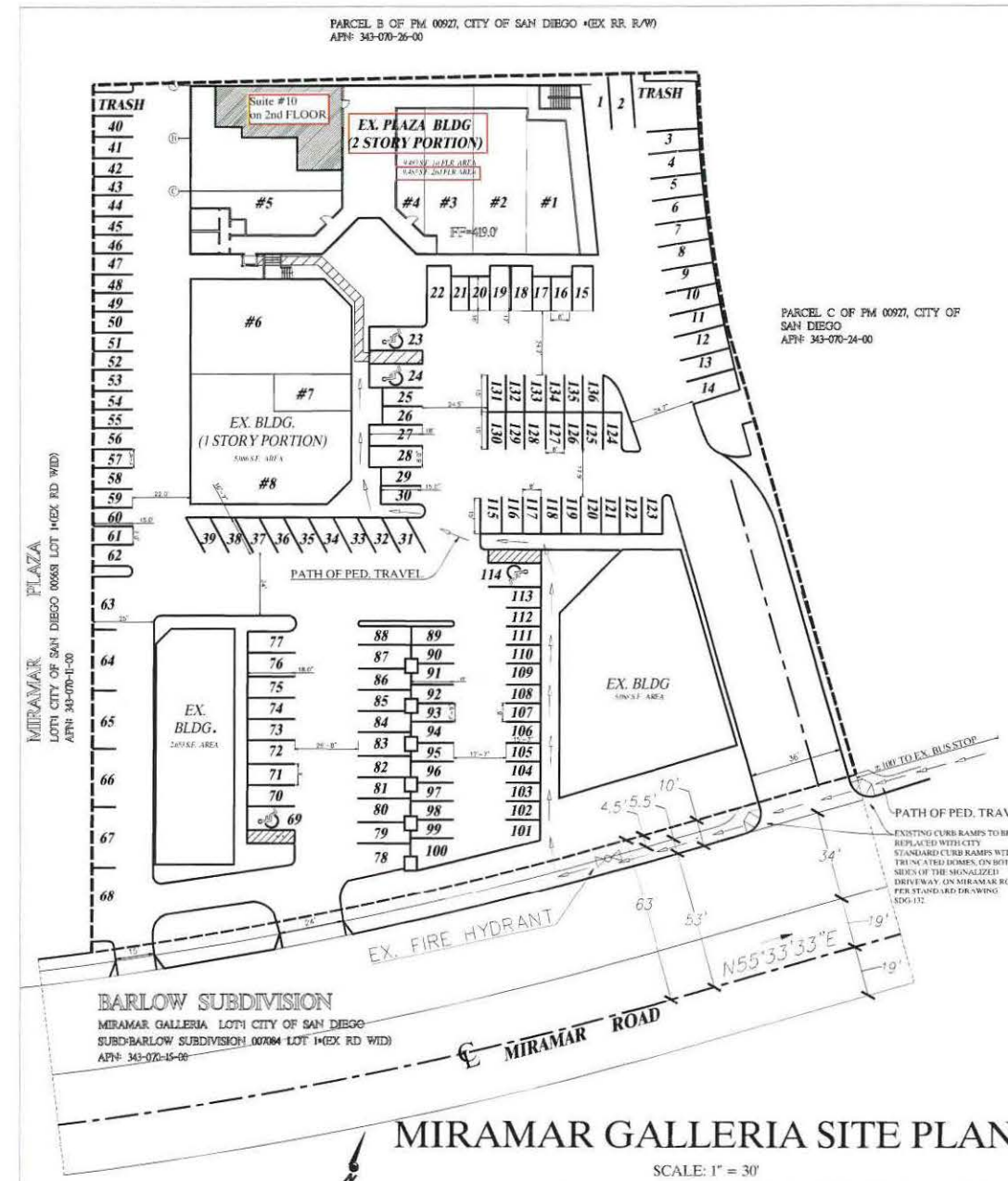
SITE PLAN DETAIL

SCALE: 1" = 10'



