



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 20, 2015 **REPORT NO. PC-15-055**

ATTENTION: Planning Commission, Agenda of May 28, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO DENY A CONDITIONAL USE PERMIT FOR 3430 HANCOCK STREET MMCC - PROJECT NO. 368291 (PROCESS 3).

REFERENCE: Report to the Hearing Officer; Report No. HO-15-031 (Attachment 1-12).

**OWNER/
APPLICANT:** WELLS-SAN MARCOS, LP & CAROLYN COURTNEY TRUST / D & D Cooperative, Inc – Linda Nunes

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to deny a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 2,392 square-foot tenant space within an existing 11,262 square-foot building on a 0.30-acre site within the Midway/Pacific Highway Corridor Community Plan area?

Staff Recommendation: Deny the appeal and Uphold the Hearing Officer's decision to Deny Conditional Use Permit No. 1291991.

Community Planning Group Recommendation: On June 18, 2014, the Midway Community Planning Group voted 8-2-1 to approve the project with conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on September 17, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

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

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

The proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a 2,392 square-foot tenant space within an existing 11,262 square-foot building located at 3430 Hancock Street.

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.

On March 19, 2015, the Planning Commission approved the 3452 Hancock Street MMCC, Project No. 368344. The proposed MMCC located at 3430 Hancock Street is within 1,000 feet of the approved 3452 Hancock Street MMCC and therefore, on March 25, 2015, the Hearing Officer denied the project as it does not meet the minimum separation distance requirement of the SDMC.

DISCUSSION

Appeal: An appeal of the Hearing Officer's decision was filed on March 25, 2015 by Donna Jones on behalf of D & D Cooperative on the grounds of Factual Error, Conflict with other matters, and Findings not supported (Attachment 13).

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

Appeal Issues:

1. *There is no Medical Marijuana Consumer Cooperative within 1,000 feet of this location.*

Staff Response: On March 19, 2015, the Planning Commission approved a MMCC located at 3452 Hancock Street. The proposed project located at 3430 Hancock Street is approximately 115 feet from that location. San Diego Municipal Code (SDMC) Section 126.0108 grants the applicant of a development permit 36 months to initiate utilization of the permit. The approved Conditional Use Permit (CUP) for 3452 Hancock Street MMCC was recorded by the San Diego County Recorder's Office on April 3, 2015, the MMCC Permit (background checks) was approved and issued on May 1, 2015, and ministerial permits for building, electrical, mechanical and plumbing are currently being reviewed by City staff.

2. *The Hearing Officer's decision to deny the CUP is in conflict with the Municipal Code and/or City Council Policy.*

Staff Response: SDMC Section 141.0614 requires a 1,000 foot separation, measured between property lines, from other medical marijuana consumer cooperatives. On December 3, 2014, the Hearing Officer approved 3452 Hancock Street MMCC. The Hearing Officer's decision was appealed and on March 19, 2015, the Planning Commission denied the appeal and approved the project. The proposed project located 3430 Hancock Street was denied on March 25, 2015, by the Hearing Officer as it did not meet the minimum separation distance from another MMCC.

3. *The findings that applicant's proposed project location is within 1,000 feet of another Medical Marijuana Consumer Cooperative is not supported.*

Staff Response: SDMC Section 141.0614 requires a 1,000 foot separation, measured between property lines, from other medical marijuana consumer cooperatives. The proposed project located 3430 Hancock Street is located within 1,000 feet of an approved MMCC located at 3452 Hancock Street and therefore the findings of denial can be made.

Conclusion:

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

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-12 Report to the Hearing Officer – Report HO-15-031
13. Appeal Application, Donna Jones
14. CUP resolution with Findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2015 REPORT NO. HO-15-031

ATTENTION: Hearing Officer

SUBJECT: 3430 HANCOCK STREET MMCC
PROJECT NUMBER: 368291

LOCATION: 3430 Hancock Street

APPLICANT: Linda C. Nunes

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 2,392 square foot tenant space within an existing 11,262 square foot building within the Midway/Pacific Highway Corridor Community Plan Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1291991.
(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 June 18, 2014, the Midway Community Planning Group voted 8-2-1 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 17, 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 2,392 square foot tenant space within an existing 11,262 square foot building on a 0.30-acre site. The MMCC site is located at 3430 Hancock 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 one-story building in 1961 per Building Permit No. A42636.

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 3430 Hancock Street is a 0.30-acre site developed with an 11,262 square foot one-story building which is currently being used as warehouse/storage. The MMCC proposes interior improvements that include a reception area, dispensary, offices, employee lounge and restrooms. No public improvements are required for this site.

ATTACHMENT 1

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 7:00 a.m. to 9:00 p.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. 1291991, with modifications.

2. Deny Conditional Use Permit No. 1291991, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

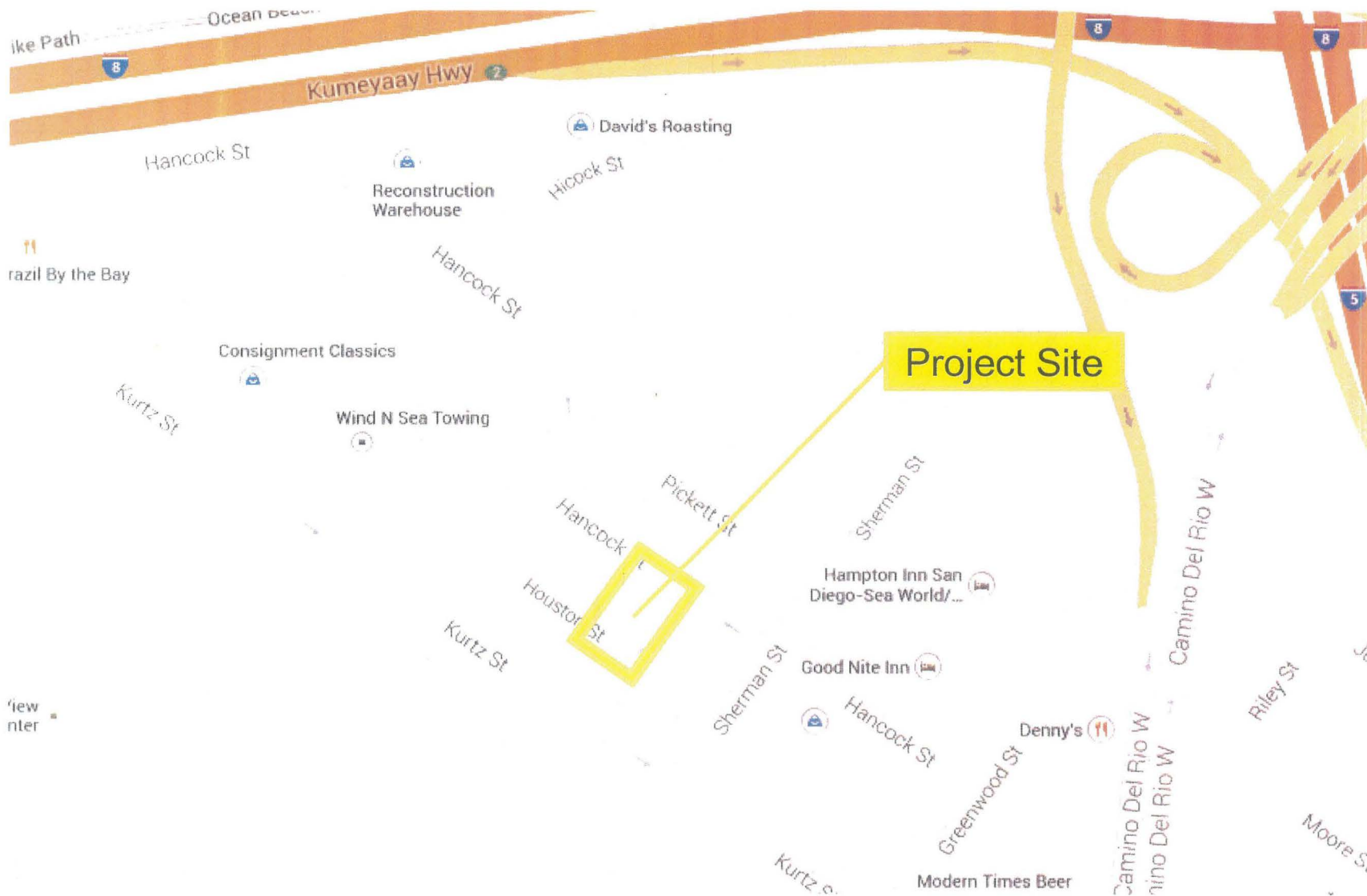
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000 Foot Radius Map
7. 1000 Foot Radius Map Spreadsheet
8. Notice of Right to Appeal
9. Project Site Plan(s)
10. Community Planning Group Recommendation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



