

1 Gina M. Austin (SBN 246833)  
Email: gaustin@austinlegalgroup.com  
2 Tamara M. Leetham (SBN 234419)  
Email: tamara@austinlegalgroup.com  
3 AUSTIN LEGAL GROUP, APC  
3990 Old Town Ave, Ste A-112  
4 San Diego, CA 92110  
Phone: (619) 924-9600  
5 Facsimile: (619) 881-0045

6 Attorneys for defendants  
Balboa Ave Cooperative, San Diego United Holdings Group, LLC.  
7 And Ninus Malan

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**08/03/2017** at 01:25:00 PM  
Clerk of the Superior Court  
By Cody Newlan, Deputy Clerk

8  
9 **SUPERIOR COURT OF CALIFORNIA**  
10 **COUNTY OF SAN DIEGO**

11  
12 MONTGOMERY FIELD BUSINESS  
13 CONDOMINIUMS ASSOCIATION, a  
California Nonprofit Mutual Benefit  
14 Corporation,

15 Plaintiff,

16 v.

17 BALBOA AVE COOPERATIVE, a  
California corporation; SAN DIEGO  
18 UNITED HOLDINGS GROUP, LLC, a  
California limited liability company;  
19 NINUS MALAN, an individual; RAZUKI  
INVESTMENTS, LLC, a California  
20 limited liability company; SALAM  
RAZUKI, an individual; and DOES 1  
21 through 25, inclusive,

22 Defendants.

**CASE NO. 37-2017-00019384-CU-CO-CTL**

Assigned to Judge Nathan Scott

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS BALBOA AVE  
COOPERATIVE AND SAN DIEGO UNITED  
HOLDINGS GROUP LLC'S EX PARTE  
APPLICATION TO DISSOLVE  
TEMPORARY RESTRAINING ORDER AND  
COMPEL PLAINTIFF TO PROVIDE  
ACCESS TO RECORDS**

**DATE:** August 4, 2017

**TIME:** 2:00 p.m.

**DEPT:** C-62

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AUSTIN LEGAL GROUP, APC  
3990 Old Town Ave, Ste A-112  
San Diego, CA 92110

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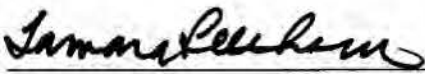
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT defendants Balboa Ave Cooperative, San Diego United Holdings Group, LLC., and Ninus Malan; pursuant to California evidence code 452 (h) request that the Court take judicial notice as follows true and correct copies of:

- A. Report to the Hearing Officer – Report # HO-15-048 dated April 22,2015; Applicant Michael D Sherlock; Regarding application for Conditional Use Permit
- B. Report to the Planning Commission – Report # PC-15-0764 Dated June 17, 2015; Owner/Applicant Maria Torres Sandoval / United Patients Consumer Cooperative, Michael D. Sherlock; Regarding Appeal of decision to Approve Conditional Use Permit
- C. Deed History for Parcels 369-150-13-23 and 369-150-13-15 – 8863 Balboa Ave.
- D. Obituary Michael Sherlock;
- E. State of California Secretary of State – Statement of Information for Corporation – Montgomery Field Business Condominiums Association Filed June 19. 2015;
- F. State of California Secretary of State – Statement of Information for Corporation – Montgomery Field Business Condominiums Association Filed April 3, 2017;

DATED: August 3, 2017

AUSTIN LEGAL GROUP, APC

By:   
Gina Austin/Tamara Leetham  
Attorneys for Balboa Cooperative, United Holdings Group, LLC., and Ninus Malan

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**EXHIBIT A**



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: April 22, 2015 REPORT NO. HO-15-048  
ATTENTION: Hearing Officer  
SUBJECT: 8863 BALBOA STE E MMCC  
PROJECT NUMBER: 368347  
LOCATION: 8863 Balboa Avenue  
APPLICANT: Michael D. Sherlock, United Patients Consumer Cooperative

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 999 square-foot tenant space within an existing, 4,995 square-foot building on a 2.51-acre site within the Kearny Mesa Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1296130.

Community Planning Group Recommendation: The Kearny Mesa Planning Group did not place this project on their agenda therefore a vote was not taken (further discussion on page 3).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on November 20, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

### BACKGROUND

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

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

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

This proposed project is a request for a Conditional Use Permit (CUP) to operate in a 999 square-foot tenant space within an existing 4,995 square-foot one-story building on a 2.51-acre site. The site is located at 8863 Balboa Avenue (Attachment 2) in the IL-3-1 Zone, the Airport Influence Area (Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan area (Attachment 3).

The site contains eight detached buildings constructed in 1969. The surrounding parcels are within the IL-2-1 Zone except for the southern most parcel, which is Montgomery Field Airport and is unzoned. The site is designated Industrial in the Kearny Mesa Community Plan which is intended for manufacturing, assembling, processing, warehousing or transporting goods or products. The Kearny Mesa Community Plan encourages continued development of Kearny Mesa as a regional employment center, containing a mix of industrial, office, retail and compatible housing land uses. The proposed 999 square-foot MMCC located on the far southwest side of the lot is currently being used for vehicle sales and services. The existing uses on the 2.51-acre site consist of vehicle sales and services, retail and commercial services (business services-offices). The existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan.

## DISCUSSION

The proposed 999 square-foot tenant space, within an existing 4,955 square-foot one-story building, is currently being used for vehicle sales and services. The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

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.

#### KEARNY MESA PLANNING GROUP

The Kearny Mesa Planning Group prefers not to place project applications on their agenda until all City staff review issues been cleared. This applicant elected not to be placed on the Kearny Mesa Planning Group agenda when City staff cleared all issues.

#### CONCLUSION

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

#### ALTERNATIVE

1. Approve Conditional Use Permit No. 1296130, with modifications.
2. Deny Conditional Use Permit No. 1296130, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Edith Gutierrez, Development Project Manager

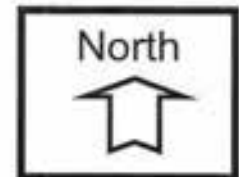
Attachments:

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. Ownership Disclosure Statement

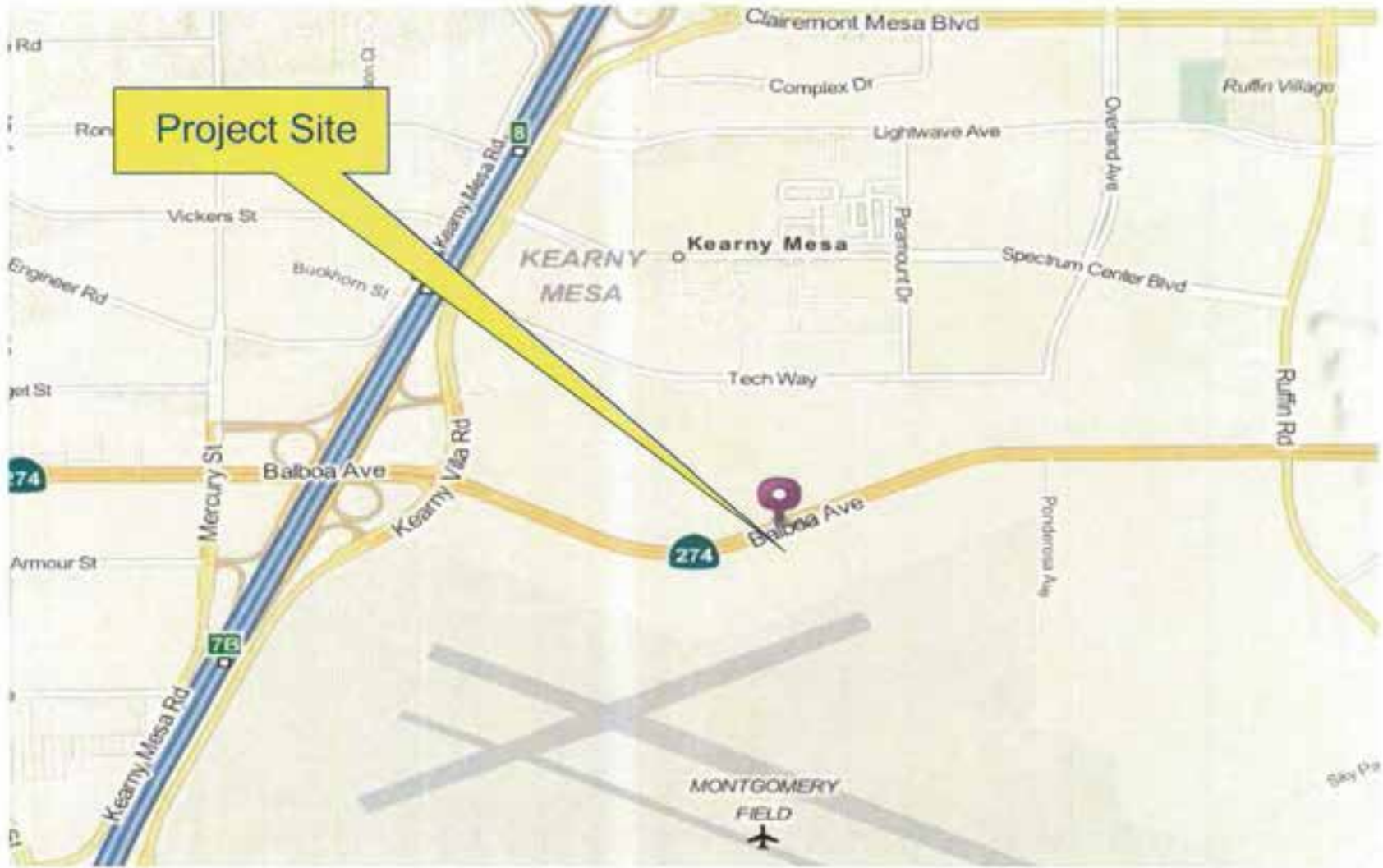


## Location Aerial Photo

**8863 BALBOA STE. E MMCC – 8863 BALBOA AVENUE**  
**PROJECT NO. 368347**

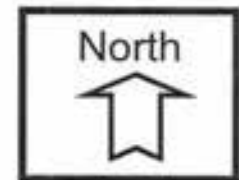


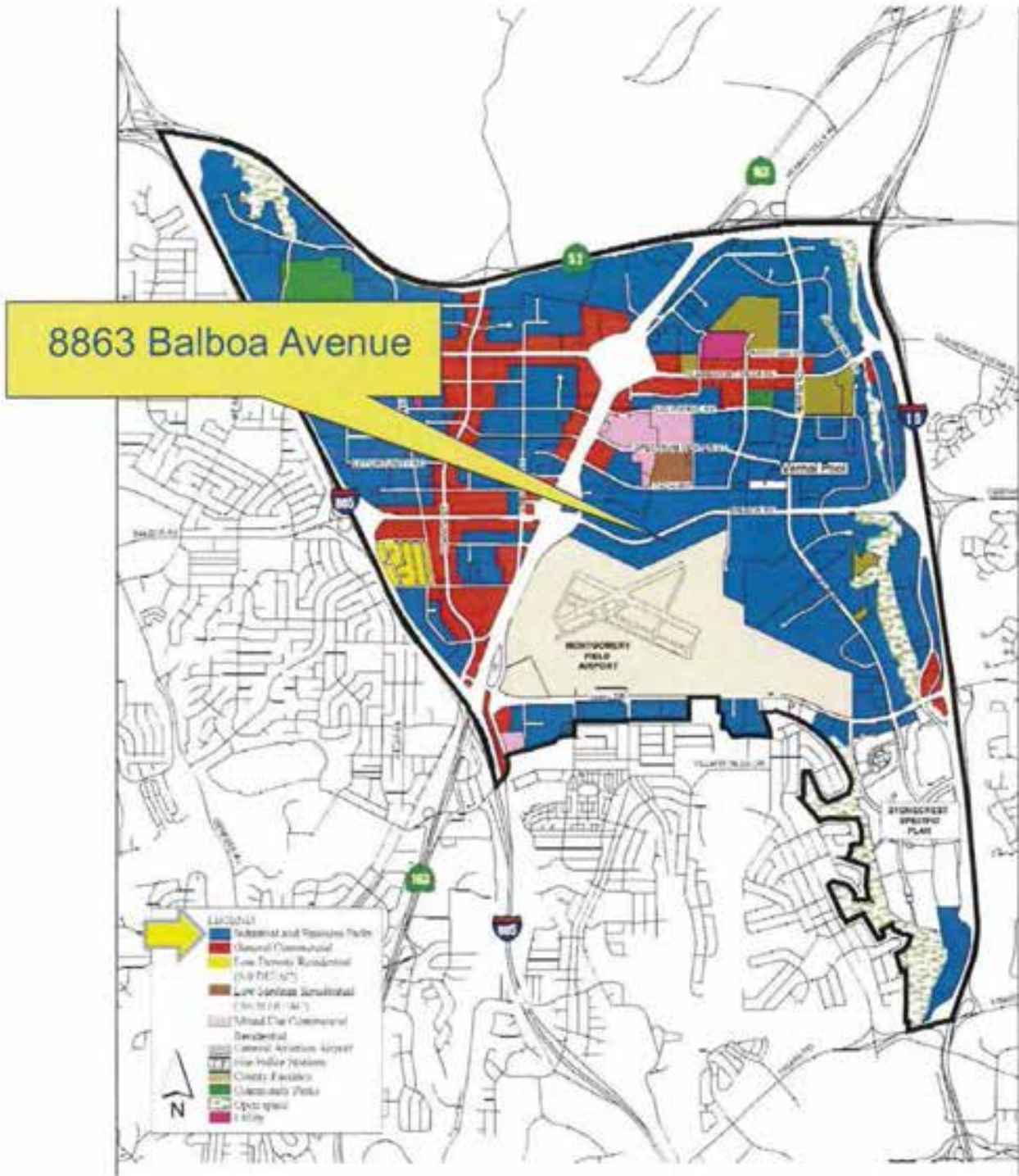




## Project Location Map

**8863 BALBOA STE. E MMCC – 8863 BALBOA AVENUE**  
**PROJECT NO. 368347**



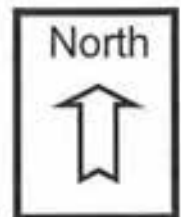


## Kearny Mesa Community Plan

### Land Use Map



**8863 BALBOA STE. E MMCC – 8863 BALBOA AVENUE**  
**PROJECT NO. 368347**



**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: 24004643

**CONDITONAL USE PERMIT NO. 1296130**  
**8863 BALBOA STE E MMCC - PROJECT NO. 368347**  
**HEARING OFFICER**

This Conditional Use Permit No. 1296130 is granted by the Hearing Officer of the City of San Diego to MARIA TORRES SANDOVAL, Owner and UNITED PATIENTS CONSUMER COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.51-acre site located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan Area. The project site is legally described as: Lot 9, Industrial Park No. 2, Map No. 4113, March 12, 1959.

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. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 999 square-foot tenant space within an existing, 4,995 square-foot, one-story building on a 2.51-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 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 999 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The 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 2.51-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.

26. Interior spaces exposed to exterior aircraft noise sources shall be attenuated to achieve an indoor noise level of 50 dB CNEL.

**ENGINEERING REQUIREMENTS:**

27. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the two easterly driveways with City standard driveways on Balboa Avenue per Standard Drawings SDG-159, satisfactory to the City Engineer.

**TRANSPORTATION REQUIREMENTS:**

28. No fewer than 5 parking spaces (including 1 van accessible space) for the proposed 999 square-foot MMCC, and 102 parking spaces (including 4 accessible spaces) for the entire 2.5-acre site (with 102 parking spaces including 4 accessible spaces provided), shall be maintained on the property at all times in the approximate locations shown on Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

29. Prior to any building permit/tenant improvement for 8861 Balboa Avenue Suite #B, the applicant shall demonstrate that the converted portion of the warehouse space to 2-car parking garage at 8861 Balboa Suite #B is to be accessed accessible for minimum turning path for passenger car design vehicle to accommodate ingress/egress of two (2) side-by-side dimensionally acceptable interior garage parking spaces, one of which is to be assigned to this CUP for 8863 Balboa Avenue Suite #E as employee parking while the other to be assigned to 8861 Balboa Avenue Suite #B, which may in turn require its own building permit to convert a portion of Suite #B into a parking garage satisfactory to BDR - Structural Review staff. Improvements to the existing garage space that may be required include, but are not limited to, a wider garage door and improvements required for separation of the parking and warehouse uses in 8863 Balboa Avenue Suite #E, satisfactory to BDR - Structural Review staff.

**POLICE DEPARTMENT RECOMMENDATION:**

30. 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.1296130/PTS No. 368347  
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.

MARIA TORRES SANDOVAL  
Owner

By \_\_\_\_\_  
Maria T. Sandoval  
Owner

UNITED PATIENTS CONSUMER  
COOPERATIVE  
Permittee

By \_\_\_\_\_  
Michael D. Sherlock  
Permittee

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

HEARING OFFICER  
RESOLUTION NO. HO-XXXX  
CONDITONAL USE PERMIT NO. 1296130  
**8863 BALBOA STE E MMCC PROJECT NO. 368347**

WHEREAS, MARIA TORRES SANDOVAL, Owner and UNITED PATIENTS CONSUMER COOPERATIVE, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 999 square-foot tenant space within an existing, 4,995 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1296130), on portions of a 2.51-acre site;

WHEREAS, the project site is located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as Lot 9, Industrial Park No. 2, Map No. 4113, March 12, 1959;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1296130 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 20, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309534;

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 999 square-foot tenant space within an existing, 4,995 square-foot one-story building. The 2.51-acre site is located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan area.

