



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 29, 2016 REPORT NO. PC-16-015

ATTENTION: Planning Commission, Agenda of April 7, 2016

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO APPROVE  
A CONDITIONAL USE PERMIT FOR 1028 BUENOS AVENUE MMCC. PROCESS  
THREEE

PROJECT NO. 369290

REFERENCE: Report to the Hearing Officer; Report No. HO-15-141 (Attachment 1-11).

OWNER/  
APPLICANT: Mission & Grand, LLC/  
Willie Senn

### SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 2,452-square-foot tenant space within an existing 16,542-square-foot building within the Linda Vista Community Plan area?

Staff Recommendation: Deny the appeal and uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1605038.

Community Planning Group Recommendation: On July 28, 2014, the Linda Vista Community Planning Group voted 9-6-1 to approve the project (Attachment 10).

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 on August 10, 2015 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on October 27, 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 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 San Diego City Council adopted Ordinance No. O-20356 to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). MMCCs are allowed with a Conditional Use Permit, Process Three, 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 CUP to operate a MMCC in a 2,452-square-foot tenant space within an existing one-story, 16,542-square-foot building located at 1028 Buenos Avenue. The 0.73-acre site is in the IL-3-1 Zone, Parking Impact Overlay Zone (Campus), and the Community Plan Implementation Overlay Zone (Type A) within the Linda Vista Community Plan Area.

The existing 16,542-square-foot building was developed in 1976 per Building Permit No. K48124. The proposed MMCC, classified as Commercial Services, is allowed in the IL-3-1 zone with a CUP and is consistent with the community plan land use designation of Industrial.

## DISCUSSION

Three appeals of the Hearing Officer's Decision to approve the project were filed on December 30, 2015. The appeals address concerns regarding parking requirements, safety relating to loading areas, and a prohibited use within 1,000 feet.

## PARKING REQUIREMENTS

The existing 16,542-square-foot building will contain the proposed 2,452-square-foot MMCC, 1,390-square feet of vacant space, and 12,700 feet of previously conforming warehouse use. A proposed permit condition requires the vacant portion of the building be leased by the applicant and maintained vacant at all times. Maintaining the additional vacant-leased space was proposed by the applicant to meet the required parking needed to support both the existing warehouse use and the



proposed MMCC. Staff supports the request and has conditioned the permit accordingly (Attachment 4, Condition No. 28).

The proposed 2,452-square-foot MMCC (including the 1,390 square feet of vacant-leased space) requires 12 parking spaces per current San Diego Municipal Code (SDMC) regulations. The remaining warehouse use requires nine parking spaces. The total parking requirement for the project site is 21 on-site spaces.

#### SEPARATION REQUIREMENTS

MMCCs must comply with SDMC Section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The proposed MMCC meets these requirements.

The City of San Diego Development Services staff has reviewed the 1,000-foot radius map (Attachment 6) and 1,000-foot spreadsheet exhibit, provided by the applicant, identifying all existing uses (Attachment 7). Staff has determined that the proposed MMCC meets all applicable development regulations, including parking and minimum distance requirements. The permit has been conditioned to include all development restrictions in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

#### MMCC PERMIT CONDITIONS

MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCCs must comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation. The applicant has voluntarily agreed to increased security enhancements including two armed security guards 24 hours a day, seven days a week, a metal detector, cameras that maintain recordings for 30 days, and bullet resistant materials in the walls, reception area and vault room (Attachment 4, Conditions 16-22).

#### APPEAL ISSUES AND RESPONSES

Three appeals of the Hearing Officer's decision were filed on December 30, 2015. The first appeal was filed by Stephen M. Coles, President of Coles Fine Flooring, on the grounds of Factual Error and Conflict with other matters (Attachment 12). The second appeal was filed by Julius Paeske, Manager for C & B Black Mountain LLC, on the grounds of Factual Error, Findings not Supported and New Information (Attachment 13). The third appeal was filed by David Snyder, Owner of Unique Stone Import, on the grounds of Factual Error, Conflict with other matters, Findings not supported and



New Information (Attachment 14).

The appellants' summarized grounds for appeal issues and staff responses are as follows:

Appeal Issues-Stephen M. Coles:

1. *There is a martial arts academy that has youth classes located at 980 Buenos Avenue, Suite C. The site is within 300 feet of the proposed MMCC, in violation of the municipal code.*

Staff Response: "Minor-oriented facility" is defined as any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the *primary use* is devoted to people under the age of 18. Primary use means the allowed use on a premises that *occupies a majority of the area of the premises*.

The building located at 980 Buenos Avenue is a multi-tenant industrial building. The martial arts academy occupies less than 50% of the area of the site, and therefore, not the primary use on the premises.

