



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 17, 2015

REPORT NO. PC-15-078

ATTENTION: Planning Commission, Agenda of June 25, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO APPROVE
A CONDITIONAL USE PERMIT FOR SOUTH BAY DREAMS MMCC
- PROJECT NO. 381308 (PROCESS 3).

REFERENCE: Report to the Hearing Officer; Report No. HO-15-053 (Attachment 1-13).

**OWNER/
APPLICANT:** BASIL SHAMOUN /
South Bay Dreams Cooperative, Inc., Noel Shamoun

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 1,083 square-foot tenant space within a proposed 1,966 square-foot building on a 0.04-acre site within the Barrio Logan/Highway 101 Community Plan area?

Staff Recommendation: Deny the appeal and Uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1337996.

Community Planning Group Recommendation: On February 18, 2015, the Barrio Logan Community Planning Group voted 9-1-0 to approve the project with conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures (Attachment 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 4, 2015, and the opportunity to appeal that determination ended on February 19, 2015.

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 to operate a MMCC in a 1,083 square-foot tenant space within an existing 2,259 square-foot building constructed in 1963. Approximately 293 square feet will be demolished and 1,966 square feet will remain. The site is 0.04-acres, however the Hearing Officer Report and attachments inaccurately identified it as 0.48-acres. All documents have been corrected to reflect the correct site area of 0.04-acres.

The site located at a 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone, the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 2 and State Coastal Jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area.

The site contains a one-story 2, 259 square-foot building with two tenant spaces. The tenant space to the east currently contains a food preparation business (Good Thyme) which is located within the State Coastal Jurisdiction and in the IH-2-1 zone. The proposed MMCC located to the west is within the Coastal Non- Appealable area and zoned BLPD-Subdistrict D. A portion of the building, 293 square feet, to the south of Good Thyme is encroaching onto an adjacent parcel and must be removed as part of the CUP. The demolition does not require a Coastal Development Permit (CDP) as the removal is less than 50 percent of the exterior walls of the existing structure. Additionally, the proposed MMCC does not require a CDP as the use does not result in an intensification of use requiring additional parking. The lot is less than 10,000 square feet with no alley access, subsequently no off-street parking is required.

The proposed MMCC, classified as commercial services, is allowed in the BLPD-Subdistrict D

with a Conditional Use Permit and is consistent with the community plan land use designation.

The proposed MMCC meets all applicable development regulations, including the minimum distance requirements. On April 22, 2015, the Hearing Officer approved the project.

DISCUSSION

Appeal: An appeal of the Hearing Officer's decision was filed on May 5, 2015 by Scott Chipman on the grounds of Factual Error, Conflict with other matters, and Findings not supported (Attachment 14).

The appellant's summarized grounds for appeal issues and staff responses are as follows:

Appeal Issues:

1. *The proposed development will be detrimental to public health, safety and welfare. This project will expose the public to increase crime, explosions, increase manufacturing and edibles designed to appeal to youth.*

Staff Response: The CUP permit (Attachment 4) contains the following required conditions to ensure the public, health, safety and welfare of the community: 1) No consultations by medical professionals on site; 2) no vending machines without a human intermediary; 3) interior and exterior lighting; 4) surveillance camera; 5) alarm; 6) security guard during hours of operation; 7) no loitering; 8) no smoking medical marijuana on site; 9) hours of operation from 7:00 a.m. to 9:00 p.m. seven days a week; 10) permit expires in five years; 11) compliance with Chapter 4, Article 2, Division 15 of SDMC; and 12) MMCC permit (fingerprinting and background checks of all responsible persons).

State law prohibits medical marijuana smoking (a) where smoking is prohibited by law, (b) at or within 1000 feet of a school, recreation center, or youth center (unless the medical use occurs within a residence), (c) on a school bus, or (d) in a moving motor vehicle or boat.

Health & Safety Code § 11362.79. Our local smoking prohibitions are in Chapter 4, Article 3, Division 10 and apply to the smoking of tobacco or any weed or plant.

State law prohibits the concentration of controlled substances by chemical extraction. Health & Safety Code § 11379.6.

Edibles must comply with packing and labeling requirements, SDMC Section 42.1508(e)(1 & 2).

2. *The location is not appropriate. The site is on a busy street near train tracks, there is limited parking on the street, no sidewalk, curb or gutter and there are 10 large gas tanks less than 100 feet from the site.*

Staff Response: The proposed MMCC requires public improvements which include the installation of City standard curb, gutter, sidewalk, and landscaping with pedestrian walkways. On-street parking will be available along the property frontage on Harbor Drive.

MMCCs 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 (SDMC Section 141.0614). Gas tanks are not in violation of the separation requirement.

Conclusion:

Staff is recommending denial of the appeal and approval of the project as it meets all applicable development regulations, including the minimum distance requirements.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-13 Report to the Hearing Officer – Report HO-15-053
- 14. Appeal Application, Scott Chipman
- 15. Draft Permit Resolution with Findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 22, 2015

REPORT NO. HO-15-053

ATTENTION: Hearing Officer

SUBJECT: SOUTH BAY DREAMS MMCC
PROJECT NUMBER: 381308

LOCATION: 2405 Harbor Drive

APPLICANT: Noel Shamoun, South Bay Dreams Cooperative, Inc

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 1,083-square foot tenant space within a proposed 1,966 square-foot building on a 0.48-acre site within the Barrio Logan/Highway 101 Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1337996.

Community Planning Group Recommendation: On February 18, 2015, the Barrio Logan Community Planning Group voted 9-1-0 to approve the project with conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures (Attachment 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 4, 2015, circulated for public review and the opportunity to appeal that determination ended on February 19, 2015.

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 to operate in a 1,083 square-foot tenant space within an existing 2,259 square-foot building constructed in 1963. Approximately 293 square-feet will be demolished and 1,966 square-feet will remain. The 0.48-acre site located at a 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone, the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 2 and other jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area.

The 0.48-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site contains a one-story building with two tenant spaces. The proposed 1,083 square-foot MMCC tenant space is currently vacant, and the other tenant space is currently being used for food preparation (commercial services). The proposed MMCC, classified as commercial services, is allowed in the BLPD-Subdistrict D with a Conditional Use Permit and is consistent with the community plan land use designation.

DISCUSSION

The project site located at 2405 Harbor Drive is on a 0.48-acre site. The proposed 1,083 square-foot tenant space within the proposed 1,966 square-foot one-story building is currently vacant. 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 the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive and an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way.

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 6) and 1,000 foot spreadsheet exhibit (Attachment 7) 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.

BARRIO LOGAN COMMUNITY PLANNING GROUP

On February 18, 2015, the Barrio Logan Community Planning Group voted 9-1-0 to approve the project with the condition that the parking spaces be limited to 20 minutes (Attachment 10).

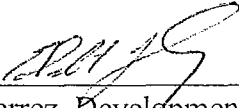
CONCLUSION

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, the Barrio Logan/Highway 101 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. 1337996, with modifications.
2. Deny Conditional Use Permit No. 1337966, if the findings required to approve the project cannot be affirmed.

