



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 2, 2015 **REPORT NO.** PC-15-132

ATTENTION: Planning Commission, Agenda of December 10, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO DENY
A CONDITIONAL USE PERMIT FOR SUSTAINABLE
THERAPEUTICS MMCC - PROJECT NO. 368302. PROCESS THREE

REFERENCE: Report to the Hearing Officer; Report No. HO-15-087 (Attachment 1-11).

**OWNER/
APPLICANT:** 3500 Company, LLC /
Sustainable Therapeutics, George Diaz

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to deny a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 4,489 square-foot tenant space within an existing 6,025 square-foot building located at 3500 Estudillo Street within the Midway/Pacific Highway Corridor Community Plan area?

Staff Recommendation: Uphold the appeal, Reverse the Hearing Officer's decision and Approve Conditional Use Permit No. 1292799.

Community Planning Group Recommendation: On July 2, 2014, the Midway Community Planning Group voted 9-0-0 to approve the project with conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on March 17, 2015 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on June 2, 2015.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

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

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

The proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a 4,489 square-foot tenant space within an existing 6,025 square-foot building located at 3500 Estudillo Street. The 0.23-acre site is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan area.

The existing 6,025 square-foot building was developed on Lots 7-9 in 1977. The proposed MMCC would be located on the first floor of the building on lots 7-8. A portion of the building across lots 8-9, approximately 232 square feet, will be structurally separated. That portion of the building, proposed to be used as a warehouse, will be exclusively on lot 9 and not part of the MMCC. The MMCC will provide 5 on-site parking spaces with 4 additional off-street spaces with a shared parking agreement on Lot 9 (Attachment 9).

MINOR ORIENTED FACILITY

SDMC section 141.0614(a)(1) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a minor-oriented facility.

Minor-oriented facility means any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the primary use is devoted to people under the age of 18.

Cali Coast Elite (CCE), a one-story building, located at 2004 Hancock Street is approximately 330 feet from the subject site. Based on CCE's website, class schedules and information

obtained from an employee, the facility specializes in coaching of competitive cheer and exhibition teams but also offers tutoring packages, tumbling classes and birthday parties to mostly persons under the age of 18. The proposed MMCC therefore, was in direct violation of the separation requirement of the SDMC.

HEARING OFFICER

On September 16, 2015, staff presented the project to the Hearing Officer with a recommendation for denial as CCE was a minor-oriented facility located within 1,000 feet of the proposed MMCC. The Hearing Officer agreed with staff and denied the project because it did not meet the separation requirement and therefore the required permit findings could not be made.

NEW INFORMATION

On November 5, 2015, staff received a notarized letter and class schedule from Betty Arsenault, CEO of Cali Coast Elite, stating that effective October 1, 2015, sixty percent of the fitness classes are adult-oriented and forty percent youth-oriented (Attachment 13).

REVERSE RECOMMENDATION

Based on the new information received by CCE, staff can recommend approval of the project as it meets all development regulations including the distance requirements.

DISCUSSION

Appeal: An appeal of the Hearing Officer's decision was filed on September 18, 2015, by the applicant George Diaz on the grounds of Factual Error, Conflict with Matters and Findings not supported (Attachment 12). The appeal was filed prior to the applicant submitting the new information and staff's reversed recommendation of approval.

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

Appeal Issue:

1. *The statements or evidence relied upon by the decision maker were inaccurate.*

Staff Response: Subsequent to the Hearing Officer's denial on September 16, 2015, and based on a notarized letter received from Betty Arsenault, CEO of Cali Coast Elite, staff has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements.

2. *The decision maker's stated findings to deny the CUP are not supported by the information provided.*

Staff Response: Subsequent to the Hearing Officer's denial on September 16, 2015, and based on a notarized letter received from Betty Arsenault, CEO of Cali Coast Elite, staff

has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements.

3. *The decision to deny the CUP is in conflict with the Municipal Code.*

Staff Response: Subsequent to the Hearing Officer's denial on September 16, 2015, and based on a notarized letter received from Betty Arsenault, CEO of Cali Coast Elite, staff has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements.

4. *New information is available now that was previously unavailable.*

Staff Response: Subsequent to the Hearing Officer's denial on September 16, 2015, and based on a notarized letter received from Betty Arsenault, CEO of Cali Coast Elite, staff has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements.

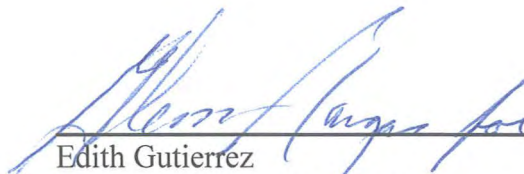
Conclusion:

Staff recommends that the Planning Commission uphold the appeal, reverse the Hearing Officer's decision and Approve Conditional Use Permit No. 1292799.

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-15-051
- 12. Appeal Application, George Diaz
- 13. Letter from Betty Arsenault & class schedule
- 14. Draft Permit with Conditions
- 15. Draft Permit Resolution with Findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: September 16, 2015

REPORT NO. HO-15-087

ATTENTION: Hearing Officer

SUBJECT: SUSTAINABLE THERAPEUTICS MMCC
PROJECT NUMBER: 368302

LOCATION: 3500 Estudillo Street

APPLICANT: Sustainable Therapeutics Cooperative, George Diaz

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 4,489 square-foot tenant space within an existing 6,025 square-foot building within the Midway/Pacific Highway Corridor Community Plan area?

Staff Recommendation: DENY Conditional Use Permit No. 1292799.

Community Planning Group Recommendation: On July 2, 2014, the Midway Community Planning Group voted 9-0-0 to approve the project with conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on March 17, 2015 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on June 2, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

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

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

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

The proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a 4,489 square-foot tenant space within an existing 6,025 square-foot building located at 3500 Estudillo Street. The 0.23-acre site is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan area.

The existing 6,025 square-foot building was developed on Lots 7-9 in 1977. The proposed MMCC would be located on the first floor of the building on lots 7-8. A portion of the building across lots 8-9, approximately 232 square feet, will be structurally separated. That portion of the building, proposed to be used as a warehouse, will be exclusively on lot 9 and not part of the MMCC. The MMCC will provide 5 on-site parking spaces with 4 additional off-street spaces with a shared parking agreement on Lot 9.

The proposed MMCC, classified as commercial services, is allowed the IS-1-1 zone within the Midway/Pacific Highway Corridor Community Plan with a CUP and is consistent with the community plan land use designation of Light Industrial.

DISCUSSION

The proposed MMCC located at 3500 Estudillo Street is proposing interior improvements that include a lobby, reception area, dispensary, secured storage area, offices and restroom. 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 dedication of additional right-of-way to provide a minimum of 10 feet curb to property line distance, a new curb ramp with truncated domes, replacement of the existing driveway with standard driveway and closure of the existing 42-foot wide driveway with two separate standard driveways.

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.

New Information:

Minor-Oriented Facility - Cali Coast Elite

During the initial review process of this application staff identified a minor-oriented facility, Cali Coast Elite, located at 2004 Hancock Street, within 1,000 feet of the site. The applicant was notified that staff would be recommending denial of the project as it did not meet the distance requirement of the SDMC. Subsequently, a code enforcement case was opened for Cali Coast Elite asserting that the use, Instructional Studio, was not allowed in the IS-1-1 zone. Based on the information submitted to Code Enforcement Division (CED), staff concluded that the project could move forward with recommendation of approval, as the minor-oriented use was not allowed in the zone, and CED would be moving forward with a Civil Penalty case to cease the operation of the instructional studio.

CED recently concluded their investigation and determined that Instructional Studios are allowed in the IS-1-1 zone.

CONCLUSION

Staff is recommending denial of the project as it would fail to meet the SDMC's minimum separation requirement prohibiting MMCCs from operating within 1,000 feet of a minor-oriented facility. The proposed MMCC is not consistent with the SDMC's purpose and intent to protect public safety, does not comply with the regulations of the Land Development Code and is not located at an appropriate location.

ALTERNATIVE

Approve Conditional Use Permit No. 1292799.

Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

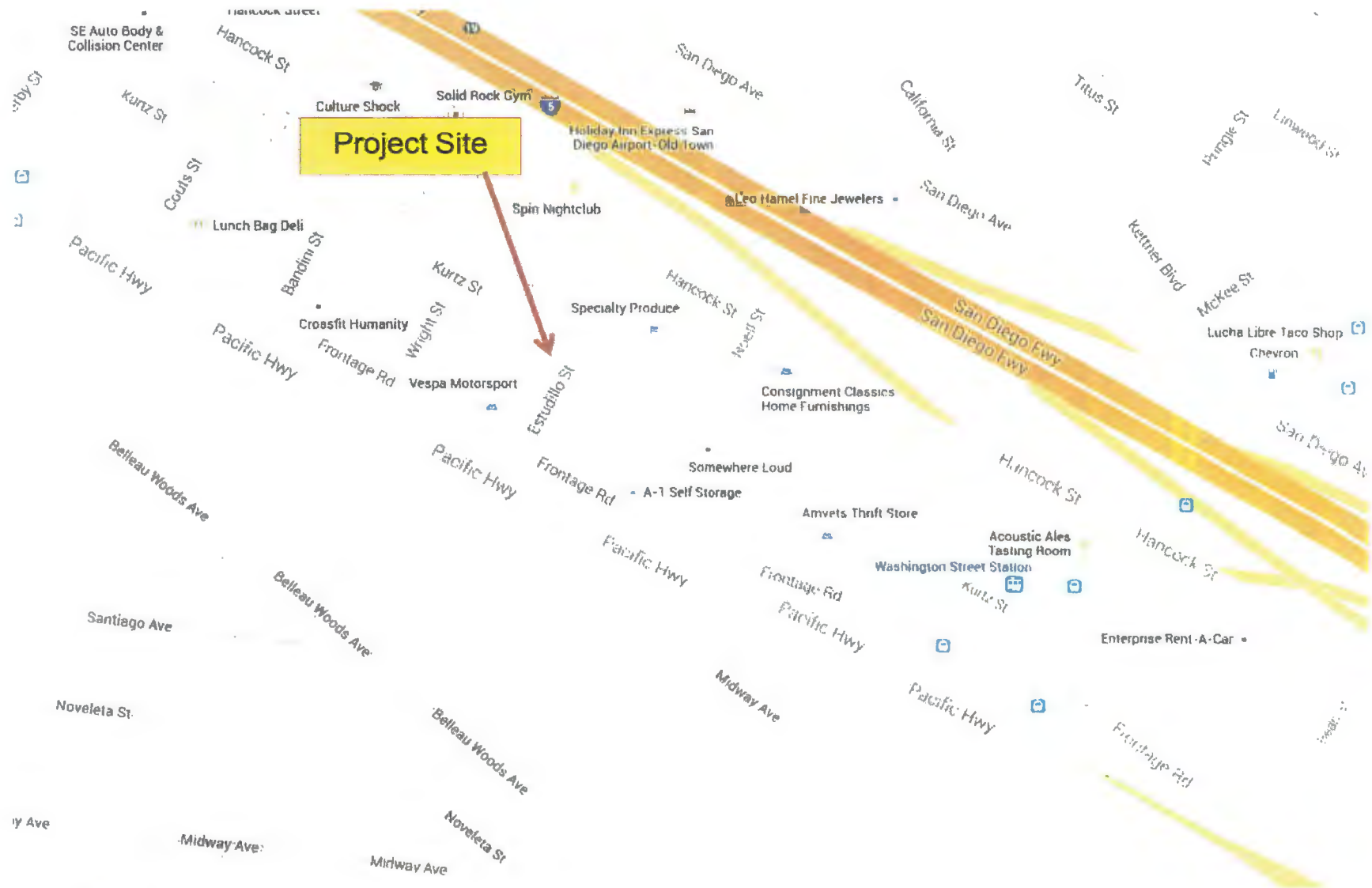
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000-Foot Radius Map
7. 1000-Foot Radius Map Spreadsheet
8. Notice of Right to Appeal Environmental Determination
9. Project Site Plan(s)
10. Community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



Project Aerial Photo

SUSTAINABLE THERAPEUTICS MMCC- 3500 ESTUDILLO STREET
PPROJECT NO. 368302

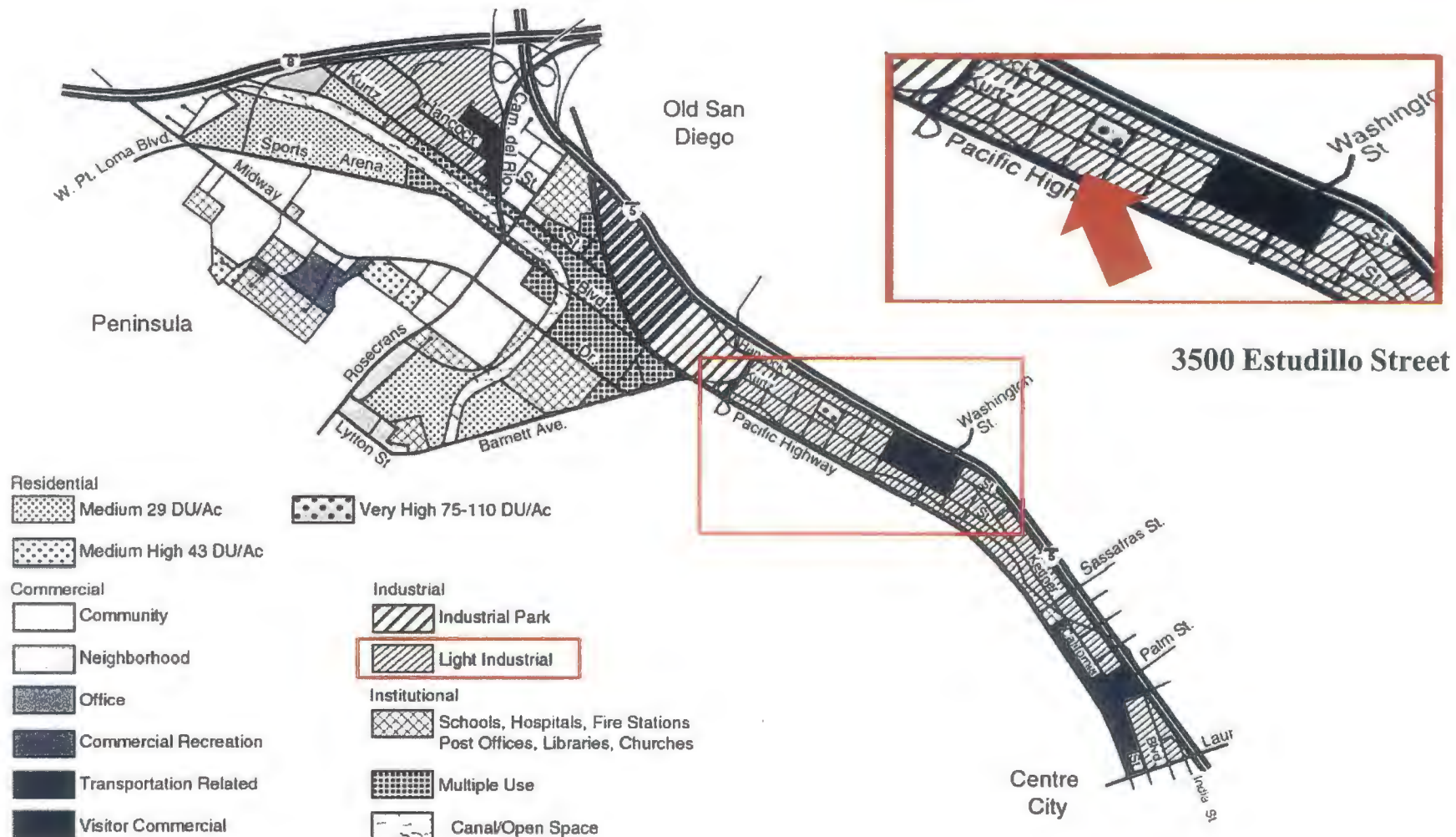




Project Location Map

SUSTAINABLE THERAPEUTICS MMCC- 3500 ESTUDILLO STREET
PROJECT NO. 368302





Proposed Land Uses
Midway / Pacific Highway Corridor Community Plan
 City of San Diego • Community and Economic Development



Land Use Map

SUSTAINABLE THERAPEUTICS MMCC- 3500 ESTUDILLO STREET
PROJECT NO. 368302



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: 24004661

CONDITIONAL USE PERMIT NO. 1292799
SUSTAINABLE THERAPEUTICS MMCC - PROJECT NO. 368302
HEARING OFFICER

This Conditional Use Permit No. 1292799 is denied by the Hearing Officer of the City of San Diego to 3500 COMPANY, LLC, Owners and SUSTAINABLE THERAPEUTICS COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.23-acre site is located at 3500 Estudillo Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as: Lots 7-9, Block 209 of Middletown according to partition Map made by J.E. Jackson, February 13, 1998.

Subject to the terms and conditions set forth in this Permit, permission is denied 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 denied 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 4,489 square-foot tenant space within an existing 6,025 square-foot building on a 0.23- 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 4,489 square-foot tenant space shall be limited to the MMCC and any use permitted in the IS-1-1 Zone.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of 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 0.23-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 dedicate additional right-of-way, adjacent to the southwest curb return of Kurtz Street and Estudillo Street, to provide a minimum of 10 feet curb to property line distance, satisfactory to the City Engineer.

27. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of a City standard curb ramp with truncated domes, located at the southwest curb return of Kurtz Street and Estudillo Street, satisfactory to the City Engineer.

28. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with City standard driveway, on Kurtz Street, satisfactory to the City Engineer.

29. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing 42-foot wide driveway with two separate City standard driveway on Estudillo Street, per Standard Drawing SDG-159 and SDG-164, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

30. No fewer than 9 parking spaces including 1 van accessible parking space shall be maintained at all times in the approximate location shown on Exhibit "A". The applicant/owner proposes to provide 5 parking spaces on-site including 1 van accessible space, and 4 parking spaces off-site per shared parking agreement. All on-site and off-site parking stalls and aisle widths shall be in compliance with the requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purposes, unless otherwise authorized in writing by the appropriate Decision Maker.

