



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 5, 2015 **REPORT NO.** PC-15-016

ATTENTION: Planning Commission, Agenda of March 12, 2015

SUBJECT: APPEAL OF A HEARING OFFICER'S DECISION TO GRANT A
CONDITIONAL USE PERMIT TO ZEN SD MMCC - PROJECT NO.
373481, PROCESS 3

REFERENCE: Report to the Hearing Officer; Report No. HO-14-071 (Attachment 1-12).

**OWNER/
APPLICANT:** BLACK MOUNTAIN CENTER LP /
Victoria Dupont

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve a Conditional Use Permit (CUP) 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: Deny the appeal and Uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1310456 with modified conditions.

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. On August 27, 2014, a Notice of Right to Appeal (NORA) was posted. The opportunity to appeal the determination ended on September 11, 2014.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

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.

The 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, south of State Route 52, east of State Route 163, north of Clairemont Mesa Blvd and west of Ruffin Road. 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. 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.

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. MMCC's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The City of San Diego, Development Services staff reviewed the 1,000 foot radius map and 1,000 foot spreadsheet exhibit provided by the applicant identifying all the existing uses. Staff determined that the proposed MMCC met all applicable development regulations, including the minimum distance requirements. The permit was 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.

Public Hearing: On December 3, 2014, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1310456 to allow the operation of a 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.

Subsequent to the Hearing Officer's granting of the CUP, the applicant has agreed to incorporate modified conditions into their permit as follows: 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 15, Conditions Number 16 & 20).

DISCUSSION

Appeal: Two appeals of the Hearing Officer's decision were filed on December 16. Scott Chipman filed an appeal on the grounds of Findings Not Supported and New Information (Attachment 13). Stephen Cline filed an appeal on the grounds of Findings Not Supported and New Information (Attachment 14).

The summarized grounds for appeal and staff responses are as follows:

1. *Vista Hill Foundation located at 8910 Clairemont Mesa Boulevard is a center that provides clinical services to children. There can be up to 50-60 kids on any given day in the facility. Therefore the proposed MMCC does not meet the 1,000 foot distance requirement.*

Staff Response: Vista Hill Foundation provides community services to both adults and children. The use for Vista Hill Foundation is "Office." Although there may be children present during business hours, it does not meet the definition of minor-oriented facility. "Minor-oriented facility" means any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the **primary use** is devoted to people under the age of 18. Primary use means the allowed use on a premises that *occupies a majority of the area of the premises*.

2. *The location is inappropriate as it will generate high traffic.*

Staff Response: The proposed 1,200 square foot MMCC will generate approximately 48 average daily trips (ADT) at a rate of 40 trips per 1,000 square feet. A traffic study was not required. Based on the ADT and square footage, the proposed commercial service will not adversely affect the surrounding roadway system.

3. *The proposed development will be detrimental to the public health, safety, and welfare. Marijuana promotes loitering, smoking, unsafe drivers and robberies, putting the community at risk. Marijuana edibles are made to look like candy designed to appeal to young children. Manufacturing of edibles and hash oil manufacturing, which cause explosions, put the public safety at risk. Studies show medical marijuana increases crime.*

Staff Response: The City of San Diego adopted zoning regulations for MMCCs in compliance with Proposition 215 and Senate Bill 420, which allow the use of marijuana for medical purposes in the State of California.

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.

The MMCC CUP prohibits consultations by medical professionals on site, does not allow certain types of vending machines, requires interior and exterior lighting, 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.). 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation and requires fingerprinting and background checks of all responsible persons operating the MMCC. Additionally, the CUP may be revoked if determined to be in violation of the terms, conditions, lawful requirements, or provisions of the permit. The permit as conditioned will avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

Edible products containing medical marijuana products and concentrates must comply with the packaging and labeling requirements of Chapter 4, Article 2, Division 15.

4. *Kearny Mesa MMCCs have been attending two separate meetings with the community planning group. The proposed project was presented only once. This is a potential violation of the Brown Act and has given this project an advantage.*

Staff Response: Community planning groups are private organizations formed and recognized by the City Council to advise on land use matters. Community planning groups are advisory bodies only. The intent of the Brown Act is that the actions of public bodies be taken openly and that their deliberations be conducted openly. Each community planning group operates by established procedures and responsibilities known as bylaws. When a discretionary project is scheduled for the appropriate public hearing (Hearing Officer/Planning Commission/City Council) the decision maker receives a report that includes the community planning group vote and a recommendation from staff. The final decision of approval or denial is made by the appropriate hearing body. This process is consistent with the discretionary review process pursuant to the Land Development Code.

Conclusion:

The Hearing Officer reviewed the proposed CUP, resolution/findings and determined the project consistent with the Kearny Mesa Community Plan, Land Development Code regulations and the General Plan. The applicant has voluntarily agreed to additional safety conditions to avoid adverse impact upon the health, safety and general welfare of the community. Staff recommends the Planning Commission deny the appeal and uphold the Hearing Officer's decision with the modified conditions.

ALTERNATIVE

1. **Deny the appeal and Approve Conditional Use Permit No. 1310456, with modifications.**
2. **Approve the appeal and Deny Conditional Use Permit No. 1310456, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Assistant Deputy Director
Development Services Department

Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-12 Report to the Hearing Officer – Report HO-14-071
13. Appeal Application, Scott Chipman
14. Appeal Application, Stephen Cline
15. CUP Permit with Conditions
16. CUP Resolution with Findings



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.

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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

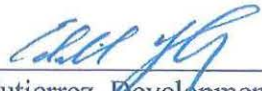
The Conditional Use Permit for the proposed MMCC may be approved if the Hearing Officer determines that the findings can be made. Staff has reviewed the proposed MMCC and has determined that it meets all applicable sections of the San Diego Municipal Code, Kearny Mesa Community Plan and the General Plan.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



Edith Gutierrez, Development Project Manager

Attachments:

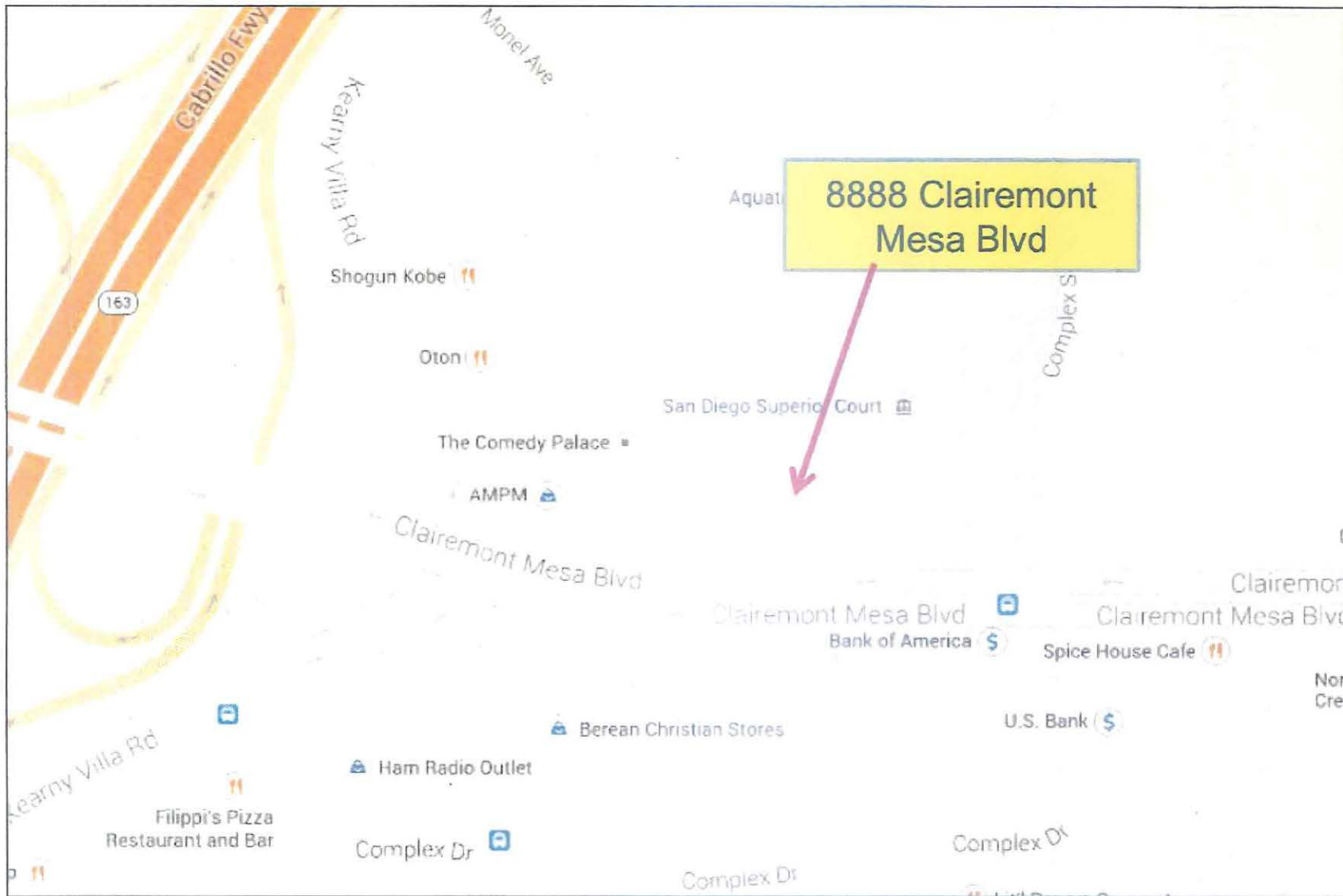
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Zone Map
5. Draft Permit with Conditions
6. Draft Permit Resolution with Findings
7. 1000 Foot Radius Map
8. 1000 Foot Radius Map Spreadsheet
9. Notice of Right to Appeal Environmental Determination
10. Project Site Plan(s)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



