REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2014
REPORT NO. HO-15-038

ATTENTION: Hearing Officer

SUBJECT: PATIENTS ALTERNATIVE-MIDDLETOWN MMCC
PROJECT NUMBER: 368295

LOCATION: 3571 Pacific Highway

APPLICANT: Carol Carpenter

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a proposed 4,258 square foot one-story building within the Midway/Pacific Highway Corridor Community Plan Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1292502.
(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 July 9, 2014, the Midway Community Planning Group voted 8-0-0 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 November 7, 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 proposed 4,258 square foot one-story building on a 0.33-acre site. The MMCC site is located at 3571 Pacific Highway, southwest of Interstate 5, northeast of Pacific Highway and north of W. Laurel Street (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 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 3571 Pacific Highway is a 0.33-acre site which is currently undeveloped and being to store vehicles. The proposed 4,258 square foot MMCC has been designed to include a reception area, dispensary area, employee lounge, offices, lab, safe room and restrooms. Public improvement for this project include new curb and gutter, replacement of the existing sidewalk, closure of the existing driveway and the construction of a new 26-foot wide driveway and street trees along the property frontage along Pacific Highway.
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. 1292502, with modifications.
2. Deny Conditional Use Permit No. 1292502, if the findings required to approve the project cannot be affirmed.
Respectfully submitted,

[Signature]

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

Patients Alternative - Middletown MMCC - 3571 Pacific Highway
PROJECT NO. 368295
Project Location Map

Patients Alternative - Middletown MMCC - 3571 Pacific Highway
PROJECT NO. 368295
Proposed Land Uses
Midway / Pacific Highway Corridor Community Plan
City of San Diego • Community and Economic Development

Land Use Map
Patients Alternative - Middletown MMCC– 3571 Pacific Highway
PROJECT NO. 368295
INTERNAL ORDER NUMBER: 24004636

CONDITIONAL USE PERMIT NO. 1292502
PATIENTS ALTERNATIVE-MIDDLETOWN MMCC - PROJECT NO. 368295
HEARING OFFICER

This Conditional Use Permit No. 1292502 is granted by the Hearing Officer of the City of San Diego to GARY DIEWENDERFER AND DANIEL W. DIEFENDERFER, Owners and PATIENTS ALTERNATIVE HEALTH CENTER COOPERATIVE, INC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.33-acre site is located at 3571 Pacific Highway 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: Right of Way Lots 131 to 134 of Middletown, according to Partition Map made by J.E. Jackson map, filed in the Office of the County Clerk of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct and 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. Construction and operation of a 4,258 square foot Medical Marijuana Consumer Cooperative (MMCC) on a 0.33- acre site;

b. Landscaping (planting, irrigation and landscape related improvements);

c. 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 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 4,258 square foot building 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 0.33-acre site.

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

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

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, along the entire project frontage on Pacific Highway, satisfactory to the City Engineer.

25. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with City standard sidewalk, along the project frontage on Pacific Highway, satisfactory to the City Engineer.

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway and the construction of a new 26-foot wide City standard driveway, per Standard Drawing SDG-162, satisfactory to the City Engineer.

27. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drain located within Pacific Highway right-of-way, satisfactory to the City Engineer.

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

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

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

31. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

TRANSPORTATION REQUIREMENTS:

32. No fewer than 14 parking spaces 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.
LANDSCAPING REQUIREMENTS:

33. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

34. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

35. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

36. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

37. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

POLICE DEPARTMENT RECOMMENDATION:

38. 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.
Conditional Use Permit No. 1292502/PTS No. 368295
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.

GARY DIEFENDERFER
Owner

By __________________________ __
Gary Diefenderfer
Trustee

DANIEL W. DIEFENDERFER
Owner

By __________________________ __
Daniel W. Diefenderfer
Trustee

PATIENTS ALTERNATIVE HEALTH CENTER COOPERATIVE, INC
Permittee

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NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, GARY DIEFENDERFER AND DANIEL W. DIEFENDERFER, Owners and PATIENTS ALTERNATIVE HEALTH CENTER COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to construct and operate a Medical Marijuana Consumer Cooperative (MMCC) in a proposed 4,258 square foot one-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1292502), on portions of a 0.33-acre site;

WHEREAS, the project site is located at 3571 Pacific Coast Highway 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 Right of Way Lots 131 to 134 of Middletown, according to Partition Map made by J.E. Jackson map, filed in the Office of the County Clerk of San Diego County;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1292502 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 7, 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. 309479;

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 construct a 4,258 square foot one-story building to operate a MMCC. The 0.33-acre site is located at 3571 Pacific Highway 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. All of the surrounding parcels are in the IS-1-1 zone.

