



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** December 11, 2014

**REPORT NO. PC-14-083**

**ATTENTION:** Planning Commission, Agenda of December 18, 2014

**SUBJECT:** A GREEN ALTERNATIVE MMCC - PROJECT NO. 368304  
PROCESS 3

**REFERENCE:** Report to the Hearing Officer; Report No. HO-14-058 (Attachment 2);  
Memorandum to the Hearing Officer dated October 15, 2014 (Attachment 3).

**OWNER/  
APPLICANT:** Roll Drive Limited Partnership/  
David R. Blair

### SUMMARY

**Issue(s):** Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in an existing, one-story commercial building within the Otay Mesa Community Plan area?

### **Staff Recommendation(s):**

1. **DENY** the appeal; and
2. **UPHOLD** the Hearing Officer's decision to **APPROVE** Conditional Use Permit No. 1298258.

**Community Planning Group Recommendation:** On September 17, 2014, the Otay Mesa Planning Group voted 11-2-1 to approve the project with no conditions (HO-14-058 Attachment 11).

**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 (Attachment 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 14, 2014, circulated for public review and the opportunity to appeal that determination ended on August 28, 2014.

**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.

This proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a vacant 1,406 square foot, tenant space, within an existing 14,090 square foot, one-story, commercial building on a 2.47-acre site. The MMCC site is located at 2335 Roll Drive, Suite 4, 0.2 miles north of the International Port of Entry with Mexico, east of Interstate 905, south of Siempre Viva Road and west of Paseo de Las Americas. The site is in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. The site contains an existing commercial shopping center developed per Otay Mesa Development Permit No. 91-0145 and approved Building Permit No. B-002336-91. The shopping center contains a variety of general and specialty shops and a 4,000 square foot restaurant.

The property to the north of the site is a gasoline station, to the west is a restaurant, to the south is a commercial shopping center and to the east is a commercial warehouse, all of which are in the IL-3-1 Zone. The site is within the South District of the Otay Mesa Community Plan and is designated Heavy Commercial. Heavy Commercial provides for retail sales, commercial services, office uses, and heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service. The South District of the Otay Community Plan is comprised of mostly heavy commercial, open space and industrial uses which include warehousing, distribution, truck depots, and customer brokerages that support the international industry. The proposed MMCC, classified as commercial services, is consistent with the Community Plan.

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

The City of San Diego, Development Services staff reviewed the 1,000 foot radius map and 1,000 foot spreadsheet exhibit provided by the applicant identifying all the existing uses. Staff determined that the proposed MMCC met all applicable development regulations, including the minimum distance requirements. The permit was conditioned to include all development restrictions in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

**Public Hearing:** On October 15, 2014, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1298258 to allow the operation of a MMCC in a vacant 1,406 square foot, tenant space, within an existing 14,090 square foot, one-story, commercial building on a 2.47-acre site.

## **DISCUSSION**

**Appeal:** On October 27, 2014, Barbara Gordon, a non-resident of the area, filed an appeal of the Hearing Officer's decision on the grounds of Findings Not Supported and New Information (Attachment 1). The appellant's appeal package summarized four (4) issues for the grounds of the appeal as follows:

1. *The land use designation 'Heavy Commercial' does not fairly describe this parcel which is a series of eight small family owned businesses and a Carl's Jr that have adults and children present during business hours.*

**Staff Response:** The site is within the South District of the Otay Mesa Community Plan which is designated Heavy Commercial. Heavy Commercial provides for retail sales, commercial services, office uses, and heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service. MMCCs are classified as commercial services, and therefore consistent with the Community Plan.

MMCCs must comply with San Diego Municipal Code (SDMC), Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; *public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools.* The existing businesses within the 2.47-acre site do not meet the restricted uses italicized

above. The 1,000 foot separation is a restriction for uses. Children being present at a use not restricted by SDMC, Section 141.0614 is not a violation of the CUP requirements.

2. *The proposed development will be detrimental to the public health, safety, and welfare. The existing eight family owned businesses will have a negative impact due to loitering, marijuana smoking/odor, and robberies. Research studies and police crime statistics should have been included in the Hearing Officer's Report. Additionally, SDMC Chapter 4, Health & Sanitation is currently being reviewed by the Public Safety and Livable Neighborhood Commission for possible changes to the regulations.*

Staff Response: The permit has been conditioned to prohibit consultations by medical professionals on site, does not allow certain types of vending machines, requires 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. Loitering and smoking on site is prohibited. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. The MMCC Conditional Use Permit is only valid for five years from date of issuance and must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation and requires fingerprinting and background checks of all responsible persons operating the MMCC. The permit as conditioned will avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

The City of San Diego adopted zoning regulations for MMCCs in compliance with Proposition 215 and Senate Bill 420, which allow the use of marijuana for medical purposes in the State of California. On April 27, 2011, the City of San Diego adopted O-20043, SDMC Chapter 4, Health & Sanitation. Until a new ordinance is adopted by the City of San Diego, the existing ordinance is in effect.

3. *The proposed development is in violation of the spirit of the CUP which requires a 1,000 foot separation from public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There are as many children as adults at this location.*

Staff Response: The 1,000 foot separation is a restriction for uses. Children being present at a use not restricted by SDMC, Section 141.0614 is not a violation of the CUP requirements.

4. *The proposed MMCC is not in an appropriate location as it will be in the center of small businesses. It will be obtrusive to owners/tenants, potentially affect their livelihood, safety and quality of life. The owners/tenants need a chance to describe their situation to the Hearing Officer. Additionally the Notice of Public Hearing did not have the Hearing Officer's contact information.*

Staff Response: The proposed MMCC meets all development regulations including the separation distance requirement. The permit has been conditioned to prohibit consultations by medical professionals on site, does not allow certain types of vending

machines, requires 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. Loitering and smoking on site is prohibited. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. The MMCC Conditional Use Permits is only valid for five years from date of issuance and must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation and requires fingerprinting and background checks of all responsible persons operating the MMCC.

A Notice of Application and Notice of Public Hearing were mailed out to all owner/tenants within 300 feet of the project site. Both notices were posted on the City of San Diego website and the Notice of Public Hearing was also posted on San Diego Daily Transcript Newspaper two weeks prior to the hearing. A Posted Notice of Application was posted on the project site. The Notice of Public Hearing does not have the contact information of the Hearing Officer, however all notices have the contact information for the Project Manager.

The proposed project was presented to the Otay Mesa Planning group twice for a recommendation. On July 16, 2014, the Otay Mesa Planning Group voted 8-3-1 to tentatively approve the project. On September 17, 2014, they voted 11-2-1 to approve the project with no conditions. The meetings are held at the Otay Mesa-Nestor Library and are open to the public.

The Development Project Manager did not receive phone calls, emails or letters in favor or opposition of the project from anyone. At the hearing on October 15, 2014, eighteen (18) people submitted speaker slips in favor of the project, two (2) in opposition. Barbara Gordon, the appellant and Judi Strand were the two in opposition.

### **Conclusion:**

The Hearing Officer reviewed the proposed CUP permit, resolution/findings and determined the project consistent with the Otay Mesa Community Plan, Land Development Code regulations and the General Plan. Staff recommends the Planning Commission deny the appeal and uphold the Hearing Officer's decision for the project as proposed.

### **ALTERNATIVE**

1. **Deny the appeal and APPROVE Conditional Use Permit No 1298258, with modifications.**
2. **Approve the appeal and Deny Conditional Use Permit No 1298258, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



---

Mike Westlake  
Assistant Deputy Director  
Development Services Department



---

Edith Gutierrez  
Development Project Manager  
Development Services Department

Attachments:

1. Appeal Application
2. Report to the Hearing Officer – Report HO-14-058
3. Memorandum to the Hearing Officer dated October 14, 2014
4. CUP Permit with Conditions
5. CUP Resolution with Findings

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101</p> <p>THE CITY OF SAN DIEGO</p>	<h2 style="text-align: center;">Development Permit/ Environmental Determination Appeal Application</h2>	<p><b>FORM</b></p>
		<p><b>DS-3031</b></p> <p>OCTOBER 2012</p>

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

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

113.0103)

Name: Barbara Gordon E-mail Address: barbaragordon1@gmail.com ★

Address: 90 PTA 6401 Linda Vista Rd Annex A City: A State: CA Zip Code: 92121 Telephone: 858-554-3800

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

David Blair

**4. Project Information**

Permit/Environmental Determination & Permit/Document No.:

368304

Date of Decision/Determination:

10/15/14

City Project Manager:

Edith Gutierrez

Decision (describe the permit/approval decision):

Approved

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

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

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.)

See attached

RECEIVED

OCT 27 PAID

DEVELOPMENT SERVICES

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

Signature: Barbara Gordon Date: 10/26/14

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

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.

DS-3031 (10-12)

— OVER —



**Description of Grounds for Appeal of Project # 368304, Hearing Date October 15, 2014:**

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

This parcel of land in question is not adequately described by the land use description 'Heavy Commercial' which is for retail sales, commercial services, office uses, and heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service doesn't fairly describe the actual use of this parcel of land.

This parcel of land is actually a series of eight small family owned businesses with extended family members including children present during business hours. These small businesses thrive on a brisk foot traffic of community members many of whom are adults accompanied by children. Also a busy, family frequented Carls Jr share the same small parking lot.

**Finding Number 2. The proposed development will not be detrimental to the public health, safety, and welfare.**

The proposed development will be detrimental to the public health, safety, and welfare for the following reasons:

1. The eight small family owned businesses, the families' members including children, and/or the patrons including children visiting the businesses, will suffer the negative consequences of:
  - a) Loitering by the pot shop customers,
  - b) Smoking in front of the pot shop and in the parking lot,
  - c) Marijuana smells permeating the adjoining businesses walls, and
  - d) Potential robberies due to the cash and marijuana crop on site.
2. With the pot shop directly in the center of these eight small family owned businesses, the impacts will be unavoidable and very visible. This location has a 35 foot expense of window fronts and thin walls between it and the adjoining businesses on either side.
3. Research by the San Diego's Center for Community Research – "Exploratory Analysis: Violent Crime and Property Crime Rates and Medical Marijuana Dispensaries by City of San Diego Census Tract" indicated that the average number of violent crimes and property crimes are greater in the city's census tracts with one or more pot storefronts compared with no pot storefronts. The staff report should have included this information to the Hearing Officer so he could receive a more clear expectation regarding this marijuana storefront's potential for disrupting the public health and safety and welfare of the other small business tenants, their families, and their clientele. Planning Commission should be given this information.
4. A report from San Diego Police Department regarding the crimes associated with pot shops should have included in the information provided to the Hearing Officer so that he would have a better understanding regarding the potential threat to public health and safety and welfare of the small business owners/tenants, their families, and clientele. The Planning Commission should be given this information.
5. Recent data collection for the County' Healthy Stores, Healthy Communities Project indicates that there is a direct correlation between what children see in their community (proliferation of alcohol outlets, tobacco store, head shops, and pot shops) and the children's' expectations that the choices to drink, smoke, use drugs are a normal part of neighborhoods life. There is also considerable public health research that support these findings. This information should have been provided to the Hearing Officer so that he would have a better understanding regarding the potential threat to public health and safety and welfare of the small business owners/tenants, their families, and clientele. The Planning Commission should be given this information.
6. The data from the County's Healthy Stores, Healthy Communities Project was compiled by SANDAG into 'Healthy Communities Atlas' and designates 'Communities of Concerns' and their associated crime. The census



track that includes this marijuana storefront is a designated 'Community of Concern' and has the highest rates of property crime and violent crime associated with it. The maps from this report on pages 37 and 38 indicate these highest rates of property crime and violent crime and should have been provided to the Hearing Office. The maps should be provided to the Planning Commission.

