



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 17, 2015 **REPORT NO. PC-15-073**

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

**SUBJECT:** APPEAL OF THE HEARING OFFICER'S DECISION TO DENY A CONDITIONAL USE PERMIT FOR SAN DIEGO HEALTH & WELLNESS MMCC - PROJECT NO. 369478 (PROCESS 3).

**REFERENCE:** Report to the Hearing Officer; Report No. HO-15-047 (Attachment 1-12).

**OWNER/  
APPLICANT:** P2 PROPERTIES, LLC /  
San Diego Health & Wellness, Rakesh Goyal

### SUMMARY

**Issue:** Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to deny a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in two tenant spaces totaling 2,366 square feet on a 0.55-acre site within the Kearny Mesa Community Plan area?

**Staff Recommendation:** Uphold the appeal, Reverse the Hearing Officer's decision and Approve Conditional Use Permit No. 1291580.

**Community Planning Group Recommendation:** On March 18, 2015, the Kearny Mesa Community Planning Group voted 7-2-0 to approve the project with conditions (attachment 10).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on November 18, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 2015.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** None with this action.

## **BACKGROUND**

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

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

On April 22, 2015, staff recommended denial of the project as the site was located within 1,000 feet of an existing church (Sarang) located at 7595 Convoy Court (Attachment 12), in direct violation of the San Diego Municipal Code (SDMC). The Hearing Officer agreed with staff and denied the project.

Subsequent to the Hearing Officer's decision, staff received a letter from Sarang Church on June 4, 2015, stating that effective June 8, 2015, the church would no longer be holding services at 7595 Convoy Court and would be relocating to a new site (Attachment 15). Representatives from the church are uncertain as to the new location at this time, however confirmed that they would not be relocating within 1,000 feet of the proposed MMCC.

Based on the letter submitted by Sarang Church, subsequent to the Hearing Officer's decision of denial, staff recommends that the Planning Commission uphold the appeal, reverse the Hearing Officer's decision and approve the project as it now meets all development regulations.

## **DISCUSSION**

**Appeal:** An appeal of the Hearing Officer's decision was filed on May 4, 2015 by Rakesh Goyal on the grounds of Factual Error, Conflict with other matters, Findings not supported, and New Information (Attachment 11).

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

### **Appeal Issues:**

1. *The statements or evidence relied upon by the decision maker were inaccurate.*

Staff Response: On April 22, 2015, the Hearing Officer denied the project as the site was located within 1,000 feet of a church. Based on the letter received on June 4, 2015, from Sarang Church, stating that effective June 8, 2015, they would no longer be holding services at 7595 Convoy Court and would be relocating to a new location, staff is recommending approval of the project as it meets all development regulations.

2. *The Hearing Officer's findings to deny the CUP are not supported.*

Staff Response: The applicants 1,000 foot radius map (Attachment 6) confirmed that the proposed MMCC was within 1,000 feet of Sarang Church located at 7595 Convoy Court. Based on the letter received on June 4, 2015, from Sarang Church, stating that effective June 8, 2015, they would no longer be holding services at 7595 Convoy Court and would be relocating to a new location, staff is recommending approval of the project as it meets all development regulations.

3. *The decision to deny the CUP is in conflict with the municipal code.*

Staff Response: Pursuant to the San Diego Municipal Code, MMCCs require a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools (SDMC Section 141.0614). The proposed MMCC was located within 1,000 feet of Sarang Church located at 7595 Convoy Court. Based on the letter received on June 4, 2015, from Sarang Church, stating that effective June 8, 2015, they would no longer be holding services at 7595 Convoy Court and would be relocating to a new location, staff is recommending approval of the project as it meets all development regulations.

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

Staff Response: Based on the letter received on June 4, 2015, from Sarang, stating that effective June 8, 2015, they would no longer be holding services at 7595 Convoy Court and would be relocating to a new location, staff is recommending approval of the project as it meets all development regulations.

**Conclusion:**

Staff recommends that the Planning Commission uphold the appeal and approve the project as it meets all applicable development regulations, including the minimum distance requirements.

Respectfully submitted,



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Mike Westlake  
Assistant Deputy Director  
Development Services Department



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Edith Gutierrez  
Development Project Manager  
Development Services Department

Attachments:

- 1-12 Report to the Hearing Officer – Report HO-15-047
- 13. Appeal Application, Rakesh Goyal
- 14. Draft Permit with Conditions
- 15. Draft Permit Resolution with Findings
- 16. Sarang letter received June 4, 2015



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: April 22, 2015 REPORT NO. HO-15-047  
ATTENTION: Hearing Officer  
SUBJECT: SAN DIEGO HEALTH & WELLNESS MMCC  
PROJECT NUMBER: 369478  
LOCATION: 5125 Convoy Street  
APPLICANT: Rakesh Goyal, San Diego Health & Wellness

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in two tenant spaces totaling 2,366 square feet within an existing 22,274 square foot building within the Kearny Mesa Community Plan area?

Staff Recommendation: DENY Conditional Use Permit No. 1291580.

Community Planning Group Recommendation: On March 18, 2015, the Kearny Mesa Community Planning Group voted 7-2-0 to approve the project with conditions (attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on November 18, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

### BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate

Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

On March 25, 2014 the City of San Diego adopted Ordinance No. O-20356, to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). 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 two tenant spaces (Suites 200 & 202) totaling 2,366 square feet within an existing 22,274 square foot building on a 0.55-acre site. The site is located at 5125 Convoy Street in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 60-65 and the 65-70 dB CNEL for MCAS Miramar, the Transition Safety Zone for Miramar, and Safety Zone 6 for Montgomery within the Kearny Mesa Community Plan Area. The site was developed in 1980 per Building Permit No. E75545.

The proposed 2,366 square foot MMCC requires 12 off-street parking spaces, a rate of 5 spaces per 1,000 square feet. The entire 0.55-acre site requires a total of 55 off-street parking spaces. In order to meet the parking requirement, the applicant is leasing an additional 2,970 square feet within the building; Suites 205 (940 square feet), 206 (940 square feet) and 209 (1,090 square feet), an average of two spaces per suite. Suites 205, 206 & 209 must be retained as vacant space and not to be occupied at any time during the entire term, for any use whatsoever, including storage space.

The site is designated Industrial by the Kearny Mesa Community Plan. The Industrial designation is intended for manufacturing, assembling, processing, warehousing or transporting goods or products. The Kearny Mesa Community Plan encourages continued development of Kearny Mesa as a regional employment center, containing a mix of industrial, office, retail and compatible housing land uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines. All of the surrounding parcels are in the IL-3-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit within this community plan.

## DISCUSSION

The MMCC would be located in two tenant spaces (Suites 200 & 202) totaling 2,366 square feet.

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the community. SDMC section 141.0614(a) regulates the locations of MMCC's throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a church. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is located within 1,000 feet of the existing Sarang Church located at 7595 Convoy Court (attachment 11), and therefore is in direct violation of the SDMC.

### CONCLUSION

Staff is recommending denial of the project as the proposed project fails to meet the SDMC's minimum separation requirements prohibiting MMCC's from operating within 1,000 feet of a church. The proposed MMCC is not consistent with the SDMC's purpose and intent to protect public safety, does not comply with the regulations of the Land Development Code and is not located at an appropriate location.