The site is designated Industrial in the Kearny Mesa Community Plan. The Industrial designation is intended for manufacturing, assembling, processing, warehousing or transporting goods or products. The Kearny Mesa Community Plan encourages continued development of Kearny Mesa as a regional employment center, containing a mix of industrial, office, retail and compatible housing land uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines.

The 2.51-acre site is zoned IL-3-1 and has eight detached buildings constructed in 1969. The proposed MMCC is located on the far southwest side of the lot. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). The existing uses are consistent with the Industrial designation of the community plan. The surrounding parcels are within the IL-2-1 Zone except from the south parcel which is Montgomery Field Airport and is unzoned. 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 999 square-foot MMCC site located at 8863 Balboa Avenue is within an existing 4,995 square-foot building on a 2.51-acre site. The existing tenant space is currently being used for vehicle sales and services. The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

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. 1296130. 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 999 square-foot MMCC located at 8863 Balboa Avenue is within an existing 4,995 square-foot building. The 2.51-acre site is zoned IL-3-1 and has eight detached buildings totaling 39,674 square-feet constructed in 1969. The proposed MMCC is located on the far southwest side of the lot. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

MMCCs are allowed in the IL-3-1 zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation of 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 999 square-foot MMCC located at 8863 Balboa Avenue is within an existing 4,995 square-foot building.

MMCCs, classified as commercial services, are allowed in the IL-3-1 zone with a Conditional Use Permit (CUP) and are consistent with the land use designation of Industrial use in the Kearny Mesa 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 located on the far southwest side of a 2.51-acre site that is zoned IL-3-1 and has eight detached buildings. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). 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, 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. 1296130 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. 1296130, a copy of which is attached hereto and made a part hereof.

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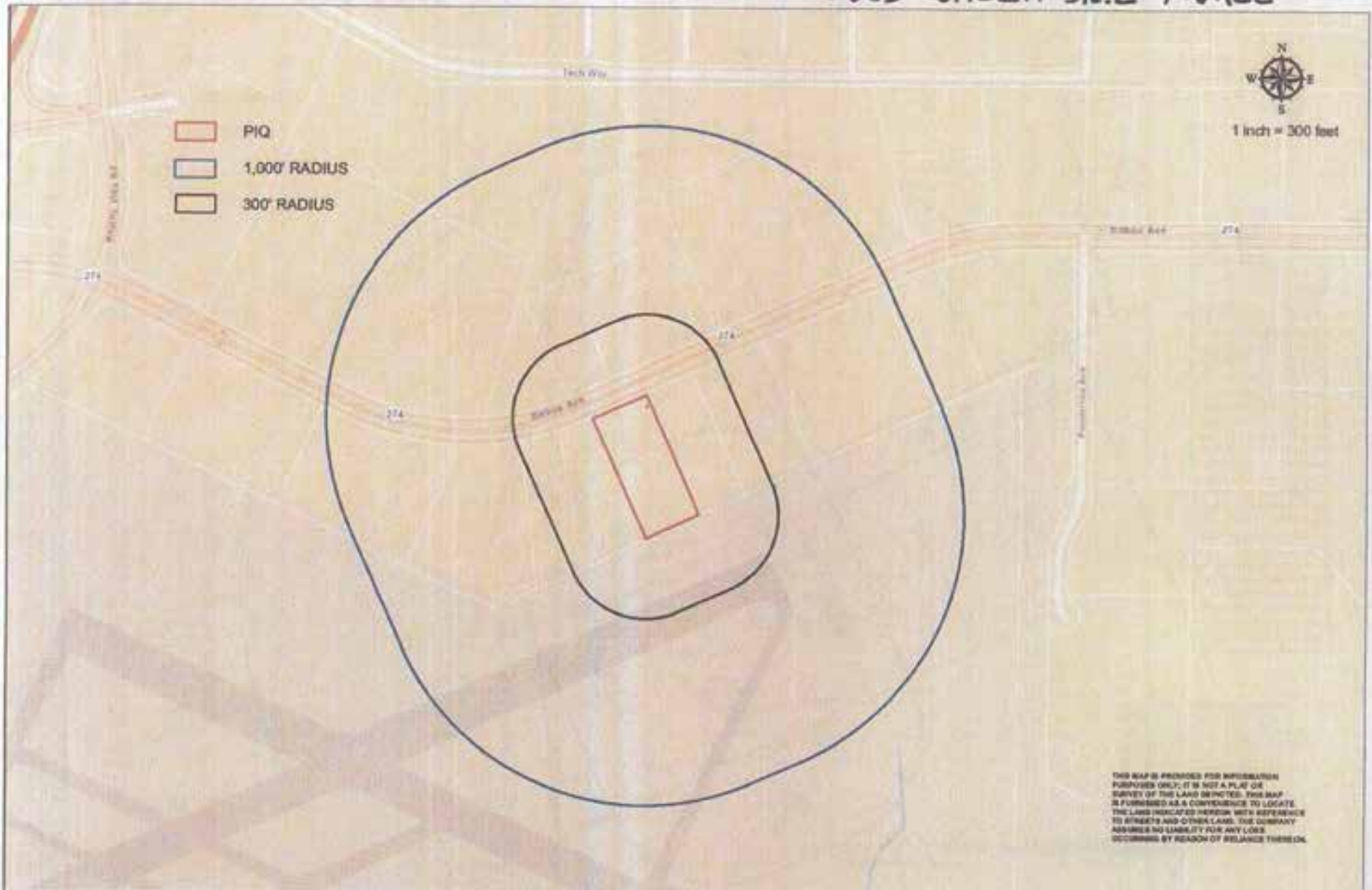
Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: April 22, 2015

Job Order No. 24004643

PROJECT NO. 368347

8863 BALBOA ST. E MMCC



NOTE: THERE ARE NO RESIDENTIAL ZONES WITHIN 100' OF THE SITE.

Exhibit A 19 of 30

**8863 Balboa Ave., Ste. E - 1,000' Radius Table**

Project Name: 8863 Balboa Ste. E MMCC

Address: 8863 Balboa Ave., Ste. E, San Diego, CA 92123

Date: 4/23/14

Use	Address	Assessor Parcel No.	Business Name
Heavy Industrial - Unverifiable	8650 Balboa Ave 8690	369-140-22-00	Raytheon
Parking Lot	8775 Balboa Ave	369-140-26-00	N/A
Technology	8611 Balboa Ave	369-140-27-00	Kyocera
Miter	8911 Balboa Ave	369-150-06-00	Lytx
Restaurant	8885 Balboa Ave	369-150-07-00	94th Aero Squadron
Engineering Firm	8799 Balboa Ave 270	369-150-10-00	SCS Engineering
Offices		#100	Ultra Electronics
Offices		#105	"
Offices		#110	Whipacific IWC
Offices		#120	Turn Key Systems, Inc.
Offices		#125	Ebry Riddle Aeronautical
Offices		#140	Towill Inc.
Offices		#155	TFM Financial Services
Offices		#235	Trillium Construction
Vacant		#240	"
Vacant		#250	"
Real Estate Office		#260	Spectrum Property Management
Real Estate Office		#270	Aspen Properties
Engineering Office		#290	Engineers, SCS Field Services
Power Company	8835 Balboa Ave	369-150-12-00	Atlantic Power Corporation
Vacant	8855 Balboa Ave A	369-150-13-01	N/A
Vacant	8855 Balboa Ave B	369-150-13-02	N/A
Vacant	8855 Balboa Ave C	369-150-13-03	N/A
Windows and Doors	8855 Balboa Ave D	369-150-13-04	Vinyl View Company, Inc.
Store/Office - Unverifiable	8855 Balboa Ave E	369-150-13-05	
Tai Chi	8855 Balboa Ave F	369-150-13-06	Hansdragon
Tai Chi	8855 Balboa Ave G	369-150-13-07	Hansdragon
Tai Chi	8855 Balboa Ave H	369-150-13-08	Hansdragon
Industrial - Unverifiable	8859 Balboa Ave A	369-150-13-09	SDRL
Honda, Acura Specialist	8859 Balboa Ave B	369-150-13-10	Green Light
Honda, Acura Specialist	8859 Balboa Ave C	369-150-13-11	Green Light
Industrial - Unverifiable	8859 Balboa Ave D	369-150-13-12	
Recording Products	8859 Balboa Ave E	369-150-13-13	Advance
Industrial - Unverifiable	8861 Balboa Ave A	369-150-13-14	
BMW Service	8861 Balboa Ave Ste B	369-150-13-15	Bimmer Speed
Industrial - Unverifiable	8861 Balboa Ave C	369-150-13-16	
Metalwork	8861 Balboa Ave D	369-150-13-17	Daniel Burakowski
Industrial - Unverifiable	8861 Balboa Ave E	369-150-13-18	
Industrial - Unverifiable	8863 Balboa Ave A	369-150-13-19	
Auto Repair	8863 Balboa Ave B	369-150-13-20	Zephyr Motorsports
Industrial - Unverifiable	8863 Balboa Ave C	369-150-13-21	
Auto Repair	8863 Balboa Ave D	369-150-13-22	Danny's Garage
Industrial - Unverifiable	8863 Balboa Ave E	369-150-13-23	
Contractor	8865 Balboa Ave A	369-150-13-24	Rose Construction
Business Machine Repair	8865 Balboa Ave B	369-150-13-25	ACC
Deli	8865 Balboa Ave C	369-150-13-26	Unique Deli
Deli	8865 Balboa Ave D	369-150-13-27	Unique Deli
Power Management	8865 Balboa Ave E	369-150-13-28	More Power Management

Financial Advisor	8865 Balboa Ave F	369-150-13-29	W. Spencer Harris, CPA
Vacant	8865 Balboa Ave G	369-150-13-30	N/A
Project Manager and Consulting	8865 Balboa Ave H	369-150-13-31	SoCal Sales, or office of
Industrial - Unverifiable	8869 Balboa Ave A	369-150-13-32	
Boat Repair	8869 Balboa Ave B	369-150-13-33	Outboard Services
Industrial - Unverifiable	8869 Balboa Ave C	369-150-13-34	
Industrial - Unverifiable	8869 Balboa Ave D	369-150-13-35	
Van Rental	8869 Balboa Ave E	369-150-13-36	ASAP
Window Coverings	8871 Balboa Ave A	369-150-13-37	RC and Blind Draperies
Art Studio	8871 Balboa Ave B	369-150-13-38	Wonka Gallery
Vacant	8871 Balboa Ave C	369-150-13-39	N/A
Industrial - Unverifiable	8871 Balboa Ave D	369-150-13-40	
Vacant	8871 Balboa Ave E	369-150-13-41	N/A
Industrial - Unverifiable	8873 Balboa Ave A	369-150-13-42	
Auto Repair	8873 Balboa Ave B	369-150-13-43	Hi Tech
Auto Repair	8873 Balboa Ave C	369-150-13-44	Hi Tech
Auto Repair	8873 Balboa Ave D	369-150-13-45	Hi Tech
Auto Repair	8873 Balboa Ave E	369-150-13-46	Hi Tech
Family Service Center	8788 Balboa Ave	369-150-16-00	Jewish Family Services
Family Service Center	8804 Balboa Ave	369-150-17-00	Jewish Family Services
Health Care / Naval Branch	8808 Balboa Ave	369-150-18-00	American Medical Response
College	8888 Balboa Ave 8992	369-150-19-00	Coleman College
Light Industrial, Offices	9020 Balboa Ave 9030	369-150-21-00	Telemetry West
Offices	8965 Balboa Ave	369-163-09-01	Children's Welfare Services
Light Industrial, Offices	8975 Balboa Ave	369-163-09-02	Symitar
Light Industrial, Offices	8985 Balboa Ave	369-163-09-03	Symitar
College	4141 Kearny Villa Rd	760-222-01-00	Media Design College
Parking	119 Montgomery Fld	760-222-05-00	
Hotel	8110 Aero Dr	760-222-06-00	Four Points by Sheraton
Offices, College	3760 Glenn Curtiss Rd	760-222-07-00	National Air College Inc.
Industrial	8620 Gibbs Dr	760-222-08-00	Cessna
(Uses for each unit below)	8525 Gibbs Dr 8575	760-222-09-00	(Businesses for each unit below)
Pilot Supplies		#102	Mary's Pilot Supplies
Liquor Store		#130	Clown Market
Post Office		#115	Aero Mail
Flight School		#116	Learn to Fly
Insurance		#117	State Farm
Donut Shop		#118	Christy's Donuts
Dry Cleaner		#119	Montgomery Cleaners
Mexican Restaurant		#120	La Fuente
Vacant		#101	N/A
Vacant		#112	N/A
Cremation Services		#107	Trident Society
Barber Shop		#106	RawKrykz
Restaurant		#105	Pampas Bar and Grill
Salon		#104	Premier Salon
Employment Services		#103	Army Career Center
Thai Restaurant		#114	Pear's Thai Cuisine
	8575 Gibbs Dr.		?
Call center, offices		#101	Scheduling Services, Call Center
Call center, offices		#102	"
Offices		#103	Department of Finance
Medical office		#120	Managed Care
Offices		#130	Data Systems Administration



Offices		#203		Information Technology
Offices		#206		A/R Posting & Statistical Reporting
Offices		#208		Customer Relation
Offices		#209, 210		Government Billing & Follow Up
Offices		#211		Data Entry
Flight School	8865 Gibbs Dr.		?	Scandinavian Flight Academy
Offices		#100		Debt Wave Credit Counseling
Offices		#110		Radelow Gittins Real Property
Vacant		#120		
Medical office		#140		Okazaki Chiropractic
Law Office		#150		CIR Law Offices
Medical office		#200		UCSD Moores Cancer Center
Offices		#204		ETIC Engineering
Offices		#206		Primerica Financial Services
Vacant		#208		
Vacant		#210		
Retail - Unverifiable	8690 Aero Dr		760-222-10-00	
Flight Services	8906 Aero Dr		760-222-14-00	Gibbs Flying Service
Flight Services	8906 Aero Dr		760-222-15-00	Gibbs Flying Service
<i>These are addresses identified within the Montgomery Field parcel, not all of which could be visually inspected:</i>				
Industrial - Unverifiable	3750 John J Montgomery Dr		760-222-17-00	
Administration	4302 Ponderosa Ave		760-222-28-00	Afsfo Navy Company S.D.
Airport Terminal, Restaurant	3750 John J Montgomery Dr		760-222-31-00	CASA Machado Restaurant
Parking Lot, Parking Structure	3753 John J Montgomery Dr		760-222-32-01	Coast Flight Training
Parking Lot, Parking Structure	3748 John J Montgomery Dr		760-222-32-02	
Industrial - Unverifiable	3748 John J Montgomery Dr		760-222-32-03	
Parking Lot, Parking Structure	3748 John J Montgomery Dr C		760-222-32-04	
Industrial - Unverifiable	3753 John J Montgomery Dr 4		760-222-32-08	Crown Air Aviation
Parking Lot, Parking Structure	3753 John J Montgomery Dr		760-222-32-09	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 9		760-222-32-13	
Industrial - Unverifiable	3748 John J Montgomery Dr 15		760-222-32-17	
Parking Lot, Parking Structure	3753 John J Montgomery Dr		760-222-32-18	
Industrial - Unverifiable	3753 John J Montgomery Dr		760-222-32-19	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 19		760-222-32-20	
Parking Lot, Parking Structure	3753 John J Montgomery Dr		760-222-32-21	
Industrial - Unverifiable	3753 John J Montgomery Dr 10A		760-222-32-24	
Parking Lot, Parking Structure	3748 John J Montgomery Dr 13		760-222-32-25	
Parking Lot, Parking Structure	3753 John J Montgomery Dr		760-222-32-26	
Industrial - Unverifiable	3748 John J Montgomery Dr 23		760-222-32-27	
Parking Lot, Parking Structure	3748 John J Montgomery Dr		760-222-32-32	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 30		760-222-32-35	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 32		760-222-32-36	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 33		760-222-32-37	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 35		760-222-32-38	
Parking Lot, Parking Structure	3753 John J Montgomery Dr		760-222-32-39	
Parking Lot, Parking Structure	3753 John J Montgomery Dr		760-222-32-40	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 34		760-222-32-41	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 31		760-222-32-42	
Parking Lot, Parking Structure	3748 John J Montgomery Dr		760-222-32-43	
Retail - Unverifiable	3750 John J Montgomery Dr B		760-222-35-00	
Industrial - Unverifiable	4025 Kearny Villa Rd		760-222-41-00	
Retail - Unverifiable	3750 John J Montgomery Dr A		760-222-44-00	
Vacant	8885 Balboa Ave		760-222-46-00	

	3750 John J Montgomery Dr D	760-222-50-00	
Offices, Light Industrial	8680 Balboa		Raytheon
	9025 Balboa	369-163-10-00	
Electrical advertising, signs	"	"	Ultra Signs
Massage institute	"	"	International Professional School of Bodywork
Research	"	"	Rapeutics Research



THE CITY OF SAN DIEGO

Date of Notice: November 20, 2014

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004643

**PROJECT NAME/NUMBER:** 8863 Balboa # E CUP MMCC/368347**COMMUNITY PLAN AREA:** Kearny Mesa Community Plan**COUNCIL DISTRICT:** 6**LOCATION:** The project is located at 8863 Balboa Avenue, San Diego, CA

**PROJECT DESCRIPTION:** The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate in an existing 999 –square-foot tenant suite within an existing 39,674- square-foot, one-story building on a 2.5-acre site located at 8863 Balboa Avenue within the Kearny Mesa Community Plan Area; it is designated for Industrial and Business Park use. The project is zoned IL-3-1 and is subject to the Airport Influence Area for Miramar and Montgomery Field, the Part 77 Noticing Area, Montgomery Field Safety Zone 2, 5 & 6 the 65-70 dB CNEL for Montgomery Field, and the 100 Year Flood Plain Overlay Zone.