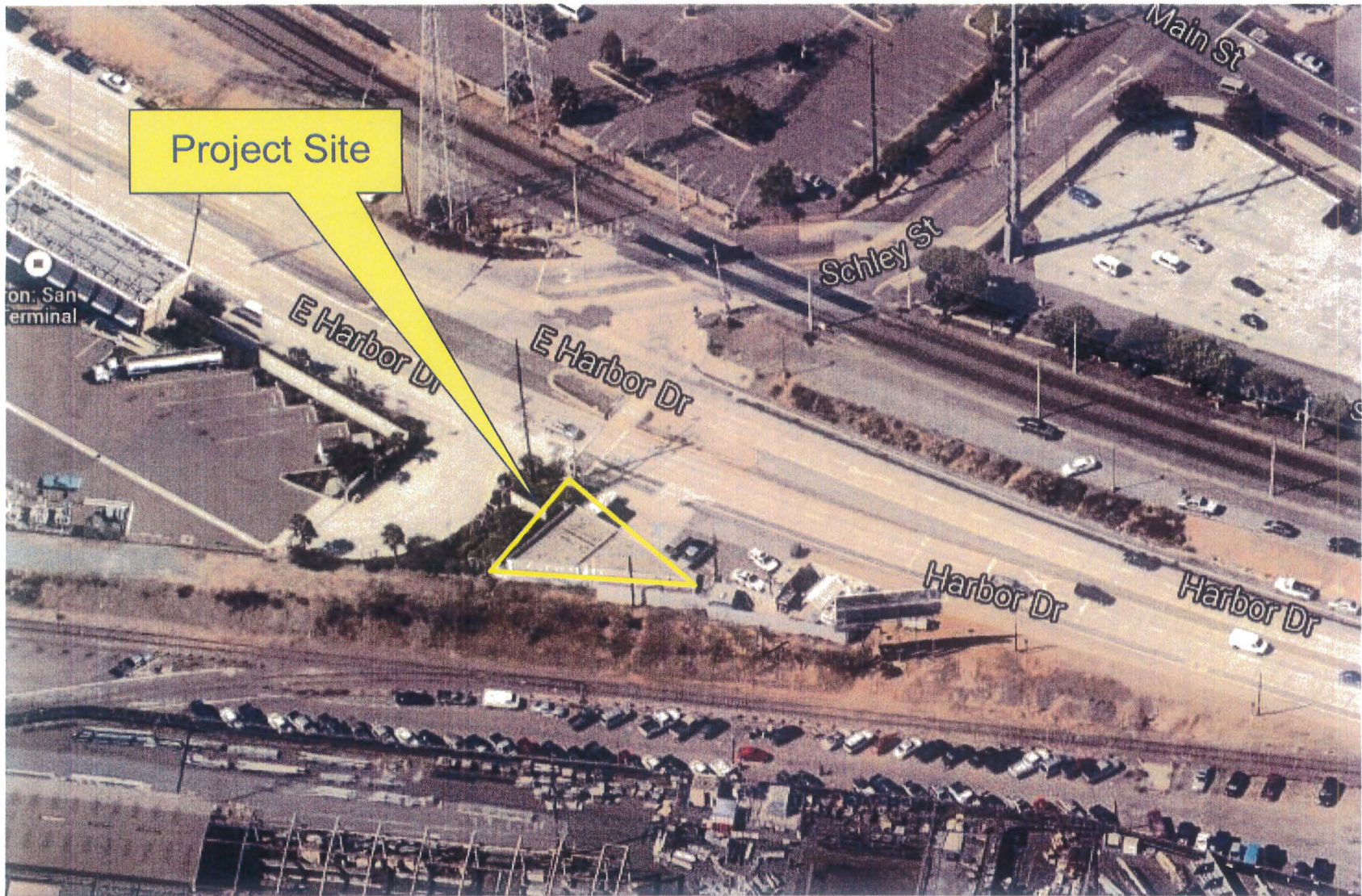
Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

