



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 2, 2015 **REPORT NO.** PC-15-131

ATTENTION: Planning Commission, Agenda of December 10, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO DENY
A CONDITIONAL USE PERMIT FOR GRANTVILLE GREEN MMCC
- PROJECT NO. 368381 (PROCESS 3).

REFERENCE: Report to the Hearing Officer; Report No. HO-15-120 (Attachment 1-13).

**OWNER/
APPLICANT:** Joseph Frankel/
Granville Green, Inc., Nicholas Hosig

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to deny a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 623 square-foot tenant space within an existing 6,760 square-foot building located at 4410 Glacier Avenue within the Navajo Community Plan area?

Staff Recommendation: Deny the appeal and uphold the Hearing Officer's decision to Deny Conditional Use Permit No. 1288100.

Community Planning Group Recommendation: On September 9, 2015, the Navajo Community Planners Inc. voted 9-7-0 to approve the project with conditions (Attachment 11).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures (Attachment 9). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 20, 2015, and the opportunity to appeal that determination ended on September 3, 2015.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

On March 25, 2014 the City of San Diego adopted Ordinance No. O-20356, to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). MMCCs are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision. A limit of four MMCCs per Council District (36 city-wide) was adopted in order to minimize the impact on the City and residential neighborhoods.

The proposed project is a request for a Conditional Use Permit to operate a MMCC in a 623 square-foot tenant space within a 6,760 square-foot building. The 0.24-acre site is located in the IL-3-1 zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone (CPIOZ) Type A within the Navajo Community Plan area. The site was developed in 1972 per Building Permit No. G92633.

CPIOZ & PARKING REQUIREMENTS

The site is designated Light Industrial within the Navajo Community Plan. In addition to Light Industrial uses; retail, commercial and office uses are allowed in this designation. The CPIOZ requires that 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 façade variations which meets the intent of this requirement. In order to meet the intent of this requirement, the project proposes specific façade upgrades to the south portion of the building facing Glacier Avenue that include raised stucco projecting out two inches from the existing surface, and the existing brick painted in a swiss coffee white in order to create an illusion of offsetting planes. The proposed 623 square-foot MMCC requires 3 on-site parking spaces. In order to meet the total parking requirement of 15 on-site parking spaces, the applicant proposed leasing two additional tenant spaces, totaling 1,246 square feet within the building, and maintaining them vacant during the term of the permit. Staff supported the request and has conditioned the permit accordingly (Attachment 5, Condition No. 26).

The proposed MMCC, classified as commercial services, is a compatible use for this location

with a Conditional Use Permit. The exterior upgrades as proposed meet the intent of the building façade variations required by the community.

MINIMUM SEPARATION REQUIREMENTS

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the community. SDMC section 141.0614(a)(1) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a public park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). Mission Valley Riparian open space is owned by the City of San Diego for public use and is designated as a park (Attachment 4). The proposed MMCC is located approximately 880 feet of Dedicated Parkland per City Clerk Resolution number R-307902 (Attachment 13), and therefore is in direct violation of the separation requirement of SDMC.

The project was scheduled to be presented to the Hearing Officer on October 7, 2015. The day of the hearing the applicant requested a continuance to October 28, 2015. On October 28, 2015, the Hearing Officer denied the project because it did not meet the separation requirement and the required permit findings could not be made.

DISCUSSION

Appeal: On November 4, 2015, Joe Esposito, the representative for the project, filed an appeal of the Hearing Officer's decision on the grounds of Factual Error (Attachment 14).

The appellants' summarized ground for appeal issues and staff response is as follows:

Appeal Issue: *Designated park site is not a park.*

Staff Response: The SDMC does not state that a "Public Park" must meet the City of San Diego Park Standards to be designated a public park. The SDMC only states that a MMCC cannot be located within 1,000 feet of a public park. Mission Valley Riparian open space meets the definition of a public park per the SDMC and is within 1,000 feet of the proposed MMCC.

CONCLUSION:

Staff is recommending denial of the appeal and denial of the project as it fails to meet the minimum distance requirement prohibiting MMCCs from operating within 1,000 feet of a public park.

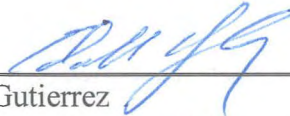
ALTERNATIVES:

1. Approve the appeal and approve Conditional Use Permit No. 1288100, if the findings required to approve the project can be affirmed.
2. Approve the appeal and approve Conditional Use Permit No. 1288100 with modifications.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-13 Report to the Hearing Officer – Report HO-15-120
14. Appeal Application, Joe Esposito
15. Draft Permit Resolution with Findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: October 7, 2015

REPORT NO. HO-15-120

ATTENTION: Hearing Officer

SUBJECT: GRANTVILLE GREEN MMCC
PROJECT NUMBER: 368381

LOCATION: 4410 Glacier Avenue

APPLICANT: Grantville Green, Inc., Nicholas Hosig

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 623 square-foot tenant space within a 6,760 square-foot building within the Navajo Community Plan Area?

Staff Recommendation: DENY Conditional Use Permit No. 1288100.

Community Planning Group Recommendation: On September 9, 2015, the Navajo Community Planners Inc. voted 9-7-0 to approve the project with conditions (Attachment 11).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures (Attachment 9). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 20, 2015, and the opportunity to appeal that determination ended on September 3, 2015.

BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the

California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

On March 25, 2014 the City of San Diego adopted Ordinance No. O-20356, to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). MMCCs are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision. A limit of four MMCC's per Council District (36 city-wide) was adopted in order to minimize the impact on the City and residential neighborhoods.

The proposed project is a request for a Conditional Use Permit to operate a MMCC in a 623 square-foot tenant space within a 6,760 square-foot building. The 0.24-acre site is located IL-3-1 zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone (CPIOZ) Type A within the Navajo Community Plan area. The site was developed in 1972 per Building Permit No. G92633.

The site is designated Light Industrial within the Navajo Community Plan. In addition to Light Industrial uses; retail, commercial and office uses are allowed in this designation. The CPIOZ requires that 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. In order to meet the intent of this requirement, the project proposes specific facade upgrades to the south portion of the building facing Glacier Avenue that include raised stucco projecting out two inches from the existing surface and the existing brick painted in a swiss coffee white in order to create an illusion of offsetting planes. In order to meet the parking requirement of 15 on-site parking spaces, the applicant proposed two additional tenant spaces, totaling 1,246 square feet within the building, be maintained vacant during the term of the permit. Staff supported the request and has conditioned the permit accordingly (Attachment 5, Condition No. 26).

The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. The exterior upgrades as proposed meet the intent of the building facade variations required by the community.

DISCUSSION

The proposed 623 square-foot MMCC is located 4410 Glacier Avenue. The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the community. SDMC section 141.0614(a)(1) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000

feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). Mission Valley Riparian open space is owned by the City of San Diego for public use and is designated as a park (Attachment 4). The proposed MMCC is located within 1,000 feet of Dedicated Parkland per City Clerk Resolution number R-307902 (Attachment 13), and therefore is in direct violation of the separation requirement of SDMC.

CONCLUSION

Staff is recommending denial of the project as it fails to meet the SDMC's minimum separation requirement prohibiting MMCCs from operating within 1,000 feet of a park. The proposed MMCC is not consistent with the SDMC's purpose and intent to protect public health and safety, does not comply with the regulations of the Land Development Code and is not located at an appropriate location.

ALTERNATIVE

Approve Conditional Use Permit No. 1288100.

Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

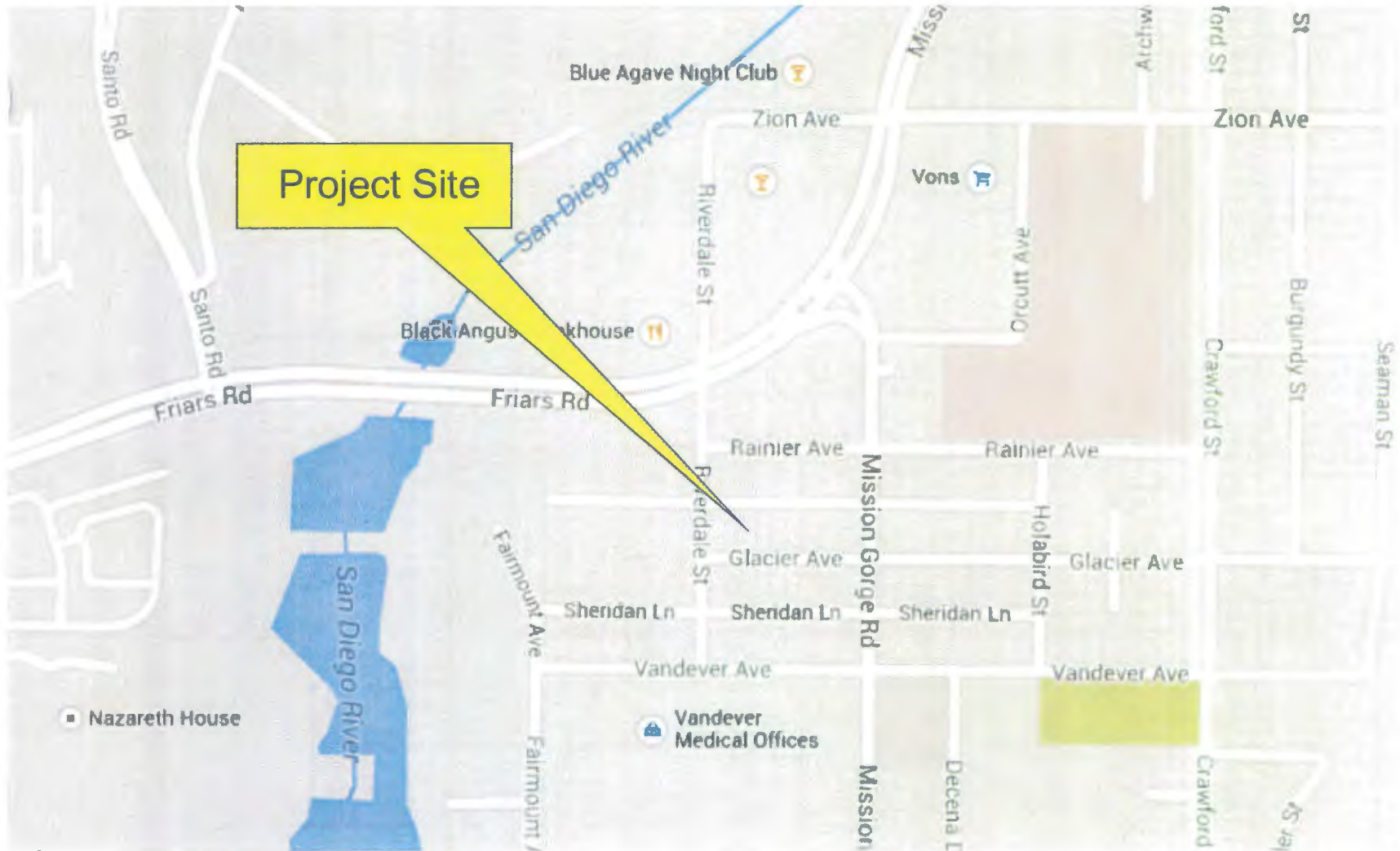
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Mission Valley Riparian Exhibit
5. Draft Permit with Conditions
6. Draft Permit Resolution with Findings
7. 1000-Foot Radius Map
8. 1000-Foot Radius Map Spreadsheet
9. Notice of Right to Appeal
10. Project Site Plan(s)
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Resolution number R-30790



