

DOC# 2019-0070069



Feb 27, 2019 11:07 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER  
FEES: \$56.00 (SB2 Atkins: \$0.00)

PAGES: 15

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

WHEN RECORDED MAIL TO  
PROJECT MANAGEMENT  
PERMIT CLERK  
MAIL STATION 501

INTERNAL ORDER NUMBER: 24004715

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1338819  
**7625 CARROLL ROAD MMCC - PROJECT NO. 370687**  
PLANNING COMMISSION

This Conditional Use Permit No. 1338819 [Permit] is granted by the Planning Commission of the City of San Diego to Green Road LLC, a California limited liability company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126 0305 The 1.29-acre site is located at 7625 Carroll Road in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 70-75 dB CNEL for Miramar within the Mira Mesa Community Plan Area. The project site is legally described as. Parcel D of Parcel Map No. 904, July 18, 1972, File No 185254, a portion of Lot 1 of G-W Industrial Park Unit No. 1, Map No 7120, November 18, 1971

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 February 14, 2019, on file in the Development Services Department.

The project shall include:

- a Operation of a Medical Marijuana Consumer Cooperative (MMCC) in an existing 4,581 square-foot building on a 1.29-acre site;
- b Existing landscaping (planting, irrigation and landscape related improvements);
- c Existing off-street parking; and
- 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

**ORIGINAL**

[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 February 14, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on February 14, 2024. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
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
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.



**BUILDING OFFICIAL REQUIREMENTS:**

13. Prior to the commencement of operations granted by this Permit, the Owner/Permittee shall obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official.

**PLANNING/DESIGN REQUIREMENTS:**

14. No fewer than 23 parking spaces (including 1 van accessible space) 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 Director.

15. The use within the 4,581 square-foot building shall be limited to the MMCC and any use permitted in the IL-3-1 Zone

16. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.

17. The MMCC shall be maintained as an MMCC throughout the life of the CUP and shall not be converted to a Marijuana Outlet. Sale of recreational marijuana/marijuana products is prohibited.

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

19. 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.

20. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.

21. 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.

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

23. The utilization of this Permit is contingent upon the approval of a permit obtained as required and pursuant to Chapter 4, Article 2, Division 15. The issuance of this Permit does not guarantee that a permit will be granted in accordance with Chapter 4, Article 2, Division 15.

24. 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.



25. 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
26. The Owner or operator shall provide for daily removal of trash, litter, and debris. Any graffiti shall be removed within 48 hours.
27. Medical marijuana shall not be consumed anywhere within the 1.29-acre site.
28. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
29. 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 are limited to two. A sign is required to be posted on the outside of the medical marijuana consumer cooperative and shall only contain the name of the business
30. Interior spaces exposed to exterior aircraft noise sources shall be attenuated to achieve an indoor noise level of 50 dB CNEL
31. The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted MMCC to the satisfaction of the Development Services Department.

**PLANNING COMMISSION CONDITIONS:**

32. The Owner/Permittee shall install a combination of full-height bullet resistant glass, plastic or laminate shield and bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at the reception area
33. The Owner/Permittee shall install full-height bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at all walls adjoining common areas and other tenants, and vault room.

**LANDSCAPE REQUIREMENTS**

34. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
35. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial

conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC sec. 142.0403(b)(5).

36. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC sec. 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

37. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

38. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

#### **ENGINEERING REQUIREMENTS:**

39. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the closure of the northerly driveway on Carroll Road with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

40. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing curb ramp per current city standards, adjacent to the site on Carroll Road, satisfactory to the City Engineer.

41. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the relocation of the existing retaining wall outside of the public right of way and reconstruction of sidewalk transition to accommodate a minimum 5 feet width path of travel behind curb ramp and traffic signal, adjacent to the site on Carroll Road, satisfactory to the City Engineer.

42. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, to remove the existing stairs and walkway/landing and restore parkway to original condition, adjacent to the site on Carroll Road.

43. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private walkway, landscape, irrigation and backflow preventer in the Carroll Road public right of way.

44. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

45. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

**TRANSPORTATION REQUIREMENTS:**

46. The Owner/Permittee shall provide and maintain 10 feet by 10 feet visibility triangle areas along the property line on both sides of the driveway on Carroll Road. No obstacles higher than 36 inches shall be located within these areas e.g. landscape, walls, columns, signs, shrubs etc.

47. The Owner/Permittee shall provide and maintain a major road site triangular area of 2,190 square feet on the property along the projects' frontage on Carroll Road, as shown on Exhibit "A." No new obstacles higher than 36 inches shall be located within this area e.g. landscape, walls, columns, signs, shrubs etc.

**POLICE DEPARTMENT RECOMMENDATIONS:**

- 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:**

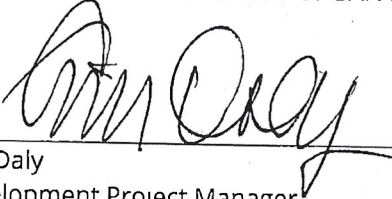
- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all 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 February 14, 2019 and Resolution No. 4986-PC.