Location Aerial Photo

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

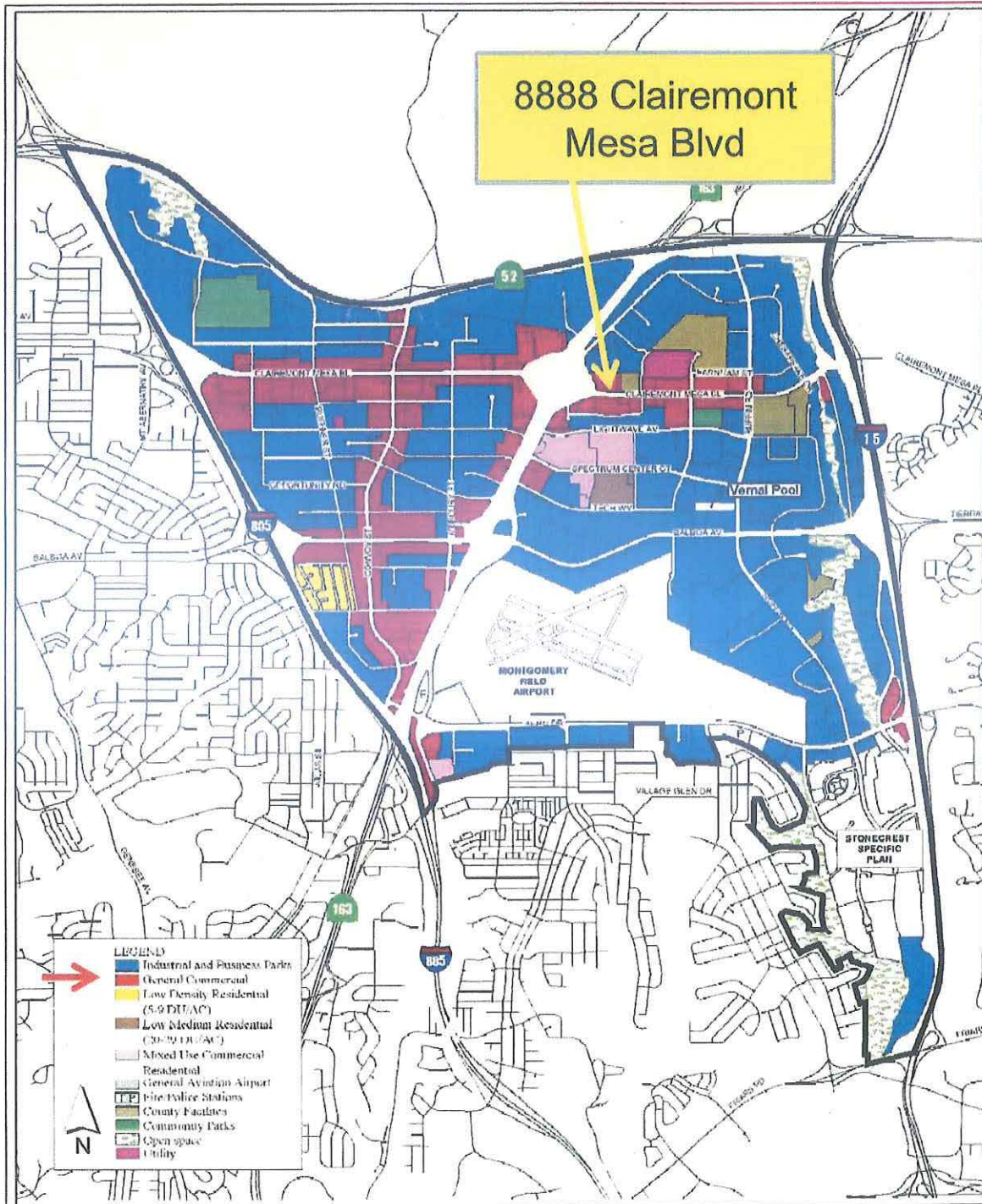




Project Location Map

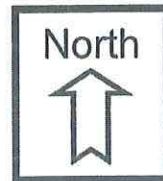
ZEN SD MMCC – 8888 CLAIREMONT MESA BLVD.
PROJECT NO. 373481

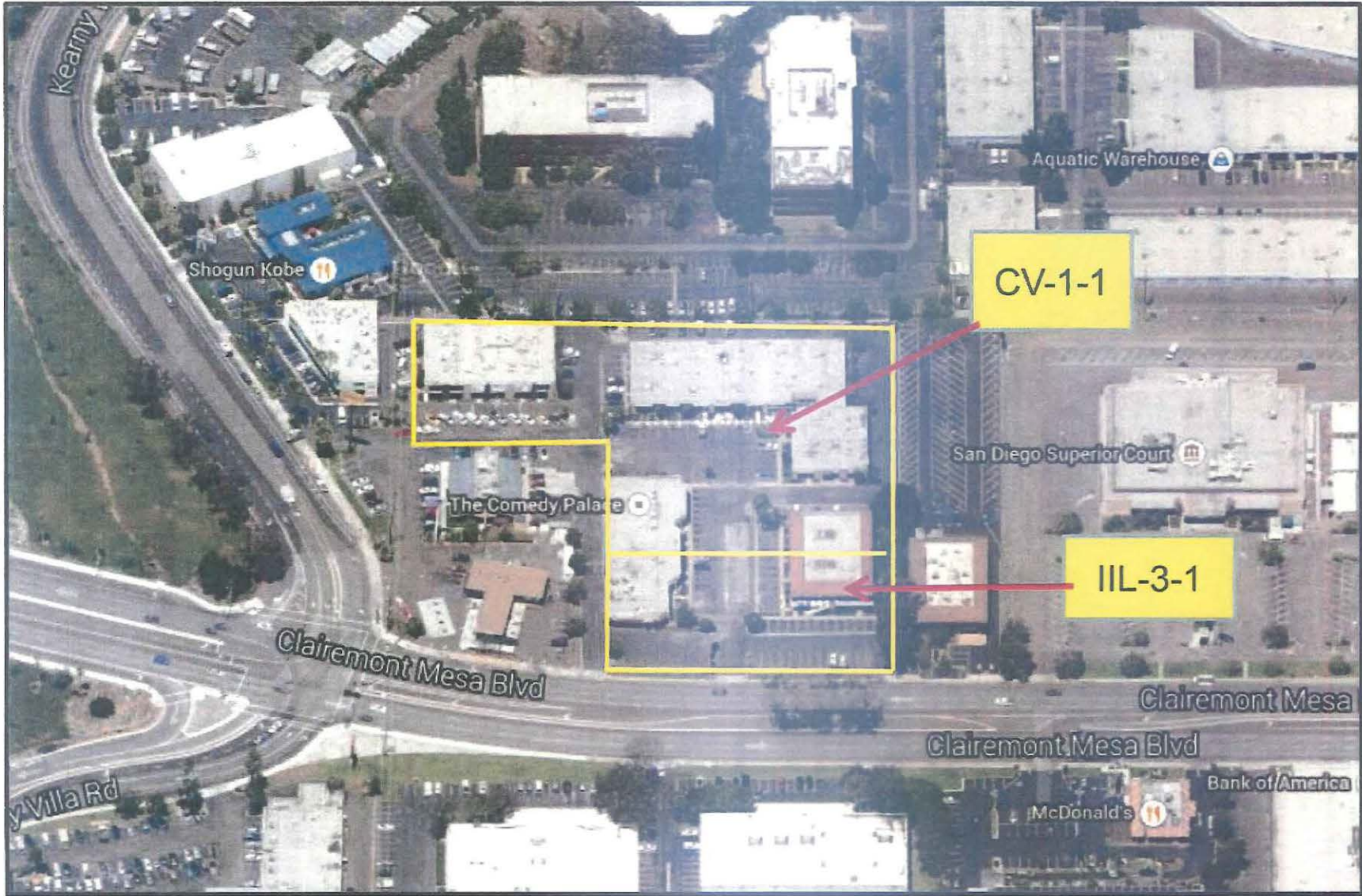




Land Use Map

**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

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.**

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 exterior 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.

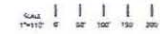
The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The proposed MMCC is in an existing building that has fifteen tenant spaces. 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.

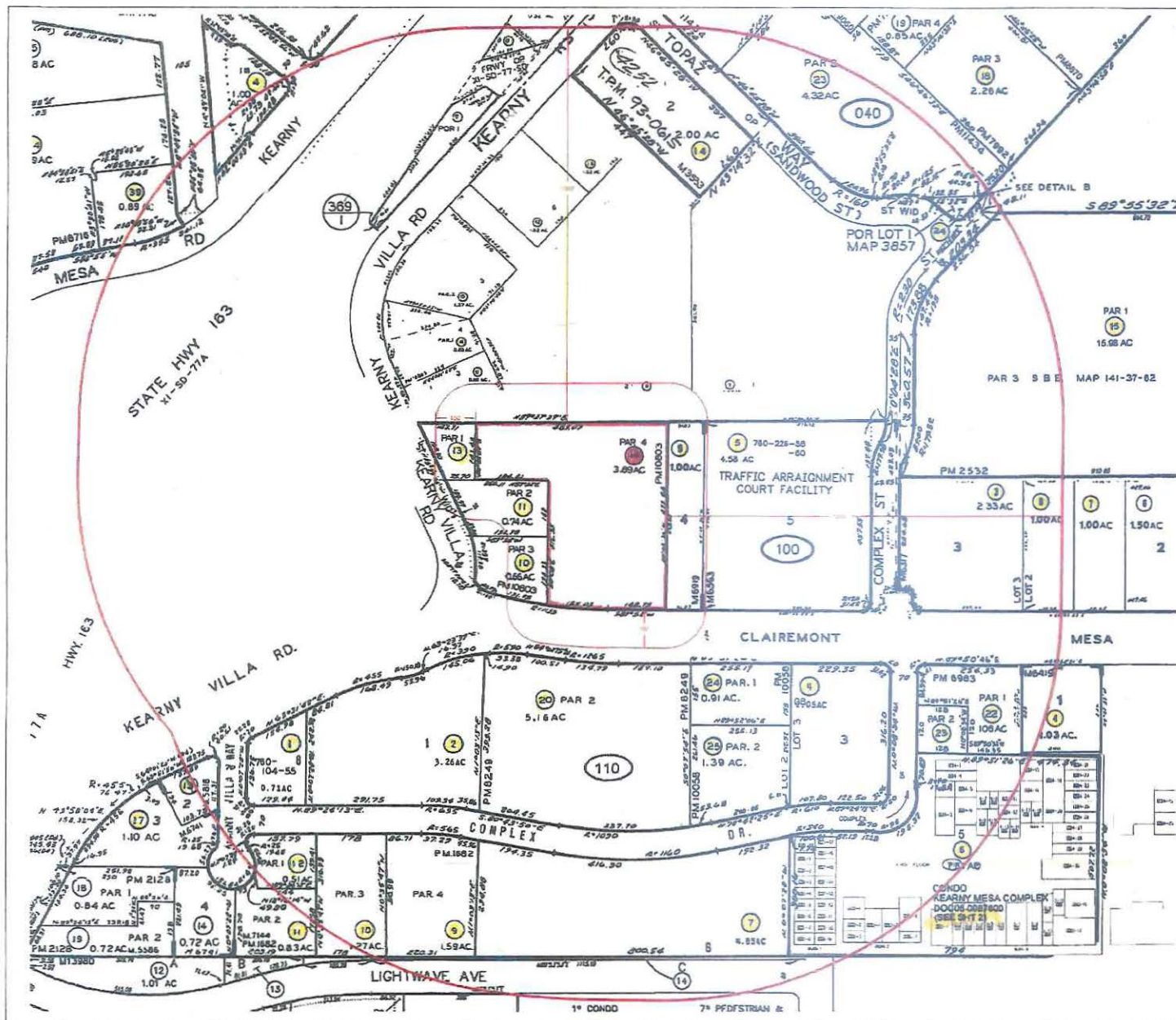
Edith Gutierrez
Development Project Manager
Development Services

