

May 26, 2017

Via Email to mbanki@aol.com

Mehrdad Banki
2731 Shelter Island Drive
San Diego, CA 92106

Subject: Green Tree Holistic MMCC 3rd Assessment Letter; Project No. 368296; Internal Order No. 24004635; Navajo

Dear Mr. Banki:

The Development Services Department has completed the third review of the project referenced above, and described as:

- A Process Three Conditional Use Permit for a Medical Marijuana Consumer Cooperative (MMCC) to operate within an existing 14,950 square foot, two-story building located at 5959 Mission George Road within the Navajo Community Plan Area.

The subject application was deemed complete on May 15, 2014. The second project assessment letter was issued on September 9, 2014. The project remained inactive until its recent resubmittal on April 28, 2017. The project site has been rezoned from the IL-3-1 Zone to the CC-3-9 Zone. Please be advised that a MMCC is not permitted in the CC-3-9 Zone, and should you wish to process the subject application in accordance with current regulations, in lieu of the IL-3-1 Zone and the regulations in effect upon the project's deemed complete date, staff would recommend denial of your application. Furthermore, as notified via email on May 9, 2017, staff cannot evaluate the project until the following information is provided:

- 1) Current Affidavit for Medical Marijuana Consumer Cooperatives for Conditional Use Permit (DS-190);
- 2) 1,000-foot radius map and updated spreadsheet identifying use, address, assessor parcel number, and business names within the 1,000-foot radius. The map must also show residential zones within 100 feet of the property.

Additionally, prior to scheduling your project for a hearing, a current public notice package in accordance with the submittal requirements is required.

Enclosed is a Cycle Issues Report (Enclosure 1), which contains review comments from staff representing various disciplines based upon the information provided with your recent project submittal. The purpose of this assessment letter is to summarize the significant project issues and identify a course of action for the processing of your project.

If any additional requirements should arise during the subsequent review of your project, we will identify the issue and the reason for the additional requirement. To resolve any outstanding issues, please provide the information that is requested in the Cycle Issues Report. If you choose not to provide the requested additional information or make the requested revisions, processing may continue. However, the project may be recommended for denial if the remaining issues cannot be satisfactorily resolved and the appropriate findings for approval cannot be made.

The Development Services Department will generally formulate a formal recommendation for your project subsequent to completion of the following milestones: 1) After the City Council recognized Community Planning Group has provided a formal project recommendation; 2) After all City staff project-review comments have been adequately addressed; and 3) During the final stages of the environmental review process.

As your Development Project Manager, I will coordinate all correspondence, emails, phone calls, and meetings directly with the applicants assigned "Point of Contact." You have been designated as the Point of Contact for this project. Please notify me should the Point of Contact change while I am managing this project.

I. REQUIRED APPROVAL/FINDINGS:

Required Approval: Your project as currently proposed requires a Process Three, Conditional Use Permit (CUP) for the proposed Medical Marijuana Consumer Cooperative pursuant to San Diego Municipal Code Section 126.0303(a). The decision to approve, conditionally approve, or deny the project will be made by the Hearing Officer with appeal rights to the Planning Commission.

Required Findings: In order to recommend approval of your project, certain findings as outlined below must be substantiated in the record. Consider each finding as a question and provide the responses to each by answering each question specifically. Please provide your draft findings on a CD-ROM diskette in a word.docx format with your next submittal.

Conditional Use Permit – Section 126.0305

- (a) The proposed development will not adversely affect the applicable land use plan;
- (b) The proposed development 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; and

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

II. SIGNIFICANT PROJECT ISSUES: The significant project issues are summarized below. Resolution of these issues could affect your project. Additional explanation is provided in the Cycle Issues Report.

Separation Requirements: The project site is located within 1,000 feet of Teen Driving School (5945 Mission Gorge Rd), Academy of Arts & Science (4560 Alvarado Canyon Rd), The Grove (4562 Alvarado Canyon Rd), The Children's Film Academy, Church SD, and Rescue Church (4579 Mission Gorge Place), and Mission Center of Hope (6162 Mission Gorge Place). Staff must recommend denial of this application because it does not meet the minimum separation requirements pursuant to San Diego Municipal Code Section 141.0614(a).

OPTIONS:

1. If you disagree with the staff finding above that your project site is disqualified from consideration due to its location within 1,000 feet of the uses listed above and non-compliance with the separation requirements, you may submit evidence for staff reevaluation. Please note that all staff labor hours expended to reevaluate your project application will be charged against your project's deposit account;
2. You may withdraw your application. Please note that all funds remaining in your deposit account will be refunded; or
3. You may formally request that staff continue to process your project regardless of the fact that the San Diego Municipal Code prohibits this use at this site. Continuation of the processing of your application will require further staff review and ultimately a decision pursuant to a noticed public hearing with a staff recommendation of DENIAL. Please note that all staff labor hours expended to continue the processing of your project application will be charged against your project's deposit account, and that additional funds may be necessary to continue the processing effort.

III. STUDIES/REQUIRED REPORTS: A number of documents have been identified as necessary to the project's review. Reference the attached Submittal Requirements Report (Enclosure 2).

IV. PROJECT ACCOUNT STATUS: Our current accounting system does not provide for real-time information regarding account status and majority of the recent City staff charges have not been posted on the account; however, our latest data indicates you have approximately \$1,248.00 remaining in your deposit account.

During the processing of your project, your application's Financially Responsible Party will continue to receive monthly statements with the break-down of staff charges to your account. The minimum balance required for your application is \$5,000.00, <https://www.sandiego.gov/sites/default/files/dsdib503.pdf>.

