



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: October 29, 2014

REPORT NO. HO-14-060

ATTENTION: Hearing Officer

SUBJECT: 3990 HICOCK MMCC  
PROJECT NUMBER: 368350

LOCATION: 3990 Hicock Street

APPLICANT: Paul Britvar

### SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in an existing, 4,245 square foot, two-story manufacturing building on a 0.15 acre site within the Midway/Pacific Highway Corridor Community Plan area?"

Staff Recommendation: DENY Conditional Use Permit No. 1287965

Community Planning Group Recommendation: On July 2, 2014, the Midway Community Planning Group voted 9-0-0 to approve the project with conditions (Attachment 11).

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 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 20, 2014, the opportunity to appeal that determination ended on September 4, 2014.

### 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.

This proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in an existing, 4,245 square foot, two-story building on a 0.15 acre site. The site is located at 3990 Hicock Street (Attachment 1), south of Interstate 8, east of Hancock Street, north of Hicock Street and west of Camino del Rio W (Attachment 2). The site is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area. The site contains an existing building constructed in 1975, per Building Permit No. 96761. The building is currently vacant.

To the north of the site is Interstate 8, to the west is Mary Moore's Motor Homes (auto repair), to the south is SD Water Sports Boat Rentals (manufacturing) and to the east is Sierra Blue Internet (retail) and C & G Hicock (vacant land). With the exclusion of the freeway, all of the surrounding parcels are in the IS-1-1 zone. The purpose of the IS zone is to provide for small-scale industrial activities within urbanized areas. It is intended that the IS zones permit a wide range of industrial and nonindustrial land uses to promote economic vitality and a neighborhood scale in development. The property development regulations of the IS zone are intended to accommodate the development of small and medium sized industrial and commercial activities by providing reduced lot area, landscaping, and parking requirements.

The site is designated Light Industrial within the Midway/Pacific Highway Community Plan (Attachment 3). The Midway/Pacific Highway Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. Most of the commercial uses have developed along the area's major streets which include: Sports Arena Boulevard, Midway Drive, Camino del Rio South and Rosecrans Street. Additionally, this community portion contains little residential development. The proposed MMCC, classified as commercial services, is consistent with the community plan.

## DISCUSSION

The project site located at 3990 Hicock Street is on a 0.15-acre site. The proposed 4,245 square foot, two-story building is currently vacant. The project proposes interior improvements that include a reception area, dispensary area, employee lounge and restrooms. Public improvements include closure of an existing driveway with City standard curb, gutter and sidewalk and the replacement of an existing ADA compliant, twenty-five foot shared driveway.

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

The proposed MMCC is less than two hundred feet from Mission Bay Park. Mission Bay Park is a public park (publicly owned area that is designated as a park) located north of Interstate 8. The proposed Medical Marijuana Consumer Cooperative is separated from Mission Bay Park by the interstate. The interstate does provide a built barrier that separates the Medical Marijuana Consumer Cooperative from the park, as there is no direct access between the two. SDMC 113.0225, requires that the distance from property line to property line be measured horizontally without regard to topography or structures that would interfere with a straight-line measurement.

The regulations for MMCCs and the definition contained in SDMC 113.0103 do not differentiate between passive and active parks. Portions of Mission Bay Park within 1,000 feet of this Medical Marijuana Consumer Cooperative are used for passive and active uses. This portion of Mission Bay Park includes the San Diego River and a bike path.

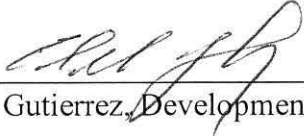
The City of San Diego Development Services staff has reviewed the 1,000 foot radius map (Attachment 6) and 1,000 foot spreadsheet exhibit (Attachment 7) provided by the applicant identifying all the existing uses. City staff has determined that the proposed MMCC is within 1,000 feet of a park and therefore does not meet the minimum distance requirement based on a horizontal measurement across Interstate 8 to Mission Bay Park without taking into account the Interstate.

If the Hearing Officer determines that the findings can be made to approve the project, the permit has been conditioned to include all development restrictions. Additionally the applicant has submitted draft findings of approval (Attachment 6).

#### ALTERNATIVE

1. Approve Conditional Use Permit No. 1287965, with modifications.
2. Deny Conditional Use Permit No. 1287965, if the findings required to approve the project cannot be affirmed.

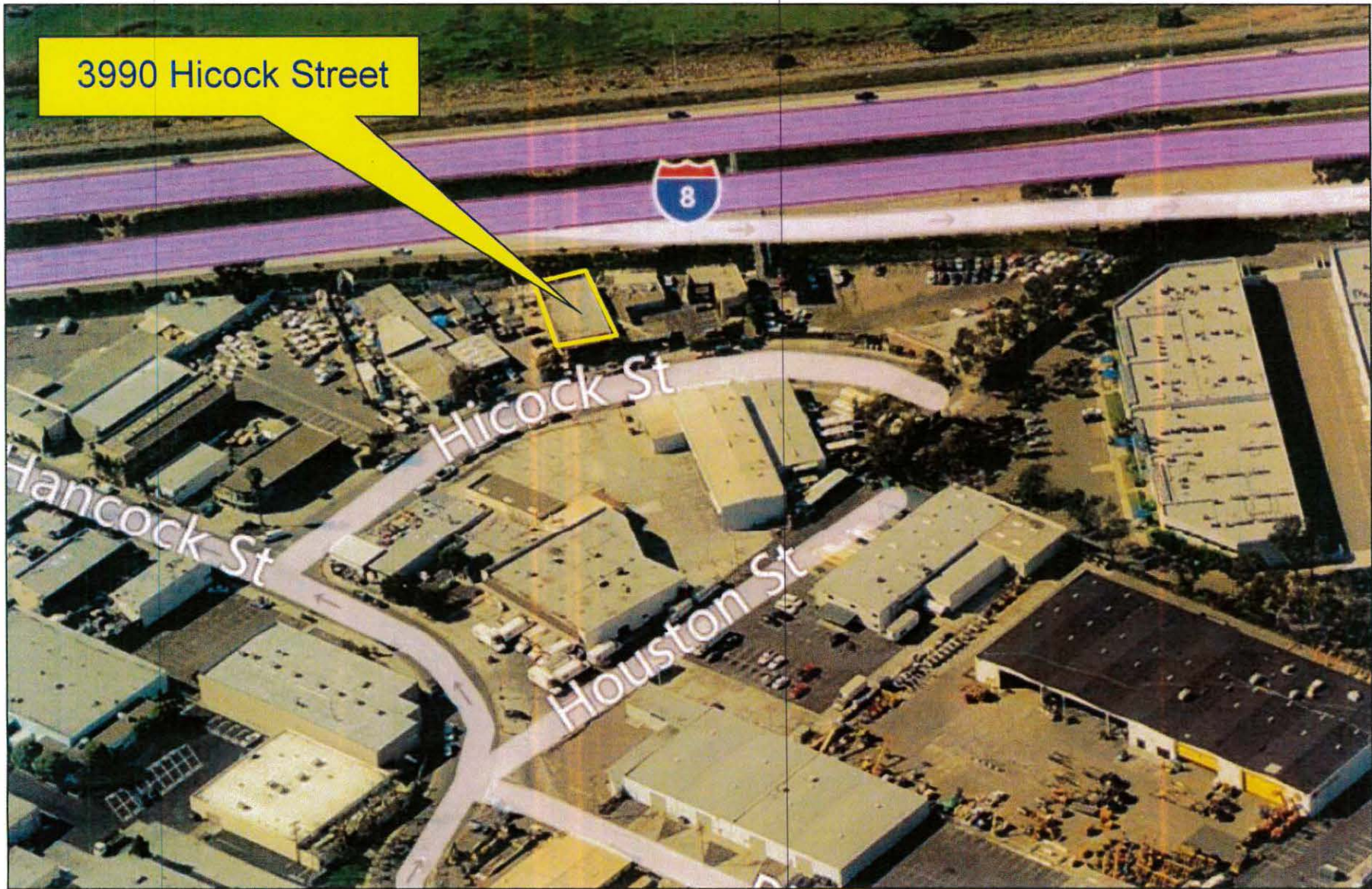
Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