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

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

**DEVELOPMENT PROJECT MANAGER:**

Edith Gutierrez

**MAILING ADDRESS:**

1222 First Avenue, MS 501

San Diego, CA 92101

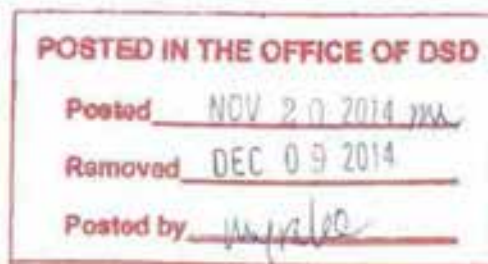
**PHONE NUMBER:**

(619) 446-5147




On November 20, 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (December 8, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



**SITE PLAN LEGEND**

-  PROPERTY LINE
-  OUTLINE OF EXISTING STRUCTURES
-  ACCESSIBLE ROUTE

**SITE PLAN NOTES**

- A. This site plan is for informational and general site reference only. Refer to other construction documents for complete scope of work.
- B. Before commencing any site foundation or slab cutting or excavation, the contractor shall verify and mark locations of all site utilities, dimensions and conditions. These include but are not limited to property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other new or existing site items which could affect in any way the construction of the building. Flag or otherwise mark all locations of site property lines, easements (if any), underground utilities, and indicate utility type.
- C. The Contractor or subcontractor shall notify TECHNE if any conflicts or discrepancy occurs between the information on this plan and actual field conditions. Do not proceed with work in conflict with these drawings until written or verbal instructions are issued by TECHNE.
- D. Protect and mark all existing building structure including walls, beams, columns, steel separation walls, and other items that are part of the existing structure and not part of the scope of the least improvement, and mark perimeter of construction zone.
- E. Coordinate with other tenants the temporary shut-off of any site services.
- F. Refer to Topographic Survey for additional information.

**TECHNE**  
DESIGN + DEVELOPMENT

8856 20th Street, San Diego, CA 92124  
techne.com | gsd@techne.com  
t: 619-444-8884 | f: 619-444-8814

**CONSULTANTS**

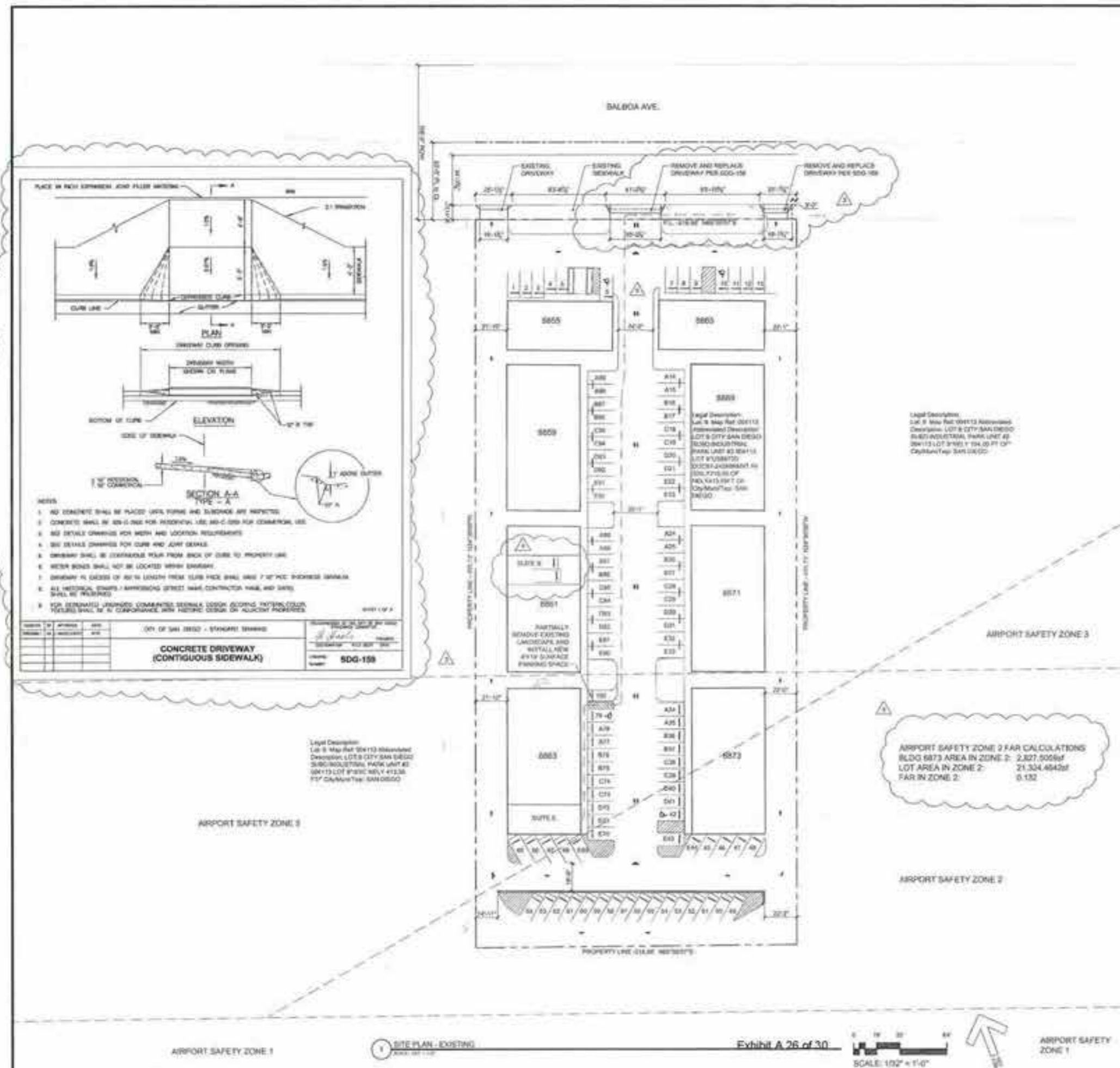
United Patients Consumer Cooperative  
5666 La Jolla Blvd. #115  
San Diego, CA 92037



8863 Balboa Ave., Suite E  
San Diego, CA 92123

**DRILLS**

United Patients Consumer Cooperative  
5666 La Jolla Blvd. #115  
San Diego, CA 92037



**CONCRETE DRIVEWAY (CONTIGUOUS SIDEWALK)**

CITY OF SAN DIEGO - STANDARD SPECIFICATIONS

SDG-158

**NOTES**

1. NO CONCRETE SHALL BE PLACED UNTIL FORMS AND SUBGRADE ARE PREPARED.
2. CONCRETE SHALL BE 4000 PSI FOR RESIDENTIAL USE AND C-5000 FOR COMMERCIAL USE.
3. SEE DETAILS CHANGES FOR WIDTH AND LOCATION REQUIREMENTS.
4. SEE DETAILS CHANGES FOR CURB AND JOINT DETAILS.
5. DRIVEWAY SHALL BE CONTIGUOUS WITH BACK OF CURB TO PROPERTY LINE.
6. WEAR BONES SHALL NOT BE LOCATED WITHIN DRIVEWAY.
7. DRIVEWAY AT CROSSING OF 90° TO LENGTH FROM CURB FACE SHALL HAVE 7" MIN. THICKNESS DRIVELAP.
8. ALL MEDIAN STRIPS APPROXIMATELY STREET WIDE, CONTRACTOR WARE, AND DRIVE SHALL BE MAINTAINED.
9. FOR DESIGNATED UNPAVED COMMERCIAL SIDEWALK LOCATIONS, MATERIAL, COLOR, PATTERN SHALL BE IN CONFORMANCE WITH HISTORIC DESIGN OR ADJACENT PROPERTIES.

**REVISIONS**

NO.	DATE	DESCRIPTION

**PROJECT NO:** 886  
**CAD DWG FILE:** 88618-1.dwg  
**DRAWN BY:** A.S.J.E.  
**CHECKED BY:** A.S.M.M.

**DATE:** 08/11/2023

**SCALE:** 1/8" = 1'-0"

**SHEET TITLE:** SITE PLAN - EXISTING

**SHEET NO:** A101

**TECHNE**  
DESIGN | DEVELOPMENT

1004 2nd Street, San Diego, CA 92104  
techne-us.com | contact@techne.us  
t: 619.440.5818 | f: 619.440.5819

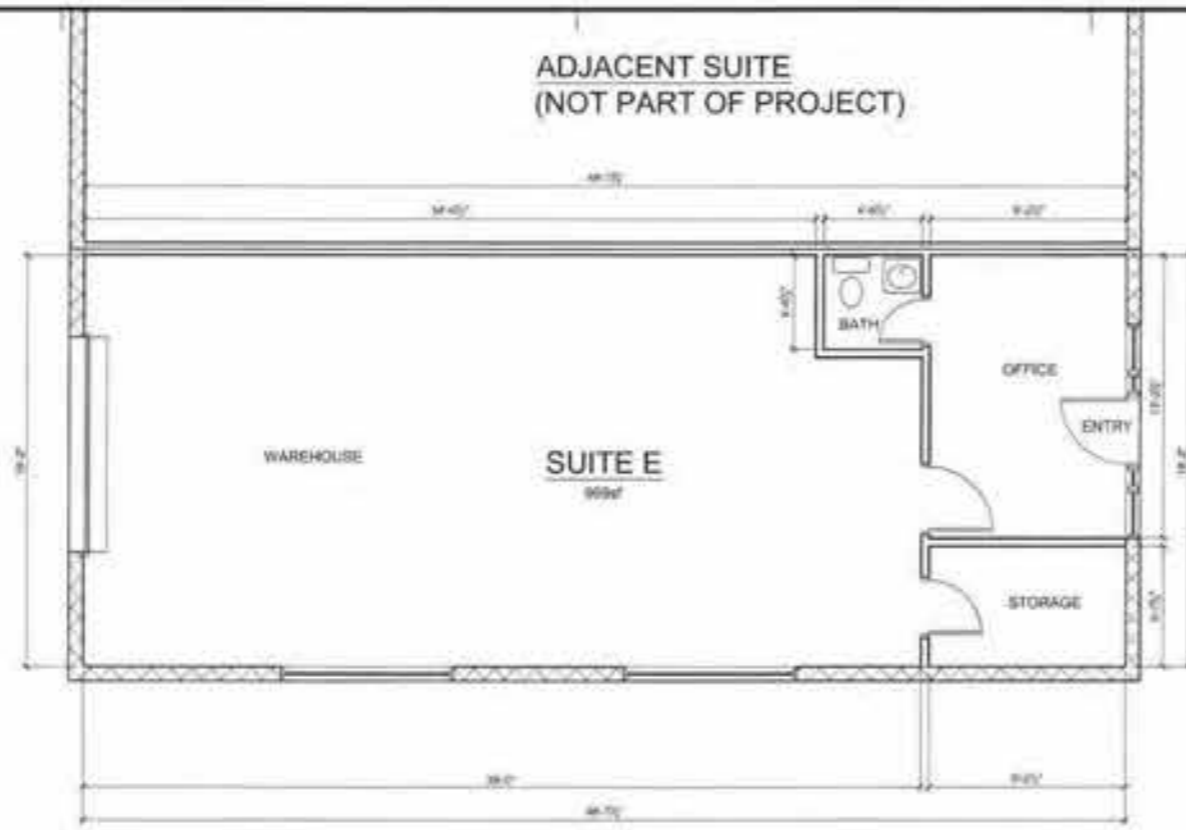
CONSULTANT



8863 Balboa Ave., Suite E  
San Diego, CA 92123

OWNER

United Patients Consumer Cooperative  
5666 La Jolla Blvd. #115  
San Diego, CA 92037



1 FIRST FLOOR PLAN - EXISTING  
SCALE: 1/4" = 1'-0"



1	BASE	CP	10/20/18
2	REVISION	CP	10/20/18
3	REVISION	CP	10/20/18
4	REVISION	CP	10/20/18
5	REVISION	CP	10/20/18

DATE PLOTTED: 10/20/18

PROJECT NO.: 1407  
CAD DWG FILE: 1810101407.dwg  
DRAWN BY: AR, JG  
CHECKED BY: AR, MM

CONFIDENTIAL: This document contains confidential information and is intended for the use of the client only. It is not to be distributed, copied, or otherwise used without the prior written consent of the architect.

FIRST TITLE  
**FIRST FLOOR PLAN - EXISTING**



2216 101 Street, San Diego, CA 92108  
 techne-us.com | sales@techne.com  
 (619) 440-2627 | (619) 440-2624

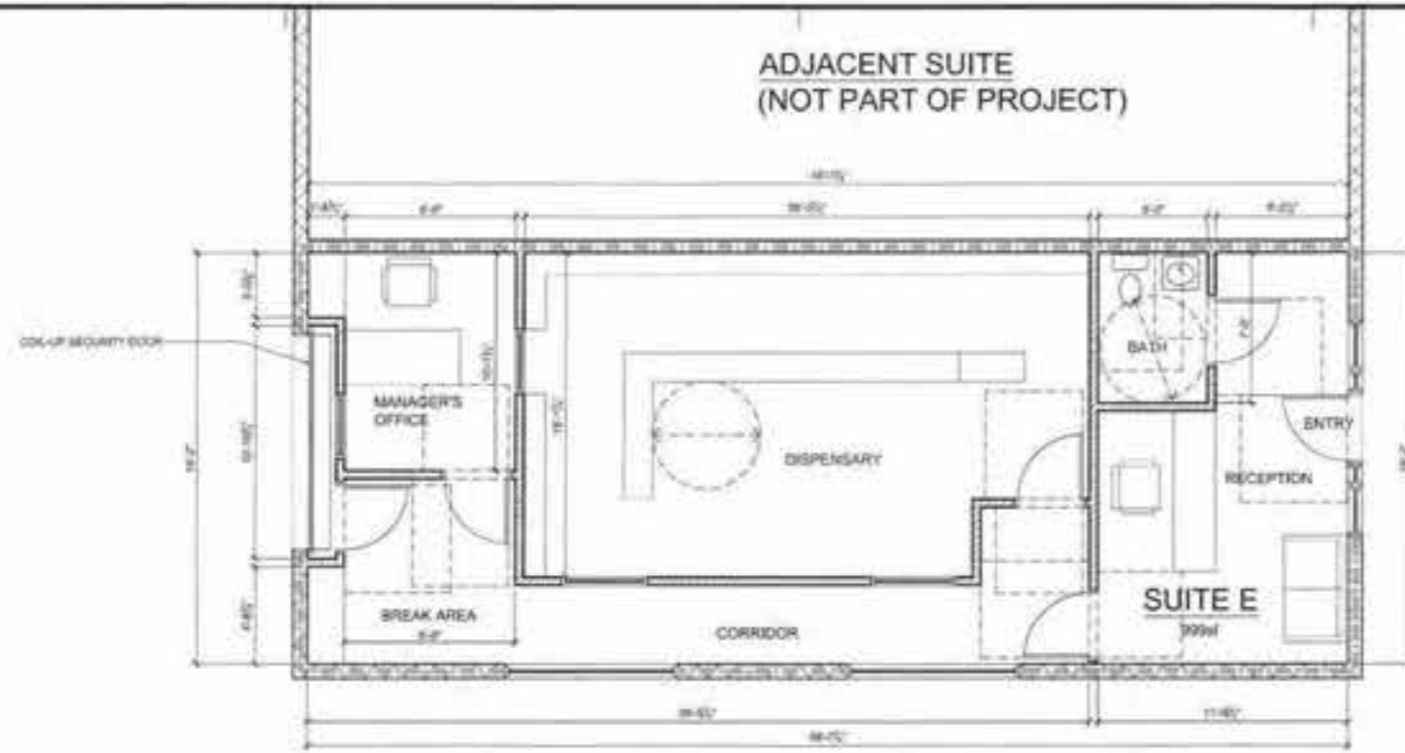
CONSULTANT



8863 Balboa Ave., Suite E  
 San Diego, CA 92123

OWNER

United Patients Consumer Cooperative  
 5666 La Jolla Blvd. #115  
 San Diego, CA 92037



1 FIRST FLOOR PLAN - PROPOSED



FLOOR PLAN NOTES

1. The General Contractor or Sub-Contractor shall verify all conditions or dimensions on these plans or the field with actual site conditions.
2. Written dimensions shall take precedence over scaled dimensions and shall be written on the job site. On-site verification of all dimensions and conditions shall be the sole responsibility of the General Contractor and Sub-Contractors.
3. The Contractor or sub-contractor shall notify TECHNE if any condition or discrepancy exists between this information on this plan and actual field conditions.
4. Any discrepancy with this drawing affecting project layout shall be brought to the attention of TECHNE. Do not proceed with work until written or verbal instructions are issued by TECHNE.
5. INSULATION & LI BATT INSULATION at all Exterior 2x4 R Walls.
  - 6.11 Batt Insulation at all accessible interior walls for sound control.
  - 6.20 Batt Insulation at 2 X 10 Ceiling, Basement Floor & Roof Areas.
  - 6.4.1 Insulation Wrap on all New Stud Walls, Floor &
  - 6.4.2 Insulation Wrap on all New Supply Ducts.

- DIMENSIONS**
- EXTERIOR WALL DIMENSIONS TO FACE OF FINISH U.S.G.
  - INTERIOR WALL DIMENSIONS TO CENTER LINE OF STUD U.S.G.
  - CLEARANCE DIMENSIONS ARE TO FACE OF FINISH MATERIALS, NOTED WITH CLM.