2. *There is a Toys R Us, a youth retail store, within 1,000 feet of the proposed MMCC, in violation of the municipal code.*

Staff Response: Toys R Us, located at 1240 W. Morena Boulevard, is a toy and juvenile-products retailer located within 1,000 feet from the proposed MMCC. A "Minor-oriented facility" is defined as any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the primary use is devoted to people under the age of 18. The definition includes uses where youth spend extended time periods of time on education, sports, music & dance, arts, computer science, and workshops (e.g. driver's education, CPR, first aid, babysitter's training, etc.). Although Toys R Us has merchandise devoted to people under the age of 18, the use is retail. In evaluating the definition, staff determined that the sale of products designed for minors, such as toys or clothing, was not the objective of the definition. Additionally, Toys R Us is located within the industrial area of Linda Vista (Attachment 3) on Morena Boulevard. Morena Boulevard is a major street designed to carry high volume traffic that provides connections between collector streets, primary arterials, and freeways. The closest residential area is over 1,000 feet from the toy store and the closest school is approximately one mile away. Due to its location, it is unlikely that minors would patronize the retail store walking and/or unaccompanied by an adult. For the reasons stated, staff determined that Toys R Us is not a minor-oriented facility.

3. *The parking area in the back of the proposed MMCC is a loading dock. Unique Stone Imports (within the same building) has trucks and forklifts in the area. This would be a safety issue.*

Staff Response:

The proposed rear parking spaces and existing loading ramp meet all development regulations. The moving of freight/deliveries should be conducted using the existing ramp and loading area



landing. In order to avoid conflicts between the parking spaces and loading area the existing loading dock bumpers in front of parking spaces 17-21 will be removed and a solid/non sliding railing will be installed (see notes on Site Plan, Attachment 17).

Appeal Issues-Julius Paeske:

4. *The incorrect parcel is identified in the Hearing Officer Report (HO-15-141), Attachment 1. The report and applicant did not present the correct location.*

Staff Response: In the Hearing Officer Report (HO-15-141), Attachment 1, the arrow points to the incorrect parcel. The correct location is the adjacent parcel to the northeast. Although the arrow is pointing at the incorrect parcel, the correct address is referenced in the exhibit and all other documents within the report.

5. *The Hearing Officer Report (HO-15-141), Attachment 7, does not contain a complete list of the properties within 1,000 feet. The building located at 980 Buenos Avenue contains a youth oriented business. The report and applicant did not present the correct location.*

Staff Response: Development Services staff advised the applicant in the first review cycle that a martial arts studio offering youth classes was located at 980 Buenos Avenue (APN 436-290-4300), and that the applicant had not included it in the required spreadsheet, dated April 30, 2014, identifying all uses within 1,000 feet (Attachment 7). In addition, during the review process, staff received a letter from Catherine Strada, President of Jiai Aikido dated September 3, 2014 (Attachment 16) stating that a majority of the students were adults. However, following further review, staff determined that the martial arts studio is located in a multi-tenant industrial building and occupies less than 50% of the building area. Therefore, staff determined that Jiai Aikido is not the primary use on the premises and does not meet the definition of minor-oriented facility. The applicant was not required to submit an updated spreadsheet identifying the martial arts studio.

6. *The Hearing Officer Report (HO-15-141), Attachment No. 9, does not truly represent the existing condition at the site. Parking spaces 14-21 would block access and loading to the existing tenant(s).*

Staff Response: As part of the proposal, the existing pedestrian door and roll up door in front of parking spaces 14-16 will be removed/modified. Additionally, the existing loading dock bumpers will be removed and a solid/non sliding railing in front of parking spaces 17-21 is required to eliminate conflicts between the building access and automobile parking (see notes on Site Plan, Attachment 17). The proposed parking spaces 1-21 (Attachment No. 9 -Site Plan), meet all parking regulations and will not impede pedestrian or loading access.

7. *Jiai Aikido, located at 980 Buenos Avenue is a minor-oriented facility in violation of the municipal code.*

Staff Response: See response to Appeal Issue No 1.

8. *There is a Toys R Us, a youth retail store, within 1,000 feet of the proposed MMC, in violation of the municipal code.*

Staff Response: See response to Appeal Issue No. 2.

Appeal Issues-David Snyder:

9. *The Hearing Officer Report (HO-15-141) does not correctly reflect the parking. There are only 13 parking spaces in front not the required 21 spaces. The rear spaces are unfeasible and would block access.*

Staff Response: See response to Appeal Issue No. 6.

10. *Parking spaces 14, 15 & 16 are in front of a roll up door used for moving slabs and crates of stone and tile onto forklifts and trucks. Additionally, the pedestrian door is not in the location shown.*

Staff Response: See response to Appeal Issue No. 3.

11. *Parking spaces 17-21 are shown in an established recessed loading dock bay used by delivery trucks for Unique Stone Imports. Additionally the loading area contains a sump pump, pipe and floods when it rains.*

Staff Response: See response No. 3 for parking response. The sump pump and electrical conduit are required and are legally installed. Parking over a sump pump is allowed. Flooding may be caused by lack of maintenance which is the responsibility of the property owner.