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 project is a request for a Conditional Use Permit to construct a 4,258 square foot one-story building to operate a MMCC. The 0.33 acre-site located at 3571 Pacific Highway is currently a vacant lot used for vehicle storage. The proposed 4,258 square foot MMCC has been designed to include a reception area, dispensary area, employee lounge, offices, lab, safe room and restrooms. Construction of the building will require a ministerial building permit that requires compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvement for this project include new curb and gutter, replacement of the existing sidewalk, closure of the existing driveway and the construction of a new 26-foot wide driveway and street trees along the property frontage along Pacific Highway.

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. 1292502. 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 project is construction and operation of a 4,258 square foot MMCC. The site is located at 3571 Pacific Highway on a 0.33-acre site. The site is currently a vacant lot used for vehicle storage. Construction of the building will require a ministerial building permit that requires compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvement for this project include new curb and gutter, replacement of the existing sidewalk, closure of the existing driveway and the construction of a new 26-foot wide driveway and street trees along the property frontage along Pacific Highway.

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 construction and operation of a 4,258 square foot MMCC at 3571 Pacific Highway 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 and compatible uses with MMCCs. 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. 1292502 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. 1292502, 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. 24004636
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<td>Residential</td>
<td>MCCPD-MR-1500 MF Residential - Not within 100' of project site</td>
<td>1737 Chalmers St.</td>
<td></td>
</tr>
<tr>
<td>451-324-02</td>
<td>Residential</td>
<td>MCCPD-MR-1500 MF Residential - Not within 100' of project site</td>
<td>3620, 3622 Columbia St.</td>
<td></td>
</tr>
<tr>
<td>451-324-03</td>
<td>Residential</td>
<td>MCCPD-MR-1500 MF Residential - Not within 100' of project site</td>
<td>3600-3616 Columbia St.</td>
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</tr>
<tr>
<td>451-324-04</td>
<td>Husqvarna Motorcycles</td>
<td>MCCPD-CL-6 Commercial - Motorcycle Sales and Service</td>
<td>3617 India St.</td>
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<tr>
<td>451-324-05</td>
<td>Giant Photo Service</td>
<td>MCCPD-CL-6 Commercial - Photo Services</td>
<td>3617 India St.</td>
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</tr>
<tr>
<td>451-324-06</td>
<td>Ducati Services</td>
<td>MCCPD-CL-6 Commercial</td>
<td>3615 India St.</td>
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<tr>
<td>451-324-07</td>
<td>Mantoani Williams</td>
<td>MCCPD-CL-6 Commercial</td>
<td>3615 B India St.</td>
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</tr>
<tr>
<td>451-324-08</td>
<td>The Charmer Lofts</td>
<td>MCCPD-CN-4 Commercial/Residential - Not within 100' of project site</td>
<td>3625 India St.</td>
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<tr>
<td>451-325-05</td>
<td>Residential</td>
<td>MCCPD-MR-1500 MF Residential - Not within 100' of project site</td>
<td>3662 Columbia St.</td>
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<td>451-325-06</td>
<td>Residential</td>
<td>MCCPD-MR-1500 MF Residential - Not within 100' of project site</td>
<td>3652 Columbia St.</td>
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<td>451-325-07</td>
<td>Regal Beagle Restaurant</td>
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<td>3659 India St.</td>
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<td>451-325-08</td>
<td>Dentist</td>
<td>MCCPD-CN-4 Commercial - Dental Office</td>
<td>3659 India St.</td>
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<td>451-325-09</td>
<td>Investigations</td>
<td>MCCPD-CN-4 Commercial - Private Investigation Services</td>
<td>3659 India St.</td>
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<td>451-325-10</td>
<td>Blue Water Seafood Grill</td>
<td>MCCPD-CN-4 Commercial - Restaurant</td>
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<td>451-325-11</td>
<td>Commercial/Residential</td>
<td>MCCPD-CN-4 Commercial - Residential not within 100' of project site</td>
<td>3675 India St.</td>
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<td>451-325-12</td>
<td>El Indio Shops</td>
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<tr>
<td>451-325-13</td>
<td>El Indio Mexican Food</td>
<td>MCCPD-CN-4 Commercial - Restaurant</td>
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<td>451-325-14</td>
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<tr>
<td>451-451-01</td>
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<td>451-451-02</td>
<td>Residential</td>
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<td>1702, 1704 Glenwood Dr.</td>
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<td>451-451-03</td>
<td>Residential</td>
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<td>451-451-04</td>