An additional deposit is required. Please reference the attached invoice. You will need to pay the invoice prior to resubmitting your project. To avoid project delays due to insufficient account funds, please ensure that your deposit account maintains the minimum account balance at all times.

For your convenience, deposits can be made anytime online through Open DSD, <http://www.sandiego.gov/development-services/opendsd/>, and by entering your project number in the "Project ID" field, <http://opendsd.sandiego.gov/web/approvals/>. Also, any invoices can be paid online by searching for the invoice number, <http://opendsd.sandiego.gov/web/invoices/> or in person at the Cashier, located on the 3rd Floor of the Development Services Center.

- V. TIMELINE:** Upon your review of the attached Cycle Issues Report, you may wish to schedule a meeting with staff and your consultants prior to resubmitting the project. Please contact me if you wish to schedule a meeting with staff. During the meeting, we will also focus on key milestones that must be met in order to facilitate the review of your proposal and to project a potential timeline for a hearing date. Your next review cycle should take approximately 18 business days to process.

Municipal Code Section 126.0114 requires that a development permit application be closed if the applicant fails to submit or resubmit requested materials, information, fees, or deposits within 90 calendar days. Once closed, the application, plans and other data submitted for review may be returned to the applicant or destroyed. To reapply, the applicant shall be required to submit a new development permit application with required submittal materials, and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.

If you wish to continue processing this project, please note that delays in resubmitting projects and/or responding to City staff's inquiries negatively impact this Department's ability to effectively manage workload, which can lead to both higher processing costs and longer timelines for your project.

- VI. RESUBMITTALS/NEXT STEPS:** Resubmittals are done on a walk-in basis. Please check in on the third floor of the Development Service Center (1222 First Avenue). Please be prepared to provide the following:
- A. Plans and Reports: Provide the number of sets of plans and reports as shown on the attached Submittal Requirements Report. The plans should be folded to an approximate 8 ½ x 11 inch size.

B. Response to Cycle Issues Report: Prepare a cover letter that specifically describes how you have addressed each of the issues identified in the Cycle Issues Report and any issues identified in this cover letter, if applicable. Or, you may choose to simply submit the Cycle Issues Report, identifying within the margins how you have addressed the issue. If the issue is addressed on one or more sheets of the plans or the reports, please reference the plan, sheet number, report or page number as appropriate. If it is not feasible to address a particular issue, please indicate the reason. Include a copy of this Assessment Letter, Cycle Issues Report and your response letter if applicable, with each set of plans.

C. California Environmental Quality Act (CEQA) Fees:

San Diego County Clerk Fee: The San Diego County Clerk now requires \$50.00 to post the required public notice informing the public that a draft environmental document has been prepared. A check made out to the San Diego County Clerk for this amount will be required prior to the distribution of the draft environmental document for public review.

If your project is determined to be Exempt from the provisions of the California Environmental Quality Act (CEQA); a Notice of Exemption (NOE) will be filed with the County Clerk after your project approval and all appeal periods have been exhausted. The County requires a \$50 documentary handling fee to file a CEQA NOE. Prior to scheduling your project for a decision, a check payable to the "San Diego County Clerk" in the amount of \$50 must be forwarded to my attention. Please include your project number on the check. A receipt for this fee and a copy of the NOE will be forwarded to you after the 30-day posting requirement by the County Clerk.

NOTE: New California Environmental Quality Act (CEQA) document filing fees, effective Jan. 1, 2017, can be accessed via the following link:

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>

VII. COMMUNITY PLANNING GROUP: Staff provides the decision maker with the recommendation from your locally recognized community planning group. If you have not already done so, please contact Mathew Adams, Chairperson of the Navajo Community Planners, Inc. at navajoplanners@cox.net to schedule your project for a recommendation from the group. If you have already obtained a recommendation from the community planning group, in your resubmittal, if applicable, please indicate how your project incorporates any input suggested to you by the community planning group.

Information Bulletin 620, "Coordination of Project Management with Community Planning Committees" (available at <http://www.sandiego.gov/development-services>), provides some valuable information about the advisory role the Community Planning Group. Council Policy 600-24 provides standard operating procedures and responsibilities of recognized Community Planning Committees and is available at <http://www.sandiego.gov/city-clerk/officialdocs/index.shtml>.

VIII. STAFF REVIEW TEAM: Should you require clarification about specific comments from the staff reviewing team, please contact me, or feel free to contact the reviewer directly. The names and telephone numbers of each reviewer can be found on the enclosed Cycle Issues Report.

In conclusion, please note that information forms and bulletins, project submittal requirements, and the Land Development Code may be accessed on line at <http://www.sandiego.gov/development-services>. Many land use plans for the various communities throughout the City of San Diego are now available on line at <http://www.sandiego.gov/planning/community/profiles/index.shtml>.

To view project details online, visit: <http://www.sandiego.gov/development-services/opensd/>.

For modifications to the project scope, submittal requirements or questions regarding any of the above, please contact me prior to resubmittal. I may be reached by telephone at (619) 446-5325 or via e-mail at FTirandazi@sandiego.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Firouzeh Tirandazi', written over a horizontal line.