Location Aerial Photo

3430 HANCOCK MMCC – 3430 HANCOCK STREET
PROJECT NO. 368291

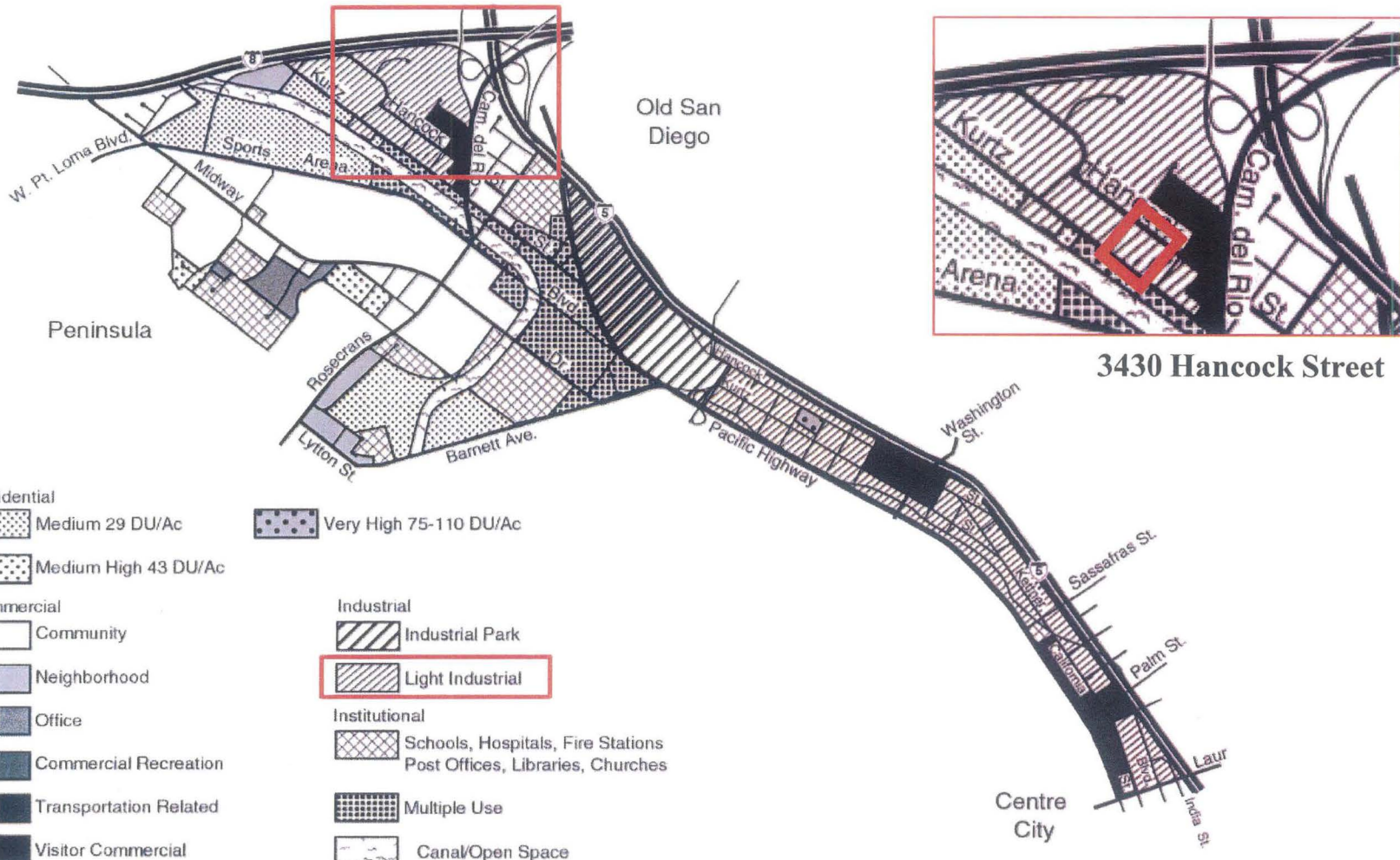




Project Location Map

3430 HANCOCK MMCC- 3430 Hancock Street
PROJECT NO. 368291





3430 Hancock Street

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



Land Use Map

3430 HANCOCK MMCC – 3430 Hancock Street
PROJECT NO. 368291



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: 24004628

CONDITIONAL USE PERMIT NO. 1291991
3430 HANCOCK STREET MMCC- PROJECT NO. 368291
HEARING OFFICER

This Conditional Use Permit No. 1291991 is granted by the Hearing Officer of the City of San Diego to WELLS-SAN MARCOS, LP, AND CAROLYN COURTNEY GIFT TRUST, Owners and D&D COOPERATIVE, INC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.30-acre site is located at 3430 Hancock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as: Lots 31 thru 42, Block 1, Pueblo Lot 277, Ascoff & Kelly's Subdivision, Map 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 2,392 square foot tenant space within an existing 11,262 square foot building on a 0.30- 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 2,392 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 0.30-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 11 parking spaces, including 1 accessible space shall be maintained on the property (4 spaces on site, and 7 spaces at 3646 Picket Street site through a Shared Parking Agreement) 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.1291991/PTS No. 368291
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.

WELLS-SAN MARCOS, LP
Owner

By _____
Keith Courtney
Manager

CAROLYN COURTNEY GIFT TRUST
Owner

By _____
Thomas Courtney
Trustee

D&D COOPERATIVE, INC
Permittee

By _____
Linda C. Nunes
Secretary

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1291991
3430 HANCOCK STREET MMCC- PROJECT NO. 368291

WHEREAS, WELLS-SAN MARCOS, LP, AND CAROLYN COURTNEY GIFT TRUST, Owners and D&D COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 2,392 square foot tenant space within an existing 11,262 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1291991), on portions of a 0.30-acre site;

WHEREAS, the project site is located at 3430 Hancock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area;

WHEREAS, the project site is legally described as Lots 31 thru 42, Block 1, Pueblo Lot 277, Ascoff & Kelly's Subdivision, Map 578, January 12, 1889;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1291991 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 17, 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. 309472;

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 2,392 square foot tenant space within an existing 11,262 square foot building. The 0.30-acre site is located at 3430 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 2,392 square foot MMCC located at 3430 Hancock Street is within an existing one-story building. The existing tenant space is currently vacant. The project proposes interior improvements that include a reception area, dispensary, offices, employee lounge and restrooms. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. The site requires no public improvements.

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1291991. 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 2,392 square foot tenant space located at 3430 Hancock Street is within an existing one-story building on a 0.30-acre site. The site is in the IS-1-1 Zone and was developed in 1961 per Building Permit No. A42636. The existing tenant space is currently vacant. The project proposes interior improvements that include a reception area, dispensary, offices, employee lounge and restrooms.

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

The proposed MMCC is consistent with the 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 2,392 square foot MMCC located at 3430 Hancock Street is within an existing one-story building on a 0.30-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 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the IS-1-1 zone and the existing uses are

consistent with the Light Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. Therefore, the proposed MMCC is an appropriate use at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1291991 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. 1291991, a copy of which is attached hereto and made a part hereof.

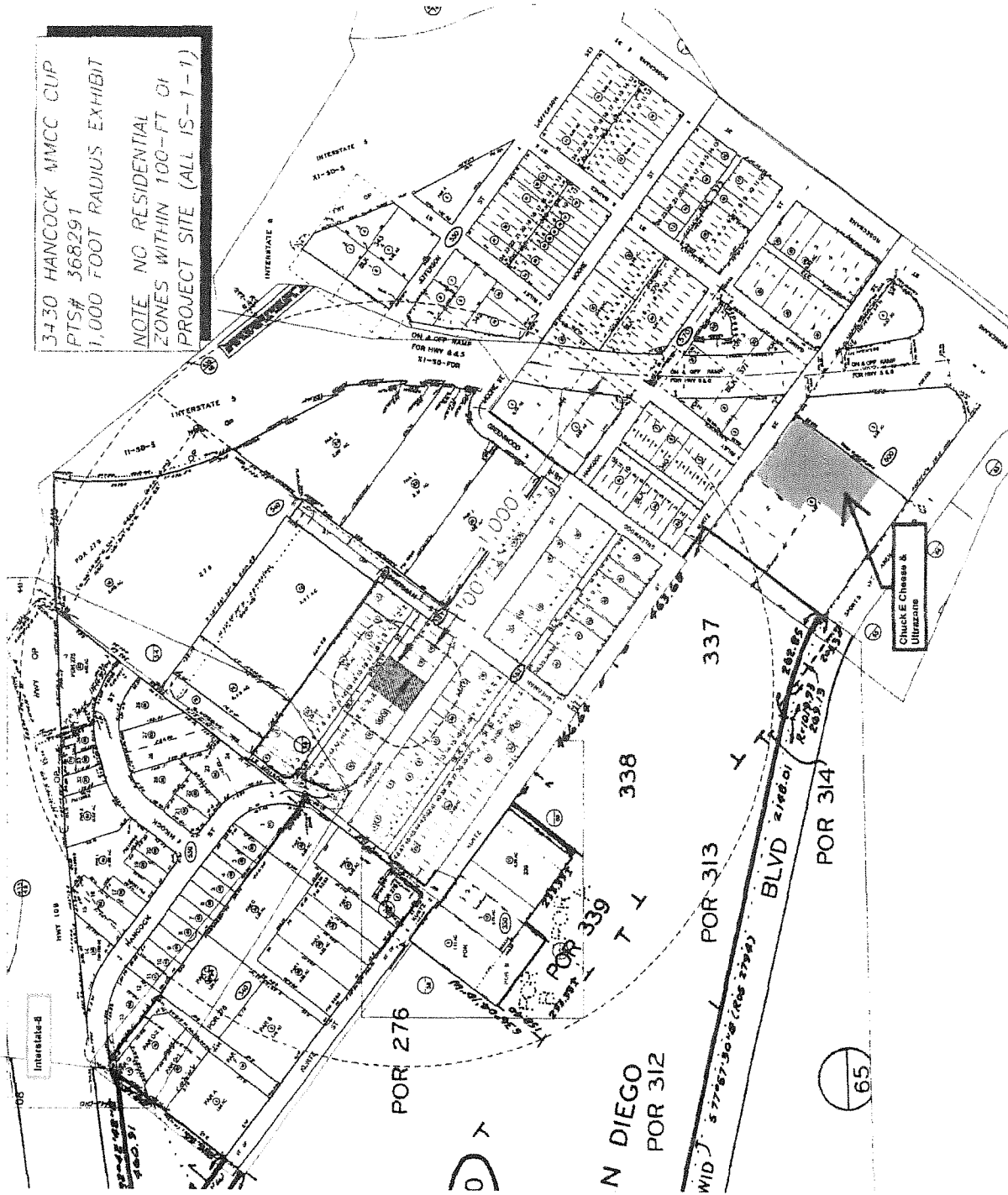
Edith Gutierrez
Development Project Manager
Development Services