Location Aerial Photo

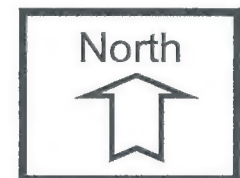
GRANTVILLE GREEN MMCC – 4410 GLACIER AVENUE
PROJECT NO. 368381

























Project Location Map

GRANTVILLE GREEN MMCC – 4410 GLACIER AVENUE
PROJECT NO. 368381

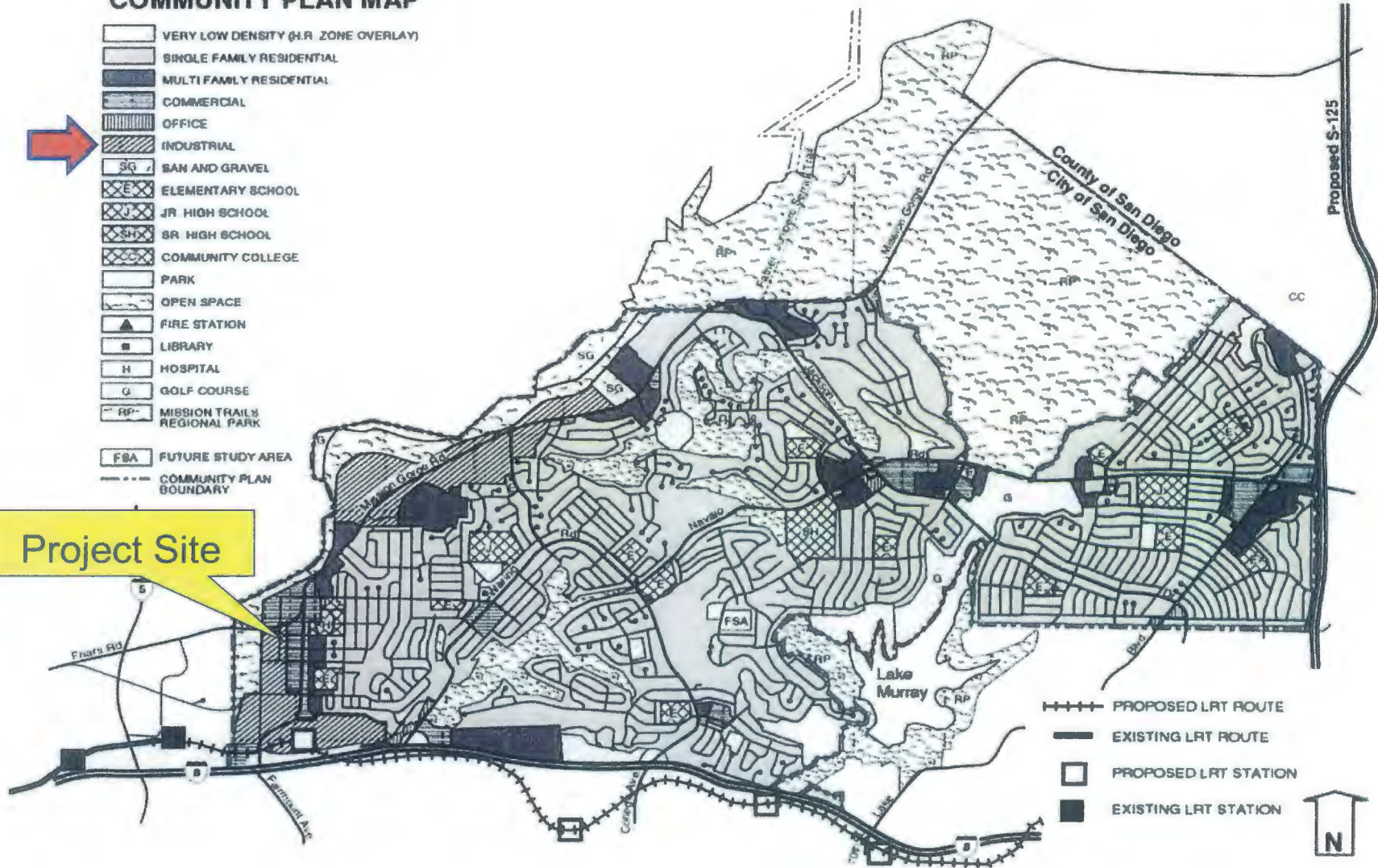


COMMUNITY PLAN MAP

-  VERY LOW DENSITY (H.R. ZONE OVERLAY)
-  SINGLE FAMILY RESIDENTIAL
-  MULTI FAMILY RESIDENTIAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  SAN AND GRAVEL
-  ELEMENTARY SCHOOL
-  JR HIGH SCHOOL
-  SR HIGH SCHOOL
-  COMMUNITY COLLEGE
-  PARK
-  OPEN SPACE
-  FIRE STATION
-  LIBRARY
-  HOSPITAL
-  GOLF COURSE
-  MISSION TRAILS REGIONAL PARK
-  FSA
-  COMMUNITY PLAN BOUNDARY



Project Site



Land Use Map

GRANTVILLE GREEN MMCC – 4410 GLACIER AVENUE

PROJECT NO. 368381

North





Mission Valley Riparian within 1,000 feet

GRANTVILLE GREEN MMCC

PROJECT NO. 368381





Data View: Features Intersecting with Principal Parcel

Street Address	APN	Owner Name	Situs Address	Owner Care Of	Owner Street Address
	458-300-1700	CITY OF SAN DIEGO	0 FRIARS RD		PUBLIC AGENCY



Publicly owned
open space
designated as
Park



Mission Valley Riparian Dedicated Parkland

GRANTVILLE GREEN MMCC
PROJECT NO. 368381



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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004660

CONDITIONAL USE PERMIT NO. 1288100
GRANTVILLE GREEN MMCC - PROJECT NO. 368381
HEARING OFFICER

This Conditional Use Permit No. 1288100 is denied by the Hearing Officer of the City of San Diego to JOSEPH FRANKEL, TRUSTEE, Owner and GRANTVILLE GREEN, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.24-acre site is located at 4410 Glacier Avenue in the IL-3-1 Zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone, Type A within the Navajo Community Plan area. The project site is legally described as Lots 35-37, Block 13 of Grantville and Out-Lots, Map No. 1, February 16, 1894, Map No. 776.

Subject to the terms and conditions set forth in this Permit, permission is denied 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 October 7, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 623 square-foot tenant space (Unit 101) within a 6,760 square-foot building;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- 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 [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 October 22, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on October 22, 2020.
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.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
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.

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 623 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. 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.
16. 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.
17. 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.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. 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.
20. 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 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.24-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. 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 and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.
24. Prior to utilization of this permit specific facade upgrades to the building must be made as shown on Sheet A-3.0 of the Exhibit "A".

TRANSPORTATION REQUIREMENTS:

25. No fewer than 15 parking spaces (including 1 van accessible space), 2 motorcycle and 2 bicycle spaces shall be maintained on the property at all times in the approximate locations

shown on Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

26. The proposed 623 square-foot MMCC shall lease an additional 1,246 square feet within the 6,760 square-foot building and retain it as vacant space. The lease shall specifically state that the additional 1,246 square-foot leased space is to be kept vacant and not to be occupied at any time during the entire term, for any use whatsoever, including storage space. The lease shall provide for the exclusive use of 3 parking spaces that shall be clearly labeled and designated for the 625 square-foot MMCC and 1,246 square-foot vacant space.

27. Prior to issuance of any building permit, the applicant shall assure by permit and bond the replacement of the existing driveway with a 20-foot wide driveway, on Glacier Avenue, per Standard Drawing SDG-162, satisfactory to the City Engineer.

POLICE DEPARTMENT RECOMMENDATION:

28. 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.

DENIED by the Hearing Officer of the City of San Diego on October 7, 2015 and Resolution No. HO-XXXX.

Conditional Use Permit No. 1288100

PTS No. 368381

Date of Denial: October 7, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
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.

JOSEPH FRANKEL
Owner

By _____
Joseph Frankel
Trustee

GRANTVILLE GREEN, INC
Permittee

By _____
Nicholas Hosig
President

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1288100
GRANTVILLE GREEN MMCC - PROJECT NO. 368381

WHEREAS, JOSEPH FRANKEL, TRUSTEE, Owner and GRANTVILLE GREEN, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 623 square- foot tenant space within a 6,760 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1288100), on portions of a 0.24-acre site;

WHEREAS, the project site located at IL-3-1 Zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone, Type A within the Navajo Community Plan area;

WHEREAS, the project site is legally described as Lots 35-37, Block 13 of Grantville and Out-Lots, Map No. 1, February 16, 1894, Map No. 776;

WHEREAS, on August 20, 2015, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated October 7, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

1. 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 a 623 square- foot tenant space within a 6,760 square-foot building. The 0.24-acre site is located IL-3-1 zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone Type A within the Navajo Community Plan area. The site is designated Light Industrial within the Navajo Community Plan. In addition to Light Industrial uses; retail, commercial and office uses are allowed in this designation. All of the surrounding parcels are in the IL-3-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The Community Plan Implementation Overlay Zone (CPIOZ) of the Navajo Community Plan requires that 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 façade variations which meets the intent of this requirement. The existing building, constructed in 1972 per Building Permit No. G92633, does not have offset building planes or façade variations. In order to meet the intent of this requirement, the project

proposes specific facade upgrades to the south portion of the building facing Glacier Avenue that include raised stucco projecting out two inches from the existing surface and the existing brick painted in a swiss coffee white in order to create an illusion of offsetting planes.