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



Location Aerial Photo

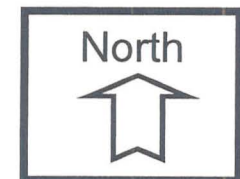
SOUTH BAY DREAMS MMCC – 2405 HARBOR DRIVE
PROJECT NO. 381308

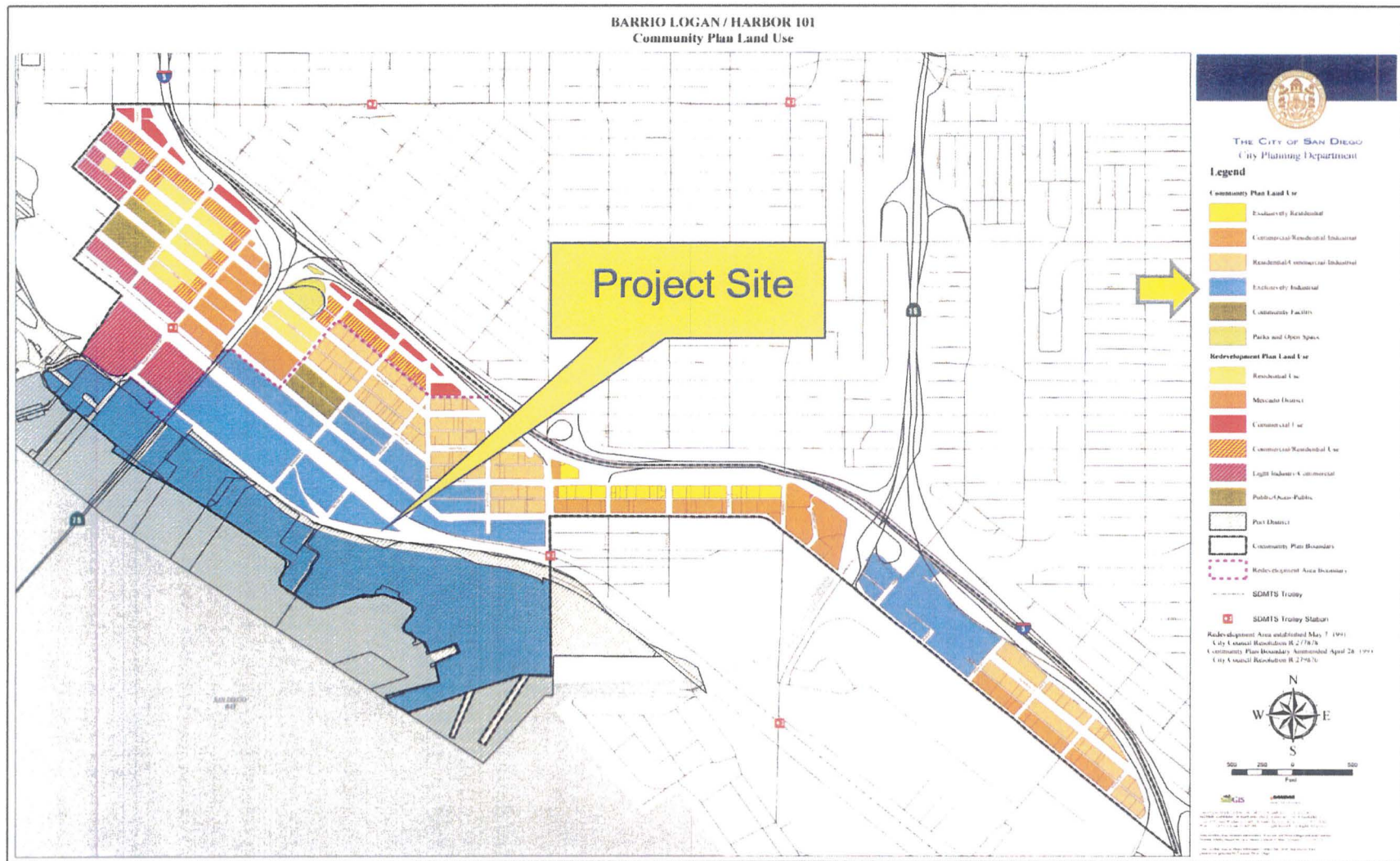




Project Location Map

SOUTH BAY DREAMS MMCC- 2405 HARBOR DRIVE
PROJECT NO. 381308





Land Use Map

SOUTH BAY DREAMS MMCC – 2405 HARBOR DRIVE

PROJECT NO. 381308



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: 24004934

CONDITONAL USE PERMIT NO. 1337996
SOUTH BAY DREAMS MMCC - PROJECT NO. 381308
HEARING OFFICER

This Conditional Use Permit No. 1337996 is granted by the Hearing Officer of the City of San Diego to BASIL SHAMOUN, Owner and SOUTH BAY DREAMS COOPERATIVE, INC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.48-acre site located at 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone (MMCC within BLPD-Subdistrict D only), the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 2 and other jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area. The project site is legally described as: Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532.

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 April 22, 2015, on file in the Development Services Department.

The project shall include:

- a. Demolition of 293 square-feet to an existing 2,259 square-foot building for a total of 1,966 square-feet to remain on a 0.48-acre site.
- b. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,083 square-foot tenant space within a proposed 1,966 square-foot, one-story building;
- c. Existing landscaping (planting, irrigation and landscape related improvements);

- d. Existing off-street parking;
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 7, 2018
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on April 7, 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 1,083 square-foot tenant space shall be limited to the MMCC and any use permitted in the BLPD-Subdistrict D.
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 Owner/Permittee shall install bullet resistant glass, plastic, or laminate shield at the reception area to protect employees.
18. The Owner/Permittee shall install bullet resistant armor panels in walls around the safe room and adjoining walls with other tenants.
19. 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.
20. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
21. 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.
22. 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.
23. Medical marijuana shall not be consumed anywhere within the 0.48-acre site.
24. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
25. 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:

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive, satisfactory to the City Engineer.

27. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way, satisfactory to the City Engineer.

28. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

30. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

TRANSPORTATION REQUIREMENTS:

31. There is not a minimum parking requirement for this site per SDMC 142.0540(a) and Table 142-05H. The lot size is less than 10,000 square-feet and there is no alley access. The proposed public improvements along the site's frontage will allow for 4 on-street parking spaces.

POLICE DEPARTMENT RECOMMENDATION:

32. 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 April 22, 2015 and Resolution No. HO-XXX.

Conditional Use Permit No.1337996/PTS No. 381308
Date of Approval: April 22, 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.

BASIL SHAMOUN
Owner

By _____
Basil Shamoun
Owner

SOUTH BAY DREAMS COOPERATIVE,
INC
Permittee

By _____
Noel Shamoun
Permittee

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

HEARING OFFICER
RESOLUTION NO. HO-XXXX
CONDITONAL USE PERMIT NO. 1337996
SOUTH BAY DREAMS MMCC PROJECT NO. 381308

WHEREAS, BASIL SHAMOUN, Owner and SOUTH BAY DREAMS COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,083 square-foot tenant space within a proposed 1,966 square-foot, one-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1337996), on portions of a 0.48-acre site;

WHEREAS, the project site located at 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone (MMCC within BLPD-Subdistrict D only), the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appellable Area 2 and other jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area;

WHEREAS, the project site is legally described as Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1337996 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 4, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309535;

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 April 22, 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 1,083 square-foot tenant space within a proposed 1,966 square-foot, one-story building. The 0.48-acre site located at a 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone, the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone

(Non-Appealable Area 2 and other jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area.

The site is designated Exclusively Industrial within the Barrio Logan/Highway 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets.

The 0.48-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site contains a one-story building with two tenant spaces constructed in 1963. The proposed 1,083 square-foot MMCC tenant space is currently vacant the other tenant space is currently being used for food preparation (commercial services). The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones and the existing uses are consistent with the land use designation. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, therefore will not adversely affect the applicable land use plan.

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

The proposed 1,083 square-foot MMCC site located at 2405 Harbor Drive is within a proposed 1,966 square-foot building on a 0.48-acre site. The proposed tenant space is currently vacant. The project proposes minor demolition and 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 the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive and an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way.

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. 1337996. 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 1,083 square-foot MMCC located at 2405 Harbor Drive is within a proposed 1,966 square-foot building. The 0.48-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site contains a one-story building with two tenant spaces constructed in 1963. The proposed 1,083 square-foot MMCC tenant space is currently vacant the other tenant space is currently being used for food preparation (commercial services). The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones and the existing uses are consistent with the land use designation. The project proposes minor demolition and 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 the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive and an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way.

MMCCs are allowed in the BLPD-Subdistrict D 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 Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

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

The proposed 1,083 square-foot MMCC located at 2405 Harbor Drive is within a proposed 1,966 square-foot building. The 0.48-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site is designated Exclusively Industrial within the Barrio Logan/Highway 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets.

MMCCs, classified as commercial services, are allowed in the BLPD-Subdistrict D with a Conditional Use Permit (CUP) and are consistent with the land use designation of Industrial use in the Barrio

Logan/Highway 101 Community Plan. 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 a compatible use for this location with a Conditional Use Permit, is consistent with the community plan and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code and 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. 1337996 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. 1337996, a copy of which is attached hereto and made a part hereof.

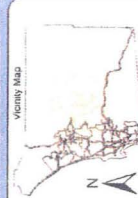
Edith Gutierrez
Development Project Manager
Development Services

Adopted on: April 22, 2015

Job Order No. 24004934

Legend

- | Category | Item |
|----------------------|----------------------|
| Churches | Church |
| Schools | School |
| Literates | Literates |
| Roads | Road |
| Privacy | Privacy |
| Regiment | Regiment |
| Major Roads | Major Roads |
| 1000 Ft. Budget | 1000 Ft. Budget |
| 1000 Ft. Budget | 1000 Ft. Budget |
| Budget Parity | Budget Parity |
| Residential Land Use | Residential Land Use |



Also make a copy for our clients by the
San Diego Geographic Information Service
5610 Overland Ave., Suite 210

Fluoride supplements

For updates, majority or absolute majority
please contact SavGis.

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only to provide information to the public, you are not affecting the price of goods or services, or creating artificial barriers to entry.

[illegible]

1996 - 2000, *Journal of the American Academy of Child and Adolescent Psychiatry*, 35: 100-108.