Adopted on: March 25, 2015

Job Order No. 24004628

3430 HANCOCK MMCC CUP
PTS# 368291
1,000 FOOT RADIUS EXHIBIT

NOTE: NO RESIDENTIAL
ZONES WITHIN 100-FT OF
PROJECT SITE (ALL IS-1-1)




1000-Foot Radius Map Spreadsheet

Project Name: 3430 Hancock Street MMCC-CUP

Address: 3430 Hancock Street

Date: 4/18/2014

 = 100-FOOT RADIUS

Zone	Use	Address	Assessor Parcel No.	Business Name
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3495 Kurtz Street, San Diego, CA 92110	441-330-01-00	Clean Harbors Environmental Services, Inc.
IS-1-1/RM-2-5	Vehicle & Vehicular Equipment Sales & Services	3467 Kurtz Street, San Diego, CA 92110	441-330-11-00	Brothers Auto Repair & Fleet Services
IS-1-1/RM-2-5	Vehicle & Vehicular Equipment Sales & Services	3473 Kurtz Street, San Diego, CA 92110	441-330-11-00	Yellow San Diego County
IS-1-1	Industrial-Light Manufacturing	3481 Kurtz Street, San Diego, CA 92110	441-330-12-00	SIX19 Printing
IS-1-1	Offices-Business and Professional	3487 Kurtz Street, San Diego, CA 92110	441-330-12-00	SafariEdu Education Consulting
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3487 Kurtz Street, San Diego, CA 92110	441-330-12-00	San Diego Cab
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3487 Kurtz Street, San Diego, CA 92110	441-330-12-00	Neo Car Audio
IS-1-1	Commercial Services-Adult Entertainment	3489 Kurtz Street, San Diego, CA 92110	441-330-12-00	Adult Depot
IS-1-1	Commercial Services-Adult Entertainment	3491 Kurtz Street, San Diego, CA 92110	441-330-12-00	Sophisticated Gifts & Videos, LLC
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3602 Kurtz Street, San Diego, CA 92110	441-340-05-00	Consignment Classics Furnishings
IS-1-1	Offices-Government	3502 Kurtz Street, San Diego, CA 92110	441-340-08-00	State of California Corrections Department
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3608 Kurtz Street, San Diego, CA 92110	441-340-10-00	Consignment Classics Furnishings
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3501 Hancock Street, San Diego, CA 92110	441-340-22-00	Candles 4 Less
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3511 Hancock Street, San Diego, CA 92110	441-340-23-00	Gate Gourmst International
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3505 Hancock Street, San Diego, CA 92110	441-340-24-00	Seaworld of San Diego
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3550 Kurtz Street, San Diego, CA 92110	441-340-28-00	Quality Auto & Truck Repair
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3540 Kurtz Street, San Diego, CA 92110	441-340-29-00	Wind N Sea Towing
IS-1-1	Offices-Business and Professional	3520 Kurtz Street, Suite D, San Diego, CA 92110	441-340-30-00	Pure Water Technology of San Diego
IS-1-1	Unoccupied Building	3520 Kurtz Street, San Diego, CA 92110	441-340-31-00	Vacant Building
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3801 Hicoek Street, San Diego, CA 92110	441-530-22-00	RoadOne Towing
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3990 Hicoek Street, San Diego, CA 92110	441-530-28-00	David's Roasting
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3570 Hancock Street, San Diego, CA 92110	441-530-32-00	Auto beauty products
IS-1-1	Retail Sales- Building Supplies & Equipment	3574 Hancock Street, San Diego, CA 92110	441-530-32-00	International Air Tool & International Supply Co.
IS-1-1	Retail Sales- Building Supplies & Equipment	3914 Hancock Street, San Diego, CA 92110	441-530-32-00	Guthrie and Sons Heating and Air Conditiong
IS-1-1	Retail Sales- Building Supplies & Equipment	3910 Hancock Street, San Diego, CA 92110	441-530-32-00	JH Renovation
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3584 Hancock Street, San Diego, CA 92110	441-530-33-00	Total Secure Shredding
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3630 Hancock Street, San Diego, CA 92110	441-530-35-00	Plus One Surfboards
IS-1-1	Industrial-Marine Industry	3665 Kurtz Street, San Diego, CA 92110	441-530-41-00	Clark Custom boats/Traditional boat works
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3647 Hancock Street, San Diego, CA 92110	441-530-42-00	Bradley Enterprises
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3627 Hancock Street, San Diego, CA 92110	441-530-43-00	Berts Office trailers
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-530-44-00	Parking Lot
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3597 Hancock Street, San Diego, CA 92110	441-530-45-00	Citywide Cycles
IS-1-1	Offices-Business and Professional	3585 Hancock Street, San Diego, CA 92110	441-530-46-00	R & R Wine Marketing
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3571 Hancock Street, San Diego, CA 92110	441-530-47-00	Accurate Auto Body Collision / Accurate Auto Body & Paint
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-530-48-00	N/A - Parking Lot
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-530-49-00	N/A - Parking Lot
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-530-50-00	N/A - Parking Lot
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3515 Hancock Street, San Diego, CA 92110	441-530-51-00	Cashaway Electronic Supply
IS-1-1	Offices-Business and Professional	3515 Hancock Street, San Diego, CA 92110	441-530-51-00	FMP Services
IS-1-1	Offices-Business and Professional	3515 Hancock Street, San Diego, CA 92110	441-530-51-00	Richard Yen and associates
IS-1-1	Offices-Business and Professional	3515 Hancock Street, San Diego, CA 92110	441-530-51-00	ACCESS Destination Services
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3556 Hancock Street, San Diego, CA 92110	441-530-52-00	GA Coachworks