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



VICINITY MAP



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:

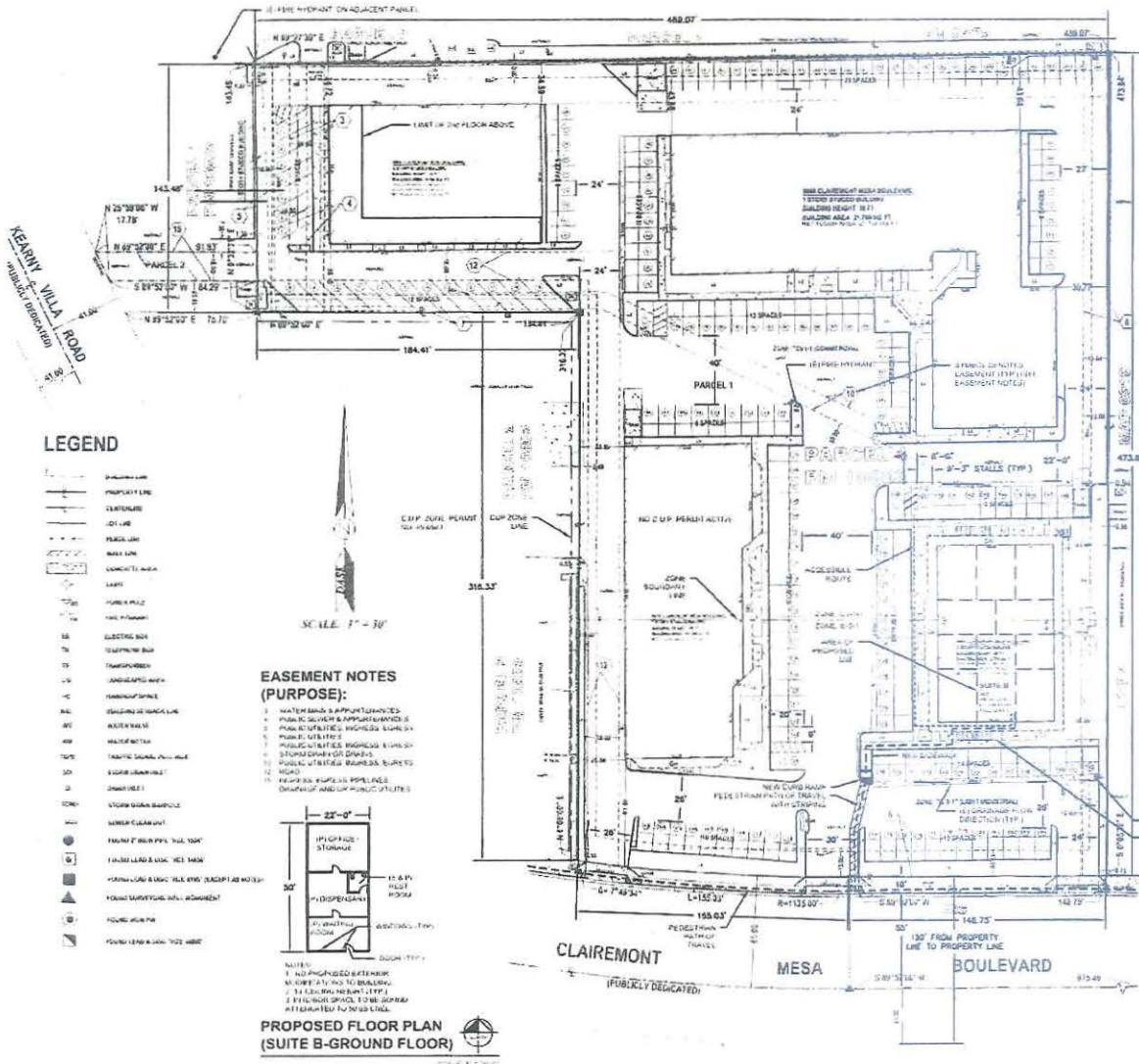
(619) 446-5147

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.



- DEVELOPMENT SUMMARY**
1. LOCATION: 8888 CLAIREMONT MESA BLVD, SUITE B, SAN DIEGO, CA 92123
 2. NARRATIVE: THE COOPERATIVE WILL BE LOCATED IN AN EXISTING COMMERCIAL BUILDING. TENANT IMPROVEMENTS WILL BE INSTALLED IN ORDER TO COMPLY WITH THE SPACE FOR THE NEEDS OF THE COOPERATIVE AND PROVIDING ACCESSIBILITY AND SECURITY TO THE CLIENTS. THESE IMPROVEMENTS MAY INCLUDE CHANGES TO WALLS, FLOORS, CEILING AND LIGHTING. ALL THESE IMPROVEMENTS WILL BE PERMITTED AS PER CITY OF SAN DIEGO REQUIREMENTS.
 3. REQUIRED PERMITS/ APPROVALS: CONDITIONAL USE PERMIT; MEDICAL MARUJUNA CONSUMER COOPERATIVE PLAN PER
 4. PROJECT TEAM: ESTHERRA LAND PLANNING, 200 S. GONZALES AVE, SUITE 100, SAN DIEGO, CA 92108
 5. LEGAL DESCRIPTION: PARCEL 1 OF PARCEL MAP NO. 11043
 6. ASSASSIN'S PARCEL NUMBER: 200-184-14-06
 7. OWNER'S NAME & ADDRESS: IN ACH INDUSTRIAL CENTER, LP, 770 WEST 30TH STREET, SAN DIEGO, CA 92105
 8. SHEET NO.: 1 OF 1
 9. TYPE OF CONSTRUCTION: N
 10. OCCUPANCY CLASSIFICATION PER CA BUILDING CODES
 11. ZONING DESIGNATION: CV-11 (COMMERCIAL)
 12. GROSS SITE AREA AND FLOOR AREA, GROSS SITE AREA (PROPERTY): 160,316 SQ. FEET (3.69 ACRES); GROSS BUILDING AREA: 30,400 SQ. FEET; GROSS FLOOR AREA: 140,000 SQ. FEET FLOOR AREA (GATE BY 120' W)
 13. EXISTING USE: OFFICE
 14. PROPOSED USE: MEDICAL MARUJUNA CONSUMER CO-OPERATIVE
 15. YEAR CONSTRUCTED: 1971
 16. GEOLOGIC HAZARD CATEGORY: H1
 17. LANDSCAPE AREA SQUARE FOOTAGE: 11,300 SQ. FT.

ZONING NOTES:

CV-11 (COMMERCIAL)
 BUILDING USE REQUIREMENTS:
 FLOOR: N
 HEIGHT: 15
 SIGNAGE HEIGHT: 30
 FLOOR AREA: 4,000 SQ. FT.
 MAXIMUM NUMBER OF BUILDING UNITS: 10
 MAXIMUM GROSS FLOOR AREA: 100,000 SQ. FT.
 MAXIMUM GROSS FLOOR AREA PER LOT: 100,000 SQ. FT.
 MAXIMUM GROSS FLOOR AREA PER LOT: 100,000 SQ. FT.
 MAXIMUM GROSS FLOOR AREA PER LOT: 100,000 SQ. FT.