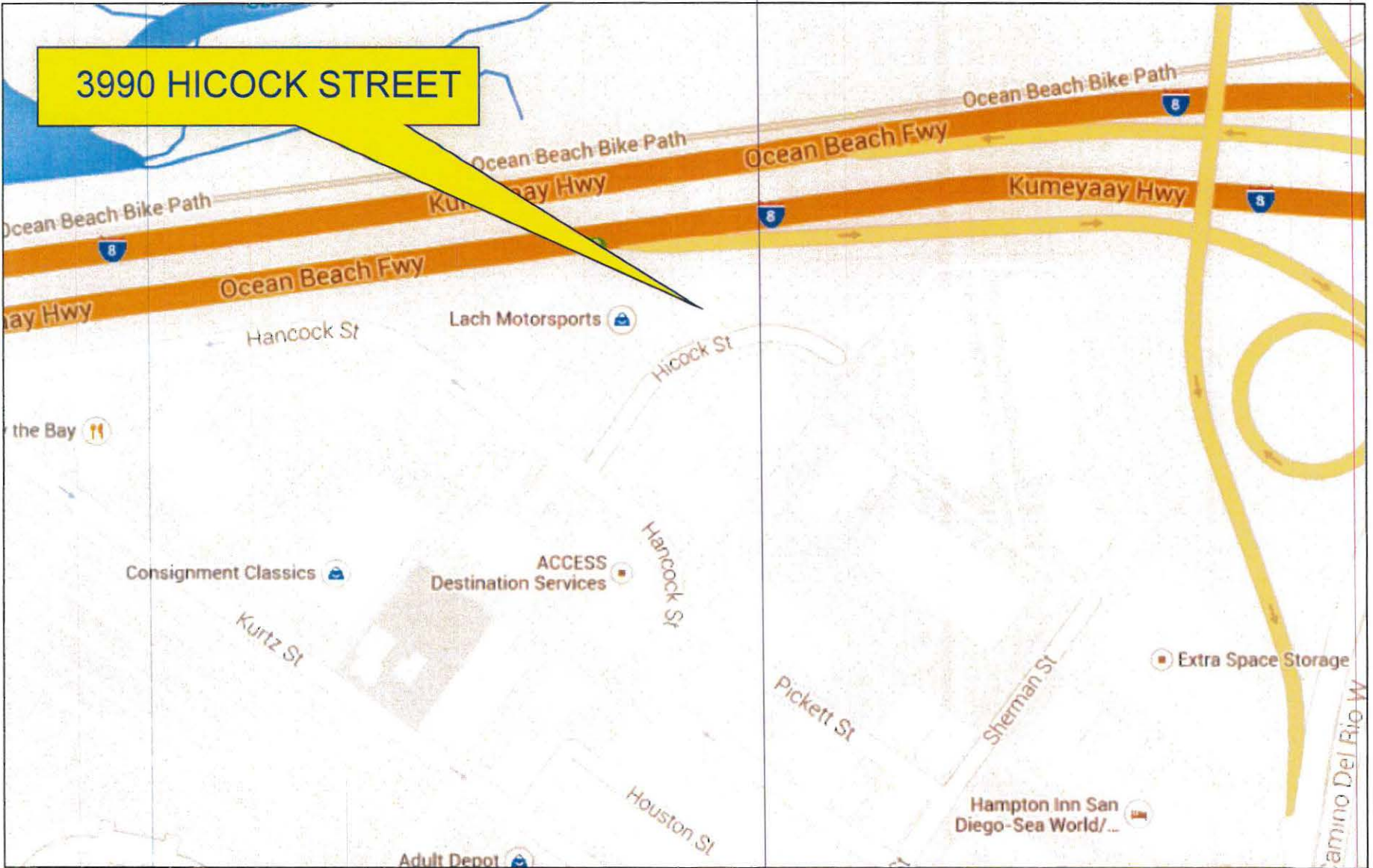
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. Applicant's Draft Permit Findings
7. 1000 Foot Radius Map Spreadsheet
8. 1000 Foot Radius Map
9. Environmental Exemption
10. Project Site Plan(s)
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement



## Location Aerial Photo

3990 HICOCK MMCC – 3990 HICOCK STREET  
PROJECT NO. 368350



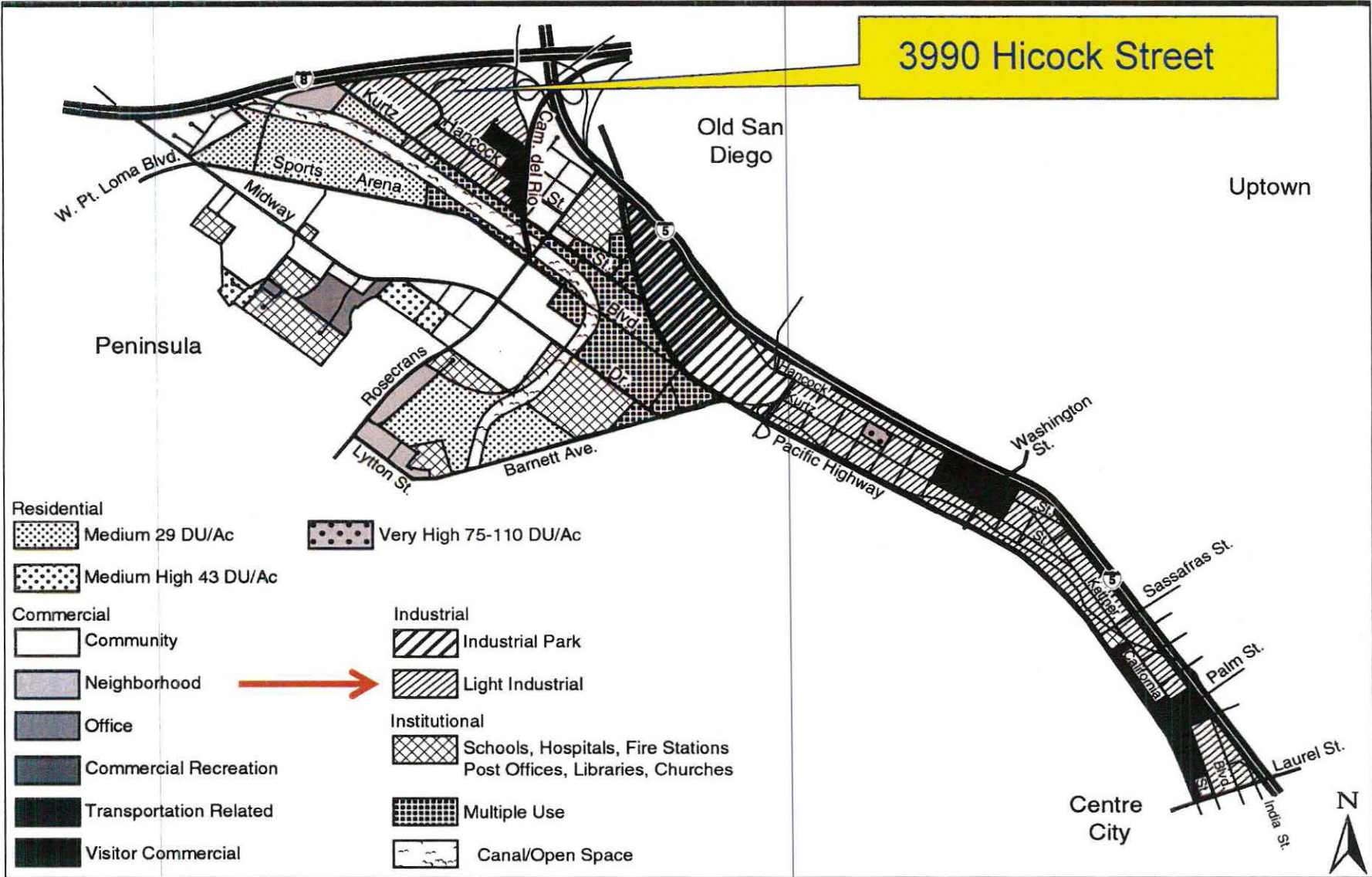


## Project Location Map

**3990 HICOCK MMCC – 3990 HICOCK STREET**  
**PROJECT NO. 368350**



3990 Hicock Street



# Land Use Map

3990 HICOCK MMCC – 3990 HICOCK STREET

PROJECT NO. 368350



**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: 24004644

**CONDITONAL USE PERMIT NO. 1287965**  
**3990 HICOCK MMCC PROJECT NO. 368350**  
**HEARING OFFICER**

This Conditional Use Permit No. 1287965 is granted by the Hearing Officer of the City of San Diego to BRADLEY T. WRIGHT, Owner and PAUL BRITVAR, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.15-acre site is located at 3990 Hicock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as: Lot 32 of Pickett Industrial Center Subdivision, According to Map No. 6709, filed in the office of the County Recorder on August 19, 1970.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 29, 2014, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 4,245 square foot, two-story manufacturing building on a 0.15 acre site;
- 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 \_\_\_\_\_.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on \_\_\_\_\_.
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.

**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of existing driveway, adjacent to the project site on Hicock Street, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.
14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing shared driveway, on Hicock Street serving this project and the adjacent property to the west, with 25-foot wide City standard driveway to provide adequate sidewalk transitions, satisfactory to the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

15. The use within the 4,245 square foot space shall be limited to the MMCC and any use permitted in the IS-1-1 Zone as permitted on the premises.
16. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
17. 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.
18. 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.
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 48 hours.
23. Medical marijuana shall not be consumed anywhere within the 0.15 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.

**TRANSPORTATION REQUIREMENTS:**

26. A minimum of 4 off-street parking spaces for the proposed use (with 16 off-street parking spaces currently provided, between the project site and the adjacent property) shall be permanently maintained on the project site and on the property adjacent to the project site, within the approximate location shown on Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's SDMC, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

27. Prior to the issuance of any construction permit, the Owner/Permittee shall provide a signed and recorded Joint Use Driveway/Mutual Access Agreement between all affected properties, satisfactory to the City Engineer.

28. Prior to the issuance of any construction permit, the Owner/Permittee shall provide a signed and recorded Shared Parking Agreement between all affected properties, satisfactory to the City Engineer.

**POLICE DEPARTMENT RECOMMENDATION:**

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

**INFORMATION ONLY:**

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

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

APPROVED by the Hearing Officer of the City of San Diego on October 29, 2014 and Resolution No. CM-XXXX.

Conditional Use Permit No. 1287965/PTS No. 368350  
Date of Approval: October 29, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Edith Gutierrez  
Development Project Manager

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

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**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.

BRADLEY T. WRIGHT  
Owner

By \_\_\_\_\_  
Bradley T. Wright  
President

PAUL BRITVAR  
Permittee

By \_\_\_\_\_  
Paul Britvar  
Permittee

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

HEARING OFFICER  
RESOLUTION NO.  
CONDITONAL USE PERMIT NO. 1287965  
**3990 HICOCK MMCC PROJECT NO. 368350**

WHEREAS, BRADLEY T. WRIGHT, Owner and PAUL BRITVAR Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 4,245 square foot, two-story manufacturing building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1287965), on portions of a 0.15 acre site;

WHEREAS, the project site is located at 3990 Hicock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area;

WHEREAS, the project site is legally described as Lot 32 of Pickett Industrial Center Subdivision, According to Map No. 6709, filed in the office of the County Recorder on August 19, 1970;

WHEREAS, on October 29, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1287965 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 20, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and 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 29, 2014.

FINDINGS:

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

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

The proposed project is a request for a Conditional Use Permit to operate a MMCC in a 4,245 square foot, two-story building. The 0.15-acre site is located at 3990 Hicock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. All of the surrounding parcels, with the exclusion of Interstate 8, are in the IS-1-1 zone.



The site is designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. Additionally, this community portion contains little residential development. The use on property to the north of the site is Interstate 8, to the west is auto repair, to the south is manufacturing and to the east is retail and vacant land, all of which are allowed uses in the IS-1-1 Zone, consistent with Light Industrial designation of the community plan and compatible uses with MMCCs.

The proposed MMCC, classified as commercial services is consistent with the community plan and therefore, will not adversely affect the applicable land use plan.

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

The proposed 4,245 square foot MMCC located at 3990 Hicock Street is within an existing two-story building. The building is currently vacant. The project proposes interior improvements to include a check-in counter, waiting room, dispensary area, employee lounge and restroom. Public improvements include closure of an existing driveway with City standard curb, gutter and sidewalk and the replacement of an existing ADA compliant, twenty-five foot shared 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 proposed interior improvements which include a check-in counter, waiting room, dispensary area, employee lounge and restroom will require a ministerial building permit. The building permit will require compliance with the California Uniform Building Code, Fire, Plumbing, Electrical, and Mechanical Codes.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1287965. The Conditional Use Permit is valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

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

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

The proposed 4,245 square foot MMCC located at 3990 Hicock Street is within an existing two-story building on a 0.15-acre site. The site is in the IS-1-1 Zone and was developed in 1975 per Building Permit No. 96761. The building is currently vacant. The project proposes interior improvements to include a check-in counter, waiting room, dispensary area, employee lounge and restroom. Public improvements include closure of an existing driveway with City standard curb, gutter and sidewalk and the replacement of an existing ADA compliant, twenty-five foot shared driveway.

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

The proposed MMCC is less than two hundred feet from Mission Bay Park. Mission Bay Park is a public park (publicly owned area that is designated as a park) located north of Interstate 8. The regulations for MMCCs and the definition contained in SDMC 113.0103 do not differentiate between passive and active parks. Portions of Mission Bay Park within 1,000 feet of this MMCC are used for passive and active uses. This portion of Mission Bay Park includes the San Diego River and a bike path.

The proposed MMCC is separated from Mission Bay Park by the interstate. The interstate does provide a built barrier that separates the MMCC from the park, as there is no direct access between the two. SDMC 113.0225, requires that the distance from property line to property line be measured horizontally without regard to topography or structures that would interfere with a straight-line measurement.

Although the proposed MMCC is consistent with the land use designation of light industrial, it does not meet the minimum distance requirement based on a horizontal measurement across Interstate 8 to Mission Bay Park without taking into account the Interstate. Therefore the proposed project does not comply with the regulations of the Land Development Code.

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

The proposed 4,245 square foot MMCC located at 3990 Hicock Street is within an existing two-story building on a 0.15-acre site. The site is in the IS-1-1 Zone and designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor

Community Plan area includes a variety of commercial uses such as retail shopping centers, discount stores, adult entertainment uses, hotels, motels, restaurants and both heavy and light industrial uses. Additionally, this community portion contains little residential development. The proposed MMCC, classified as commercial services, is consistent with the community plan. The use on property to the north of the site is Interstate 8, to the west is auto repair, to the south is manufacturing and to the east is retail and vacant land, all of which are allowed uses in the IS-1-1 Zone, consistent with Light Industrial designation of the community plan and compatible uses with MMCCs.

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.

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

The proposed MMCC is less than two hundred feet from Mission Bay Park. Mission Bay Park is a public park (publicly owned area that is designated as a park) located north of Interstate 8. The regulations for MMCCs and the definition contained in SDMC 113.0103 do not differentiate between passive and active parks. Portions of Mission Bay Park within 1,000 feet of this MMCC are used for passive and active uses. This portion of Mission Bay Park includes the San Diego River and a bike path.