FLOOR PLAN LEGEND

	NON-COMPLIANCE WALL
	EXISTING WALL (2" MIN. thickness) (Show the path)
	PROPOSED INTERIOR PARTITION WALL (2" minimum @ 16" O.C. with 1/2" x 1/2" gypsum board on both sides)
	WALL OPENING (2" high x 4" finished with 1/2" gypsum board with square corners)
	DOOR SWING (See door schedule for complete information)
	WINDOW OPENING (See window schedule for complete information)
	FLOOR OPENING (See floor opening schedule for complete information)

DATE	DESCRIPTION
10/15/2018	REVISED PER COMMENTS
10/15/2018	REVISED PER COMMENTS
10/15/2018	REVISED PER COMMENTS
10/15/2018	REVISED PER COMMENTS

PROJECT NO:	1802
CAD DWG FILE:	1802-1802-01.dwg
DRAWN BY:	A.E.J.C.
CHECKED BY:	A.R.M.M.

**FIRST FLOOR PLAN - PROPOSED**

A103



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** **Project No. For City Use Only**  
8863 Balboa Stc. E MMCC 368347

**Project Address:**  
8863 Balboa Ave., Stc. E, San Diego, CA 92123

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

Name of Individual (type or print):  
Maria T. Sandoval  
 Owner  Tenant/Lessee  Redevelopment Agency  
Street Address:  
7359 Hyatt St.  
City/State/Zip:  
San Diego, CA, 92111  
Phone No: 619-906-9587 Fax No:  
Signature: Date: Apr 23, 2014

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

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

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



Project Title: 8863 BARBOA SNE E MMLC Project No. (For City Use Only)

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

**Legal Status (please check):**

Corporation  Limited Liability -or-  General) What State? CA Corporate Identification No. 8667892  
 Partnership CALIFORNIA CONSUMER COOPERATIVE

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**  Yes  No

Corporate/Partnership Name (type or print):  
UNITED PATIENTS CONSUMER COOP.  
 Owner  Tenant/Lessee  
 Street Address:  
5666 LA JOLLA BLVD. # 15  
 City/State/Zip:  
SAN DIEGO, CA 92037  
 Phone No: (619) 851-5403 Fax No:  
 Name of Corporate Officer/Partner (type or print):  
MICHAEL P. SIBERLOCK  
 Title (type or print):  
AUTHORIZED SIGNER/OWNER  
 Signature: Michael P. Siberlock Date: 4/23/14

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

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

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

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

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

**EXHIBIT B**



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 17, 2015 **REPORT NO.** PC-15-074

**ATTENTION:** Planning Commission, Agenda of June 25, 2015

**SUBJECT:** APPEAL OF THE HEARING OFFICER'S DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR 8863 BALBOA STE E MMCC - PROJECT NO. 368347 (PROCESS 3).

**REFERENCE:** Report to the Hearing Officer; Report No. HO-15-050 (Attachment 1-10).

**OWNER/  
APPLICANT:** MARIA TORRES SANDOVAL /  
United Patients Consumer Cooperative, Michael D. Sherlock

### 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 999 square-foot tenant space within an existing 4,995 square-foot building on a 2.51-acre site within the Kearny Mesa Community Plan area?

**Staff Recommendation:** Deny the appeal and Uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1296130.

**Community Planning Group Recommendation:** The Kearny Mesa Planning Group (KMPG) prefers not to place project applications on their agenda until all City staff review issues have been cleared. The applicant elected not to be placed on the KMPG agenda after all issues were cleared.

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on November 20, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 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 (CUP) to operate in a 999 square-foot tenant space within an existing 4,995 square-foot one-story building on a 2.51-acre site. The site is located at 8863 Balboa Avenue in the IL-3-1 Zone, the Airport Influence Area (Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan area.

The site contains eight detached buildings constructed in 1969. The proposed 999 square-foot MMCC tenant space is located on the far southwest side of the lot, adjacent to Montgomery Field Airport. The tenant space is currently vacant. 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.

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:** Two appeals of the Hearing Officer's decision were filed on May 5, 2015. An appeal was filed by Stephen G. Cline on the grounds of Findings not supported and New Information (Attachment 11). The other appeal was filed by Daniel Burakowki on Factual Error and New Information (Attachment 12).

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

Appeal Issues:

1. *The CUP should not be approved when they have no chance of approval at the building permit phase since the Business Owner's Association will not allow the use.*

Staff Response: The proposed MMCC meets all applicable development regulations, including the minimum distance requirements. On April 22, 2015, the Hearing Officer approved the project. The Business Owner's Associations is a civil matter not within the purview of Development Services Department.

2. *The statements of evidence relied upon by the decision maker when approving the CUP was inaccurate.*

Staff Response: Development Services staff reviewed the MMCC application and determined that the proposed MMCC meets all applicable development regulations. A report was prepared and presented to the Hearing Officer on April 22, 2015. The Hearing Officer reviewed the report, conducted a site inspection, listened to speakers in favor and opposition to the project and determined that the findings could be made and approved the project.

The appeal application did not specify what the inaccurate information the Hearing Officer relied on is.

3. *New information is available now that was not previously available.*

Staff Response: The appeal application did not provide new information.

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,



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Mike Westlake  
Assistant Deputy Director  
Development Services Department



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Edith Gutierrez  
Development Project Manager  
Development Services Department

Attachments:

- 1-10 Report to the Hearing Officer – Report HO-15-048
11. Erratum Memorandum dated April 21, 2015 and attachments
12. Appeal Application, Stephen Cline
13. Appeal Application, Daniel Burakowski
14. Draft Permit Resolution with Findings



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: April 22, 2015 REPORT NO. HO-15-048  
ATTENTION: Hearing Officer  
SUBJECT: 8863 BALBOA STE E MMCC  
PROJECT NUMBER: 368347  
LOCATION: 8863 Balboa Avenue  
APPLICANT: Michael D. Sherlock, United Patients Consumer Cooperative

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 999 square-foot tenant space within an existing, 4,995 square-foot building on a 2.51-acre site within the Kearny Mesa Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1296130.

Community Planning Group Recommendation: The Kearny Mesa Planning Group did not place this project on their agenda therefore a vote was not taken (further discussion on page 3).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on November 20, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

### BACKGROUND

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

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

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

This proposed project is a request for a Conditional Use Permit (CUP) to operate in a 999 square-foot tenant space within an existing 4,995 square-foot one-story building on a 2.51-acre site. The site is located at 8863 Balboa Avenue (Attachment 2) in the IL-3-1 Zone, the Airport Influence Area (Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan area (Attachment 3).

The site contains eight detached buildings constructed in 1969. The surrounding parcels are within the IL-2-1 Zone except for the southern most parcel, which is Montgomery Field Airport and is unzoned. The site is designated Industrial in the Kearny Mesa Community Plan which is intended for manufacturing, assembling, processing, warehousing or transporting goods or products. The Kearny Mesa Community Plan encourages continued development of Kearny Mesa as a regional employment center, containing a mix of industrial, office, retail and compatible housing land uses. The proposed 999 square-foot MMCC located on the far southwest side of the lot is currently being used for vehicle sales and services. The existing uses on the 2.51-acre site consist of vehicle sales and services, retail and commercial services (business services-offices). The existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan.

## DISCUSSION

The proposed 999 square-foot tenant space, within an existing 4,955 square-foot one-story building, is currently being used for vehicle sales and services. The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

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.

#### KEARNY MESA PLANNING GROUP

The Kearny Mesa Planning Group prefers not to place project applications on their agenda until all City staff review issues been cleared. This applicant elected not to be placed on the Kearny Mesa Planning Group agenda when City staff cleared all issues.

#### CONCLUSION

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

#### ALTERNATIVE

1. Approve Conditional Use Permit No. 1296130, with modifications.
2. Deny Conditional Use Permit No. 1296130, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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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. Ownership Disclosure Statement



## Location Aerial Photo

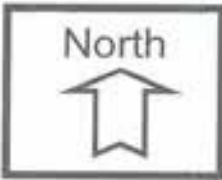
8863 BALBOA STE, E MMCC - 8863 BALBOA AVENUE  
PROJECT NO. 368347

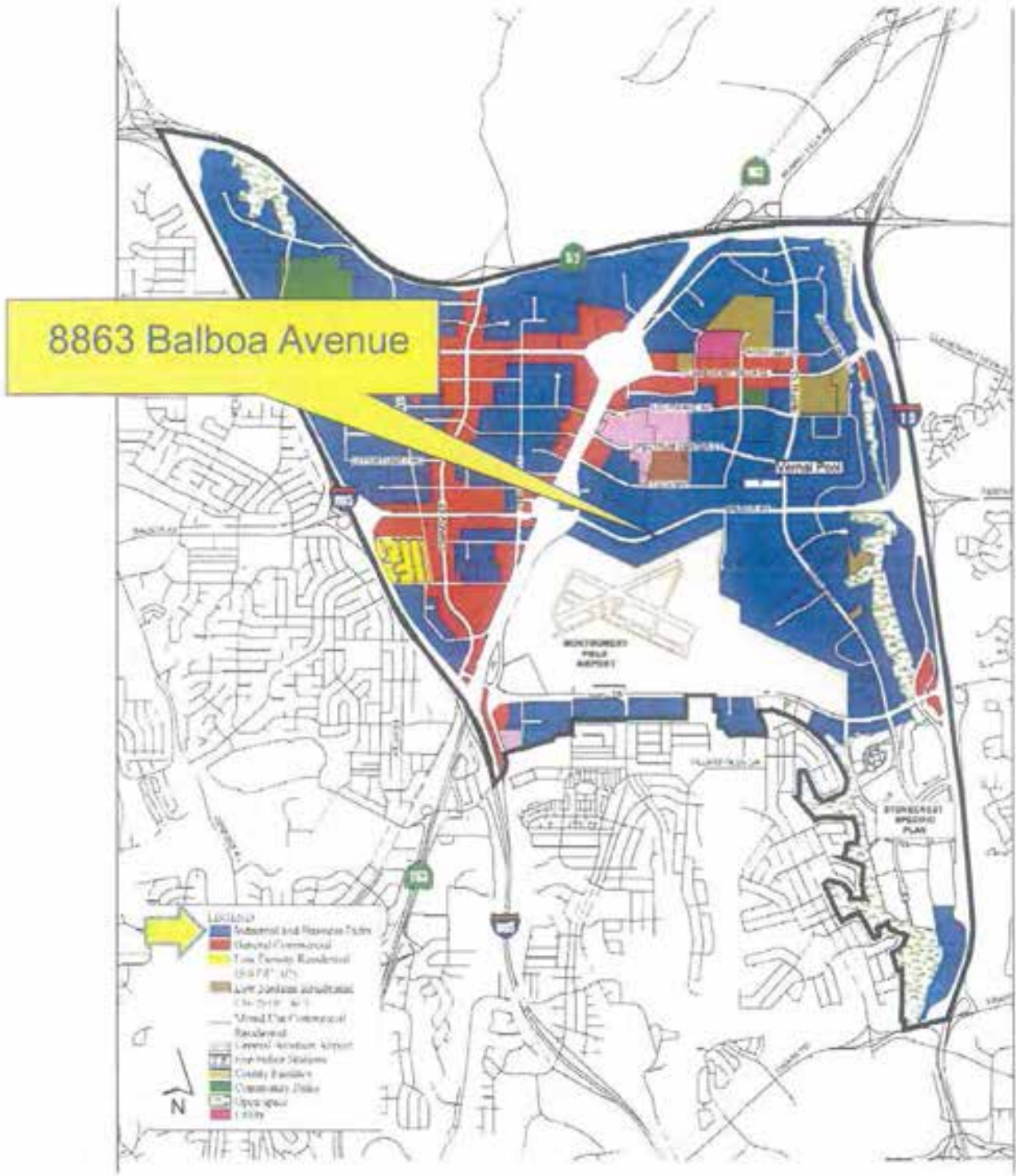




### Project Location Map

**8863 BALBOA STE. E MMCC – 8863 BALBOA AVENUE**  
**PROJECT NO. 368347**



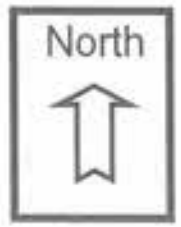


### Kearny Mesa Community Plan

### Land Use Map



**8863 BALBOA STE. E MMCC – 8863 BALBOA AVENUE**  
**PROJECT NO. 368347**



**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: 24004643

**CONDITONAL USE PERMIT NO. 1296130**  
**8863 BALBOA STE E MMCC - PROJECT NO. 368347**  
**HEARING OFFICER**

This Conditional Use Permit No. 1296130 is granted by the Hearing Officer of the City of San Diego to MARIA TORRES SANDOVAL, Owner and UNITED PATIENTS CONSUMER COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.51-acre site located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan Area. The project site is legally described as: Lot 9, Industrial Park No. 2, Map No. 4113, March 12, 1959.

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. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 999 square-foot tenant space within an existing, 4,995 square-foot, one-story building on a 2.51-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 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 999 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The 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 2.51-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.

26. Interior spaces exposed to exterior aircraft noise sources shall be attenuated to achieve an indoor noise level of 50 dB CNEL.

**ENGINEERING REQUIREMENTS:**

27. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the two easterly driveways with City standard driveways on Balboa Avenue per Standard Drawings SDG-159, satisfactory to the City Engineer.

**TRANSPORTATION REQUIREMENTS:**

28. No fewer than 5 parking spaces (including 1 van accessible space) for the proposed 999 square-foot MMCC, and 102 parking spaces (including 4 accessible spaces) for the entire 2.5-acre site (with 102 parking spaces including 4 accessible spaces provided), shall be maintained on the property at all times in the approximate locations shown on Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

29. Prior to any building permit/tenant improvement for 8861 Balboa Avenue Suite #B, the applicant shall demonstrate that the converted portion of the warehouse space to 2-car parking garage at 8861 Balboa Suite #B is to be accessed accessible for minimum turning path for passenger car design vehicle to accommodate ingress/egress of two (2) side-by-side dimensionally acceptable interior garage parking spaces, one of which is to be assigned to this CUP for 8863 Balboa Avenue Suite #E as employee parking while the other to be assigned to 8861 Balboa Avenue Suite #B, which may in turn require its own building permit to convert a portion of Suite #B into a parking garage satisfactory to BDR - Structural Review staff. Improvements to the existing garage space that may be required include, but are not limited to, a wider garage door and improvements required for separation of the parking and warehouse uses in 8863 Balboa Avenue Suite #E, satisfactory to BDR - Structural Review staff.

**POLICE DEPARTMENT RECOMMENDATION:**

30. 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.1296130/PTS No. 368347  
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.

MARIA TORRES SANDOVAL  
Owner

By \_\_\_\_\_  
Maria T. Sandoval  
Owner

UNITED PATIENTS CONSUMER  
COOPERATIVE  
Permittee

By \_\_\_\_\_  
Michael D. Sherlock  
Permittee

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

HEARING OFFICER  
RESOLUTION NO. HO-XXXX  
CONDITONAL USE PERMIT NO. 1296130  
**8863 BALBOA STE E MMCC PROJECT NO. 368347**

WHEREAS, MARIA TORRES SANDOVAL, Owner and UNITED PATIENTS CONSUMER COOPERATIVE, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 999 square-foot tenant space within an existing, 4,995 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1296130), on portions of a 2.51-acre site;

WHEREAS, the project site is located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as Lot 9, Industrial Park No. 2, Map No. 4113, March 12, 1959;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1296130 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 20, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309534;

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 999 square-foot tenant space within an existing, 4,995 square-foot one-story building. The 2.51-acre site is located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan area.

The site is designated Industrial in the Kearny Mesa Community Plan. The Industrial designation is intended for manufacturing, assembling, processing, warehousing or transporting goods or products. The Kearny Mesa Community Plan encourages continued development of Kearny Mesa as a regional employment center, containing a mix of industrial, office, retail and compatible housing land uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines.

The 2.51-acre site is zoned IL-3-1 and has eight detached buildings constructed in 1969. The proposed MMCC is located on the far southwest side of the lot. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). The existing uses are consistent with the Industrial designation of the community plan. The surrounding parcels are within the IL-2-1 Zone except from the south parcel which is Montgomery Field Airport and is unzoned. 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 999 square-foot MMCC site located at 8863 Balboa Avenue is within an existing 4,995 square-foot building on a 2.51-acre site. The existing tenant space is currently being used for vehicle sales and services. The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

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. 1296130. 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 999 square-foot MMCC located at 8863 Balboa Avenue is within an existing 4,995 square-foot building. The 2.51-acre site is zoned IL-3-1 and has eight detached buildings totaling 39,674 square-feet constructed in 1969. The proposed MMCC is located on the far southwest side of the lot. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

MMCCs are allowed in the IL-3-1 zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation of 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 999 square-foot MMCC located at 8863 Balboa Avenue is within an existing 4,995 square-foot building.

MMCCs, classified as commercial services, are allowed in the IL-3-1 zone with a Conditional Use Permit (CUP) and are consistent with the land use designation of Industrial use in the Kearny Mesa 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 located on the far southwest side of a 2.51-acre site that is zoned IL-3-1 and has eight detached buildings. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). 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, 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. 1296130 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. 1296130, a copy of which is attached hereto and made a part hereof.