ZONING NOTES:

IL-31 (LIGHT INDUSTRIAL)
 BUILDING USE REQUIREMENTS:
 FLOOR: N
 HEIGHT: 15
 SIGNAGE HEIGHT: 30
 FLOOR AREA: 4,000 SQ. FT.
 MAXIMUM NUMBER OF BUILDING UNITS: 10
 MAXIMUM GROSS FLOOR AREA: 100,000 SQ. FT.
 MAXIMUM GROSS FLOOR AREA PER LOT: 100,000 SQ. FT.
 MAXIMUM GROSS FLOOR AREA PER LOT: 100,000 SQ. FT.

ENCROACHMENT NOTE

- 1. THERE ARE NO ENCROACHMENTS.
 - 2. SEE SHEET 1 OF 1.
 - 3. SEE SHEET 2 OF 1.
- NOTE: NEAREST BUS STOP LOCATED AT INTERSECTION OF CLAREMONT MESA BLVD AND GONZALES AVE, APPROX. 100' EAST OF PROPERTY.
- NOTE: NO PROPOSED EXTERIOR SIGNAGE TO BE BUILT.

SITE PLAN NOTES:

1. ALL ELEMENTS EXISTING TO REMAIN UNLESS OTHERWISE NOTED.
2. NO BUS STOPS AT SITE.
3. NO ENCROACHMENTS AT SITE.
4. LIGHTING IS SUFFICIENT TO ILLUMINATE THE WALKWAY OF THE MEDICAL MARUJUNA CONSUMER COOPERATIVE. ALL LIGHTING SHALL BE PROVIDED ORIENTED SO AS TO NOT CAUSE LIGHT POLLUTION TO ADJACENT PROPERTIES.

MEDICAL MARUJUNA CONSUMER COOPERATIVE (MMCC) NOTES:

1. SIGNS SHALL BE POSTED OUTSIDE THE MMCC WHICH STATE THE NAME OF THE BUSINESS ONLY. ALL SIGNS SHALL BE LIMITED TO TWO COLORS AND TYPEFACES. POLE SIGNS ARE PROHIBITED. SIGNS SHALL BE CONSISTENT WITH SIGN CRITERIA ESTABLISHED BY CITY-WIDE SIGN REGULATIONS.
2. THE USES ON THE PREMISES SHALL BE LIMITED TO THE MMCC AND ANY USE PERMITTED IN THE IL-31 ZONE AND CV-11 ZONE.
3. CONDITIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARUJUNA CONSUMER COOPERATIVE.
4. SECURITY SHALL BE PROVIDED AT THE MMCC WHICH INCLUDES OPERABLE CAMELBACK ALARMS AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE AUTHORIZED TO PROVIDE SECURITY FOR THE FACILITY, EXCEPT ON AN EMERGENCY BASIS.
5. THE NAME AND MEMBER CONTACT PHONE NUMBER OF A MEDICAL MARUJUNA CONSUMER COOPERATIVE SHALL BE POSTED IN THE FRONT BUILDING EXTERIOR.
6. THE USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARUJUNA PRODUCTS BY A RESPONSIBLE PERSON AS SET FORTH IN SAN DIEGO MUNICIPAL CODE SECTION 17.100 ARE PROHIBITED AT THIS SITE. VENDING MACHINES FOR ANY SERVICE WHICH ALLOW ACCESS TO MEDICAL MARUJUNA WITHOUT A MEMBER ARE PROHIBITED.
7. MEMBER PLANNED HOURS OF OPERATION: MONDAY-THURSDAY 10AM - 1PM.

PARKING NOTES:

1. ANY ACCESSIBLE PARKING SPACE TO BE STIPES & SIGNED PER CITY OF SAN DIEGO INFORMATION BULLETIN 305.
2. PROPOSED PARKING SPACES TO COMPLY WITH SAN DIEGO MUNICIPAL CODE (SANDAG) SPECIFIC 142.0100.
3. PARKING CALCULATIONS FOR THIS PROJECT ARE BASED ON SENSO SECTION 142.0100 (A) TABLE 142.0100 AND TABLE 142.0100 (B). PARKING PROVIDED BASED ON SENSO SECTION 142.0100 (A) TABLE 142.0100 (A) BY SPACES W/ ACCESSIBLE SPACES. PARKING PROVIDED: THE SPACES W/ ACCESSIBLE SPACES (4) ARE ACCESSIBLE.

LEGEND



EASEMENT NOTES (PURPOSE):

1. WATER MAINS SUPPLEMENTARY
2. PUBLIC UTILITY & APPURTENANCES
3. PUBLIC UTILITIES: HIGH-VOLTAGE POWER LINES
4. PUBLIC UTILITIES: WATER MAINS
5. PUBLIC UTILITIES: GAS MAINS
6. PUBLIC UTILITIES: FIBER OPTIC CABLES
7. PUBLIC UTILITIES: CABLE TELEVISION
8. PUBLIC UTILITIES: TELEPHONE
9. PUBLIC UTILITIES: CABLE TELEVISION
10. PUBLIC UTILITIES: TELEPHONE
11. PUBLIC UTILITIES: CABLE TELEVISION
12. PUBLIC UTILITIES: TELEPHONE
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93. PUBLIC UTILITIES: CABLE TELEVISION
94. PUBLIC UTILITIES: TELEPHONE
95. PUBLIC UTILITIES: CABLE TELEVISION
96. PUBLIC UTILITIES: TELEPHONE
97. PUBLIC UTILITIES: CABLE TELEVISION
98. PUBLIC UTILITIES: TELEPHONE
99. PUBLIC UTILITIES: CABLE TELEVISION
100. PUBLIC UTILITIES: TELEPHONE

PROPOSED FLOOR PLAN (SUITE B-GROUND FLOOR)

SCALE: 1" = 40'

EXISTING SITE PLAN

8888 CLAIREMONT MESA BLVD, SUITE B DEVELOPMENT PLANS

VICINITY MAP
 DRAWING DATE: 4/17/2014

PROPOSED FLOOR PLAN (SUITE B)
 DRAWING DATE: 7/30/2014

EXISTING SITE PLAN
 DRAWING DATE: 7/30/2014

DEVELOPMENT SUMMARY

SHEET 1 OF 1

VICINITY MAP
 SCALE: 1" = 40'



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

Community Planning Committee Distribution Form Part 2

Project Name: Zen SD MMCC		Project Number: 373481		Distribution Date:	
Project Scope/Location: 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.					
Applicant Name: Joe Esposito			Applicant Phone Number: 619-236-0143		
Project Manager: Edith Gutierrez		Phone Number: (619) 446-5147	Fax Number: (619) 321-3200	E-mail Address: Egutierrez@sandiego.gov	
Committee Recommendations (To be completed for Initial Review):					
<input checked="" type="checkbox"/> Vote to Approve		Members Yes 6	Members No 3	Members Abstain 0	
<input type="checkbox"/> Vote to Approve With Conditions Listed Below		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Deny		Members Yes	Members No	Members Abstain	
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				<input type="checkbox"/> Continued	
CONDITIONS: NONE					
NAME: JEFFREY SALLEN			TITLE: KMPG PRES.		
SIGNATURE: <i>[Signature]</i>			DATE: 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 www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.					