7. The proposed pot shop location is very near warehouses along the border. Warehouses in this area are already documented to have had multiple sophisticated cross border drug running tunnels. It is an area where drug violence incidences already generate an undue burden for law enforcement agencies and citizens who work and live in the area. A report from the Drug Enforcement Administration regarding the number and location of these drug tunnels relative to this pot shop location should have been provided to the Hearing Officer so that a better understanding of the already great threat drug activity poses to public health and safety and welfare of the other small business tenants, their families, and their clientele. A report from the DEA should be provided to the Planning Commission.

8. In addition, the San Diego Municipal Code Chapter 4: Health & Sanitation, regarding marijuana dispensaries is still a work in progress. It is being reviewed by the Public Safety and Livable Neighborhood Commission for possible changes to the regulations to better protect public health, safety, and welfare the tenants, customers and residents of the surrounding area from the problems associated with the purity and concentrations of the marijuana sold. It is premature to make a decision regarding whether the proposed development will not be detrimental to the public health, safety, and welfare, when the determinants aren't finalized.

**Finding Number 3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As described above the proposed development is in violation of the spirit of the CUP which requires 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor oriented facilities, because their many children coming and going from this location. A visit from Development Services Department would probably note that there is easily as many children as adults at this location.

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

This is a very inappropriate location for a pot shop because it will be dead center in the middle of small business owners/tenants struggling to make a success of their businesses. It will visible and obtrusive to the flow of commerce among this cluster of small family owned and operated businesses, potentially affecting their very livelihood, and the safety, and quality of life for the small business owners/tenets, their families and customers.

The small business owners/tenants have expressed their concern that their liability insurance will increase because of the dangerous business environment, for example robberies, that a marijuana storefront will create for them. The small business owners/tenants needed a chance to describe their situation to the Hearing Officer.

#### **Other concerns:**

The neighboring small business owners/tenants were denied their due process to be heard on a matter that affects their livelihood and safety. Many of the small business owners/ tenants now say they did not know what was proposed for their small business center regarding a pot shop being located in their midst. Even the day before the hearing, October 14, 2014, there was no paperwork posted on the window or door of the proposed pot shop that would have indicated how, when or where the small business owners/tenants could share their concerns, especially that there was a Hearing the next day, October 15, 2014.

If the small business owners/tenants for some reason knew how to look up the Public Hearing Notice for October 15, 2014 meeting and were unable to attend, there is no information on the Notice regarding who the Hearing

Officer was or how to contact the Hearing Officer regarding their concerns before the hearing was finished that day, as is required.

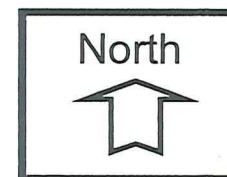
There were no other methods available by which a neighboring small business owner/tenant could share their concerns except to attend the Hearing in person, or in writing to the Hearing Officer before the Hearing was over. HOWEVER, neither the Public Hearing Notice nor the Public Hearing Agenda listed Hearing Officer's contact information. And since this is the only method that tenants have to share their concerns if they can't be at the Hearing in person, the contact info for the Hearing Officer should have at least been available on the agenda, and it was not.

Hopefully this matter will be sent to the Planning Commission for review and the small business owners/tenants will be adequately notified with a posted notice on the marijuana storefront at a minimum.



## Location Aerial Photo

A Green Alternative MMCC- 2335 Roll Drive  
PROJECT NO. 368304

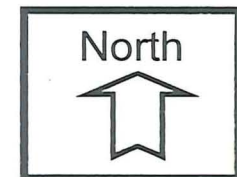


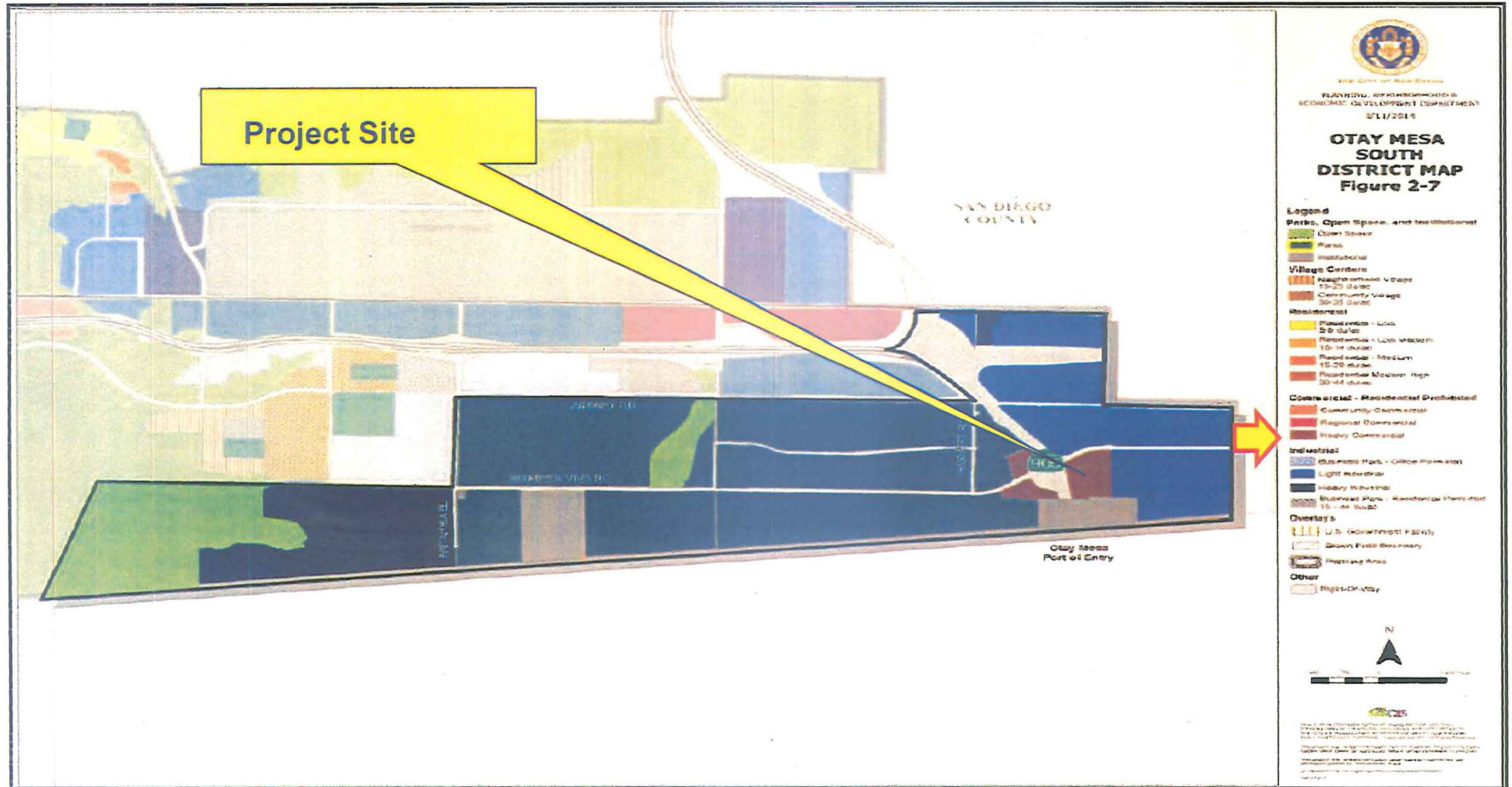




## Project Location Map

A Green Alternative MMCC- 2335 Roll Avenue  
PROJECT NO. 368304





## Land Use Map

A Green Alternative MMCC- 2335 Roll Drive  
PROJECT NO. 368304







THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: October 15, 2014

REPORT NO. HO-14-058

ATTENTION: Hearing Officer

SUBJECT: A GREEN ALTERNATIVE MMCC  
PROJECT NUMBER: 368304

LOCATION: 2335 Roll Drive, Suite 4

APPLICANT: David R. Blair

### SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in an existing, one-story commercial building within the Otay Mesa Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1298258

Community Planning Group Recommendation: On July 16, 2014, the Otay Mesa Planning Group voted 8-3-1 to tentatively approve the project with the condition that the applicant returns once all cycle issues have been cleared for a final vote (Attachment 11). On September 17, 2014, the Otay Mesa Planning Group voted 11-2-1 to approve the project with no conditions.

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 (Attachment 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 14, 2014, circulated for public review and the opportunity to appeal that determination ended on August 28, 2014.

### 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 vacant 1,406 square foot, tenant space, within an existing 14,090 square foot, one-story, commercial building on a 2.47-acre site. The MMCC site is located at 2335 Roll Drive, Suite 4 (Attachment 1), 0.2 miles north of the International Port of Entry with Mexico, east of Interstate 905, south of Siempre Viva Road and west of Paseo de Las Americas (Attachment 2). The site is in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. The site contains an existing commercial shopping center developed per Otay Mesa Development Permit No. 91-0145 (Attachment 10) and approved Building Permit No. B-002336-91. The shopping center contains a variety of general and specialty shops and a 4,000 square foot restaurant.

The property to the north of the site is a gasoline station, to the west is a restaurant, to the south is a commercial shopping center and to the east is a commercial warehouse, all of which are in the IL-3-1 Zone. The site is within the South District of the Otay Mesa Community Plan and is designated Heavy Commercial (Attachment 3). Heavy Commercial provides for retail sales, commercial services, office uses, and heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service. The South District of the Otay Community Plan is comprised of mostly heavy commercial, open space and industrial uses which include warehousing, distribution, truck depots, and customer brokerages that support the international industry. The proposed MMCC, classified as commercial services, is consistent with the Community Plan.

## DISCUSSION

The project site located at 2335 Roll Drive is on a 2.47-acre site with an existing 14,090 square foot retail shopping center and a 4,000 square foot restaurant. The proposed 1,406 square foot MCCC would be located in a tenant space that is currently vacant. The project proposes interior improvements that include a check-in counter, waiting room, dispensary area, employee lounge and restroom.

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 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 (Attachment 13) 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, Otay Mesa 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.1298258, with modifications.
2. Deny Conditional Use Permit No.1298258, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

## Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000 Foot Radius Map Spreadsheet
7. 1000 Foot Radium Map
8. Environmental Exemption
9. Project Site Plan(s)
10. Copy of Otay Mesa Development Permit No. 91-0145
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Voluntary Conditions

**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: 24004634

**CONDITONAL USE PERMIT NO. 1298258**  
**A GREEN ALTERNATIVE MMCC PROJECT NO. 368304**  
**HEARING OFFICER**

This Conditional Use Permit No. 1298258 is granted by the Hearing Officer of the City of San Diego to ROLL DRIVE LIMITED PARNERSHIP, Owner and DAVID R. BLAIR, DOUGLAS CRISTOFO AND ZACH LAZARUS Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.47-acre site is located at 2335 Roll Drive, Suite 4 in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. The project site is legally described as: Lots 12 and 15 of Otay International Center Lot No. 5, Map No. 11897, filed in the Office of the County Recorder of San Diego County, September 17, 1987.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 15, 2014, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,406 square foot tenant space within an existing 14,090 square foot, one-story commercial building on a 2.47 acre property;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 29, 2017.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on XXXX.
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 San Diego Police Department is approved for all responsible persons in accordance with SDMC, Section 42.1507
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 1,406 square foot tenant space shall be limited to the Medical Marijuana Consumer Cooperative or 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 2.47-acre shopping center.
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 Otay Mesa Development Permit No. 91-0145, condition number 13. Sign colors shall be limited to red and green. Wall signage shall be a maximum of 18", not to exceed 75% of the storefront length. No signage is permitted on the rear or north side of the subject tenant space building. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

24. The MMCC shall comply with all conditions and requirements of Otay Mesa Development Permit No. 91-0145.

**POLICE DEPARTMENT RECOMMENDATION:**

25. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on October 15, 2014 and Resolution No. CM-XXXX.