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Edith Gutierrez  
Development Project Manager  
Development Services

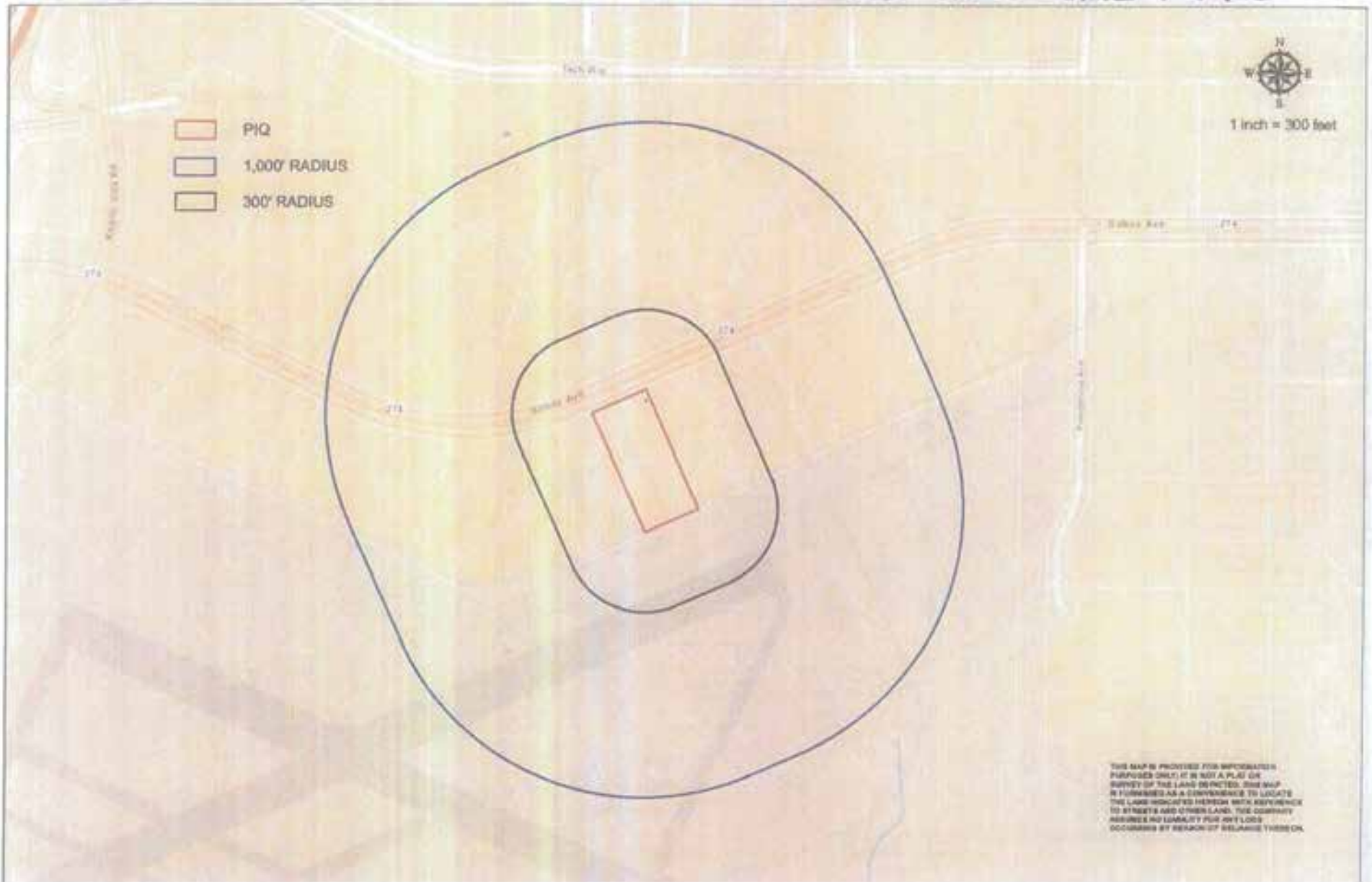
Adopted on: April 22, 2015

Job Order No. 24004643



PROJECT NO. 368347

8863 BALBOA ST. E MMCC



NOTE: THERE ARE NO RESIDENTIAL ZONES WITHIN 100' OF THE SITE.

EXHIBIT B 23 OF 49

**8863 Balboa Ave., Ste. E - 1,000' Radius Table**

Project Name: 8863 Balboa Ste. E MMCC

Address: 8863 Balboa Ave., Ste. E, San Diego, CA 92123

Date: 4/23/14

Use	Address	Assessor Parcel No.	Business Name
Heavy Industrial - Unverifiable	8650 Balboa Ave 8690	369-140-22-00	Raytheon
Parking Lot	8775 Balboa Ave	369-140-26-00	N/A
Technology	8611 Balboa Ave	369-140-27-00	Kyocera
Miter	8911 Balboa Ave	369-150-06-00	Lytx
Restaurant	8885 Balboa Ave	369-150-07-00	94th Aero Squadron
Engineering Firm	8799 Balboa Ave 270	369-150-10-00	SCS Engineering
Offices	#100	"	Ultra Electronics
Offices	#105	"	"
Offices	#110	"	Whipacific IWC
Offices	#120	"	Turn Key Systems, Inc.
Offices	#125	"	Ebry Riddle Aeronautical
Offices	#140	"	Towill Inc.
Offices	#155	"	TFM Financial Services
Offices	#235	"	Trillium Construction
Vacant	#240	"	
Vacant	#250	"	
Real Estate Office	#260	"	Spectrum Property Management
Real Estate Office	#270	"	Aspen Properties
Engineering Office	#290	"	Engineers, SCS Field Services
Power Company	8835 Balboa Ave	369-150-12-00	Atlantic Power Corporation
Vacant	8855 Balboa Ave A	369-150-13-01	N/A
Vacant	8855 Balboa Ave B	369-150-13-02	N/A
Vacant	8855 Balboa Ave C	369-150-13-03	N/A
Windows and Doors	8855 Balboa Ave D	369-150-13-04	Vinyl View Company, Inc.
Store/Office - Unverifiable	8855 Balboa Ave E	369-150-13-05	
Tai Chi	8855 Balboa Ave F	369-150-13-06	Hansdragon
Tai Chi	8855 Balboa Ave G	369-150-13-07	Hansdragon
Tai Chi	8855 Balboa Ave H	369-150-13-08	Hansdragon
Industrial - Unverifiable	8859 Balboa Ave A	369-150-13-09	SDRL
Honda, Acura Specialist	8859 Balboa Ave B	369-150-13-10	Green Light
Honda, Acura Specialist	8859 Balboa Ave C	369-150-13-11	Green Light
Industrial - Unverifiable	8859 Balboa Ave D	369-150-13-12	
Recording Products	8859 Balboa Ave E	369-150-13-13	Advance
Industrial - Unverifiable	8861 Balboa Ave A	369-150-13-14	
BMW Service	8861 Balboa Ave Ste B	369-150-13-15	Bimmer Speed
Industrial - Unverifiable	8861 Balboa Ave C	369-150-13-16	
Metalwork	8861 Balboa Ave D	369-150-13-17	Daniel Burakowski
Industrial - Unverifiable	8861 Balboa Ave E	369-150-13-18	
Industrial - Unverifiable	8863 Balboa Ave A	369-150-13-19	
Auto Repair	8863 Balboa Ave B	369-150-13-20	Zephyr Motorsports
Industrial - Unverifiable	8863 Balboa Ave C	369-150-13-21	
Auto Repair	8863 Balboa Ave D	369-150-13-22	Danny's Garage
Industrial - Unverifiable	8863 Balboa Ave E	369-150-13-23	
Contractor	8865 Balboa Ave A	369-150-13-24	Rose Construction
Business Machine Repair	8865 Balboa Ave B	369-150-13-25	ACC
Deli	8865 Balboa Ave C	369-150-13-26	Unique Deli
Deli	8865 Balboa Ave D	369-150-13-27	Unique Deli
Power Management	8865 Balboa Ave E	369-150-13-28	More Power Management

Financial Advisor	8865 Balboa Ave F	369-150-13-29	W. Spencer Harris, CPA
Vacant	8865 Balboa Ave G	369-150-13-30	N/A
Project Manager and Consulting	8865 Balboa Ave H	369-150-13-31	SoCal Sales, or office of
Industrial - Unverifiable	8869 Balboa Ave A	369-150-13-32	
Boat Repair	8869 Balboa Ave B	369-150-13-33	Outboard Services
Industrial - Unverifiable	8869 Balboa Ave C	369-150-13-34	
Industrial - Unverifiable	8869 Balboa Ave D	369-150-13-35	
Van Rental	8869 Balboa Ave E	369-150-13-36	ASAP
Window Coverings	8871 Balboa Ave A	369-150-13-37	RC and Blind Draperies
Art Studio	8871 Balboa Ave B	369-150-13-38	Wonka Gallery
Vacant	8871 Balboa Ave C	369-150-13-39	N/A
Industrial - Unverifiable	8871 Balboa Ave D	369-150-13-40	
Vacant	8871 Balboa Ave E	369-150-13-41	N/A
Industrial - Unverifiable	8873 Balboa Ave A	369-150-13-42	
Auto Repair	8873 Balboa Ave B	369-150-13-43	Hi Tech
Auto Repair	8873 Balboa Ave C	369-150-13-44	Hi Tech
Auto Repair	8873 Balboa Ave D	369-150-13-45	Hi Tech
Auto Repair	8873 Balboa Ave E	369-150-13-46	Hi Tech
Family Service Center	8788 Balboa Ave	369-150-16-00	Jewish Family Services
Family Service Center	8804 Balboa Ave	369-150-17-00	Jewish Family Services
Health Care / Naval Branch	8808 Balboa Ave	369-150-18-00	American Medical Response
College	8888 Balboa Ave 8992	369-150-19-00	Coleman College
Light Industrial, Offices	9020 Balboa Ave 9030	369-150-21-00	Telemetry West
Offices	8965 Balboa Ave	369-163-09-01	Children's Welfare Services
Light Industrial, Offices	8975 Balboa Ave	369-163-09-02	Symitar
Light Industrial, Offices	8985 Balboa Ave	369-163-09-03	Symitar
College	4141 Kearny Villa Rd	760-222-01-00	Media Design College
Parking	119 Montgomery Fld	760-222-05-00	
Hotel	8110 Aero Dr	760-222-06-00	Four Points by Sheraton
Offices, College	3760 Glenn Curtiss Rd	760-222-07-00	National Air College Inc.
Industrial	8620 Gibbs Dr	760-222-08-00	Cessna
(Uses for each unit below)	8525 Gibbs Dr 8575	760-222-09-00	(Businesses for each unit below)
Pilot Supplies		#102	"
Liquor Store		#130	"
Post Office		#115	"
Flight School		#116	"
Insurance		#117	"
Donut Shop		#118	"
Dry Cleaner		#119	"
Mexican Restaurant		#120	"
Vacant		#101	"
Vacant		#112	"
Cremation Services		#107	"
Barber Shop		#106	"
Restaurant		#105	"
Salon		#104	"
Employment Services		#103	"
Thai Restaurant		#114	"
	8575 Gibbs Dr.		?
Call center, offices		#101	Scheduling Services, Call Center
Call center, offices		#102	"
Offices		#103	Department of Finance
Medical office		#120	Managed Care
Offices		#130	Data Systems Administration

Offices		#203	Information Technology
Offices		#206	A/R Posting & Statistical Reporting
Offices		#208	Customer Relation
Offices		#209, 210	Government Billing & Follow Up
Offices		#211	Data Entry
Flight School	8865 Gibbs Dr.	?	Scandinavian Flight Academy
Offices		#100	Debt Wave Credit Counseling
Offices		#110	Radelow Gittins Real Property
Vacant		#120	
Medical office		#140	Okazaki Chiropractic
Law Office		#150	CIR Law Offices
Medical office		#200	UCSD Moores Cancer Center
Offices		#204	ETIC Engineering
Offices		#206	Primerica Financial Services
Vacant		#208	
Vacant		#210	
Retail - Unverifiable	8690 Aero Dr	760-222-10-00	
Flight Services	8906 Aero Dr	760-222-14-00	Gibbs Flying Service
Flight Services	8906 Aero Dr	760-222-15-00	Gibbs Flying Service
<i>These are addresses identified within the Montgomery Field parcel, not all of which could be visually inspected:</i>			
Industrial - Unverifiable	3750 John J Montgomery Dr	760-222-17-00	
Administration	4302 Ponderosa Ave	760-222-28-00	Afsfo Navy Company S.D.
Airport Terminal, Restaurant	3750 John J Montgomery Dr	760-222-31-00	CASA Machado Restaurant
Parking Lot, Parking Structure	3753 John J Montgomery Dr	760-222-32-01	Coast Flight Training
Parking Lot, Parking Structure	3748 John J Montgomery Dr	760-222-32-02	
Industrial - Unverifiable	3748 John J Montgomery Dr	760-222-32-03	
Parking Lot, Parking Structure	3748 John J Montgomery Dr C	760-222-32-04	
Industrial - Unverifiable	3753 John J Montgomery Dr 4	760-222-32-08	Crown Air Aviation
Parking Lot, Parking Structure	3753 John J Montgomery Dr	760-222-32-09	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 9	760-222-32-13	
Industrial - Unverifiable	3748 John J Montgomery Dr 15	760-222-32-17	
Parking Lot, Parking Structure	3753 John J Montgomery Dr	760-222-32-18	
Industrial - Unverifiable	3753 John J Montgomery Dr	760-222-32-19	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 19	760-222-32-20	
Parking Lot, Parking Structure	3753 John J Montgomery Dr	760-222-32-21	
Industrial - Unverifiable	3753 John J Montgomery Dr 10A	760-222-32-24	
Parking Lot, Parking Structure	3748 John J Montgomery Dr 13	760-222-32-25	
Parking Lot, Parking Structure	3753 John J Montgomery Dr	760-222-32-26	
Industrial - Unverifiable	3748 John J Montgomery Dr 23	760-222-32-27	
Parking Lot, Parking Structure	3748 John J Montgomery Dr	760-222-32-32	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 30	760-222-32-35	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 32	760-222-32-36	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 33	760-222-32-37	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 35	760-222-32-38	
Parking Lot, Parking Structure	3753 John J Montgomery Dr	760-222-32-39	
Parking Lot, Parking Structure	3753 John J Montgomery Dr	760-222-32-40	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 34	760-222-32-41	
Parking Lot, Parking Structure	3753 John J Montgomery Dr 31	760-222-32-42	
Parking Lot, Parking Structure	3748 John J Montgomery Dr	760-222-32-43	
Retail - Unverifiable	3750 John J Montgomery Dr B	760-222-35-00	
Industrial - Unverifiable	4025 Kearny Villa Rd	760-222-41-00	
Retail - Unverifiable	3750 John J Montgomery Dr A	760-222-44-00	
Vacant	8885 Balboa Ave	760-222-46-00	

	3750 John J Montgomery Dr D	760-222-50-00	
Offices, Light Industrial	8680 Balboa		Raytheon
	9025 Balboa	369-163-10-00	
Electrical advertising, signs	"	"	Ultra Signs
Massage institute	"	"	International Professional School of Bodywork
Research	"	"	Rapeutics Research



THE CITY OF SAN DIEGO

Date of Notice: November 20, 2014

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004643

**PROJECT NAME/NUMBER:** 8863 Balboa # E CUP MMCC/368347**COMMUNITY PLAN AREA:** Kearny Mesa Community Plan**COUNCIL DISTRICT:** 6**LOCATION:** The project is located at 8863 Balboa Avenue, San Diego, CA

**PROJECT DESCRIPTION:** The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate in an existing 999 –square-foot tenant suite within an existing 39,674- square-foot, one-story building on a 2.5-acre site located at 8863 Balboa Avenue within the Kearny Mesa Community Plan Area; it is designated for Industrial and Business Park use. The project is zoned IL-3-1 and is subject to the Airport Influence Area for Miramar and Montgomery Field, the Part 77 Noticing Area, Montgomery Field Safety Zone 2, 5 & 6 the 65-70 dB CNEL for Montgomery Field, and the 100 Year Flood Plain Overlay Zone.

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

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

**DEVELOPMENT PROJECT MANAGER:**

Edith Gutierrez

**MAILING ADDRESS:**

1222 First Avenue, MS 501

San Diego, CA 92101

**PHONE NUMBER:**

(619) 446-5147




On November 20, 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (December 8, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

<b>POSTED IN THE OFFICE OF DSD</b>	
Posted	<u>NOV 20 2014 <i>ma</i></u>
Removed	<u>DEC 08 2014</u>
Posted by	<u><i>ma</i></u>

SITE PLAN LEGEND

-  PROPERTY LINE
-  OUTLINE OF EXISTING STRUCTURES
-  ACCESSIBLE ROUTE

SITE PLAN NOTES

- A. The site plan is for informational and general site reference only. Refer to other construction documents for complete scope of work.
- B. Before commencing any site foundation or slab cutting or excavation, the contractor shall verify and mark locations of all site utilities, dimensions and conditions. These include but are not limited to property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other site or existing site items which could affect in any way the construction of the building. Flag or otherwise mark all locations of site property lines, easements (if any), underground utilities, and indicate utility type.
- C. The Contractor or subcontractor shall notify TECHNE if any conflict or discrepancy occurs between the information on this plan and actual field conditions. Do not proceed with work in conflict with these drawings until written or verbal instructions are issued by TECHNE.
- D. Protect and mark all existing building structure including walls, beams, columns, area separation walls, and other items that are part of the existing structure and not part of the scope of the tenant improvement, and mark condition of construction items.
- E. Coordinate with other tenants the temporary shutoff of any site utilities.
- F. Refer to Topographic Survey for additional information.

