



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: December 3, 2014                      REPORT NO. HO-14-071

ATTENTION:                      Hearing Officer

SUBJECT:                      ZEN SD MMCC  
PROJECT NUMBER: 373481

LOCATION:                      8888 Clairemont Mesa Blvd

APPLICANT:                      Victoria DuPont

### SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 1,200 square foot tenant space within an existing, 13,590 square foot, two-story building on a 3.89-acre site within the Kearny Mesa Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1310456.

Community Planning Group Recommendation: On September 17, 2014, the Kearny Mesa Planning Group voted 6-5-0 to approve the project with no conditions (Attachment 11).

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 (Attachment 9). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 27, 2014, the opportunity to appeal that determination ended on September 11, 2014.

### 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). MMCCs are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision. A limit of four MMCCs 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 in a 1,200 square foot tenant space within an existing, 13,590 square foot, two-story building on a 3.89-acre site. The site is located at 8888 Clairemont Mesa Blvd (Attachment 1), south of State Route 52, east of State Route 163, north of Clairemont Mesa Blvd and west of Ruffin Road (Attachment 2). The site is in the CV-1-1 and IL-3-1 Zones, Airport Influence Area (Miramar and Montgomery Field) and within the Kearny Mesa Community Plan Area. The site contains four existing buildings constructed in 1975, per Building Permit Nos. K43318, K43320, K43321 and K43322. The 1,200 square foot, tenant space is currently being used as an office for Roudr Automotive Network.

The 3.89-acre site is zoned both IL-3-1 and CV-1-1. Approximately the first 100 feet of the property line north from Clairemont Mesa Blvd is in the IL-3-1 zone and the remainder of the site is in the CV-1-1 zone (Attachment 4). . There are fifteen tenant spaces within the building that include uses consisting mostly of commercial services (business services-offices). The other three buildings on the site include retail, commercial services (personal services, restaurants, business services-offices) and light manufacturing. The proposed MMCC tenant space is within the IL-3-1 zone which allows a mix of light industrial, office, and commercial uses. The proposed MMCC is a commercial service, therefore consistent with the zone.

The site is designated General Commercial in the Kearny Mesa Community Plan. The community plan encourages that General Commercial be developed with a broad array of uses, including commercial uses (i.e. retail and office) and industrial uses. Additionally the community plan states that sites which front Clairemont Mesa Boulevard are currently underutilized and are encouraged to develop or redevelop with the array of uses permitted by that land use category. The proposed MMCC, commercial services, is consistent with the land use designation.

## DISCUSSION

The project site located at 8888 Clairemont Boulevard is on a 3.89-acre site. The proposed 1,200 square foot tenant space, within an existing 13,590 square foot two-story, building is currently being used as an office. The project proposes interior improvements that include a reception area, dispensary area, office and restroom. 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 improvements include replacing the most easterly driveway, serving the project site on Clairemont Mesa Boulevard, with an ADA-compliant City standard driveway.

MMCCs 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, 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. MMCC Conditional Use Permits expire five years from date of issuance. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The City of San Diego Development Services staff has reviewed the 1,000 foot radius map (Attachment 7) and 1,000 foot spreadsheet exhibit (Attachment 8) provided by the applicant identifying all 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 in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

#### KEARNY MESA PLANNING GROUP

On September 17, 2014, the Kearny Mesa Planning Group voted 6-5-0 to approve the project with no conditions. Jeffrey Sallen, Chair, stated that the votes in opposition were by members that were in strong belief that the City of San Diego should first eradicate unpermitted dispensaries before allowing permitted dispensaries from opening. The votes in opposition were not specific to this location, it was an overall opinion city wide.

#### CONCLUSION

The Conditional Use Permit for the proposed MMCC may be approved if the Hearing Officer determines that the findings can be made. Staff has reviewed the proposed MMCC and has determined that it meets all applicable sections of the San Diego Municipal Code, Kearny Mesa Community Plan and the General Plan. Staff is recommending that the Hearing Officer approve the project as proposed.

#### ALTERNATIVE

1. Approve Conditional Use Permit No. 1310456, with modifications.

2. Deny Conditional Use Permit No. 1310456, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Edith Gutierrez, Development Project Manager

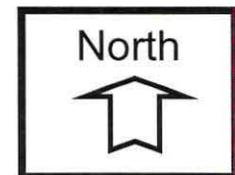
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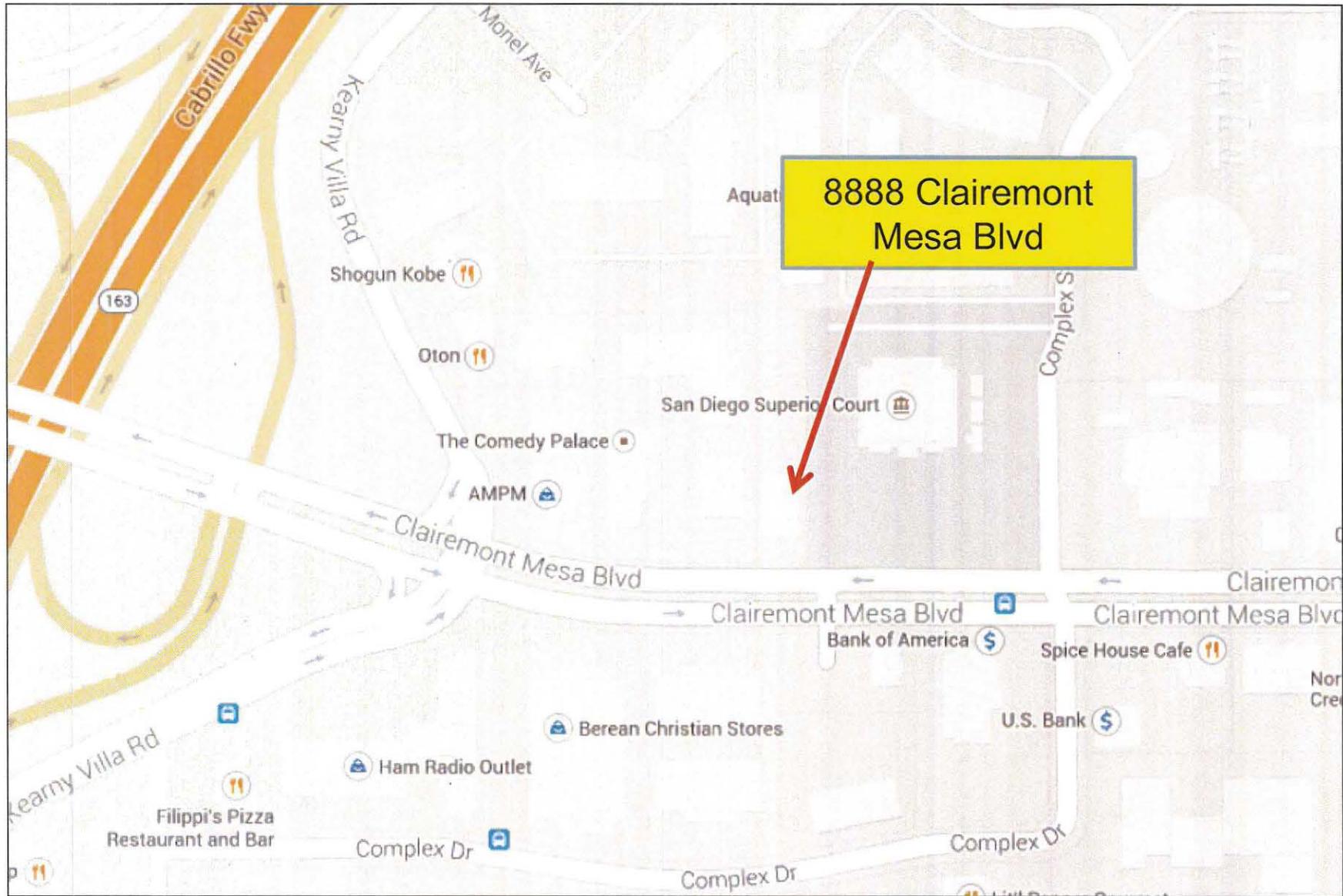
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Zone Map
5. Draft Permit with Conditions
6. Draft Permit Resolution with Findings
7. 1000 Foot Radius Map
8. 1000 Foot Radius Map Spreadsheet
9. Notice of Right to Appeal Environmental Determination
10. Project Site Plan(s)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