<td>Residential</td>
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<td>451-451-05</td>
<td>Residential</td>
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<td>1716, 1716 1/2 Glenwood Dr.</td>
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<td>451-451-07</td>
<td>Convoy Motor LLC</td>
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<td>451-452-01</td>
<td>Gibaldí's Bakery</td>
<td>MCCPD-CN-4 Commercial - Bakery</td>
<td>3555 India St.</td>
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<td>451-452-02</td>
<td>Meals On Wheels</td>
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<td>Shell Gas Station</td>
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<td>451-453-02</td>
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<td>APN</td>
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<td>Zone/Use</td>
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<td>SUITE #</td>
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<td>451-590-30</td>
<td>Entertainment Logistics</td>
<td>CC-4-2 Commercial</td>
<td>1747 Hancock St.</td>
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<tr>
<td>451-590-31</td>
<td>57 Degrees Wine Bar and Restaurant</td>
<td>CC-4-2 Commercial-Restaurant</td>
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<tr>
<td>451-590-32</td>
<td>Enterprise Rent-A-Car</td>
<td>CC-4-2 Commercial - Rental Car</td>
<td>1691 Hancock St.</td>
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<td>451-590-32</td>
<td>Appliance Alley</td>
<td>CC-4-2 Commercial - Appliance Retail</td>
<td>1691 Hancock St.</td>
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<tr>
<td>451-590-43</td>
<td>Sun Diego Car Rental and Sales</td>
<td>IS-1-1 Industrial - Auto Rental and Sales</td>
<td>3705 Pacific Hwy</td>
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<td>451-590-46</td>
<td>Vacant</td>
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<td>451-590-63</td>
<td>Westberg + White Architects</td>
<td>CC4-2 Commercial - Architect's Office</td>
<td>1175 Hancock St.</td>
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<td>451-590-63</td>
<td>Vau Cooper &amp; Associates, INC.</td>
<td>CC4-2 Commercial - Office</td>
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<td>451-590-63</td>
<td>GKKworks</td>
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<td>451-590-63</td>
<td>Premier Alliance</td>
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<td>451-590-63</td>
<td>Eder, Burgener, Kroger-Diamond</td>
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<td>Law Offices</td>
<td>CC4-2 Commercial - Office</td>
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<td>451-590-63</td>
<td>Cal trop Corporation</td>
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<td>451-590-63</td>
<td>Pacifica Companies</td>
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<td>451-590-63</td>
<td>Saban Brands</td>
<td>CC-4-2 Commercial-Office</td>
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<td>UA</td>
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<td>451-590-63</td>
<td>Freshform Interactive</td>
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<td>The Miller Hull Partnership</td>
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<td>451-590-63</td>
<td>Whitmore Architects</td>
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<td>2150 W. Washington St.</td>
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<td>451-590-63</td>
<td>O'Connor Construction MGMT</td>
<td>CC-4-2 Commercial-Office</td>
<td>2150 W. Washington St.</td>
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<td>451-590-63</td>
<td>XM Works, Inc</td>
<td>CC-4-2 Commercial-Office</td>
<td>2150 W. Washington St.</td>
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<td>451-590-63</td>
<td>Omega 320 Management</td>
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<td>451-590-63</td>
<td>Orcutt Winslow</td>
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<tr>
<td>451-590-63</td>
<td>Domusstudio Architecture</td>
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<td>2150 W. Washington St.</td>
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<td>451-590-63</td>
<td>T-Solutions, INC</td>
<td>CC-4-2 Commercial-Office</td>
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<td>451-590-63</td>
<td>Kornberg Assoc. Architects</td>
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<td>451-590-63</td>
<td>Spear/Hall Advertising &amp; PR</td>
<td>CC-4-2 Commercial-Office</td>
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<td>451-590-63</td>
<td>Paul Barnett Photographer</td>
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<td>451-590-63</td>
<td>Ownerguard Insurance Services</td>
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<td>1785 Hancock St.</td>
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<td>451-590-63</td>
<td>Acoustic Ales Brewing Experiment Brew House</td>
<td>CC-4-2 Commercial - Eating and Drinking</td>
<td>1795 Hancock St.</td>
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<td>451-590-63</td>
<td>Acoustic Ales Brewing Experiment Tasting Room</td>
<td>CC-4-2 Commercial - Tasting Room</td>
<td>2120 W. Washington St.</td>
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<td>451-590-63</td>
<td>New Mindful Life</td>
<td>CC-4-2 Commercial-Office</td>