Plus d'infos 01 77 16 16 16

100

1000-Foot Radius Map Spreadsheet

Project Name: South Bay Dreams Cooperative

Address : 2405 Harbor Dr, Suite A, San Diego, CA 92113

Date: 2-Jul-14

Use	Address	Assessor Parcel No.	Businenees Name
Residential	1048 S. 26th St, San Diego, CA 92113	5387420800	Private Residence
Shipping & Receiving	2295 Belt St, San Diego, CA	7600231100	General Dynamics Shipping & Receiving
Exterminating & Pest Control Services	2626 Boston Ave, San Diego, CA 92113	5387522400	Pest Control of San Diego
Traffic Control Services	2627 Boston Ave, San Diego, CA 92113	5388110300	Co's Traffic Control Inc
Traffic Control Services	2635 Boston Ave, San Diego, CA 92113	5388110400	Co's Traffic Control Inc
Empty Lot	2640 Boston Ave, San Diego, CA 92113	5387522300	First Choice Properites Inc.
Other Services To Buildings & Dwellings	2644 Boston Ave, San Diego, CA 92113	5387522200	Alec Mackezie General Contractors Inc.
Hardware, & Plumb & Heating Equip & S	2645 Boston Ave, San Diego, CA 92113	5388110500	Pro Line Paints
Hardware, & Plumb & Heating Equip & S	2649 Boston Ave, San Diego, CA 92113	5388110600	Pro Line Paints
Parking Lot	2650 Boston Ave, San Diego, CA 92113	5387522100	Alec Mackezie General Contractors Inc.
Other Grocery & Related Products Whsle	2661 Boston Ave, San Diego, CA 92113	5388110700	San Diego Meat Co
Residential	2662 Boston Ave, San Diego, CA 92113	5387521900	Private Residence
Residential	2664 Boston Ave, San Diego, CA 92113	5387522000	Private Residence
Residential	2666 Boston Ave, San Diego, CA 92113	5387522600	Private Residence
Residential	2669 Boston Ave, San Diego, CA 92113	5388110800	Private Residence
Residential	2674 Boston Ave, San Diego, CA 92113	5387522700	Private Residence
Residential	2684 Boston Ave, San Diego, CA 92113	5387521700	Private Residence
Motor & Generator Mfg	2685 Boston Ave, San Diego, CA 92113	5388110900	Electric Motor Specialists, Inc
Petroleum Whsle	2295 Harbor Dr, San Diego, CA 92113	5387700200	Arco
Petroleum Whsle	2295 Harbor Dr, San Diego, CA 92113	5387700200	BP San Diego Distribution Terminal
Petroleum Whsle	2798 Harbor Dr, San Diego, CA	7600240601	Us Joiner LLC
Petroleum Whsle	2351 Harbor Dr,, San Diego, CA 92113	5388001000	Chevron: San Diego Terminal
Parking Lot	2201 Main St, San Diego, CA 92113	5387901200	Nassco Parking
Parking Lot	2286 Main St, San Diego, CA 92113	5387301300	Nassco Parking
Parking Lot	2301 Main St, San Diego, CA 92113	5387900500	Nassco Parking
Professional & Commercial Equip & Supp	2380 main St, San Diego, CA 92113	5387410100	American Rigging Inc
Residential	2602 Main St, San Diego, CA 92113	5388112300	Private Residence
Other Miscellaneous Store Retailers	2636 Main St, San Diego, CA 92113	5388112800	Oil Filter Service Inc

Use	Address	Assessor Parcel No.	Business Name
Marine & Specialty Coatings	2640 Main St, San Diego, CA 92213	5388112800	Pro Line Marine
Metal & Mineral (Except Petroleum) Whs	2645 Main St, San Diego, CA 92113	5388120300	IMS Recycling Services Inc
Motor Vehicle Towing	2646 Main St, San Diego, CA 92113	5388112400	Advantage Towing
Metal & Mineral (Except Petroleum) Whs	2669 Main St, San Diego, CA 92113	5388111800	IMS Recycling Services Inc
Residential	2674 Main St, San Diego, CA 92113	5388111500	Private Residence
Residential	2680 Main St, San Diego, CA 92113	5388111400	Private Residence
Furniture Stores	2694 Main St, San Diego, CA 92113	5388112700	Vincent Designs
Metal & Mineral (Except Petroleum) Whs	2697 Main St, San Diego, CA 92113	5388122300	IMS Recycling Services Inc
Insurance Agencies & Brokerages	2701 Main St, San Diego, CA 92113	5388222100	Cheap Auto Insurance
Metal & Mineral (Except Petroleum) Whs	2704 Main St, San Diego, CA 92113	5388213100	IMS Recycling Services Inc
Marine & Specialty Coatings	2850 Main St, San Diego, CA 92113	5502313700	International Marine Industrial Applicators LLC
Fossil Fuel Electric Power Generation	2285 Newton Ave, San Diego, CA 92113	5387300900	New Leaf Biofuel
Primary Metal Mfg	2317 Newton Ave, San Diego, CA 92113	5387410600	Nothstar Propellers
Residential	2320 Newton Ave, San Diego, CA 92113	5387420200	Private Residence
Residential	2322 Newton Ave, San Diego, CA 92113	5387420300	Barrio Senior Villas
Residential	2328 Newton Ave, San Diego, CA 92113	5387420400	Private Residence
Residential	2334 Newton Ave, San Diego, CA 92113	5387420700	Private Residence
Automotive	2340 Newton Ave, San Diego, CA 92113	5387420600	Hernandez Auto Exchange
Storage	2363 Newton Ave, San Diego, CA 92113	5387410700	Moving & Storage Inc
Other Grocery & Related Products Whsle	2393 Newton Ave, San Diego, CA 92113	5387410700	Tommy's Quality Meat Company, Power Printing
Residential	2615 Newton Ave, San Diego, CA 92113	5387522800	Private Residence
Residential	2619 Newton Ave, San Diego, CA 92113	5387520300	Private Residence
Residential	2625 Newton Ave, San Diego, CA 92113	5387520400	Private Residence
Residential	2631 Newton Ave, San Diego, CA 92113	5387520500	Private Residence
Residential	2635 Newton Ave, San Diego, CA 92113	5387520600	Private Residence
Residential	2641 Newton Ave, San Diego, CA 92113	5387520700	Private Residence
Residential	2647 Newton Ave, San Diego, CA 92113	5387520800	Private Residence
Residential	2653 Newton Ave, San Diego, CA 92113	5387520900	Private Residence
Residential	2661 Newton Ave, San Diego, CA 92113	5387521000	Private Residence
Residential	2665 Newton Ave, San Diego, CA 92113	5387521100	Private Residence
Residential	2667 Newton Ave, San Diego, CA 92113	5387521200	Private Residence
Residential	2679 Newton Ave, San Diego, CA 92113	5387521300	Private Residence

Use	Address	Assessor Parcel No.	Business Name
Residential	2685 newton Ave, San Diego, CA 92113	5387521400	Private Residence
Motor Vehicle Towing	1177 S 26th St, San Diego, CA 92113	5387522500	Angelo's Towing San Diego
Oth Transit & Ground Passenger Transport	1119 S. 26th St, San Diego, CA 92113	5387520100	Travel Time RV Inc
Residential	1124 S. 27th St, San Diego, CA 92113	5387521600	Private Residence
Residential	1204 S. 27th St, San Diego, CA 92113	5388111100	Private Residence
Motor & Generator Mfg	1220 S. 27th St, San Diego, CA 92113	5388111200	Electric Motor Specialists, Inc
Other Grocery & Related Products Whse	1221 S. 27th St, San Diego, CA 92113	5388110100	Tarantino Wholesale Food Distribution
Residential	1234 S. 27th St, San Diego, CA 92113	5388112700	Private Residence
Metal & Mineral (Except Petroleum) Whs	1345 S. 27th St, San Diego, CA 92113	5388222100	IMS Recycling Services Inc
Ship Building & Repairing	2205 BELT ST, San Diego, San Diego, 92113	7600220600	BAE Systems & BAE Sysems parking lot
Traffic Control Services	1221 S 26th St, San Diego, CA 92113	5388110100	Co's Traffic Control Inc



THE CITY OF SAN DIEGO

Date of Notice: February 4, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004934

PROJECT NAME/NUMBER: South Bay Dreams MMCC/381308**COMMUNITY PLAN AREA:** Barrio Logan Community Plan**COUNCIL DISTRICT:** 8**LOCATION:** The project is located at 2405 Harbor Drive, San Diego, CA 92113.