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

THE CITY OF SAN DIEGO

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

373421

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:

Victoria DuPont

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:



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

**FORM
 DS-3031
 OCTOBER 2012**

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant *Please check one* Applicant Officially recognized Planning Committee "Interested Person" ([Per M.C. Sec. 113.0103](#))

Name: Scott Chipman San Diegans for Safe Neighborhoods E-mail Address: scott@chipman.info
 Address: 2247 Emerald St City: San Diego State: CA Zip Code: 92109 Telephone: (619) 990-7480

3. Applicant Name (*As shown on the Permit/Approval being appealed*). Complete if different from appellant.

Victoria Dupont

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
<u>373481</u>	<u>Dec. 3, 2014</u>	<u>Edith Gutierrez</u>

Decision (describe the permit/approval decision):
DSD approval

5. Grounds for Appeal (*Please check all that apply*)

- Factual Error
- Conflict with other matters
- Findings Not Supported
- New Information
- City-wide Significance (Process Four decisions only)

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

See Attached

RECEIVED

DEC 16 REC'D

DEVELOPMENT SERVICES

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

Signature: _____ Date: December 16, 2014

Note: *Faxed appeals are not accepted. Appeal fees are non-refundable.*

Description of Grounds for Appeal of Project #373481 – 8888 Clairemont Mesa Blvd
Hearing Date: December 3, 2014

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

This parcel of land in question is not adequately described by the land use description. DSD described this parcel as an "office". Kearny Mesa Planning Group, due to inadequate information provided by DSD, failed to record that there are children next store as Robert Dean, CEO of Vista Hill Treatment and Recovery Center reported. SD Municipal Code, section 141.06141 which requires a 1,000 foot separation measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other marijuana cooperatives, residential care facilities, and schools. Vista Hill, 8910 Clairemont Mesa Blvd, is immediately adjacent to the applicant.

Vista Hill's facility, while providing treatment and recovery services for adults, accommodates and provides protection for the Child Welfare Services' foster care children for mental health issues. There are 20 active cases each of which includes two or three siblings. There can be up to 50-60 kids on any given day being cared for in their facility.

Finding Number2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed development will be detrimental to the public health, safety, and welfare for the following reasons:

1. *Families, including children, and/or the patrons of the MMCC, children visiting nearby businesses or being cared for at Vista Hill will suffer the negative consequences of and be exposed to:*
 - a) *Loitering by the pot shop customers,*
 - b) *Smoking in front of the pot shop and in the parking lot,*
 - c) *Customers that smoke marijuana either on the property or in their cars and then drive away from the facility putting other drivers at risk.*
 - c) *Marijuana smells permeating the adjoining businesses walls, and*
 - d) *Potential robberies due to the cash and marijuana crop on site especially at night when no security guard is required by the City's ordinance.*
 - e) *Products that the applicant will be selling will include "edibles" which has been the cause of numerous poisonings in Emergency rooms. These products often are designed to appeal to young people in wrappers that appear to resemble their favorite treats; marijuana infused brownies, cookies, and candies such as; "Pot Tarts", "Gummy Bears", "KronDike" and : "Jolley Ranchers" "Reeses Peanut Butter Cups", "Kit Kat", and "York Peppermint Patties".*
 - f) *Edibles manufactured within the facility are a risk to public safety. There have been at least 20 explosions of hash oil manufacturing labs (hash oil is used to create edibles and for vaping devices.)*
2. *With the pot shop located 8888 Clairemont Mesa Blvd the impacts will be unavoidable and very visible.*
3. *Research by the San Diego's Center for Community Research – "Exploratory Analysis: Violent Crime and Property Crime Rates and Medical Marijuana Dispensaries by City of San Diego Census Tract" indicated that the average number of violent crimes and property crimes are greater in the city's census tracts with one or more pot storefronts compared with no pot storefronts. The marijuana storefront has potential for disrupting the public health and safety and welfare of the other small business tenants, their families, and their clientele.*
4. *A report from San Diego Police Department regarding the crimes associated with pot shops would find that this census tract, 85.11, is 418% (120% is considered high crime) of citywide Part I and Part II (general crime) which is a potential threat to public health and safety and welfare of the small business owners/tenants, their families, and clientele.*

5. The data from the County's Healthy Stores, Healthy Communities Project was compiled by SANDAG into 'Healthy Communities Atlas' and designates 'Communities of Concerns' and their associated crime. The census track that includes this marijuana storefront is a designated 'Community of Concern' and has the highest rates of property crime and violent crime associated with it. See maps, pages 38 & 39, of this report attached.

6. The proposed pot shop location will exacerbate the problems for residents and neighboring businesses and their patrons.

According to assertions from potential MMCC operators expectations for daily customers may be 90 or more customers per day. The demand for available parking will compromise the ability of other nearby businesses to accommodate their clients, customers, and patrons.

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

As described above the proposed development is in violation of the spirit of the CUP which requires 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor oriented facilities, because there are many children coming and going from this location.

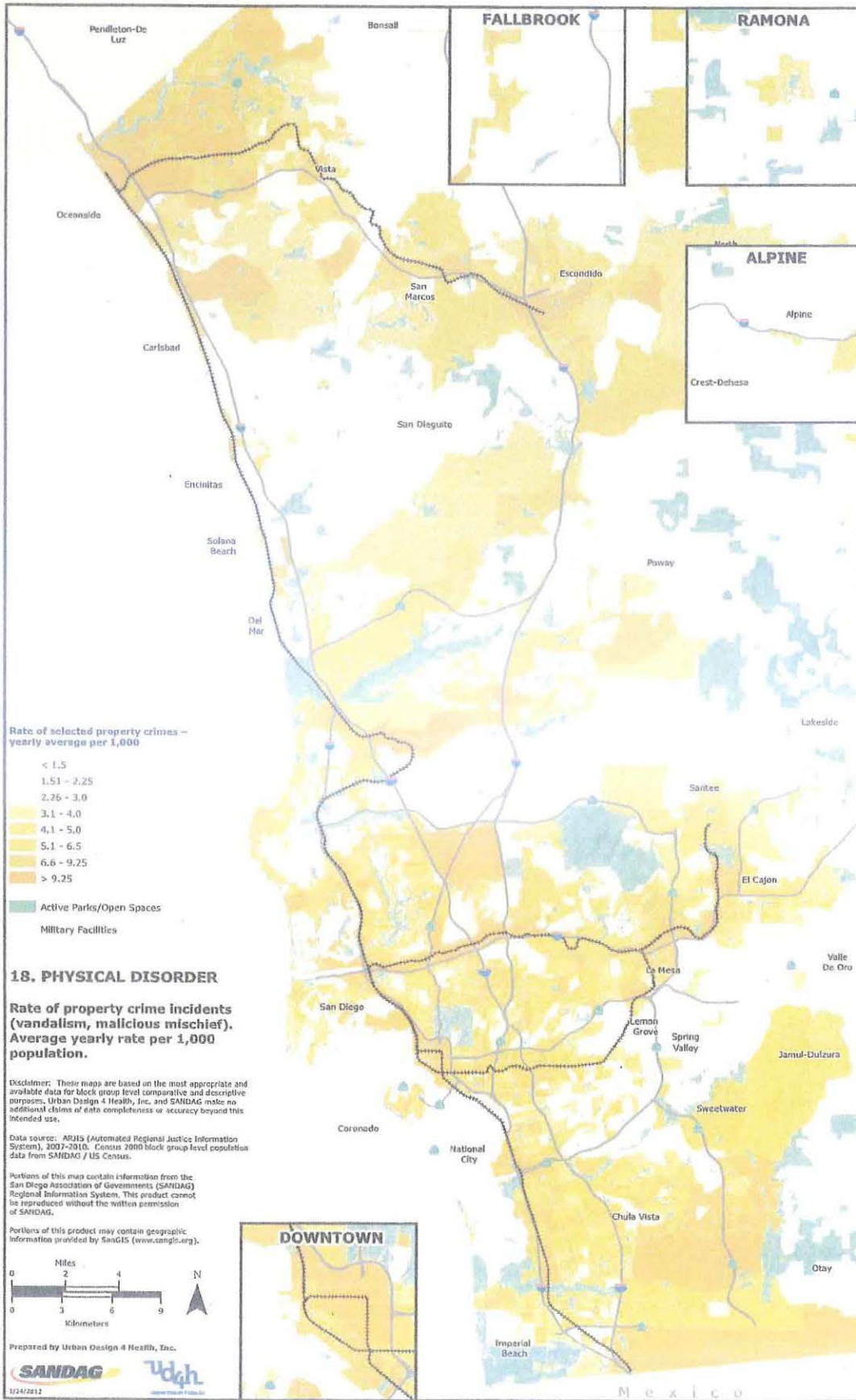
Finding Number 4. The proposed use is appropriate at the proposed location.