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<tr>
<td>APN</td>
<td>BUSINESS NAME</td>
<td>Zone/Use</td>
<td>FIELD ADDRESS</td>
<td>SUITE #</td>
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<td>451-590-63</td>
<td>Acoustic Ales Brewing Experiment General Office</td>
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<td>2120 W. Washington St.</td>
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<td>451-590-66</td>
<td>Airport parking</td>
<td>IS-1-1 Industrial - Parking Lot</td>
<td>Address Not Found</td>
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<tr>
<td>451-590-76</td>
<td>Vacant</td>
<td>IS-1-1 Industrial</td>
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<tr>
<td>451-590-77</td>
<td>Galasso's Bakery</td>
<td>IS-1-1 Industrial</td>
<td>3655-B Pacific Hwy</td>
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<td>451-590-77</td>
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<td>451-590-77</td>
<td>Industrial/Warehouses/Garages</td>
<td>IS-1-1 Industrial - Warehousing</td>
<td>3655 Pacific Hwy</td>
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<td>451-590-79</td>
<td>Vacant</td>
<td>IS-1-1 Industrial - Vacant</td>
<td>3750 Pacific Hwy</td>
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<td>451-591-14</td>
<td>El Nino Parking Lot</td>
<td>MCCPD-CN-4 Commercial - Parking</td>
<td>3695 India St.</td>
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<tr>
<td>451-690-11</td>
<td>Georges Lawn Equipment</td>
<td>IS-1-1 Industrial - Lawn Supply</td>
<td>3645 Kettner Blvd</td>
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<td>451-690-13</td>
<td>Enterprise Parking Lot</td>
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<td>3625 California St.</td>
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<td>451-690-14</td>
<td>Employee Parking for Rush Press (Packard Properties)</td>
<td>IS-1-1 Industrial - Parking</td>
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<td>451-690-15</td>
<td>Employee Parking for Rush Press (Packard Properties)</td>
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<td>451-690-16</td>
<td>Employee Parking for Rush Press (Packard Properties)</td>
<td>IS-1-1 Industrial - Parking</td>
<td>3601 California Street</td>
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<td>451-690-17</td>
<td>Prudential Overall Supply</td>
<td>IS-1-1 Industrial</td>
<td>3553 Kettner Blvd</td>
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<td>451-690-17</td>
<td>Vacant Building</td>
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<td>451-690-17</td>
<td>Galaxy Rent-A-Car</td>
<td>IS-1-1 Industrial - Car Rental</td>
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<td>451-690-17</td>
<td>Design for health INC. Environmental Engineers/Consultants</td>
<td>IS-1-1 Industrial</td>
<td>3574 Kettner Blvd</td>
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<td>451-690-17</td>
<td>Fleet Logix</td>
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<td>451-690-17</td>
<td>Sintak Corp.</td>
<td>IS-1-1 Industrial</td>
<td>1949 West Walnut Ave.</td>
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<td>451-690-18</td>
<td>Park 'N Fly airport parking lot</td>
<td>IS-1-1 Industrial - Parking Lot</td>
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<td>451-690-32</td>
<td>Vintage Garage Doors</td>
<td>CC-4-2 Commercial - Building Supply</td>
<td>3605 Pacific Hwy</td>
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<td>451-690-33</td>
<td>Two Men Will Move You</td>
<td>IS-1-1 Industrial - Truck Storage (PROJECT SITE)</td>
<td>3571 Pacific Hwy</td>
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<td>451-690-34</td>
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<td>IS-1-1 Industrial</td>
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<td>451-690-40</td>
<td>Eco-lab Termite and Pest Services</td>
<td>IS-1-1 Industrial - Pest Control</td>
<td>3555 Pacific Hwy</td>
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<tr>
<td>451-690-45</td>
<td>Residential (Apartments)</td>
<td>IS-1-1 Industrial - Not within 100' of project site</td>
<td>3624 Kettner Blvd</td>
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<td>451-690-48</td>
<td>Advantage Rent-A-Car</td>
<td>IS-1-1 Industrial - Car Rental</td>
<td>3420 Kettner Blvd</td>
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<td>451-690-53</td>
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<td>IS-1-1 Industrial</td>
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<td>MTDB</td>
<td>IS-1-1 Industrial</td>
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<td>451-690-56</td>
<td>Enterprise Rent-A-Car parking lot</td>
<td>IS-1-1 Industrial - Rental Car Parking</td>
<td>3630 California St.</td>
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<tr>
<td>451-690-57</td>
<td>Enterprise Rental Parking Lot</td>
<td>IS-1-1 Industrial - Rental Car Parking</td>
<td>3596 California St.</td>
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<td></td>
<td>Washington Street Skatpark</td>
<td>Not Zoned - Under Pacific Highway Overpass</td>
<td>Address Not Found</td>
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<td>760-005-28,33,37</td>
<td>San Diego Airport</td>
<td>Airport - Parking</td>
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NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT
SAP No. 24004636