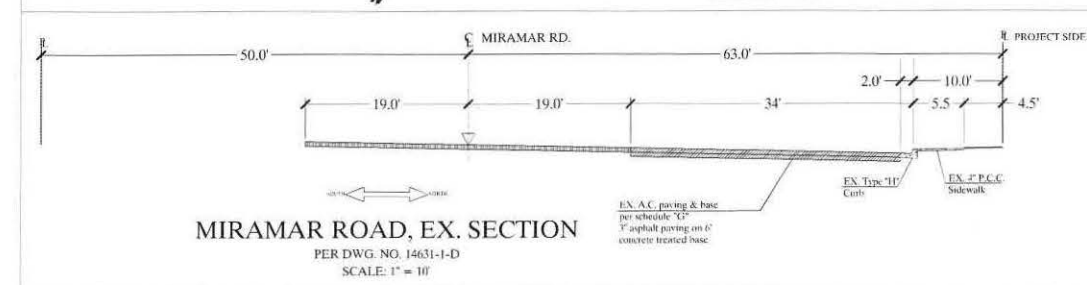
SUITE #10 FLOOR PLAN
(2nd FLOOR) DETAIL

SCALE: 1/4" = 1'



MIRAMAR GALLERIA SITE PLAN

SCALE: 1" = 30'



MIRAMAR ROAD, EX. SECTION

PER DWG. NO. 14631-I-D
SCALE: 1" = 10'

CONSULTANT:
**SHAPOURI ENGINEERING
COMPANY, INC**
18029 Calle Ambiente, Suite 502, P.O. Box 3275, Rancho Santa Fe,
California 92087
Phone: (858) 412-0033 Fax: (858) 756-8344

SITE PLAN
AND
FLOOR PLAN

MMCC CUP PLAN
SUITE #10
7128 Miramar Road
SAN DIEGO, CALIFORNIA

SHEET TITLE:
DATE: 2014-08-21, REVISED ON:
2014-09-13, 2014-09-17,
2014-09-25
CITY OF SAN DIEGO
PROJECT NO: 368343

SHEET NO.
2 of 2

My Recommendation to the Mira Mesa Community Planning Group

1. Recommend to the Hearing Officer that all CUP requests be tabled until such time as the illegal “dispensaries” in the area are closed and the City demonstrates that it has the wherewithal to both **keep** illegal marijuana dispensaries closed **and** to properly regulate MMCCs.
2. Place the CUP requests in order based upon our assessment as to their ability to serve the purposes intended by Proposition 215 with a recommendation that once the conditions above are satisfied, a maximum of two CUPs within Mira Mesa be issued to the two top applicants.

Motion made by Ted Brengel prior to vote in accordance with Special Rules of Order above.

August 19, 2014

City of San Diego, Planning Department
1222 1st Avenue, MS 413
San Diego CA 92101

To the Director:

At our August 18, 2014 meeting the Mira Mesa Community Planning Group heard a second round of presentations by four applicants for Conditional Use Permits (CUP) to operate Medical Marijuana Community Cooperatives. Please accept this letter as our report and recommendations on this matter.

It is our strong belief that current enforcement measures on illegally operating medical marijuana shops are grossly inadequate. As such, we request that the Hearing Officer table consideration of the permit applications until such a time as the illegal "dispensaries" in the area are closed and the City demonstrates that it has the wherewithal to both keep illegal marijuana dispensaries closed and to properly regulate MMCCs.

This notwithstanding, the presentations we heard were informative, thorough and educational. Two applicants stood out in this respect and we have voted to express our preference for these two applicants. Our first preference is for Glass Tech Entities (Project # 368509). Due to the Municipal Code restrictions disallowing MMCCs within 1,000 feet of each other, this recommendation precluded us from recommending the MEDBOX application (#368322). The second applicant most preferred by the Planning Group was that of Ms. Nicole Britvar (#370687).

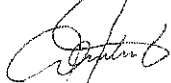
At such a time as illegal dispensaries are closed and effective enforcement mechanisms are in place to prevent them from simply opening up in a new location, we can support the awarding of only two CUPs to the two applicants mentioned above. This will allow the other two CUPs allowed for the 6th District to be awarded to applicants in Kearney Mesa with the guidance of the Kearney Mesa Community Planning Group.

