REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2014 REPORT NO. HO-15-031

ATTENTION: Hearing Officer

SUBJECT: 3430 HANCOCK STREET MMCC
PROJECT NUMBER: 368291

LOCATION: 3430 Hancock Street

APPLICANT: Linda C. Nunes

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 2,392 square foot tenant space within an existing 11,262 square foot building within the Midway/Pacific Highway Corridor Community Plan Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1291991.
(NOTE: There are four competing MMCCs within 1,000 feet of each other on today’s docket. The Hearing Officer can approve only one of these MMCC’s pursuant to the San Diego Municipal Code’s 1,000 foot minimum distance separation requirement).

Community Planning Group Recommendation: On June 18, 2014, the Midway Community Planning Group voted 8-2-1 to approve the project with the conditions (attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on September 17, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 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). MMCC’s are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision. A limit of four MMCC’s 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 a MMCC in a 2,392 square foot tenant space within an existing 11,262 square foot building on a 0.30-acre site. The MMCC site is located at 3430 Hancock Street, south of Interstate 8, west of Interstate 5 and north of Sport Arena Boulevard (Attachment 2). The site is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The site was developed with a one-story building in 1961 per Building Permit No. A42636.

The site is designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. This community portion contains little residential development. The adjacent parcels to the MMCC are in the IS-1-1 zone and the existing uses are consistent with the Light 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 within this community plan.

DISCUSSION

The project site located at 3430 Hancock Street is a 0.30-acre site developed with an 11,262 square foot one-story building which is currently being used as warehouse/storage. The MMCC proposes interior improvements that include a reception area, dispensary, offices, employee lounge and restrooms. No public improvements are required for this site.

MMCC’s 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, MMCC’s 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 for the tenant/facility space and directly adjacent area. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCC’s must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The applicant has voluntarily agreed to the following conditions in order avoid adverse impact to the community: 1) operable surveillance cameras and a metal detector to the satisfaction of the San Diego Police Department 2) the cameras shall have and use a recording device that maintains the records for a minimum of 30 days 3) an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U. S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws 4) the security guard is required to be on the premises 24 hours a day, seven days a week and 5) graffiti must be removed within 24 hours (Attachment 4, Conditions Number 16 & 20).

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 the 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 and the applicant has willingly proposed additional conditions in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

CONCLUSION

The Conditional Use Permit for the proposed MMCC may be approved if the Hearing Officer finds that the MMCC meets all applicable regulations. Staff has reviewed the proposed MMCC and has determined that it meets all applicable sections of the San Diego Municipal Code, the Midway/Pacific Highway Corridor Community Plan and the General Plan. Additionally, the required findings can be made and therefore, staff is recommending approval of the project as proposed.

ALTERNATIVE

1. Approve Conditional Use Permit No. 1291991, with modifications.

2. Deny Conditional Use Permit No. 1291991, if the findings required to approve the project cannot be affirmed.
Respectfully submitted,

Edith Gutierrez, Development Project Manager

Attachments:

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

3430 HANCOCK MMCC – 3430 HANCOCK STREET
PROJECT NO. 368291

North
Project Location Map
3430 HANCOCK MMCC – 3430 Hancock Street
PROJECT NO. 368291

North
Proposed Land Uses
Midway / Pacific Highway Corridor Community Plan
City of San Diego • Community and Economic Development

Land Use Map
3430 HANCOCK MMCC– 3430 Hancock Street
PROJECT NO. 368291
INTERNAL ORDER NUMBER: 24004628

CONDITIONAL USE PERMIT NO. 1291991
3430 HANCOCK STREET MMCC- PROJECT NO. 368291
HEARING OFFICER

This Conditional Use Permit No. 1291991 is granted by the Hearing Officer of the City of San Diego to WELLS-SAN MARCOS, LP, AND CAROLYN COURTNEY GIFT TRUST, Owners and D&D COOPERATIVE, INC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.30-acre site is located at 3430 Hancock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as: Lots 31 thru 42, Block 1, Pueblo Lot 277, Ascoff & Kelly’s Subdivision, Map 578, January 12, 1889.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City’s land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 25, 2015, on file in the Development Services Department.

The project shall include:

a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 2,392 square foot tenant space within an existing 11,262 square foot building on a 0.30- 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
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 10, 2018.

2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on April 10, 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" conditions(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 2,392 square foot tenant space shall be limited to the MMCC and any use permitted in the IS-1-1 Zone.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.

15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

16. Security shall include operable cameras and a metal detector to the satisfaction of the San Diego Police Department, alarms, and an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guard shall be licensed by the State of California and be on the premises 24 hours a day, seven days a week. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.

17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.

18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.

20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.

21. Medical marijuana shall not be consumed anywhere within the 0.30-acre site.

22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.