PROJECT NAME/NUMBER: Patients Alternative - Middletown MMCC/368295
COMMUNITY PLAN AREA: Midway/Pacific Highway Corridor Community Plan
COUNCIL DISTRICT: 2
LOCATION: The project is located at 3571 Pacific Highway, San Diego, CA 92110.

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 a proposed 4,258-square-feet building located at 3571 Pacific Highway. The 0.33-acre-site is located within the Midway/Pacific Highway Corridor Community Plan Area, IS-1-1 Zone, Airport Influence Area for San Diego International Airport, the Part 77 Noticing Area, the Airport Approach Overlay Zone, the Transit Area Overlay Zone, and the Coastal Height Limitation 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 Guidelines Section 15303 which allows for the construction and location of limited numbers of new, small facilities and structures. 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) 446-5147s

On November 7, 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 (November 24, 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.
PATIENTS ALTERNATIVE HEALTH CENTER - MIDDLETOWN
CONDITIONAL USE PERMIT

PACIFIC HIGHWAY FRONTAGE ROAD
SITE / FLOOR PLAN

PROJECT CONSULTANTS
ARCHITECT
JOSEPH WONG DESIGN ASSOCIATES, INC
CONTACT: TOMAS VEGA
2359 FOURTH AVE.
SAN DIEGO, CA 92101
(619) 233-6777

LANDSCAPE ARCHITECT
RBF CONSULTING
CONTACT: JOHN ANDREW
14725 ALTON PARKWAY
IRVINE, CA 92618

PLANNER/CIVIL ENGINEER
RBF CONSULTING
CONTACT: JEFF BARFIELD
9755 CLAIREMONT MESA BLVD., #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 614-5080

APPLICANT
PATIENTS ALTERNATIVE HEALTH CENTER COOPERATIVE, INC.
CONTACT: CAROL CARPENTER, PRESIDENT
147 WEST IVY STREET
SAN DIEGO, CA 92101
(858) 204-6071

OWNER
GARY DIEFENDERFER AND DANIEL W. DIEFENDERFER
348 SE JACKSON STREET
REDMOND, OR 97756

PROJECT ADDRESS:
3571 PACIFIC HWY
SANDIEGO, CA 92101

PROJECT NAME:
PATIENTS ALTERNATIVE HEALTH CENTER
MIDDLETOWN

Sheet Title: ARCHITECTURAL SITE & FLOOR PLAN

ATTACHMENT 9
Community Planning Committee
Distribution Form Part 2

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Project Number:</th>
<th>Distribution Date:</th>
</tr>
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<tbody>
<tr>
<td>Patients Alternative Medication</td>
<td>368295</td>
<td>5/22/14</td>
</tr>
</tbody>
</table>

**Project Scope/Location:**
MIDWAY-PACIFIC HIGHWAY Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a proposed 1,258 square foot building located at 3571 Pacific Highway. The 0.22-acre vacant lot is located in the IS-1-1 zone within the Midway/North Bay Community Plan Area. Council District 2. Notice Card #1.