Firouzeh Tirandazi
Development Project Manager

Enclosures:

1. Cycle Issues Report
2. Submittal Requirements Report

cc: File
Mathew Adams, Chairperson, Navajo Community Planners, Inc.
Reviewing Staff (Assessment letter only)
Lisa Lind, Planning Department



L64A-003A

Project Information

Project Nbr: 368296 **Title:** Green Tree Holistic MMCC
Project Mgr: Tirandazi, Firouzeh (619) 446-5325 ftirandazi@sandiego.gov



Review Information

Cycle Type: 7 Submitted (Multi-Discipline)	Submitted: 04/28/2017	Deemed Complete on 04/28/2017
Reviewing Discipline: LDR-Planning Review	Cycle Distributed: 04/28/2017	
Reviewer: Moshirian, Tania (619) 446-5183 Tmoshirian@sandiego.gov	Assigned: 05/01/2017	
	Started: 05/10/2017	
Hours of Review: 4.00	Review Due: 05/12/2017	
Next Review Method: Submitted (Multi-Discipline)	Completed: 05/11/2017	COMPLETED ON TIME
	Closed: 05/26/2017	

- . The review due date was changed to 05/17/2017 from 05/17/2017 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
- . We request a 4th complete submittal for LDR-Planning Review on this project as: Submitted (Multi-Discipline).
- . The reviewer has requested more documents be submitted.
- . Your project still has 69 outstanding review issues with LDR-Planning Review (46 of which are new issues).
- . The reviewer has not signed off 1 job.
- . Last month LDR-Planning Review performed 87 reviews, 82.8% were on-time, and 50.0% were on projects at less than < 3 complete submittals.

First Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	6	Page 47 and 48 of the community plan requires offsetting plans and facade variations. Any building facade which faces a public street have a minimum of three offset building planes or three distinct building facade variations, or a combination of offset building planes and facade variations which meets the intent of this requirement. Does the existing building comply? If it does not, how do you intend to comply? (From Cycle 2)
<input type="checkbox"/>	7	An offset building plane is distinguished by an average horizontal or vertical difference of two feet measured perpendicular to the adjacent plane. Each offset plane shall constitute at least 20 percent, but not more than 50 percent of each building facade. A building facade variation is distinguished by a distinct change in materials, textures, colors, or any combination thereof. Each variation shall constitute at least 20 percent, but not more than 50 percent of each building facade. (From Cycle 2)
<input type="checkbox"/>	9	Page 49 of the community plan includes parking requirements. Please review the table included in the community plan. Please provide information about all existing uses and the proposed use on a plan sheet in order to demonstrate compliance with the parking requirement contained in the community plan. (From Cycle 2)
<input type="checkbox"/>	11	Please provide a full floor plan for the building so that it is clear where in the building this Medical Marijuana Consumer Cooperative will be located. (From Cycle 2)
<input type="checkbox"/>	14	SDMC 126.0302(b) states that all existing and proposed uses on the site shall be identified in the permit, including existing or new uses permitted by right in the applicable zone, any uses subject to a use permit, and those proposed uses that require the Conditional Use Permit. In order to allow for future flexibility, please note any use that may be proposed in the future on a plan sheet. It may be best to simply add a note that indicates those uses may be any use permitted in the IL-3-1 Zone. (From Cycle 2)
<input type="checkbox"/>	23	Major Issue: It has been brought to City Staff's attention that a business named "Teen Driving School" is operating at 5945 Mission Gorge Rd. and this business is a minor-oriented facility. Please revise your map/spread sheet to reflect this business. City staff must recommend denial of this application because it does not meet the minimum separation requirement. (From Cycle 2)
<input type="checkbox"/>	24	Major Issue: A church named "The Grove" is operating at 4562 Alvarado Canyon Rd. City staff must recommend denial of this application because it does not meet the minimum separation requirement. (From Cycle 2)
<input type="checkbox"/>	25	Major Issue: It has been brought to City Staff's attention that a school named "Academy of Arts & Science" is operating at 4560 Alvarado Canyon Rd. City staff must recommend denial of this application because it does not meet the minimum separation requirement. (From Cycle 2)
<input type="checkbox"/>	26	Major Issue: It has been brought to staff's attention that a potential church named "Vision" is operating at 6154 Mission Gorge Rd. Is this a church? Is this church within 1,000 feet? If City staff determines that it is a church and is within 1,000 feet, then City staff must recommend denial of this application for this reason as well because it does not meet the minimum separation requirement. (From Cycle 2)

Conditions

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
-----------------	------------------	-------------------

For questions regarding the 'LDR-Planning Review' review, please call Tania Moshirian at (619) 446-5183. Project Nbr: 368296 / Cycle: 7





L64A-003A

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	27	It is intended that the following conditions be included in any Medical Marijuana Consumer Cooperatives Conditional Use Permit: (From Cycle 2)
<input type="checkbox"/>	28	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. (From Cycle 2)
<input type="checkbox"/>	29	The uses on the premises shall be limited to the Medical Marijuana Consumer Cooperative and any use permitted in the IL-3-1 Zone. (From Cycle 2)
<input type="checkbox"/>	30	Consultations by medical professionals shall not be a permitted accessory use at the medical marijuana consumer cooperative. (From Cycle 2)
<input type="checkbox"/>	31	Lighting shall be provided to illuminate the interior 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 deflect light away from adjacent properties (From Cycle 2)
<input type="checkbox"/>	32	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 at least two inches in height. (From Cycle 2)
<input type="checkbox"/>	33	The utilization of this CUP 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. (From Cycle 2)
<input type="checkbox"/>	34	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. (From Cycle 2)
<input type="checkbox"/>	35	This Conditional Use Permit [CUP] and corresponding use of this site shall expire on [insert date], which is five years from the date of issuance of this Permit. 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. (From Cycle 2)
<input type="checkbox"/>	36	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 for the facility, except on an incidental basis. (From Cycle 2)
<input type="checkbox"/>	40	The owner or operator shall maintain the premises, 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. The owner or operator shall eliminate graffiti within 48 hours of application. (From Cycle 5)