### Location Aerial Photo

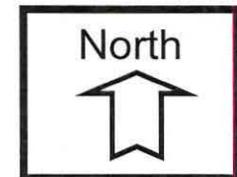
ZEN SD MMCC – 8888 CLAIREMONT MESA BLVD.  
PROJECT NO. 373481

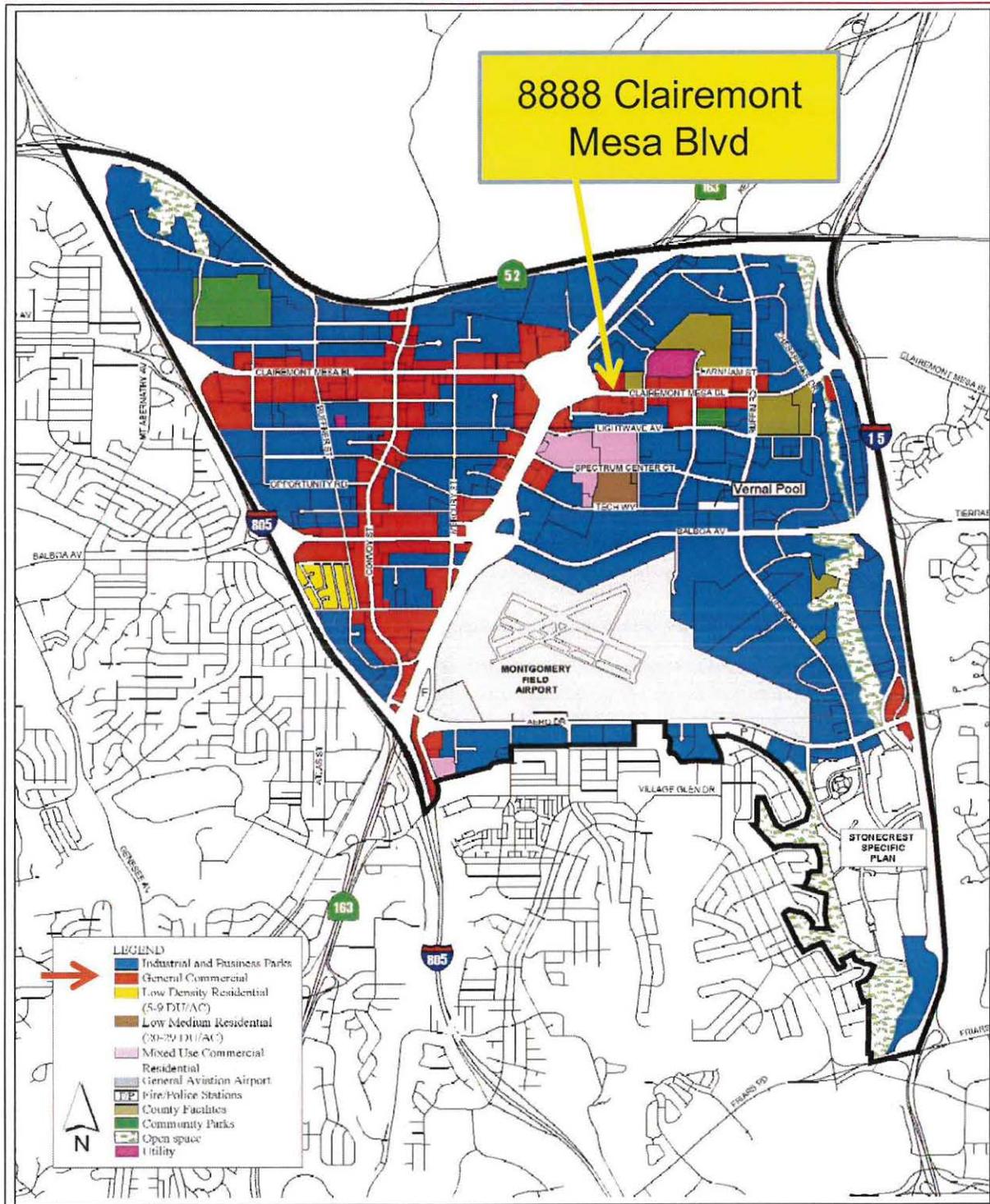




## Project Location Map

**ZEN SD MMCC – 8888 CLAIREMONT MESA BLVD.**  
**PROJECT NO. 373481**

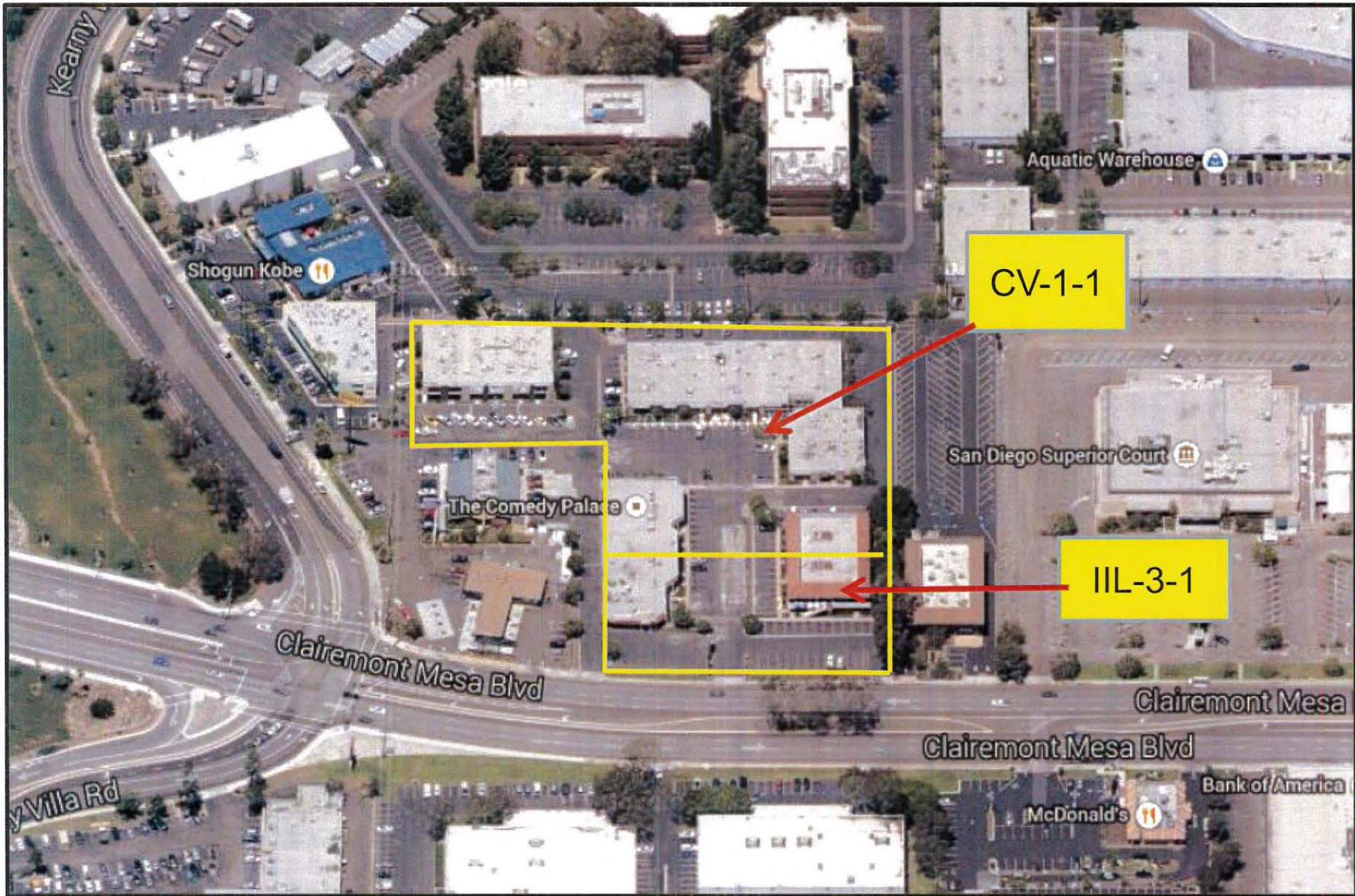




# Land Use Map

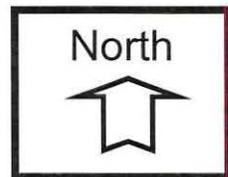
**ZEN SD MMCC – 8888 CLAIREMONT MESA BLVD.  
PROJECT NO. 373481**





**Zone**

**ZEN SD MMCC – 8888 CLAIREMONT MESA BLVD.**  
**PROJECT NO. 373481**



**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: 24004633

**CONDITONAL USE PERMIT NO. 1310456**  
**ZEN SD MMCC - PROJECT NO. 373481**  
**HEARING OFFICER**

This Conditional Use Permit No. 1310456 is granted by the Hearing Officer of the City of San Diego to BLACK MOUNTAIN CENTER LP, Owner and VICTORIA DUPONT, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 3.89-acre site is located at 8888 Clairemont Boulevard in the IL-3-1 and CV-1-1 Zones, Airport Influence Area (Miramar and Montgomery Field) and within the Kearny Mesa Community Plan Area. The project site is legally described as: Parcel 4 of Parcel Map No. 10803 filed in the Office of the County Recorder of San Diego County, December 18, 1980.

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 December 3, 2014, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,200 square foot tenant space within an existing, 13,590 square foot, two-story building on a 3.89-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 \_\_\_\_\_.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on \_\_\_\_\_.
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 1,200 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, 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.
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 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 3.89-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 building occupancy, the Owner/Permittee shall replace the most easterly driveway, serving the project site on Clairemont Mesa Boulevard, with City standard driveway, per Standard Drawing SDG-159, satisfactory to the City Engineer.

**TRANSPORTATION REQUIREMENTS:**

25. No fewer than 6 parking spaces (including 1 van accessible space) for the proposed 1,200 square foot MMCC, and 167 parking spaces (including 6 accessible spaces) for the entire 3.89-acre site (with 184 parking spaces including 6 accessible spaces provided), shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

**POLICE DEPARTMENT RECOMMENDATION:**

26. 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 December 3, 2014 and Resolution No. HO-XXXX.

Conditional Use Permit No.1310456/PTS No. 373481  
Date of Approval: December 3, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Edith Gutierrez  
Development Project Manager

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

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**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.

BLACK MOUNTAIN CENTER LP  
Owner

By \_\_\_\_\_  
Timothy Haidinger  
President

VICTORIA DUPONT  
Permittee

By \_\_\_\_\_  
Victoria Dupont  
Permittee

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

HEARING OFFICER  
RESOLUTION NO. HO-  
CONDITONAL USE PERMIT NO. 1310456  
**ZEN SD MMCC PROJECT NO. 373481**

WHEREAS, BLACK MOUNTAIN CENTER LP, Owner and VICTORIA DUPONT, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,200 square foot tenant space within an existing, 13,590 square foot, two-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1310456), on portions of a 3.89-acre site;

WHEREAS, the project site is located at 8888 Clairemont Boulevard in the IL-3-1 and CV-1-1 Zones, Airport Influence Area (Miramar and Montgomery Field) and within the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as Parcel 4 of Parcel Map No. 10803 filed in the Office of the County Recorder of San Diego County, December 18, 1980;

WHEREAS, on December 3, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1310456 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 December 3, 2014.

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 in a 1,200 square foot tenant space within an existing, 13,590 square foot two-story building . The 3.89-acre site is located at 8888 Clairemont Boulevard in the IL-3-1 and CV-1-1 Zones, Airport Influence Area (Miramar and Montgomery Field) and within the Kearny Mesa Community Plan Area.