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Applicant Phone Number:</th>
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<tbody>
<tr>
<td>Patients Alternative Health</td>
<td>(858) 204-6071</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Project Manager:</th>
<th>Phone Number:</th>
<th>Fax Number:</th>
<th>E-mail Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gutierrez Edith</td>
<td>(619) 446-5447</td>
<td>(619) 446-5454</td>
<td><a href="mailto:EGutierrez@sandiego.gov">EGutierrez@sandiego.gov</a></td>
</tr>
</tbody>
</table>

**Committee Recommendations (to be completed for Initial Review):**

- [ ] Vote to Approve
- [ ] Vote to Approve With Conditions Listed Below
- [ ] Vote to Approve With Non-Binding Recommendations Listed Below
- [ ] Vote to Deny
- [ ] No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)

**CONDITIONS:**
See attached sheet.

**NAME:** [Melanie Nicki]

**SIGNATURE:** [Melanie Nicki]

**TITLE:** Chair

**DATE:** 7-9-14

Please return for:
Project Management Division
City of San Diego
Development Services Department
1222 First Avenue, MS 302
San Diego, CA 92101

Printed by request and not a substitute for any necessary permits and/or approvals. This document is available upon request for use by persons with disabilities.
Midway Community Planning Group action on project # 368295, 3571 Pacific Highway

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. That 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.
2. That the City finds that this application meets all of the Medical Marijuana ordinance requirements.
## 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
- [X] Conditional Use Permit
- [ ] Variance
- [ ] Tentative Map
- [ ] Vesting Tentative Map
- [ ] Map Waiver
- [ ] Land Use Plan Amendment
- [ ] Other

**Project Title:**
Patients Alternative Health Center - Middletown

**Project Address:**
3571 Pacific Highway, San Diego, CA 92101

### 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**
- [X] Yes
- [ ] No

<table>
<thead>
<tr>
<th>Name of Individual (type or print):</th>
<th>Name of Individual (type or print):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Defenderfer, Trustee, as to an undivided 75% Interest</td>
<td>Daniel W. Defenderfer, a married person, as to an undivided 25% Interest</td>
</tr>
<tr>
<td><strong>Owner</strong></td>
<td><strong>Owner</strong></td>
</tr>
<tr>
<td><strong>Tenant/Lessee</strong></td>
<td><strong>Tenant/Lessee</strong></td>
</tr>
<tr>
<td><strong>Redevelopment Agency</strong></td>
<td><strong>Redevelopment Agency</strong></td>
</tr>
</tbody>
</table>

**Street Address:**
348 SE Jackson Street

**City/State/Zip:**
Redmond, OR 97756

**Phone No.:**
541-480-2620

**Fax No.:**
N/A

**Signature:**
Gary Defenderfer

**Date:**
4/18/2014

---

**Name of Individual (type or print):**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Tenant/Lessee</th>
<th>Redevelopment Agency</th>
</tr>
</thead>
</table>

**Street Address:**
348 SE Jackson Street

**City/State/Zip:**
Redmond, OR 97756

**Phone No.:**
610-572-1210

**Fax No.:**
N/A

**Signature:**
Daniel Defenderfer

**Date:**
4/18/2014

---

**Name of Individual (type or print):**

[Signature]

**Date:**

---

**Name of Individual (type or print):**

[Signature]

**Date:**

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Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services)

Upon request, this information is available in alternative formats for persons with disabilities.
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. C3662183

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.

Corporate/Partnership Name (type or print):
Patients Alternative Health Center Cooperative, Inc.