Second Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	37	The response to issue numbers 6 & 7 indicates no changes. Are you sure the existing does not comply? A Site Development Permit (SDP) and/or Planned Development Permit (PDP) is required if it does not. Applications for permits shall meet the purpose and intent of the regulations of the underlying zone and the supplemental regulations. Please keep in mind that City staff will likely recommend denial of a SDP or PDP as a proposal to not make any changes would not meet the purpose and intent of the regulations of the underlying zone. [Page 47 of the Navajo Community Plan] (From Cycle 5)
<input type="checkbox"/>	38	Note two under MMCC notes uses the IS-1-1 zone instead of the IL-3-1 zone. Please revise. (From Cycle 5)
<input type="checkbox"/>	39	A church named "Vision" is operating at 6154 Mission Gorge Rd. Issue number 26 from the first review asked for information concerning the distance between uses. This is within 1000 feet. City staff must recommend denial of this application for this reason as well because it does not meet the minimum separation requirement. (From Cycle 5)

Third Review

Project Info

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	41	This is not a comprehensive review. Significant information is missing from plans. Please keep in mind additional comments will arise in subsequent reviews. In subsequent reviews, please provide a complete set of plans that include all information. More information can be found on the City's website under the Submittal Guideline Requirements. (New Issue)
<input type="checkbox"/>	42	Issues that were previously cleared cannot be confirmed in this review, since a complete set of plans were not provided. (New Issue)
<input type="checkbox"/>	43	On August 9th, 2015, the project site at 5959 Mission Gorge Road was one of the sites rezoned in the Community Plan update to the CC-3-9 Zone. However, the proposed project was deemed complete on 5/15/2014, therefore the IL-3-1 Zone and previous regulations can apply. However, it appears as if the applicant would like to utilize the CC-3-9 Zone. A sheet on the plans show CC-3-9 Zone. However, a complete set of plans and information was not provided to confirm. In order for staff to perform a comprehensive review, please confirm and reach out to Project Manager, Firouzeh Tirandazi. (New Issue)

For questions regarding the 'LDR-Planning Review' review, please call Tania Moshirian at (619) 446-5183. Project Nbr: 368296 / Cycle: 7





L64A-003A

Issue

Cleared? Num Issue Text

- 44 Major Issue: Table 131-05B states that Marijuana Outlets are not permitted in the CC-3-9 Zone. Therefore, staff cannot support the project as a CC-3-9 Zone if project would like to utilize new regulations. Plans are not clear what the project is trying to propose. (New Issue)

Permits

Issue

Cleared? Num Issue Text

- 46 Medical marijuana consumer cooperatives may be permitted with a Conditional Use Permit decided in accordance with Process Three only if the IL3-1 Zone is utilized [Information Only - No Response Required]
- 47 (Cont below) (New Issue)
A decision on an application for a Conditional Use Permit for the uses listed in Section 126.0303(a) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506. [Information Only - No Response Required]
- 48 (Cont Below)
(New Issue)
CUP Findings: Reference SDMC §126.0305 (a) through (d). An application for a Conditional Use Permit may be approved or conditionally approved only if the decision maker makes the findings for this permit. At the next submittal, provide project support by addressing how this MMCC makes the CUP findings. (New Issue)

General/Community Plan

Issue

Cleared? Num Issue Text

- 49 Policy guidance is provided by the General Plan to address challenging issues for City residents' quality of life. The General Plan addresses these challenging issues by promoting the use of alternatives such as Medical Marijuana Consumer Cooperatives (MMCC) to be implemented through a discretionary review process required by land use regulations. (New Issue)
- 50 City Council Resolution 308124 adopted in 2013 permitted the operation of "medical marijuana dispensaries" in prescribed geographical areas with prescribed licensing requirements and zoning regulations (Hours of operation; non-profit status; and required lighting, signage, and security). (New Issue)
- 51 Issue 6/7 - Please provide elevations and show how the proposed project distinguishes the horizontal plans. Staff cannot make a determination by pictures. (New Issue)
- 52 Issue 8 - Provide plans that show how the proposed project is meeting the building reflectivity. Page 48 of the community plan regulates building reflectivity. No more than 30 percent of any single elevation of a building's exterior may be constructed of a material with a light reflectivity factor greater than 25 percent. Does the existing building comply? If it does not, how do you intend to comply? (New Issue)
- 53 Issue 9 - Provide table. See Issue 9 for more info (New Issue)
- 54 A comprehensive review of the Community Plan cannot be conducted until planning staff confirms the direction the project would like to take and until a full set of plans and information are provided. Please keep in mind additional comments may arise in subsequent reviews. (New Issue)
- 55 Please keep in mind if proposed project would like to utilize the new regulations, the June 2015 Community Plan would have to be reviewed. Planning staff has not reviewed June 2015 for this proposed project. Confirmation needed from applicant to determine what direction project would like to take. (New Issue)