POLICE DEPARTMENT RECOMMENDATION:

31. 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.

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

Conditional Use Permit No.1292799PTS No. 368302
Date of Denial: 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.

3500 COMPANY, LLC
Owner

By _____
George Diaz
General Manager

SUSTAINABLE THERAPEUTICS
COOPERATIVE,
Permittee

By _____
George Diaz
President

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1292799
SUSTAINABLE THERAPEUTICS MMCC - PROJECT NO. 368302

WHEREAS, 3500 COMPANY, LLC, Owner and SUSTAINABLE THERAPEUTICS COOPERATIVE, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 4,489 square-foot tenant space within an existing 6,025 square-foot building (as described in and by reference to the denied Exhibits "A" and corresponding conditions of denial for the associated Permit No. 1292799), on portions of a 0.23-acre site;

WHEREAS, the project site is located at 3500 Estudillo Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan area;

WHEREAS, the project site is legally described as Lots 7-9, Block 209 of Middletown according to partition Map made by J.E. Jackson, February 13, 1998;

WHEREAS, on March 17, 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 June 2, 2015 pursuant to Resolution No. 309775;

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 0.23-acre site is located at 3500 Estudillo Street is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area.

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

compatible use for this location with a Conditional Use Permit and is consistent with the community plan, therefore will not adversely affect the applicable land use plan.

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

MMCCs must comply with San Diego Municipal Code (SDMC), Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The limit of four MMCCs per Council District (36 city-wide) and the minimum distance requirements were adopted in order to minimize the impact on the City, residential neighborhoods and to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

The proposed MMCC located at 3500 Estudillo Street is within 1,000 feet of a minor-oriented facility, Cali Coast Elite located at 2004 Hancock Street. The proposed MMCC would therefore be detrimental to the public health, safety and welfare of the community.

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

MMCCs must comply with San Diego Municipal Code (SDMC), Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone.

The proposed MMCC located at 3500 Estudillo Street is within 1,000 feet of a minor-oriented facility, Cali Coast Elite located at 2004 Hancock Street. The proposed MMCC would therefore not comply with the regulations of the Land Development Code.

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

MMCCs must comply with San Diego Municipal Code (SDMC), Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone.

The proposed MMCC located at 3500 Estudillo Street is within 1,000 feet of a minor-oriented facility, Cali Coast Elite located at 2004 Hancock Street. The proposed MMCC would therefore not be at an appropriate location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1292799 is hereby DENIED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1292799, 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. 24004661



NOT SCALE 1/4"

MARINE CORPS RECRUIT CENTER

(790)

(790)

(790)

(790)

1000-Foot Radius Map Spreadsheet

PROJECT NAME : Sustainable Therapeutics Cooperative

ADDRESS : 3500 Estudillo St, Suite A, San Diego, CA 92110

DATE : 1/13/2015

Use	Address	Assessor Parcel No.	Business/Owner Name
IWAR - WAREHOUSE, STORAGE	2115 KURTZ ST, SAN DIEGO, CA 92110	450-570-14-00	OLD TOWN TROLLEY TOURS
IWAR - WAREHOUSE, STORAGE	4055 PACIFIC HWY, SAN DIEGO, CA 92110	450-570-15-00	N/A
CSTO - STORES, RETAIL OUTLET	4085 PACIFIC HWY, SAN DIEGO, CA 92110	450-570-16-00	PACIFIC COAST ALTERATIONS
PUBLIC AGENCY	PUBLIC AGENCY - WATER ST, SAN DIEGO, CA	450-570-22-00	MARINE CORPS RECRUIT DEPOT
CSTO - STORES, RETAIL OUTLET	2122 HANCOCK ST, SAN DIEGO, CA 92110	450-583-05-00	SPURLOCK POIRIER
VIND - VACANT INDUSTRIAL	2130 HANCOCK ST, SAN DIEGO, CA 92110	450-583-06-00	N/A
VIND - VACANT INDUSTRIAL	2130 HANCOCK ST, SAN DIEGO, CA 92110	450-583-07-00	N/A
IMSC - INDUSTRIAL MISCELLANEOUS	, SAN DIEGO, CA 92110	450-583-10-00	STORAGE ETC.
CSTO - STORES, RETAIL OUTLET	2110 HANCOCK ST STE 301, SAN DIEGO, CA 92110	450-583-12-00	BIKRAM'S YOGA COLLEGE OF INDIA
CSTO - STORES, RETAIL OUTLET	2110 HANCOCK ST STE 200, SAN DIEGO, CA 92110	450-583-12-00	CULTURE SHOCK DANCE CENTER
CSTO - STORES, RETAIL OUTLET	2110 HANCOCK ST STE 100, SAN DIEGO, CA 92110	450-583-12-00	MISHA'S CAFÉ & JUICE BAR
CSTO - STORES, RETAIL OUTLET	2102 HANCOCK ST, SAN DIEGO, CA 92110	450-583-13-00	ADVANCE REPOGRAPHICS
PUBLIC AGENCY	PUBLIC AGENCY - HANCOCK ST, SAN DIEGO, CA 92110	450-584-07-00	SAN DIEGO METROPOLITAN TRANSIT D
CPAR - PARKING LOT, PARKING STRUCTURE	KURTZ ST, SAN DIEGO, CA 92110	450-585-03-00	MISSION OFFICE PARK LLC
IWAR - WAREHOUSE, STORAGE	3681 COUTS ST, SAN DIEGO, CA 92110	450-585-04-00	OLD TOWN TROLLEY TOURS
CSTO - STORES, RETAIL OUTLET	2057 KURTZ ST, SAN DIEGO, CA 92110	450-601-02-00	BRADLEY SECURITY & DETECTIVE AGENCY
IWAR - WAREHOUSE, STORAGE	2053 KURTZ ST, SAN DIEGO, CA 92110	450-601-03-00	NATIONAL AIR & ENERGY
CPAR - PARKING LOT, PARKING STRUCTURE	4005 PACIFIC HWY, SAN DIEGO, CA 92110	450-601-04-00	BOAT DEPOT
CSTO - STORES, RETAIL OUTLET	4025 PACIFIC HWY, SAN DIEGO, CA 92110	450-601-05-00	COASTAL DIE CUTTING
CPAR - PARKING LOT, PARKING STRUCTURE	2077 KURTZ ST 2085, SAN DIEGO, CA 92110	450-601-06-00	N/A
RMSC - RESIDENTIAL MISCELLANEOUS	PACIFIC HWY, SAN DIEGO, CA 92110	450-602-02-00	B.J.'S RENTALS
CSTO - STORES, RETAIL OUTLET	3955 PACIFIC HWY, SAN DIEGO, CA 92110	450-602-05-00	VESPA MOTORSPORTS
CSTO - STORES, RETAIL OUTLET	3957 PACIFIC HWY, SAN DIEGO, CA 92110	450-602-06-00	VESPA MOTORSPORTS
IWAR - WAREHOUSE, STORAGE	3959 PACIFIC HWY, SAN DIEGO, CA 92110	450-602-07-00	VESPA MOTORSPORTS
IWAR - WAREHOUSE, STORAGE	2049 KURTZ ST, SAN DIEGO, CA 92110	450-602-10-00	BALBOA TRANSPORTATION SERVICES
CPAR - PARKING LOT, PARKING STRUCTURE	3540 ESTUDILLO ST, SAN DIEGO, CA 92110	450-602-15-00	HERTZ
IWAR - WAREHOUSE, STORAGE	3500 ESTUDILLO ST, SAN DIEGO, CA 92110	450-602-16-00	3500 CO LLC
IWAR - WAREHOUSE, STORAGE	3500 ESTUDILLO ST, SAN DIEGO, CA 92110	450-602-17-00	3500 CO LLC
PUBLIC AGENCY	PUBLIC AGENCY, SAN DIEGO, CA	450-603-01-00	MARINE CORPS RECRUIT DEPOT
PUBLIC AGENCY	PUBLIC AGENCY, SAN DIEGO, CA	450-604-01-00	MARINE CORPS RECRUIT DEPOT
PUBLIC AGENCY	PUBLIC AGENCY, SAN DIEGO, CA	450-605-01-00	MARINE CORPS RECRUIT DEPOT
VIND - VACANT INDUSTRIAL	2092 HANCOCK ST, SAN DIEGO, CA 92110	450-611-07-00	N/A
IWAR - WAREHOUSE, STORAGE	2074 HANCOCK ST A, SAN DIEGO, CA 92110	450-611-22-00	SOLID ROCK GYM