PROJECT DESCRIPTION: The proposed project is a request for Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC) to operate within a 1,083 square foot tenant space in a 1,966-square-foot-building; 293 square feet of the existing 2,259-square-foot-building is being demolished as a component of the project. The 0.048-acre site is located at 2405 Harbor Drive in the Barrio Logan Community Plan area; it is designated as Industrial. It is subject to the IH-2-1 Zone, Sub District D of the Barrio Logan Planned District, the Airport Influence Area for the San Diego International Airport, Transit Area Overlay Zone, the Parking Impact Overlay Zone, and the Coastal Overlay Zone (Non-Appealable Area 2 and other jurisdiction), and within the first public roadway.

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 and the project. The exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER:**MAILING ADDRESS:****PHONE NUMBER:**

Edith Gutierrez

1222 First Avenue, MS 501

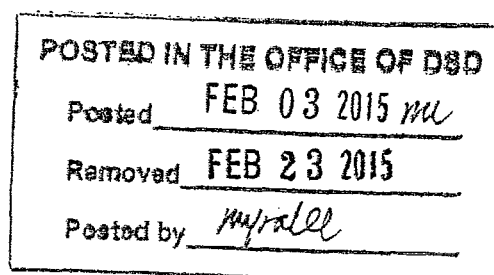
San Diego, CA 92101

(619) 446-5147

On February 4, 2015 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 (February 19, 2015). 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.



REVISIONS	BY
1. SUBMITTAL SET 7-23-14	
2. CUP COMP REVIEW 8-14-14	JL
3. CUP COMP REVIEW 10-27-14	JL
4. CUP COMP REVIEW 12-23-14	JL
5. CUP COMP REVIEW 12-23-14	JL
6. PLANNING GROUP 12-23-14	JL
7. PLANNING GROUP 12-23-14	JL

MANSOUR Architecture
 5499 Weathered Place
 San Diego, CA 92121
 858-556-1509
 858-556-1509
 mansourarchitecture.com

SOUTH BAY DREAMS COOPERATIVE
CONDITIONAL USE PERMIT
 2405 HARBOR DRIVE
 San Diego, CA 92113

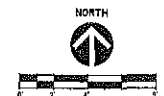
CUP COMPLETENESS REVIEW CORRECTIONS - REV 6 04-09-15

DATE	BY
4/8/15	
NOTED	
JK	
Approved:	
Job #441 SHAMON	
2405 HARBOR CUP	
Sheet:	
T2	
SITE PLAN	
NOTES	
2 of 2 Sheets	

- KEY NOTES**
1. NEW CONCRETE SIDEWALK
 2. NEW CONCRETE CURB AND GUTTER & SIDEWALK PER CITY OF SAN DIEGO STANDARDS
 3. NEW SIDEWALK PER CITY OF SAN DIEGO STANDARDS
 4. NEW LANDSCAPE AREA - PLANTED AND PAVED. PLANTING SHALL BE PROVIDED WITH PERMANENT IRRIGATION.
 5. REMOVE PORTION OF EXISTING BUILDING
 6. WATER HEATER
 7. ACCESSIBLE PATH OF TRAVEL
 8. EXISTING SIDEWALK
 9. NEW CONCRETE WALK
 10. REMOVE EXISTING RAMP AND TRUNCATED DOWNS/DETECTABLE WARNING.
 11. NEW SIDEWALK, CURB & GUTTER TO EXTEND FINISH FLUSHED FROM EXISTING
 12. STREET PARKING AREA
 13. EXTERIOR WALL MOUNTED LIGHT FIXTURE WITH GLARE SHIELD
 14. ACCESSIBLE PARKING STALL
 15. EXISTING BIKE LANE
 16. PAINT CONC. CURB WITH BLUE TRAFFIC PAINT
 17. ACCESSIBLE PARKING SIGN PER DET.
 18. ACCESSIBILITY SYMBOL PER DET.
 19. BIKE LANE

- LEGEND:**
- ➡➡➡ PATH OF TRAVEL (NOT) AS INDICATED IS A BARRIER FREE ACCESS MAXIMUM 5% GRADE (1:20 SLOPE) WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/2" AT 12 SLOPE EXCEPT THAT LEVEL CHANGES DO NOT EXCEED 1/4" VERTICAL MAXIMUM CROSS-SLOPE 2% TYPICAL. THE CONTRACTOR SHALL VERIFY THAT ALL BARRIERS ON THE INDICATED PATH OF TRAVEL HAVE BEEN REMOVED.
 - [Hatched Box] NEW LANDSCAPE AREA WITH DROUGHT RESISTANT PLANT MATERIAL IN ACCORDANCE WITH THE CITY OF SAN DIEGO LANDSCAPE ORDINANCE.
 - [Circular Symbols] ORNAMENTAL GRASSES SUCH AS (MIN. 1 GALLON SIZE): BERKELEY SEDGE, CAIRN RUSH, MOROCCAN PEBBLE, AUTUMN DEER GRASS.
 - [Circular Symbols] SHRUBS SUCH AS (MIN. 1 GALLON SIZE): ALPHONSE KARR BAMBOO, TEXAS PRINCE, JAPANESE BOXWOOD, ROCKROSE, BAY LAUREL, BIG BLUE LILY TURP, DWARF PHILODENDRON.
 - [Circular Symbols] SUCCULENT ACCENTS SUCH AS (MIN. 1 GALLON SIZE): JAZZ-TIME JADE, JADE PLANT, ANGELOA SEDUM.
 - [Circular Symbols] STREET TREES SUCH AS (MIN. 36" BOX SIZE): GRAPE MYRTLE, SWEET BAY, SOUTHERN MAGNOLIA.
 - [Square Symbol] EXTERIOR WALL MOUNTED LIGHT FIXTURE WITH GLARE SHIELD.

PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"



CONDITIONS OF APPROVAL:

ALL SIGNS ASSOCIATED WITH THIS DEVELOPMENT SHALL BE CONSISTENT WITH SIGN CRITERIA ESTABLISHED BY CITY WIDE SIGN REGULATIONS AND SHALL FURTHER BE RESTRICTED BY THIS PERMIT. SIGN COLORS ARE LIMITED TO TWO. A SIGN IS REQUIRED TO BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS.

THE USES ON THE PREMISES SHALL BE LIMITED TO THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND ANY USE PERMITTED IN THE BLDG-SUBDISTRICT-D ZONE AND M-2-1 ZONE.

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

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

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

THE UTILIZATION OF THIS CUP IS CONTINGENT UPON THE APPROVAL OF A PERMIT OBTAINED AS REQUIRED AND PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 16. THE ISSUANCE OF THIS PERMIT DOES NOT GUARANTEE THAT A PERMIT WILL BE GRANTED IN ACCORDANCE WITH CHAPTER 4, ARTICLE 2, DIVISION 16.

