

EXHIBIT G



CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

April 4, 2012

Robert Valdez
Aztec Counseling Services, Inc
108 South Kolb Road
Tucson, Arizona.

SUBJECT: Land Use Code Section 3.5.9.8.A.11

Dear Mr. Valdez,

You have requested a determination of Land Use Code Section 3.5.9.8.A.11. This section pertains to distance requirements a medical marijuana dispensary must maintain from certain other uses.

The key statement you refer to is "A medical marijuana dispensary shall be setback... a minimum of 2,000' from a licensed residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility..."

"Residential substance abuse diagnostic and treatment facility" is a use that is covered in the Land Use Code's Residential Use Group under the classification, Residential Care Services in Section 6.3.8.5.

The second phrase '...or other drug or alcohol rehabilitation facility' is also covered by Section 6.3.8.5. The term, rehabilitation facility refers to a convalescence, in-patient facility where meals, lodging and services are rendered to ill persons. One of the uses listed under Section 6.3.8.5 is called a 'rehabilitation center' which is similar to the term used in Section 3.5.9.8.A.11 'rehabilitation facility.'

Land Use Code Section 6.1.3.4 states that the word 'or' may be read to indicate the connected items are being referred to individually or as a combination. Because the two uses are derived from the same Land Use Group, I read the 'or' to mean that the two uses are read as a combination of similar uses.

An outpatient substance abuse treatment facility is a use covered under Section 6.3.5, Commercial Services Group. It is in the use classification Medical Services – Outpatient (Section 6.3.5.17). The classification is described as a use providing 'outpatient... mental health services such as outpatient services that are of a therapeutic, rehabilitative or counseling nature.' While a Medical Services – Outpatient use can offer rehabilitative services, for zoning purposes it is not classified as a rehabilitation center or facility.

Planning & Development Services Department (P&DSD) - 201 North Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-5550 - Fax: (520) 791-5852
Website: www.ci.tucson.az.us/dsd
Email: DSD_zoning_administration@tucsonaz.gov

Therefore, it is my determination that your facility is not a residential facility and not included in the distance requirements set forth in the Land Use Code Section 3.5.9.8.A.11 and that a Medical Marijuana Dispensary may be sited within, or less than 2000' from your facility.

For your information, all Zoning Administrator determinations can be appealed through a Board of Adjustment Appeal Procedure, Sec. 23A-61 of the City Code. Appeals must be filed within thirty (30) days of the date of decision. The Board of Adjustment, under extenuating circumstances, may extend the thirty (30) day appeal period. Board of Adjustment information and applicable fees may be obtained by contacting Russlyn Wells at the Planning and Development Services Department at 837-4948

If you have any further questions you can call me at (520)-837-6964 or email me at jim.mazzocco@tucsonaz.gov.

Sincerely,



Jim Mazzocco, AICP
Zoning Administrator
Planning and Development Services Department

C: Ernie Duarte, Director Planning and Development Services Department

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