Seperation Requirments

Issue

Cleared? Num Issue Text

- 56 Medical Marijuana Consumer Cooperatives are prohibited within 1,000 feet of certain uses. City staff relies on information provided by applicants to determine what uses are within 1,000 feet. The applicant is also required to sign an affidavit that indicates that the information provided is accurate. In addition, City staff uses resources available on the internet, on the City's Project Tracking System, and personal knowledge of the area.
- 57 (Cont below) (New Issue)
City staff is also expecting the public to identify conflicts throughout the processing of the use permit. The 1000 ft distance is measured in accordance with Section 113.0225. [Information Item - No Response Required] (New Issue)
- 58 Please provide a recent 1,000-foot radius map and updated spreadsheet identifying use, address, assessor parcel number, and business names within the 1,000-foot radius. The map must also show residential zones within 100 feet of the property.
- 59 Sheet A1 states 1000 feet separation, however, the ink is extremely faded and staff cannot confirm/read. (New Issue)
Please provide a current Affidavit for Medical Marijuana Consumer Cooperatives for Conditional Use Permit. (New Issue)





L64A-003A

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	60	A comprehensive review on the uses cannot be performed until an updated radius map and spreadsheet is provided. Additionally, please keep in mind that the proposed project cannot utilize new regulations if the project intends to use the previous zone and regulations. Specifically, this includes new regulations on Natural Barriers. (New Issue)
<input type="checkbox"/>	61	The Grantville Neighborhood Park appears to be within a 1,000 feet. Please provide a map showing the distance to park. (New Issue)
<input type="checkbox"/>	62	Issue 23 - The Teen Driving School located at 5945 Mission Gorge Rd. is a minor-oriented facility. Please provide staff with calculations that demonstrate the driving school is not a primary use. If calculations demonstrate that it cannot be exempt as a minor oriented facility, Staff must recommend denial of this project. (New Issue)
<input type="checkbox"/>	63	Issue 24 - The Grove Church located at 4562 Alvarado Canyon Rd. Planning staff will have to perform additional research to determine if the use is being conducted legally. The new regulations for a natural barrier cannot be used for this project, since the deemed complete was 5/5/2014. If proposed project will like to utilize new regulations, project will need to conform to today's regulations and Community Plan. (New Issue)
<input type="checkbox"/>	64	Issue 25 - Academy of Arts and Sciences is located at 4560 Alvarado Canyon Rd which appears to be a minor oriented facility. The use is intended for students under the age of 18. Please provide staff with additional information. Staff must confirm that no minor will be using the facility. Are there any gathers or promotions on site? If information cannot be provided that does not exempt project from a minor oriented facility, staff must recommend denial of this project. (New Issue)
<input type="checkbox"/>	65	Issue 26 - Vision Church appears to have moved to new location. Please provide an updated map that shows the distance requirement. (New Issue)
<input type="checkbox"/>	66	Major Issue: The Children's Film Academy, located at 4579 Mission Gorge Place is a minor oriented facility. Please revise your spread sheet/map to reflect this business. City staff must recommend denial of this application because it does not meet the minimum separation requirement. (New Issue)
<input type="checkbox"/>	67	Major Issue: Church SD located at 4579 Mission Gorge Place appears in close proximity to the MMCC. Please provide on Spread Sheet/map so staff can determine proximity. If the Church is within 1000 ft from the proposed project site, staff must recommend denial of the project. (New Issue)
<input type="checkbox"/>	68	Major Issue: The Rescue Church located at 4579 Mission Gorge Place appears in close proximity to the MMCC. Please provide on Spread Sheet/map so staff can determine proximity. If the Church is within 1000 ft from the proposed project site, staff must recommend denial of the project. (New Issue)
<input type="checkbox"/>	69	Major Issue: Mission Center of Hope located at 6162 Mission Gorge Place appears in close proximity to the MMCC. Please provide on Spread Sheet/map so staff can determine proximity. If the Church is within 1000 ft from the proposed project site, staff must recommend denial of the project. (New Issue)
<input type="checkbox"/>	70	Medical Marijuana Consumer Cooperatives are prohibited within 1,000 feet of other Medical Marijuana Consumer Cooperatives. This is not an issue for this project at this time but as other Medical Marijuana Consumer Cooperatives become permitted this may become an issue for this project. [Information Item - No Response Required] (New Issue)
<input type="checkbox"/>	71	SDMC 126.0302(b) states that all existing and proposed uses on the site shall be identified in the permit, including existing or new uses permitted by right in the applicable zone, any uses subject to a use permit, and those proposed uses that require the Conditional Use Permit. In order to allow for future flexibility, please note any use that may be proposed in the future on a plan sheet. (New Issue)

Corrections

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	77	Review Submittal Guideline Requirements. Submitted plans do not show adequate information for a review. (New Issue)

Additional Draft Conditions

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	72	Please provide suggested conditions that you would like included in the conditional use permit. These conditions could be based on conditions required by other jurisdictions in California or nationally that allow for Medical Marijuana Consumer Cooperatives. (New Issue)
<input type="checkbox"/>	73	In addition, if there are operating procedures that are a part of the 'business (nonprofit) plan' that would be appropriate as conditions please provide those. This could be an opportunity to demonstrate to the Hearing Officer that you are voluntarily agreeing to do certain things in an effort to show that this Medical Marijuana Consumer Cooperative will not be detrimental to the public health, safety, and welfare (SDMC 126.0305(b)). (New Issue)
<input type="checkbox"/>	74	SDMC 141.0614 states that lighting shall be provided to illuminate the interior 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 deflect light away from adjacent properties. Please show lighting on the plans. (New Issue)