This matter has of course been controversial. Numerous residents expressed their concern and opposition. However, we recognize that Proposition 215 is state law as expressed by the voters and the City Council has acted in their capacity as our representatives to craft a Municipal Ordinance to implement this law in San Diego. We wish to assist the City in implementing this Ordinance in our Community in keeping with the four criteria specified in the Municipal Code in support of necessary findings for these permits, these four criteria being:

- The proposed development will not adversely affect the applicable land use plan;
- The proposed development will not be detrimental to the public health, safety and welfare;
- The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and
- The proposed use is appropriate at the proposed location.

It is especially in light of the second of these four criteria that we insist that the City first remedy the inadequacies of current enforcement on illegal cooperatives. Subsequent to that, we ask that the two named applicants above be preferred in the deliberations on awarding two of the four allowable CUPs.

Cordially,



John Horst
Chairman, Mira Mesa Community Planning Group

**MIRA MESA COMMUNITY PLANNING GROUP
SPECIAL RULES OF ORDER FOR ITEM #4(d) ON THE AGENDA FOR 18 AUGUST 2014**

1. The Chair will make a motion to adopt the following as Special Rules of Order for the consideration of the Medical Marijuana Community Cooperative applications before the Planning Group for a recommendation to the City Council.
2. Members of the Planning Group will base their evaluation of the applicants on the following four criteria from the Municipal Code (Section §126.0305):
 - a. The proposed development will not adversely affect the applicable land use plan;
 - b. The proposed development 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; and
 - d. The proposed use is appropriate at the proposed location.
3. Due to the Municipal Code restriction limiting each Council District to four permits the Mira Mesa Community Planning Group will consider approval for only two among the four applicants, leaving two permits available for applicants in the Convoy/Kearny Mesa area of Council District 6.
4. Voting on the applicants before the Planning Group for a recommendation shall proceed as follows:
 - a. Voting: The Chair will request each member to express their preference for applicants by indicating the order in which the member believes they merit a recommendation of approval. The rankings shall be recorded on a spreadsheet which shall be projected for the view of those attending the meeting.
 - b. The First Vote
 - i. If a member does not wish to recommend approval for any applicant, the member will state to the Chair that he/she does not wish to recommend any of the applicants.
 - ii. Each member who wishes to recommend approval for an applicant or applicants will state their order of preference. The member may rank all four applicants, or choose to rank only those he or she feels merits a recommendation, at the member's discretion.

- iii. If an applicant receives 10 or more #1 rankings, that applicant shall receive the first recommendation for approval and voting shall proceed to the Second Vote except as provided for in 3(b)(vi) vi below.
 - iv. If no applicant receives 10 or more #1 rankings, points shall be awarded as follows:
 - 1. #1 vote = 4 points.
 - 2. #2 vote = 3 points.
 - 3. #3 vote = 2 points.
 - 4. #4 vote = 1 point.
 - v. A show of hands will then be taken for each of the two highest scoring applicants. **Members not wishing to recommend any applicant may abstain from this vote.** The applicant receiving the most votes numbering 10 or more (a majority of the entire Planning Group Executive Committee) in this show of hands shall receive the first recommendation for approval.
 - vi. As a result of the awarding of the first recommendation for approval, if one of the remaining applicants has applied for a location within 1,000 feet of the first recommended applicant, due to Municipal Code restrictions disallowing MMCCs within 1,000 feet of each other, that applicant shall be ineligible for a recommendation. Voting shall proceed to the Third Vote.
 - vii. Should the First Vote fail to secure 10 or more votes for the first recommendation as a result of this process, no applicant will be recommended and voting shall be concluded.
- c. The Second Vote
- i. If a member does not wish to recommend approval for any of the remaining applicants, the member will state to the Chair that he/she does not wish to recommend any of the remaining applicants.
 - ii. Each member who wishes to recommend approval for a second applicant will state their order of preference. The member may rank all three remaining applicants, or choose to rank only those he or she feels merits a recommendation, at the member's discretion.
 - iii. If a single applicant receives 10 or more #1 rankings, that applicant shall receive the second recommendation for approval and voting shall be concluded.

- iv. If no applicant receives 10 or more #1 rankings, points shall be awarded as follows:
 - 1. #1 vote = 3 points
 - 2. #2 vote = 2 points.
 - 3. #3 vote = 1 point.

