



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 13, 2020

NOTICE OF FUTURE DECISION

DEVELOPMENT SERVICES DEPARTMENT

As a property owner, tenant, or person who has requested notice, you should know that the Development Services Department Staff will make a decision to approve, conditionally approve, modify or deny an application for an Amendment to Conditional Use Permit No. 1296130, to change the existing use from a Medical Marijuana Consumer Cooperative (MMCC) to a Cannabis Outlet (CO), located at 8863 Balboa Avenue, Suite E. The 2.51-acre site is in the IL-3-1 Zone, Federal Aviation Authority (FAA) Part 77 Notification Area, Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), Airport Influence Area (MCAS Miramar - Area 2 and Montgomery Field - Area 1), Airport Safety Zones (Montgomery Field 2, 5 and 6), Prime Industrial Land, and Transit Priority Area within the Kearny Mesa Community Plan area.

PROJECT NO:	661880
PROJECT NAME:	<u>8863 Balboa Ste E CO CUP Amend</u>
PROJECT TYPE:	AMENDMENT TO CONDITIONAL USE PERMIT, PROCESS TWO
APPLICANT:	MICHAEL ESSARY
COMMUNITY PLAN AREA:	KEARNY MESA
COUNCIL DISTRICT:	6
CITY PROJECT MANAGER:	Sammi Ma, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 236-7390 / SMa@sandiego.gov

The decision by City staff will be made **without** a public hearing no less than thirty (30) calendar days after the date of mailing the Notice of Future Decision. If you want to receive a "Notice of Decision", you must submit a written request to the City Project Manager listed above no later than ten (10) business days from the mailing date of this Notice.

This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301, Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 5, 2020, and the opportunity to appeal that determination ended August 19, 2020. There were no appeals filed on the environmental determination.

The decision by Development Services Department staff can be appealed to the **Planning Commission** no later than ten (10) business days after the decision date. Appeal procedures are described in [Information Bulletin 505 \(https://www.sandiego.gov/sites/default/files/dsdib505.pdf\)](https://www.sandiego.gov/sites/default/files/dsdib505.pdf). During the Statewide "Safer-at-Home" directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the Planning Commission must be filed by email or in person as follows:

1. Appeals filed via email: [The Development Permit/Environmental Determination Appeal Application Form DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Send the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation in pdf format) via email to PlanningCommission@sandiego.gov by 4:00pm on the last day of the appeal period. When received by the City, the appellant will be invoiced for payment of the required Appeal Fee per this bulletin. Timely payment of this invoice is required to complete processing of the appeal. Failure to pay the invoice within 5 business days of invoice issuance will invalidate the appeal application.
2. Appeals filed in person: [The Development Permit/Environmental Determination Appeal Application Form DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the touchless Payment Drop-Off drop safe in the first-floor lobby of the Development Services Center, located at 1222 First Avenue in Downtown San Diego by 4:00pm on the last day of the appeal period. The completed appeal package must be clearly marked on the outside as "Appeal" and must include the required appeal fee per this bulletin in the form of a check payable to the City Treasurer. This safe is checked daily, and payments are processed the following business day. All payments must be in the exact amount, drawn on US banks, and be made out to "City Treasurer". Include in the memo of the check the Project Number. Cash payments are only accepted by appointment; email DSDCashiers@sandiego.gov to schedule an appointment.

Please note that Community Planning Groups provide citizens with an opportunity for involvement in advising the City on land use matters. Community Planning Group considerations are a recommended, but not required, part of the project review process. On September 16, 2020, the Kearny Mesa Planning Group considered the project and voted 9-1-0 to recommend approval of the project with no additional conditions. For more information, please contact Jeffrey Sallen, Chair of the Kearny Mesa Planning Group at (858) 546-5443, jeffrey.sallen@cushwake.com, or kearnymesaplanninggroup@yahoo.com to inquire about the community review and recommendation of this project.

If you have any questions about the project after reviewing this information, you may contact the City Project Manager listed above.

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

Internal Order No.: 24008595



Development Services Department

Sammi Ma / Project No. 661880 – 8863 Balboa Ste E CO CUP Amend
1222 First Ave., MS 501
San Diego, California 92101-4101

RETURN SERVICE REQUESTED