### ALTERNATIVE

1. Approve Conditional Use Permit No. 1291580, with modifications.
2. Deny Conditional Use Permit No. 1291580, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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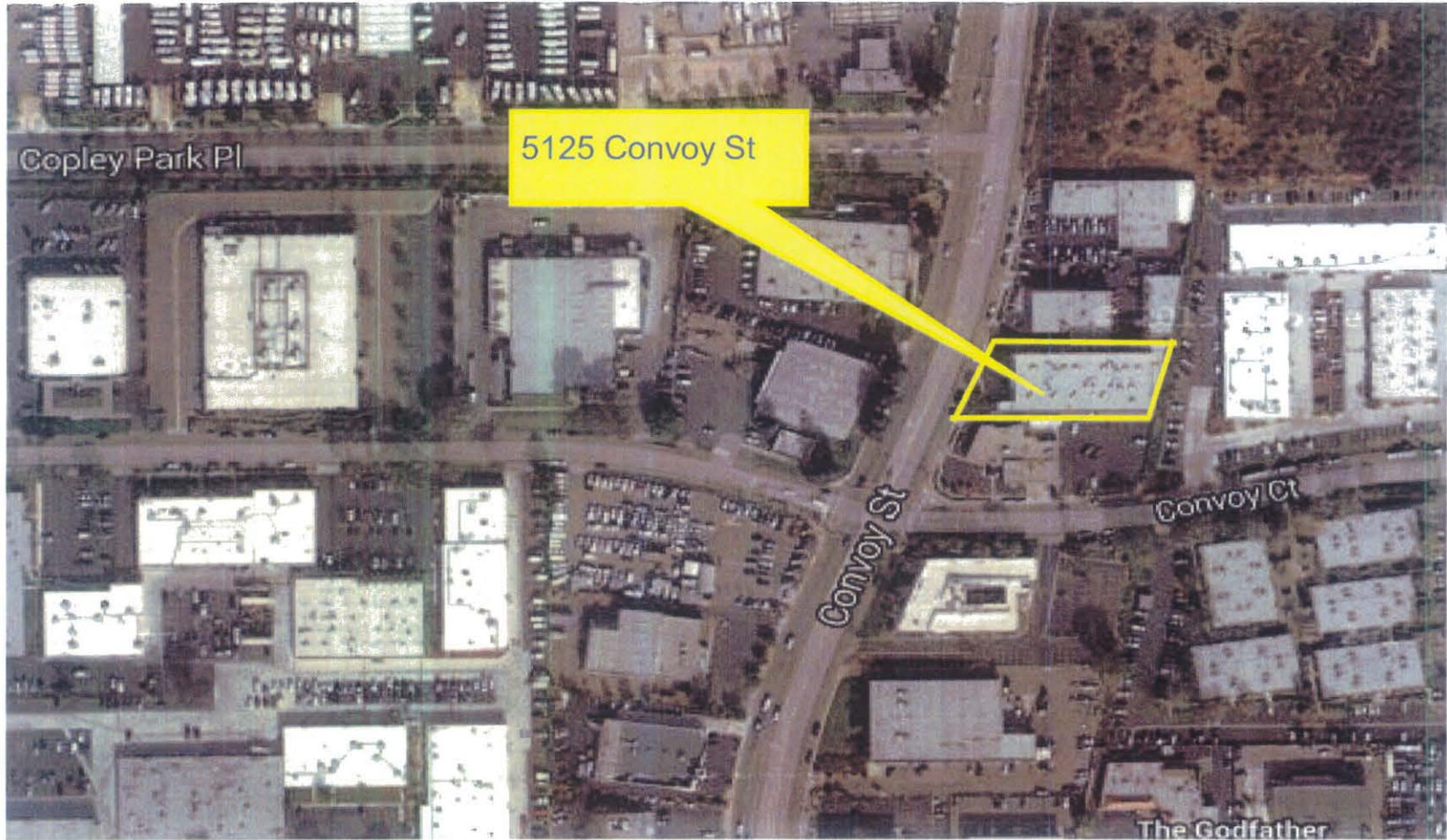
Edith Gutierrez, Development Project Manager

### Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings

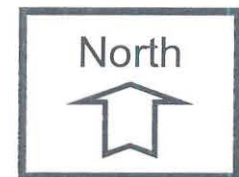
6. 1000 Foot Radius Map
7. 1000 Foot Radius Map Spreadsheet
8. Notice of Right to Appeal
9. Project Site Plan(s)
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Map identifying Sarang Church