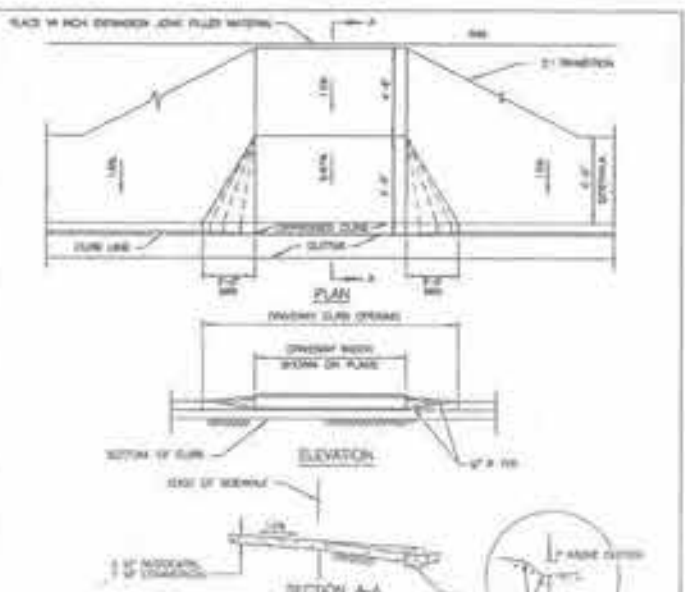
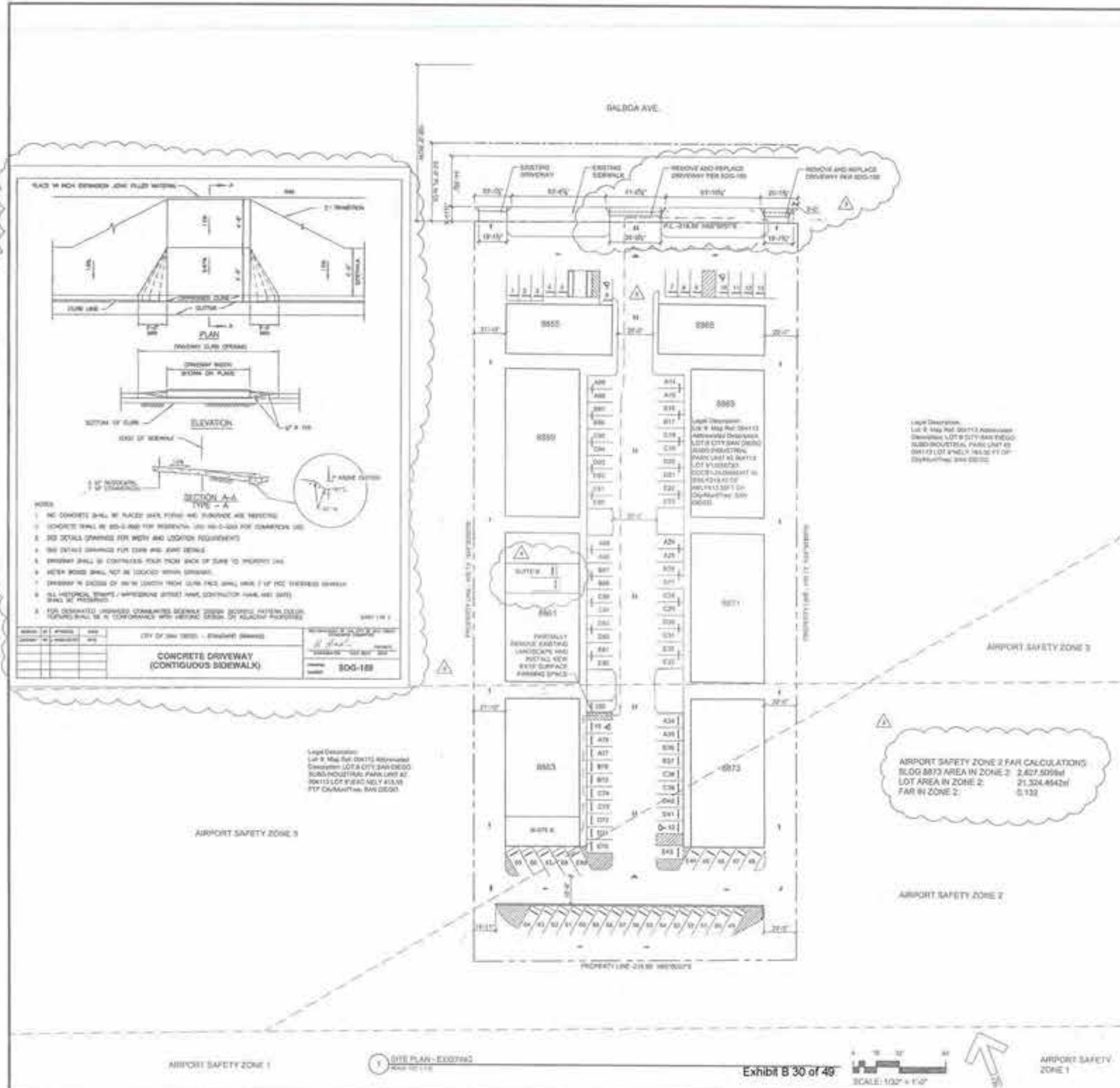
**TECHNE**  
DESIGN | DEVELOPMENT

8853 Balboa Street, San Diego, CA 92123  
951-455-1000 | 951-455-1001  
www.techne.com | info@techne.com



8853 Balboa Ave., Suite E  
San Diego, CA 92123

United Patients Consumer Cooperative  
5556 La Jolla Blvd. #115  
San Diego, CA 92037



**NOTES**

- NO CONCRETE SHALL BE PLACED OVER FORMS AND SURFACES ARE REVERSE.
- CONCRETE SHALL BE 3000-PSI FOR INTERIORS AND 4000-PSI FOR EXTERIORS USE.
- SEE DETAILS DRAWINGS FOR WIDTH AND LOCATION REQUIREMENTS.
- SEE DETAILS DRAWINGS FOR CURBS AND JAMB DETAILS.
- DRIVEWAY SHALL BE CONCRETE FLOOR FROM BACK OF CURB TO PROPERTY LINE.
- SEWER BODIES SHALL NOT BE LOCATED UNDER DRIVEWAY.
- DRIVEWAY IS EXPOSED TO 20-MIN DURATION FROM SLAB FACE SHALL HAVE 1" OF RCC THICKNESS MINIMUM.
- ALL HISTORICAL STRUCTURES / IMPROVEMENTS SHALL HAVE CONSTRUCTION NUMBER AND DATE SHALL BE PROVIDED.
- FOR UNDESIGNED IMPROVED COMMUNITED SIDEWALK SEE SPECIFIC PATIENT DESIGN RECORD SHALL BE IN CONFORMANCE WITH SETBACK DESIGN OR ALREADY PROVIDED.

CITY OF SAN DIEGO - STANDARD DRAWING

**CONCRETE DRIVEWAY (CONTIGUOUS SIDEWALK)**

DATE: 08/18/2023

PROJECT: 88G-188

Legal Description:  
Lot 9 Map No. 00113, Assessor's Parcel Map, Lot 9 City of San Diego, 3000 Industrial Park Unit #2, 300113 Lot #2 City of San Diego, 300113 Lot #2 City of San Diego, 300113 Lot #2 City of San Diego, 300113 Lot #2 City of San Diego.

**AIRPORT SAFETY ZONE 2 FAR CALCULATIONS**  
BLOG 8873 AREA IN ZONE 2: 2,627.509sqft  
LOT AREA IN ZONE 2: 21,324.854sqft  
FAR IN ZONE 2: 0.132

NO.	DATE	BY	DESCRIPTION
1	08/18/23	AS	ISSUED FOR PERMIT
2	08/18/23	AS	ISSUED FOR PERMIT
3	08/18/23	AS	ISSUED FOR PERMIT
4	08/18/23	AS	ISSUED FOR PERMIT

PROJECT NO: 88G  
CAD (DWG) FILE: 88G-188.dwg  
DRAWN BY: AS  
CHECKED BY: AS

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**SITE PLAN - EXISTING**

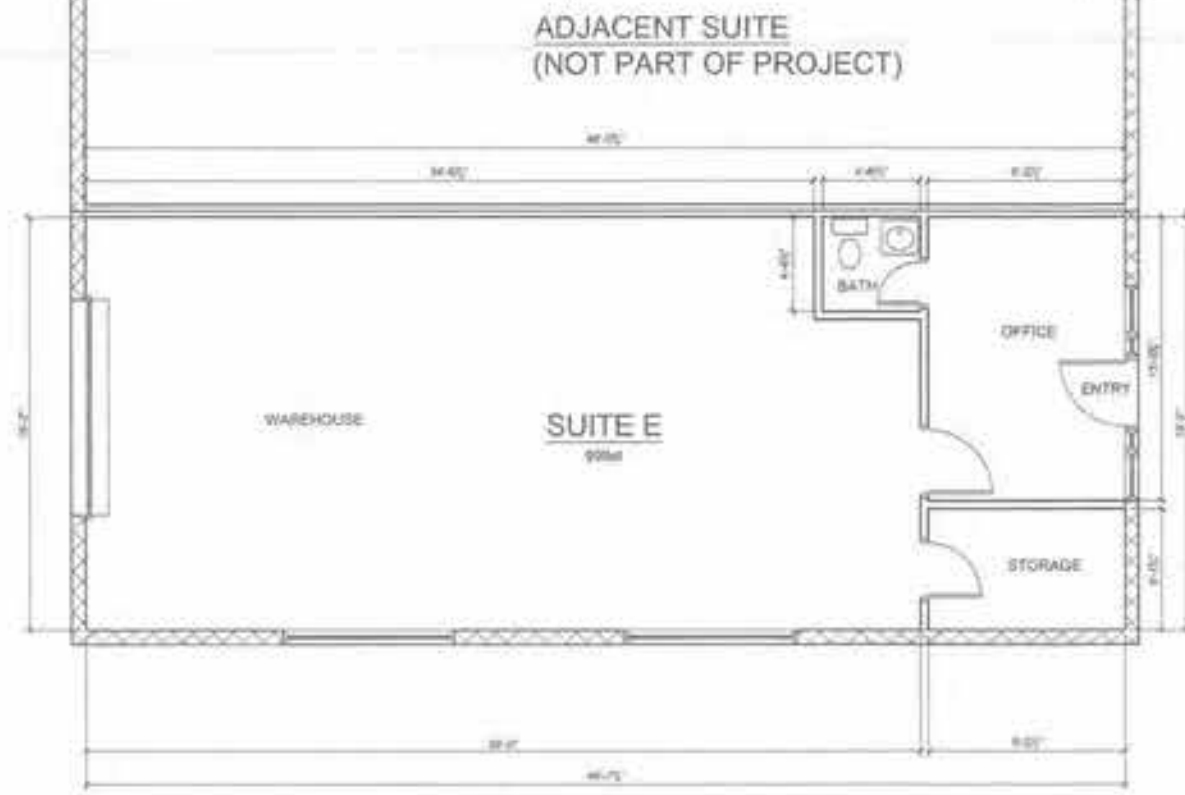
A101

SHEET 5 OF 10



AIRPORT SAFETY ZONE 1





1 FIRST FLOOR PLAN - EXISTING  
DATE: 10-1-14



TECHNE

DESIGN + DEVELOPMENT

200A San Diego, San Diego, CA 92104  
360th Street, Suite 100, San Diego, CA 92108  
760-441-1011 • 760-441-1012

CONSULTANT



8863 Balboa Ave., Suite E  
San Diego, CA 92123

OWNER  
United Patients Consumer Cooperative  
5666 La Jolla Blvd. #115  
San Diego, CA 92037

1	DATE	BY	DESCRIPTION
2	DATE	BY	DESCRIPTION
3	DATE	BY	DESCRIPTION
4	DATE	BY	DESCRIPTION

PROJECT NO: 140

CAD DWG FILE: \\server\projects\140\140.dwg

DRAWN BY: AS, ES

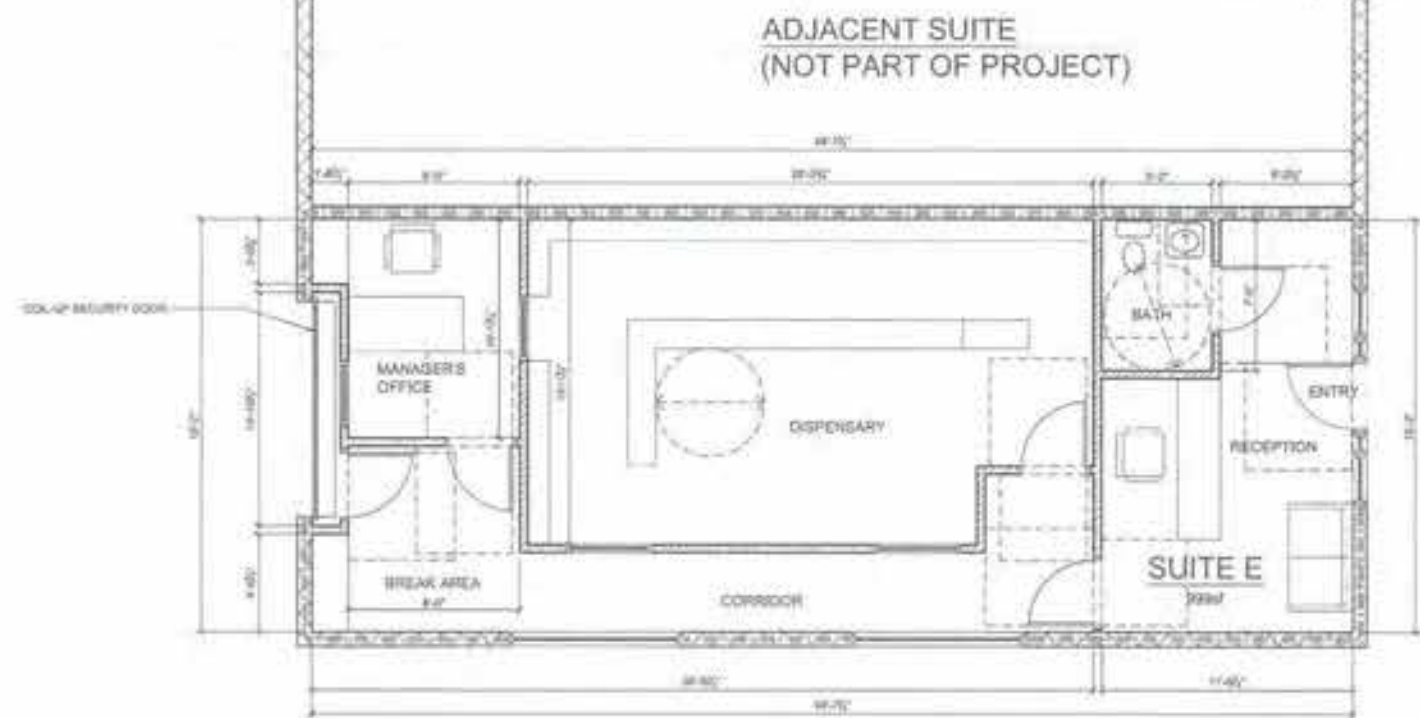
DATE: 10-1-14

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FIRST TITLE

FIRST FLOOR PLAN - EXISTING

A102



**TECHNE**

DESIGN | DEVELOPMENT

8846 Via Verde, San Diego, CA 92123  
 619-444-2200 | technearchitecture.com  
 619-444-2200 | 619-444-2200

CONSULTANTS



8863 Balboa Ave., Suite E  
 San Diego, CA 92123

OWNER  
 United Patients Consumer Cooperative  
 5656 La Jolla Blvd. #115  
 San Diego, CA 92037

1 FIRST FLOOR PLAN - PROPOSED



**FLOOR PLAN NOTES**

- A. The General Contractor or Sub-Contractor shall verify all conditions or dimensions on these plans in the field with actual site conditions.
- B. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. On site verification of all dimensions and conditions shall be the sole responsibility of the General Contractor and Sub-Contractor.
- C. The Contractor or Sub-Contractor shall notify TECHNE if any conflicts or discrepancies occur between this information on this plan and actual field conditions.
- D. Any discrepancies with this drawing affecting project layout shall be brought to the attention of TECHNE. Do not proceed with work until written or verbal instructions are issued by TECHNE.
- E. REGULATION 613 Bath insulation as all Exterior 2 x 4 Walls
  - 3.13 Bath Insulation at all accessible interior walls for second vertical
  - 3.20 Bath Insulation in 2 x 4 Ceiling, Raised Floor & Roof Areas
  - 3.4.5 Insulation Wrap on JO Truss Mid-Water Plying
  - 3.4.5 Insulation Wrap on all Inse Supply Ducts.

- DIMENSIONS**
- EXTERIOR WALL DIMENSIONS TO FACE OF FINISH (S & D)
  - INTERIOR WALL DIMENSIONS TO CENTER LINE OF STAIR (S & D)
  - CLEARANCE DIMENSIONS ARE TO FACE OF FINISH MATERIALS, UNLESS NOTED OTHERWISE.

**FLOOR PLAN LEGEND**

- EXTERIOR WALL
- INTERIOR WALL (1/2\"/>

REVISION	DATE	BY	DESCRIPTION
<b>PROJECT DESCRIPTION</b>			
PROJECT NO.	SMP		
CAD DWG FILE	SMP-FLOOR PLAN - PROPOSED		
DRAWN BY	A.E. WIMMER		
CHECKED BY	A.E. WIMMER		
<b>COPYRIGHT</b> - All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of TECHNE Architecture.			
<b>SHEET TITLE</b>			
<b>FIRST FLOOR PLAN - PROPOSED</b>			
A103			



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

8863 Balboa St. E MMCC

Project No. For City Use Only

368347

Project Address:

8863 Balboa Ave., Ste. E. San Diego, CA 92123

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

Name of Individual (type or print):

Maria T. Sandoval

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

7359 Hyatt St.

City/State/Zip:

San Diego, CA, 92111

Phone No:

619-906-9587

Fax No:

Signature:

Date:

Apr 23, 2014

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Project Title: <u>8863 BALBOA STE E MMLL</u>	Project No. (For City Use Only)
--	---------------------------------

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

**Legal Status (please check):**

Corporation  Limited Liability  or  General) What State? CA Corporate Identification No. 8667892  
 Partnership CALIFORNIA CONSUMER COOPERATIVE

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**  Yes  No

Corporate/Partnership Name (type or print):  
UNITED PATIENTS CONSUMER COOP.

