



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 3, 2016 REPORT NO. PC-16-065

ATTENTION: Planning Commission, Agenda of August 11, 2016

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO DENY
A CONDITIONAL USE PERMIT FOR 3455 CAMINO DEL RIO South MMCC.
PROCESS THREE

PROJECT NO. 368346

REFERENCE: Report to the Hearing Officer; Report No. HO-15-104 (Attachments 1-13).

OWNER/
APPLICANT: Bain Family Trust/
Emerald Courtyard Cooperative, Sara Cadenas

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 1,564-square-foot tenant space within a 4,877-square-foot building located at 3455 Camino Del Rio South within the Mission Valley Community Plan area?

Staff Recommendation: Uphold the appeal, Reverse the Hearing Officer's decision, and Approve Conditional Use Permit (CUP) No. 1295099 and Site Development Permit (SDP) No. 1508276.

Community Planning Group Recommendation: On July 1, 2015, the Mission Valley Community Planning Group's motion to approve this project failed by a 7-8-1 vote (Attachment 12).

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 (Attachment 10). The environmental exemption determination for this project was made on June 26, 2015, and the opportunity to appeal that determination ended on July 13, 2015.

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

Code Enforcement Impact: None with this action.

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

The proposed project is a request for a CUP & SDP to operate a MMCC in a 1,564-square-foot tenant space within an existing 4,877-square-foot building located at 3455 Camino Del Rio South. The 0.36-acre site is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit and is consistent with the community plan.

The proposed 1,564-square-foot MMCC requires eight parking spaces. The remaining 3,313-square-foot office space requires 11 parking spaces, for a total of 19 parking spaces. The project site has 10 on-site parking spaces. The remaining nine parking spaces have been secured through a Shared Parking Agreement located at 3511 Camino Del Rio South, approximately 400 feet east of the site.

SITE DEVELOPMENT PERMIT

The Mission Valley Planned District Ordinance (MVPDO) Overlay limits development intensity to levels allowed under the adopted Mission Valley Community Plan. The overlay districts are composed of three traffic areas (Area 1, Area 2, and Area 3) and thirteen Development Intensity Districts (DID) A-M; each includes two thresholds. The proposed project is located in Area 3 - DID K. The expected trip generation for the proposed 1,564 square-foot MMCC is approximately 89 average daily trips (ADT). The trip value calculated for the existing use and proposed project use is 394 trips

per acre (AC); above Threshold 1 (200 trips/AC) and below Threshold 2 (424 trips/AC). A SDP is required for any new project which would cause the entire site to generate traffic in excess of that provided by Threshold 1, but not exceeding the limits established by Threshold 2.

HEARING OFFICER

On October 7, 2015, the Hearing Officer denied the project because it was located within 1,000 feet of a park, did not meet the separation requirement, and the required permit findings could not be made.

PLANNING COMMISSION

The applicant, Sara Cadenas, appealed the Hearing Officers Decision. The appeal was presented to the Planning Commission on December 10, 2015. The applicant requested an indefinite continuance due to the proposed 10th Code Update amendments to the Land Development Code that would be presented to the City Council in March 2016. One of the amendments ([SDMC §113.0225](#)) included a change in the method that the distance measurement between uses is calculated. If approved, the change would allow the project to comply with the distance requirement. The motion to accept the applicant's request for a continuance passed unanimously.

MEASURING DISTANCE BETWEEN USES – Effective May 5, 2016

On April 5, 2016, the City Council approved [Ordinance-20634](#). The Ordinance includes changes to distance measurement between uses (SDMC §113.0225). The code change allows MMCCs to take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. The distance can be measured as the most direct route around the barrier in a manner that establishes direct access.

Indian Hill Park is located in the 4200 block of Cromwell Court (Attachment 4), approximately 750 horizontal feet south from the proposed MMCC. There is a steep hillside with a grade differential of approximately 300 feet between the park and the MMCC with no direct access. Based on the new distance measurement the hillside is a natural topographical barrier that impedes direct access. The most direct route from the MMCC to Indian Hill Park is approximately three miles.

Due to this recent change in the Ordinance, the project is in compliance with all development regulation, including the distance requirements, therefore, Development Services Department staff now recommends approval of the project.

APPEAL

On October 20, 2015, applicant Sara Cadenas, filed an appeal of the Hearing Officer's decision on the grounds of Factual Error and New Information (Attachment 14). The appeal was filed prior to the April 2016 Ordinance change, and prior to staff's recommendation of approval.

Appeal Issue: Indian Hill Park was set aside as part of a nearby residential subdivision; is zoned Residential (RS-1-1); is unimproved; has no equipment, trails, or restrooms; is not connected to a park or open park system; is not listed in the community plan or with the City as an existing or future population based park; and is not ADA compliant.

Staff Response: Staff agrees that the site is in the RS-1-1 zone, is unimproved, is not connected to a park or park system, is not listed in the community plan, is not a City population based park and is not ADA compliant. Indian Hill Park meets the definition of a public park per SDMC Section §113.0225, however, direct physical access is more than 1,000 feet from the proposed MMCC per the newly adopted distance measurement.

CONCLUSION:

Staff is recommending that the appeal be upheld, reversal of the Hearing Officer's decision and approval of Conditional Use Permit and Site Development Permit.

ALTERNATIVES:

1. Uphold the appeal and Approve Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276, with modifications.
2. Deny the appeal and deny Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Elyse Lowe
Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-13 Report to the Hearing Officer HO-15-104
14. Appeal Application, Sara Cadenas
15. Draft Permit with conditions
16. Draft Resolution with findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: October 7, 2015 REPORT NO. HO-15-104

ATTENTION: Hearing Officer

SUBJECT: 3455 CAMINO DEL RIO SOUTH MMCC
PROJECT NUMBER: 368346

LOCATION: 3455 Camino Del Rio South

APPLICANT: Emerald Courtyard Cooperative, Sara Cadenas

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) and Site Development Permit (SDP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 1,564 square-foot tenant space within an existing 4,877 square-foot building on a 0.36-acre site within the Mission Valley Community Plan area?

Staff Recommendation: DENY Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276.

Community Planning Group Recommendation: On July 1, 2015, the Mission Valley Community Planning Group's motion to approve this project failed by a 7-8-1 vote (Attachment 12).

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 (Attachment 10). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 26, 2015, and the opportunity to appeal that determination ended on July 13, 2015.

BACKGROUND

In 1996, the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate

Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008, the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

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

The proposed project is a request for a CUP & SDP to operate a MMCC in a 1,564 square-foot tenant space within an existing 4,877 square-foot building located at 3455 Camino Del Rio South. The 0.36-acre site is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area.

The Mission Valley Planned District Ordinance (MVPDO) Overlay limits development intensity to levels allowed under the adopted Mission Valley Community Plan. The overlay districts are composed of three traffic areas (Area 1, Area 2, and Area 3) and thirteen Development Intensity Districts (DID) A-M; each includes two thresholds. The proposed project is located in Area 3 - DID K. The expected trip generation for the proposed 1,564 square-foot MMCC is approximately 89 average daily trips (ADT), at 40 trips per 1,000 square feet. The trip value calculated for the existing use and proposed project use is 394 trips per acre (AC); above Threshold 1 (200 trips/AC) and below Threshold 2 (424 trips/AC). A SDP is required for any new project which would cause the entire site to generate traffic in excess of that provided by Threshold 1 but not exceeding the limits established by Threshold 2.

The 4,877 square-foot, one-story building was constructed in 1968 (Building Permit No. H97201). The proposed MMCC, classified as commercial services, is allowed in the MVPD-MV-CO zone with a CUP & SDP and is consistent with the community plan land use designation of Commercial Office.

DISCUSSION

The proposed 1,564 square-foot MMCC is located 3455 Camino Del Rio South. The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the community. 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 park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). Indian Hill Open Space is owned by the City of San Diego for public use and is designated as a park. The proposed MMCC is located within 1,000 feet of a park, and therefore is in direct violation of the separation requirement of SDMC.

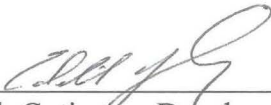
CONCLUSION

Staff is recommending denial of the project as it fails to meet the SDMC's minimum separation requirement prohibiting MMCCs from operating within 1,000 feet of a park. The proposed MMCC is not consistent with the SDMC's purpose and intent to protect public health and 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. 1295099 and Site Development Permit No. 1508276.

Respectfully submitted,



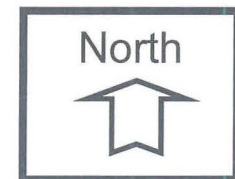
Edith Gutierrez, Development Project Manager
Attachments:

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



Location Aerial Photo

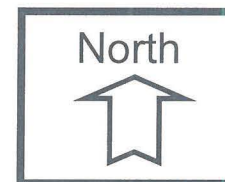
3455 CAMINO DEL RIO SOUTH MMCC
PROJECT NO. 368346





Project Location Map

3455 Camino Del Rio SOUTH MMCC
PROJECT NO. 368346

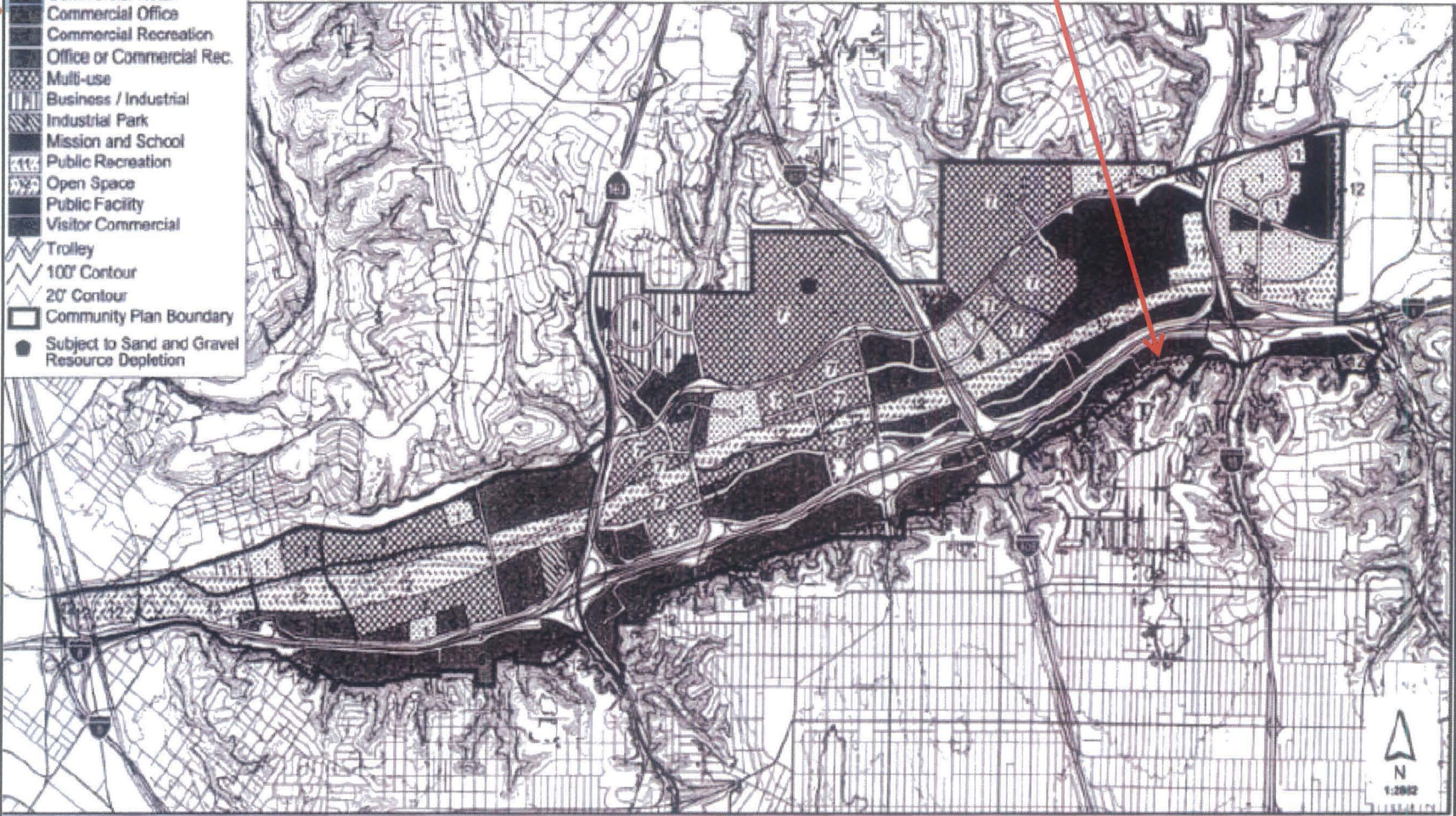




LEGEND

	Residential
	Residential / Office Mix
	Commercial Retail
	Commercial Office
	Commercial Recreation
	Office or Commercial Rec.
	Multi-use
	Business / Industrial
	Industrial Park
	Mission and School
	Public Recreation
	Open Space
	Public Facility
	Visitor Commercial
	Trolley
	100' Contour
	20' Contour
	Community Plan Boundary
	Subject to Sand and Gravel Resource Depletion