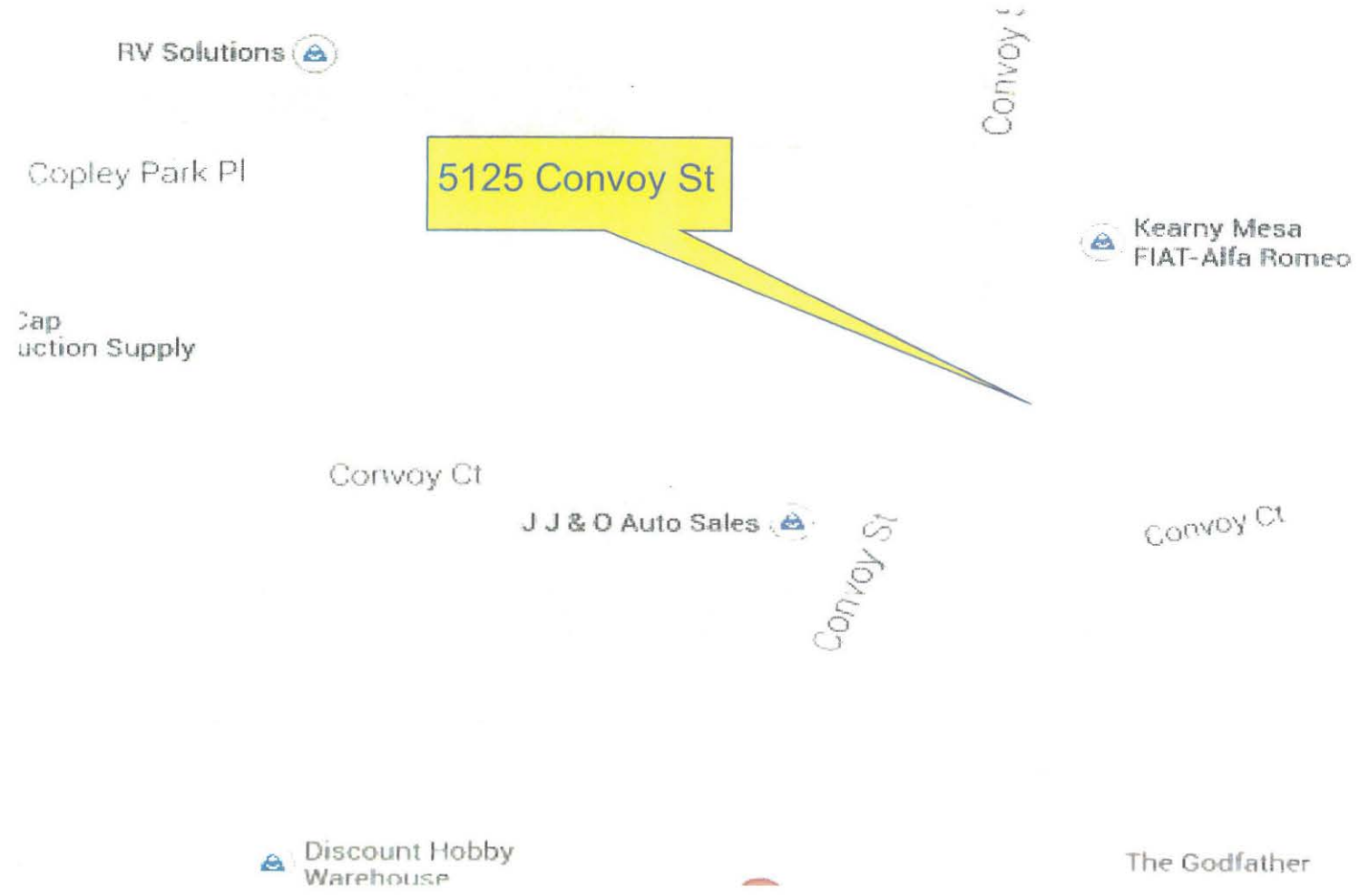




## Location Aerial Photo

SAN DIEGO HEALTH & WELLNESS MMCC-5125 Convoy Street  
PROJECT NO. 369478



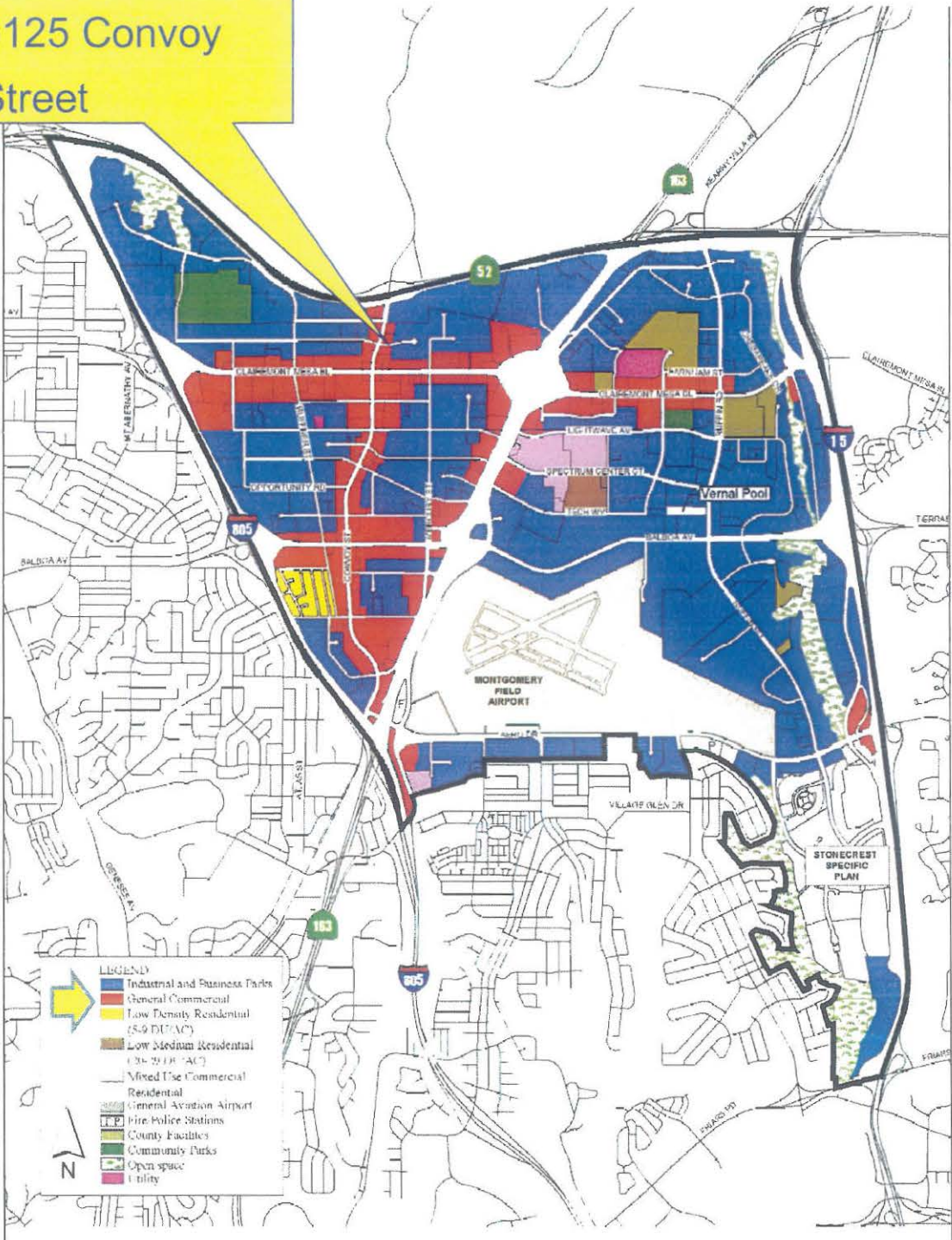


## Project Location Map

SAN DIEGO HEALTH & WELLNESS MMCC-5125 CONVOY ST  
 PROJECT NO. 369478



5125 Convoy Street



# Kearny Mesa Community Plan

## Land Use Map



SAN DIEGO HEALTH & WELLNESS MMCC-5125 CONVOY ST  
PROJECT NO. 369478



**RECORDING REQUESTED BY**  
 CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES  
 PERMIT INTAKE, MAIL STATION 501

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004690

**CONDITIONAL USE PERMIT NO. 1291580**  
**SAN DIEGO HEALTH & WELLNESS MMCC - PROJECT NO. 369478**  
**HEARING OFFICER**

This Conditional Use Permit No. 1291580 is denied by the Hearing Officer of the City of San Diego to P2 PROPERTIES, LLC, Owner and SAN DIEGO HEALTH & WELLNESS, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.55-acre site is located at 5125 Convoy Street in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 60-65 and the 65-70 dB CNEL for Miramar, the Transition Safety Zone for MCAS Miramar, and Safety Zone 6 for Montgomery within the Kearny Mesa Community Plan Area. The project site is legally described as Parcel 2 of Parcel Map No. 6223, August 1, 1977, said Parcel Map being a division of Lot 21 of Kearny Industrial Park, Unit No. 2, Map No. 6241, Lot 47 of Kearny Industrial Park Unit No. 5, Map 6964.

Subject to the terms and conditions set forth in this Permit, permission is denied to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 22, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in two tenant spaces (Suites 200 & 202) totaling 2,366 square feet within an existing 22,274 square foot building on a 0.55-acre site;
- b. Suites 205 (940 square feet), 206 (940 square feet) and 209 (1,090 square feet) totaling 2,970 square feet to be maintained vacant, unoccupied for any use whatsoever, including storage space;

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

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 7, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on May 7, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
  - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to,

settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**PLANNING/DESIGN REQUIREMENTS:**

13. The use within the 2,366 square foot tenant spaces shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The 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 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.55-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.

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

**ENGINEERING REQUIREMENTS:**

25. Prior to the issuance of any building occupancy, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with a City standard driveway on Convoy Street per Standard Drawing SDG-159, satisfactory to the City Engineer.

**TRANSPORTATION REQUIREMENTS:**

26. No fewer than 55 parking spaces, including 3 accessible spaces, (with 55 off-street parking spaces provided) shall be permanently maintained on the property within the approximate locations shown on the project's 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 for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

27. The proposed 2,366 square foot San Diego Health & Wellness MMCC shall lease an additional 2,970 square feet within the 22,274 square foot building and retain it as vacant space. The lease shall specifically state that the additional 2,970 square feet leased space is to be kept vacant and not to be occupied at any time during the entire term, for any use whatsoever, including storage space. The lease shall provide for the exclusive use of 12 parking spaces that shall be clearly labeled and designated for the 2,366 square foot MMCC and 2,970 square foot vacant space.

**POLICE DEPARTMENT RECOMMENDATION:**

28. 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.

DENIED by the Hearing Officer of the City of San Diego on April 22, 2015 and Resolution No. HO-XXXX.

Conditional Use Permit No.1291580/PTS No. 369478  
Date of Denial: April 22, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Edith Gutierrez  
Development Project Manager

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

\_\_\_\_\_  
**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

P2 PROPERTIES, LLC  
Owner

By \_\_\_\_\_  
Sonny Patidar  
Member

SAN DIEGO HEALTH & WELLNESS,  
Permittee

By \_\_\_\_\_  
Rakesh Goyal  
Officer

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

HEARING OFFICER  
RESOLUTION NO. HO-  
CONDITIONAL USE PERMIT NO. 1291580  
**SAN DIEGO HEALTH & WELLNESS MMCC - PROJECT NO. 369478**

WHEREAS, P2 PROPERTIES, LLC, Owner and SAN DIEGO HEALTH & WELLNESS, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in two tenant spaces (Suites 200 & 202) totaling 2,366 square feet within an existing 22,274 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1291580), on portions of a 0.55-acre site;

WHEREAS, the project site is located at 5125 Convoy Street in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 60-65 and the 65-70 dB CNEL for Miramar, the Transition Safety Zone for Miramar, and Safety Zone 6 for Montgomery within the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 6223, August 1, 1977, said Parcel Map being a division of Lot 21 of Kearny Industrial Park, Unit No. 2, Map No. 6241, Lot 47 of Kearny Industrial Park Unit No. 5, Map 6964;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1291580 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 18, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309532;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated April 22, 2015.

FINDINGS:

**Conditional Use Permit Approval – Section §126.0305**

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

The proposed project is a request for a Conditional Use Permit to operate a MMCC in two tenant spaces totaling 2,366 square feet within an existing 22,274 square foot building. The 0.55-acre site is located at 5125 Convoy Street in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 60-65 and the 65-70 dB CNEL for Miramar, the Transition Safety Zone for Miramar, and Safety Zone 6 for Montgomery within the Kearny Mesa Community Plan Area.

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

All of the surrounding parcels are in the IL-3-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, 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 operate an MMCC in two tenant spaces totaling 2,366 square feet within an existing 22,274 square foot building located at 5125 Convoy Street. This proposed MMCC is located within 1,000 feet of an existing church (Sarang) located at 7595 Convoy Court.

The San Diego Municipal Code (SDMC) allows the operation of MMCC's only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the public's health, safety and welfare. SDMC section 141.0614(a) regulates the locations of MMCC's throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a church. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is proposed to be located within 1,000 feet of the existing Sarang church located at 7595 Convoy Court, and therefore is in direct violation of the SDMC.

The proposed project fails to meet the SDMC's minimum separation requirements prohibiting MMCC's from operating within 1,000 feet of a church, and is not consistent with the SDMC's purpose and intent to protect public safety. Therefore, the proposed project will be detrimental to the public's 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 a request for a Conditional Use Permit to operate an MMCC in two tenant spaces totaling 2,366 square feet within an existing 22,274 square foot building located at 5125 Convoy Street. This proposed MMCC is located within 1,000 feet of an existing church (Sarang) located at 7595 Convoy Court.

The Land Development Code regulates the operation of MMCC's City wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects to neighboring properties or incompatibility with the other permitted uses of the base zone. One of the limitations included in the Code includes minimum separation requirements between certain uses. SDMC section 141.0614(a) specifically prohibits MMCC's from operating within 1,000 feet of a church. SDMC, Section 113.0225

requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is proposed to be located within 1,000 feet of the existing Sarang Church located at 7595 Convoy Court, and therefore is in direct violation of the SDMC. Therefore, the proposed project does not comply with the regulations of the Land Development Code.

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

The proposed project is a request for a Conditional Use Permit to operate an MMCC in two tenant spaces totaling 2,366 square feet within an existing 22,274 square foot building located at 5125 Convoy Street. This proposed MMCC is located within 1,000 feet of an existing church (Sarang) located at 7595 Convoy Court.

The San Diego Municipal Code (SDMC) allows the operation of MMCC's only in limited locations of the City, and only when it can be demonstrated that the location of the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on public safety. SDMC section 141.0614(a) regulates the locations of MMCC's throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a church. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is proposed to be located within 1,000 feet of the existing Sarang church located at 7595 Convoy Court, and therefore is in direct violation of the SDMC. Therefore, the proposed MMCC is not appropriate at this proposed location.