Owner  Tenant/Lessee

Street Address:  
5666 LA JOLLA BLVD. #15

City/State/Zip:  
SAN DIEGO, CA 92037

Phone No. (619) 851-5403 Fax No. \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
MICHAEL D. SHENLICK

Title (type or print):  
AUTHORIZED SIGNER/PARTNER

Signature: Michael D. Shenlick Date: 4/23/14

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_



THE CITY OF SAN DIEGO

## M E M O R A N D U M

**DATE:** April 21, 2015

**TO:** Ken Teasley, Hearing Officer

**FROM:** Edith Gutierrez, Project Manager

**SUBJECT:** Erratum for 8863 Balboa Ste E MMCC, Project No. 368347, Hearing Officer Report No. HO-15-048

The site plan within the Hearing Officer Report (attachment 9) has been modified to accurately reflect the existing parking on site, which is 99 off-street parking spaces, not 100.

Condition No. 28 on the Draft Permit (attachment 4) has been modified to reflect the correct number of surface parking spaces.

**Revised Condition Number 28:** No fewer than 5 parking spaces (including 1 van accessible space) for the proposed 999 square-foot MMCC, and ~~102 parking spaces~~ (with 99 existing surface parking spaces -including 4 accessible spaces for on the entire 2.5 acre site) (~~with 102 parking spaces including 4 accessible spaces provided~~), shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

Attachment: Revised Site Plan 8863 Balboa Avenue revised 4/17/15 (attachment 9)  
Revised Draft Conditional Use Permit, condition number 28 (attachment 4)

SITE PLAN LEGEND

-  PROPERTY LINE
-  OUTLINE OF EXISTING STRUCTURES
-  ACCESSIBLE ROUTE

SITE PLAN NOTES

- A. The site plan is for informational and general reference only. Refer to other construction documents for complete scope of work.
- B. Before commencing any site foundation or slab cutting or excavation, the contractor shall verify and mark locations of all site utilities, dimensions and conditions. These include but are not limited to: property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other new or existing site items which could affect in any way the construction of the building. Flag or otherwise mark all locations of site property lines, easements (if any), underground utilities, and indicate utility type.
- C. The Contractor or subcontractor shall notify TDC/NE if any conflicts or discrepancy occurs between the information on this plan and actual field conditions. Do not proceed with work in conflict with these drawing until written or verbal instructions are issued by TDC/NE.
- D. Protect and mark all existing building structure including walls, beams, columns, area separation walls, and other items that are part of the existing structure and not part of the scope of the tenant improvement, and mark perimeter of construction zone.
- E. Coordinate with other tenants the temporary shut-off of any site utilities.
- F. Refer to Topographic Survey for additional information.

**TECHNE**  
DESIGN | DEVELOPMENT

3534 25th Street, San Diego, CA 92104  
619-444-4477 [info@techne.com](mailto:info@techne.com)  
P: 619-444-4477 F: 619-444-4477



8563 Balboa Ave., Suite E  
San Diego, CA 92123

OWNER

United Patients Consumer Cooperative  
5656 La Jolla Blvd. #115  
San Diego, CA 92037

AIRPORT SAFETY ZONE 3

AIRPORT SAFETY ZONE 2 FAR CALCULATIONS  
BLOG 8873 AREA IN ZONE 2: 2,827,909sqft  
LOT AREA IN ZONE 2: 21,304,464sqft  
FAR IN ZONE 2: 0.132

AIRPORT SAFETY ZONE 2

PARKING CALCULATIONS

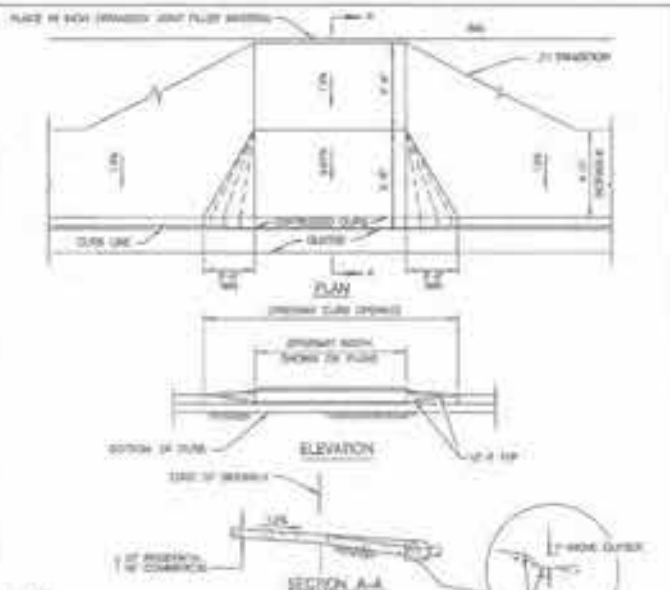
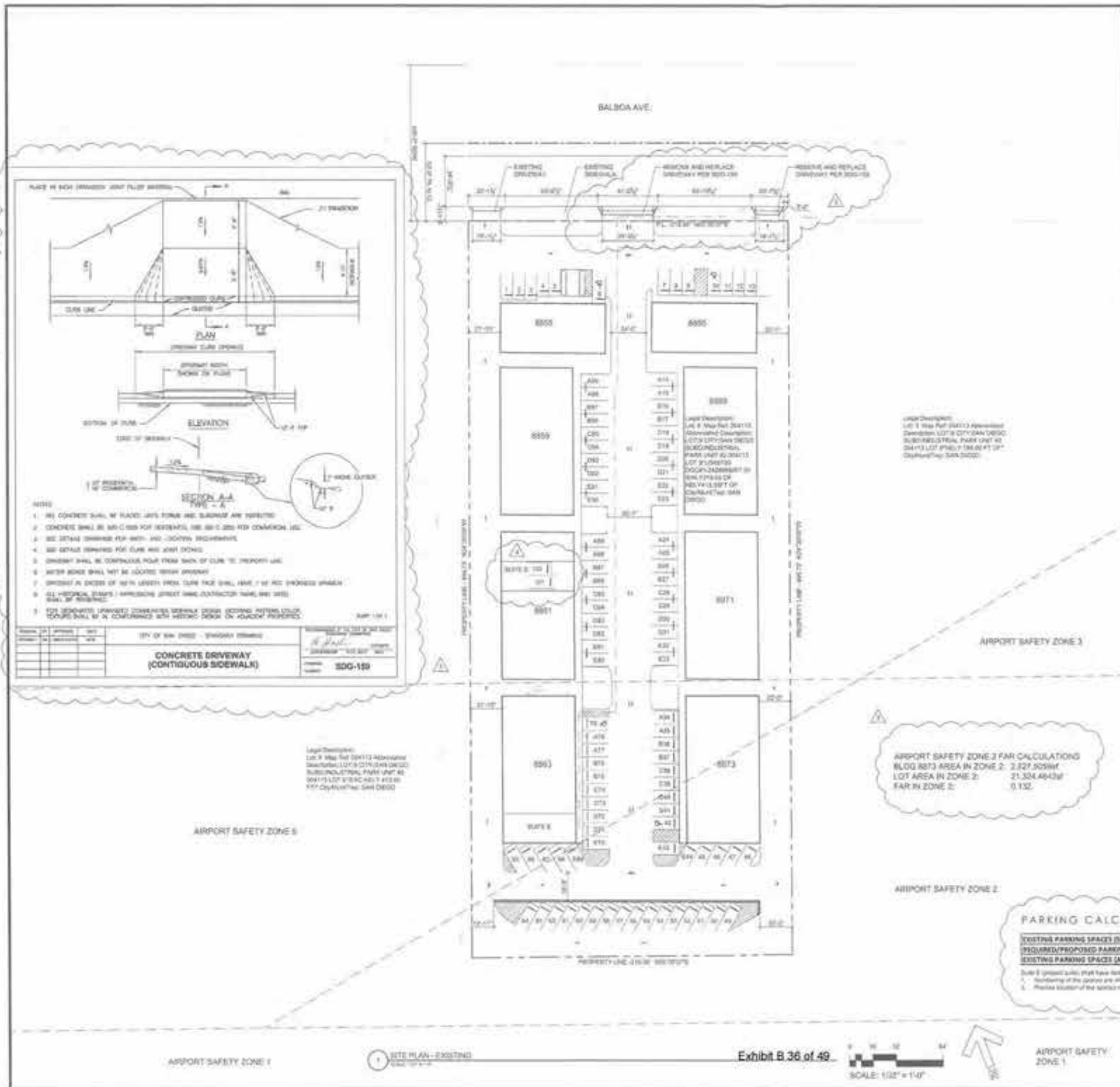
EXISTING PARKING SPACES (Bldg E)	28
REQUIRED/PROPOSED PARKING SPACES (Bldg E)	50/52 (spaces provided via Suite A, Bldg 8807)
EXISTING PARKING SPACES (All Bldgs)	88

Bldg E (existing) shall meet minimum one of the following sections: 501, 511, 502, 507 and 100.  
1. Location of the spaces are shown for informational only and shall not be used to determine parking availability.  
2. The final location of the spaces may be subject to change by the Owner's discretion.

SITE PLAN - EXISTING

SITE PLAN - EXISTING

A101



1. ALL CONCRETE SHALL BE PLACED AND FINISHED AND SUBSEQUENT AND REFINISHED.
2. CONCRETE SHALL BE 4000 PSI FOR INTERIORS, 4000 PSI FOR EXTERIORS AND 4000 PSI FOR CONCRETE JOBS.
3. SEE DETAILS FOR CURB AND JOINT FINISHES.
4. SEE DETAILS FOR CURB AND JOINT FINISHES.
5. FINISH SHALL BE CONTIGUOUS FROM BACK OF CURB TO PROPERTY LINE.
6. AFTER WORK SHALL NOT BE LOCATED WITHIN DRIVEWAY.
7. DRIVEWAY IN EXCESS OF 16' IN LENGTH FROM CURB FACE SHALL HAVE 7' OF ACC. DRIVEWAY SPREAD.
8. ALL MECHANICAL, ELECTRICAL, AND PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
9. FOR SEPARATE UNPAVED DRIVEWAYS, SEE SEPARATE DRAWING (SEE DRAWING NUMBER) FOR DRIVEWAY SHALL BE IN CONFORMANCE WITH ALL APPLICABLE CODES AND REGULATIONS.

NO.	DATE	DESCRIPTION
1	01/15/2024	ISSUED FOR PERMIT
2	01/15/2024	ISSUED FOR PERMIT
3	01/15/2024	ISSUED FOR PERMIT
4	01/15/2024	ISSUED FOR PERMIT
5	01/15/2024	ISSUED FOR PERMIT
6	01/15/2024	ISSUED FOR PERMIT
7	01/15/2024	ISSUED FOR PERMIT
8	01/15/2024	ISSUED FOR PERMIT
9	01/15/2024	ISSUED FOR PERMIT
10	01/15/2024	ISSUED FOR PERMIT

1 SITE PLAN - EXISTING

Exhibit B.36 of 49



AIRPORT SAFETY ZONE 1

**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: 24004643

**CONDITONAL USE PERMIT NO. 1296130**  
**8863 BALBOA STE E MMCC - PROJECT NO. 368347**  
**HEARING OFFICER**

This Conditional Use Permit No. 1296130 is granted by the Hearing Officer of the City of San Diego to MARIA TORRES SANDOVAL, Owner and UNITED PATIENTS CONSUMER COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.51-acre site located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan Area. The project site is legally described as: Lot 9, Industrial Park No. 2, Map No. 4113, March 12, 1959.

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. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 999 square-foot tenant space within an existing, 4,995 square-foot, one-story building on a 2.51-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 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 999 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The 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 2.51-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.

26. Interior spaces exposed to exterior aircraft noise sources shall be attenuated to achieve an indoor noise level of 50 dB CNEL.

**ENGINEERING REQUIREMENTS:**

27. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the two easterly driveways with City standard driveways on Balboa Avenue per Standard Drawings SDG-159, satisfactory to the City Engineer.

**TRANSPORTATION REQUIREMENTS:**

28. No fewer than 5 parking spaces (including 1 van accessible space) for the proposed 999 square-foot MMCC (with 99 existing surface parking spaces -including 4 accessible spaces on the entire 2.5 acre site) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

29. Prior to any building permit/tenant improvement for 8861 Balboa Avenue Suite #B, the applicant shall demonstrate that the converted portion of the warehouse space to 2-car parking garage at 8861 Balboa Suite #B is to be accessed accessible for minimum turning path for passenger car design vehicle to accommodate ingress/egress of two (2) side-by-side dimensionally acceptable interior garage parking spaces, one of which is to be assigned to this CUP for 8863 Balboa Avenue Suite #E as employee parking while the other to be assigned to 8861 Balboa Avenue Suite #B, which may in turn require its own building permit to convert a portion of Suite #B into a parking garage satisfactory to BDR - Structural Review staff. Improvements to the existing garage space that may be required include, but are not limited to, a wider garage door and improvements required for separation of the parking and warehouse uses in 8863 Balboa Avenue Suite #E, satisfactory to BDR - Structural Review staff.

**POLICE DEPARTMENT RECOMMENDATION:**

30. 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.1296130/PTS No. 368347  
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.

MARIA TORRES SANDOVAL  
Owner

By \_\_\_\_\_  
Maria T. Sandoval  
Owner

UNITED PATIENTS CONSUMER  
COOPERATIVE  
Permittee

By \_\_\_\_\_  
Michael D. Sherlock  
Permittee

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



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

The City of San Diego

# Development Permit/ Environmental Determination Appeal Application

FORM  
DS-3031  
OCTOBER 2012

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

**1. Type of Appeal:**

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

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

Name: Stephen G. Cline, Esq. - Law Offices of Stephen G. Cline  
E-mail Address: [steve@sandiegotrialattorney.com](mailto:steve@sandiegotrialattorney.com)  
Address: 533 F Street, Suite 200 City: San Diego State: CA Zip Code: 92101 Telephone: (619) 235-5638

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

8863 Balboa Suite E MMCC

**4. Project Information**

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
368347	April 22, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):  
Approval of conditional use permit to operate an MMCC at 8863 Balboa Suite E in Kearny Mesa Community Plan Area.

**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.)

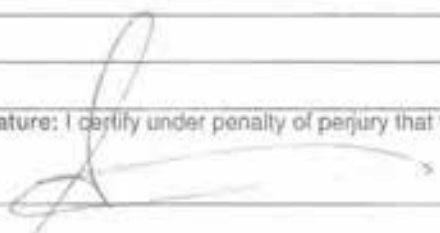
There is new information related to applicant that renders it unable to obtain necessary approval for MMCC operation. As there is a four permit limit per district under the applicable ordinance, this applicant permit application should not be approved when they have no chance of approval at the building permit phase due to HOA bar to this type of business operation at that address.

RECEIVED

MAY 05 2015

DEVELOPMENT SERVICES

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

Signature:  Date: 5/2/15

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

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DS-3031 (10-12)



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) *PRESIDENT OF OWNER'S ASSOCIATION MENTCHERY FIELD BUSINESS COMPLEX*

Name: *DANIEL BURAKOWSKI* E-mail Address: *DANBURAKOWSKI@GMAIL.COM*

Address: *5561 BALBOA AVE. UNIT D* City: *SAN DIEGO* State: *CA* Zip Code: *92127* Telephone: *(619) 507 8897*

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

*MICHAEL SHERLOCK*

**4. Project Information**

Permit/Environmental Determination & Permit/Document No.:

Date of Decision/Determination:

City Project Manager:

*PROJECT # 368347 PERMIT 1296130*

*APRIL 22, 2015*

*EDITH GUTIERREZ*

Decision (describe the permit/approval decision):

*THE HEARING OFFICER APPROVED CUP NO. 1296130 WITH <sup>DR</sup> (DR) CONDITIONS.*

**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.)

*1) FACTUAL ERROR. THE STATEMENTS OR EVIDENCE RELIED UPON BY THE DECISION MAKER WHEN APPROVING THE CUP WERE INACCURATE.*

*2) NEW INFORMATION. NEW INFORMATION IS AVAILABLE NOW THAT WAS NOT PREVIOUSLY AVAILABLE*

**RECEIVED**

MAY 05 2015

DEVELOPMENT SERVICES

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

Signature: *Daniel Burakowski* Date: *5/5/2015*

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

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DS-3031 (10-12)

PLANNING COMMISSION  
RESOLUTION NO. PC-XXXX  
CONDITONAL USE PERMIT NO. 1296130  
**8863 BALBOA STE E MMCC PROJECT NO. 368347**

WHEREAS, MARIA TORRES SANDOVAL, Owner and UNITED PATIENTS CONSUMER COOPERATIVE, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 999 square-foot tenant space within an existing, 4,995 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1296130), on portions of a 2.51-acre site;

WHEREAS, the project site is located at 8863 Balboa Avenue is in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as Lot 9, Industrial Park No. 2, Map No. 4113, March 12, 1959;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1296130 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 25, 2015, Stephen Cline and Daniel Burakowski filed appeals 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. 1296130 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 20, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309534;

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 999 square-foot tenant space within an existing, 4,995 square-foot one-story building. The 2.51-acre site is located at 8863 Balboa Avenue in the IL-3-1 Zone, the Airport Influence Area ( Miramar and Montgomery Field), Montgomery Field Safety Zone 2, 5, and 6, the 60-65 dB CNEL for Montgomery Field, and within the Kearny Mesa Community Plan area.