 - v. A show of hands will be taken between the two highest scoring applicants. **Members not wishing to recommend any applicant may abstain from this vote.** The applicant receiving the most votes numbering 10 or more (a majority of the entire Planning Group Executive Committee) in this show of hands shall receive the second recommendation of approval and voting shall be concluded.
5. The Third Vote (if necessary per 3(b)(vi) above)
- a. The Third Vote shall be between two remaining applicants.
 - b. Each of the two remaining applicants shall receive a vote by show of hands. **Members not wishing to recommend a second applicant may abstain from these two votes.**
 - c. The applicant receiving the most votes numbering 10 or more (a majority of the entire Planning Group Executive Committee) shall receive the second recommendation.
 - d. Should neither of the two remaining applicants receive 10 or more votes at the Third Vote, no second recommendation shall be given.
6. Members are expressly under NO OBLIGATION to explain the reasons for their preferences as expressed by their votes.

**MIRA MESA COMMUNITY PLANNING GROUP
SPECIAL RULES OF ORDER FOR MMCC RECOMMENDATIONS**

		GLASS TEC		EJ MARKETING		MEDBOX		NICOLE BRITVAR	
		RANK	SCORE	RANK	SCORE	RANK	SCORE	RANK	SCORE
R01	Kent Lee	0	0	0	0	0	0	0	0
R02	Joe Punsalan	0	0	0	0	0	0	0	0
R03	Joe Frichtel	0	0	0	0	0	0	0	0
R04	Ted Brengel	1	4	0	0	0	0	0	0
R05	Bruce Brown	0	0	0	0	0	0	0	0
R06	Tom Derr	1	4	0	0	0	0	2	3
R07	James Ludwick	0	0	0	0	0	0	0	0
R08	Robert Mixon	1	4	0	0	0	0	2	3
R09	John Horst	0	0	0	0	0	0	0	0
R10	Jeff Stevens	0	0	0	0	0	0	0	0
R11	Pat O'Donohoe	0	0	2	3	0	0	1	4
B01	Marvin Miles	0	0	0	0	0	0	0	0
B02	Craig Radke	1	4	0	0	0	0	2	3
B03	Julia Scribner	1	4	0	0	0	0	2	3
B04	Eileen Magno	0	0	0	0	0	0	0	0
B05	Walter Kanzler	0	0	0	0	0	0	1	4
L01	Ralph Carolin	1	4	0	0	0	0	2	3
L02	Matt Woods	0	0	0	0	0	0	0	0
L03	Mike Linton	0	0	0	0	0	0	0	0
TOTAL			24		3		0		23

Members with all zeroes elected not to recommend any applicant.



Ownership Disclosure Statement

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 CUP/MMCC

Project Title: EJ MARKETING Project No. For City Use Only: 568343

Project Address: 7126 MIRAMAR ROAD, SAN DIEGO CA 92121

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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.

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title: EJ Marketing Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? Ca Corporate Identification No. 200916910022 ENTITY NO. 200916910022
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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 names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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. Additional pages attached Yes No

TENANT

Corporate/Partnership Name (type or print): Green Nectar
 Owner Tenant/Lessee
Street Address: 9985 IDYLLWOOD LANE
City/State/Zip: San Diego California 92119
Phone No: (619) 319-7878 Fax No: N/A
Name of Corporate Officer/Partner (type or print): EBON A JOHNSON Sr
Title (type or print): OWNER, GREEN NECTAR INC
Signature: [Signature] Date: 04/14/2014

Corporate/Partnership Name (type or print): ROP, LLC
 Owner Tenant/Lessee
Street Address: 7128 Miramar Road
City/State/Zip: San Diego CA 92121
Phone No: 760-918-9300 Fax No: 760-448-4400
Name of Corporate Officer/Partner (type or print): Ross Margolin
Title (type or print): Partner
Signature: [Signature] Date: 4-16-14

Corporate/Partnership Name (type or print): ROP, LLC
 Owner Tenant/Lessee
Street Address: 7128 Miramar Road
City/State/Zip: San Diego CA 92121
Phone No: 760-918-9300 Fax No: 760-448-4400
Name of Corporate Officer/Partner (type or print): Steve Bluman
Title (type or print): Partner
Signature: _____ Date: _____