The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. The proposed exterior upgrades as proposed meet the intent of the building facade variations required by the community plan and therefore the proposed project will not adversely affect the applicable land use plan.

2. 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 a MMCC in a 623 square-foot tenant space located at 4410 Glacier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the public's health, safety and welfare. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). Mission Valley Riparian is owned by the City of San Diego for public use and is designated as a park. The proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC.

The proposed project fails to meet the SDMC's minimum separation requirements prohibiting MMCCs from operating within 1,000 feet of a park, and is not consistent with the SDMC's purpose and intent to protect public safety. Therefore, the proposed project will be detrimental to the public's health, safety, and welfare.

3. 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 MMCC located at 4417 4410 Glacier Avenue is within 1,000 feet of Mission Valley Riparian Dedicated Parkland (APN #458-300-17).

The Land Development Code regulates the operation of MMCCs City-wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects to neighboring properties or incompatibility with the other permitted uses of the base zone. One of the limitations included in the Code includes minimum separation requirements between certain uses. SDMC section 141.0614(a) specifically prohibits MMCC's from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). The proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct

violation of the SDMC. Therefore, the proposed project does not comply with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The proposed MMCC located at 4417 4410 Glacier Avenue is within 1,000 feet of Mission Valley Riparian Dedicated Parkland (APN #458-300-17), dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited locations of the City, and only when it can be demonstrated that the location of the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on public safety. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). The proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC. Therefore, the proposed MMCC is not appropriate at this proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1288100 is hereby DENIED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1288100, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: October 7, 2015

Job Order No. : 24004660

N




■ = SUBJECT PROPERTY

MAP NOT TO SCALE

VICINITY MAP
APN: 458-521-21

1000-Foot Radius Map Spreadsheet

Project Name:	Grantville Greens		
Address :	4410 Glacier Avenue, Suite 101, San Diego, CA 92120		 = on site businesses
Date:	06/10/2014		
Use	Address	Assessor Parcel No.	Business Name
RETAIL	4410 GLACIER AVENUE, SUITE 105, SAN DIEGO, CA 92120	458-521-2100	VISTA HILL FOUNDATION
RETAIL	4410 GLACIER AVENUE, SUITE 107, SAN DIEGO, CA 92120	458-521-2100	ALLICOM INC
RETAIL	4410 GLACIER AVENUE, SUITE 103, SAN DIEGO, CA 92120	458-521-2100	COPY REPAIR
RETAIL	4410 GLACIER AVENUE, SUITE 102, SAN DIEGO, CA 92120	458-521-2100	CALIFORNIA US IMPORTS
RETAIL	4410 GLACIER AVENUE, SUITE 104, SAN DIEGO, CA 92120	458-521-2100	ALPHA COMMUNICATIONS
RETAIL	4452 GLACIER AVENUE, SAN DIEGO, CA 92120	458-521-1100	LIBBY ENGINEERS, INC.
RETAIL	4422 GLACIER AVENUE, SAN DIEGO, CA 92120	458-521-2200	LIGHT HOUSE (AUTO SALES)
RETAIL	4428 GLACIER AVENUE, SAN DIEGO, CA 92120	458-521-2300	RADIATOR SHOP
RETAIL	6314 MISSION GORGE RD, SAN DIEGO, CA 92120	458-521-1500	619 GRAPHIC DESIGN
LIGHT INDUSTRIAL	6305 RIVERDALE ST. SAN DIEGO, CA 92120	458-521-3000	NATPRO
LIGHT INDUSTRIAL	6312 RIVERDALE ST, SAN DIEGO, CA 92120	458-521-3000	ROAD ONE
VACANT INDUSTRIAL	4417 RAINIER AVE, SAN DIEGO, CA 92120	458-521-2600	VACANT
N/A	4427 RAINIER AVE, SAN DIEGO, CA 92120	458-521-2700	BUILDING FOR SALE
RESTAURANT	4499 RAINIER AVE, SAN DIEGO, CA 92120	458-521-2800	MCDONALD'S
RESTAURANT	6326 MISSION GORGE RD, SAN DIEGO, CA 92120	458-521-2900	MCDONALD'S
RETAIL	4420 RAINIER AVE, SAN DIEGO, CA 92120	458-342-2400	COMFORT KEEPERS
RETAIL	4420 RAINIER AVE, SUITE 306, SAN DIEGO, CA 92120	458-342-2400	COASTAL EQUITY SOLUTIONS
RETAIL	4420 RAINIER AVE, SAN DIEGO, CA 92120	458-342-2400	OUR FEATHERED FRIENDS
GAS STATION	6404 MISSION GORGE RD, SAN DIEGO, CA 92120	458-342-2000	ARCO
RETAIL	6424 MISSION GORGE RD, SAN DIEGO, CA 92120	458-342-1000	AUTO ZONE
AUTOMOTIVE	10445 FRIARS RD, SAN DIEGO, CA 92120	458-342-1100	MIDAS SAN DIEGO
RETAIL	10433 RIVERDALE ST, SAN DIEGO, CA 92120	458-342-2300	PET'S HOSPITAL
RETAIL	10433 RIVERDALE ST, SAN DIEGO, CA 92120	458-342-2300	SHAMROCK ORIENTAL SPA
RETAIL	10407 FRIARS RD, SAN DIEGO, CA 92120	458-342-2300	FARMER'S OUTLET
RESTAURANT	10460 FRIARS RD, SAN DIEGO, CA 92120	458-700-1100	RUBIO'S FRESH MEXICAN GRILL
RESTAURANT	10460 FRIARS RD, SAN DIEGO, CA 92120	458-700-1100	EINSTEIN BROS BAGELS

RETAIL	10460 FRIARS RD, SAN DIEGO, CA 92120	458-700-1100	FRIARS ROAD SHOPPING CENTER
RESTAURANT	10460 FRIARS RD, SAN DIEGO, CA 92120	458-700-1100	GAGLIONE BROTHERS FAMOUS STEAKS & SUBS
RESTAURANT	10430 FRIARS RD, SAN DIEGO, CA 92120	458-700-1300	COCO'S RESTAURANT
RETAIL	10410 FRIARS RD, SAN DIEGO, CA 92120	458-700-1200	PETCO, INC.
RESTAURANT	10406 FRIARS RD, SAN DIEGO, CA 92120	458-700-1200	STARBUCKS
RESTAURANT	10406 FRIARS RD, SAN DIEGO, CA 92120	458-700-1200	JAMBA JUICE
RETAIL	6555 MISSION GORGE RD, SAN DIEGO, CA 92120	458-700-0300	VONS
RETAIL	10350 FRIARS RD SUITE 118 SAN DIEGO, CA 92120	458-720-1400	PILATES STUDIO
RETAIL	10330 FRIARS RD #109, SAN DIEGO, CA 92120	458-720-1400	MATHNASIUM LEARNING & BOOK STORE
RESTAURANT	10330 FRIARS RD #106, SAN DIEGO, CA 92120	458-720-1400	CAMEL'S BREATH INN
RETAIL	10330 FRIARS RD, #108, SAN DIEGO, CA 92120	458-720-1400	TAN N SEA
RESTAURANT	10330 FRIARS RD #101, SAN DIEGO, CA 92120	458-720-1400	FILIPPI'S PIZZA GROTTO
RETAIL	10330 FRIARS RD #101, SAN DIEGO, CA 92120	458-720-1600	EDWARD JONES - FINANCIAL ADVISOR
RETAIL	10320 FRIARS RD, SAN DIEGO, CA 92120	458-720-1500	ARMSTRONG GARDEN CENTER
RETAIL	6501 MISSION GORGE RD, SAN DIEGO, CA 92120	458-700-0400	BANK OF AMERICA
RETAIL	6505 MISSION GORGE RD, SAN DIEGO, CA 92120	458-700-0400	RITE AID PHARMACY
MEDICAL	6511 MISSION GORGE RD, SAN DIEGO, CA 92120	458-700-0700	KAISER PERMANENTE BLOOD CENTER
RESTAURANT	6435 MISSION GORGE RD, SAN DIEGO, CA 92120	458-343-0100	GRAB & GO SUBS
RETAIL	6401 MISSION GORGE RD, SAN DIEGO, CA 92120	458-343-2800	7-11 CONVENIENCE STORES
RETAIL	6403 MISSION GORGE RD, SAN DIEGO, CA 92120	458-343-2800	MONEYTREE
MEDICAL	4647 ZION AVE, SAN DIEGO, CA 92120	458-343-2700	KAISER FOUNDATION HOSPITAL
AUTOMOTIVE	6347 MISSION GORGE RD, SAN DIEGO, CA 92120	458-531-2200	WHOLESALE AUTOMOTIVE MACHINE
RESTAURANT	6333 MISSION GORGE RD, SAN DIEGO, CA 92120	458-531-0200	TIO LEO'S MEXICAN RESTAURANT
RESIDENTIAL	4525 RAINIER AVE, SAN DIEGO, CA 92120	458-531-2300	HOUSING
RESIDENTIAL	4535 RAINIER AVE, SAN DIEGO, CA 92120	458-531-2700	HOUSING
RESIDENTIAL	4555 RAINIER AVE, SAN DIEGO, CA 92120	458-531-2500	HOUSING
RESIDENTIAL	6352 HOLABIRD ST, SAN DIEGO, CA 92120	458-531-0800	HOUSING
RETAIL	6323 MISSION GORGE RD, SAN DIEGO, CA 92120	458-531-2100	CALIFORNIA BANK & TRUST
RESIDENTIAL	4540 GLACIER AVE, SAN DIEGO, CA 92120	458-531-1703	HOUSING
RESIDENTIAL	4550 GLACIER AVE, SAN DIEGO, CA 92120	458-531-1602	HOUSING
RESIDENTIAL	619 HALABIRD ST, SAN DIEGO, CA 92120	458-531-1602	HOUSING
RESIDENTIAL	4550 GLACIER AVE, SAN DIEGO, CA 92120	458-531-1602	HOUSING