THE USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 42.1002, IS PROHIBITED. FOR PURPOSES OF THIS SECTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO THE MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.

THIS CUP AND CORRESPONDING USE OF THIS SITE SHALL EXPIRE ON _____ WHICH IS FIVE YEARS FROM THE DATE OF ISSUANCE OF THIS PERMIT. UPON EXPIRATION OF THIS PERMIT, THE FACILITIES AND IMPROVEMENTS DESCRIBED HEREIN SHALL BE REMOVED FROM THIS SITE AND THE PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION PRECEDING APPROVAL OF THIS PERMIT.

SECURITY SHALL BE PROVIDED AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT AT THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.

THE OWNER OR OPERATOR SHALL MAINTAIN THE PREMISES, ADJACENT PUBLIC SIDEWALKS, AND AREAS UNDER THE CONTROL OF THE OWNER OR OPERATOR, FREE OF LITTER AND GRAPPLI AT ALL TIMES. THE OWNER OR OPERATOR SHALL PROVIDE FOR DAILY REMOVAL OF TRASH, LITTER, AND DEBRIS. THE OWNER OR OPERATOR SHALL ELIMINATE GRAPPLI WITHIN 48 HOURS OF APPLICATION.

PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, THE OWNER/PERMITTEE SHALL ASSURE BY PERMIT AND BOND THE INSTALLATION OF THE CITY STANDARD CURB, GUTTER & SIDEWALK ALONG THE PROJECT FRONTAGE ON EAST HARBOR DR, SATISFACTORY TO THE CITY ENGINEER.

PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, THE OWNER/PERMITTEE SHALL OBTAIN AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT FOR THE LANDSCAPE AND IRRIGATION LOCATED WITHIN EAST HARBOR DRIVE RIGHT OF WAY, SATISFACTORY TO THE CITY ENGINEER.

PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, THE OWNER/PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE Ongoing PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.

PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, THE OWNER/PERMITTEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, THE OWNER/PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP) THAT SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX C OF THE CITY'S STORM WATER STANDARDS.

ADDITIONAL SECURITY FEATURES:

- CIRCUIT BREAKERS AND FUSES INSTALLED IN A STURDY METAL BOX THAT IS LOCKED WITH A HIDDEN-OR SHIELDED-SHACKLE PADLOCK.
- EXTERIOR WINDOWS MADE OF BULLET PROOF GLASS LAMINATE, AT LEAST 3 CM THICK
- EXTERIOR DOORS REINFORCED WITH STEEL
- INTERIOR DOOR TO DISPENSARY REINFORCED WITH STEEL, WITH REMOTE CONTROL LOCK
- VIDEO INTERCOM BETWEEN DISPENSING ROOM AND CHECK-IN COUNTER
- 24 HOUR LICENSED SECURITY GUARD WITH NON-LETHAL WEAPON
- CAMERAS AND USE A RECORDING DEVICE THAT MAINTAINS THE RECORDS FOR A MINIMUM OF 30 DAYS
- GRAPPLI WILL BE REMOVED WITHIN 24 HOURS
- BULLET PROOF PLEXIGLASS, AT LEAST 19 CM THICK, BETWEEN PATIENT AND CHECK IN PERSONNEL

CITY OF SAN DIEGO SDMC NOTES:

CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE. SDMC 14.0014

SDMC 14.0014 STATES THAT LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACADE, AND THE IMMEDIATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DELECT LIGHT AWAY FROM ADJACENT PROPERTIES.

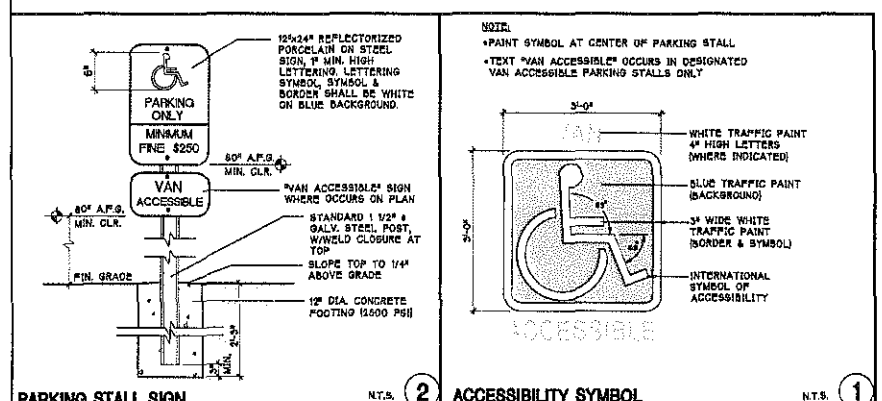
SDMC 14.0014 STATES THAT SECURITY SHALL BE PROVIDED AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT AT THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.

SDMC 14.0014 STATES THAT SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS, LIMITED TO TWO COLORS.

SDMC 14.0014 STATES THAT THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.

SDMC 14.0014 LIMITS THE MEDICAL MARIJUANA CONSUMER COOPERATIVE TO OPERATION ONLY BETWEEN THE HOURS OF 7:00 A.M. TO 8:00 P.M., SEVEN DAYS A WEEK. HOURS OF OPERATION SHALL BE FROM 7:00 A.M. TO 8:00 P.M., SEVEN DAYS A WEEK.

SDMC 14.0014 PROHIBITS THE USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 42.1002, IS PROHIBITED. FOR PURPOSES OF THIS SECTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO THE MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.



PARKING STALL SIGN N.T.S. **2** **ACCESSIBILITY SYMBOL** N.T.S. **1**

MINUTES

Barrio Logan Community Planning Group

Meeting Location: 2212 Main Street, San Diego CA 92113

February 18, 2015

I. Meeting Call to Order 6:00 pm by Mark Steele, Chairperson

Members Present:

Brent E. Beltrán

Hector Villegas

Erick Ortega

Tom Ryan

David Favela

Mark Steele

Catherine Herbst

Josie Talamantez

Fernando Hernandez

Tim Frazer

Captain Curt Jones

Rafael Castellanos

Members absent:

Juanita Lopez

Mario Chacon (excused)

Elvia Martinez

Hector Perez

Teresa Montero

II. Approval of the minutes of the January 20th, 2015 meeting

Motion: Josie Talamantez; Second: Brent E. Beltran

III. Adoption of the agenda

Motion: Catherine Herbst; Second: Tom Ryan

IV. Staff Reports

a. Lara Gates reports on the Chicano Park improvements.

The amendments to the General Plan of the park improvement are available online for public review at <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>

b. Government representatives – State and Federal

Aida Castaneda, Field Representative for Assemblywoman Lorena Gonzales
 Gabriela Dominguez, Council Representative for Councilmember David Alvarez
 Ron Powell, Director of Court Communications at Port of San Diego

V. Comments from the Public

a. Citizen inquires about restrooms in regards to the new improvements of Chicano Park

Lara Gates responds that the restrooms are included in the improvement plan.