L64A-003A

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	75	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. (Cont below) (New Issue)
<input type="checkbox"/>	76	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. (New Issue)
<input type="checkbox"/>	78	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. The Owner/Permittee shall install full-height bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, in common areas with other tenants, reception area and vault room. (New Issue)
<input type="checkbox"/>	79	SDMC 141.0614 states that 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. Please provide a note on the plans that indicates that 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. (New Issue)
<input type="checkbox"/>	80	SDMC 141.0614 states that 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 at least two inches in height. Please provide a note on the plans that demonstrates compliance. (New Issue)
<input type="checkbox"/>	81	SDMC 141.0614 limits the medical marijuana consumer cooperative to operation only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week. There will be a condition proposed to limit the hours of operation to those that are proposed. Please provide on plans the hours of operation. (New Issue)
<input type="checkbox"/>	82	SDMC 141.0614 prohibits 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. A vending machine is any device which allows access to medical marijuana without a human intermediary. (New Issue)
<input type="checkbox"/>	83	SDMC 141.0614 states that consultations by medical professionals shall not be a permitted accessory use at a medical marijuana consumer cooperative. Please provide a note on plans that states that consultations by medical professionals shall not be permitted accessory use at the MMCC. (New Issue)
<input type="checkbox"/>	84	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. (New Issue)
<input type="checkbox"/>	85	Medical marijuana shall not be consumed anywhere within the site. (New Issue)
<input type="checkbox"/>	86	The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC. (New Issue)
<input type="checkbox"/>	87	Please keep in mind additional draft conditions may arise in subsequent reviews (New Issue)





L64A-003A

Review Information

Cycle Type: 7 Submitted (Multi-Discipline) **Submitted:** 04/28/2017 Deemed Complete on 04/28/2017
Reviewing Discipline: LDR-Environmental **Cycle Distributed:** 04/28/2017
Reviewer: Mc Pherson, Anna **Assigned:** 05/01/2017
(619) 446-5276 **Started:** 05/16/2017
amcpherson@sandiego.gov **Review Due:** 05/17/2017
Hours of Review: 0.50 **Completed:** 05/16/2017 **COMPLETED ON TIME**
Next Review Method: Submitted (Multi-Discipline) **Closed:** 05/26/2017

- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: Partial Response to Cmnts/Regs.
- . We request a 4th complete submittal for LDR-Environmental on this project as: Submitted (Multi-Discipline).
- . The reviewer has requested more documents be submitted.
- . Your project still has 5 outstanding review issues with LDR-Environmental (1 of which are new issues).
- . The reviewer has not signed off 1 job.
- . Last month LDR-Environmental performed 100 reviews, 90.0% were on-time, and 44.3% were on projects at less than < 3 complete submittals.

June 2014 Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate the MMCC within a 1,385 sq. ft. suite of a 14,950 sq. ft. existing building located at 5959 Mission Gorge Road. The 0.59-acre site is located within the Navajo Community Plan Area, IL-3-1 Zone, the Community Plan Implementation Overlay Zone (Type A), the 100 Year Floodplain, Airport Influence Area for Montgomery Field, and the Transit Area Overlay Zone. The community plan designates the site as Light Industry (From Cycle 2)
<input type="checkbox"/>	2	LDR-Planning has identified potential issues related to the MMCC Ordinance locational criteria, and Navajo Community Plan building design and parking requirements. LDR- Engineering is requiring replacement of the driveway to city standards. LDR- Transportation Development has also identified this issue, and requested additional information and clarification regarding the number and type of required parking spaces. All disciplines have requested plan revisions. (From Cycle 2)
<input type="checkbox"/>	3	EAS is unable to make an environmental determination until all outstanding review issues are resolved, required information is submitted, and required site plan revisions made. (From Cycle 2)

September 2014 Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	4	A number of outstanding issues remain for the project; EAS cannot make a determination until all issues are resolved that can be. (From Cycle 5)

May 2017

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	5	GHG/CAP Consistency Checklist The project as proposed does not involve new construction and would not increase habitable space. Should the project proceed with an application under the IL-3-1 zone it would be determined to be consistent with that zone. The MMCC is allowed with a CUP in the IL-2-1; therefore it would be consistent with the community plan. The project therefore, depending upon which zone is applied, would be consistent with the CAP. EAS will clear this issue once the zoning issue is resolved. (New Issue)





L64A-003A

Review Information

Cycle Type: 7 Submitted (Multi-Discipline)	Submitted: 04/28/2017	Deemed Complete on 04/28/2017
Reviewing Discipline: LDR-Engineering Review	Cycle Distributed: 04/28/2017	
Reviewer: Adams, Tamara (619) 446-5417 TAADAMS@sandiego.gov	Assigned: 04/28/2017	
	Started: 05/04/2017	
Hours of Review: 1.50	Review Due: 05/12/2017	
Next Review Method: Submitted (Multi-Discipline)	Completed: 05/04/2017	COMPLETED ON TIME
	Closed: 05/26/2017	

- . The review due date was changed to 05/17/2017 from 05/17/2017 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: Partial Response to Cmnts/Regs.
- . We request a 4th complete submittal for LDR-Engineering Review on this project as: Submitted (Multi-Discipline).
- . The reviewer has requested more documents be submitted.
- . Your project still has 8 outstanding review issues with LDR-Engineering Review (7 of which are new issues).
- . The reviewer has not signed off 1 job.
- . Last month LDR-Engineering Review performed 80 reviews, 93.8% were on-time, and 42.1% were on projects at less than < 3 complete submittals.