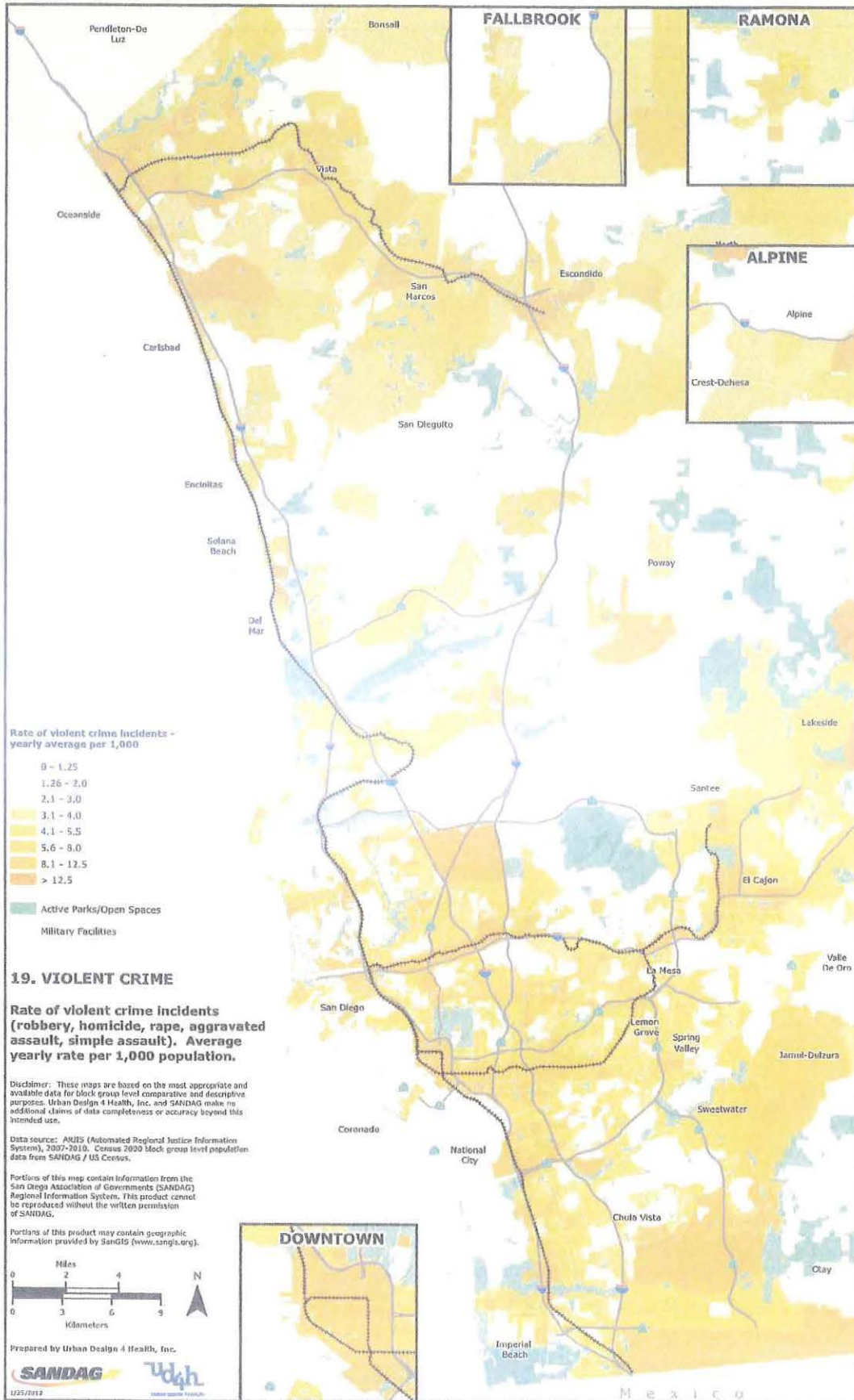
This is a very inappropriate location for a pot shop because the high traffic this facility will generate as well as the aforementioned factors that may precipitate crime while exposing children and adults in treatment to unnecessary risk factors that might compromise their treatment and recovery. It will be visible and obtrusive to the flow of commerce and/or non-profit facilities potentially affecting their very livelihood, and the safety, and quality of life for the small business owners/tenants, their families and customers.

The small business owners/tenants have expressed their concern that their liability insurance will increase because of the dangerous business environment, for example robberies, that a marijuana storefront will create for them.

Attachments:

1. Robert Dean, CEO Vista Hill, letter dated July 18, 2014
2. Robert Dean, CEO Vista Hill, letter dated October 7, 2014
3. Page 310 of ARJIS – Total Part 1 Crime and Part 2 Arrest for Census Tract 85.11
4. Pages 38 and 39 of SANDAG's 'Healthy Communities Atlas' which was created for the County's Live Well Initiative.
5. Dangers Associated with Manufacturing Honey Oil (also known as hash oil), Western States Information Network Special Bulletin, pg 1.







Dangers Associated with Manufacturing Honey Oil

By Alicia O'Brien, WSIN Criminal Intelligence Specialist

- March 2014 -



It can be called Hash Oil, Honey Oil, Butane Honey Oil (BHO), Dabs, Wax, or Ear wax. Regardless of what it is called, the new trend in THC extraction is extremely volatile and putting first responders at risk. This highly concentrated product requires the use of a solvent, which increases the likelihood of improper handling and poor ventilation. Due to the potential of mishandling the chemicals involved in making honey oil, the instance of fire or explosion is a high probability.

Honey oil is produced by filling a cylindrical container with marijuana. The container is then injected with a highly explosive solvent to strip the marijuana of its oils. One end of the cylinder, already lined with a coffee filter, will capture the resin and filter through the oil, which is then purified to remove any solvent. The final product resembles a "honey-like" or "caramel-like" substance. One or two drops, or "dabs," of honey oil are as potent as smoking one marijuana joint.

The most common solvent being used is butane, however, some examples of other solvents that can be used include; isopropyl alcohol, ethanol, methyl alcohol, and isobutene.

When officers come on the scene of a suspected drug lab, they may encounter a plastic or metal pipe with a semi closed end. This can be mistaken for a pipe bomb. Officers need to be very cautious when handling any devices used to manufacture honey oil due to their volatility. First responders also need to be cautious of the vapors that are produced during the extraction process. The vapors can be ignited by something as simple as static electricity.