The site is designated General Commercial in the Kearny Mesa Community Plan. The community plan encourages that General Commercial be developed with a broad array of uses, including commercial uses

(i.e. retail and office) and industrial uses. Additionally the community plan states that sites which front Clairemont Mesa Boulevard are currently underutilized and are encouraged to develop or redevelop with the array of uses permitted by that land use category.

The proposed use is an allowed use with a Conditional Use Permit within the IL-3-1 zone and is consistent with the community plan designation, therefore the proposed MMCC 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 1,200 square foot MMCC site located at 8888 Clairemont Mesa Boulevard is within an existing 13, 590 square foot two-story building on a 3.89-acre site. The existing tenant space is currently being used as an office. The project proposes interior improvements that include a reception area, dispensary area, office and restroom. The project proposes interior improvements that include a reception area, dispensary area, office and restroom. 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 improvements include replacing the most easterly driveway, serving the project site on Clairemont Mesa Boulevard, with an ADA-compliant City standard driveway.

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. 1310456. 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 1,200 square foot MMCC located at 8888 Clairemont Mesa Blvd is within an existing two-story building. The 3.89-acre site is zoned both IL-3-1 and CV-1-1. Approximately the first 100 feet of the property line north from Clairemont Mesa Blvd is in the IL-3-1 zone and the remainder of the site is in the CV-1-1 zone. The site contains four existing buildings constructed in 1975, per Building Permit Nos. K43318, K43320, K43321 and K43322. The proposed MMCC is within a building that has fifteen tenant spaces that currently have uses consisting mostly of commercial services (business services-offices). The other three buildings on the site include retail, commercial services (personal services, restaurants, business services-offices) and light manufacturing.

The project proposes interior improvements that include a reception area, dispensary area, office and restroom. The project proposes interior improvements that include a reception area, dispensary area, office and restroom. 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 improvements include replacing the most easterly driveway, serving the project site on Clairemont Mesa Boulevard, with an ADA-compliant City standard driveway.

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 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 General Commercial. 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 1,200 square foot MMCC located at 8888 Clairemont Mesa Blvd is within an existing two-story building on a 3.89-acre site. The site is zoned both IL-3-1 and CV-1-1. Approximately the first 100 feet of the property line north from Clairemont Mesa Blvd is in the IL-3-1 zone and the remainder of the site is in the CV-1-1 zone. The site is designated General Commercial in the Kearny Mesa Community Plan. The community plan encourages that General Commercial be developed with a broad array of uses, including commercial uses (i.e. retail and office) and industrial uses. Additionally the community plan states that sites which front Clairemont Mesa Boulevard are currently underutilized and are encouraged to develop or redevelop with the array of uses permitted by that land use category.

MMCCs, classified as commercial services, are allowed in the IL-3-1 zone with a Conditional Use Permit (CUP) and are consistent with the land use designation of General Commercial. 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 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 proposed MMCC is in an existing building that has fifteen tenant spaces. The uses within the building include mostly commercial services (business services-offices). The other three buildings on the site include retail, commercial services (personal services, restaurants, business services-offices) and light manufacturing. The proposed MMCC is a permitted use in the IL-3-1 zone with a CUP and is consistent with the community plan designation, therefore the use is appropriate at the proposed location.

