



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2015

REPORT NO. H0-15-029

ATTENTION: Hearing Officer

SUBJECT: 3486 KURTZ STREET MMCC
PROJECT NUMBER: 368321

LOCATION: 3486 Kurtz Street

APPLICANT: Dana Gagnon

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 4,367 square foot tenant space within an existing 13,950 square foot building within the Midway/Pacific Highway Corridor Community Plan Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1292271.

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

Community Planning Group Recommendation: On July 9, 2014, the Midway Community Planning Group voted 7-1-0 to approve the project with the conditions (attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on September 2, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician

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

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

This proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a 4,367 square foot tenant space within an existing 13,950 square foot building on a 0.45-acre site. The MMCC site is located at 3486 Kurtz Street, south of Interstate 8, west of Interstate 5 and north of Sport Arena Boulevard (Attachment 2). The site is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The site was developed with a two-story building in 1988 per Building Permit No. B003695-88.

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

DISCUSSION

The project site located at 3486 Kurtz Street is a 0.45-acre site developed with a 13,950 square foot two story building. The proposed tenant space is currently vacant. The MMCC proposes interior improvements that include a reception area, dispensary area, cashier area, conference room, storage room and restroom. No public improvements are required for this site.

MMCC's must comply with San Diego Municipal Code (SDMC), Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCC's prohibit consultations by medical professionals on site and do not allow certain types

of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard for the tenant/facility space and directly adjacent area. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00a.m. to 9:00p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCC's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

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

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

CONCLUSION

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

ALTERNATIVE

1. Approve Conditional Use Permit No. 1292271, with modifications.
2. Deny Conditional Use Permit No. 1292271, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

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

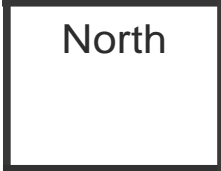


ATTACHMENT



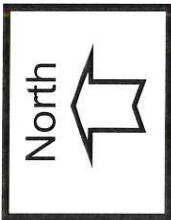
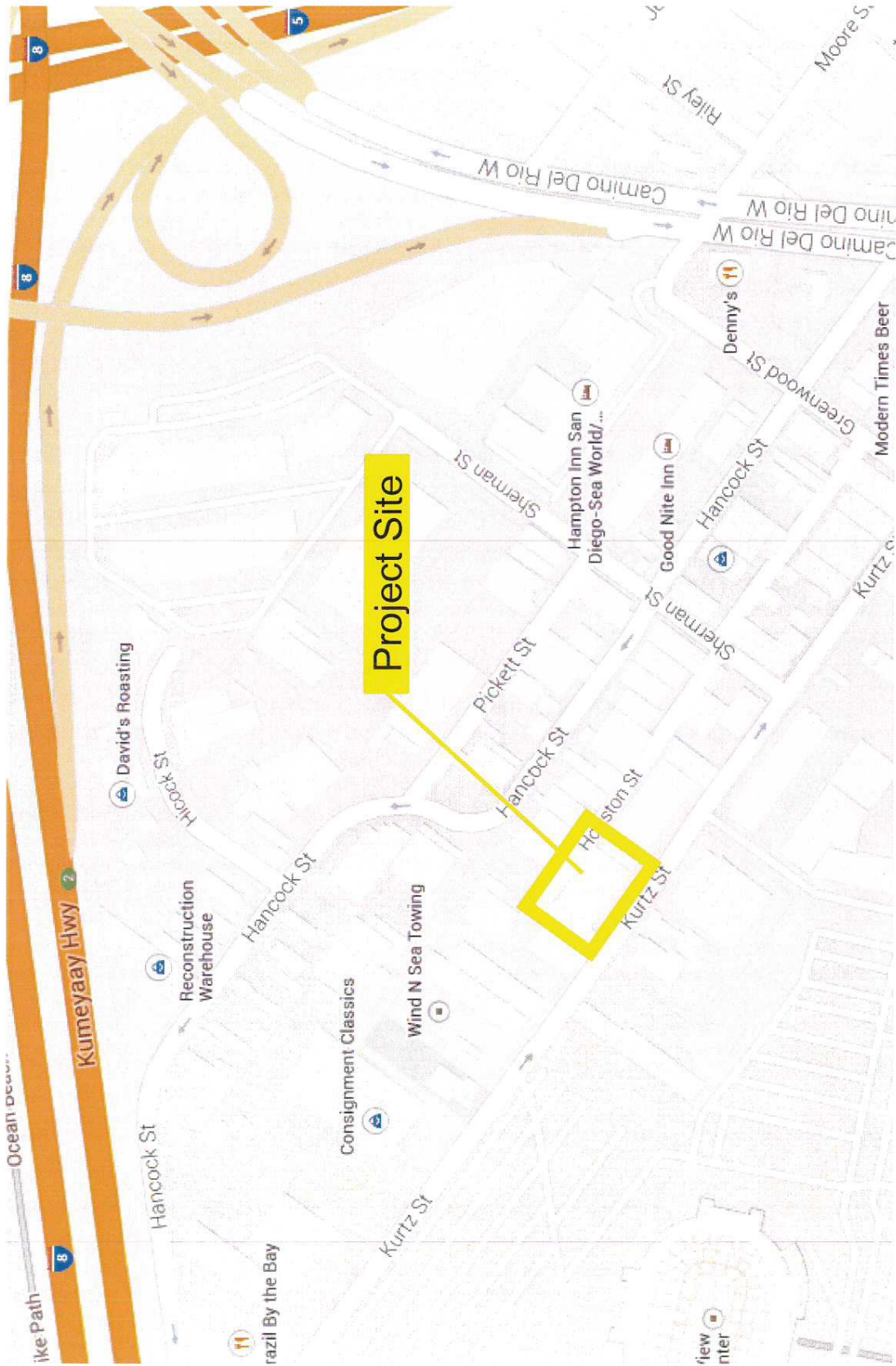
Location Aerial Photo