IS-1-1	Offices-Business and Professional	3538 Hancock Street, San Diego, CA 92110	441-530-53-00	IEH Environmental Engineering
IS-1-1	Industrial-Marine Industry	4009 Hicoock Street, San Diego, CA 92110	441-530-56-00	SD Water Sport Boat Rentals, LLC
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	4019 Hicoock Street, San Diego, CA 92110	441-530-59-00	Marty Moores Motor Homes
IS-1-1	Industrial-Light Manufacturing	3650 Hancock Street, San Diego, CA 92110	441-530-62-00	Signs done Fast
IS-1-1	Commercial Services-Parking Facilities	4009 Hicoock Street, San Diego, CA 92110	441-530-63-00	Parking Lot
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3510 Hancock Street, San Diego, CA 92110	441-530-64-00	Challenge Dairy Products
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3610 Hancock Street, San Diego, CA 92110	441-530-66-00	Cement Cutting Inc.
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3970 Hicoock Street, San Diego, CA 92110	441-530-67-00	Rusty's Bug Me Fabrication
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3950 Hicoock Street, San Diego, CA 92110	441-530-67-00	Lach Motorsports
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	4020 Hicoock Street, San Diego, CA 92110	441-530-68-00	S&7 Motorsports
IS-1-1	Commercial Services-Adult Entertainment	4010 Hicoock Street, San Diego, CA 92110	441-530-69-00	Sierra Blue Internet
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-530-70-00	Parking Lot
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3860 Sherman Street, San Diego, CA 92110	441-540-13-00	Sunbelt Rentals
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3870 Houston Street, San Diego, CA 92110	441-540-14-00	Gate Gourmet International
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3870 Houston Street, San Diego, CA 92110	441-540-16-00	Gate Gourmet International
IS-1-1	Offices-Business and Professional	3970 Sherman Street, San Diego, CA 92110	441-540-18-00	HP Enterprise services
IS-1-1	Offices-Business and Professional	3980 Sherman Street, San Diego, CA 92110	441-540-18-00	NMCI Navy
IS-1-1	Offices-Business and Professional	3990 Sherman Street, San Diego, CA 92110	441-540-18-00	Electronic Data Systems Corp
CV-1-2	Hotel	3880 Greenwood Street, San Diego, CA 92110	441-540-21-00	Good Nite Inn
CV-1-2	Hotel	3850 Greenwood Street, San Diego, CA 92110	441-540-23-00	Hampton Inn San Diego-Sea World
CV-1-2	Hotel	3888 Greenwood Street, San Diego, CA 92110	441-540-23-00	Hampton Inn San Diego-Sea World
IS-1-1	Wholesale, Distribution, Storage-Moving & Storage Facilities	3883 Sherman Street, San Diego, CA 92110	441-540-24-00	Extra Space Storage
CC-4-2	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3912 Riley Street, San Diego, CA 92110	441-550-04-00	AFR Event Rentals
CC-4-2	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3904 Riley Street, San Diego, CA 92110	441-550-04-00	Concrete solutions
CC-4-2	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3535 Camino Del Rio South, San Diego, CA 92108	441-550-05-00	Standard Kitchen and Bath showroom
CC-4-2	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3535 Camino Del Rio South, San Diego, CA 92108	441-550-05-00	Piano warehouse
CC-4-2	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3603 Camino Del Rio West, San Diego, CA 92110	441-550-06-00	B & L Bike and Sports
CC-4-2	Offices-Medical, Dental & Health Practitioner	3211 Jefferson Street, San Diego, CA 92110	441-550-07-00	TeleCare Corp
CC-4-2	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3655 Camino Del Rio West, San Diego, CA 92110	441-550-08-00	Scrapbook Your Life!
CC-4-2	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3206 Moore Street, San Diego, CA 92110	441-550-25-00	Progressive mobile electronics
CC-4-2	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3677 Camino Del Rio South, San Diego, CA 92110	441-550-26-00	Progressive mobile electronics
CV-1-2	Commercial Services-Eating and Drinking Establishment	3704 Camino Del Rio West, San Diego, CA 92110	441-570-01-00	Denny's
CV-1-2	Commercial Services-Eating and Drinking Establishment	3720 Camino Del Rio West, San Diego, CA 92110	441-570-02-00	Cotixan Mexican Food
IS-1-1	Industrial-Light Manufacturing	3760 Riley Street, San Diego, CA 92110	441-570-05-00	Sign it Sign manufacture
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3220 Kurtz Street, #300 San Diego, CA 92110	441-570-05-00	Granite & Marble Concepts
CV-1-2	Commercial Services-Adult Entertainment	3776 Riley Street, San Diego, CA 92110	441-570-06-00	Body Shop
CV-1-2	Commercial Services-Adult Entertainment	3201 Hancock Street, San Diego, CA 92110	441-570-07-00	Les Girls
CC-4-2	Offices-Business and Professional	3205 Moore Street, San Diego, CA 92110	441-570-10-00	Family Legal Centers 10, LLC
IS-1-1	Offices-Business and Professional	3280 Kurtz Street, San Diego, CA 92110	441-570-29-00	Exponents
IS-1-1	Commercial Services-Eating and Drinking Establishment	3725 Greenwood Street, San Diego, CA 92110	441-570-30-00	Modern Times Beer
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3235 Hancock Street, San Diego, CA 92110	441-570-31-00	Midway Patio Building
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3235 Hancock Street, San Diego, CA 92110	441-570-31-00	Gold Medal Carpet Care
IS-1-1	Industrial-Marine Industry	3826 Sherman Street, Suite C, San Diego, CA 92110	441-581-01-00	Blue Star Marine, Inc. / Five Star Fish Processing
IS-1-1	Industrial-Marine Industry	3826 Sherman Street, Suite C, San Diego, CA 92110	441-581-02-00	Blue Star Marine, Inc. / Five Star Fish Processing
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3418 Pickett Street, San Diego, CA 92110	441-581-03-00	Autopower Industries
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3424 Pickett Street, San Diego, CA 92110	441-581-04-00	Autopower Industries
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3492 Pickett Street, San Diego, CA 92110	441-581-07-00	E.F. Whalen Company
IS-1-1	Offices-Business and Professional	3494 Pickett Street, San Diego, CA 92110	441-581-07-00	SCI Air Security
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-581-08-00	Parking Lot

IS-1-1	Public Right of Way	N/A - Public Right-of-way	441-581-09-00	City of San Diego
IS-1-1	Unoccupied Building	3476 Hancock Street, San Diego, CA 92110	441-581-10-00	Vacant Building
IS-1-1	Offices-Business and Professional	3468 Hancock Street, San Diego, CA 92110	441-581-10-00	Williams Form Engineering Corp
IS-1-1	Industrial-Heavy Manufacturing	3460 Hancock Street, San Diego, CA 92110	441-581-11-00	National City Foundry
IS-1-1	Industrial-Heavy Manufacturing	3452 Hancock Street, San Diego, CA 92110	441-581-12-00	Sinner Brothers Inc.
IS-1-1	Offices-Business and Professional	3442 Hancock Street, San Diego, CA 92110	441-581-13-00	Russell Pond Architects and Associates
IS-1-1	Warehouse & Offices **PROJECT SITE**	3430 Hancock Street, San Diego, CA 92110	441-581-14-00	D & D Cooperative, Inc.
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3420 Hancock Street, San Diego, CA 92110	441-581-15-00	Purostino Furniture
IS-1-1	Commercial Services-Parking Facilities	3402 Hancock Street, San Diego, CA 92110	441-581-16-00	Parking Lot
IS-1-1	Offices-Business and Professional	3822 Sherman Street, San Diego, CA 92110	441-581-16-00	Calderon Building Maintenance
IS-1-1	Offices-Business and Professional	3366 Hancock Street, San Diego, CA 92110	441-581-17-00	Correia Electric Inc.
IS-1-1	Offices-Business and Professional	3356 Hancock Street, San Diego, CA 92110	441-581-17-00	Ocean Pacific Electrical
IS-1-1	Commercial Services-Eating and Drinking Establishment	3354 Hancock Street, San Diego, CA 92110	441-581-17-00	Hancock Street Café
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-581-18-00	Parking Lot
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-581-19-00	Parking Lot
IS-1-1	Offices-Business and Professional	3318 Hancock Street, San Diego, CA 92110	441-581-20-00	Luz Engineering
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3320 Hancock Street, San Diego, CA 92110	441-581-20-00	TFS Lobster LLC
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3304 Hancock Street, San Diego, CA 92110	441-581-21-00	San Diego Custom Cycles
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3464 Pickett Street, San Diego, CA 92110	441-581-23-00	Patriot Environmental Service Inc.
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-581-24-00	Parking Lot
IS-1-1	Commercial Services-Parking Facilities	3495 Hancock Street, San Diego, CA 92110	441-582-01-00	Parking Lot
IS-1-1	Wholesale, Distribution, Storage-Warehouses	3477 Hancock Street, San Diego, CA 92110	441-582-02-00	Host International
IS-1-1	Commercial Services-Eating and Drinking Establishment	3477 Hancock Street, Suite A, San Diego, CA 92110	441-582-02-00	Better Halfshell
IS-1-1	Wholesale, Distribution, Storage-Warehouses	3465 Hancock Street, San Diego, CA 92110	441-582-03-00	Your Mama's Cookies
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3459 Hancock Street, San Diego, CA 92110	441-582-04-00	Otero's Custom Cabinets
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3455 Hancock Street, San Diego, CA 92110	441-582-05-00	Euro Sport
IS-1-1	Wholesale, Distribution, Storage-Warehouses	3419 Hancock Street, San Diego, CA 92110	441-582-08-00	Slk World Productions
IS-1-1	Offices-Business and Professional	3417 Hancock Street, San Diego, CA 92110	441-582-09-00	North American Integrated Technologies
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3417 Hancock Street, San Diego, CA 92110	441-582-09-00	La France Special Tires
IS-1-1	Wholesale, Distribution, Storage-Wholesale Distribution	3403 Hancock Street, San Diego, CA 92110	441-582-10-00	Jacobs Woodworks
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3375 Hancock Street, San Diego, CA 92110	441-582-11-00	JR San Diego Smog & Repair Center
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3351 Hancock Street, San Diego, CA 92110	441-582-12-00	San Diego Westy - Vanagon and Westfalia Solutions
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3351 Hancock Street, San Diego, CA 92110	441-582-12-00	Sharp Eye Surfboards
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3341 Hancock Street Suite A, San Diego, CA 92110	441-582-13-00	Kiva Kitchen & Bath
IS-1-1	Offices-Business and Professional	3341 Hancock Street Suite B, San Diego, CA 92110	441-582-13-00	SoCal Construction and Design
IS-1-1	Commercial Services-Parking Facilities	3325 Hancock Street, San Diego, CA 92110	441-582-14-00	Parking Lot
IS-1-1	Rooming House-Transitional Housing	3317 Hancock Street, San Diego, CA 92110	441-582-15-00	LifeHouse Recovery Connection - Hancock Street House
IS-1-1	Industrial-Heavy Manufacturing	3303 Hancock Street, San Diego, CA 92110	441-582-16-00	Metal Fabricators
IS-1-1	Offices-Business and Professional	3344 Kurtz Street, San Diego, CA 92110	441-582-19-00	Ruddy SD Construction
IS-1-1	Offices-Business and Professional	3350 Kurtz Street, San Diego, CA 92110	441-582-19-00	Torrey Pines Maintenance
IS-1-1	Industrial-Heavy Manufacturing	3356 Kurtz Street, San Diego, CA 92110	441-582-19-00	Metal Fabricators
IS-1-1	Offices-Business and Professional	3366 Kurtz Street, San Diego, CA 92110	441-582-20-00	Roel Construction Company
IS-1-1	Offices-Business and Professional	3370 Kurtz Street, San Diego, CA 92110	441-582-20-00	Up N Vape
IS-1-1	Offices-Business and Professional	3402 Kurtz Street, San Diego, CA 92110	441-582-21-00	Gaslamp Insurance
IS-1-1	Commercial Services-Eating and Drinking Establishment	3402 Kurtz Street, San Diego, CA 92110	441-582-22-00	Pappalecco
IS-1-1	Wholesale, Distribution, Storage-Equipment and Material Storage Yards	3412 Kurtz Street, San Diego, CA 92110	441-582-22-00	San Diego Ice company
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3430 Kurtz Street, San Diego, CA 92110	441-582-25-00	The Closet Works & Orion Woodcraft
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3486 Kurtz Street, #101, San Diego, CA 92110	441-582-29-00	Powerstride Battery
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3486 Kurtz Street, #102, San Diego, CA 92110	441-582-29-00	Best Coast Growers

IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3486 Kurtz Street, #103, San Diego, CA 92110	441-582-29-00	Linin Metal
IS-1-1	Industrial-Marine Industry	3740 Greenwood Street, San Diego, CA 92110	441-582-30-00	The Dinghy Doctor
IS-1-1	Industrial-Marine Industry	3710 Greenwood Street, San Diego, CA 92110	441-582-30-00	The Dinghy Doctor
IS-1-1	Wholesale, Distribution, Storage-Warehouses	3312 Kurtz Street, San Diego, CA 92110	441-582-31-00	The Paradise Shops
IS-1-1	Industrial-Marine Industry	3320 Kurtz Street, San Diego, CA 92110	441-582-32-00	North Star Yacht Service - Canvas, Upholstery, Woodworking
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3320 Kurtz Street, San Diego, CA 92110	441-582-32-00	Transmission SCA
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3330 Kurtz Street, San Diego, CA 92110	441-582-32-00	Designer Furniture Store
IS-1-1	Retail Sales- Building Supplies & Equipment	3342 Kurtz Street, San Diego, CA 92110	441-582-33-00	R Harris & Co Custom Cabinetry
IS-1-1	Commercial Services-Parking Facilities	N/A - Parking Lot	441-582-34-00	Parking Lot
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3450 Kurtz Street, Suite A, San Diego, CA 92110	441-582-36-00	StreetNoyz Customs
IS-1-1	Offices-Business and Professional	3450 Kurtz Street, Suite B, San Diego, CA 92110	441-582-36-00	Flight Attendant
IS-1-1	Unoccupied Building	3450 Kurtz Street, Suite C, San Diego, CA 92110	441-582-36-00	Vacant Building
IS-1-1	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3450 Kurtz Street, Suites D & E, San Diego, CA 92110	441-582-36-00	Sunglass & Optical Warehouse
IS-1-1	Vehicle & Vehicular Equipment Sales & Services	3425 Hancock Street, San Diego, CA 92110	441-582-37-00	WPD Auto Parts
IS-1-1	Offices-Medical, Dental & Health Practitioner	3421 Hancock Street, San Diego, CA 92110	441-582-38-00	Light The Way /
RM-2-5/CC-3-4	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3220 Sports Arena Boulevard, San Diego, CA 92110	441-590-04-00	Pier 1 Imports
RM-2-5/CC-3-4	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3240 Sports Arena Boulevard, San Diego, CA 92110	441-590-04-00	Salvation Army Thrift Store
RM-2-5/CC-3-4	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3250 Sports Arena Boulevard, San Diego, CA 92110	441-590-04-00	DixieLine Lumber
RM-2-5/CC-3-4	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3250 Sports Arena Boulevard Suite A, San Diego, CA 92110	441-590-04-00	Losina Art Center
RM-2-5/CC-3-4	Commercial Services-Instructional Studios	3250 Sports Arena Boulevard Suite B-F, San Diego, CA 92110	441-590-04-00	The Arena Mixed Martial Arts
RM-2-5/CC-3-4	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3250 Sports Arena Boulevard Suite G, San Diego, CA 92110	441-590-04-00	Crack in The Wall
RM-2-5/CC-3-4	Commercial Services-Eating and Drinking Establishment	3250 Sports Arena Boulevard Suite H1, San Diego, CA 92110	441-590-04-00	Bakery
RM-2-5/CC-3-4	Commercial Services-Instructional Studios	3250 Sports Arena Boulevard Suite H2, San Diego, CA 92110	441-590-04-00	University of Jiu Jitsu
RM-2-5/CC-3-4	Commercial Services-Assembly & Entertainment	3350 Sports Arena Boulevard Suite I, San Diego, CA 92110	441-590-04-00	Soma San Diego
RM-2-5/CC-3-4	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3350 Sports Arena Boulevard Suite J, San Diego, CA 92110	441-590-04-00	Kite Country
RM-2-5/CC-3-4	Retail Sales- Consumer Goods, Furniture, Appliances, Equipment	3350 Sports Arena Boulevard Suite K-L, San Diego, CA 92110	441-590-04-00	Carpet Outlet
RM-2-5/CC-3-4	Commercial Services-Assembly & Entertainment	3360 Sports Arena Boulevard, San Diego, CA 92110	441-590-04-00	Rock And Roll San Diego
CC-3-4	Offices-Medical, Dental & Health Practitioner	3156 Sports Arena Blvd, San Diego, CA 92110	441-600-05-00	Elevated Chiropractic
CC-3-4	Offices-Medical, Dental & Health Practitioner	3156 Sports Arena Blvd, San Diego, CA 92110	441-600-05-00	Chaparral Naturopathic Medicine
CC-3-4	Offices-Medical, Dental & Health Practitioner	3156 Sports Arena Blvd, San Diego, CA 92110	441-600-05-00	Izelle Cloete, LAC



THE CITY OF SAN DIEGO

Date of Notice: September 17, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004628

PROJECT NAME/NUMBER: 3430 Hancock-MMCC / 368291

COMMUNITY PLAN AREA: Midway-Pacific Highway Corridor Community Plan and Local Coastal Program Land Use Plan

COUNCIL DISTRICT: 2

LOCATION: The project is located at 3430 Hancock Street, San Diego, CA 92110

PROJECT DESCRIPTION: CONDITIONAL USE PERMIT (CUP) to operate a 2,400-square-foot Medical Marijuana Consumer Cooperative (MMCC) within an existing 11,262-square-foot building. The 0.30-acre project site is located at 3430 Hancock Street. The project site is designated Light Industrial and 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 within the Midway-Pacific Highway Corridor Community Plan and Local Coastal Program Land Use Plan area.

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 17, 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 (October 1, 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.



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principal
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gullberg@artifexwest.com

Charles Linch
principal
t: 760.470.5295
linch@artifexwest.com

Alexander Ray
design lead
t: 858.802.8719
ray@artifexwest.com

www.artifexwest.com
ArtifexWest Studio

Separately Regulates Uses:

- §12.2514 Medical Marijuana Consumer Cooperatives**
- Medical marijuana consumer cooperatives may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 12, Article 1 (Base Zones), provided that no more than four medical marijuana consumer cooperatives are permitted within City Council District. Medical marijuana consumer cooperatives are subject to the following regulations:
- (a) Medical marijuana consumer cooperatives shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:
 - (1) 1,000 feet from public parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-amenity facilities, other medical marijuana consumer cooperatives, residential care facilities, or schools.
 - (2) 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.
 - (b) 100 feet from a residential zone.
 - (c) Consultations by medical professionals shall not be a permitted accessory use of a medical marijuana consumer cooperative.
 - (d) Lighting shall be provided to illuminate the exterior of the medical marijuana consumer cooperative, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to reflect light away from adjacent properties.
 - (e) Security shall be provided at the medical marijuana consumer cooperative which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security to the facility, except on an incidental basis.
 - (f) 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.
 - (g) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the medical marijuana consumer cooperative in character size of least two inches in height.
 - (h) The medical marijuana consumer cooperative shall operate only between the hours of 7:00 a.m. and 5:00 p.m., seven days a week.
 - (i) The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1902, is prohibited. For purposes of this Section, a vending machine is any device which allows access to medical marijuana without a human intermediary.
 - (j) A permit shall be deemed as required pursuant to Chapter 4, Article 2, Division 05.
 - (k) A Conditional Use Permit for a medical marijuana consumer cooperative shall expire no later than five (5) years from the date of issuance.

All signs associated with this development shall be consistent with the sign criteria by the city-wide sign regulations and shall further be restricted by this permit. 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 and typeface. Pole signs are prohibited.

Application for Conditional Use Permit
3430 Hancock, San Diego
3518 3rd Ave., San Diego, CA 92103

1 April 2014

Project Team:

Designer:
Artifex West Studio
3439 Ibis Street
San Diego, California 92103
858.405.7800
Contact: Fredrik Gullberg
gullberg@artifexwest.com

Attorney:
Law office of Jessica C. McElfresh
11622 El Camino Real Suite 100
San Diego, CA 92130
www.mcelfreshlaw.com
Phone: 858-756-7107

Agencies:

City of San Diego:
Building Permits
858.487.8415
858.487.0584
Fax: 858.616.1931

Erosion Control Technical Assistance and Site Inspections
619.980.6928

Downtown City of San Diego
Development Services Center
1222 First Avenue, MS 301
San Diego, CA 92101-4154

General Information & Services
619.446.5000
Appointment Scheduling
619.446.5300

Restrictions:

County:
Side: 0'-0"
Sid Rear: 0'-0"
Front: 10'-0"
Street Side Front = 50% of length @ 0' setback

Square footage resume:
Existing: 11,262 S.F.
FAR = 2.0 13,219 x 2 = 26,438 S.F.