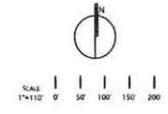
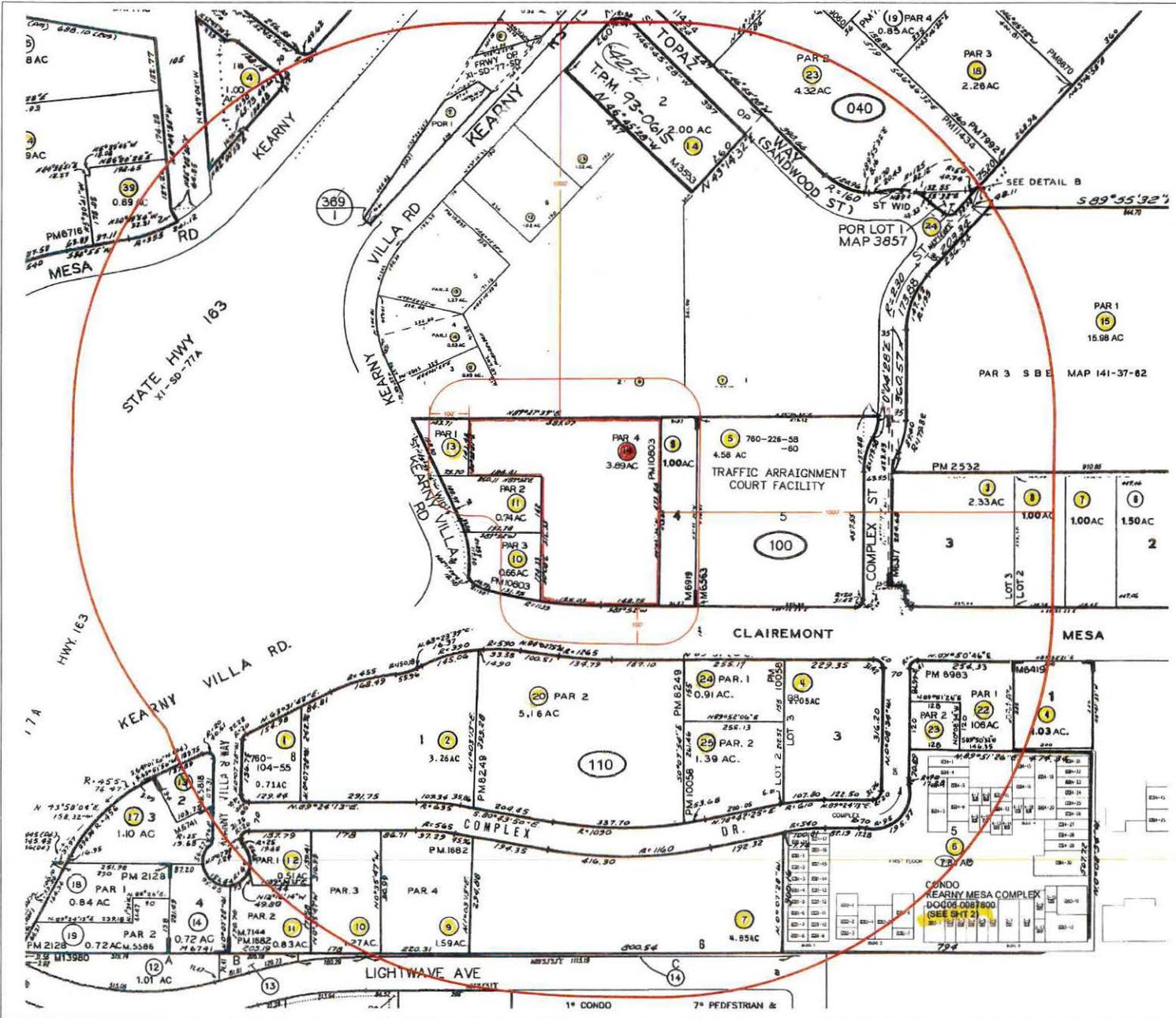
BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1310456 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1310456, a copy of which is attached hereto and made a part hereof.

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Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: December 3, 2014

Job Order No. 24004633



**NOTE:**  
NO RESIDENTIAL WITHIN 100-FEET

**8888 CLAIREMONT MESA BLVD, SUITE B**  
**1000-FT RADIUS MAP**

SHEET 1 OF 1



# 1000-Foot Radius Map Spreadsheet

**Project Name:** Zen San Diego Cooperative

**Address :** 8888 Clairemont Mesa Blvd, Suite B, San Diego 92123

**Date:** 5/29/2014

Assessor Parcel No.	Use	Address	Businesses Name
356-030-39-00	USED CAR SALES	5560 KEARNY MESA RD	SAN DIEGO AUTOMOTIVE
356-030-44-00	HOTEL/MOTEL	5550 KEARNY MESA RD	RAMADA INN
356-031-15-00	UNDEVELOPED LOT	0 KEARNY MESA RD	N/A
356-032-03-00	MOTORCYCLE DEALER	5600 KEARNY MESA RD	SAN DIEGO HARLEY-DAVIDSON
356-032-04-00	VACANT LOT	0 KEARNY MESA RD	N/A
360-100-04-00	HEALTHCARE SERVICES	9089 CLAIREMONT MESA BLVD, STE 100	HIRECARE
360-100-04-00	LAW OFFICE	9089 CLAIREMONT MESA BLVD, STE 208	FIXABLETAX
360-100-04-00	MOVERS	9089 CLAIREMONT MESA BLVD, STE 301	DEWITT COMPANIES
360-100-04-00	MORTGAGE BANKERS	9089 CLAIREMONT MESA BLVD, STE 306	WORLD WIDE LENDING GROUP
360-100-07-00	FLOORING CONTRACTOR	9070 CLAIREMONT MESA BLVD	EXPRESS FLOORS
360-100-08-00	GAS/AIR TANK SUPPLIER	9060 CLAIREMONT MESA BLVD	AIRGAS WEST
369-010-07-00	ADULT ENTERTAINMENT	5520 KEARNY VILLA RD, STE A	CLUB EXPOSE
369-010-07-00	USED CAR SALES	5520 KEARNY VILLA RD, STE B	KAMA CARS
369-010-08-00	CONSTRUCTION EQUIP. RENTAL	5580 KEARNY VILLA RD	UNITED RENTALS
369-010-09-00	CONSTRUCTION EQUIP. RENTAL	5580 KEARNY VILLA RD	UNITED RENTALS
369-020-07-00	WATER TREATMENT SPECIALISTS	5450 COMPLEX ST	CHEM PRO LABORATORY
369-020-07-00	CLOTHING, RETAIL	5450 COMPLEX ST, STE 306	CUSTOM TEES & THINGS
369-020-08-00	COUNTY OFFICES	5469 KEARNY VILLA RD	COUNTY SAN DIEGO HEALTH & HUMAN SERVICES
369-020-08-00	MEDICAL OFFICES	5471 KEARNY VILLA RD	OASIS SURGERY CENTER
369-020-08-00	PHYSICAL THERAPY	5471 KEARNY VILLA RD	SELECT PHYSICAL THERAPY
369-020-08-00	COUNTY OFFICES	5473 KEARNY VILLA RD, STE 150	COUNTY SAN DIEGO HEALTH & HUMAN SERVICES
369-020-08-00	PROPERTY MANGEMENT	5473 KEARNY VILLA RD, STE 200	FIRST SERVICE RESIDENTIAL
369-020-08-00	TELECOMMUNICATION	5473 KEARNY VILLA RD, STE 255	LASCOM SOLUTIONS
369-020-09-00	RESTURANT/DINING	5451 KEARNY VILLA RD	SHOGUN KOBE RESTAURANT
369-020-12-00	PARKING LOT	5515 KEARNY VILLA RD	CITY SAN DIEGO PARKING LOT
369-020-13-00	CUSTOM SHIRTS	5553 KEARNY VILLA RD	SHIRTS UNLIMITED
369-020-14-00	DOCUMENT SHEDDING	5455 KEARNY VILLA RD	IRON MOUNTAIN SECURE SHEDDING
369-020-15-00	USED TRUCKS SALES	5463 KEARNY VILLA RD	KEARNY MESA TRUCK CENTER
369-040-14-00	PARKING LOT	5561 KEARNY VILLA RD	N/A
369-040-15-00	GAS/AIR TANK SUPPLIER	9060 CLAIREMONT MESA BLVD	AIRGAS WEST

