

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 20, 2015 **REPORT NO.** PC-15-057

ATTENTION: Planning Commission, Agenda of May 28, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR 4645 DE SOTO MMCC - PROJECT NO. 368309 (PROCESS 3).

REFERENCE: Report to the Hearing Officer; Report No. HO-15-033 (Attachment 1-12).

**OWNER/
APPLICANT:** PRATT FAMILY TRUST/
Mission Bay Cooperative, Inc., Un Sik Chong

SUMMARY

Issue: 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 a proposed 2,470 square-foot building on a 0.22-acre site within the Pacific Beach Community Plan area?

Staff Recommendation: Deny the appeal and Uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1292095.

Community Planning Group Recommendation: On August 27, 2014, the Pacific Beach Community Planning Group voted 12-5-2 to deny the project (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on September 26, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

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

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

The site located at 4645 De Soto Street has two buildings totaling 7,675 square feet. Building 1 is 5,960 square feet and Building 2 is 1,715 square feet. Approximately 5,205 square feet of Building 1 will be demolished and the remaining 755 square feet will be integrated to Building 2. The proposed MMCC will be 2,470 square feet on a 0.22-acre site. The MMCC site is located at 4645 De Soto Street, west of Interstate 5, south of Garnet Avenue and east of Mission Bay Drive (Attachment 2). The site is in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area.

The site is designated Industrial within the Pacific Beach Community Plan. Pacific Beach is both a visitor destination as well as a residential community. It is comprised of mostly residential property with little commercial and industrial uses. Industrial zoning in Pacific Beach is limited to a small area east of East Mission Bay Drive and west of Interstate 5. The goal of the community plan is to continue to promote a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. The uses to the north and east of this site are storage facilities (Price Self Storage), to the south building services (Dewey Pest Control) and east Interstate 5. The surrounding uses are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit within this community plan.

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.

Staff determined that the proposed MMCC met all applicable development regulations, including the minimum distance requirements and recommended approval of the project. On March 25, 2015, the Hearing Officer approved the project.

CORRECTION

The Draft Permit Condition No. 30 within the Hearing Officer Report No. HO-15-033 was incorrect (Attachment 4). The condition required 3 off-street parking spaces, when no off-street parking is required. Commercial uses on lots less than 10,000 square feet without alley access are exempt from providing off-street parking (SDMC Section 142.0540(a)). This site is 9,745 square feet and, therefore, qualifies for this exemption. The transportation condition has been corrected in the Draft Permit (Attachment 16, Condition No. 30).

DISCUSSION

Appeal: An appeal of the Hearing Officer's decision was filed on March 25, 2015 by Jay Davis on the grounds of Findings not supported (Attachment 13). On April 2, 2015, Brian J. Curry, Chair of the Pacific Beach Community Planning Group filed an appeal on the grounds of Conflict with matters and Findings not supported (Attachment 14). On April 7, 2015, Lynn Chisnell on behalf of Price Self Storage filed an appeal on the grounds of Conflict with matters and findings not supported (Attachment 15).

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

Appeal Issues:

1. *Finding SDMC 126.0305(b), "the proposed development will not be detrimental to the public, health, safety and welfare" is not supported. This project will expose the public to loitering, marijuana smoking at the premises and hash oil explosion.*

Staff Response: The CUP permit (Attachment 16) contains the following required and voluntary conditions to ensure the public, health, safety and welfare of the community: 1) No consultations by medical professionals on site; 2) no vending machines without a human intermediary; 3) interior and exterior lighting; 4) surveillance camera (recordings maintained a minimum of 30 days); 5) metal detector; 6) alarm; 7) armed security guard during hours of operation; 8) no loitering; 9) no smoking on site; 10) hours of operation from 7:00 a.m. to 9:00 p.m. seven days a week; 11) permit expires in five years; 12) compliance with Chapter 4, Article 2, Division 15; and 13) MMCC permit (fingerprinting and background checks of all responsible persons).

State law prohibits medical marijuana smoking (a) where smoking is prohibited by law, (b)

at or within 1000 feet of a school, recreation center, or youth center (unless the medical use occurs within a residence), (c) on a school bus, or (d) in a moving motor vehicle or boat. Health & Safety Code § 11362.79. Our local smoking prohibitions are in Chapter 4, Article 3, Division 10 and apply to the smoking of tobacco or any weed or plant.

State law prohibits the concentration of controlled substances by chemical extraction. Health & Safety Code § 11379.6.

2. *The use is inconsistent with the Pacific Beach Community Plan.*

Staff Response: The site is designated Industrial within the Pacific Beach Community Plan. The goal of the community plan is to continue to promote a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit within this community plan.

3. *The community group voted to deny the project. The use is not a public necessity, it will be a public nuisance, there is public opposition, and the majority of the business will be from "recreational use" rather than "medical."*

Staff Response: 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. MMCCs are permitted with a Conditional Use Permit and are limited to no more than four per Council District to minimize the impact on communities. Permit conditions discussed in appeal issue No. 1 have been included to ensure the public, health, safety and welfare of the community

4. *There are potential problems with traffic and parking that have not been mitigated. Vehicles and pedestrians will increase the risk of accidents, slowing down access and creating congestion to Price Self Storage.*

Staff Response: Based on the small lot allowance in SDMC Section 142.0540 (a), the proposed 2,470 square-foot MMCC is not required to provide any off-street parking spaces, however, 13 on-site automobile parking spaces, including one van-disabled accessible space are provided as well as 2 motorcycle spaces and 2 bicycle spaces. The MMCC is expected to generate approximately 99 average daily trips (ADT), at 40 trips per 1,000 square feet; with 3 morning peak hour trips and 9 afternoon peak hour trips. Based on the estimated ADT a transportation impact analysis is not required. The estimated 99 additional project trips to the site are not expected to adversely affect the access or the surrounding road way system.

5. *There adjacent owners/patrons include hospitality uses with under aged patrons.*

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 SDMC.


6. *The only access to the MMCC is via an access easement agreement with Price Self Storage. Increase traffic would constitute a violation of the existing access.*

Staff Response: The site located at 4645 De Soto Street has an Easement Grant Deed, Document No. 123043, for a 30-foot easement dedicated for road and public utility purposes (Attachment 18). The existing easement agreement is a private property matter not within the purview of Development Services Department.

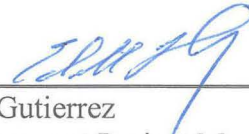
Conclusion:

Staff is recommending denial of the appeal and approval of the project as it meets all applicable development regulations, including the minimum distance requirements.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-12 Report to the Hearing Officer – Report HO-15-031
13. Appeal Application, Jay Davis
14. Appeal Application, Brian J. Curry
15. Appeal Application, Lynn Chisnell
16. Draft Permit with Conditions
17. Draft Permit Resolution with Findings
18. Easement Grant Deed
19. Response to appeals, Marianne O. Green



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2015 REPORT NO. HO-15-033

ATTENTION: Hearing Officer

SUBJECT: 4645 DE SOTO MMCC
PROJECT NUMBER: 368309

LOCATION: 4645 De Soto Street

APPLICANT: Un Sik Chong

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a proposed 2,470 square foot building within the Pacific Beach Community Plan Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1292095.

Community Planning Group Recommendation: On August 27, 2014, the Pacific Beach Community Planning Group voted 12-5-2 to deny the project (attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on September 26, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers

through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

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

The site located at 4645 De Soto Street has two buildings totaling 7,675 square feet. Building 1 is 5,960 square feet and Building 2 is 1,715 square feet. Approximately 5,205 square feet of Building 1 will be demolished and the remaining 755 square feet will be integrated to Building 2. The proposed MMCC will be 2,470 square feet on a 0.22-acre site. The MMCC site is located at 4645 De Soto Street, west of Interstate 5, south of Garnet Avenue and east of Mission Bay Drive (Attachment 2). The site is in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area.

The site is designated Industrial within the Pacific Beach Community Plan. Pacific Beach is both a visitor destination as well as a residential community. It is comprised of mostly residential property with little commercial and industrial uses. Industrial zoning in Pacific Beach is limited to a small area east of East Mission Bay Drive and west of Interstate 5. The goal of the community plan is to continue to promote a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. The uses to the north and east of this site are storage facilities (Price Self Storage), to the south building services (Dewey Pest Control) and east Interstate 5. The surrounding uses are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit within this community plan.

DISCUSSION

The project site located at 4645 De Soto Street is a 0.22-acre site. The proposed MMCC will be 2,470 square feet after the partial demolition and reconfiguration. The existing buildings are currently being used by Pratt Machine Tools (commercial services). The MMCC proposes interior improvements include a reception area, dispensary area, office, storage room and restroom. The proposed demolition and improvements will require ministerial building permits. The building permits will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements required are the removal of the existing curb, construction of a new City standard curb and gutter, sidewalk and curb ramp with truncated domes on the west side of De Soto Street satisfactory to the City Engineer.

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

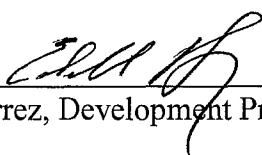
CONCLUSION

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

ALTERNATIVE

1. Approve Conditional Use Permit No. 1292095, with modifications.
2. Deny Conditional Use Permit No. 1292095, if the findings required to approve the project cannot be affirmed.

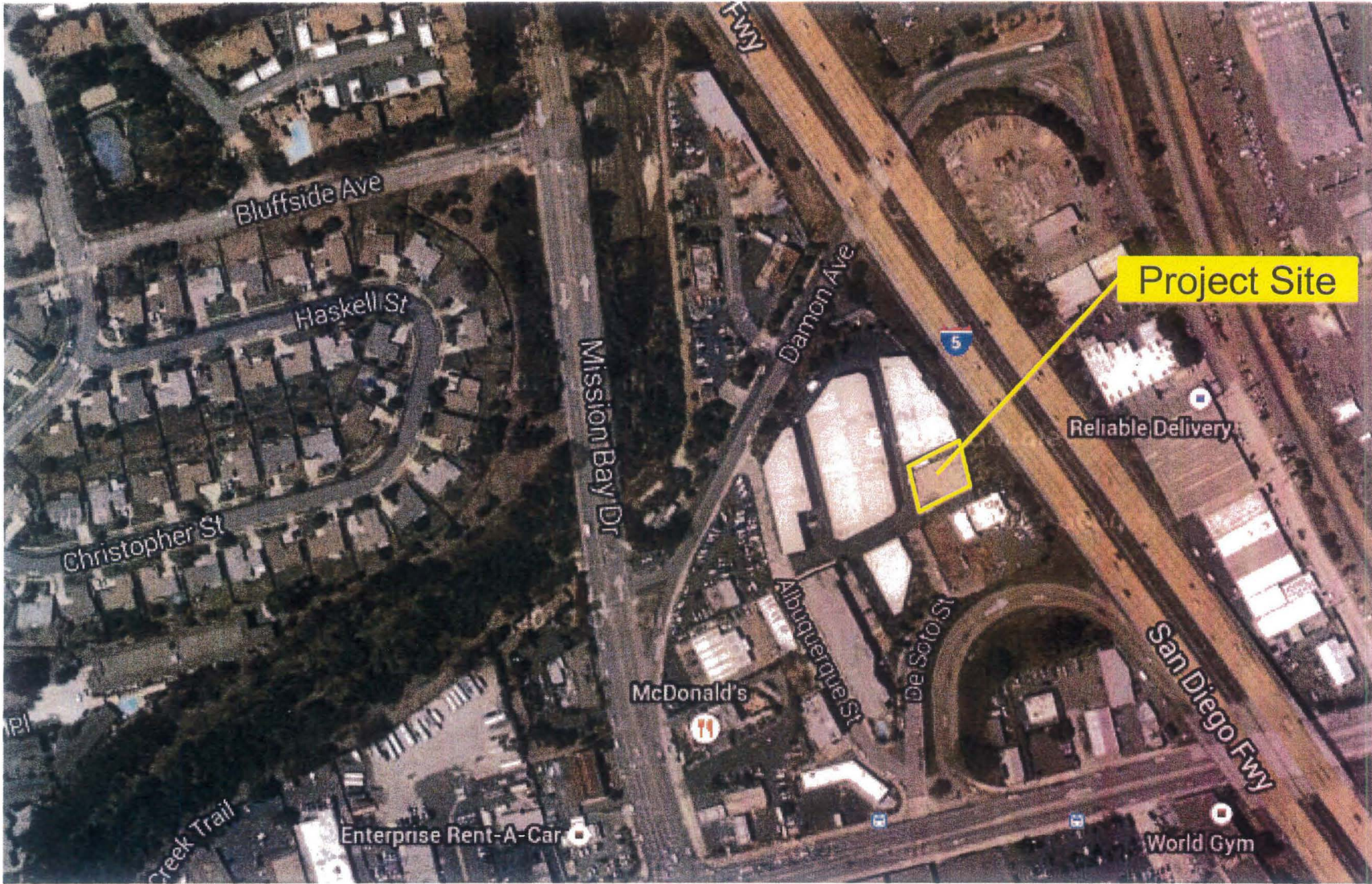
Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

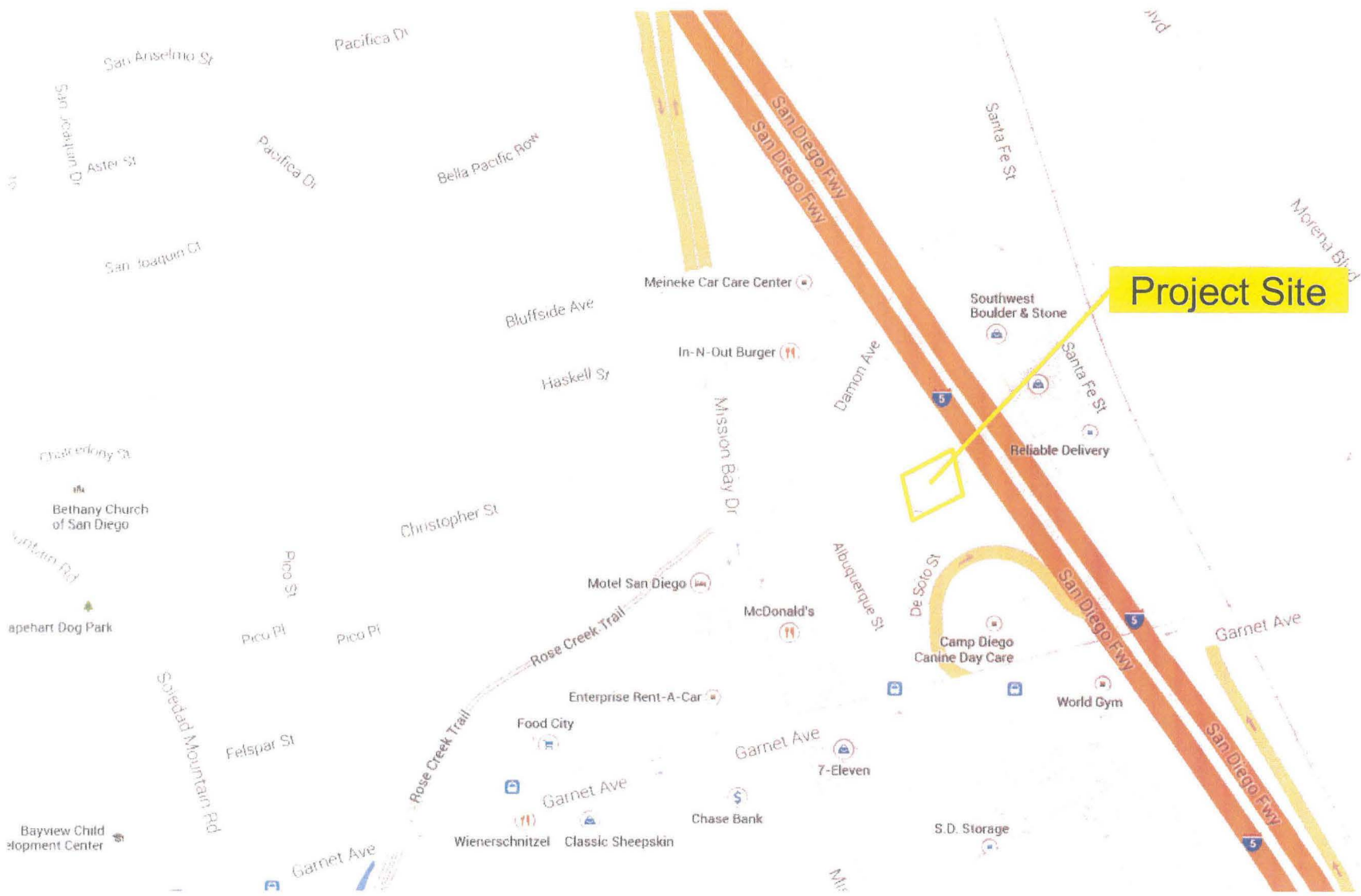
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000 Foot Radius Map
7. 1000 Foot Radius Map Spreadsheet
8. Notice of Right to Appeal
9. Project Site Plan(s)
10. Community Planning Group Recommendation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



Location Aerial Photo

4645 De Soto MMCC – 4645 De Soto Street
PROJECT NO. 368309



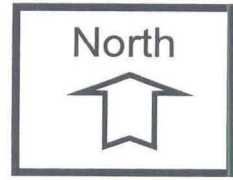


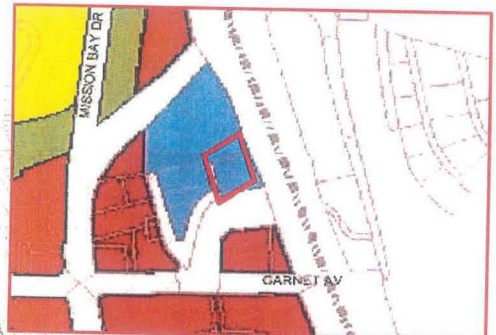
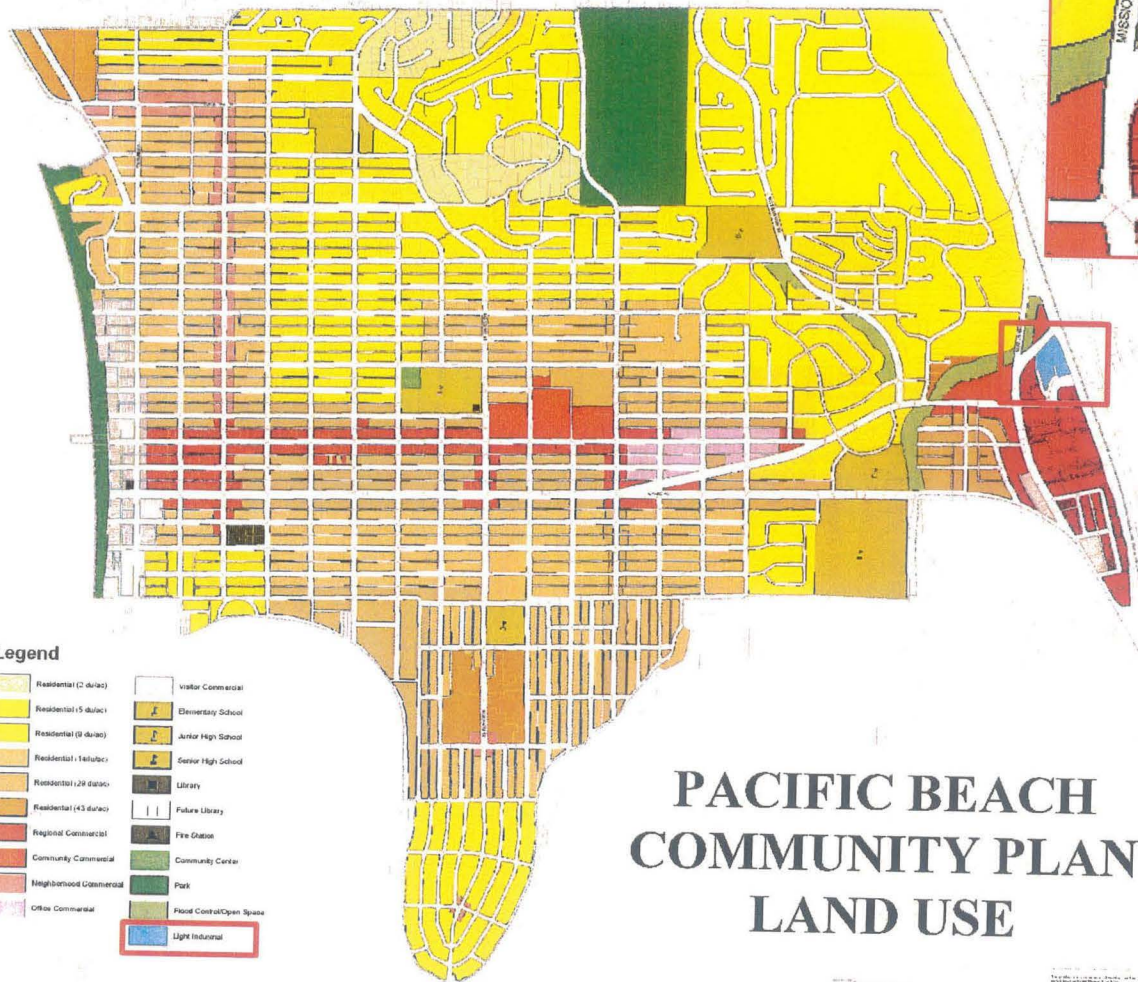
Project Site



Project Location Map

4645 De Soto MMCC– 4645 De Soto Street
PROJECT NO. 368309





4645 De Soto Street

Legend

Residential (2 duacs)	Visitor Commercial
Residential (5 duacs)	Elementary School
Residential (9 duacs)	Junior High School
Residential - Terrace	Senior High School
Residential (29 duacs)	Library
Residential (43 duacs)	Future Library
Regional Commercial	Fire Station
Community Commercial	Community Center
Neighborhood Commercial	Park
Office Commercial	Flood Control/Open Space
	Light Industrial

PACIFIC BEACH COMMUNITY PLAN LAND USE



Land Use Map
4645 De Soto MMCC- 4645 De Soto Street
 PROJECT NO. 368309



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: 24004658

CONDITIONAL USE PERMIT NO. 1292095
4645 DE SOTO MMCC - PROJECT NO. 368309
HEARING OFFICER

This Conditional Use Permit No. 1292095 is granted by the Hearing Officer of the City of San Diego to PRATT FAMILY TRUST, Owner and MISSION BAY COOPERATIVE, INC. Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.22-acre site is located at 4645 De Soto Street in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area. The project site is legally described as: Pueblo Lot 1788 of the Pueblo Lands of San Diego, Map made by James Pascoe in 1870, Recorded on November 14, 1921, Miscellaneous Map No. 26.

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

The project shall include:

- a. Demolition of 5,205 square feet of an existing building to maintain 755 square feet.
- b. Integrating 755 square feet to an existing 1,715 square foot building for a total of 2,470 square feet.
- c. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 2,470 square foot building on a 0.22-acre site;
- b. Landscaping (planting, irrigation and landscape related improvements);

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 10, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on April 10, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 2,470 square foot building shall be limited to the MMCC and any use permitted in the IS-1-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.22-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the removal of the existing curb and the construction of the City standard curb and gutter, at new location on the west side of De Soto Street as shown on Exhibit "A", satisfactory to the City Engineer.
25. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of City standard sidewalk, on the west side of De Soto Street as shown on Exhibit "A" to provide pedestrian access from the existing offsite improvements to the project site, satisfactory to the City Engineer.
26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of City standard curb ramp with truncated domes, at the end of the sidewalk improvement on the west side of De Soto Street as shown on Exhibit "A", satisfactory to the City Engineer.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
29. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

TRANSPORTATION REQUIREMENTS:

30. No fewer than 3 off-street parking spaces (with 13 on-site parking spaces provided; including one van-disabled accessible space), 2 motorcycle spaces and 2 bicycle spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

LANDSCAPING REQUIREMENTS:

31. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 sq-

ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

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

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

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

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on March 25, 2015 and
Resolution No. HO-XXXX.