2nd Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	8	Since the existing curb to propertyline distance is less than 10 feet, please state on the site plan that the existing driveway will be replaced with a new 24-foot wide City standard driveway, on Mission Gorge Road, per Standard Drawing SDG-162. This driveway will have ramps on both sides of the driveway width. Please refer to the above standard drawing for reference. (From Cycle 5)
<input checked="" type="checkbox"/>	9	If new elevator is proposed for this building, please revise the site plan to show its location. Structural section will need to review and approve on this project again. (From Cycle 5)

3rd Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	10	The provided set of plans for this review cycle is missing information that were provided in the previous set. Please note that these comments are based on the review of the set of plans submitted with this cycle. (New Issue)
<input type="checkbox"/>	11	Please clearly identify all public improvements fronting the property and provide dimensions of the existing driveway, sidewalk, curb to PL, curb to CL of Mission Gorge Rd. (New Issue)
<input type="checkbox"/>	12	Please follow up with comment 8, clearly identify the driveway leading to the project site, provide driveway dimensions per the AS-Built drawings, and call out the removal and replacement of the driveway. (New Issue)
<input type="checkbox"/>	13	Please provide a copy of the recorded shared access agreement for the existing driveway. Additional comments may follow. (New Issue)
<input type="checkbox"/>	14	Per new 2013 MS4 permit requirements (effective date of February 16, 2016), the new Storm Water Applicability checklist (DS-560) must be filled out and scanned on the building plan set. Please see link below for the new DS 560 form: http://www.sandiego.gov/development-services/pdf/industry/forms/ds560.pdf . Please provide this form with your next submittal. Additional comments will follow. (New Issue)
<input type="checkbox"/>	15	Please provide a note on the plans to clearly state if the project proposes interior tenant improvements only or if there will be any soil disturbance/work outside the envelope of the building. Additional comments may follow. (New Issue)
<input type="checkbox"/>	16	Please don't hesitate to contact me if you have any questions. (New Issue)

For questions regarding the 'LDR-Engineering Review' review, please call Tamara Adams at (619) 446-5417. Project Nbr: 368296 / Cycle: 7





L64A-003A

Review Information

Cycle Type: 7 Submitted (Multi-Discipline) **Submitted:** 04/28/2017 Deemed Complete on 04/28/2017
Reviewing Discipline: LDR-Transportation Dev **Cycle Distributed:** 04/28/2017
Reviewer: Elhamad, Ismail **Assigned:** 05/01/2017
(619) 446-5494 **Started:** 05/11/2017
ielhamad@sandiego.gov **Review Due:** 05/12/2017
Hours of Review: 2.00 **Completed:** 05/11/2017 **COMPLETED ON TIME**
Next Review Method: Submitted (Multi-Discipline) **Closed:** 05/26/2017

- . The review due date was changed to 05/17/2017 from 05/17/2017 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: New Document Required.
- . We request a 4th complete submittal for LDR-Transportation Dev on this project as: Submitted (Multi-Discipline).
- . The reviewer has requested more documents be submitted.
- . Your project still has 12 outstanding review issues with LDR-Transportation Dev (8 of which are new issues).
- . The reviewer has not signed off 1 job.
- . Last month LDR-Transportation Dev performed 47 reviews, 91.5% were on-time, and 39.0% were on projects at less than < 3 complete submittals.

2nd Review:

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	18	PREVIOUS COMMENTS-Although we have checked off the previous comments, some have not been fully addressed. Accordingly they have been repeated or reiterated below, and some are informational. (From Cycle 5)
<input checked="" type="checkbox"/>	19	PROJECT-The proposed project is a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC) at 5959 Mission Gorge Road. Applicant is proposing to operate the MMCC within 1,385 sq. ft. of the existing 14,950 sq. ft. existing building on a site located in the IL-3-1 zone within the Navajo Community Plan Area based on the submitted plans. (From Cycle 5)
<input checked="" type="checkbox"/>	20	TRIP GENERATION-The proposed 1,385 sq. ft. MMCC is expected to generate approximately 56 average weekday trips (ADT), with 2 AM peak hour trips and 5 PM peak hour trips based on the rate of 40 ADT/1000 sq. ft. A transportation impact analysis is not required. (From Cycle 5)
<input type="checkbox"/>	21	PLANS/PARKING-A copy of previous site plan dated July, 1981 indicates provision of 38 parking spaces on this site for the 14,950 sq. ft. office use (calculates to 2.54 parking spaces/1,000 s.f.). The parking spaces and the drive isles lay outs within the previous site plan, and the current sit plan differ and both indicate access and backing out of the parking spaces into adjacent properties which would require shared access agreement at a minimum. Applicant should provide copies of any existing shared access agreement (and shared parking agreement), or provide new agreements to address this i (From Cycle 5)
<input type="checkbox"/>	22	PLANS/PARKING-Site plan should clearly identify the parking spaces and drive isles that are existing that will remain and the others that are proposed to be re-striped. The minimum parking stalls dimensions and aisle width should comply with the SDMC section 142.0560 for any new or restriped parking space. If some of the existing parking spaces are substandard per current regulations, then they should be clearly identified as the existing spaces that will remain. (From Cycle 5)
<input type="checkbox"/>	23	PARKING-The minimum parking requirement for the 1,385 sq. ft. MMCC is 6 parking spaces based on the rate of 4.3 spaces/1,000 sq. ft. per current SDMC Section 142.0530, Table 142-05E for the proposed use within transit area and IL-3-1 zone. The minimum parking requirement for the 1,385 sq. ft. previously allowed office space is 4 spaces based on the rate 2.9 spaces/1,000 sq. ft. per Table 142-05G. The change is use for the 1,385 sq. ft. MMCC would require additional 2 parking spaces resulting in minimum parking requirement of 40 spaces on this site. (From Cycle 5)
<input type="checkbox"/>	24	PARKING/DRIVEWAYS-Site plan indicates provision of 38 parking spaces including 2 accessible spaces, and 4 compact spaces. Compact spaces may only remain if they are exiting spaces, otherwise current standards do not allow it. The space number 38 is also not within the site and it should not be shown (including the driveway accessing it). Please revise the plans to address all above issues, parking rates and references as stated above, and to provide a minimum of 40 parking spaces including 2 accessible spaces within the site. (From Cycle 5)
<input checked="" type="checkbox"/>	25	FRONTAGE-Plans state existence of an east/west alley south of the site. However, our records do not show an alley there. Please check and correctly identify the area at the site's south end. (From Cycle 5)
<input type="checkbox"/>	28	New Issue (11443829) (New Issue)