369-040-22-00	PUBLIC UTILITIES OFFICES	5575 KEARNY VILLA RD	METROPOLITAN OPERATIONS COMPLEX
369-040-23-00	PUBLIC UTILITIES OFFICES	9150 TOPAZ WAY	METROPOLITAN OPERATIONS COMPLEX
369-040-24-00	PUBLIC UTILITIES OFFICES	9150 TOPAZ WAY	METROPOLITAN OPERATIONS COMPLEX
369-100-03-00	GAS/AIR TANK SUPPLIER	9010 CLAIREMONT MESA BLVD	AIRGAS WEST
369-100-05-00	COURTHOUSE	8950 CLAIREMONT MESA BLVD	SUPERIOR COURT, SAN DIEGO
369-100-09-00	OFFICES	8910 CLAIREMONT MESA BLVD	VISTA HILL
369-100-10-00	GAS STATION/RETAIL STORE	8820 CLAIREMONT MESA BLVD	AM/PM
369-100-11-00	RESTURANT/DINING	5445 KEARNY VILLA RD	DENNY'S
369-100-13-00	RESTURANT/DINING	5447 KEARNY VILLA RD, STE A	KOGI BBQ
369-100-13-00	RESTURANT/DINING	5447 KEARNY VILLA RD, STE B	GREEN SHALLOTS
369-100-13-00	RESTURANT/DINING	5447 KEARNY VILLA RD, STE C	GUALBERTO'S
369-100-13-00	RESTURANT/DINING	5447 KEARNY VILLA RD, STE D	OTON
369-100-14-00	PROPERTY MANGEMENT	8868 CLAIREMONT MESA BLVD, STE A	GREEN STREET PROPERTY MANGEMENT
369-100-14-00	GENERAL CONTRACTOR	8868 CLAIREMONT MESA BLVD, STE A	EQUITY BUILDERS
369-100-14-00	PET STORE	8868 CLAIREMONT MESA BLVD, STE B	BIRDMART
369-100-14-00	VACANT	8868 CLAIREMONT MESA BLVD, STE D	N/A
369-100-14-00	SIGNS/BANNERS	8868 CLAIREMONT MESA BLVD, STE E	EXPRESS SIGNS
369-100-14-00	JANITORIAL SERVICES	8868 CLAIREMONT MESA BLVD, STE M	PARAGON JANITORIAL SERVICES
369-100-14-00	BUSINESS CONSULTANT	8868 CLAIREMONT MESA BLVD, STE M-1	AMERITRADE SOLUTIONS
369-100-14-00	RESTURANT/DINING	8878 CLAIREMONT MESA BLVD, STE A	THE GREEK PALACE
369-100-14-00	ARTS/ENTERTAINMENT	8878 CLAIREMONT MESA BLVD, STE A	THE COMEDY PALACE
369-100-14-00	CONSTRUCTION COMPANY	8878 CLAIREMONT MESA BLVD, STE H	ALL-PRO GARAGE DOORS
369-100-14-00	CONSTRUCTION COMPANY	8888 CLAIREMONT MESA BLVD, STE A	CONTRACTOR AND BUILDER
369-100-14-00	REAL ESTATE COMPANY	8888 CLAIREMONT MESA BLVD, STE C	GREEN LAND REAL ESTATE
369-100-14-00	SCIENTIFIC SUPPLIES	8888 CLAIREMONT MESA BLVD, STE D	KLM BIOSCIENTIFIC
369-100-14-00	CERTIFIED PUBLIC ACCOUNTS	8888 CLAIREMONT MESA BLVD, STE I	RAMANEZ & CO. CPS'S
369-100-14-00	REAL ESTATE INVESTMENT	8888 CLAIREMONT MESA BLVD, STE M	RG INVESTMENT
369-100-14-00	INSURANCE	8888 CLAIREMONT MESA BLVD, STE N	STATE FARM INSURANCE
369-100-14-00	PROFESSIONAL TREE SERVICE	8888 CLAIREMONT MESA BLVD, STE P	DAVEY RESOURCE GROUP
369-100-14-00	MORTGAGE BANKERS	8888 CLAIREMONT MESA BLVD, STE T	WALICK & VOLK
369-100-14-00	EMPLOYMENT SERVICE	8898 CLAIREMONT MESA BLVD, STE A	AMERICAN LABOR POOL
369-100-14-00	MASSAGE	8898 CLAIREMONT MESA BLVD, STE B	ROSE MASSAGE
369-100-14-00	ACUPUNCTURE	8898 CLAIREMONT MESA BLVD, STE D	LOTUS ACUPUNCTURE & HERBS
369-100-14-00	LANDSCAPE MAINTENANCE	8898 CLAIREMONT MESA BLVD, STE E	RAINSCAPE ENVIRONMENTAL MANGEMENT
369-100-14-00	GLASS/WINDOW CONTRACTOR	8898 CLAIREMONT MESA BLVD, STE F	C & C GLASS
369-100-14-00	VACANT	8898 CLAIREMONT MESA BLVD, STE G	N/A
369-100-14-00	HYDROPONICS SUPPLIER	8898 CLAIREMONT MESA BLVD, STE H	SOUTHWEST HYDROPONICS & ORGANICS

369-100-14-00	MARTIAL ARTS CENTER	8898 CLAIREMONT MESA BLVD, STE J	SAN DIEGO WUSHU CENTER
369-100-14-00	FLOORING CONTRACTOR	8898 CLAIREMONT MESA BLVD, STE K	SMART FLOORS
369-100-14-00	PRINTER REPAIR & SUPPLIES	8898 CLAIREMONT MESA BLVD, STE L	LASER ONE
369-100-14-00	CHIROPATOR/MASSAGE	8898 CLAIREMONT MESA BLVD, STE M	WELLNESS LOUNGE
369-100-14-00	INTERIOR DESIGN	8898 CLAIREMONT MESA BLVD, STE N	ARLEDGE INTERIORS
369-110-01-00	RESTURANT/DINING	5353 KEARNY VILLA RD	FILIPPI'S PIZZA RESTAURANT & BAR
369-110-02-00	TEMP AGENCY	5375 KEARNY VILLA RD	GO-STAFF
369-110-02-00	RESTURANT/DINING	5375 KEARNY VILLA RD	GALLEGOS MEXICAN FOOD
369-110-02-00	RESTURANT/DINING	5375 KEARNY VILLA RD, STE 101	AMY'S FINE BURGER'S
369-110-02-00	MASSAGE THERAPY	5375 KEARNY VILLA RD, STE 104/105	LH FOOT CARE
369-110-02-00	RESTURANT/DINING	5375 KEARNY VILLA RD, STE 107	GOLDEN CITY RESTURANT
369-110-02-00	RESTURANT/DINING	5375 KEARNY VILLA RD, STE 111	PHO NHU Y
369-110-02-00	HAM RADIO RETAIL STORE	5375 KEARNY VILLA RD, STE 113	HAM RADIO OUTLET
369-110-02-00	RESTURANT/DINING	5375 KEARNY VILLA RD, STE 118	SUBWAY
369-110-04-00	BANK	8949 CLAIREMONT MESA BLVD	BANK OF AMERICA
369-110-06-01	VACANT	8909 COMPLEX DR, STE B	N/A
369-110-06-02	AUTOMATION SERVICE	8909 COMPLEX DR, STE C	CENTRAL POINT HOME AUTOMATION
369-110-06-03	HOME THEATER INSTALLATION	8909 COMPLEX DR, STE D	CUSTOM HOME TECHNOLOGIES
369-110-06-04	TILE SUPPLIER	8909 COMPLEX DR, STE E	FRONTERA DE CERAMICA, INC.
369-110-06-05	CABLE/WIRING	8909 COMPLEX DR, STE F	COMMUNICATION WIRING SPECIALISTS
369-110-06-06	VACANT	8909 COMPLEX DR, STE G	N/A
369-110-06-07	VACANT	8909 COMPLEX DR, STE H	N/A
369-110-06-08	VACANT	8909 COMPLEX DR, STE I	N/A
369-110-06-09	VACANT	8911 COMPLEX DR, STE I	N/A
369-110-06-10	METAL DIE SUPPLIER	8911 COMPLEX DR, STE H	MAX STEEL RULE DIES
369-110-06-11	FURNITURE, RETAIL	8911 COMPLEX DR, STE G	SLEEP ON THIS
369-110-06-12	WATERPROOFING AND SEALANT	8911 COMPLEX DR, STE F	APEX PACIFIC
369-110-06-13	PUBLISHER	8911 COMPLEX DR, STE E	SAN DIEGO FAMILY MAGAZINE
369-110-06-14	INSURANCE	8911 COMPLEX DR, STE D	FATTOHI INSURANCE SLOUTIONS
369-110-06-15	RESTURANT/DINING	8911 COMPLEX DR, STE C	LIT'L PEPPER DELI
369-110-06-16	VACANT	8911 COMPLEX DR, STE B	N/A
369-110-06-17	VOLLEYBALL EQUIPMENT SALES	8911 COMPLEX DR, STE A	REAL VOLLEYBALL
369-110-06-18	SPORTS MARKETING	8909 COMPLEX DR, STE A	INTEGRATED SPORTS MARKETING
369-110-06-19	DATA CENTER	8913 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-20	DATA CENTER	8913 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-21	DATA CENTER	8913 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-22	DATA CENTER	8913 COMPLEX DR	AMERICAN INTERNET SERVICES