VI. Action Item South Bay Dreams Medical Coop

a. Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) within a 1,083 square foot tenant space in an existing 2,125 square foot building. The 0.048-acre site is located at 2405 Harbor Drive at the IH-2-1 Zone, Sub District D of the Barrio Logan Planned District, City Coastal (Non-appealable) and State Coastal overlay zones. City Approval Process 3.

b. South Bay Dreams representatives give a presentation.

c. Tom Ryan inquires about the likelihood of federal interference.

d. Josie Talamantez inquires about City of San Diego regulations and testing. 4 MMCCs are allowed per council district on a first come first serve basis. All medicine must be tested for THC and CBD levels, pesticides, herbicides, and freshness.

e. David Favela inquires about MMCC auditing.

Yearly health and safety inspection.

Conditional Use Permit (CUP) revisited every 5 years. A CUP can be revoked.

Department of Development Services can demand financial records.

f. Brent E. Beltrán addresses parking concerns. Spaces in front of MMCC should be timed.

Motion to approve with use of 20 minute parking spaces

Motion: Tom Ryan; Second: Brent E. Beltrán

Vote: 9 in favor, 1 against

Resolved: Motion carried; Project with 20-min parking spots approved.

VII. New Business**VIII. Adjournment 7:00pm**

Motioned and seconded



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

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other

Project Title

South Bay Dreams Cooperative

Project No. For City Use Only

381308

Project Address:

2405 Harbor Dr, Suite A, San Diego, CA 92113

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):

Basil Shamoun

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

15835 Lyons Valley Rd

City/State/Zip:

Jamul, CA 91935

Phone No:

(619) 518-7570

Fax No:

Signature:

Date:

Name of Individual (type or print):

Noel Shamoun

☐ Owner ☒ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

4254 Lomo Del Sur

City/State/Zip:

La Mesa, CA 91941

Phone No:

(619) 456-8928

Fax No:

Signature:

Date:

07/16/14

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:



SDPD CPTED REVIEW OF 2405 EAST HARBOR DRIVE MMCC

Date: March 17, 2015
To: Jessica McElfresh, Attorney at Law
From: Ted Parker, SDPD Crime Prevention
Copies to: Edith Gutierrez, Development Services Department
 Linda Griffin, A/Lieutenant, SDPD Vice Administration
 Susan De La Pena, SDPD Central Division Community Relations Officer (CRO)

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

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

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

SUGGESTIONS

Alarms

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

The above-ground telephone line that sends alarm signals to the alarm company is vulnerable to various attacks. The exterior cable should be installed in an armored conduit. And the wiring should be in a sturdy metal box that is locked with a hidden- or shielded-shackle padlock with a shackle that is difficult to cut with a bolt cutter. Alternatively, the alarm system should have a wireless backup that would send the alarm if the telephone wire is cut.

Because lights and security systems work on electric power it is important that measures be taken to prevent its disruption and provide a source of backup power in the event of a power failure. The circuit breakers and fuses should be installed in a sturdy metal box that is locked with a hidden- or shielded-shackle padlock.

Cameras

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

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

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

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

IP cameras that view areas in which crimes might be in progress, such as the MMCC cash register location, should also be capable of providing real-time streaming video to the SDPD in Operation Secure San Diego. This program is one of the SDPD's new technology public safety and crime fighting activities. It will enable officers arriving at the scene to make better, more-informed tactical decisions and determine whether additional officers and emergency services are required. Contact the CRO in the SDPD's Central Division at **(619) 744-9500** if you wish to partner with the SDPD in this program.

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



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

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

Lighting

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

Windows

The site plan shows these made of “bullet-proof glass.” They should be tested in accordance with Underwriters Laboratories (UL) 752 standards and assigned a protection level from 1 to 10. These windows should also be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the interior of the suite is lighted after dark, shutters or blinds will need to be used inside the windows because reflective materials are not effective then.

Front Door

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

The front door should also have a 180-deg peephole so employees in the building can be sure that no one is loitering outside before they open the door to take out the trash or otherwise leave the building. Or with a camera outside the door, they could look at its monitor to see if it is safe to open the door.

Also consider installing bollards along the front of the building to prevent a vehicle from driving in.

Interior Door to the Dispensary

This door should also be bullet-resistant like the window next to it.

Front Door Lock

When the suite is unoccupied, the front door can be locked with a single-cylinder deadbolt that is separate from other locking mechanisms. This lock should have a throw of at least one inch, be key-operated on the outside, and

have a thumb turn on the inside. It cannot be used when the suite is occupied because California Fire Code Sec. 1008.1.9 states that egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort. The thumb turn is deemed to require special knowledge. It also requires twisting of the wrist to open the door, which makes it prohibited in the California Fire Code. When a deadbolt is installed a sign must be posted on or adjacent to the door saying THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED per California Fire Code Sec. 1008.1.9.3.

Single Doors

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

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

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

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

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

Consumer Movement in the MMCC

Ideally, consumers should enter the suite through an entry door, be checked in and have their carry-in items searched, go to the dispensary and select their cannabis, pay the cashier, receive their cannabis, and leave the building through an exit door. Consumers should not have any access to offices and rooms for safes, camera recordings, and marijuana storage, processing, and packaging. Doors to these rooms should be kept locked at all times. Employees would have keys, keypad codes, fobs, or access cards to open them. An advantage of the latter is that a record of employee access can be kept.

In addition to the security measures suggested above, a MMCC could have a video intercom, mantrap, metal detector, armed security guard at the front door, and remotely controlled locks on interior doors, as suggested below.

Video Intercom

With a video intercom, the front door would be locked and a person wanting to enter would push a button to talk to a security guard inside who would be able to see the person on a camera monitor and ask to see the person's identification and membership card. People would be buzzed in if their identity and membership are verified and they are not carrying any prohibited items. The MMCC should have a policy that defines the things that can and cannot be brought inside. Things that might be prohibited include backpacks, brief cases, reusable grocery bags, laptops, shopping carts, etc.

Mantrap

To prevent a person from following another into the suite, i.e., tailgating, the front door could lead to a mantrap, i.e., a secured space for one person equipped with two interlocking doors to insure that only one person at a time

can pass through. Employees of the MMCC would be able to open both doors with their individual access cards, fobs, or keypad codes. Others would be buzzed through by a security guard. To prevent someone who has stolen an employee's access means from entering the suite, a biometric sensor like a fingerprint reader could be installed at the second door. Thus, only employees would be able to enter through the mantrap without being buzzed in by the receptionist. Consumers would leave through the mantrap and thereby prevent someone from entering the suite when the front door is open.

Metal Detector

The metal detector should not be located inside the dispensary where a person with a concealed weapon could hold everyone in the dispensary hostage in a robbery. It is better located at the front door in the waiting area where only the security guard and any waiting consumers would be at risk.

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

An alternative to a metal detector is a wand used by a security guard to search a person for metal objects. The guard would request the person to remove for inspection any objects detected. A wand might also be used in addition to a metal detector to check people who have metal implants or artificial body parts.

After consumers are checked for metal objects and had their identity and membership verified, they can be admitted to the dispensary. The guard in the waiting area would unlock the door to it. If there is a limit on the number of consumers in the dispensary, the guard would ask other consumers to sit and wait until they can be admitted.

Common Interior Walls with Adjacent Suite

Consider strengthening to prevent break-throughs.