IWAR - WAREHOUSE, STORAGE	2050 HANCOCK ST, SAN DIEGO, CA 92110	450-611-23-00	BUFFALO BREATH COSTUMES
RMFD - MULTI-FAMILY DWELLING (2-4 UNIT)	2036 HANCOCK ST, SAN DIEGO, CA 92110	450-612-02-00	N/A
CSTO - STORES, RETAIL OUTLET	2010 HANCOCK ST, SAN DIEGO, CA 92110	450-612-07-00	N/A
CEAT - RESTAURANT, BAR, FOOD SERVICE	2028 HANCOCK ST, SAN DIEGO, CA 92110	450-612-08-00	SPIN NIGHTCLUB
IWAR - WAREHOUSE, STORAGE	2020 HANCOCK ST STE A, SAN DIEGO, CA 92110	450-612-10-00	BROOK LEON & ASSOCIATES
IWAR - WAREHOUSE, STORAGE	2020 HANCOCK ST STE B, SAN DIEGO, CA 92110	450-612-10-00	DODD & ASSOCIATES
IWAR - WAREHOUSE, STORAGE	2020 HANCOCK ST STE C, SAN DIEGO, CA 92110	450-612-10-00	KARVON ELECTRIC
RAPT - MULTI-FAMILY RES (5+ UNITS)	2015 HANCOCK ST, SAN DIEGO, CA 92110	450-613-08-00	LOFT2015 APARTMENTS
PUBLIC AGENCY	PUBLIC AGENCY - HANCOCK ST, SAN DIEGO, CA 92110	450-613-09-00	SAN DIEGO METROPOLITAN TRANSIT D
VIND - VACANT INDUSTRIAL	1945 KURTZ ST, SAN DIEGO, CA 92110	450-631-01-00	CASTER STORAGE
VIND - VACANT INDUSTRIAL	3492 NOELL ST, SAN DIEGO, CA 92110	450-631-02-00	CASTER STORAGE
IMSC - INDUSTRIAL MISCELLANEOUS	3911 PACIFIC HWY, SAN DIEGO, CA 92110	450-631-07-00	RON SIN PHOTOCOPY INC
IMSC - INDUSTRIAL MISCELLANEOUS	3923 PACIFIC HWY, SAN DIEGO, CA 92110	450-631-08-00	R.W. LITTLE COMPAYN
IWAR - WAREHOUSE, STORAGE	3923 PACIFIC HWY, SAN DIEGO, CA 92110	450-631-09-00	R.W. LITTLE COMPAYN
CMED - MEDICAL/DENTAL/PROFESSIONAL BLDG	3895 PACIFIC HWY, SAN DIEGO, CA 92110	450-632-05-00	FANTASY SHOTS
PUBLIC AGENCY	PUBLIC AGENCY, SAN DIEGO, CA	450-632-06-00	SAN DIEGO METROPOLITAN TRANSIT D
CSTO - STORES, RETAIL OUTLET	3487 NOELL ST, SAN DIEGO, CA 92110	450-632-10-00	N/A
PUBLIC AGENCY	PUBLIC AGENCY - PACIFIC HWY, SAN DIEGO, CA 92110	450-633-03-00	MARINE CORPS RECRUIT DEPOT
IWAR - WAREHOUSE, STORAGE	2004 HANCOCK ST, SAN DIEGO, CA 92110	450-641-09-00	CALI COAST ELITE
IWAR - WAREHOUSE, STORAGE	1026 HANCOCK ST, SAN DIEGO, CA 92110	450-641-10-00	JET/ACCURATE PRINTING&ENVELOPES
PUBLIC AGENCY	PUBLIC AGENCY - HANCOCK ST, SAN DIEGO, CA 92110	450-641-11-00	SAN DIEGO METROPOLITAN TRANSIT D
IWAR - WAREHOUSE, STORAGE	1929 HANCOCK ST STE 100, SAN DIEGO, CA 92110	450-641-12-00	NHA CENTRAL KITCHEN
IWAR - WAREHOUSE, STORAGE	1929 HANCOCK ST STE 150, SAN DIEGO, CA 92110	450-641-12-00	SPECIALTY PRODUCE
ILIG - LIGHT INDUSTRIAL	1895 HANCOCK ST, SAN DIEGO, CA 92110	450-641-13-00	CONSIGNMENT CLASSICS HOME FURNISHINGS
PUBLIC AGENCY	1600 HENDERSON AVE 238, SAN DIEGO, CA 92140	450-790-02-00	MARINE CORPS RECRUIT DEPOT
CPAR - PARKING LOT, PARKING STRUCTURE	1847 HANCOCK ST, SAN DIEGO, CA 92110	451-590-27-00	MISSION APARTMENTS
IWAR - WAREHOUSE, STORAGE	3441 SUTHERLAND ST, SAN DIEGO, CA 92110	451-590-52-00	AMVETS THRIFT STORE
CSTO - STORES, RETAIL OUTLET	1815 HANCOCK ST, SAN DIEGO, CA 92110	451-590-64-00	MISSION APARTMENTS
PUBLIC AGENCY	PUBLIC AGENCY, SAN DIEGO, CA	451-590-78-00	MARINE CORPS RECRUIT DEPOT
PUBLIC AGENCY	PUBLIC AGENCY, SAN DIEGO, CA	451-590-79-00	SAN DIEGO METROPOLITAN TRANSIT D
CSTO - STORES, RETAIL OUTLET	2121 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-711-46-00	ASPIRE CENTER
RAPT - MULTI-FAMILY RES (5+ UNITS)	2052 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-07-00	N/A - KRIESER & CARTWRIGHT TRUST
RSFR - SINGLE FAMILY RESIDENCE	2062 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-08-00	N/A
RCON - CONDOMINIUM, PUD	2084 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-01	N/A
RCON - CONDOMINIUM, PUD	2082 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-02	N/A
RCON - CONDOMINIUM, PUD	2080 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-03	N/A
RCON - CONDOMINIUM, PUD	2078 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-04	N/A
RCON - CONDOMINIUM, PUD	2076 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-05	N/A
RCON - CONDOMINIUM, PUD	2074 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-06	N/A

RCON - CONDOMINIUM, PUD	2072 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-07	N/A
RCON - CONDOMINIUM, PUD	2070 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-713-13-08	N/A
RSFR - SINGLE FAMILY RESIDENCE	2045 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-714-01-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2037 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-714-02-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2031 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-714-03-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2025 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-714-04-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2017 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-714-05-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2011 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-714-06-00	N/A
RDUP - DUPLEX	2005 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-714-07-00	N/A
RDUP - DUPLEX	1970 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-08-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2008 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-09-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2010 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-10-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2020 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-11-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2030 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-12-00	N/A
RMFD - MULTI-FAMILY DWELLING (2-4 UNIT)	2032 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-13-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2038 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-14-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	2044 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-714-15-00	N/A
CHOT - HOTEL/MOTEL	1955 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-715-02-00	HOLIDAY INN EXPRESS
RAPT - MULTI-FAMILY RES (5+ UNITS)	2085 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-716-01-00	N/A
RAPT - MULTI-FAMILY RES (5+ UNITS)	2073 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-716-02-00	N/A
RAPT - MULTI-FAMILY RES (5+ UNITS)	2065 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-716-03-00	N/A
RAPT - MULTI-FAMILY RES (5+ UNITS)	2059 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-716-04-00	N/A
RMFD - MULTI-FAMILY DWELLING (2-4 UNIT)	2051 SAN DIEGO AVE 2057, SAN DIEGO, CA 92110	451-716-05-00	N/A
VRES - VACANT RESIDENTIAL	, SAN DIEGO, CA	451-716-06-00	CALTRANS
RSFR - SINGLE FAMILY RESIDENCE	1955 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-722-01-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	1931 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-722-02-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	1925 W CALIFORNIA ST, SAN DIEGO, CA 92110	451-722-03-00	N/A
CEAT - RESTAURANT, BAR, FOOD SERVICE	1890 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-722-14-00	MAIDHOF BROS. SHIPWARE MERCHANTS
RMFD - MULTI-FAMILY DWELLING (2-4 UNIT)	1900 SAN DIEGO AVE 1908, SAN DIEGO, CA 92110	451-722-15-00	N/A
RAPT - MULTI-FAMILY RES (5+ UNITS)	1912 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-722-16-00	N/A
RMFD - MULTI-FAMILY DWELLING (2-4 UNIT)	1926 SAN DIEGO AVE 1932, SAN DIEGO, CA 92110	451-722-17-00	N/A
RSFR - SINGLE FAMILY RESIDENCE	1936 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-722-18-00	N/A
RAPT - MULTI-FAMILY RES (5+ UNITS)	1942 SAN DIEGO AVE 1954, SAN DIEGO, CA 92110	451-722-19-00	N/A
CSTO - STORES, RETAIL OUTLET	3615 NOELL ST, SAN DIEGO, CA 92110	451-723-01-00	MAIDHOF BROS. SHIPWARE MERCHANTS
IWAR - WAREHOUSE, STORAGE	1851 SAN DIEGO AVE STE 120, SAN DIEGO, CA 92110	451-723-02-00	CAL BATH & KITCHEN RESTORATION
IWAR - WAREHOUSE, STORAGE	1851 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-723-02-00	LEO HAMMEL FINE JEWELERS
IWAR - WAREHOUSE, STORAGE	1851 SAN DIEGO AVE STE 140, SAN DIEGO, CA 92110	451-723-02-00	MY PRINTER
IWAR - WAREHOUSE, STORAGE	1851 SAN DIEGO AVE STE 100B, SAN DIEGO, CA 92110	451-723-02-00	N/A
IWAR - WAREHOUSE, STORAGE	1851 SAN DIEGO AVE STE 100A, SAN DIEGO, CA 92110	451-723-02-00	WURTS INTERIORS

CSTO - STORES, RETAIL OUTLET	1917 SAN DIEGO AVE 1923, SAN DIEGO, CA 92110	451-724-03-00	N/A
CSTO - STORES, RETAIL OUTLET	1911 SAN DIEGO AVE, SAN DIEGO, CA 92110	451-724-04-00	MISSION HILLS AUCTIONEERS, INC



THE CITY OF SAN DIEGO

Date of Notice: March 17, 2015

REVISED

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004661

PROJECT NAME/NUMBER: Sustainable Therapeutics MMCC/368302

COMMUNITY PLAN AREA: Midway/Pacific Highway Corridor Community Plan

COUNCIL DISTRICT: 2

LOCATION: The project is located at 3500 Estudillo Street, San Diego, CA 92110.