Existing landscaping area:
3 S.F. - 1 single existing palm tree

Total Proposed square footage:
Proposed MMCC square footage = 2392
Existing use to remain: 11262 - 2392 = 8870 SF

Parking load calculations:
11 Total parking units. 1 unit = ADA with van accessibility. As approved by the City of San Diego, Dec 28, 1963. See exhibit A.

11,262 SF building = 11 parking spots. 1/1,000 SF per SDMC section 142.0530 for the proposed use in IS-1-1 zone.

Minimum Parking and Aisle Dimensions for Pre-existing Parking Facilities. Required off-street parking spaces approved before January 1, 2000 need not be restriped to comply with this section when enlargement or a change in use is undertaken if the spaces required for both the existing use and enlargement comply with the following standards:

- (1) The parking stall dimensions for 90-degree parking are 8 feet, 6 inches wide by 20 feet long with 21-foot aisles; or
- (2) A maximum of 60 percent of the total number of spaces may be 7 feet, 6 inches wide by 15 feet long with 18-foot aisles.

Project Data:

Occupancy:
Proposed occupancy Class B - No change in occupancy

Allowed Use in IS-1-1 zone: Warehouse, offices & retail; medical marijuana consumer cooperative, and any use permitted in the IS-1-1 zone. (Offices & retail <25%)

Existing Use: Warehouse & offices (Offices <25%)

Type of construction: Type-III-B
Single story structure

Scope of Work:
Conditional use permit application for medical cannabis cooperative.

Notes:
Prior to the issuance of any construction permit the owner/permittee shall assure by permit and bond the replacement of the existing driveway, on Hancock St, with the City standard driveway per standard drawing SDG-162, satisfactory to the City Engineer.

Prior to the issuance of any construction permit the owner/permittee shall remove the existing power pole and underground the existing overhead utility to provide pedestrian access, adjacent to the project site on Hancock St, satisfactory to the City Engineer.

The uses on the premises shall be limited to the Medical Marijuana Consumer Cooperative and any use permitted in the IS-1-1 zone.

Current Code Editions:
2012 CALIFORNIA BUILDING CODE Part 2 of Title 24
2012 CALIFORNIA ELECTRICAL CODE Part 3 of Title 24
2012 CALIFORNIA MECHANICAL CODE Part 4 of Title 24
2012 CALIFORNIA PLUMBING CODE Part 5 of Title 24
2012 CALIFORNIA ENERGY CODE Part 6 of Title 24
2012 CALIFORNIA FIRE CODE Part 8 of Title 24
2012 CALIFORNIA REFERENCED STANDARDS CODE

Project Data:

Project:
3430 Hancock St.
San Diego, California 92110

Owner:
Wells San Marcos LLC
656 Santa Rosa Street #3A
San Luis Obispo, CA 93401

Tenant:
D & D Cooperative, Inc.
3430 Hancock St.
San Diego, CA, 92110

Assessors Parcel Number:
441-581-14-00

Legal Description:
LOTS 31, 32, 33 AND 34 IN BLOCK 1 OF THE SUBDIVISION OF PUEBLO LOT 277, COMMONLY KNOWN AS ASCHOFF & KELLY'S SUBDIVISION, ACCORDING TO MAP THEREOF NO. 578, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 12, 1889.

Year constructed:
1961

Lot Size / Gross site area:
13,219 SqFt

Zone:
IS-1-1

Community Plan: Midway/
Pacific Highway Corridor

Overlays:
-Airport Influence Area (AIA)
-Coastal Height Limit
Geologic Hazard Category: 31

Abbreviations	
ACT	Acoustical Ceiling Tile
ADJ	Adjustable
A.F.F.	Above Finish Floor
AL	Aluminum
APPROX	Approximate
ARCH	Architectural
BD	Board
BLDG	Building
BLKG	Blocking
BM	Beam
B.O.	Bottom of
CH	Chilling Height
CLD	Chilling
CLR	Clear/ Clearance
C.M.L.L.	Concrete Masonry Unit
C.O.	Cased Opening
COL	Column
CONC	Concrete
CONSTR	Construction
CONT	Continuous
COORD.	Coordinate
CPT	Carpet
CT	Ceramic Tile
DET	Detail
DM	Diameter
DM	Dimension
DISP	Dispenser
DN	Down
D.O.	Door Opening
DR	Door
DWG	Drawing
EA	Each
EQ	Equal
EQUIP	Equipment
E.W.C.	Electric Water Cooler
EXH	Exhaust
EXST	Existing
EXT	Exterior
F.A.	Fire Alarm
FAB	Fabrication
F.C.	Fixture Contractor
F.D.	Floor Drain
F.E.	Fire Extinguisher
F.E.C.	Fire Extinguisher Cabinet
FR	Finish
RXT	Fixture
FL	Fluorescent
F.O.S.	Face of Studs
FRT	Fire Treated
FT	Foot/Foot
GA	Gauge
SALV.	Galvanized
G.C.	General Contractor
GL	Glass
GWB	Gypsum Wall Board
GYP	Gypsum
H.C.	Hollow Core
HDWD	Hardwood
H.M.	Hollow Metal
HVAC	Heating Ventilating & Air Conditioning
H.W.H.	Hot Water Heater
H.W.	Hot Water
HR	Horizontal
I.O.	Inch Diameter
IN	Inch
INSUL	Insulation
INT	Interior
INCL	Includes
K.P.	Kick Plate
LAM	Laminates
LAV	Lavatory
L.H.	Left Hand
L.T.	Light Track
MAX	Maximum
MECH	Mechanical
MIN	Minimum
MISC	Miscellaneous
M.O.	Masonry Opening
MTD	Mounted
MTL	Metal
MAT	Material
N.I.C.	Not In Contract
NO	Number
NOM	Nominal
N.T.S.	Not To Scale
PLUMB	Plumbing
P.LAM	Plastic Laminate
PR	Pair
PT	Paint/Painted
PLYWD	Plywood
RAD	Radius
REC	Recessed
REQ	Required
RH	Right Hand
RM	Room
R.O.	Rough Opening
R.W.L.	Rain Water Leader
S.C.	Solid Core
S.F.	Square Foot/Foot
SHT	Sheet
SMT	Similar
SPEC	Specification
SQ	Square
S.S.	Stainless Steel
STD	Standard
STL	Steel
SYS	System
T&G	Tongue and Groove
THR	Threshold
T.O.	Top Of
TYP	Typical
U.O.	Underside Of
U.N.O.	Unless Noted Otherwise
V.C.T.	Vinyl Composition Tile
VERT	Vertical
WC	Water Closet
WD	Wood
W	With
W/O	Without

Reference Key	
	Window
	Door
	Keynote
	Wall Type
	Room Label
	Elevation
	Elevation Datum
	Building Section
	Detail Marker
	Detail & Enlarged Area



Sheet Index:	
G General	G 100 Cover Sheet G 101 Site Plan/Pool plan
A Architectural	A 100 Existing Plan A 101 Floor Plan/Lift A 102 ADA plan/Egress Plan A 201 Elevations NW & SE A 202 Elevations NE & SW A 501 Details Exhibit A Exhibit B
project no: 226	
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mark rev. date revision	
Original date	
2014 APR 01	
sheet title	
Cover Sheet	
sheet 1 of 7	
G 100	

Hancock Bldg
3430 Hancock St,
San Diego, CA 92110

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principal
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ArtifexWest Studio

Hancock Bldg
3430 Hancock St.
San Diego, CA 92110

project no: 226

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mark rev. date revision

Original date

2014 APR 01

sheet title

SITE PLAN

sheet 2 of 7

G 101

Floor Plan Sheet Notes:

1. (E) Skylight
2. (E) ADA Parking
3. (E) Parking
4. (E) RTU
5. (E) Vent
6. Neighboring bldg
7. (E) Water meter
8. (E) Gas meter @ grade
9. (E) Sewer line
10. (E) Main Service
11. (E) Power pole in City of San Diego ROW. The pole is to remain per City of San Diego approved exemption.
12. (E) Parking, see exhibit A

