



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 21, 2015 **REPORT NO.** PC-15-120

ATTENTION: Planning Commission, Agenda of October 29, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO APPROVE
A CONDITIONAL USE PERMIT FOR TORREY HOLISTICS CLINIC
MMCC - PROJECT NO. 390943 (PROCESS 3).

REFERENCE: Report to the Hearing Officer; Report No. HO-15-114 (Attachment 1-11).

**OWNER/
APPLICANT:** GMG Enterprises/
Torrey Holistics Clinic Inc., Tony Hall

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 1,294 square-foot tenant space within an existing 9,687 square-foot building within the Torrey Pines Community Plan area?

Staff Recommendation: Deny the appeal and uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1371299.

Community Planning Group Recommendation: On April 28, 2015, the Torrey Pines Community Planning Group voted 4-2-1 to deny the project (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on May 12, 2015 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on August 3, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

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 CUP to operate a MMCC in a 1,294 square-foot tenant space within an existing two-story, 9,687 square-foot building located at 10671 Roselle Street. The 0.43-acre site is in the IL-3-1 Zone, Airport Influence Area (Miramar), the Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area.

The existing 9,687 square-foot building was developed in 1983 per Building Permit No. A19801. The proposed MMCC, classified as commercial services, is allowed in the IL-3-1 zone with a CUP and is consistent with the community plan land use designation of Industrial. Although the site is within the Coastal Overlay Zone, it does not require a Coastal Development Permit because the project is not proposing additions or modifications to the structure and the MMCC is not an intensification of use requiring additional parking. The existing use on site, a massage studio, is a commercial service, consistent with the proposed MMCC use.

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 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 in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Additionally, the applicant has voluntarily agreed to increased safety condition requested by the Planning Commission in other MMCC approvals.

On September 16, 2015, the Hearing Officer approved the project.

DISCUSSION

Appeal: Two appeals of the Hearing Officer's decision were filed. The first was filed on September 24, 2015, by the Torrey Pines Community Planning Group (TPCPG) on the grounds of Factual Error, Conflict with other matters, Findings not supported and New Information (Attachment 12). The second was filed on September 28, 2015, by the Mira Mesa Community Planning Group on the grounds of Factual Error and Findings not supported (Attachment 13).

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

Appeal Issues:

1. *The project site is adjacent to Environmentally Sensitive Lands (ESL): Carroll Canyon Creek wetland and wide life corridor.*

Staff Response: The project site is northeast of a concrete flood channel which is identified as being within Carroll Canyon Creek in the Torrey Pines Community Plan. The proposed MMCC will not result in any additional impacts to the creek. MMCCs have a 1,000-foot separation requirement from certain uses such as public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools but not ESL.

2. *The MMCC will generate over 200 vehicle trips which will contribute to more pollutants and runoff that will not be treated or collected.*

Staff Response: MMCCs are classified as commercial services. The existing use at the proposed tenant space is commercial services (massage parlor). There is no change in use; therefore, no increase in trip generation at the site is expected. The proposed MMCC is exempt from the current Storm Water Standards and not required to install permanent storm water Best Management Practices as no development outside the existing building footprint is proposed.

3. *The parking lot is located on the FEMA floodplain and floodway. Storm water is directly draining into Carroll Canyon Creek in violation of State and Federal regulations.*

Staff Response: The subject site is within the Special Flood Hazard Area. The existing building was constructed in 1983 per Building Permit No. A109801 and was developed in compliance with all development regulations at the time including the FEMA Flood Hazard requirements. Since there is no new development outside the existing building footprint and no change in use, the subject site is not subject to current Special Flood Hazard regulations and is exempt from the current Storm Water regulations.

4. *The parking stalls directly adjacent to the creek should be reconstructed with semi-permeable materials and bio-swale.*

Staff Response: The proposed MMCC is not proposing any new development outside the existing building footprint; therefore, this application is exempt from the Storm Water regulations.

5. *The project site has one Americans with Disabilities Act (ADA) parking space. Under Federal Law, two are required as the parking lot was restriped. Will the required 24-foot driveway and parking spaces comply with the Land Development Code?*

Staff Response: The proposed MMCC is within an existing building that is not proposing development outside of the existing building footprint. The proposed tenant space (Suite 100) is currently a massage parlor (commercial services). The proposed MMCC is also classified as commercial services. Since there is no new development and no change of use, the subject site has previously conforming rights to maintain the previously approved 32 on-site parking spaces; including the repainting of any existing parking spaces as originally approved. . The required 24-foot driveway will be reviewed for compliance with the City driveway standards during the ministerial phase.

6. *The TPCPG questions the change of use (commercial services) of the massage parlor that opened in October 2014, the same month the applicant attended the TPCPG meeting. The applicant states the parking is grandfathered.*

Staff Response: The existing building was constructed in 1983 per Building Permit No. A109801 and was developed in compliance with all development regulations at the time. The massage parlor located at 10671 Roselle Street, Suite 100 was first established in October of 2012 (Attachment 15) and is classified as a commercial service. The proposed MMCC is also a commercial service. Since there is no development and no change of use, the subject site has previously conforming rights to maintain the previously approved 32 on-site parking spaces.

7. *The proposed MMCC would preclude the City from obtaining HUD money and affordable housing transit oriented development.*

Staff Response: HUD does not preclude funding an eligible affordable housing project by considering local businesses within the 'project area'. HUD determines if an affordable housing transit oriented development is eligible by activity type. Affordable housing is an eligible activity; therefore, funding would be based on scope of work and creating low-to-moderate income housing which has no correlation to approving a CUP for a business located within the community.

8. *The proposed MMCC is within 1,000 feet of open space parkland and meets the definition of park.*

Staff Response: Public Park means a publicly owned area that is designated as a park. The concrete flood control channel northeast of the site is not a park as defined by the SDMC.

9. *Interstate 5 and Sorrento Valley Road Interchange, the 3rd busiest intersection in San Diego, is within 1,000 feet of the proposed MMCC. Traffic deaths have risen due to driver*

impairment involving drugs and alcohol. The MMCC would contribute to an increase in pedestrian deaths and vehicle accidents.

Staff Response: The existing building was constructed in 1983 per Building Permit No. A109801 and was developed in compliance with all development regulations at the time. The proposed MMCC is consistent with the existing use of commercial service; therefore, not expected to adversely impact the surrounding roadway system. MMCCs have a 1,000-foot separation requirement for certain uses such as public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools, but not highway intersections.

CONCLUSION:

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

ALTERNATIVE:

Approve the appeal and deny Conditional Use Permit No. 1371299, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-11 Report to the Hearing Officer – Report HO-15-114
- 12. Appeal Application, Torrey Pines Community Planning Group
- 13. Appeal Application, Mira Mesa Community Planning Group
- 14. Applicant submitted response to appeals
- 15. Massage & Health Care Business Tax Certificate
- 16. Enlarged floor plans
- 17. Draft Permit with Conditions
- 18. Draft Permit Resolution with Findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: September 16, 2015 REPORT NO. HO-15-114

ATTENTION: Hearing Officer

SUBJECT: TORREY HOLISTICS CLINIC MMCC
PROJECT NUMBER: 390943

LOCATION: 10671 Roselle Street, Suite 100

APPLICANT: Torrey Holistics Clinic, Inc., Tony Hall

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 1,294 square-foot tenant space within an existing 9,687 square-foot building within the Torrey Pines Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1371299.

Community Planning Group Recommendation: On April 28, 2015, the Torrey Pines Community Planning Group voted 4-2-1 to deny the project (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on May 12, 2015 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on August 3, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

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

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

On March 25, 2014, the City of San Diego adopted Ordinance No. O-20356, to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). 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 CUP to operate a MMCC in a 1,294 square-foot tenant space within an existing two-story, 9,687 square-foot building located at 10671 Roselle Street. The 0.43-acre site is in the IL-3-1 Zone, Airport Influence Area (Miramar), the Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area.

The existing 9,687 square-foot building was developed in 1983 per Building Permit No. A19801. The proposed MMCC, classified as commercial services, is allowed in the IL-3-1 zone with a CUP and is consistent with the community plan land use designation of Industrial. Although the site is within the Coastal Overlay Zone, it does not require a Coastal Development Permit because the project is not proposing additions or modifications to the structure and the MMCC is not an intensification of use requiring additional parking. The existing use on site, a massage studio, is a commercial service, consistent with the proposed MMCC use.

DISCUSSION

The proposed MMCC located at 10671 Roselle Street is proposing interior improvements that include a lobby, reception area, dispensary, secured storage area and restrooms. The improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 24-foot wide driveway.

MMCCs must comply with San Diego Municipal Code (SDMC) Section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of

California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The City of San Diego Development Services staff has reviewed the 1,000-foot radius map (Attachment 6) and 1,000 foot spreadsheet exhibit (Attachment 7) provided by the applicant identifying all 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 in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

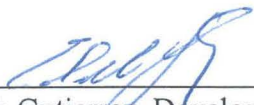
CONCLUSION

The CUP for the proposed MMCC may be approved if the Hearing Officer determines that the findings can be made. Staff has reviewed the proposed MMCC and has determined that it meets all applicable sections of the San Diego Municipal Code, the Torrey Pines Community Plan and the General Plan. Staff is recommending that the Hearing Officer approve the project as proposed.

ALTERNATIVE

1. Approve Conditional Use Permit No. 1371299, with modifications.
2. Deny Conditional Use Permit No. 1371299, if the findings required approving the project cannot be affirmed.

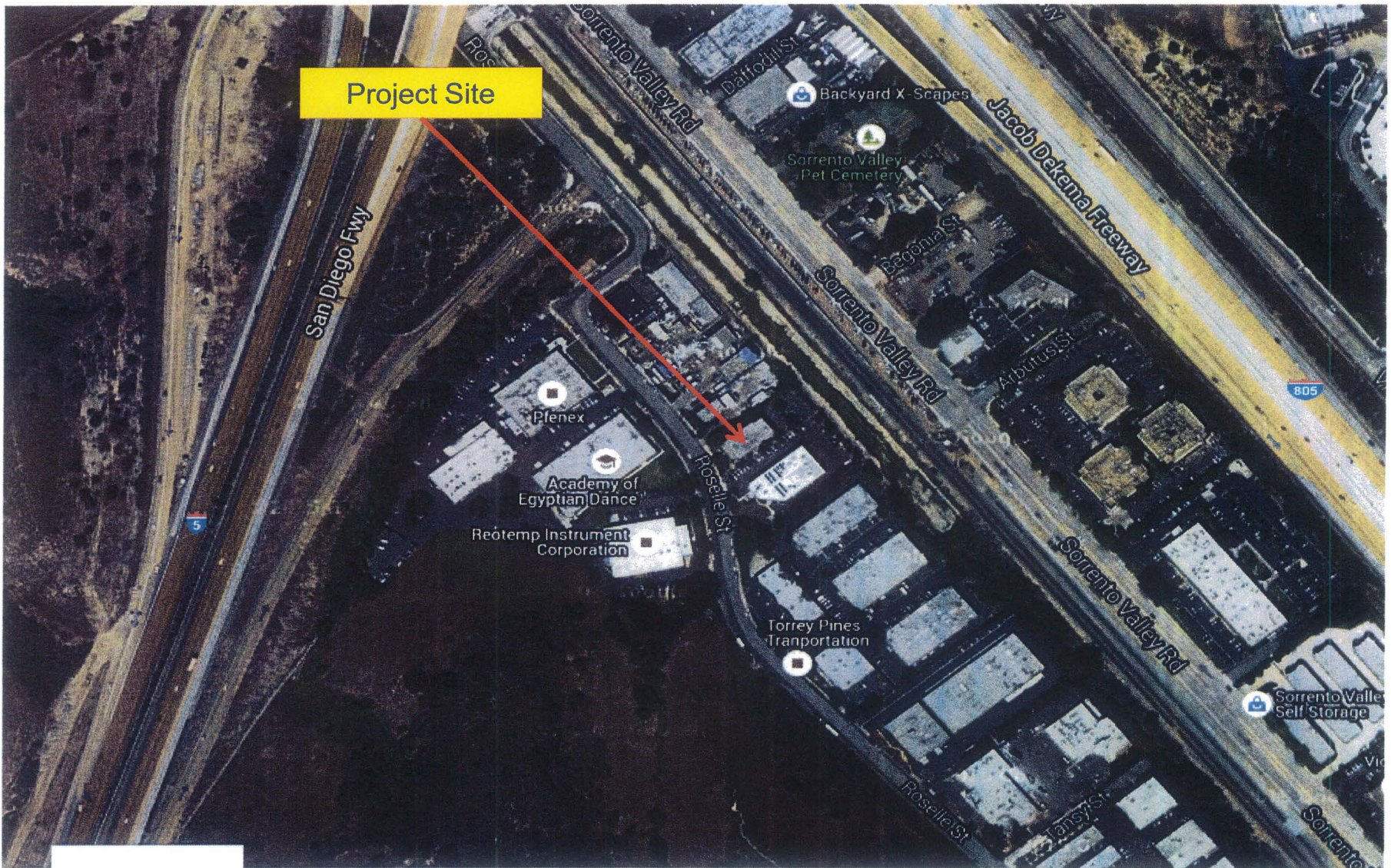
Respectfully submitted,



Edith Gutierrez, Development Project Manager
Attachments:

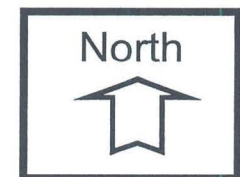
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000-Foot Radius Map
7. 1000-Foot Radius Map Spreadsheet
8. Notice of Right to Appeal Environmental Determination

9. Project Site Plan(s)
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement



Location Aerial Photo

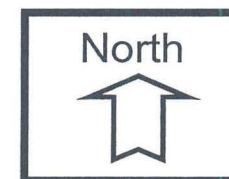
TORREY HOLISTICS CLINIC MMCC – 10671 ROSELLE STREET
PROJECT NO. 390943

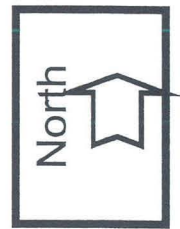
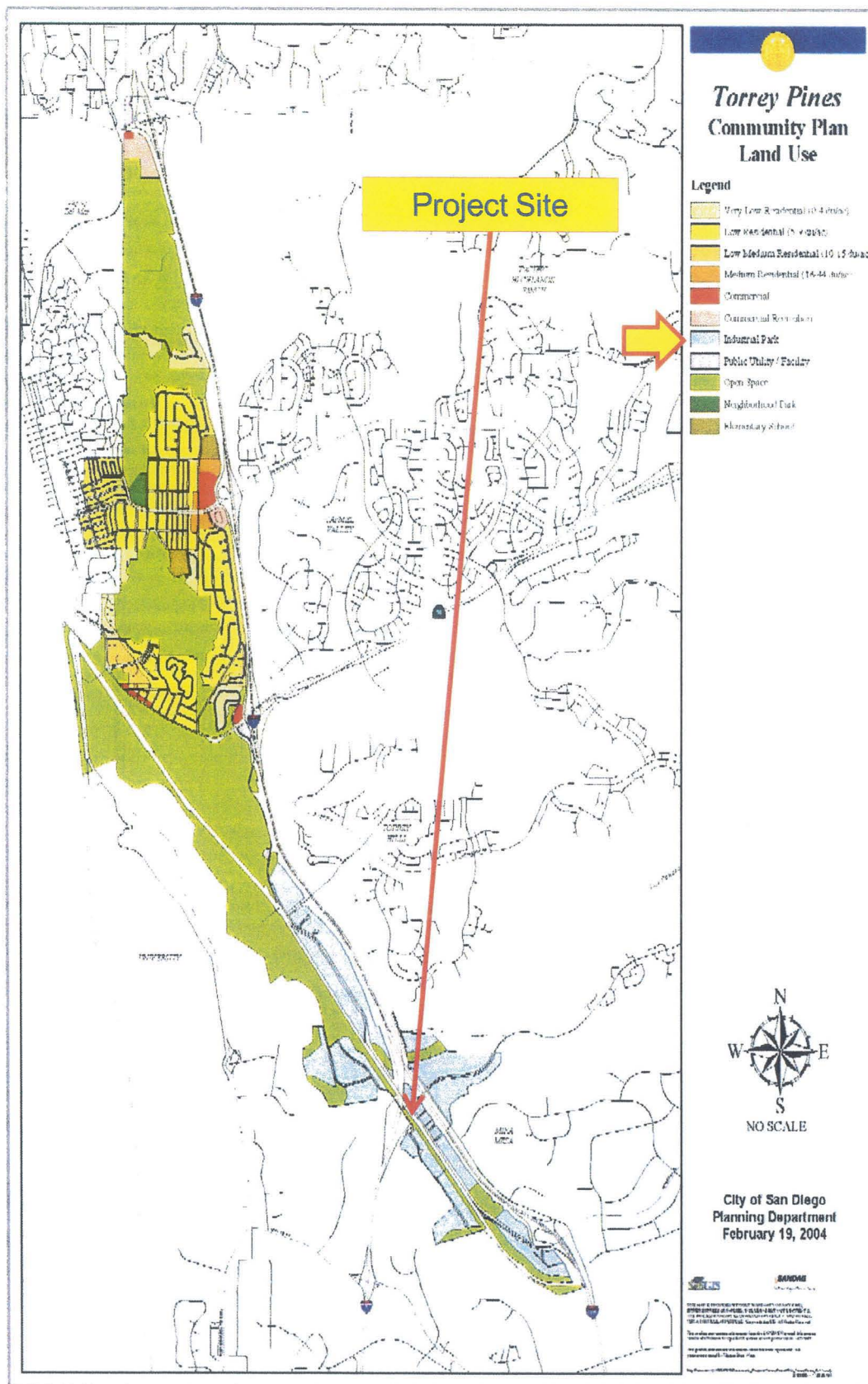




Project Location Map

TORREY HOLISTICS CLINIC MMCC – 10671 ROSELLE STREET
PROJECT NO. 390943





Land Use Map

TORREY HOLISTICS CLINIC MMCC – 16071 ROSELLE STREET
PROJECT NO. 390943



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: 24005165

CONDITIONAL USE PERMIT NO. 1371299
TORREY HOLISTICS CLINIC MMCC - PROJECT NO. 390943
HEARING OFFICER

This Conditional Use Permit No. 1371299 is granted by the Hearing Officer of the City of San Diego to GMG ENTERPRISES, Owner and, TORREY HOLISTICS CLINIC, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.43-acre site is located at 10671 Roselle Street in the IL-3-1 Zone, Airport Influence Area (Miramar), Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area. The project site is legally described as: Lot 6, University Sorrento Industrial, Map No. 6218, October 31, 1968.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 16, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,294 square-foot tenant space (Suite 100) within an existing 9,687 square-foot building on a 0.43-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 1, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on October 1, 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 1,294 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of Development Services Department. This facility shall also include alarms and two armed security guards to the extent the possession of a firearm 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 guards shall be licensed by the State of California. One security guard must be on the premises 24 hours a day, seven days a week, the other must be present during business hours. The security guards 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 Owner/Permittee shall install bullet resistant glass, plastic, or laminate shield at the reception area to protect employees.
18. The Owner/Permittee shall install bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, in the reception area and vault room.
19. 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.
20. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
21. 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.
22. 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.
23. Medical marijuana shall not be consumed anywhere within the 0.43-acre site.

24. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.

25. 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:

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with a 24-foot wide City standard driveway, on Roselle Street, per Standard Drawing SDG-159, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

27. No fewer than 32 off-street parking spaces (with 32 off-street parking spaces provided; including 1 disabled accessible spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on September 16, 2015 and Resolution No. HO-XXXX.

Conditional Use Permit No.1371299 /PTS No. 390943
Date of Approval: September 16, 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.

GMG ENTERPRISES
Owner

By _____
Greg King
Partner

GMG ENTERPRISES
Owner

By _____
Michael Schwartz
Partner

GMG ENTERPRISES

Owner

By _____

Gil Kort

Partner

TORREY HOLISTICS CLINIC, INC

Permittee

By _____

Tony Hall

President

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1371299
TORREY HOLISTICS CLINIC MMCC - PROJECT NO. 390943

WHEREAS, to GMG ENTERPRISES, Owner and, TORREY HOLISTICS CLINIC, INC., Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,294 square- foot tenant space within an existing 9,687 square-foot building (as described in and by reference to the denied Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1371299), on portions of a 0.43-acre site;

WHEREAS, the project site is located at 10671 Roselle Street in the IL-3-1 Zone, Airport Influence Area (Miramar), the Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area;

WHEREAS, the project site is legally described as Lot 6, University Sorrento Industrial, Map No. 6218, October 31, 1968;

WHEREAS, on May 12, 2015, 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 August 3, 2015 pursuant to Resolution No. 309959;

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 September 16, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed project is a request for a Conditional Use Permit to operate a MMCC in a 1,294 square-foot tenant space within an existing 9,687 square-foot building. The 0.43-acre site is located at 10671 Roselle Street in the IL-3-1 Zone, Airport Influence Area (Miramar), Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area. The project site is designated Industrial by the Torrey Pines Community Plan and Prime Industrial Land by the Economic Prosperity Element of the General Plan.

All of the surrounding parcels are in the IL-3-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

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

The proposed 1,294 square-foot tenant space is located on the first floor an existing 9,687 square-foot, two-story building located at 10671 Roselle Street. The project proposes interior improvements only that include a lobby, reception area, dispensary, secured storage area and restrooms. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 24-foot wide driveway.

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. 1371299. 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 9,687 square-foot, two-story building located at 10671 Roselle Street was developed in 1983 per Building Permit No. A19801. The project proposes interior improvements only that include a lobby,

reception area, dispensary, offices, restrooms, packaging and storage. The project proposes interior improvements only that include a lobby, reception area, dispensary, secured storage area and restrooms. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 24-foot wide driveway.

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

The proposed MMCC is consistent with the Industrial land use designation. 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 Land Development Code.