23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.
TRANSPORTATION REQUIREMENTS:

24. No fewer than 11 parking spaces, including 1 accessible space shall be maintained on the property (4 spaces on site, and 7 spaces at 3646 Picket Street site through a Shared Parking Agreement) at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

POLICE DEPARTMENT RECOMMENDATION:

25. 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 March 25, 2015 and Resolution No. HO-XXXX.
ATTACHMENT 4

Conditional Use Permit No. 1291991/PTS No. 368291
Date of Approval: March 25, 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.

WELLS-SAN MARCOS, LP
Owner

By ______________________
Keith Courtney
Manager

CAROLYN COURTNEY GIFT TRUST
Owner

By ______________________
Thomas Courtney
Trustee

Page 6 of 7
D&D COOPERATIVE, INC
Permittee

By ______________________
Linda C. Nunes
Secretary

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, WELLS-SAN MARCOS, LP, AND CAROLYN COURTNEY GIFT TRUST, Owners and D&D COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 2,392 square foot tenant space within an existing 11,262 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1291991), on portions of a 0.30-acre site;

WHEREAS, the project site is located at 3430 Hancock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area;

WHEREAS, the project site is legally described as Lots 31 thru 42, Block 1, Pueblo Lot 277, Ascoff & Kelly’s Subdivision, Map 578, January 12, 1889;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1291991 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 17, 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 January 13, 2015 pursuant to Resolution No. 309472;

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 March 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 2,392 square foot tenant space within an existing 11,262 square foot building. The 0.30-acre site is located at 3430 Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area.
ATTACHMENT 5

The site is designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. This community portion contains little residential development. All of the surrounding parcels are in the IS-1-1 zone and the existing uses are consistent with the Light 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, 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 2,392 square foot MMCC located at 3430 Hancock Street is within an existing one-story building. The existing tenant space is currently vacant. The project proposes interior improvements that include a reception area, dispensary, offices, employee lounge and restrooms. The proposed improvements will require a ministerial building permit. 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. The site requires no public improvements.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures).

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1291991. 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 2,392 square foot tenant space located at 3430 Hancock Street is within an existing one-story building on a 0.30-acre site. The site is in the IS-1-1 Zone and was developed in 1961 per Building Permit No. A42636. The existing tenant space is currently vacant. The project proposes interior improvements that include a reception area, dispensary, offices, employee lounge and restrooms.

MMCCs are allowed in the IS-1-1 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 Light 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 2,392 square foot MMCC located at 3430 Hancock Street is within an existing one-story building on a 0.30-acre site. The site is in the IS-1-1 Zone and designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. Additionally, this community portion contains little residential development. The proposed MMCC, classified as commercial services, is consistent with the community plan.

MMCCs are allowed in the IS-1-1 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 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. All of the surrounding parcels are in the IS-1-1 zone and the existing uses are
consistent with the Light 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. Therefore, the proposed MMCC is an appropriate use at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1291991 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. 1291991, a copy of which is attached hereto and made a part hereof.

