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OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$72.00

PAGES: 20

209
RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24004871

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1330834 AND
SITE DEVELOPMENT PERMIT NO. 1420871
THE HEALING CENTER MMCC - PROJECT NO. 378883
PLANNING COMMISSION

This Conditional Use Permit No. 1330834 and Site Development Permit No. 1420871 are granted by the Planning Commission of the City of San Diego to PACIFIC SURGICAL INSTITUTE OF PAIN MANAGEMENT, Owner and THE HEALING CENTER COOPERATIVE, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 & 126.0504. The 0.93-acre site located at 3703 Camino Del Rio South is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area. The project site is legally described as: Lot 1, Mission Valley Gardens, Map No. 5231, August 8, 1963.

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 August 13, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 400 square-foot tenant space within an existing 19,700 square-foot, two-story over basement, building;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by August 13, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on August 13, 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 400 square-foot tenant space shall be limited to the MMCC and any use permitted in the MVPD-MV-CO Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of Development Services Department. This facility shall also include alarms and two armed security guards to the extent the possession of a firearm is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guards shall be licensed by the State of California. One security guard must be on the premises 24 hours a day, seven days a week, the other must be present during business hours. The security guards should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.
17. The Owner/Permittee shall install bullet resistant glass, plastic, or laminate shield at the reception area to protect employees.
18. The Owner/Permittee shall install bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, in adjoining walls with other tenants, reception area, and vault room.
19. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
20. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
21. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
22. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.
23. Medical marijuana shall not be consumed anywhere within the 0.93-acre site.

24. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.

25. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with City standard driveway, on Camino Del Rio South, per Standard Drawing SDG-159, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

27. No fewer than 81 parking spaces including 4 accessible spaces (81 parking spaces provided including 4 accessible spaces) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

POLICE DEPARTMENT RECOMMENDATION:

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

INFORMATION ONLY:

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

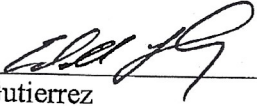
APPROVED by the Planning Commission of the City of San Diego on August 13, 2015 and Resolution No. PC-4725.

Conditional Use Permit No.1330834 and Site Development Permit No. 1420871

PTS No. 381308

Date of Approval: August 13, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT



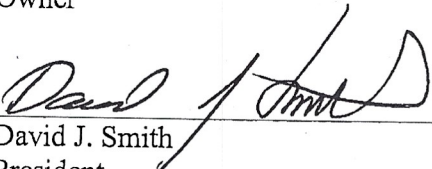
Edith Gutierrez
Development Project Manager

**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:


SURGICAL INSTITUTE OF PAIN
MANAGEMENT

Owner

By 

David J. Smith
President
See attached CA Acknowledgment
8/25/15 RM

THE HEALING CENTER COOPERATIVE
Permittee

By 

Raymond J. Taylor
President

SEE ATT. CA ACK 8/21/15
KTS

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)

County of San Diego)On September 3, 2015before me, Vivian M. Gies, Notary Public

Date

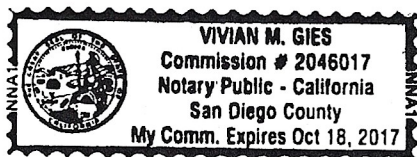
Here Insert Name and Title of the Officer