Conditional Use Permit No.1292095/PTS No. 368309
Date of Approval: March 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
Development Project Manager

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

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

PRATT FAMILY TRUST
Owner

By _____
James Gordon Pratt
Trustee

PRATT FAMILY TRUST
Owner

By _____
Lynne D. Pratt
Trustee

MISSION BAY COOPERATIVE, INC
Permittee

By _____
Un Sik Chong

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1292095
4645 DE SOTO MMCC - PROJECT NO. 368309

WHEREAS, PRATT FAMILY TRUST, Owner and MISSION BAY COOPERATIVE, INC., Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) within a 2,470 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1292095), on portions of a 0.22-acre site;

WHEREAS, the project site is located at 4645 De Soto Street in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area;

WHEREAS, the project site is legally described as Pueblo Lot 1788 of the Pueblo Lands of San Diego, Map made by James Pascoe in 1870, Recorded on November 14, 1921, Miscellaneous Map No. 26;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1292095 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 26, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309474;

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

That the Hearing Officer adopts the following written Findings, dated March 25, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed project is a request for a Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC) within a 2,470 square foot building. The 0.22-acre site is located at 4645 De Soto Street in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area. All of the surrounding parcels are in the IS-1-1 zone.

The site is designated Industrial within the Pacific Beach Community Plan. Pacific Beach is both a visitor destination as well as a residential community. It is comprised of mostly residential property with little commercial and industrial uses. Industrial zoning in Pacific Beach is limited to a small area east of East Mission Bay Drive and west of Interstate 5. The goal of the community plan is to continue to

promote a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. The uses to the north and east of this site are storage facilities (Price Self Storage), to the south building services (Dewey Pest Control) and east Interstate 5. The surrounding uses are allowed in the IS-1-1 Zone, are consistent with the Industrial designation of the community plan and a MMCC is a compatible use with a CUP.

The proposed MMCC, classified as commercial services is consistent with the community plan and therefore, will not adversely affect the applicable land use plan.

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

The site located at 4645 De Soto Street has two buildings totaling 7,675 square feet. Building 1 is 5,960 square feet and Building 2 is 1,715 square feet. Approximately 5,205 square feet of Building 1 will be demolished and the remaining 755 square feet will be integrated to Building 2. The proposed MMCC will be 2,470 square feet. The project proposes interior improvements that include a reception area, dispensary area, office, storage room and restroom. The proposed demolition and improvements will require ministerial building permits. The building permits will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements required are the removal of the existing curb, construction of a new City standard curb and gutter, sidewalk and curb ramp with truncated domes on the west side of De Soto Street satisfactory to the City Engineer.

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1292095. The CUP 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 site located at 4645 De Soto Street has two buildings developed in 1948 per Building Permit No. 67509 totaling 7,675 square feet. Building 1 is 5,960 square feet and Building 2 is 1,715 square feet. Approximately 5,205 square feet of Building 1 will be demolished and the remaining 755 square feet will be integrated to Building 2. The proposed MMCC will be 2,470 square feet. The project proposes interior improvements that include a reception area, dispensary area, office, storage room and restroom. The proposed demolition and improvements will require ministerial building permits. The building permits will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements required are the removal of the existing curb, construction of a new City standard curb and gutter, sidewalk and curb ramp with truncated domes on the west side of De Soto Street satisfactory to the City Engineer. The building is currently occupied by Pratt Machine Tools (commercial services).

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

The proposed MMCC is consistent with the land use designation of Industrial and allowed in the IS-1-1 Zone with a CUP. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

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

The proposed 2,470 square foot MMCC located at 4645 De Soto Street is in the IS-1-1 Zone and designated Industrial within the Pacific Beach Community Plan. Pacific Beach is both a visitor destination as well as a residential community. It is comprised of mostly residential property with little commercial and industrial uses. Industrial zoning in Pacific Beach is limited to a small area east of East Mission Bay Drive and west of Interstate 5. The goal of the community plan is to continue to promote a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. The uses to the north and east of this site are storage facilities (Price Self Storage), to the south building services (Dewey Pest Control) and east Interstate 5. The surrounding uses are allowed in the IS-1-1 Zone, are consistent with the Industrial designation of the community plan and a MMCC is a compatible use with a CUP.

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

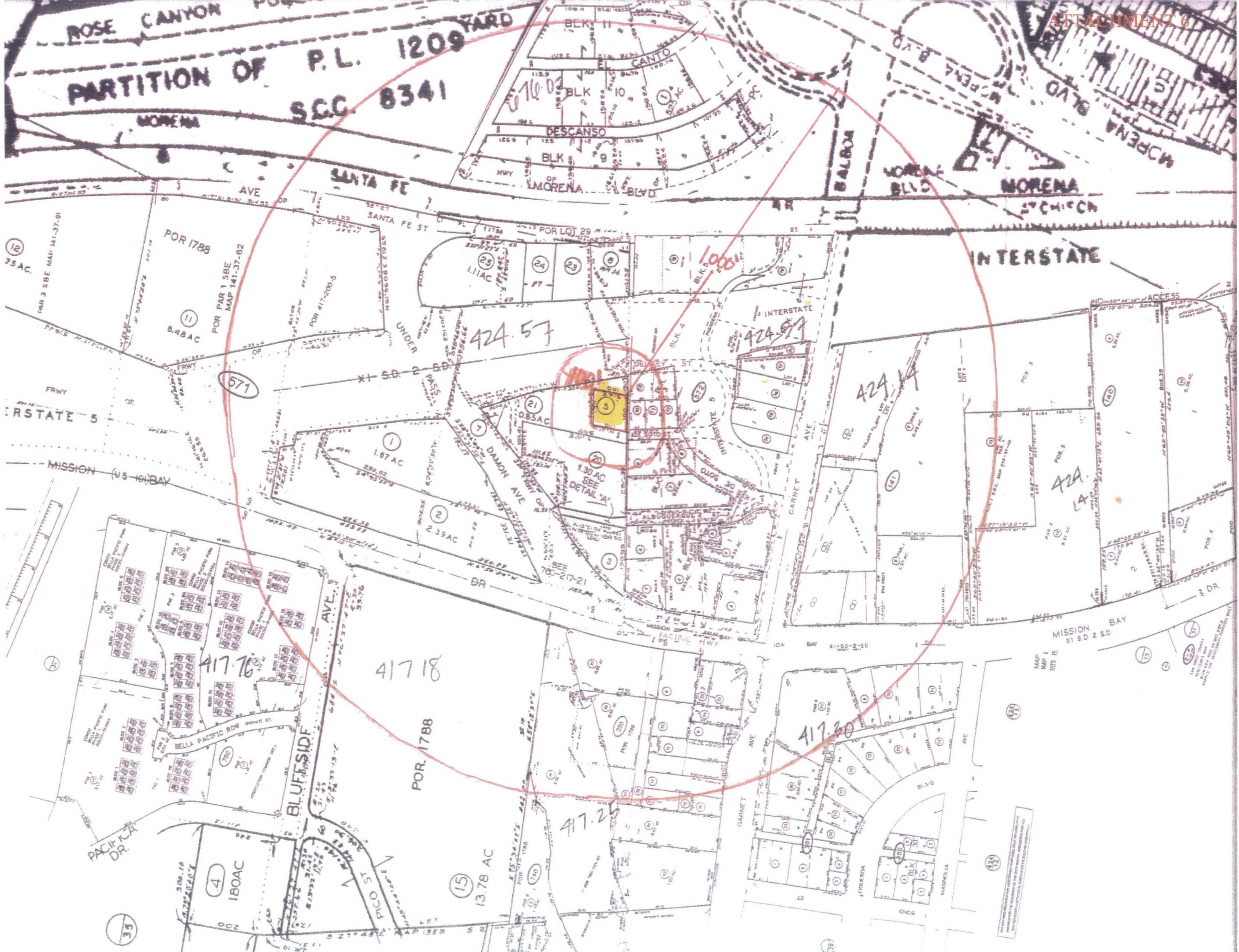
The San Diego Municipal code limits MMCC's to commercial and industrial zones and the number of MMCC's to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The proposed MMCC meets the SDMC regulations and is consistent with the community plan which promotes a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. 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. 1292095 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. 1292095, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: March 25, 2015

Job Order No. 24004658



ROSE CANYON
PARTITION OF P.L. 1209 YARD
S.C.C. 8341

INTERSTATE

424.57

424.57

424.14

417.76

417.18

417.25

417.20

75 AC

POR 1788

8.48 AC

1.87 AC

2.39 AC

1.30 AC
SEE DETAIL 'A'

13.78 AC

1.80 AC

33

571

10051

424.14

MISSION BAY
XI SD 2 SD

MAP 1
MAP 1
BOS 1E

Project Name: DE Soto MM
 Address: 4645 De Soto St, San Diego
 Date: May 7th 2014

<u>Use</u>	<u>Address</u>	<u>APN</u>	<u>Business Name</u>
Residential, Us Navy	Pico/haskell/christopher	417 180 15 00	Lincoln Military Housing, Admiral Hartman
Com,Service Station	2780 Garnet Ave	417 250 23 00	Enterprise Rent A Car
Rv & Boat Storage Lot	*no Site Address*	417 250 27 00	San Diego Property Mangement
Rv & Boat Storage Lot	*no Site Address*	417 250 29 00	San Diego Property Mangement
Com, Garage, Parking Lot,used Car	4555 Mission Bay Drive	424 140 13 00	Mossy Toyota
Undeveloped Land/street	*no Site Address*	424 571 07 00	N/a
Utilities	4848 Santa Fe St	424 571 11 00	Sdge
Public, City Of Sd Operation Yard	3775 Morena Blvd, 92117	676 030 01 00	Rose Canyon Operations Yard
Com,1 To 3 Story,misc Store Bldgs	4626 Albuquerque St	424 572 05 00	Hill Construction Company
Com,1 To 3 Story,misc Store Bldgs	4626 Albuquerque St	424 572 05 00	Designer Window Supply Llc
Ind,bulk Storage,(tanks,etc)	4667 Albuquerque St	424 571 20 00	Price Self Storage
Ind,bulk Storage,(tanks,etc)	4667 Albuquerque St	424 571 21 00	Price Self Storage
Ind,bulk Storage,(tanks,etc)	4667 Albuquerque St	424 572 09 00	Price Self Storage
Railroad	N/a Santa Fe St	424 571 16 00	N/a
Railroad	N/a Santa Fe St	424 571 26 00	N/a
Auto Service	4745 Mission Bay Dr	424 572 06 00	Dual Tone Mufflers
Ind,factory,light Manufacturing	2974 Garnet Ave	424 572 19 00	Napa Auto Center
Res,condominium	4813 Bella Pacific Row #105	417 760 18 05	N/a
Res,condominium	4813 Bella Pacific Row #106	417 760 18 06	N/a
Res,condominium	4817 Bella Pacific Row #107	417 760 18 07	N/a
Res,condominium	4817 Bella Pacific Row #108	417 760 18 08	N/a
Res,condominium	4821 Bella Pacific Row #109	417 760 18 09	N/a
Res,condominium	4821 Bella Pacific Row #110	417 760 18 10	N/a
Res,condominium	4809 Bella Pacific Row #204	417 760 18 26	N/a
Res,condominium	4813 Bella Pacific Row #205	417 760 18 27	N/a
Res,condominium	4813 Bella Pacific Row #206	417 760 18 28	N/a
Res,condominium	4817 Bella Pacific Row #207	417 760 18 29	N/a
Res,condominium	4817 Bella Pacific Row #208	417 760 18 30	N/a
Res,condominium	4821 Bella Pacific Row #209	417 760 18 31	N/a
Res,condominium	4821 Bella Pacific Row #210	417 760 18 32	N/a
Com,1 To 3 Story,misc Store Bldgs	2909 Damon Ave	424 571 03 00	Del Norte Auto Sales
Car Rental	2909 Damon Ave #b	424 571 03 00	California Car Rentals
Undeveloped Stream And Land	Damon Ave/mission Bay Dr	424 571 02 00	Rose Creek
Restaurant	2910 Damon Ave	424 571 01 00	In N Out Burger
Auto Service	2920 Damon Ave	424 571 01 00	Bumper Rescue
Auto Service	2920 Damon Ave #b	424 571 01 00	H E Align Service
Auto Service	2920 Damon Ave #c	424 571 01 00	Chris Auto Smog Repair Center
Auto Service	2920 Damon Ave #d	424 571 01 00	Chris Auto Smog Repair Center
Auto Service	2924 Damon Ave	424 571 01 00	Meineke Econo Lube And Tube
Car Wash	2930 Damon Ave	424 571 01 00	Mission Bay Hand Car Wash
Com,hotel,motel	4610 De Soto St	424 572 07 00	La Quinta Inn & Suites
Res,single Family Residence	4623 De Soto St	424 572 12 00	Dewey Pest Control
Ind,warehouse,processing,storage	4623 De Soto St	424 572 13 00	Dewey Pest Control
Res,single Family Residence	4631 De Soto St	424 572 11 00	Dewey Pest Control
Ind,factory,light Manufacturing	4639 De Soto St	424 572 10 00	Dewey Pest Control
Ind,factory,light Manufacturing	4645-4647 De Soto St	424 571 05 00	Pratt Machine Tools
Self Storage	De Soto St/albuquerque	424 572 08 00	Price Self Storage
Com,auto Sales And Service Agency	2726 Garnet Ave	417 250 16 00	Millenium Car Lot
Vacant,residential	2728 Garnet Ave	417 250 14 00	Millenium Car Lot
Used Auto Dealer	2730 Garnet Ave	417 250 14 00	Millenium Cars
Com,1 To 3 Story,misc Store Bldgs	2736 Garnet Ave	417 250 12 00	Global Rv Solutions/pacific Nissan
Com,1 To 3 Story,misc Store Bldgs	2770 Garnet Ave	417 250 24 00	Nite Owl Bar
Private Residence Upstairs	2772 Garnet Ave	417 250 24 00	N/a
Com,service Station	2780 Garnet Ave	417 250 22 00	Enterprise Rent A Car
Com,service Station	2804 Garnet Ave	424 572 03 00	Union 76
New Construction	2830 Garnet Ave	424 572 04 00	N/a
Ind,automotive Garages,(small)	2918 Garnet Ave	424 572 14 00	Bee Line Auto Care
Com,offices,med,dental,veterinary	2926 Garnet Ave	424 572 15 00	Camp Diego Canine Boarding
Ind,automotive Garages,(small)	2938 Garnet Ave	424 572 16 00	Bee Line Auto Care
Fitness Center, Gym	2949 Garnet Ave	424 141 04 00	World Gym
Fitness Center, Gym	2949 Garnet Ave	424 141 04 00	TFT Self Defense Center
Chiropractor Office Inside World Gym	2950 Garnet Ave	424 141 04 00	Dzendzel Chiropractic
Fitness Center, Personal Trainers Inside Gym	2951 Garnet Ave	424 141 04 00	National Personal Training Institute
Fitness Center, Gym	2952 Garnet Ave	424 141 04 00	Iron Core Kettlebell
Juice Bar Inside World Gym	2953 Garnet Ave	424 141 04 00	Dlush
Auto Service	2951 Garnet Ave	424 141 04 00	Good Win Racing
Auto Service	2951 Garnet Ave	424 141 04 00	Rockys Miatomotive
Parking Lot For Nite Owl & Residence	2760 Garnet Ave	417 250 09 00	N/a
Com,service Station	2805 Garnet Ave	424 141 01 00	7 Eleven
Ind,automotive Garages,(small)	2949 Garnet Ave	424 572 17 00	The Estate Sale

Ind,automotive Garages,(small)	2950 Garnet Ave	424 572 17 00	Pb Sports
Rv & Boat Storage Lot	N/a Garnet Ave	417 250 10 00	San Diego Property Mangement
Parking Lot For 2736 Garnet Ave	N/a Garnet Ave	417 250 11 00	San Diego Property Mangement
Vacant,commercial	N/a Garnet Ave	417 250 15 00	N/a
Rv & Boat Storage Lot	N/a Garnet Ave	417 250 36 00	San Diego Property Mangement
Bank Parking Lot	N/a Garnet Ave	417 301 26 00	Jp Morgan Chase Bank
Parking Lot For Next Door	N/a Garnet Ave	424 572 20 00	N/a
Com,auto Sales And Service Agency	4555 Mission Bay Dr	424 140 12 00	Mossy Toyota
Phone Company	4565 Mission Bay Dr/2825 Garnet	424 141 03 00	Att
Ind,warehouse,processing,storage	4595 Mission Bay Dr	424 141 09 00	Sd Storage
Com,garage,parking Lot,used Car	4605-4615 Mission Bay Dr	424 141 08 00	Mossy Preowned
Ind,automotive Garages,(small)	4620 Mission Bay Dr	417 301 19 00	La Jolla Auto Body
Ind,automotive Garages,(small)	4630 Mission Bay Dr	417 301 08 00	Roberts Auto Service
Com,1 To 3 Story,misc Store Bldgs	4635 Mission Bay Dr	424 141 02 00	Mossy Preowned
Com,restaurant	4711 Mission Bay Dr	424 572 02 00	Mcdonalds
Moving Company & Storage	4730 Mission Bay Dr	417 250 06 00	Discount Movers
Ind,automotive Garages,(small)	4745 Mission Bay Dr	424 572 01 00	Dual Tone Mufflers
Com,hotel,motel	4780 Mission Bay Dr	417 250 37 00	Motel San Diego
Com,radio Station,bank,misc	4650 Mission Bay Dr	417 301 25 00	Jp Morgan Chase Bank
Undeveloped Stream And Land	N/a Mission Bay Dr	417 250 40 00	Rose Creek
Res,condominium	2605 Pico Pl #112	417 740 03 13	N/a
Res,condominium	2605 Pico Pl #113	417 740 03 14	N/a
Res,condominium	2605 Pico Pl #114	417 740 03 15	N/a
Res,condominium	2605 Pico Pl #115	417 740 03 16	N/a
Res,condominium	2605 Pico Pl #116	417 740 03 17	N/a
Res,condominium	2609 Pico Pl #117	417 740 03 18	N/a
Res,condominium	2609 Pico Pl #118	417 740 03 26	N/a
Res,condominium	2609 Pico Pl #119	417 740 03 19	N/a
Res,condominium	2609 Pico Pl #120	417 740 03 27	N/a
Res,condominium	2609 Pico Pl #121	417 740 03 20	N/a
Res,condominium	2609 Pico Pl #122	417 740 03 28	N/a
Res,condominium	2609 Pico Pl #123	417 740 03 21	N/a
Res,condominium	2609 Pico Pl #124	417 740 03 29	N/a
Res,condominium	2609 Pico Pl #125	417 740 03 22	N/a
Res,condominium	2609 Pico Pl #126	417 740 03 30	N/a
Res,condominium	2609 Pico Pl #127	417 740 03 23	N/a
Res,condominium	2609 Pico Pl #128	417 740 03 31	N/a
Res,condominium	2609 Pico Pl #129	417 740 03 24	N/a
Res,condominium	2609 Pico Pl #130	417 740 03 32	N/a
Res,condominium	2609 Pico Pl #131	417 740 03 25	N/a
Res,condominium	2609 Pico Pl #132	417 740 03 33	N/a
Res,condominium	2609 Pico Pl #133	417 740 03 34	N/a
Res,condominium	2605 Pico Pl #212	417 740 03 47	N/a
Res,condominium	2605 Pico Pl #213	417 740 03 48	N/a
Res,condominium	2605 Pico Pl #214	417 740 03 49	N/a
Res,condominium	2605 Pico Pl #215	417 740 03 50	N/a
Res,condominium	2605 Pico Pl #216	417 740 03 51	N/a
Res,condominium	2609 Pico Pl #217	417 740 03 52	N/a
Res,condominium	2609 Pico Pl #218	417 740 03 60	N/a
Res,condominium	2609 Pico Pl #219	417 740 03 53	N/a
Res,condominium	2609 Pico Pl #220	417 740 03 61	N/a
Res,condominium	2609 Pico Pl #221	417 740 03 54	N/a
Res,condominium	2609 Pico Pl #222	417 740 03 62	N/a
Res,condominium	2609 Pico Pl #223	417 740 03 55	N/a
Res,condominium	2609 Pico Pl #224	417 740 03 63	N/a
Res,condominium	2609 Pico Pl #225	417 740 03 56	N/a
Res,condominium	2609 Pico Pl #226	417 740 03 64	N/a
Res,condominium	2609 Pico Pl #227	417 740 03 57	N/a
Res,condominium	2609 Pico Pl #228	417 740 03 65	N/a
Res,condominium	2609 Pico Pl #229	417 740 03 58	N/a
Res,condominium	2609 Pico Pl #230	417 740 03 66	N/a
Res,condominium	2609 Pico Pl #231	417 740 03 59	N/a
Res,condominium	2609 Pico Pl #232	417 740 03 67	N/a
Res,condominium	2609 Pico Pl #233	417 740 03 68	N/a
Res,condominium	4647 Pico St #100	417 740 03 07	N/a
Res,condominium	4647 Pico St #101	417 740 03 08	N/a
Res,condominium	4647 Pico St #102	417 740 03 09	N/a
Res,condominium	4647 Pico St #103	417 740 03 10	N/a
Res,condominium	4647 Pico St #104	417 740 03 11	N/a
Res,condominium	4647 Pico St #105	417 740 03 12	N/a
Res,condominium	4651 Pico St #106	417 740 03 01	N/a
Res,condominium	4651 Pico St #107	417 740 03 02	N/a
Res,condominium	4651 Pico St #108	417 740 03 03	N/a
Res,condominium	4651 Pico St #109	417 740 03 04	N/a
Res,condominium	4651 Pico St #110	417 740 03 05	N/a
Res,condominium	4651 Pico St #111	417 740 03 06	N/a

Res,condominium	4647 Pico St #200	417 740 03 41	N/a
Res,condominium	4647 Pico St #201	417 740 03 42	N/a
Res,condominium	4647 Pico St #202	417 740 03 43	N/a
Res,condominium	4647 Pico St #203	417 740 03 44	N/a
Res,condominium	4647 Pico St #204	417 740 03 45	N/a
Res,condominium	4647 Pico St #205	417 740 03 46	N/a
Res,condominium	4651 Pico St #206	417 740 03 35	N/a
Res,condominium	4651 Pico St #207	417 740 03 36	N/a
Res,condominium	4651 Pico St #208	417 740 03 37	N/a
Res,condominium	4651 Pico St #209	417 740 03 38	N/a
Res,condominium	4651 Pico St #210	417 740 03 39	N/a
Res,condominium	4651 Pico St #211	417 740 03 40	N/a
Ind,factory,light Manufacturing	4670 Santa Fe St	424 571 08 00	Pro Power
Ind,factory,light Manufacturing	4670 Santa Fe St	424 571 08 00	Reliable Delivery
Ind,warehouse,processing,storage	4700 Santa Fe St	424 571 23 00	Pacific Nissan Auto Body
Ind,automotive Garages,(small)	4730 Santa Fe St	424 571 24 00	Southwest Boulder And Stone
Com,1 To 3 Story,misc Store Bldgs	4770 Santa Fe St	424 571 25 00	Southwest Boulder And Stone
Ind,factory,light Manufacturing	4650 Santa Fe St	424 572 18 00	Bicycle Warehouse
Ind,factory,light Manufacturing	4630 Santa Fe St	424 572 18 00	Fly Drive
Ind,factory,light Manufacturing	4626 Santa Fe St	424 572 18 00	Haz-mat Response Technologies Inc
Ind,factory,light Manufacturing	4622 Santa Fe St	424 572 18 00	All American Carpet And Tile
Ind,factory,light Manufacturing	4620 Santa Fe St	424 572 18 00	Sir Entertainment Service
Ind,factory,light Manufacturing	4616 Santa Fe St	424 572 18 00	Allen Hein
Ind,factory,light Manufacturing	4606 Santa Fe St	424 572 18 00	Fabrique Furniture
Ind,factory,light Manufacturing	4600 Santa Fe St	424 572 18 00	Lush Retail Environments
Railroad	N/a Santa Fe St	424 572 21 00	N/a



THE CITY OF SAN DIEGO

Date of Notice: September 26, 2014

Date of Original Notice September 22, 2014

REVISED NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004658

PROJECT NAME/NUMBER: 4645 De Soto MMCC/368309

COMMUNITY PLAN AREA: Pacific Beach Community Plan

COUNCIL DISTRICT: 2

LOCATION: The project is located at 4645 De Soto Avenue, San Diego, CA 92109

The original notice included a Project Description that inadvertently omitted reference to another building on the project site that will be included in the proposed medical marijuana facility. The revised Project Description does not affect the environmental determination.