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate within a 4,489-square-foot-tenant space in an existing 6,025-square-foot-building located at 3500 Estudillo Street on a 0.23-acre-site located within the Midway/Pacific Highway Community Plan Area; the site is designated Light Industrial. The project site is located in the IS-1-1 Zone, the Airport Influence Area for San Diego International Airport, the Part 77 Noticing Area, and the Coastal Height Limitation Overlay Zone.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff

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

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Guidelines Section 15303 which allows for the 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:

MAILING ADDRESS:

PHONE NUMBER:

Edith Gutierrez

1222 First Avenue, MS 501

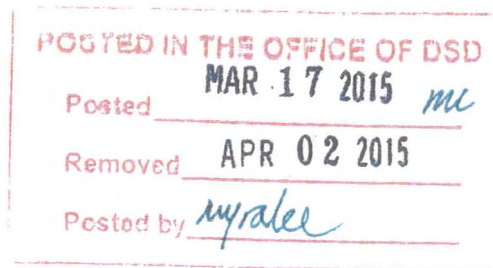
San Diego, CA 92101

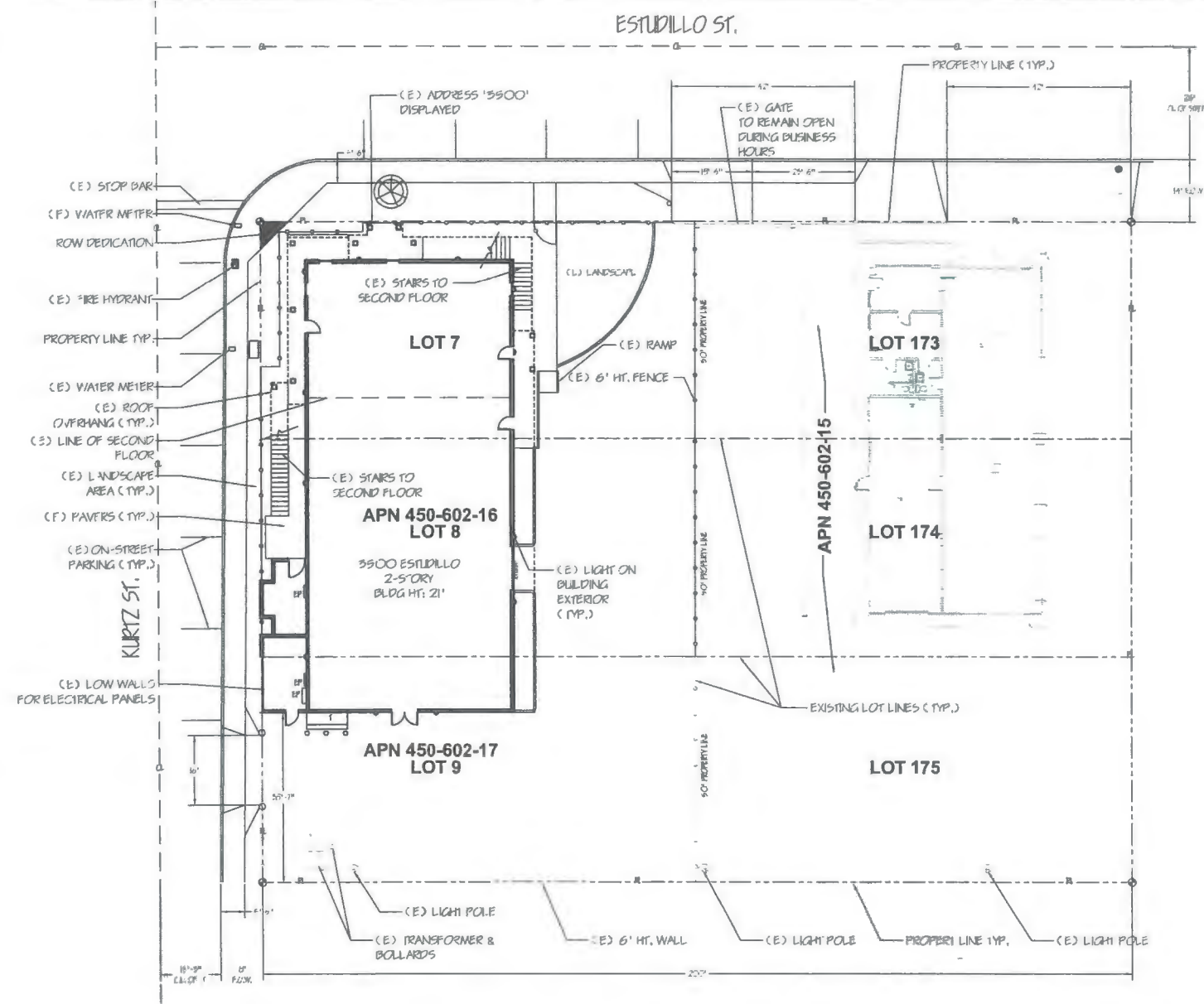
(619) 446-5147

On March 17, 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 (April 1, 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.





EXISTING SITE PLAN

SCALE: 1/16" = 1'-0"

3500 ESTUDILLO STREET, SUITE A DEVELOPMENT PLANS

VICINITY MAP
DRAWING DATE: 01-16-15

PROPOSED SITE PLAN
DRAWING DATE: ORIGINAL: 10-21-2010 / REVISIONS: 4-17-2014 & 7-7-2014

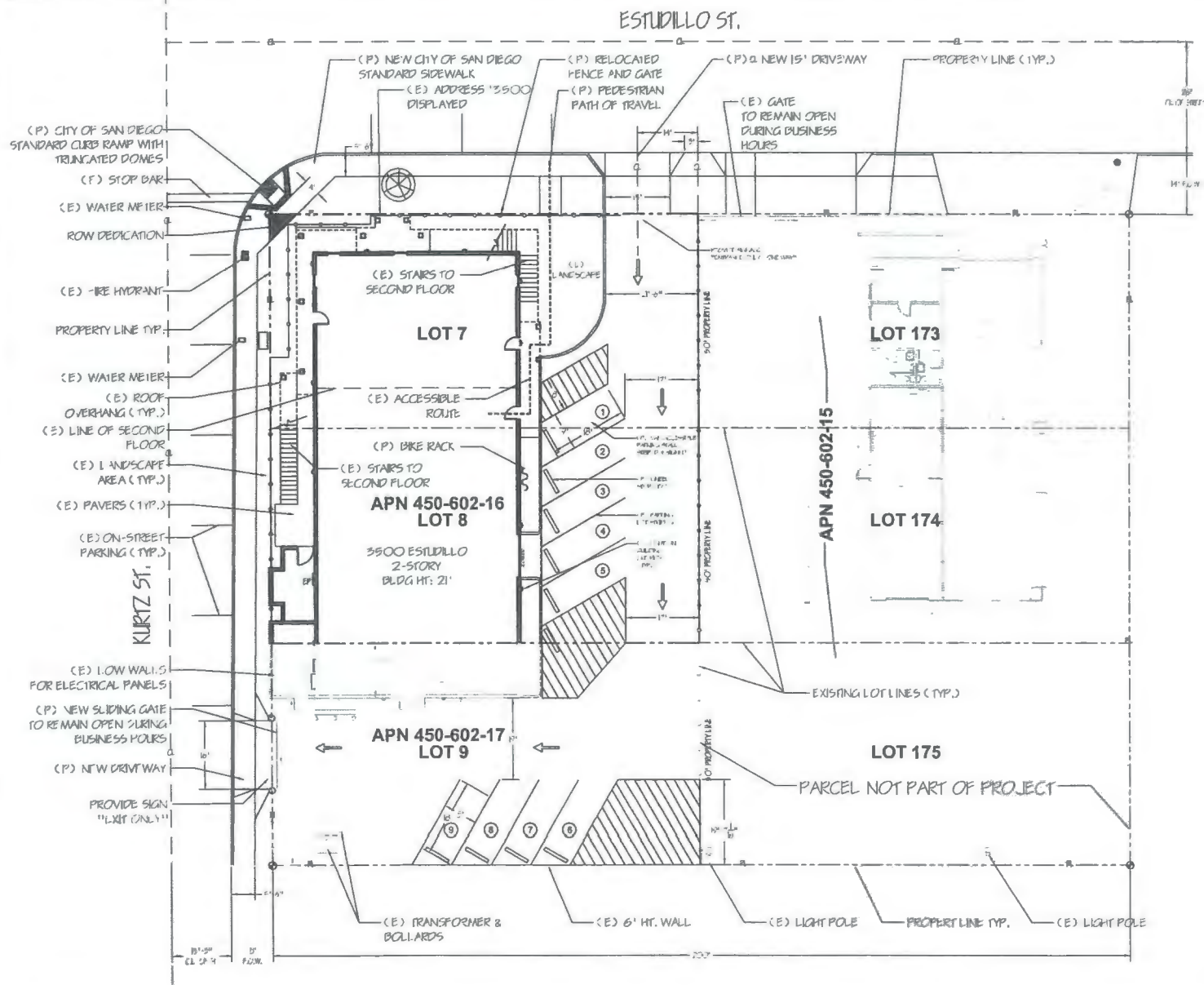
PROPOSED FLOOR PLANS (GROUND & SECOND)
DRAWING DATE: ORIGINAL: 10-21-2010 / REVISIONS: 4-17-2014 & 7-7-2014