personally appeared

~~~~~Edith Gutierrez~~~~~

Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature

Vivian M. Gies

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

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

Description of Attached Document PTS 378883/The Healing Center MMCC/CUP #1330834Title or Type of Document: SDP #1420871

Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**ORIGINAL**



# Certificate of Acknowledgment

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

State of California

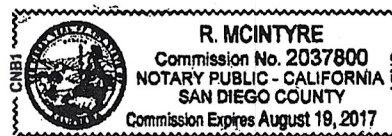
County of San Diego }

On August 25, 2015 before me, R. McIntyre, Notary Public, personally appeared David J. Smith

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

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

WITNESS my hand and official seal



Signature R. McIntyre (Seal)

Title of Document Attached to: Conditional Use permit 1330834

**ORIGINAL**

# CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

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

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On AUG 21, 2015 before me, KIRSTI JO DONALDSON Notary  
Date Insert Name and Title of the officer

Public, personally appeared RAYMOND J. TAYLOR

Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature: Kirsti Jo Donaldson



## OPTIONAL

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

### Description of Attached Document

Title or Type of Document: COND. USE PERMIT Document Date:

Number of Pages: 8 Signer(s) Other Than Named Above: DAVID SMITH, JAMES V. DICKINSON

### Capacity(ies) Claimed by Signer(s)

Signers Name: RAYMOND J. TAYLOR

☒ Corporate Officer - Title(s) PRES.

☐ Partner - ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other:

Signer is Representing:

Signers Name:

☐ Corporate Officer - Title(s)

☐ Partner - ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

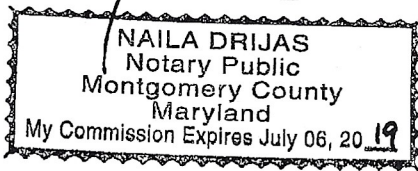
☐ Other:

Signer is Representing:

**ORIGINAL**



*Naila Drijas*



THE HEALING CENTER COOPERATIVE  
Permittee

By *James V. Dickinson*  
James V. Dickinson  
Permittee

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

PLANNING COMMISSION  
RESOLUTION NO. PC-4725  
CONDITIONAL USE PERMIT NO. 1330834 AND  
SITE DEVELOPMENT PERMIT NO. 1420871  
THE HEALING CENTER MMCC - PROJECT NO. 378883

WHEREAS, PACIFIC SURGICAL INSTITUTE OF PAIN MANAGEMENT, Owners and THE HEALING CENTER COOPERATIVE, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 400 square-foot tenant space within an existing 19,700 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1330834 and 1420871), on portions of a 0.93-acre site;

WHEREAS, the project site located at 3703 Camino Del Rio South is in the MVPD-MV-CO Zone, the Airport Influence Area (Montgomery Field) and the Airport Land Use Compatibility Overlay Zone within the Mission Valley Community Plan area;

WHEREAS, the project site is legally described as Lot 1, Mission Valley Gardens, Map No. 5231, August 8, 1963;

WHEREAS, on March 17, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on June 24, 2015, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1330834 and Site Development Permit No. 1420871 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 9, 2015, Scott Chipman filed an appeal of the Hearing Officer's decision;

WHEREAS, on August 13, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1330834 and Site Development Permit No. 1420871 pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings, dated August 13, 2015.

FINDINGS:

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



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

The 0.93-acre site located at 3703 Camino Del Rio South is developed with a two-story, over garage, 19,700 square foot building. The site is designated Commercial Office by the Mission Valley Community Plan. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses. The proposed MMCC will provide the local residents with "neighborhood" facilities as encouraged by the community plan.

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

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

The two-story, over garage, 19,700 square-foot building was developed per Planned Commercial Development Permit No. 87-0057. The proposed MMCC would be located in a tenant space within the existing building. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1330834 and Site Development Permit No. 1420871.

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

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

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

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and the Development Intensity Overlay District (DID). The site was developed per Planned Commercial Development Permit No. 87-0057. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to estimated traffic resulting in a value in excess of the allowed Threshold 2 for the designated DID, however a Traffic Analysis prepared by Urban System Associates and reviewed by staff determined that the proposed increase in traffic by the MMCC is not expected to adversely impact the surrounding roadway system.

The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. 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 Commercial Office. 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 0.93-acre site located at 3703 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan. The proposed MMCC is consistent with the Commercial Office designation of the MVPDO.

MMCCs are allowed in the MVPD-MV-CO zone with a Conditional Use Permit and Site Development Permit. The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers,



playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. 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 MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit. A Traffic Analysis prepared by Urban System Associates and reviewed by staff determined that the proposed increase in traffic by the MMCC is not expected to adversely impact the surrounding roadway system. Therefore, the proposed MMCC is an appropriate use at the proposed location.

#### **Site Development Permit I. - Section §126.0504**

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

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and the Development Intensity Overlay District (DID). The 0.93-acre site located at 3703 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses.

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

The MVPDO area is composed of three traffic areas (Areas 1-3) and thirteen Development Intensity Overlay District (DID) each with two thresholds (1 & 2). This project site is located in Traffic Area 3, within Threshold 2. The conversion of 400 square feet of commercial office to commercial services would generate an additional 16 ADT and place the entire site in excess of Threshold 2. A Traffic Analysis prepared by Urban System Associates and reviewed by staff determined that the increase in traffic generated by the proposed MMCC is minimal and not expected to adversely impact the surrounding roadway system. Therefore, the proposed project will not adversely affect the applicable land use plan.

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

The proposed MMCC tenant space is currently vacant. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building



permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

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

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

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1330834 and Site Development Permit No. 1420871. The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

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

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

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and the Development Intensity Overlay District (DID). The site was developed per Planned Commercial Development Permit No. 87-0057. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to estimated traffic resulting in a value in excess of the allowed Threshold 2 for the designated DID of the MVPDO. The proposed 16 ADT increase is well within the allowable increase established by the City of San Diego for use in determining

traffic impacts. A Traffic Analysis prepared by Urban System Associates and reviewed by staff determined that the proposed MMCC is not expected to adversely impact the surrounding roadway system.

The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. 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 Commercial Office. 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.

#### **Site Development Permit II. – Section §1514.0201**

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

The 0.93-acre site located at 3703 Camino Del Rio South is designated Commercial Office by the Mission Valley Community Plan. The Commercial Office designation encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses.

All of the surrounding parcels adjacent to this site are in the MVPD-MV-CO zone and the existing uses are consistent with the Commercial Office designation of the community plan. A SDP is required due to estimated traffic resulting in a value in excess of the allowed Threshold 2 for the designated DID. Threshold 2 allows up to 424 Average Daily Trips (ADT) per acre for the site. The existing 19,700 square-foot commercial office building has a calculated ADT/acre Threshold value of 424 ADT/acre. The conversion of 400 square feet of commercial office to commercial services would generate an additional 16 ADT and place the entire site in excess of Threshold 2. In order to determine if the increased ADT would adversely affect the community plan, a traffic analysis was required. The Traffic Analysis prepared by Urban System Associates, Inc., dated June 19, 2015, determined that the increase in traffic generated by the proposed MMCC is minimal and not expected to adversely impact the surrounding roadway system. Staff has reviewed the traffic analysis and agrees with the traffic analysis conclusion.

The proposed MMCC, classified as commercial services, and with a 16 ADT increase is a compatible use for this location, is consistent with the community plan and the Progress Guide and General Plan.

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



The two-story, over garage, 19,700 square-foot building was developed per Planned Commercial Development Permit No. 87-0057 and is located less than 500 feet from the nearest Open Space Designation. The proposed 400 square-foot MMCC is located within the existing building and no exterior improvements are proposed. Interior improvements include a reception area, dispensary and office. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway. The existing building was constructed in compliance with all development regulations at the time including the required public facilities and adjacent open space areas.

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

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP), Process 3 decision. A SDP is required due to estimated traffic resulting in a value in excess of the allowed Threshold 2 for the designated DID. The conversion of 400 square feet of commercial office to commercial services would generate an additional 16 ADT and place the entire site in excess of Threshold 2. A Traffic Analysis prepared by Urban System Associates and reviewed by staff determined that the proposed increase in traffic by the MMCC is not expected to adversely impact the surrounding roadway system.

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