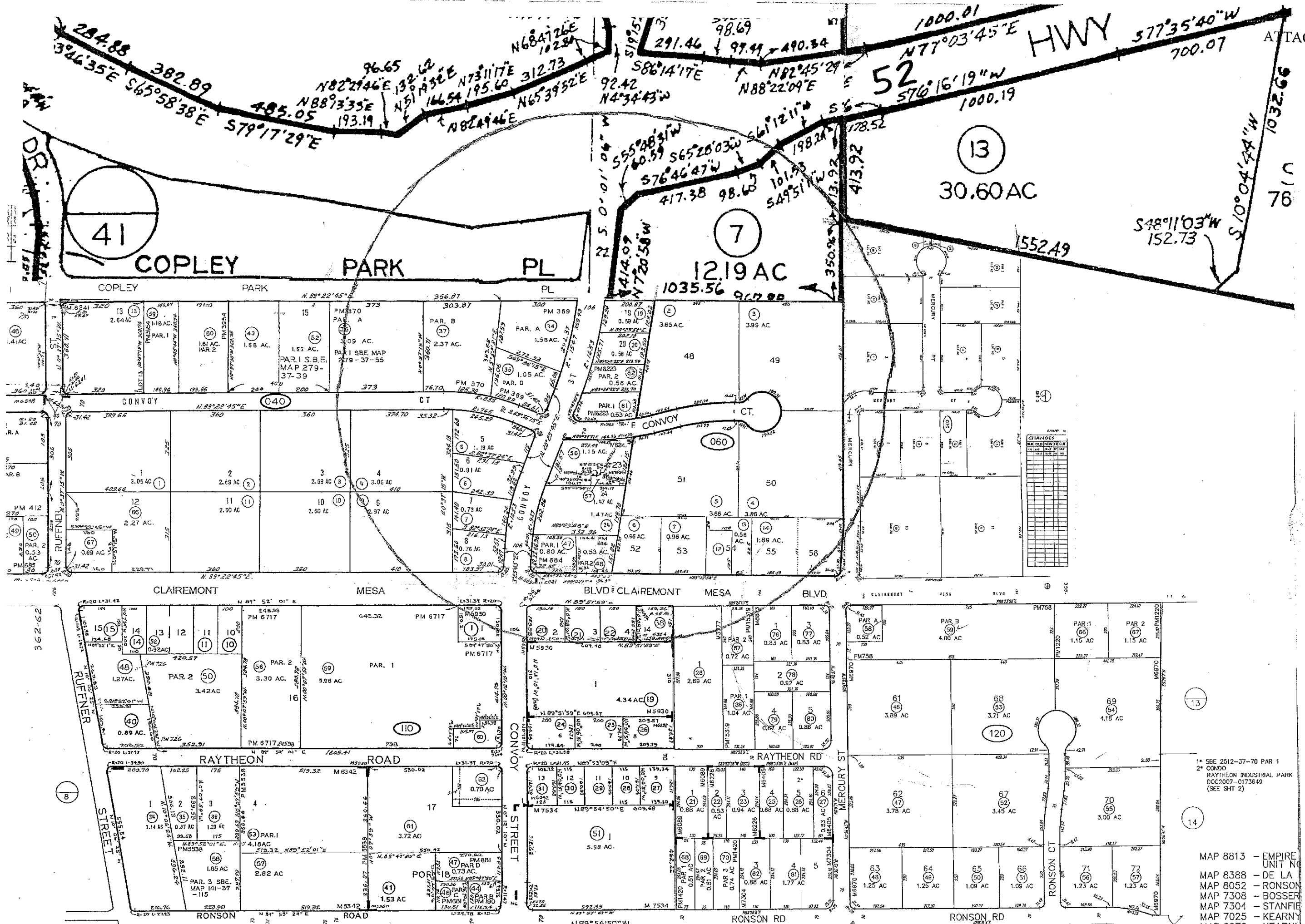
BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1291580 is hereby DENIED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1291580, a copy of which is attached hereto and made a part hereof.

---

Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: April 22, 2015

Job Order No. 24004690



1\* SBE 2512-37-70 PAR 1  
 2\* CONDO  
 RAYTHEON INDUSTRIAL PARK  
 DOC2007-0173649  
 (SEE SHIT 2)

- MAP 8813 - EMPIRE UNIT NO
- MAP 8388 - DE LA
- MAP 8052 - RONSON
- MAP 7308 - BOSSER
- MAP 7304 - STANFIE
- MAP 7025 - KEARNY
- MAP 6970 - KEARNY

1000-Foot Radius Map Spreadsheet			
Project Name:			
Address :			
Date:			
Use	Address	Assessor Parcel No.	Business Name
Auto Sales	5155 Convoy	356-040-19	Kearny Mesa Fiat
Auto Sales	5135 Convoy	356-040-20	Kearny Mesa Fiat
Office	5125 Convoy	356-040-62	200 Native Nations
Office	5125 Convoy	356-040-62	201 Hospitality Consultants
Office	5125 Convoy	356-040-62	202 empty
Office	5125 Convoy	356-040-62	203 Pay Net
Office	5125 Convoy	356-040-62	204 empty
Office	5125 Convoy	356-040-62	205 empty
Office	5125 Convoy	356-040-62	206 Northwest
Office	5125 Convoy	356-040-62	207 Print n press
Office	5125 Convoy	356-040-62	208 John Chan
Office	5125 Convoy	356-040-62	209 empty
Office	5125 Convoy	356-040-62	210 Koz Events
Office	5125 Convoy	356-040-62	211 empty
Office	5125 Convoy	356-040-62	212 Aras Consulting
Office	5125 Convoy	356-040-62	301 empty
Office	5125 Convoy	356-040-62	302 Transamerica
Office	5125 Convoy	356-040-62	303 SNAP productions
Office	5125 Convoy	356-040-62	304 empty
Office	5125 Convoy	356-040-62	305 The Crowfund Mafia
Office	5125 Convoy	356-040-62	306 The Crowfund Mafia
Office	5125 Convoy	356-040-62	307 Quality Managment
Office	5125 Convoy	356-040-62	308 YUKEEP
Office	5125 Convoy	356-040-62	309 Cosmic Courier
Office	5125 Convoy	356-040-62	310 Bridge Hospice
Office	5125 Convoy	356-040-62	311 poc
Office	5125 Convoy	356-040-62	312 Pacific Financial
Adult/Retail	5101 Convoy	356-040-81	Adult Emporium
Office/warehouse	7742 Convoy	356-040-56	Aecom
Retai	7878 Clairemont Mesa	356-040-24	Laptop Repair # A
Spa	7830 Clairemont Mesa	356-040-48	Clairemont Mesa Medical Arts
	7808 Clairemont Mesa	356-040-47	Empty
Bank	4930 Convoy Street	356-040-08	Union Bank
Retail	5040 Convoy Street	356-040-07	Golf Shop-A
Vetrinary	5040 Convoy Street	356-040-07	Eye Care for Animals-B
Auto Parts	5060 Convoy Street	356-040-06	Northside Imports
Auto Sales	7770 Convoy Ct	356-040-05	JJO Auto Sales
Vetrinary	7742 Convoy	356-040-09	The Portable Store
	7740 Convoy	356-040-09	Vetrinary Care
	7736 Convoy	356-040-09	Empty
	7730 Convoy	356-040-09	Empty
Auto	7726 Convoy	356-040-09	Pacific Rim Mechanical



## ATTACHMENT 7

Office	7722 Convoy	356-040-09	Traffic Safety
Retail	7720 Convoy	356-040-09	Read Deal Mattress
Office	7718 Convoy	356-040-09	Fairview Golf
	7717 Convoy	356-040-04	Empty
Office/warehouse	7719 Convoy	356-040-04	Ignition Interlock
Office	7723-7725 Convoy	356-040-04	Pacific Rim Mechanical
Restaurant	7701 Convoy Ct	356-040-04	Grab n go
Office	7703 Convoy Ct	356-040-04	5 day remodel
	7705 Convoy Ct	356-040-04	Empty
Office	7709-7711 Convoy Ct	356-040-04	Smart Cremation
Retail	7603 Convoy Ct	356-040-03	WIG USA
	7605 Convoy Ct	356-040-03	empty
Auto	7611-7617 Convoy Ct	356-040-03	Pacific Rim Mechanical
warehouse	7790 Convoy Ct	356-040-35	Wesco
Warehouse	7750 Convoy Ct	356-040-37	Calply
	7740 Convoy Ct	356-040-36	empty
Laundry	5750 Convoy Ct	356-040-34	Margaret's cleaners

## 1000-Foot Radius Map Spreadsheet

Project Name:

Address :

Date:

Use	Address	Assessor Parcel No.	Business Name
Bike Shop	7928 Convoy Ct.	356-060-03	Holland Cycles
office	7916 Convoy Ct	356-060-03	EMSL
office	7875 Convoy Ct., Ste. 1	356-060-04	Western Cabinets
office	Ste 2	356-060-04	vacant
office	Ste 3	356-060-04	Public Safety Training Assoc.
office	Ste 4	356-060-04	Smith Studios
office	Ste 5	356-060-04	Paradise Printing
office	Ste. A1	356-060-04	Papa Johns Pizza
office	Ste. A2	356-060-04	Vacant
office	Ste. A3	356-060-04	V
office	Ste. A4	356-060-04	San Diego Shores Water Polo Club
office	Ste. 19	356-060-04	Papa Johns Pizza
office	7895 Convoy Ct., Ste. 7	356-060-04	Foremost Printing & Graphics
Manufacturing	Ste. 8	356-060-04	Unique Die Cutting
Storage	Ste. 9-10-11	356-060-04	Mobility Solutions, Inc
office	Ste. 12	356-060-04	Glass Works by Choice
storage	Ste. 13	356-060-04	Solar City
office	Ste. 14	356-060-04	Victor Gallardo
office	Ste. 15-18	356-060-04	Testing Engineers
office	7827 Convoy Ct., 400	356-060-05	Wellness Works
office	Ste. 403	356-060-05	Consultax
office	Ste. 406	356-060-05	Structural Technology
Office	Ste. 408	356-060-05	The Automotive training Group
Office	Ste 410	356-060-05	ExamOne
Office	7837 Convoy Ct., 100	356-060-05	Sunrise Mgmt
Office	7847 Convoy Ct., 101	356-060-05	Hudson Mgmt Services
Office	Ste. 102	356-060-05	Richard Heath and Assoc.
Office	7857 Convoy Ct.,211	356-060-05	Allegis Residential Svcs
	Ste. 209	356-060-05	Vacant

## 1000-Foot Radius Map Spreadsheet

Project Name:

Address :

Date:

Use	Address	Assessor Parcel No.	Business Name
office	7867 Convoy Ct., 302	356-060-05	McAlister Institute
office	Ste 304	356-060-05	Golden State Graphics
office	Ste 305	356-060-05	Osteo West Surgical
office	Ste. 306	356-060-05	Capacity Construction
Retail/storage	7946 Clairemont Mesa Blvd	356-060-07	SD Marble and Tile
Auto Sales	7950 Clairemont Mesa Blvd	356-060-012,13	Siry Auto Group
Retail	8006 Clairemont Mesa Blvd	356-060-14	ATT
Restaurant	8010 Clairemont Mesa Blvd	356-060-14	Chaba Thai Kitchen
Office	8014 Clairemont Mesa Blvd	356-060-14	Freeway Insurance
Dentist	8018 Clairemont Mesa Blvd	356-060-14	Smile Creations
Optometry	8022 Clairemont Mesa Blvd	356-060-14	Eye Care +
Spa	8028 Clairemont Mesa Blvd	356-060-14	AART Massage
Restaurant	8038 Clairemont Mesa Blvd	356-060-14	Pho Fusion
Restaurant	8046 Clairemont Mesa Blvd	356-060-14	Mercury Grill
Restaurant	8042 Clairemont Mesa Blvd	356-060-14	Gualbertos Mexican
Retail	8050 Clairemont Mesa Blvd	356-060-14	Fan Diego
Restaurant	8058 Clairemont Mesa Blvd	356-060-14	Sushi Hut
Salon	8062 Clairemont Mesa Blvd	356-060-14	Dianne Artist salon
Retail	8068 Clairemont Mesa Blvd	356-060-14	Industrial Shoe Co.
	8072 Clairemont Mesa Blvd	356-060-14	vacant
Salon	8078 Clairemont Mesa Blvd	356-060-14	Euronails
Restaurant	8080 Clairemont Mesa Blvd	356-060-14	Subway
Salon	7878 Clairemont Mesa Blvd, B	356-060-06	Salon Mia
Retail	C	356-060-06	American Trophy & Awards
Salon	D	356-060-06	Bella Nails
Dentist	E	356-060-06	Family Dentistry
Office	F	356-060-06	ASAP Insurance
Restaurant	G	356-060-06	Godfather
Laundry	J	356-060-06	H&R Cleaners
Retail	K	356-060-06	Ritz Design and Build
	H,I	356-060-06	vacant

## 1000-Foot Radius Map Spreadsheet

Project Name:

Address :

Date:

Use	Address	Assessor Parcel No.	Businenees Name
Storage	8000 Raytheon	356-120-28	Public Storage
Auto rental	8025 Clairemont Mesa Blvd	356-120-87	Renty Car Rentals
Auto Repair	8025 Clairemont Mesa Blvd	356-120-87	California Motor Works & Tires
Office	8025 Clairemont Mesa Blvd, 2800	356-120-87	SMS Auto Sales
Office	1200	356-120-87	Mission Auto Club
Office	700	356-120-87	San Diego Auto Group
Office	600	356-120-87	Z Motor Group
Office	800A	356-120-87	The Auto Deals Connection
Office	2750	356-120-87	Atlantic Automotive
Office	2000	356-120-87	Bullet Motor Sports
Office	2006	356-120-87	Amigo Auto Market
Office	1500	356-120-87	Image Motors
Office	800	356-120-87	Pacific Cars
Office	400	356-120-87	DG Quality Cars
Office	500	356-120-87	Cars For you
Office	2300	356-120-87	All in Motors
Office	2500	356-120-87	Lightspeed Motors
Retail	8055 Clairemont Mesa Blvd, 101	356-120-76	Comfort Touch Mattress
Spa	102	356-120-76	Hana Spa
Salon	103B	356-120-76	Jennifer Salon and Spa
Office	104/105	356-120-76	Labor Finders
Tattoo shop	106	356-120-76	Absolute Tattoos
Lounge	108A	356-120-76	Nara Ultra Lounge
Retail	108	356-120-76	Vape Aura
Restaurant	8065 Clairemont Mesa Blvd	356-120-76	Burger King
Gas Station	7785 Clairemont Mesa Blvd	356-110-01	Shell
Gas station	7801 Clairemont Mesa Bv.d	356-110-20	Seven Eleven
Office/Retail	7893 Clairemont Mesa Blvd	356-110-22	Custom Logos
Office/Printing	7825-37 Clairemont Mesa Blvd	356-110-38	Futura Color

## 1000-Foot Radius Map Spreadsheet

**Project Name:**

**Address :**

**Date:**

Use	Address	Assessor Parcel No.	Business Name
Bike Shop	7843 Clairemont Mesa Blvd	356-110-21	Clairemont Cycle Supply
Electronics shop	7845	356-110-21	V-V
Auto Supply	7847	356-110-21	Kearny Mesa Auto Paint & Supply
Retail	7849-51	356-110-21	BBQ Depot
Auto Sales	8118 Clairemont Mesa Blvd	356-070-10	Nissan
	8155 Mercury Ct.	356-070-09	Vacant
unknown	8108,8128,8148B	356-070-01	Unlisted/no signage
Retail	5160 Mercury Pt., B	356-070-14	Classic Hardwood Floors
Office	C	356-070-14	Fitness Armory
Office	D	356-070-14	DMS Facility Services
Raw land		356-011-07	Raw land
Raw land		356-010-08	Raw Land



THE CITY OF SAN DIEGO

Date of Notice: November 18, 2014

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004690

---

**PROJECT NAME/NUMBER:** San Diego Health and Wellness MMCC/369478

**COMMUNITY PLAN AREA:** Kearny Mesa Community Plan

**COUNCIL DISTRICT:** 6

**LOCATION:** The project is located at 5125 Convoy Street, San Diego, CA 92111.

**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 within two suites totaling 2,366 square feet within an existing 22,274-square-foot building on a 0.50-acre site located at 5125 Convoy Street within the Kearny Mesa Community Plan Area; it is designated for Industrial use. Additionally, as a condition of approval, the project includes a lease for an additional 2,900-square-foot suite to be retained as vacant space to provide for the exclusive use of 12 parking spaces for the project. The CUP for the MMCC does not apply to the 2,900-square-foot suite.

**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

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On November 18, 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (December 4, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

<b>POSTED IN THE OFFICE OF DSD</b>	
Posted	NOV 18 2014 <i>me</i>
Removed	DEC 04 2014
Posted by	<i>Miralee</i>

# FULL RE-SUBMITTAL PLANS FOR MEDICAL MARIJUANA CONSUMER COOPERATIVE

5125 CONVOY STREET, SUITES 200-202, SAN DIEGO, CA 92111

PROJECT REQUEST:  
CONDITIONAL USE PERMIT FOR MMCC

PROJECT SUMMARY  
PLACEMENT OF A MEDICAL MARIJUANA  
CONSUMER COOPERATIVE IN SUITES 200  
AND 202 WITHIN AN EXISTING 3-STORY  
OFFICE BUILDING. NO DEMOLITION; NO NEW  
SQUARE FOOTAGE; NO EXTERIOR BUILDING  
ALTERATIONS; NO WORK IN THE RIGHT-OF-  
WAY.