The proposed MMCC is separated from Mission Bay Park by the interstate. The interstate does provide a built barrier that separates the MMCC from the park, as there is no direct access between the two. However, SDMC 113.0225, requires that the distance from property line to property line be measured horizontally without regard to topography or structures that would interfere with a straight-line measurement.

Although the proposed MMCC is allowed in the IS-1-1 Zone and consistent with the land use designation of Light Industrial, it does not meet the minimum distance requirement based on a horizontal measurement across Interstate 8 to Mission Bay Park. The proposed project does not comply with the minimum distance requirement of SDMC, Section 141.0614, as it is within 1,000 feet of a park and therefore the proposed MMCC is not an appropriate location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1338819 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1338819, a copy of which is attached hereto and made a part hereof.

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Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: October 15, 2014

Job Order No. 24004715

## **Findings for Conditional Use Permit Approval – Section §126.0305**

### **(a) The proposed *development* will not adversely affect the applicable *land use plan*;**

The project site is designated as Industrial Small land by the City's General Plan. The project site's zone IS-1-1 is one of the limited designated zones to be permissible for operation of a Medical Marijuana Consumer Cooperative in accordance to the ordinance and San Diego Municipal Code Section §141.0614. After review on July 2, 2014, the Midway Community Planning Advisory Committee voted 9-0-0 in favor for the approval of the proposed development. Whereas this was the only proposed MMCC project granted a unanimous vote in favor of approval by the Midway/Pacific Highway Community Plan Area. It has also been acknowledged by the city's development services department that the MMCC is in accordance and will not adversely affect the applicable land use plan.

### **(b) The proposed *development* will not be detrimental to the public health, safety, and welfare;**

This project proposes a Conditional Use Permit to allow a legal MMCC within an existing industrial small building located in the Midway/Pacific Highway Community Plan Area, a location that currently gives way to various illegally operating marijuana dispensaries. District 2 councilman, Ed Harris declared the area a high demand location within District 2, the district with the highest volume of illegal operations in this regard. All ordinance conditions shall be abided by in regards to, but not limited to the security, guards, cameras, alarms, lighting, signage, operating hours, consultations, operator information, vending, etc. in accordance with SDMC 141.0614. During environmental review, it was determined that the project would not have a significant environmental effect and it was determined to be categorically exempt under the California Environmental Quality Act (CEQA). A review of potential public health, safety, and welfare issues was part of this environmental review. The proposed Conditional Use Permit to allow a legal MMCC would therefore not be detrimental to the public health, safety and welfare.

### **(c) The proposed *development* will comply to the maximum extent feasible with the regulations of the Land Development Code; and**

This project proposes a Conditional Use Permit to allow use of an existing building as a MMCC within the Midway/Pacific Highway Community Plan Area. There is minor construction associated with this approval. This development was reviewed for compliance with the applicable development regulations such as the City's off-street parking regulations, which provides that the proposed location possesses the utmost sufficient parking space. The location shall be noted as best positioned for adequate traffic flow on a two-way street with both an onsite parking lot and cul-de-sac for turnaround. The parking lot, ADA parking space and driveway shall be updated in accordance to SDMC Section 142.0560 (c) Table 142-05L, SDMC Section 142.0560 (j) Table 142-05M, SDMC) Section 142.0530 Table 142-05E and Table 142-05G.

### **(d) The proposed use is appropriate at the proposed location.**

This project proposes a Conditional Use Permit to allow a legal MMCC within an existing industrial small building located in the Midway/Pacific Highway Community Plan Area. The Midway/Pacific Highway Community Plan Area is a location that currently gives way to a large volume of illegally operating marijuana dispensaries. The Midway/Pacific Highway Community Plan Area is also a location

with the highest volume of applicants pursuing this MMCC CUP. The city has determined a single distance requirement issue of the Mission Bay Park located north of Interstate 8. City staff recognizes that the proposed MMCC is separated from the park by the interstate. Section 113.0225C disregards barriers such as topography and structures, of which an eight-lane Interstate is neither. Section 113.0225C does not specifically state a freeway or interstate. This site shall be exempt from said separation requirement; whereas the freeway is not a structure nor topography, therefore, 113.0225 does not appropriately apply. An additional topographical conflict and obvious obstacle that hinders subject site access from said park is the San Diego River. Furthermore, while there is no distinction between active and passive parks, in SDMC 141.0614(a) and 113.0103, the portion of the park within the 1000-foot radius is declared an inactive park by the city and confirmed by SANDAG. The inactive park is inaccessible from the subject property. To be considered a public facility, the said park should be accessible to the handicap with ADA access, of which is not evident. The development does not conflict with any minor-oriented facilities, whereas many opposing applicants cannot declare the same truth. The distance requirements shall be especially regarded in light of the area's competing MMCC permits that may be granted, negatively resulting in a minimum of one to three minor-oriented facility conflicts, of which this proposed project site has zero. The Midway Community Planning Advisory Committee voted 9-0-0 in favor for the approval of the proposed development. Whereas this was the only proposed MMCC project granted a unanimous vote in favor of approval by the Midway/Pacific Highway Community Plan Area. As proposed the project is a permitted use within this industrial area and it is consistent with the Midway/Pacific Highway Community Plan. Thus the proposed use is appropriate at this proposed location within the Industrial Small area.

## 1000-Foot Radius Map Spreadsheet

Project Name: 3990 HICOCK ST MMCC

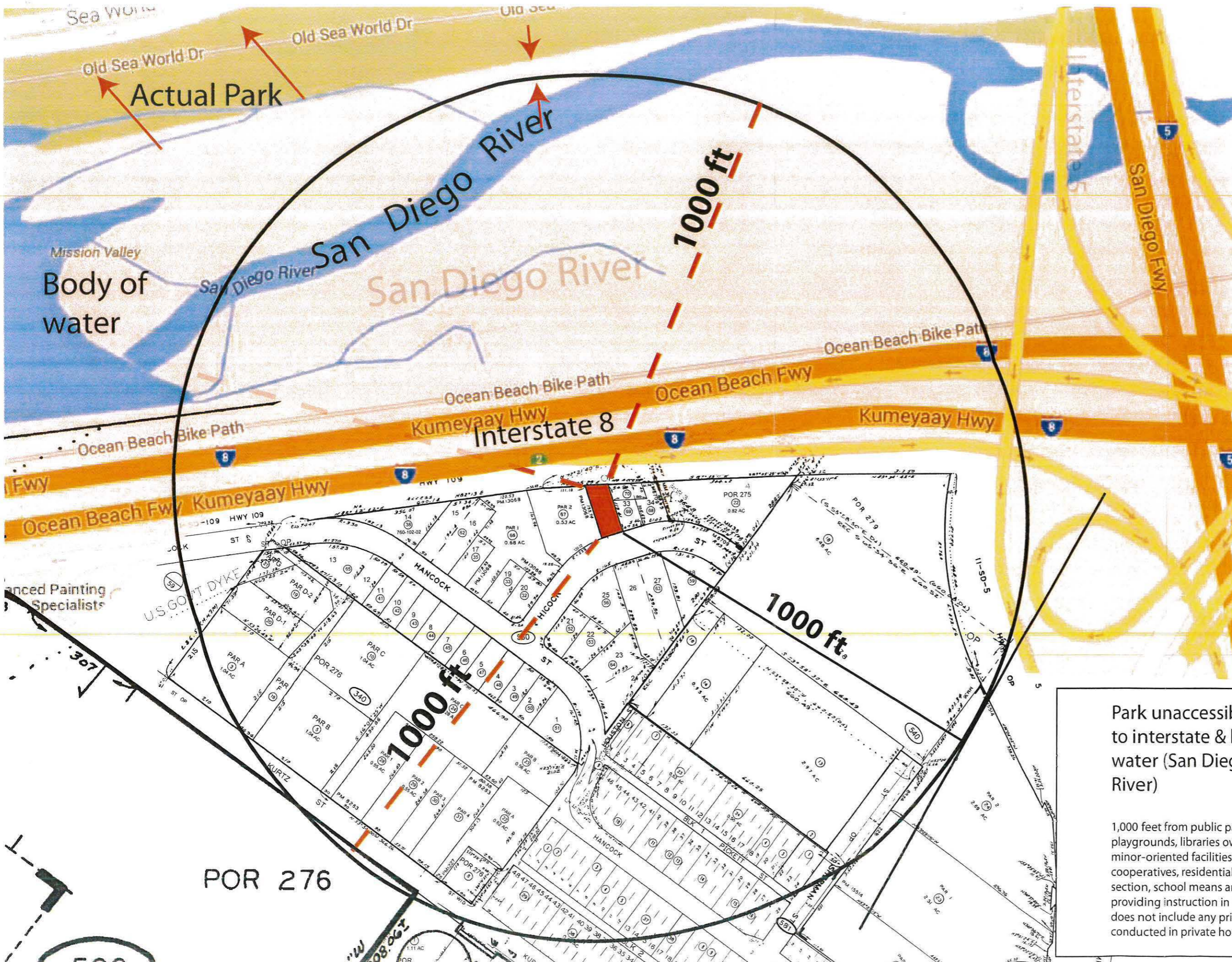
Address : 3990 HICOCK ST. SAN DIEGO, CA 92110