SHEET 2 of 2

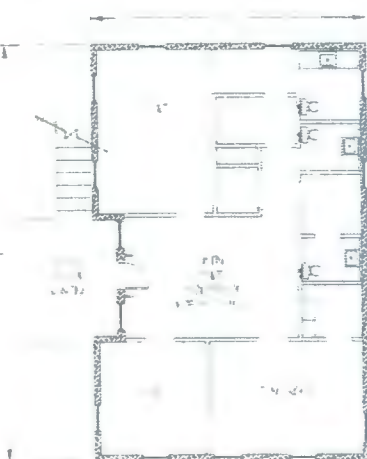


VICINITY MAP

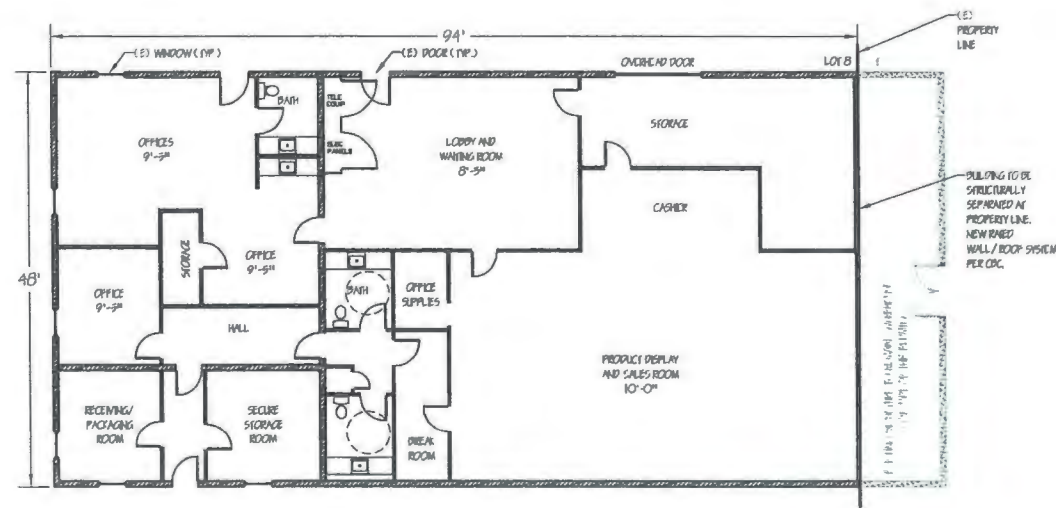
SCALE: NTS



PROPOSED SITE PLAN



SECOND FLOOR
1/8" = 10'-0"



GROUND FLOOR
(proposed MMCC space)
1/8" = 10'-0"

PROPOSED FLOOR PLANS (3500 ESTUDILLO)

SITE PLAN NOTES:

- ALL EXISTING ELEMENTS TO REMAIN UNLESS OTHERWISE NOTED.
- NO BUS STOPS AT SITE.
- EXISTING FIRE HYDRANTS AT INTERSECTION OF ESTUDILLO STREET AND KURTZ STREET.
- NO EASEMENTS AT SITE.
- LIGHTING IS SUFFICIENT TO ILLUMINATE THE BUILDING FACADE AND IMMEDIATE ADJACENT PARKING AND WALKWAYS. ANY FUTURE LIGHTING OR LIGHTING MODIFICATIONS SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.

PARKING NOTES:

- VAN ACCESSIBLE PARKING SPACE TO BE STRIPED & SIGNED PER CITY OF SAN DIEGO INFORMATION BULLETIN 305.
- PROPOSED PARKING STALLS TO COMPLY WITH SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 142.0560.
- PARKING CALCULATIONS FOR THIS PROJECT ARE BASED ON SDMC SECTION 142.0560 & TABLE 142-056. CODE REQUIRES 1.0 SPACE / 1000 SQUARE FEET OF FLOOR AREA.
PARKING REQUIRED: 9 SPACES (1 VAN ACCESSIBLE SPACE)
PARKING PROVIDED: 9 SPACES (1 VAN ACCESSIBLE SPACE)
5 SPACES WILL BE ON SITE, 4 SPACES SUBJECT TO A SHARED PARKING AGREEMENT WITH LOT 9.
- ON-STREET PARKING: THERE WILL BE 8 ON-STREET PARKING SPACES, 4' X 21'. NO STRIPING OF ON-STREET SPACES EXISTING OR PROPOSED.
- A SHARED PARKING AGREEMENT WILL BE PROVIDED BETWEEN THE PROJECT (LOTS 7 AND 8) AND THE ADJACENT LOT 9.
- A SHARED DRIVEWAY ACCESS AGREEMENT WILL BE PROVIDED BETWEEN THE PROJECT (LOTS 7 AND 8) AND THE ADJACENT LOT 9, FOR BOTH THE INGRESS DRIVEWAY (ESTUDILLO STREET) AND THE EGRESS DRIVEWAY (KURTZ STREET).
- PAVEMENT LEGENDS SHALL BE PAINTED AND SIGNED AT BOTH DRIVEWAY OPENINGS AND WITHIN THE PARKING LOT.
- INSTALL "DO NOT ENTER" SIGN SHALL BE INSTALLED AT ONE WAY DRIVEWAY ALONG KURTZ STREET.

BUILDING PHOTOS IN LIEU OF ELEVATIONS:

NOTE: NO EXTERIOR BUILDING MODIFICATIONS BEYOND SIGNAGE.



MEDICAL MARIJUANA CONSUMER COOPERATIVE (MMCC) NOTES:

- SIGNS SHALL BE POSTED OUTSIDE THE MMCC WHICH STATE THE NAME OF THE BUSINESS ONLY. ALL SIGNAGE WILL BE LIMITED TO TWO COLORS AND TYPEFACES. POLE SIGNS ARE PROHIBITED.
- THE USES ON THE PREMISES SHALL BE LIMITED TO THE MMCC AND ANY USE PERMITTED IN THE IS-H ZONE.
- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MMCC.
- SECURITY SHALL BE PROVIDED AT THE MMCC WHICH INCLUDES OPERABLE CAMERAS, ALARMS AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.
- THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF A MMCC OPERATOR OR MANAGER SHALL BE POSTED (LETTERING MINIMUM 2" HEIGHT) IN A LOCATION WHICH IS CLEARLY VISIBLE FROM THE FRONT BUILDING EXTERIOR.
- PROPOSED OPERATING HOURS SHALL BE 9:00 AM - 9:00 PM, MONDAY - SUNDAY.
- THE USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 42.1502, ARE PROHIBITED AT THIS SITE. VENDING MACHINES ARE ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.

DEVELOPMENT SUMMARY

3500 Estudillo Street, Suite A, San Diego, CA 92110

Narrative: The Cooperative will be located in an existing commercial building. Tenant improvements will be installed in order to configure the space for the needs of the Cooperative, while providing accessibility and security to the clients. These improvements may include changes to walls, floors, ceilings, and lighting. All tenant improvements will be permitted as per City of San Diego requirements.