WEST ELEVATION



SOUTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



NORTH ELEVATION



VICINITY MAP

**PROJECT INFORMATION**

ASSESSOR PARCEL NUMBER: 356.040.62

OWNER'S NAME AND ADDRESS:  
P2 PROPERTIES  
P.O. BOX 722908, SAN DIEGO, CA 92172

TYPE OF CONSTRUCTION: TYPE V - 1 HOUR

OCCUPANCY CLASSIFICATION: "B", PER THE CALIFORNIA BUILDING CODE

ZONING: IL-3-1

SITE AREA: 24,393 SF

FLOOR AREA: 22,274 SF

EXISTING USE: PROFESSIONAL OFFICES

PROPOSED USE: PROFESSIONAL OFFICES & MARIJUANA CONSUMER COOPERATIVE

YEAR OF ORIGINAL BUILDING CONSTRUCTION: 1980

**SHEET INDEX**

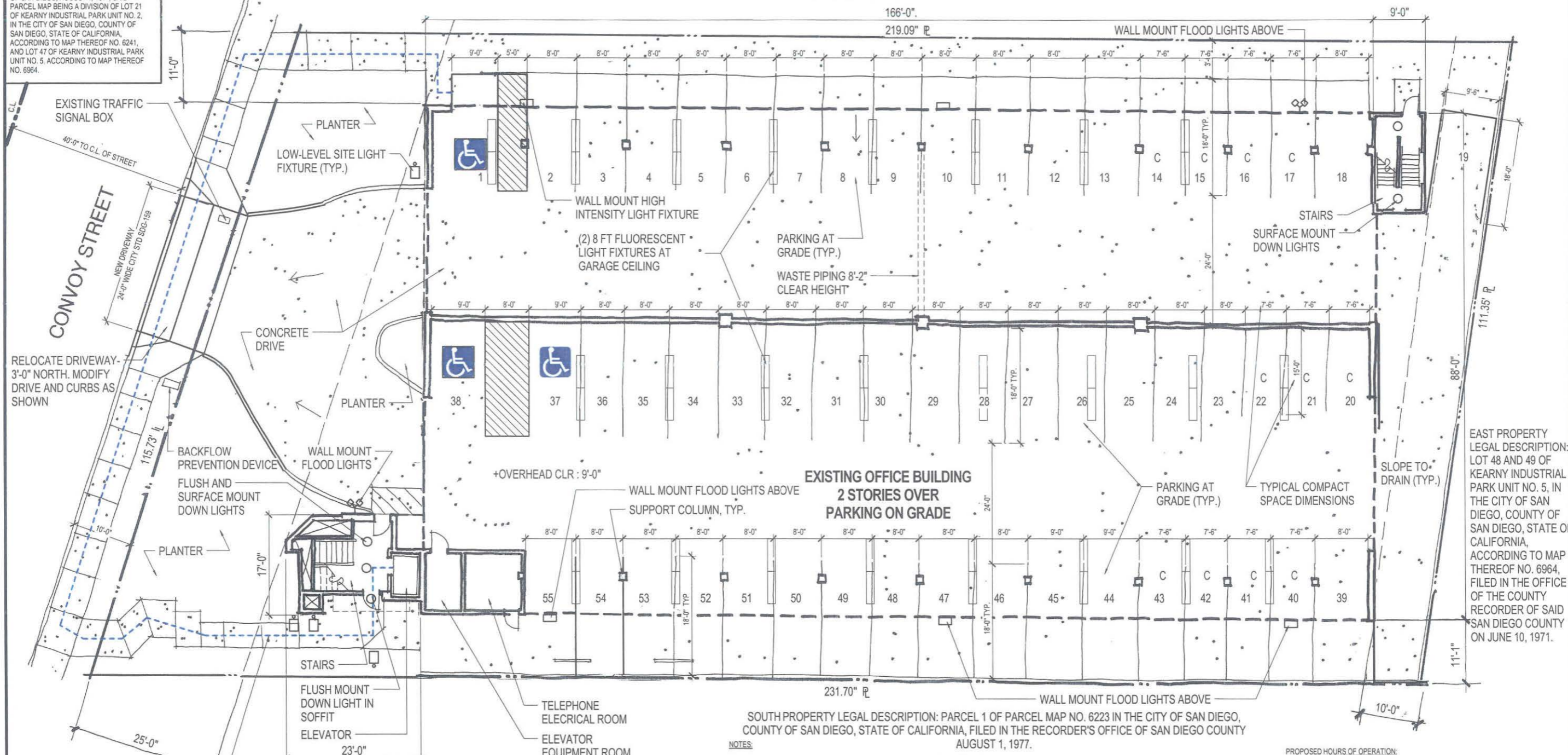
- TS TITLE SHEET
- A.1 SITE PLAN
- A.2 2ND FLOOR PLAN

FULL RESUBMITTAL PLANS 5125 CONVOY STREET - MEDICAL MARIJUANA CONSUMER COOPERATIVE TITLE SHEET			
FULL RESUBMITTAL MMCC SHEET 1 3		WBS _____ WBS _____	
APPROVED FOR CITY ENGINEER _____		DATE 08/28/2014	
SUBMITTED BY _____		DATE _____	
CONTRACTOR _____		DATE STARTED _____	
INSPECTOR _____		DATE COMPLETED _____	
			TS



LEGAL DESCRIPTION  
 PARCEL 2 OF PARCEL MAP NO. 6223, FILED  
 IN THE OFFICE OF THE COUNTY RECORDER  
 OF SAN DIEGO, AUGUST 1, 1977, SAID  
 PARCEL MAP BEING A DIVISION OF LOT 21  
 OF KEARNY INDUSTRIAL PARK UNIT NO. 2,  
 IN THE CITY OF SAN DIEGO, COUNTY OF  
 SAN DIEGO, STATE OF CALIFORNIA,  
 ACCORDING TO MAP THEREOF NO. 6241,  
 AND LOT 47 OF KEARNY INDUSTRIAL PARK  
 UNIT NO. 5, ACCORDING TO MAP THEREOF  
 NO. 6964.

NORTH PROPERTY LEGAL DESCRIPTION: LOT 20 OF KEARNY INDUSTRIAL PARK, UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,  
 ACCORDING TO MAP THEREOF NO. 6241, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, NOVEMBER 29, 1968



EAST PROPERTY LEGAL DESCRIPTION: LOT 48 AND 49 OF KEARNY INDUSTRIAL PARK UNIT NO. 5, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 6964, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY ON JUNE 10, 1971.

SOUTH PROPERTY LEGAL DESCRIPTION: PARCEL 1 OF PARCEL MAP NO. 6223 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE RECORDER'S OFFICE OF SAN DIEGO COUNTY AUGUST 1, 1977.

NOTES:

- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.
- SECURITY SHALL BE PROVIDED AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHOULD ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.
- SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS, LIMITED TO TWO COLORS.
- 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. A VENDING MACHINE IS DEFINED AS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.
- A SIGN SHALL INDICATING THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
- 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. SIGNS ARE LIMITED TO TWO. A SIGN IS REQUIRED TO BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS.
- EXISTING AND FUTURE PROPOSED USES ON THIS PROPERTY SHALL INCLUDE ONLY THOSE PERMITTED IN THE IL-3-1 ZONE.
- LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACADE, AND THE IMMEDIATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJOINING SIDEWALKS. SEE PLANS FOR LOCATIONS OF EXISTING LIGHT FIXTURES.
- THE PROPOSED MMCC AREA WILL ACHIEVE 50 DB CNEL NOISE ATTENUATION AS PART OF THE PERMIT.

PROPOSED HOURS OF OPERATION:  
 7AM-9PM, 7 DAYS A WEEK  
 PROJECT REQUEST:  
 CONDITIONAL USE PERMIT FOR MMCC IN SUITES 200 AND 202  
 2,366 TOTAL SQUARE FEET

NOTE: NO BUS STOPS OCCUR  
 ALONG CONVOY STREET AT  
 THIS LOCATION.