Date: 6/16/14

Use	Address	Assessor Parcel No.	Business Name
Warehouse	3495 KURTZ ST	441-330-01-00	CENTRAL FREIGHT LINES
Warehouse	3612 KURTZ ST	441-340-03-01	ANDERSON NEWS COMPANY
Warehouse	3602 KURTZ ST	441-340-05-01	CONSIGNMENT CLASSICS
Retail Stores	3502 KURTZ ST	441-340-08-00	STATE OF CALIFORNIA CORRECTIONS DEPT.
Warehouse	3608 KURTZ ST	441-340-10-01	N/A
Warehouse	KURTZ ST	441-340-18-00	PETERS GLORIA J TR; BUTLER LYLE W TR
Manufacturing	3620 KURTZ ST	441-340-19-00	ADVANTAGE TOWING
Improved, Use not Specified	KURTZ ST	441-340-20-00	PETERS GLORIA J TR; BUTLER LYLE W TR
Improved, Use not Specified	HANCOCK ST	441-340-21-00	PETERS GLORIA J TR; BUTLER LYLE W TR
Warehouse	3501 HANCOCK ST	441-340-22-00	CANDLES4LESS
Manufacturing	3511 HANCOCK ST	441-340-23-00	GATE GOURMET
Warehouse	3505 HANCOCK ST	441-340-24-00	BUSCH ENTERTAINMENT CORP
Auto Repair	3550 KURTZ ST	441-340-28-00	QUALITY AUTO
Car Wash	3540 KURTZ ST	441-340-29-00	WIND N SEA TOWING
Manufacturing	3520 KURTZ ST	441-340-30-00	JOBSITE SUPPLY CO
Medical Bldg	3520 KURTZ ST	441-340-31-00	PURE WATER TECHNOLOGY OF SAN DIEGO
Manufacturing	3801 PICKETT ST	441-530-22-00	N/A
Retail Stores	3910 HICOCK ST	441-530-32-00	J H RENOVATIONS
Manufacturing	3584 HANCOCK ST	441-530-33-00	TOTAL SECURE SHREDDING
Retail Stores	3630 HANCOCK ST	441-530-35-00	PLUS ONE SURFBOARDS
Governmental/Public Use	HANCOCK	441-530-38-00	CITY OF SAN DIEGO
Warehouse	3665 HANCOCK ST	441-530-41-00	TRADITIONAL BOAT WORKS
Warehouse	3647 HANCOCK ST	441-530-42-00	CONSTRUCTION FENCE
Warehouse	3627 HANCOCK ST	441-530-43-00	N/A
Industrial-Vacant Land	HANCOCK ST	441-530-44-00	WELLS-KEMPER L L C
Manufacturing	3597 HANCOCK ST	441-530-45-00	CITY WIDE CUSTOM CYCLES LLC
Warehouse	3585 HANCOCK ST	441-530-46-00	R&R WINE MARKETING
Manufacturing	3571 HANCOCK ST	441-530-47-00	ACCURATE AUTO BODY
Industrial-Vacant Land	HANCOCK	441-530-48-00	3515 LIMITED
Industrial-Vacant Land	HANCOCK	441-530-49-00	3515 LIMITED
Industrial-Vacant Land	HANCOCK	441-530-50-00	3515 LIMITED
Manufacturing	3515 HANCOCK ST	441-530-51-00	ACCESS DESTINATION SERVICES
Manufacturing	3556 HANCOCK ST	441-530-52-00	GA COACHWORKS
Retail Stores	3538 HANCOCK ST	441-530-53-00	IEH ENVIORNMENTAL ENGINEERING LAB
Manufacturing	4009 HICOCK ST	441-530-56-00	SD WATER SPORTS BOAT RENTALS LLC
Auto Repair	4019 HICOCK ST	441-530-59-00	MARTY MOORE'S MOTOR HOMES
Manufacturing	3650 HANCOCK ST	441-530-62-00	ANCHOR MANAGEMENT MARINE SERVICE
Manufacturing	3650 HANCOCK ST	441-530-62-00	AMADOR'S MARINE WOODWORKS
Manufacturing	4009 HICOCK ST	441-530-63-00	SD WATER SPORTS BOAT RENTALS LLC
Warehouse	3510 HANCOCK ST	441-530-64-00	CHALLENGE DAIRY PRODUCTS
Warehouse	3691 HANCOCK ST	441-530-65-00	EBERHARD BENTON CO
Warehouse	3610 HANCOCK ST	441-530-66-00	CEMENT CUTTING INC
Auto Repair	3950 HICOCK ST	441-530-67-00	LACH MOTORSPORTS
Warehouse	4020 HICOCK ST	441-530-68-00	S & F MOTORSPORTS
Retail Stores	4010 HICOCK ST	441-530-69-00	SIERRA BLUE INTERNET
Industrial-Vacant Land	HICOCK ST	441-530-70-00	C & G HICOCK LLC
Warehouse	3860 SHERMAN ST	441-540-13-00	SUNBELT RENTALS
Warehouse	3870 HOUSTON ST	441-540-14-00	GATE GOURMET

