

**DRAFT NOTICE OF DECISION 19-11
EARLY SEPARATION FINDINGS FOR
MINOR USE PERMIT MUP-190-0005 TO
ESTABLISH A MEDICAL MARIJUANA DISPENSARY**

NOTICE OF DECISION OF THE COMMUNITY DEVELOPMENT MANAGER OF THE CITY OF LEMON GROVE, CALIFORNIA, DENYING MINOR USE PERMIT MUP-190-0005 FOR EARLY SEPARATION FINDINGS IN ACCORDANCE WITH SECTION 17.28.020(O) FOR A PROPOSED MEDICAL MARIJUANA DISPENSARY AT 3648 OLIVE STREET, LEMON GROVE, CALIFORNIA.

WHEREAS, on September 30, 2019 the applicant, Christopher Williams (representing Pick Axe Holdings, LLC), filed an application for a Minor Use Permit (MUP-190-0005) requesting early separation findings in accordance with Section 17.28.020(O) of the Lemon Grove Municipal Code (LGMC) for a Medical Marijuana Dispensary (MMD) to be located at 3648 Olive Street, Lemon Grove, California; and

WHEREAS, Section 17.28.020(O) of the LGMC allows submittal of a Minor Use Permit application to the Community Development Manager for the sole purpose of determining if the proposed use meets separation requirements; and

WHEREAS, Section 17.32.090(B) of the LGMC establishes the distance requirements between dispensaries (including MMDs) as a regulated use and protected land uses, including public parks, playgrounds, licensed day care facilities, schools and alcohol and substance abuse treatment centers as defined in the LGMC; and

WHEREAS, City Staff found evidence of a protected use, as defined in the LGMC Section 12.20.030, within 1,000 feet of the proposed dispensary site. The nearest protected use (public park) is located approximately 576 feet from the proposed dispensary site when measured from property line to property line and 750 feet from the proposed dispensary site when measured from property line to property line along the public right-of-way and avoiding constructed barriers; and

WHEREAS, the proposed Minor Use Permit for Early Separation Findings is not subject to Environmental Review under the California the California Environmental Quality Act (CEQA) because it does not constitute a project as defined by Section 15378 of the CEQA Guidelines; and

WHEREAS, on December 5, 2019, affected property owners within 1,000 feet of the exterior boundaries of the property addressed as 3648 Olive Street will be duly noticed via US Mail pursuant to Section 17.28.020(E)(2); and

WHEREAS, on December 5, 2019, additional notice will be given by way of advertisement in the East County Californian, a newspaper having general circulation with the affected area, pursuant to Section 17.28.020(O); and

WHEREAS, the Community Development Manager reviewed this Minor Use Permit pursuant to Section 17.28.052 of the LGMC; and

NOW, THEREFORE, the Community Development Manager does hereby decide as follows:

- A) The foregoing recitals are true and correct and are hereby incorporated by reference into this Decision.

B) The Community Development Manager hereby denies Minor Use Permit No. MUP-190-0005 based on a finding of insufficient separation from a public park required by Section 17.32.090(B).

C) The Community Development Manager's decision is based on the following required findings and determinations:

1. The use is compatible with the neighborhood or the community.

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires compliance with required separation requirements prior to submitting for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the LGMC and will be subject to site specific conditions of approval to ensure that the site is compatible with the neighborhood or community to the greatest extent practicable.

2. The use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as an MMD requires compliance with required separation requirements prior to submitting for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the LGMC and will be subject to site specific conditions of approval to ensure the use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity to the greatest extent practicable. Environmental impacts associated with the project will be assessed and mitigated, if necessary, pursuant to the CEQA review of the Conditional Use Permit application.

3. The use complies with performance standards according to Section 17.24.080.

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires compliance with required separation requirements prior to submitting for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with applicable performance standards in Section 17.24.080 of the LGMC, including, but not limited to: noise, glare, traffic circulation and parking, waste, and fire hazards. This Minor Use application has been found not meeting the required separation requirements.

4. The use is consistent with applicable provisions of the particular zoning district and with policies and standards of the general plan.

The property at 3648 Olive Street is approximately 1,850 feet from the nearest operating, or conditionally permitted, or proposed regulated use at 3515 Harris Street. City Staff found evidence of a protected use within 1,000 feet of the proposed dispensary site. The nearest protected use (public park) is located approximately 576 feet from the proposed dispensary site when measured from property line to property line and 750 feet from the proposed dispensary site when measured from property line to property line along the public right-of-way and avoiding constructed barriers.

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- D) The decision regarding this Minor Use Permit shall become effective on December 16, 2019. (10 days after the date of public notification) unless a valid request for a public hearing has been filed by the applicant or another interested person pursuant to Section 17.28.020(l).