CAVEATS ON CPTED

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

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

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

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

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

Enhanced Security Measures of the South Bay Dreams Cooperative MMCC Proposal

In order to enhance security and to fully comply with the recommendations of the San Diego Police Department in their Crime Prevention through Environmental Design (CPTED) review of the proposed Medical Marijuana Consumer Cooperative (MMCC) at 2405 Harbor Dr., Suite A, the following security elements are included in the MMCC proposal.

In order to prevent power failure:

- Circuit breakers and fuses shall be installed in a sturdy metal box that is locked with a hidden- or shielded-shackle padlock.
- A backup generator will be present at the site.

In order to prevent break-ins and maintain the structural integrity of the building:

- Exterior windows will contain tinted bullet proof glass laminate, at least 3 cm thick.
- Exterior Doors will be reinforced with Steel
- Bollards shall be installed along the front of the building to prevent a vehicle from driving in.

In order to provide access control within the MMCC:

- There will be bullet-proof Plexiglas, at least 1.9 cm thick, between patient and check in personnel
- A metal detector will be situated at the front entrance
- A Mantrap will be situated between entrance and waiting room
- The interior door to the MMCC shall be reinforced with steel and its access shall be controlled via remote control lock
- Only three patients shall be allowed in the dispensing room at a time
- All additional rooms, including the storage room, will be locked at all times

In order to provide continuous surveillance of the facility:

- A video intercom connection shall be established between dispensing room and check-in counter
- A 24 Hour licensed security guard shall be present on site armed with nonlethal weapon
- Security cameras with a recording device, that maintains the records for a minimum of 30 days, will be strategically installed in the interior and exterior of the MMCC to provide remote visibility of all areas
- A robbery alarm with a silent panic button shall be installed
- The alarm system shall include sensors on the front door, all exterior windows and walls, the common interior wall with the existing food-service tenant, and the ceiling.
- As indicated on the site plan diagrams, additional exterior lighting shall be installed

In order to enhance security through maintenance:

- Graffiti will be removed within 24 hours

We strongly feel that these security measures will allow us to achieve a crime-free, highly compliant, safe environment to the benefit of the cooperative, the patients it serves and the surrounding community.



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

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

E-mail Address:
scott@chipman.info

Address:
2247 Emerald

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.

Noel Shamoun, South Bay Dreams Cooperative, Inc.

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

Date of Decision/Determination:

City Project Manager:

Project # 381308 2405 Harbor Drive

April 22, 2015

Edith Gutierrez

Decision (describe the permit/approval decision):

DSD approved the Conditional Use Permit for this Project -

MAY 05 2015

DEVELOPMENT SERVICES

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.)

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

a) The Center for Community Research's exploratory analysis of violent crime in census tracts with MJ dispensaries compared to census tracts without MJ dispensaries found more than twice the mean number of documented violent crimes. Dispensaries pose a greater risk of crime due to the presence of cash and MJ products. The manufacturing of products not prohibited by the city's ordinance has been shown to expose people and property to the risks of explosions. Without the city prohibiting products (edibles, oils, tinctures, and waxes) made from this process, the incentive to increase manufacturing will grow.

b) Advertising and edibles designed to appeal to youth and not prohibited in ordinance further increases youth use; "Pop Tarts", Bears, "Kronkikes", "Jolley Ranchers", "Reeses Peanut Butter Cups", "Kit Kats", "Gummy Bears", and "York Peppermint Patties".

FINDING #4 - The proposed use is appropriate at the proposed location

a) The location is on a very busy street near train tracks. Traffic flow is difficult and entering the property requires a U-Turn followed by

b) Limited parking on the street, no sidewalk, curb or gutter.

c) There are 10 large (approximately 50 x 30) gas tanks less than 100 feet from the location.

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

Signature: Scott Chipman

Date: May 4, 2015

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

PLANNING COMMISSION
RESOLUTION NO. PC-XXXX
CONDITONAL USE PERMIT NO. 1337996
SOUTH BAY DREAMS MMCC PROJECT NO. 381308

WHEREAS, BASIL SHAMOUN, Owner and SOUTH BAY DREAMS COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,083 square-foot tenant space within a proposed 1,966 square-foot, one-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1337996), on portions of a 0.04-acre site;

WHEREAS, the project site located at 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone (MMCC within BLPD-Subdistrict D only), the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appellable Area 2 and State Coastal Jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area;

WHEREAS, the project site is legally described as Lots 47 & 48, Map 379, October 30, 1886 and Resolution No. 141796, September 20, 1957, Book 6756, Page 532;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1337996 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 5, 2015, Scott Chipman filed an appeal of the Hearing Officer's decision;

WHEREAS, on June 25, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1337996 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 4, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309535;

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 June 25, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed project is a request for a Conditional Use Permit to operate in a 1,083 square-foot tenant space within a proposed 1,966 square-foot, one-story building. The 0.04-acre site located at a 2405 Harbor Drive is in the BLPD-Subdistrict D and the IH-2-1 Zone, the Airport Influence Area (San Diego International Airport), Transit Area Overlay Zone, Parking Impact Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 2 and State Coastal Jurisdiction) and within the First Public Roadway within the Barrio Logan/Highway 101 Community Plan area.

The site is designated Exclusively Industrial within the Barrio Logan/Highway 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets.

The 0.04-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site contains a one-story building with two tenant spaces constructed in 1963. The proposed 1,083 square-foot MMCC tenant space is currently vacant the other tenant space is currently being used for food preparation (commercial services). The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones and the existing uses are consistent with the land use designation. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, therefore will not adversely affect the applicable land use plan.

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

The proposed 1,083 square-foot MMCC site located at 2405 Harbor Drive is within a proposed 1,966 square-foot building on a 0.04-acre site. The proposed tenant space is currently vacant. The project proposes minor demolition and 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 the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive and an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way.

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. 1337996. 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 1,083 square-foot MMCC located at 2405 Harbor Drive is within a proposed 1,966 square-foot building. The 0.04-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC is located within the BLPD-Subdistrict D. The site contains a one-story building with two tenant spaces constructed in 1963. The proposed 1,083 square-foot MMCC tenant space is currently vacant the other tenant space is currently being used for food preparation (commercial services). The surrounding parcels are within the BLPD-Subdistrict D or IH-2-1 zones and the existing uses are consistent with the land use designation. The project proposes minor demolition and 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 the installation of City standard curb, gutter and sidewalk, along the project frontage on East Harbor Drive and an Encroachment Maintenance and Removal Agreement for the landscape and irrigation located within East Harbor Drive right-of-way.

MMCCs are allowed in the BLPD-Subdistrict D 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 Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

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

The proposed 1,083 square-foot MMCC located at 2405 Harbor Drive is within a proposed 1,966 square-foot building. The 0.04-acre site is zoned both BLPD-Subdistrict D and the IH-2-1, however the MMCC

is located within the BLPD-Subdistrict D. The site is designated Exclusively Industrial within the Barrio Logan/Highway 101 Community Plan. Barrio Logan is a mixed-use waterfront community that has mostly industrial uses. The community plan encourages residential and industrial coexistence by strengthening its housing, commercial and industrial assets.

MMCCs, classified as commercial services, are allowed in the BLPD-Subdistrict D with a Conditional Use Permit (CUP) and are consistent with the land use designation of Industrial use in the Barrio Logan/Highway 101 Community Plan. 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 a compatible use for this location with a Conditional Use Permit, is consistent with the community plan and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code and 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. 1337996 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. 1337996, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: June 25, 2015

Job Order No. 24004934