PROJECT NO. 368321



3486 Kurtz Street MMCC-3486 Kurtz Street

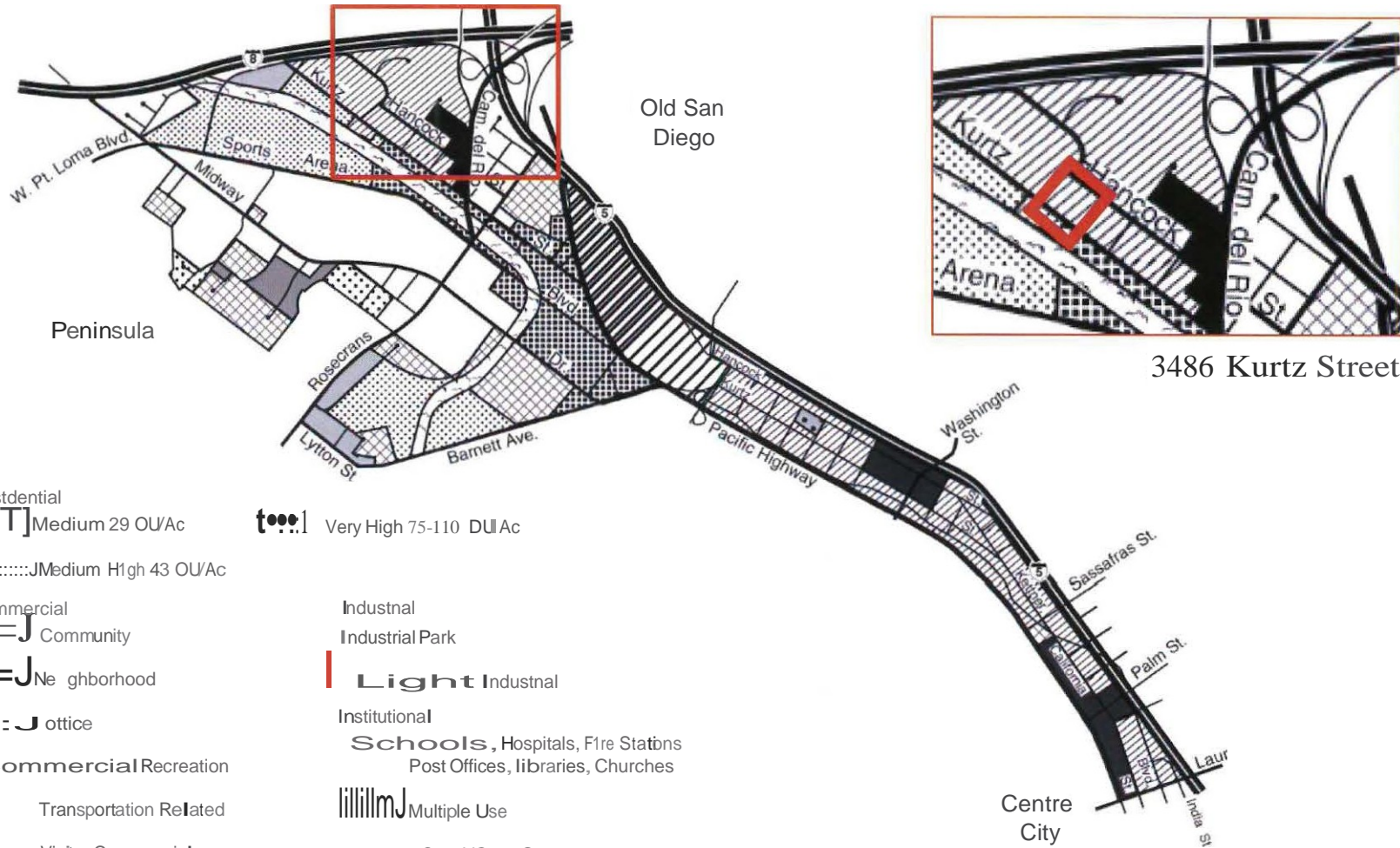
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Project Location Map

3486 Kurtz Street MMCC – 3486 Kurtz Street
PROJECT NO. 368321





3486 Kurtz Street

- Residential
 - [IT] Medium 29 OU/Ac
 -J Medium High 43 OU/Ac
- Commercial
 - C=J Community
 - C=J Neighborhood
 - c:J Office
 - Commercial Recreation
- Industrial
 - Industrial Park
 - Light Industrial
 - Institutional
 - Schools, Hospitals, Fire Stations
 - Post Offices, Libraries, Churches
 - Multiple Use
 - Canav Open Space
- Transportation Related
- Visitor Commercial
- Very High 75-110 DU/Ac

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



Land Use Map
 PROJECT NO. 368321



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: 24004639

CONDITIONAL USE PERMIT NO. 1292271
3486 KURTZ STREET MMCC - PROJECT NO. 368321
HEARING OFFICER

This Conditional Use Permit No. 1292271 is granted by the Hearing Officer of the City of San Diego to KURTZ STREET PARTNERS, Owner and DANA GAGNON, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.45-acre site is located at 3486 Kurtz Street, Suite 102 in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as: Lots 43 to 48 inclusive, Block 2 of the Subdivision of Pueblo Lot 277, also known as Aschoff and Kelly's Subdivision, Map No. 578, January 12, 1889.

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 March 25, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 4,367 square foot tenant space, Suite 102, within an existing 13,950 square foot building on a 0.45-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 April 10, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on April 10, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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

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

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 4,367 square foot tenant space shall be limited to the MMCC and any use permitted in the IS-1-1 Zone.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.

15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

16. Security shall include operable cameras and a metal detector to the satisfaction of the San Diego Police Department, alarms, and an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guard shall be licensed by the State of California and be on the premises 24 hours a day, seven days a week. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.

17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.

18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.

20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.

21. Medical marijuana shall not be consumed anywhere within the 0.45-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.

TRANSPORTATION REQUIREMENTS:

24. No fewer than 14 parking spaces including 1 accessible spaces (19 parking spaces provided including 1 van accessible spaces) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

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

Conditional Use Permit No.1292271/PTS No. 368321
Date of Approval: March 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
Development Project Manager

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

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

KURTZ STREET PARTNERS
Owner

By _____
Brian
President

DANA GAGNON
Permittee

By _____
Dana Gagnon
Permittee

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1292271
3486 KURTZ STREET MMCC - PROJECT NO. 368321

WHEREAS, KURTZ STREET PARTNERS, Owner and DANA GAGNON, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 4,367 square foot tenant space within an existing 13,950 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1292271), on portions of a 0.45-acre site;

WHEREAS, the project site is located at 3486 Kurtz Street, Suite 102 in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area;

WHEREAS, the project site is legally described as Lots 43 to 48 inclusive, Block 2 of the Subdivision of Pueblo Lot 277, also known as Aschoff and Kelly's Subdivision, Map No. 578, January 12, 1889;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1292271 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 2, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309469;

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

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

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed project is a request for a Conditional Use Permit to operate in a 4,367 square foot tenant space within an existing 13,950 square foot building. The 0.45-acre site is located at 3486 Kurtz 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 site is designated Light Industrial within the Midway/Pacific Highway Corridor Community Plan. The Midway/Pacific Highway Corridor Community Plan area includes a variety of commercial uses such

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

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

The proposed 4,367 square foot MMCC located at 3486 Kurtz Street is within an existing two-story building. The existing tenant space is currently vacant. The project proposes interior improvements that include a reception area, dispensary area, employee lounge, offices, conference room and restroom. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. No public improvements are proposed or required for the project site.

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 7:00a.m. to 9:00p.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. 1292271. 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 4,367 square foot tenant space within an existing 13,950 square foot building located at 3486 Kurtz Street is within an existing two-story building on a 0.45-acre site. The site is in the IS-1-1 Zone and was developed in 1988 per Building Permit No. B003695-88. The building is currently vacant. The project proposes interior improvements that include a reception area, dispensary area, employee lounge, offices, conference room and restroom. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. No public improvements are proposed or required for the project site.

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 7:00a.m. to 9:00p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

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

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

The proposed 4,367 square foot tenant space within an existing 13,950 square foot building located at 3486 Kurtz Street is within an existing two-story building on a 0.45-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.