Conditional Use Permit No. 1298258/PTS No. 368304

Date of Approval: October 15, 2014

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.**

ROLL DRIVE LIMITED PARTNERSHIP  
Owner

By \_\_\_\_\_  
Michael Vogt  
President

DAVID R. BLAIR  
Permittee

By \_\_\_\_\_  
David R. Blair  
Permittee

HEARING OFFICER  
RESOLUTION NO.  
CONDITONAL USE PERMIT NO. 1298258  
**A GREEN ALTERNATIVE MMCC PROJECT NO. 368304**

WHEREAS, ROLL DRIVE LIMITED PARTNERSHIP, Owner and DAVID R. BLAIR, DOUGLAS CRISTOFO AND ZACH LAZARUS Permittees, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,406 square foot tenant space within an existing 14,090 square foot, one-story commercial building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1298258), on portions of a 2.47-acre site;

WHEREAS, the project site is located at 2335 Roll Drive, Suite 4 in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area;

WHEREAS, the project site is legally described as Lots 12 and 15 of Otay International Center Lot No. 5, Map No. 11897, filed in the Office of the County Recorder of San Diego County, September 17, 1987;

WHEREAS, on October 15, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1298258 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 14, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 October 15, 2014.

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 Medical Marijuana Consumer Cooperative (MMCC) in a 1,406 square foot tenant space within an existing 14,090 square foot, one-story, commercial building. The 2.47-acre site is located at 2335 Roll Drive in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. The site is within a retail shopping center, 0.2 miles north of the International Port of Entry with Mexico. The shopping center includes a variety of general and specialty shops and a 4,000 square foot restaurant.

The site is within the South District of the Otay Mesa Community Plan which is designated Heavy Commercial. Heavy Commercial provides for retail sales, commercial services, office uses, and heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service.

The existing commercial shopping center was developed per Otay Mesa Development Permit No. 91-0145 and approved Building Permit No. B-002336-91. The proposed MMCC is classified as commercial services and is therefore consistent with the community plan which encourages a mixture of industrial and commercial uses near the Port of Entry. The proposed use is an allowed use within the IL-3-1 zone and is consistent with the community plan designation, therefore the proposed MMCC 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 1,406 square foot Medical Marijuana Consumer Cooperative (MMCC) located at 2335 Roll Drive is within an existing 14,090 square foot retail shopping center that includes a variety of general and specialty shops and a 4,000 square foot restaurant. The proposed MMCC tenant space is currently vacant. The project proposes interior improvements to include a check-in counter, waiting room, dispensary area, employee lounge and restroom. No public improvements are required.

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).

MMCC's 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. MMCC's 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, 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. 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's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed interior improvements which include a check-in counter, waiting room, dispensary area, employee lounge and restroom will require a ministerial building permit. The building permit will require compliance with the California Uniform Building Code, Fire, Plumbing, Electrical, and Mechanical Codes.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298258 in addition to Otay Mesa Development Permit No. 91-0145 which regulates the 2.47-acre retail shopping center. 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 1,406 square foot Medical Marijuana Consumer Cooperative (MMCC) located at 2335 Roll Drive is within an existing 14,090 square foot retail commercial shopping center that includes a variety of general and specialty shops and a 4,000 square foot restaurant on 2.47-acre site. The existing shopping center is in the IL-3-1 Zone and was developed per Otay Mesa Development Permit No. 91-0145 and approved Building Permit No. B-002336-91. The 1,406 square foot tenant space for the MMCC is currently vacant. The project proposes interior improvements to include a check-in counter, waiting room, dispensary area, employee lounge and restroom. No public improvements are required and no deviations are proposed.

MMCC's are allowed in the IL-3-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCC's 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, 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. 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's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The existing commercial shopping center developed per Otay Mesa Development Permit No. 91-0145 and approved Building Permit No. B-002336-91 is in compliance with development regulations and building conditions. The proposed MMCC is consistent with the land use designation of Heavy Commercial. 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 1,406 square foot Medical Marijuana Consumer Cooperative (MMCC) located at 2335 Roll Drive is within an existing 14,090 square foot retail commercial shopping center that includes a variety of general and specialty shops and a 4,000 square foot restaurant. The 2.47-acre site is in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the South District of Otay Mesa Community Plan Area. The site is 0.2 miles north of the International Port of Entry with Mexico and is designated Heavy Commercial. The South District of the Otay Community plan is comprised of mostly heavy commercial, open space and industrial uses which include warehousing, distribution, truck depots, and customer brokerages that support the international industry. Residential uses are prohibited in this land

use designation. The proposed MMCC, classified as commercial services, is consistent with the community plan.

MMCC's are allowed in the IL-3-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCC's 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, 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. 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's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCC's to commercial and industrial zones and the number of MMCC's to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The property to the north of the site is a gasoline station, to the west is a restaurant, to the south is a commercial shopping center and to the east is a commercial warehouse, all of which are in the IL-3-1 Zone, designated Heavy Commercial and compatible uses with MMCC's. The proposed MMCC meets the SDMC regulations and is consistent with the community plan which encourages diversified commercial uses that serve local, community and regional needs. Therefore, the proposed MMCC is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1298258 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. 1298258, a copy of which is attached hereto and made a part hereof.

---

Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: October 15, 2014

Job Order No. 24004634

# 1000-Foot Radius Map Spreadsheet

**Project Name:** A Green Alternative

**Address :** 2335 Roll Drive, Suite 4, San Diego, CA 92154

**Date:** 5/17/2014

Assessor Parcel No.	Use	Address	Businesses Name
646-142-07-00	PORT OF ENTRY	9777 VIA DE LA AMISTAD	HOMELAND SECURITY OTAY MESA CARGO FAC
646-142-21-00	TRANSPORTATION	9920 SIEMPRE VIVA RD	TILI LOGISTICS CORPORATION
646-142-23-00	PORT OF ENTRY	9777 VIA DE LA AMISTAD	HOMELAND SECURITY OTAY MESA CARGO FAC
646-142-39-00	MORTGAGE & NONMORTGAGE BRO	2155 PASEO DE LAS AMERICAS SUITE 31	PRIORITY CARGO EXPEDITORS
646-142-39-00	ALL OTHER TRANSPORTATION SUPP	2155 PASEO DE LAS AMERICAS SUITE 31	ROYAL LOGISTICS
646-142-39-00	FOOD DISTRIBUTOR	2155 PASEO DE LAS AMERICAS SUITE 31	DRISCOLL STRAWBERRY ASSOCIATES
646-142-39-00	COMPUTER & PERIPHERAL EQUIP &	2155 PASEO DE LAS AMERICAS SUITE 32	CORAL BROKERS
646-142-39-00	PROFESSIONAL, SCIENTIFIC & TECH	2155 PASEO DE LAS AMERICAS SUITE 33	DEL NORTE FORWARDING INC
646-142-39-00	OTHER MISCELLANEOUS DURABLE C	2155 PASEO DE LAS AMERICAS SUITE 34	FLEXYFOAM / BOX EXPRESS
646-142-39-00	PROFESSIONAL & COMMERCIAL EQ	2155 PASEO DE LAS AMERICAS SUITE 36	EXPORT SERVICES INC
646-142-41-00	GENERAL WAREHOUSING & STORA	9840 SIEMPRE VIVA RD	1 800 PACK RAT LLC
646-160-01-00	MAIL/SHIPPING	2375 PASEO DE LAS AMERICAS	POSTAL PLUS DEPOT
646-160-02-00	MISCELLANEOUS STORE RETAILERS	2355 PASEO DE LAS AMERICAS	BUCHER INDUSTRIES LLC
646-160-03-00	APPAREL, PIECE GOODS & NOTIONS	2335 PASEO DE LAS AMERICAS SUITE C	ROYAL STITCH CLOTHING
646-160-03-00	ELECTRICAL GOODS WHSLE	2335 PASEO DE LAS AMERICAS SUITE D	GENIUS ADVANCED TECHNOLOGIES
646-160-03-00	ALL OTHER MISCELLANEOUS MFG	2335 PASEO DE LAS AMERICAS SUITE D	GOGOS DISPLAYS INC
646-160-03-00	OTHER CREDIT INTERMEDIATION AC	2335 PASEO DE LAS AMERICAS SUITE F	TEMP CASH FAST COM LLC
646-160-04-00	SEMICONDUCTOR & OTH ELECTRON	9731 SIEMPRE VIVA RD	O & S CALIFORNIA INC
646-160-04-00	MISCELLANEOUS NONDURABLE GO	9731 SIEMPRE VIVA RD SUITE A	BTE INC
646-160-04-00	OTHER MISCELLANEOUS DURABLE C	9731 SIEMPRE VIVA RD SUITE F	GORMAN INDUSTRIAL SUPPLY COMPANY
646-160-04-00	MISCELLANEOUS STORE RETAILERS	9731 SIEMPRE VIVA RD SUITE H	CUSTOM INDUSTRIAL SOLUTIONS
646-160-07-00	WAREHOUSE/STORGE	2360 MARCONI CT	NISHIBA INDUSTRIES CORPORATION
646-160-08-00	WAREHOUSE/STORGE	2360 MARCONI CT	NISHIBA INDUSTRIES CORPORATION
646-160-09-00	UNDEVELOPED LOT	0 MARCONI CT	N/A
646-160-10-00	OTHER MISCELLANEOUS NONDURA	9870 MARCONI DR	RLI LEATHER INTERNATIONAL
646-160-10-00	BUILDING, DEVELOPING & GENERA	9870 MARCONI DR SUITE B	UNITED ENVIRONMENTAL
646-160-10-00	PROFESSIONAL, SCIENTIFIC & TECH	9870 MARCONI DR SUITE C	FIRST CUT TOOLS INC
646-160-10-00	GENERAL FREIGHT TRUCKING, LOCA	9870 MARCONI DR SUITE E	NAHUAL TRUCKING & WAREHOUSE
646-160-11-00	MOTOR VEHICLE/MOTOR VEHICLE	2365 MARCONI CT	REMAC TIRE SERVICE
646-160-12-00	TRUCK TRANSPORTATION	2345 MARCONI CT	MARTIN'S TRANSPORT SERVICES LLC