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

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

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the IL-3-1- Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. 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. 1371299 is hereby APPROVED by the Hearing Officer to the referenced

Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1371299, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: September 16, 2015

Job Order No. : 24005165



1000-Foot Radius Map Spreadsheet			
Project Name:	Torrey Holistic Clinic		
Address :	10671 Roselle St. San Diego, CA		
Date:	September 1, 2014		
Use	Address	Assessor Parcel No.	Businenees Name
Fitness Center and racquetball	10999 Sorrento Valley Rd	340-160-34-00, 340-160-33-00	Sorrento Valley Racquetball & Fitness
Yoga	10999 Sorrento Valley Rd	340-160-34-00, 340-160-33-00	Yoga80
Real Estate Leasing	10951 Sorrento Valley Rd Suite 1-A	340-160-33-00	Siemienowski & Assoc
Massage	10951 Sorrento Valley Rd Suite-1-B	340-160-33-00	Center for Message and Holistic Therapy
Real Estae Leasing office	10951 Sorrento Valley Rd Suite- 1-C	340-160-33-00	Cal-Sorrento LTD
Accupunture	10951 Sorrento Valley Rd Suite 1-D	340-160-33-00	Lily's TCM Center
Salon	10951 Sorrento Valley Rd Suite 1-E	340-160-33-00	Vida Beauty Bar
Commercial Real Estate	10951 Sorrento Valley Rd Suit 2-A,B	340-160-33-00	CFI Commercial Faculities Inc
Finance	10951 Sorrento Valley Rd Suite 2 -C	340-160-33-00	CSC Ivestment Group
vacant	10951 Sorrento Valley Rd Suite D,E	340-160-33-00	Vacant
Psychologist	10951 Sorrento Valley Rd Suite 2 F	340-160-33-00	Caldwell - Clarke Counseling
Attorney	10951 Sorrento Valley Rd Suite 2 G	340-160-33-00	Fuess and Davidenns Law
Skin Care Beauty	10951 Sorrento Valley Rd 2 H	340-160-33-00	Visage - Nico
Vacant	10951 Sorrento Valley Rd 2 I	340-160-33-00	Vacant
Vacant	10951 Sorrento Valley Rd 2 J	340-160-33-00	Vacant
Internet Sales	10951 Sorrento Valley Rd 2 K	340-160-33-00	Roshambo Baby Inc
Salon	10855 Sorrento Valley Rd suite 100	340-120-39-00	Hairs where its at
Finance	10855 Sorrento Valley Rd suite 101	340-120-39-00	Bank Transactions Inc.
Beauty Products	10855 Sorrento Valley Rd suite 102	340-120-39-00	Aimes systems
Vacant	10855 Sorrento Valley Rd suite 200	340-120-39-00	Vacant
Finance Banking	10855 Sorrento Valley Rd Suite 201	340-120-39-00	Bank Transactions Inc
Printing	10855 Sorrento Valley Rd Suite 202	340-120-39-00	Live in a Story
Vacant	10855 Sorrento Valley RdSuite 203	340-120-39-00	Vacant
Print Media	10855 Sorrento Valley Rd suite 204	340-120-39-00	Peru Productions
Communications	10855 Sorrento Valley Rd suite 205	340-120-39-00	Cluster Wireless

Vacant	10855 Sorrento Valley Rd Suite 206	340-120-39-00	Vacant
Communications	10855 Sorrento Valley Rd suite 207	340-120-39-00	Wills Communications
Vacant	10855 Sorrento Valley Rd Suite 1	340-120-39-00	Vacant
Violin and Cello Sales	10855 Sorrento Valley Rd suite 2, 3	340-120-39-00	San Diego String Instrument
Automotive	10855 Sorrento Valley Rd suite 4	340-120-39-00	Auto Vintaery
Pet supplies	10855 Sorrento Valley Road, Suite 5	340-120-39-00	Absolute Pawfection
Whole sale furniture	10855 Sorrento Valley Rd suite 6	340-120-39-00	Enticing Tables
Womens Gym	10855 Sorrento Valley Rd suite 7,8	340-120-39-00	Curves Gym
Music And Art Supply	10855 Sorrento Valley Rd suite 9	340-120-39-00	Sanctuary Art and Music
Window Supply	10855 Sorrento Valley Rd suite 10	340-120-39-00	Builders window supply
BackYard Landscape supplies	10835 Sorrento Valley Rd	340-120-42-00	Back Yard X-Scapes
Pet Cemetary	10801 Sorrento Valley Rd	340-120-40-00	Sorrento Pet Cemetary
construction	3880 Begonia St	340-120-36-00	Concrete Cutting Co.
Landscape	3880 Begonia St	340-120-36-00	One Trip Tree Serrvice
Credit Union	10715 Sorrento Valley Rd.	340-120-24-00	San Diego County Credit Union
Insurance services	10717 Sorrento Valley Rd	340-120-21-00	Wateridgr Insurance Services
Management solutions	10675 Sorrento Valley Rd	340-081-01-00	Procuero
Biotech/ Hi tech	10675 Sorrento Valley Rd	340-081-01-00	Volarix
Biotech/ Hi-tech	10675 Sorrento Valley Rd	340-081-01-00	Vertex
Biotech/ Hi-tech	10675 Sorrento Valley Rd	340-081-01-00	Apex
Biotech	10665 Sorrento Valley Rd	340-081-01-00	Nex Bio
Biotech	10655 Sorrento Valley Rd	340-081-01-00	Histogen
Hitech	10555 Sorrento Valley Rd	340-081-10-200	Qualcomm
Vacant	10649-10769 Vista Sorrento	340-160-32-00	Vacant
Vacant	3770 Tansy St	340-080-58-00	Vacant
Vacant	10505 Roselle St	340-080-05-900	Vacant
Vacant	10575 Roselle St	340-080-25-00	Vacant
Vacant	10581 Roselle St	340-080-25-00	Vacant
Hitech	10623 Roselle St	340-080-61-00	Acces I/O Products Inc
Vacant	10633 Roselle St suite A,B,C	340-080-60-00	Vacant
Reasearch	10633 Roselle suite E, F	340-080-60-00	Med E Cell
auto/ tech	10633 Roselle St Suite G, H	340-080-60-00	Performance Automation Solutions Inc

vacant	10635 Roselle St Suite A. B	340-080-36-00	Vacant
Real Estate	10635 Roselle St Suite C	340-080-36-00	Advanced property solutions
Research	10635 Roselle St Suite D-H	340-080-36-00	Biotox Sciences
Electronic repair	10637 Roselle St Suite A	340-080-36-00	AFM Micro Electronics
Transportation/ Limo	10637 Roselle St Suite B	340-080-36-00	Torrey Pines Transport
Biotech	10637 Roselle St Suite C	340-080-36-00	Bio Miga
woodwork/ construction	10637 Roselle St Suite D	340-080-36-00	Kalmark Construction
Landscaping	10637 Roselle St Suite E,F,G	340-080-36-00	Del Sol Landscaping
woodwork/ construction	10637 Roselle St Suite H	340-080-36-00	Populare Displays
Componet Repair	10639 Roselle St Suite A B ,	340-080-36-00	TPG
Photography/ Advertising	10639 Roselle St Suite C	340-080-36-00	Studio M
Market Research	10639 Roselle St Suite D,E, F	340-080-36-00	Ruiben Klamar Toylab
Manufacturing	10639 Roselle St Suite H	340-080-36-00	Allen Beels Surf Boards
Medical Research	10655 Roselle St Suite 100	340-150-30-00	Citrails
Medical Tech	10655 Roselle St Suite 103	340-150-30-00	Scan Physics LLC
Vacant/ Under construction	10655 Roselle (all other suites)	340-150-30-00	Vacant
Manufacturing/ Guages	10656 Roselle St	340-030-42-00	Reo Temp
Holistic Massage	10671 Roselle St Suite 100	340-150-21-00	Ananda Wellness
Automotive Internet Sales	10671 Roselle St Suite 101	340-150-21-00	G13 Motors, John Fike , Shera Motors
Personal Trainer	10671 Roselle St Suite 102	340-150-21-00	Beginners Mind Method
Courier Dispatch	10671 Roselle St Suite 200-203	340-150-21-00	Ligntrning Messaging Sevice
Construction/ Stucco	10684 Roselle St	340-150-20-00	Apptek Industries
City of SD - Pump Station	10745 Roselle St	340-150-29-00	Pump Station 64 City of SD
Auto Repair	10739 Roselle St	340-150-17-00	Service Excellence Auto
Label Manufacturing	10741 Roselle St	340-150-17-00	Rule Manufacturing
Woodworking	10749 Roselle St	340-150-26-00	WoodWorks West
construction	10788 Roselle St suite 1	340-030-41-00	Alcala
Laboratories	10788 Roselle St suite2	340-030-41-00	Charles River labs
Adult Belly Dancing	10788 Roselle St suite 3	340-030-41-00	Egyptian Dance Academy
Biotech	10790 Roselle St	340-030-40-00	Pfenex
laboratories	10792 Roselle St	340-030-40-00	Charles Rivers Labs



THE CITY OF SAN DIEGO

Date of Notice: May 12, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT
SAP No. 24005165

PROJECT NAME/NUMBER: Torrey Holistics Clinic MMCC/390943

COMMUNITY PLAN AREA: Torrey Pines

COUNCIL DISTRICT: 1

LOCATION: The project is located at 10671 Roselle Street, Suite 100, San Diego, CA 92121.

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate within a 1,294-square-foot suite in an existing 9,687 square-foot-building located at 10671 Roselle Street on a 0.438-acre site located within the Torrey Pines Community Plan Area; the site is designated for industrial use. The site is designated as Prime Industrial by the Economic Prosperity Element of the General Plan. The project site is zoned IL-3-1 and located within the Coastal Overlay Zone (appealable and non-appealable), the Airport Influence Area for Miramar, the Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff

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

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

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

DEVELOPMENT PROJECT MANAGER: Edith Gutierrez

MAILING ADDRESS:

**1222 First Avenue, MS 501
San Diego, CA 92101
(619) 446-5147**

PHONE NUMBER:

On May 12, 2015, 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 (May 27, 2015). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

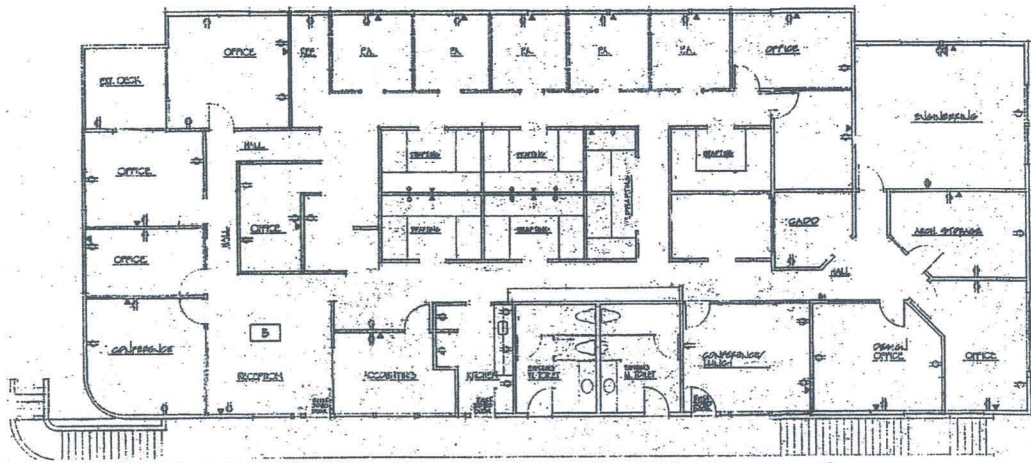
This information will be made available in alternative formats upon request.



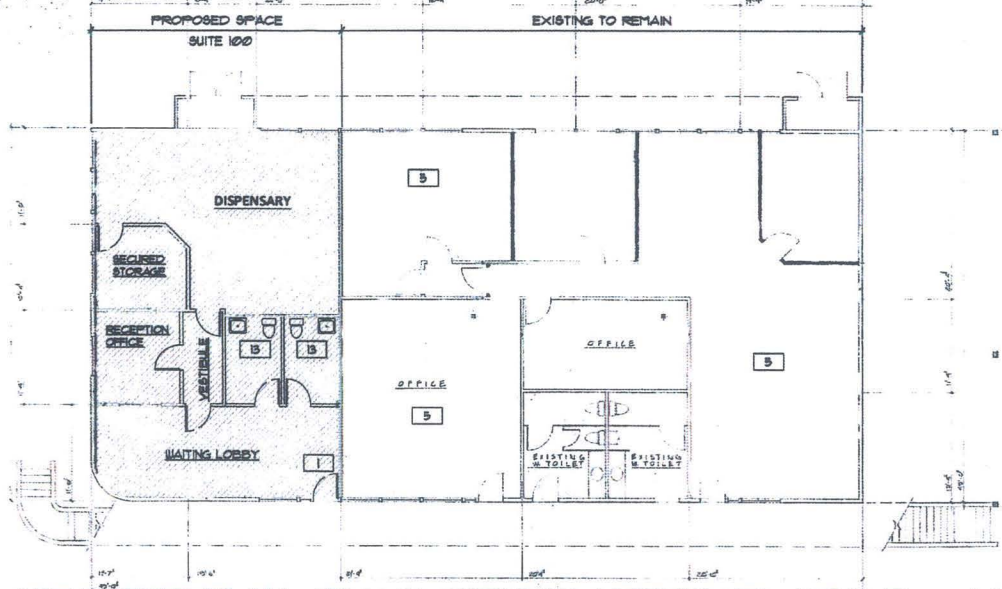
GENERAL NOTES:

- ALL SIGNS SHALL BE LISTED TO TWO TYPES AND TWO COLORS - POLE SIGNS ARE PROHIBITED, NO SIGNS SHALL EXCEED 10' IN HEIGHT.
- SITE USES NOW AND IN FUTURE SHALL BE ANY USE PERMITTED IN THE L-3-1 ZONE ONLY.
- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARJUMA CONSUMER COOPERATIVE.
- SIGNS SHALL BE PLACED ON THE OUTSIDE OF THE MEDICAL MARJUMA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS (LIMITED TO TWO COLORS).
- SDG&S HURSH STATES THAT THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARJUMA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
- USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARJUMA EXCEPT BY A RESPONSIBLE PERSON AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 42.502, IS PROHIBITED. FOR PURPOSES OF THIS SECTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARJUMA WITHOUT A HUMAN INTERMEDIARY.
- LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARJUMA CONSUMER COOPERATIVE, FACADE, AND THE IMMEDIATE SURROUNDING AREA INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJACENT SIDEWALKS. LIGHTING SHALL BE HOODED OR SHIELDED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.