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 7:00a.m. to 9:00p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

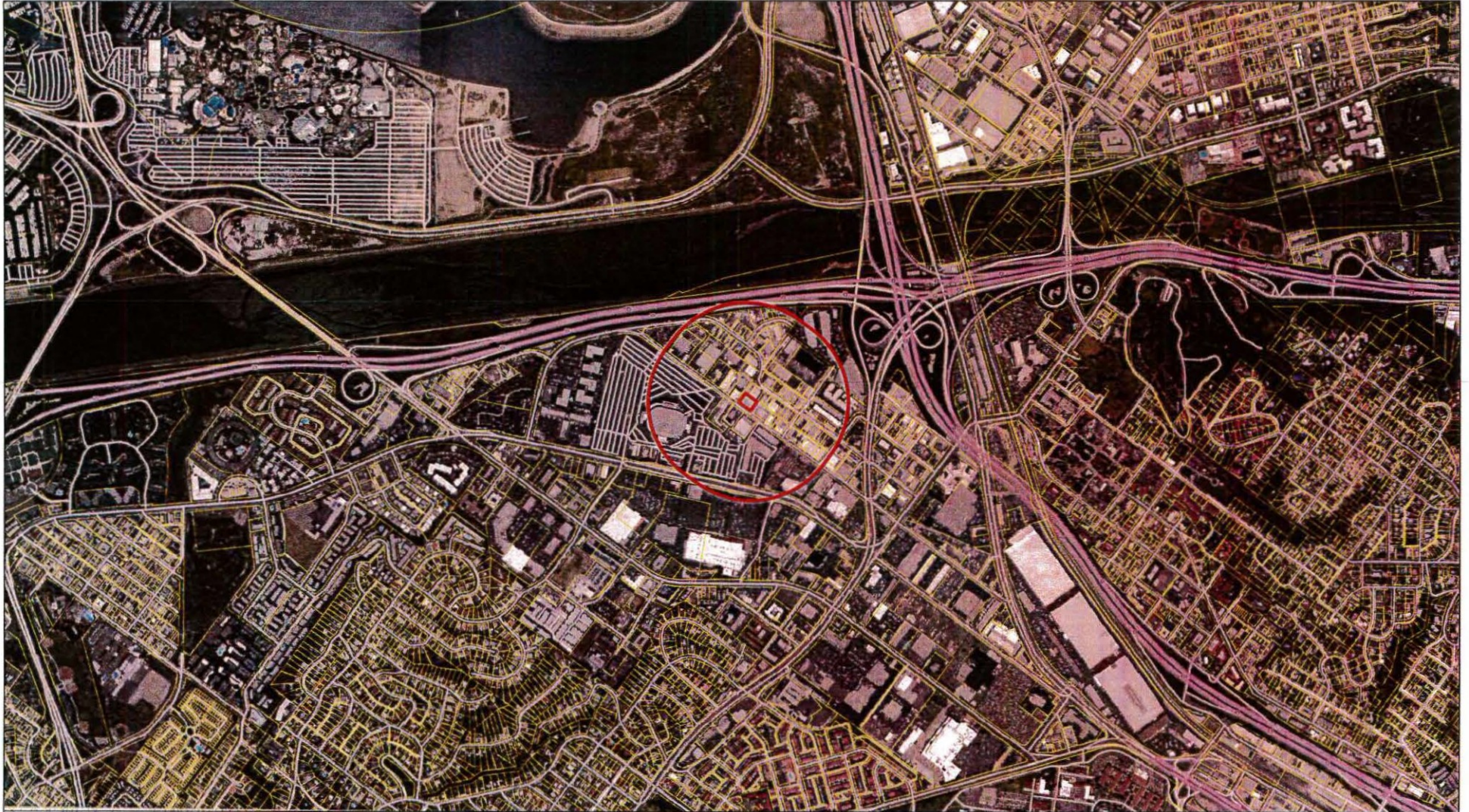
The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the IS-1-1 zone and the existing uses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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1292271 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. 1292271, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: March 25, 2015

Job Order No. 24004639



1 inch=1,000feet



Shapouri Engineering Co.

www.Shapouri.com

Project- 3486 Kurtz Street

Date 6/18/2014

Sheet 1 of 2

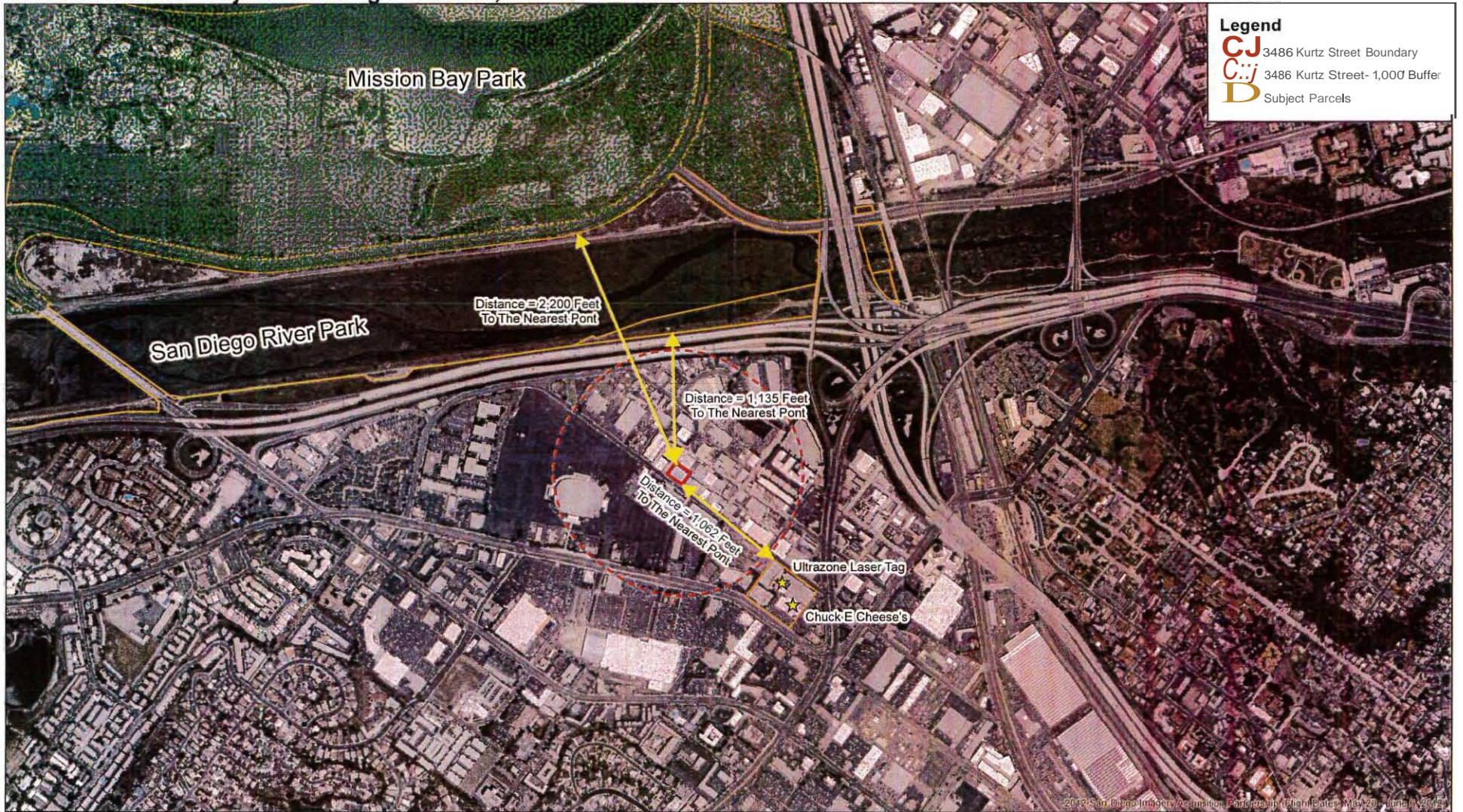
Data Source(s): SANGIS, SANDAG



Shapouri Engineering Co.