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate within two existing buildings (totaling 2,470-square-feet) located at 4645 De Soto Street. The current site consists of two buildings totaling 7,675-square-feet. Building One currently totals 5,960-square-feet and Building Two is currently 1,715-square-feet. This project will partially demolish all of Building One with the exception of 755 square-feet. Building Two will retain its square footage. The 0.22-acre project site is located within the Pacific Beach Community Plan Area; the site is designated Industrial. The project site is located in the IS-1-1 Zone, the Transit Area Overlay Zone, and the Coastal Height Limitation Overlay Zone.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15303 (New Construction or Conversion of Small Structures)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Edith Gutierrez
MAILING ADDRESS: 1222 First Avenue, MS 501
San Diego, CA 92101
PHONE NUMBER: (619) 446-5147

On September 22, 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

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

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

**Mission Bay Cooperative, Inc.
Conditional Use Permit Application for
MMCC/Retail Use at 4645 De Soto
Street, San Diego, CA 92109**

**APN:424-571-05-00
Zone: IS1-1**

**Pacific Beach Community Plan
Project Number: 368309**

DEVELOPMENT SUMMARY

SCOPE OF WORK:

A Conditional use Permit/MMCC Permit to legally operate The Mission Bay Cooperative, Inc. The current site consists of two buildings totalling 7,675 SF. Building one is currently 5,960 SF and building two is currently 1,715 SF. This project will partially demolish all of building one with the exception of 755 SF. This building will be used for the current tenant or any other use allowed in the IS 1-1 zone or will be held for the future expansion of the MMCC if needed. Building two will be remodeled to match the floor plans included in this permit application. Total building area on the site will be 2,470 SF.

New off street parking & trash enclosure.

**Compliance with San Diego Municipal Code (SDMC),
Sections 113.0103 and 141.0614**

The Proposed MMCC location complies with San Diego Municipal Code (SDMC), Sections 113.0103 and 141.0614 as the parcel is more than 100 feet from any residential zone and not within 1,000 feet of the property line of the following uses:

Public Park, Church, Child Care Center, Playground, City Library, Minor-oriented facility, Other medical marijuana consumer operatives, Residential Care Facility, Schools.

LEGAL DESCRIPTION:

Parcel 1: The Main Parcel

All that portion of Pueblo Lot 1788 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the Office of the Recorder of said San Diego County November 14, 1921 and is known as Miscellaneous Map No. 36, described as a whole as follows:

Beginning at the intersection of the Northerly line of Homeland Villas, according to said Map No. 1010 with a line drawn parallel with and 30.00 feet at right angles to the East line of a parcel of land conveyed to Allied Synthetics Company by Deed dated July 19, 1949, and recoded in Book 3236, Page 160 of Official Records of said San Diego County; thence North 14 degrees 00'00" West along said parallel line, 100 feet; thence North 65 degrees 11'00" East parallel with the Northerly line of said Homeland Villas, 100.00 feet; thence South 14 degrees 00'00" East parallel with the East line of said land, 100.00 feet to the Northerly line of said Homeland Villas, thence South 65 degrees 11'00" West along said Northerly line, 100.00 feet to the point of beginning.

Parcel 2: Road & Utility Easement

An easement for road and public utility purposes over, under, along and across all that portion of Pueblo Lot 1788 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the Office of the Recorder of said San Diego County November 14, 1921 and is known as Miscellaneous Map No. 36, described as a whole as follows:

Beginning at the intersection of the Westerly line of De Soto Street with the Northwesterly line of Homeland Villas, according to the Map thereof No. 1010, filed in the Office of the Recorder of said San Diego County, October 9, 1906, being the Southeastern corner of a parcel of land conveyed to Allied Synthetics Company by Deed dated July 19, 1949, and recorded in Book 3236, Page 160 of Official Records of said San Diego County; thence North 14 degrees 00'00" West along the Easterly

line of said land and the Northerly prolongation thereof to the center line of a 50.00 foot strip of land granted to the City of San Diego, as an easement for water mains by Deed dated December 30, 1949, adn recorded in Book 3842, Page 282 of Official Records of said San Diego County; thence Easterly along said center line to a line drawn parallel with and 30.00 feet at right angles to the aforesaid East line of said land; thence South along said parallel line to the North line of said Homeland Villas; thence south 65 degrees 11'00" West along said North line to the point of beginning. Said easement is for the benefit and appurtenant to Parcel 1 above.

ASSESSOR'S PARCEL NUMBER:

424-571-05-00

GOVERNING CODES:

- 2013 CBC (California Building Code)
- 2013 CMC (California Mechanical Code)
- 2013 CPC (California Plumbing Code)
- 2013 CFC (California Fire Code)
- 2013 CEC (California Electrical Code)
- CAC - Title 24
- 2008 California Energy Code
- 2010 California Green Building Code
- State and Local Accessibility Codes as well as any local jurisdiction codes specific to this site also apply

CONSTRUCTION TYPE:

TYPE V

OCCUPANCY CLASSIFICATION:

M, B, S-1

ZONING DESIGNATION:

Zoning: IS-1-1
Occupancy Allowed: Yes
Map Sheet Grid: 22
Legal: Portion Pueblo Lot 1788

AREA SUMMARY:

Gross Site Area 9,745 SF +-
Gross Floor Area 2,470 SF +-

Using the 1,715 SF+- at South side of property as follows:

- 425 Net SF -Front Space: Patient Check-in, New Patient Intake & Waiting Room
- 890 Net SF -Middle Space: Patient Service Area. This area is only accessible by passing through the secured New Patient Check-In Intake Area, and is not directly accessible by the public.
- 65 Net SF -Restroom
- 250 Net SF -Office and Breakroom for Employees
- 675 Net SF -Secured Storage and Production

NOTE: There are 2 buildings on the property and we are occupying/proposing changes to the smaller, southernmost, 1,715 SF building, and demolishing/renovating the northernmost building as indicated on plans.

EXISTING AND PROPOSED USES:

Existing Use: Storage/Garage
Proposed Use: MMCC/Commercial Services
Future Proposed Use: Any use permitted in IS 1-1

YEAR CONSTRUCTED:

CMU Block Garage constructed in 1960

PERMIT HISTORY

- 09.27.48 Original garages, Offices & Shops Construction 1-Story (#67509)
- 02.11.49 Electrical Permit (#A12504)
- 01.15.54 Electrical Permit (#1764)
- 07.02.56 Additional Shop Construction (#44394)
- 09.04.58 Truck garage Shed Construction (#B05433)
- 02.09.59 Electrical Permit (#B10157)
- 09.18.60 Storage - CMU Block Garage (#B54553)
- 03.02.64 Warehouse (#B71783)
- 09.06.70 Unclear
- 09.26.70 Electrical Permit (#A11448)
- 09.28.70 Sign Permit (A6415D)
- 12.08.70 Sign Permit (G16507)
- Unclear Unclear (#G16508)

**GEOLOGIC HAZARD CATEGORY:
CODE 54**

SHEET INDEX:

- T1.01 COVER SHEET
- A1.01 COUNTY ASSESSOR'S MAP
- A1.02 SITE VICINITY CONTOUR PLAN
- A1.03 SITE VICINITY PLAN/ACCESSIBILITY PLAN
- A1.04 SITE VICINITY SIDEWALK DETAIL PLAN
- A2.01 SITE PLAN - EXISTING / DEMO
- A2.02 SITE PLAN - PROPOSED
- A3.01 FLOOR PLAN - PROPOSED
- A4.01 ELEVATIONS - PROPOSED
- L1.01 CONCEPTUAL LANDSCAPE PLAN

PROJECT TEAM:

APPLICANT/PROJECT MANAGER
Joe Esposito, PLA, ASLA
San Diego, CA 92150-0936
Tel: 619.235.0143
Fax: 619.236.0578
JEsposito@EstradaLandPlan.com

OWNER

Pratt Family Trust 09-07-2000,
James G. Pratt and Lynne D. Pratt,
Co-Trustees or Their Successor Trustees

TENANT

Mission Bay Cooperative, Inc.
4645 De Soto Street, San Diego, CA 92109

ARCHITECTURAL

AVRP Studios
703 16th Street, Ste. 200
San Diego, CA 92101
Tel: 619.704.2700

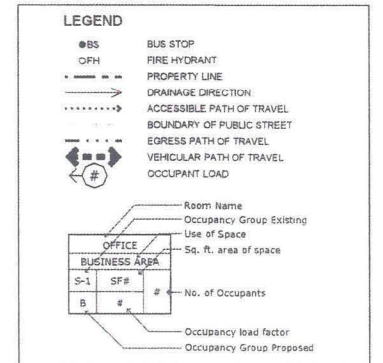
NOTE:

The Project will comply with City requirements 141.0614 and is subject to the following regulations:

- (a) Medical marijuana consumer cooperatives shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225
 - (1) 1,000 feet from public parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, or schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
 - (2) 100 feet from a residential zone.
- (b) Consultations by medical professionals shall not be a permitted accessory use at a medical marijuana consumer cooperative.
- (c) Lighting shall be provided to illuminate the interior of the medical marijuana consumer cooperative, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- (d) Security shall be provided at the medical marijuana consumer cooperative which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
- (e) Signs shall be posted on the outside of the medical marijuana consumer cooperative and shall only contain the name of the business, limited to two colors.
- (f) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the medical marijuana consumer cooperative in character size at least two inches in height.
- (g) The medical marijuana consumer cooperative shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (h) 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, a vending machine is any device which allows access to medical marijuana without a human intermediary.
- (i) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (j) A Conditional Use Permit for a medical marijuana consumer cooperative shall expire no later than five (5) years from the date of issuance.



AVRP STUDIOS
703 16th Street
San Diego, CA 92101
Tel: 619.704.2700
www.avrpstudios.com



Parking Calculations:
PROPOSED (IS-1-1 Zone):
Retail/Commercial Services:
1,715 SF x 1.0 spaces/1,000 SF => 2 automobile parking spaces

Motorcycle Spaces:
(auto minimum) x 2N = 2 x 0.02 = 0.04 => minimum 2 motorcycle spaces

Bicycle Spaces:
1,715 SF x 0.11 spaces/1,000 SF = 0.17 => minimum 2 bicycle spaces

EXISTING:
Garage/Storage:
757 SF x 1.0 spaces/1,000 SF => 1 automobile parking spaces

Overall parking requirement is:
3 automobile parking spaces
2 motorcycle spaces
2 bicycle spaces

CLIENT
Mission Bay Cooperative, Inc.
4645 De Soto Street
San Diego, CA 92109

PROJECT TITLE
Mission Bay Cooperative, Inc.

PROJECT ADDRESS
4645 De Soto Street
San Diego, CA 92109

ORIGINAL SHEET DATE
04.21.14

REVISIONS:		
#	Date	Title

SHEET TITLE
Cover Sheet

SHEET 1 OF 10

SHEET NUMBER
T1.01



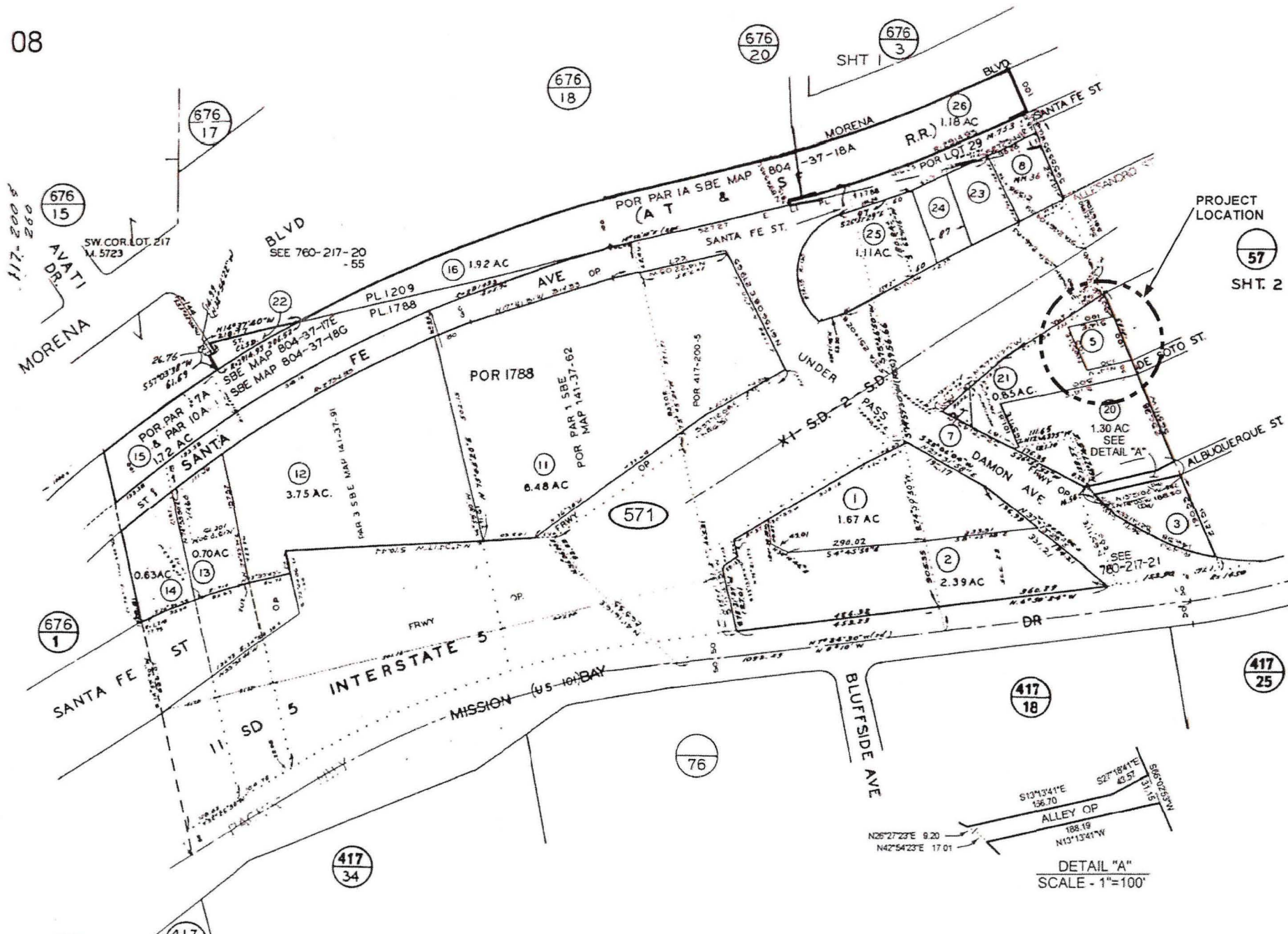
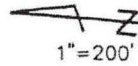
1 Vicinity Map
T1.01 Scale: NTS



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08

424-57
 SHT 1 OF 2



12/5/2013 CS ✓

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LEGEND

- BS BUS STOP
- FH FIRE HYDRANT
- P PROPERTY LINE
- - - D DRAINAGE DIRECTION
- ⋯ A ACCESSIBLE PATH OF TRAVEL
- ⋯ B BOUNDARY OF PUBLIC STREET
- ⋯ C EGRESS PATH OF TRAVEL
- ⋯ D VEHICULAR PATH OF TRAVEL
- ⊠ O OCCUPANT LOAD

Room Name
 Occupancy Group Existing
 Use of Space
 Sq. Ft. area of space

OFFICE
 BUSINESS AREA
 S-1 SF# #
 B # #

No. of Occupants
 Occupancy load factor
 Occupancy Group Proposed

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MAP 753 - EUREKA LEMON TRACT - POR LOT 29
 MM 36 - PUEBLO LANDS - POR LOTS 1208 & 1788
 ROS 1229, 1972, 8824, 9937, 13256, 21436

CLIENT
 Mission Bay Cooperative, Inc.
 4645 De Soto Street
 San Diego, CA 92109

PROJECT TITLE
 Mission Bay Cooperative, Inc.

PROJECT ADDRESS
 4645 De Soto Street
 San Diego, CA 92109

ORIGINAL SHEET DATE
 04.21.14

REVISIONS:

#	Date	Title

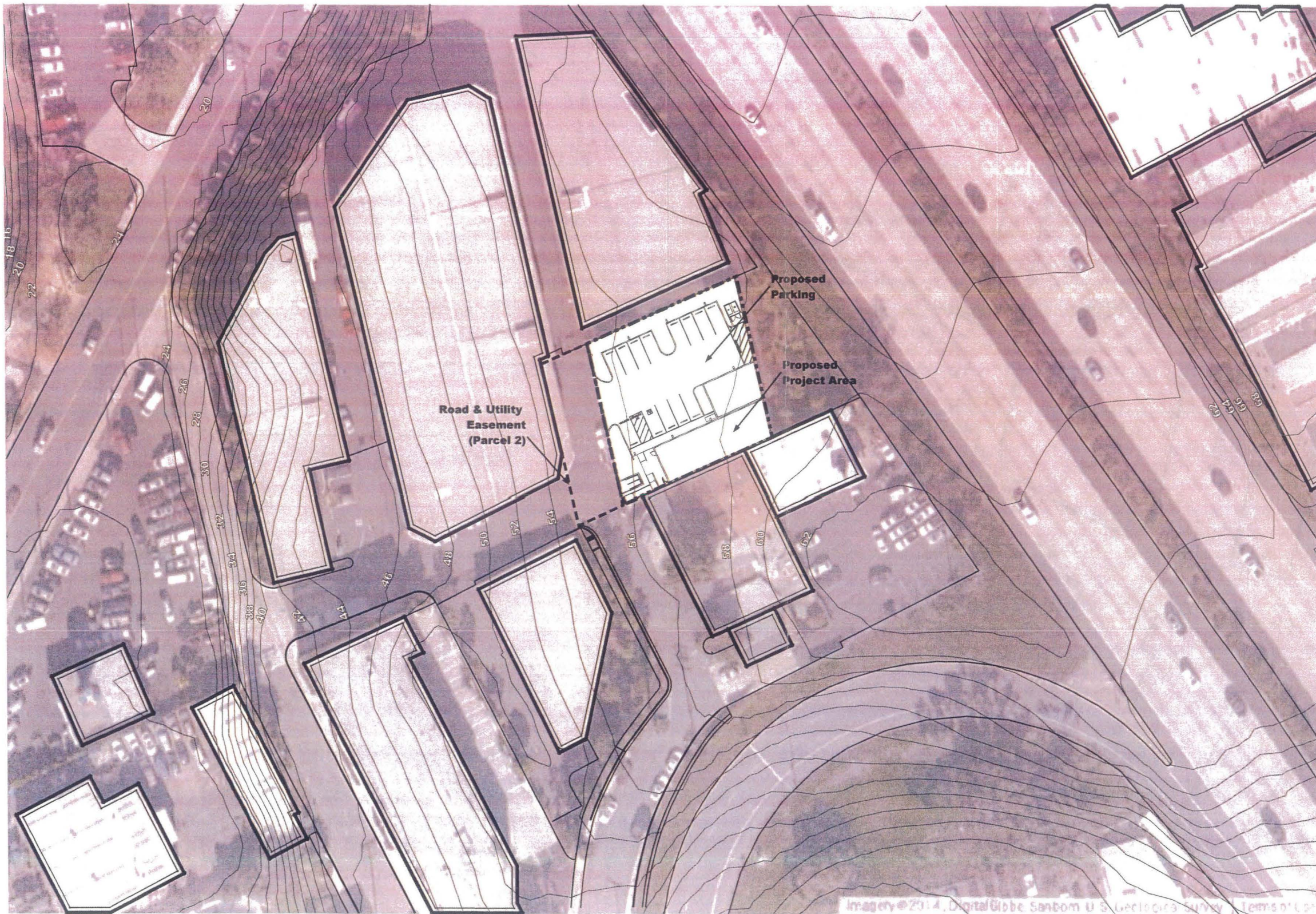
SHEET TITLE
 County Assessor's Map

SHEET 2 OF 10

SHEET NUMBER
A1.01



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 San Diego, CA 92101
 Tel: 619.704.2700
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LEGEND

- BS BUS STOP
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Room Name	Occupancy Group Existing	Use of Space	Sq. ft. area of space
OFFICE			
BUSINESS AREA			
S-1	SF#	#	No. of Occupants
B	#		Occupancy load factor
			Occupancy Group Proposed

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 4645 De Soto Street
 San Diego, CA 92109

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 Mission Bay Cooperative, Inc.

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 4645 De Soto Street
 San Diego, CA 92109

ORIGINAL SHEET DATE
 04.21.14

REVISIONS:

#	Date	Title

SHEET TITLE
 Site Vicinity Contour Plan

SHEET 3 OF 10

SHEET NUMBER

A1.02





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LEGEND

- BS BUS STOP
- FH FIRE HYDRANT
- P PROPERTY LINE
- D DRAINAGE DIRECTION
- ⋯ A ACCESSIBLE PATH OF TRAVEL
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- ⋯ E EGRESS PATH OF TRAVEL
- ⋯ V VEHICULAR PATH OF TRAVEL
- ⊕ O OCCUPANT LOAD

Room Name	Occupancy Group Existing	Use of Space	Sq. ft. area of space
OFFICE			
BUSINESS AREA			
S-1	SF#	#	No. of Occupants
B			

Occupancy load factor
 Occupancy Group Proposed

Parking Calculations:
 PROPOSED (IS-1-1 Zone):
 Retail/Commercial Services:
 1,715 SF x 1.0 spaces/1,000 SF => 2 automobile parking spaces

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 1,715 SF x 0.1 spaces/1,000 SF = 0.17 => minimum 2 bicycle spaces

EXISTING:
 Garage/Storage:
 755 SF x 1.0 spaces/1,000 SF => 1 automobile parking spaces

Overall parking requirement is:
 3 automobile parking spaces
 2 motorcycle spaces
 2 bicycle spaces

NOTE: Provide building address numbers, visible and legible from the street or road fronting the property per FHPS Policy P-00-6

CLIENT
 Mission Bay Cooperative, Inc.
 4645 De Soto Street
 San Diego, CA 92109

PROJECT TITLE
 Mission Bay Cooperative, Inc.

PROJECT ADDRESS
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 San Diego, CA 92109

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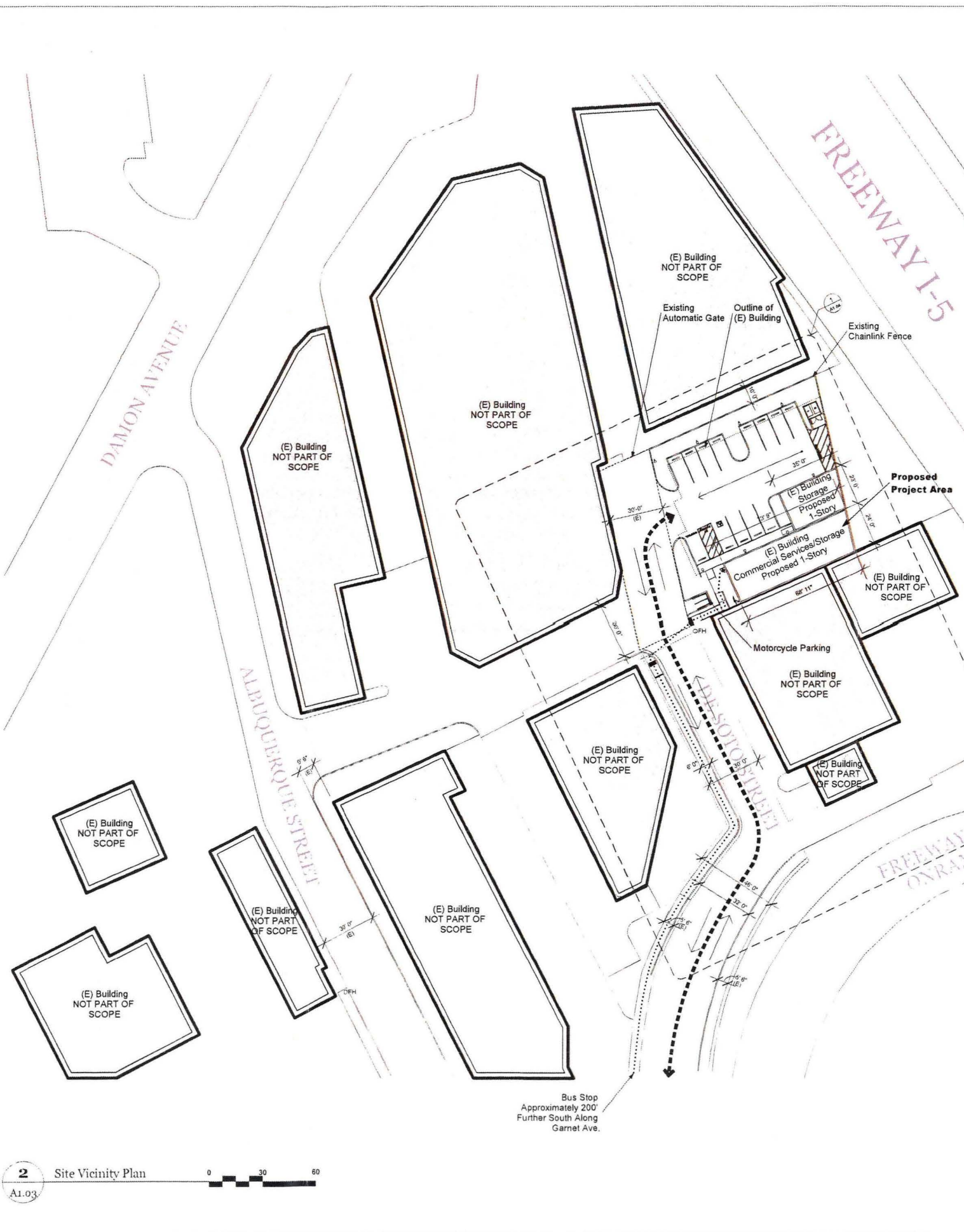
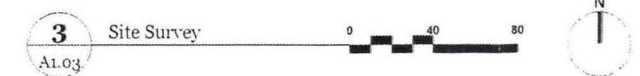
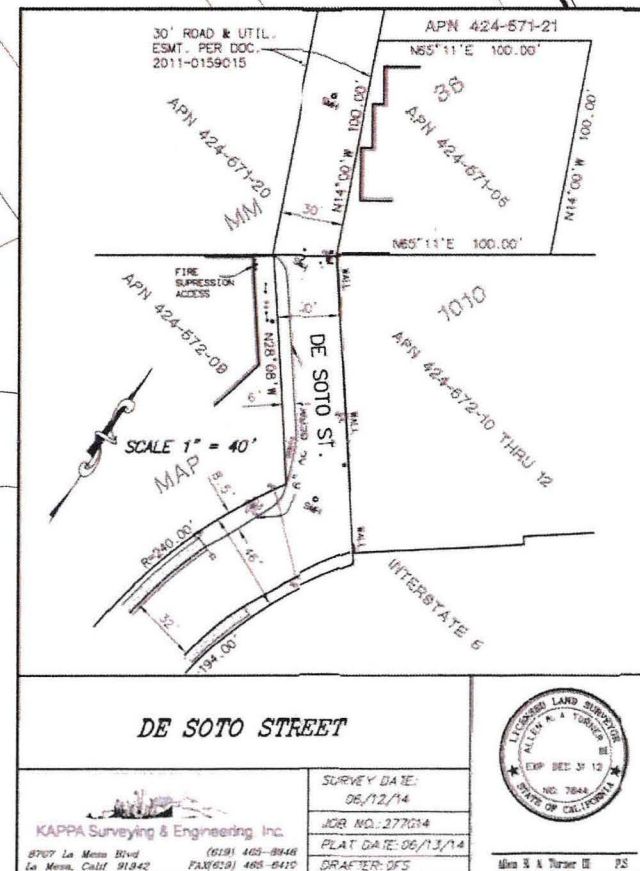
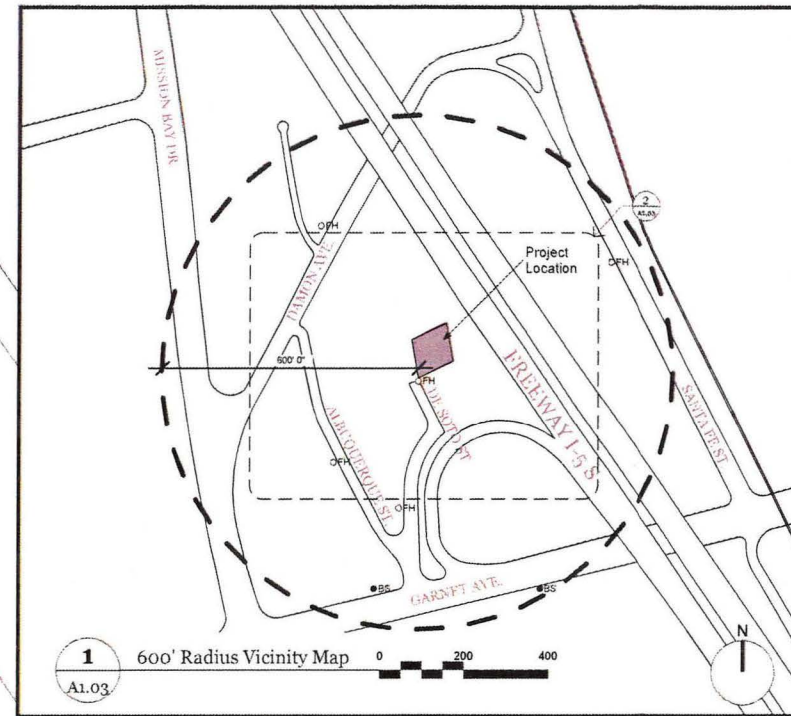
REVISIONS:

#	Date	Title

SHEET TITLE
 Site Vicinity Plan / Accessibility Plan

SHEET 4 OF 10

SHEET NUMBER
A1.03

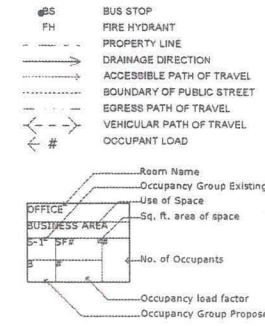


Bus Stop
 Approximately 200'
 Further South Along
 Garnet Ave.



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LEGEND



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 Mission Bay Cooperative, Inc.
 4645 De Soto Street
 San Diego, CA 92109

PROJECT TITLE
 Mission Bay Cooperative, Inc.

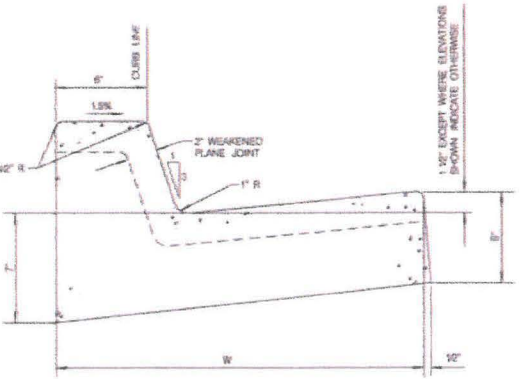
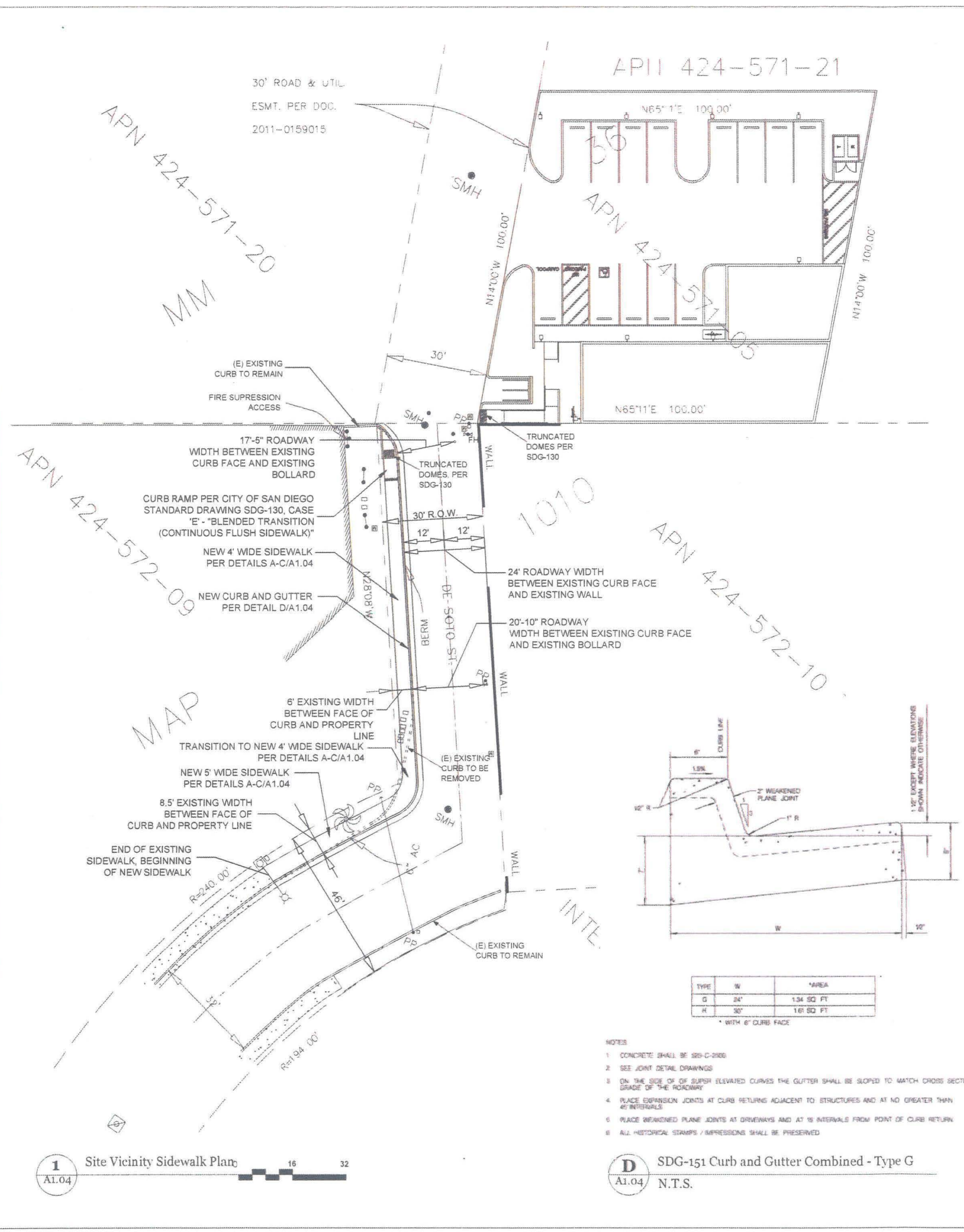
PROJECT ADDRESS
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 San Diego, CA 92109

ORIGINAL SHEET DATE
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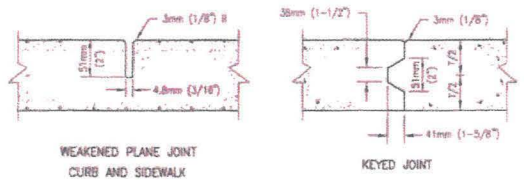
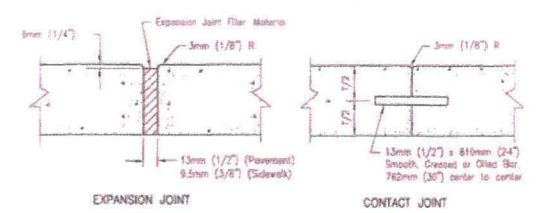
SHEET TITLE
 Site Vicinity Sidewalk Detail Plan
SHEET 5 OF 10
SHEET NUMBER
A1.04



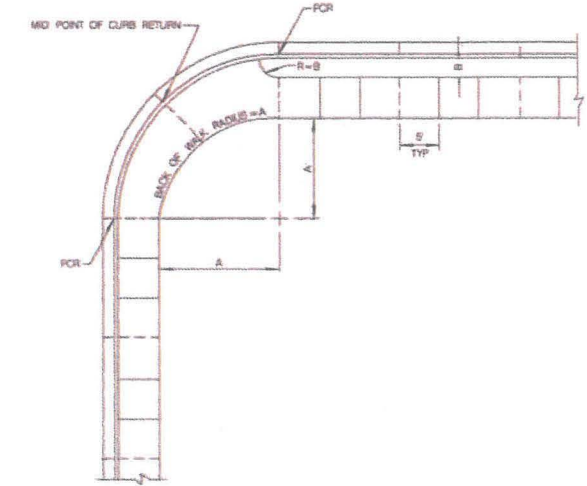
TYPE	W	*AREA
G	24"	1.34 SQ FT
H	30"	1.61 SQ FT

* WITH 6" CURB FACE

- NOTES**
- CONCRETE SHALL BE S25-C-2505
 - SEE JOINT DETAIL DRAWINGS
 - ON THE SIDE OF OF SUPER ELEVATED CURVES THE GUTTER SHALL BE SLOPED TO MATCH CROSS SECTION GRADE OF THE ROADWAY
 - PLACE EXPANSION JOINTS AT CURB RETURNS ADJACENT TO STRUCTURES AND AT NO GREATER THAN 45' INTERVALS
 - PLACE WEAKENED PLANE JOINTS AT DRIVEWAYS AND AT 15' INTERVALS FROM POINT OF CURB RETURN
 - ALL HISTORICAL STAMPS / IMPRESSIONS SHALL BE PRESERVED

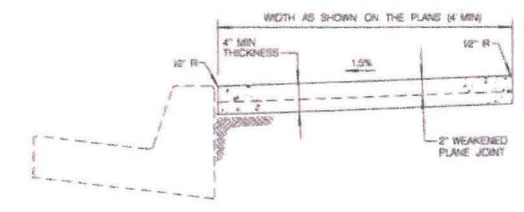


C G-10 Concrete Joint Details
 A1.04 N.T.S.



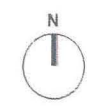
- NOTES**
- EXPANSION JOINTS --- AT CURB RETURNS ADJACENT TO STRUCTURES AND AT 45' INTERVALS
 - WEAKENED PLANE JOINTS --- AT MID POINT OF CURB RETURN, WHEN REQUIRED, AND AT 15' INTERVALS FROM POINTS ADJACENT A CURB RAMP
 - TOOLED JOINTS --- 1/4" GROOVES WITH 1/4" RADIUS EDGES AT 1' INTERVALS
 - FOR DESIGNATED URBANIZED COMMUNITIES, SIDEWALK SCORING (GROOVES) PATTERN SHALL BE IN CONFORMANCE WITH HISTORIC DESIGN ON ADJACENT PROPERTIES

B SDG-109 Sidewalk Joint Locations
 A1.04 N.T.S.



- NOTES**
- CONCRETE SHALL BE S25-C-2505
 - SEE JOINT DETAIL DRAWINGS
 - SIDEWALKS SHALL MAINTAIN A MINIMUM CLEAR WIDTH OF 4' OF TRAVEL FROM ANY OBSTRUCTION
 - ALL HISTORICAL STAMPS / IMPRESSIONS (STREET NAME, CONTRACTOR NAME, AND/OR DATE) SHALL BE PRESERVED
 - FOR DESIGNATED URBANIZED COMMUNITIES SIDEWALK DESIGN (SCORING PATTERN, COLOR, TEXTURE) SHALL BE IN CONFORMANCE WITH HISTORIC DESIGN ON ADJACENT PROPERTIES

A SDG-155 Sidewalk Typical Section
 A1.04 N.T.S.



1 Site Vicinity Sidewalk Plan
 A1.04

D SDG-151 Curb and Gutter Combined - Type G
 A1.04 N.T.S.

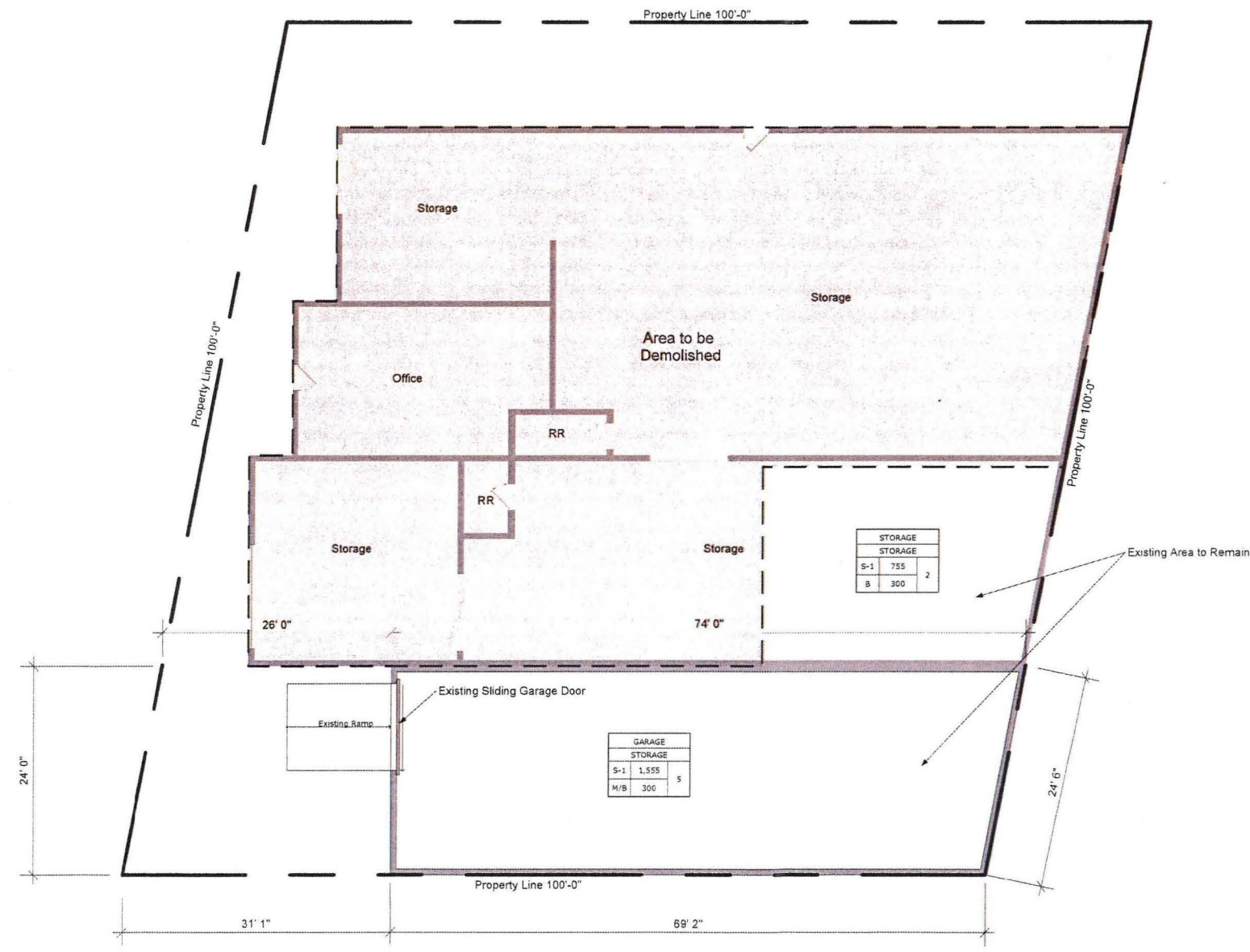


AVRP STUDIOS
 703 16th Street
 San Diego, CA 92101
 Tel: 619.704.2700
 www.avrpstudios.com

LEGEND

- BS BUS STOP
- OFH FIRE HYDRANT
- - - - - PROPERTY LINE
- - - - - DRAINAGE DIRECTION
- ACCESSIBLE PATH OF TRAVEL
- BOUNDARY OF PUBLIC STREET
- EGRESS PATH OF TRAVEL
- VEHICULAR PATH OF TRAVEL
- ⊕ OCCUPANT LOAD

Room Name	Occupancy Group Existing	Use of Space	Sq. ft. area of space
OFFICE	B		
BUSINESS AREA	B		
S-1	SF#	#	No. of Occupants
B	#		Occupancy load factor
			Occupancy Group Proposed



CLIENT
 Mission Bay Cooperative, Inc.
 4645 De Soto Street
 San Diego, CA 92109

PROJECT TITLE
 Mission Bay Cooperative, Inc.

PROJECT ADDRESS
 4645 De Soto Street
 San Diego, CA 92109

ORIGINAL SHEET DATE
 04.21.14

REVISIONS:

#	Date	Title

SHEET TITLE
 Site Plan - Existing / Demo

SHEET 6 OF 10

SHEET NUMBER
A2.01





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 703 16th Street
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LEGEND

- BS BUS STOP
- FPH FIRE HYDRANT
- PL PROPERTY LINE
- DRAINAGE DIRECTION
- ⋯ ACCESSIBLE PATH OF TRAVEL
- ⋯ BOUNDARY OF PUBLIC STREET
- ⋯ EGRESS PATH OF TRAVEL
- ⋯ VEHICULAR PATH OF TRAVEL
- ⊙ OCCUPANT LOAD

Room Name	Occupancy Group Existing	Use of Space	Sq. ft. area of space	No. of Occupants	Occupancy load factor	Occupancy Group Proposed
OFFICE						
BUSINESS AREA						
S-1	SF#			#		
B						

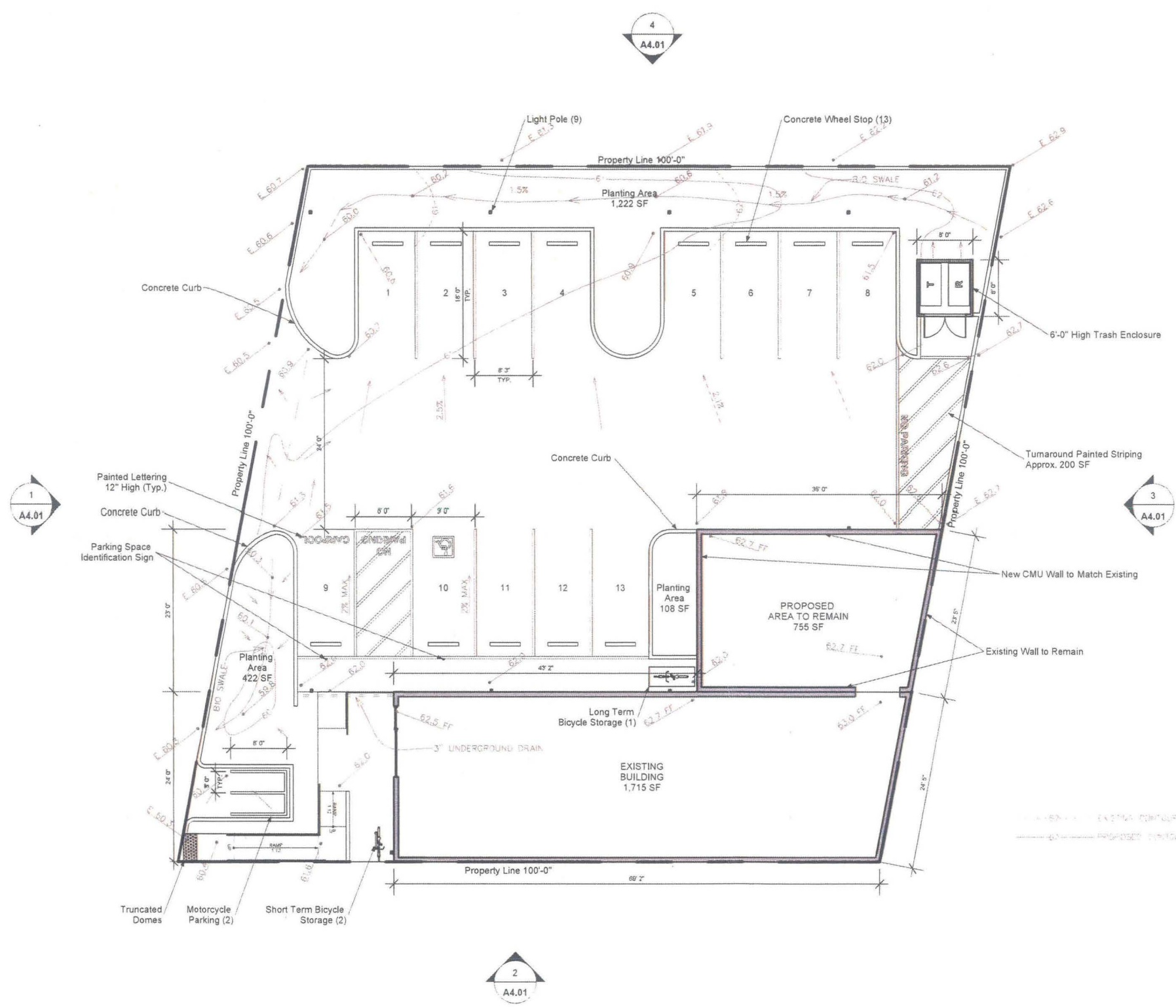
Parking Calculations:
 PR: PAVED (IS-1 Zone):
 Retail/Commercial Services:
 1,715 SF x 1.0 spaces/1,000 SF => 2 automobile parking spaces

Motorcycle Spaces:
 (auto minimum) x 2% = 2 x 0.02 = 0.04 => minimum 2 motorcycle spaces

Bicycle Spaces:
 1,715 SF x 0.1 spaces/1,000 SF = 0.17 => minimum 2 bicycle spaces

EXISTING:
 Garage/Storage:
 755 SF x 1.0 spaces/1,000 SF => 1 automobile parking spaces

Overall parking requirement is:
 3 automobile parking spaces
 2 motorcycle spaces
 2 bicycle spaces



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 San Diego, CA 92109

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PROJECT ADDRESS
 4645 De Soto Street
 San Diego, CA 92109

ORIGINAL SHEET DATE
 04.21.14

REVISIONS:

#	Date	Title

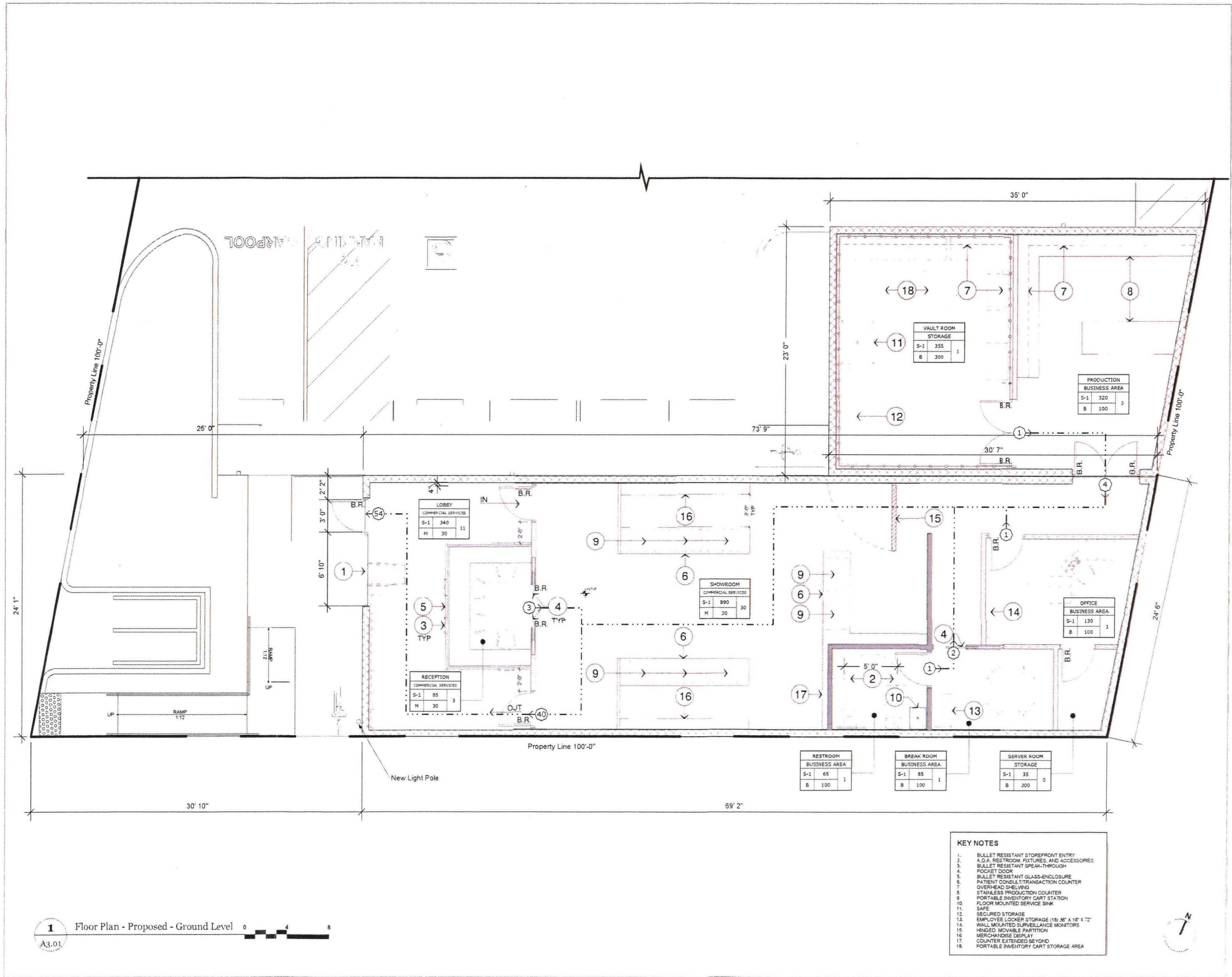
SHEET TITLE
 Site Plan - Proposed

SHEET 7 OF 10

SHEET NUMBER
A2.02



AVRP STUDIOS
 703 16th Street
 San Diego, CA 92101
 Tel: 619.704.2700
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LEGEND

- BS BUS STOP
- FH FIRE HYDRANT
- - - - - PROPERTY LINE
- DRAINAGE DIRECTION
- ⋯⋯⋯ ACCESSIBLE PATH OF TRAVEL
- ⋯⋯⋯ BOUNDARY OF PUBLIC STREET
- ⋯⋯⋯ EGRESS PATH OF TRAVEL
- ⋯⋯⋯ VEHICULAR PATH OF TRAVEL
- ⊙ OCCUPANT LOAD

Room Name
 Occupancy Group Existing
 Use of Space
 Sq. ft. area of space

OFFICE BUSINESS AREA	S-1	SF#	#
B	#		

Occupancy load factor
 Occupancy Group Proposed

INTERIOR/EXTERIOR DOOR, HARDWARE, AND FRAME, ('B.R.' INDICATES BULLET PROOF DOOR, HARDWARE AND FRAME AS REQUIRED)

INTERIOR/EXTERIOR DOUBLE DOOR, HARDWARE, AND FRAME, ('B.R.' INDICATES BULLET PROOF DOOR, HARDWARE AND FRAME AS REQUIRED)

EXISTING EXTERIOR WALL TO REMAIN

FULL HEIGHT BULLET RESISTANT SECURITY WALL, AS REQUIRED

INTERIOR PARTITION WALL TO UNDERSIDE OF CEILING SYSTEM

VAULT SECURING FENCING SYSTEM

NOTES:
 Occupancy Load is 54. At 0.3" required exit width per person the required exit width is 16". Our exit door is 36" wide and complies with egress requirements.
 Longest Egress Travel Distance is 130'

CLIENT
 Mission Bay Cooperative, Inc.
 4645 De Soto Street
 San Diego, CA 92109

PROJECT TITLE
 Mission Bay Cooperative, Inc.

PROJECT ADDRESS
 4645 De Soto Street
 San Diego, CA 92109

ORIGINAL SHEET DATE
 04.21.14

REVISIONS:

#	Date	Title

SHEET TITLE
 Floor Plan - Ground Level

SHEET 8 OF 10

SHEET NUMBER
A3.01

- KEY NOTES**
1. BULLET RESISTANT STOREFRONT ENTRY
 2. A.D.A. RESTROOM, FIXTURES, AND ACCESSORIES
 3. BULLET RESISTANT SPEAK-THROUGH
 4. POCKET DOOR
 5. BULLET RESISTANT GLASS-ENCLOSURE
 6. PATIENT CONSULT/TRANSACTION COUNTER
 7. OVERHEAD SHELVING
 8. STAINLESS PRODUCTION COUNTER
 9. PORTABLE INVENTORY CART STATION
 10. FLOOR MOUNTED SERVICE SINK
 11. SAFE
 12. SECURED STORAGE
 13. EMPLOYEE LOCKER STORAGE (18) 36" A 18" X 72"
 14. WALL MOUNTED SURVEILLANCE MONITORS
 15. HINGED MOVABLE PARTITION
 16. MERCHANDISE DISPLAY
 17. COUNTER EXTENDED BEYOND
 18. PORTABLE INVENTORY CART STORAGE AREA



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LEGEND

- BS BUS STOP
- FPH FIRE HYDRANT
- P PROPERTY LINE
- D DRAINAGE DIRECTION
- ⋯ A ACCESSIBLE PATH OF TRAVEL
- ⋯ B BOUNDARY OF PUBLIC STREET
- ⋯ E EGRESS PATH OF TRAVEL
- ⋯ V VEHICULAR PATH OF TRAVEL
- ⊠ O OCCUPANT LOAD

Room Name					
OFFICE	BUSINESS AREA	S-1	SF#	#	No. of Occupants
B	#	#	%	%	Occupancy load factor
#	%	%	%	%	Occupancy Group Proposed

CLIENT
 Mission Bay Cooperative, Inc.
 4645 De Soto Street
 San Diego, CA 92109

PROJECT TITLE
 Mission Bay Cooperative, Inc.

PROJECT ADDRESS
 4645 De Soto Street
 San Diego, CA 92109

ORIGINAL SHEET DATE
 04.21.14

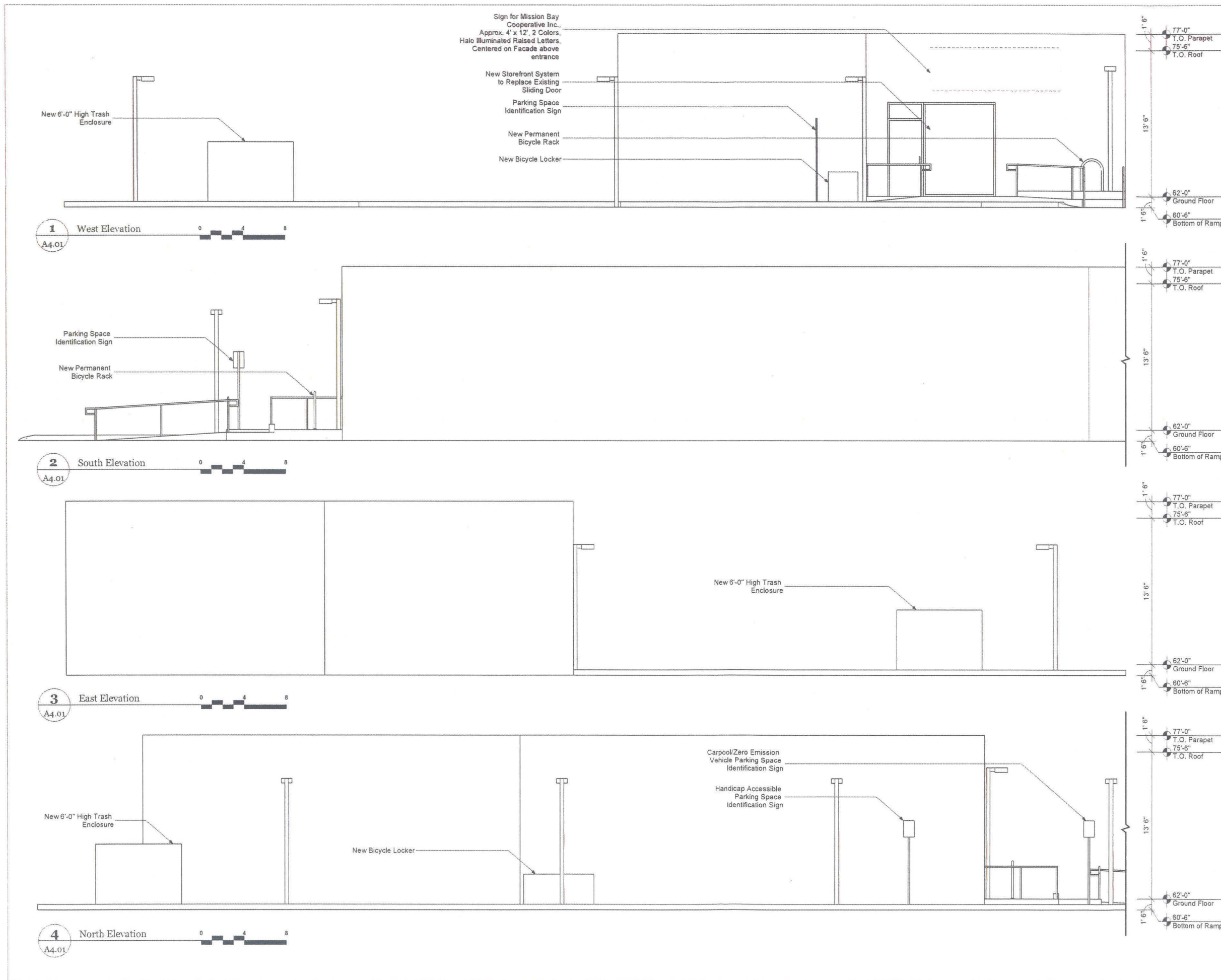
REVISIONS:		
#	Date	Title

SHEET TITLE
 Elevations

SHEET 9 OF 10

SHEET NUMBER

A4.01





AVRP STUDIOS
703 16th Street
San Diego, CA 92101
Tel: 619-704-2700
www.avrpstudios.com

Planting Legend

Trees:

	Lagerstroemia indica "Muskogee"	Crape Myrtle	4- 15 Gal. 5- 24" Box
--	---------------------------------	--------------	--------------------------

Shrubs:

	Anigozanthus "Yellow"	Yellow Kangaroo Paw	1 Gal.
	Bougainvillea "Ooh-la-la"	Bougainvillea	1 Gal.
	Ceanothus gniseus "Horizontalis"	Ceanothus	1 Gal.
	Cistus salvifolius	White Rockrose	1 Gal.
	Phormium "Pink Stripe"	New Zealand Flax	5 Gal.
	Rosmarinus officinalis "Prostratus"	Creeping Rosemary	1 Gal.
	Salvia leucantha	Mexican Sage	1 Gal.
	Senecio serpens	Senecio	Flats

Boulders:

Landscape Notes

- All landscape and irrigation shall conform to the standards of the City-Wide Landscape Regulations and the City of San Diego Land Development Manual Landscape Standards and all other landscape related City and Regional Standards.
- Irrigation: An automatic, electrically controlled irrigation system shall be provided as required by LDC 142.0403(c) for proper irrigation, development, and maintenance of the vegetation in a healthy, disease-resistant condition. The design of the system shall provide adequate support for the vegetation selected. The irrigation system shall use MP Rotators for shrub and groundcover areas and bubblers for trees.
- Maintenance: All required landscape areas shall be maintained by Owner. The landscape areas shall be maintained free of debris and litter, and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced per the conditions of the permit.
- A minimum root zone of 40 square-feet in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet, per SDMC 142.0403(b)(5).
- An Irrigation Audit consistent with San Diego Municipal Code (SDMC) 142.0413(f) and Section 2.7 of the Landscape Standards of the Land Development Manual will be conducted and submitted to the City prior to occupancy and use.

Planting Calculations

STREET YARD (Industrial and Commercial Development)

Planting Area Required (Total Area 5,562 sq.ft. x 25%)	= 1,391 sq.ft.
Planting Area Provided	= 1,395 sq.ft.
Excess Area Provided	= 4 sq.ft.

Plant Points Required (Total Area 1,395 sq.ft. x 0.05)	= 70 points
Plant Point Provided (To be achieved with trees only)	= 120 points
Excess Points Provided	= 50 points

REMAINING YARD (Industrial and Commercial Development)

Planting Area Required (Total Area 646 sq.ft. x 30%)	= 194 sq.ft.
Planting Area Provided	= 284 sq.ft.
Excess Area Provided	= 90 sq.ft.

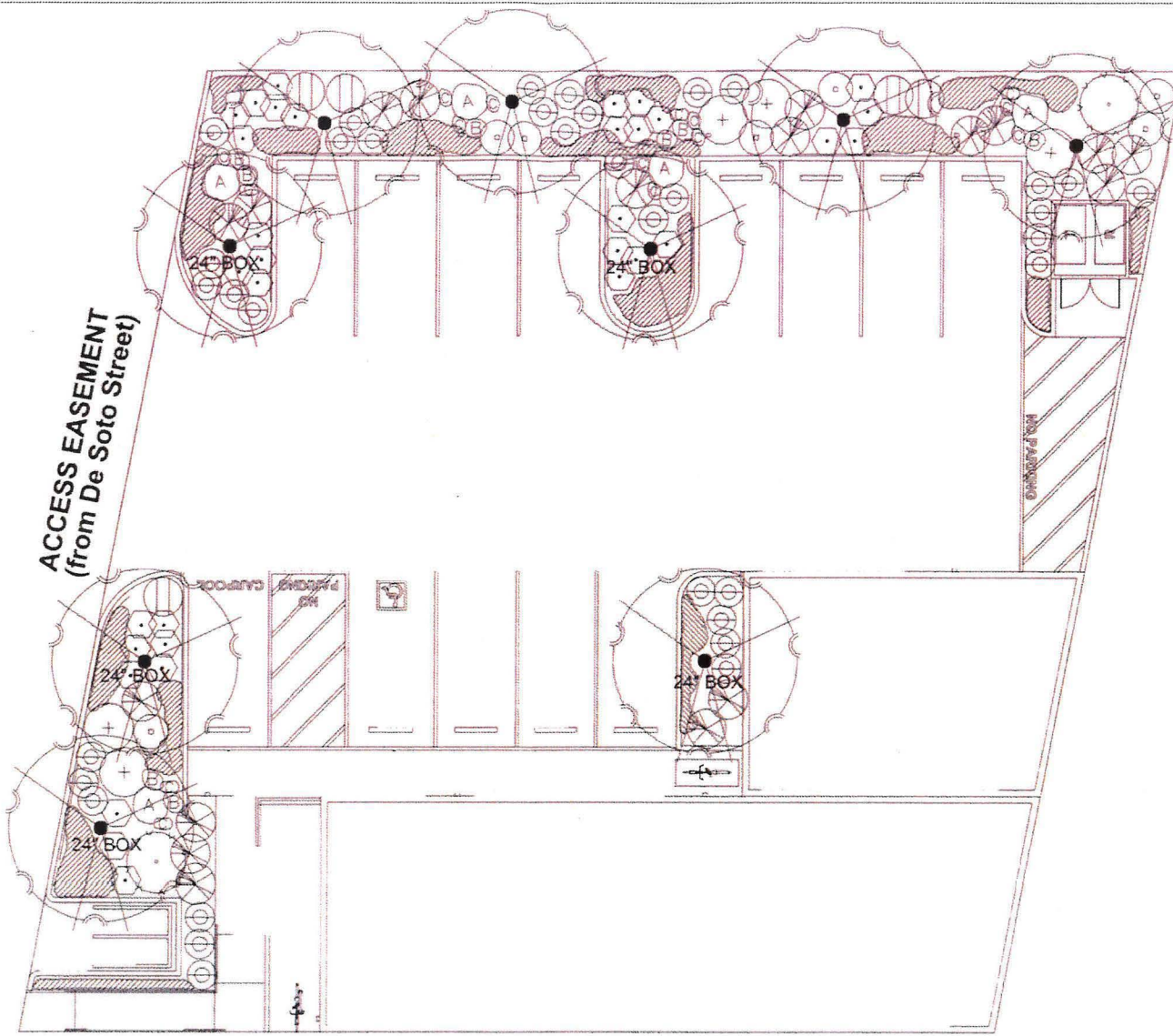
Plant Points Required (Total Area 284 sq.ft. x 0.05)	= 14 points
Plant Point Provided	= 40 points
Excess Points Provided	= 26 points

VEHICULAR USE AREAS (VUA) - less than 6,000 sq.ft.

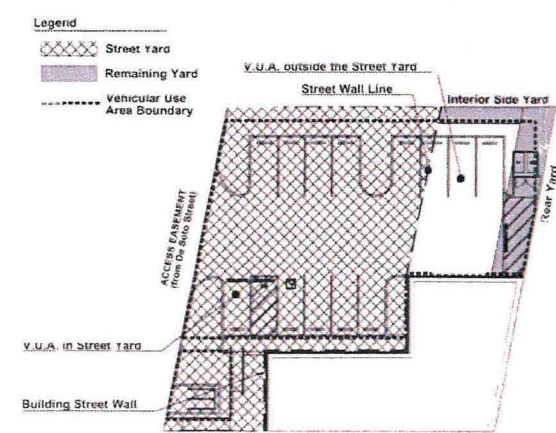
Plant Points Required (Total VUA 4,650 sq.ft. x 0.05)	= 233 points
Plant Points Provided	= 258 points
Excess Points Provided	= 25 points
Points Achieved by Trees (at least half)	= 130 points

ADDITIONAL YARD PLANTING AREA AND POINT REQUIREMENTS

- Per Table 142-04C, 100% of the Required Plant Points in the Street Yard is achieved with Trees.
- Per SDMC 142.0405(1), over half of Required Plant Points in the Remaining Yard is achieved with trees.



Landscape Calc. Area Diagram



Irrigation Calculations

Maximum Applied Water Allowance (MAWA)/ Water Budget

$$MAWA = (ET_o)(0.62) [(0.7)(Landscape Area \text{ in sq.ft.}) + (0.3)(Special Landscape Area)]$$

$$MAWA = (41)(0.62) [(0.7)(1810) + (0.3)(0)] = 32,207 \text{ Gal./Yr.}$$

ET_o LA SLA

Estimated Total Water Use (ETIWU)

$$ETIWU = [(ET_o)(0.62)] [(Plant Factor \times Hydrozone Area / Irrigation Efficiency) + Special Landscape Area]$$

ETIWU Hydrozone 1 - Valve 1 - MP Rotator - Low-Moderate Water Use

$$[(41)(0.62)] [(0.3 \times 1127 / 0.75) + 0] = 11,459 \text{ Gal./Yr.}$$

ET_o PF HA IE SLA

ETIWU Hydrozone 1 - Valve 2 - MP Rotator - Low-Moderate Water Use

$$[(41)(0.62)] [(0.3 \times 458 / 0.75) + 0] = 4,657 \text{ Gal./Yr.}$$

ET_o PF HA IE SLA

ETIWU Hydrozone 2 - Valve 3 - Bubblers - Moderate Water Use

$$[(41)(0.62)] [(0.5 \times 225 / 0.85) + 0] = 3,364 \text{ Gal./Yr.}$$

ET_o PF HA IE SLA

TOTAL ETIWU PER YEAR = 19,480 Gal./Yr. (60% of Water Budget)

LEGEND

- BS BUS STOP
- FH FIRE HYDRANT
- P PROPERTY LINE
- - - D DRAINAGE DIRECTION
- A ACCESSIBLE PATH OF TRAVEL
- B BOUNDARY OF PUBLIC STREET
- C EGRESS PATH OF TRAVEL
- V VEHICULAR PATH OF TRAVEL
- # OCCUPANT LOAD

Room Name
Occupancy Group Existing
Use of Space
Sq. ft. area of space
S-1 SFA # No. of Occupants
Occupancy load factor
Occupancy Group Proposed

CLIENT
Mission Bay Cooperative, Inc.
4645 De Soto Street
San Diego, CA 92109

PROJECT TITLE
Mission Bay Cooperative, Inc.

PROJECT ADDRESS
4645 De Soto Street
San Diego, CA 92109

ORIGINAL SHEET DATE
04.21.14

REVISIONS:

#	Date	Title

SHEET TITLE
Conceptual Site Plan

SHEET 10 OF 10

SHEET NUMBER
L1.01



**Pacific Beach Community Planning Group
Commercial/Residential/Mixed-Use Subcommittee
Thursday June 12, 2014 12:15PM
PB Library Community Room**

Minutes – Note: These are subcommittee recommendations and shall not be sent to the City of San Diego as a PBPG recommendation

1. **Project Name** – 3427 Riviera Drive
 - a. **Presenter** – Mel McGee
 - b. **City Project Number** – PTS# 35881, Project Manager: Sandra Teasley, steasley@sandiego.gov
 - c. **Description** – Coastal Development Permit (Process 2) to remodel and add a 1,195 square foot, 2nd story addition to an existing one story single family residence. The 0.12 acre site is located at 3427 Riviera Drive in the RS-1-7 Zone and Coastal (non appealable) Overlay Zone within the Pacific Beach Community Plan area.
 - d. **Discussion**
 - i. The project has a 2 car garage that is included in the FAR.
 - e. **Motion (Action Item)** – Approve the project as presented; passed 4-0-1.
2. T-Mobile ActivCare
 - a. **Presenter** – Rocki Lam
 - b. **City Project Number** – PTS# 344679, Project Manager: Alexander Hempton, ahempton@sandiego.gov
 - c. **Description** – 2440 Grand Ave. Conditional Use Permit (CUP), Process 4, for a Wireless Communication Facility (WCF) consisting of panel antennas concealed within a roof-top screening element designed to integrate with the proposed ActivCare senior residential care facility. RS-1-7.
 - d. **Discussion**
 1. The antennae and equipment are to be concealed with in the building façade.
 - e. **Motion (Action Item)** – Approve the project as presented; passed 7-0-1.
3. **Project Name** – 4645 De Soto MMCC
 - a. **Presenter** – Joe Esposito
 - b. **City Project Number** – PTS# 368309, Project Manager Edith Guitierrez, eguitierrez@sandiego.gov
 - c. **Description** – Conditional Use Permit for a Medical Marijuana Consumer Cooperative (MMCC) to operate within an existing 1,550 square foot building located at 4645 De Soto Avenue. The 0.22-acre site is located in the IS-1-1 zone within the Pacific Beach Community Plan Area.
 - d. **Discussion**
 - i. Project Manager, Joe Esposito gave a presentation showing the proposed MMCC. The discussion outlined:
 1. MMCC law and intent.
 2. Current site conditions and configurations.

3. Proposed condition and configuration.
 4. Security plan which included guards, surveillance, lighting, and alarm system.
 5. Point of sale system.
 6. Lab testing and analytic services.
- ii. Approximately five members of the audience and seven members of the subcommittee chose to speak regarding the MMC. Joe Esposito and Attorney Lance Rogers were given an opportunity to respond to the comments from the public. General comments and concerns were in regards to:
1. Representatives from Price Self Storage came in opposition of the proposed MMCC.
 2. Parking. There is one handicap space and one additional space for the entire site. This includes the MMCC and two other spaces. One of the two spaces was contentious based on whether or not it impeded on the neighbor's property. At this time the MMCC does not have a plan as to how to provide additional parking to its employees and patients.
 3. Traffic and circulation concerns for the additional commuter daily trips to the MMCC.
 4. Safety regarding to the intended use was a concern of some. An example of a security guard being shot at a MMCC recently was presented.
 5. The presenters were thanked for proposing a MMCC that would at very least be legal. As of now the current dispensaries are illegal.
 6. Several speakers expressed concern over not being able to support a MMCC until all illegal shops in PB were closed.
 7. There are still comments that have not been cleared by the city that hinder support of the presented project.
 8. A question that was not answered was; "What assurances does the community have should the proposed owners not act in accordance with the conditions presented?".
- e. **Motion (Action Item)** –Deny the project as presented. Passed 8-0.
4. **Non Agenda Public Comment – Information Items Only (1:10PM-1:30PM)**
- a. Introduction to the Guy Hill Cadillac Project
 - i. An introduction to this project was presented by Marengo Morton Architects the project will be approximately 181 apartments over commercial space. The project is located at 4275 Mission Bay Drive. A pedestrian bridge would be proposed to link the east side of Mission Bay Drive to the west. Next month's subcommittee meeting will discuss this project further and have this project as an action item.

5. Adjournment



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 **MMCC**

Project Title **Project No. For City Use Only**
 De Soto Street MMCC **368309**

Project Address:
 4645 De Soto St, San Diego, CA 92109

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):
 PRATT FAMILY TRUST 09-07-00, James Pratt, Co-Trustee
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 4645 De Soto Street
 City/State/Zip:
 San Diego, CA 92109
 Phone No: Fax No:
 858 270-4005
 Signature: Date:
James Gordon Pratt 4/10/2014

Name of Individual (type or print):
 PRATT FAMILY TRUST 09-07-00, Lynne Pratt, Co-Trustee
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 4645 De Soto Street
 City/State/Zip:
 San Diego, CA 92109
 Phone No: Fax No:
 858 270-4005
 Signature: Date:
Lynne D. Pratt 4/10/2014

Name of Individual (type or print): **SIGN HERE**
 JAMES GORDON PRATT
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

Name of Individual (type or print): **SIGN HERE**
 Lynne D. Pratt
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:


Project Title: De Soto Street MMCC	Project No. (For City Use Only)
--	--

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

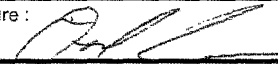
Legal Status (please check):

Corporation
 Limited Liability -or-
 General)
 What State? CA
 Corporate Identification No. C3662189
 Partnership

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

Corporate/Partnership Name (type or print):
 Mission Bay Cooperative, Inc.
 Owner
 Tenant/Lessee
Street Address:
 6435 Caminito Blythefield, Suite H
City/State/Zip:
 La Jolla, CA 92037
Phone No: (310) 704-3297
Fax No: (408) 205-4381 (cell)
Name of Corporate Officer/Partner (type or print):
 Un Sik Chong
Title (type or print):
 President/CEO
Signature : 
Date: 4/21/2014

SIGN HERE

Corporate/Partnership Name (type or print):
 Mission Bay Cooperative, Inc.
 Owner
 Tenant/Lessee
Street Address:
 6435 Caminito Blythefield, Suite H
City/State/Zip:
 La Jolla, CA 92037
Phone No: (408) 205-4381
Fax No: (310) 704-3297 (cell)
Name of Corporate Officer/Partner (type or print):
 Osok Kwon
Title (type or print):
 Vice President
Signature : 
Date: 4/21/2014

SIGN HERE

Owner
 Tenant/Lessee
Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:

Owner
 Tenant/Lessee
Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:

Corporate/Partnership Name (type or print):
 Owner
 Tenant/Lessee
Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:

Corporate/Partnership Name (type or print):
 Owner
 Tenant/Lessee
Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:



SDPD CPTED REVIEW OF MISSION BAY COOPERATIVE

Date: Feb. 24, 2015
To: James Chong
From: Ted Parker, SDPD Crime Prevention
Copies to: Edith Gutierrez, Development Services Department
 Linda Griffin, A/Lieutenant, SDPD Vice Administration
 Larry Hesselgesser, SDPD Northern Division Community Relations Officer (CRO)

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

1. *Surveillance.* Involves the use of electrical and mechanical devices, and the location of physical features, activities, and people to provide good visibility in the environment. Creates a risk of detection for offenders and a perception of safety for legitimate users.
2. *Access control.* Uses electrical and mechanical devices, people, and natural measures to create a perception of risk to offenders and deny them access to targets and escape routes. Also guides legitimate users safely through the environment.
3. *Territorial reinforcement.* Uses physical features and signs to define ownership and control activities in the environment. Delineates spaces with limited or no public access.
4. *Maintenance.* Allows the continued use of spaces for their intended purposes. Maintains the effectiveness of measures employed for surveillance, access control, and territoriality.

Feel free to call me at (858) 523-7049 if you want to discuss these suggestions further – but first some area crime data.

AREA CRIME DATA

During the year from Feb. 15, 2014 to Feb. 15, 2015 the crimes reported to the SDPD with valid addresses within a 0.25-mile radius of 4645 De Soto St., the address of this project, constituted 50 crime cases involving persons and property, including some with domestic violence. The following numbers of cases are defined by the most serious crime that occurred.

- 12 cases involving persons: 2 aggravated and 7 simple assaults, 2 sex other than rape, and 1 street robbery
- 35 cases involving property: 1 commercial and 4 residential burglaries, 5 financial crimes, 10 malicious mischief/vandalism, 8 thefts other than of or from vehicles, 3 vehicle break-ins, and 4 vehicle thefts
- 3 cases involving less serious crimes

Six of these crimes occurred on De Soto St. They were 2 simple assaults, 1 malicious mischief/vandalism, 1 theft, and 2 vehicle break-ins. None were at 4645.

These numbers suggest the importance of including crime prevention measures in the design of this project.

SUGGESTIONS

Alarms

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

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

Electric Power

Because lights and security systems work on electric power it is important that measures be taken to prevent its disruption and provide a source of backup power in the event of a power failure. If the circuit breakers and fuses are located outside the building, they should also be installed in a sturdy metal box that is locked with a hidden- or shielded-shackle padlock.

Cameras

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

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

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

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

IP cameras that view areas in which crimes might be in progress, such as the reception enclosure, should also be capable of providing real-time streaming video to the SDPD in Operation Secure San Diego. This program is one of the SDPD's new technology public safety and crime fighting activities. It will enable officers arriving at the scene to make better, more-informed tactical decisions and determine whether additional officers and emergency services are required. Contact the CRO in the SDPD's Northern Division at (858) 552-1700 if you wish to partner with the SDPD in this program.

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



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

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

Lighting

Lighting should comply with SDMC Sec. 141.0614(c). The front and sides of the MMCC should be well lit from sunset to sunrise. Like cameras, lights should also be damage-resistant.

The Site Plan (Sheet A2.02) shows four light poles on the north side of the parking lot. The Landscape Site Plan (Sheet L1.01) shows six crape myrtle trees there. When planted and grown, make sure that the trees won't block light on the parking spaces.

Single Entrance Door

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

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

The door should have a 180-deg peep-hole so employees in the building can be sure that no one is loitering outside it when they open the door leave the building. Or with a camera outside the door, they could look at its monitor to see if it is safe to open the door. Also, a mirror should be installed outside so someone looking through the peephole or at a camera monitor can see if anyone is loitering on the north side of the building.

Double Doors

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

Doors that don't have posts between them and don't have latches on their sides should have latches on both their tops and bottoms that go into the tops of their frames and the floor, respectively. Doors that only have latches that go into the tops of their frames can be opened by a person pushing on one door near the floor to create enough space between the doors for a hand to reach in and depress a push bar or press bar on the other door.

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

Doors that are opened on the inside by press bars, i.e., bars that rotate downward when pushed, and have don't have a gap between them but do have one underneath them, can be opened with a lever-opening tool like the Keedex K-22. This tool has a curved wire that is inserted under the door and raised to hook over the bar on the inside of the door. The wire is then pulled to rotate the bar downward to open the door. The easiest way to prevent this is to attach a threshold strip to the floor under the doors and brush-sweeps to the bottoms of the doors. They would close the gap and prevent the tool from being inserted.

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

Front Window

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

- **Laminated glass** is made with a vinyl or plastic inter-layer sandwiched between two layers of glass. This type of glass adds additional strength to your windows. To gain entry a burglar would have to strike the glass repeatedly in the same spot in order to make a small opening. Most burglars are reluctant to create this type of noise for fear of being detected.
- **Tempered glass** is made by placing a piece of regular glass in an oven, bringing it almost to the melting point, and then chilling it rapidly. This causes a skin to form around the glass. Fully tempered glass is four to five times stronger than regular glass.
- **Wired glass** adds the benefit of a visible deterrent. Extra effort will be needed to break the glass and then cut through the wire located within the glass in order to gain entry.

- **Plastic acrylics** are more than ten times stronger than glass of the same thickness and are commonly called Plexiglas.
- **Polycarbonate** sheets are superior to acrylics and are advertised as 250 times more impact resistant than safety glass, and 20 more times than other transparent plastic.

Glass with a security film attached to the inside can also be burglar-resistant. It requires repeated blows to break through, which take time and make noise. A burglar faced with this task might give up and go away or look for another way or place to break in.

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

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

The front window should also be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the interior of the building is lighted after dark, e.g., by employees or janitors, shutters or blinds will need to be used inside the windows because reflective materials are not effective then.

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

Metal Detector

If a metal detector is installed at the front door, a security guard will need to be present to check all carry-in items – backpacks, brief cases, purses, laptops, etc. – and any metal items detected on people entering the suite. This guard should be armed, wear a bullet-resistant vest, and be trained in how to deal with people who have weapons, refuse to be searched, or use their weapons.

The receptionist would observe this process keep the showroom entrance door locked until the guard indicates it is safe to remotely unlock it. It is assumed that the showroom exit door would always be locked on the outside.

Video Intercom

Consider installing a video intercom to control access to the building. With it the front door could be locked and a person wanting to enter would push a button to talk to the receptionist, who would also be able to see the person and might ask the person to show his or her identification. If the person is a member, he or she would be buzzed in.

Mantrap

To prevent a person from following another person into the building, i.e., tailgating, the front door could lead to a mantrap, i.e., a secured space for one person equipped with two interlocking doors to insure that only one person at a time can pass through into the lobby. Employees of the MMCC would be able to open both doors with their individual access cards, fobs, or keypad codes. Others would be buzzed through by the receptionist. To prevent someone who has stolen an employee's access means from entering the building, a biometric sensor like a fingerprint reader could be installed at the second door. Thus, only employees would be able to enter through the mantrap.

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101	<h2 style="margin: 0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM DS-3031 OCTOBER 2012
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- | | |
|--|--|
| <input type="checkbox"/> Process Two Decision - Appeal to Planning Commission | <input type="checkbox"/> Environmental Determination - Appeal to City Council |
| <input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission | <input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit |
| <input type="checkbox"/> 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: Jay Davis		E-mail Address: info@nhawkpi.com	
Address: 12707 High Bluff Drive	City: San Diego	State: CA	Zip Code: 92130
			Telephone: (858) 436-5286

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

4645 DE SOTO MMCC - PROJECT NO. 368309

4. Project Information

Permit/Environmental Determination & Permit/Document No.: CUP No. 1292095	Date of Decision/Determination: March 25, 2015	City Project Manager: Edith Gutierrez
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Decision (describe the permit/approval decision):

Conditional approval by the Hearing Officer.

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

- | | |
|--|---|
| <input type="checkbox"/> Factual Error | <input type="checkbox"/> New Information |
| <input type="checkbox"/> Conflict with other matters | <input type="checkbox"/> City-wide Significance (Process Four decisions only) |
| <input checked="" type="checkbox"/> 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.)

§126.0305 Finding (b) "The proposed development will not be detrimental to the public health, safety, and welfare" is not supported.
 This project will expose the public to loitering, marijuana smoking at the premises and hash oil explosions.

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 MAR 25 2015
 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:  Date: 3-25-15

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

RECEIVED

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101</p>	APR 02 2015	Development Permit/ Environmental Determination Appeal Application	FORM
	DEVELOPMENT SERVICES		DS-3031

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: Pacific Beach Planning Group (Brian J. Curry, Chair) E-mail Address: brian.curry77@gmail.com
 Address: N/A City: State: Zip Code: Telephone: (619) 517-1520

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

Un Sik Chong

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
4645 De Soto Street Project No. 368309	March 25, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):
Approve Conditional Use Permit No. 1292095

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.)

Proposed use inconsistent with Pacific Beach Community Plan

Pacific Beach Planning Group voted to deny on August 27, 2014. 12-5-2

Potential traffic from proposed project not mitigated.

Potential parking requirements from proposed project not mitigated.

Proposed use not a public necessity.

Public nuisance resulting from proposed use.

Public opposition.

Adjacent owners/operators opposition including hospitality uses with under-aged patrons.

Proposed use at this location would find large majority of business from "recreational" rather than "medicinal" users.

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

Signature: Brian J. Curry Date: April 2, 2015

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

Reset Button



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101

**Development Permit/
 Environmental Determination
 Appeal Application**

**FORM
 DS-3031**
 OCTOBER 2012

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

1. Type of Appeal:

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

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

Name: Price Self Storage (Lynn Chisnell) E-mail Address: lchisnell@psshholdings.com
 Address: 4667 Alburquerque Street City: San Diego State: CA Zip Code: 92109 Telephone: (858) 483-0030

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

Un Sik Chong

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
4645 De Soto Street Project No. 368309	March 25, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):

Approved Conditional Use Permit No. 1292095

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

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

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

Please see "Exhibit A" attached to this Appeal Application

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APR 07 2015

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: Lynn Chisnell Date: 4/6/15

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

Exhibit A

No access to proposed location

Access to the proposed location is only available across Price Self Storage's private property. The applicable access easement was granted *only* to Dewey Real Property Management Co., Ltd. (the predecessor to the current owner) and *only* contemplated limited traffic from Dewey's employees during morning and evening hours. The proposed dispensary, however, will attract regular vehicular, pedestrian and bicycle traffic at all hours of the day. In fact, the proposal contemplates sixty-two (62) individual vehicular trips through the easement area *in the AM hours alone*. The easement cannot be exercised in this manner, as it would materially increase the burden on the Price Self Storage property. As a result, the anticipated change in the volume and type of traffic over the easement area would constitute a violation of the existing access easement agreement.

Proposed location would substantially increase traffic relative to existing capacity

Moving trucks, delivery trucks and Price's customers will be competing for very limited space with all-day vehicular, pedestrian and bicycle traffic to the proposed dispensary, significantly increasing the risk of accidents and slowing down access to/from Price's business.

Inadequate Parking

The proposed designated off-street parking area will require vehicles to use the same congested access area to back out and turn around while exiting the proposed dispensary, creating further congestion and safety hazards.

Security concerns

Price's business involves the secure storage of its tenants' property. There are heightened security concerns associated with the all-day presence of individuals who do not live or work in the area and who do not store property at Price's facility. There is also a hotel that caters to families in the immediate vicinity.

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APR 07 2015

DEVELOPMENT SERVICES

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: 24004658

CONDITIONAL USE PERMIT NO. 1292095
4645 DE SOTO MMCC - PROJECT NO. 368309
PLANNING COMMISSION

This Conditional Use Permit No. 1292095 is granted by the Planning Commission of the City of San Diego to PRATT FAMILY TRUST, Owner and MISSION BAY COOPERATIVE, INC. Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.22-acre site is located at 4645 De Soto Street in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area. The project site is legally described as: Pueblo Lot 1788 of the Pueblo Lands of San Diego, Map made by James Pascoe in 1870, Recorded on November 14, 1921, Miscellaneous Map No. 26.

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 May 28, 2015, on file in the Development Services Department.

The project shall include:

- a. Demolition of 5,205 square feet of an existing building to maintain 755 square feet.
- b. Integrating 755 square feet to an existing 1,715 square foot building for a total of 2,470 square feet.
- c. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 2,470 square foot building on a 0.22-acre site;
- b. Landscaping (planting, irrigation and landscape related improvements);

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 28, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on May 28, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 2,470 square foot building shall be limited to the MMCC and any use permitted in the IS-1-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.22-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the removal of the existing curb and the construction of the City standard curb and gutter, at new location on the west side of De Soto Street as shown on Exhibit "A", satisfactory to the City Engineer.
25. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of City standard sidewalk, on the west side of De Soto Street as shown on Exhibit "A" to provide pedestrian access from the existing offsite improvements to the project site, satisfactory to the City Engineer.
26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of City standard curb ramp with truncated domes, at the end of the sidewalk improvement on the west side of De Soto Street as shown on Exhibit "A", satisfactory to the City Engineer.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
29. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

TRANSPORTATION REQUIREMENTS:

30. Based on SDMC Section 142.0540(a) and Table 142-05H, no off-street automobile parking spaces are required, however, the 13 off-street parking spaces provided (including 1 disabled accessible space), 2 bicycle spaces, and 2 motorcycle spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

LANDSCAPING REQUIREMENTS:

31. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents

shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

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

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

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

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on May 28, 2015 and Resolution No. PC-XXXX.

Conditional Use Permit No.1292095/PTS No. 368309
Date of Approval: May 28, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
Development Project Manager

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

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

PRATT FAMILY TRUST
Owner

By _____
James Gordon Pratt
Trustee

PRATT FAMILY TRUST
Owner

By _____
Lynne D. Pratt
Trustee

MISSION BAY COOPERATIVE, INC
Permittee

By _____
Un Sik Chong

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

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1292095
4645 DE SOTO MMCC - PROJECT NO. 368309

WHEREAS, PRATT FAMILY TRUST, Owner and MISSION BAY COOPERATIVE, INC., Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) within a 2,470 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1292095), on portions of a 0.22-acre site;

WHEREAS, the project site is located at 4645 De Soto Street in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area;

WHEREAS, the project site is legally described as Pueblo Lot 1788 of the Pueblo Lands of San Diego, Map made by James Pascoe in 1870, Recorded on November 14, 1921, Miscellaneous Map No. 26;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1292095 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 25, April 2 and April 7, 2015, Jay David, Brian J. Curry and Lynn Chisnell filed appeals of the Hearing Officer's decision;

WHEREAS, on May 28, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1287800 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 26, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309474;

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

That the Planning Commission adopts the following written Findings, dated May 28, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed project is a request for a Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC) within a 2,470 square foot building. The 0.22-acre site is located at 4645 De Soto Street in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area. All of the surrounding parcels are in the IS-1-1 zone.

The site is designated Industrial within the Pacific Beach Community Plan. Pacific Beach is both a visitor destination as well as a residential community. It is comprised of mostly residential property with little commercial and industrial uses. Industrial zoning in Pacific Beach is limited to a small area east of East Mission Bay Drive and west of Interstate 5. The goal of the community plan is to continue to promote a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. The uses to the north and east of this site are storage facilities (Price Self Storage), to the south building services (Dewey Pest Control) and east Interstate 5. The surrounding uses are allowed in the IS-1-1 Zone, are consistent with the Industrial designation of the community plan and a MMCC is a compatible use with a CUP.

The proposed MMCC, classified as commercial services is consistent with the community plan and therefore, will not adversely affect the applicable land use plan.

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

The site located at 4645 De Soto Street has two buildings totaling 7,675 square feet. Building 1 is 5,960 square feet and Building 2 is 1,715 square feet. Approximately 5,205 square feet of Building 1 will be demolished and the remaining 755 square feet will be integrated to Building 2. The proposed MMCC will be 2,470 square feet. The project proposes interior improvements that include a reception area, dispensary area, office, storage room and restroom. The proposed demolition and improvements will require ministerial building permits. The building permits will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements required are the removal of the existing curb, construction of a new City standard curb and gutter, sidewalk and curb ramp with truncated domes on the west side of De Soto Street satisfactory to the City Engineer.

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1292095. The CUP 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 site located at 4645 De Soto Street has two buildings developed in 1948 per Building Permit No. 67509 totaling 7,675 square feet. Building 1 is 5,960 square feet and Building 2 is 1,715 square feet. Approximately 5,205 square feet of Building 1 will be demolished and the remaining 755 square feet will be integrated to Building 2. The proposed MMCC will be 2,470 square feet. The project proposes interior improvements that include a reception area, dispensary area, office, storage room and restroom. The proposed demolition and improvements will require ministerial building permits. The building permits will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements required are the removal of the existing curb, construction of a new City standard curb and gutter, sidewalk and curb ramp with truncated domes on the west side of De Soto Street satisfactory to the City Engineer. The building is currently occupied by Pratt Machine Tools (commercial services).

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

The proposed MMCC is consistent with the land use designation of Industrial and allowed in the IS-1-1 Zone with a CUP. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

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

The proposed 2,470 square foot MMCC located at 4645 De Soto Street is in the IS-1-1 Zone and designated Industrial within the Pacific Beach Community Plan. Pacific Beach is both a visitor

destination as well as a residential community. It is comprised of mostly residential property with little commercial and industrial uses. Industrial zoning in Pacific Beach is limited to a small area east of East Mission Bay Drive and west of Interstate 5. The goal of the community plan is to continue to promote a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. The uses to the north and east of this site are storage facilities (Price Self Storage), to the south building services (Dewey Pest Control) and east Interstate 5. The surrounding uses are allowed in the IS-1-1 Zone, are consistent with the Industrial designation of the community plan and a MMCC is a compatible use with a CUP.

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

The 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 proposed MMCC meets the SDMC regulations and is consistent with the community plan which promotes a diverse economic and employment base in the industrial area and a mixture of commercial services to meet needs of existing and future populations. Therefore, the proposed MMCC is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1292095 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1292095, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: May 28, 2015

Job Order No. 24004658

Affix Rev. Stamps & ~~None~~

Order No. 229874

GRANT DEED

BOOK 4258 PAGE 449

HERBERT G. ARCHIBALD AND LOURIE J. ARCHIBALD,

husband and wife,

For and in consideration of TEN DOLLARS,

Do hereby grant to ALSYNTE COMPANY OF AMERICA

All that Real Property situated in the County of San Diego,
State of California, described as follows:

An easement for road and public utility purposes over and under, along and across a 30 foot strip of land, being a portion of Pueblo Lot 1788 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the Office of the Recorder of said San Diego County, November 14, 1921 and is known as Miscellaneous Map No. 36, said 30 foot strip of land being more particularly described as follows:

Beginning at the intersection of the Westerly line of De Soto Street with the Northwesterly line of Homeland Villas, according to the Map thereof No. 1010, filed in the Office of the Recorder of said San Diego County, October 9, 1906, being the Southeasterly corner of a parcel of land conveyed to Allied Synthetics Company by deed dated July 15, 1949 and recorded in Book 3264, page 160 of Official Records of said San Diego County; thence North 14° 00' West along the Easterly line of said land and the Northerly prolongation thereof to the center line of a 50 foot strip of land granted to the City of San Diego as an easement for water mains by deed dated December 30, 1949 and recorded in Book 3482, page 282 of Official Records of said San Diego County; thence Easterly along said center line to a line drawn parallel with and 30 feet at right angles to the aforesaid East line of said land; thence South along said parallel line to the North line of said Homeland Villas; thence South 65° 11' 00" West along said North line to the point of beginning.

Said right of way is for the benefit of and appurtenant to the following described property to-wit:

All that portion of Pueblo Lot 1788 of Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the County Recorder's office November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Beginning at the intersection of the Westerly line of De Soto Street with the Northwesterly line of Homeland Villas, according to the Map thereof No. 1010, filed in the County Recorder's office October 9, 1906; thence South 65° 11' West along said Northwesterly line, 101.81 feet; thence North 14° 00' West, 200 feet; thence North 65° 11' East, parallel with said Northwesterly line of Homeland Villas, 101.81 feet; thence South 14° 00' East, 200 feet to the point of beginning.

Said right of way shall inure to the benefit of and may be used by all persons who may hereafter become the owners of said appurtenant property or any parts or portions thereof.

Reserving to the grantors herein, their successors and assigns, the right and power to convey rights of way for road purposes over said 30 foot strip of land to other persons, and the said grantors also likewise reserve the right and power to convey or dedicate to the public a right of way for public road purposes over said 30 foot strip of land.

WITNESS OUR hand & this 27th day of December 1960

Herbert G. Archibald
Lourie J. Archibald

STATE OF CALIFORNIA, ss.
County of San Diego.

On this 27th day of December, 1950
before me, the undersigned, a Notary Public in and for said
County and State, personally appeared
HERBERT G. ARCHIBALD AND LOURIE J.
ARCHIBALD

known to me to be the person whose name is
subscribed to the within instrument and acknowledged to me
that he executed the same.

WITNESS my hand and Official Seal

James J. Barnard
Notary Public in and for said County and State.
My Commission Expires December 26, 1954

SPACE BELOW FOR RECORDER'S
USE ONLY

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ROGER H. HOWE, County Recorder 940/11

Affix Rev. Stamps \$1.00

Order No. 229874

GRANT DEED

BOOK 4258 PAGE 449

HERBERT G. ARCHIBALD AND LOURIE J. ARCHIBALD,
husband and wife,

For and in consideration of TEN DOLLARS,
Do hereby grant to ALSYNITE COMPANY OF AMERICA

All that Real Property situated in the County of San Diego,
State of California, described as follows:

An easement for road and public utility purposes over and under, along and
across a 30 foot strip of land, being a portion of Pueblo Lot 1788 of the Pueblo
Tract of San Diego, in the City of San Diego, California.

Marianne O. Greene

Attorney at Law

4444 37th Street
San Diego, CA 92116
(619) 674-8882 tel.

April 17, 2015

RECEIVED

APR 23 2015

DEVELOPMENT SERVICES

VIA U.S. MAIL AND EMAIL

Mr. Robert A. Vacchi, Esq.
Director, Development Services Department
Development Services Department
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101-4155

*Re: 4645 De Soto Street MMCC, Conditional Use Permit No. 1292095,
Reply to Appeals from Hearing Officer to Planning Commission.*

Dear Mr. Vacchi:

My firm represents Mission Bay Cooperative, Inc., ("Permitee") the developer of a medical marijuana consumer cooperative ("MMCC") on a 0.22 acre site at 4645 De Soto Street, in an industrial park, west of Interstate 5, south of Garnet Avenue and east of Mission Bay Drive in City Council District 2 ("4645 De Soto Street" or "the Project"). This letter responds to the three appeals of the March 25, 2015 Hearing Officer Project approval to the Planning Commission, in advance of the scheduled May 28, 2015 appeal hearing.

Summary

The first appeal was filed on March 25, 2015 (Attachment 1). It alleges the public health, safety and welfare finding at SDMC § 126.0305(b) is not supported because the Project "will expose the public to loitering, smoking marijuana and hash oil explosions." The second appeal was filed April 2, 2015 (Attachment 2). It lists nine points alleging the Project conflicts with other matters and is not supported by the SDMC § 126.0305 findings. The third appeal was filed April 7, 2015 (Attachment 3). It lists four points alleging conflicts with other matters and is not supported by the SDMC § 126.0305 findings.

This reply demonstrates that the Project:

- 1) Protects the public health, safety and welfare through compliance with medical marijuana consumer cooperative regulations.
- 2) Is consistent with applicable land use plans by diversifying the local economic and employment base and furthering multimodal transit.
- 3) Is in an appropriate location because it is a commercial use properly zoned in an industrial park and is separated from incompatible uses.
- 4) Supports the findings for a conditional use permit because it is conditioned to protect the public, health and welfare of the community and address any potential adverse effects associated with the use.

In other words, this reply demonstrates the Project complies with SDMC § 141.0614, the Medical Marijuana Consumer Cooperative Ordinance and SDMC §126.0301, the Conditional Use Permit Ordinance. This reply also shows that each of the 16 points made in the appeals are without merit and should be rejected.

In short, this reply establishes the Project is a proper use at a compliant location. The Permittee hereby urges the Planning Commission to deny the appeals and uphold the March 25, 2015 decision of the Hearing Officer.

Project Description

The Project site has two buildings totaling 7,675 square feet. One building will be partially demolished with the remaining 755 square feet integrated into the second building, resulting in a single story, 2,470 square foot building. New parking, landscaping, lighting, signage and low-impact development (“LID”) storm water features will be provided consistent with land use development standards for this site. Public access improvements include a new sidewalk complete with curbs and gutters located on the west side of De Soto Street. The site is in the IS-1-1 Zone and the Coastal Height Limitation Overlay Zone within the Pacific Beach Community Planning Area.

A. The Four Conditional Use Permit Findings Required By SDMC § 126.0305 Are Wholly Supported By The Project.

1. The Project Is Not Adverse To The General Plan Or The Pacific Beach Community Plan.

The Project supports the Pacific Beach Community Plan goal of diversifying the economic and employment base in industrial areas of the community. The Project will provide commercial medical services and local employment in the only industrial park in Pacific Beach. The Project further implements the goals and objectives of the Pacific Beach Community Plan, as follows:

- Replacing an aging industrial building with brand new, one-story, modern, clean, attractive commercial architecture, contributing to the revitalizing of an aging industrial park.
- Installing water saving landscaping and using advanced LID stormwater management techniques.
- Installing 13 new parking spaces and 2 new motorcycle spaces, as well as bicycle storage for patients and employees.
- Constructing a brand new sidewalk that connects the Project to Garnet Avenue and is ADA-compliant.
- Ensuring the facility is clearly visible from the street view. This includes the main entrance, the front windows, and the bike racks.
- Promoting multimodal transit since it will be walking distance from the future mid-coast trolley station at I-5 and Balboa Avenue.

Mission Bay Cooperative, Inc. has prepared an in-depth community plan consistency analysis report entitled, "*MBC Consistency Analysis With Pacific Beach Community Plan*," dated April 17, 2015 (Attachment 4). This consistency analysis does the following:

- 1) Demonstrates the Project's overall consistency with goals and various elements of the Pacific Beach Community Plan,
- 2) Specifies consistency with three Circulation Element goals, policies and specific proposals,
- 3) Identifies consistency with three Commercial Land Use Element goals and policies,
- 4) Calls out consistency with three Commercial Land Use Element Design Standards and Transit-Oriented Development Standards, and
- 5) Shows how the Project will further two Industrial Land Use Element goals and policies.

(See Pacific Beach Community Plan, pp. 7, 33-34, 36, 41, 45-46, 48).

In sum, the MBC consistency analysis report demonstrates how the Project is consistent with four community plan elements and eighteen community plan goals, policies and land-use design standards.

Thus, the Project is not adverse to the Pacific Beach Community Plan but rather is consistent with the plan.

The Medical Marijuana Consumer Cooperatives Ordinance implements the City General Plan, limiting cooperatives to certain zones in each City Council District with a conditional use permit. The IS-1-1 zone is one of these zones. The Project is located within an IS-1-1 zone and is pursuing a conditional use permit to operate legally within this zone. The Project, at one-story high, is consistent with the Coastal Height Limitation Overlay Zone. Thus, the Project is not adverse to the City General Plan.

2. The Project Is Not Detrimental To The Public Health, Safety And Welfare.

The Project conditional use permit includes 35 development restrictions to promote public health, safety and welfare. Twelve are “Standard Requirements” that include complying with federal and state laws, ordinances, regulations or policies, and obtaining local building permits, which must meet stringent building, fire, mechanical, plumbing, and facility access requirements. Ten are “Planning and Design” requirements that ensure compliance with the specific regulations governing medical marijuana consumer cooperatives at SDMC § 141.0614. Six are “Engineering” requirements that must be carried out to the satisfaction of the City Engineer and cover construction of the sidewalk, curbs and gutters, and the maintenance of permanent best management practices (“BMPs”) to control storm water pollution. In addition, a separate restriction imposes parking requirements voluntarily agreed to by Permittee and four more address landscaping and water conservation requirements. Finally, there is a recommendation to include security measures based on review by the San Diego Police Department (“SDPD”).

The SDPD’s Crime Prevention Through Environmental Design review (“CPTED review”) consists of comprehensive recommendations for surveillance, access control, territorial reinforcement and maintenance. Permittee is incorporating or going beyond all CPTED review recommendations. Permittee is currently consulting with SDPD regarding its intended security features to ensure the utmost safety and security of its facility, its patients, its employees and its neighbors.

Permittee has voluntarily proposed additional health, safety and public welfare conditions not required, such as:

- 1) Newly installing thirteen car and two motorcycle parking spaces, adhering to the most stringent local parking standard,
- 2) Adopting a 24-hour, instead of a 48-hour, graffiti removal policy, and

- 3) Installing technologically advanced smart cameras with video analytic capabilities which immediately alert Permittee's 24/7 security provider when a change of condition occurs.

3. Project Complies With Medical Marijuana Consumer Cooperatives Regulations.

The Project meets the requirements of SDMC § 141.0614 (a) through (j).

The Project is not within 100 feet from a residential zone and is not located within 1000 feet of any of the uses listed at SDMC § 141.0614(a).

The conditional use permit includes ten requirements that mirror the regulations at SDMC § 141.0614 (b) through (h). These ten are summarized, as follows:

- Condition 13 limits the use to the MMCC or any use permitted in the IS-1-1 zone.
- Condition 14 bars medical consultations anywhere on the premises of the MMCC.
- Condition 15 requires a comprehensive lighting scheme both indoors and outdoors.
- Condition 16 requires a comprehensive security system consisting of cameras, alarms and a licensed security guard.
- Condition 17 requires posting emergency contact information on the building in a visible location.
- Condition 18 limits operating hours to between 7:00 am and 9:00 pm.
- Condition 19 prohibits vending machines that would allow medical marijuana without a human intermediary.
- Condition 20 requires graffiti and litter removal within 48 hours. As stated, the Project will have a 24-hour removal policy.
- Condition 21 prohibits the consumption of medical marijuana anywhere on the site.
- Condition 22 requires the posting of anti-loitering signs near all facility entrances.

- Condition 23 ensures Project signage is business-like and meets city requirements.

SDMC § 141.0614(i) requires the Project to obtain a Medical Marijuana Consumer Cooperative permit per SDMC § 42.1501. The project will readily meet the operational and security requirements to obtain the permit and annual renewals will be sought as required by SMDC § 42.1504(h).

SDMC § 141.0614(j) requires a conditional use permit per SDMC § 126.0301, granted on March 25, 2015 by the Hearing Officer, and now subject of these appeals.

Thus, the project satisfies all the requirements of the Medical Marijuana Consumer Cooperative regulations at SDMC § 141.0614 (a) through (j).

4. Project Location Is Appropriate.

The proposed location is a proper use at an appropriate location.

The proposed use is commercial and is located in an industrial park on the eastern edge of the Pacific Beach Community planning area, directly adjacent to I-5. The site is zoned IS-1-1 which requires a conditional use permit for the proposed use. There are no residential zones within 100 feet of the Project boundaries and the Project is not within 1000 feet of another approved MMCC or an incompatible use listed in SDMC § 141.0614(a)(1). The Project will replace an aging industrial building with a new, smaller, one-story, modern and fully-landscaped commercial building. It will provide a new parking lot. It will provide a new public sidewalk linking Garnet Avenue to the project site. The Project will be within short walking distance from the future mid-coast trolley station at I-5 and Balboa Avenue.

Therefore, because it is properly zoned and separated from incompatible uses, and because it stands to revitalize the property and promote multimodal transportation, the Project location is appropriate.

B. The Project Appeals Are Without Merit And Should Be Denied.

1. The March 25, 2015 Appeal Is Without Merit And Should Be Denied.

The first appeal was filed on March 25, 2015 (Attachment 1). It alleges the public health, safety and welfare finding at SDMC § 126.0305(b) is not supported because the Project “will expose the public to loitering, smoking marijuana and hash oil explosions.” This appeal overlooks local health and safety regulations that prevent loitering and smoking marijuana near MMCCs as well as the Project security measures that will protect the Project facility.

First, the Project will not expose the public to loitering.

a. The Project will comply with the numerous requirements of the Medical Marijuana Consumer Cooperative Ordinance pursuant to SDMC § 141.0614.

The medical consumer cooperative requirements of SDMC § 141.0614 include nine measures to deter public loitering. These will apply to the Project and consist of the following:

- 1) The Project will not be not located within 1000 feet of a public park, playground, library, or school.
- 2) The Project will prohibit consultations by doctors at the facility.
- 3) Exterior lighting will illuminate the entire Project site.
- 4) Security will be provided including cameras, alarms and a state-licensed security guard.
- 5) Exterior signage will only contain the name of the business and will be limited to two colors.
- 6) The name of an emergency contact will be prominently posted in a location visible from outside the facility.
- 7) The cooperative will only be allowed to operate from 7:00 am to 9:00 pm.
- 8) No vending machines for medical marijuana will be accessible to patients without staff assistance.
- 9) Anti-loitering signs will be posted near every entrance to the facility.

b. The Project will obtain and comply with numerous requirements of the Consumer Cooperative Permit pursuant to SDMC § 42.1501.

The operational permit requirements are intended to ensure marijuana is not diverted for illegal purposes but is limited to state law qualified patients. The permit requires cooperative managers to undergo background checks and have no violent felony convictions. It imposes operational standards such as, transaction verification, auditable documentation, a not-for-profit corporate structure, safe packaging and labeling, as well as enforcement consequences for noncompliance (including and up to permit suspension). Such operational permit requirements inherently deter public loitering through strict regulation of the management and handling of medical marijuana, and it must be renewed annually.

As such, the public will not be exposed to loitering due to the Project.

Second, the Project will not expose the public to the smoking of marijuana. No smoking will be permitted anywhere within or upon the Project site. All of the Permittee's patients will be required to sign a code of conduct acknowledging this prohibition before admittance to the cooperative. Any persons found to violate this rule will be immediately expelled from the cooperative and will be reported to law enforcement accordingly. Thus, the facility will be devoid of any ingested marijuana on the premises.

Third, the Project will not expose the public to hash oil explosions. Butane is one of a number of various chemical solvents used to manufacture certain forms of extracted marijuana products, such as some types of hash oil. Butane and other volatile chemical solvents have been widely associated with inadvertent and dangerous explosions. The Project operation will not manufacture any marijuana extracts, including but not limited to butane hash oil, on or within the facility premises. This will ensure the safety of site visitors, employees and the building structure itself. As such, there is no danger of any hash oil explosions associated with the Project.

In sum, the March 25, 2015 appeal lacks merit and so this first appeal should be denied.

2. The April 2, 2015 Appeal Is Without Merit And Should Be Denied.

The second appeal was filed April 2, 2015 (Attachment 2). It lists nine points to allege the Project conflicts with other matters and is not supported by the SDMC § 126.0305 findings. All nine points are conclusory offering no supporting analysis either factual or legal. Each point is addressed, as follows.

a. "Proposed use is inconsistent with the Pacific Beach Community Plan."

The Project is not inconsistent, but instead, as addressed earlier, is consistent with the Pacific Beach Community Plan.

In short, the Project is consistent with the community plan because it will diversify the economic and employment base of the only industrial park in the community and will do so with a fully regulated commercial use, and by replacing an aging building with a new, fully landscaped, clearly visible, modern building that uses LID stormwater techniques, maintains BMPs, ensures local pedestrian access and promotes multimodal transit. As one Pacific Beach Planning Group member summed it up on August 27, 2014 during Project consideration:

"If this project came up as a normal development project in Pacific Beach everybody would be jumping over themselves, patting themselves on the back, saying this is exactly what Pacific Beach needs in terms of land use and the project itself."

Therefore, the allegation that the proposed use is inconsistent with the Pacific Beach Community Plan lacks merit and should be rejected.

b. *“Pacific Beach Planning Group voted to deny the project on August 27, 2014. 12-5-2.”*

This statement while true it does not tell the whole story and is not determinative because the planning group vote is advisory.

The Pacific Beach Planning Group voted to recommend denial of the Project on August 27, 2014 by a vote of 12-5-2. The vote shows the group was deeply split with nearly 40% declining to recommend Project denial. The vote is unremarkable considering the primary reasons for denying the Project were unrelated to whether the Project supports the findings required by SDMC § 141.0614. Instead of focusing specifically on the Permittee and its intended use, planning group members raised general policy objections to any regulations aimed at providing safe and legal access to medical marijuana and to what some believed were insufficient resources being applied to enforce against unpermitted marijuana dispensaries in Pacific Beach.

City planning groups are advisory, meaning the planning group vote is only a recommendation to the Hearing Officer and Planning Commission. It is not binding on City decision makers. (*See San Diego City Council Policy 600-24, November 14, 2014, p.1*).

On its merits, the Project complies with SDMC § 141.0614, meets the findings required by SDMC § 126.0301 and is a proper use at a compliant location.

Therefore, the allegation that the August 27, 2014 Pacific Beach Community Plan project vote warrants Project denial lacks merit and should be rejected.

c. *“Potential traffic from proposed project is not mitigated.”*

The allegation is that the Project will have a potentially significant impact on traffic, and that such impact must be mitigated prior to Project approval. This allegation is unsubstantiated and is untimely because the City properly exempted the Project from CEQA and the CEQA determination has since become final.

Mitigation is an environmental concept central to the state California Environmental Quality Act (“CEQA”) (*See Public Resources Code § 21000 et seq.*). CEQA defines “mitigation” as avoiding, reducing or minimizing significant environmental impacts to a level below significance prior to project approval (*See CEQA § 21002, CEQA Guidelines § 15370*). Where feasible, a project must mitigate potential significant impacts to a level below significance, but to require mitigation in the absence of such impacts would violate the City’s mitigation authority under CEQA §15041(a). Yet this is precisely what Appellant seeks, for the City to reverse its CEQA determination and require mitigation for alleged but unsubstantiated traffic impacts.

Pursuant to its authority under CEQA, as implemented through SDMC § 128.0101, the City properly performed a preliminary environmental analysis and made an independent determination that the Project poses no potentially significant impacts (See CEQA § 21080.1, CEQA Guidelines § 15061). As relates to traffic impacts specifically, the CEQA determination properly relied on expert opinion (*See* CEQA § 15064(b)), namely that of City's traffic engineers who calculated the Project's average daily trips and analyzed potential impacts to traffic circulation. Upon finding an absence of any potentially significant impacts, including traffic impacts, the City properly deemed the Project categorically exempt, under CEQA Guidelines § 15303 exempting new construction or conversion of small structures. Then, on September 26, 2014, the City properly issued a Notice of Right to Appeal the Environmental Determination pursuant to SDMC § 128.0207(a) (*See also* CEQA Guidelines 15062). Pursuant to SDMC § 112.0520, the CEQA exemption was timely appealed and on January 13, 2015 was denied by City Council. The statute of limitations to appeal the City Council decision to court expired February 12, 2015. This resulted in making the CEQA determination final. The statute of limitations for challenging a CEQA determination is not reopened by a subsequent Project approval. (*See Laurel Heights Improvement Ass'n v. Regents of California* (1993) 6 Cal.4th 1112; *Temecula Band of Luiseno Indians v. Rancho California Water District* (1996) 43 Cal.App.4th 425).

In short, to require mitigation now for alleged traffic impacts would violate CEQA because the City has already properly analyzed and determined the Project exempt from CEQA and the time to challenge that decision has passed.

Therefore, the allegation that potential traffic impacts from the Project are significant and were not properly mitigated by the City lacks merit and should be rejected.

d. "Potential parking requirements from proposed project are not mitigated."

The allegation that the Project will have potentially significant impacts due to parking that must be mitigated prior to Project approval is unsubstantiated and untimely because the City properly exempted the Project from CEQA and the CEQA determination has since become final.

As explained earlier, to require mitigation now for any alleged environmental impacts, parking or otherwise, would violate CEQA because the City has already properly analyzed and determined the Project exempt from CEQA and the time to challenge that decision has passed.

As relates to parking impacts, the CEQA exemption relied on the proposed new on-site parking area. It will provide thirteen car and two motorcycle parking spaces. The number of parking spaces was calculated based on providing five spaces per 1000 square feet of facility floor area. This is five times more than what the IS-1-1 zone requires for the site. The site itself requires no new parking at all because the

site falls within the small lot parking allowance at SDMC § 142.0540(a). (*See also* SDMC Table 142.05A). The parking area will be engineered to meet the spatial and design requirements specified at SDMC § 142.0560 thus ensuring adequate and safe circulation.

The Permittee has *voluntarily* agreed to provide a new, on-site parking lot.

Therefore, the allegation that potential parking impacts from the Project are significant and not properly mitigated by the City lacks merit and should be rejected.

e. *“Proposed use not a public necessity.”*

The allegation is that the Project is not a “public necessity.” This is not a findings requirement for MMCCs but will be addressed because the Project so clearly provides a public health benefit.

In California, the “public convenience and necessity” doctrine is used by liquor license applicants to show a proposed liquor store or bar will provide a public benefit despite being located in an area of high crime or an area saturated with other liquor licenses. This doctrine is not found among the findings required by SDMC § 126.0305 for a conditional use permit or SDMC § 141.0614 for a MMCC.

Nevertheless, the Project clearly provides a public benefit because it implements SDMC § 141.0614. The purpose of SDMC §141.0614 is to improve the public health, safety and welfare of San Diego residents by providing for 36 MMCCs evenly dispersed throughout the City. There are numerous medical patients in and near City Council District 2 in need of safe and legal access to medical alternatives. Alternatives to manage extreme pain, nausea, spasticity, insomnia, anxiety and other symptoms commonly associated with arthritis, cancer, cachexia, epilepsy, glaucoma, migraines, multiple sclerosis and HIV/AIDS. The improved treatment of these medical conditions to “promote and protect the public health, safety, and welfare of the citizens of San Diego” is expressed at SDMC §§ 42.1501 and 42.1502.

In short, the Project is a public necessity for suffering qualified patients in and near City Council District 2 who lack nearby access to safe and legal medical marijuana.

Therefore, the allegation that the proposed use is not a “public necessity” lacks merit and should be rejected.

f. *“Public nuisance resulting from the proposed use.”*

The allegation is the Project would result in a public nuisance, however the Project is not a “public nuisance” as such term is defined under law.

The definition of a public nuisance covers activities injurious to health including the illegal sale of controlled substances where the activity affects an entire community or neighborhood. (*See* Cal. Civil Code § 3480, *In re Englebrecht* (1998) 67 Cal.App.4th 486). However, conduct expressly authorized by statute cannot be

deemed a public nuisance. (*See* Cal. Civil Code § 3482). This applies to local ordinances too. A duly enacted zoning ordinance, within the scope of authority conferred on a city, has the same force within the city limits as a state statute passed by the legislature has throughout the state. (*See Wheeler v. Gregg* (1949) 90 Cal.App.2d 348).

Medical marijuana is legal and authorized by state law. In 1996, the State of California passed Proposition 215, the Compassionate Use Act, to allow people to use marijuana for medical purposes. In 2004, the state legislature adopted the Medical Marijuana Program Act to begin regulating the medical use of marijuana. In 2008, the State Attorney General established implementing guidelines for medical marijuana consumer cooperatives.

Medical marijuana consumer cooperatives are legal and authorized by local law. In 2014, the City of San Diego adopted the Medical Marijuana Consumer Cooperatives Ordinance at SDMC § 141.0614, a zoning ordinance to establish medical marijuana consumer cooperatives in every City Council District in a safe and orderly manner. In 2011, the City of San Diego adopted the Medical Marijuana Consumer Cooperatives Ordinance at SDMC § 42.1501, a health and safety ordinance to establish a permitting system to strictly regulate the cooperative cultivation and exchange of medical marijuana among qualified patients and thereby prevent the diversion of marijuana for illegal purposes.

The Project does not propose or entail the illegal sale of a controlled substance or the illegal operation of a medical marijuana consumer cooperative. Instead, the opposite is true -- the Project proposes an MMCC operating in full compliance within the strict limits and guidelines of state and local laws. Thus, the Project cannot by legal definition under state law constitute a “public nuisance.”

Therefore, the allegation that the proposed use will result in a public nuisance lacks merit and should be rejected.

g. “Public opposition.”

The allegation is that the sheer existence of public opposition warrants Project denial, but this should not be determinative given the countervailing public support.

There is broad public support in San Diego for the implementation of medical marijuana consumer cooperatives under SDMC §§ 141.0614 and 42.1501. There is also public support for the Project. The Pacific Beach Planning Group is deeply split with many of its members showing significant Project support. As noted above, one member of the planning group explained on August 27, 2014, during the planning group deliberation:

“If this project came up as a normal development project in Pacific Beach everybody would be jumping over themselves, patting

themselves on the back, saying this is exactly what Pacific Beach needs in terms of land use and the project itself.”

Numerous speaker slips have been submitted in favor of the Project at every public hearing considering its merits.

Even if there is public opposition to the Project, such circumstances are insufficient grounds to deny the Project. The Project complies with the SDMC § 141.0614 requirements to establish an MMCC and it will readily qualify under SDMC § 42.1501 for an operator permit upon Project approval, thus implementing the purposes and intent of the City in establishing a regulatory scheme to provide medical marijuana throughout the City to qualified patients.

Planning group members opposed to the Project primarily raised policy objections to any regulations aimed at providing safe and legal access to medical marijuana and to what they believed were insufficient resources being applied to enforce against unpermitted marijuana dispensaries in Pacific Beach. Again, such opposition was directed at the general subject of medical marijuana and was not specifically directed at the Permittee or the Project.

Therefore, the allegation that public opposition warrants Project denial lacks merit and should be rejected.

h. “Adjacent owners/operators opposition including hospitality uses with under-aged patrons.”

One allegation here is that the Project violates SDMC § 141.0614(a)(1) by being within 1000 feet of La Quinta Inn located at 4610 De Soto Street.

SDMC § 141.0614(a)(1) prohibits locating an MMCC within 1000 feet of a minor-oriented facility. SDMC § 113.0101 defines a “minor-oriented facility,” as follows:

“. . . any after school program, teen center, club for boys and/or girls, children’s theater, children’s museum, or other establishment where the primary use is devoted to people under the age of 18.”

The La Quinta Inn is not a minor-oriented facility. Nowhere does the hotel advertise itself as a minor-oriented facility. The hotel features amenities that are commonly associated with business travelers such as, alarm clocks, hair dryers and ironing boards. There is a business center for patrons off the front lobby. The pool and fitness center prohibit children under age 14 without an adult. The hotel offers complimentary coffee, a typically adult breakfast beverage. It lists nearby attractions of adult interest such as, casinos, golf courses, military bases, corporate headquarters, and the major medical complexes in Hillcrest and La Jolla.

The facts submitted by appellant are insufficient to support classifying La Quinta Inn as a “minor-oriented facility” as the term is defined by SDMC § 113.0101.

Therefore, the allegation that the presence of a hotel within the industrial park requires the City to invoke the prohibition at SDMC § 141.0614(a)(1) lacks merit and should be rejected.

Another allegation here points to opposition by adjacent businesses. This allegation requires factual clarification. The businesses adjacent to the Project include Price Self Storage (to the west) who is opposed, and Dewey Pest Control (to the east) who is not opposed. As stated earlier, the mere existence of project opposition is, without more, insufficient grounds to deny a project, particularly if a project otherwise satisfies all the land use and regulatory requirements and the adjacent business are split.

Therefore, the allegation that the opinions of the adjacent businesses warrant denial lacks merit and should be rejected.

i. *“Proposed use at this location would find large majority of businesses from ‘recreational’ rather than ‘medicinal’ users.”*

The allegation is that the cooperative will be selling medical marijuana to non-medical users. This is speculative and contradicted by the Project location and by the terms and conditions that prevent the illegal sale and distribution of marijuana.

First, the Project site is strategically located to be near qualified medical patients. It is ten minutes in either direction from both of San Diego's major medical centers in Hillcrest and La Jolla. The UCSD Moore's Cancer Center, the only National Cancer Institute-designated Comprehensive Cancer Center in San Diego County, is a mere seven miles from the Project.

Second, the Project permit terms and conditions reflect a comprehensive set of local regulations designed to prevent illegal sales and distribution of marijuana.

a. The Project will comply with the Consumer Cooperative Permit Ordinance at SDMC § 42.1501.

This ordinance is intended to ensure marijuana is not diverted for illegal purposes, but is limited to state law qualified patients. The permit requires cooperative managers to undergo background checks and have no felony convictions. It imposes standards, such as transaction verification, auditable documentation, a not-for-profit corporate structure, safe packaging and labeling and enforcement consequences for noncompliance (including and up to permit suspension). The operational permit prevents illegal sales to unqualified users by strictly regulating the management and handling of medical marijuana.

b. The Project will comply with requirements of the Medical Marijuana Consumer Cooperative Ordinance at SDMC § 141.0614.

This ordinance is aimed at preventing any illegal activity at MMCCs. The Project will not be located within 1000 feet of a public park, playground,

library, or school. The Project will prohibit consultations by doctors at the facility. Exterior lighting will illuminate the entire project site. Security will be provided including cameras, alarms, and a state-licensed security guard. Signs outside will only contain the name of the business and be limited to two colors. The name of an emergency contact will be posted in a location visible from the outside. The cooperative will only operate from 7:00 am to 9:00 pm. No vending machines will be available for medical marijuana.

Moreover, only verifiable qualified medical patients who abide by the cooperative's code of conduct prohibiting any and all illegal activities will be permitted to obtain medical marijuana within the facility.

Therefore, the allegation that a large majority of project patrons would be recreational users lacks merit and should be rejected.

In sum, the nine points alleged in the April 2, 2015 appeal are without merit and so this second appeal should be denied.

3. The April 7, 2015 Appeal Is Without Merit And Should Be Denied.

The third appeal was filed April 7, 2015 (Attachment 3). It lists four points to allege the Project conflicts with other matters and is not supported by the findings at SDMC § 126.0305. The four points are addressed, as follows.

a. "No access to proposed location."

The allegation states that the Project would materially increase the burden on the access easement and therefore the easement would be extinguished by a court. This is speculative. The Project site has a valid and sufficient access easement.

The City has analyzed the property records and determined the easement is valid and provides sufficient ingress and egress to and from the site. The access easement is legally valid and is available for the operation of Mission Bay Cooperative, Inc. The easement has been used continuously by Pratt Machine Tools for many years and never contested by Price Self Storage.

The allegation that the Project would materially increase the burden on the easement is not pertinent to the findings required by SDMC § 126.0105 for a conditional use permit and § 141.0614 for a MMC.

The Project will improve use of the easement. It will end the practice of large trucks and equipment being parked in the easement and blocking the fire access stripe for a significant portion of the day. Project employees will monitor the easement so that no visitors to the facility will park in the easement. The current site has no legal parking, no vehicular circulation and no turn around space on the site. The Project site will be redesigned with a new parking lot so that vehicles can park, circulate and turn around internally on-site and so end the existing use of the easement for these activities.

No court has been asked to determine if the project would materially burden the easement and it is not within the legal purview of the City to make such a determination.

Finally, the allegation is inaccurate with regards to ADTs or average daily trips. The City has projected 62 ADTs for the Project, not just trips in the morning hours.

Therefore, the allegation that there is no easement lacks merit and should be rejected.

b. *“Proposed location would substantially increase traffic relative to existing capacity.”*

The allegation is that the location would substantially increase traffic, but this assertion runs contrary to the City’s CEQA determination.

There are three access points into and out of the industrial park. City traffic engineers reviewed the proposed access roadway to the Project site, current and projected traffic conditions, including traffic generated throughout the industrial park and deemed the proposed use and redesign of the site compatible relative to existing conditions. As discussed earlier, the City properly examined potential traffic impacts and exempted the Project under CEQA.

Therefore, the allegation that the proposed location would increase traffic relative to capacity lacks merit and should be rejected.

c. *“Inadequate Parking.”*

The allegation states that the off-street parking area will create congestion and safety hazards in the Project easement due to visitors backing out and turning around. This allegation is diminished by parking design requirements and the City’s CEQA exemption.

The creation of a new off-street parking area will deprive visiting vehicles of any reason to use the easement access area for the purposes alleged by appellant. The off-street parking area will allow visitors to park and circulate entirely internally on the Project site without having to use the easement to back out or turn around. The parking spaces and drive aisles are required to be engineered to the exact requirements of SDMC § 142.0560, thus ensuring adequate and safe circulation. Project terms and conditions explicitly prohibit the parking area from being converted for any other purpose without City approval thus ensuring the long-term preservation of adequate and safe parking conditions. As discussed earlier, the City properly examined potential parking impacts and exempted the Project under CEQA.

Therefore, the allegation that the Project off-street parking area will congest or make hazardous the easement access area lacks merit and should be rejected.

d. "Security Concerns."

The allegation states that the Project will heighten security concerns because the Project visitors do not live or work in the area and do not store property at appellant's facility.

This allegation discounts the presence of La Quinta Inn. The industrial park includes the presence of a mid-sized hotel, La Quinta Inn. The four-story hotel has 88 suites and hosts tens of thousands of guest annually. Guests who do not live or work in the area and who do not store property at appellant's facility. Appellant's contention that the hotel "caters to families," as if to the exclusion of individuals is misaligned with the design and marketing of the hotel. Appellant's allegation is further attenuated by the presence of numerous commercial enterprises in the industrial park and in the surrounding area.

This allegation discounts the Project security measures. As discussed earlier, the Project will provide numerous security and surveillance measures by adopting the CPTED review recommendations, including but not limited to linking a security camera feed to SDPD through Operation Secure San Diego.

Therefore, the allegation that the Project visitors will heighten security concerns is without merit and should be rejected.

In sum, the four points alleged in the April 7, 2015 appeal lack merit and so this third appeal should be denied.

Conclusion

In sum, the Project meets the four findings required by SDMC § 126.0305 and the appeals were unable to dislodge the solid findings of the March 25, 2015 Hearing Officer decision.

First, as required by SDMC § 126.0305(a), the Project will diversify the economic and employment base in Pacific Beach by replacing an aging building in an early industrial park with a smaller, brand new, fully landscaped, modern one-story building replete with a new parking lot and a new public sidewalk.

Second, as required by SDMC § 126.0305(b), the Project will protect the public health, safety and welfare by implementing three dozen permit terms and conditions that will lead to transparent building and site design, verifiable operations, safe product handling, high levels of security and LID stormwater pollution control measures.

Third, as required by SDMC § 126.0305(c), the Project will comply with the Medical Marijuana Consumer Cooperative Ordinance because the terms and conditions incorporate each of the requirements of SMDC § 141.0614(a) through (j) regulating the management and operation of

MMCCs. Per Subsection (i) this will require obtaining an annual operational permit under SDMC § 42.1501.

Fourth, as required by SDMC § 126.0305(d), the Project location is appropriate because it proposes a commercial use in an industrial park zoned for Light Industrial (IS-1-1) uses. This zone was designated by the City as an appropriate zone for MMCCs.

The project appeals, while repetitive in their points, kicked up a lot of dust but in the end were mostly contradicted by facts, conclusory or speculative, or untimely as in the case of CEQA mitigation claims, or were contrary to law, not germane to the SDMC § 126.0305 findings, or not seeking a remedy in the proper venue before the proper body. Consequently, the appeals did not sufficiently demonstrate that the March 25, 2015 Hearing Officer approval was unsupported by substantial evidence or constituted a failure to proceed in a manner required by law.

Therefore, the March 25, 2015 decision of the Hearing Officer should be upheld and the three appeals denied in their entirety.

In sum, this Project proposes a proper use at a compliant location. Mission Bay Cooperative, Inc., is a responsible corporate citizen and is committed to ensuring the establishment of well-regulated, medical marijuana consumer cooperative in full compliance with SDMC § 141.0614 and SDMC § 42.1501 and use permit granted it under SDMC § 126.0301. This Project will provide the intended medical relief to San Diego and District 2 residents and provide for them the safest possible medical marijuana alternatives permitted by law.

Very truly yours,



Marianne O. Greene

cc: Mr. Un Sik Chong, President, Mission Bay Cooperative, Inc.
Ms. Shannon Thomas, Deputy City Attorney, City of San Diego

Enclosed:

- Attachment 1: Davis March 25 Appeal of MBC, 1 page.
- Attachment 2: PB CPG April 2 Appeal of MBC, 1 page.
- Attachment 3: Price April 7 Appeal of MBC, 2 pages.
- Attachment 4: MBC Consistency Analysis With Pacific Beach Community Plan, 4 pages.

 City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 <small>THE CITY OF SAN DIEGO</small>	<h2 style="margin:0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM DS-3031 OCTOBER 2012
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- | | |
|--|--|
| <input type="checkbox"/> Process Two Decision - Appeal to Planning Commission | <input type="checkbox"/> Environmental Determination - Appeal to City Council |
| <input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission | <input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit |
| <input type="checkbox"/> 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: Jay Davis		E-mail Address: info@nhawkpi.com	
Address: 12707 High Bluff Drive	City: San Diego	State: CA	Zip Code: 92130
			Telephone: (858) 436-5286

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

4645 DE SOTO MMCC - PROJECT NO. 368309

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
CUP No. 1292095	March 25, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):

Conditional approval by the Hearing Officer.

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

- | | |
|--|---|
| <input type="checkbox"/> Factual Error | <input type="checkbox"/> New Information |
| <input type="checkbox"/> Conflict with other matters | <input type="checkbox"/> City-wide Significance (Process Four decisions only) |
| <input checked="" type="checkbox"/> 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.)

\$126.0305 Finding (b) "The proposed development will not be detrimental to the public health, safety, and welfare" is not supported.

This project will expose the public to loitering, marijuana smoking at the premises and hash oil explosions.

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MAR 25 2015

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:  Date: 3-25-15

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

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DS-3031 (10-12)



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA

Development Permit/ Environmental Determination Appeal Application

FORM
ATTACHMENT 19
DS-3031
October 2012

92101

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

1. Type of Appeal:

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

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

Name: Pacific Beach Planning Group (Brian J. Curry, Chair) E-mail Address: brian.curry77@gmail.com
 Address: N/A City: State: Zip Code: Telephone: (619) 517-1520

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

Un Sik Chong

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
4645 De Soto Street Project No. 368309	March 25, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):
Approve Conditional Use Permit No. 1292095

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.)

- Proposed use inconsistent with Pacific Beach Community Plan
- Pacific Beach Planning Group voted to deny on August 27, 2014. 12-5-2
- Potential traffic from proposed project not mitigated.
- Potential parking requirements from proposed project not mitigated.
- Proposed use not a public necessity.
- Public nuisance resulting from proposed use.
- Public opposition.
- Adjacent owners/operators opposition including hospitality uses with under-aged patrons.
- Proposed use at this location would find large majority of business from "recreational" rather than "medicinal" users.

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

Brian J. Curry

Signature: _____

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

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DS-3031 (10-12)



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
 OCTOBER 2012

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

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

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

Name: Price Self Storage (Lynn Chisnell) E-mail Address: lchisnell@psshholdings.com
 Address: 4667 Alburquerque Street City: San Diego State: CA Zip Code: 92109 Telephone: (858) 483-0030

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

Un Sik Chong

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
4645 De Soto Street Project No. 368309	March 25, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):

Approved Conditional Use Permit No. 1292095

- 5. Grounds for Appeal (Please check all that apply)**
- Factual Error
 - Conflict with other matters
 - Findings Not Supported
 - New Information
 - City-wide Significance (Process Four decisions only)

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

Please see "Exhibit A" attached to this Appeal Application

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

Signature: Lynn Chisnell Date: 4/6/15

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

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DS-3031 (10-12)

Exhibit A

No access to proposed location

Access to the proposed location is only available across Price Self Storage's private property. The applicable access easement was granted *only* to Dewey Real Property Management Co., Ltd. (the predecessor to the current owner) and *only* contemplated limited traffic from Dewey's employees during morning and evening hours. The proposed dispensary, however, will attract regular vehicular, pedestrian and bicycle traffic at all hours of the day. In fact, the proposal contemplates sixty-two (62) individual vehicular trips through the easement area *in the AM hours alone*. The easement cannot be exercised in this manner, as it would materially increase the burden on the Price Self Storage property. As a result, the anticipated change in the volume and type of traffic over the easement area would constitute a violation of the existing access easement agreement.

Proposed location would substantially increase traffic relative to existing capacity

Moving trucks, delivery trucks and Price's customers will be competing for very limited space with all-day vehicular, pedestrian and bicycle traffic to the proposed dispensary, significantly increasing the risk of accidents and slowing down access to/from Price's business.

Inadequate Parking

The proposed designated off-street parking area will require vehicles to use the same congested access area to back out and turn around while exiting the proposed dispensary, creating further congestion and safety hazards.

Security concerns

Price's business involves the secure storage of its tenants' property. There are heightened security concerns associated with the all-day presence of individuals who do not live or work in the area and who do not store property at Price's facility. There is also a hotel that caters to families in the immediate vicinity.

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DEVELOPMENT SERVICES

REPORT: MBC Consistency Analysis With Pacific Beach Community Plan**PROJECT:** 4645 DE SOTO MMCC - PROJECT NO. 368309**DATE:** April 17, 2015**ATTENTION:** Mr. Robert A. Vacchi, Esq., Director, Development Services Department**PREPARED BY:** Mission Bay Cooperative, Inc.

SUMMARY: The following report enumerates how the project 4645 De Soto MMCC is consistent with eighteen goals, policies and land-use design standards of the Pacific Beach Community Plan. It specifies consistency with three Circulation Element goals, policies and specific proposals. It identifies consistency with three Commercial Land Use Element goals and policies. It calls out consistency with three Commercial Land Use Element Design Standards and Transit-Oriented Development Standards and shows how the project will further two Industrial Land Use Element goals and policies.

EXECUTIVE SUMMARY - OVERALL GOALS (PAGE 7):

1. "Promote a mixture of commercial services to meet needs of existing and future populations."

Comment: Project provides legal access to medical marijuana for patients in a compliant location per the San Diego Municipal Code.

2. "Create safe and pleasant pedestrian linkages among residential neighborhoods, commercial facilities and other neighborhood destinations."

Comment: Project provides new ADA-compliant sidewalk access to the facility.

3. "Reduce traffic congestion by increasing the efficiency, economy and attractiveness of public transit in the community, promote safe and attractive bicycle and pedestrian routes, provide physical and operational improvements to the circulation system."

Comment: Project provides new ADA-compliant sidewalk access, bicycle racks for patients and bicycle storage for employees.

4. "Enhance commercial areas and residential neighborhoods by establishing street tree patterns and promoting general maintenance and improvement of residential and commercial properties."

Comment: Project provides improvements to the building and the site, including landscaping and Low-Impact-Development (LID) compliant storm water management.

5. "Stimulate the physical rehabilitation and economic revitalization of the Garnet Avenue commercial district."

Comment: Project provides major improvements both on-site and off-site.

PLAN ELEMENTS – CIRCULATION - GOALS (PAGE 33):

6. “Reduce traffic congestion by increasing the efficiency and utility of public transit, enhancing the aesthetic value of major circulation routes, promoting safe and pleasant bicycle and pedestrian routes, creating a pleasant experience through commercial areas to enhance the commercial district, and providing physical and operational improvements to the circulation system.”

Comment: Project provides 13 new on-site vehicle parking spaces, 2 on-site motorcycle parking spaces, on-site vehicular circulation, ADA-compliant sidewalk access, bicycle racks for patients and bicycle storage for employees.

7. “Create safe, pleasant and useful pedestrian and bicycle pathways to connect the residential neighborhoods of Pacific Beach, such as Crown Point and Braemar, with commercial areas and community facilities, such as schools, parks and the library. Remove barriers which impede pedestrian, bicycle and disabled access.”

Comment: Project provides new ADA-compliant sidewalk access, ADA-compliant on-site parking, bicycle racks for patients and bicycle storage for employees.

PLAN ELEMENTS – CIRCULATION - POLICIES (PAGE 34):

8. “5. New development shall be designed to promote transit, bicycle and pedestrian use.”

Comment: Project provides 13 new on-site vehicle parking spaces, 2 on-site motorcycle parking spaces, ADA-compliant sidewalk access, bicycle racks for patients and bicycle storage for employees.

PLAN ELEMENTS – CIRCULATION - SPECIFIC PROPOSALS (PAGE 36):

9. “6. Require new developments to provide transit stops, passenger waiting areas, bus turnouts, and bicycle racks, lockers and other storage facilities as appropriate.”

Comment: Project provides new bicycle racks for patients and bicycle storage for employees.

PLAN ELEMENTS - COMMERCIAL LAND USE - GOALS (PAGE 41):

10. “Promote a mixture of commercial uses and services within Pacific Beach to meet the variety of needs for existing and future resident and visitor populations.”

Comment: Project provides legal access to medical marijuana for patients in a compliant location per the San Diego Municipal Code and in accordance with the will of California voters.

PLAN ELEMENTS - COMMERCIAL LAND USE - POLICIES (PAGE 41):

11. "New commercial development along the identified transit corridors (see Figure 8) and in the core commercial area shall incorporate pedestrian and transit-oriented features into project design."

Comment: Project provides 13 new on-site vehicle parking spaces, 2 on-site motorcycle parking spaces, ADA-compliant sidewalk access, bicycle racks for patients and bicycle storage for employees.

12. "New commercial developments shall incorporate landscaping treatments as identified in the streetscape recommendations of this plan."

Comment: Project provides new landscaping and Low-Impact-Development (LID) compliant storm water management.

PLAN ELEMENTS - COMMERCIAL LAND USE – COMMERCIAL DESIGN STANDARDS (PAGE 45):

13. "Enhance pedestrian activity by requiring entryways and windows at the street level, and encourage the development of first floor retail and upper floor residential mixed-use projects through the use of floor area ratio bonuses."

Comment: Project's main entrance faces the public right-of-way and the building is one story.

PLAN ELEMENTS - COMMERCIAL LAND USE – TRANSIT-ORIENTED DEVELOPMENT STANDARDS (PAGE 46):

14. "Orient primary commercial building entrances to the pedestrian-oriented street, as opposed to parking lots."

Comment: Project windows and building entrance face the public right-of-way and is oriented to enhance connection to the new ADA-compliant sidewalk.

15. "Provide bicycle racks in areas that are visible and easily accessible from identified bicycle routes."

Comment: Project provides bike racks proximate to the entrance to the site and clearly visible from the site accessways.

PLAN ELEMENTS - INDUSTRIAL LAND USE – GOALS (PAGE 48)

16. "Continue to promote a diverse economic and employment base in the Pacific Beach industrial area."

Comment: Project provides a service in accordance with the will of citizens of California that will employ local residents.

17. "Stimulate physical rehabilitation and economic revitalization of industrial properties to promote a positive image of Pacific Beach."

Comment: Project provides major improvements both on-site and off-site.

PLAN ELEMENTS - INDUSTRIAL LAND USE – POLICIES (PAGE 48)

18. "2. New industrial development processed under discretionary review shall incorporate landscaping treatments as identified in the streetscape recommendations of this plan."

Comment: Project provides new landscaping and Low-Impact-Development (LID) compliant storm water management.

Door to the Showroom

The receptionist should control access to the showroom. He or she would check the identity and membership of people entering the building and remotely unlock the door to the showroom for those who are granted entry.

Motorcycle Parking

The motorcycle parking spaces should have some permanently anchored fixtures that the bikes can be secured to.

CAVEATS ON CPTED

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

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

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

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

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

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