________________________________________
Edith Gutierrez  
Development Project Manager  
Development Services  

Adopted on: March 25, 2015

Job Order No. 24004628
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<td>IS-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3539 Kurtz Street, San Diego, CA 92110</td>
<td>441-340-28-00</td>
<td>SeaWorld of San Diego</td>
</tr>
<tr>
<td>IS-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3640 Kurtz Street, San Diego, CA 92110</td>
<td>441-340-29-00</td>
<td>Quality Auto &amp; Truck Repair</td>
</tr>
<tr>
<td>IS-1</td>
<td>Office-Business and Professional</td>
<td>3520 Kurtz Street, Suite D, San Diego, CA 92110</td>
<td>441-340-30-00</td>
<td>Wind N Sea Towing</td>
</tr>
<tr>
<td>IS-1</td>
<td>Unoccupied Building</td>
<td>3520 Kurtz Street, San Diego, CA 92110</td>
<td>441-340-31-00</td>
<td>Pure Water Technology of San Diego</td>
</tr>
<tr>
<td>IS-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3801 Hickey Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>RoadOne Towing</td>
</tr>
<tr>
<td>IS-1</td>
<td>Wholesale, Distribution, Storage-Wholesale Distribution</td>
<td>3900 Hickey Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Roadside Enterprises</td>
</tr>
<tr>
<td>IS-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3570 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Auto beauty products</td>
</tr>
<tr>
<td>IS-1</td>
<td>Retail Sales-Building Supplies &amp; Equipment</td>
<td>3574 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>International Air Tool &amp; International Supply Co.</td>
</tr>
<tr>
<td>IS-1</td>
<td>Retail Sales-Building Supplies &amp; Equipment</td>
<td>3914 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Buitnor and Sons Heating and Air Conditioning</td>
</tr>
<tr>
<td>IS-1</td>
<td>Wholesale, Distribution, Storage-Equipment and Material Storage Yards</td>
<td>3910 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>JI Renovation</td>
</tr>
<tr>
<td>IS-1</td>
<td>Wholesale, Distribution, Storage-Equipment and Material Storage Yards</td>
<td>3584 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Total Secure Shredding</td>
</tr>
<tr>
<td>IS-1</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>2630 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Plus One Surfboards</td>
</tr>
<tr>
<td>IS-1</td>
<td>Industrial-Marine Industry</td>
<td>3655 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Clark Custom boats/traditional boat works</td>
</tr>
<tr>
<td>IS-1</td>
<td>Wholesale, Distribution, Storage-Equipment and Material Storage Yards</td>
<td>3647 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Builders Enterprises</td>
</tr>
<tr>
<td>IS-1</td>
<td>Wholesale, Distribution, Storage-Equipment and Material Storage Yards</td>
<td>3677 Hancock Street, San Diego, CA 92110</td>
<td>441-340-32-00</td>
<td>Bess Office trailers</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-340-44-00</td>
<td>Parking Lot</td>
</tr>
<tr>
<td>IS-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3597 Hancock Street, San Diego, CA 92110</td>
<td>441-340-45-00</td>
<td>Citywide Cycles</td>
</tr>
<tr>
<td>IS-1</td>
<td>Offices-Business and Professional</td>
<td>3585 Hancock Street, San Diego, CA 92110</td>
<td>441-340-46-00</td>
<td>R &amp; R Wine Marketing</td>
</tr>
<tr>
<td>IS-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3571 Hancock Street, San Diego, CA 92110</td>
<td>441-340-47-00</td>
<td>Accurate Auto Body Collision / Accurate Auto Body Paint</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-08-00</td>
<td>N/A - Parking Lot</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-09-00</td>
<td>N/A - Parking Lot</td>
</tr>
<tr>
<td>IS-1</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3515 Hancock Street, San Diego, CA 92110</td>
<td>441-530-50-00</td>
<td>N/A - Parking Lot</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-50-00</td>
<td>N/A - Parking Lot</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-50-00</td>
<td>N/A - Parking Lot</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-50-00</td>
<td>N/A - Parking Lot</td>
</tr>
<tr>
<td>IS-1</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3515 Hancock Street, San Diego, CA 92110</td>
<td>441-530-51-00</td>
<td>Cashaway Electronic Supply</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-51-00</td>
<td>FMP Services</td>
</tr>
<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-51-00</td>
<td>Richard Yen and associates</td>
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<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-51-00</td>
<td>ACCESS Destination services</td>
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<tr>
<td>IS-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>441-530-52-00</td>
<td>JA Coachworks</td>
</tr>
<tr>
<td>IS-1-1</td>
<td>Public Right of Way</td>
<td>N/A - Public Right-of-Way</td>
<td>441-581-09-00 - City of San Diego</td>
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<tr>
<td>IS-1-1</td>
<td>Vacant Building</td>
<td>3476 Hancock Street, San Diego, CA 92110</td>
<td>441-581-10-00 - Vacant Building</td>
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<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3468 Hancock Street, San Diego, CA 92110</td>
<td>441-581-11-00 - National City Foundry</td>
<td></td>
</tr>
<tr>
<td>IS-1-1</td>
<td>Industrial-Heavy Manufacturing</td>
<td>3460 Hancock Street, San Diego, CA 92110</td>
<td>441-581-12-00 - Smirn Brothers Inc.</td>
<td></td>
</tr>
<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3422 Hancock Street, San Diego, CA 92110</td>
<td>441-581-13-00 - Russell Pond Architects and Associates</td>
<td></td>
</tr>
<tr>
<td>IS-1-1</td>
<td>Warehouse &amp; Offices <strong>PROJECT SITE</strong></td>
<td>3430 Hancock Street, San Diego, CA 92110</td>
<td>441-581-14-00 - D &amp; D Cooperative, Inc.</td>
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<tr>
<td>IS-1-1</td>
<td>Retail Sales: Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3420 Hancock Street, San Diego, CA 92110</td>
<td>441-581-15-00 - Parlorio Furniture</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3408 Hancock Street, San Diego, CA 92110</td>
<td>441-581-16-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3822 Sherman Street, San Diego, CA 92110</td>
<td>441-581-18-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3366 Hancock Street, San Diego, CA 92110</td>
<td>441-581-19-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3356 Hancock Street, San Diego, CA 92110</td>
<td>441-581-20-00 - Luz Engineering</td>
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<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3354 Hancock Street, San Diego, CA 92110</td>
<td>441-581-21-00 - San Diego Custom Cycles</td>
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<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3328 Hancock Street, San Diego, CA 92110</td>
<td>441-581-22-00 - Patriot Environmental Service Inc.</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3495 Hancock Street, San Diego, CA 92110</td>
<td>441-581-23-00 - Parking Lot</td>
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<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3477 Hancock Street, San Diego, CA 92110</td>
<td>441-581-24-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3477 Hancock Street, San Diego, CA 92110</td>
<td>441-581-25-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3465 Hancock Street, San Diego, CA 92110</td>
<td>441-581-26-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Retail Sales: Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3459 Hancock Street, San Diego, CA 92110</td>
<td>441-581-27-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3455 Hancock Street, San Diego, CA 92110</td>
<td>441-581-28-00 - Silk World Productions</td>
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<tr>
<td>IS-1-1</td>
<td>Wholesale, Distribution, Storage-Wholesale Distribution</td>
<td>3419 Hancock Street, San Diego, CA 92110</td>
<td>441-581-29-00 - North American Integrated Technologies</td>
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<tr>
<td>IS-1-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3419 Hancock Street, San Diego, CA 92110</td>
<td>441-581-30-00 - la France Special Tires</td>
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<tr>
<td>IS-1-1</td>
<td>Wholesale, Distribution, Storage-Wholesale Distribution</td>
<td>3311 Hancock Street, San Diego, CA 92110</td>
<td>441-581-31-00 - Jacobs Woodworks</td>
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<tr>
<td>IS-1-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3337 Hancock Street, San Diego, CA 92110</td>
<td>441-581-32-00 - JR San Diego Smog &amp; Repair Center</td>
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<tr>
<td>IS-1-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3337 Hancock Street, San Diego, CA 92110</td>
<td>441-581-33-00 - San Diego Westy - Varagro and Westfalla Solutions</td>
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<tr>
<td>IS-1-1</td>
<td>Retail Sales: Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3331 Hancock Street, San Diego, CA 92110</td>
<td>441-581-34-00 - Shady Eye Surfboards</td>
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<tr>
<td>IS-1-1</td>
<td>Retail Sales: Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3311 Hancock Street Suite A, San Diego, CA 92110</td>
<td>441-581-35-00 - Kiva Kitchen &amp; Bath</td>
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<tr>
<td>IS-1-1</td>
<td>Office-Business and Professional</td>
<td>3311 Hancock Street Suite B, San Diego, CA 92110</td>
<td>441-581-36-00 - SoCal Construction and Design</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3325 Hancock Street, San Diego, CA 92110</td>
<td>441-581-37-00 - Parking Lot</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3317 Hancock Street, San Diego, CA 92110</td>
<td>441-581-38-00 - Lifehouse Recovery Connection - Hancock Street House</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3301 Hancock Street, San Diego, CA 92110</td>
<td>441-581-39-00 - Metal Fabricators</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3344 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-40-00 - Rudy SD Construction</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3339 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-41-00 - Kodiak Maintenance</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3336 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-42-00 - Metal Fabricators</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3333 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-43-00 - Roof Construction Company</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3328 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-44-00 - Up N Vape</td>
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</tr>
<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3324 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-45-00 - Gailiany Insurance</td>
<td></td>
</tr>
<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3315 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-46-00 - Pappaleco</td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3312 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-47-00 - San Diego Ice Company</td>
<td></td>
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<tr>
<td>IS-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>3301 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-48-00 - The Closet Works &amp; Orion Woodcraft</td>
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<tr>
<td>IS-1-1</td>
<td>Retail Sales: Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3306 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-49-00 - Powerstore Battery</td>
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<tr>
<td>IS-1-1</td>
<td>Retail Sales: Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3301 Kurtz Street, San Diego, CA 92110</td>
<td>441-581-50-00 - Best Coast Growers</td>
<td></td>
</tr>
<tr>
<td>S-1-1</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3486 Kurtz Street, #103, San Diego, CA 92110</td>
<td>619-582-29-00</td>
<td>Livin Metal</td>
</tr>
<tr>
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<tr>
<td>S-1-1</td>
<td>Industrial-Marine Industry</td>
<td>3340 Greenwood Street, San Diego, CA 92110</td>
<td>619-582-30-00</td>
<td>The Dinghy Doctor</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Industrial-Marine Industry</td>
<td>3210 Greenwood Street, San Diego, CA 92110</td>
<td>619-582-39-00</td>
<td>The Dinghy Doctor</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Wholesale, Distribution, Storage-Warehouses</td>
<td>3312 Kurtz Street, San Diego, CA 92110</td>
<td>619-582-31-00</td>
<td>The Paradies Shops</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Industrial-Marine Industry</td>
<td>3320 Kurtz Street, San Diego, CA 92110</td>
<td>619-582-32-00</td>
<td>North Star Yacht Service - Canvas, Upholstery, Woodworking</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3330 Kurtz Street, San Diego, CA 92110</td>
<td>619-582-32-00</td>
<td>Designer Furniture Store</td>
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<tr>
<td>S-1-1</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3342 Kurtz Street, San Diego, CA 92110</td>
<td>619-582-33-00</td>
<td>R Harris &amp; Co Custom Cabinetry</td>
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<tr>
<td>S-1-1</td>
<td>Commercial Services-Parking Facilities</td>
<td>N/A - Parking Lot</td>
<td>619-582-34-00</td>
<td>Parking Lot</td>
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<tr>
<td>S-1-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3450 Kurtz Street, Suite A, San Diego, CA 92110</td>
<td>619-582-36-00</td>
<td>StreetNox Customs</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Offices-Business and Professional</td>
<td>3450 Kurtz Street, Suite B, San Diego, CA 92110</td>
<td>619-582-36-00</td>
<td>Flight Attendant</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Vacant Building</td>
<td>3450 Kurtz Street, Suite C, San Diego, CA 92110</td>
<td>619-582-36-00</td>
<td>Vacant Building</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3459 Kurtz Street, Suites D &amp; E, San Diego, CA 92110</td>
<td>619-582-36-00</td>
<td>Sanglass &amp; Optical Warehouse</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Vehicle &amp; Vehicular Equipment Sales &amp; Services</td>
<td>3425 Hancock Street, San Diego, CA 92110</td>
<td>619-582-37-00</td>
<td>WPD Auto Parts</td>
</tr>
<tr>
<td>S-1-1</td>
<td>Office-Medical, Dental &amp; Health Practitioner</td>
<td>3431 Hancock Street, San Diego, CA 92110</td>
<td>619-582-38-00</td>
<td>Light The Way</td>
</tr>
<tr>
<td>RM-2-5/CC-3-4</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3220 Sports Arena Boulevard, San Diego, CA 92110</td>
<td>619-590-04-00</td>
<td>Pier 1 Imports</td>
</tr>
<tr>
<td>RM-2-5/CC-3-4</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3240 Sports Arena Boulevard, San Diego, CA 92110</td>
<td>619-590-04-00</td>
<td>Salvation Army Thrift Store</td>
</tr>
<tr>
<td>RM-2-5/CC-3-4</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3250 Sports Arena Boulevard, San Diego, CA 92110</td>
<td>619-590-04-00</td>
<td>Dixieline Lumber</td>
</tr>
<tr>
<td>RM-2-5/CC-3-4</td>
<td>Retail Sales-Consumer Goods, Furniture, Appliances, Equipment</td>
<td>3250 Sports Arena Boulevard Suite A, San Diego, CA 92110</td>
<td>619-590-04-00</td>
<td>Lorina Art Center</td>
</tr>
<tr>
<td>RM-2-5/CC-3-4</td>
<td>Commercial Services-Instructional Studios</td>
<td>3250 Sports Arena Boulevard Suite B-F, San Diego, CA 92110</td>
<td>619-590-04-00</td>
<td>The Arena Mixed Martial Arts</td>
</tr>
<tr>
<td>RM-2-5/CC-3-4</td>
<td>Commercial Services-Eating and Drinking Establishment</td>
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<td>Joelle Cloete, LAC</td>
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NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT
SAP No. 24004628

PROJECT NAME/NUMBER: 3430 Hancock-MMCC / 368291

COMMUNITY PLAN AREA: Midway-Pacific Highway Corridor Community Plan and Local Coastal Program Land Use Plan

COUNCIL DISTRICT: 2

LOCATION: The project is located at 3430 Hancock Street, San Diego, CA 92110

PROJECT DESCRIPTION: CONDITIONAL USE PERMIT (CUP) to operate a 2,400-square-foot Medical Marijuana Consumer Cooperative (MMCC) within an existing 11,262-square-foot building. The 0.30-acre project site is located at 3430 Hancock Street. The project site is designated Light Industrial and is located in the IS-1-1 zone, the Airport Influence Area for San Diego International Airport, the Part 77 Noticing Area, and the Coastal Height Limitation Overlay Zone within the Midway-Pacific Highway Corridor Community Plan and Local Coastal Program Land Use Plan area.

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 September 17, 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 (October 1, 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.
Legal Description:

Lots 31, 32, 33 and 34, Block 1 of the subdivision of parcel lot 37, commonly known as Kelly's subdivision, according to the county recorder of the County of San Diego, recorded in the office of the county recorder of said county, in Volume 785, page 839, is hereby described as follows:

Lot 31, in Block 1, of parcel lot 37, commonly known as Kelly's subdivision, according to the county recorder of the County of San Diego, recorded in the office of the county recorder of said county, in Volume 785, page 839.

Lot 32, in Block 1, of parcel lot 37, commonly known as Kelly's subdivision, according to the county recorder of the County of San Diego, recorded in the office of the county recorder of said county, in Volume 785, page 839.

Lot 33, in Block 1, of parcel lot 37, commonly known as Kelly's subdivision, according to the county recorder of the County of San Diego, recorded in the office of the county recorder of said county, in Volume 785, page 839.

Lot 34, in Block 1, of parcel lot 37, commonly known as Kelly's subdivision, according to the county recorder of the County of San Diego, recorded in the office of the county recorder of said county, in Volume 785, page 839.

Existing Parking

11 Total parking units. 1 unit = ADA with van accessibility. As approved by the City of San Diego, Dec 28, 1983. See Exhibit A.

11,262 SF building = 11 parking spots. 1/1,000 SF per SDMC section 142.0530 for the proposed use in IS-1-1 zone.

Minimum Parking and Aisle Dimensions for Pre-existing Parking Facilities. Required off-street parking spaces approved before January 1, 2000 need not be restriped to comply with this section when enlargement or a change in use is undertaken if the spaces required for both the existing use and enlargement comply with the following standards:

1. The parking stall dimensions for 90-degree parking are 8 feet, 9 inches wide by 20 feet long with 21-foot aisles; or
2. A minimum of 60 percent of the total number of spaces may be 7 feet, 6 inches wide by 15 feet long with 18-foot aisles.
Midway Community Planning Group action on 3430 Hancock

Note: the Planning Group based its review entirely on compliance with the Midway/Pacific Highway Community Plan. We did not attempt to apply the additional restrictions in the MMCC ordinance, which will be up to the city to evaluate.

Our approval is CONDITIONAL. The conditions are:
1. The facility will not exceed 2,400 square feet and will not be able to expand into the balance of the existing building.
2. There will be a minimum of 11 Parking spaces designated to the facility.
3. The city should evaluate Valley View Casino Center (Sports Arena) to see if it qualifies as a "Midway Oriented Facility."
4. The City does not find this business to be located within 1,000 square feet of any use designated as needing a minimum separation requirement.
5. The City finds that the application meets all of the Medical Marijuana ordinance requirements.
# Community Planning Committee

## Distribution Form Part 2

**Project Name:** MMCC

**Project Number:** 389291

**Distribution Date:** 5-13-2014

### Project Scope/Location:

MMCC: The San Diego County Board of Supervisors approved a Land Use Permit and a Conditional Use Permit for a Medical Marihuana Consumer Cooperative (MMCC) to construct a building on 0.39 acres at 2249 Hancock St. The 0.39-acre site is located in the B3-1 zone within the North Park Specific Plan. The site is located in Council District 2, Map Code 1.

### Applicant Information:

- **Applicant Name:** Alma Ortega
- **Applicant Phone Number:** (619) 238-2006
- **Phone Number:** (619) 445-5147
- **Fax Number:** (619) 445-5242
- **E-mail Address:** EGutierrez@sandiego.gov

### Committee Recommendations (To be completed for Initial Review):

- **Agreement:**
  - [ ] Vote to Approve
  - [X] Vote to Approve With Conditions Listed Below
    - **Members Yes:** 3
    - **Members No:** 2
    - **Members Abstain:** 1
  - [ ] Vote to Approve With Non-Binding Recommendations Listed Below
  - [ ] Vote to Deny
  - [ ] Not Actionable

- **Required Approvals:**
  See attached sheet for additional approvals

### Additional Information:

**NAME:** Melanne Vechil

**TITLE:** Chair

**SIGNATURE:**

**DATE:** 6-18-19

---

Please return to:

Project Management Division
City of San Diego
Development Services Department
1223 Park Avenue MS 91
San Diego, CA 92101
# 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
- Tentative Map
- Vesting Tentative Map
- Map Waiver
- Land Use Plan Amendment

**Project Title:**
3430 Hancock Street MMCC-CUP

**Project Address:**
3430 Hancock Street, San Diego, CA 92110

---

**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):**

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

**Legal Status (please check):**

- [ ] Corporation
- [ ] Limited Liability
- [ ] Partnership
- [ ] General

**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**

**I**

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<tr>
<td>Spring Valley, CA 91977</td>
<td>San Luis Obispo, CA 93401</td>
</tr>
<tr>
<td>Phone No: 619-825-8526</td>
<td>Phone No: 619-725-3635</td>
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<td>Fax No:</td>
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<tr>
<td>Name of Corporate Officer/Partner (type or print):</td>
<td>Name of Corporate Officer/Partner (type or print):</td>
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<tr>
<td>Linda C. Nunes</td>
<td>Keith Courtney</td>
</tr>
<tr>
<td><strong>Secretary</strong></td>
<td><strong>Manager</strong></td>
</tr>
<tr>
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<td>Signature: Keith Courtney</td>
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<td><strong>Trustee</strong></td>
<td><strong>Title</strong>:</td>
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SDPD CPTED REVIEW OF 3430 HANCOCK MMCC

Date: March 12, 2015
To: Jessica McElfresh, Attorney at Law
From: Ted Parker, SDPD Crime Prevention
Copies to: Edith Gutierrez, Development Services Department
Linda Griffin, A/Lieutenant, SDPD Vice Administration
David Surwilo, SDPD Western Division Community Relations Officer (CRO)

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

1. **Surveillance.** Involves the use of electrical and mechanical devices, and the location of physical features, activities, and people to provide good visibility in the environment. Creates a risk of detection for offenders and a perception of safety for legitimate users.

2. **Access control.** Uses electrical and mechanical devices, people, and natural measures to create a perception of risk to offenders and deny them access to targets and escape routes. Also guides legitimate users safely through the environment.

3. **Territorial reinforcement.** Uses physical features and signs to define ownership and control activities in the environment. Delineates spaces with limited or no public access.

4. **Maintenance.** Allows the continued use of spaces for their intended purposes. Maintains the effectiveness of measures employed for surveillance, access control, and territoriality.

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

**SUGGESTIONS**

**Alarms**

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

Figure 1 shows telephone wires to the building. If these wires are cut the alarm signals would not reach the alarm company. Consider installing a wireless backup system that would send the alarm signals if this happens.

**Electric Power**

Because lights and security systems work on electric power it is important that measures be taken to prevent its disruption and provide a source of backup power in the event of a power failure. The red circle with an “A” in Fig. 2 shows the building’s electrical cabinet. If it can be easily broken into and the circuit breakers and fuses are in it, the cabinet should be replaced with a sturdy metal one that is locked with a hidden- or shielded-shackle padlock.
Cameras

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

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

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

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

IP cameras that view areas in which crimes might be in progress, such as the MMCC cash register location, should also be capable of providing real-time streaming video to the SDPD in Operation Secure San Diego. This program is one of the SDPD’s new technology public safety and crime fighting activities. It will enable officers arriving at the scene to make better, more-informed tactical decisions and determine whether additional officers and
emergency services are required. Contact the CRO in the SDPD’s Western Division at (619) 692-4800 if you wish
to partner with the SDPD in this program.

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

![WARNING Sign](image)

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

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

**Lighting**

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

**Front Windows**

These should be made of a burglar-resistant material that meets Underwriters Laboratories (UL) 972 standards.
These materials look like safety glass but will not shatter easily, even after repeated blows. The following materials
can be used:

- *Laminated glass* is made with a vinyl or plastic inter-layer sandwiched between two layers of glass. This type
  of glass adds additional strength to your windows. To gain entry a burglar would have to strike the glass
  repeatedly in the same spot in order to make a small opening. Most burglars are reluctant to create this type of
  noise for fear of being detected.
- *Tempered glass* is made by placing a piece of regular glass in an oven, bringing it almost to the melting point,
  and then chilling it rapidly. This causes a skin to form around the glass. Fully tempered glass is four to five
times stronger than regular glass.
- *Wired glass* adds the benefit of a visible deterrent. Extra effort will be needed to break the glass and then cut
  through the wire located within the glass in order to gain entry.
- *Plastic acrylics* are more than ten times stronger than glass of the same thickness and are commonly called
  Plexiglas.
- *Polycarbonate* sheets are superior to acrylics and are advertised as 250 times more impact resistant than safety
  glass, and 20 more times than other transparent plastic.
Glass with a security film attached to the inside can also be burglar-resistant. It requires repeated blows to break through, which take time and make noise.

Another way to make windows burglar-resistant is to install security screens. They should have the following features so they cannot be broken through or pried open:

- Four-sided, stainless-steel frame
- Frame secured to the building
- Steel mesh that cannot be cut with a knife
- Mesh secured to frame to resist dynamic impacts
- Rust and corrosion resistant
- Passed Australian Standards (AS) knife shear, dynamic impact, jimmy, and salt spray tests

The front windows should also be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the waiting room is lighted after dark, shutters or blinds will need to be used inside the windows because reflective materials are not effective then.

Other ways to secure the waiting room are with a folding security gate or a roll-down security shutter, and bollards that prevent a vehicle from driving in.

**Entry Door Deadbolt**

When the MMCC is unoccupied, the entry door can be locked with a single-cylinder deadbolt that is separate from other locking mechanisms. This lock should have a throw of at least one inch, be key-operated on the outside, and have a thumb turn on the inside. It cannot be used when the MMCC is occupied because California Fire Code Sec. 1008.1.9 states that egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort. The thumb turn is deemed to require special knowledge. It also requires twisting of the wrist to open the door, which makes it prohibited in the California Fire Code. When a deadbolt is installed a sign must be posted on or adjacent to the door saying THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED per California Fire Code Sec. 1008.1.9.3.

**Safety of Employees Leaving the MMCC**

Employees who leave the building after operating hours need to be sure that no one is loitering outside when they open the door. If cameras cover the area in front of the entry door and around the corner of the building along the sidewalk, they could look at the monitor to see if it is safe to open the door.

**Bullet-Resistant Doors**

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

**Single Doors**

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

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

Doors that are opened on the inside by a push or press bar and have a gap between them and their frames can be opened with an L-shaped rod that is inserted next to the bar, turned 90 degrees, and pulled to depress the bar. This can be prevented by attaching a strip of metal or some other material to the door to cover the gap. It is better if there is no gap between the door and its frame.
Doors that are opened on the inside by a lever arm and have a gap underneath them can also be opened with a lever-opening tool like the Keedex K-22. Its wire would be inserted under the door and raised to hook over the lever arm on the inside of the door. The wire is then pulled to rotate the lever arm downward to open the door. This can be prevented by attaching a threshold strip to the floor under the door and a brush-sweep to on the bottom of the door. They would close the gap and prevent the tool from being inserted.

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

**Consumer Movement in the MMCC**

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

In addition to the security measures suggested above, a MMCC could have a video intercom, mantrap, metal detector, armed security guard at the entry door, bullet-resistant protection for the receptionist and cashier, and remotely controlled locks on interior doors, as suggested below.

**Video Intercom**

With a video intercom, the entry door would be locked and a person wanting to enter would push a button to talk to a receptionist who would be able to see the person on a camera monitor and ask to see the person’s identification and membership card. The person would be buzzed in if his or her identity and membership are verified.

The floor plan does not show reception desk. If one of the guards is stationed in the waiting room, he or she could have a desk with a camera monitor and operate the video intercom. Alternatively, the outside guard could verify the identities and memberships and open the door to let consumers enter.

One of the Land Use and Health and Safety Conditions in the Suggested CUP dated July 28, 2014 is that “Members will not be allowed to wait or line up outside the entry door.” With a video intercom, mantrap, or metal detector at the entry door, it may take a minute or so for a consumer to clear the entry door. Where are others who arrive during this time supposed to wait? On the sidewalk?

**Mantrap**

To prevent a person from following another into the MMCC, i.e., tailgating, the entry door could lead to a mantrap, i.e., a secured space for one person equipped with two interlocking doors to insure that only one person at a time can pass through into the lobby. Employees of the MMCC would be able to open both doors with their individual access cards, fobs, or keypad codes. Others would be buzzed through by the receptionist or a guard in the waiting room. To prevent someone who has stolen an employee’s access means from entering the MMCC, a biometric sensor like a fingerprint reader could be installed at the second door. Thus, only employees would be able to enter through the mantrap without being buzzed in.

Consumers would leave through the mantrap to prevent someone from entering the MMCC when the entry door is open.

**Carry-in Items**

The MMCC should have a policy that defines the kinds of items can and cannot be brought inside. Items that might be prohibited include backpacks, brief cases, reusable grocery bags, laptops, etc.

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

An alternative to a metal detector is a wand used by a security guard to search a person for metal objects. The guard would request the person to remove for inspection any objects detected.

**Consumer Entry to the Main Space**

If there is a receptionist in the waiting room, he or she should be able to observe the metal-detection process directly. Then if the person's identity and membership is verified with a video intercom or by the outside security guard, the receptionist could unlock the door to the main space when the guard indicates it is safe to do so. If there is no receptionist, the guard doing the metal-detection search would unlock the door. If there is a limit on the number of consumers in the main space, the receptionist or guard would ask other consumers to sit and wait until he or she can be admitted.

**Employee Protection**

Consider protecting the receptionist and cashier with a bullet-resistant glass, plastic, or laminate enclosure with a bullet-resistant door.

**Common Interior Walls with Adjacent Buildings**

These could be strengthened to prevent break-throughs.

**CAVEATS ON CPTED**

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

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

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

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

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

Finally, CPTED measures do not deal with many types of crimes that occur in social, home, and business environments. For example, they do not help to prevent crimes in which the victim knows or provides access to the...
offender, i.e., domestic violence, child abuse, and acquaintance rape. Nor do they help prevent substance abuse, workplace violence, fraud, forgery, and other financial crimes. Counseling, education, enforcement, and other measures are needed to deal with these situations.