DISABLED ACCESSIBLE  
 PATH OF TRAVEL

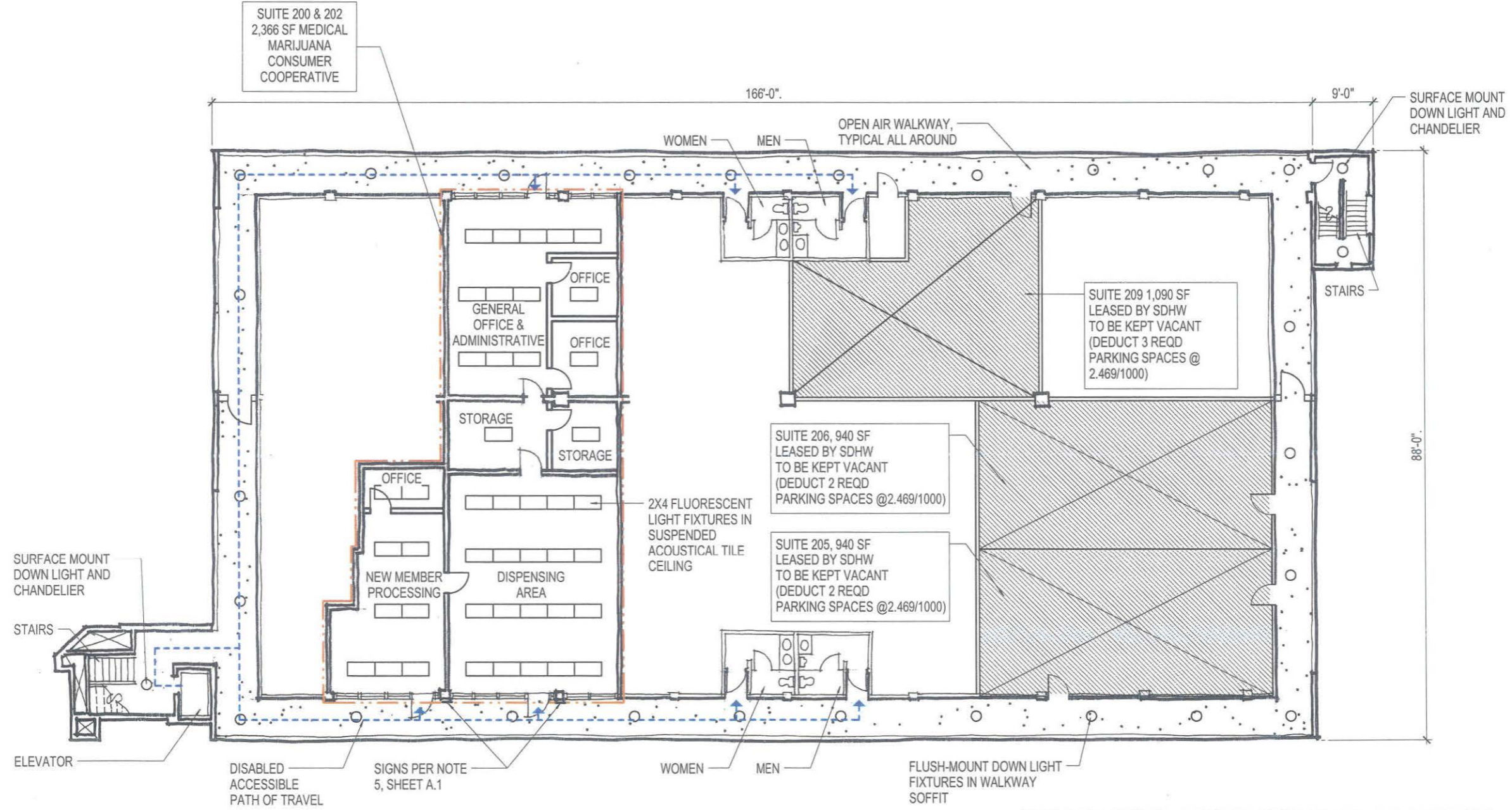
ORIGINALLY APPROVED WITH 55 PARKING SPACES  
 EFFECTIVE PREVIOUSLY CONFORMING PARKING RATIO: 2.469/1000  
 TOTAL BLDG AREA: 22,274 SF  
 LESS AREA OF SUITE 205, 206, & 209 TO BE KEPT VACANT: 2,970 SF  
 LESS MMCC AREA: 2,366SF  
 17,408 SF GENERAL OFFICE @ 2.469/1000: 43 PARKING SPACES REQUIRED  
 2,366 SF MMCC @ 5/1000: 12 PARKING SPACES REQUIRED  
 TOTAL PARKING SPACES REQUIRED: 55  
 PARKING PROVIDED: 55

SITE PLAN/REFLECTED CLG PLAN

1/8" = 1'-0"



FULL RESUBMITTAL PLANS 5125 CONVOY STREET - MEDICAL MARIJUANA CONSUMER COOPERATIVE SITE PLAN	
FULL RESUBMITTAL MMCC SHEET OF	WBS _____ WBS _____
APPROVED FOR CITY ENGINEER	DATE 08/28/2014
DATE	CHECKER
DATE	AUTHOR
CONTRACTOR	DATE STARTED
INSPECTOR	DATE COMPLETED
A.1	



NOTE:  
 TOTAL SF OF VACANT SUITES - 2970 SF  
 TOTAL NUMBER OF PARKING SPACES - 7 SPACES

LEGEND  
 --- SCOPE OF WORK

### 2ND FLOOR PLAN/REFLECTED CLG PLAN

1/8" = 1'-0"



FULL RESUBMITTAL PLANS 5125 CONVOY STREET - MEDICAL MARIJUANA CONSUMER COOPERATIVE 2ND FLOOR PLAN			
FULL RESUBMITTAL MMCC SHEET 3 3		WBS _____	WBS _____
APPROVED FOR CITY ENGINEER _____	DATE 08/28/2014	SUBMITTED BY _____	DATE _____
CONTRACTOR _____	DATE STARTED _____	INSPECTOR _____	DATE COMPLETED _____
			A.2



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> SD Health & Wellness MMCC		<b>Project Number:</b> 369478	<b>Distribution Date:</b> 5/20/2014	
<b>Project Scope/Location:</b> KEARNY MESA Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in two suites totaling 2,366 square feet within an existing 24,180 square foot building located at 5125 Convoy Street. The 0.55-acre site is located in the IL-3-1 Zone and Airport Influence Area (MCAS Miramar) within the Kearny Mesa Community Plan Area. Council District 6.				
<b>Applicant Name:</b> Michael Rollins			<b>Applicant Phone Number:</b> 619-993-6003	
<b>Project Manager:</b> Edith Gutierrez		<b>Phone Number:</b> (619) 446-5147	<b>Fax Number:</b> (619) 321-3200	<b>E-mail Address:</b> EGutierrez@sandiego.gov
<b>Committee Recommendations (To be completed for Initial Review):</b>				
<input type="checkbox"/> Vote to Approve		Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below		7	2	0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny		Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued	
CONDITIONS: the planning group wishes to allow the CUP on a TWO TRIAL BASIS NOT the STANDARD FIVE YEAR.				
NAME: JEFFREY SAIEN			TITLE: CHAIR	
SIGNATURE:			DATE: 3.18.15	
Attach Additional Pages if Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101		
Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.				

Project Title: <u>SD Health + Wellness CUP</u>	Project No. (For City Use Only) <u>369478</u>
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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 -or-   
  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership

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

Corporate/Partnership Name (type or print):  
P2 Properties, LLC

Owner     Tenant/Lessee

Street Address: 13039 Sandown Way

City/State/Zip: San Diego, CA 92130

Phone No: 619 441 1000 Fax No: \_\_\_\_\_

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

Title (type or print):  
Corporate Manager

Signature: [Signature] Date: 4/29/14

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Title (type or print):

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

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Title (type or print):

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

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Title (type or print):

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

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Title (type or print):

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

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

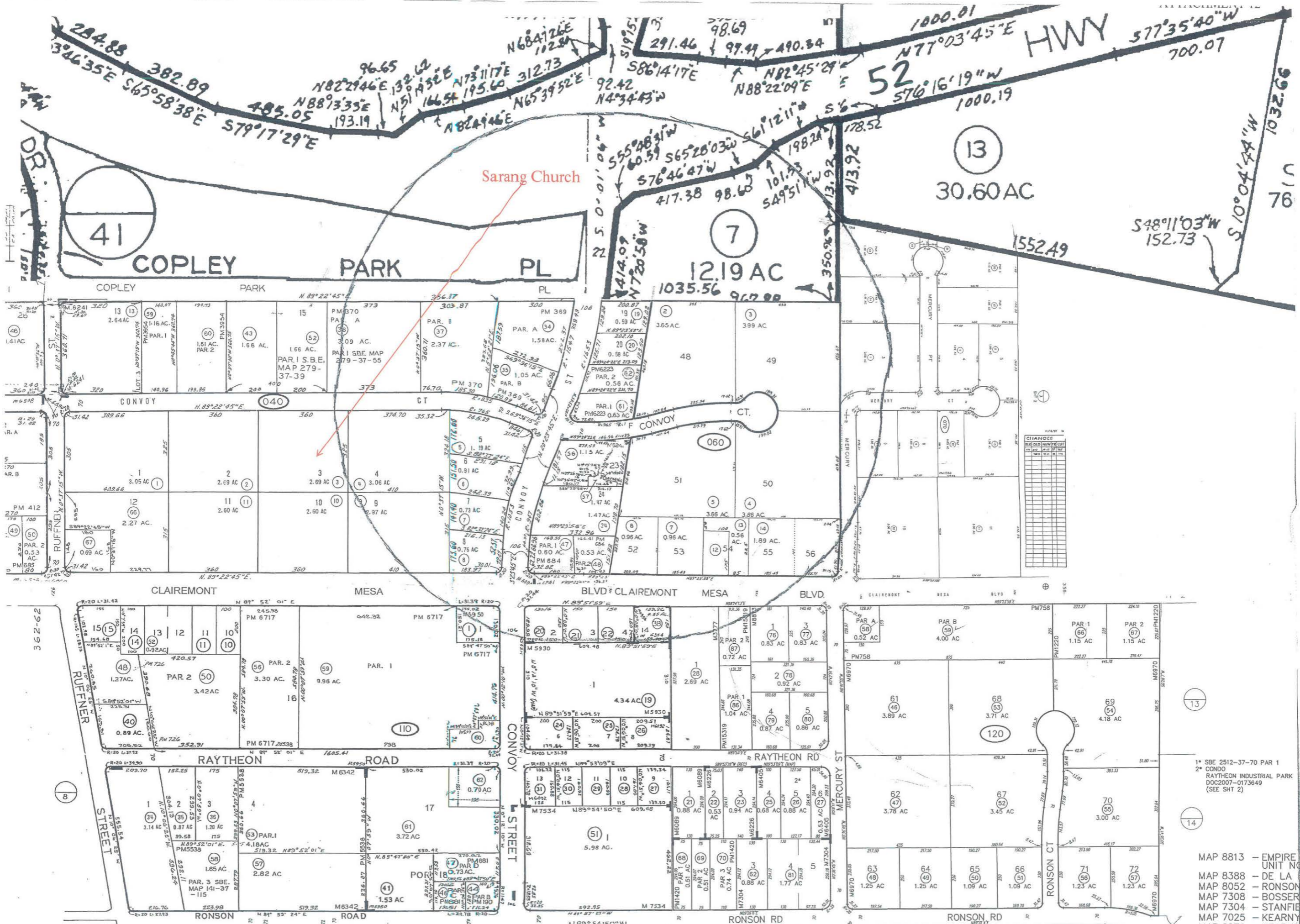
City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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