As honey oil continues to increase in popularity, so will the risk associated with manufacturing it. First responders must remain vigilant and maintain a heightened awareness when dealing with these labs.



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Think WSIN

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SPECIAL BULLETIN

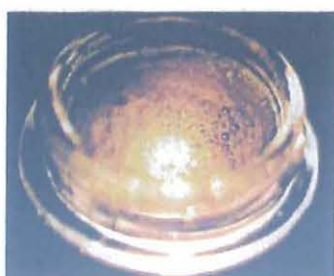
Dangers Associated with Manufacturing Honey Oil (continued)

By Alicia O'Brien, WSIN Criminal Intelligence Specialist

- March 2014 -

The following link to a news story published in Seattle, Washington, offers some great information on honey oil labs and the effects they are having on the state of Washington.

<http://www.komonews.com/news/local/Dabbing-the-Hash-Oil-Hazard-246399991.html?tab=video&c=y>



What to look for:

- ▶ Butane Canisters
- ▶ Coffee Filters
- ▶ Glass Baking Dish
- ▶ Glass or Metal Tubing
- ▶ Isopropyl Alcohol
- ▶ Stainless Steel Containers
- ▶ Metal Pipes

Honey Oil extractors can be purchased online, from websites such as Amazon, eBay, etc.

Honey Bee eXtractor Vector Butane

**ADDITIONAL UNCLASSIFIED/FOR OFFICIAL USE ONLY SOURCES**

Dangers Related to Hash Oil. (02/2013), California State Threat Assessment Center.

Butane Honey Oil Labs in the L.A. HIDTA. LA HIDTA Newsletter-January-June 2013 Edition. (2013), Los Angeles High Intensity Drug Trafficking Area.

Hash Oil Informational Bulletin. (08/2013), Central Valley HIDTA

Hash Oil Advisory. (11/2013), Central Valley HIDTA

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Stronger Families...Brighter Futures

SINCE 1957 July 18, 2014

8910 Clairemont Mesa Blvd.
San Diego, California
92123-1104
PHONE
858.514.5100
FAX
858.514.5190

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TRAINING PROGRAMS**

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Special Education Program
Adult Services
Special Care Services
STAR Programs

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Vista Hill Apartments and
Geisel Activity Center
Supporting Adolescents and
Families in Recovery (SAFIR)
Bridges Recovery Services
Adult Intensive Outpatient
Juvenile Drug Court
Substance Abuse Services

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John R. Wertz, J.D.
Robert Dean
President and CEO

www.vistahill.org

City of San Diego
Ms. Edith Gutierrez
City Project Manager
Development Services
1222 First Avenue, MS 501
San Diego, CA 92101-3864

Re: Project Number 373481

Dear Ms. Gutierrez:

In response to the Notice of Application for the above project at 8888 Clairemont Mesa Boulevard, I am providing you with information that may be relevant to the decision process for the Conditional Use Permit application.

At the Kearny Mesa Planning Group meeting on July 16, 2014, the acting chairperson reviewed various conditions that prohibit the locating of a Medical Marijuana Consumer Cooperative (MMCC). One of the areas falls under "minor oriented" purposes or occupancy within a designated number of feet. This letter is to provide sufficient information to the City to determine if such a prohibition exists at Vista Hill Foundation.

Vista Hill Foundation owns and operates a building and property located at 8910 Clairemont Mesa Boulevard. The property is immediately adjacent to the CUP applicant. The building serves as Vista Hill's main corporate center, housing both administrative departments and client clinical services to various age groups.

One such service is a program in which we provide mental health treatment services to foster system children between the ages of 2 – 11, usually accompanied by siblings and under adult supervision. Hours are generally in the afternoon and early evening, Monday through Thursday. On average 20 children and up to 40 siblings (biological & foster family) are involved. The children we see have a mild to moderate psychiatric diagnosis and typically have been victimized through parental neglect or abuse. In August, we will begin providing larger weekly family sessions in the early evening involving up to 45 children and parents. All the adults (parents) are mandatorily enrolled in services as a condition set by the Dependency Court and Child Welfare Services. Further, our clinicians estimate that approximately 75% of the parents have moderate to serious substance abuse disorders. The distance between the buildings where treatment services occur is estimated to be less than 55 feet from 8888 Clairemont Mesa Blvd.



Stronger Families...Brighter Futures

Our other clinical services on-site involve other populations such as developmentally disabled adults. Although most are bona fide disabled persons and dependents on conservatorship, this condition was not stated as a prohibition for a MMCC.

It is my understanding MMCC's are typically retail cash transaction businesses. The businesses occupying suites at 8888 Clairemont Mesa appear to be commercial / industrial and only one appears to be retail oriented (Bird Crazy).

In closing, Vista Hill Foundation is opposed to the placement of an MMCC. The placement of an MMCC in such close proximity seems incompatible with our mental health services to children. If any further information is required, I can be contacted at 858.514.5121 or rdean@vistahill.org. Thank you.

Sincerely,



Robert Dean
President and CEO



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



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

**FORM
DS-3031**
OCTOBER 2012

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission Environmental Determination - Appeal to City Council
 Process Three Decision - Appeal to Planning Commission Appeal of a Hearing Officer Decision to revoke a permit
 Process Four Decision - Appeal to City Council

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

Name: Stephen Cline E-mail Address: steve@sandiegotrialattorney.com
 Address: 533 F Street Suite 200 City: San Diego State: CA Zip Code: 92101 Telephone: (619) 234-8770

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Zen SD MMCC

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
373481	12/3/2014	Edith Gutierrez

Decision (describe the permit/approval decision):
The conditional use permit was approved.

5. Grounds for Appeal (Please check all that apply)

- Factual Error New Information
 Conflict with other matters City-wide Significance (Process Four decisions only)
 Findings Not Supported

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

Findings not supported: The project will be detrimental to the public health, safety, and welfare. The project will be located

in close proximity to an existing substance treatment facility that treats both minors and adults.

The project is not appropriate at the proposed location due to the adjacent substance treatment facility.

New Information: Proposed MMCC projects have been attending two separate meetings of the appropriate Community Planning Group - the first for an informational presentation and the second for a noticed hearing and vote. The proposed project was presented at only one meeting which combined the informational presentation and the vote. It did not have a separate noticed hearing which identified that a vote would be taken. This is a potential violation of the Brown Act. Given the timing and limited number of projects that are allowed in each district, this has provided an advantage to the subject project in completing its processing within the City and places other projects that did attend two separate meetings at a disadvantage.

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

Signature:  Date: 12/16/14

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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
PLANNING COMMISSION

This Conditional Use Permit No. 1310456 is granted by the Planning Commission 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 March 12, 2015, 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 March 12, 2018
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on March 12, 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 1,200 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 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 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 Planning Commission of the City of San Diego on March 12, 2015 and Resolution No. PC-XXXX.

Conditional Use Permit No.1310456/PTS No. 373481
Date of Approval: March 12, 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.

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.**

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL 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 Mesa 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 March 12, 2015, the Planning Commission 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 Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated March 12, 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 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 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, 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.). 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC's 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 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, 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.). 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC's 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, 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.). 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. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC's 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 Planning Commission, Conditional Use Permit No. 1310456 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1310456, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: March 12, 2015

Job Order No. 24004633