



THE CITY OF SAN DIEGO

## MEMORANDUM

**DATE:** June 16, 2015

**TO:** Chair Golba and Members of the Planning Commission

**FROM:** Edith Gutierrez, Development Project Manager

**SUBJECT:** Erratum for 3385 Sunrise Street MMCC Project No. 368337 scheduled for Planning Commission on June 25, 2015. Staff is recommending approval of the project.

---

On March 25, 2015, the Hearing Officer approved 3433 Pickwick Street MMCC, Project No. 368351. The proposed MMCC located at 3385 Sunrise Street is within 1,000 feet of 3433 Pickwick Street MMCC and therefore, the Hearing Officer denied the project as it did not meet the minimum separation requirement from another MMCC. Both projects were appealed and scheduled for Planning Commission on May 28, 2015.

On May 28, 2015, 3433 Pickwick Street was denied by the Planning Commission and 3385 Sunrise Street MMCC was granted a continuance to a date certain of June 25, 2015, due to the absence of several commissioners that day.

Due to the denial of 3433 Pickwick Street MMCC, 3385 Sunrise Street now meets the separation requirement and therefore, staff is reversing its recommendation to approval of the project.

Included with this memorandum are the Southeastern Community Planning Group conditions of approval which are part of Attachment 10 of the Planning Commission Report No. PC-15-059.

Attachments:

Revised Draft Permit with conditions

Revised Draft Permit Resolution with findings

Southeastern San Diego Community Planning Group conditions (Attachment 10)

**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: 24004647

**CONDITIONAL USE PERMIT NO. 1298376 AND**  
**SITE DEVELOPMENT PERMIT NO. 1319996**  
**3385 SUNRISE STREET MMCC - PROJECT NO. 368337**  
**PLANNING COMMISSION**

This Conditional Use Permit No. 1298376 and Site Development Permit No. 1319996 are granted by the Planning Commission of the City of San Diego to SAM J. CECI AND SUSAN L. CECI, Owners and, ALTERNATIVE HEALTH COOPERATIVE, INC. Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 & 126.0504. The 0.16-acre site is located at 3385 Sunrise Street is in the I-1 Zone of the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The project site is legally described as: Lots 22-24, Block 6 of Haffenden's Sunnydale, Map No. 419, November 17, 1887.

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 June 25, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) within an existing 4,412 square foot building on a 0.16- acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning

regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by June 25, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on June 25, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
  - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

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

### **PLANNING/DESIGN REQUIREMENTS:**

13. The use within the 4,412 square-foot building shall be limited to the MMCC and any use permitted in the I-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 0.16-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 remove a portion of the existing loading dock from 34th Street right-of-way, satisfactory to the City Engineer.
25. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement and construction of City standard sidewalk, located at the southwest corner of the project site on Sunrise Street, satisfactory to the City Engineer.
26. Prior to the issuance of any building permit, the Owner/Permittee shall remove trees, scrubs, etc. taller than 3 feet in height located at the northeast corner of the project site, satisfactory to the City Engineer.
27. Prior to the issuance of any building permit, the Owner/Permittee shall reconstruct all building doors so they will not swing onto Sunrise Street right-of-way, satisfactory to the City Engineer.

### **TRANSPORTATION REQUIREMENTS:**

28. Per SDMC Section 142.0540(a) and Table 142-05H no parking is required for commercial uses on lots less than 10,000 square feet in size.

### **POLICE DEPARTMENT RECOMMENDATION:**

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

### **INFORMATION ONLY:**

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

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

Conditional Use Permit No.1298376 & Site Development Permit No. 1319996/PTS No. 368337  
Date of Approval: June 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

---

Edith Gutierrez  
Development Project Manager

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

---

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

SAM J. CECI  
Owner

By \_\_\_\_\_  
Sam J. Ceci  
Owner

SUSAN L. CECI  
Owner

By \_\_\_\_\_  
Susan L. Ceci  
Owner

ALTERNATIVE HEALTH COOPERATIVE, INC  
Permittee

By \_\_\_\_\_  
Jacqueline Stein  
CEO

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



PLANNING COMMISSION  
RESOLUTION NO. PC-  
CONDITIONAL USE PERMIT NO. 1298376 AND  
SITE DEVELOPMENT PERMIT NO. 1319996  
3385 SUNRISE STREET MMCC - PROJECT NO. 368337

WHEREAS, to SAM J. CECI AND SUSAN L. CECI, Owners and, ALTERNATIVE HEALTH COOPERATIVE, INC Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 4,412 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of denial for the associated Permit Nos. 1298376 and 1319996), on portions of a 0.16-acre site;

WHEREAS, the project site is located at 3385 Sunrise Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area;

WHEREAS, the project site is legally described as Lots 22-24, Block 6 of Haffenden's Sunnydale, Map No. 419, November 17, 1887;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 1298376 and Site Development Permit No. 1319996 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 30, 2015, Donna Jones filed an appeal of the Hearing Officer's decision;

WHEREAS, on June 25, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1298376 and Site Development Permit No. 1319996 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 8, 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. 309476;

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

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

FINDINGS:

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

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

The proposed project is a request for a Conditional Use Permit and a Site Development Permit to operate a MMCC in a 4,412 square-foot building. The 0.16-acre site is located at 3385 Sunrise Street in the I-1 Zone of the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, 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.**

1. The project site located at 3385 Sunrise Street is developed with a 4,412 square-foot, one-story building currently being used as an office (R & T Auto Sales). The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, and storage. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include removal of the existing loading dock from 34th Street right-of-way, replacement and construction of a City standard sidewalk on the southwest corner of Sunrise Street, and removal of landscaping taller than 3 feet in height located at the northeast corner of the project site.

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. 1298376 and Site Development Permit No. 1319996.

The Conditional Use Permit and Site Development Permit are 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.**

This existing 4,412 square-foot building was developed in 1959 per Building Permit No. A18066 and is currently used as an office (R & T Auto Sales). The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, and storage. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include removal of the existing loading dock from 34th Street right-of-way, replacement and construction of a City standard sidewalk on the southwest corner of Sunrise Street, and removal of landscaping taller than 3 feet in height located at the northeast corner of the project site.

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

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

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

The site is in the I-1 Zone of the Southeastern San Diego Planned District Ordinance and designated Industrial within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway

Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. The proposed MMCC, classified as commercial services, is consistent with the community plan.

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

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the I-1- zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit. Therefore, the proposed MMCC is an appropriate use at the proposed location.

#### **Site Development Permit I. - Section §126.0504**

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

The 0.16-acre site is located in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, 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.**



This existing 4,412 square-foot building was developed in 1959 per Building Permit No. A18066 and is currently used as an office (R & T Auto Sales). The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, and storage. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include removal of the existing loading dock from 34th Street right-of-way, replacement and construction of a City standard sidewalk on the southwest corner of Sunrise Street, and removal of landscaping taller than 3 feet in height located at the northeast corner of the project site.

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. 1298376 and Site Development Permit No. 1319996.

The Conditional Use Permit and Site Development Permit are 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 applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance and was developed in 1959 per Building Permit No. A18066. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, and storage. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include removal of the existing loading dock from 34th Street right-of-way, replacement

and construction of a City standard sidewalk on the southwest corner of Sunrise Street, and removal of landscaping taller than 3 feet in height located at the northeast corner of the project site.

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

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

#### **Site Development Permit II. - Section §1519.0202**

**1. The proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District Ordinance, comply with the recommendations of the Southeastern San Diego Community Plan and will not adversely affect the General Plan or other applicable plans adopted by the City Council.**

The 0.16-acre site is located in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, general plan and therefore will not adversely affect the applicable planned district ordinance or land use plan.

**2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.**

The project site located at 3385 Sunrise Street is developed with a 4,412 square-foot, one-story building currently being used as an office (R & T Auto Sales). The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, and storage. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include removal of the existing loading dock from 34th Street right-of-way, replacement and construction of a City standard sidewalk on the southwest corner of Sunrise Street, and removal of landscaping taller than 3 feet in height located at the northeast corner of the project site.

All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan and will be in harmony with the surrounding neighborhood.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298376 and Site Development Permit No. 1319996 in order to not constitute a disruptive element to the neighborhood and community. The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

**3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.**

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

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

**4. The proposed use will comply with the relevant regulations of the Municipal Code.**

The proposed MMCC is consistent with the I-1 Zone which is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. It proposed use is consistent with the land use designation of Industrial within the

Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. 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, therefore the proposed MMCC therefore complies with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1298376 and Site Development Permit No. 1319996 are hereby APPROVED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1298376 & 1319996, a copy of which is attached hereto and made a part hereof.

---

Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: June 25, 2015

Job Order No. : 24004647



3385 Sunrise Street, Medical Marijuana Consumer Cooperative:

Conditions of recommendation for Approval:

1. Make direct contact phone numbers available to residents across the street so they may reach a decision-maker whenever they have a problem;
2. Close the SDG&E gate at the end of the cul-de-sac at the southwest end of Sunrise St.;
3. Barbed wire fencing around the Project site shall be replaced with wrought iron fencing with child-safe-spaced bars;
4. Improve the exterior lighting around the site to protect the residents; and,
5. Request a traffic study of the area.

MSC 7-2-0