Permit Type/PTS Approval No.: Conditional Use Permit No.1338819  
Date of Approval: February 14, 2019


AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

  
\_\_\_\_\_  
Tim Daly  
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.

**Green Road LLC,  
a California limited liability company  
Owner/Permittee**

By  *manager*  
Name: *Rick Engbrechtsen*  
Title: *manager*

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

**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 February 25, 2019 before me, Stacie L. Maxwell, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared --- Tim Daly ---, 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 [Signature]  
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**

Title or Type of Document: 7625 Carroll Road MMCC - Project No. 370687  
Document Date: February 14, 2019 Number of Pages: 8  
Signer(s) Other Than Named Above: Rick Engebretsen

**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**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

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State of California )

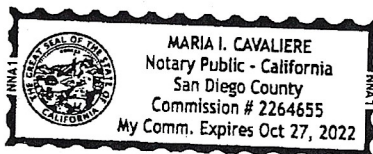
County of San Diego )On February 20, 2019 before me, Maria I. Cavaliere, Notary Public  
Date Here Insert Name and Title of the Officerpersonally appeared Rick Engedretsen

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 Maria I. Cavaliere  
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**

Title or Type of Document: \_\_\_\_\_ 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**



PLANNING COMMISSION RESOLUTION NO. 4986-PC  
CONDITIONAL USE PERMIT NO. 1338819  
**7625 CARROLL ROAD MMCC - PROJECT NO. 370687**

WHEREAS, GREEN ROAD LLC, a California limited liability company, Owner and Permittee, filed an application with the City of San Diego for a permit to operate Medical Marijuana Consumer Cooperative (MMCC) in a 4,581 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1338819), on portions of a 1.29-acre site;

WHEREAS, the application was deemed complete on May 21, 2014, prior to the adoption of Marijuana regulations Ordinance No. O-20793 N.S. on February 22, 2017, and is subject to MMCC regulations Ordinance No. O-20356 N.S. adopted on March 25, 2014 in effect at the time when the application was deemed complete;

WHEREAS, the project site is located at 7625 Carroll Road in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, and the 70-75 dB CNEL for Miramar within the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel D of Parcel Map No. 904, July 18, 1972, File No. 185254, a portion of Lot 1 of G-W Industrial Park Unit No. 1, Map No. 7120, November 18, 1971;

WHEREAS, on November 26, 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 March 3, 2015 pursuant to Resolution No. 309533;

**ORIGINAL**

WHEREAS, on February 14, 2019, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1338819 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 February 14, 2019.

**A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]**

**1. Findings for all Conditional Use Permits:**

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

The proposed project is a request for a Conditional Use Permit to operate a MMCC in an existing 4,581 square-foot building. The 1.29-acre site is located at 7625 Carroll Road in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone and the 70-75 dB CNEL for Miramar within the Mira Mesa Community Plan area.

The site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea encourages a mix of light industrial and specialized commercial uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines.

The parcels to the north, east and west are within the IL-3-1 Zone and the parcel to the southeast is within the CC-3-5 Zone. The existing surrounding uses within the IL-3-1 Zone 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.

**b. 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 an MMCC within an existing 4,581 square-foot building located at 7625 Carroll Road. The building is currently being used by West-Tech Inc. for heavy equipment storage and maintenance yard. The project proposes interior improvements that include a reception area,

dispensary area, office, storage and employee lounge. 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 for this project include closure of the northerly driveway, on Carroll Road with City standard curb, gutter and sidewalk and the construction of a new curb ramp adjacent to the existing driveway located at the signalized entrance to the project.

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. 1338819. 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.

**c. 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 an MMCC in an existing 4,581 square-foot building located at 7625 Carroll Road on a 1.29-acre site. The project proposes interior improvements that include a reception area, dispensary area, office, storage and employee lounge. 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



for this project include closure of the northerly driveway, on Carroll Road with City standard curb, gutter and sidewalk and the construction of a new curb ramp adjacent to the existing driveway located at the signalized entrance to the project.

MMCCs are allowed in the IL-3-1 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.

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

The proposed project is a request for a Conditional Use Permit to operate an MMCC in an existing 4,581 square-foot building. The site is in the IL-3-1 Zone, Airport Land Use Compatibility Overlay Zone, the 70-75 dB CNEL for Miramar and within the Miramar Subarea which is designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea encourages a mix of light industrial and specialized commercial uses. The proposed MMCC was reviewed by MCAS Miramar and determined to be consistent with the Air Installation Compatible Use Zone (AICUZ) noise and safety compatibility guidelines. The proposed MMCC, classified as commercial services, is therefore consistent with the community plan.

MMCCs are allowed in the IL-3-1 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. The parcels to the north, east and west are within the IL-3-1 Zone and the parcel to the southeast is within the CC-3-5 Zone. The existing surrounding uses in the IL-3-1 Zone are consistent with the Light Industrial designation of the community plan and compatible uses with MMCCs. Therefore, the proposed MMCC is an appropriate use at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

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



Tim Daly  
Development Project Manager  
Development Services

Adopted on: February 14, 2019

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