RESIDENTIAL	4580 GLACIER AVE, SAN DIEGO, CA 92120	458-531-1602	HOUSING
OFFICE	6255 MISSION GORGE RD, SAN DIEGO, CA 92120	458-532-0400	METZ MARCELYN
RESIDENTIAL	4543 GLACIER AVE, SAN DIEGO, CA 92120	458-532-0400	HOUSING
SERVICE STATION	6225 FAIRMONT AVE, SAN DIEGO, CA 92120	458-510-0300	COSBY FUELS
RESTAURANT	6585 MISSION GORGE RD, SAN DIEGO, CA 92120	458-700-0200	WENDY'S
RESTAURANT	6566 MISSION GORGE RD, SAN DIEGO, CA 92120	458-700-0800	CARL'S JR.
RETAIL	6155 MISSION GORGE RD, SAN DIEGO, CA 92120	461-030-0300	AUTO SALES
RETAIL	6131 MISSION GORGE RD, SAN DIEGO, CA 92120	461-030-4700	DISCOUNT TIRE CO.
RETAIL	6136 MISSION GORGE RD, SAN DIEGO, CA 92120	461-220-3500	AMERICAN CREMATION SERVICES
RESTAURANT	6178 MISSION GORGE RD, SAN DIEGO, CA 92120	461-220-4400	SOMBRERO'S
RETAIL	6322 MISSION GORGER RD, SAN DIEGO, CA 92120	458-521-0300	MISSION GORGE CAR WASH
RETAIL	6130 MISSION GORGER RD, SAN DIEGO, CA 92120	461-220-4600	ALLIANCE ONE COLLECTION AGENCY
LIGHT INDUSTRIAL	6216 FAIRMONT AVE, SAN DIEGO, CA 92120	458-300-0400	NO BUSINESS NAME
RETAIL	6215 FAIRMONT AVE, SAN DIEGO, CA 92120	458-510-1400	ALL ROADSIDE TOWING
RETAIL	6205 FAIRMONT AVE, SAN DIEGO, CA 92120	458-510-3000	MISSION VALLEY FOREIGN CAR SERVICE, INC
LIGHT INDUSTRIAL	6190 FAIRMONT AVE, SAN DIEGO, CA 92120	461-150-1000	RHODIANA CORP
RETAIL	6151 FAIRMONT AVE, SAN DIEGO, CA 92120	461-220-4900	PINKERTON GOVT. SERVICES
RESIDENTIAL	4545 GLACIER AVE, SAN DIEGO, CA 92120	458-532-2100	HOUSING
RESIDENTIAL	6252-6298 HOLABIRD ST, SAN DIEGO, CA 92120	458-532-2100	HOUSING
RESIDENTIAL	6250 HOLABIRD ST, SAN DIEGO, CA 92120	458-532-2100	HOUSING
INDUSTRIAL	10383 FRIARS RD, SAN DIEGO, CA 92120	458-720-1100	STADIUM CAR WASH CENTER
RETAIL	6218 FAIRMONT AVE, SAN DIEGO, CA 92120	458-300-0400	BRICKMAN GROUP
LIGHT INDUSTRIAL	6320 RIVERDALE ST, SAN DIEGO, CA 92120	458-720-0700	CREATIVE BEHAVIOR INSTITUTE
LIGHT INDUSTRIAL	6232 FAIRMONT AVE, SAN DIEGO, CA 92120	458-510-0300	MAXIM CRANE WORKS
PARKING LOT	4340 SHERIDAN LANE, SAN DIEGO, CA 92120	458-510-0400	PARKING
RETAIL	4337 SHERIDAN LANE, SAN DIEGO, CA 92120	458-510-1100	NP AUTO ELECTRIC SUPPLY
LIGHT INDUSTRIAL	4399 SHERIDAN LANE, SAN DIEGO, CA 92120	458-510-1100	ROAD ONE TOWING
RESTAURANT	6330 RIVERDALE ST, SAN DIEGO, CA 92120	458-510-1800	FOUR SEASONS CANDY COMPANY
RESTAURANT	6304 RIVERDALE ST, SAN DIEGO, CA 92120	458-510-1800	GROUNDSWELL BREWING COMPANY
RETAIL	4388 VANDEVERE AVE, SAN DIEGO, CA 92120	458-510-2700	AUTO-CHLOR SYSTEM
RETAIL	4340 VENDEVERE AVE, SAN DIEGO, CA 92120	458-510-2800	NAUTILUS ENVIRONMENT
RETAIL	6280 RIVERDALE ST, SAN DIEGO, CA 92120	458-510-3200	FITNESS 360

RETAIL	6280 RIVERDALE ST, SAN DIEGO, CA 92120	458-510-3200	SOUTHERN CALIFORNIA SOIL
RETAIL	6340 RIVERDATE ST, SAN DIEGO, CA 92120	458-521-3000	MIRROR SHOWER & GLASS
RESTAURANT	6201 MISSION GORGE RD, SAN DIEGO, CA 92120	458-532-1200	TACO FIESTA
RETAIL	4550 VANDEVERE AVE, SAN DIEGO, CA 92120	458-532-1600	SAN DIEGO PAINTING CONTRACTORS
RESIDENTIAL	6154 DECENA DR, SAN DIEGO, CA 92120	461-030-0400	HOUSING
RESIDENTIAL	4555 VANDEVERE AVE, SAN DIEGO, CA 92120	461-030-3700	HOUSING
RESTAURANT	6171 MISSION GORGE RD, SAN DIEGO, CA 92120	461-030-4300	SUBWAY RESTAURANTS
RESTAURANT	6171 MISSION GORGE RD, SAN DIEGO, CA 92120	461-030-4300	A BROOKLYN PIZZERIA
RESTAURANT	6171 MISSION GORGE RD, SAN DIEGO, CA 92120	461-030-4300	SOUPLANTATION - MISSION GORGE
MEDICAL	4405 VANDEVERE AVE, SAN DIEGO, CA 92120	461-220-2600	KAISER PERMANENTE MEDICAL OFFICES
RETAIL	6140 MISSION GORGE RD, SAN DIEGO, CA 92120	461-220-2800	DMV SMOG CHECK TEST ONLY
RETAIL	6160 MISSION GORGE RD, #100, SAN DIEGO, CA 92120	461-220-4600	OCCUPATIONAL TRAINING SERVICE
RETAIL	6160 MISSION GORGE RD, #100, SAN DIEGO, CA 92120	461-220-4600	SECURITAS SECURITY SERVICES, USA
RESTAURANT	6162 MISSION GORGE RD, SAN DIEGO, CA 92120	461-220-4600	LOS PRIMOS MEXICAN FOOD
RETAIL	6156 MISSION GORGE RD, SAN DIEGO, CA 92120	461-220-4700	PURE PLANNING
PARKING LOT	6162 MISSION GORGE RD, SAN DIEGO, CA 92120	461-220-4800	PARKING
COMMERCIAL	6145 DECENA DR, SAN DIEGO, CA 92120	760-104-8900	SHAYO CHAVEZ C/O STEIN EDUCATION CENTER



THE CITY OF SAN DIEGO

Date of Notice: August 20, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004660

PROJECT NAME/NUMBER: Grantville Green MMCC/368381

COMMUNITY PLAN AREA: Navajo Community Plan

COUNCIL DISTRICT: 7

LOCATION: The project is located at 4410 Glacier Avenue, Unit 101, San Diego, CA 92120.

PROJECT DESCRIPTION: 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 within a 623- square-foot suite within an existing 7,540-square-foot building on a 0.24-acre site located at 4410 Glacier Avenue within the Navajo Community Plan Area; it is designated for Light Industry use. The project is zoned IL-3-1 and is subject to the Airport Influence Area for Montgomery Field, the Part 77 Noticing Area, the Airport Land Use Compatibility Overlay Zone, and the Community Plan Implementation Overlay Zone (Type A).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15303 (New Construction or Conversion of Small Structures)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER:

MAILING ADDRESS:

PHONE NUMBER:

Edith Gutierrez

1222 First Avenue, MS 501

San Diego, CA 92101

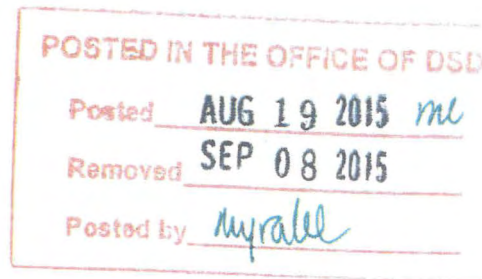
(619) 446-5147

On August 20, 2015, the City of San Diego made the above-referenced environmental determination

pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (September 3, 2015). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



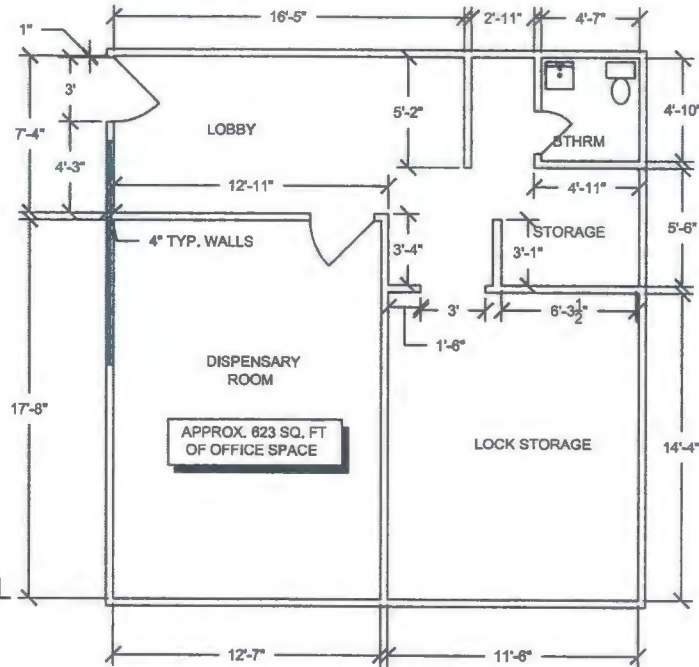
GRANTVILLE GREEN INC.