Commercial-Vacant Land	NO ADDRESS	441-540-16-00	N/A
Retail Stores	3970 SHERMAN ST	441-540-18-00	HP ENTERPRISE SERVICES
Hotel/Motel	3888 GREENWOOD ST	441-540-23-00	HAMPTON INN
Bulk Storage, Tanks	3883 SHERMAN ST	441-540-24-00	EXTRA SPACE STORAGE
Warehouse	3826 SHERMAN ST	441-581-01-00	FIVE STAR FISH PROCESSING
Warehouse	2830-32 SHERMAN RD	441-581-03-00	N/A
Warehouse	3424 PICKETT ST	441-581-04-00	AUTOPOWER INDUSTRIES
Retail Stores	3492 PICKETT ST	441-581-07-00	EFWHALEN CO
Industrial-Vacant Land	NO ADDRESS	441-581-08-00	WILLIAMS JANET GIFT TRUST A (03-03-97)
Retail Stores	3468 HANCOCK ST	441-581-10-00	N/A
Retail Stores	3460 HANCOCK ST	441-581-11-00	NATIONAL CITY FOUNDRY
Retail Stores	3452 HANCOCK ST	441-581-12-00	SINNER BROTHERS INC
Retail Stores	3442 HANCOCK ST	441-581-13-00	N/A
Warehouse	3430 HANCOCK ST	441-581-14-00	ULTRA CLEAN FUEL
Warehouse	3420 HANCOCK ST	441-581-15-00	PUROSINO FURNITURE
Warehouse	3822 SHERMAN ST	441-581-16-00	CALDERON BUILDING MAINTENANCE
Warehouse	3464 PICKETT ST	441-581-23-00	PATRIOT ENVIORNMENT SERVICES INC
Industrial-Vacant Land	PICKETT ST	441-581-24-00	WELLS-SHERMAN L L C
Retail Stores	3495 HANCOCK ST	441-582-01-00	N/A
Warehouse	3477 HANCOCK ST	441-582-02-00	BETTER HALFSHELL
Manufacturing	3465 HANCOCK ST	441-582-03-00	YOUR MAMA'S COOKIES
Manufacturing	3459 HANCOCK ST	441-582-04-00	OTERO'S CUSTOM CABINETS
Retail Stores	3455 HANCOCK ST	441-582-05-00	EURO SPORT
Retail Stores	3419 HANCOCK ST	441-582-08-00	SIK WORLD PRODUCTIONS
Retail Stores	3486 KURTZ ST	441-582-29-00	BEST COAST GROWERS
Auto Repair	3450 KURTZ ST	441-582-36-00	STREET NOYZ
Manufacturing	3425 HANCOCK ST	441-582-37-00	WORLD PARTS DEPOT
Warehouse	3421 HANCOCK ST	441-582-38-00	POINT LOMA EMBROIDERY
Governmental/Public Use	SPORTS ARENA BLVD	441-590-04-00	CITY OF SAN DIEGO





# 1000 ft Buffer

Not within 100 ft of any residential zones

## Parcel maps used:

- 441 - 33
- 411 - 34
- 441 - 53
- 441 - 54
- 441 - 58
- 441 - 59

Measured in accordance to: §141.0614(a) & Section 113.0225

## Date Revised: 6/16/2014

Park unaccessible due to interstate & body of water (San Diego River)

1,000 feet from public parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, or schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

590

## NOTICE OF EXEMPTION

(Check one or both)

TO:  X  RECORDER/COUNTY CLERK  
 P.O: Box 1750, MS A-33  
 1600 PACIFIC HWY, ROOM 260  
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES DEPARTMENT  
 1222 FIRST AVENUE, MS 501  
 SAN DIEGO, CA 92101

           OFFICE OF PLANNING AND RESEARCH  
           1400 TENTH STREET, ROOM 121  
           SACRAMENTO, CA 95814

PROJECT NO.: 368350PROJECT TITLE: 3990 HICOCK MMCCPROJECT LOCATION-SPECIFIC: The project is located at 3990 Hicock Street, San Diego, CA 92110.PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate within a 4,245 square foot building located at 3990 Hicock Street on a 0.15-acre site located within the Midway/Pacific Highway Community Plan Area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Paul Britvar (Agent)  
 3550 Lebon Drive, Unit 6109  
 San Diego, CA 92122  
 (970) 618-7746

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);  
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));  
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))  
 CATEGORICAL EXEMPTION: 15303 (New Construction or Conversion of Small Structures)  
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined that 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. In addition, the exceptions listed in CEQA Section 15300.2 do not apply.

LEAD AGENCY CONTACT PERSON: Anna L. McPherson, AICPTELEPHONE: 619-446-5276IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.  
 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?  
 YES  NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA



SENIOR PLANNER

AUGUST 20, 2014

SIGNATURE/TITLE

DATE

CHECK ONE:

 SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

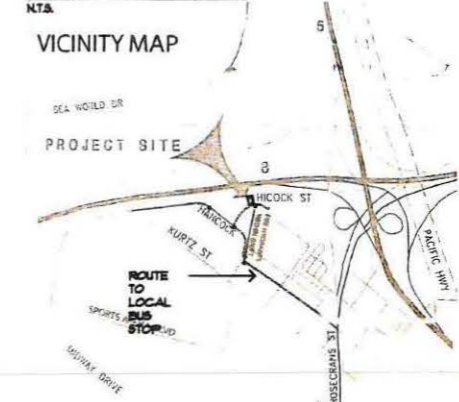
SITE PLAN SUMMARY NOTES:

PROJECT TEAM: Paul Britner (576) 618-1146, Nicole Britner (516) 426-7515
LEGAL: LOT 32 TRACT 6109
LOT: 32 MAP REF. 006709 CITY: SAN DIEGO SUBD. PICKETT IND CTR SUBD 006709
APN: 441-530-28-00
OWNER: BRADLEY T. WRIGHT 3641 HANCOCK ST SAN DIEGO, CA 92110
CONSTRUCTION TYPE: V-B (Concrete block with stucco plaster)
OCCUPANCY CLASSIFICATION: BM
ZONE: IS-1-I
GROSS SITE AREA: 6,343 sq ft
FLOOR AREA (BUILDING): 4,245 sq ft
EXISTING USE: B / Manufacturing (Light)
PROPOSED USE: B (OFFICE) / M (Retail) / COMMERCIAL SERVICE
YEAR CONSTRUCTED: 1975
GEOLOGIC HAZARD CATEGORY: 3I
LANDSCAPE AREA: 765 sq ft
SHEET CONTENT: A) Site Plan Summary B) Vicinity Map C) SITE PLAN D) Floor Plans

Applying for a Conditional Use Permit.
Existing building to be used for a proposed Medical Marijuana Consumer Cooperative.
Site to remain as is. Structure to remain unchanged.
Proposing the use to be changed from Manufacturing to Commercial Service.
Property lines to remain unchanged.
No proposed deviations.
No proposed improvements or developments.
No proposed deviations to setbacks, building height, or FAR.
Scope of work to include:
1) Exterior lighting for the immediate surrounding area as required. Lighting shall be oriented to deflect light away from adjacent properties.
2) Interior lighting as required
3) Security: Security guard, operable cameras, and alarms as required.
4) Exterior business sign posted will be limited to two colors.
Hours of Operations: 10:00AM to 9:00PM, seven days a week.

No changes in grade.
No environmentally sensitive land or change in drainage patterns.
No proposed street improvements, bus stops, or easements.
Not dangerous or a hazard to the community or public safety.
Not a hazard to the environment.
Will increase traffic flow to help existing businesses in the area grow profitably yet proposed building of operation has sufficient parking with inclusion of owner's adjacent parcel.
EXTERIOR ELEVATIONS: N/A for building - No proposed exterior modifications.
HISTORICAL RESOURCES INFORMATION: N/A for building.
LANDSCAPE DEVELOPMENT PACKAGE: N/A for building.
OTHER TECHNICAL STUDIES: N/A for building.

VICINITY MAP:

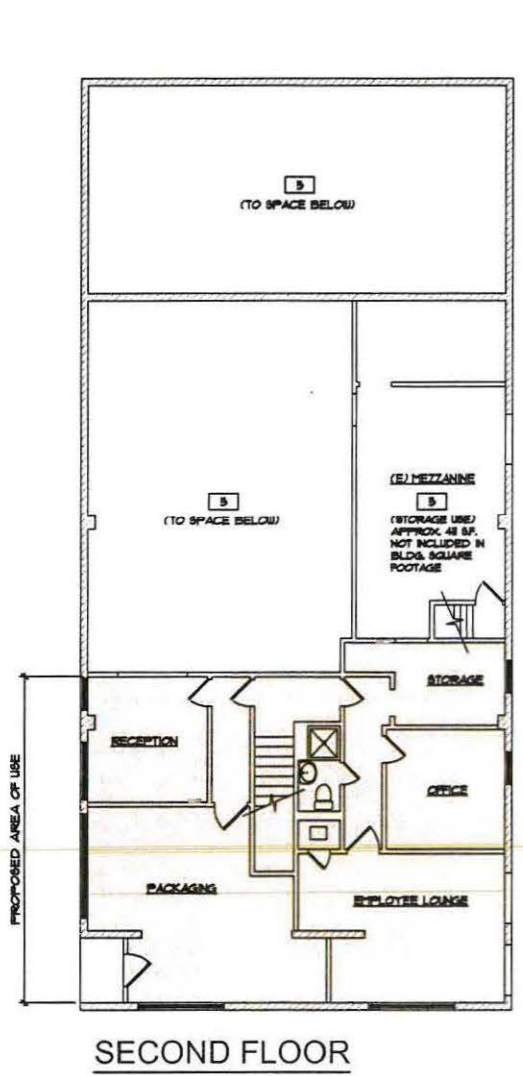


PLAN SPECIFIC NOTES:

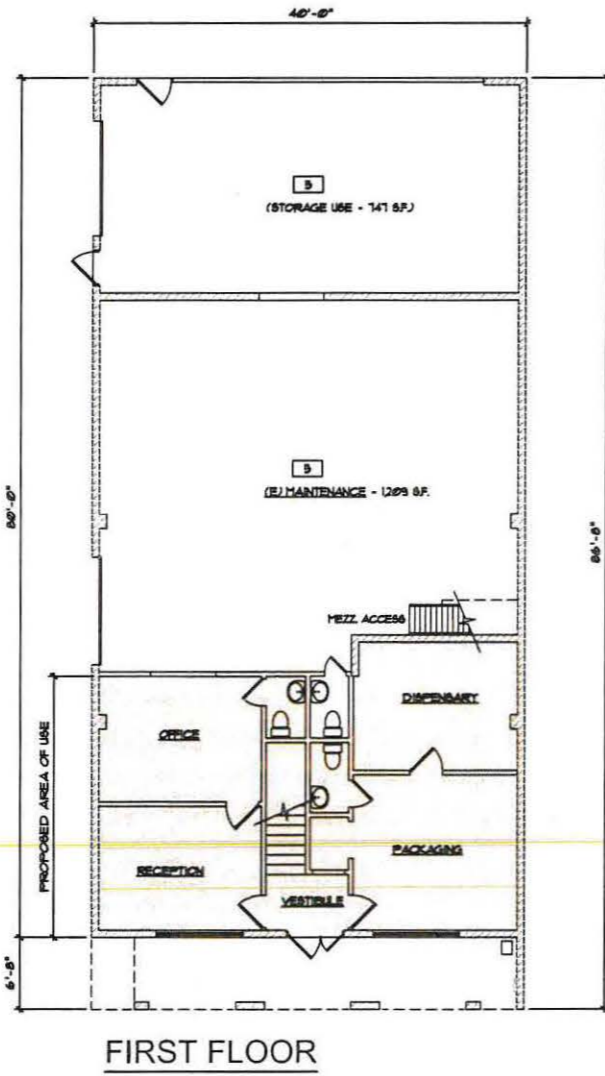
- 1. EXISTING FULLY ACCESSIBLE PRIMARY ENTRANCE AS INDICATED.
2. HEAVY DASHED LINE INDICATES EXISTING FULLY ACCESSIBLE PATH OF TRAVEL TO REMAIN.
3. FULLY ACCESSIBLE VAN PARKING SPACE TO BE RESTRICTED AS ROAD.
4. EXISTING FULLY ACCESSIBLE CONCRETE WALK TO REMAIN.
5. EXISTING TENANT SPACE NOT IN THIS CONTRACT.
6. PROPERTY LINE AS INDICATED.
7. CUSTOMER PARKING - PARKING AGREEMENT WITH ADJACENT PARCEL.
8. EXISTING PUBLIC SIDEWALK TO REMAIN.
9. EXISTING LANDSCAPE AREA TO REMAIN.
10. EXISTING LOADING DOOR N.I.C.
11. EXISTING DRIVEWAY/PARKING ENTRANCE TO REMAIN (AGREEMENT WITH ADJACENT PARCEL).
12. EXISTING PARKING AREA TO REMAIN.
13. EXISTING TRASH RECEPTACLES TO REMAIN.
14. EXISTING SOLID FENCE TO REMAIN.
15. EXISTING DRIVEWAY AND APRON TO BE REMOVED (HATCHED AREA). FULL-HEIGHT CURBS, GUTTER, AND SIDEWALK SHALL BE CONSTRUCTED PER CITY STANDARD - REPLACE DRIVEWAY AREA W/LANDSCAPE TO MATCH EXISTING.
16. THIS DRIVEWAY WILL ASSURE BY PERMIT AND BOND THE CLOSURE OF THIS EXISTING DRIVEWAY, WITH CITY STANDARD CURB, GUTTER AND SIDEWALK, SATISFACTORY TO THE CITY ENGINEER.
17. 10 FT. X 10 FT. TRIANGULAR 'VIEW / VISIBILITY' AREAS - SHALL BE CLEAR OF ALL OBSTRUCTIONS IN THIS SHADED AREA.
18. THIS SECTION OF FENCE AND AN OTHER OBSTRUCTIONS SHALL BE REMOVED IN THE 'VISIBILITY' SIGHTLINE AREAS (BOTH SIDES AS NEEDED) - NO STRUCTURE, TREE, FENCE, ETC., TALLER THAN 3 FEET IN HEIGHT SHALL BE LOCATED WITHIN THESE TRIANGLES TO ALLOW FULL VISIBILITY AS REQUIRED BY THE CITY.

GENERAL PLAN NOTES:

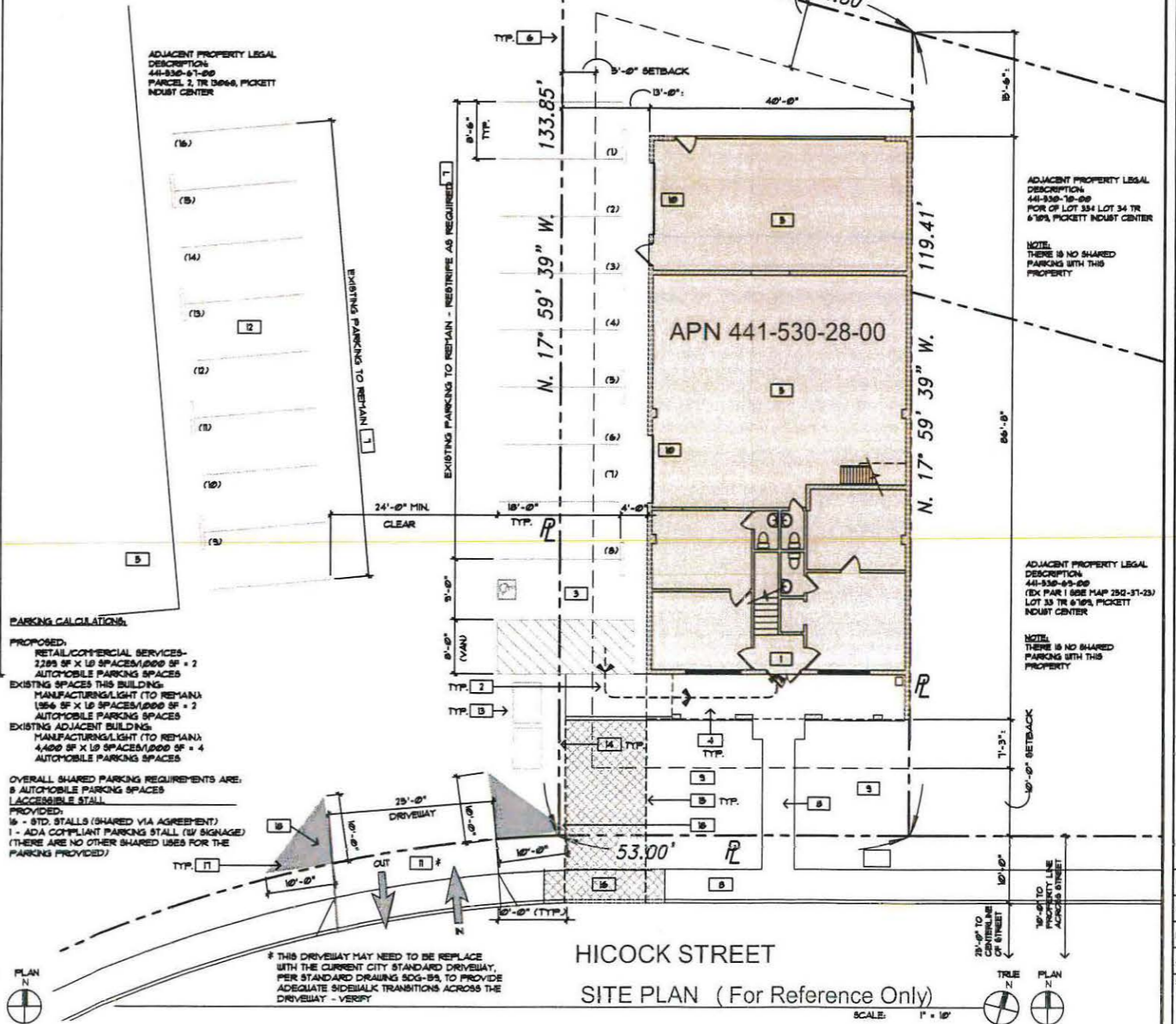
- 1. THIS PROPOSAL INCLUDES INSTALLING INTERIOR SECURITY BARS ON ALL WINDOWS WITHIN THE FIRST FLOOR SPACE AS REQUIRED THAT MEET ALL CURRENT CODES AND REQUIREMENTS.
2. ALL PRIMARY DOORS ARE ACCESSIBLE (MINIMUM 3'-0" DOOR WITH MINIMUM 32" CLEAR ACCESS). IF THERE ARE ACCESS ISSUES, THE DOOR OR OPENING SHALL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