Existing Parking

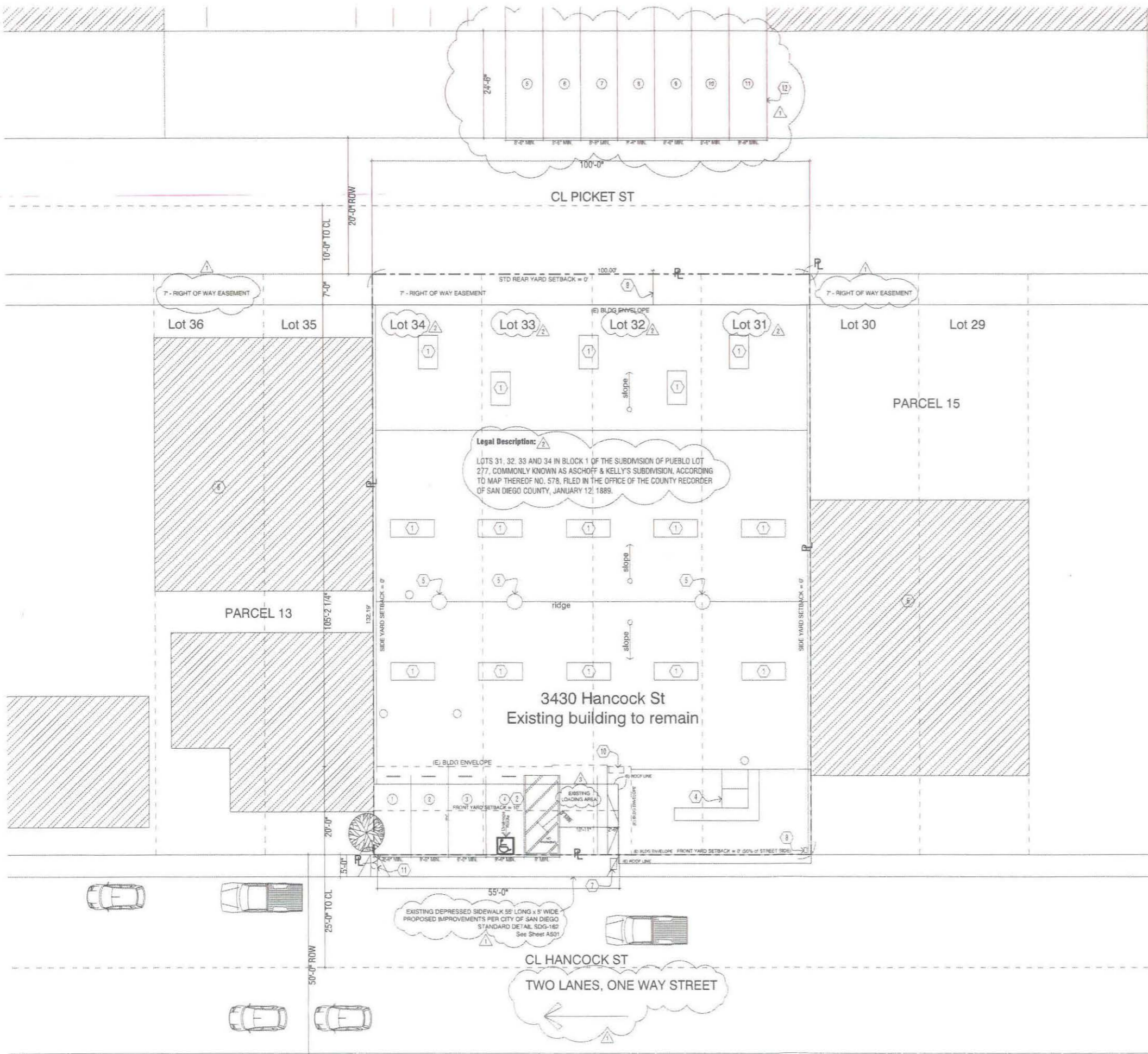
11 Total parking units. 1 unit = ADA with van accessibility.
As approved by the City of San Diego, Dec 28, 1983. See exhibit A.

11,262 SF building = 11 parking spots. 1/1,000 SF per SDMC section 142.0530 for the proposed use in IS-1-1 zone.

Minimum Parking and Aisle Dimensions for Pre-existing Parking Facilities. Required off-street parking spaces approved before January 1, 2000 need not be restriped to comply with this section when enlargement or a change in use is undertaken if the spaces required for both the existing use and enlargement comply with the following standards:

- (1) The parking stall dimensions for 90-degree parking are 8 feet, 6 inches wide by 20 feet long with 21-foot aisles; or
- (2) A maximum of 60 percent of the total number of spaces may be 7 feet, 6 inches wide by 15 feet long with 18-foot aisles..

Proximity map/bus stops/fire hydrants - NTS



Site/roof Plan

Scale: 3/8" = 1'-0"



Midway Community Planning Group action on 3430 Hancock

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 facility will not exceed 2,400 square feet and will not be able to expand into the balance of the existing building.
2. There will be a minimum of 11 Parking spaces designated to the facility.
3. The city should evaluate Valley View Casino Center (Sports Arena) to see if it qualifies as a "Minor Oriented Facility"
4. 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.
5. 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

Community Planning Committee Distribution Form Part 2

Project Name: 3430 Hancock MMCO	Project Number: 368291	Distribution Date: 5-13-2014
------------------------------------	---------------------------	---------------------------------

Project Scope/Location:
MIDWAY - PACIFIC HARBOR Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCO) to operate within an existing 11,264 square foot building located at 3430 Hancock Street. The 0.30-acre site is located in the IS-1-I zone within the Midway/Kosh Bay Community Plan Area, Council District 2. Notice Card=1.

Applicant Name: Donna Jones	Applicant Phone Number: (619) 238-3008
--------------------------------	---

Project Manager: Guillermo Edith	Phone Number: (619) 446-5147	Fax Number: (619) 446-5245	E-mail Address: EGutierrez@sandiego.gov
-------------------------------------	---------------------------------	-------------------------------	--

Committee Recommendations (To be completed for Initial Review):

<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	8	2	1
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)	<input type="checkbox"/> Continued		

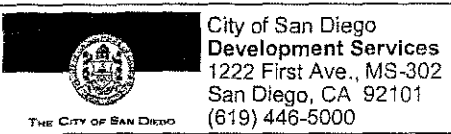
CONDITIONS: *Conditional approval; see attached sheet for conditions*

NAME: <i>Melanie Nickel</i>	TITLE: <i>Chair</i>
-----------------------------	---------------------

SIGNATURE: <i>Melanie Nickel</i>	DATE: <i>6-18-14</i>
----------------------------------	----------------------

Attach Additional Pages If Necessary.

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



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 **Project No. For City Use Only**
 3430 Hancock Street MMCC-CUP 308291
Project Address:
 3430 Hancock Street, 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): _____
 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: _____

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

Project Title: 3430 HANCOCK ST MMCC-CUP Project No. (For City Use Only)

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

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. 33-0763775
 Partnership

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

Corporate/Partnership Name (type or print):
D & D COOPERATIVE, INC.
 Owner Tenant/Lessee
 Street Address: 2272 Peach Tree Lane
 City/State/Zip: Spring Valley, CA 91977
 Phone No: 619-825-8526 Fax No:
 Name of Corporate Officer/Partner (type or print):
Linda C. Nunes
 Title (type or print): Secretary
 Signature: Linda C. Nunes Date: 4/17/14

Corporate/Partnership Name (type or print):
WELLS-SAN MARCOS, LLC
 Owner Tenant/Lessee
 Street Address: 656 Santa Rosa Street, Suite 3A
 City/State/Zip: San Luis Obispo, CA 93401
 Phone No: 619-725-3635 Fax No: 619-299-8536
 Name of Corporate Officer/Partner (type or print):
Keith Courtney
 Title (type or print): Manager
 Signature: Keith Courtney Date: 4-17-14

Corporate/Partnership Name (type or print):
CAROLYN COURTNEY GIFT TRUST
 Owner Tenant/Lessee
 Street Address: 656 Santa Rosa Street, Suite 3A
 City/State/Zip: San Luis Obispo, CA 93401
 Phone No: 805-541-3150 Fax No: 805-541-3173
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
THOMAS COURTNEY, Trustee
 Signature: Thomas Courtney Date: 4-17-14

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: Date:

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: Date:

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: Date:



SDPD CPTED REVIEW OF 3430 HANCOCK MMCC

Date: March 12, 2015
To: Jessica McElfresh, Attorney at Law
From: Ted Parker, SDPD Crime Prevention
Copies to: Edith Gutierrez, Development Services Department
 Linda Griffin, A/Lieutenant, 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.

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 the entry door, front windows, exterior walls, common interior walls with existing and adjacent buildings, and the ceiling. The sensors on the walls and ceiling would detect any attempts to drill or otherwise break through them. These alarm systems should have batteries for backup power.

Figure 1 shows telephone wires to the building. If these wires are cut the alarm signals would not reach the alarm company. Consider installing a wireless backup system that would send the alarm signals if this happens.

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. The red circle with an "A" in Fig. 2 shows the building's electrical cabinet. If it can be easily broken into and the circuit breakers and fuses are in it, the cabinet should be replaced with a sturdy metal one that is locked with a hidden- or shielded-shackle padlock.

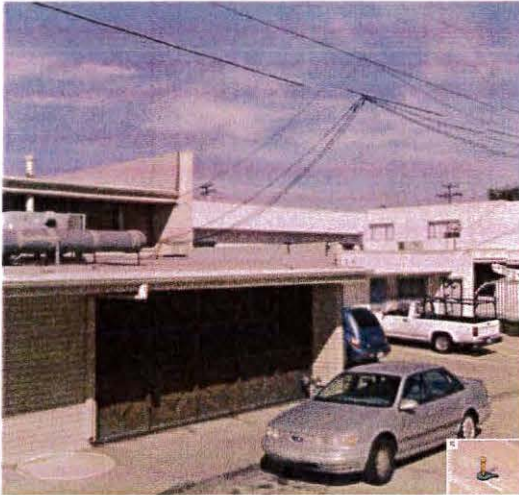


Fig. 1 -- Telephone lines to building

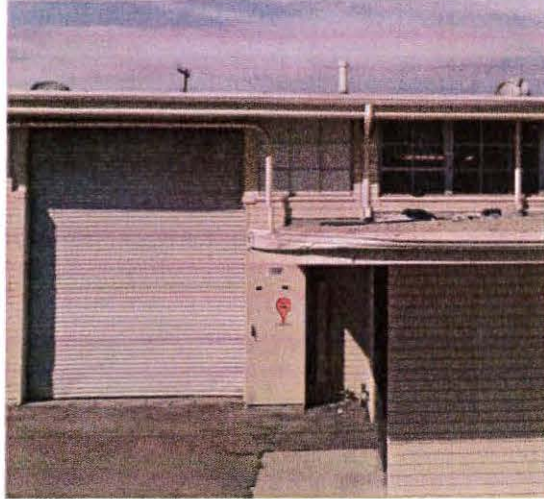


Fig. 2 – Electrical cabinet

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. Its 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 places 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) 692-4800 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. 141.0614(c). The area outside the MMCC should be well-lighted from sunset to sunrise. Like cameras, light fixtures should also be damage-resistant.

