

EXHIBIT F



CITY OF
TUCSON

PLANNING AND
DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

June 30, 2017

Jeremy T. Shrobe
Stubbs & Schubart, P.C.
340 North Main Avenue
Tucson, AZ 85701

SUBJECT: 6464 East Tanque Verde Road
Pima County Tax Parcel Number 117-08-0760
Activity Number: T17SA00276

Dear Mr. Shrobe:

This letter acknowledges receipt of your letter, dated June 26, 2017 and attachment, written on behalf of your client, Southern Arizona Brokerage LLC d/b/a Realty Executives Tucson Elite ("Realty Executives"), the owners of 6444 East Tanque Verde Road and in regards to their tenant Aspire Church Tucson.

The central issue expressed in your letter appears to be the location of a Medical Marijuana Dispensary proposed at 6464 East Tanque Verde Road. Your letter asserts that issuance of permits at 6464 East Tanque Verde Road to operate a Medical Marijuana Dispensary constitutes a violation of the Tucson Unified Development Code Section (UDC) 4.9.9.E(k) which requires a dispensary to be setback at least 1,000 feet from a church. The document you attached indicates that on October 1, 2016 your client entered into a lease agreement with Aspire Church Tucson for space at 6464 East Tanque Verde Road.

UDC Section 4.9.9.E(k) establishes the minimum setback of a dispensary from a church as 1,000 feet. Further, this section states "A 'church' means a building that is erected or converted for use as a church, where services are regularly convened that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs, other architectural features." According to Section 1.(a) of the Commercial Real Estate Lease attached to your letter, the Aspire Church is subleasing a portion of the Realty Executives Offices, specifically the training center, kitchen and restrooms for Sunday meetings and evening meetings. Per the approved plans, sign permits, and the Certificate of Occupancy issued for 6444 East Tanque Verde, the primary use of this site is for Realty Executives, an office use. The Certificate of Occupancy issued to Realty Executives is a "B" business occupancy. A "church" use is an "A" assembly occupancy. Planning and Development Services (PDSD) has not received plans for review or issued a Certificate of Occupancy for a change of use from an office use to a church use at this location or a portion of this location.

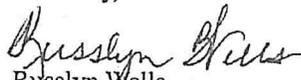
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Planning and Development Services Department (PDSD) - 201 North Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-5550 - Fax: (520) 791-4340
Website: www.tucsonaz.gov/pdsd
Email: DSD_Zoning_Administration@tucsonaz.gov

Based on the information currently available, it appears that Aspire Church Tucson, located at 6444 East Tanque Verde, does not meet the definition of a "church" as defined in UDC Section 4.9.9.E(k). In addition, there are no approved plans or a Certificate of Occupancy issued for a church use at this location. Based on these facts, the proposed MMJ Dispensary use is not in violation of the setback from a church.

The applications for a Medical Marijuana (MMJ) Dispensary, at 6464 E. Tanque Verde Road, predate the lease agreement between your client and Aspire Church. Documents relating to the applications for permits associated with 6464 E. Tanque Verde Road are and have been available for public view and research at <https://www.tucsonaz.gov/PRO/pdsd/>. Should Aspire Church choose to lawfully locate at 6464 East Tanque Verde, application with PDSd for a valid Certificate of Occupancy will be reviewed at that time. Assuming any sensitive uses, such as a church, make application and receive approval to locate within 1,000 feet of the MMJ Dispensary at 6464 E. Tanque Verde Road, at that time permits issued for such uses would establish the MMJ Dispensary facility as being a legal non-conforming use for setbacks.

Sincerely,


Russlyn Wells
Acting Zoning Administrator

RW:S:\zoning administration\zoning\2017\6444 East Tanque Verde

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