Owner
 Tenant/Lessee
Applicant

Street Address: 147 West Ivy Street
City/State/Zip: San Diego, CA 92101
Phone No: (858) 204-6071
Fax No:

Name of Corporate Officer/Partner (type or print):
Carol Carpenter
Title (type or print): President

Signature: Date: 04/22/14

Corporate/Partnership Name (type or print):

Owner
 Tenant/Lessee
Applicant

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
Applicant

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
Applicant

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
Applicant

Street Address:
City/State/Zip:
Phone No: Fax No:

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

Title (type or print):
Signature:
Date:
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 all exterior doors and
windows, exterior walls, and the ceiling. The sensors on the walls and ceiling would detect any attempts to drill or
otherwise break through them. Note that the parapet shields anyone on the roof from being seen from the street.
These alarm systems should have batteries for backup power.

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

**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. If the circuit breakers and fuses
are located outside the building, they should also be installed in a sturdy metal box that is locked with a hidden- or shielded-shackle padlock.

**Cameras**

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

The existence of cameras helps to deter crime but not to stop a crime in progress. However, if buildings 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.
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.

**Exit Door Locks**

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

**Single Doors**

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

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

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

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

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

**Doors with Magnetic Locks**

Doors that are locked magnetically and do not have a push or press bar that unlocks them from the inside must open automatically when a person approaches them from inside of the building. The sensor that detects this motion or heat needs to be located or aimed far enough back from the door so a person outside cannot slip something between double doors or single doors and their frames to create motion or a heat signature and to open the doors. Or a strip of metal or other material can be attached to the outside of a door to close the gap and prevent a person from
inserting anything between double doors or single doors and their frames. Another way to prevent this is to replace the sensor with a button that would be pushed to open a door from the inside. Doors with magnetic locks will need backup power to keep them locked and enable the button to work during a power failure.

**Front Doors and Windows**

These are planned to have tempered glass in aluminum frames. They should meet Underwriters Laboratories (UL) 972 standards for burglar resistance.

The glass in the doors and windows should be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the interior of the building is lighted after dark, e.g., by employees or janitors, shutters or blinds will need to be used inside them because reflective materials are not effective then. To increase their burglar resistance, a security film can be attached to the inside of the glass. Note that if the glass in the windows can be broken, a burglar can reach in and open the door.

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

**Consumer Movement in the Building**

Consumers enter the building through a door to the reception room where they are checked in and their bags are searched. Then they go to the showroom, select their product, pay the cashier, receive their product, and leave through the exit door to the parking lot. This is a good plan. In addition to the security measures suggested above, the MMCC could have a video intercom, mantrap, metal detector, an 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.

Consumers should not have any access to offices and rooms for safes, camera recordings, and marijuana storage, processing, and packaging. Doors to these rooms should be kept locked at all times. Employees would have keys, keypad codes, fobs, or access cards to open them. An advantage of the latter is that a record of employee access can be kept.

**Video Intercom**

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

**Mantrap**

To prevent a person from following another into the building, i.e., tailgating, the front door could lead to a mantrap, i.e., a secured space for one person equipped with two interlocking doors to insure that only one person at a time can pass through 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. To prevent someone who has stolen an employee's access means from entering the building, a biometric sensor like a fingerprint reader could be installed at the second door. Thus, only employees would be able to enter through the mantrap without being buzzed in by the receptionist.

**Carry-in Items**

These include backpacks, brief cases, reusable grocery bags, purses, laptops, wallets, etc. The MMCC should have a policy that defines the items can be brought into the showroom. A safe place for consumers to store other items would need to be provided in the reception room or some other place.
Metal Detector

If a metal detector is 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.

The receptionist should be able to observe this process directly and unlock the door to the showroom when the guard indicates it is safe to do so. If there is no metal detector, the receptionist or security guard on duty in the reception room would verify the consumer's identity and membership, check all allowed carry-in items, and unlock the door to the showroom.

Employee Protection

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

Entry through the Exit Door

Someone could enter the building when a consumer leaves and the exit door is open. This person would be trapped in the exit corridor because the doors to the showroom and front office would be locked. To see if this happens, the receptionist or security guard in the reception room could watch consumers leave the building on their camera monitor and see anyone entering the building after consumers leave. Then with a speaker in the exit corridor, they could tell the person to leave immediately or the police will be called.

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.