Corporate/Partnership Name (type or print): ROP, LLC
 Owner Tenant/Lessee
Street Address: 7128 Miramar Road
City/State/Zip: San Diego CA 92121
Phone No: 760-918-9300 Fax No: 760-448-4400
Name of Corporate Officer/Partner (type or print): ROSS Margolin
Title (type or print): Partner
Signature: _____ Date: _____

Corporate/Partnership Name (type or print): _____
 Owner Tenant/Lessee
Street Address: _____
City/State/Zip: _____
Phone No: _____ Fax No: _____
Name of Corporate Officer/Partner (type or print): _____
Title (type or print): _____
Signature: _____ Date: _____

Corporate/Partnership Name (type or print): _____
 Owner Tenant/Lessee
Street Address: _____
City/State/Zip: _____
Phone No: _____ Fax No: _____
Name of Corporate Officer/Partner (type or print): _____
Title (type or print): _____
Signature: _____ Date: _____



SDPD CPTED REVIEW OF 7128 MIRAMAR ROAD MMCC

Date: March 9, 2015
To: Jessica McElfresh, Attorney-at-Law
From: Ted Parker, SDPD Crime Prevention
Copies to: Edith Gutierrez, Development Services Department
 Linda Griffin, A/Lieutenant, SDPD Vice Administration
 Shannah Oliveras, SDPD Northeastern Division Community Relations Officer (CRO)

I have a few advisory suggestions for crime prevention measures in the design of this project. They are based on the following four CPTED concepts that are widely used to reduce the incidence and fear of crime, and improve the quality of life in land-development projects. These concepts are defined briefly as follows:

1. *Surveillance.* Involves the use of electrical and mechanical devices, and the location of physical features, activities, and people to provide good visibility in the environment. Creates a risk of detection for offenders and a perception of safety for legitimate users.
2. *Access control.* Uses electrical and mechanical devices, people, and natural measures to create a perception of risk to offenders and deny them access to targets and escape routes. Also guides legitimate users safely through the environment.
3. *Territorial reinforcement.* Uses physical features and signs to define ownership and control activities in the environment. Delineates spaces with limited or no public access.
4. *Maintenance.* Allows the continued use of spaces for their intended purposes. Maintains the effectiveness of measures employed for surveillance, access control, and territoriality.

Feel free to call me at (858) 523-7049 if you want to discuss these suggestions further.

SUGGESTIONS

Alarms

The San Diego Municipal Code (SDMC) Sec. 141.0614(d) requires alarms but does not say what kind. Both robbery and burglar alarm systems should be installed. The robbery alarm is a silent panic button that an employee would push in the event of a holdup. It would signal the alarm company to call **911** to report a robbery in progress and not call back to confirm the alarm. The burglar alarm system should include sensors on the common interior wall with adjacent suite (#11), the ceiling, and the front door, windows, and wall. The sensors on the walls and ceiling would detect any attempts to drill or otherwise break through them. (If permitted in the lease, the front and common walls should be hardened to prevent break-throughs.) Note that the parapet shields anyone on the roof from being seen from the street. These alarm systems should have batteries for backup power.

Utilities

The door to the room for electric meters, circuit breakers, and fuses should be locked with a deadbolt, as should the room for the telephone equipment and lines. This is to prevent someone from shutting off electric power for the lights and security systems, and cutting communications with the alarm company

Cameras

The SDMC Sec. 141.0614(d) requires cameras but does not say what kind or where they should be installed. Cameras can be wired or wireless. They can record continually, when motion is detected, at specified times, or on an alarm. After a crime occurs the imagery can be reviewed for usable evidence. Any camera system that is installed should be designed to provide high-quality, color imagery of persons and activities inside and outside the MMCC in any lighting condition for use by the SDPD in investigating crimes. It should operate 24/7 and have backup power for at least 12 hours in the event of a power failure. The cameras should cover the suite front door, the walkway outside the front door, the reception and cashier areas, and all rooms in the suite. Their imagery should enable clear and certain identification of any individual on the premises. The video should be recorded and kept in a secure room for at least 30 days.