Required Permits/Approvals	Conditional Use Permit Medical Marijuana Consumer Cooperative Permit
Project Team	
Legal Description	Lots 7 & 8 in Block 209, Map of Middletown, I.E. Jackson Partition Map of 1874
Assessor's Parcel Number	480-602-16-00
Owner's Name & Address	3500 Company, LLC 3500 Estudillo Street San Diego, CA 92110
Sheet Index	1 of 1
Type of Construction	II-A
Occupancy Classification per CA Building Code	B
Zoning Designation	IS-1-L Airport Approach Zone
Gross Site Area & Floor Area	Gross Site Area: 10,000 SF - Floor Area (gross) 6,025 SF Proposed Project CUP Area 4,400 SF
Existing Use	Commercial / Non-Residential
Proposed Use	Commercial / Non-Residential
Year Constructed	1977
Geologic Hazard Category	N/A
Landscape Area Square Footage	1,231 SF

3500 ESTUDILLO STREET, SUITE A DEVELOPMENT PLANS

VICINITY MAP

DRAWING DATE: 01-16-15

PROPOSED SITE PLAN

DRAWING DATE: ORIGINAL: 10-21-2010 / REVISIONS: 4-17-2014 & 7-7-2014

PROPOSED FLOOR PLANS (GROUND & SECOND)

DRAWING DATE: ORIGINAL: 10-21-2010 / REVISIONS: 4-17-2014 & 7-7-2014

SHEET 1 of 2



VICINITY MAP



SCALE: NTS



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 2

Project Name: Sustainable Therapeutics MMCC		Project Number: 368302	Distribution Date: 5/15/14
Project Scope/Location: MIDWAY-PACIFIC HIGHWAY Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate within an existing 6,000 square foot two-story building located at 3500 Estudillo Street. The 0.69-acre site is located in the IS-1-1 zone within the Midway/North Bay Community Plan Area. Council District 2. Notice Card=1.			
Applicant Name: Diaz, George		Applicant Phone Number: (305) 904-3461	
Project Manager: Gutierrez, Edith	Phone Number: (619) 446-5147	Fax Number: (619) 446-5245	E-mail Address: EGutierrez@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes 9	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify: e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: <i>See attached sheet</i>			
NAME: <i>Melanie Nickel</i>		TITLE: <i>Chair</i>	
SIGNATURE: <i>Melanie Nickel</i>		DATE: <i>7-2-14</i>	
Attach Additional Pages if Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
<p>This form is provided as an Aid to the blind by the City of San Diego. For more information, please contact the City of San Diego at (619) 446-5245. For more information, please contact the City of San Diego at (619) 446-5245.</p>			

Midway Community Planning Group action on project # 368302, 3500 Estudillo St.

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

Our approval is **CONDITIONAL**. The conditions are:

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

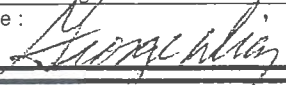
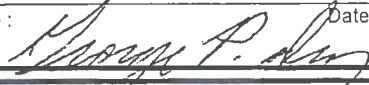
Project Title: Sustainable Therapeutics Cooperative	Project No. (For City Use Only) <u>368302</u>
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation
 ☒ Limited Liability -or-
 ☐ General) What State? CA
 Corporate Identification No. 199803310065
☐ 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): 3500 Company, LLC <hr/> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: 3500 Estudillo Street City/State/Zip: San Diego, CA 92110 Phone No: (305) 904-3461 Fax No: (305) 856-7456 Name of Corporate Officer/Partner (type or print): George Diaz Title (type or print): General Manager Signature :  Date: <u>4.23-14</u>	Corporate/Partnership Name (type or print): Sustainable Therapeutics Cooperative <hr/> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant/Lessee <hr/> Street Address: 3500 Estudillo Street City/State/Zip: San Diego, CA 92110 Phone No: (619) 688-0888 Fax No: Name of Corporate Officer/Partner (type or print): George P. Diaz Title (type or print): President Signature :  Date: <u>4/23/2014</u>
---	---

Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:	Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:
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Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:	Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:
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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

FORM
DS-3031

AUGUST 2015

In order to assure your appeal application is successfully accepted and processed, you must read and understand [Information Bulletin 505](#), "Development Permits/Environmental Determination Appeal Procedure".

1. Type of Appeal:

- ☒ Appeal of the Project
☐ Appeal of the Environmental Determination

2. Appellant: Please check one

- ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person"
(Per M.C. Sec. 113.0103)

Name: George Diaz

E-mail Address: georgepdiaz@gmail.com

Address: 3500 Estudillo Street

City: San Diego

State: CA

Zip Code: 92110

Telephone: 619-688-0888

3. Project Name:

Sustainable Therapeutics MMCC

4. Project Information

Permit/Environmental Determination & Permit/Document No.:
Project No. 368302 / Permit No. 1292799

Date of Decision/Determination:
09/16/2015

City Project Manager:
Edith Gutierrez

Decision: (Describe the permit/approval decision)

The Hearing Officer denied conditional use permit application No. 1292799

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

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

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

1. Factual Error. The statements or evidence relied upon by the decision maker when approving the CUP were inaccurate.
2. Findings not supported. The decision maker's stated findings to deny the CUP are not supported by the information provided to the decision maker.
3. Conflicts with other matters. The decision to deny the CUP is in conflict with the Municipal Code.
4. New Information. New information is available now that was previously unavailable.

RECEIVED
SEP 18 2015
DEVELOPMENT SERVICES

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

Signature: _____

Date: 09-18-2015

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.



Cali Coast Elite
2004 Hancock St.
San Diego CA 92110
619-688-1814

This letter is to inform the City of San Diego Development Services that Cali Coast Elite's business operations at its 2004 Hancock Street location in San Diego, California are accurately reflected in the attached weekly schedule. Since October 1st, 2015, the number of hours in which the Hancock Facility is open for business are allocated by an approximate 60% majority use towards adult-oriented fitness programs (e.g., yoga and other adult fitness classes) and 40% towards Cali Coast Elite's youth-oriented cheer programs. The primary use devoted to adult-oriented fitness programs enables Cali Coast Elite to maintain a much greater use of the Hancock Facility by virtue of longer business hours than it would be able to accomplish focusing solely on its more limited youth cheer programs.

Thank you,

Betty Arsenault
CEO
908.216.3393

A handwritten signature in dark ink, appearing to read "B. Arsenault", followed by a stylized flourish or checkmark-like mark.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)

On 5 November 2015 before me, Timothy E Emerick, Notary Public,
Date Insert Name and Title of Officer Above

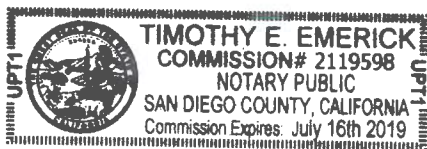
personally appeared Betty Allison Arsenault
Name of Signer(s)

NA

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Tim Em

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: DSD Letter
NA

Document Date: NA

Number of Pages: 1 Signer(s) Other Than Named Above: NA

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☒ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

ADULT FITNESS CLASSES - Total 30 hours/week

Time	M	T	W	TH	F	S	S
6:00-7:00	Fitness with Nate	Fitness with Nate	Fitness with Nate	Fitness with Nate			
7:00-8:00	Fitness with Nate	Fitness with Nate	Fitness with Nate	Fitness with Nate	Fitness with Jenna		
8:00-9:00	Fitness with Nate	Fitness with Nate	Fitness with Nate	Fitness with Nate	Fitness with Jenna		
9:00-10	Fitness with Nate	Fitness with Nate	Fitness with Nate	Fitness with Nate	Fitness with Jenna		
10-11					Fitness with Jenna		
11-12					Fitness with Jenna		
12-1					Fitness with Jenna		
1-2		Fitness with april			Fitness with Jenna		
2-3		Fitness with april	Fitness with Angela 3-4pm.				18+ Open gym 6:30-9:30pm
		Adult tumble / Fitness with Aaron 8:30-9:30pm					

Youth Classes - Total 20.5 hours/week

Time	M	T	W	TH	F	S	S
4:30-5:30pm	Team classes	Team classes	Team classes	Team classes		930-11am	
5:30-6:30pm	Team classes	Team classes	Team classes	Team classes		11am-1 All ages Team class	
6:30-7:30pm	Team classes	Team classes	Team classes	Team classes			
7:30-8:30pm	Team classes	Team classes	Team Classes	Team classes			

November - 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 <ul style="list-style-type: none"> • Tumbling 7:30-8:30 • Earthquake 4:30-6:00 • Coronado Tumble Class 5:30-6:30 • Tidal Wave 6:30-8:30 • Beach Babes 5:00-7:00 	3 <ul style="list-style-type: none"> • Mini Sun Rays 4:30-6:00 • Surf Divas 5:00-7:00 • Tsunami 6:30-8:30 • Adult Tumbling Class 8:30-9:30 • Back Handspring Clinic 6:30-7:30 	4 <ul style="list-style-type: none"> • Waves 7:00-8:30 • Earthquake 4:30-6:00 • Waves 7:00-8:30 • Beach Babes 5:30-7:30 	5 <ul style="list-style-type: none"> • Mini Sun Rays 4:30-6:00 • Surf Divas 5:00-7:00 • Tidalwave 7:30-9:00pm • Tsunami 6:00-8:00 	6	7 <ul style="list-style-type: none"> • Open Gym \$10 11-1 • Waves 9:30-11:00
8	9 <ul style="list-style-type: none"> • Tumbling 7:30-8:30 • Earthquake 4:30-6:00 • Coronado Tumble Class 5:30-6:30 • Tidal Wave 6:30-8:30 • Beach Babes 5:00-7:00 	10 <ul style="list-style-type: none"> • Mini Sun Rays 4:30-6:00 • Surf Divas 5:00-7:00 • Tsunami 6:30-8:30 • Adult Tumbling Class 8:30-9:30 • Back Handspring Clinic 6:30-7:30 	11 <ul style="list-style-type: none"> • Waves 7:00-8:30 • Earthquake 4:30-6:00 • Waves 7:00-8:30 • Beach Babes 5:30-7:30 	12 <ul style="list-style-type: none"> • Mini Sun Rays 4:30-6:00 • Surf Divas 5:00-7:00 • Tidalwave 7:30-9:00pm • Tsunami 6:00-8:00 	13	14 <ul style="list-style-type: none"> • Open Gym \$10 11-1 • Waves 9:30-11:00
15	16 <ul style="list-style-type: none"> • Tumbling 7:30-8:30 • Earthquake 4:30-6:00 • Coronado Tumble Class 5:30-6:30 • Tidal Wave 6:30-8:30 • Beach Babes 5:00-7:00 	17 <ul style="list-style-type: none"> • Mini Sun Rays 4:30-6:00 • Surf Divas 5:00-7:00 • Tsunami 6:30-8:30 • Adult Tumbling Class 8:30-9:30 • Back Handspring Clinic 6:30-7:30 	18 <ul style="list-style-type: none"> • Waves 7:00-8:30 • Earthquake 4:30-6:00 • Waves 7:00-8:30 • Beach Babes 5:30-7:30 	19 <ul style="list-style-type: none"> • Mini Sun Rays 4:30-6:00 • Surf Divas 5:00-7:00 • Tidalwave 7:30-9:00pm • Tsunami 6:00-8:00 	20	21 <ul style="list-style-type: none"> • Open Gym \$10 11-1 • Waves 9:30-11:00
22	23	24	25	26	27	28 <ul style="list-style-type: none"> • Open Gym \$10 11-1 • Waves 9:30-11:00
29	30 <ul style="list-style-type: none"> • Tumbling 7:30-8:30 • Earthquake 4:30-6:00 • Coronado Tumble Class 5:30-6:30 • Tidal Wave 6:30-8:30 • Beach Babes 5:00-7:00 					