The site is designated Industrial in the Kearny Mesa Community Plan. The Industrial designation is intended for manufacturing, assembling, processing, warehousing or transporting goods or products. The Kearny Mesa Community Plan encourages continued development of Kearny Mesa as a regional employment center, containing a mix of industrial, office, retail and compatible housing land uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines.

The 2.51-acre site is zoned IL-3-1 and has eight detached buildings constructed in 1969. The proposed MMCC is located on the far southwest side of the lot. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). The existing uses are consistent with the Industrial designation of the community plan. The surrounding parcels are within the IL-2-1 Zone except from the south parcel which is Montgomery Field Airport and is unzoned. 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 999 square-foot MMCC site located at 8863 Balboa Avenue is within an existing 4,995 square-foot building on a 2.51-acre site. The existing tenant space is currently being used for vehicle sales and services. The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

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. 1296130. 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 999 square-foot MMCC located at 8863 Balboa Avenue is within an existing 4,995 square-foot building. The 2.51-acre site is zoned IL-3-1 and has eight detached buildings totaling 39,674 square-feet constructed in 1969. The proposed MMCC is located on the far southwest side of the lot. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). The project proposes interior improvements that include a reception area, dispensary area, office, employee lounge 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 replacement of the two easterly driveways with City standard driveways on Balboa Avenue.

MMCCs are allowed in the IL-3-1 zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation of 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 999 square-foot MMCC located at 8863 Balboa Avenue is within an existing 4,995 square-foot building.

MMCCs, classified as commercial services, are allowed in the IL-3-1 zone with a Conditional Use Permit (CUP) and are consistent with the land use designation of Industrial use in the Kearny Mesa 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 located on the far southwest side of a 2.51-acre site that is zoned IL-3-1 and has eight detached buildings. The existing uses on the site consist of vehicle sales and services, retail and commercial services (business services-offices). 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, 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. 1296130 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. 1296130, 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. 24004643

**EXHIBIT C**

Search Criteria - APN: 36915013, Parcel Filter: StartsWith, From Record Date: 4/1/2015, To Record Date: 8/2/2017, Doc Type: All

Row	# Pages	Grantor	Grantee	Document #	Record Date	Doc Type	APN	Record Type	Map #	Map Bk/Pg
1	3	GITTLEMAN LISA	GITTLEMAN JEFFREY	2015-0154029	04/01/2015	DEED	3691501301	OR		
2	3	CALIFORNIA CREDIT CORPORATION RETIREMENT PLAN	GITTLEMAN JEFFREY S	2015-0154030	04/01/2015	DEED	3691501301	OR		
3	2	SANDOVAL MARIA TORRES	LEADING EDGE REAL ESTATE LLC	2015-0317928	06/18/2015	DEED	3691501323	OR		
4	3	CALIFORNIA CREDIT CORP RETIREMENT PLAN	MCKINNEY JASON	2016-0066914	02/17/2016	DEED	3691501304	OR		
5	2	LEADING EDGE REAL ESTATE LLC	HIGH SIERRA EQUITY LLC	2016-0183639	04/20/2016	DEED	3691501323	OR		
6	3	MCKINNEY JASON	MCKINNEY JASON D	2016-0199000	04/28/2016	QUITCLAIM DEED	3691501304	OR		
7	2	ASHLEY CAROL ANNE	ASHLEY CAROL ANNE	2016-0401886	08/08/2016	QUITCLAIM DEED	3691501332	OR		
8	2	MELOGRANO RICHARD P	RAZUKI INVESTMENTS LLC	2016-0559366	10/18/2016	DEED	3691501315	OR		
9	2	HIGH SIERRA EQUITY LLC	RAZUKI INVESTMENTS LLC	2016-0559367	10/18/2016	DEED	3691501323	OR		
10	3	RAZUKI INVESTMENTS LLC	SAN DIEGO UNITED HOLDINGS GROUP LLC	2017-0126556	03/20/2017	DEED	3691501315	OR		
11	3	RAZUKI INVESTMENTS LLC	SAN DIEGO UNITED HOLDINGS GROUP LLC	2017-0126556	03/20/2017	DEED	3691501323	OR		

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Book / Page:  /   
Document Number: 2017-0126556

Search Results

Record Date: 3/20/2017  
Book Type: OR - Official Records  
Book / Page: /  
Document #: 2017-0126556  
Secondary #:

Number of Pages: 3  
Doc Type: 001 - DEED  
Grantor: RAZUKI INVESTMENTS LLC  
Grantee: SAN DIEGO UNITED HOLDINGS GROUP LLC  
Reel #: 24921  
Image #: 11524

**EXHIBIT D**



## Biker Sherlock's Family: "Brain Injuries Took Him Away from Us"

Michael "Biker" Sherlock, a noted downhill skateboarder and street luger who won multiple medals at the X Games and Gravity Games, sustained many head injuries during his career.



*Michael "Biker" Sherlock, a noted downhill skateboarder and street luger who won multiple medals at the X Games and Gravity Games, sustained many head injuries during his career. On December 3, 2015, he committed suicide in San Diego, California. In response to Dan Koepfel's request for an interview for Impact Zone, Margaret Sherlock and Marjorie Sherlock Kavanagh, two of Biker's sisters, provided this statement.*

The name Biker Sherlock is synonymous with speed, adrenaline, and risk-taking. Biker found his passion in bikes and boards at a very young age. That was one side of Michael. The other side was a caring loving, sensitive, and generous person.



Surfing was like a spiritual experience for Michael, and he pledged to himself never to compete as a surfer to protect the euphoric relationship he had with the rush of surfing, whether it was on the Jersey Coast where he caught his first waves, San Diego where he lived and raised a family, or Hawaii where he tow-surfed the big waves.

Couple Michael's childhood passion for these sports with a highly competitive drive, contagious enthusiasm, and a chance street luge ride motivated by a friend in the 90's, and a professional extreme sports athlete was born.

Michael was off to the races. He broke world records and took home gold medals from the X Games and the Gravity Games in downhill skateboard and street-luge racing events. He was called upon by NBC to assist in launching its inaugural Gravity Games, where Michael pioneered the introduction of downhill skateboarding in televised extreme sports and was touted by NBC as the most professional and organized sport organizer. He assumed ownership and leadership of the EDI racing organization, founded Dregs Skateboard company, and revitalized the Dregs racing team—a force to be reckoned with everywhere. Michael was an industry leader who launched his sports and fellow competitors into the world of action sports.

This was all fun for Michael. Michael shared the joy of his sports with his sons, Titus and Steel. Safety first. Helmets on. And he taught them the right way to do things. He taught them about the equipment, how their bikes and skateboards were made, and why they were made the way they were. He taught them the art and science of participating in bike and board sports.

With Michael's type of fun and at the level he competed came risk and injury. In the spirit of this article, Michael had his first brain injury at the age of seven. He rode his bicycle down a hill with no hands, the bike stammered over rocks, and Michael went down, resulting in a fractured skull. In his professional action-sports life, he sustained many concussions—all the while wearing the best in protection in helmets.

The world is coming to know more every day of the life altering and sometimes tragic loss of life due to the effects of brain injury. While Michael was not officially diagnosed with CTE, no other conclusion can be drawn—his last act demonstrated this.

We encourage all athletes, regardless of age and sport, organized or not, to focus first on safety. And to treat every injury as a milestone moment to think about

short and long-term effects, potential lifetime consequences, and whether or not to make it a stopping point.

It's easy to feel like superman when the adrenaline is rushing and you are part of something bigger than yourself, especially when surrounded by like-minded individuals who love their sport. From our perspective, at the end of the day, the medical, physical and psychological consequences of the fleeting moments of elation will outweigh it all.

Michael's passion for sports was eclipsed exponentially by his love of his family and friends. The consequences of brain injuries took him away from us.

It is with great difficulty that we share this with the world. However, Michael helped and supported so many people throughout his life—friends, family, strangers alike—that it is in his memory we share this to help others, athletes, and the parents of young athletes to make the best decisions each moment of every day of sport participation.

### Impact Zone

Are cyclists, skiers, and other athletes subject to the same concussion and CTE risks that have been so widely reported in the NFL?

To inspire active participation in the world outside through award-winning coverage of the sports, people, places, adventure, discoveries, health and fitness, gear and apparel, trends and events that make up an active lifestyle.

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# Baja Racing News LIVE!

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thursday, June 02, 2016

Biker Sherlock Former Championship Off Road Racing Team Leader Dead Suicide



\*UPDATED! June 2, 2016

Dave Mirra confirmed to have had CTE damage at the time of his death!

His wife, confirms to *BajaRacingNews.com*, had his brain tested.

He committed suicide, as he suffered from depression, related to his CTE's.

*BajaRacingNews.com* is following this story.

----

\*UPDATE April 16, 2016

Do You Need To Talk To SomeOne?  
'Make Out Alright', Talk To SomeOne!  
Prayers for Biker Sherlock. Light a candle.

----

\*UPDATE January 12, 2016

More racing stories with Bikers Friends have been collaborated over the last month-We look forward to sharing Bikers Life, here on

***BajaRacingNews.com***

Share your racing story at [bajaracingnews@live.com](mailto:bajaracingnews@live.com)

\*December 11, 2015; NEWS BULLETIN!

John Hartwell logs onto *BajaRacingNews.com* and makes claim about Biker Sherlock!

"If the guy that wrote this article had done any research, he would have found that biker was suffering from repetitive head trauma. Biker



HOLLYWOOD CASINO



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Every Monday 4 PM\*\*

## ON THE SHOW



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During RaceWeek>>>  
**MONSTER Mike's**  
**GARAGE Weds 5PM\*\***  
**FANDANGO! Friday 9AM**

recently had a bad fall downhill skating that broke his helmet and greatly aggravated his condition. I know biker very well and have been his crew chief and friend since 2003. Biker was a true winner and friend and will be dearly missed, may he have Godspeed!"



Reported December 2, 2015:  
Biker Sherlock, dies by suicide.

#### UPDATES

Sherlock was the team leader of a shortcourse off-road racing team called, Dregs Racing. The team competed in Championship Off-Road Racing back in the Chula Vista Track days (2006). The Dregs team ran in Desert Truck Class 7. Biker also competed in the Lucas Oil Regional Off-Road Series.



**CLICK HERE TO HELP THE FAMILY. Thanks**

His death was discovered on Wednesday, December 2. The death is confirmed by his family and his racing spotter from Dregs.

From SURFER board post; Suicide in Pacific Beach California:

*"A buddy of mine said he went to check the surf yesterday at the point and there was a dead body just right of the stairs. He was pretty shaken up and said the guy had blown his head off. Turns out it was that street luge guy Biker Sherlock. Rough times for so many."*

Back in the day, when OFF-ROAD LIVE! was producing live race radio shows with ESPN in San Diego, Biker was interviewed. He told us at the time, *"Brian Deegan was a silent partner in his CORR team"*.

He also told us, *"Deegan will be racing shortcourse in the near future"*. Deegans next venture was into shortcourse, but he ditched Biker and Sherlock told friends, *"Deegan never paid up on his sponsorships of Dregs Racing"*.

Brian Deegan is now one of the lucrative personalities in shortcourse, with tires, rims and assorted off-road industry products named and sponsored for millions of dollars. One report claims Biker never recovered from Deegans ditching.

"Michael Sherlock, "Biker", grew up surfing on the Jersey shore. While one his passions was surfing, Biker always excelled in sports most popularly referred to as "extreme", including skateboarding (since age 11) and snowboarding. During one Championship Off-Road Racing season, Dregs participated.



Sherlock was entered into driving in the 2013 Baja 1000, the record reflects, "SPT UNLIMITED TRUCK-1401 Hassim Mendez/Biker Sherlock/Enrique Gomez, Pomona, Calif.,

**BajaRacingClub**

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#### THE DEATH RACES LIVE! ONLINE 2017

- San Felipe 250 March 27-April 1
- BAJA 500 LIVE!
- Rosarito Desert Challenge LIVE!
- BAJA 1000 LIVE!

#### KING of BAJA EVENTS 2017

- BAJA Safari Dec 30-Jan 2
- KING of BAJA San Felipe 150 January 20-22
- KING of BAJA Bahia Los Angeles Feb 3-4
- CABO Safari Feb 15-17
- CABO 500 PRO-AM April 3-18
- CABO 500 OFF-ROAD EXPO May 6 & 7
- KING of BAJA Estero Beach ShortCourse May 19-21
- KING of BAJA SST Hill Climb October
- CABO 1000 November 2017

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#### LIVE! UPDATE FEEDS

- Baja Racing News LIVE!
- BAJA 1000 Webcast
- BAJA 500 Webcast
- BAJA 250 Webcast
- San Felipe 250 Webcast

#### Previous News

- CABO 500 2016 The Greatest Escape In Racing!
- Death at Race Mile 436 in the 2015 BAJA 1000\*\*Man...
- OFF-ROAD LIVE! Monday, May 23 4PM Racing & Recreat...
- BAJA Racing CENTER Spring 2016 Rocks!

Toyota Tacoma".

In October 1995, a friend introduced 'Biker' Sherlock to street lugeing and he was immediately hooked-up. By June 1996, only 8 months after taking up the sport, Biker competed in the ESPN X-Games, his first professional race, and won gold, shocking fellow lugers and rocking the downhill racing world! He was the most decorated downhill skateboard and street luge athlete in the history of the ESPN X-Games (4 gold, 2 silver, and 1 bronze) and NBC Gravity Games (2 gold, 3 silver).

In 1998 Biker landed a spot in the Guinness Book of World Records for the most gold medals won at the ESPN X-Games. He held the title of 2000 EDI Downhiller of the Year and 2000 EDI World Champion Downhill Skateboarder and held the title of EDI National Street Luge Champion from 1996-1999.



In conjunction with Tech Deck , Biker developed the Tech Deck Biker Sherlock Street Luge Play Set, which was offered in major retail stores during the 2000 Christmas season.

In 1996, Biker successfully sought business opportunities that complimented his competitive success. He became president and owner of Extreme Downhill International (EDI), the premier sanctioning body of downhill skateboarding and street lugeing. Biker took EDI to the next level of sport organizing when he served as consultant to NBC Sports and sport organizer to emap Petersen Publishing and Octagon Sports Marketing for the inaugural 1999 NBC Gravity Games. Heralded by NBC as the best sport organizer at the inaugural games, Biker and EDI eclipsed their performance as sport organizer at the 2000 Gravity Games and was contracted for the 2001 coverage.

Also in 1996, Biker founded and owned Dregs Skateboards Company, specializing in the sale of street luge equipment and longboard skateboards.

Biker Sherlock was also team leader and owner of Team Dregs, which was a downhill skateboarding company, that included other forms of extreme sports. "Team Dregs' collectively won 50% or 6 medals awarded for downhill racing at the 2000 NBC Gravity Games."

**CLICK HERE TO HELP THE FAMILY. Thanks**

Some Comments on this piece from the internet:

OFF-ROAD LIVE! Monday 4PM May 23,  
2016 Racing & Re...  
OFF-ROAD LIVE! Monday, May 2, 2016  
4PM Desert Raci...  
SCORE Race Director Abelardo Grijalva  
Run Over at ...  
CABO 500 2016 The Greatest Escape In  
Racing! Deser...  
TOYOTA swallows Sin City, BJ Baldwin,  
Bobby Baldwi...  
Thursday, May 5, 2016 Celebrate San  
Diego! 101st A...



**google gadgets**

all google gadgets moved to our new [google gadgets gallery](#)

**2016 USA Racing  
Schedule [CLICK HERE](#)**



**OFF ROAD LIVE ! May 13  
Off-Road Racing News!**

• Baja Safari Salsa



**BAJA 500 PICS**

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**Michael Sherlock**  
Michael Sherlock

**Published in The San Diego Union Tribune on Dec. 11, 2015**

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**EXHIBIT E**



# State of California Secretary of State

N

19

## Statement of Information

(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.  
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

## 1. CORPORATE NAME

MONTGOMERY FIELD BUSINESS CONDOMINIUMS ASSOCIATION

**FILED**  
Secretary of State  
State of California

JUN 19 2015

## 2. CALIFORNIA CORPORATE NUMBER

C1080188

This Space for Filing Use Only

**Complete Principal Office Address** (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
7007 MISSION GORGE ROAD SUITE 201	SAN DIEGO	CA	92120
4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
PO BOX 602090	SAN DIEGO	CA	92160

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
DANIEL BURAKOWSKI	8861 BALBOA AVE STE D	SAN DIEGO	CA	92123
6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
PETER MICHELET	8859 BALBOA AVE STE E	SAN DIEGO	CA	92123
7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
GLENN STRAND	1038 BANGOR ST	SAN DIEGO	CA	92106

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS  
NEAL P CHAZIN

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
7007 MISSION GORGE ROAD SUITE 201	SAN DIEGO	CA	92120

**Common Interest Developments**

10.  Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

5/7/2015

JENNA WARRINER

AGENT

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE



**EXHIBIT F**



**State of California  
Secretary of State**

**N**

17-618120

46

**Statement of Information**

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

**Filing Fee: \$20.00. If this is an amendment, see instructions.  
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**FILED**  
Secretary of State  
State of California

APR 03 2017

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MONTGOMERY FIELD BUSINESS CONDOMINIUMS ASSOCIATION \*  
PO BOX 602090  
SAN DIEGO CA 92160

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**C1080188**

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**11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.**

3/10/2017

MARIA BAHENA

PREPARER

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

*Maria Bahena*  
SIGNATURE