The existence of cameras helps to deter crime but not to stop a crime in progress. However, if suites with robbery and burglary alarms also have Internet Protocol (IP) cameras, the imagery can be transmitted to the alarm company so personnel there can look at the imagery and see what is happening. Or it can be transmitted to a web-enabled mobile device. (This should be done over a secure Internet link protected by a strong password. Microsoft Windows suggests that these passwords be at least eight characters long, with at least one capital letter, one lowercase letter, one number, and one symbol. Use of non-dictionary words or easily-remembered phrases is recommended.) If a crime in progress is seen, **911** should be called and the dispatcher given the details. This will lead to a higher call priority and a faster response than would occur for an unverified alarm call. Officers might even arrive in time to catch the perpetrators. If something suspicious is seen, it should be reported to the SDPD on its non-emergency number, **(619) 531-2000** or **(858) 484-3154**.

For actions that don't trigger alarms, "smart" cameras with video-analytics or intelligent-video software can be installed and programmed to detect anything unusual or suspicious. When an alert condition occurs, the imagery would be recorded and transmitted to the alarm company or to a web-enabled mobile device so security personnel can see what is happening and take appropriate action. Again, if a crime in progress is seen, **911** should be called and the dispatcher given the details. This will lead to a high call priority and a relatively fast response. Officers might even arrive in time to catch the perpetrators.

In either case, if something suspicious is seen, it should be reported to the SDPD on its non-emergency number, **(619) 531-2000** or **(858) 484-3154**. Or if there is a guard on-site or one in a patrol car that can respond quickly, the alarm company should be called to investigate.

IP cameras that view areas in which crimes might be in progress, such as the MMCC cash register location, should also be capable of providing real-time streaming video to the SDPD in Operation Secure San Diego. This program is one of the SDPD's new technology public safety and crime fighting activities. It will enable officers arriving at the scene to make better, more-informed tactical decisions and determine whether additional officers and emergency services are required. Contact the CRO in the SDPD's Northeastern Division at **(858) 538-8000** if you wish to partner with the SDPD in this program.

Signs regarding cameras should be posted in order to deter crimes. They should use words like **CAMERAS ARE ON THE PREMISES**, **SURVEILLANCE IS IN PROGRESS**, or **ALL ACTIVITIES ARE RECORDED TO AID IN THE PROSECUTION OF CRIMES COMMITTED ON THE PREMISES**. One such sign is shown below.



Because cameras are susceptible to damage by criminals attempting to hide their actions, measures should be taken to make less vulnerable. Here are some possibilities.

- Mount cameras as high as possible.
- Use damage-resistant cameras.
- Use armored conduits for electrical cables.
- Install cameras where they are within the field of view of at least one other camera.
- Include measures to detect lens blockage and other tampering.

Lighting

Lighting should comply with SDMC Sec. 141.0614(c). The walkway outside the MMCC should be well-lighted from sunset to sunrise. Like cameras, light fixtures should also be damage-resistant.

Front Windows

These should be made of a burglar-resistant material that meets UL 972 standards. These materials look like safety glass but will not shatter easily, even after repeated blows. The following materials can be used:

- **Laminated glass** is made with a vinyl or plastic inter-layer sandwiched between two layers of glass. This type of glass adds additional strength to your windows. To gain entry a burglar would have to strike the glass repeatedly in the same spot in order to make a small opening. Most burglars are reluctant to create this type of noise for fear of being detected.
- **Tempered glass** is made by placing a piece of regular glass in an oven, bringing it almost to the melting point, and then chilling it rapidly. This causes a skin to form around the glass. Fully tempered glass is four to five times stronger than regular glass.
- **Wired glass** adds the benefit of a visible deterrent. Extra effort will be needed to break the glass and then cut through the wire located within the glass in order to gain entry.
- **Plastic acrylics** are more than ten times stronger than glass of the same thickness and are commonly called Plexiglas.
- **Polycarbonate** sheets are superior to acrylics and are advertised as 250 times more impact resistant than safety glass, and 20 more times than other transparent plastic.