Project Site



Land Use Map

3455 CAMINO DEL RIO SOUTH MMCC
PROJECT NO. 368346

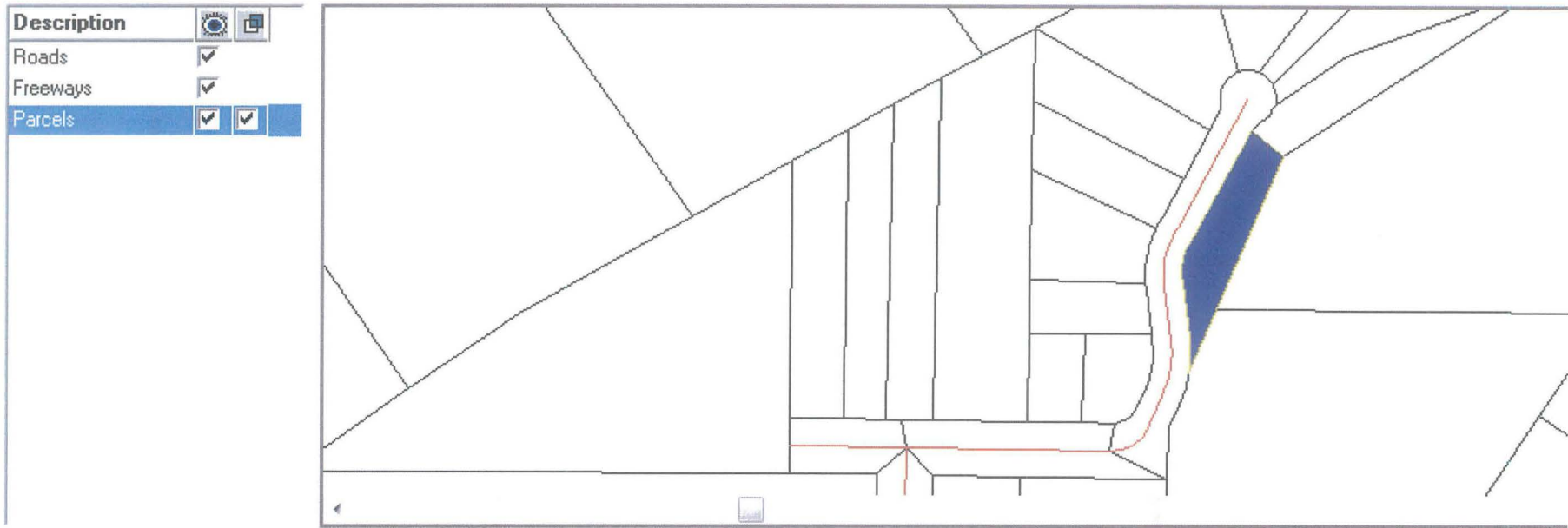




Indian Hills Open Space Park Aerial Photo

3455 CAMINO DEL RIO SOUTH MMCC
PROJECT NO. 368346





Data View: Features Intersecting with Principal Parcel

Owner	Street Address	Owner City	State	Owner Zip	Fract Interest	Owner Occ.	Legal Description	Valuation Land
PUBLIC AGENCY				00000	100	<input type="checkbox"/>	CITY PARK	\$



Publicly owned
open space
designated as
Park



Indian Hills Open Space Park
3455 CAMINO DEL RIO SOUTH MMCC
 PROJECT NO. 368346





Indian Hills Open Space Park Street View

3455 CAMINO DEL RIO SOUTH MMCC
PROJECT NO. 368346



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: 24004656

CONDITIONAL USE PERMIT NO. 1295099 AND
SITE DEVELOPMENT PERMIT NO. 1508276
3455 CAMINO DEL RIO SOUTH MMCC - PROJECT NO. 368346
HEARING OFFICER

This Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276 are denied by the Hearing Officer of the City of San Diego to BAIN FAMILY TRUST, Owner and EMERALD COURTYARD COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 & 126.0504. The 0.36-acre site located at 3455 Camino Del Rio South is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area. The project site is legally described as: Lot 2, Map 3826, recorded on February 27, 1958.

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 approved exhibits [Exhibit "A"] dated October 7, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,564 square-foot tenant space within an existing 4,877 square-foot, one-story building;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 22, 2018.
2. This Conditional Use Permit [CUP]/Site Development Permit [SDP] and corresponding use of this MMCC shall expire on October 7, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 1,564 square-foot tenant space shall be limited to the MMCC and any use permitted in the MVPD-MV-CO Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.36-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with 24-foot wide City standard driveway, on Camino Del Rio South, per Standard Drawing SDG-159, satisfactory to the City Engineer. If deviation to the proposed standard driveway is proposed, a Deviation from Standard form needs to be reviewed and approved by the City Engineer.

TRANSPORTATION REQUIREMENTS:

25. No fewer than 19 off-street parking spaces (with 10 on-site parking spaces and 9 shared parking spaces provided; including 1 on-site van-accommodating disabled accessible space) shall be permanently maintained within the approximate locations shown on the project's Exhibit "A" and per the recorded Shared Parking Agreement, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

26. All off-street parking stalls and aisle widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

27. Prior to any building permit a Shared Parking Agreement (at all times, providing and maintaining a minimum of 9 off-site automobile parking spaces for use by 3455 Camino del Rio South) shall be provided and recorded on all affect properties satisfactory to the City Engineer.

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

- This development may be subject to impact fees at the time of construction permit issuance.

DENIED by the Hearing Officer of the City of San Diego on October 7, 2015 and Resolution No. HO-XXX.

Conditional Use Permit No.1295099 and Site Development Permit No. 1508276
PTS No. 368346
Date of Denial: October 7, 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.

BAIN FAMILY TRUST
Owner

By _____
Leroy Bain
Trustee

BAIN FAMILY TRUST
Owner

By _____
Thelma Jean Bain
Trustee

EMERALD COURTYARD COOPERATIVE
Permittee

By _____
Sara Cadenas
President

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1295099 AND
SITE DEVELOPMENT PERMIT NO. 1508276
3455 CAMINO DEL RIO SOUTH MMCC - PROJECT NO. 368346

WHEREAS, BAIN FAMILY TRUST, Owners and EMERALD COURTYARD COOPERATIVE, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,564 square-foot tenant space within an existing 4,877 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1295099 and 1508276), on portions of a 0.36-acre site;

WHEREAS, the project site located at 3455 Camino Del Rio South is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area;

WHEREAS, the project site is legally described as Lot 2, Map 3826, recorded on February 27, 1958;

WHEREAS, on June 26, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 October 7, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The 0.36-acre site located at 3455 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses. The proposed MMCC will provide the local residents with “neighborhood” facilities as encouraged by the community plan.

All of the surrounding parcels adjacent to this site are in the MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and

Site Development Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

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

The tenant space is currently vacant. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

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

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The site is located within 1,000 feet of Indian Hills Open Space Park located in Normal Heights along Cromwell Court. Public Park means a publicly owned area that is designated as a park. Indian Hill Open Space is owned by the City for public use and is designated as a park. The site does not meet the separation requirements of the San Diego Municipal Code and therefore will be detrimental to the public health, safety and welfare of the community.

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

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and was developed per Building Permit No. H97201. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary area and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to a new project which would cause the entire site to generate traffic in excess of that provided by Threshold 1 but not exceeding the limits established by Threshold 2 for the designated Development Intensity District (DID) of the MVPDO. 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. The site is located within 1,000 feet of Indian Hills Open Space Park located in Normal Heights along Cromwell Court. Public Park means a publicly owned area that is designated as a park. Indian Hill Open Space is

owned by the City for public use and is designated as a park. The site does not meet the separation requirements of the San Diego Municipal Code and therefore does not comply with the regulations of the Land Development Code.

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

The 0.36-acre site located at 3455 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The proposed MMCC is consistent with the Commercial Office designation of the MVPDO.

MMCCs are allowed in the MVPD-MV-CO zone with a Conditional Use Permit and Site Development Permit. The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The site is located within 1,000 feet of Indian Hills Open Space Park located in Normal Heights along Cromwell Court. Public Park means a publicly owned area that is designated as a park. Indian Hill Open Space is owned by the City for public use and is designated as a park. The site does not meet the separation requirements of the San Diego Municipal Code and therefore the proposed MMCC is not located in an appropriate location.

Site Development Permit I. - Section §126.0504

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

The 0.36-acre site located at 3355 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses.

All of the surrounding parcels adjacent to this site are in the MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

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

The tenant space is currently vacant. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

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. The site is located within 1,000 feet of Indian Hills Open Space Park located in Normal Heights along Cromwell Court. Public Park means a publicly owned area that is designated as a park. Indian Hill Open Space is owned by the City for public use and is designated as a park. The site does not meet the separation requirements of the San Diego Municipal Code and therefore will be detrimental to the public health, safety and welfare of the community.

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

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and was developed per Building Permit No. H97201. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary area and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to a new project which would cause the entire site to generate traffic in excess of that provided by Threshold 1 but not exceeding the limits established by Threshold 2 for the designated Development Intensity District (DID) of the MVPDO. 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. The site is located within 1,000 feet of Indian Hills Open Space Park located in Normal Heights along Cromwell Court. Public Park means a publicly owned area that is designated as a park. Indian Hill Open Space is owned by the City for public use and is designated as a park. The site does not meet the separation requirements of the San Diego Municipal Code and therefore does not comply with the regulations of the Land Development Code.

Site Development Permit II. – Section §1514.0201

1. The proposed development is consistent with the Mission Valley Community Plan and the Progress Guide and General Plan.

The 0.36-acre site located at 3455 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses.

All of the surrounding parcels adjacent to this site are in the MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. A SDP is required due to estimated trips resulting in a trip per acre value in excess of the allowed Threshold 1 value for the designated Development Intensity District (DID) of the MVPDO. The expected trip generation for the proposed 1,564 square-foot MMCC is approximately 89 average daily trips (ADT), at 40 trips per 1,000 square feet. The trip value calculated for the existing use and proposed project use is 394 trips per acre; above Threshold 1 (200 trips/AC) and below Threshold 2 (424 trips/AC) for DID. The increase in calculated trips generated will not lower by any increment the level of service on surrounding streets and

freeways from what exists and what is anticipated in the PDO, therefore the proposed MMCC is consistent with the community plan and the Progress Guide and General Plan.

2. The proposed development provides the required public facilities and is compatible with adjacent open space areas.

The one-story, 4,877 square-foot building was constructed in 1968 per Building Permit No. H97201.

The existing building was constructed in compliance with all development regulations at the time including the required public facilities and adjacent open space areas. The proposed MMCC is a change of use only, no development is proposed, and therefore, not required to provide additional public facilities. The site is approximately 800 feet from the nearest Open Space Designation, since no development is proposed the site will continue to be compatible with the adjacent open space area.

3. The proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as a part of this planned district.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP), Process 3 decision. A SDP is required due to estimated trip generation in a value in excess of the allowed Threshold 1 for the designated Development Intensity District (DID) of the MVPDO. The expected trip generation for the proposed 1,564 square-foot MMCC is approximately 89 average daily trips (ADT), at 40 trips per 1,000 square feet. The value calculated for the existing use and proposed project use is 394 trips per acre (AC); above Threshold 1 (200 trips/AC) and below Threshold 2 (424 trips/AC). The increase in traffic generated will not lower by any increment the level of service on surrounding streets and freeways from what exists and what is anticipated in the PDO.

Guidelines for Discretionary Review have been fulfilled as the project has successfully submitted a deemed complete application for review through the City of San Diego and brought forward to a decision maker for a decision in accordance to San Diego Municipal Code section 1514.0201 (Permit Application, Review, and Issuance). Therefore, the proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as a part of this planned district

4. The proposed development will comply with all other relevant regulations in the San Diego Municipal Code.

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and was developed per Building Permit No. H97201. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary area and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to estimated traffic resulting in a value in excess of the allowed Threshold 1, however based on the estimated 394 ADT; above Threshold 1 and

below Threshold 2, staff has determined that the proposed increase in traffic by the MMCC is not expected to adversely impact the surrounding roadway system.