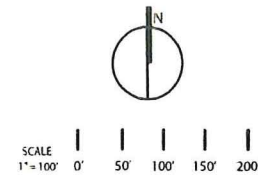
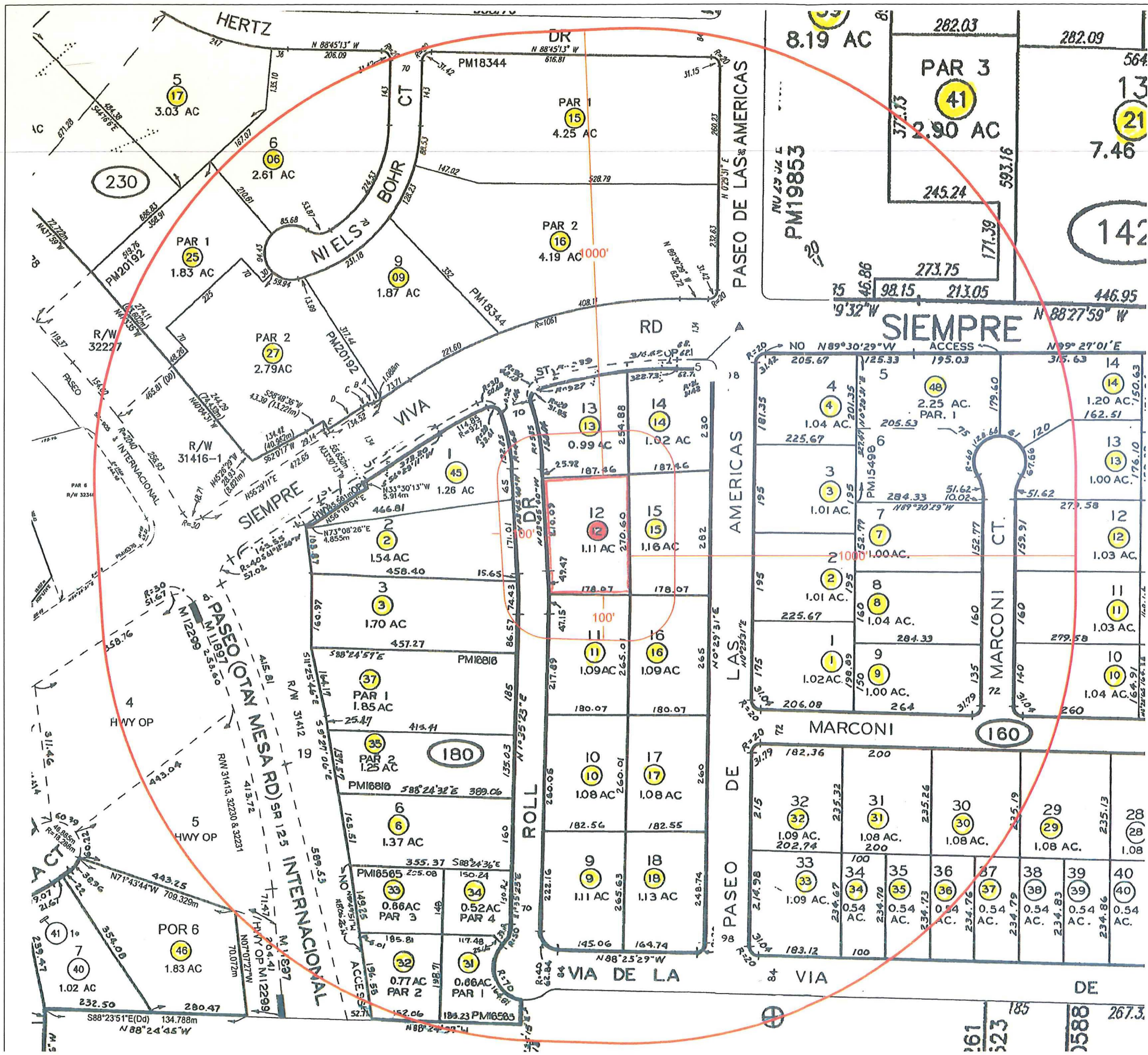
646-160-13-00	ALL OTHER MISCELLANEOUS TEXTIL	2325 MARCONI CT	CI-FABRICS
646-160-14-00	NONFERROUS (EXC ALUM) PRODUC	2311 MARCONI CT	WESTERN BAY SHEET METAL INC
646-160-29-00	FRESH FRUIT & VEGETABLE WHSLE	9865 MARCONI DR SUITE A	CERVANTES PRODUCE
646-160-29-00	ALL OTHER MISC STORE RETAILERS	9865 MARCONI DR SUITE B	U.S. EXPORT SOLUTIONS INC.
646-160-30-00	TRANSPORTATION & SHIPPING	9835 MARCONI CT	CARRILLO'S TRUCKING
646-160-31-00	WHOLESALE TRADE, DURABLE GOO	9775 MARCONI DR SUITE A	AUTO IMPORTACIONES ALDACO
646-160-31-00	TRUCK TRANSPORTATION	9775 MARCONI DR SUITE E	SANCHOTENA EXPRESS
646-160-31-00	WHOLESALE TRADE	9775 MARCONI DR SUITE H	J&F SUPPLY INC
646-160-31-00	MOTOR VEHICLE/MOTOR VEHICLE	9775 MARCONI DR SUITE J	SAN DIEGO TRUCK PARTS LLC
646-160-32-00	FRESH FRUIT & VEGETABLE WHSLE	9765 MARCONI DR SUITE 103	EAGLE FRESH PRODUCE
646-160-32-00	DOCUMENT PREPARATION SERVICE	9765 MARCONI DR SUITE 105	SERVICIOS GARITA OTAY INC
646-160-32-00	CONSULTING SERVICES	9765 MARCONI DR SUITE 106A	MINA INTERNATIONAL GROUP INC
646-160-32-00	ELECTRICAL GOODS WHSLE	9765 MARCONI DR SUITE 111	EMAX TECHNOLOGY LLC
646-160-32-00	GENERAL FREIGHT TRUCKING, LONG	9765 MARCONI DR SUITE 200B	VERFRUCO FOODS INC
646-160-32-00	FREIGHT TRANSPORTATION ARRAN	9765 MARCONI DR SUITE 200E	JESUS E ESCOBAR
646-160-32-00	OTHER PERSONAL SERVICES	9765 MARCONI DR SUITE 200K	ECR
646-160-32-00	CONSULTING SERVICES	9765 MARCONI DR SUITE 200K	JAMG CONSULTING
646-160-32-00	CONSULTING SERVICES	9765 MARCONI DR SUITE 201C	AXYS CONSULTING
646-160-33-00	ELECTRONICS TECHNOLOGY	1675 PASEO DE LAS AMERICAS STE C	TRONTEK INTERNATIONAL, INC.
646-160-34-00	PAINT, VARNISH & SUPPLIES WHSLE	9750 VIA DE LA AMISTAD SUITE 11	VACOLOURS USA
646-160-34-00	TRUCK TRANSPORTATION	9750 VIA DE LA AMISTAD SUITE 12	TOTAL CARGO EXPRESS
646-160-34-00	PROFESSIONAL, SCIENTIFIC & TECH	9750 VIA DE LA AMISTAD SUITE 6	CV INDUSTRIAL SUPPLY INC
646-160-34-00	DOCUMENT PREPARATION SERVICE	9750 VIA DE LA AMISTAD SUITE 8	INTERNATIONAL MOTOR CARRIERS SERVICES
646-160-35-00	ALL OTHER FOOD MFG	9760 VIA DE LA AMISTAD	PROVISION HEALTH CORP
646-160-36-00	CUSTOMS BROKERAGE	9770 VIA DE LA AMISTAD	CAMACHO BROKERS INC
646-160-37-00	CUSTOMS BROKERAGE	9770 VIA DE LA AMISTAD	CAMACHO BROKERS INC
646-160-48-00	CONSULTING SERVICES	2310 MARCONI CT SUITE B	U.S-MEXICO TRUCKING CONSULTANTS
646-180-02-00	LIMITED-SERVICE RESTAURANTS	1520 ROLL DR	MCDONALDS
646-180-03-00	FULL-SERVICE RESTAURANTS	2390 ROLL DR	INTL HOUSE OF PANCAKES
646-180-06-00	UNDEVELOPED LOT	0 ROLL DR	N/A
646-180-09-00	MISCELLANEOUS STORE RETAILERS	9660 VIA DE LA AMISTAD SUITE 104	A 1 DISCOUNT
646-180-09-00	CLOTHING & CLOTHING ACCESSORI	9660 VIA DE LA AMISTAD SUITE 107	ELITE TACTICAL EQUIPMENT
646-180-09-00	FULL-SERVICE RESTAURANTS	9660 VIA DE LA AMISTAD SUITE 110	ERIK'S DELI AND GRILL
646-180-10-00	PARKING LOT	0 ROLL DR	N/A
646-180-11-00	ELECTRONIC SHOPPING & MAIL-OR	2364 PASEO DE LAS AMERICAS SUITE 102	JOEDY S PAWLOSKI
646-180-11-00	OTH BUSINESS SERVICE CENTERS (IN	2364 PASEO DE LAS AMERICAS SUITE 104	THE UPS STORE 6072
646-180-11-00	WHOLESALE TRADE	2364 PASEO DE LAS AMERICAS SUITE 106-304	ALL PRODUCTS ON SALE



646-180-12-00	FULL-SERVICE RESTAURANTS	2335 ROLL DR SUITE 1	SUBWAY
646-180-12-00	FULL-SERVICE RESTAURANTS	2335 ROLL DR SUITE 11	CAFE VALLARTA
646-180-12-00	FULL-SERVICE RESTAURANTS	2335 ROLL DR SUITE 2	GOLDEN GATE CHINESE FOOD
646-180-12-00	INSURANCE CARRIERS	2335 ROLL DR SUITE 3	BAJA-MEX INSURANCE
646-180-12-00	OTHER GENERAL MERCHANDISE STORES	2335 ROLL DR SUITE 5	SANDI DUTY FREE
646-180-12-00	INSURANCE CARRIERS	2335 ROLL DR SUITE 6, 7 & 8	WINDFALL INSURANCE SERVICES INC
646-180-12-00	LIMITED-SERVICE EATING PLACES	2335 ROLL DR SUITE 9	VEGA CAFFE
646-180-12-00	FULL-SERVICE RESTAURANTS	2365 ROLL DR	CARL'S JR
646-180-13-00	GASOLINE STATIONS	2325 ROLL DR	CHEVRON
646-180-14-00	PROFESSIONAL, SCIENTIFIC & TECHNICAL	2320 PASEO DE LAS AMERICAS SUITE 103	DAI DONG USA INC
646-180-14-00	MISCELLANEOUS DURABLE GOODS	2320 PASEO DE LAS AMERICAS SUITE 106	TENSHO AMERICA CORPORATION
646-180-14-00	FABRICATED METAL PRODUCT MFG	2320 PASEO DE LAS AMERICAS SUITE 107	PEC OF AMERICA CORPORATION
646-180-14-00	OTH PROFESSIONAL/SCIENTIFIC/TECHNICAL	2320 PASEO DE LAS AMERICAS SUITE 110	VERTEK INTERNATIONAL INC
646-180-14-00	ELECTRICAL GOODS WHSLE	2320 PASEO DE LAS AMERICAS SUITE 112	MUNEKATA AMERICA INC. SAN DIEGO TECHNICAL
646-180-14-00	OFFICE ADMINISTRATIVE SERVICES	2320 PASEO DE LAS AMERICAS SUITE 202	IWAI METAL (AMERICAN) CO LTD
646-180-15-00	RETAIL STRIP MALL	0 PASEO DE LAS AMERICAS	ROLL DRIVE CENTER
646-180-16-00	LIMITED-SERVICE RESTAURANTS	2360 PASEO DE LAS AMERICAS	DON LUCIOS MEXICAN GRILL
646-180-17-00	PARKING LOT	0 PASEO DE LAS AMERICAS	N/A
646-180-18-00	ALL OTHER MISCELLANEOUS STORES	2495 ROLL DR SUITE 101	DE TODO EN LA PULGA
646-180-18-00	GENERAL MERCHANDISE STORES	2495 ROLL DR SUITE 102	EL RINCON DEL DESCUENTO
646-180-18-00	GRAPHIC DESIGN SERVICES	2495 ROLL DR SUITE 102C	THINKARTZ
646-180-18-00	OTHER FINANCIAL VEHICLES	2495 ROLL DR SUITE 102D	CASA DE CAMBIO MONEY EXCHANGE
646-180-18-00	ELECTRONICS & APPLIANCE STORES	2495 ROLL DR SUITE 207	NEXTAR TELECOM
646-180-31-00	BANKING	2494 ROLL DR	FIRST BANK
646-180-32-00	CHECK CASHING	2496 ROLL DR SUITE G	OTAY FINANCIAL CENTER INC
646-180-32-00	FULL-SERVICE RESTAURANTS	2496 ROLL DR SUITE G	OTAY PIZZA
646-180-33-00	AUTOMOTIVE PARTS	2472 ROLL DR	KRAGEN AUTO PARTS
646-180-34-00	GENERAL MERCHANDISE STORES	2470 ROLL DR SUITE G	UETA INC
646-180-35-00	UNDEVELOPED LOT	0 ROLL DR	N/A
646-180-37-00	PARKING LOT	0 ROLL DR	N/A
646-180-45-00	INSURANCE AGENCIES & BROKERAGE	2310 ROLL DR	BAJA-MEX CURRENCY SERVICES LLC
646-180-45-00	GASOLINE STATIONS	2310 ROLL DR	US GAS
646-180-46-00	UNDEVELOPED LOT	0 NICOLA TESLA CT	N/A
646-230-06-00	VACANT	2220 NIELS BOHR CT	N/A
646-230-09-00	US GOVERNMENT OFFICE	2255 NEILS BOHR CT	GENERAL SERVICES ADMINISTRATION
646-230-15-00	VACANT	2207 NEILS BOHR CT	N/A
646-230-16-00	GENERAL WAREHOUSING & STORAGE	9654 SIEMPRE VIVA RD SUITE 5	INTERNATIONAL CONSOLIDATED CARGO