www. Shapouri.com

Project: 3486 Kurtz Street
Date: 6/11/2014
Sheet: 2 of 12
Data Source(s): SANGIS, SANDAG



Shapouri Engineering Co.

www.Shapouri.com

Project: 3486 Kurtz Street
Date: 8/812014
Sheet: 1 of 1
Data Source(s): SANGIS, SANDAG

NO	Zone	Type of Business	Address	APN	Business Name
1	IS-1-1	MISC CONTRACTOR	3495 KURTZ ST SAN DIEGO 92110	44-133-001-00	CLEAN HARBORS ENVIRONMENTAL SERVICES INC
2	IS-1-1	AUTO-RENTAL	3473 KURTZ ST SAN DIEGO 92110	44-133-011-00	ADMINISTRATIVE SERVICES SAN DIEGO LLC
3	IS-1-1	MISC CONTRACTOR	3479 KURTZ ST SAN DIEGO 92110	44-133-011-00	MTM BUILDERS INC
4	IS-1-1	MISC PROFESSIONAL	3473 KURTZ ST SAN DIEGO 92110	44-133-011-00	CLEAR CHANNEL TAXI MEDIA
5	IS-1-1	MISC PROFESSIONAL	3481KURTZ ST A SAN DIEGO 92110	44-133-012-00	SIX 19 PRINTING
6	IS-1-1	BOOK STORE	3487 KURTZ ST SAN DIEGO 92110	44-133-012-00	AWV INC DBA ADULT DEPOT
7	IS-1-1	BOOK STORE	3489 KURTZ ST SAN DIEGO 92110	44-133-012-00	AWV INC DBA ADULT DEPOT
8	IS-1-1	BOOK STORE	3491KURTZ ST SAN DIEGO 92110	44-133-012-00	AWV INC DBA ALL WORLD
9	IS-1-1	BOOK STORE	3483 KURTZ ST SAN DIEGO 92110	44-133-012-00	AWV INC DBA DIRK YATES LIVE/CYBER
10	IS-1-1	PUBLISHER-NEWS/MAGAZ	3612 KURTZ ST SAN DIEGO 92110	44-134-003-01	SOURCE INTERLINK DISTRIBUTION LLC
11	IS-1-1	AIRLINES-NON FLEET	3602 KURTZ ST SAN DIEGO 92 110	44-134-005-01	SCHENKER INC
12	IS-1-1	PUBLIC AGENCY	3502 KURTZ ST SAN DIEGO 92110	44-134-008-00	STATE OF CALIFORNIA DEPT OF CORRECTIONS
13	IS-1-1	CLOTHING	3620 KURTZ ST SAN DIEGO 92110	44-134-019-00	ADVANTAGE TOWING COMPANY INC DBA ADVANTAGE TOWING
14	IS-1-1	SPECIALTY STORE-SOFT	3501HANCOCK ST SAN DIEGO 92110	44-134-022-00	CANDLES 4 LESS
15	IS-1-1	BAR	3511HANCOCK ST SAN DIEGO 92110	44-134-023-00	GATE GOURMET INC SEE 6463270000
16	IS-1-1	AMUSEMENT CENTER ADMINISTRATION	3505 HANCOCK ST SAN DIEGO 92110	44-134-024-00	SEA WORLD INC
17	IS-1-1	MISC PROFESSIONAL	3550 KURTZ ST SAN DIEGO 92110	44-134-028-00	QUALITY TOWING
18	IS-1-1	MISC PROFESSIONAL	3540 KURTZ ST SAN DIEGO 92110	44-134-029-00	WIND N SEA TOWING
19	IS-1-1	MISC CONTRACTOR	3520 KURTZ ST D SAN DIEGO 92110	44-134-030-00	PURE WATER TECHNOLOGIES OF SAN DIEGO
20	IS-1-1	METAL-LIGHT MFG	3520 KURTZ ST SAN DIEGO 92110	44-134-030-00	DANKSE INC DBA JOBSITE SUPPLY CO
21	IS-1-1	MISC PROFESSIONAL	3801HANCOCK ST SAN DIEGO 92110	44-153-032-00	ROAD ONE TOWING
22	IS-1-1	MFG LIGHT	3920 HICOCK ST SAN DIEGO 92110	44-153-032-00	TAYLOR IAN DBA TAYLOR MADE DISPLAY
23	IS-1-1	MISC PROFESSIONAL	3584 HANCOCK ST SAN DIEGO 92110	44-153-033-00	TOTAL SECURE SHREDDING INC
24	IS-1-1	AUTO PARTS-RETAIL	3570 HANCOCK ST SAN DIEGO 92110	44-153-033-00	AUTO BEAUTY PRODUCTS
25	IS-1-1	SPECIALTY/HARD GOODS	3630 HANCOCK ST C SAN DIEGO 92110	44-153-035-00	ESCARVA STEVEN&KEARNY KATHERINE
26	IS-1-1	BOAT MFG	3690 HANCOCK ST SAN DIEGO 92110	44-153-038-00	HANCOCK STREET BOATYARD SEE 6461590000
27	IS-1-1	BOAT MFG	3665 HANCOCK ST SAN DIEGO 92110	44-153-041-00	CLARK WILLIAM DBA CLARK CUSTOM BOAT CO
28	IS-1-1	CONTRCTR/RNTAL CONST	3647 HANCOCK ST SAN DIEGO 92110	44-153-042-00	CONSTRUCTION FENCE RENTAL INC
29	IS-1-1	MFG LIGHT	3630 HANCOCK ST D SAN DIEGO 92110	44-153-042-00	GALL GEORGE&VIRGILIO JOE PLUS ONE SURFBOARDS INC
30	IS-1-1	BICYCLE STORES	3597 HANCOCK ST SAN DIEGO 92110	44-153-045-00	CITYWIDE CUSTOM CYCLES LLC
31	IS-1-1	TICKET/TRAVEL	3515 HANCOCK ST SAN DIEGO 92110	44-153-051-00	ACCESS DESTINATION SERVICES
32	IS-1-1	ELECTRICAL	3515 HANCOCK ST SAN DIEGO 92110	44-153-05100	CASHWAY ELECTRIC SUPPLY LLC
33	IS-1-1	ARCHITECT&ENGINEER	3515 HANCOCK ST SAN DIEGO 92110	44-153-051-00	RICHARD YEN&ASSOCIATES ARCHITECTS&PLANNERS INC
34	15-1-1	AUTO REPAIR SHOP	3556 HANCOCK ST SAN DIEGO 92110	44-153-052-00	AGOUB GEORGE DBA GA COACHWORK\$
35	15-1-1	MISC PROFESSIONAL	3538 HANCOCK ST SAN DIEGO 92110	44-153-053-00	ENGINEERING LAB INC DBA ENVIRONMENTAL ENGINEERING
36	IS-1-1	AUTO REPAIR SHOP	4019 HICOCK ST SAN DIEGO 92110	44-153-059-00	MARTY MOORES INC DBA MARTY MOORES MOTOR HOMES
37	15-1-1	TRAILER/CAMPER	4019 HICOCK ST SAN DIEGO 92110	44-153-059-00	MARTY MOORES INC DBA MOTOR HOME-CAMPER-TRAILER
38	15-1-1	MISC PROFESSIONAL	3650 HANCOCK ST SAN DIEGO 92110	44-153-062-00	SIGNS DONE FAST
39	IS-1-1	WOOD PRODUCTS MFG	3650 HANCOCK ST REAR SAN DIEGO 92110	44-153-062-00	AMADOR\$ MARINE WOODWORK\$
40	IS-1-1	DAIRY-WHOLESALE ONLY	3510 HANCOCK ST SAN DIEGO 92110	44-153-064-00	CHALLENGE DAIRY PRODUCTS INC
41	IS-1-1	COMPUTER CENTER	4045 HANCOCK ST SAN DIEGO 921 10	44-153-065-00	COMPUTER SCIENCES CORP (CSC)
42	IS-1-1	SERVICE	4055 HANCOCK ST SAN DIEGO 92110	44-153-065-00	SYSTEMS TECHNOLOGY FORUM LTD
43	IS-1-1	ROOFING	3691HANCOCK ST SAN DIEGO 92110	44-153-065-00	EBERHARD BENTON ROOFING A CA CORP
44	IS-1-1	ARCHITECT&ENGINEER	4055 HANCOCK ST SAN DIEGO 92110	44-153-065-00	AR INC ENGINEERING SERVICES LLC
45	15-1-1	ARCHITECT&ENGINEER	4025 HANCOCK ST SAN DIEGO 92110	44-153-065-00	SAIC SEE 6461630000
46	IS-1-1	ARCHITECT&ENGINEER	4045 HANCOCK ST SAN DIEGO 92110	44-153-065-00	SAIC SEE 6461630000