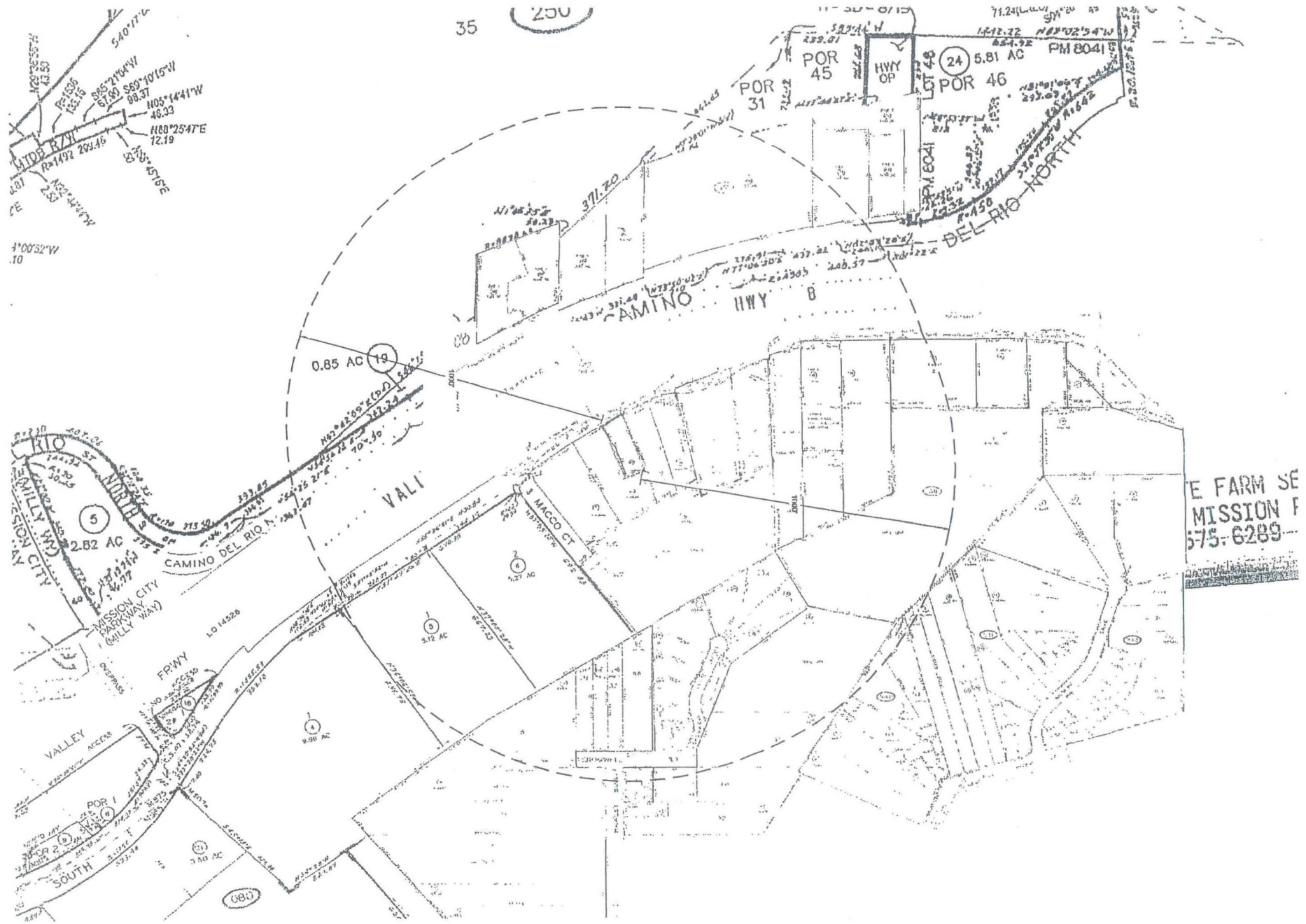
The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The site is located within 1,000 feet of Indian Hills Open Space Park located in Normal Heights along Cromwell Court. Public Park means a publicly owned area that is designated as a park. Indian Hill Open Space is owned by the City for public use and is designated as a park. The site does not meet the separation requirements of the San Diego Municipal Code and therefore does not comply with all relevant regulations in the San Diego Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276 are hereby DENIED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1295099 & 1508276, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: October 7, 2015

Job Order No. : 24004656



NO RESIDENTIAL WITHIN 100 FT.

1000 Foot Radius Map

Project Address	Emerald Collective 3455 Camino Del Rio S	Date 4/23/2014	P/N 439-480-23-00	Use	Parcel Number	Street Number	Street	Suite	Business Name
				Offices	439-480-20-00	3443	Camino Del Rio S	101	Kenneth Barlis
				Offices	439-480-20-00	3443	Camino Del Rio S	103	Social Starfish
				Offices	439-480-20-00	3443	Camino Del Rio S	105	San Diego Wellness Group
				Offices	439-480-20-00	3443	Camino Del Rio S	106	Network Titan
				Offices	439-480-20-00	3443	Camino Del Rio S	107	Metropolitan Public Safety
				Offices	439-480-20-00	3443	Camino Del Rio S	112	Spanish Classes/FCFL
				Offices	439-480-20-00	3443	Camino Del Rio S	112	Rachele Moskowithz, MA, LMFT
				Offices	439-480-20-00	3443	Camino Del Rio S	119	SAI
				Offices	439-480-20-00	3443	Camino Del Rio S	122	JC's Services, your company Choice
				Offices	439-480-20-00	3443	Camino Del Rio S	123	Caregivers one
				Offices	439-480-20-00	3443	Camino Del Rio S	201	Educational consulting center
				Offices	439-480-20-00	3443	Camino Del Rio S	202	Life skills Counseling
				Offices	439-480-20-00	3443	Camino Del Rio S	203	RF Specialties of California
				Offices	439-480-20-00	3443	Camino Del Rio S	204	Landmark engineering corporation
				Offices	439-480-20-00	3443	Camino Del Rio S	207	The Kyler Corp./Dominion Realty & Mortgage Co, LLC
				Offices	439-480-20-00	3443	Camino Del Rio S	208	Hospitality Staffing solutions
				Offices	439-480-20-00	3443	Camino Del Rio S	212	law office of joseph rego & action paralegal
				Offices	439-480-20-00	3443	Camino Del Rio S	210	C2 financial corp/Legacy Investments International Corporation
				Offices	439-480-20-00	3443	Camino Del Rio S	214	Med-legal, inc
				Offices	439-480-20-00	3443	Camino Del Rio S	216	Maria kelly Services
				Offices	439-480-20-00	3443	Camino Del Rio S	221	Population connection
				Offices	439-480-20-00	3443	Camino Del Rio S	222	Brian L. Garrity, J.D. The Garrity Group
				Offices	439-480-20-00	3443	Camino Del Rio S	223	Wesley P. Shaw
				Offices	439-480-20-00	3443	Camino Del Rio S	311	Gafcon, Inc SDCCD program management
				Offices	439-480-20-00	3443	Camino Del Rio S	313	sdccd program management , continuing education cpm
				Offices	439-480-20-00	3443	Camino Del Rio S	315	Castillo & Associates, Attorneys at law
				Offices	439-480-20-00	3443	Camino Del Rio S	327	Alternative Strategies
				Offices	439-480-09-00	3435	Camino Del Rio S	101	Mission valley terrace leasing & management office
				Offices	439-480-09-00	3435	Camino Del Rio S	102	Vermilya & Associates, inc.
				Offices	439-480-09-00	3435	Camino Del Rio S	103	My computer doc of san diego- it support services
Restaurant					439-480-09-00	3435	Camino Del Rio S	106	Sallys Deli
Offices					439-480-09-00	3435	Camino Del Rio S	109	San Diego Tax Specialist Inc.
Offices					439-480-09-00	3435	Camino Del Rio S	110	Charles R. Freeman, PHD Psychologist
Offices					439-480-09-00	3435	Camino Del Rio S	111	Law office of Jon M. Woods, inc
Offices					439-480-09-00	3435	Camino Del Rio S	112	Esteban Molina, CCH/ Pristic Hypnotherapy
Offices					439-480-09-00	3435	Camino Del Rio S	113	All team staffing
Offices					439-480-09-00	3435	Camino Del Rio S	114	Namazu Studios LLC
Offices					439-480-09-00	3435	Camino Del Rio S	115	Dos Gringos, Inc.
Offices					439-480-09-00	3435	Camino Del Rio S	117	Pro-serv cleaning systems, llc
Offices					439-480-09-00	3435	Camino Del Rio S	119	REMA transportation inc
Offices					439-480-09-00	3435	Camino Del Rio S	120	Green Messengers Inc
Offices					439-480-09-00	3435	Camino Del Rio S	122	Swedish Massage
Offices					439-480-09-00	3435	Camino Del Rio S	123	Amk property management, llc
Offices					439-480-09-00	3435	Camino Del Rio S	203	Massage & Energy Healing by Keno Weingarten
Offices					439-480-09-00	3435	Camino Del Rio S	204	San Diego home caregivers
Offices					439-480-09-00	3435	Camino Del Rio S	205	Vicki & Troy Vander Zwart, Restoration counseling team
Offices					439-480-09-00	3435	Camino Del Rio S	208	Expert Drug testing
Offices					439-480-09-00	3435	Camino Del Rio S	208	farmers Insurance
Offices					439-480-09-00	3435	Camino Del Rio S	209	AJX Investments, llc/ AJX realty
Offices					439-480-09-00	3435	Camino Del Rio S	210	prestige Realters
Offices					439-480-09-00	3435	Camino Del Rio S	211	Jeff Campbell& Associates

Offices	439-480-09-00	3435	Camino Del Rio S	212	Pinnacle Access, Inc
Offices	439-480-09-00	3435	Camino Del Rio S	215	Dan Levy Construction, Inc.
Offices	439-480-09-00	3435	Camino Del Rio S	217	Judith Meyests, PSY.D:
Offices	439-480-09-00	3435	Camino Del Rio S	218	Mountain West Financvial, Inc / Michael Thorpe
Offices	439-480-09-00	3435	Camino Del Rio S	219	IRA Solutions, Inc
Offices	439-480-09-00	3435	Camino Del Rio S	220	Leiman & Associates, Inc.
Offices	439-480-09-00	3435	Camino Del Rio S	307	Upright Health: Pain sucks. Life shouldn't
Offices	439-480-09-00	3435	Camino Del Rio S	308	Butingan insurance & financial
Offices	439-480-09-00	3435	Camino Del Rio S	311	The Hair Lair & Skin Care
Offices	439-480-09-00	3435	Camino Del Rio S	313	Dr. January West. Chiropractor/ Restorative Bodyworks
Offices	439-480-09-00	3435	Camino Del Rio S	315	The Windsor York Companies
Offices	439-480-09-00	3435	Camino Del Rio S	316	Katherine Zimmerman, CHT/
Offices	439-480-09-00	3435	Camino Del Rio S	318	BLUE Aura Massage
Offices	439-480-09-00	3435	Camino Del Rio S	319	CMBE Buisiness services
Offices	439-480-09-00	3435	Camino Del Rio S	322	best Value Cleaning Service corp
Offices	439-480-09-00	3435	Camino Del Rio S	324	Systems integration tecnology, inc
Offices	439-480-09-00	3435	Camino Del Rio S	328	ALT marketing Group
Offices	439-480-09-00	3435	Camino Del Rio S	334	Lifespan Physical Therapy Services
Offices	439-480-09-00	3435	Camino Del Rio S	336	Ponderosa Landscape, Inc
Offices	439-480-09-00	3435	Camino Del Rio S	338	Tina Mears, M.A., MFT
Offices	439-080-06-00	3375	Camino Del Rio S	igle occup	San Diego Community College District offices
Offices	439-080-05-00	3333	Camino Del Rio S	100	Nationwide retirement solutions
Offices	439-080-05-00	3333	Camino Del Rio S	110	WTRI
Offices	439-080-05-00	3333	Camino Del Rio S	120	AHNTECH, INC
Offices	439-080-05-00	3333	Camino Del Rio S	120A	Net jey, Inc
Offices	439-080-05-00	3333	Camino Del Rio S	140	Yelman & Associates
Offices	439-080-05-00	3333	Camino Del Rio S	215	Estes therapy and associates
Offices	439-080-05-00	3333	Camino Del Rio S	215	Jennifer Chappell Marsh, LMFT
Offices	439-080-05-00	3333	Camino Del Rio S	215	Monica Whitlock PH.D. LMFT
Offices	439-080-05-00	3333	Camino Del Rio S	215	Ian Ritter, LMFT
Offices	439-080-05-00	3333	Camino Del Rio S	220	The Viviano law firm
Offices	439-080-05-00	3333	Camino Del Rio S	230	Cashuk,Wiseman, Goldber,Birnbaum & Salem, llp
Offices	439-080-05-00	3333	Camino Del Rio S	310	Live Scan fingerprint
Offices	439-080-05-00	3333	Camino Del Rio S	330	First Capital - Awis llc
Offices	439-080-05-00	3333	Camino Del Rio S	340	Arrowhead wholesale insurance
Offices	439-080-05-00	3333	Camino Del Rio S	400	YMCA Childcare resource service
Offices	439-480-20-00	3465	Camino Del Rio S	220	SynerMED
Offices	439-480-20-00	3465	Camino Del Rio S	250	Stadium View Management Office
Offices	439-480-20-00	3465	Camino Del Rio S	250	Fitch & Associates
Offices	439-480-20-00	3465	Camino Del Rio S	250	Bernard M. Hansen, ESQ
Offices	439-480-20-00	3465	Camino Del Rio S	250	Kerch & Associates
Offices	439-480-20-00	3465	Camino Del Rio S	250	Nelson Pension & Insurance Services Inc
Offices	439-480-20-00	3465	Camino Del Rio S	250	Desantis Renovation Solutions, Inc
Offices	439-480-20-00	3465	Camino Del Rio S	300	Job Options Inc
Offices	439-480-20-00	3465	Camino Del Rio S	310	Parisi Portfolio
Offices	439-480-20-00	3465	Camino Del Rio S	320	Digital Hold Systems, Inc
Offices	439-480-20-00	3465	Camino Del Rio S	330	Stewart & Company certified public accountants
Offices	439-480-20-00	3465	Camino Del Rio S	350	Gerald D. Brody & Associates
Offices	439-480-20-00	3465	Camino Del Rio S	410	Lifesharing
Offices	439-480-20-00	3465	Camino Del Rio S	420	Anthony S. Pulli & company, afc
Offices	439-480-28-00	3505	Camino Del Rio S	100	FCS Foundation Community Services
Offices	439-480-28-00	3505	Camino Del Rio S	111	Farmers, Roger Barragan Insurance Services
Offices	439-480-28-00	3505	Camino Del Rio S	120	Samir B. Faragallah, D.C. Ph.D.
Offices	439-480-28-00	3505	Camino Del Rio S	130	MB Associates Realty Support Specialists
Offices	439-480-28-00	3505	Camino Del Rio S	138	Robert Ledermann, Ph.D.
Offices	439-480-28-00	3505	Camino Del Rio S	160	Christian Faith Center
Offices	439-480-28-00	3505	Camino Del Rio S	208	Resource Center, Corp/