Front Windows

These should be made of a burglar-resistant material that meets Underwriters Laboratories (UL) 972 standards. These materials look like safety glass but will not shatter easily, even after repeated blows. The following materials can be used:

- **Laminated glass** is made with a vinyl or plastic inter-layer sandwiched between two layers of glass. This type of glass adds additional strength to your windows. To gain entry a burglar would have to strike the glass repeatedly in the same spot in order to make a small opening. Most burglars are reluctant to create this type of noise for fear of being detected.
- **Tempered glass** is made by placing a piece of regular glass in an oven, bringing it almost to the melting point, and then chilling it rapidly. This causes a skin to form around the glass. Fully tempered glass is four to five times stronger than regular glass.
- **Wired glass** adds the benefit of a visible deterrent. Extra effort will be needed to break the glass and then cut through the wire located within the glass in order to gain entry.
- **Plastic acrylics** are more than ten times stronger than glass of the same thickness and are commonly called Plexiglas.
- **Polycarbonate** sheets are superior to acrylics and are advertised as 250 times more impact resistant than safety glass, and 20 more times than other transparent plastic.

Glass with a security film attached to the inside can also be burglar-resistant. It requires repeated blows to break through, which take time and make noise.

Another way to make windows burglar-resistant is to install security screens. They should have the following features so they cannot be broken through or pried open:

- Four-sided, stainless-steel frame
- Frame secured to the building
- Steel mesh that cannot be cut with a knife
- Mesh secured to frame to resist dynamic impacts
- Rust and corrosion resistant
- Passed Australian Standards (AS) knife shear, dynamic impact, jimmy, and salt spray tests

The front windows should also be tinted or have a reflective film on them to prevent a person from seeing in during the day. And if the waiting room is lighted after dark, shutters or blinds will need to be used inside the windows because reflective materials are not effective then.

Other ways to secure the waiting room are with a folding security gate or a roll-down security shutter, and bollards that prevent a vehicle from driving in.

Entry Door Deadbolt

When the MMCC is unoccupied, the entry door can be locked with a single-cylinder deadbolt that is separate from other locking mechanisms. This lock should have a throw of at least one inch, be key-operated on the outside, and have a thumb turn on the inside. It cannot be used when the MMCC 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.

Safety of Employees Leaving the MMCC

Employees who leave the building after operating hours need to be sure that no one is loitering outside when they open the door. If cameras cover the area in front of the entry door and around the corner of the building along the sidewalk, they could look at the monitor to see if it is safe to open the door.

Bullet-Resistant Doors

To be bullet-resistant the door should be made of steel or reinforced with steel, and be tested in accordance with 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 single doors that are opened 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.

Consumer Movement in the MMCC

Ideally, consumers should enter the MMCC through an entry door, be checked in and have their carry-in items searched, go to the showroom or dispensary and select their cannabis, pay the cashier, receive their cannabis, and leave the building through an exit door. Consumers should not have any access to offices and rooms for safes, camera recordings, and marijuana storage, processing, and packaging. Doors to these rooms should be kept locked at all times. Break rooms should also be locked. Employees would have keys, keypad codes, fobs, or access cards to open them. An advantage of the latter is that a record of employee access can be kept.

In addition to the security measures suggested above, a MMCC could have a video intercom, mantrap, metal detector, armed security guard at the entry door, bullet-resistant protection for the receptionist and cashier, and remotely controlled locks on interior doors, as suggested below.

Video Intercom

With a video intercom, the entry door would be locked and a person wanting to enter would push a button to talk to a receptionist who would be able to see the person on a camera monitor and ask to see the person's identification and membership card. The person would be buzzed in if his or her identity and membership are verified.

The floor plan does not show reception desk. If one of the guards is stationed in the waiting room, he or she could have a desk with a camera monitor and operate the video intercom. Alternatively, the outside guard could verify the identities and memberships and open the door to let consumers enter.

One of the Land Use and Health and Safety Conditions in the Suggested CUP dated July 28, 2014 is that "Members will not be allowed to wait or line up outside the entry door." With a video intercom, mantrap, or metal detector at the entry door, it may take a minute or so for a consumer to clear the entry door. Where are others who arrive during this time supposed to wait? On the sidewalk?

Mantrap

To prevent a person from following another into the MMCC, 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 lobby. 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 or a guard in the waiting room. To prevent someone who has stolen an employee's access means from entering the MMCC, 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.

Consumers would leave through the mantrap to prevent someone from entering the MMCC when the entry door is open.

Carry-in Items

The MMCC should have a policy that defines the kinds of items can and cannot be brought inside. Items that might be prohibited include backpacks, brief cases, reusable grocery bags, laptops, etc.

Metal Detector

With a metal detector installed at the entry door, a security guard will be needed to check all allowed carry-in items and any metal items detected on people entering the building. 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.

An alternative to a metal detector is a wand used by a security guard to search a person for metal objects. The guard would request the person to remove for inspection any objects detected.

Consumer Entry to the Main Space

If there is a receptionist in the waiting room, he or she should be able to observe the metal-detection process directly. Then if the person's identity and membership is verified with a video intercom or by the outside security guard, the receptionist could unlock the door to the main space when the guard indicates it is safe to do so. If there is no receptionist, the guard doing the metal-detection search would unlock the door. If there is a limit on the number of consumers in the main space, the receptionist or guard would ask other consumers to sit and wait until he or she can be admitted.

Employee Protection

Consider protecting the receptionist and cashier with a bullet-resistant glass, plastic, or laminate enclosure with a bullet-resistant door.

Common Interior Walls with Adjacent Buildings

These could be strengthened to prevent break-throughs.

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.

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101</p> <p>THE CITY OF SAN DIEGO</p>	<h1>Development Permit/ Environmental Determination Appeal Application</h1>	FORM
		<h2>DS-3031</h2> <p>OCTOBER 2012</p>

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

1. Type of Appeal:

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

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (See M.C.C. 171.02)

Name: Donna D. Jones on behalf of D&D Cooperative E-mail Address: djones@sheppardmullin.com
 Address: 501 W. Broadway, 19th Floor City: San Diego State: CA Zip Code: 92101 Telephone: (619) 338-6500

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

D & D Cooperative for 3430 Hancock Street MMCC - Project No. 368291.

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Conditional Use Permit 1291991.	March 25, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):

Hearing Officer denial of conditional use permit.

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

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

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in *Public 11, Article 2, Division 3 of the San Diego Municipal Code*. Attach additional sheets if necessary.)

1. Factual Error. There is no Medical Marijuana Consumer Cooperative within 1,000 feet of this location.

2. Conflict with Other Matters. The Hearing Officer's decision to deny the CUP is in conflict with the Municipal Code and/or a City Council policy.

3. Finding Not Supported. The finding that this Applicant's proposed project location is within 1,000 feet of another Medical Marijuana Consumer Cooperative is not supported.

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

Signature:  Date: March 25, 2015

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

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1291991
3430 HANCOCK STREET MMCC- PROJECT NO. 368291

WHEREAS, WELLS-SAN MARCOS, LP, AND CAROLYN COURTNEY GIFT TRUST, Owners and D&D COOPERATIVE, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 2,392 square foot tenant space within an existing 11,262 square foot building (as described in and by reference to the denied Exhibits "A" and corresponding conditions of denial for the associated Permit No. 1291991), on portions of a 0.30-acre site;

WHEREAS, the project site is located at 3430 Hancock Street in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area;

WHEREAS, the project site is legally described as Lots 31 thru 42, Block 1, Pueblo Lot 277, Ascoff & Kelly's Subdivision, Map 578, January 12, 1889;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 1291991 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 25, 2015, Donna Jones filed an appeal of the Hearing Officer's decision;

WHEREAS, on May 28, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1291991 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 17, 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. 309472;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 28, 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 2,392 square foot tenant space within an existing 11,262 square foot building. The 0.30-acre site is located at 3430 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 project is a request for a Conditional Use Permit to operate in a 2,392 square foot tenant space within an existing 11,262 square foot building located at 3430 Hancock Street.

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

The proposed MMCC located at 3430 Hancock Street is within 1,000 feet of an approved MMCC located at 3452 Hancock Street and therefore would be detrimental to the public health, safety and welfare of the community.

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

The proposed project is a request for a Conditional Use Permit to operate in a 2,392 square foot tenant space within an existing 11,262 square foot building located at 3430 Hancock Street.

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

The proposed MMCC located at 3430 Hancock Street is within 1,000 feet of an approved MMCC located at 3452 Hancock Street and therefore does not comply with the regulations of the Land Development Code.

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

The proposed project is a request for a Conditional Use Permit to operate in a 2,392 square foot tenant space within an existing 11,262 square foot building located at 3430 Hancock Street.

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

The proposed MMCC located at 3430 Hancock Street is within 1,000 feet of an approved MMCC located at 3452 Hancock Street and therefore is not at an appropriate location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1291991 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1291991, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: May 28, 2015

Job Order No. 24004628