646-230-16-00	OTH PROFESSIONAL/SCIENTIFIC/TECH	9654 SIEMPRE VIVA RD SUITE 5	NORMAN KRIEGER INC
646-230-25-00	HOTEL/MOTEL	2296 NIELS BOHR CT	HOLIDAY INN EXPRESS
646-230-27-00	VACANT	2297 NIELS BOHR CT	N/A





NOTE:  
NO RESIDENTIAL WITHIN A 100' FEET

2335 ROLL DRIVE, SUITE 4  
1000-FT RADIUS MAP

SHEET 1 OF 1





## ATTACHMENT 8

OFFICE OF PLANNING AND RESEARCH  
1400 TENTH STREET, ROOM 121  
SACRAMENTO, CA 95814

PROJECT No.: 368304

PROJECT TITLE: A GREEN ALTERNATIVE MMCC

PROJECT LOCATION-SPECIFIC: The project is located at 2335 Roll Drive, San Diego, CA 92154.

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: 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 the MMCC within a 1406 sq. ft. suite of a 14,090 sq. ft. existing building.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: David R. Blair  
2841 Castlewood Court  
San Diego, Ca 91915  
(619) 216-1330

EXEMPT STATUS: (CHECK ONE)

- ( ) MINISTERIAL (SEC. 21080(b)(1); 15268);  
 ( ) DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));  
 ( ) EMERGENCY PROJECT (SEC. 21080(b)(4); 15269(b)(c))  
 (X) CATEGORICAL EXEMPTION: 15303 (New Construction or Conversion of Small Structures)  
 ( ) STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined that 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. In addition, the exceptions listed in CEQA Section 15300.2 do not apply.

LEAD AGENCY CONTACT PERSON: Anna L. McPherson, AICP

TELEPHONE: 619-446-5276

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?  
( ) Yes      ( ) No

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA.

CEQA Michael McPherson

## SENIOR PLANNER

AUGUST 14, 2014

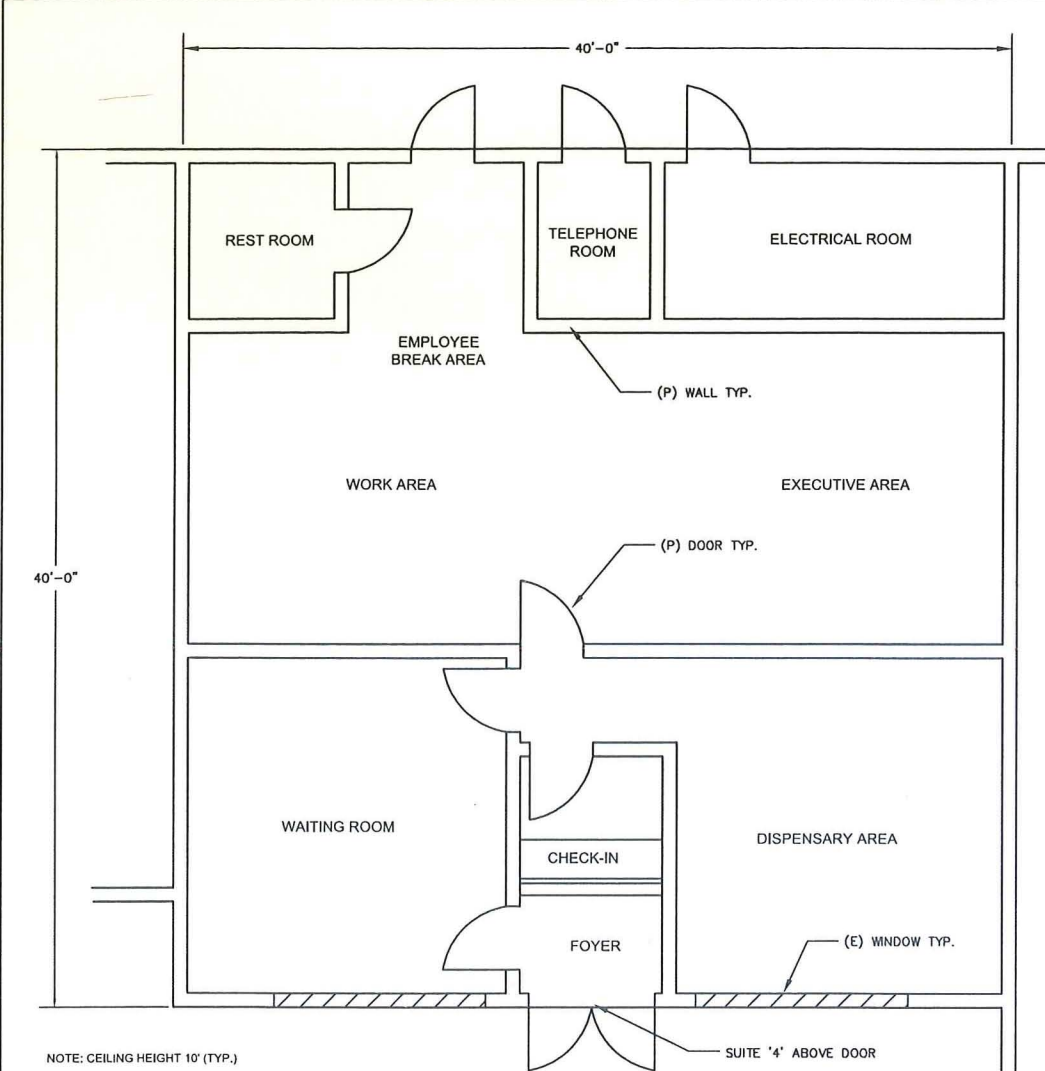
SIGNATURE/TITLE

DATE \_\_\_\_\_

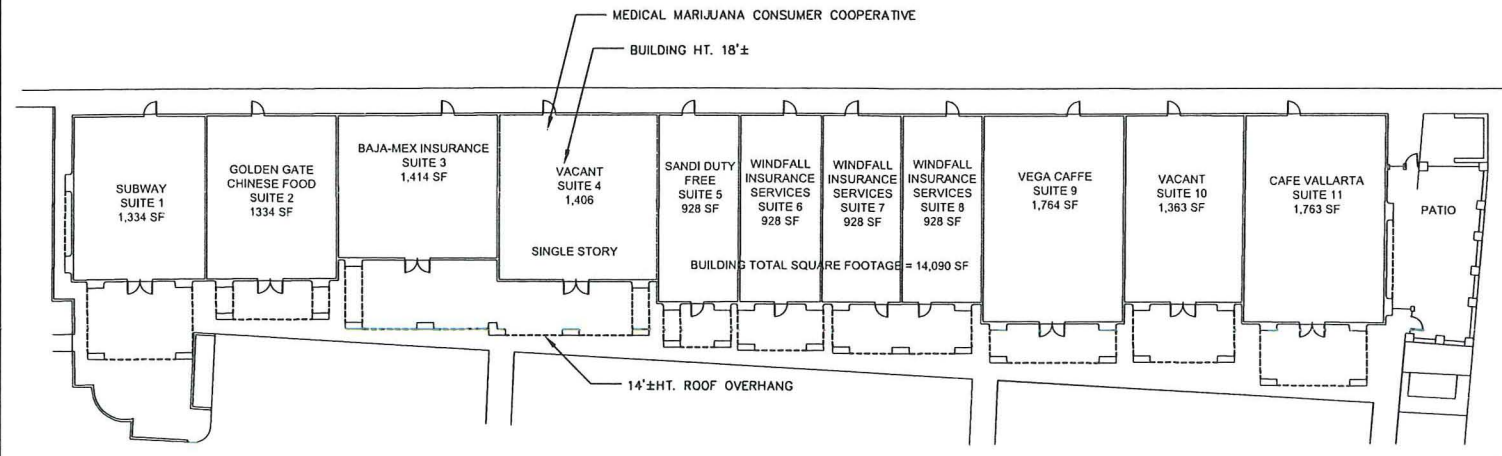
CHECK ONE:

(X) SIGNED BY LEAD AGENCY

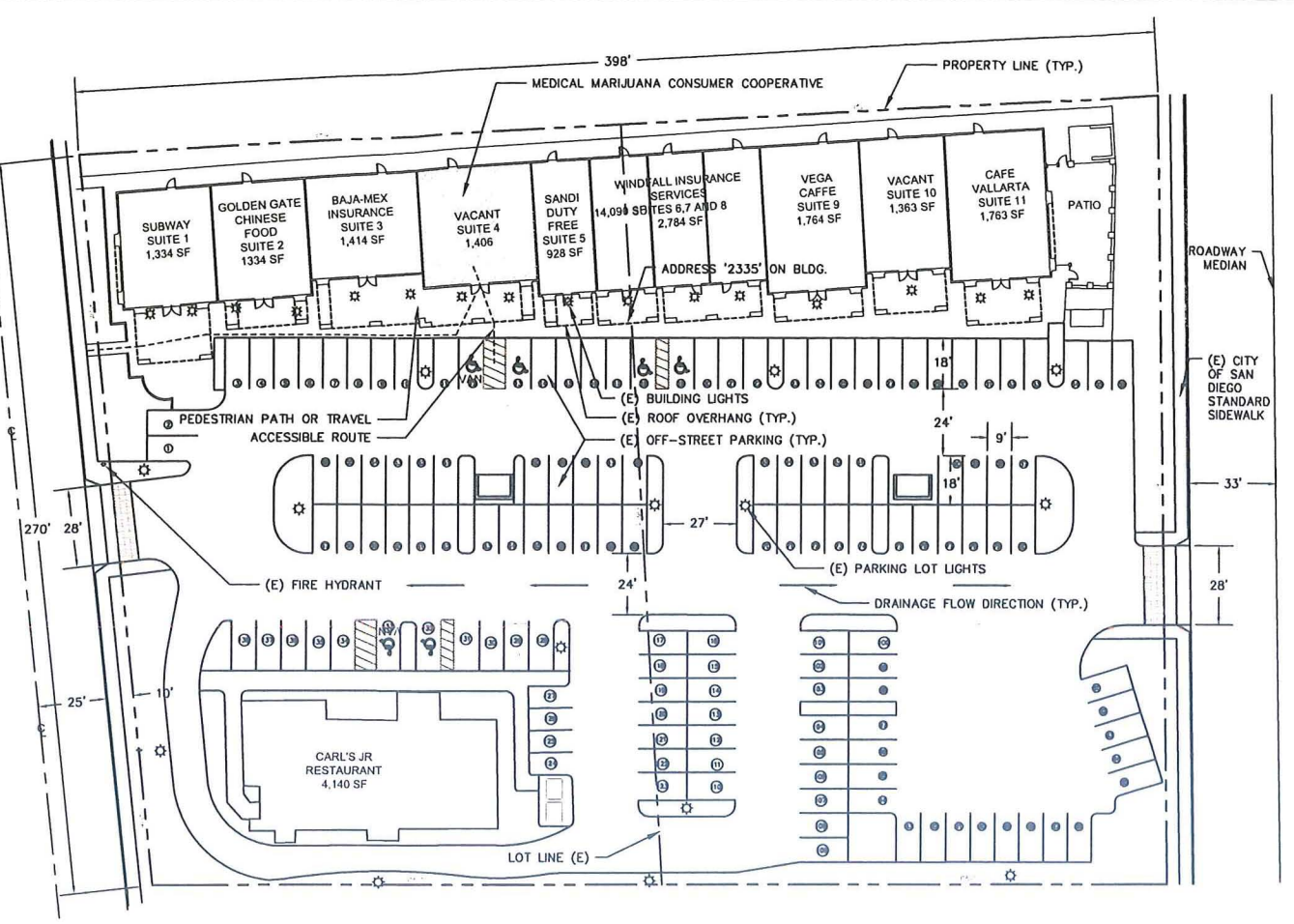
DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



PROPOSED FLOOR PLAN - SUITE 4 (1,406 SF)



EXISTING BUILDING FLOOR PLAN (GROSS FLOOR AREA = 14,090 SF)



EXISTING SITE PLAN (COMBINED GROSS FLOOR AREA = 18,230 SF)

NOTE: ALL EXISTING PLANS TO REMAIN UNLESS OTHERWISE NOTED.

DEVELOPMENT SUMMARY	
2335 Roll Drive, Suite 4, San Diego, CA 92154	
Narrative: The Cooperative will be located in an existing commercial building. Tenant improvements will be installed in order to configure the space for the needs of the Cooperative, while providing accessibility and security to the clients. These improvements may include changes to walls, floors, ceilings, and lighting. All tenant improvements will be permitted as per City of San Diego requirements.	
Required Permits/Approvals	Conditional Use Permit Medical Marijuana Consumer Cooperative Permit
Otay Mesa Development Permit	OMDP No. 91-0145
Project Team	Estrada Land Planning, Joe Esposito, 619. 236.0143 Law Offices of Lance Rogers, Lance Rogers, 858.729.1801
Legal Description	Lot 12, Otay International Center Lot 5, Map No. 011897
Assessor's Parcel Number	645-180-12-00
Owner's Name & Address	Roll Drive Limited Partnership 821 Kuhn Dr #100, Chula Vista, CA 92028
Sheet Index	1 of 1
Type of Construction	II-B
Occupancy Classification per CA Building Code	B
Zoning Designation	IL-3-1; Community Plan Implementation & Airport Land Use Compatibility Overlay Zones
Gross Site Area & Floor Area	Gross Site Area: 107,800 SF (2.47 acres) Floor Area (Suite 4): 1,406 SF
Existing Use	Commercial / Non-Residential
Proposed Use	Commercial / Non-Residential
Year Constructed	1991
Geologic Hazard Category	N/A
Landscape Area Square Footage	18,500 SF

- SITE PLAN NOTES:**
- ALL ELEMENTS EXISTING TO REMAIN UNLESS OTHERWISE NOTED.
  - NO BUS STOPS AT SITE.
  - NO EASEMENTS AT SITE.
  - LIGHTING IS SUFFICIENT TO ILLUMINATE THE INTERIOR OF THE MMCC, THE BUILDING FACADE AND IMMEDIATE ADJACENT PARKING AND WALKWAYS. ANY FUTURE LIGHTING OR LIGHTING MODIFICATIONS SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
- MEDICAL MARIJUANA CONSUMER COOPERATIVE (MMCC) NOTES:**
- SIGNS SHALL BE POSTED OUTSIDE THE MMCC WHICH STATE THE NAME OF THE BUSINESS ONLY. ALL SIGNAGE WILL BE LIMITED TO TWO COLORS AND TYPEFACES. POLE SIGNS ARE PROHIBITED. SIGNS SHALL BE A MAX. OF 18' NOT TO EXCEED 75% OF THE STOREFRONT LENGTH AND LIMITED TO RED & GREEN. NO SIGNAGE IS PERMITTED ON THE REAR OF THE BUILDING. SIGNAGE SHALL COMPLY WITH OMDP NO. 91-0145.
  - THE USES ON THE PREMISES SHALL BE LIMITED TO THE MMCC AND ANY USE PERMITTED IN THE IL-3-1 ZONE.
  - CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MMCC.
  - SECURITY SHALL BE PROVIDED AT THE MMCC WHICH INCLUDES 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 SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.
  - THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF A MMCC OPERATOR OR MANAGER SHALL BE POSTED (LETTERING MINIMUM 2" HEIGHT) IN A LOCATION WHICH IS CLEARLY VISIBLE FROM THE FRONT BUILDING EXTERIOR.
  - 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, ARE PROHIBITED AT THIS SITE. VENDING MACHINES ARE ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.
  - MMCC PLANNED HOURS OF OPERATION: MONDAY-SUNDAY: 10AM - 7PM.
- PARKING NOTES:**
- VAN ACCESSIBLE PARKING SPACE TO BE STRIPED & SIGNED PER CITY OF SAN DIEGO INFORMATION BULLETIN 305.
  - PROPOSED PARKING STALLS TO COMPLY WITH SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 142.0560.
  - PARKING CALCULATIONS FOR THIS PROJECT ARE BASED ON SDMC SECTION 142.0530 & TABLE 142-05D.
  - PARKING WILL COMPLY WITH OTAY MESA DEVELOPMENT PERMIT NO. 91-0145, WHICH REQUIRES A MINIMUM OF 108 PARKING SPACES.
  - PARKING PROPOSED: 138 SPACES W/ 6 ACCESSIBLE SPACES (2 VAN ACCESSIBLE).

2335 ROLL DRIVE, SUITE 4  
DEVELOPMENT PLANS

VICINITY MAP  
DRAWING DATE: 4-16-2014

EXISTING SITE PLAN  
EXISTING BUILDING FLOOR PLAN  
DRAWING DATE: ORIGINAL: 3-18-1991 / REVISION: 4-16-2014

PROPOSED FLOOR PLAN, SUITE 4  
DRAWING DATE: 4-15-2014

SHEET 1 OF 1



VICINITY MAP





Recording requested by  
and mail to: Permit Intake  
City of San Diego  
Planning Department  
02 West Street, M.S. 4C  
San Diego, CA 92101-3864

NOTE: COUNTY RECORDER, PLEASE RECORD AS  
RESTRICTION ON USE OR DEVELOPMENT OF  
REAL PROPERTY AFFECTING THE TITLE TO  
OR POSSESSION THEREOF.

OTAY MESA DEVELOPMENT PERMIT NO. 91-0145

PLANNING DIRECTOR  
RESOLUTION NO. 9047

1450

This Otay Mesa Development Permit is granted by the Planning Director of the City of San Diego to ROLL DRIVE CENTER GENERAL PARTNERSHIP, Owner/Permittee, under conditions in Section 103.1100 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee, to construct and operate a 14,000-square-foot retail center and 4,000-square-foot restaurant located on the south side of Siempre Viva Road between Roll Drive and Paseo de Las Americas, described as Lots 12 and 15 of Otay International Center, Lot No. 5, Map No. 11897, in the Commercial Component Zone of Otay International Center Precise Plan and the Otay Mesa Development District.

2. The Project shall consist of the following:

- a. A 14,000-square-foot retail center which shall include a variety of general and specialty retail shops and 4,000-square-foot restaurant;
- b. Landscaping;
- c. Off-street Parking; and
- d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.

3. Not fewer than 100 automobile and eight truck off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated June 12, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 12, 1991, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

5. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 12, 1991, on file in the office of the Planning Department. Approved plantings shall be installed before issuance of any occupancy permit on any building. Such plantings shall not be modified or

1451

altered unless this permit has been amended.

6. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

7. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment is stored to a height greater than any adjacent wall or fence.

8. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

9. No merchandise, material or equipment shall be stored on the roof of any building.

10. Prior to the issuance of any building permits, the applicant shall assure the installation of fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.

11. Prior to the issuance of any building permits, the applicant shall provide evidence to the Planning Department indicating that approval has been obtained from the Otay Water District for this development.

12. Prior to the issuance of any building permits, the applicant must satisfy MTDB fees in the amount of \$1,550.00.

13. All signage on site must conform with the sign plans stamped Exhibit "A" and dated June 12, 1991. Tenant wall signage shall be permitted to be a maximum of 18", not to exceed 75% of the storefront length and limited to red #2793 and green #2108. No tenant wall signage shall be permitted on the rear of any building and on no more than three sides of any free-standing building. Two center identification monument signs and two single-tenant monument signs shall be permitted at each of the two entries to the center in the location and manner specified on the plans stamped Exhibit "A".

13. This Otay Mesa Development Permit must be used within 36 months after the date of City approval June 12, 1994, or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0920 of the Municipal Code. Any Extension

ORIGINAL



1452

of Time shall be subject to all standards and criteria in effect at the time the extension is applied for.

14. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

15. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

16. This Otay Mesa Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

17. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

18. In the event that 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 the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

19. No permit for the development of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Otay Mesa Development Permit is recorded in the office of the County Recorder.

20. If the signed permit is not received by the Planning

ORIGINAL

1453

Department within 90 days of the Planning Director's decision or within 30 days of a Planning Commission or City Council decision, the permit shall be void.

21. This Otay Mesa Development Permit is subject to appeal within 10 days to the Planning Commission as provided for in Section 103.1104.3 of the Municipal Code.

22. This Otay Mesa Development Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

---

Passed and adopted by the Planning Director of the City of San Diego on June 12, 1991.