Monday November 02, 2015 Signed in 0 (0.00%)		Classes (Click for details)	Teacher (Check box to edit) Edit
6:00 - 7:00 am	Sign In (0/10)	Total Body Fit	Nate Church
7:00 - 8:00 am	Sign In (0/10)	Total Body Fit	Nate Church
8:00 - 9:00 am	Sign In (0/10)	Total Body Fit	Nate Church
9:00 - 10:00 am	Sign In (0/10)	Total Body Fit	Nate Church
Tuesday November 03, 2015 Signed in 0 (0.00%)		Classes (Click for details)	Teacher (Check box to edit) Edit
6:00 - 7:00 am	Sign In (0/10)	Total Body Fit	Nate Church
7:00 - 8:00 am	Sign In (0/10)	Total Body Fit	Nate Church
8:00 - 9:00 am	Sign In (0/10)	Total Body Fit	Nate Church
9:00 - 10:00 am	Sign In (0/10)	Total Body Fit	Nate Church
1:00 - 2:00 pm	Sign In (0/10)	Fitness Plus!	April Ball
2:00 - 3:00 pm	Sign In (0/10)	Fitness Plus!	April Ball
8:30 - 9:30 pm	Sign In (0/10)	Adult tumbling fitness	Aaron arsenault
Wednesday November 04, 2015 Signed in 0 (0.00%)		Classes (Click for details)	Teacher (Check box to edit) Edit
6:00 - 7:00 am	Sign In (0/10)	Total Body Fit	Nate Church
7:00 - 8:00 am	Sign In (0/10)	Total Body Fit	Nate Church
8:00 - 9:00 am	Sign In (0/10)	Total Body Fit	Nate Church
9:00 - 10:00 am	Sign In (0/10)	Total Body Fit	Nate Church
3:00 - 4:00 pm	Sign In (0/10)	Bootcamp	Angela Wells
Thursday November 05, 2015 Signed in 0 (0.00%)		Classes (Click for details)	Teacher (Check box to edit) Edit
6:00 - 7:00 am	Sign In (0/10)	Total Body Fit	Nate Church
7:00 - 8:00 am	Sign In (0/10)	Total Body Fit	Nate Church
8:00 - 9:00 am	Sign In (0/10)	Total Body Fit	Nate Church
9:00 - 10:00 am	Sign In (0/10)	Total Body Fit	Nate Church
Friday November 06, 2015 Signed in 0 (0.00%)		Classes (Click for details)	Teacher (Check box to edit) Edit
7:00 - 8:00 am	Sign In (0/10)	Total Body Fitness	Jenna Bergmark
8:00 - 9:00 am	Sign In (0/10)	Core Crunch	Jenna Bergmark
9:00 - 10:00 am	Sign In (0/10)	Core Crunch	Jenna Bergmark
10:00 - 11:00 am	Sign In (0/10)	Total Body Fitness	Jenna Bergmark
11:00 - 12:00 pm	Sign In (0/10)	Core Crunch	Jenna Bergmark
12:00 - 1:00 pm	Sign In (0/10)	Total Body Fit	Jenna Bergmark
1:00 - 2:00 pm	Sign In (0/10)	Core Crunch	Jenna Bergmark
Saturday November 07, 2015		Classes (Click for details)	Teacher (Check box to edit) Edit
Sunday November 08, 2015 Signed in 0 (0.00%)		Classes (Click for details)	Teacher (Check box to edit) Edit
6:30 - 9:30 pm	Sign In (0/10)	18+ Open Gym Tumbling	Aaron arsenault

Total classes this week 28

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: 24004661

CONDITIONAL USE PERMIT NO. 1292799
SUSTAINABLE THERAPEUTICS MMCC - PROJECT NO. 368302
PLANNING COMMISSION

This Conditional Use Permit No. 1292799 is approved by the Planning Commission of the City of San Diego to 3500 COMPANY, LLC, Owners and SUSTAINABLE THERAPEUTICS COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.23-acre site is located at 3500 Estudillo Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as: Lots 7-9, Block 209 of Middletown according to partition Map made by J.E. Jackson, February 13, 1998.

Subject to the terms and conditions set forth in this Permit, permission is approved 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 December 10, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 4,489 square-foot tenant space within an existing 6,025 square-foot building on a 0.23- 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 December 10, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on December 10, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 4,489 square-foot tenant space shall be limited to the MMCC and any use permitted in the IS-1-1 Zone.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of 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 0.23-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 dedicate additional right-of-way, adjacent to the southwest curb return of Kurtz Street and Estudillo Street, to provide a minimum of 10 feet curb to property line distance, satisfactory to the City Engineer.

27. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of a City standard curb ramp with truncated domes, located at the southwest curb return of Kurtz Street and Estudillo Street, satisfactory to the City Engineer.

28. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with City standard driveway, on Kurtz Street, satisfactory to the City Engineer.

29. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing 42-foot wide driveway with two separate City standard driveway on Estudillo Street, per Standard Drawing SDG-159 and SDG-164, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

30. No fewer than 9 parking spaces including 1 van accessible parking space shall be maintained at all times in the approximate location shown on Exhibit "A". The applicant/owner proposes to provide 5 parking spaces on-site including 1 van accessible space, and 4 parking spaces off-site per shared parking agreement. All on-site and off-site parking stalls and aisle widths shall be in compliance with the requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purposes, unless otherwise authorized in writing by the appropriate Decision Maker.

POLICE DEPARTMENT RECOMMENDATION:

31. 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 December 10, 2015 and Resolution No. PC-XXXX.

Conditional Use Permit No.1292799/PTS No. 368302
Date of Denial: December 10, 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.

3500 COMPANY, LLC
Owner

By _____
George Diaz
General Manager

SUSTAINABLE THERAPEUTICS
COOPERATIVE,
Permittee

By _____
George Diaz
President

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

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1292799
SUSTAINABLE THERAPEUTICS MMCC - PROJECT NO. 368302

WHEREAS, 3500 COMPANY, LLC, Owner and SUSTAINABLE THERAPEUTICS COOPERATIVE, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 4,489 square-foot tenant space within an existing 6,025 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1292799), on portions of a 0.23-acre site;

WHEREAS, the project site is located at 3500 Estudillo Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan area;

WHEREAS, the project site is legally described as Lots 7-9, Block 209 of Middletown according to partition Map made by J.E. Jackson, February 13, 1998;

WHEREAS, on March 17, 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 June 2, 2015 pursuant to Resolution No. 309775;

WHEREAS, on September 16, 2015, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 1292799 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 18, 2015, George Diaz filed an appeal of the Hearing Officer's decision;

WHEREAS, on December 10, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1292799 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 December 10, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The 0.23-acre site is located at 3500 Estudillo Street is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area.

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

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

The proposed MMCC located at 3500 Estudillo Street is proposing interior improvements that include a lobby, reception area, dispensary, secured storage area, offices and restroom. 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 dedication of additional right-of-way to provide a minimum of 10 feet curb to property line distance, a new curb ramp with truncated domes, replacement of the existing driveway with standard driveway and closure of the existing 42-foot wide driveway with two separate standard driveways.

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. 1292799. The Conditional Use Permit is valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

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

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

The proposed 4,489 square-foot MMCC located at 3500 Estudillo Street is proposing interior improvements that include a lobby, reception area, dispensary, secured storage area, offices and restroom. 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 dedication of additional right-of-way to provide a minimum of 10 feet curb to property line distance, a new curb ramp with truncated domes, replacement of the existing driveway with standard driveway and closure of the existing 42-foot wide driveway with two separate standard driveways.

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

The proposed MMCC is consistent with the 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 IS-1-1 Zone, designated Light Industrial within the Midway/Pacific Highway Corridor 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 IS-1-1- Zone and the existing uses are consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. 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. 1292799 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. 1292799, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: December 10, 2015

Job Order No. 24004661