Offices	439-480-28-00	3505	Camino Del Rio S	212	Center for Play & Art Therapy
Offices	439-480-28-00	3505	Camino Del Rio S	220	Guardian Angel Home Care, Inc.
Offices	439-480-28-00	3505	Camino Del Rio S	230	Andromeda Systems Incorporated (ASI)
Offices	439-480-28-00	3505	Camino Del Rio S	234	RJW Properties, Inc.
Offices	439-480-28-00	3505	Camino Del Rio S	238	Barbara Welsh-Osga, Ph.D.
Offices	439-480-28-00	3505	Camino Del Rio S	238	Victor A. Frazao, Ph.D.
Offices	439-480-28-00	3505	Camino Del Rio S	240	My Health Agent Direct
Offices	439-480-28-00	3505	Camino Del Rio S	250	Intervestments International
Offices	439-480-28-00	3505	Camino Del Rio S	263	Law Office of Joshua Teperson
Offices	439-480-28-00	3505	Camino Del Rio S	264	Administrators Association San Diego (AASD)
Offices	439-480-28-00	3505	Camino Del Rio S	300	H.L. Culver CPA
Offices	439-480-28-00	3505	Camino Del Rio S	300	Veron S. Lee CPA
Offices	439-480-28-00	3505	Camino Del Rio S	305	Transamerica Financial Advisors, Inc
Offices	439-480-28-00	3505	Camino Del Rio S	305	World financial group
Offices	439-480-28-00	3505	Camino Del Rio S	310	Navarro Law firm
Offices	439-480-28-00	3505	Camino Del Rio S	332	Concorde Consulting group, inc.
Offices	439-480-28-00	3505	Camino Del Rio S	334	Mac N Fry / McDonalds 334
Offices	439-480-28-00	3505	Camino Del Rio S	335	Penny McClellan, Ph.D
Offices	439-480-28-00	3505	Camino Del Rio S	335	Carmen de llano, Ph.D
Offices	439-480-28-00	3505	Camino Del Rio S	337	Carlucci law firm
Offices	439-480-28-00	3505	Camino Del Rio S	337	Love Right home care, llc
Offices	439-480-28-00	3505	Camino Del Rio S	340	Paramount SEM
Offices	439-480-28-00	3505	Camino Del Rio S	340	Dealmakerz, llc
Offices	439-480-28-00	3505	Camino Del Rio S	350	RJO/ ipay
Offices	439-480-21-00	3511	Camino Del Rio S	101	Lepiscopo & Associates law firm
Offices	439-480-21-00	3511	Camino Del Rio S	102	Terrence Smith Income tax preperation
Restaurant	439-480-21-00	3511	Camino Del Rio S	103	Mission Bell Deli
Offices	439-480-21-00	3511	Camino Del Rio S	200	House graphics Inc
Offices	439-480-21-00	3511	Camino Del Rio S	206	Property Management Consultants (PMC)
Offices	439-480-21-00	3511	Camino Del Rio S	210	New West Investment Group, Inc
Offices	439-480-21-00	3511	Camino Del Rio S	210	Miltco, inc.
Offices	439-480-21-00	3511	Camino Del Rio S	301	The learning convergence
Offices	439-480-21-00	3511	Camino Del Rio S	302	Patti Metz, Ph.D., Licensed Psychologist
Offices	439-480-21-00	3511	Camino Del Rio S	302	Tanya Hilbert, PsyD
Offices	439-480-21-00	3511	Camino Del Rio S	303	J. Dennis Jamison Financial Service & Insurance
Offices	439-480-21-00	3511	Camino Del Rio S	303	Countywide health insurance services, inc.
Offices	439-480-21-00	3511	Camino Del Rio S	303	Health Insurance Services
Offices	439-480-21-00	3511	Camino Del Rio S	303	Lora Moore
Offices	439-480-21-00	3511	Camino Del Rio S	303	Dean Moore General Agency
Offices	439-480-21-00	3511	Camino Del Rio S	303	Financial Solutions Agency
Offices	439-480-21-00	3511	Camino Del Rio S	304	medical Dental Management
Offices	439-480-21-00	3511	Camino Del Rio S	305	LPL Financial
Offices	439-480-21-00	3511	Camino Del Rio S	306	Cohn Wholesale
Offices	439-480-21-00	3511	Camino Del Rio S	307	Gianes and Welsh
Offices	439-480-21-00	3511	Camino Del Rio S	403	EnviroMINE
Offices	439-480-21-00	3511	Camino Del Rio S	404	Institute of Thought
Offices	439-480-21-00	3511	Camino Del Rio S	404	Altered States Reserch Group
Offices	439-480-21-00	3511	Camino Del Rio S	406	Keystone Capital Corporation
Offices	439-480-21-00	3511	Camino Del Rio S	409	TRX Data solutions
Offices	439-480-21-00	3511	Camino Del Rio S	410	EnviroMINE
Offices	439-480-21-00	3511	Camino Del Rio S	500	Mission Valley Conseling
Offices	439-480-25-00	3517	Camino Del Rio S	100	State of California Unemployment Insurance Appeals Board
Offices	439-480-25-00	3517	Camino Del Rio S	200	INSCO/ DICO GROUP
Offices	439-480-25-00	3517	Camino Del Rio S	204	On Assignment healthcare Staffing
Offices	439-480-25-00	3517	Camino Del Rio S	204	On Assignment Lab Support
Offices	439-480-25-00	3517	Camino Del Rio S	205	Charles Dunn real Estate Services, Inc
Offices	439-480-25-00	3517	Camino Del Rio S	208	Marshall Nemo , CPA
Offices	439-480-25-00	3517	Camino Del Rio S	215	Walden Family Services

Offices	439-480-25-00	3517	Camino Del Rio S	400	Grady & Associates
Offices	439-480-25-00	3517	Camino Del Rio S	404	Epic Land Solution, Inc
Offices	439-480-25-00	3517	Camino Del Rio S	406	San Diego Business Advisors
Offices	439-480-25-00	3517	Camino Del Rio S	407	Falconwood Inc.
Offices	439-480-25-00	3517	Camino Del Rio S	410	Money Management International
Offices	439-480-25-00	3517	Camino Del Rio S	412	Stephens Properties, LP
Offices	439-480-25-00	3517	Camino Del Rio S	412	Stephens Construction and Development
Offices	439-520-19-01	3545	Camino Del Rio S	D	Cabrillo association management
Offices	439-520-19-01	3545	Camino Del Rio S	C	Murray Lampert Design, Build, remodel
Offices	439-520-19-01	3545	Camino Del Rio S	B	Paul E. Kim MD Pain Management
Offices	439-520-19-20	3549	Camino Del Rio S	D	Excedeo
Offices	439-520-19-20	3549	Camino Del Rio S	C	Architect David Frink
Offices	439-520-10-00	3633	Camino Del Rio S	100	State Farm Agent Deryk Inn
Offices	439-520-10-00	3633	Camino Del Rio S	101	Star CPR
Offices	439-520-10-00	3633	Camino Del Rio S	102	David W. Brown, D.C.
Offices	439-520-10-00	3633	Camino Del Rio S	102	David Boucher, Ph.D.
Offices	439-520-10-00	3633	Camino Del Rio S	102	jeanie Hebert-Brown, LCSW
Offices	439-520-10-00	3633	Camino Del Rio S	102	Christopher Mercier, MFT
Offices	439-520-10-00	3633	Camino Del Rio S	102	Cindea Merzler, MFT
Offices	439-520-10-00	3633	Camino Del Rio S	102	Debbie Tessmer-Wagner, LMFT
Offices	439-520-10-00	3633	Camino Del Rio S	102	Kin Roser, LCSW
Offices	439-520-10-00	3633	Camino Del Rio S	105	John Isaac Watts Jr, EA
Offices	439-520-10-00	3633	Camino Del Rio S	106	SDAMC X-ray, Bone Densitometry Lab
Offices	439-520-10-00	3633	Camino Del Rio S	107	SDAMC - Patient Billing Services
Offices	439-520-10-00	3633	Camino Del Rio S	200	Gail M. White Ph.D.
Offices	439-520-10-00	3633	Camino Del Rio S	200	Marjan Davoudi, Psy.D.
Offices	439-520-10-00	3633	Camino Del Rio S	201	Farmers Insurance
Offices	439-520-10-00	3633	Camino Del Rio S	202	Kim M. Vinzant & Associates, CSR
Offices	439-520-10-00	3633	Camino Del Rio S	203	Daralyne M. Baddour CPA
Offices	439-520-10-00	3633	Camino Del Rio S	204	Barbara Moncrieff, LCSW
Offices	439-520-10-00	3633	Camino Del Rio S	204	Karin Kristensen, Psy.D.
Offices	439-520-10-00	3633	Camino Del Rio S	204	Audrey Barret, Ph.D., LCSW
Offices	439-520-10-00	3633	Camino Del Rio S	205	Dorris Chiropractic
Offices	439-520-10-00	3633	Camino Del Rio S	205	San Diego Sports Chiropractic
Offices	439-520-10-00	3633	Camino Del Rio S	205	Jeremy Dorris, D.C., CCWP
Offices	439-520-10-00	3633	Camino Del Rio S	205	Andrea Dorris, D.C., CCWP
Offices	439-520-10-00	3633	Camino Del Rio S	206	San Diego Aesthetic Dental Studio
Offices	439-520-10-00	3633	Camino Del Rio S	207	Lippa Associates, Inc
Offices	439-520-10-00	3633	Camino Del Rio S	300	San Diego Arthritis Medical Clinic
Offices	439-520-10-00	3633	Camino Del Rio S	300	Michael I. keller, MD
Offices	439-520-10-00	3633	Camino Del Rio S	300	Ara Dikranian, MD
Offices	439-520-10-00	3633	Camino Del Rio S	300	Puja Chittkara, MD
Offices	439-520-10-00	3633	Camino Del Rio S	300	Mahmood Pazirandeh, MD
Offices	439-520-10-00	3633	Camino Del Rio S	300	Soumya Rao, MD
Offices	439-520-10-00	3633	Camino Del Rio S	300	Timothy Lazarek, NP
Offices	439-520-10-00	3633	Camino Del Rio S	300	Michael Meng, DC
Offices	439-520-08-00	3703	Camino Del Rio S	100-A	Mission Valley Physical therapy
Offices	439-520-08-00	3703	Camino Del Rio S	100-B	Pacific Center for oral & maxillofacial surgery
Offices	439-520-08-00	3703	Camino Del Rio S	101	Pacific surgical institute of pain management
Offices	439-520-08-00	3703	Camino Del Rio S	205	Lux chiropractic
Offices	439-520-08-00	3703	Camino Del Rio S	200	Law offices of Matthew D. Rifat
Offices	439-520-08-00	3703	Camino Del Rio S	200	Alcala management services
Offices	439-520-08-00	3703	Camino Del Rio S	210	Dr. David J. Smith
Offices	439-520-08-00	3703	Camino Del Rio S	215-A	Alcala testing & analysis services
Offices	439-520-08-00	3703	Camino Del Rio S	215-B	San Diego community Pharmacy
Offices	439-520-16-00	3717	Camino Del Rio S	single occup	Brandyn DeLynne Law offices