ORIGINAL

PLANNING DIRECTOR RESOLUTION NO. 9047  
GRANTING OTAY MESA DEVELOPMENT PERMIT NO. 91-0145

WHEREAS, ROLL DRIVE GENERAL PARTNERSHIP, filed an application for Otay Mesa Development Permit No. 91-0145 to construct a 15,000-square-foot commercial retail center and a 4,000-foot-square restaurant, located on the south side of Siempre Viva Road between Roll Drive and Paseo de Las Americas, described as Lots 12 and 15 of Otay International Center, Lot No. 5, Map No. 11897, in the Commercial Component Zone of the Otay International Center Precise Plan and the Otay Mesa Development District Ordinance; and

WHEREAS, ON June 12, 1991, the Planning Director of the City of San Diego considered Otay Mesa Development Permit No. 91-0145, pursuant to Section 101.0920 of the Municipal Code of the City of San Diego and; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Director of the City of San Diego, as follows:

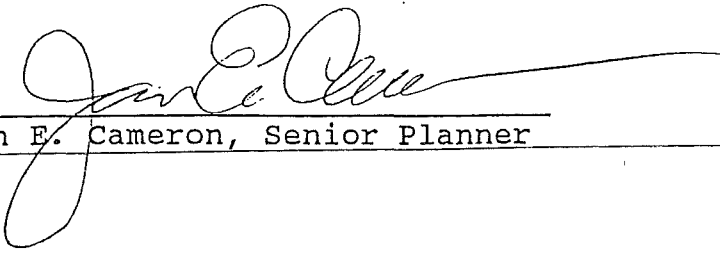
1. That the Planning Director adopts the Findings of the Planning Director those written Findings dated June 12, 1991, a copy of which is attached hereto and by this reference incorporated herein.
  - a. The proposed use is consistent with the Otay Mesa Community Plan and the Otay Mesa Development District Ordinance both which designate this site for commercial retail development to support the proposed and existing industrial development. In addition, the proposed development will provide necessary services to facilitate the Otay Mesa border crossing operation.
  - b. The environmental negative declaration evaluated of public safety, noise, traffic, and air quality and determined that the proposed development would not have a significant impact on the environment.
  - c. The proposed project will comply with all the relevant regulations in the Municipal Code, the Otay Mesa Development District Ordinance and the Otay Mesa Community Plan.
2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore

ORIGINAL

1455

adopted by the Planning Director, Otay Mesa Development Permit No. 91-0145, is hereby granted to Owner/Permittee in the form and with the terms and conditions as set forth in Otay Mesa Development Permit No. 91-0145, a copy of which is attached hereto and made a part hereof.



---

Jean E. Cameron, Senior Planner

ORIGINAL

1456

RESOLUTION NUMBER R- 9048ADOPTED ON June 12, 1991

WHEREAS, on January 31, 1991, Roll Drive General Partnership submitted an application to the Planning Department for an Otay Mesa Development Permit; and

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Director of the City of San Diego; and

---

WHEREAS, the issue was heard by the Planning Director on June 12, 1991; and

WHEREAS, the Planning Director of the City of San Diego considered the issues discussed in Negative Declaration No. 91-0145; NOW THEREFORE,

BE IT RESOLVED, by the Planning Director of the City of San Diego, that it is hereby certified that Negative Declaration No. 91-0145 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the planning Director.

BE IT FURTHER RESOLVED that the Planning Director finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

By: 

Jean E. Cameron  
Senior Planner

Adopted on: June 12, 1991

ORIGINAL
----------

Type/No. of Document PD OMD 91-0145/RESO 9047Number of Pages 8 of 8Date of Document June 12, 1991 1457

AUTHENTICATED BY:

JEAN CAMERON, SENIOR PLANNER, CITY OF SAN DIEGO PLANNING DEPARTMENTSTATE OF CALIFORNIA) SS.  
COUNTY OF SAN DIEGO)

On this 5th day of August, in the year 1991,  
before me, Catherine L. Meyer, a Notary Public in and for said County and State,  
personally appeared JEAN CAMERON, personally known to me to  
be the person who executed this instrument as Senior Planner of the Planning  
Department of the City of San Diego and acknowledged to me that the Municipal  
Corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of  
San Diego, State of California, the day and year in this certificate first above  
written.

Catherine L. Meyer  
Catherine L. Meyer  
Notary Public in and for the County of San Diego, State of California

## PERMITTEE(S) SIGNATURE/NOTARIZATION:

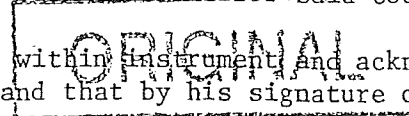
The undersigned Permittee(s), by execution thereof, agrees to each and every  
condition of this permit and promises to perform each and every obligation of  
Permittee(s) thereunder.

BY: Michael A. Vogt BY: \_\_\_\_\_

Michael A. Vogt  
Roll Drive Center General Partnership  
Owner/Permittee

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On August 13, 1991 before me, Cynthia L. Ballenger; A Notary Public in and for said County  
and State, personally appeared Michael A. Vogt, personally  
known to me to be the person whose name is subscribed to the within instrument and acknowledged  
to me that he executed the same in his authorized capacity, and that by his signature on the  
instrument the Partnership executed the instrument.



NOTARY PLEASE BE SURE AN INDIVIDUAL PARTNERSHIP CORPORATION MUNICIPAL

CORPORATION ACKNOWLEDGMENT IS ATTACHED HERE PER CIVIL CODE § 1180, ET. SE



OFFICIAL NOTARY SEAL  
CYNTHIA L. BALLENGER  
Notary Public - California  
SAN DIEGO COUNTY

DOC # 1991-0431213  
22-AUG-1991 03:59 PM

1458

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
ANNETTE EVANS, COUNTY RECORDER

FEES: 0.00

---



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> A Green Alternative MMCC		<b>Project Number:</b> 368304	<b>Distribution Date:</b> 5/22/14
<b>Project Scope/Location:</b> OTAY MESA Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 1,406 square foot suite located within an existing 14,090 square foot building located at 2335 Roll Drive. The 2.47-acre site is in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. Council District 8. Notice Card=1.			
<b>Applicant Name:</b> Blair, David		<b>Applicant Phone Number:</b> (619) 216-1330	
<b>Project Manager:</b> Gutierrez, Edith	<b>Phone Number:</b> (619) 446-5147	<b>Fax Number:</b> (619) 446-5245	<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	8	3	1
<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
<b>CONDITIONS:</b> Come back to OMPG to show content of the conditional use permit (CUP) before receiving final approval			
<b>NAME:</b> Janet Vadakkumcherry		<b>TITLE:</b> OMPG Secretary	
<b>SIGNATURE:</b> Janet Vadakkumcherry		<b>DATE:</b> 7.16.14	
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.			



**Gargas, Glenn**

---

**From:** Janet Vadakkumcherry [jvadakkumcherry@ccc-sd.org]  
**Sent:** Thursday, September 25, 2014 9:49 AM  
**To:** Hixson, Rob @ San Diego Downtown; Gargas, Glenn  
**Cc:** Gutierrez, Edith  
**Subject:** RE: Otay Mesa Community Planning Group Action - A Green Alternative MMCC - Project No. 368304 - 2335 Roll Drive

Sure. A motion was made and seconded to approve the MMCC at 2335 Roll Drive:

11 in favor  
 2 opposed  
 1 abstention

Is that all you need Glen?

Thanks  
 Janet Vadakkumcherry

---

**From:** Hixson, Rob @ San Diego Downtown [<mailto:Rob.Hixson@cbre.com>]  
**Sent:** Wednesday, September 24, 2014 10:19 AM  
**To:** Janet Vadakkumcherry  
**Cc:** Gutierrez, Edith; Gargas, Glenn  
**Subject:** RE: Otay Mesa Community Planning Group Action - A Green Alternative MMCC - Project No. 368304 - 2335 Roll Drive

Janet, can you provide Glenn with the vote count. Thank you.

Rob Hixson, SIOR | Senior Vice President | Lic. 00944946  
 CBRE | Industrial Properties | Lic. 00409987  
 350 Tenth Avenue, Suite 800 | San Diego, CA 92101  
 T 619 696 8350 | F 619 232 2462 | C 619 954 9520  
[Rob.Hixson@cbre.com](mailto:Rob.Hixson@cbre.com) | [www.cbre.com](http://www.cbre.com)

[Click Here to View My Current Listings](#)

[What is a SIOR?](#)

Please consider the environment before printing this email.

This email may contain information that is confidential or attorney-client privileged and may constitute inside information. The contents of this email are intended only for the recipient(s) listed above. If you are not the intended recipient, you are directed not to read, disclose, distribute or otherwise use this transmission. If you have received this email in error, please notify the sender immediately and delete the transmission. Delivery of this message is not intended to waive any applicable privileges.

---

**From:** Gargas, Glenn [<mailto:GGargas@sanidiego.gov>]  
**Sent:** Wednesday, September 24, 2014 10:10 AM  
**To:** Hixson, Rob @ San Diego Downtown  
**Cc:** Gutierrez, Edith



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 446-5000

## Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit  
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit  
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other

**Project Title**

A Green Alternative

**Project No. For City Use Only**

368309

**Project Address:**

2335 Roll Drive, Ste 4, San Diego, CA 92154

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

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

**Additional pages attached** ☐ Yes ☒ No

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

Dr. David R. Blair

☐ Owner ☒ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

2335 Roll Drive, Ste. 4

**City/State/Zip:**

San Diego, CA 92154

**Phone No:**

(619) 216-1330

**Fax No:**

**Signature:**

David R. Blair Ed.D.

**Date:**

04/15/2014

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

Douglas Cristofa

☐ Owner ☒ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

2335 Roll Drive, Ste. 4

**City/State/Zip:**

San Diego, CA 92154

**Phone No:**

(619) 216-1330

**Fax No:**

**Signature:**

Douglas Cristofa

**Date:**

04/15/2014

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

Zach Lazarus

☐ Owner ☒ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

5924 Vista Santa Catarina

**City/State/Zip:**

San Diego, CA 92154

**Phone No:**

(619) 241-9897

**Fax No:**

**Signature:**

[Signature]

**Date:**

04/15/2014

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

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

**City/State/Zip:**

**Phone No:**

**Fax No:**

**Signature:**

**Date:**

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.