24004635 CUP 3rd rev 5/11/17

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	26	Please address all previous comments. (New Issue)
<input type="checkbox"/>	27	The parking calculation table shown on Sheet A1 is incorrect. It did not include the GFA of the whole building. The floor plan shows two floors @ 7475 s.f. each which equates to 14,950 s.f. (New Issue)

For questions regarding the 'LDR-Transportation Dev' review, please call Ismail Elhamad at (619) 446-5494. Project Nbr: 368296 / Cycle: 7





L64A-003A

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	29	The parking calculation table should be revised as follows: Existing Use: First floor: 7475 s.f. x 2.5 spaces/1000 s.f. = 19 spaces Second floor: 7475 s.f. x 2.5 spaces/1000 s.f. = 19 spaces Total = 19 + 19 = 38 spaces---> min. required for existing site Proposed Use: MMCC: xxx s.f. x 4.3 spaces/1000 s.f. = ? ---> Pending provided info per comment 32 above. (New Issue)
<input type="checkbox"/>	30	Show the gross floor area for the whole building on Sheet A2. (New Issue)
<input type="checkbox"/>	31	Sheet A3: Show the floor area for each Suite on the first and second floor. (New Issue)
<input type="checkbox"/>	32	Sheet A3: Call out which suite will be the proposed MMCC and its floor area. Is it suite 106? (New Issue)
<input type="checkbox"/>	33	Sheet A2: Space 34 cannot be counted toward the minimum parking spaces required for this site since it is located on adjacent lot and is not acceptable. This space cannot be allowed to back into Mission Gorge Road. Please remove from the plan. (New Issue)





Cycle Issues

THE CITY OF SAN DIEGO
Development Services Department
1222 First Avenue, San Diego, CA 92101-4154

L64A-003A

Review Information

Cycle Type: 7 Submitted (Multi-Discipline)	Submitted: 04/28/2017	Deemed Complete on 04/28/2017
Reviewing Discipline: Community Planning Group	Cycle Distributed: 04/28/2017	
Reviewer: Tirandazi, Firouzeh (619) 446-5325 ftirandazi@sandiego.gov	Assigned: 05/22/2017	
	Started: 05/22/2017	
Hours of Review: 0.40	Review Due: 05/12/2017	
Next Review Method: Submitted (Multi-Discipline)	Completed: 05/24/2017	COMPLETED LATE
	Closed: 05/26/2017	

- . The review due date was changed to 05/17/2017 from 05/17/2017 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
- . We request a 4th complete submittal for Community Planning Group on this project as: Submitted (Multi-Discipline).
- . The reviewer has requested more documents be submitted.
- . Your project still has 3 outstanding review issues with Community Planning Group (1 of which are new issues).
- . Last month Community Planning Group performed 55 reviews, 45.5% were on-time, and 45.5% were on projects at less than < 3 complete submittals.

1st Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	Please contact the Chair for the Navajo Community Planners, Inc., (as identified in the assessment letter) to make arrangements to present your project for review at their next available meeting. This Community Plannig Group is officially recognized by the City as a representative of the community, and an advisor to the City in actions that would affect the community. The Development Services Department has notified the group of your request and has sent them a copy of your project plans and documents. (From Cycle 2)

2nd Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	2	A vote from the community planning group has not been received. (From Cycle 5)

3rd Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	3	A vote/recommendaton from the community planning group has not been received yet. (New Issue)





Submittal Requirements

5/26/17 2:42 pm

THE CITY OF SAN DIEGO
Development Services Department
1222 First Avenue, San Diego, CA 92101-4154

Page 1 of 1

L64A-001

Project Information

Project Nbr: 368296 **Title:** Green Tree Holistic MMCC
Project Mgr: Tirandazi, Firouzeh (619)446-5325 ftirandazi@sandiego.gov



Review Cycle Information

Review Cycle: 8 Submitted (Multi-Discipline)

Opened: 05/26/2017 2:31 pm

Submitted:

Due:

Closed:

Required Documents:

<u>Package Type</u>	<u>Pkg Qty</u>	<u>Document Type</u>	<u>Qty Needed</u>
Project File	1	Affidavit for Medical Marijuana (DS-190)	1
Development Plans	6	Site Development Plans	6
Medical Marijuana Radius Map/Spreadsheet	2	Medical Marijuana Radius Map/Spreadsheet	2
Draft Findings	1	Draft Findings	1
Development Plans	6	Applicant Response to Issues	6