4410 GLACIER AVE UNIT 101
SAN DIEGO, CA. 92120
APN parcel: 458-521-2100

LEGAL DESCRIPTION:

ZONE IL-3-1
OCCUANCY: B
LOT 35-37
BLOCK 13
MAP 776

INDUSTRIAL / 1 TO 2 STORY
MISC. STORE BUILDING
APPLICANT: NICK HOSIG
(619) 459-1477
PROPERTY OWNER: JOE FRANKEL
(619) 447-2547

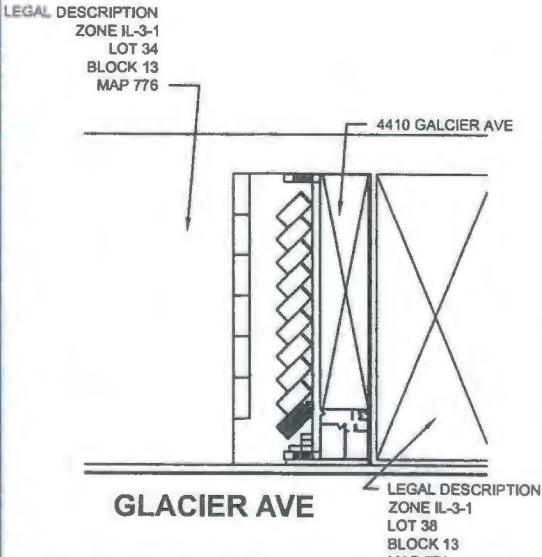


PROPOSED FLOOR PLAN UNIT 101:
SCALE: 1/4"=1'0"

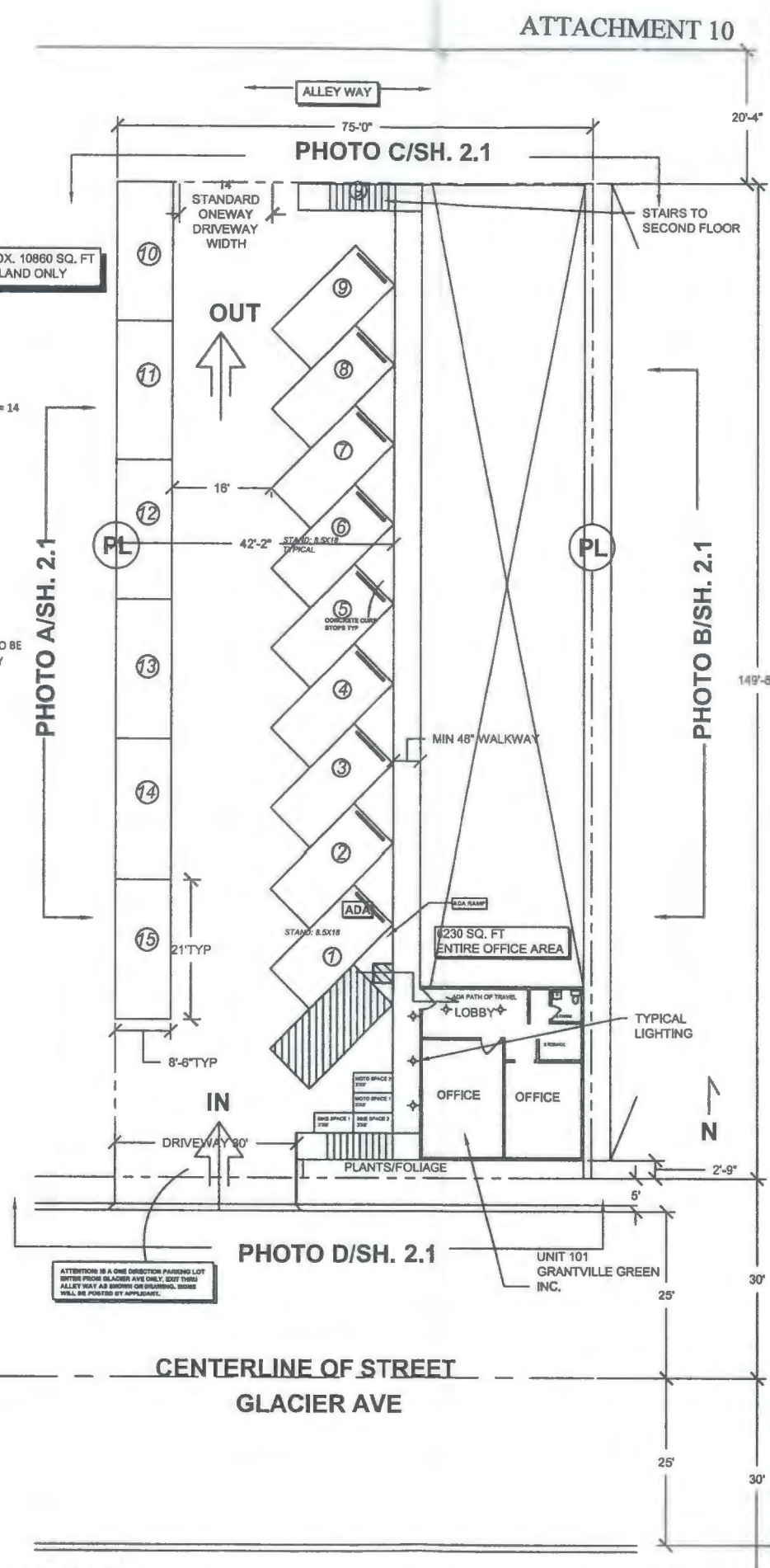
GENERAL NOTES: THESE PLANS AND DRAWINGS FOR A CONDITIONAL USE PERMIT TO ALLOW MEDICAL MARIJUANA DISPENSARY.
1: NO PROPOSED ADDITIONAL SQUARE FOOTAGE.
2: NO CHANGES TO EXTERIOR STOREFRONT STRUCTURE.
3: NO CHANGE TO PARKING AND LANDSCAPING.
4: SITE STRUCTURE IS NOT HISTORICAL BUILT IN 1977.
5: SITE IS LESS THAN 10% GRADE.
6: FOR BUS STOP LOCATIONS SEE SHEET A3.0 DETAIL (A).
7: FOR FIRE HYDRANT LOCATION SEE SHEET A3.0 DETAIL (B).
8: FOR BUSSNISSES IN THE 1000' MAP RADIUS SEE SHEET A2.0 DETAIL (A)

PARKING ANALYSIS:
THE MINIMUM PARKING REQUIREMENTS ARE AS FOLLOWS:
EXISTING USE:
OFFICE USE: 6760 S.F. X 2.5 SPACES/1000 S.F. = 17 SPACES
LESS UNIT 109 AND 110 TO BE VACANT: (6760 - (623 + 623) X 2.5 SPACES/1000 S.F.) = 14 SPACES
LESS UNIT 101 (MMCC): (5514 S.F. - 623 S.F.) X 2.5 SPACES/1000 S.F. = 12 SPACES
PROPOSED USE:
COMMERCIAL SERVICES (MMCC): 623 S.F. X 5 SPACES/1000 S.F. = 3 SPACES
PARKING REQUIRED FOR EXISTING OFFICE USE = 12 SPACES
PARKING REQUIRED FOR PROPOSED MMCC USE = 3 SPACES
TOTAL PARKING REQUIRED = EXISTING + PROPOSED = 12 + 3 = 15 SPACES
A MINIMUM OF 15 PARKING SPACES INCLUDING 1 VAN ACCESSIBLE SPACE, 2 MOTORCYCLE SPACES AND 2 BICYCLE SPACES ARE REQUIRED.
NOTE:
THE OWNER/PERMITTEE SHALL RETAIN 1,246 S.F. WITHIN THE 6,760 S.F. BUILDING TO BE VACANT AND NOT OCCUPIED AT ANY TIME DURING THE TERM OF THE CUP FOR ANY USE WHATSOEVER INCLUDING STORAGE SPACES.

SHEET INDEX:
TITLE PAGE
FLOOR PLAN AND S.D.M.C. NOTES
PICTURES AND REVISED 1000' MAP
PICTURES
MAP OF FIRE HYDRANTS AND BUS STOPS



ADJECENT PROPERTIES:
SCALE: N.T.S.



PLOT PLAN:
SCALE: 1/32"=1'0"

ATTACHMENT 10

PROPERTY OWNER:
Name: JOE FRANKEL
(619)447-2547
1749 LA VALHALLA
EL CAJON, CA. 92019
APPLICANT:
Name: NICK P. HOSIG
(619)459-1477
10225 CAMINO CUERVO
APT. 125
SAN DIEGO, CA 92108
DESIGNER:
RAMON BARUJO
(310)562-5383
RBPLANDESIGN@GMAIL.COM
4273 CANOGA AVE.
WOODLAND HILLS, CA. 91364
SCOPE OF WORK:
CONDITIONAL USE PERMIT
FOR MEDICAL MARIJUANA
CONSUMER COOPERATIVE

GRANTVILLE GREEN INC.
4410 GLACIER AVE UNIT 101
SAN DIEGO, CA. 92120

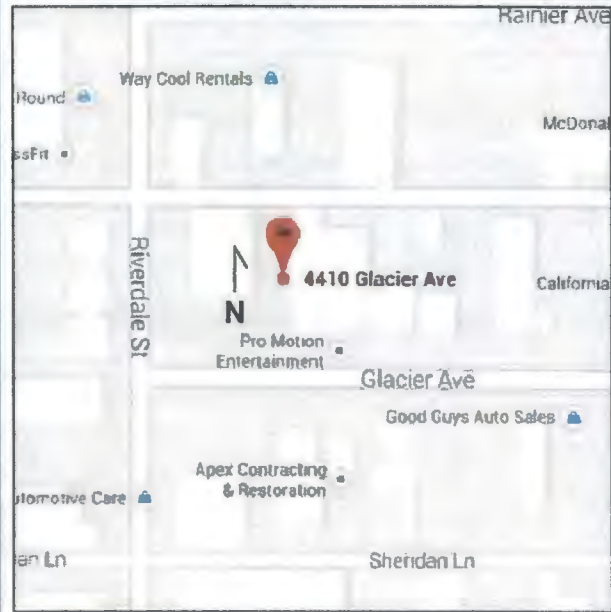
PROJECT TITLE
CONDITIONAL
USE
PERMIT
FILE NAME: 4410 GLACEIR AVE
DRAWN BY: T. FLORES
CHECKED BY: R. BAGUIO
DATE:

CS1.0

STOREFRONT NO NEW CONSTRUCTION PROPOSED



VICINITY MAP

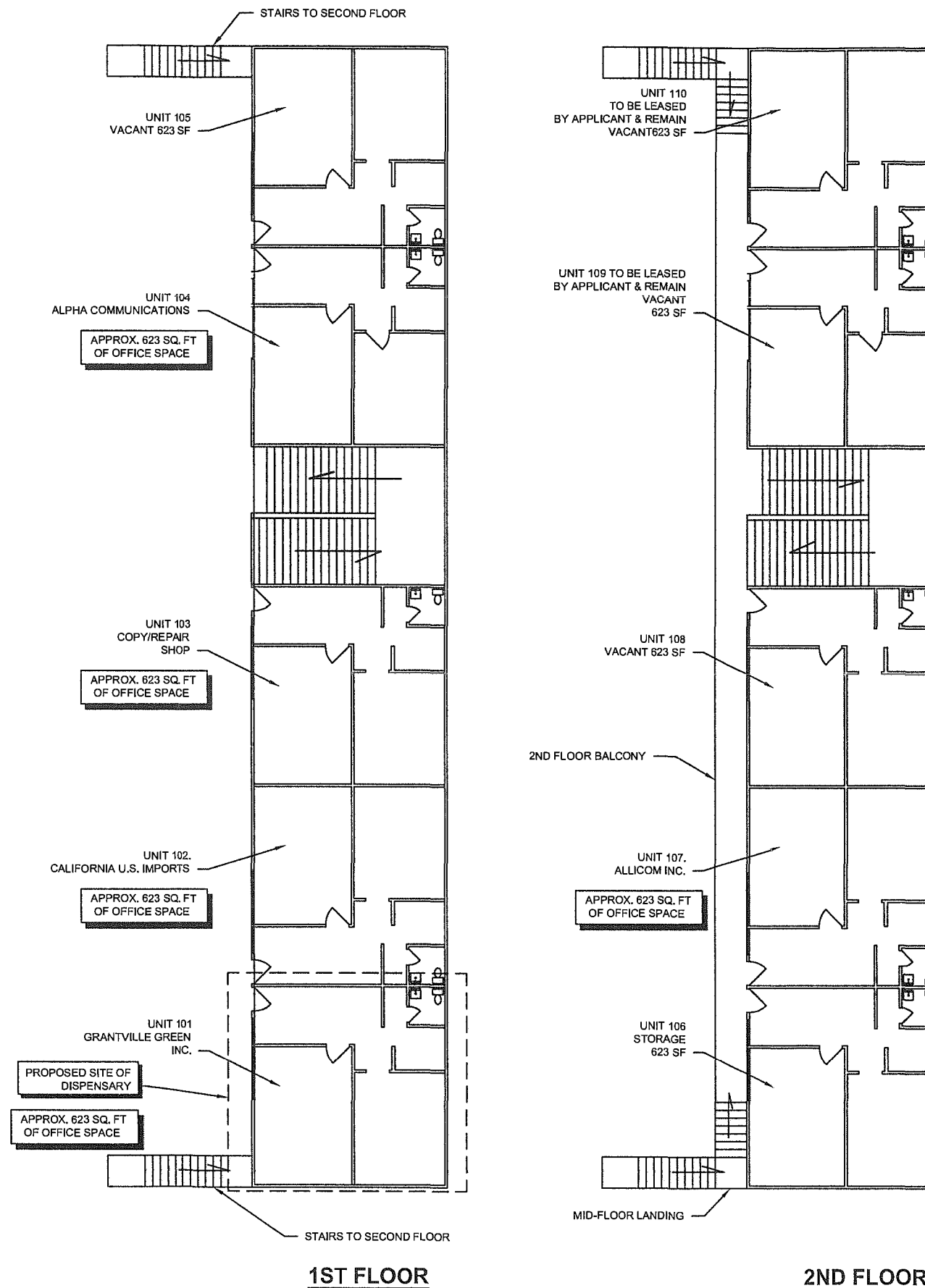
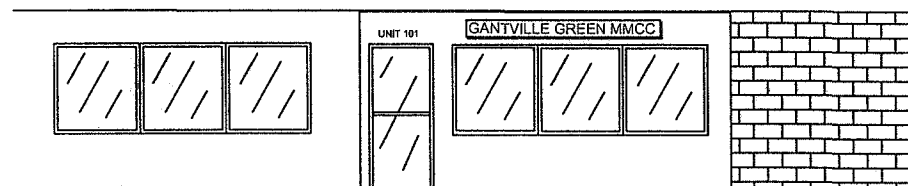


AERIAL MAP



1: PROPOSED USE OF THIS SITE

- IN ACCORDANCE WITH SDMC 126.0302 ANY FUTURE USE MAY BE ANY USE PERMITTED IN THE IL-3-1 ZONE.
- 2: CONSULTATIONS FROM MEDICAL PERSONAL WILL NO BE PERMITTED ACCESSORY USE AT MEDICAL MARIJUANA CONSUMER COOPERATIVE.
- 3: SECURITY WILL BE PROVIDE AT THE MEDICAL MARIJUANA CONSUMER COOPERTIVE WHICH SHALL INCLUDE WORKABLE 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 SECRUITY GUARD SHOULD ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON A INCIDENTAL BASIS.
- 4: ALL SIGNS SHALL BE POSTED ON THE OUTSIDE OF MEDICAL MARIJUANA CONSUMER COOPERTIVE AND SHALL ONLY HAVE BUSINESS NAME AND LIMITED TO ONLY (2) TWO COLORS.
5. A SIGN WILL BE POSTED IN THE COOPERTIVE THAT SHOWS THE NAME, PHONE NUMBER AND POSTITION OF OPERTIVE AND OR MANAGER. MUST BE VISIBLE FROM OUTSIDE OF MEDICAL MARIJUANA CONSUMER COOPERTIVE. CHARACTER SIZE SHALL BE AT LEAST 2" IN HEIGHT.
6. STORE OPEN HOURS
8:00AM TO 8:00PM
7. THE USE OF A VENDING MACHINE WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED BY S.D.M.C. SECTION 42.1502. A VENDING MACHINE IS ANY DEVICE THAT ACCESS TO THE MEDICAL MARIJAUNA WITHOUT A HUMAN INTERMEDIARY.
8. LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERTIVE, FACADE, AND THE IMMENDIATE SURROUNDING AREA, INCULDING ANY ACCESSORY USES, PARKING LOTS, AND AJOINING SIDEWALK. LIGTHING SHALL BE HOODED OR ORIENTED SO AS TO BE DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
9. NO CHANGE OF USE TO ANY UNIT INCLUDING PROPOSED MEDICAL MARIJUANA CONSUMER COOPERTIVE.
- 10: THE OWNER OPERATOR SHALLMAINTAIN THE PREMISE, ADJACENT PUBLIC SIDEWALKS, AN AREAS UNDER THE CONTROL OF OPERATOR, FREE OF LITTER AND GRAFFITTI AT ALL TIMES. GRAFFITTI MUST BE REMOVED WITHIN 48 HOURS.
- 11: APPLICANT WILL PROVIDE AND POST SIGNS THAT SAY THIS IS ONEWAY DRIVEWAY AS POSTED BY SAID SIGNS.



PROPERTY OWNER:
Name: JOE FRANKEL
(619)447-2547
1749 LA VALHALLA
EL CAJON, CA. 92019

APPLICANT:
Name: NICK P. HOSIG
(619)459-1477
10225 CAMINTO CUERVO
APT.125
SAN DIEGO, CA 92108

DESIGNER:
RAMON BARUIO
(310)562-5383
RBP.LANDESIGN@GMAIL.COM
4273 CANOGA AVE.
WOODLAND HILLS, CA. 91364

SCOPE OF WORK:
CONDITIONAL USE PERMIT
FOR MEDICAL MARIJUANA
CONSUMER COOPERATIVE

**GRANTVILLE GREEN INC.
4410 GLACIER AVE UNIT 101
SAN DIEGO, CA. 92120**

PROJECT TITLE

C.U.P.

FILE NAME: 4410 GLACEIR AVE

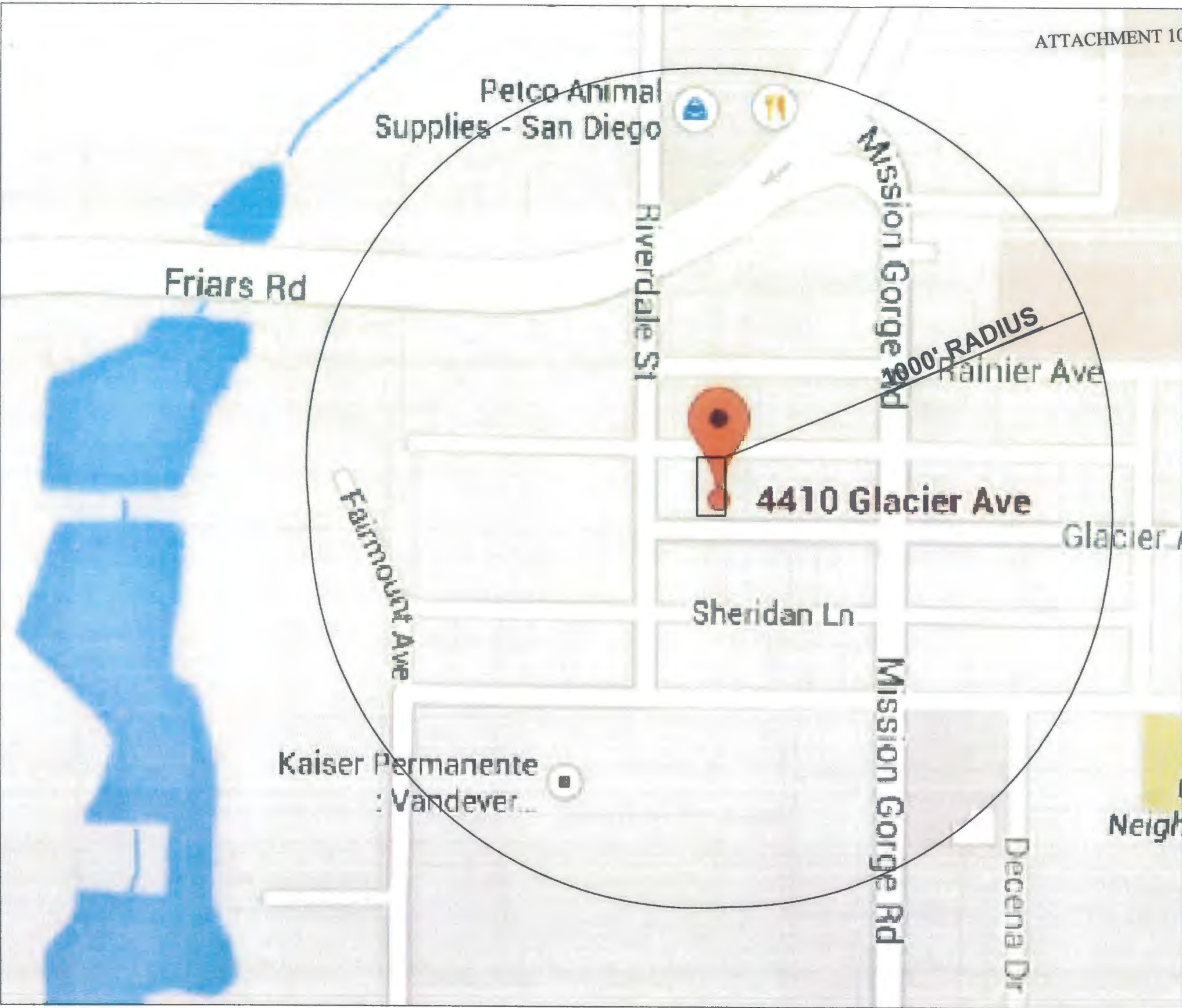
DRAWN BY: T. FLORES

CHECKED BY: R. BAGUIO

DATE: _____

**FLOOR PLAN
AND
NOTES**

A1.1



DETAIL "A" REVISED RADIUS MAP SHOWING BUSINESSES WITHIN 1000':
SCALE: 1/128" = 1'-0"