369-110-06-23	DATA CENTER	8913 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-24	DATA CENTER	8913 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-25	DATA CENTER	8913 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-26	VACANT	8915 COMPLEX DR	N/A
369-110-06-27	VACANT	8917 COMPLEX DR	N/A
369-110-06-28	TELECOMMUNICATION	8919 COMPLEX DR	AT&T
369-110-06-29	VIDEO PRODUCTION	8921 COMPLEX DR	DIAMOND PRODUCTION
369-110-06-30	INTERNET SERVICE PROVIDER	8923 COMPLEX DR	LEVEL 3 COMMUNICATIONS
369-110-06-31	INTERNET SERVICE PROVIDER	8923 COMPLEX DR	LEVEL 3 COMMUNICATIONS
369-110-06-32	VACANT	8925 COMPLEX DR	N/A
369-110-06-33	TELECOMMUNICATION	8933 COMPLEX DR	VERIZON
369-110-06-34	VACANT	8935 COMPLEX DR	N/A
369-110-06-35	DATA CENTER	8939 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-36	DATA CENTER	8939 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-37	VACANT	8937 COMPLEX DR	N/A
369-110-06-38	INTERNET SERVICE PROVIDER	8929 COMPLEX DR	CARINET, INC
369-110-06-39	INTERNET SERVICE PROVIDER	8929 COMPLEX DR	CARINET, INC
369-110-06-40	INTERNET SERVICE PROVIDER	8929 COMPLEX DR	CARINET, INC
369-110-06-41	INTERNET SERVICE PROVIDER	8929 COMPLEX DR	CARINET, INC
369-110-06-42	INTERNET SERVICE PROVIDER	8929 COMPLEX DR	CARINET, INC
369-110-06-43	VACANT	8931 COMPLEX DR, STE B	N/A
369-110-06-44	VACANT	8931 COMPLEX DR, STE C	N/A
369-110-06-45	VACANT	8931 COMPLEX DR, STE A	N/A
369-110-06-46	VACANT	8931 COMPLEX DR, STE D	N/A
369-110-06-47	PRINTING/COPYING	8975 COMPLEX DR	COPY 2 COPY
369-110-06-471	VACANT	8993 COMPLEX DR	N/A
369-110-06-48	COMMERCIAL GENERAL CONTRACT	8973 COMPLEX DR	HARVEY
369-110-06-49	INTERNET SERVICE PROVIDER	8971 COMPLEX DR	I2B NETWORKS
369-110-06-50	PRINTING/COPYING	8975 COMPLEX DR	COPY 2 COPY
369-110-06-51	ON-LINE SELLING EXPERTS	8967 COMPLEX DR	SELLPOINT
369-110-06-52	PLUMBING SUPPLIES	8969 COMPLEX DR	SANDY SINK ENTERPRISES
369-110-06-53	VIDEO PRODUCTION	8977 COMPLEX DR, STE A	PERFECT IMAGE VIDEO
369-110-06-54	VACANT	8977 COMPLEX DR, STE B	N/A
369-110-06-55	SPECIAL EVENT CHILD CARE	8961 COMPLEX DR, STE A	KIDDIECORP, INC.
369-110-06-56	TELECOMMUNICATION	8961 COMPLEX DR, STE B	DATAMANIA
369-110-06-57	VIDEO PRODUCTION	8977 COMPLEX DR, STE C	CD COPIES
369-110-06-58	VACANT	8977 COMPLEX DR, STE D	N/A

369-110-06-59	TELECOMMUNICATION	8959 COMPLEX DR, STE A	COGENT COMMUNICATIONS
369-110-06-60	TELECOMMUNICATION	8959 COMPLEX DR, STE B	COGENT COMMUNICATIONS
369-110-06-61	PROPERTY PRESERVATION	8979 COMPLEX DR	RTS ASSEST PRESERVATION
369-110-06-62	VACANT	8965 COMPLEX DR	N/A
369-110-06-63	VIDEO PRODUCTION	8957 COMPLEX DR	HVS PRODUCTIONS
369-110-06-64	VACANT	8955 COMPLEX DR	N/A
369-110-06-65	CORPORATE ENTERNTAINMENT	8981 COMPLEX DR	IMAGINATION ENTERTAINMENT
369-110-06-66	COMPUTER/NETWORKING	8953 COMPLEX DR	PRIORITY COMPUER & NETWORKING
369-110-06-67	ELECTRICAL/LIGHTING	8983 COMPLEX DR	CARTER ELECTRIC, INC
369-110-06-68	SIGNAGE	8985 COMPLEX DR	KITT SIGN COMPANY
369-110-06-69	DISPLAY RESOURCES	8987 COMPLEX DR	PERME & ASSOCIATES
369-110-06-70	OFFICE SUPPLIES	8989 COMPLEX DR	SAN DIEGO ENVELOPE CO
369-110-06-72	VACANT	8991 COMPLEX DR	N/A
369-110-06-73	TELECOMMUNICATION	8951 COMPLEX DR	MY VOICEMAIL NETWORK
369-110-06-74	VACANT	8943 COMPLEX DR	N/A
369-110-06-75	TELECOMMUNICATION	8945 COMPLEX DR	TELEPACIFIC COMMUNICATIONS
369-110-06-76	DATA CENTER	8941 COMPLEX DR	AMERICAN INTERNET SERVICES
369-110-06-77	HOME THEATER INSTALLATION	8963 COMPLEX DR, STE D	AIRE THEATER DESIGNS
369-110-06-78	VACANT	8963 COMPLEX DR, STE C	N/A
369-110-06-79	POWER DIGITAL MARKETING, INC	8963 COMPLEX DR, STE E	MARKETING
369-110-06-80	POWER DIGITAL MARKETING, INC	8963 COMPLEX DR, STE H	MARKETING
369-110-06-81	VACANT	8963 COMPLEX DR, STE F	N/A
369-110-06-82	VACANT	8963 COMPLEX DR, STE B	N/A
369-110-06-83	PRINTING	8949 COMPLEX DR, STE A	INTERNATIONAL PRINTING SOLUTIONS
369-110-06-84	VACANT	8949 COMPLEX DR, STE B	N/A
369-110-06-85	VACANT	8947 COMPLEX DR, STE A	N/A
369-110-06-86	VACANT	8947 COMPLEX DR, STE B	N/A
369-110-06-87	FREIGHT SHIPPING	8947 COMPLEX DR, STE C	MSI TRANSPORTATION
369-110-07-00	VACANT	8807 COMPLEX DR	N/A
369-110-09-00	VACANT	8787 COMPLEX DR	N/A
369-110-10-00	VACANT	8717 COMPLEX DR	N/A
369-110-11-00	FILM PRODUCTION	5205 KEARNY VILLA WAY, STE 100	GROOVY LIKE A MOVIE
369-110-12-00	VACANT	8705 COMPLEX DR	N/A
369-110-13-00	GAS STATION/RETAIL STORE	5345 KEARNY VILLA RD	VALERO GAS STATION & CAR WASH
369-110-17-00	RESTURANT/DINING	5255 KEARNY VILLA RD	THE BUTCHER SHOP STEAKHOUSE
369-110-20-00	RETAIL STORE	8807 CLAIREMONT MESA BLVD	LIFEWAY CHRISTIAN STORE
369-110-22-00	RESTURANT/DINING	9035 CLAIREMONT MESA BLVD	SPICE HOUSE CAFÉ