SECOND FLOOR



FIRST FLOOR



HICOCK STREET
SITE PLAN (For Reference Only)

GENERAL NOTES:

- 1. ALL SIGNAGE WILL BE LIMITED TO TWO TYPEFACES AND TWO COLORS - POLE SIGNS ARE PROHIBITED. NO SIGNS SHALL PROJECT ABOVE THE PARAPETTER OF BUILDING & GROUND MOUNTED SIGNS SHALL NOT EXCEED 8 FT. IN HEIGHT.
2. SITE USES NOW AND IN FUTURE MAY BE ANY USE PERMITTED IN THE IS-1-I ZONE ONLY.
3. CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.
4. SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS (LIMITED TO TWO COLORS).
5. SIGNS SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
6. USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 45.09, IS PROHIBITED. FOR PURPOSES OF THIS SECTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.
7. LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, INCLUDING, AND THE PREDATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJACENT SIDEWALKS. LIGHTING SHALL BE HODDED OR ORIENTED SO AS TO DELECT LIGHT AWAY FROM ADJACENT PROPERTIES.

PARKING CALCULATIONS:

PROPOSED:
RETAIL/COMMERCIAL SERVICES- 2,289 SF X 10 SPACES/1000 SF = 2 AUTOMOBILE PARKING SPACES
EXISTING SPACES THIS BUILDING:
MANUFACTURING/LIGHT (TO REMAIN) 1,956 SF X 10 SPACES/1000 SF = 2 AUTOMOBILE PARKING SPACES
EXISTING ADJACENT BUILDING:
MANUFACTURING/LIGHT (TO REMAIN) 4,400 SF X 10 SPACES/1000 SF = 4 AUTOMOBILE PARKING SPACES

OVERALL SHARED PARKING REQUIREMENTS ARE:
8 AUTOMOBILE PARKING SPACES
1 ACCESSIBLE STALL
PROVIDED:
16 - STD. STALLS (SHARED VIA AGREEMENT)
1 - ADA COMPLIANT PARKING STALL (W/ SIGNAGE) (THERE ARE NO OTHER SHARED USES FOR THE PARKING PROVIDED)

FLOOR PLANS (For Reference Only)
SCALE: 1/8" = 1'-0"

Table with columns for REVISIONS and DATE. Includes a vertical label 'PROPOSED RETAIL SPACE' and address '3990 HICOCK STREET SAN DIEGO, CALIFORNIA 9 2110'. Date: 10/09/2014. Scale: AS NOTED. Drawn: SP/AC. Job: 399014C.



THE CITY OF SAN DIEGO

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

## Community Planning Committee Distribution Form Part 1

<b>Project Name:</b> 3990 Hickock MMCC	<b>Project Number:</b> 368350	<b>Distribution Date:</b> 5/9/2014
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**Project Scope/Location:**

MIDWAY-PACIFIC HIGHWAY Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 4,245 square foot, two-story building located at 3990 Hickock Street. The 0.15-acre site is located in the IS-1-1 zone within the Midway/North Bay Community Plan Area Council District 2. Notice Card=1.

<b>Applicant Name:</b> Brilvar, Paul		<b>Applicant Phone Number:</b> (970) 618-7746	
<b>Project Manager:</b> Gutierrez, Edith	<b>Phone Number:</b> (619) 446-5147	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> EGutierrez@sandiego.gov

**Project Issues (To be completed by Community Planning Committee for initial review):**

*Attach Additional Pages If Necessary.*

Please return to:  
Project Management Division  
City of San Diego  
Development Services Department  
1222 First Avenue, MS 302  
San Diego, CA 92101

For more information, visit our web site at [www.sandiego.gov/development/services](http://www.sandiego.gov/development/services).  
This information is available in alternative format for persons with disabilities.



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

The City of San Diego

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> 3990 Hicock MMCC	<b>Project Number:</b> 368350	<b>Distribution Date:</b> 5/9/2014
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**Project Scope/Location:**  
MIDWAY-PACIFIC HIGHWAY Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 4,245 square foot two-story building located at 3990 Hicock Street. The 0.15-acre site is located in the IS-1-1 zone within the Midway/North Bay Community Plan Area, Council District 2. Notice Card #1.

<b>Applicant Name:</b> Brtvar, Paul	<b>Applicant Phone Number:</b> (970) 618-7746
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<b>Project Manager:</b> Gutierrez, Edith	<b>Phone Number:</b> (619) 446-5147	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> EGutierrez@sandiego.gov
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**Committee Recommendations (To be completed for Initial Review):**

	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve			
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	9	0	0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below			
<input type="checkbox"/> Vote to Deny			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued

**CONDITIONS:**  
*See attached sheet*

<b>NAME:</b> <i>Melanie Vidal</i>	<b>TITLE:</b> <i>Chair</i>
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<b>SIGNATURE:</b> <i>Melanie Vidal</i>	<b>DATE:</b> <i>7-2-14</i>
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<i>Attach Additional Pages if Necessary.</i>	Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101
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Please send all e-mailed pages to [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services). This process and this information is available in alternative formats for persons with disabilities.

Midway Community Planning Group action on project # 368350, 3990 Hicock St.

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

Our approval is CONDITIONAL. The conditions are:

1. The City does not find this business to be located within 1,000 square feet of any use designated as needing a minimum separation requirement.
2. The city should evaluate Valley View Casino Center (Sports Arena) to see if it qualifies as a "Minor Oriented Facility".
3. The City finds that this application meets all of the Medical Marijuana ordinance requirements.



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

ATTACHMENT 12  
**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  
 3990 HICOCK ST MMCC

Project No. For City Use Only  
 368350

Project Address:  
 3990 HICOCK ST. SAN DIEGO, CA 92110

**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):  
 BRADLEY T WRIGHT  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 3647 HANCOCK ST  
 City/State/Zip:  
 SAN DIEGO, CA 92110  
 Phone No: (619) 843-0833 Fax No:  
 Signature: [Signature] Date: 4/22/14

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

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

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