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NO	Zone	Type of Business	Address	APN	Business Name
47	IS-1-1	ARCHITECT&ENGINEER	4015 HANCOCK ST SAN DIEGO 92110	44-153-065-00	SCIENCE APPLICATIONS INTERNATIONAL CORPORATION
48	15-1-1	ARCHITECT&ENGINEER	4035 HANCOCK ST SAN DIEGO 92110	44-153-065-00	SCIENCE APPLICATIONS INTL INC SAIC
49	IS-1-1	ARCHITECT&ENGINEER	4065 HANCOCK ST SAN DIEGO 92110	44-153-065-00	SAIC SEE 6461630000
50	15-1-1	MISC PROFESSIONAL	4055 HANCOCK ST SAN DIEGO 92110	44-153-065-00	ARINC INC
51	IS-1-1	MISC PROFESSIONAL	4055 HANCOCK ST SAN DIEGO 92110	44-153-065-00	SOUTHEASTERN COMPUTER CONSULTANTS INC
52	IS-1-1	MISC & TECHNICAL LAB	3701 HANCOCK ST SAN DIEGO 92110	44-153-065-00	BENTON ROOFING YARD SEE 6461595000
53	IS-1-1	RADIO/TV/COMPUTERS	SD AIRPORT/LINDBERGH SAN DIEGO 92110	44-153-065-00	AERONAUTICAL RADIO INC
54	IS-1-1	BRICK & CEMENT	3610 HANCOCK ST SAN DIEGO 92110	44-153-066-00	CEMENT CUNING INC
55	IS-1-1	MISC CONTRACTOR	3610 HANCOCK ST A SAN DIEGO 92110	44-153-066-00	STORM DRAIN FILTERS INC
56	15-1-1	MISC PROFESSIONAL	3610 HANCOCK ST 8 SAN DIEGO 92110	44-153-066-00	CARVER MOTOR GROUP LLC
57	IS-1-1	AUTO REPAIR SHOP	3970 HANCOCK ST SAN DIEGO 92110	44-153-067-00	ABDOU PIERRE DBA SOUTHWEST AUTO REPAIR
58	15-1-1	MISC PROFESSIONAL	3950 HANCOCK ST SAN DIEGO 92110	44-153-067-00	LACH MOTORSPORTS
59	IS-1-1	SERVICE	3980 SHERMAN ST SAN DIEGO 92110	44-154-013-00	HP ENTERPRISE SERVICES LLC SEE 2039080000
60	IS-1-1	CONTRACTOR/RENTAL CONST	3860 SHERMAN ST SAN DIEGO 92110	44-154-013-00	SUNBELT RENTALS INC LOCATION 146
61	IS-1-1	CONTRACTOR/RENTAL CONST	3860 SHERMAN ST SAN DIEGO 92110	44-154-013-00	SUNBELT RENTALS INC LOCATION 530
62	IS-1-1	BAR	3870 HOUSTON ST SAN DIEGO 92110	44-154-014-00	GATE GOURMET INC
63	CV-12	MOTEL FURNISHINGS	3880 GREENWOOD ST SAN DIEGO 92110	44-154-021-00	GOOD NITE INN SEAWORLD PARTNERS
64	CV-1-2	VENDING	3888 GREENWOOD ST SAN DIEGO 92110	44-154-023-00	LODGENET INTERACTIVE CORPORATION (AT HAMPTON INN)
65	15-1-1	FROZEN FOOD LOCKER	3826 SHERMAN ST SAN DIEGO 92110	44-158-101-00	FIVE STAR FISH PROCESSING
66	IS-1-1	WRECKERS	3428 PICKERMAN ST SAN DIEGO 92110	44-158-104-00	DAGOTOWING
67	15-1-1	METAL-LIGHT MFG	3424 PICKERMAN ST SAN DIEGO 92110	44-158-104-00	AUTOPOWER INDUSTRIES INC
68	IS-1-1	ARCHITECT&ENGINEER	3468 HANCOCK ST SAN DIEGO 92110	44-158-110-00	WILLIAMS FORM ENGINEERING CORPORATION
69	IS-1-1	MISC BROKER	3235 HANCOCK ST SAN DIEGO 92110	44-158-113-00	AXIS REAL ESTATE INC DBA AXIS REAL ESTATE&MORTGAGE
70	IS-1-1	DOCTOR/OSTEOPATH/CHIROP	3446 HANCOCK ST C SAN DIEGO 92110	44-158-113-00	JAMES R NICKEL MD INC DBA PATHOLOGY ASSOCIATES
71	IS-1-1	VIDEO RENTALS	3430 HANCOCK ST SAN DIEGO 92110	44-158-114-00	FULL THROATLE FILMS INC VIDEO EQUIPMENT RENTALS
72	IS-1-1	MISC CONTRACTOR	3402 HANCOCK ST SAN DIEGO 92110	44-158-115-00	CALDERON SEE 646-395000
73	IS-1-1	MISC CONTRACTOR	3822 SHERMAN ST SAN DIEGO 92110	44-158-116-00	CALDERON BUILDING MAINTENANCE INC
74	IS-1-1	ELECTRICAL	3366 HANCOCK ST SAN DIEGO 92110	44-158-117-00	CORREIA ELECTRIC INC
75	15-1-1	ELECTRICAL	3356 HANCOCK ST F SAN DIEGO 92110	44-158-117-00	OCEAN PACIFIC ELECTRIC SEE 6461090000
76	IS-1-1	ELECTRICAL	3356 HANCOCK ST E SAN DIEGO 92110	44-158-117-00	OCEAN PACIFIC ELECTRICAL CONSULTANTS
77	15-1-1	DELICATESSEN	3354 HANCOCK ST SAN DIEGO 92110	44-158-117-00	WACLAWSKI ALEXANDER M DBA HANCOCK STREET CAFE
78	15-1-1	MISC PROFESSIONAL	3464 PICKERMAN ST SAN DIEGO 92110	44-158-123-00	PATRIOT ENVIRONMENTAL SERVICES
79	IS-1-1	PAPER PRODUCTS	3464 PICKERMAN ST SAN DIEGO 92110	44-158-123-00	GERPACO SEE 646-328000
80	IS-1-1	CAFE-FAST FOOD	3477 HANCOCK ST B SAN DIEGO 92110	44-158-202-00	HOST INTERNATIONAL INC
81	IS-1-1	FURNITURE	3403 HANCOCK ST SAN DIEGO 92110	44-158-210-00	JACOBS STANLEY A&PATRICIA A DBA JACOBS WOODWORKS
82	IS-1-1	AUTO REPAIR SHOP	3375 HANCOCK ST SAN DIEGO 92110	44-158-211-00	VJ SAN DIEGO ENTERPRISES INC DBA J R SAN DIEGO SMOG
83	15-1-1	MISC PROFESSIONAL	3341 HANCOCK ST SAN DIEGO 92110	44-158-212-00	RECONSTRUCTION WAREHOUSE
84	15-1-1	MISC PROFESSIONAL	3351 HANCOCK ST SAN DIEGO 92110	44-158-212-00	SAN DIEGO WESTY
85	15-1-1	MFG LIGHT	3351 HANCOCK ST REAR SAN DIEGO 92110	44-158-212-00	SHARPEYE SURFBOARDS INC DBA SHARPEYE SURFBOARDS
86	15-1-1	FISH&POULTRY MARKET	3322 HANCOCK ST SAN DIEGO 92110	44-158-214-00	TFS LOBSTER INC
87	15-1-1	AUTO REPAIR SHOP	3348 KURTZ ST SAN DIEGO 92110	44-158-219-00	GARCIA'S UPHOLSTERY
88	15-1-1	GENERAL BUILDING	3366 KURTZ ST SAN DIEGO 92110	44-158-220-00	OLD ROLL INC
89	15-1-1	GENERAL BUILDING	3360 KURTZ ST SAN DIEGO 92110	44-158-220-00	ROEL CONSTRUCTION CO INC SEE 6462585500
90	15-1-1	GENERAL BUILDING	3366 KURTZ ST SAN DIEGO 92110	44-158-220-00	ROEL CONSTRUCTION CO INC SEE 6462585500
91	15-1-1	RESTAURANT	3402 KURTZ ST SAN DIEGO 92110	44-158-220-00	TOMA SABAH DBA SAN DIEGO ICE MACHINES CO
92	IS-1-1	SPECIALTY/HARD GOODS	3430 KURTZ ST SAN DIEGO 92110	44-158-225-00	ORION WOODCRAFT INC DBA CLOSET WORKS THE