DS-318 (5-05)

<b>Project Title:</b> A Green Alternative	<b>Project No. (For City Use Only)</b> 368304
--	--

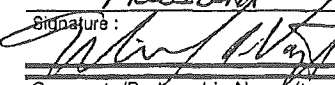
  

**Part II - To be completed when property is held by a corporation or partnership**

**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

<b>Corporate/Partnership Name (type or print):</b> Roll Drive Limited Partnership <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <b>Street Address:</b> c/o IRE Enterprises, 821 Kuhn Drive, Suite 100 <b>City/State/Zip:</b> Chula Vista, CA 91914 <b>Phone No:</b> (619) 661-6681 <b>Fax No:</b> <b>Name of Corporate Officer/Partner (type or print):</b> MICHAEL A. VOLT <b>Title (type or print):</b> PRESIDENT <b>Signature:</b>  <b>Date:</b> 4-16-14	<b>Corporate/Partnership Name (type or print):</b>  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <b>Street Address:</b>  <b>City/State/Zip:</b>  <b>Phone No:</b> <b>Fax No:</b>  <b>Name of Corporate Officer/Partner (type or print):</b>  <b>Title (type or print):</b>  <b>Signature :</b> <b>Date:</b>
<b>Corporate/Partnership Name (type or print):</b>  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <b>Street Address:</b>  <b>City/State/Zip:</b>  <b>Phone No:</b> <b>Fax No:</b>  <b>Name of Corporate Officer/Partner (type or print):</b>  <b>Title (type or print):</b>  <b>Signature :</b> <b>Date:</b>	<b>Corporate/Partnership Name (type or print):</b>  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <b>Street Address:</b>  <b>City/State/Zip:</b>  <b>Phone No:</b> <b>Fax No:</b>  <b>Name of Corporate Officer/Partner (type or print):</b>  <b>Title (type or print):</b>  <b>Signature :</b> <b>Date:</b>
<b>Corporate/Partnership Name (type or print):</b>  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <b>Street Address:</b>  <b>City/State/Zip:</b>  <b>Phone No:</b> <b>Fax No:</b>  <b>Name of Corporate Officer/Partner (type or print):</b>  <b>Title (type or print):</b>  <b>Signature :</b> <b>Date:</b>	<b>Corporate/Partnership Name (type or print):</b>  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <b>Street Address:</b>  <b>City/State/Zip:</b>  <b>Phone No:</b> <b>Fax No:</b>  <b>Name of Corporate Officer/Partner (type or print):</b>  <b>Title (type or print):</b>  <b>Signature :</b> <b>Date:</b>

A GREEN ALTERNATIVE  
PROJECT No. 368304

Voluntary Conditions

1. Instead of eliminating graffiti in 48 hours, we agree to eliminate graffiti in 24 hours.
2. Ensure that each cannabis sample is tested for pesticides, mold, and mildew.
3. Maintain an accurate and complete record of all marijuana sold or dispensed. The record shall contain the quantity, date and time of marijuana sold or dispensed.



THE CITY OF SAN DIEGO

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

**DATE:** October 14, 2014

**TO:** Ken Teasley, Hearing Officer

**FROM:** Edith Gutierrez, Project Manager

**SUBJECT:** A Green Alternative MMCC, Project No. 368304, Hearing Officer  
Agenda of October 15, 2014, Report No. HO-14-058

---

Draft permit Condition No. 4 (c) has been revised to reflect the correct department and SDMC Section as follows:

"4. A MMCC Permit issued by the San Diego Police Department Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1507 42.1504."

Attachment: Draft Permit with Conditions, includes the above revisions

**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: 24004634

**CONDITONAL USE PERMIT NO. 1298258**  
**A GREEN ALTERNATIVE MMCC PROJECT NO. 368304**  
**HEARING OFFICER**

This Conditional Use Permit No. 1298258 is granted by the Hearing Officer of the City of San Diego to ROLL DRIVE LIMITED PARNERSHIP, Owner and DAVID R. BLAIR, DOUGLAS CRISTOFO AND ZACH LAZARUS Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.47-acre site is located at 2335 Roll Drive, Suite 4 in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. The project site is legally described as: Lots 12 and 15 of Otay International Center Lot No. 5, Map No. 11897, filed in the Office of the County Recorder of San Diego County, September 17, 1987.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 15, 2014, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,406 square foot tenant space within an existing 14,090 square foot, one-story commercial building on a 2.47 acre property;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 29, 2017.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on XXXX.
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 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 1,406 square foot tenant space shall be limited to the Medical Marijuana Consumer Cooperative or 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 2.47-acre shopping center.
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 Otay Mesa Development Permit No. 91-0145, condition number 13. Sign colors shall be limited to red and green. Wall signage shall be a maximum of 18", not to exceed 75% of the storefront length. No signage is permitted on the rear or north side of the subject tenant space building. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

24. The MMCC shall comply with all conditions and requirements of Otay Mesa Development Permit No. 91-0145.

**POLICE DEPARTMENT RECOMMENDATION:**

25. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on October 15, 2014 and Resolution No. CM-XXXX.

Conditional Use Permit No. 1298258/PTS No. 368304

Date of Approval: October 15, 2014

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.**

ROLL DRIVE LIMITED PARTNERSHIP  
Owner

By \_\_\_\_\_  
Michael Vogt  
President

DAVID R. BLAIR  
Permittee

By \_\_\_\_\_  
David R. Blair  
Permittee

DOUGLAS CRISTOFO  
Permittee

By \_\_\_\_\_  
Douglas Cristofo  
Permittee

ZACH LAZARUS  
Permittee

By \_\_\_\_\_  
Zach Lazarus  
Permittee

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

**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: 24004634

**CONDITONAL USE PERMIT NO. 1298258**  
**A GREEN ALTERNATIVE MMCC PROJECT NO. 368304**  
**HEARING OFFICER**

This Conditional Use Permit No. 1298258 is granted by the Hearing Officer of the City of San Diego to ROLL DRIVE LIMITED PARTNERSHIP, Owner and DAVID R. BLAIR, DOUGLAS CRISTOFO AND ZACH LAZARUS Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.47-acre site is located at 2335 Roll Drive, Suite 4 in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. The project site is legally described as: Lots 12 and 15 of Otay International Center Lot No. 5, Map No. 11897, filed in the Office of the County Recorder of San Diego County, September 17, 1987.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 15, 2014, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,406 square foot tenant space within an existing 14,090 square foot, one-story commercial building on a 2.47 acre property;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 18, 2017.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on December 18, 2019.
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 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 1,406 square foot tenant space shall be limited to the Medical Marijuana Consumer Cooperative or 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 2.47-acre shopping center.
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 Otay Mesa Development Permit No. 91-0145, condition number 13. Sign colors shall be limited to red and green. Wall signage shall be a maximum of 18", not to exceed 75% of the storefront length. No signage is permitted on the rear or north side of the subject tenant space building. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

24. The MMCC shall comply with all conditions and requirements of Otay Mesa Development Permit No. 91-0145.

**POLICE DEPARTMENT RECOMMENDATION:**

25. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on October 15, 2014 and Resolution No. HO-6747.

Conditional Use Permit No. 1298258/PTS No. 368304  
Date of Approval: October 15, 2014

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.

ROLL DRIVE LIMITED PARTNERSHIP  
Owner

By \_\_\_\_\_  
Michael Vogt  
President

DAVID R. BLAIR  
Permittee

By \_\_\_\_\_  
David R. Blair  
Permittee

DOUGLAS CRISTOFO

Permittee

By \_\_\_\_\_  
Douglas Cristofa  
Permittee

ZACH LAZARUS

Permittee

By \_\_\_\_\_  
Zach Lazarus  
Permittee

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

HEARING OFFICER  
RESOLUTION NO. HO-6747  
CONDITONAL USE PERMIT NO. 1298258  
**A GREEN ALTERNATIVE MMCC PROJECT NO. 368304**

WHEREAS, ROLL DRIVE LIMITED PARTNERSHIP, Owner and DAVID R. BLAIR, DOUGLAS CRISTOFO AND ZACH LAZARUS Permittees, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,406 square foot tenant space within an existing 14,090 square foot, one-story commercial building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1298258), on portions of a 2.47-acre site;

WHEREAS, the project site is located at 2335 Roll Drive, Suite 4 in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area;

WHEREAS, the project site is legally described as Lots 12 and 15 of Otay International Center Lot No. 5, Map No. 11897, filed in the Office of the County Recorder of San Diego County, September 17, 1987;

WHEREAS, on October 15, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1298258 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 14, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 October 15, 2014.

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 Medical Marijuana Consumer Cooperative (MMCC) in a 1,406 square foot tenant space within an existing 14,090 square foot, one-story, commercial building. The 2.47-acre site is located at 2335 Roll Drive in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the Otay Mesa Community Plan Area. The site is within a retail shopping center, 0.2 miles north of the International Port of Entry with Mexico. The shopping center includes a variety of general and specialty shops and a 4,000 square foot restaurant.



The site is within the South District of the Otay Mesa Community Plan which is designated Heavy Commercial. Heavy Commercial provides for retail sales, commercial services, office uses, and heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service.

The existing commercial shopping center was developed per Otay Mesa Development Permit No. 91-0145 and approved Building Permit No. B-002336-91. The proposed MMCC is classified as commercial services and is therefore consistent with the community plan which encourages a mixture of industrial and commercial uses near the Port of Entry. The proposed use is an allowed use within the IL-3-1 zone and is consistent with the community plan designation, therefore the proposed MMCC 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 1,406 square foot Medical Marijuana Consumer Cooperative (MMCC) located at 2335 Roll Drive is within an existing 14,090 square foot retail shopping center that includes a variety of general and specialty shops and a 4,000 square foot restaurant. The proposed MMCC tenant space is currently vacant. The project proposes interior improvements to include a check-in counter, waiting room, dispensary area, employee lounge and restroom. No public improvements are required.

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).

MMCC's 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. MMCC's 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, 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. 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's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed interior improvements which include a check-in counter, waiting room, dispensary area, employee lounge and restroom will require a ministerial building permit. The building permit will require compliance with the California Uniform Building Code, Fire, Plumbing, Electrical, and Mechanical Codes.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298258 in addition to Otay Mesa Development Permit No. 91-0145 which regulates the 2.47-acre retail shopping center. 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 1,406 square foot Medical Marijuana Consumer Cooperative (MMCC) located at 2335 Roll Drive is within an existing 14,090 square foot retail commercial shopping center that includes a variety of general and specialty shops and a 4,000 square foot restaurant on 2.47-acre site. The existing shopping center is in the IL-3-1 Zone and was developed per Otay Mesa Development Permit No. 91-0145 and approved Building Permit No. B-002336-91. The 1,406 square foot tenant space for the MMCC is currently vacant. The project proposes interior improvements to include a check-in counter, waiting room, dispensary area, employee lounge and restroom. No public improvements are required and no deviations are proposed.

MMCC's are allowed in the IL-3-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCC's 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, 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. 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's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The existing commercial shopping center developed per Otay Mesa Development Permit No. 91-0145 and approved Building Permit No. B-002336-91 is in compliance with development regulations and building conditions. The proposed MMCC is consistent with the land use designation of Heavy Commercial. 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 1,406 square foot Medical Marijuana Consumer Cooperative (MMCC) located at 2335 Roll Drive is within an existing 14,090 square foot retail commercial shopping center that includes a variety of general and specialty shops and a 4,000 square foot restaurant. The 2.47-acre site is in the IL-3-1 Zone and Airport Influence Area (Brown Field) within the South District of Otay Mesa Community Plan Area. The site is 0.2 miles north of the International Port of Entry with Mexico and is designated Heavy Commercial. The South District of the Otay Community plan is comprised of mostly heavy commercial, open space and industrial uses which include warehousing, distribution, truck depots, and customer brokerages that support the international industry. Residential uses are prohibited in this land

use designation. The proposed MMCC, classified as commercial services, is consistent with the community plan.

MMCC's are allowed in the IL-3-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCC's 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, 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. 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's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCC's to commercial and industrial zones and the number of MMCC's to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The property to the north of the site is a gasoline station, to the west is a restaurant, to the south is a commercial shopping center and to the east is a commercial warehouse, all of which are in the IL-3-1 Zone, designated Heavy Commercial and compatible uses with MMCC's. The proposed MMCC meets the SDMC regulations and is consistent with the community plan which encourages diversified commercial uses that serve local, community and regional needs. Therefore, the proposed MMCC is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1298258 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. 1298258, a copy of which is attached hereto and made a part hereof.

---

Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: October 15, 2014

Job Order No. 24004634