369-110-23-00	BANK	9005 COMPLEX DR	US BANK
369-110-24-00	RESTURANT/DINING	8929 CLAIREMONT MESA BLVD	MCDONALD'S
369-110-25-00	HEALTHCARE SERVICES	8840 CLAIREMONT MESA BLVD	SAN DIEGO MEDICAL SERVICES
369-220-79-01	CONDOMINIUM, PUD	8728 ESPLANADE PARK LN	N/A
369-220-79-02	CONDOMINIUM, PUD	8730 ESPLANADE PARK LN	N/A
369-220-79-03	CONDOMINIUM, PUD	8732 ESPLANADE PARK LN	N/A
369-220-79-04	CONDOMINIUM, PUD	8734 ESPLANADE PARK LN	N/A
369-220-79-05	CONDOMINIUM, PUD	8736 ESPLANADE PARK LN	N/A
369-220-79-06	CONDOMINIUM, PUD	8738 ESPLANADE PARK LN	N/A
369-220-79-07	CONDOMINIUM, PUD	8740 ESPLANADE PARK LN	N/A
369-220-79-08	CONDOMINIUM, PUD	8742 ESPLANADE PARK LN	N/A
369-220-79-09	CONDOMINIUM, PUD	8744 ESPLANADE PARK LN	N/A
369-220-79-10	CONDOMINIUM, PUD	8746 ESPLANADE PARK LN	N/A
369-220-79-11	CONDOMINIUM, PUD	8748 ESPLANADE PARK LN	N/A
369-220-79-12	CONDOMINIUM, PUD	8750 ESPLANADE PARK LN	N/A
369-220-79-13	CONDOMINIUM, PUD	8752 ESPLANADE PARK LN	N/A
369-220-79-14	CONDOMINIUM, PUD	8754 ESPLANADE PARK LN	N/A
369-220-79-15	CONDOMINIUM, PUD	8756 ESPLANADE PARK LN	N/A
369-220-79-16	CONDOMINIUM, PUD	8758 ESPLANADE PARK LN	N/A
369-220-79-17	CONDOMINIUM, PUD	8760 ESPLANADE PARK LN	N/A
369-220-79-18	CONDOMINIUM, PUD	8762 ESPLANADE PARK LN	N/A
369-220-79-19	CONDOMINIUM, PUD	8729 ESPLANADE PARK LN	N/A
369-220-79-20	CONDOMINIUM, PUD	8731 ESPLANADE PARK LN	N/A
369-220-79-21	CONDOMINIUM, PUD	8733 ESPLANADE PARK LN	N/A
369-220-79-22	CONDOMINIUM, PUD	8735 ESPLANADE PARK LN	N/A
369-220-79-23	CONDOMINIUM, PUD	8737 ESPLANADE PARK LN	N/A
369-220-79-24	CONDOMINIUM, PUD	8739 ESPLANADE PARK LN	N/A
369-220-79-25	CONDOMINIUM, PUD	8741 ESPLANADE PARK LN	N/A
369-220-79-26	CONDOMINIUM, PUD	8743 ESPLANADE PARK LN	N/A
369-220-79-27	CONDOMINIUM, PUD	8745 ESPLANADE PARK LN	N/A
369-220-79-28	CONDOMINIUM, PUD	8747 ESPLANADE PARK LN	N/A
369-220-79-29	CONDOMINIUM, PUD	8749 ESPLANADE PARK LN	N/A
369-220-79-30	CONDOMINIUM, PUD	8751 ESPLANADE PARK LN	N/A
369-220-79-31	CONDOMINIUM, PUD	8753 ESPLANADE PARK LN	N/A
369-220-79-33	CONDOMINIUM, PUD	8757 ESPLANADE PARK LN	N/A
369-220-79-332	CONDOMINIUM, PUD	8755 ESPLANADE PARK LN	N/A
369-220-79-34	CONDOMINIUM, PUD	8759 ESPLANADE PARK LN	N/A

369-220-79-35	CONDOMINIUM, PUD	8761 ESPLANADE PARK LN	N/A
369-220-79-36	CONDOMINIUM, PUD	8763 ESPLANADE PARK LN	N/A
369-220-79-37	CONDOMINIUM, PUD	8765 ESPLANADE PARK LN	N/A
369-220-80-01	CONDOMINIUM, PUD	4647 CENTRAL PLZ	N/A
369-220-80-02	CONDOMINIUM, PUD	4651 CENTRAL PLZ	N/A
369-220-80-03	CONDOMINIUM, PUD	4655 CENTRAL PLZ	N/A
369-220-80-04	CONDOMINIUM, PUD	4659 CENTRAL PLZ	N/A
369-220-80-05	CONDOMINIUM, PUD	4663 CENTRAL PLZ	N/A
369-220-80-06	CONDOMINIUM, PUD	4667 CENTRAL PLZ	N/A
369-220-80-07	CONDOMINIUM, PUD	4671 CENTRAL PLZ	N/A
369-220-80-08	CONDOMINIUM, PUD	4675 CENTRAL PLZ	N/A
369-220-80-09	CONDOMINIUM, PUD	4679 CENTRAL PLZ	N/A
369-220-80-10	CONDOMINIUM, PUD	4683 CENTRAL PLZ	N/A
369-220-80-11	CONDOMINIUM, PUD	4687 CENTRAL PLZ	N/A
369-220-80-12	CONDOMINIUM, PUD	4691 CENTRAL PLZ	N/A
369-220-80-13	CONDOMINIUM, PUD	4695 CENTRAL PLZ	N/A
369-220-80-14	CONDOMINIUM, PUD	4699 CENTRAL PLZ	N/A
369-220-80-15	CONDOMINIUM, PUD	4703 CENTRAL PLZ	N/A
369-220-80-16	CONDOMINIUM, PUD	8779 PARKPLACE CT	N/A
369-220-80-17	CONDOMINIUM, PUD	8781 PARKPLACE CT	N/A
369-220-80-18	CONDOMINIUM, PUD	8783 PARKPLACE CT	N/A
369-220-80-19	CONDOMINIUM, PUD	8785 PARKPLACE CT	N/A
369-220-80-20	CONDOMINIUM, PUD	8774 PARKPLACE CT	N/A
369-220-80-21	CONDOMINIUM, PUD	8776 PARKPLACE CT	N/A
369-220-80-22	CONDOMINIUM, PUD	8778 PARKPLACE CT	N/A
369-220-80-23	CONDOMINIUM, PUD	8780 PARKPLACE CT	N/A
369-220-80-24	CONDOMINIUM, PUD	8782 PARKPLACE CT	N/A
369-220-80-25	CONDOMINIUM, PUD	8784 PARKPLACE CT	N/A
369-220-81-01	CONDOMINIUM, PUD	8740 PLAZA PARK LN	N/A
369-220-81-02	CONDOMINIUM, PUD	8742 PLAZA PARK LN	N/A
369-220-81-03	CONDOMINIUM, PUD	8744 PLAZA PARK LN	N/A
369-220-81-04	CONDOMINIUM, PUD	8746 PLAZA PARK LN	N/A
369-220-81-05	CONDOMINIUM, PUD	8752 PLAZA PARK LN	N/A
369-220-81-06	CONDOMINIUM, PUD	8754 PLAZA PARK LN	N/A
369-220-81-07	CONDOMINIUM, PUD	8756 PLAZA PARK LN	N/A
369-220-81-08	CONDOMINIUM, PUD	8758 PLAZA PARK LN	N/A
369-220-81-09	CONDOMINIUM, PUD	8760 PLAZA PARK LN	N/A