Offices	439-520-16-00	3727	Camino Del Rio S	100	center on policy initiatives
Offices	439-520-16-00	3727	Camino Del Rio S	100	Interfaith committee for worker justice
Offices	439-520-16-00	3727	Camino Del Rio S	200	The law offices of Michael b. Levin
Offices	439-520-16-00	3727	Camino Del Rio S	200	The law office of Nicole L. Weil
Offices	439-520-16-00	3727	Camino Del Rio S	210	Waller+Opsal consulting
Offices	439-520-16-00	3737	Camino Del Rio S	101	United labor bank
Offices	439-520-16-00	3737	Camino Del Rio S	102	Theatrical Payroll services, inc.
Offices	439-520-16-00	3737	Camino Del Rio S	103	Donald I. goode/global connections ins./ blue cross/ blue shield
Offices	439-520-16-00	3737	Camino Del Rio S	108	At&t wireless
Offices	439-520-16-00	3737	Camino Del Rio S	200	American Postal workers union- san diego are local # 197
Offices	439-520-16-00	3737	Camino Del Rio S	202	Operative Plasters & Cement, Masons Local #200
Offices	439-520-16-00	3737	Camino Del Rio S	202	Roofers, Waterproofers local #45
Offices	439-520-16-00	3737	Camino Del Rio S	202	San Diego county building trades council
Offices	439-520-16-00	3737	Camino Del Rio S	203	SD Middle class taxpayers association
Offices	439-520-16-00	3737	Camino Del Rio S	205	Applied DBT Clinicians
Offices	439-520-16-00	3737	Camino Del Rio S	208	first Financial Security, Inc
Offices	439-520-16-00	3737	Camino Del Rio S	300	Benesys Administrators
Offices	439-520-16-00	3737	Camino Del Rio S	301	AFSCME-UCCU
Offices	439-520-16-00	3737	Camino Del Rio S	302	Unite here local 30
Offices	439-520-16-00	3737	Camino Del Rio S	303	Disability rights advocates, Prato & Reichma, APC
Offices	439-520-16-00	3737	Camino Del Rio S	306	First Rate mortgage & realty
Offices	439-520-16-00	3737	Camino Del Rio S	307	I.A.T.S.E. local #122
Offices	439-520-16-00	3737	Camino Del Rio S	400	AFSCME- San Diego municipal employes local #127
Offices	439-520-16-00	3737	Camino Del Rio S	403	San Diego imperial counties labor council
Offices	439-520-16-00	3737	Camino Del Rio S	407	Ochoa legal group
Offices	439-520-16-00	3737	Camino Del Rio S	410	American federation of teachers guild, local #1931
Offices	439-520-09-00	3645	Camino Del Rio S	100	M2O Marine
Offices	433-251-06-00	3444	Camino Del Rio N	100	coast benefits
Offices	433-251-06-00	3444	Camino Del Rio N	101	DenFran Systems, Inc
Offices	433-251-06-00	3444	Camino Del Rio N	202	Laki Real estate Corporation
Offices	433-251-06-00	3444	Camino Del Rio N	106	Melissa W. Cook & Associates
Offices	433-251-06-00	3444	Camino Del Rio N	103	Quinn & Associates, Principal Attorney, Reza Athari
Offices	433-251-06-00	3444	Camino Del Rio N	103	Reza Athari & Associates
Offices	433-251-06-00	3444	Camino Del Rio N	202	R & V Management Group
Offices	433-251-06-00	3444	Camino Del Rio N	101	Spartan Management Group
Offices	433-251-06-00	3444	Camino Del Rio N	104	University of Maryland University College
Offices	433-251-05-00	3456	Camino Del Rio N	100	Chiropractic, Dr Alexandria limon, Dr Ventura Natividad Dr, Nicholas Disabatino
Offices	433-251-05-00	3456	Camino Del Rio N	100	Acupuncture, Toni Narins, Lac., MTOM Judy Anne Gadler, Lac., MTOM
Offices	433-251-05-00	3456	Camino Del Rio N	100	Massage Therapy
Offices	433-251-05-00	3456	Camino Del Rio N	101	Elen consulting inc
Offices	433-251-05-00	3456	Camino Del Rio N	103	Life Resource network
Offices	433-251-05-00	3456	Camino Del Rio N	104	SEIU local 1000
Offices	433-251-05-00	3456	Camino Del Rio N	206	AMX/land home financial services
Offices	433-251-05-00	3456	Camino Del Rio N	208	Ae Commercial real estate
Offices	433-251-05-00	3456	Camino Del Rio N	210	AFGE, Local 1234
Offices	433-251-05-00	3456	Camino Del Rio N	212	WBB securities, llc
Offices	433-251-04-00	3530	Camino Del Rio N	100	Ameriprise Financial
Offices	433-251-04-00	3530	Camino Del Rio N	101	Lance Pelky & Associates
Offices	433-251-04-00	3530	Camino Del Rio N	105	Hemophilia Association
Offices	433-251-04-00	3530	Camino Del Rio N	106	Appalachian Underwriters, Inc
Offices	433-251-04-00	3530	Camino Del Rio N	200	McDevitt & Pribyl APLC
Offices	433-251-04-00	3530	Camino Del Rio N	204	Fard Engineers, Inc

Offices	433-251-04-00	3530	Camino Del Rio N	207	RSG Partners, Inc
Offices	433-251-04-00	3530	Camino Del Rio N	208	Soft-Pak
Offices	433-251-04-00	3530	Camino Del Rio N	212	San Diego Sddociated, Inc, CIPM
Offices	433-251-04-00	3530	Camino Del Rio N	302	ROH, incorporated
Offices	433-251-04-00	3530	Camino Del Rio N	303	Banker, Olmstead & Barnier, APLC
Offices	433-251-04-00	3530	Camino Del Rio N	305	RHA Construction forensics group, Inc
Offices	433-251-04-00	3530	Camino Del Rio N	310	Grasp Technologies, Inc
Offices	433-251-04-00	3530	Camino Del Rio N	320	PMAC lending services, inc
Offices	433-251-04-00	3530	Camino Del Rio N	103	Ann Carson Ph.D., NP
Offices	433-251-04-00	3530	Camino Del Rio N	103	Dolores Rodriguez-Reimann, Ph.D.
Offices	433-251-04-00	3530	Camino Del Rio N	103	Joachim Reimann, Ph.D.
Offices	433-251-04-00	3530	Camino Del Rio N	103	Life Walk
Offices	433-251-04-00	3530	Camino Del Rio N	109	Family Dentistry, Robert R. Selis, DDS
Offices	433-251-04-00	3530	Camino Del Rio N	109	Family Dentistry, Dhafir J. Petros, DDS
Offices	433-251-04-00	3530	Camino Del Rio N	109	Family Dentistry, Omeed B. Toma, DDS
Offices	433-251-04-00	3530	Camino Del Rio N	110	Ethical Personnel Services, Inc
Offices	433-251-04-00	3530	Camino Del Rio N	200	Aflac Reginal Office
Offices	433-251-04-00	3530	Camino Del Rio N	201	Hanna Brophy MacLean, McAleer & Jensen LLP
Offices	433-251-04-00	3530	Camino Del Rio N	202	Law offices, Robert B Fitzpatrick
Offices	433-251-04-00	3530	Camino Del Rio N	202	Law offices, H William Collins
Offices	433-251-04-00	3530	Camino Del Rio N	202	Law offices, David W. Foley
Offices	433-251-04-00	3530	Camino Del Rio N	202	Law offices, Erin Foley
Offices	433-251-04-00	3530	Camino Del Rio N	202	Law offices, Dennis Burke
Offices	433-251-04-00	3530	Camino Del Rio N	204	Schifrin, Gagnon & Dickey
Offices	433-251-04-00	3530	Camino Del Rio N	205	Hendrickson appraisal company, inc
Offices	433-251-04-00	3530	Camino Del Rio N	300	Volunteers of America, Southwest California
Offices	433-251-04-00	3530	Camino Del Rio N	301	Interfaith Shelter Network
Offices	433-251-04-00	3570	Camino Del Rio N	100	Exchange Resources, Inc & Foreclosure Resources, Inc
Offices	433-251-04-00	3570	Camino Del Rio N	103	Sorem & Pastore Lawyers
Offices	433-251-04-00	3570	Camino Del Rio N	103	Knowledgeone Corporation, inc
Offices	433-251-04-00	3570	Camino Del Rio N	104	Mission Village Chiropractic
Restaurant	433-251-04-00	3570	Camino Del Rio N	105	Sunny Deli
Offices	433-251-04-00	3570	Camino Del Rio N	106	Ikegami mold corporation
Offices	433-251-04-00	3570	Camino Del Rio N	108	Accredited home care
Offices	433-251-04-00	3570	Camino Del Rio N	200	Wells media group, inc
Offices	433-251-04-00	3570	Camino Del Rio N	300	Client Solution Achitects, LLC
Offices	433-251-03-00	3590	Camino Del Rio N	1gle occup:	SDSU research foundation interwork institute
Offices	433-251-01-00	3636	Camino Del Rio N	101	Sterling ledet & associates
Offices	433-251-01-00	3636	Camino Del Rio N	102	Copia wealth management & insurance services
Offices	433-251-01-00	3636	Camino Del Rio N	110	Direct demos
Offices	433-251-01-00	3636	Camino Del Rio N	130	MPR
Offices	433-251-01-00	3636	Camino Del Rio N	150	Daniel R. Knowlton, Attorney
Offices	433-251-01-00	3636	Camino Del Rio N	170	Diane Edwards Hypnotherapist
Offices	433-251-01-00	3636	Camino Del Rio N	180	Storehouse technologies, inc
Offices	433-251-01-00	3636	Camino Del Rio N	185	Montereeey provision company
Offices	433-251-01-00	3636	Camino Del Rio N	200	Quality Escrow
Offices	433-251-01-00	3636	Camino Del Rio N	215	Leadstorm,Ilc
Offices	433-251-01-00	3636	Camino Del Rio N	230	Intrapsychic
Offices	433-251-01-00	3636	Camino Del Rio N	230-A	Ben Franklin properties
Offices	433-251-01-00	3636	Camino Del Rio N	230-B	Prestigious productions
Offices	433-251-02-00	3638	Camino Del Rio N	1gle occup:	Basie & Fritz
Mental care facility	439-080-04-00	3255	Camino del Rio S	1gle occup:	San Diego County Mental health
Nature preserve and Stadium parking	433-250-16-00	9449	Friars Rd.		Preserve and parking



THE CITY OF SAN DIEGO

Date of Notice: June 26, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004656

PROJECT NAME/NUMBER: 3455 Camino Del Rio S MMCC/368346

COMMUNITY PLAN AREA: Mission Valley

COUNCIL DISTRICT: 3

LOCATION: The project is located at 3455 Camino Del Rio South, San Diego, CA 92108.

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC) and a Site Development Permit (SDP) because the project will generate Average Daily Trips (ADT) in excess of the Threshold 1 in the Mission Valley Planned District Ordinance (MVPDO). The facility is proposing to operate within a 4,877 square-foot-building located at 3455 Camino Del Rio South, using 1,564 square feet of the building space. The 0.36-acre project site is located in Mission Valley Community Plan Area, the MVPD-MV-CO Zone, the Airport Influence Area for Montgomery Field, and the Airport Land Use Compatibility Overlay Zone. The community plan designates the project site as Commercial Office.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

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

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

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

DEVELOPMENT PROJECT MANAGER:

Edith Gutierrez

MAILING ADDRESS:

1222 First Avenue, MS 501

San Diego, CA 92101

PHONE NUMBER:

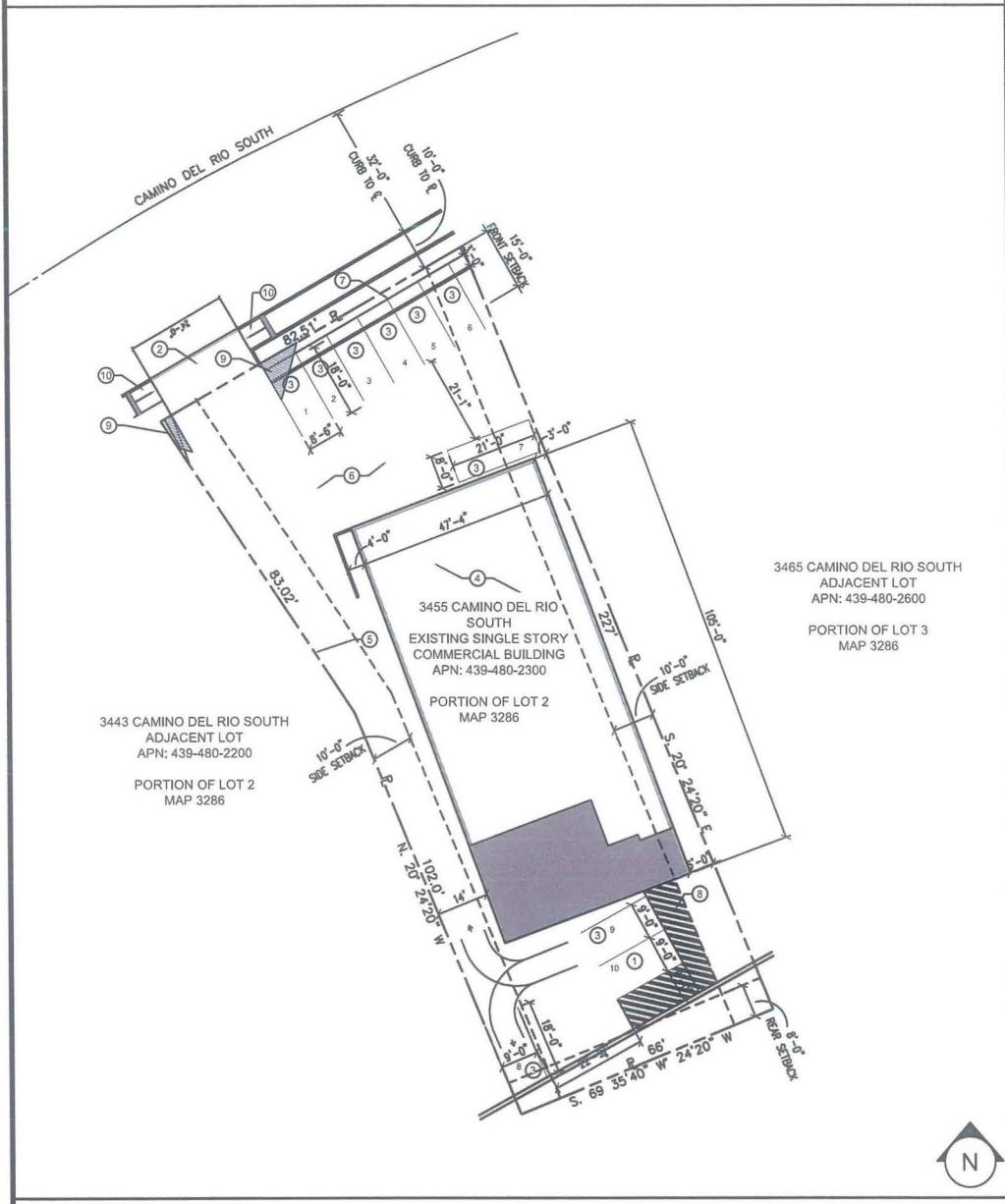
(619) 446-5147

On June 26, 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 (July 13, 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.

POSTED IN THE OFFICE OF DSD	
Posted	<u>JUN 24 2015 ml</u>
Removed	<u>JUL 17 2015</u>
Posted by	<u>myrall</u>



SITE PLAN - SCALE: 1" = 20'-0"

GENERAL NOTES

- NO HAZARDOUS MATERIALS WILL BE STORED AND/OR USED WITHIN THE BUILDING.
- NO EASEMENTS EXIST ON THE SUBJECT PROPERTY.
- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)
- NO BUS STOPS EXIST ON OR ADJACENT TO THE SUBJECT PROPERTY; NEARBY BUS STOPS ARE SHOWN ON THE VICINITY MAP.
- FUTURE USES FOR THE SITE MAY INCLUDE ANY USE PERMITTED IN THE IS-1-1 ZONE, WHETHER BY RIGHT OR BY CONDITIONAL USE PERMIT.
- ALL SIGNAGE WILL BE LIMITED TO TWO COLORS AND TYPEFACES. POLE SIGNS ARE PROHIBITED. THE POLE SIGN ON SITE IS EXISTING.
- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.
- LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACADE, AND THE IMMEDIATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
- SECURITY SHALL BE PROVIDED AT THE MMCC WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHOULD ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.
- 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. ANY 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.
- THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE THE MMCC IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
- MMCC HOURS ARE LIMITED TO BETWEEN 7:00am TO 9:00pm, SEVEN (7) DAYS A WEEK.
- 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 THE PURPOSES OF THIS RESTRICTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.
- THE UTILIZATION OF THIS CUP IS CONTINGENT UPON THE APPROVAL OF A PERMIT OBTAINED AS REQUIRED AND PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 15. THE ISSUANCE OF THIS PERMIT DOES NOT GUARANTEE THAT A PERMIT WILL BE GRANTED IN ACCORDANCE WITH CHAPTER 4, ARTICLE 2, DIVISION 15.

- THIS CUP AND CORRESPONDING USE OF THIS SITE SHALL EXPIRE ON WHICH IS FIVE YEARS FROM THE DATE OF ISSUANCE OF THIS PERMIT. UPON EXPIRATION OF THIS PERMIT, THE FACILITIES AND IMPROVEMENTS DESCRIBED HEREIN SHALL BE REMOVED FROM THIS SITE AND THE PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION PRECEDING APPROVAL OF THIS PERMIT.
- THE OWNER OR OPERATOR SHALL MAINTAIN THE PREMISES, 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. THE OWNER OR OPERATOR SHALL ELIMINATE GRAFFITI WITHIN 48 HOURS OF APPLICATION
- THE USES ON THE PREMISES SHALL BE LIMITED TO THE MMCC AND ANY USE PERMITTED IN THE MPPD-MV-CO ZONE.
- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MMCC.

- KEY NOTES
- ACCESSIBLE PARKING SPACE
 - PREVIOUSLY CONFORMING DRIVEWAY
 - PREVIOUSLY CONFORMING PARKING STALL
 - PREVIOUSLY CONFORMING STRUCTURE
 - EXISTING A.C. BERM
 - PREVIOUSLY CONFORMING PARKING LOT
 - PARKING SPACES OVERHANGS CURB BY 3' PER SDMC 142.0560 (h) 5 (TYP)
 - ACCESSIBLE PATH OF TRAVEL
 - 10' x 10' DRIVEWAY VISIBILITY AREA PER SDMC §113.0273
ALL TREES, BRUSHES, ETC. TALLER THAN 3' IN HEIGHT LOCATED WITHIN THIS AREA SHALL BE REMOVED
 - NEW CURB RAMP PER SDRS DRAWING G-14D TO PROVIDE UNOBSTRUCTED ACCESSIBLE PATH OF TRAVEL ACROSS DRIVEWAY

ABBREVIATIONS

AC	ASPHALT CONCRETE
ACT	ACOUSTICAL CEILING TILE
ALUM	ALUMINUM
ALT	ALTERNATE
AP	ACCESS PANEL
ARCH	ARCHITECT
BD	BOARD
BLDG	BUILDING
BLK'G	BLOCKING
BM	BEAM
BOT	BOTTOM
CAB	CABINET
CAR	CARPET
CEM	CEMENT
CLG	CENTERLINE
CLR	CLEAR
CT	CERAMIC TILE
CTR	COUNTER
COL	COLUMN
CONSTR	CONSTRUCTION
CONT	CONTINUOUS
CORR	CORRIDOR
DBL	DOUBLE
DEPT	DEPARTMENT
DF	DRINKING FOUNTAIN
DIA	DIAMETER
DM	DIMENSION
DISP	DISPENSER
DN	DOWN
DR	DRAIN
DET	DETAIL
DWG	DRAWING
DWR	DRAWER
EA	EACH
EJ	EXPANSION JOINT
ELECT	ELECTRICAL
ENCL	ENCLOSURE
EQ	EQUAL
EW	EACH WAY
EWC	ELECT WATER COOLER
EXG	EXISTING
ETR	EXISTING TO REMAIN
EXT	EXTERIOR
FD	FLOOR DRAIN
FEC	FIRE EXTINGUISHER CABINET
FHC	FIRE HOSE CABINET
FIN	FINISH
FIXT	FIXTURE
FLR	FLOOR
FT	FEET
FURR	FURRING
GA	GAUGE
GALV	GALVANIZED
GB	GRAB BAR
GL	GLASS
GSM	GALVANIZED SHT. METAL
GYP	GYPSON
HDR	HEADER
HW	HARDWOOD
HWDR	HARDWARE
HGT	HEIGHT
HORIZ	HORIZONTAL
ID	INSIDE DIAMETER
INSUL	INSULATION
INT	INTERIOR
JAN	JANITOR
LAM	LAMINATE
LLH	LONG LEG HORIZONTAL
LLV	LONG LEG VERTICAL
LGT WGT	LIGHT WEIGHT
MAX	MAXIMUM
MECH	MECHANICAL
MIN	MINIMUM
MISC	MISCELLANEOUS
NIC	NOT IN CONTRACT
NO/#	NUMBER
NTS	NOT TO SCALE
OC	ON CENTER
OD	OUTSIDE DIAMETER
OFPI	OWNER FURNISHED/CONTRACTOR INSTALLED
OPNG	OPENING
OPP	OPPOSITE
PL	PLATE/PROPERTY LINE
PL LAM	PLASTIC LAMINATE
PLWD	PLYWOOD
POL	POLISHED
PR	PAIR
PT	PRESSURE TREATED
PNT	PAINTED
QTY	QUANTITY
R	RADIUS
RD	ROOF DRAIN
REF	REFERENCE
REINF	REINFORCING
RM	ROOM
RO	ROUGH OPENING
RUB	RUBBER
SC	SOLID CORE
SCHED	SCHEDULE
SHR	SHOWER
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATIONS
SQ	SQUARE
STL	STAINLESS STEEL
STD	STANDARD
STOR	STORAGE
STL	STEEL
STRUCT	STRUCTURE
SUSP	SUSPENDED
TELE	TELEPHONE
TEMP	TEMPORARY
THK	THICK
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
VCT	VINYL COMPOSITION TILE
VERT	VERTICAL
VEST	VESTIBULE
VIF	VERIFY IN FIELD
W/	WITH
WO	WOOD
W/O	WITHOUT
WGT	WEIGHT

SCOPE OF WORK

CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA CONSUMER COOPERATIVE IN AN EXISTING BUILDING IN ACCORDANCE WITH INFORMATION BULLETIN 170.

INSTALLATION OF NEW SECURITY CAMERAS ALONG BUILDING EXTERIOR, AND INSIDE PROPOSED MMCC AREA.

PROJECT DATA

PROJECT LOCATION:	3455 CAMINO DEL RIO SOUTH SAN DIEGO, CA 92108
JURISDICTION:	CITY OF SAN DIEGO
LEGAL DESCRIPTION:	PORTION OF LOT 2, MAP 3826
APN:	439-480-2300
DATE OF CONSTRUCTION:	1989 NO EXTERIOR MODIFICATIONS PROPOSED
SITE AREA:	15,801 S.F., .36 ACRES
ZONING:	MVPD-MV-CO
OVERLAY ZONES:	AIRPORT INFLUENCE AREA, FIRE BRUSH ZONES 300', FIRE HAZARD SEVERITY ZONE
GEOLOGIC HAZARD ZONE:	53
TYPE OF CONSTRUCTION:	V-B, SPRINKLERED
PRIOR OCCUPANCY:	B
PROPOSED OCCUPANCY:	B
OCCUPANT LOAD:	29
TOTAL BUILDING AREA:	4877 S.F. EXISTING OFFICE SPACE
AREA OF USE:	1564 S.F. PROPOSED MMCC USE
REMAINING AREA (NIC):	3313 S.F. REMAINING OFFICE SPACE
NUMBER OF STORIES:	SINGLE STORY EXISTING
BUILDING HEIGHT:	20'-0"
GOVERNING CODES:	2013 CBC, CEC, CFC, CMC, CPC; 2008 EES; 2008 TITLE 24 CBC, 2013 CAL GREEN BUILDING STANDARDS
PARKING:	OFFICE USE GROSS AREA: 3313 S.F. OFFICE USE REQUIRED PARKING: (3.3/1000 RATIO) 10.93 STALLS
	MMCC USE GROSS AREA: 1564 S.F. MMCC USE REQUIRED PARKING: (5 / 1000 RATIO) 7.82 STALLS
	TOTAL REQUIRED PARKING: 10.93 + 7.82 = 18.75 19 STALLS REQ'D
	PARKING PROVIDED ON SITE: 10 STALLS
	SHARED PARKING PROVIDED @ 3511 CAMINO DEL RIO S. : 9 STALLS
	TOTAL PROVIDED PARKING: 19 STALLS PROVIDED

PROJECT DIRECTORY

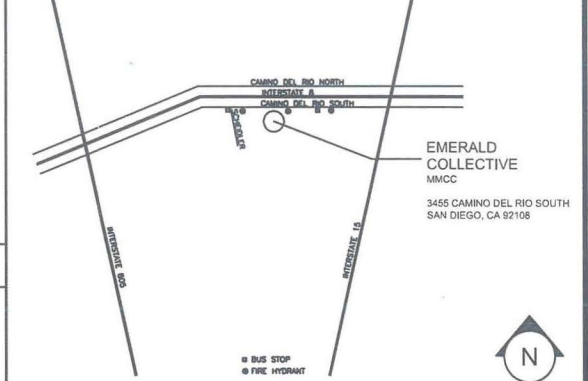
ARCHITECT: POINT OF DEPARTURE
3712 30TH STREET
SAN DIEGO, CA 92104
619.294.2500

OWNER: EMERALD COURTYARD COLLECTIVE
3455 CAMINO DEL RIO SOUTH
SAN DIEGO, CA 92108
SARA CADENAS

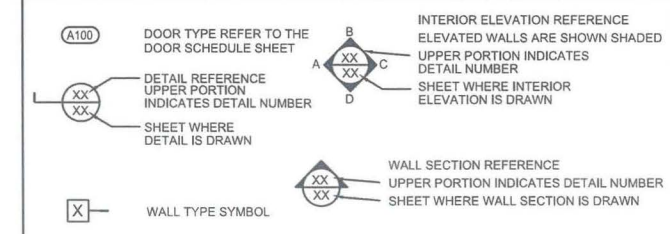
INDEX TO DRAWINGS

SHT. #	TITLE SHEET
T1.0	TITLE SHEET AND SITE PLAN
A2.1	FLOOR PLAN
A2.2	SECURITY & LIGHTING PLAN
A3.1	BUILDING PHOTOS

VICINITY MAP



SYMBOL LEGEND



REVISION 5: 06-11-15

REVISION 4: 05-05-15

REVISION 3: 01-16-15

REVISION 2: 12-05-14

REVISION 1: 10-30-14

ORIGINAL DRAWING PREPARATION DATE: 05-12-14

SHEET #: 1 OF 4

SHEET TITLE: TITLE SHEET - SITE PLAN

3455 CAMINO DEL RIO SOUTH, SAN DIEGO, CA
POINT OF DEPARTURE ARCHITECTURE

ATTACHMENT II

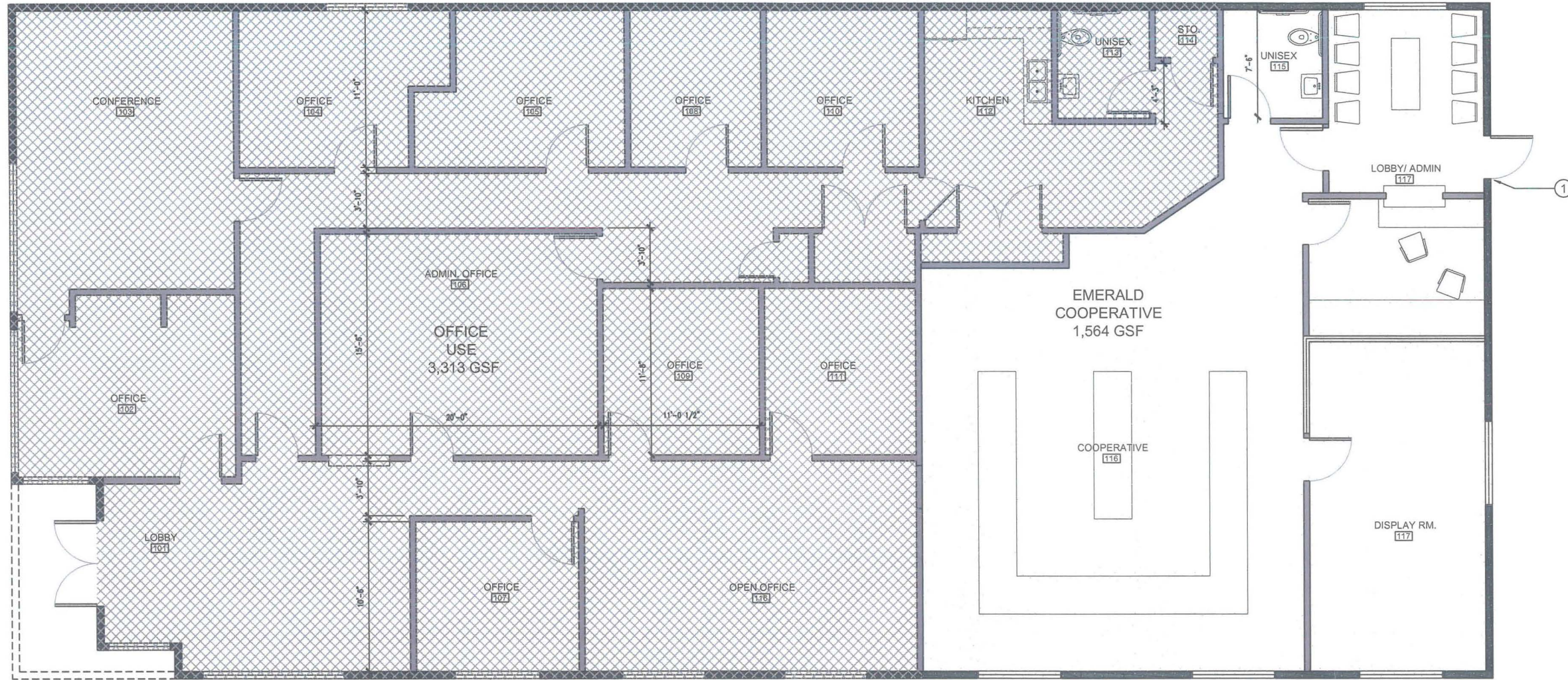
Point of Departure ARCHITECTURE
3712 30th Street
San Diego, CA 92104
www.pod-architecture.com

3455 Camino Del Rio S.
San Diego, CA 92108

EMERALD COLLECTIVE
CONDITIONAL USE PERMIT
TITLE SHEET

01.16.15

T-1.0



1 PROPOSED FLOOR PLAN

scale: 1/4" = 1'-0"



KEY NOTES

① (E) SECURITY GATE

WALL LEGEND

- EXISTING EXTERIOR WALL
- EXISTING INTERIOR WALL
- EXISTING PARTIAL HEIGHT INT. PARTITION WALL
- PROPOSED MMCC AREA
- OFFICE AREA NOT A PART OF THE PROPOSED MMCC

REVISION 5: 05-05-15
 REVISION 4: 01-16-15
 REVISION 3:
 REVISION 2: 12-05-14
 REVISION 1: 10-30-14

ORIGINAL DRAWING PREPARATION DATE: 05-12-14

SHEET #: 2 OF: 4
 SHEET TITLE: PROPOSED FLOOR PLAN

3455 CAMINO DEL RIO SOUTH, SAN DIEGO, CA
 POINT OF DEPARTURE ARCHITECTURE



SUBMITTAL

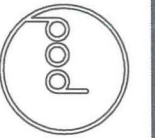
01.16.15

A-2.1

EMERALD COLLECTIVE
 CONDITIONAL USE PERMIT
 PROPOSED FLOOR PLAN

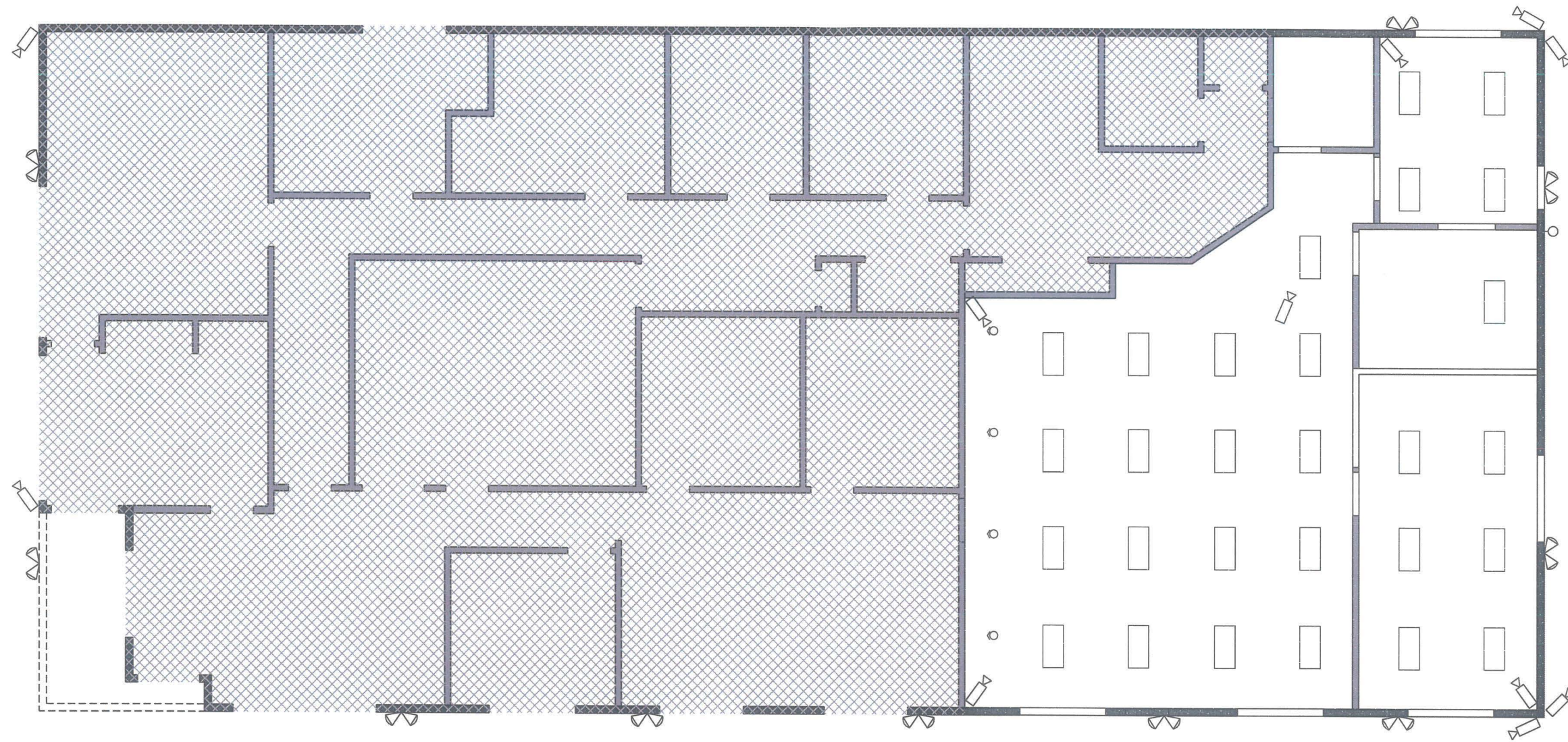
POINT OF DEPARTURE ARCHITECTURE

3455 Camino Del Rio S.
 San Diego, CA 92108



Point of Departure
 ARCHITECTURE
 3712 30th Street
 San Diego, CA 92104
 www.pod-architecture.com

ATTACHMENT 11









1 SECURITY/LIGHTING PLAN scale: 3/16" = 1'-0"

KEY NOTES

⊙

LEGEND

-  2X4' SURFACE MOUNT FLUORESCENT FIXTURE
-  WALL-MOUNTED ADJUSTABLE FLOODLIGHT
-  RECESSED CEILING LIGHT
-  "WALL-WASHER" RECESSED CEILING LIGHT
-  WALL-MOUNTED AREA LIGHT
-  SECURITY CAMERA

- REVISION 5: _____ 05-05-15
- REVISION 4: _____ 01-16-15
- REVISION 3: _____
- REVISION 2: _____ 12-05-14
- REVISION 1: _____ 10-30-14

ORIGINAL DRAWING PREPARATION DATE: _____ 05-12-14
 SHEET #: 3 OF 4
 SHEET TITLE: SECURITY AND LIGHTING PLAN

3455 CAMINO DEL RIO SOUTH, SAN DIEGO, CA
 POINT OF DEPARTURE ARCHITECTURE



SUBMITTAL

01.16.15

A-2.2

EMERALD COLLECTIVE
 CONDITIONAL USE PERMIT
 SECURITY/LIGHTING PLAN

3455 Camino Del Rio S.
 San Diego, CA 92108



Point of Departure
 ARCHITECTURE
 3712 30th street
 San Diego, CA 92104
 www.pod-architecture.com



3455 Camino Del Rio S.
 San Diego, CA 92108

EMERALD COLLECTIVE
 CONDITIONAL USE PERMIT
 BUILDING PHOTOS



SUBMITTAL

01.16.15

A-3.1



2 SOUTH SIDE



1 WEST SIDE



4 NORTH SIDE



3 EAST SIDE

KEY NOTES	GENERAL NOTES
<p>① EXISTING OFFICE ENTRY ② EXISTING DOOR TO BE USED AS NEW MMCC ENTRY</p>	<p>1. NO CHANGES PROPOSED TO THE EXTERIOR OF THE EXISTING BUILDING</p>

REVISION 5:	05-05-15
REVISION 4:	01-16-15
REVISION 3:	
REVISION 2:	12-05-14
REVISION 1:	10-30-14
ORIGINAL DRAWING PREPARATION DATE:	05-12-14
SHEET #:	4 OF 4
SHEET TITLE:	BUILDING PHOTOS

3455 CAMINO DEL RIO SOUTH, SAN DIEGO, CA
 POINT OF DEPARTURE ARCHITECTURE

**MINUTES OF THE REGULAR MEETING OF THE
MISSION VALLEY PLANNING GROUP**

July 01, 2015

MEMBERS PRESENT

Steve Abbo
Deborah Bossmeyer
Jason Broad
Paul Brown
Bob Cummings
Perry Dealy
Robert Doherty
Randall Dolph
Alan Grant
Derek Hulse
Rob Hutsel
Elizabeth Leventhal
John Nugent
Keith Pittsford
Marco Sessa
Dottie Surdi
Rick Tarbell
Josh Weiselberg

MEMBERS ABSENT

John Carson
Matthew Guillory
John Laraia
Andrew Michajlenko
Jim Penner
Alex Plishner

GUESTS

Sara Cadens
Richard Ledford
Khoa Nguyen
Justine Nielsen
David Norvell
Phil Rath
Mary Shepperd
Tom Thiessen
Rick Wilson

FEDERAL REP'S STAFF

STATE STAFF

CITY STAFF

Julio DeGuzman
Anthony George
Nancy Graham
Karen Reilly
Liz Saidkhanian

Dottie Surdi, Chair, called the regular meeting of the Mission Valley Planning Group (MVPG) to order at 12: 00 p.m. at the Mission Valley Library Community Room located at 2123 Fenton Parkway, San Diego, CA.

A. CALL TO ORDER

Verify Quorum: 14 members were present, constituting a quorum.

B. PLEDGE OF ALLEGIANCE –

Paul Brown led the Pledge of Allegiance.

C. INTRODUCTIONS / OPENING REMARKS/ AGENDA CHANGE

Dottie Surdi welcomed everyone to the meeting and reminded those present to sign the sign in sheets.

Discussion/Questions/Comments

- Numerous expressions of frustration over the minimum changes that were made on the on design and landscaping of property based on previous comments and concerns of MVPG members.
- Numerous expressions of frustration over MVPG having “no vote” on design and landscaping of property, especially since the property is at a gateway point to the Mission Valley and is plain and unattractive.
- Revised building design and landscaping does not meet the standard to go the MVPG Design Advisory Board Standing Committee
- Location/access by public of placement trash receptacle
- Weeds/trash between property and Qualcomm Way
- Importance of San Diego Police Department vice report being available in making decision

Rob Hutsel moved to Recommend a Conditional Use Permit (CUP) for a Type 20 ABC license for sale of bulk (no single bottles/servings) Alcohol Beverages for off site consumption at an existing mini mart at the Chevron Gas station at 2290 Camino Del Rio N. Deborah Bossmeyer seconded the motion. Motion was NOT approved 4 –14 – 0 with Steve Abbo, Paul Brown, Perry Dealy, Rob Hutsel voting yes and Deborah Bossmeyer, Jason Broad, Bob Cummings, Robert Doherty, Randall Dolph, Alan Grant, Derek Hulse, Elizabeth Leventhal, John Nugent, Keith Pittsford, Marco Sessa, Dottie Surdi, Rick Tarbell, and Josh Weiselberg voting no

2. Agenda Item J-2. Medical Marijuana Consumer Cooperative (MMCC) CUP/SDP at 3455 Camino Del Rio S. Project No. 368346 - Khoa Nguyen- Action Item

Draft motion: Recommend a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC) and a Site Development Permit (SDP) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 4,877 square foot building located at 3455 Camino Del Rio South

Phil Rath reviewed the project and discussed the solution of “shared parking” in order to meet the parking requirements:

The proposed project requires a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC) and a Site Development Permit (SDP) because the project will generate Average Daily Trips (ADT) in excess of the Threshold 1 in the Mission Valley Planned District Ordinance (MVPDO). The facility is proposing to operate within a 4,877 square-foot-building located at 3455 Camino Del Rio South, using 1,564 square feet of the building space. The 0.36-acre project site is located in Mission Valley Community Plan Area and the District 3 City Council District.

The City review staff is recommending a denial of this application because it does not meet the minimum, 1,000 feet, separation requirement from a park. Indian Hills Open Space Park is located above the valley in Normal Heights along Cromwell Ct. City staff recognizes that the proposed Medical Marijuana Consumer Cooperative is separated from the park by a hillside. However, SDMC 113.0225 does not allow for the hillside to be a

factor, therefore the City staff must recommend denial of this application because it does not meet the minimum separation requirement.

Phil Rath reviewed the location of the park and discussed the “common sense test” and physical accessibility to the park from the proposed MMCC location.

Discussion/Questions/Comments

- The definition of a park
- Proximity of park
- Relation of this location to the approved MMCC at 3703 Camino Del Rio South.
- Number of MMCC’s that can be located in each City Council District (4). Since the MVPG is included in parts of Council District 3 and 7 there is the potential of 8 MMCC sites within in the area of the Mission Valley Planning Group.
- Role of planning group, can it make a recommendation that goes against a city code or law

Jason Broad moved to Recommend a Conditional Use Permit (CUP) and a Site Development Permit (SDP) for a for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 4,877 square foot building located at 3455 Camino Del Rio South. Alan Grant seconded the motion. Motion was NOT approved 7-8-1 with Steve Abbo, Deborah Bossmeyer, Jason Broad, Robert Doherty, Marco Sessa, Rick Tarbell, Josh Weiselberg voting yes, Paul Brown, Randall Dolph, Alan Grant, Rob Hutsel, Elizabeth Leventhal, John Nugent, Keith Pittsford, Dottie Surdi voting no and Derek Hulse abstaining.

Agenda Item J-3-- 25 Cities San Diego Project- Tom Thiessen- Information Item
Due to the length of discussion on the Action Agenda Items Tom Thiessen was not able to make his presentation and will be rescheduled.

K. OLD BUSINESS

1. Subcommittee Reports:

A. Standing Committees:

1) Design Advisory Board – Randy Dolph

The committee did not meet so there was no report.

2) Mission Valley Community Plan Update-John Nugent

The Community Plan Update Subcommittee (CPUS) is a standing subcommittee of the Mission Valley Planning Group,

The CPUS Community Kickoff Meeting Open House happened on June 30, 2015 at the Scottish Rite Event Center.

The CPUS committee meets the second Friday of each month from 3:00-4:30 at the Mission Valley Library. An organizational meeting is July 10, 2015 from 3:00 to 4:30 p.m. in Mission Valley Library Community Room. The primary purpose of the July meeting will be a CPUS Interest Meeting where ongoing community outreach for the



Ownership Disclosure Statement

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

Project Title: MMCC CUP, Emerald Courtyard Cooperative
 Project No. For City Use Only: 368346

Project Address:
 3455 Camino Del Rio South San Diego, 92108

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

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

Additional pages attached Yes No

Name of Individual (type or print):
 Sara Cadenas
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 1024 Laguna Dr. #9
 City/State/Zip:
 Carlsbad, Ca 92008
 Phone No: (760) 533-6969 Fax No:
 Signature: Date: Apr 23, 2014

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

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

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

Project Title:	Project No. (For City Use Only) 368346
----------------	--

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

Legal Status (please check):

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

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):
Bain Family Trust

Owner Tenant/Lessee

Street Address:
5278 Cromwell Court

City/State/Zip:
San Diego, Ca 92116

Phone No: _____ Fax No: _____
(619) 884-8883

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

Title (type or print):
Trustee

Signature :  Date: 04/23/2014

Corporate/Partnership Name (type or print):
Bain Family Trust

Owner Tenant/Lessee

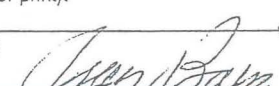
Street Address:
5278 Cromwell Court

City/State/Zip:
San Diego, Ca 92116

Phone No: _____ Fax No: _____
(619) 884-8883

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

Title (type or print):
Trustee

Signature :  Date: 04/23/2014

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____



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

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031

OCTOBER 2012

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

1. Type of Appeal:

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

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

Name: Sara Cadenas, Emerald Courtyard MMCC E-mail Address: Sara@emeraldcourtyard.com
 Address: 3455 Camino Del Rio South City: San Diego State: CA Zip Code: 92108 Telephone: 760 533 6969

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

4. Project Information

Permit/Environmental Determination & Permit/Document No.: 1295099	Date of Decision/Determination: 10/7/2015	City Project Manager: Edith Gutierrez
Conditional Use Permit No. SDP No. 1508276		
Decision (describe the permit/approval decision): Denial of Conditional Use Permit by Hearing Officer project # - 368346		

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

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

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)
 Hearing Officer erroneously denied the CUP based on its proximity to the Indian Hills open space area.

This area is inactive open space, which was set aside as part approval of the nearby residential Indian Hills subdivision in the 19TMs.

In fact, the area is zoned "Residential RS1-1".

There area is unimproved, there are no equipment, trails, sitting areas, or restrooms nor is it connected to any park or open space system.

It is not listed in the Mid-City Community Plan or Facilities Finance Plan as an existing or future population-based park .

It is not listed on the City's Park and Recreation website or anywhere else as a public park. This "park" is not ADA compliant.

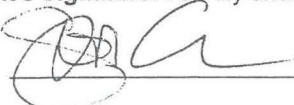
Therefore, the proposed project site meets all separation requirements and should have been approved.

RECEIVED

OCT 20 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: 10/20/15

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

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: 24004656

CONDITIONAL USE PERMIT NO. 1295099 AND
SITE DEVELOPMENT PERMIT NO. 1508276
3455 CAMINO DEL RIO SOUTH MMCC - PROJECT NO. 368346
PLANNING COMMISSION

This Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276 are approved by the Planning Commission of the City of San Diego to BAIN FAMILY TRUST, Owner and EMERALD COURTYARD COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 & 126.0504. The 0.36-acre site located at 3455 Camino Del Rio South is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area. The project site is legally described as: Lot 2, Map 3826, recorded on February 27, 1958.

Subject to the terms and conditions set forth in this Permit, permission is approved for 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 August 11, 2016, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 1,564-square-foot tenant space within an existing 4,877-square-foot, one-story building;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by August 11, 2019.
2. This Conditional Use Permit [CUP]/Site Development Permit [SDP] and corresponding use of this MMCC shall expire on August 11, 2021.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 1,564-square-foot tenant space shall be limited to the MMCC and any use permitted in the MVPD-MV-CO 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 0.36-acre site.
24. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
25. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces

are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with 24-foot wide City standard driveway, on Camino Del Rio South, per Standard Drawing SDG-159, satisfactory to the City Engineer. If deviation to the proposed standard driveway is proposed, a Deviation from Standard form needs to be reviewed and approved by the City Engineer.

TRANSPORTATION REQUIREMENTS:

27. No fewer than 19 off-street parking spaces (with 10 on-site parking spaces and nine (9) shared parking spaces provided; including one (1) on-site van-accommodating disabled accessible space) shall be permanently maintained within the approximate locations shown on the project's Exhibit "A" and per the recorded Shared Parking Agreement, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

28. All off-street parking stalls and aisle widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

29. Prior to any building permit a Shared Parking Agreement (at all times, providing and maintaining a minimum of nine (9) off-site automobile parking spaces for use by 3455 Camino del Rio South) shall be provided and recorded on all affect properties satisfactory to the City Engineer.

POLICE DEPARTMENT RECOMMENDATION:

30. 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 August 11, 2016 and Resolution No. PC-XXX.

CUP No.1295099 and SDP No. 1508276 / PTS No. 368346

Date of Approval: August 11, 2016

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.

BAIN FAMILY TRUST
Owner

By _____
Leroy Bain
Trustee

BAIN FAMILY TRUST
Owner

By _____
Thelma Jean Bain
Trustee

EMERALD COURTYARD COOPERATIVE
Permittee

By _____
Sara Cadenas
President

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

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1295099 AND
SITE DEVELOPMENT PERMIT NO. 1508276
3455 CAMINO DEL RIO SOUTH MMCC - PROJECT NO. 368346

WHEREAS, BAIN FAMILY TRUST, Owners and EMERALD COURTYARD COOPERATIVE, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 1,564 square-foot tenant space within an existing 4,877 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of denial for the associated Permit Nos. 1295099 and 1508276), on portions of a 0.36-acre site;

WHEREAS, the project site located at 3455 Camino Del Rio South is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area;

WHEREAS, the project site is legally described as Lot 2, Map 3826, recorded on February 27, 1958;

WHEREAS, on June 26, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on October 7, 2015, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 20, 2015, Sara Cadenas filed an appeal of the Hearing Officer's decision;

WHEREAS, on August 11, 2016, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276 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 August 11, 2016.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The 0.36-acre site located at 3455 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses. The proposed MMCC will provide the local residents with "neighborhood" facilities as encouraged by the community plan.

All of the surrounding parcels adjacent to this site are in the MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan and therefore, will not adversely affect the applicable land use plan.

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

The tenant space is currently vacant. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276. 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 site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and was developed per Building Permit No. H97201. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary area and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to a new project which would cause the entire site to generate traffic in excess of that provided by Threshold 1 but not exceeding the limits established by Threshold 2 for the designated Development Intensity District (DID) of the MVPDO. 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 Commercial Office land use designation, the MVPD-MV-CO Zone and SDMC Section 141.0614 regulations. 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 0.36-acre site located at 3455 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The proposed MMCC is consistent with the Commercial Office designation of the MVPDO.

MMCCs are allowed in the MVPD-MV-CO zone with a Conditional Use Permit and Site Development Permit. The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. 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. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit. Therefore, the proposed MMCC is an appropriate use at the proposed location.

Site Development Permit I. - Section §126.0504**1. The proposed development will not adversely affect the applicable land use plan.**

The 0.36-acre site located at 3355 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses.

All of the surrounding parcels adjacent to this site are in the MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan and therefore, will not adversely affect the applicable land use plan.

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

The tenant space is currently vacant. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276. 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 applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and was developed in 1968 per Building Permit No. H97201. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary area and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to a new project which would cause the entire site to generate traffic in excess of that provided by Threshold 1 but not exceeding the limits established by Threshold 2 for the designated Development Intensity District (DID) of the MVPDO. 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 Commercial Office land use designation, the MVPD-MV-CO Zone and SDMC Section 141.0614 regulations. 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.

Site Development Permit II. – Section §1514.0201

1. The proposed development is consistent with the Mission Valley Community Plan and the Progress Guide and General Plan.

The 0.36-acre site located at 3455 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan area. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses.

All of the surrounding parcels adjacent to this site are in the MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. A SDP is required due to estimated trips resulting in a trip per acre value in excess of the allowed Threshold 1 value for the designated Development Intensity District (DID) of the MVPDO. The expected trip generation for the proposed 1,564 square-foot MMCC is approximately 89 average daily trips (ADT), at 40 trips per 1,000 square feet. The trip value calculated for the existing use and proposed project use is 394 trips per acre; above Threshold 1 (200

trips/AC) and below Threshold 2 (424 trips/AC) for DID. The increase in calculated trips generated will not lower by any increment the level of service on surrounding streets and freeways from what exists and what is anticipated in the PDO, therefore the proposed MMCC is consistent with the community plan and the Progress Guide and General Plan.

2. The proposed development provides the required public facilities and is compatible with adjacent open space areas.

The one-story, 4,877 square-foot building was constructed in 1968 per Building Permit No. H97201.

The existing building was constructed in compliance with all development regulations at the time including the required public facilities and adjacent open space areas. The proposed MMCC is a change of use only, no development is proposed and therefore, not required to provide additional public facilities. The site is approximately 800 feet from the nearest Open Space Designation, since no development is proposed the site will continue to be compatible with the adjacent Open Space.

3. The proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as a part of this planned district.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP), Process 3 decision. A SDP is required due to estimated trip generation in a value in excess of the allowed Threshold 1 for the designated Development Intensity District (DID) of the MVPDO. The expected trip generation for the proposed 1,564 square-foot MMCC is approximately 89 average daily trips (ADT), at 40 trips per 1,000 square feet. The value calculated for the existing use and proposed project use is 394 trips per acre (AC); above Threshold 1 (200 trips/AC) and below Threshold 2 (424 trips/AC). The increase in traffic generated will not lower by any increment the level of service on surrounding streets and freeways from what exists and what is anticipated in the PDO.

Guidelines for Discretionary Review have been fulfilled as the project has successfully submitted a deemed complete application for review through the City of San Diego and brought forward to a decision maker for a decision in accordance to San Diego Municipal Code section 1514.0201 (Permit Application, Review, and Issuance). Therefore, the proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as a part of this planned district

4. The proposed development will comply with all other relevant regulations in the San Diego Municipal Code.

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and was developed per Building Permit No. H97201. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary area and restroom. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to estimated traffic resulting in a value in excess of the

allowed Threshold 1, however based on the estimated 394 ADT; above Threshold 1 and below Threshold 2, staff has determined that the proposed increase in traffic by the MMCC is not expected to adversely impact the surrounding roadway system.

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. 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. and therefore, complies with all relevant regulations in the San Diego Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1295099 and Site Development Permit No. 1508276 are hereby APPROVED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1295099 & 1508276, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: August 11, 2016

Job Order No. : 24004656