ALL PARTIES LIST ON THIS MAP HAVE BEEN
CONTACTED AND HAVE NO COMPLAINTS AND
WILL PROVIDE WRITTEN DOCUMENTS FROM
SAID LOCATION UPON REQUEST



PROPERTY OWNER:
Name: JOE FRANKEL
(619)447-2547
1749 LA VALHALLA
EL CAJON, CA. 92019

APPLICANT:
Name: NICK P. HOSIG
(619)459-1477
10225 CAMINTO CUERVO
APT. 125
SAN DIEGO, CA 92108

DESIGNER:
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RBPLANDSIGN@GMAIL.COM
4273 CANOGA AVE.
WOODLAND HILLS, CA. 91364

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GRANTVILLE GREEN INC.
4410 GLACIER AVE UNIT 101
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PROJECT TITLE
C.U.P.

FILE NAME: 4410 GLACEIR AVE
DRAWN BY: T. FLORES
CHECKED BY: R. BAGUIO
DATE:

**PICTURES
REVISED
1000'**

A2.0



A STOREFRONT SIDE OF PROPOSED BUSINESS



B BACKSIDE OF PROPOSED BUSINESS



C NORTH END OF PROPOSED BUSINESS: (ALLEY)



D SOUTH END OF PROPOSED BUSINESS: (STREET VIEW)

PROPERTY OWNER:
Name: JOE FRANKEL
(619)447-2547
1749 LA VALHALLA
EL CAJON, CA. 92019

APPLICANT:
Name: NICK P. HOSIG
(619)459-1477
10225 CAMINTO CUERVO
APT.125
SAN DIEGO, CA 92108

DESIGNER:
RAMON BARUIO
(310)562-5383
RBPLANDESIGN@GMAIL.COM
4273 CANOGA AVE.
WOODLAND HILLS, CA. 91364

SCOPE OF WORK:
CONDITIONAL USE PERMIT
FOR MEDICAL MARIJUANA
CONSUMER COOPERATIVE

**GRANTVILLE GREEN INC.
4410 GLACIER AVE UNIT 101
SAN DIEGO, CA. 92120**

PROJECT TITLE

C.U.P.

FILE NAME: 4410 GLACEIR AVE
DRAWN BY: T. FLORES
CHECKED BY: R. BAGUIO
DATE:

PICTURES

A2.1

PROPERTY OWNER:
Name: JOE FRANKEL
(619)447-2547
1749 LA VALHALLA
EL CAJON, CA. 92019

APPLICANT:
Name: NICK P. HOSIG
(619)459-1477
10225 CAMINO CUERVO
APT. 125
SAN DIEGO, CA 92108

DESIGNER:
RAMON BARUIO
(310)562-5383
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4273 CANOGA AVE.
WOODLAND HILLS, CA. 91364

SCOPE OF WORK:
CONDITIONAL USE PERMIT
FOR MEDICAL MARIJUANA
CONSUMER COOPERATIVE

GRANTVILLE GREEN INC.
4410 GLACIER AVE UNIT 101
SAN DIEGO, CA. 92120

PROJECT TITLE

C.U.P.

FILE NAME: 4410 GLACIER AVE

DRAWN BY: T. FLORES

CHECKED BY: R. BAGUIO

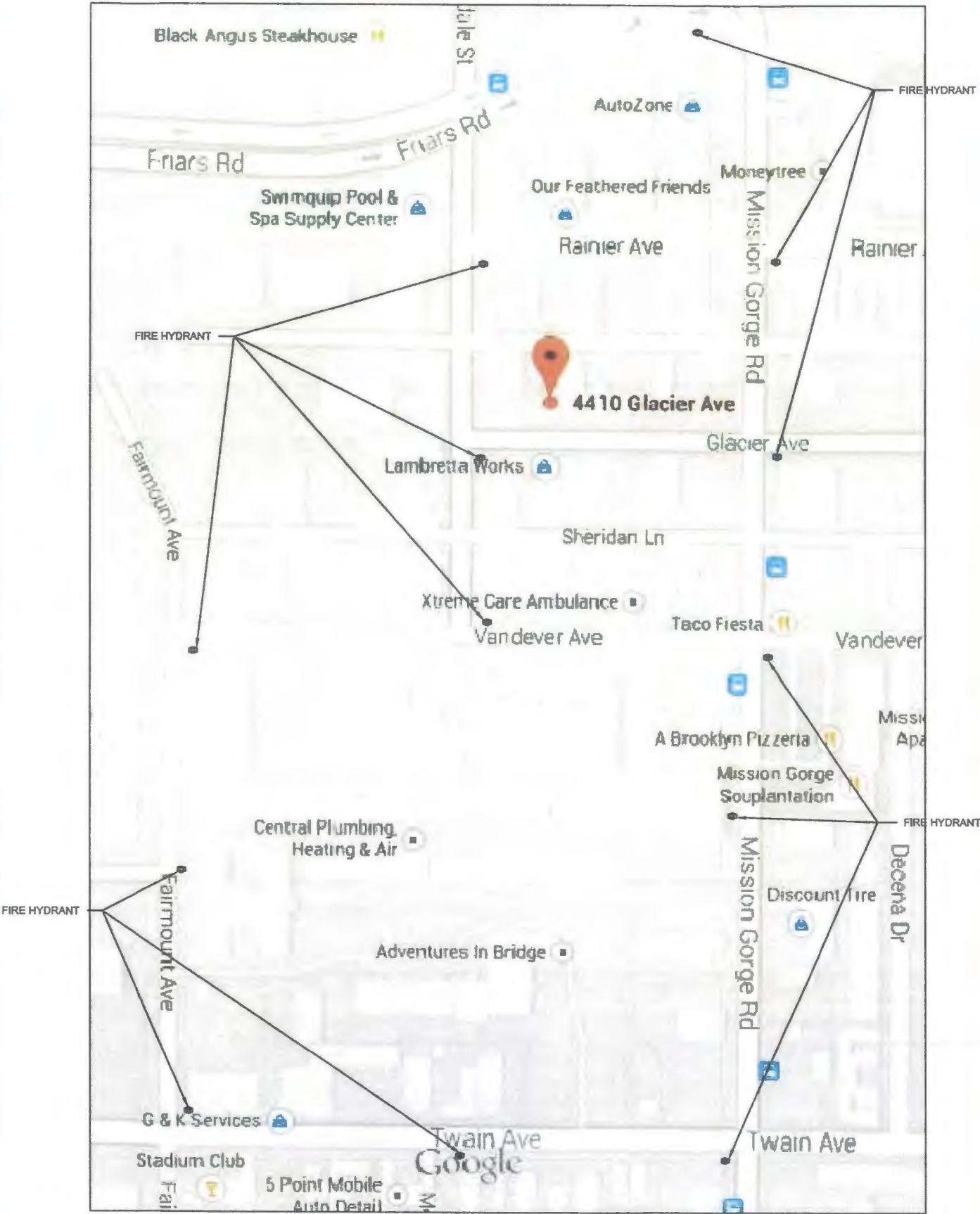
DATE:

**BUS STOPS
&
FIRE HYDRANT
LOCATIONS**

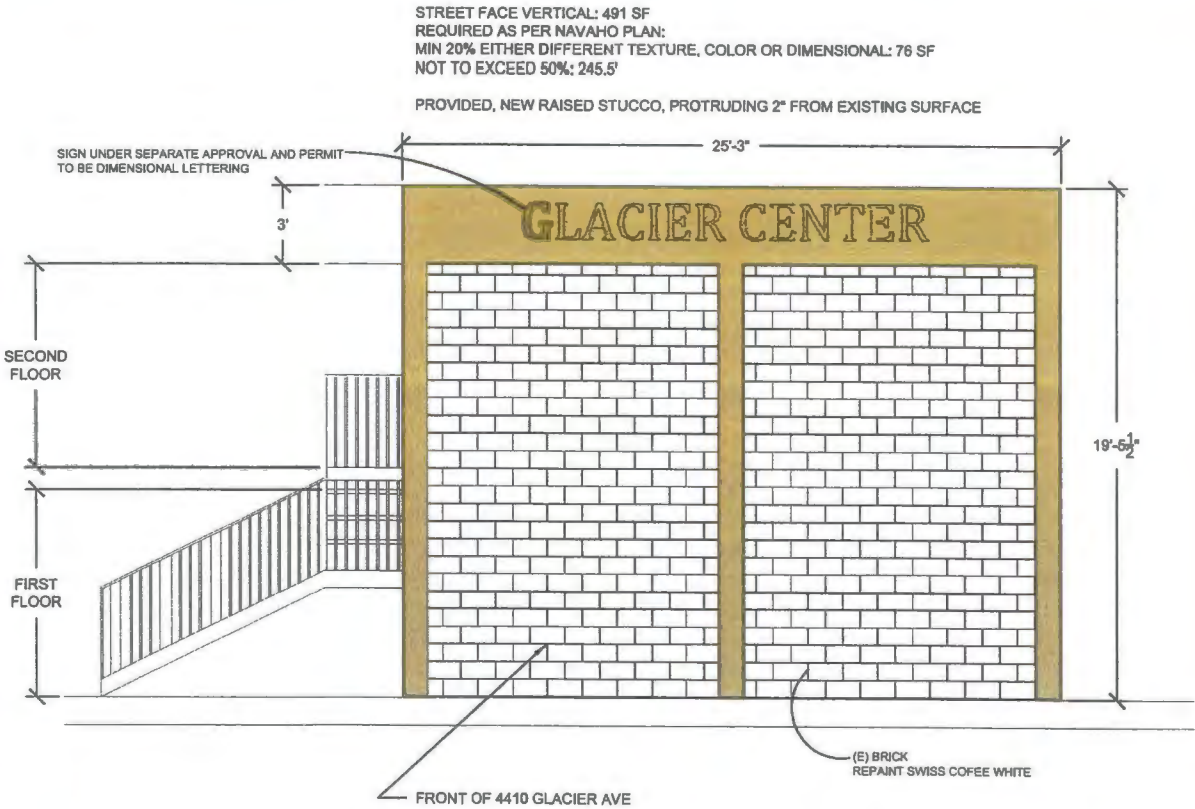
A3.0



A BUS STOPS NEAR PROPOSED BUSINESS



B FIRE HYDRANTS NEAR PROPOSED BUSINESS



C STREET ELEVATION



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: Grantville Green MMCC		Project Number: 368381	Distribution Date: 9/15/2014
Project Scope/Location: NAVAJO Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 623 square foot suite within an existing 7,540 square foot, two-story building located at 4410 Glacier Avenue. The 0.24-acre site is located in the IL-3-1 zone and Airport Influence Area (Montgomery Field) within the Navajo Community Plan Area. Council District 7. Notice Card=1.			
Applicant Name: Nick Hoslg		Applicant Phone Number: (619) 280-2722	
Project Manager: Gutierrez, Edith	Phone Number: (619) 446-5147	Fax Number: (619) 446-5245	E-mail Address: EGutierrez@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 9	Members No 7	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: Grantville Greens Co-op hours from 9-9; an armed security guard present on site during operating hours, and no hash oil or wax products sold.			
NAME: MATTHEW J. ADAMS		TITLE: CHAIR	
SIGNATURE: <i>[Signature]</i>		DATE: 9-9-15	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

Grantville Greens

Project No. For City Use Only

368381

Project Address:

4410 Glacier Ave. Ste 101, San Diego, CA 92120

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

Joe Frankel

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

1749 La Valhalla Pl.

City/State/Zip:

El Cajon, CA 92019

Phone No:

(619) 447-2547

Fax No:

Signature:

Date:

Joseph Frankel 4-16-14

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Project Title: Grantville Greens	Project No. (For City Use Only) 368581
--	--

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check): TRUST

☐ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☒ Yes ☐ No

<div style="border-bottom: 1px solid black; margin-bottom: 5px;">Corporate/Partnership Name (type or print): <u>FRANKEL Family TRUST</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Street Address: <u>1749 LA VALHALLA PL.</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">City/State/Zip: <u>El Cajon CA 92019</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Phone No: _____ Fax No: _____</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Name of Corporate Officer/Partner (type or print): <u>Joseph FRANKEL</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Title (type or print): <u>TRUSTEE</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Signature : _____ Date: <u>4-8-14</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Street Address:</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">City/State/Zip:</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Phone No: _____ Fax No: _____</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Name of Corporate Officer/Partner (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Title (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Signature : _____ Date: _____</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; 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--	--

RESOLUTION NUMBER R- 307902DATE OF FINAL PASSAGE NOV 30 2012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE DECLARATION OF THE
DEDICATION OF LAND THEREBY DEDICATING _____
ACRES OF REAL PROPERTY OWNED IN FEE BY THE CITY
FOR PARK AND RECREATION PURPOSES PURSUANT TO
SENATE BILL NO. 1169.

WHEREAS, San Diego Charter section 55 (Charter) provides that all real property owned in fee by the City may be dedicated in perpetuity by ordinance of the City Council or by statute of the State Legislature for park and recreation purposes; and

WHEREAS, Senate Bill No. 1169 (SB 1169) approved by Governor Jerry Brown on September 7, 2012, amends California Fish and Game Code section 2831 to provide that lands designated as open space lands in a document entitled "Declaration of the Dedication of Land" (Declaration) and approved by resolution of the City Council as of January 1, 2013, are dedicated for park and recreation purposes under the Charter; and

WHEREAS, SB 1169 further provides that such approval of the Declaration is to be by resolution of the City Council in the same manner in which the City Council processes approval of dedicated open space, reserving to the City Council the authority to grant easements for utility purposes in, under, and across dedicated property, if those easements and facilities to be located thereon do not significantly interfere with the park and recreational use of the property; and

WHEREAS, the Charter provides that all property dedicated for park and recreational use shall not be used for any but park and recreation purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose; and

WHEREAS, Council Policy 700-17, Policy on Dedication and Designation of Park Lands, sets forth conditions that property owned in fee by the City must meet to be considered for dedication pursuant to the Charter; and

WHEREAS, in accordance with the Charter and Council Policy 700-17, 11,432 acres of real property owned in fee by the City have been reviewed by staff to determine which properties meet the conditions for dedication; and

WHEREAS, it is not the intent of the City to dedicate any real property that is encumbered by an easement for solely private purposes or any real property that is not owned in fee by the City; NOW, THEREFORE,

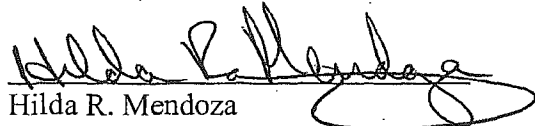
BE IT RESOLVED, by the Council of the City of San Diego, that the Declaration of the Dedication of Land, including parcels with assessor parcel numbers 348-010-65 and 348-840-07 in site codes L310RU, L312RU, L313RU, L314RU, and L315RU, on file in the Office of the City Clerk as Document No. RR- 307902, is approved, thereby dedicating 6567.27 acres of real property owned in fee by the City for park and recreation purposes pursuant to SB 1169; however, the approval of the Declaration does not extend to any real property that is encumbered by an easement for solely private purposes or any real property that is not owned in fee by the City, as determined by a court of competent jurisdiction or the City Council by resolution or ordinance.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego reserves the authority to grant easements for utility purposes in, under and across the dedicated property so

long as such easements and facilities to be located thereon do not significantly interfere with the park and recreational use of the property.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Hilda R. Mendoza
Deputy City Attorney

HRM:als

11/28/12

11/28/12 COR.COPY

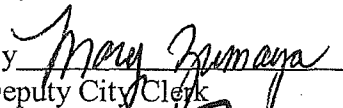
11/30/12 REV. COPY

Or.Dept: Park & Rec

Doc. No.: 458904_7

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 27 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____

11-30-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____

(date)

JERRY SANDERS, Mayor



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
AUGUST 2015

In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure".

1. Type of Appeal:

- ☒ Appeal of the Project
☐ Appeal of the Environmental Determination

2. Appellant: Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person"
(Per M.C. Sec. 113.0103)

Name: Joe Esposito E-mail Address: jroccolecox.net
Address: 225 Broadway #1160 City: SD State: CA Zip Code: 92101 Telephone: 619-236-0143

3. Project Name:
Granville Green MMCC

4. Project Information
Permit/Environmental Determination & Permit/Document No.: 368381 Date of Decision/Determination: 10/28/15 City Project Manager: Edith Gutierrez

Decision: (Describe the permit/approval decision)

Denied

5. Grounds for Appeal: (Please check all that apply)

- ☒ Factual Error ☐ New Information
☐ Conflict with other matters ☐ City-wide Significance (Process Four decisions only)
☐ Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Designated park site is not a park.

RECEIVED

NOV 4 2015

DEVELOPMENT SERVICES

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: [Signature]

Date: 11/4/15

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 (08-15)

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1288100
GRANTVILLE GREEN MMCC - PROJECT NO. 368381

WHEREAS, JOSEPH FRANKEL, TRUSTEE, Owner and GRANTVILLE GREEN, INC, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 623 square- foot tenant space within a 6,760 square-foot building (as described in and by reference to the denied Exhibits "A" and corresponding conditions of denial for the associated Permit No. 1288100), on portions of a 0.24-acre site;

WHEREAS, the project site is located in the IL-3-1 Zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone, Type A within the Navajo Community Plan area;

WHEREAS, the project site is legally described as Lots 35-37, Block 13 of Grantville and Out-Lots, Map No. 1, February 16, 1894, Map No. 776;

WHEREAS, on August 20, 2015, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on October 28, 2015, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 1288100 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 4, 2015, Joe Esposito filed an appeal of the Hearing Officer's decision;

WHEREAS, on December 10, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1288100 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 December 10, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

- 1. 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 a 623 square-foot tenant space within a 6,760 square-foot building. The 0.24-acre site is located IL-3-1 zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone Type A within the Navajo Community Plan area. The site is designated Light Industrial within the Navajo Community Plan. In addition to Light Industrial uses; retail, commercial and office uses are allowed in this designation. All of the surrounding parcels are in the IL-3-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The Community Plan Implementation Overlay Zone (CPIOZ) of the Navajo Community Plan requires that 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 façade variations which meets the intent of this requirement. The existing building, constructed in 1972 per Building Permit No. G92633, does not have offset building planes or façade variations. In order to meet the intent of this requirement, the project proposes specific facade upgrades to the south portion of the building facing Glacier Avenue that include raised stucco projecting out two inches from the existing surface and the existing brick painted in a swiss coffee white in order to create an illusion of offsetting planes.

The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. The proposed exterior upgrades as proposed meet the intent of the building façade variations required by the community plan and therefore the proposed project will not adversely affect the applicable land use plan.

2. 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 a MMCC in a 623 square-foot tenant space located at 4410 Glacier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the public's health, safety and welfare. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). Mission Valley Riparian is owned by the City of San Diego for public use and is designated as a park. The proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC.

The proposed project fails to meet the SDMC's minimum separation requirements prohibiting MMCCs from operating within 1,000 feet of a park, and is not consistent with the SDMC's purpose and intent to protect public safety. Therefore, the proposed project will be detrimental to the public's health, safety, and welfare.

3. 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 MMCC located at 4410 Glacier Avenue is within 1,000 feet of Mission Valley Riparian Dedicated Parkland (APN #458-300-17).

The Land Development Code regulates the operation of MMCCs City-wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects to neighboring properties or incompatibility with the other permitted uses of the base zone. One of the limitations included in the Code includes minimum separation requirements between certain uses. SDMC section 141.0614(a) specifically prohibits MMCC's from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). The proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC. Therefore, the proposed project does not comply with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The proposed MMCC located at 4410 Glacier Avenue is within 1,000 feet of Mission Valley Riparian Dedicated Parkland (APN #458-300-17), dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited locations of the City, and only when it can be demonstrated that the location of the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on public safety. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). The proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC. Therefore, the proposed MMCC is not appropriate at this proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1288100 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1288100, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: December 10, 2015

Job Order No. : 24004660