369-220-81-10	CONDOMINIUM, PUD	8762 PLAZA PARK LN	N/A
369-220-81-11	CONDOMINIUM, PUD	8764 PLAZA PARK LN	N/A
369-220-81-12	CONDOMINIUM, PUD	8766 PLAZA PARK LN	N/A
369-220-81-13	CONDOMINIUM, PUD	8745 PLAZA PARK LN	N/A
369-220-81-14	CONDOMINIUM, PUD	8747 PLAZA PARK LN	N/A
369-220-81-15	CONDOMINIUM, PUD	8749 PLAZA PARK LN	N/A
369-220-81-16	CONDOMINIUM, PUD	8751 PLAZA PARK LN	N/A
369-220-81-17	CONDOMINIUM, PUD	8753 PLAZA PARK LN	N/A
369-220-81-18	CONDOMINIUM, PUD	8755 PLAZA PARK LN	N/A
369-220-81-19	CONDOMINIUM, PUD	8757 PLAZA PARK LN	N/A
369-220-81-20	CONDOMINIUM, PUD	8759 PLAZA PARK LN	N/A
369-220-81-21	CONDOMINIUM, PUD	8761 PLAZA PARK LN	N/A
369-220-81-22	CONDOMINIUM, PUD	8763 PLAZA PARK LN	N/A
369-220-82-01	CONDOMINIUM, PUD	8744 CONCOURSE CT	N/A
369-220-82-02	CONDOMINIUM, PUD	8746 CONCOURSE CT	N/A
369-220-82-03	CONDOMINIUM, PUD	8748 CONCOURSE CT	N/A
369-220-82-04	CONDOMINIUM, PUD	8750 CONCOURSE CT	N/A
369-220-82-05	CONDOMINIUM, PUD	8752 CONCOURSE CT	N/A
369-220-82-06	CONDOMINIUM, PUD	8754 CONCOURSE CT	N/A
369-220-82-07	CONDOMINIUM, PUD	8756 CONCOURSE CT	N/A
369-220-82-08	CONDOMINIUM, PUD	8758 CONCOURSE CT	N/A
369-220-82-09	CONDOMINIUM, PUD	8760 CONCOURSE CT	N/A
369-220-82-10	CONDOMINIUM, PUD	4611 CENTRAL PLZ	N/A
369-220-82-11	CONDOMINIUM, PUD	4615 CENTRAL PLZ	N/A
369-220-82-12	CONDOMINIUM, PUD	4619 CENTRAL PLZ	N/A
369-220-82-13	CONDOMINIUM, PUD	4623 CENTRAL PLZ	N/A
369-220-82-14	CONDOMINIUM, PUD	4627 CENTRAL PLZ	N/A
369-220-82-15	CONDOMINIUM, PUD	4631 CENTRAL PLZ	N/A
369-220-82-16	CONDOMINIUM, PUD	4635 CENTRAL PLZ	N/A
369-220-82-17	CONDOMINIUM, PUD	4639 CENTRAL PLZ	N/A
369-220-82-18	CONDOMINIUM, PUD	4643 CENTRAL PLZ	N/A
369-220-83-00	CONDOMINIUM, PUD	8705 PLAZA SQ	N/A
369-220-83-01	CONDOMINIUM, PUD	8702 PLAZA SQ	N/A
369-220-83-02	CONDOMINIUM, PUD	8704 PLAZA SQ	N/A
369-220-83-03	CONDOMINIUM, PUD	8706 PLAZA SQ	N/A
369-220-83-04	CONDOMINIUM, PUD	8708 PLAZA SQ	N/A
369-220-83-05	CONDOMINIUM, PUD	8710 PLAZA SQ	N/A





THE CITY OF SAN DIEGO

Date of Notice: August 27, 2014

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004633

**PROJECT NAME/NUMBER:** Zen SD MMCC/373481

**COMMUNITY PLAN AREA:** Kearny Mesa Community Plan

**COUNCIL DISTRICT:** 6

**LOCATION:** The project is located at 8888 Clairemont Mesa Boulevard, San Diego, CA 92123

**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 an existing 1,200 square foot suite on a 3.89-acre site located at 8888 Clairemont Mesa Boulevard within the Kearny Mesa Community Plan Area; the site is designated for General Commercial use. The project is zoned IL-3-1 and is subject to the Airport Influence Area for Miramar and Montgomery Field, the Part 77 Noticing Area, Montgomery Field Safety Zone 6, and the 60-65 dB CNEL for Montgomery Field.

**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

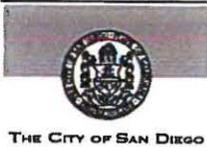
On August 27, 2014, the City of San Diego made the above-referenced environmental determination

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 (September 11, 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.





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

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> Zen SD MMCC		<b>Project Number:</b> 373481	<b>Distribution Date:</b>
<b>Project Scope/Location:</b> KEARNY MESA Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in an existing 1,200 square foot suite located at 8888 Clairemont Mesa Blvd., Suite B. The 3.89-acre site is located in the IL-3-1 zone and Airport Influence Area (MCAS Miramar & Montgomery Field) within the Kearny Mesa Community Plan Area. Council District 6.			
<b>Applicant Name:</b> Joe Esposito		<b>Applicant Phone Number:</b> 619-236-0143	
<b>Project Manager:</b> Edith Gutierrez	<b>Phone Number:</b> (619) 446-5147	<b>Fax Number:</b> (619) 321-3200	<b>E-mail Address:</b> Egutierrez@sandiego.gov
<b>Committee Recommendations (To be completed for Initial Review):</b>			
<input checked="" type="checkbox"/> Vote to Approve	<b>Members Yes</b> 6	<b>Members No</b> 3	<b>Members Abstain</b> 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> Vote to Deny	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
<b>CONDITIONS:</b> NONE			
<b>NAME:</b> JEFFREY SALLEN		<b>TITLE:</b> KMPG PRES.	
<b>SIGNATURE:</b> <i>[Signature]</i>		<b>DATE:</b> 11-3-14	
<i>Attach Additional Pages if Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.			



THE CITY OF SAN DIEGO

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

# 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 \_\_\_\_\_

Project Title

Zen SD Cooperative

Project No. For City Use Only

373401

Project Address:

8888 Clairemont Mesa Blvd, Suite B, San Diego, CA 92123

## 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):

Victoria DuPont

 Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

41 New York Court

City/State/Zip:

Monarch Beach, CA 92629

Phone No:

(949) 338-9669

Fax No:

Signature:

Date:

5-29-2014

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:  
Zen SD Cooperative

Project No. (For City Use Only)  
373481

**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? \_\_\_\_\_ Corporate Identification No. 33-0624188  
 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

Corporate/Partnership Name (type or print):  
Black Mountain Center LP

Owner  Tenant/Lessee

Street Address:  
Box 3510

City/State/Zip:  
Rancho Santa Fe, CA 92067

Phone No: (858) 457-0722 Fax No: (858) 756-4814

Name of Corporate Officer/Partner (type or print):  
Tim Haidinger

Title (type or print):  
Manager

Signature :  Date: 5-29-14

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:

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:

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: