



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 8, 2015

REPORT NO. PC-15-061

ATTENTION: Planning Commission, Agenda of July 16, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO DENY
A CONDITIONAL USE PERMIT FOR PATIENTS ALTERNATIVE -
MIDDLETOWN MMCC - PROJECT NO. 368295 (PROCESS 3).

REFERENCE: Report to the Hearing Officer; Report No. HO-15-038 (Attachment 1-12).

OWNER/
APPLICANT: GARY DIEFENDERFER & DANIEL W. DIEFENDERFER /
Carol Carpenter, Patients Alternative Health Care Cooperative, Inc.

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to deny a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a proposed 4,258 square-foot building on a 0.33-acre site within the Midway/Pacific Highway Corridor Community Plan area?

Staff Recommendation: Deny the appeal and Uphold the Hearing Officer's decision to Deny Conditional Use Permit No. 1292502.

Community Planning Group Recommendation: On July 9, 2014, the Midway Community Planning Group voted 8-0-0 to approve the project with conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on November 7, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015.

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 proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a proposed 4,258 square-foot building located at 3571 Pacific Highway.

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.

On March 25, 2015, the Hearing Officer approved 3225 Bean Street MMCC, Project No. 368324. The proposed MMCC located at 3571 Pacific Highway is within 1,000 feet of 3225 Bean Street MMCC and therefore, the Hearing Officer denied the project as it did not meet the minimum separation distance requirement of the SDMC.

New Information:

Playground - Washington Street Skate Park

Washington Street Stake Park, located at Washington Street and Pacific Highway, is a playground as defined by the SDMC, and is located within 1,000 feet of the project site. Staff was aware of the site during the initial review process, however determined that it did not qualify as a park, minor-oriented facility, or playground. Staff understood that Washington Stake Park was not a playground since it is located within the city public right-of-way and on property owned by the State of California. However, recent information from the State of California has confirmed that the City of San Diego owns the land. The site, therefore, qualifies as a playground, as it is city owned, and contains play or athletic equipment used by persons less than

18 years old.

Planning Commission:

On May 28, 2015, this appeal was scheduled to be presented to the Planning Commission. On the morning of the hearing, the applicant requested to withdraw their project from the agenda.

On the same day, the application for 3225 Bean Street MMCC, Project No. 368324 was presented to the Planning Commission and denied due to its proximity to the Washington Street Skate Park.

Although 3225 Bean Street MMCC was denied by the Planning Commission, staff cannot recommend approval of this application and it is located within 1,000 feet of the Washington Street Skate Park.

DISCUSSION

Appeal: An appeal of the Hearing Officer's decision was filed on March 25, 2015 by Carol Carpenter on the grounds of Factual Error, Conflict with other matters, Findings not supported and New Information (Attachment 13).

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

Appeal Issues:

1. *This project complies with all regulations of the Land Development Code, would benefit the community and the findings could be made.*

Staff Response: The proposed MMCC located at 3571 Pacific Highway is within 1,000 feet of the Washington Street Skate Park, a playground, and therefore, does not meet the minimum separation distance requirement. The project does not comply with the Land Development Code, and all of the required permit findings cannot be made.

2. *The City deemed this application the first complete MMCC application. The MMCC Information Bulletin 170 was revised giving other applications an unfair advantage.*

Staff Response: The MMCC Ordinance does not provide guidelines on how to process competing applications, therefore staff has managed all MMCC applications on a first-come, first served basis. The time order changes as the application goes through the review process, hearings and appeals. Throughout the review process issues are identified by the reviewers and applicants are expected to respond and resubmit revised plans. Some projects have more issues compared to others, such as this application, which is proposing a new building on a vacant lot as opposed to other applications which are located within existing buildings. The applications that resolve issues and resubmit revised plans expeditiously are scheduled for a hearing faster than other applications, regardless of their initial submittal order. MMCC Information Bulletin (IB) 170 was originally published March 2014. Due to the expected competitiveness of applications, staff included language indicating that

incomplete submittals would not be accepted and that staff would post a list of all MMCC applications on the Development Services Department (DSD) website. In July 2014, IB 170 was revised. The revised bulletin eliminated reference to incomplete submittal applications and posting of MMCC applications on the website. The revised bulletin did not give any applications in Council District 2 an unfair advantage as those applications were submitted and accepted between April 24 and May 9, prior to the July 2014 revision.

3. *The proposed new structure includes a new paved parking lot, landscaping, frontage improvements, meets current stormwater requirements and is the best project in Council District 2.*

Staff Response: The proposed MMCC located at 3571 Pacific Highway is within 1,000 feet of the Washington Street Skate Park, a playground, and therefore, does not meet the minimum separation distance requirement. In this case, a new paved parking lot, landscaping, frontage improvements, and stormwater requirements are not relevant.

4. *Locally owned and operated businesses should be given priority.*

Staff Response: The Land Development Manual provides established requirements for the submittal of applications. Giving priority to certain applicants would be discriminatory and is not consistent with the Land Development Code.

5. *The City of Malibu is processing MMCC applications based on merit, not submittal or posting of the agenda.*

Staff Response: The MMCC Ordinance does not provide guidelines on how to process competing applications, therefore, staff has managed all MMCC applications on a first-come, first served basis. Processing methods utilized by other jurisdictions is not relevant to this application or appeal.

Conclusion:

Staff recommends that the Planning Commission deny the appeal and uphold the Hearing Officer's decision to deny the project as it fails to meet the SDMC's minimum separation requirement prohibiting MMCCs from operating within 1,000 feet of a playground.

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-15-038
- 13. Appeal Application, Carol Carpenter
- 14. Draft Permit Resolution with Findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2015

REPORT NO. HO-15-038

ATTENTION: Hearing Officer

SUBJECT: PATIENTS ALTERNATIVE-MIDDLETOWN MMCC
PROJECT NUMBER: 368295

LOCATION: 3571 Pacific Highway

APPLICANT: Carol Carpenter

SUMMARY

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

Staff Recommendation: APPROVE Conditional Use Permit No. 1292502.

(NOTE: There are four competing MMCCs within 1,000 feet of each other on today's docket. The Hearing Officer can approve only one of these MMCC's pursuant to the San Diego Municipal Code's 1,000 foot minimum distance separation requirement).

Community Planning Group Recommendation: On July 9, 2014, the Midway Community Planning Group voted 8-0-0 to approve the project with the conditions (attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on November 7, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

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

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

This proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a proposed 4,258 square foot one-story building on a 0.33-acre site. The MMCC site is located at 3571 Pacific Highway, southwest of Interstate 5, northeast of Pacific Highway and north of W. Laurel Street (Attachment 2). The site is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area.

The site is designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. This community portion contains little residential development. The adjacent parcels to the MMCC are in the IS-1-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit within this community plan.

DISCUSSION

The project site located at 3571 Pacific Highway is a 0.33-acre site which is currently undeveloped and being to store vehicles. The proposed 4,258 square foot MMCC has been designed to include a reception area, dispensary area, employee lounge, offices, lab, safe room and restrooms. Public improvement for this project include new curb and gutter, replacement of the existing sidewalk, closure of the existing driveway and the construction of a new 26-foot wide driveway and street trees along the property frontage along Pacific Highway.

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

The applicant has voluntarily agreed to the following conditions in order avoid adverse impact to the community: 1) operable surveillance cameras and a metal detector to the satisfaction of the San Diego Police Department 2) the cameras shall have and use a recording device that maintains the records for a minimum of 30 days 3) an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U. S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws 4) the security guard is required to be on the premises 24 hours a day, seven days a week and 5) graffiti must be removed within 24 hours (Attachment 4, Conditions Number 16 & 20).

The City of San Diego, Development Services staff has reviewed the 1,000 foot radius map (Attachment 6) and 1,000 foot spreadsheet exhibit (Attachment 7) provided by the applicant identifying all the existing uses. Staff has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements. The permit has been conditioned to include all development restrictions and the applicant has willingly proposed additional conditions in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

CONCLUSION

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

ALTERNATIVE

1. Approve Conditional Use Permit No. 1292502, with modifications.
2. Deny Conditional Use Permit No. 1292502, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Edith Gutierrez, Development Project Manager

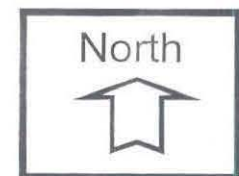
Attachments:

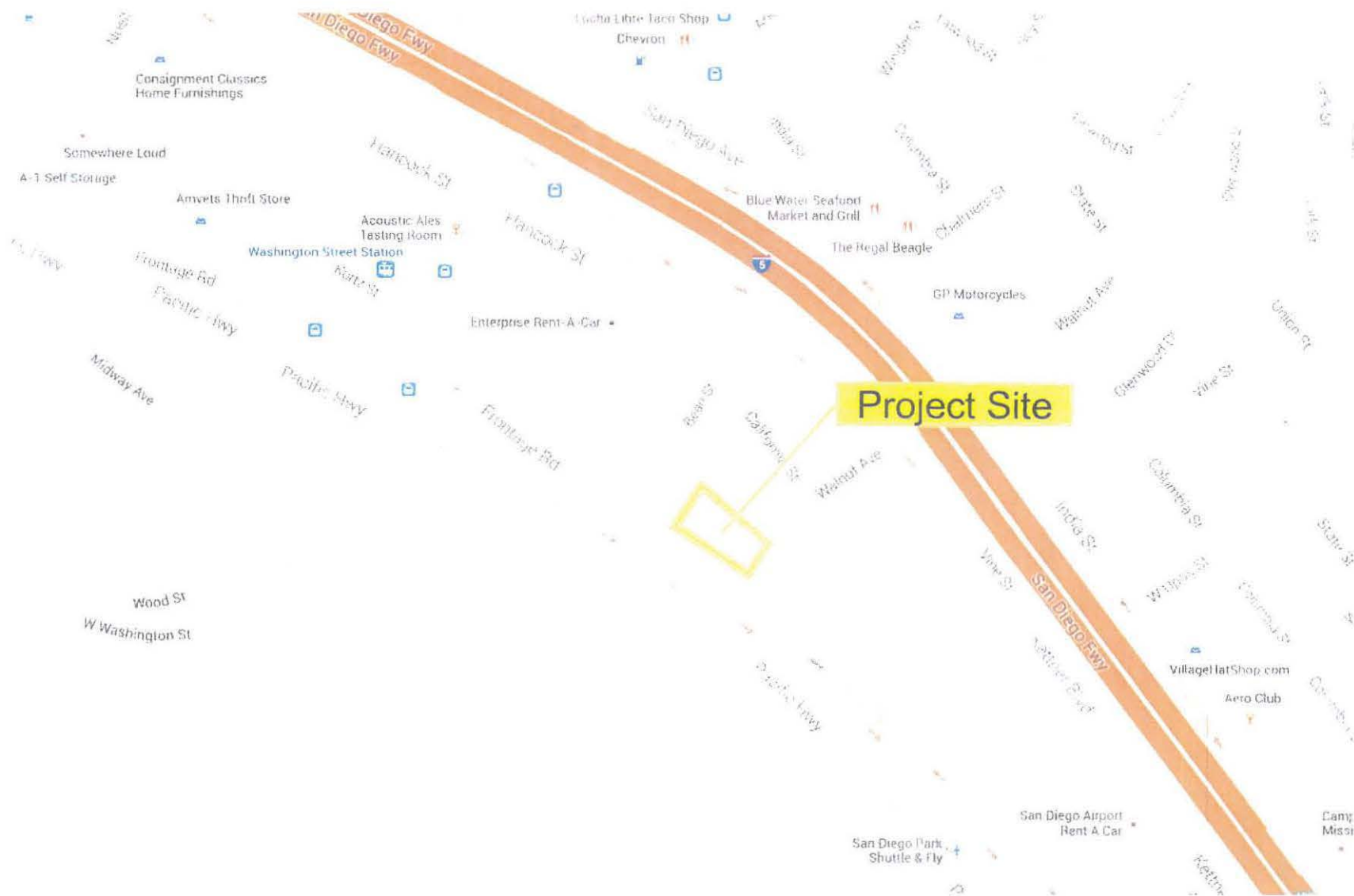
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000 Foot Radius Map
7. 1000 Foot Radius Map Spreadsheet
8. Notice of Right to Appeal
9. Project Site Plan(s)
10. Community Planning Group Recommendation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



Location Aerial Photo

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

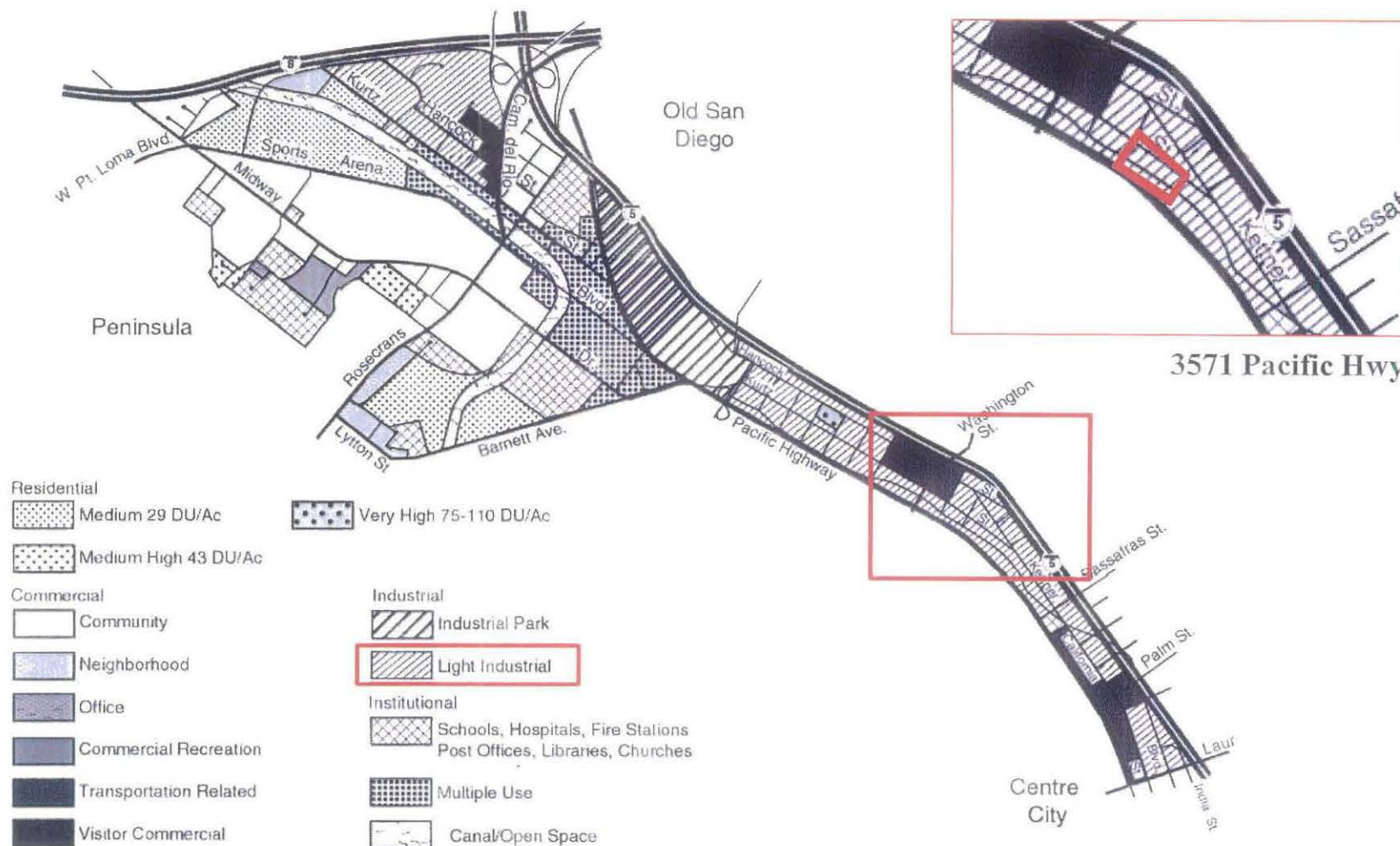




Project Location Map

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





Proposed Land Uses

Midway / Pacific Highway Corridor Community Plan

City of San Diego • Community and Economic Development



Land Use Map

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



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: 24004636

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

This Conditional Use Permit No. 1292502 is granted by the Hearing Officer of the City of San Diego to GARY DIEFENDERFER AND DANIEL W. DIEFENDERFER, Owners and PATIENTS ALTERNATIVE HEALTH CENTER COOPERATIVE, INC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.33-acre site is located at 3571 Pacific Highway in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as: Right of Way Lots 131 to 134 of Middletown, according to Partition Map made by J.E. Jackson map, filed in the Office of the County Clerk of San Diego County.

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

The project shall include:

- a. Construction and operation of a 4,258 square foot Medical Marijuana Consumer Cooperative (MMCC) on a 0.33- acre site;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

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

STANDARD REQUIREMENTS:

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

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

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

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

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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 4,258 square foot building shall be limited to the MMCC and any use permitted in the IS-1-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of the San Diego Police Department, alarms, and an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guard shall be licensed by the State of California and be on the premises 24 hours a day, seven days a week. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.33-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, along the entire project frontage on Pacific Highway, satisfactory to the City Engineer.
25. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with City standard sidewalk, along the project frontage on Pacific Highway, satisfactory to the City Engineer.
26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway and the construction of a new 26-foot wide City standard driveway, per Standard Drawing SDG-162, satisfactory to the City Engineer.
27. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drain located within Pacific Highway right-of-way, satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
30. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
31. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

TRANSPORTATION REQUIREMENTS:

32. No fewer than 14 parking spaces shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

LANDSCAPING REQUIREMENTS:

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

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

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

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

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

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

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

Conditional Use Permit No.1292502/PTS No. 368295

Date of Approval: March 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
Development Project Manager

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

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

GARY DIEFENDERFER
Owner

By _____
Gary Diefenderfer
Trustee

DANIEL W. DIEFENDERFER
Owner

By _____
Daniel W. Diefenderfer
Trustee

PATIENTS ALTERNATIVE HEALTH
CENTER COOPERATIVE, INC
Permittee

By _____
Carol Carpenter
President

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

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

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

WHEREAS, the project site is located at 3571 Pacific Coast Highway in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area;

WHEREAS, the project site is legally described as Right of Way Lots 131 to 134 of Middletown, according to Partition Map made by J.E. Jackson map, filed in the Office of the County Clerk of San Diego County;

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

WHEREAS, on November 7, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309479;

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

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

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed project is a request for a Conditional Use Permit to construct a 4,258 square foot one-story building to operate a MMMCC. The 0.33-acre site is located at 3571 Pacific Highway in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay

Zone within the Midway/Pacific Highway Corridor Community Plan Area. All of the surrounding parcels are in the IS-1-1 zone.

The site is designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. This community portion contains little residential development. All of the surrounding parcels are in the IS-1-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, therefore will not adversely affect the applicable land use plan.

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

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

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1292502. The Conditional Use Permit is valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area and therefore, the proposed MMCC will not be detrimental to the public health, safety and welfare.

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

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

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

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

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

The proposed construction and operation of a 4,258 square foot MMCC at 3571 Pacific Highway is in the IS-1-1 Zone and designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. Additionally, this community portion contains little residential development. The proposed MMCC, classified as commercial services, is consistent with the community plan.

MMCCs are allowed in the IS-1-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition

to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

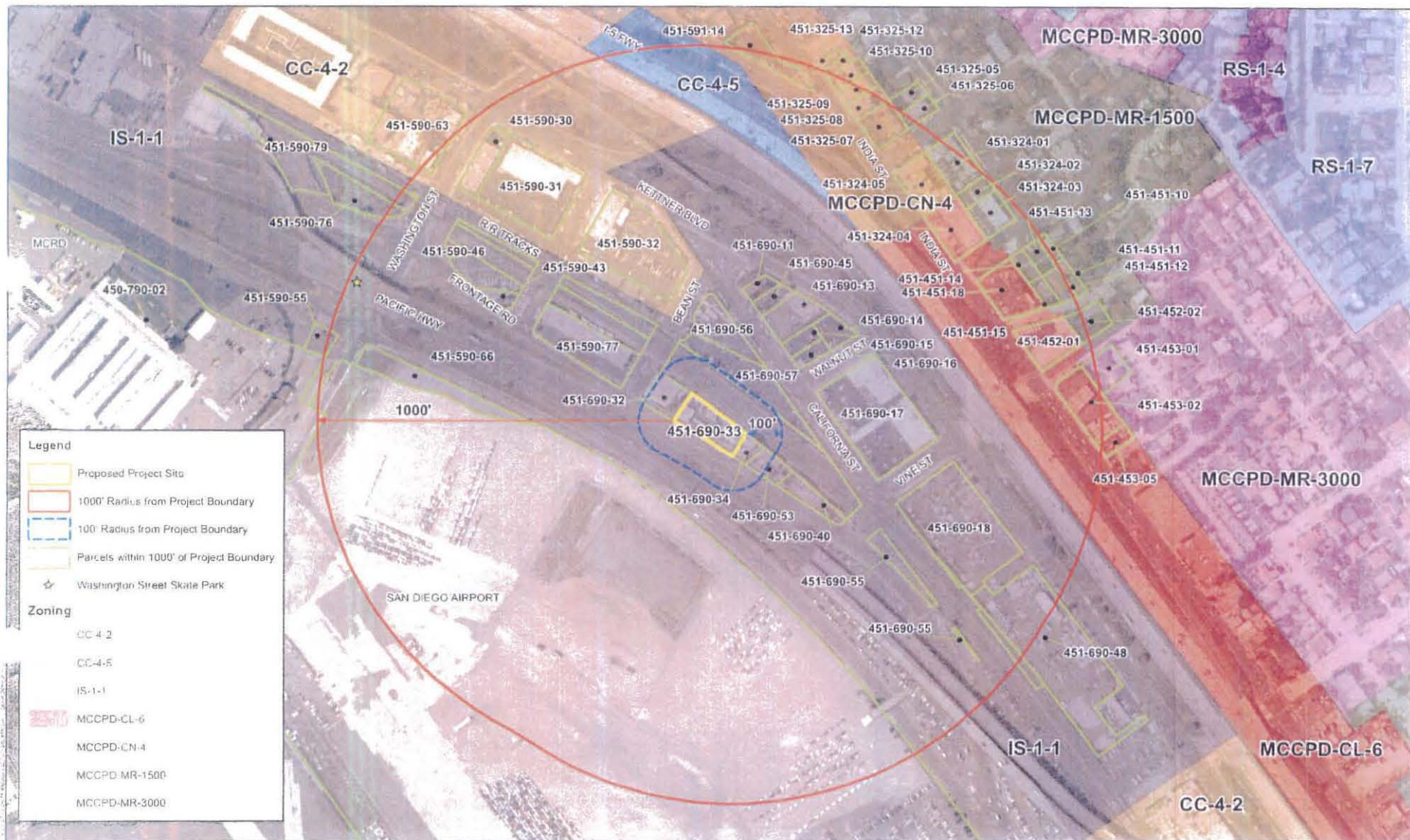
The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the IS-1-1 zone and the existing uses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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1292502 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1292502, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: March 25, 2015

Job Order No. 24004636



Patients Alternative Health Center-Middletown

3571 Pacific Highway
2014-04-22

MMCC 1000-foot Radius Spreadsheet
Patients Alternative Health Center - Middletown

APN	BUSINESS NAME	Zone/Use	FIELD ADDRESS	SUITE #
450-790-02	San Diego Airport/Parking lot	IS-1-1 Industrial - Parking Lot	Address Not Found	
451-324-01	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1737 Chalmers St.	
451-324-02	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	3620, 3622 Columbia St.	
451-324-03	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	3600-3616 Columbia St.	
451-324-04	Husquarha Motorcycles	MCCPD-CL-6 Commercial - Motorcycle Sales and Service	3617 India St.	
451-324-04	Giant Photo Service	MCCPD-CL-6 Commercial - Photo Services	3617 India St.	
451-324-04	Ducati Services	MCCPD-CL-6 Commercial	3615 India St.	
451-324-04	Mantoami Willians	MCCPD-CL-6 Commercial	3615 B India St.	
451-324-05	The Charmer Lofts	MCCPD-CN-4 Commercial/Residential - Not within 100' of project site	3625 India St.	
451-325-05	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	3662 Columbia St.	
451-325-06	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	3652 Columbia St.	
451-325-07	Regal Beagle Restaurant	MCCPD-CN-4 Commercial - Restaurant	3659 India St.	101
451-325-07	Dentist	MCCPD-CN-4 Commercial - Dental Office	3659 India St.	100
451-325-07	Investigations	MCCPD-CN-4 Commercial - Private Investigation Services	3659 India St.	201
451-325-08	Blue Water Seafood Grill	MCCPD-CN-4 Commercial - Restaurant	3667 India St.	
451-325-09	Commercial/Residential	MCCPD-CN-4 Commercial - Residential not within 100' of project site	3675 India St.	
451-325-10	El Indio Shops	MCCPD-CN-4 Commercial	3683-3689 India St.	
451-325-12	El Indio Mexican Food	MCCPD-CN-4 Commercial - Restaurant	3695 India St.	
451-325-13	El Indio Mexican Food	MCCPD-CN-4 Commercial - Restaurant	3695 India St.	
451-451-10	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1703 Walnut Ave	
451-451-11	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1702, 1704 Glenwood Dr.	
451-451-12	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1710, 1712 Glenwood Dr.	
451-451-13	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1711, 1709 Walnut Ave	
451-451-14	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1717, 1719 Walnut Ave	
451-451-15	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1716, 1716 1/2 Glenwood Dr	
451-451-18	Convoy Motor LLC	MCCPD-CL-6 Commercial	3585 India St.	
451-452-01	Gibald's Bakery	MCCPD-CL-6 Commercial - Bakery	3555 India St.	
451-452-01	Meals On Wheels	MCCPD-CL-6 Commercial	3555 A India St.	
451-452-02	Residential	MCCPD-MR-1500 MF Residential - Not within 100' of project site	1711, 1715 Glenwood Dr.	
451-453-01	Residential	MCCPD-MR-3000 MF Residential - Not within 100' of project site	3544 Columbia St.	
451-453-02	Shell Gas Station	MCCPD-CL-6 Commercial - Service Station	3535 India St.	
451-453-05	Vacant/Not Found	MCCPD-CL-6 Commercial	3511 India St.	

MMCC 1000-foot Radius Spreadsheet
Patients Alternative Health Center - Middletown

APN	BUSINESS NAME	Zone/Use	FIELD ADDRESS	SUITE #
451-590-30	Entertainment Logistics	CC-4-2 Commercial	1747 Hancock St.	
451-590-31	57 Degrees Wine Bar and Restaurant	CC-4-2 Commercial-Restaurant	1735 Hancock	
451-590-32	Enterprise Rent-A-Car	CC-4-2 Commercial - Rental Car	1691 Hancock St.	
451-590-32	Appliance Alley	CC-4-2 Commercial - Appliance Retail	1691 Hancock St.	
451-590-43	Sun Diego Car Rental and Sales	IS-1-1 Industrial - Auto Rental and Sales	3705 Pacific Hwy	
451-590-46	Vacant	IS-1-1 Industrial	Address Not Found	
451-590-63	Westberg + White Architects	CC4-2 Commercial - Architect's Office	1175 Hancock St.	120
451-590-63	Vau Cooper & Associates, INC.	CC4-2 Commercial - Office	1175 Hancock St.	130
451-590-63	GKKworks	CC4-2 Commercial - Office	1175 Hancock St.	150
451-590-63	Premier Alliance	CC4-2 Commercial - Office	1175 Hancock St.	160
451-590-63	Eder, Burgener, Kroger-Diamond	CC4-2 Commercial - Office	1175 Hancock St.	170
451-590-63	Law Offices	CC4-2 Commercial - Office	1175 Hancock St.	180
451-590-63	Caltrop Corporation	CC4-2 Commercial - Office	1175 Hancock St.	190
451-590-63	Pacifica Companies	CC-4-2 Commercial-Office	1175 Hancock St.	200
451-590-63	Saban Brands	CC-4-2 Commercial-Office	2150 W. Washington St.	102
451-590-63	UA	CC-4-2 Commercial-Office	2150 W. Washington St.	110
451-590-63	Freshform Interactive	CC-4-2 Commercial-Office	2150 W. Washington St.	112
451-590-63	The Miller Hull Partnership	CC-4-2 Commercial-Office	2150 W. Washington St.	113
451-590-63	Whitmore Architects	CC-4-2 Commercial-Office	2150 W. Washington St.	201
451-590-63	O'Conner Construction MGMT	CC-4-2 Commercial-Office	2150 W. Washington St.	203
451-590-63	XM Works, Inc	CC-4-2 Commercial-Office	2150 W. Washington St.	205
451-590-63	Omega 320 Management	CC-4-2 Commercial-Office	2150 W. Washington St.	208
451-590-63	Orcutt Winslow	CC-4-2 Commercial-Office	2150 W. Washington St.	301
451-590-63	Domusstudio Architecture	CC-4-2 Commercial-Office	2150 W. Washington St.	303
451-590-63	T-Solutions, INC	CC-4-2 Commercial-Office	2150 W. Washington St.	308
451-590-63	Kornberg Assoc. Architects	CC-4-2 Commercial-Office	2150 W. Washington St.	401
451-590-63	Spear/Hall Advertising & PR	CC-4-2 Commercial-Office	2150 W. Washington St.	402
451-590-63	Paul Barnett Photographer	CC-4-2 Commercial-Office	2150 W. Washington St.	501
451-590-63	Ownerguard Insurance Services	CC-4-2 Commercial-Office	1785 Hancock St.	100
451-590-63	Acoustic Ales Brewing Experiment Brew House	CC-4-2 Commercial - Eating and Drinking	1795 Hancock St.	
451-590-63	Acoustic Ales Brewing Experiment Tasting Room	CC-4-2 Commercial - Tasting Room	2120 W. Washington St.	100
451-590-63	New Mindful Life	CC-4-2 Commercial-Office	2120 W. Washington St.	101

**MMCC 1000-foot Radius Spreadsheet
Patients Alternative Health Center - Middletown**

APN	BUSINESS NAME	Zone/Use	FIELD ADDRESS	SUITE #
451-590-63	Acoustic Ales Brewing Experiment General Office	CC-4-2 Commercial-Office	2120 W. Washington St.	200
451-590-66	Airport parking	IS-1-1 Industrial - Parking Lot	Address Not Found	
451-590-76	Vacant	IS-1-1 Industrial	Address Not Found	
451-590-77	Galasso's Bakery	IS-1-1 Industrial	3655-B Pacific Hwy	
451-590-77	Not Found	IS-1-1 Industrial	3655-A Pacific Hwy	
451-590-77	Industrial/Warehouses/Garages	IS-1-1 Industrial - Warehousing	3655 Pacific Hwy	
451-590-79	Vacant	IS-1-1 Industrial - Vacant	3750 Pacific Hwy	
451-591-14	El Nino Parking Lot	MCCPD-CN-4 Commercial - Parking	3695 India St.	
451-690-11	Georges Lawn Equipment	IS-1-1 Industrial - Lawn Supply	3645 Kettner Blvd	
451-690-13	Enterprise Parking Lot	IS-1-1 Industrial - Parking	3625 California St.	
451-690-14	Employee Parking for Rush Press (Packard Properties)	IS-1-1 Industrial - Parking	Address not found	
451-690-15	Employee Parking for Rush Press (Packard Properties)	IS-1-1 Industrial - Parking	Address Not Found	
451-690-16	Employee Parking for Rush Press (Packard Properties)	IS-1-1 Industrial - Parking	3601 California Street	
451-690-17	Prudential Overall Supply	IS-1-1 Industrial	3553 Kettner Blvd	
451-690-17	Vacant Building	IS-1-1 Industrial	3554 Kettner Blvd	
451-690-17	Galaxy Rent-A-Car	IS-1-1 Industrial - Car Rental	3564 Kettner Blvd	
451-690-17	Design for health INC. Environmental Engineers/Consultants	IS-1-1 Industrial	3574 Kettner Blvd	
451-690-17	Fleet Logix	IS-1-1 Industrial	3590 Kettner Blvd	
451-690-17	Sintak Corp.	IS-1-1 Industrial	1949 West Walnut Ave.	
451-690-18	Park 'N Fly airport parking lot	IS-1-1 Industrial - Parking Lot	3550 Kettner Blvd	
451-690-32	Vintage Garage Doors	CC-4-2 Commercial - Building Supply	3605 Pacific Hwy	
451-690-33	Two Men Will Move You	IS-1-1 Industrial - Truck Storage (PROJECT SITE)	3571 Pacific Hwy	
451-690-34	Not Found	IS-1-1 Industrial	3569 Pacific Hwy	
451-690-40	Eco-lab Termite and Pest Services	IS-1-1 Industrial - Pest Control	3555 Pacific Hwy	
451-690-45	Residential (Apartments)	IS-1-1 Industrial - Not within 100' of project site	3634 Kettner Blvd	
451-690-48	Advantage Rent-A-Car	IS-1-1 Industrial - Car Rental	3420 Kettner Blvd.	
451-690-53	Swedish Auto A.B.	IS-1-1 Industrial	3565 Pacific Hwy	
451-690-55	MTDB	IS-1-1 Industrial	Address Not Found	
451-690-56	Enterprise Rent-A-Car parking lot	IS-1-1 Industrial - Rental Car Parking	3630 California St.	
451-690-57	Enterprise Rental Parking Lot	IS-1-1 Industrial - Rental Car Parking	3596 California St.	
	Washington Street Skatepark	Not Zoned - Under Pacific Highway Overpass	Address Not Found	
760-005-28,33,37	- San Diego Airport	Airport - Parking	-	



THE CITY OF SAN DIEGO

Date of Notice: November 7, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004636

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

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate in a proposed 4,258-square-foot building located at 3571 Pacific Highway. The 0.33-acre-site is located within the Midway/Pacific Highway Corridor Community Plan Area, IS-1-1 Zone, Airport Influence Area for San Diego International Airport, the Part 77 Noticing Area, the Airport Approach Overlay Zone, the Transit Area Overlay Zone, and the Coastal Height Limitation Overlay Zone.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff**ENVIRONMENTAL DETERMINATION:** CEQA Exemption 15303 (New Construction or Conversion of Small Structures)**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Guidelines Section 15303 which allows for the construction and location of limited numbers of new, small facilities and structures. The exceptions listed in CEQA Section 15300.2 would not apply.

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

On November 7, 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is

appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (November 24, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

POSTED IN THE OFFICE OF DSD	
Posted	NOV 07 2014 <i>me</i>
Removed	NOV 24 2014
Posted by	<i>myale</i>

PATIENTS ALTERNATIVE HEALTH CENTER - MIDDLETOWN

CONDITIONAL USE PERMIT

FIRE NOTES

BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHP'S POLICY P-00-B (UFC 901.4.4) SHALL BE PROVIDED.

FIRE ACCESS ROADWAY SIGNS OR RED CURBS IN ACCORDANCE WITH FHP'S POLICY A-00-1 SHALL BE PROVIDED.

AN ILLUMINATED DIRECTORY IN ACCORDANCE WITH FHP'S POLICY I-00-B SHALL BE PROVIDED.

BUILDING SHALL BE SPRINKLERED.

GRADING TABULATIONS

ON-SITE GRADING	
TOTAL AREA OF ON-SITE TO BE GRADED:	14,653 SF
% OF TOTAL SITE TO BE GRADED:	100 %
AMOUNT OF ROUGH CUT:	+ 350 CUBIC YARDS
AMOUNT OF ROUGH FILL:	+ 350 CUBIC YARDS
MAX. VERTICAL DEPTH OF CUT:	2 FEET
MAX. OVERALL HEIGHT OF CUT SLOPE:	2 FEET, 2:1 MAX. SLOPE RATIO
MAX. VERTICAL DEPTH OF FILL:	2 FEET
MAX. OVERALL HEIGHT OF FILL SLOPE:	2 FEET, 2:1 MAX. SLOPE RATIO
TOTAL LENGTH OF RETAINING WALLS:	N/A
MAX. HEIGHT OF RETAINING WALLS:	N/A

*NOTE: QUANTITIES SHOWN DO NOT INCLUDE EXCAVATION FOR BUILDING FOOTINGS, UNDERGROUND STORM WATER STORAGE SYSTEM, REDUCED GRADING AND ADJUSTMENTS DUE TO BULKING/SHRINKAGE.

ESTIMATED MAXIMUM DEPTH OF CUT ASSOCIATED WITH BUILDING EXCAVATION IS THREE FEET.

GENERAL NOTES

1. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL INCORPORATE CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

2. NO TREES OR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY SHALL BE INSTALLED WITHIN TEN FEET OF ANY WATER AND SEWER FACILITY.

3. PROPOSED TYPICAL PARKING SPACE 8.25'X16' AND ADA SPACE 9'X18'.

4. PER SDMC 141.0614, A SIGN SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL CONTAIN ONLY THE NAME OF THE BUSINESS, LIMITED TO TWO COLORS. ALL SIGNS ASSOCIATED WITH THIS DEVELOPMENT SHALL BE CONSISTENT WITH SIGN CRITERIA ESTABLISHED BY CITY-WIDE SIGN REGULATIONS, AND SHALL BE FURTHER RESTRICTED TO TWO SIGN COLORS AND TWO TYPEFACES. POLE SIGNS ARE PROHIBITED.

5. PER SDMC 141.0614, 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.

6. PER SDMC 126.0302(B), THE USES ON THE PREMISES SHALL BE LIMITED TO THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND ANY USE PERMITTED IN THE IS-1-1 ZONE.

7. PER SDMC 141.0614, CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.

8. PER SDMC 141.0614, THE USE OF VENDING MACHINES THAT ALLOW

ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SDMC SECTION 42.1802, IS PROHIBITED. FOR PURPOSES OF THIS SECTION, A VENDING MACHINE IS ANY DEVICE THAT ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.

9. PER SDMC 141.0614, SECURITY SHALL BE PROVIDED AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND 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 BE ENGAGED ONLY IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.

10. PER SDMC 141.0614, LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACADE, AND IMMEDIATE SURROUNDING AREA, INCLUDING ACCESSORY USES, PARKING LOTS, AND ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.

11. PER SDMC SECTION 141.0614, THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IS LIMITED TO OPERATION ONLY BETWEEN THE HOURS OF 7:00 AM AND 9:00 PM, SEVEN DAYS A WEEK.

12. ON STREET PARKING: 8 ON STREET PARKING SPACES (4 EXISTING ON STREET SPACES AND 4 ADDITIONAL SPACES WILL BE ADDED WITH THE CLOSURE OF 430' WIDE EXISTING DRIVEWAY).

DEVELOPMENT SUMMARY

PROPOSED USE - MEDICAL MARIJUANA CONSUMER COOPERATIVE
PROJECT PROPOSES A CONDITIONAL USE PERMIT FOR:
• MEDICAL MARIJUANA CONSUMER COOPERATIVE WITHIN AN APPROXIMATELY 4,258 SF BUILDING WITH ASSOCIATED PARKING TO BE CONSTRUCTED ON A 14,627 SF SITE IN THE MIDDLETOWN AREA ALONG PACIFIC HIGHWAY.

EXISTING USE - TRUCK STORAGE
SITE IS USED FOR TRUCK STORAGE FOR TWO MEN WILL MOVE YOU, A MOVING COMPANY. THERE ARE NO STRUCTURES ON THE SITE; HOWEVER, THE SITE IS SURFACE-PAVED WITH ASPHALTIC CONCRETE AND SURROUNDED BY A 4' HIGH CHAIN LINK FENCE.

REQUIRED PERMITS/APPROVALS
CONDITIONAL USE PERMIT

REQUESTED DEVIATION
NONE

LEGAL DESCRIPTION
PORTION OF RIGHT-OF-WAY LOTS 131, 132, 133, AND 134 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF MADE BY J.E. JACKSON, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY.

ASSESSOR PARCEL NUMBER
451-690-33

SITE ADDRESS
3571 PACIFIC HIGHWAY

TYPE OF CONSTRUCTION
TYPE V-B

OCCUPANCY GROUP
B (Office/Misc)

EXISTING ZONING
IS-1-1 (INDUSTRIAL - SMALL LOT)

OVERLAY ZONES
AIRPORT INFLUENCE AREA FOR SAN DIEGO INTERNATIONAL AIRPORT
THE PART 71 NOTIONING AREA
AIRPORT APPROACH OVERLAY ZONE
TRANSIT OVERLAY ZONE
COASTAL HEIGHT LIMITATION OVERLAY ZONE

GENERAL PLAN DESIGNATION
INDUSTRIAL

COMMUNITY PLAN DESIGNATION
LIGHT INDUSTRIAL - MIDWAY/PACIFIC HIGHWAY CORRIDOR COMMUNITY PLAN

SITE AREA
14,653 SF (GROSS AND NET)

GROSS FLOOR AREA
4,258 SF

ALLOWED FLOOR AREA RATIO
2.0

PROPOSED FLOOR AREA RATIO
0.29

GEOLOGIC HAZARD CATEGORY
52

LANDSCAPE SHADE FOOTAGE
SEE SHEET L-1

MAXIMUM HEIGHT
30' - COASTAL HEIGHT OVERLAY ZONE

PROPOSED HEIGHT
20'

PARKING REQUIRED
1 SPACE PER 1,000 SF PER TABLE 142.05E, SDMC SEC. 142.530
TOTAL BUILDING SF = 4,258 SF. CALCULATION: 4,258 DIVIDED BY 1,000 = 4.258
TOTAL REQUIRED PARKING = 4 SPACES, ONE OF WHICH TO BE VAN-ACCESSIBLE

PARKING PROVIDED
14 SPACES, INCLUDING ONE VAN-ACCESSIBLE
PARKING SPACES COMPLY WITH SDMC SEC. 142.050

ON-STREET PARKING
EXISTING: 4 SPACES
PROPOSED: 6 SPACES
NET CHANGE: 2 SPACES GAINED

EXISTING STRUCTURES
NO PERMANENT AND/OR HISTORIC STRUCTURES ON SITE. SITE HAS BEEN SURFACE-PAVED WITH ASPHALTIC CONCRETE.

NEAREST BUS STOP
WASHINGTON STREET AND PACIFIC HIGHWAY (MTS ROUTE 16)

LEGEND

PROJECT BOUNDARY	SETBACK LINE PER IS-1-1 (8'8")
EX. CHAIN LINK FENCE (4")	EX. BILLBOARD
EX. FIRE HYDRANT	EX. POWER POLE
EX. OVERHEAD POWER LINE	EX. STREET LIGHT
EX. CONTOUR	EX. SIDEWALK
EX. BUILDING	PROP. SPOT ELEVATION
PROP. SWALE	PROP. DIRECTION OF FLOW
PROP. SLOPE	PROP. SIDEWALK
PROP. BUILDING	PROP. CLEANOUT
PROP. STORM DRAIN	EX. PARKING SPACE
EX. PARKING SPACE	PROP. PARKING SPACE

* EXISTING BILLBOARDS ARE LOCATED OFFSITE ON NEIGHBORING PROPERTIES. CATAWALK FOR EASTERLY BILLBOARD OVERHANGS PROPERTY LINE BUT DOES NOT CONFLICT WITH PROJECT.

SOURCE OF TOPOGRAPHY

SANGIS FLOWN CONTOURS 1999
TOPOGRAPHIC, SITE FEATURES AND EXISTING UTILITY INFORMATION IS BASED ON AVAILABLE DOCUMENTS AND SHALL BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.

BENCHMARK

PACIFIC HIGHWAY AND BEAN STREET, N.B.P.
ELEVATION: 20.015 M.S.L.

BASIS OF BEARINGS

THE CHORD AS CALCULATED ALONG THE SOUTHWESTERLY BOUNDARY OF PARCEL MAP NO. 2761, I.E., N 53°49'13" W

SHEET INDEX

SHEET C-1 CIVIL SITE PLAN WITH GRADING
SHEET A-1 ARCHITECTURAL SITE & FLOOR PLAN
SHEET A-2 BUILDING ELEVATIONS
SHEET L-1 LANDSCAPE CONCEPT PLAN

I, RICHARD S. TOMLINSON JR., DO HEREBY CERTIFY THAT THE STRUCTURES OR MODIFICATIONS TO EXISTING STRUCTURES SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION NOTIFICATION BECAUSE PER SECTION 77.15(A) OF TITLE 14 OF THE CODE OF FEDERAL REGULATIONS CFR PART 77.15(A) NOTIFICATION IS NOT REQUIRED.
Richard S. Tomlinson Jr. 10/15/2014
RICHARD S. TOMLINSON, JR., ENGINEER OF WORK



* PROJECT CONSULTANTS *

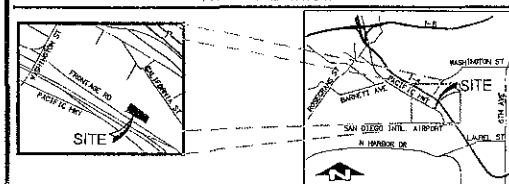
ARCHITECT
JOSEPH WONG DESIGN ASSOCIATES INC.
CONTACT: TOMAS VEGA
2359 FOURTH AVE.
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(619) 233-6777

PLANNER/CIVIL ENGINEER
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* PROJECT LOCATION *



APPLICANT
PATIENTS ALTERNATIVE HEALTH CENTER COOPERATIVE, INC.
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COS. 83 COORDINATE = 1850-6275
LAMBERT COORDINATE = 220-676

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Project Address:
3571 PACIFIC HWY
SAN DIEGO, CA 92101

Project Name:
PATIENTS ALTERNATIVE HEALTH CENTER
MIDDLETOWN

Sheet Title:
CIVIL SITE PLAN
WITH GRADING

Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	
Revision 6:	
Revision 5:	
Revision 4:	
Revision 3:	10/15/14
Revision 2:	8/28/14
Revision 1:	5/21/14
Original Date:	4/24/14
Sheet	1 of 4
PTS#	358285

SHEET C-1
SCALE 7/8"=1'



PATIENTS ALTERNATIVE HEALTH CENTER - MIDDLETOWN CONDITIONAL USE PERMIT

PLANTING LEGEND

TREES	BOTANICAL NAME / COMMON NAME	SIZE	QTY	WATER USE
	Quercus agrifolia / Coast Live Oak	36" box	4	Low
	Quercus agrifolia / Coast live oak	24" box	1	Low
	Syagrus romanzoffiana / Queen Palm	10-Foot brown trunk height	8	Medium
SHRUBS	BOTANICAL NAME / COMMON NAME	SIZE	QTY	WATER USE
	Agave 'Blue Flame' / Agave	5 gal @ 42" oc	57	Low
	Carissa macrocarpa 'Green Carpet' / Natal Plum	5 gal @ 36" oc	77	Medium
	Olea 'Little Olie' / Little Olie Dwarf Olive	5 gal @ 36" oc	125	Low
	Euphorbia millii 'Jerry's Choice' / Crown of Thorns	2 gal @ 24" oc	44	Low
VINE/ESPALIER	BOTANICAL NAME / COMMON NAME	SIZE	QTY	WATER USE
	Lonicera japonica / Japanese Honeysuckle	5 gal @ 48" oc (Slaked)	83	Low
GROUND COVERS	BOTANICAL NAME / COMMON NAME	SIZE	QTY	WATER USE
	3" DEPTH ORGANIC MULCH			

LANDSCAPE CALCULATIONS

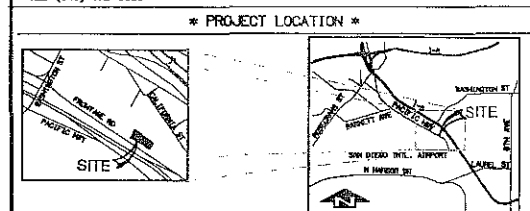
STREET YARD	PLANTING AREA PROVIDED	EXCESS AREA PROVIDED
PLANTING AREA REQUIRED: 3,020 SQ. FT. X 25 % = 755 SQ. FT.	1,715 SQ. FT.	960 SQ. FT.
PLANT POINTS REQUIRED: 3,020 SQ. FT. X 0.05 = 151 POINTS	PLANT POINTS PROVIDED: 508 POINTS	EXCESS POINTS PROVIDED: 447 POINTS
POINTS ACHIEVED WITH TREES: 270 POINTS		
REMAINING YARD	PLANTING AREA PROVIDED	EXCESS AREA PROVIDED
PLANTING AREA REQUIRED: 8,736 SQ. FT. X 30 % = 2,625 SQ. FT.	2,850 SQ. FT.	225 SQ. FT.
PLANT POINTS REQUIRED: 8,736 SQ. FT. X 0.05 = 437 POINTS	PLANT POINTS PROVIDED: 450 POINTS	EXCESS POINTS PROVIDED: 13 POINTS
POINTS ACHIEVED WITH TREES: 220 POINTS		
VEHICLE USE AREA	PLANTING AREA PROVIDED	EXCESS AREA PROVIDED
PLANTING AREA REQUIRED: 8,736 SQ. FT. X 3 % = 262 SQ. FT.	1,326 SQ. FT.	1,124 SQ. FT.
PLANT POINTS REQUIRED: 8,736 SQ. FT. X 0.03 = 262 POINTS	PLANT POINTS PROVIDED: 534 POINTS	EXCESS POINTS PROVIDED: 132 POINTS
POINTS ACHIEVED WITH TREES: 220 POINTS		
STREET FRONTAGE	PLANTING AREA PROVIDED	EXCESS AREA PROVIDED
PLANTING AREA REQUIRED: 1 PER 20 LF OF STREET FRONTAGE STREET FRONTAGE = 198 LF	9 PALMS	9 PALMS
POINTS ACHIEVED WITH TREES: 220 POINTS		

*** PROJECT CONSULTANTS ***

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SAN DIEGO, CA 92101

Project Name:
PATIENTS ALTERNATIVE HEALTH CENTER
MIDDLETOWN

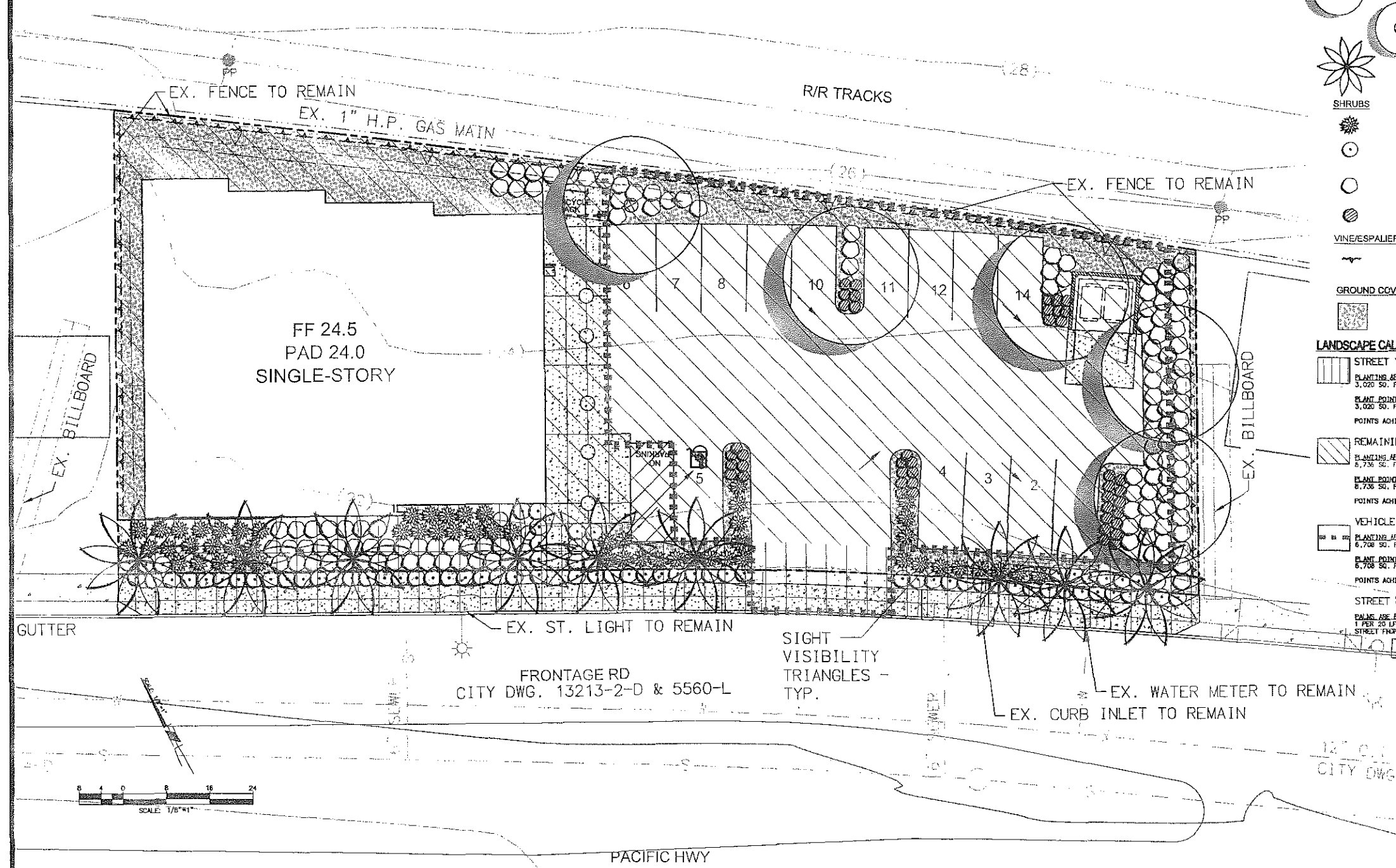
Sheet Title:
LANDSCAPE
CONCEPT PLAN

Revision:
Revision 1: 10/15/14
Revision 2: 8/28/14
Revision 3: 5/21/14
Original Date: 4/23/14
Sheet: 1 of 1
PTS# 368225



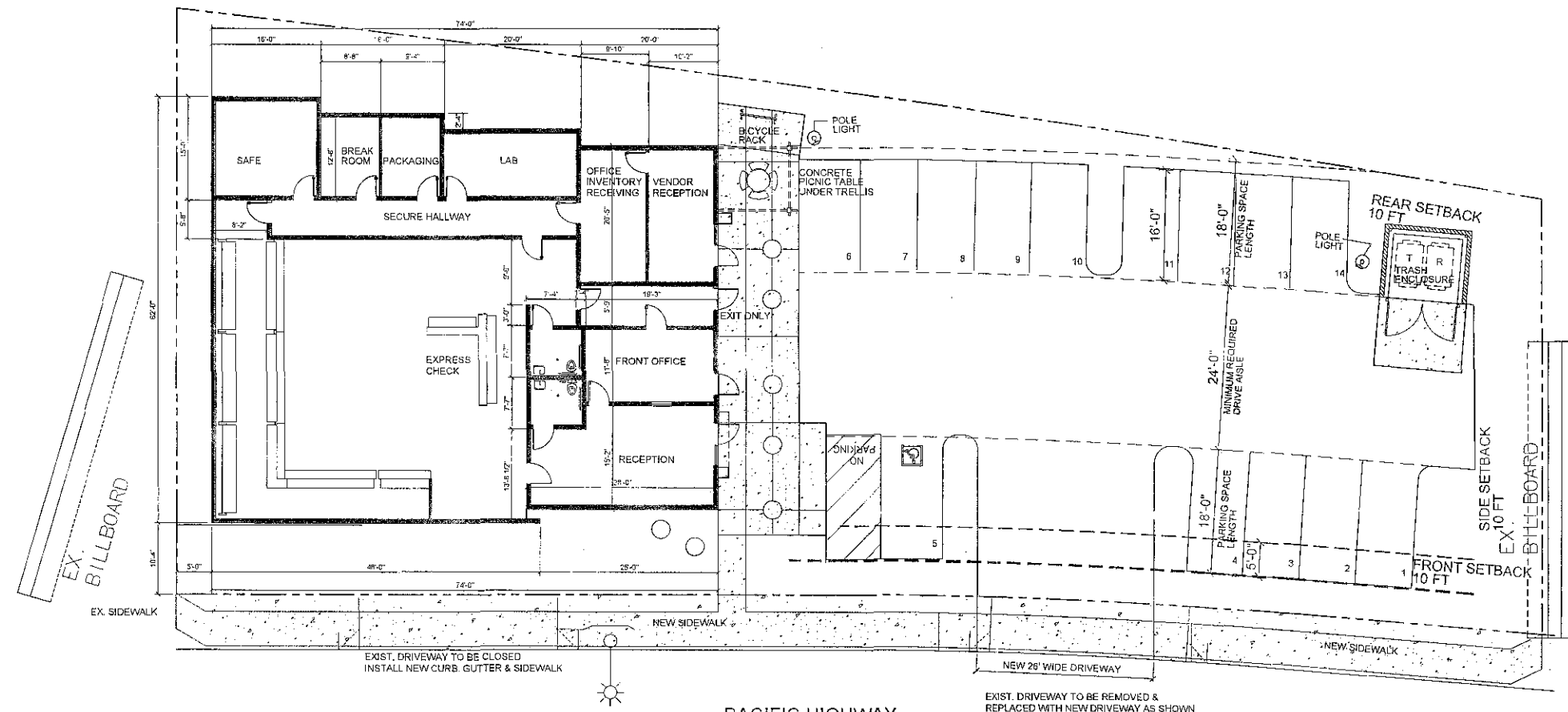
SHEET L-1
SCALE: 1/8"=1'

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FAX: 619-814-5080



- PLANTING NOTES**
1. ALL PLANTING, IRRIGATION, AND LANDSCAPE-RELATED IMPROVEMENTS MUST COMPLY WITH THE LANDSCAPE STANDARDS IN THE LAND DEVELOPMENT MANUAL AND CHAPTER 14 GENERAL REGULATIONS OF CITY OF SAN DIEGO MUNICIPAL CODE.
 2. PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY, DISEASE-FREE, GROWING CONDITION AT ALL TIMES.
 3. ALL PRUNING SHALL COMPLY WITH THE STANDARDS OF THE NATIONAL ARBORIST ASSOCIATION.
 4. ANY PLANT MATERIAL THAT DIES WITHIN 3 YEARS OF INSTALLATION SHALL BE REPLACED WITHIN 90 CALENDAR DAYS OF PLANT DEATH WITH THE SAME SIZE AND SPECIES OF PLANT MATERIAL SHOWN ON THE APPROVED PLAN. REQUIRED SHRUBS THAT DIE 3 YEARS OR MORE AFTER INSTALLATION SHALL BE REPLACED WITH 15-GALLON SIZE, AND REQUIRED TREES THAT DIE 3 YEARS OR MORE AFTER INSTALLATION SHALL BE REPLACED WITH 80-INCH BOX SIZE MATERIAL. THE CITY MANAGER MAY AUTHORIZE ADJUSTMENT OF THE SIZE AND QUANTITY OF REPLACEMENT MATERIAL WHERE MATERIAL REPLACEMENT WOULD OCCUR IN INACCESSIBLE AREAS OR WHERE THE EXISTING PLANT BEING REPLACED IS LARGER THAN A 15 GALLON SHRUB OR 80-INCH BOX TREE.
 5. TREES SHALL BE MAINTAINED SO THAT ALL BRANCHES OVER PEDESTRIAN WALKWAYS ARE 8 FEET ABOVE THE WALKWAY GRADE AND SO THAT ALL BRANCHES OVER VEHICULAR TRAVEL WAYS ARE 16 FEET ABOVE THE GRADE OF THE TRAVEL WAY.
 6. TREE ROOT BARRIERS OR STRUCTURAL SOIL SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALLS, CURBS, OR STREET PAVEMENT OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES.
 7. ALL REQUIRED PLANT MATERIAL SHALL BE IRRIGATED WITH A PERMANENT, BELOW-GRADE IRRIGATION SYSTEM.
 8. ALL REQUIRED IRRIGATION SYSTEMS SHALL BE AUTOMATIC, ELECTRICALLY CONTROLLED, AND DESIGNED TO PROVIDE WATER TO ALL REQUIRED PLANTINGS TO MAINTAIN THEM IN A HEALTHY, DISEASE-RESISTANT CONDITION.
 9. IRRIGATION SYSTEMS SHALL MEET THE FOLLOWING DESIGN REQUIREMENTS:
 - NO IRRIGATION RUNOFF OR OVERSPRAY SHALL CROSS PROPERTY LINES OR PAVED AREAS.
 - THE VELOCITY OF WATER FLOWING IN IRRIGATION SYSTEM PIPING OR SUPPLY PIPES SHALL NOT EXCEED 5 FEET PER SECOND DOWNSTREAM OF THE WATER METER.
 - IRRIGATION SYSTEMS SHALL BE DESIGNED TO MINIMIZE SYSTEM MAINTENANCE REQUIREMENT AFTER INSTALLATION. ABOVE-GROUND IRRIGATION SYSTEM EQUIPMENT THAT IS EXPOSED TO POTENTIAL DAMAGE SHALL BE DESIGNED TO BE DAMAGE-RESISTANT; AND
 - AN APPROVED RAIN SENSOR SHUTOFF DEVICE IS REQUIRED FOR ALL SYSTEMS.
 10. CONTRACTOR SHALL CONDUCT AND SUBMIT TO THE CITY AN IRRIGATION ADJUST CONSIDERED WITH SAN DIEGO MUNICIPAL CODE (SDMC) 142.0400 AND SECTION 2.7 OF THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL PRIOR TO OCCUPANCY AND USE.
 11. A MINIMUM ROOT ZONE OF 40SF IN AREA SHALL BE PROVIDED FOR ALL TREES. THE MINIMUM DIMENSION FOR THIS AREA SHALL BE 5 FEET, PER SDMC 142.0400(b)(5).
 12. MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT-OF-WAY 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.
 13. IF ANY REQUIRED LANDSCAPE INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE.
- MINIMUM TREE SEPARATION DISTANCE**
- | IMPROVEMENT | MINIMUM DISTANCE TO STREET TREE |
|---|---------------------------------|
| TRAFFIC SIGNAL, STOP SIGN | 20 FEET |
| UNDERGROUND UTILITY LINES | 5 FEET (SEWER 10 FEET) |
| ABOVE GROUND UTILITY STRUCTURES (TRANSFORMERS, HYDRANTS, UTILITY POLES, ETC.) | 10 FEET |
| DRIVEWAYS | 10 FEET |
| INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) | 25 FEET |
| BUILDINGS | 8 FEET |
- WATER USE CALCULATIONS**
- MAXIMUM APPLIED WATER ALLOWANCE (MAWA)
MAWA = (ET₀) x (I₀) x (A) x (0.82) = GALLONS PER YEAR
MAWA = 46.40 x 0.5 x 3,500 x 0.82/0.8 = 55,936 GALLONS PER YEAR
- ESTIMATED APPLIED WATER USE (EAU)
EAU = (ET₀) x (I₀) x (A) x (0.82/0.8) = GALLONS PER YEAR
EAU = 46.40 x 0.5 x 3,500 x 0.82/0.8 = 55,936 GALLONS PER YEAR
- (PROPOSED WATER USAGE IS LOWER THAN MAXIMUM WATER ALLOWANCE/ EAU COMPLIES WITH MAWA)

PATIENTS ALTERNATIVE HEALTH CENTER - MIDDLETOWN CONDITIONAL USE PERMIT



PACIFIC HIGHWAY
FRONTAGE ROAD
SITE / FLOOR PLAN



SITE AREA	14,627 S.F.	0.34 AC
ENCLOSED FLOOR AREA	4,258 S.F.	
F.A.R.	0.29	
PARKING REQUIRED (1 PER 1000 SF)	5	
PARKING PROVIDED	14	

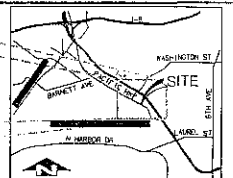
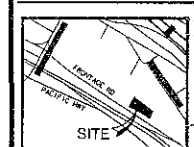
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PROJECT LOCATION



APPLICANT
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COS 83 COORDINATE = 1850-8275
LAMBERT COORDINATE = 28-1715

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Project Address:
3571 PACIFIC HWY.
SAN DIEGO, CA 92101

Project Name:
PATIENTS ALTERNATIVE HEALTH CENTER
MIDDLETOWN

Sheet Title:
ARCHITECTURAL SITE & FLOOR PLAN

Revision 1:	
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Revision 100:	

Sheet Title:
ARCHITECTURAL SITE & FLOOR PLAN

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ARCHITECTURAL SITE & FLOOR PLAN

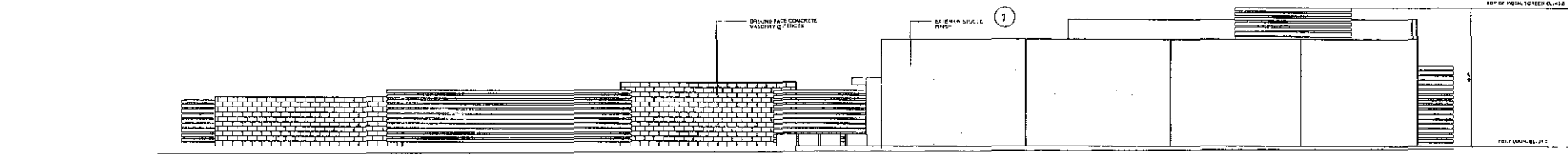
PATIENTS ALTERNATIVE HEALTH CENTER - MIDDLETOWN
CONDITIONAL USE PERMIT

EXTERIOR COLORS

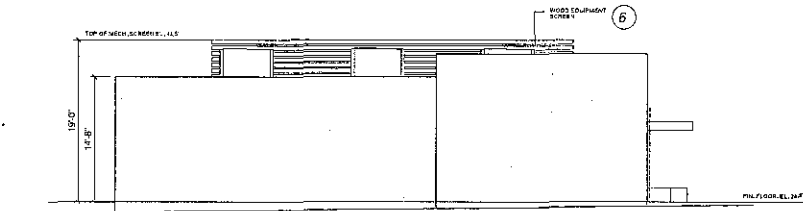
- 1. BUILDING, COLOR EQUAL TO:
"MERLEX STUCCO" P-171 FLINTRIDGE
- 2. STUCCO TRIM, COLOR EQUAL TO:
"MERLEX STUCCO" P-174 DESERT BEIGE
- 3. METAL AWNING
MATCH STUCCO TRIM COLOR
- 4. METAL TRELLIS
MATCH STUCCO TRIM COLOR
- 5. WOOD SIDING
MATCH BUILDING STUCCO COLOR
- 6. WOOD MECH. EQPT. SCREENS
MATCH BUILDING STUCCO COLOR

GENERAL NOTES:

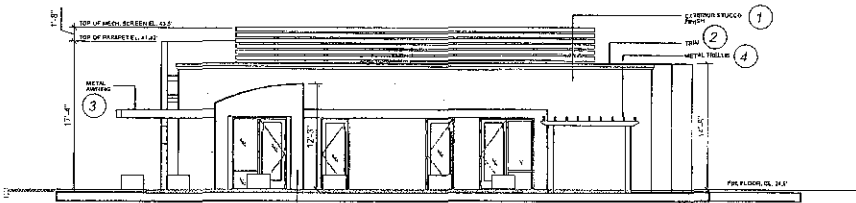
- 1- ANY USE PROPOSED IN THE FUTURE SHALL BE ANY THAT IS ALLOWED IN IS-1-1 ZONE
- 2- ALL SIGNAGE WILL BE LIMITED TO TWO COLORS AND TYPEFACES. POLE SIGNS ARE PROHIBITED
- 3- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.
- 4- 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.
- 5- SDMC 141.0614 STATES THAT 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.
- 6- SIGNS POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE SHALL ONLY CONTAIN THE NAME OF THE BUSINESS, LIMITED TO TWO COLORS.
- 7- THE NAME AND THE EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
- 8- THE HOURS OF OPERATION WILL BE 7:00 am TO 9 pm SEVEN DAYS A WEEK
- 9- THE USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY IS PROHIBITED PER SDMC 141.0614



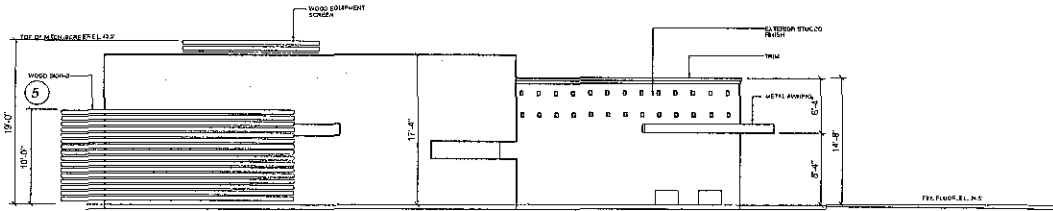
EAST ELEVATION (Railroad)



NORTH ELEVATION



SOUTH ELEVATION (entrance)



WEST ELEVATION (Pacific Highway)

PROJECT CONSULTANTS

ARCHITECT JOSEPH WONG DESIGN ASSOCIATES, INC. CONTACT: TOMAS VEGA 2358 FOURTH AVE. SAN DIEGO, CA 92101 (619) 233-6777	PLANNER/CIVIL ENGINEER RBF CONSULTING CONTACT: JEFF BARTFIELD 9755 CLAREMONT MESA BLVD., #100 SAN DIEGO, CA 92124 TEL: (858) 614-5000 FAX: (858) 614-5080
LANDSCAPE ARCHITECT RBF CONSULTING CONTACT: JOHN ANDREW 14725 ALTON PARKWAY IRVINE, CA 92618 TEL: (949) 472-3505	

PROJECT LOCATION

APPLICANT
PATIENTS ALTERNATIVE HEALTH
CENTER COOPERATIVE, INC.
CONTACT: CAROL CARPENTER, PRESIDENT
147 WEST IVY STREET
SAN DIEGO, CA 92101
(858) 204-8071

OWNER
GARY DIFENDERFER AND
DANIEL W. DIFENDERFER
348 SE JACKSON STREET
REDMOND, OR 97756
COS 83 COORDINATE = 1850-6275
LAMBERT COORDINATE = 280-7715

Prepared By:
RBF CONSULTING
CONTACT PERSON: JEFF BARTFIELD
9755 CLAREMONT MESA BLVD. #100
SAN DIEGO, CA 92124
PHONE: 858-614-5000
FAX: 858-614-5080

Project Address:
3571 PACIFIC HWY
SAN DIEGO, CA 92101

Project Name:
PATIENTS ALTERNATIVE HEALTH CENTER
MIDDLETOWN

Sheet Title:
BUILDING ELEVATIONS

Revision 10:
Revision 9:
Revision 8:
Revision 7:
Revision 6:
Revision 5:
Revision 4:
Revision 3: 10/18/14 (NO CHANGE)
Revision 2: 8/28/14
Revision 1: 5/21/14
Original Date: 3/24/14
Sheet 3 of 3
PIS# 368295

A-2

RBF CONSULTING



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 2

Project Name: Patients Alternative-Midco etow		Project Number: 368295	Distribution Date: 5/22/14
Project Scope/Location: MIDWAY-PACIFIC HIGHWAY Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a proposed 11,258 square foot building located at 3571 Pacific Highway. The 3.22-acre vacant lot is located in the IS-1-1 zone within the Knowles North Bay Community Plan Area. Council District 2. Notice Card=1.			
Applicant Name: Patients Alternative Health		Applicant Phone Number: (858) 204-6071	
Project Manager: Gutierrez, Edith	Phone Number: (619) 446-5147	Fax Number: (619) 446-5245	E-mail Address: EGutierrez@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	8	0	0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: See attached sheet.			
NAME: <u>Melanie Nickel</u>		TITLE: <u>Chair</u>	
SIGNATURE: <u>Melanie Nickel</u>		DATE: <u>7-9-14</u>	
Attach Additional Pages If Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Please provide a hard copy of this form to the City of San Diego Development Services Department. This form is available in large print format for persons with disabilities.			

Midway Community Planning Group action on project # 368295, 3571 Pacific Highway

Note: the Planning Group based its review entirely on compliance with the Midway/Pacific Highway Community Plan. We did not attempt to apply the additional restrictions in the MMCC ordinance, which will be up to the city to evaluate.

Our approval is CONDITIONAL. The conditions are:

1. That the City does not find this business to be located within 1,000 square feet of any use designated as needing a minimum separation requirement.
2. That the City finds that this application meets all of the Medical Marijuana ordinance requirements.



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

Ownership Disclosure Statement

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

Project Title

Patients Alternative Health Center - Middletown

Project No. For City Use Only

368295

Project Address:

3571 Pacific Highway, San Diego, CA 92101

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

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

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):
Gary Diefenderfer, Trustee, as to an undivided 75% Interest

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:
348 SE Jackson Street

City/State/Zip:
Redmond, OR 97756

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

Signature: Gary Diefenderfer **Date:** 4/18/2014

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Signature: **Date:**

Name of Individual (type or print):
Daniel W. Diefenderfer, a married person, as to an undivided 25% Interest

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:
348 SE Jackson Street

City/State/Zip:
Redmond, OR 97756

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

Signature: Daniel Diefenderfer **Date:** 4/18/2014

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Signature: **Date:**

Project Title:
Patients Alternative Health Center - Middletown

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. C36662183
☐ 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):

Patients Alternative Health Center Cooperative, Inc.

☐ Owner ☐ Tenant/Lessee ☐ Applicant

Street Address:
147 West Ivy Street

City/State/Zip:
San Diego, CA 92101

Phone No: (858) 204-6071 Fax No:

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

Title (type or print):
President

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:



SDPD CPTED REVIEW OF 3571 PACIFIC HIGHWAY MMCC

Date: March 5, 2015
To: Carol Chase, Michael Baker International
From: Ted Parker, SDPD Crime Prevention
Copies to: Edith Gutierrez, Development Services Department
 Linda Griffin, A/Lieutenant, SDPD Vice Administration
 David Surwilo, SDPD Western 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.

SUGGESTIONS

Alarms

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

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

Electric Power

Because lights and security systems work on electric power it is important that measures be taken to prevent its disruption and provide a source of backup power in the event of a power failure. If the circuit breakers and fuses

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

Cameras

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

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

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

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

IP cameras that view areas in which crimes might be in progress, such as the MMCC cash register location, should also be capable of providing real-time streaming video to the SDPD in Operation Secure San Diego. This program is one of the SDPD's new technology public safety and crime fighting activities. It will enable officers arriving at the scene to make better, more-informed tactical decisions and determine whether additional officers and emergency services are required. Contact the CRO in the SDPD's Western Division at **(619) 692-4800** if you wish to partner with the SDPD in this program.

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



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

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

Lighting

Lighting should comply with SDMC Sec. 141.0614(c). The area outside the MMCC should be well-lighted from sunset to sunrise. Like cameras, light fixtures should also be damage-resistant.

Exit Door Locks

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

Single Doors

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

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

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

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

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

Doors with Magnetic Locks

Doors that are locked magnetically and do not have a push or press bar that unlocks them from the inside must open automatically when a person approaches them from inside of the building. The sensor that detects this motion or heat needs to be located or aimed far enough back from the door so a person outside cannot slip something between double doors or single doors and their frames to create motion or a heat signature and to open the doors. Or a strip of metal or other material can be attached to the outside of a door to close the gap and prevent a person from

inserting anything between double doors or single doors and their frames. Another way to prevent this is to replace the sensor with a button that would be pushed to open a door from the inside. Doors with magnetic locks will need backup power to keep them locked and enable the button to work during a power failure.

Front Doors and Windows

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

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

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

Consumer Movement in the Building

Consumers enter the building through a door to the reception room where they are checked in and their bags are searched. Then they go to the showroom, select their product, pay the cashier, receive their product, and leave through the exit door to the parking lot. This is a good plan. In addition to the security measures suggested above, the MMCC could have a video intercom, mantrap, metal detector, an armed security guard at the entry door, bullet-resistant protection for the receptionist and cashier, and remotely controlled locks on interior doors, as suggested below.

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

Video Intercom

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

Mantrap

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

Carry-in Items

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

Metal Detector

If a metal detector is installed at the entry door, a security guard will be needed to check all allowed carry-in items and any metal items detected on people entering the building. This guard should be armed, wear a bullet-resistant vest, and be trained in how to deal with people who have weapons, refuse to be searched, or use their weapons.

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

Employee Protection

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

Entry through the Exit Door

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

CAVEATS ON CPTED

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

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

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

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

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

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

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

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

1. Type of Appeal:

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

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

Name: Carol Carpenter E-mail Address: carolcarpenter@icloud.com
 Address: 7851 Drury Lane City: La Jolla State: CA Zip Code: 92037 Telephone: (858) 204-6071

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

Patients Alternative - Middletown

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Project 368295	03/25/15	Edith Gutierrez

Decision (describing the permit/approval decision):
Approval was denied, original recommended to be approved.

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

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

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

Please see attached letter dated March 17, 2015

RECEIVED

MAR 25 2015

Factual Error - statements relied upon by decision maker were inaccurate.

DEVELOPMENT SERVICES

New information - after the hearing our engineer discovered information on another applicant that was approved that may lead decision makers to not approve the applicant and approve ours instead.

Findings not supported - the decision maker based his decision on possible misrepresentation of facts.

Conflict - our project may have been denied in favor of project that are in conflict the the community land use plan and/or municipal code which would not be in the public's best interest.

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

Signature: *Carol Carpenter* Date: 03/25/15

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

**Solomon
Ward**
Attorneys at Law

Solomon
Ward
Seidenwurm &
Smith LLP

RECEIVED

MAR 25 2015

DEVELOPMENT SERVICES

1 of 6 pages

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www.swsslaw.com

Karen M. ZoBell
Partner
kzobell@swsslaw.com
(t) 619.238.4802
(f) 619.615.7902

March 17, 2015

Via Hand Delivery

Ken Teasley, Hearing Officer
Development Services Department
City of San Diego
1222 First Avenue, MS 501
San Diego, California 92101

Stacie Maxwell
Legislative Recorder
City of San Diego
1222 First Avenue, MS 501
San Diego, California 92101

**Re: March 25, 2015 Hearing Officer Hearing; Agenda Item 15
Project No. 368295
Medical Marijuana Consumer Cooperative**

Dear Mr. Teasley and Ms. Maxwell:

We represent Patients Alternative Health Center ("PAHC") in connection with its application for a Conditional Use Permit ("CUP") for a Medical Marijuana Consumer Cooperative ("MMCC") in the Middletown area of the City ("PAHC CUP") (Project No. 368295, located at 3571 Pacific Highway).

Requested Action: We respectfully request that the City approve the PAHC CUP and implement our suggestions on the process for approval of all MMCC CUPs.

The PAHC CUP application satisfies all findings for approval of a CUP, complies in every respect with the City Municipal Code and is the project with the most merit in District 2 for the reasons set forth below.

Background:

The MMCC Ordinance (O-20356 N.S.) limits the number of cooperatives in each City Council District to four. This limitation was added by the City Council just prior to adopting the MMCC Ordinance without any substantive discussion as to how this was to be administered. In addition, among other limitations, the MMCC Ordinance prohibits a cooperative to be located within 1,000 feet of another permitted cooperative. In combination, these two limitations set up an extremely competitive process for being "first-in", as evidenced by the long line of applicants on the first day MMCC CUP applications could be submitted (April 24, 2014). As set forth in MMCC Information Bulletin 170 (IB 170), once four projects per each council

MAR 25 2015

DEVELOPMENT SERVICES

2 of 6 pages

Mr. Ken Teasley
Ms. Stacie Maxwell
Development Services Department
March 17, 2015
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district obtain final approval from the City's decision-maker, no more applications in that district will be approved.

What is missing from the MMCC Ordinance and IB 170 is a fair and equitable process for getting a project to hearing. There are problems inherent in the current process that result in inconsistent review, a denial of due process and favors those projects that propose the least improvement and, therefore, are subject to minimal qualitative review and delay.

Discussion:

1. All of the Required Findings for the PAHC CUP Can be Made.

Pursuant to §126.0305 of the City of San Diego Municipal Code, an application for a Conditional Use Permit may be approved or conditionally approved only if the decision maker makes certain findings. The PAHC CUP satisfies all of the findings, as follows:

- (a) The proposed development will not adversely affect the applicable land use plan;
- (b) The proposed development will not be detrimental to the public health, safety, and welfare;
- (c) The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and
- (d) The proposed use is appropriate at the proposed location.

PAHC will be constructing a new structure to conduct its business. The features and amenities that will benefit the surrounding community, include not only the structure itself, but new infrastructure (curbs, sidewalks, gutters) new paved parking and landscaping. Rather than be a detriment to the surrounding community, our client's business will be an enhancement to the surrounding community. My client's hope is that by constructing a new building to conduct its business, adjacent property owners will follow its lead and make improvements and enhancements to their structures as well as further contributing to the appeal of the community.

Not only will PAHC's proposed structure benefit the surrounding community by being visually appealing, it will also comply with current City building requirements, as well as be constructed in accordance with current regulations and thus comply with the regulations of the Land Development Code.

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Finally, PAHC's use of its proposed structure as a Medical Marijuana Consumer Cooperative is appropriate at the proposed location and meets all of the requirements of the MMCC Ordinance.

2. The City Deemed the PAHC Application as the First Complete Application under the MMCC.

The PAHC CUP application was submitted the first day the City accepted such applications (April 24, 2014). As you are aware, the applications are subject to a three-step application process:

- Step One: Initial Screening, wherein one copy of all specified items would be submitted;
- Step Two: Submitted Completeness Review, wherein a comprehensive review of the submitted items would be performed; and
- Step Three: Full Submittal, wherein the project is ready for Full Submittal and the applicant is informed of the required number of document sets are to be submitted, along with the Public Notice Package.

Shortly after the initial MMCC submittals, Edith Gutierrez informed PAHC that the only applications that met the Step One: Initial Screening requirements that day were those filed by our client, Patients Alternative Health Center (i.e., the PAHC CUP), and another at 3570-3572 Hancock Street (telecom May 7, 2014). Ms. Gutierrez then asked if City staff could use the 1000-foot Radius Map that accompanied the PAHC application as an example of the desired format, to be provided to other applicants (e-mail May 7, 2014). In an effort to be helpful, PAHC agreed to the request.

PAHC received notice that its application was ready for Step Three: Full Submittal on May 7, 2014. It was assigned Project No. 368295 and is identified on the City's DSD website as Site No. 5 in the June 3, 2014 MMCC Status Update. (The other PAHC, 3570-372 Hancock MMCC, also received notice it was ready for Full Submittal on May 7, 2014, and was assigned Project No. 368293. It is identified on the City's DSD website as Site No. 4 in the June 3, 2014, MMCC Status Update.)

We believe that other applicants were allowed to submit deficient applications as part of the Step One: Initial Screening, allowed to move forward to Step Two: Submitted Completeness

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Review, and allowed to correct any submittal deficiencies as part of Step Three: Full Submittal, rather than being rejected at the outset, as was described in the March 2014 IB 170.

The City issued Medical Marijuana Consumer Cooperative Information Bulletin 170 (IB 170) in March 2014, which described the application process for the MMCC CUP and set forth the minimum submittal requirements: The March 2014 version required, as part of Step One: Initial Screening that:

"Applications missing any of the required submittal items above, required details or fees will not be accepted." (Emphasis included in original).

It also stated, in Step Three: Full Submittal:

"Full Submittals will be placed on a list based on the completed date and time. This list will be posted on the Development Services Department's website."

These statements were deleted from the July 2014 version of IB 170. The revised IB 170 eliminated the express emphasis on strict compliance with minimum submittal requirements, thereby allowing less-than-complete applications to move forward to Step Two and Step Three, rather than being rejected. Also, the stated placement on a list of applications, based on completed date and time, appears to be useless as it relates to placement in the queue of projects being reviewed.

3. The PAHC Application Proposes the Best Project in District 2.

The PAHC CUP, in addition to proposing a new structure, includes new paved parking, landscaping, frontage improvements, and technical studies to comply with current stormwater requirements, to provide a fully compliant structure and use. This involves review by LDR-Planning, LDR-Landscape, LDR-Transportation Development, LDR-Engineering, Fire-Plan Review, SanDAG-Transportation, PUD-Water & Sewer Development, more in-depth review by LDR-Environmental, and, in the case of PAHC CUP, Planning-Airport.

Regardless of when an application for a CUP was accepted as complete, if the City has two projects located side-by-side with one proposing only tenant improvements in an existing building and another proposing a new structure with updated improvements and infrastructure, it is clear the existing building has the processing timeline advantage, even if the project itself is inferior.

The project proposing only tenant improvements in an existing building may rely on "grandfathering" and exemptions from current parking, landscaping, frontage improvements,

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and stormwater requirements, thus avoiding enhancing the community, updated compliance with regulations and the time-consuming reviews by the various City disciplines.

The lack of qualitative review fails to adequately address what is most beneficial to a neighborhood and the City: an existing building that proposes no new or updated features and amenities, or a new building that transforms an underutilized and/or neglected site with new architecture, landscape, utilities, frontage, and ADA-compliant walkways. Again, it would be a failure of the discretionary process to not perform a qualitative review, particularly when the number of permits to be granted is severely limited by the ordinance.

We understand that the PAHC CUP project was docketed for the Hearing Officer based on the date the NORA for each application was issued and/or the date any appeal filed pursuant to the NORA was denied. Again, this goes back to our argument that, regardless of when a project was accepted as complete, if you have two projects located side-by-side with one proposing only tenant improvements in an existing building less than 45 years of age and another proposing a new structure, it is clear the existing building has the processing timeline advantage. The NORA for the project proposing only tenant improvements almost always will precede a NORA a project proposing a new structure and new features and amenities. In addition, a project that did not have an appeal filed pursuant to the NORA will bypass procedurally a project that has its NORA appealed, whether or not the appeal was filed for legitimate environmental reasons.

4. Locally Owned and Operated Businesses Should Be Given Priority

The City also should evaluate the qualifications of the proposed owner and operator of any project approved pursuant to the MMCC Ordinance. PAHC is a locally-owned, woman-run, highly qualified organization. PAHC received unanimous approval from the Midway Community Planning Group. PAHC is the only new construction option which will improve the neighborhood, not just become a tenant in an existing older building. By contrast, one of the other applicants, MedBox, seeks approval of an application for a CUP and will ultimately sublease the space to an end-user.

5. Malibu is Precedent

The City of Malibu recently went through a similar process in considering CUP applications under its medical marijuana ordinance. We understand the City of Malibu determined that the legal and equitable process for consideration of MMCC applications was to consider all applications based on merit, rather than on order of submittal or posting on the agenda.

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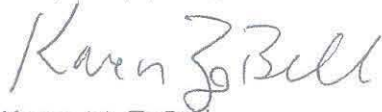
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6. Conclusion

PAHC was the first application to be deemed complete. PAHC was used by staff as an excellent example of a complete submittal and used to assist other applicants, who are now on the Hearing Officer agenda ahead of PAHC. Staff requested and PAHC allowed the City to use its extensive (and expensive) engineering work to provide a base map for the City to use to process other applications for the Midway district.

Much time, effort, and monies have been expended in pursuing the PAHC CUP and the decision on whether the PAHC CUP should be granted should be based on the merits of the project and not on whether it went through the review process faster than the others. This project should not have to rely on the disapproval of every other application before it to have the opportunity to be heard on a qualitative basis by the Hearing Officer and, if appealed, the Planning Commission.

Very truly yours,



Karen M. ZoBell
 Solomon Ward Seidenwurm & Smith, LLP

KMZ/rmf

cc: Council Member Lorie Zapf
 PAHC CUP
 Attn: Ms. Carol Carpenter
 City of San Diego
 Attn: Mr. David Graham
 Attn: Mr. Robert A. Vacchi, Development Services Director
 Attn: Ms. Edith Gutierrez, Development Project Manager
 RBF / Michael Baker
 Attn: Mr. Jeff Barfield
 Deputy City Attorney Heidi Vonblum

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1292502
PATIENTS ALTERNATIVE-MIDDLETOWN MMCC
PROJECT NO. 368295

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

WHEREAS, the project site is located at 3571 Pacific Coast Highway in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area;

WHEREAS, the project site is legally described as Right of Way Lots 131 to 134 of Middletown, according to Partition Map made by J.E. Jackson map, filed in the Office of the County Clerk of San Diego County;

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

WHEREAS, on March 25, 2015, Carol Carpenter filed an appeal of the Hearing Officer's decision;

WHEREAS, on July 16, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1292502 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 7, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309479;

NOW, THEREFORE, BE IT RESOLVED by the 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 to construct a 4,258 square foot one-story building to operate a MMMCC. The 0.33-acre site is located at 3571 Pacific Highway in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. All of the surrounding parcels are in the IS-1-1 zone.

The site is designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. This community portion contains little residential development. All of the surrounding parcels are in the IS-1-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, therefore will not adversely affect the applicable land use plan.

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

The proposed project is a request for a Conditional Use Permit to operate in a proposed 4,258 square foot one-story building located at 3571 Pacific Coast Highway.

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. The limit of four MMCCs per Council District (36 city-wide) and the minimum distance requirements were adopted in order to minimize the impact on the City, residential neighborhoods and to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

The proposed MMCC is located within 1,000 feet of the Washington Street Skate Park, defined as a playground. The proposed project does not meet the required separation requirement and therefore, would be detrimental to the public health, safety and welfare of the community.

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

The proposed project is a request for a Conditional Use Permit to operate in a proposed 4,258 square foot one-story building located at 3571 Pacific Coast Highway.

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.

The proposed MMCC is within 1,000 feet of the Washington Street Skate Park, defined as a playground. The proposed project does not meet the required separation requirement and therefore, therefore does not comply with the regulations of the Land Development Code.

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

The proposed project is a request for a Conditional Use Permit to operate in a proposed 4,258 square foot one-story building located at 3571 Pacific Coast Highway.

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.

The proposed MMCC is within 1,000 feet of the Washington Street Skate Park, defined as a playground. The proposed project does not meet the required separation requirement and therefore, therefore not an appropriate location .

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1292502 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1292502, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: July 16, 2015

Job Order No. 24004636