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NO	Zone	Type of Business	Address	APN	Business Name
93	IS-1-1	WOOD PRODUCTS MFG	3486 KURTZ ST SAN DIEGO 92110	44-158-229-00	FINE CABINETS SEE 6464560590
94	IS-1-1	MFG LIGHT	3312 KURTZ ST SAN DIEGO 92110	44-158-231-00	EXPONENTS GRAPHICS SEE 6462458500
95	IS-1-1	AUTO REPAIR SHOP	3320 KURTZ ST SAN DIEGO 92110	44-158-232-00	PECK KEVAN DBA SOUTHERN CALIFORNIA
96	IS-1-1	VETERINARIAN	3450 KURTZ ST E SAN DEGO 92110	44-158-236-00	SUNGLASS&OPTICAL WAREHOUSE SEE 6462635000
97	IS-1-1	AUTO PARTS-RETAIL	3450 KURTZ ST A SAN DIEGO 92110	44-158-236-00	EXOTIC EXPEDITORS INC DBA STREETNOYZ
98	IS-1-1	AUTO PARTS-RETAIL	3450 KURTZ ST B SAN DIEGO 92110	44-158-236-00	POWERSTRIDE BATTERY CO INC
99	IS-1-1	SPECIALTY/HARD GOODS	3450 KURTZ ST D SAN DIEGO 92110	44-158-236-00	LE MAX ENTERPRISES INC DBA SUNGLASS&OPTICAL WAREHOUSE
100	IS-1-1	AUTO PARTS-RETAIL	3425 HANCOCK ST SAN DIEGO 92110	44-158-237-00	PRONTO III INC APW KNOX-SEEMAN WHAREHOUSE,INC



THE CITY OF SAN DIEGO

Date of Notice: September 2, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT
SAP No. 24004639

PROJECT NAME/NUMBER: 3486 Kurtz Street MMCC/368321
COMMUNITY PLAN AREA: Midway/Pacific Highway Corridor Community Plan
COUNCIL DISTRICT: 2
LOCATION: The project is located at 3486 Kurtz Street, San Diego, CA 92110

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate within an existing 4,367 square foot building located at 3486 Km1z Street on a 0.65-acre site located within the Midway/Pacific Highway Community Plan Area; the site is designated Light Industrial. The project site is located in the IS-1-1 Zone, the Airport Influence Area for San Diego International Airport, the Part 77 Noticing Area, and the Coastal Height Limitation Overlay Zone.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff

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

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA 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 September 2, 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is