Glass with a security film attached to the inside can also be burglar-resistant. It requires repeated blows to break through, which take time and make noise. A burglar faced with this task might give up and go away or look for another way or place to break in.

Another way to make windows burglar-resistant is to install security screens, which should have the following features so they cannot be broken through or pried open:

- Four-sided, stainless-steel frame
- Frame secured to the building
- Steel mesh that cannot be cut with a knife
- Mesh secured to frame to resist dynamic impacts
- Rust and corrosion resistant
- Passed Australian Standards (AS) knife shear, dynamic impact, jimmy, and salt spray tests

Exterior windows should also be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the interior of the suite is lighted after dark, e.g., by employees or janitors, shutters or blinds will need to be used inside the windows because reflective materials are not effective then.

Another way to secure the suite is with a folding security gate or a roll-down security shutter.

Front Door

If it is to be bullet-resistant, it should be made of steel or reinforced with steel, and be tested in accordance with UL 752 and assigned a protection level from 1 to 10. The door should also have a steel frame or a steel reinforcing device mounted on the lock side of the frame that extends at least 2 feet above and below the strike plate.

If it is to be transparent, it should be made of a burglar-resistant glass or plastic that meets UL 972 standards as suggested above for the front windows. Or a security film can be attached to the inside of an existing glass door to make it burglar-resistant. The door should also be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the interior of the suite is lighted after dark, e.g., by employees or janitors, shutters or blinds will need to be used inside the door because reflective materials are not effective then.

And if a folding security gate or a roll-down security shutter is used for the windows, it should also extend across the door.

If the door is locked magnetically and does not have a push or press bar that unlocks them from the inside, it must open automatically when a person approaches them from inside of the suite. The sensor that detects this motion or heat needs to be located or aimed far enough back from the door so a person outside cannot slip something between the door and its frames to create motion or a heat signature and to open the door. Or a strip of metal or other material can be attached to the outside of a door to close the gap and prevent a person from inserting anything between the door and its frames. Another way to prevent this is to replace the sensor with a button that would be pushed to open a door from the inside. Doors with magnetic locks will need backup power to keep them locked and enable the button to work during a power failure.

When the suite is unoccupied, front door can be locked with single-cylinder deadbolt that is separate from another locking mechanism. This lock should have a throw of at least one inch, be key-operated on the outside, and have a thumb turn on the inside. It cannot be used when the suite is occupied because California Fire Code Sec. 1008.1.9 states that egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort. The thumb turn is deemed to require special knowledge. It also requires twisting of the wrist to open the door, which makes it prohibited in the California Fire Code. When a deadbolt is installed a sign must be posted on or adjacent to the door saying THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED per California Fire Code Sec. 1008.1.9.3.

Interior Doors

The following measures apply to interior doors that are opened on the inside with push or press bars, or lever arms and not locked with a deadbolt.

Doors with beveled latches that are visible from the outside should have latch guards that extend at least 12 inches above and below the latches. This will prevent a person from sliding something between the door and its frame to push in the latch.

Doors that are opened on the inside by a push or press bar and have a gap between them and their frames can be opened with an L-shaped rod that is inserted next to the bar, turned 90 degrees, and pulled to depress the bar. This can be prevented by attaching a strip of metal or some other material to the door to cover the gap. It is better if there is no gap between the door and its frame.

Doors that are opened on the inside by a lever arm and have a gap underneath them can also be opened with a lever-opening tool like the Keedex K-22. Its wire would be inserted under the door and raised to hook over the lever arm on the inside of the door. The wire is then pulled to rotate the lever arm downward to open the door. This can be prevented by attaching a threshold strip to the floor under the door and a brush-sweep to on the bottom of the door. They would close the gap and prevent the tool from being inserted.

Doors that are opened on the inside by a press bar, i.e., one that rotates downward when pushed, and have a gap underneath them can be opened with a lever-opening tool like the Keedex K-22 as described above. Use of a threshold strip and door brush-sweep would close the gap and prevent the tool from being inserted.

Consumer Movement in the MMCC

First, consider reversing the reception and security areas and adding another door to the dispensary at the other end of the wall. This would be an entry door. The door shown on the floor plan would be an exit door.