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

The site is in the MVPD-MV-CO zone in the Mission Valley Planned District Ordinance (MVPDO) and the Development Intensity Overlay District (DID). The site was developed per Planned Commercial Development Permit No. 87-0057. There are no proposed exterior improvements. Interior improvements include a reception area, dispensary and office. Public improvements include the replacement of the existing driveway on Camino Del Rio South with a City standard driveway.

MMCCs are allowed in the MVPD-MV-CO zone of the MVPDO with a Conditional Use Permit (CUP) and Site Development Permit (SDP). A SDP is required due to estimated traffic resulting in a value in excess of the allowed Threshold 2 for the designated DID, however a Traffic Analysis prepared by Urban System Associates and reviewed by staff determined that the proposed increase in traffic by the MMCC is not expected to adversely impact the surrounding roadway system.

The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. 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.

**Site Development Permit II. – Section §1514.0301**

**1. The increase in traffic generated by the proposed development will not lower, by any increment, the level of service of affected streets and freeways from what was anticipated in the community plan.**

The proposed 400 square-foot MMCC is located within an existing 19,700 square-foot building on a 0.93-acre site. The site is within the DID of the MVPDO, Threshold 2. Threshold 2 allows up to 424 Average Daily Trips (ADT) per acre. The existing 19,700 square-foot commercial office building has a calculated ADT/acre Threshold value of 424 ADT/acre. The conversion of 400 square feet of commercial office to commercial services would generate an additional 16 ADT and place the entire site in excess of Threshold 2. A Traffic Analysis prepared by Urban System Associates, Inc. determined that the increase in traffic generated by the proposed MMCC is minimal and not expected to adversely impact the surrounding roadway system. Staff has reviewed the traffic analysis and agrees with the assessment.

The proposed MMCC will therefore not lower, by any increment, the level of service of the affected streets and freeways from what was anticipated in the community plan.

**2. Accommodation of the traffic generated by the proposed development will not alter the circulation network identified in the adopted Mission Valley Community Plan.**

The two-story, over garage, 19,700 square-foot building was developed per Planned Commercial Development Permit No. 87-0057. The proposed MMCC would be located in a tenant space within the existing building. There are no proposed exterior improvements. The conversion of 400 square feet of commercial office to commercial services would generate an additional 16 ADT and place the entire site in excess of Threshold 2. A Traffic Analysis prepared by Urban System Associates, Inc. determined that the increase in traffic generated by the proposed MMCC is minimal and not expected to adversely impact the surrounding roadway system. The proposed MMCC will therefore not alter the circulations network identified in the adopted Mission Valley Community Plan.

**3. An approved light rail transit or other regional or intra-valley public transit system station is identified within 1500 feet of any portion of the proposed structure that would receive the density bonus.**

The proposed 400 square-foot MMCC is located within an existing 19,700 square-foot building developed per Planned Commercial Development Permit No. 87-0057. There are no proposed exterior modifications to the existing building, therefore no new street connections or road widening are proposed. However, the project site is located within 1,500 feet of the Mission San Diego station of the San Diego Trolley and is adjacent to Bus Route 18 with a stop on the edge of the project site. Bus Route 18 connects the site to the Grantville Trolley station and is in close proximity to the Mission Valley trolley station.

**4. All other public facilities can accommodate the increased intensity in land use.**

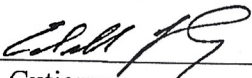
The proposed 400 square-foot MMCC is located within an existing 19,700 square-foot building developed per Planned Commercial Development Permit No. 87-0057. There are no proposed exterior modifications to the existing building. There are no nearby residential uses, and therefore public facilities such as schools, libraries and parks are not required or developed within the immediate vicinity of the property. The Grantville Transit Station is located near the proposed MMCC, however the 16 ADT increase in traffic generated by the proposed MMCC is minimal and not expected to adversely impact the surrounding roadway system.

**5. The increased intensity in land use does not adversely affect access to, views of, or preservation of community plan identified open space areas.**

The two-story, over garage, 19,700 square-foot building was developed per Planned Commercial Development Permit No. 87-0057. The proposed 400 square-foot MMCC would be located within an existing tenant space. The existing building was constructed to meet all the development regulations at the time, including the access, views and preservation of open space areas.

The proposed MMCC is consistent with the land use designation of Commercial Office. 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.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1330834 and Site Development Permit No. 1420871 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1330834 & 1420871, a copy of which is attached hereto and made a part hereof.

  
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Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: August 13, 2015

Job Order No. : 24004871