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

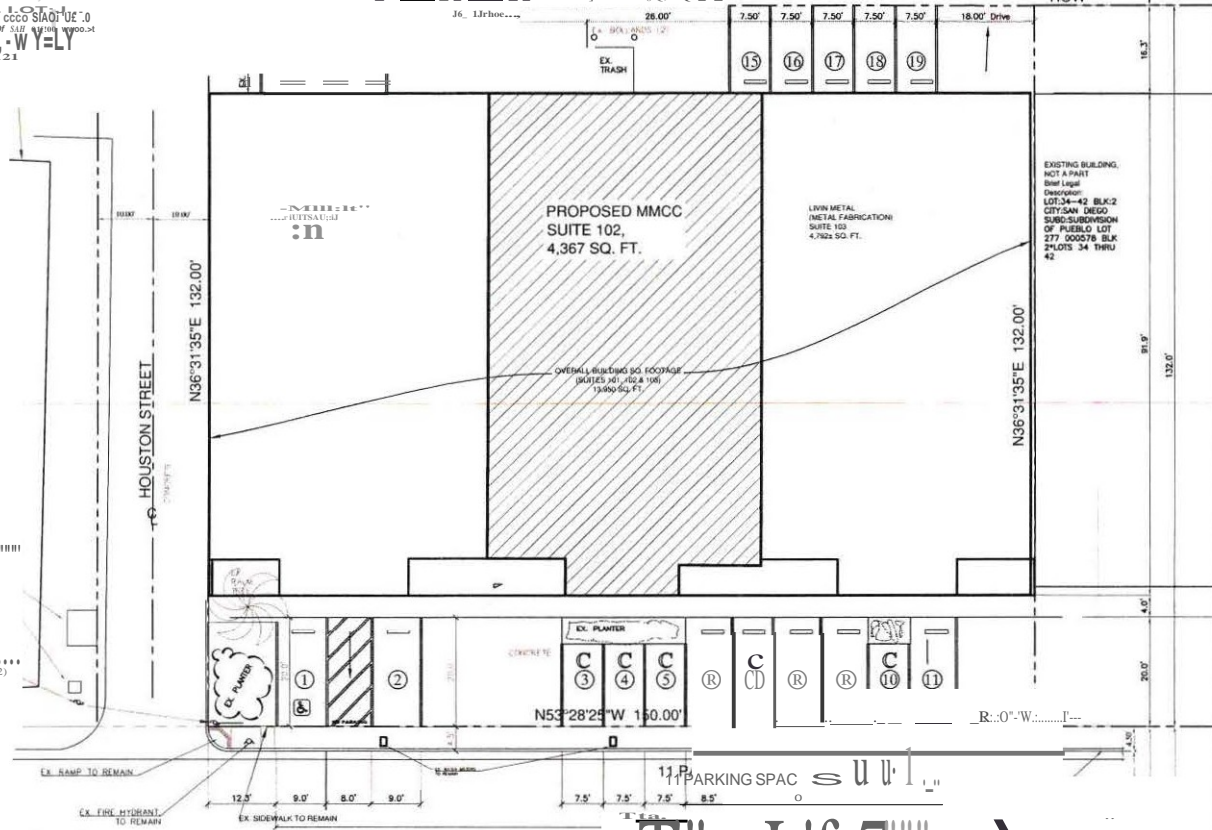
Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (September 16, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

3486 KURTZ STREET MMCC

City of San Diego
 Department of Public Works
 Engineering Division
 1625 La Jolla Village Drive, Suite 100
 San Diego, CA 92161
 Phone: (619) 441-3211
 Fax: (619) 441-3212
 www.sandiego.gov

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SITE PLAN

MMCC CUP PLAN
 SUITE #102
 3486 KURTZ STREET

DATE: 08/07/17, REVISED: 08/07/17
 BY: [Signature]
 CITY OF SAN DIEGO
 PROJECT NO.: 36531
 SCALE: 1" = 10'



CITY OF SAN DIEGO

COMMUNITY DEVELOPMENT
DEPARTMENT
1615 N. CALLE
SAN DIEGO, CA 92161

Community Planning Committee Distribution Form Part 2

Project Name 466 Kurtz St MMCO	Project Number: 368321	Distribution Date: 5/20/14
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Project Scope/Location
 466 Kurtz St, San Diego, CA 92161
 Project Description: [Illegible text]

Project Manager:
Gutierrez, Eith

Application Number:
7-01-2-9538

Committee Recommendation:
[Illegible text]

Project Manager Contact:
Gutierrez, Eith | 619-445-4141 | EGutierrez:gsandie;c.gov

<input checked="" type="checkbox"/> Vote to Approve With Conditions	<input type="checkbox"/> Member	<input type="checkbox"/> Abstain
<input type="checkbox"/> Other	<input type="checkbox"/> Member	<input type="checkbox"/> Abstain

Other Comments:
[Illegible text]

Continued

NAME: [Illegible]

TITLE: Chair

DATE: 7-01-14

Handwritten: see attached sheet

Signature: [Illegible Signature]

Project Name: 466 Kurtz St MMCO

Project Number: 368321

Distribution Date: 5/20/14

Midway Community Planning Group action on project# 368321. 3486 Kurtz 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 FOLIVIC ordinance, which will be up to the City to evaluate.

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

That the City does not find this business to be located within 1,000 square feet of any use designated as needing a minimum separation requirement.

That the applicant shall place a sign on the east side of the building (Sports Arena) to identify the business.

That the applicant shall file a sign with the City for review and approval.



City of San Diego
 Development Services
 1222 First Ave., M5-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

ApprovalType: 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 Wavier Land Use Plan Amendment Other

Project Title: MMCC. 3jB q ...-t-2. S . Proj&ct No. For City Use Only: 3u.-?32/

Project Address: 3 t..''b St. S(101 S.M' \,tjc C. "1.11 C

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

6:tiQolog tile Owoe.Hitill OiscloufD Statllment tile owlelul acknowledge lbill an iilllicatiOo f2r a ermit magOr othUf matter aidentified above. will be filed with the City of San Diego on the subject property with the intent to record 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, an individuals who own the property). A signature is required of the grantor(s). 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 (ODA) 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): <u>2Q.() G-non</u>	Name of Individual (Type or print):
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency
Street Address: <u>2.ill S, & C. di:</u>	Street Address:
City/State/Zip: <u>Ct., 5h d i CA 51D&j</u>	City/State/Zip:
Phone No.: <u>1110-2.12- <-l\$3fl</u> Fax No.: <u>210 '12f> 13 5</u>	Phone No.: Fax No.:
Signature: <u>[Signature]</u> Date: <u>1.1.11</u>	Signature: Date:

Name of Individual (type or print):	Name of Individual (type or print):
<input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No.: Fax No.:	Phone No.: Fax No.:
Signature: Date:	Signature: Date:



SDPD CPTED REVIEW OF 3421 HANCOCK STREET MMCC

Date: March 4, 2015
To: Joe Esposito, Estrada Land Planning
From: Ted Parker, SDPD Crime Prevention
Copies to: Edith Gutierrez, Development Services Department
 Linda Griffin, NLieutenant, SDPD Vice Administration
 David Surwilo, SDPD Western Division Community Relations Officer (CRO)

I have a few advisory suggestions for crime prevention measures in the design of this project. They are based on the following four CPTED concepts that are widely used to reduce the incidence and fear of crime, and improve the quality of life in land-development projects. These concepts are defined briefly as follows:

1. *Surveillance.* Involves the use of electrical and mechanical devices, and the location of physical features, activities, and people to provide good visibility in the environment. Creates a risk of detection for offenders and a perception of safety for legitimate users.
2. *Access control.* Uses electrical and mechanical devices, people, and natural measures to create a perception of risk to offenders and deny them access to targets and escape routes. Also guides legitimate users safely through the environment.
3. *Territorial reinforcement.* Uses physical features and signs to define ownership and control activities in the environment. Delineates spaces with limited or no public access.
4. *Maintenance.* Allows the continued use of spaces for their intended purposes. Maintains the effectiveness of measures employed for surveillance, access control, and territoriality.

Feel free to call me at (858) 523-7049 if you want to discuss these suggestions further – but first some area crime data.

AREA CRIME DATA

During the year from Feb. 25, 2014 to Feb. 25, 2015 the crimes reported to the SDPD with valid addresses within a 0.25-mile radius of 321 Hancock St., the address of this MMCC, constituted 222 crime cases involving persons and property. The following numbers of cases are defined by the most serious crime that occurred.