Security could begin outside the front door with a video intercom. Then consumers entering the suite could go through a mantrap and a metal detector, as discussed below, and check-in with the receptionist, who would unlock the door to the dispensary where the consumer would select products, pay for them, and exit past security.

Consumers should not have any access to offices and rooms for safes, camera recordings, and marijuana storage, processing, and packaging. Doors to these rooms should be kept locked at all times. Employees would have keys, keypad codes, fobs, or access cards to open them. An advantage of the latter is that a record of employee access can be kept.

Video Intercom

With a video intercom, the front door would be locked and a person wanting to enter would push a button to talk to the receptionist, who would be able to see the person on a camera monitor and ask to see the person's identification and membership card. The person would be buzzed in if his or her identity and membership are verified.

Mantrap

To prevent a person from following another into the suite, i.e., tailgating, the front door could lead to a mantrap, i.e., a secured space for one person equipped with two interlocking doors to insure that only one person at a time can pass through into the lobby. Employees of the MMCC would be able to open both doors with their individual access cards, fobs, or keypad codes. Others would be buzzed through by the receptionist. To prevent someone who has stolen an employee's access means from entering the building, a biometric sensor like a fingerprint reader could be installed at the second door. Thus, only employees would be able to enter through the mantrap without being buzzed in by the receptionist. Consumers would leave through the mantrap to prevent someone from entering the suite when the entry door is open.

Carry-in Items

These include backpacks, brief cases, reusable grocery bags, purses, laptops, wallets, etc. The MMCC should have a policy that defines the items can be brought into the showroom. A safe place for consumers to store other items would need to be provided in the lobby or some other place.

Metal Detector

If a metal detector is installed at the front door, a security guard will be needed to check all allowed carry-in items and any metal items detected on people entering the building. This guard should be armed, wear a bullet-resistant vest, and be trained in how to deal with people who have weapons, refuse to be searched, or use their weapons.

An alternative to a metal detector is a wand used by a security guard to search a person for metal objects. The guard would request the person to remove any objects detected for inspection.

Receptionist

The receptionist should be able to observe the metal detection process directly. If the person's identity and membership was verified with a video intercom, the receptionist could unlock the door to the dispensary when the guard indicates it is safe to do so. If there is no metal detector, the receptionist or security guard on duty in the reception room would verify the consumer's identity and membership, check all allowed carry-in items, and unlock the door to the dispensary for those who are granted entry.

If there is a limit on the number of consumers in the dispensary, the receptionist would ask other consumers to sit and wait until he or she can be admitted.

Employee Protection

Consider protecting the receptionist and cashier in the dispensary with a bullet-resistant glass, plastic, or laminate enclosure and a bullet-resistant door.

CAVEATS ON CPTED

CPTED measures employ three elements -- people, devices, and design features -- to deter crimes of opportunity by making it more difficult for an offender to commit a crime and escape without being stopped or detected. Although devices and design features are important, the human element is the critical one. People in the environment must:

- Take advantage of the visibility provided to observe and question intruders.
- Report suspicious behavior and criminal activities.
- Use the access control measures provided to keep intruders out.
- Use security measures to protect themselves and their property.
- Exercise control over their environment.

But even all of this will not stop many types of offenders. Other concepts and strategies will be needed to deal with offenders who are:

- Determined and skillful in defeating surveillance and access control measures,
- Irrational in their behavior,
- Acting as a member of an organized gang,
- Under the influence of drugs or alcohol,
- Reckless or undeterred by the risks of detection and apprehension,
- Unconcerned about possible punishment, or
- Legitimately in the area.

The need for the community, police, and other agencies and organizations to work together as partners to employ other concepts and strategies is especially critical in dealing with organized gangs because gangs can also use surveillance, access control, and territoriality measures, along with terror and intimidation, to make an environment safe for their criminal activities.

Finally, CPTED measures do not deal with many types of crimes that occur in social, home, and business environments. For example, they do not help to prevent crimes in which the victim knows or provides access to the offender, i.e., domestic violence, child abuse, and acquaintance rape. Nor do they help prevent substance abuse, workplace violence, fraud, forgery, and other financial crimes. Counseling, education, enforcement, and other measures are needed to deal with these situations.