- THIS CONDITIONAL USE PERMIT AND CORRESPONDING USE OF THIS SITE SHALL EXPIRE FIVE YEARS FROM THE DATE OF ISSUANCE OF THIS PERMIT. UPON EXPIRATION OF THIS PERMIT, THE FACILITIES AND IMPROVEMENTS DESCRIBED HEREIN SHALL BE REMOVED FROM THIS SITE AND THE PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION PRECEDING APPROVAL OF THIS PERMIT.
- THE OWNER OR OPERATOR SHALL MAINTAIN THE PREMISES, ALL ADJACENT PUBLIC SIDEWALKS, AND THE AREAS UNDER THE CONTROL OF THE OWNER OR OPERATOR, FREE OF GRASS, LITTER AND ALL TRASH. THE OWNER OR OPERATOR SHALL PROVIDE FOR DAILY REMOVAL OF ALL TRASH, LITTER AND DEBRIS. THE OWNER OR OPERATOR SHALL REMOVE GRASS WITHIN 48 HOURS OF THE APPLICATION.
- SDG&S HURSH STATES THAT SECURITY SHALL BE PROVIDED, WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND SHALL BE PRESENT AT THE SITE DURING ALL BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, BODY OR AN INCIDENTAL BARRICADE.
- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PDPS POLICY P-69-6 (CPC 584.1).
- USES ON THE PREMISES SHALL BE LIMITED TO THE MEDICAL MARJUMA CONSUMER COOPERATIVE AND ANY USES PERMITTED IN THE L-3-1 ZONE.



2ND FLOOR PLAN (No Work Under This Contract)



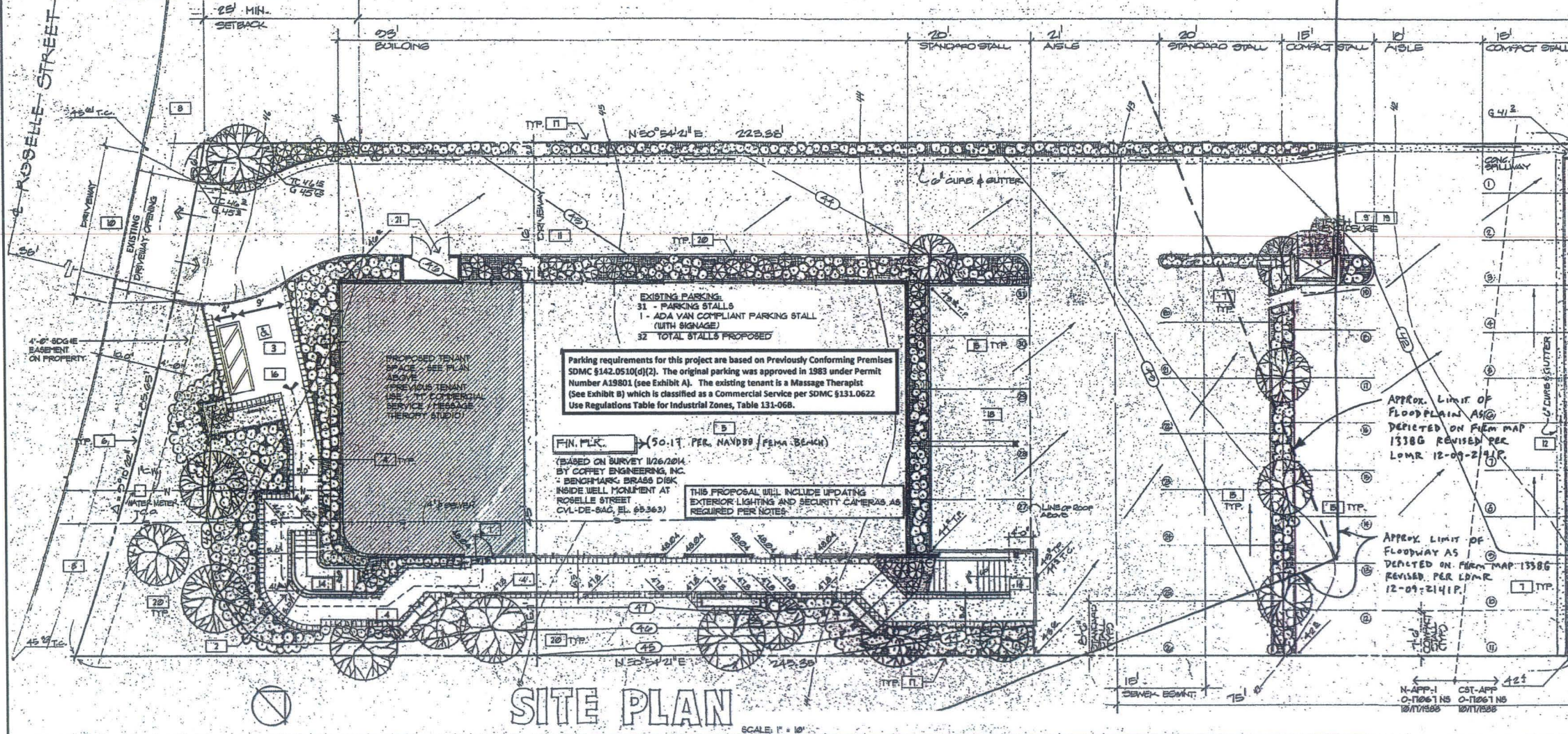
1ST FLOOR PLAN (Proposed Tenant + Existing Tenant to Remain)

FLOOR PLANS

SCALE: 3/32" = 1'-0"

GENERAL PLAN NOTES:

- THIS PROPOSAL INCLUDES INSTALLING INTERIOR SECURITY BARS ON ALL WINDOWS WITHIN THE FIRST FLOOR SPACE AS REQUIRED THAT MEET ALL CURRENT CODES AND REQUIREMENTS.
- ALL PRIMARY DOORS ARE ACCESSIBLE (MINIMUM 3'-0" DOOR WITH MINIMUM 32" CLEAR ACCESS). IF THERE ARE ACCESS ISSUES, THE DOOR OR OPENING SHALL BE CORRECTED UNDER THIS CONTRACT.
- A PROPOSED SECURITY SYSTEM SHALL BE INSTALLED UNDER THIS CONTRACT FOR THE ENTIRE 1ST FLOOR, INCLUDING ALL DOORS & WINDOWS.



SITE PLAN

SCALE: 1" = 10'

SITE PLAN SUMMARY NOTES:

PROJECT ADDRESS: 10671 ROSELLE STREET, SUITE 100, SAN DIEGO, CA 92121
LEGAL: LOT 6, MAP 6218, SAN DIEGO, SUBDIV. UNIVERSITY SORRENTO INDUST.
APN: 340-20-21-00
OWNER: G M G ENTERPRISES
APPLICANT: Torrey Pines Holistic Clinic
Point of Contact: Rollins Construction Consulting (619) 269-4868
CONSTRUCTION TYPE: V-B (Wood Framing)
OCCUPANCY CLASSIFICATION: B / S-1
ZONE: IL-3-1 / OVERLAY ZONES: CITY COASTAL (NON-APPEALABLE & APPEALABLE) / MCAS MIRAMAR AIRPORT INFLUENCE AREA
ENVIRONMENTALLY SENSITIVE LANDS: FEMA FLOODWAY & FLOODPLAINS (FV 100, FP 100, FP 500)

GROSS SITE AREA: 15,100 sq. ft.
FLOOR AREA (BUILDING): 9,681 sq. ft. (1294 SF. - PROPOSED TENANT SPACE)
EXISTING USE: B (Office) / M (Commercial Service) / S-1
PROPOSED USE: B (Office) / M (Commercial Service) / S-1
YEAR CONSTRUCTED: 1984
GEOLOGIC HAZARD CATEGORY: 31
LANDSCAPE AREA: 3,932 SF. - NET (All Existing to Remain)
SHEET CONTENT: A) Site Plan Summary B) Vicinity Map C) SITE PLAN D) Floor Plans

Applying for Conditional Use Permit, Site Development Permit & Coastal Devel. Permit
Proposed Medical Marjuma Consumer Cooperative
Site to remain as is. Structure to remain unchanged.
Property lines to remain unchanged.
No proposed deviations.
No proposed Building Improvements or developments.
No proposed deviations to setbacks, building height, or FAR.
Scope of work to include:

- 1) Exterior lighting for the immediate surrounding area as required. Lighting shall be oriented to deflect light away from adjacent properties. (See also notes below)
- 2) Interior lighting as required & as indicated in Notes below
- 3) Security: security guard, operable cameras, and alarms as required & noted
- 4) Exterior business sign posted will be limited to two colors as noted below.

Hours of Operations: 11:00AM to 9:00PM, seven days a week.

No changes in grade.
No environmentally sensitive land or change in drainage pattern.
No proposed street improvements, bus stops, or easements.
Not dangerous or a hazard to the community or public safety.
Not a hazard to the environment.

EXTERIOR ELEVATIONS: No Building Elevation Changes Proposed (Existing to Remain)

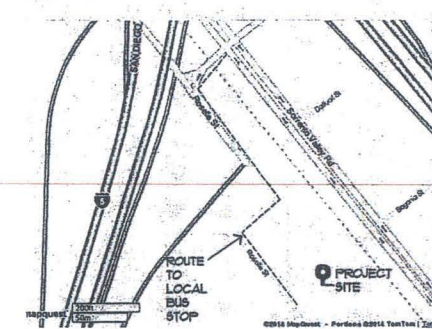
HISTORICAL RESOURCES INFORMATION: N/A for building.

LANDSCAPE DEVELOPMENT PACKAGE: N/A for building.

OTHER TECHNICAL STUDIES: N/A for building.

VICINITY MAP:

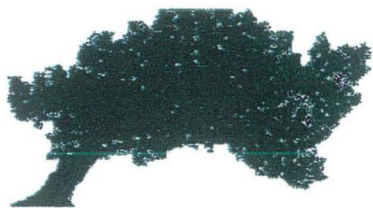
N.T.S.



PLAN SPECIFIC NOTES:

- 1 FULLY ACCESSIBLE PRIMARY ENTRANCE AS INDICATED.
- 2 HEAVY DASHED LINE INDICATES EXISTING FULLY ACCESSIBLE PATH OF TRAVEL TO REMAIN.
- 3 FULLY ACCESSIBLE VAN PARKING AND SIGNAGE
- 4 EXISTING FULLY ACCESSIBLE CONCRETE WALK TO BE MODIFIED AS NECESSARY
- 5 EXISTING TENANT SPACE/PARCEL NOT IN THIS CONTRACT.
- 6 PROPERTY LINE AS INDICATED
- 7 EXISTING PARKING STALL TO REMAIN
- 8 EXISTING PUBLIC SIDEWALK TO REMAIN
- 9 TRASH & RECYCLE RECEPTACLES LOCATION AS INDICATED (SCREENED)
- 10 EXISTING DRIVEWAY
- 11 EXISTING DRIVE ISLE TO PARKING TO REMAIN - RESEAL/SLURRY AS NECESSARY
- 12 EXISTING DRAINAGE SWALE TO REMAIN
- 13 NEW FULLY ACCESSIBLE TOILET ROOM (1 - MEN & 1 - WOMEN)
- 14 EXISTING ACCESS STAIRS TO UPPER LEVEL TO REMAIN
- 15 EXISTING STRIPING AS INDICATED - REPAINT IF NECESSARY
- 16 EXISTING WHEEL STOP AS INDICATED
- 17 EXISTING CHAIN LINKED FENCING TO REMAIN
- 18 EXISTING COVERED PARKING AREA TO REMAIN
- 19 EXISTING 6'-0" HIGH 2"x11" TRASH ENCLOSURE WITH SLATTED W/ SCREENING GATE
- 20 EXISTING LANDSCAPING TO REMAIN - NO NEW LANDSCAPING NEEDED AS THERE ARE NO ADJUSTMENTS TO THE EXISTING PARKING LOT
- 21 EXISTING ELECTRICAL ROOM TO REMAIN

Proposed Commercial Services
Consumer Cooperative
10671 ROSELLE STREET, SUITE 100
SAN DIEGO, CALIFORNIA 92121



Torrey Pines Community Planning Board
2758 Caminito Cedros, Del Mar, CA 92014
www.torreypinescommunity.org

BOARD MEMBERS: Noel Spaid, Chair; Dee Rich, Vice Chair; Patti Ashton, Treasurer; Jake Mumma, Secretary; Richard Caterina; Barbara Cerny; Nancy Moon; Norman Ratner; Bob Shopes; Pat Whitt; Michael Yanicelli

Torrey Pines Community Planning Board

SPECIAL MEETING MINUTES

MONDAY, APRIL 27, 2015 at 7:00 PM

Del Mar Hills Academy, Performing Arts Center

14085 Mango Drive, Del Mar CA 92014

NOTE: Times assigned for each item are approximate. Agenda items and order are subject to modification at the beginning of the meeting at the discretion of the Chair. Any item may be pulled from Consent Agenda and added to the regular agenda by request. To request an agenda in alternative format - sign language, oral interpreter or Assistive Listening Devices (ALDs) - please contact the Planning Department at (619) 236-6879 five (5) working days prior to the meeting to insure availability.

CALL TO ORDER/INTRODUCTIONS -

- The meeting was called to order at 7:00 p.m. by Noel Spaid.

Attendance -

Board Member:	Present	Excused	Absent
Patti Ashton	X		
Richard Caterina			X
Barbara Cerny	X		
Nancy Moon	X		
Jake Mumma	X		
Norman Ratner	X		
Dee Rich	X		
Bob Shopes	X		
Noel Spaid	X		
Pat Whitt			X
Michael Yanicelli			X

A. NON-AGENDA PUBLIC COMMENT –

- None.

B. MODIFICATIONS TO THE AGENDA –

- None.

ACTION ITEMS – Action Items this Month**A. New Dog Tending Business in Sorrento Valley – Camp Run-A-Mutt**

- The Board received information and a presentation on Camp Run-A-Mutt during April's Board Meeting.
- The project has only 1 clearance left, the Trip Generation Fee, with the city.
- Dee Rich motioned to approve the project, with Noel Spaid seconding the motion. The motion passed with the Board unanimously in favor.

**B. Medical Marijuana – Sorrento Valley Site**

- The Board received information and presentations regarding the project at previous month's meetings.
- It was discussed that the proposed project site is within 1000 feet of a wildlife corridor, not all parking spaces claimed actually exist, the ADA parking space is unusable, and the lighting around the site is not sufficient.
- As such, the Board voted to deny the proposed MMD Project 4-2 with 1 abstention.

C. Reappointment Of Current Seats To New Term – Jake Mumma, Patti Ashton, Pat Whitt, Mike Yanicelli

- Noel Spaid motioned to reappoint Jake Mumma, Patti Ashton, Pat Whitt, and Mike Yanicelli in their current seats to a new term, with Dee Rich seconding the motion. The motion passed with the Board unanimously in favor.

D. Appointment Of Officers

- Bob Shopes motioned to approve the appointment of Officers, seconded by Barb Cerney. The motion passed with the Board unanimously in favor.

The meeting was adjourned at 8:00pm.



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

Torrey Holistics Clinic

Project No. For City Use Only

390943

Project Address:

106761 Roselle St, Ste 100, San Diego, CA

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): Tony Hall
☐ Owner ☒ Tenant/Lessee ☐ Redevelopment Agency
 Street Address: 4876 Santa Monica Ave. #210
 City/State/Zip: San Diego, CA 92107
 Phone No: 619-807-7044 Fax No: _____
 Signature: Tony Hall Date: 10/22/14
 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): _____
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

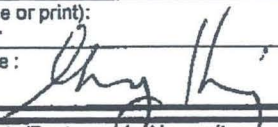
Project Title: Torrey Holistics Clinic	Project No. (For City Use Only) 390943
---	--

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

Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☒ Partnership

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

Corporate/Partnership Name (type or print): GMG Enterprises <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 10671 Roselle Street, #200 City/State/Zip: San Diego, CA 92121 Phone No: 619-990-7716 Fax No: Name of Corporate Officer/Partner (type or print): Greg King Title (type or print): Partner Signature:  Date: August 19, 2014	Corporate/Partnership Name (type or print): GMG Enterprises <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 10671 Roselle Street, #200 City/State/Zip: San Diego, CA 92121 Phone No: 818-763-4900 Fax No: Name of Corporate Officer/Partner (type or print): Michael Schwartz Title (type or print): Partner Signature: Date:
Corporate/Partnership Name (type or print): GMG Enterprises <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 10671 Roselle Street, #200 City/State/Zip: San Diego, CA 92121 Phone No: 949-244-0736 Fax No: Name of Corporate Officer/Partner (type or print): Gil Kort Title (type or print): Partner Signature: Date:	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> 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): <input type="checkbox"/> Owner <input type="checkbox"/> 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): <input type="checkbox"/> Owner <input type="checkbox"/> 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:



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

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

f ORM
DS-3031
October 2012

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

1. Type of Appeal:

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

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

Name: Torrey Pines Community Planning Grp. E-mail Address: m.spaid@san.rv.com
 Address: 2758 Caminito Cedros City: San Diego State: CA Zip Code: 92614 Telephone: 858-350-8718

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

Torrey Holistics MMCC

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

390743

Date of Decision/Determination:

Sept 16, 2015

City Project Manager:

Edith Gutierrez

Decision (describe the permit/approval decision):

Appeal of Hearing Officer Hearing

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

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

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

Attached Appeal

RECEIVED

SEP 24 2015

DEVELOPMENT SERVICES

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

Signature: Chari

Date: 9/24/15

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

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 (10-12)

Appeal of the Torrey Pines Community Planning Group

1. City of San Diego is providing sick patients with marijuana. Does this mean State and Federal regulations can be ignored on issues such as runoff and water issues? Can the findings of the project meet FEDERAL, STATE, and CITY regulations be met?

Urban Runoff and Storm Water Issues

Environmentally Sensitive Land

The industrial land adjacent to Carroll Canyon Creek wetland and wildlife corridor is listed as environmentally sensitive land in both the San Diego City master plan for Carroll Canyon Creek and the Torrey Pines Community Plan approved by the California Coastal Commission.

Intensification of Land Use

The proposed medical marijuana dispensary (MMD) will be open from 7:00 AM until 9:00 PM daily. Based upon survey of Otay Mesa MMD, an additional 15 to 18 vehicles per hour will be using this parking lot. This amounts to over 200 more cars per day parking in this lot next to the Carroll Canyon Creek. More cars per day can be reasonably expected to create more pollutants such as oil, anti-freeze, copper brake dust, etc.

The City of San Diego has scheduled monthly street cleaning to collect these waste solvents and heavy metals. Caltrans has built retention ponds along I-5 near the Los Penasquitos Lagoon to prevent highway runoff and treat and collect pollutants before they reach the lagoon. Development Services has a water retention policy in Torrey Pines to prevent urban runoff from reaching the local streets. Irrigation and storm water is treated on the private property via various accepted method such as bio-filter, gravel, etc.

Current Parking lot configuration

The parking lot is located on a FEMA floodplain and floodway. Due to the current slope of the parking lot, **storm water is directly drained** into the Carroll Canyon Creek wetlands. This method of disposing of urban and storm water run directly counter to CA Clean Water Act, Urban Runoff policy and Storm Water legislation.

Retention Policy for Roselle Street parking lot

As stated in the City's Master Plan for Carroll Canyon Creek, there should be a buffer zone between the Creek and private property. It is our recommendation that the parking stalls directly adjacent to the Creek be reconstructed with semi-permeable materials and a bio-swale be installed to filter out heavy metals.

- 2. Is the City of San Diego ignoring ADA requirements for the disabled that call for immediate updating of ADA requirements with the restriping of a parking lot and the Widening of the long driveway from 16' to 24'? There is no SAFE HARBOR after a simple act of restriping. Does the MMCC comply with State and FEDERAL laws for the disabled?**

In the two weeks prior to the Hearing Officer Hearing on Sept 16, the Back Main parking lot was restriped in unmarked areas to show 32 parking spaces. Under Federal Law, in the 2010 Small Business primer from ADA.gov, "For example, if you restripe your parking lot, which is considered an alteration, you will have to meet the ratio of van accessible spaces in 2010 Standards". There is presently one accessible Van Parking Space in the front of the building which needs to be remarked. When SAFE HARBOR ends, the Federal Standard calls for two ADA spaces if there are 26 to 50 parking spaces. If the one space in the front were to be in use, an MMCC client would drive to the back and not find an ADA accessible space. The client would not be able to access the MMCC without climbing 5 stairs. A ramp or lift would need to be added to make the parking lot accessible to the disabled client. A van parked in the largest parking spot in the middle of the back lot has 4" on each side. The nearest transit is the Coaster which is a mile away.

- 3. There are not 32 parking spaces as required by the City. One parking space is still not usable and is occupied by a trash bin. Other spaces are too small to be usable. The widening of the driveway will require extensive removal of full grown trees and may not be able to be widened to 24' which is a requirement of the project. Originally, the City asked for 33 spaces. Will the driveway and parking spaces be able to comply with the Land Development Code?**

The Torrey Pines Planning Group has continually questioned the change of use to Commercial with a massage parlor that opened 10/14 in the same month that the applicant came to the Planning Group for the first time. The original tenant left and another rented only 320sq. ft. of the space. The applicant has claimed that the short usage of the space grandfathered the reduced size of spaces and numbers of spaces.

- 4. Will having an MMCC preclude having Affordable Transit Oriented Housing in the immediate area?**

The Torrey Pines Planning Group submitted a focused update request to DSD and was put on a fast track to have our critical issues addressed long before the City adopted the MMCC Ordinance. A major issue in the community is affordable housing. The Coaster- Amtrak Station is one mile from the project, but the City would need to obtain HUD money and to work with the Army Corps of engineers for this affordable housing transit oriented development to be

built. An MMCC would preclude this affordable transit oriented development. Is the mandate for affordable housing not more important than the 12th **MMCC**?

5. The Torrey Pines Community Planning Group continues to believe that the site which is adjacent to Carroll Creek is within 1000ft. of the Carroll Creek Slipway, and is part of a continuous Open Space System from Carroll Canyon to Carroll Creek to Penasquitos Creek and finally to Penasquitos Lagoon.

Public Right of Way along Carroll Canyon Creek

Both the City of San Diego's Master Plan for Carroll Canyon Creek and the Torrey Pines Community Plan (TPCP) have legally established the Carroll Canyon Creek riverbed and banks as **wetland** and a **wildlife corridor**. Archeological findings along the creek establish Native Americans settled along the river over 5,000 years ago.

Both the Master plan and the TPCP recognize that private property abuts the creek and its banks at some parcels. The City's master plan calls for the establishment of a 35 foot buffer zone between the creek and some private parcels. Maps of the region including the Creek and the Los Penasquitos Lagoon Marshland Preserve indicated groups of "Friends" have established entry points into the Creek and Lagoon which helps preserve the **Public-Right-of-Way (ROW)**.

The Carroll Canyon Creek wetlands allows the public rare access to view wildlife and explore a natural setting along the Creek's riverbanks. The **Public-Right-of-Way** must be **preserved** for current and future generation.

The Creek's spillway is well within a 1,000 foot of the proposed medical marijuana shop. The ROW is considered "**Open Space Parkland**" and meets the City's definition of a park. Therefore the medical marijuana dispensary application must be denied due to its location within the 1,000' prohibited zone.

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101	<div style="position: relative; height: 100px;"> RECEIVED SEP 26 2015 </div> <div style="position: absolute; bottom: 0; left: 0; color: red; font-weight: bold;">DEVELOPMENT SERVICES</div>	FORM DS-3031 OCTOBER 2012
Development Permit/ Environmental Determination Appeal Application			

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

1. Type of Appeal:

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

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

Name: Mira Mesa Community Planning Group
 Address: 10606-08 Camino Ruiz, PMB 230
 City: San Diego State: CA Zip Code: 92126 Telephone: (858) 609-6629
 E-mail Address: mmcpq.chair@gmail.com

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

Torrey Holistics Clinic, Inc., Tony Hall

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Project Number 390943	September 16, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):
Approval of Conditional Use Permit No. 1371299

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

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

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

Factual Error - The facts relied upon in reaching the decision did not include a traffic study. The Hearing Officer visited the site, and determined upon visual inspection that traffic would not be an issue. However, left out of the decision was the need to fix the flow of vehicular traffic in this intersection, the third busiest in San Diego and currently performing at LOS F. This intersection is less than 1,000 feet from the proposed MMCC. (See attached I-5/Sorrento Valley Road Interchange Improvements report)

Findings Not Supported - The Hearing Officer determined that the placement of the proposed MMCC at this location would not be detrimental to the public health, safety, and welfare. However, according to a report recently released by the San Diego County Medical Examiner's Office, traffic deaths in 2014 rose nearly 18 percent with pedestrian accidents rising 37.5 percent. Almost half the pedestrians killed in accidents last year and who were tested for impairment turned out to have been under the influence of alcohol or illicit drugs - most commonly marijuana or methamphetamine - at the time of their deaths. Placement of a marijuana dispensary so close to one of the busiest intersections in San Diego can only contribute to a future rise in pedestrian deaths as well as motor-vehicular related fatalities. (Source: KPBS, Thursday, July 30, 2015, "San Diego County Traffic Deaths Rise in 2014")

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

Signature:  Date: 9/25/2015

JOHN HORST, CHAIRMAN, MIRA MESA COMMUNITY PLANNING GROUP

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

Reset Button

I. BACKGROUND

A. *Project Location*

The City of San Diego (City) is proposing to construct improvements to the local street system and railway adjacent to the Interstate (I) 5/Sorrento Valley Road interchange, herein referred to as the “Project.” The Project area is located in the Torrey Pines and University Community Planning Areas, just south of the I-5/I-805 merge in the northwestern portion of San Diego, California. The I-5/Sorrento Valley Road interchange is a half-diamond interchange approximately 1 mile north of the I-5/Genesee Avenue interchange and 1.2 miles north of the I-805/Mira Mesa Boulevard interchange. Figures 1 and 2 on the following pages show the regional Project location and the Project location.

Project improvements are intended to relieve traffic congestion at five intersections—the I-5 northbound off-ramp and Roselle Street, I-5 southbound on-ramp and Roselle Street, Sorrento Valley Boulevard and Roselle Street, Sorrento Valley Boulevard and Sorrento Valley Road, and Sorrento Valley Boulevard and Vista Sorrento Parkway—and the at-grade railroad crossing between the Sorrento Valley Boulevard/Roselle Street and Sorrento Valley Boulevard/Sorrento Valley Road intersections. Roselle Street is a two-lane industrial collector that provides access between I-5 and the surrounding roadway network, as well as ingress and egress to the two industrial/business parks to the north and south of the Project area, respectively. Sorrento Valley Boulevard and Sorrento Valley Road are classified as four-lane major roads and Vista Sorrento Parkway is classified as a modified four-lane major road and a four-lane collector northwest and southeast of the Sorrento Valley Boulevard intersection, respectively. Figure EX-1, Existing Conditions, in Appendix D shows the location of the five intersections.

In addition to the interchange and five intersections discussed above, the Project area includes an area northwest and southeast of the I-5/Sorrento Valley Road interchange and its surrounding local roadways. These portions of the Project area would be dedicated for development of a new Coaster station and include parts of the railroad right-of-way, surrounding local roads, and parcels adjacent to these facilities. Figure 2 below depicts the total Project study area.

B. *Project History and Report Objective*

Improvements at the I-5/Sorrento Valley Road interchange were first documented in January 2000 in the *Sorrento Valley Circulation Study*, completed by the San Diego Association of Governments (SANDAG). The circulation study investigated possible options for improving traffic operations in the area, and also provided analysis of existing traffic conditions and phased improvements. Potential improvements were evaluated on criteria such as cost, engineering feasibility, and traffic operations. Many of the alternatives discussed in the circulation study were used to develop alternatives in subsequent documents.



Following the PSR/PDS, the *I-5 Corridor/Sorrento Valley Road and Genesee Avenue Interchanges Project Study Report* was completed in October 2004 as part of a joint effort by SANDAG, Caltrans, and the City. This PSR evaluated several alternatives for improvements to the I-5/Genesee Avenue interchange, the I-5/Sorrento Valley Road interchange and surrounding roadways, and the I-5 main lanes from La Jolla Village Drive to Sorrento Valley Road. The PSR developed in further detail many of the alternatives from the PSR/PDS. The PSR evaluated 10 alternatives (S1, S2, S3, S4, S4A and S4B, S5, S6, S6A, S7, and S8) for the I-5/Sorrento Valley

I-5/Sorrento Valley Road Interchange Improvements
 INTERIM INVESTIGATIVE REPORT
 For the City of San Diego

Road interchange, in addition to two alternatives for the I-5 main lanes and two alternatives for the I-5/Genesee Avenue interchange. Completion of the PSR allowed agency planners to program capital costs for selected improvements.

Following the PSR, the I-5/Genesee Avenue interchange improvements project was separated into its own Project Report (PR) and Environmental Document (ED). Those documents were completed and circulated for public review, which ended in 2010, and are awaiting signature on the final reports.

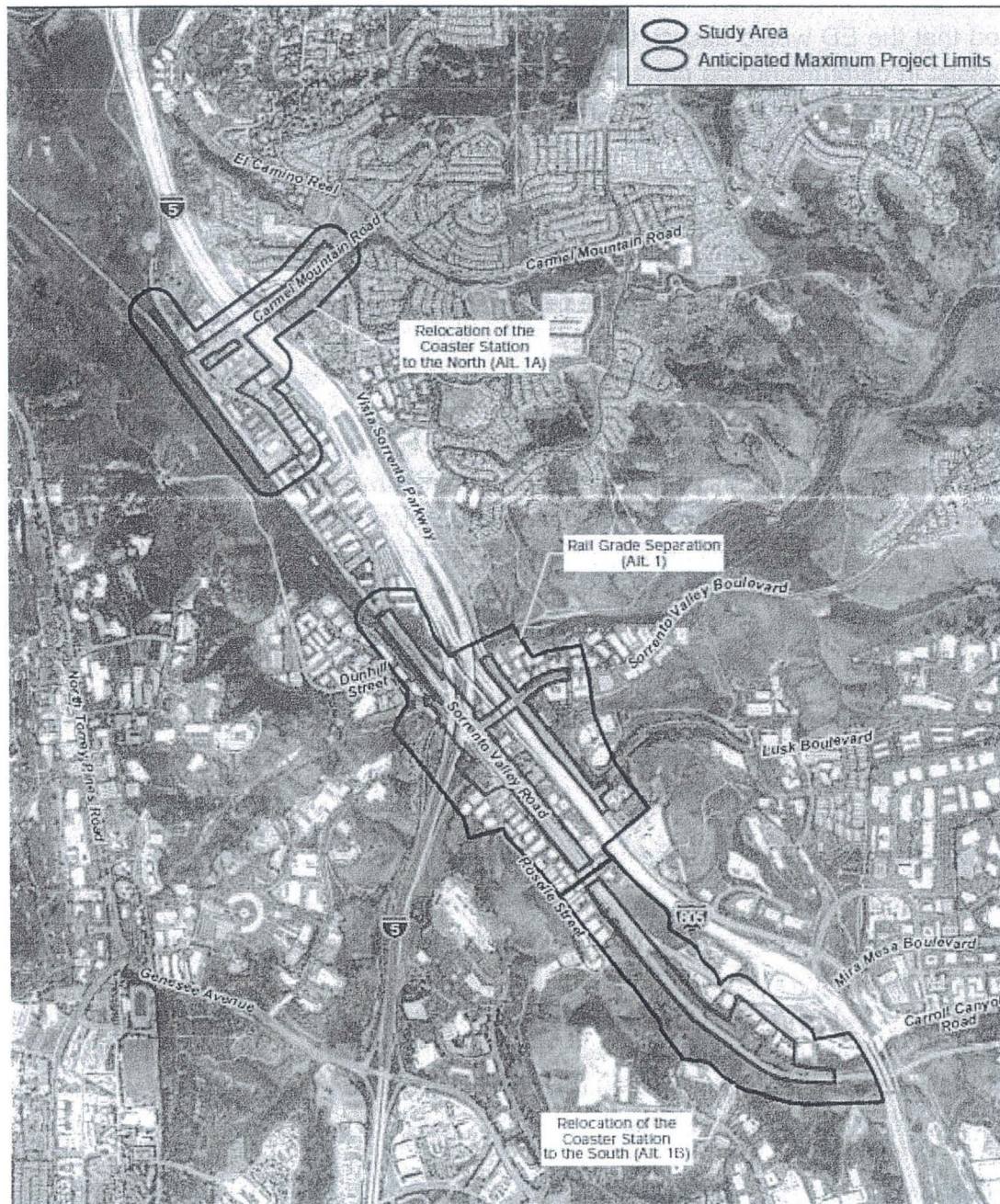


Figure 2: Project Locations

I-5/Sorrento Valley Road Interchange Improvements
INTERIM INVESTIGATIVE REPORT
For the City of San Diego

In 2008, the City, in coordination with Caltrans, commenced the PR and ED phase of the development of this Project for the I-5/Sorrento Valley Road interchange area and local roads, as well as a location for the relocated Coaster station. In completing the PR and ED phase, improvements to the existing interchange configuration and the relocation of the existing Coaster station were considered. Some of the objectives of the Project include removal of the at-grade rail crossing, minimizing impacts to property and the Coaster station, and general improvements to the existing traffic operations through changes to roadway geometrics, lane configurations, and intersection signalization.

It was intended that the ED would assess the impacts of the various alternatives developed in the PR, and assist in determining the preferred alternative. Additionally, a community outreach component would be provided to inform the public and various stakeholders of the proposed alternatives and to gather feedback for consideration in determining the preferred alternative. Due to the proposed changes to the freeway off- and on-ramps, it was expected that Caltrans would be the lead agency under the National Environmental Policy Act (NEPA), and the City would be the lead agency under the California Environmental Quality Act (CEQA).

However, as the alternatives were created, refined, and evaluated, it was discovered that improvements to the local roads and intersections alone would not provide sufficient congestion relief and that major improvements to the rail facilities would be needed in addition. From this, changes and enhancements to the rail facilities became the focus of the Project investigation, and the involvement of North County Transit District (NCTD) and SANDAG increased. With the shift in the Project focus away from highway related improvements, Caltrans requested that they no longer be the lead agency for the NEPA document. In addition, NCTD and SANDAG requested that the ED for rail facilities be conducted in accordance with Federal Railway Administration (FRA) requirements, including the appropriate exclusions for rail projects. It also became clear that the most viable solutions to meet the Project objectives would include improvements outside the City's jurisdiction and would be more regional in nature.

Although the Project continues to be a joint effort between the City, SANDAG, NCTD, and Caltrans, the lead agency for future phases of the Project has not been determined. Project documentation to date has only been prepared in compliance with CEQA and is summarized in an Initial Environmental Study (IES) for reference. It is anticipated that additional documentation needed for NEPA clearance will be required.

The objective of this interim investigative report is to document all of the studies and discussions completed to this point in the Project as well as summarize the design concepts for the various alternatives developed so far. All recommendations are based on the technical investigations that have been completed to date. This report also documents the Project development and the associated technical investigation results that are available for use when the Project continues development. This report provides findings and recommendations for many of the elements of a PR and ED, but excludes the following items:

I-5/Sorrento Valley Road Interchange Improvements
INTERIM INVESTIGATIVE REPORT
For the City of San Diego

- Although recommendations are made for the most viable two alternatives, a conclusion on the preferred alternative is not made, due to lack of consensus within the Project Development Team (PDT). The advantages and disadvantages will be listed for each alternative based on the information at hand.
- A CEQA environmental document is not included. Only the IES and supporting studies prepared in compliance with CEQA are presented.
- The report does provide the format, level of detail, and supplementary reports that Caltrans PR guidelines require for a PR and ED.



San Diego County Traffic Deaths Rise In 2014

Thursday, July 30, 2015

By City News Service



Photo by Katie Schoolov

Cars drive through City Heights on northbound Interstate 15, Nov. 24, 2014.

motorists, 57 motorcyclists and 10 bicyclists.

The number of traffic deaths in San Diego County rose nearly 18 percent in 2014, compared to the previous year, the [San Diego County Medical Examiner's Office](#) reported Thursday.

Motor vehicle-related fatalities accounted for 291 cases thoroughly investigated by the medical examiner's office last year, compared to 247 in 2013, according to an annual report by the office describing the cases it investigates.

Pedestrian accidents accounted for 88 of those deaths, up 37.5 percent from 64 fatalities in 2013. Two of last year's pedestrian fatalities were ruled homicides and three deemed suicides, according to the report. Those who lost their lives to automobile-related causes in 2014 included 70

Almost half the pedestrians killed in accidents last year and who were tested for impairment turned out to have been under the influence of alcohol or illicit drugs — most commonly marijuana or methamphetamine — at the time of their deaths. Many were killed while running across freeways at night, Chief Deputy Medical Examiner Jonathan Lucas said.

Of the 2,972 deaths thoroughly investigated by the agency in 2014, the largest category — 1,390, or 47 percent — were determined to have been accidental. A total of 1,022, or 34 percent, were ruled natural deaths.

Another 420 cases (14 percent) were suicides and 99 cases (3.3 percent) proved to be homicides. In 41 cases (1.4 percent), the medical examiner's office could not determine the cause of death. Among the accidental fatalities, 481 involved illicit drugs, legal medications or alcohol, and 291 were related to automobiles, according to the annual survey.

"This sampling is a reflection of the health of the community as a whole," Lucas said. "The report becomes a starting point for all types of other discussions, whether it's issues of health or public safety."

Among the drug deaths, methamphetamine was the main cause, leading to 169 fatalities — even though its involvement dropped from the previous year's 190 cases. Alcohol abuse was next, being blamed in 133 instances.

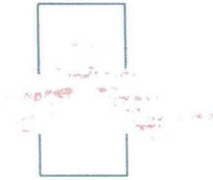
Heroin, which resulted in 105 deaths in 2014, has had an increased role in local mortality over the past nine years, and its involvement has more than doubled since 2007, the report noted. Additionally, there were 71 Oxycodone- related deaths last year, up from 49 in 2013.

The number of suicides, while higher than the national or statewide averages, was down slightly last year: 420 cases in 2014, compared to 441 in 2013. As in previous years, the highest rates of suicide in 2014 were among men older than 85.

Annually, nearly half of the 19,000 to 21,000 deaths recorded in San Diego County are reported to the medical examiner, according to the report. While most are determined in initial reviews to have been unexpected natural deaths, others require in-depth investigations to determine the cause of death.

CITY NEWS SERVICE

Please stay on topic and be as concise as possible. Leaving a comment means you agree to our [Community Discussion Rules](#). We like civilized discourse. We don't like spam, lying, profanity, harassment or personal attacks.



October 6, 2015

City Staff
Project Management
Planning Commissioners

Re: Response to Appeal Application dated 9/24/15 for the Torrey Holistics MMCC
CUP 390943

Environmentally Sensitive Land

The land immediately adjacent to the subject property is a concrete drainage channel. This has been reviewed by staff and is not classified as environmentally sensitive land.

Intensification of Land Use

This project is not an intensification of land use. The previous tenant of the proposed premises was a massage therapy commercial service. The proposed MMCC is classified as an identical commercial service use. Staff has reviewed this issue and determined that the project is not an intensification of land use.

Current Parking Lot Configuration

The existing parking lot will not be changed in location or topography. The project does not propose to create 2,500 square feet of new impervious surface nor does it increase the area of imperviousness of the existing site by 10% or more. Therefore the existing conditions are exempt from Storm Water design. Staff has reviewed this issue and determined the project in compliance with Storm water design code issues.

Retention Policy for Roselle Street Parking Lot

The existing parking lot will not be changed in location or topography. The project does not propose to create 2,500 square feet of new impervious surface nor does it increase the area of imperviousness of the existing site by 10% or more. Therefore the existing conditions are exempt from Storm Water design. Staff has reviewed this issue and determined the project in compliance with Storm water design code issues.

ADA Issues Safe Harbor

The project is in conformance with the ADA for a tenant improvement project. The primary function area (the proposed MMCC) will meet current ADA standards including access doors and a new ADA rest room. Per the code, the existing path of travel meets the standards for the time the building was constructed. The appeal letter confuses restriping with repainting existing parking spaces. Restriping envisions redesigning a parking lot to create a different lot configuration. The lot has had the existing spaces repainted due to the poor condition of the stall markings. The original site plan was utilized to

repaint the lines exactly as originally approved. There has been no restriping or changes to the lot configuration. Repainting the existing spaces as originally designed and approved is a maintenance issue and is not considered development subject to updating to current codes (the "Safe Harbor" referenced in the appeal letter).

The City has conditioned the project to widen the driveway to 24' to facilitate current ADA sidewalk transitions at the driveway. The project will meet current ADA standards for this work. The widening of the driveway does not change the remaining path of travel elements to the primary function area nor does it change the parking lot design and configuration. These elements do not require updating to the current code per the same Safe Harbor exception of the ADA Accessibility Guidelines (ADAAG).

Parking Lot Spaces

The trash container has been relocated to the existing trash enclosure. The appeal letter references 33 spaces being originally approved. There was a misnumbering of the spaces on the original drawings which omitted the numeral 27 which resulted in the written number count being 33. The approved design clearly shows 32 spaces (including the van ADA space). The current lot is in conformance with the approved design drawings.

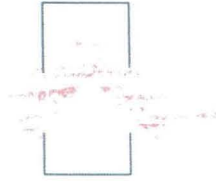
City staff have reviewed the project in regards to the previous use and proposed use. The City has determined the project is in conformance with requirements regarding no change in use for the proposed MMCC.

Affordable Transit Oriented Housing

The proposed project is in conformance with existing uses with regards to the required buffers from other uses. The MMCC ordinance does not address future potential uses. Nothing in the MMCC ordinance precludes the City from permitting a future use after its review of the proposed project's feasibility.

Carroll Canyon Creek Right of Way

The land immediately adjacent to the subject property is a concrete drainage channel. This has been reviewed by staff and is not classified as environmentally sensitive land. We agree with staff that the proposed tenant improvement is not within 1000' of the creek's spillway. City staff have reviewed the right of way and determined it does not meet the City definition of a park. City Councilmember Emerald has also addressed this issue during the environmental determination appeal hearing for the subject project and agreed with staff that the project was in conformance with City regulations and was an appropriate use and location for a MMCC.



October 6, 2015

City Staff
Project Management
Planning Commissioners

Re: Response to Appeal Application dated 9/25/15 for the Torrey Holistics MMCC
CUP 390943

Traffic Study

The appeal application states that a traffic study should be required for the proposed MMCC. City staff have reviewed the project and determined that there is no change in use for the proposed MMCC and no need for a traffic study. The previous use was commercial service which is the same as the proposed MMCC. The transportation department has previously determined that none of the MMCCs required a traffic study.

**CITY OF SAN DIEGO**

10/08/2015

OFFICE OF THE CITY TREASURER
BUSINESS TAX PROGRAM
PO BOX 122289
SAN DIEGO CA 92112-2289
(619) 615-1500 8:00 a.m. - 5:00 p.m M-F

BUSINESS ACTIVITY TAB

ACCOUNT:	2012063300
BUSINESS OWNER:	KEIKO N FAJARIT
FEIN:	*****
BEAN:	
CREATION DATE:	11/08/2012
BUSINESS START DATE:	10/15/2012
MAIL CERTIFICATE DATE:	
EFFECTIVE DATE:	11/01/2015
DUE DATE:	11/01/2015
EXPIRATION DATE:	10/31/2016
PRIMARY NAICS:	812198
PRIMARY NAICS DESC:	MASSAGE AND HEALTH CARE
SECONDARY NAICS:	42221
SECONDARY NAICS DESC:	SALE SUPPLMENTS

**CITY OF SAN DIEGO**

10/08/2015

OFFICE OF THE CITY TREASURER
BUSINESS TAX PROGRAM
PO BOX 122289
SAN DIEGO CA 92112-2289
(619) 615-1500 8:00 a.m. - 5:00 p.m M-F

MAINTAIN ACCOUNT TAB

ACCOUNT: 2012063300
ACCOUNT TYPE: BUSINESS TAX
ACCOUNT STATUS: ACTIVE
BUSINESS OWNER: KEIKO N FAJARIT
OWNERSHIP TYPE: SOLE PROPRIETORSHIP
FEE STATUS: BALANCE DUE
EMPLOYEES: 0
UNITS: 0
BALANCE DUE: \$ 35.00

BUSINESS ADDRESS**HOME BASED BUSINESS** ☐

10671 ROSELLE ST #100
SAN DIEGO CA 92121-1525
UNITED STATES

PHONE NUMBER: (858) 354-1439

FAX NUMBER:

EMAIL ADDRESS:

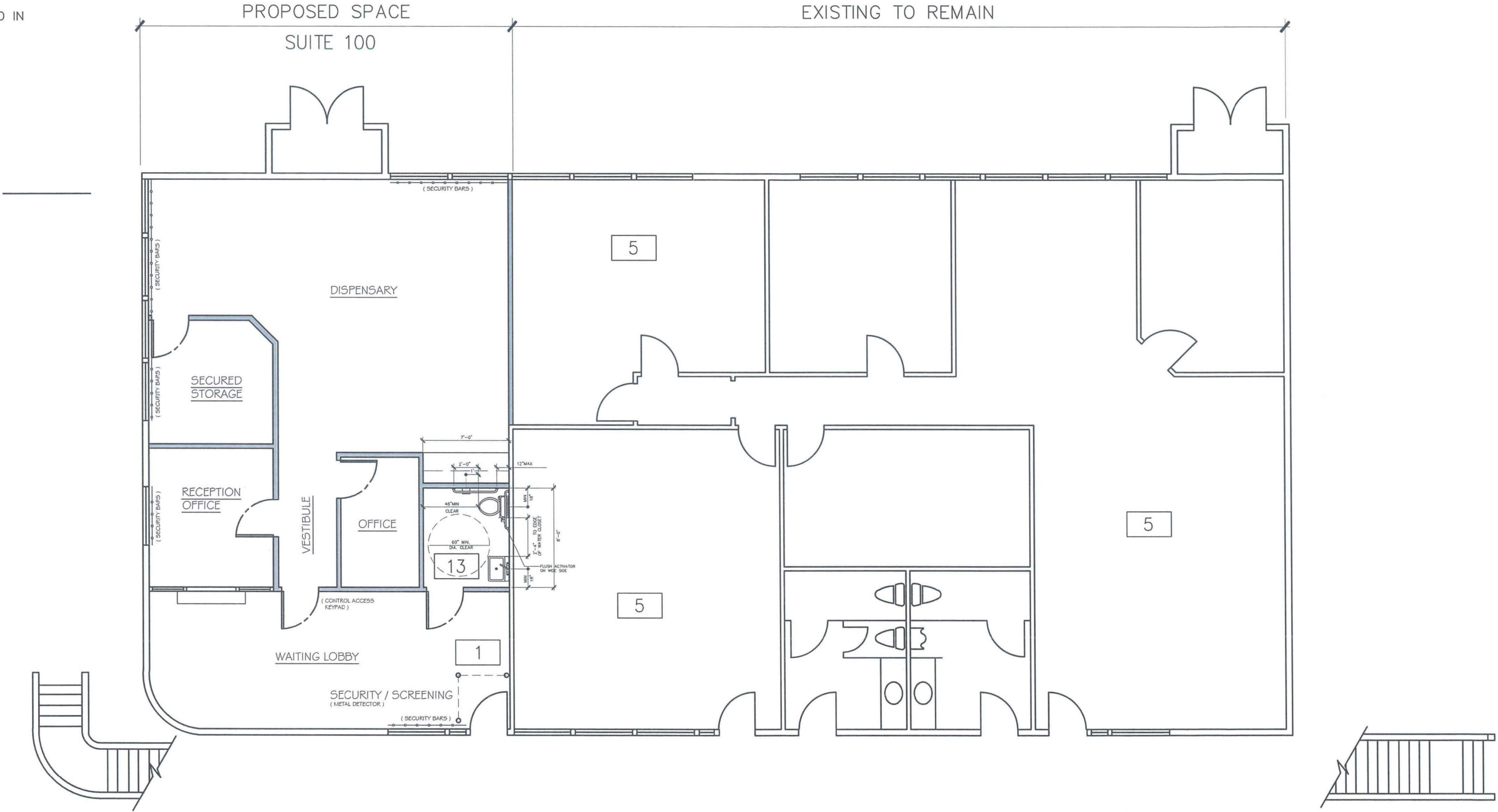
MAILING ADDRESS

3810 LA JOLLA VILLAGE DR
LA JOLLA CA 92037-1405
UNITED STATES

PHONE NUMBER: (858) 558-6309

HPS

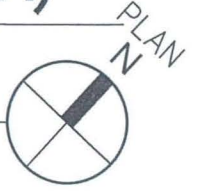
TED IN

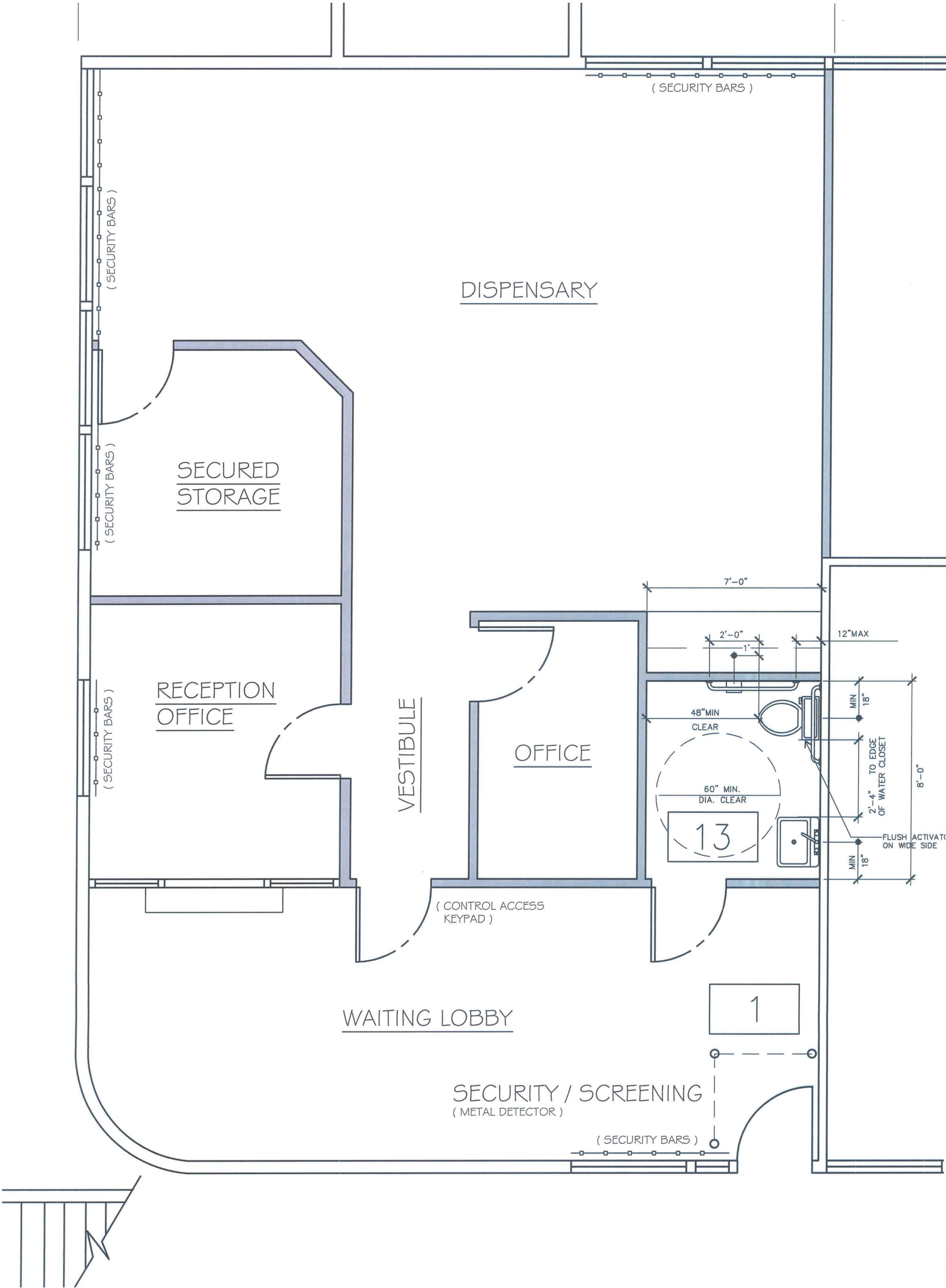


1ST FLOOR PLAN (Proposed Tenant + Existing Tenant to Remain)

FLOOR PLANS

SCALE: 3/32" = 1'-0"





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: 24005165

CONDITIONAL USE PERMIT NO. 1371299
TORREY HOLISTICS CLINIC MMCC - PROJECT NO. 390943
PLANNING COMMISSION

This Conditional Use Permit No. 1371299 is granted by the Planning Commission of the City of San Diego to GMG ENTERPRISES, Owner and, TORREY HOLISTICS CLINIC, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.43-acre site is located at 10671 Roselle Street in the IL-3-1 Zone, Airport Influence Area (Miramar), Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area. The project site is legally described as: Lot 6, University Sorrento Industrial, Map No. 6218, October 31, 1968.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 29, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,294 square-foot tenant space (Suite 100) within an existing 9,687 square-foot building on a 0.43-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 29, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on October 29, 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 1,294 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of Development Services Department. This facility shall also include alarms and two armed security guards to the extent the possession of a firearm 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 guards shall be licensed by the State of California. One security guard must be on the premises 24 hours a day, seven days a week, the other must be present during business hours. The security guards 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 Owner/Permittee shall install bullet resistant glass, plastic, or laminate shield at the reception area to protect employees.
18. The Owner/Permittee shall install bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, in the reception area and vault room.
19. 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.
20. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
21. 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.
22. 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.
23. Medical marijuana shall not be consumed anywhere within the 0.43-acre site.

24. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.

25. 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:

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with a 24-foot wide City standard driveway, on Roselle Street, per Standard Drawing SDG-159, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

27. No fewer than 32 off-street parking spaces (with 32 off-street parking spaces provided; including 1 disabled accessible spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on October 29, 2015 and Resolution No. PC-XXXX.

Conditional Use Permit No.1371299 /PTS No. 390943
Date of Approval: October 29, 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.

GMG ENTERPRISES
Owner

By _____
Greg King
Partner

GMG ENTERPRISES
Owner

By _____
Michael Schwartz
Partner

GMG ENTERPRISES
Owner

By _____
Gil Kort
Partner

TORREY HOLISTICS CLINIC, INC
Permittee

By _____
Tony Hall
President

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

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1371299
TORREY HOLISTICS CLINIC MMCC - PROJECT NO. 390943

WHEREAS, to GMG ENTERPRISES, Owner and, TORREY HOLISTICS CLINIC, INC., Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,294 square- foot tenant space within an existing 9,687 square-foot building (as described in and by reference to the denied Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1371299), on portions of a 0.43-acre site;

WHEREAS, the project site is located at 10671 Roselle Street in the IL-3-1 Zone, Airport Influence Area (Miramar), the Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area;

WHEREAS, the project site is legally described as Lot 6, University Sorrento Industrial, Map No. 6218, October 31, 1968;

WHEREAS, on May 12, 2015, 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 August 3, 2015 pursuant to Resolution No. 309959;

WHEREAS, on September 16, 2015, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1371299 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 24 and September 28, 2015, both the Torrey Pines and Mira Mesa Community Planning Group's filed an appeal of the Hearing Officer's decision;

WHEREAS, on October 29, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1371299 pursuant to the Land Development Code of the City of San Diego;

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 October 29, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

plan.

The proposed project is a request for a Conditional Use Permit to operate a MMCC in a 1,294 square-foot tenant space within an existing 9,687 square-foot building. The 0.43-acre site is located at 10671 Roselle Street in the IL-3-1 Zone, Airport Influence Area (Miramar), Airport Land Use Compatibility Overlay Zone, Accident Potential Zone 2 for Miramar, Coastal Overlay Zone (Appealable and Non-Appealable Area), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), Parking Impact Overlay Zone (Campus and Coastal), and the Coastal Height Limitation Overlay Zone within the Torrey Pines Community Plan area. The project site is designated Industrial by the Torrey Pines Community Plan and Prime Industrial Land by the Economic Prosperity Element of the General Plan.

All of the surrounding parcels are in the IL-3-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

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

The proposed 1,294 square-foot tenant space is located on the first floor an existing 9,687 square-foot, two-story building located at 10671 Roselle Street. The project proposes interior improvements only that include a lobby, reception area, dispensary, secured storage area and restrooms. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 24-foot wide driveway.

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. 1371299. 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 9,687 square-foot, two-story building located at 10671 Roselle Street was developed in 1983 per Building Permit No. A19801. The project proposes interior improvements only that include a lobby, reception area, dispensary, offices, restrooms, packaging and storage. The project proposes interior improvements only that include a lobby, reception area, dispensary, secured storage area and restrooms. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 24-foot wide driveway.

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

The proposed MMCC is consistent with the Industrial land use designation. 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 Land Development Code.

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

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

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the IL-3-1 - Zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. 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 Planning Commission, Conditional Use Permit No. 1371299 is hereby APPROVED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1371299, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: October 29, 2015

Job Order No. : 24005165