- 43 cases involving persons: 11 aggravated and 22 simple assaults, 3 sex other than rape, and 5 commercial and 2 street robberies
- 173 cases involving property: 33 commercial burglaries, 7 financial crimes, 7 malicious mischief/vandalism, 104 thefts other than of or from vehicles, 8 vehicle break-ins, and 14 vehicle thefts
- 6 cases involving less serious crimes

Eight of these crimes occurred on Hancock St. They included: 2 aggravated assaults, 1 commercial robbery, 3 commercial burglaries, and 2 vehicle thefts. None were at 3421.

These numbers suggest the importance of including crime prevention measures in the design of this project.

SUGGESTIONS

Alarms

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

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

Electric Power

Because lights and security systems work on electric power it is important that measures be taken to prevent its disruption and provide a source of backup power in the event of a power failure. If the circuit breakers and fuses are located outside the building, they should also be installed in a sturdy metal box that is locked with a hidden- or shielded-shackle padlock.

Cameras

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

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

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

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

IP cameras that view areas in which crimes might be in progress, such as the MMCC cash register location, should also be capable of providing real-time streaming video to the SDPD in Operation Secure San Diego. This program is one of the SDPD's new technology public safety and crime fighting activities. It will enable officers arriving at the scene to make better, more-informed tactical decisions and determine whether additional officers and emergency services are required. Contact the CRO in the SDPD's Western Division at **(619) 692-4858** if you wish to partner with the SDPD in this program.

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



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

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

Lighting

Lighting should comply with SDMC Sec. J41.0614(c). The area outside the MMCC should be well-lighted from sunset to sunrise. Like cameras, light fixtures should also be damage-resistant.

Exit Doors

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

Peepholes in Exit Doors

Exit doors should also have a 180-deg peep-hole so employees in the building can be sure that no one is loitering outside it when they open the door to take out the trash or otherwise leave the building. Or with a camera outside the door, they could look at its monitor to see if it is safe to open the door. **If** the door is on a corner of the building, a mirror should be installed outside so someone looking out through the peephole or at a camera monitor can see if anyone is loitering around the corner.

Bullet-Resistant Doors

To be bullet-resistant the door should be made of steel or reinforced with steel, and be tested in accordance with Underwriters Laboratories (UL) 752 and assigned a protection level from 1 to 10. The door should also have a steel frame or a steel reinforcing device mounted on the lock side of the frame that extends at least 2 feet above and below the strike plate.

Single Doors

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

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

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

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

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

Doors with Magnetic Locks

Doors that are locked magnetically and do not have a push or press bar that unlocks them from the inside must open automatically when a person approaches them from inside of the building. The sensor that detects this motion or heat needs to be located or aimed far enough back from the door so a person outside can not slip something between double doors or single doors and their frames to create motion or a heat signature and to open the doors. Or a strip of metal or other material can be attached to the outside of a door to close the gap and prevent a person from inserting anything between double doors or single doors and their frames. Another way to prevent this is to replace the sensor with a button that would be pushed to open a door from the inside. Doors with magnetic locks will need backup power to keep them locked and enable the button to work during a power failure.

Roll-Up Doors

Slide locks should be mounted on the bottom of roll-up doors. Metal rods slide into holes on each side of the door frame to secure the door in place when it is closed. This will prevent the door from being pried open from the bottom.

Second-Floor Windows

They should also be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the interior of the building is lighted after dark, e.g., by employees or janitors, shutters or blinds will need to be used inside the windows because reflective materials are not effective then.

Consumer Movement in the MMCC

Ideally, consumers should enter the building through an entry door, be checked in and have their bags searched, go to the showroom and select their marijuana, pay the cashier, receive their marijuana, and leave the building through an exit door. In a two story building the elevator and stairs should be adjacent to the check-in/bag-check room. In addition to the security measures suggested above, a MMCC should have a video intercom, mantrap, metal detector, and armed security guard at the entry door, bullet-resistant protection for the receptionist and cashier, and remotely controlled locks on interior doors. These measures are suggested below.

The proposed floor plans for this MMCC are far from ideal. Here are some possibilities for improving security.

First, there are two ways for a consumer to get to the second floor, the elevator and the stairs from the check-in/bag-check room. A person using the elevator would bypass the check-in/bag-check room on the ground floor and the lobby on the second floor, and arrive unchecked in the reception/medical-verification room on the second floor.

One way to deal with this situation is to post a sign at the elevator directing consumers to go to the check-in/bag-check room first. After being checked there, the consumer would wait in the room until it's his or her turn to see the medical-verification receptionist on the second floor. He or she would then exit the building through the doors at the bottom of the stairs, go back to the elevator, and take it to the second floor. The guard in the check-in/bag-check room would remotely open the door to the stairs and the elevator door for this consumer. The guard would also open the door to the stairs remotely for consumers who use the stairs.

After a consumer passes the medical verification, he or she should go directly into the cannabis showroom to select their marijuana. A door should be installed for this. After that, a consumer would do the following: (1) go to the cashier and pay, (2) go the dispensing room to get their order, and (3) go back to the reception/medical-verification room. A door should be installed for this. (This door would also be used for employees to bring marijuana into the cannabis dispensing and receiving rooms from the elevator. Or marijuana could be brought up the stairs and into the building through the back fire exit.) And (4), the consumer would take the elevator or stairs down to the ground floor and exit the building.

It's not obvious what the conference room would be used for. In any case, it should not have doors to the cannabis receiving and dispensing rooms.

If consumers need access to the back fire exit in an emergency, a corridor could be built to it from the reception/medical-verification room. It would go along the east side of the conference room and the south side of the cannabis receiving room.

Video Intercom

Consider installing video intercoms to control access to the elevator and check-in/bag-check room on the ground floor. With them the elevator and check-in/bag-check room doors would be locked and a person wanting to enter would push a button to talk to the receptionist, who would be able to see the person on a camera monitor and ask to see the person's identification. If the person is a member, he or she would be buzzed in.

Mantrap

To prevent a person from following another into the check-in/bag-check room, i.e., tailgating, the entry door could lead to a mantrap, i.e., a secured space for one person equipped with two interlocking doors to insure that only one person at a time can pass through into the room. Employees of the MMCC would be able to open both doors with their individual access cards, fobs, or keypad codes. Others would be buzzed through by the receptionist. To prevent someone who has stolen an employee's access means from entering the room, a biometric sensor like a

fingerprint reader could be installed at the second door. Thus, only employees would be able to enter through the mantrap without being buzzed in by the receptionist.

If the check-in/bag-check room has a mantrap entry, it should also have a separate exit door that meets the code requirements for a fire escape.

Metal Detector

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

The receptionist should be able to observe this process directly or on a camera monitor and unlock the door to the stairs when the guard indicates it is safe to do so.

Employee Protection

To protect the receptionist and cashier, consider installing enclosures for them with a bullet-resistant glass, plastic, or laminate shield and a bullet-resistant door. A similar enclosure or shield should be considered in the dispensing room to protect the people working in it.

Door to the Showroom

The medical-verification receptionist should control access to the showroom. He or she would remotely unlock the door to the showroom for those who are granted entry.

Back Fence Gate

The gate should be secured with a shielded-shackle padlock that cannot be cut with bolt cutters.

CAVEATS ON CPTED

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

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

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

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

The need for the community, police, and other agencies and organizations to work together as partners to employ other concepts and strategies is especially critical in dealing with organized gangs because gangs can also use

surveillance, access control, and territoriality measures, along with terror and intimidation, to make an environment safe for their criminal activities.

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