Title (type or print):

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



1\* SBE 2512-37-70 PAR 1  
 2\* CONDO RAYTHEON INDUSTRIAL PARK DOC2007-0173649 (SEE SH 2)

- MAP 8813 - EMPIRE UNIT NO
- MAP 8388 - DE LA
- MAP 8052 - RONSON
- MAP 7308 - BOSSER
- MAP 7304 - STANFIE
- MAP 7025 - KEARNY
- MAP 6970 - KEARNY

 City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 THE CITY OF SAN DIEGO	<b>RECEIVED</b> MAY 04 2015 <b>Development Permit/          Environmental Determination          Appeal Application</b>	<b>FORM          DS-3031</b> OCTOBER 2012
	<b>DEVELOPMENT SERVICES</b>	

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

**1. Type of Appeal:**

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

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

Name: Rakesh Goyal E-mail Address:  
 Address: PO box 722908 City: San Diego State: CA Zip Code: 92172 Telephone: (619) 850-9266

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

Rakesh Goyal/San Diego Health & Wellness

**4. Project Information**

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Conditional Use Permit No 1291580	April 22, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):  
 The Hearing Officer denied conditional use permit application No. 1291580

**5. Grounds for Appeal** (Please check all that apply)

- Factual Error  
 Conflict with other matters  
 Findings Not Supported  
 New Information  
 City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. Factual Error. The statements or evidence relied upon by the decision maker when approving the CUP were inaccurate.

2. Findings not supported. The decision maker's stated findings to deny the CUP are not supported by the information provided to the decision maker.

3. Conflicts. The decision to deny the CUP is in conflict with the Municipal Code.

4. New Information. New information is available now that was not previously available.

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

Signature:  Date: 5/2/15

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

**RECORDING REQUESTED BY**  
 CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES  
 PERMIT INTAKE, MAIL STATION 501

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004690

**CONDITIONAL USE PERMIT NO. 1291580**  
**SAN DIEGO HEALTH & WELLNESS MMCC - PROJECT NO. 369478**  
**PLANNING COMMISSION**

This Conditional Use Permit No. 1291580 is approved by the Planning Commission of the City of San Diego to P2 PROPERTIES, LLC, Owner and SAN DIEGO HEALTH & WELLNESS, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.55-acre site is located at 5125 Convoy Street in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 60-65 and the 65-70 dB CNEL for Miramar, the Transition Safety Zone for MCAS Miramar, and Safety Zone 6 for Montgomery within the Kearny Mesa Community Plan Area. The project site is legally described as Parcel 2 of Parcel Map No. 6223, August 1, 1977, said Parcel Map being a division of Lot 21 of Kearny Industrial Park, Unit No. 2, Map No. 6241, Lot 47 of Kearny Industrial Park Unit No. 5, Map 6964.

Subject to the terms and conditions set forth in this Permit, permission is approved 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 June 25, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in two tenant spaces (Suites 200 & 202) totaling 2,366 square feet within an existing 22,274 square foot building on a 0.55-acre site;
- b. Suites 205 (940 square feet), 206 (940 square feet) and 209 (1,090 square feet) totaling 2,970 square feet to be maintained vacant, unoccupied for any use whatsoever, including storage space;

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

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by June 25, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on June 25, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
  - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.



7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to,

settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**PLANNING/DESIGN REQUIREMENTS:**

13. The use within the 2,366 square-foot tenant spaces shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The 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 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.55-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.

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

**ENGINEERING REQUIREMENTS:**

25. Prior to the issuance of any building occupancy, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with a City standard driveway on Convoy Street per Standard Drawing SDG-159, satisfactory to the City Engineer.

**TRANSPORTATION REQUIREMENTS:**

26. No fewer than 55 parking spaces, including 3 accessible spaces, (with 55 off-street parking spaces provided) shall be permanently maintained on the property within the approximate locations shown on the project's 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 for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

27. The proposed 2,366 square foot San Diego Health & Wellness MMCC shall lease an additional 2,970 square feet within the 22,274 square foot building and retain it as vacant space. The lease shall specifically state that the additional 2,970 square feet leased space is to be kept vacant and not to be occupied at any time during the entire term, for any use whatsoever, including storage space. The lease shall provide for the exclusive use of 12 parking spaces that shall be clearly labeled and designated for the 2,366 square foot MMCC and 2,970 square foot vacant space.

**POLICE DEPARTMENT RECOMMENDATION:**

28. 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 Planning Commission of the City of San Diego on June 25, 2015 and Resolution No. PC-XXXX.

Conditional Use Permit No.1291580/PTS No. 369478  
Date of Approval: June 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.**

P2 PROPERTIES, LLC  
Owner

By \_\_\_\_\_  
Sonny Patidar  
Member

SAN DIEGO HEALTH & WELLNESS,  
Permittee

By \_\_\_\_\_  
Rakesh Goyal  
Officer

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

PLANNING COMMISSION  
RESOLUTION NO. PC-  
CONDITIONAL USE PERMIT NO. 1291580  
**SAN DIEGO HEALTH & WELLNESS MMCC - PROJECT NO. 369478**

WHEREAS, P2 PROPERTIES, LLC, Owner and SAN DIEGO HEALTH & WELLNESS, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in two tenant spaces (Suites 200 & 202) totaling 2,366 square feet within an existing 22,274 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1291580), on portions of a 0.55-acre site;

WHEREAS, the project site is located at 5125 Convoy Street in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 60-65 and the 65-70 dB CNEL for Miramar, the Transition Safety Zone for Miramar, and Safety Zone 6 for Montgomery within the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 6223, August 1, 1977, said Parcel Map being a division of Lot 21 of Kearny Industrial Park, Unit No. 2, Map No. 6241, Lot 47 of Kearny Industrial Park Unit No. 5, Map 6964;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 1291580 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 4, 2015, Rakesh Goyal filed an appeal of the Hearing Officer's decision;

WHEREAS, on June 25, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1291580 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 18, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on March 3, 2015 pursuant to Resolution No. 309532;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 25, 2015.

FINDINGS:

**Conditional Use Permit Approval – Section §126.0305**

- 1. The proposed development will not adversely affect the applicable land use plan.**

The proposed project is a request for a Conditional Use Permit to operate a MMCC in two tenant spaces totaling 2,366 square feet within an existing 22,274 square foot building. The 0.55-acre site is located at 5125 Convoy Street in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 60-65 and the 65-70 dB CNEL for Miramar, the Transition Safety Zone for Miramar, and Safety Zone 6 for Montgomery within the Kearny Mesa Community Plan Area.

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

All of the surrounding parcels are in the IL-3-1 Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, 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 project proposes interior improvements that include a reception area, dispensary area, offices, and storage. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements for this project include replacement of the existing driveway with a City standard driveway on Convoy Street.

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. 1291580. 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.**

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

The proposed MMCC is consistent with the land use designation of Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

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

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

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The proposed MMCC is a compatible use for this location with a Conditional Use Permit, is consistent with the community plan and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code, therefore the use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1291580 is hereby APPROVED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1291580, a copy of which is attached hereto and made a part hereof.

---

Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: June 25, 2015

Job Order No. 24004690



**샌디에고 사랑교회**  
 Sarang Korean Presbyterian Church of San Diego  
 7595 Convoy Court San Diego, CA 92111  
 www.sdsarang.com Tel. (858) 717-3081

**압린 :**

2015년 6월 8일 이후로 사랑교회의 주일 예배는 현재의 장소에서 드리지 않습니다: 7595 Convoy Court, San Diego, CA 92111.

돌아오는 주일 예배는 다른 장소에서 드리게 됩니다. 자세한 세부사항은 상기 연락처로 연락하시거나, 웹사이트에서: [http://sdsarang.com/page\\_church\\_info](http://sdsarang.com/page_church_info) 확인하시기 바랍니다.

담임목사 : 박병섭

**MEMORANDUM:**

Effective June 8, 2015, Sarang Church of San Diego will not hold upcoming worship services at our current location:

7595 Convoy Court, San Diego, CA 92111.

Instead, upcoming worship services will be held at a different location. Please contact above phone number or visit the web site for direction and future update information: [http://sdsarang.com/page\\_church\\_info](http://sdsarang.com/page_church_info)

God bless you...!!

Byung S. Park, Pastor