12. *Unique Stone Imports leases 12,950 square feet of the 16,542-square-foot building. Unique Stone claims rights to 78% of the 13 parking spaces in the front. Based on the percentage of occupancy, the proposed MMCC only has rights to 3 spaces.*

Staff Response: Parking requirements are typically determined using average parking ratios per the San Diego Municipal Code. The plans provided identify Unique Stone Imports as occupying 12,700 square feet of warehouse use (approximately 77% of the overall building area of the project site). The existing 16,542-square-foot warehouse has previously conforming rights to 12 on-site parking spaces. The MMCC is proposing a development area of 2,452 square feet and 1,390 square feet of vacant leased area, for a total of 3,842 square feet. The 12,700- square-foot remaining warehouse requires a minimum parking requirement of 9 parking spaces (12,700 SF/16,542 SF x 12 spaces = 9 spaces). Even if the warehouse were 12,950 square feet, as the appellant has indicated, 9 spaces would still be required (12,950 SF /1652 x 12 = 9 spaces). The 2,542-square-foot MMCC requires 12 parking spaces (5 spaces/1,000 SF); no parking is required for the 1,390 square feet of vacant space. The 21 on-site automobile parking spaces provided, including the two ADA parking spaces, satisfy the minimum 21 automobile parking space requirement.



CONCLUSION:

Staff is recommending the Planning Commission deny the appeal and uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1605038 as the project meets all applicable development regulations, including parking and minimum distance requirements.

ALTERNATIVE:

Approve the appeal and deny Conditional Use Permit No. 1605038, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Elyse Lowe  
Deputy Director  
Development Services Department



Edith Gutierrez  
Development Project Manager  
Development Services Department

Attachments:

- 1-11 Report to the Hearing Officer – Report HO-15-114
12. Appeal Application, Stephen M. Coles
13. Appeal Application, Julius Paeske
14. Appeal Application, David Snyder
15. Applicant submitted response to appeals
16. Letter from Catherine Strada, President of Jiai Aikido, September 3, 2014
17. Site plans



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: December 16, 2015

REPORT NO. HO-15-141

ATTENTION: Hearing Officer

SUBJECT: 1028 BUENOS AVENUE MMCC  
PROJECT NUMBER: 369290

LOCATION: 1028 Buenos Avenue

APPLICANT: Willie Senn

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 2,452 square-foot tenant space within an existing 16,542 square-foot building at 1028 Buenos Avenue within the Linda Vista Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1605038.

Community Planning Group Recommendation: On July 28, 2014, the Linda Vista Community Planning Group voted 9-6-1 to approve the project (Attachment 10).

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, on August 10, 2015 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied that CEQA appeal on October 27, 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, San Diego City Council 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 CUP to operate a MMCC in a 2,452 square-foot tenant space within an existing one-story, 16,542 square-foot building located at 1028 Buenos Avenue. The 0.73-acre site is in the IL-3-1 Zone, Parking Impact Overlay Zone (Campus), and the Community Plan Implementation Overlay Zone (Type A) within the Linda Vista Community Plan Area.

The existing 16,542 square-foot building was developed in 1976 per Building Permit No. K48124. The proposed MMCC, classified as commercial services, is allowed in the IL-3-1 zone with a CUP and is consistent with the community plan land use designation of Industrial.

The existing 16,542 square-foot building will contain the proposed 2,452 square-foot MMCC, 1,390 square-feet of vacant space, and 12,700 feet of previously conforming warehouse use. The vacant portion of the building shall be leased by the applicant and maintained vacant at all times. This additional vacant-leased space was proposed by the applicant to meet the required parking to support both the existing use and the proposed MMCC. Staff supported the request and has conditioned the permit accordingly (Attachment 4, Condition No. 28).

## DISCUSSION

The proposed MMCC located at 1028 Buenos Avenue is proposing interior improvements that include a reception area, dispensary, secured storage area, office and restrooms. The improvements will require a ministerial building permit. The tenant improvements will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the two existing driveways to current City standards.

The proposed 2,452 square-foot MMCC (including the 1,390 square feet of vacant-leased space) requires 12 parking spaces per current SDMC regulations. The remaining warehouse use requires 9 parking spaces. The total parking requirement for the project site is 21 on-site spaces.

MMCCs must comply with San Diego Municipal Code (SDMC) Section 141.0614 which requires a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance

requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The City of San Diego Development Services staff has reviewed the 1,000-foot radius map (Attachment 6) and 1,000 foot spreadsheet exhibit (Attachment 7) provided by the applicant identifying all existing uses. Staff has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements. The permit has been conditioned to include all development restrictions in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

#### CONCLUSION

The CUP for the proposed MMCC may be approved if the Hearing Officer determines that the findings can be made. Staff has reviewed the proposed MMCC and has determined that it meets all applicable sections of the San Diego Municipal Code, the Linda Vista Community Plan and the General Plan. Staff is recommending that the Hearing Officer approve the project as proposed.

#### ALTERNATIVE

1. Approve Conditional Use Permit No. 1605038, with modifications.
2. Deny Conditional Use Permit No. 1605038, if the findings required approving the project cannot be affirmed.

Respectfully submitted,

  
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Edith Gutierrez, Development Project Manager



Attachments:

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

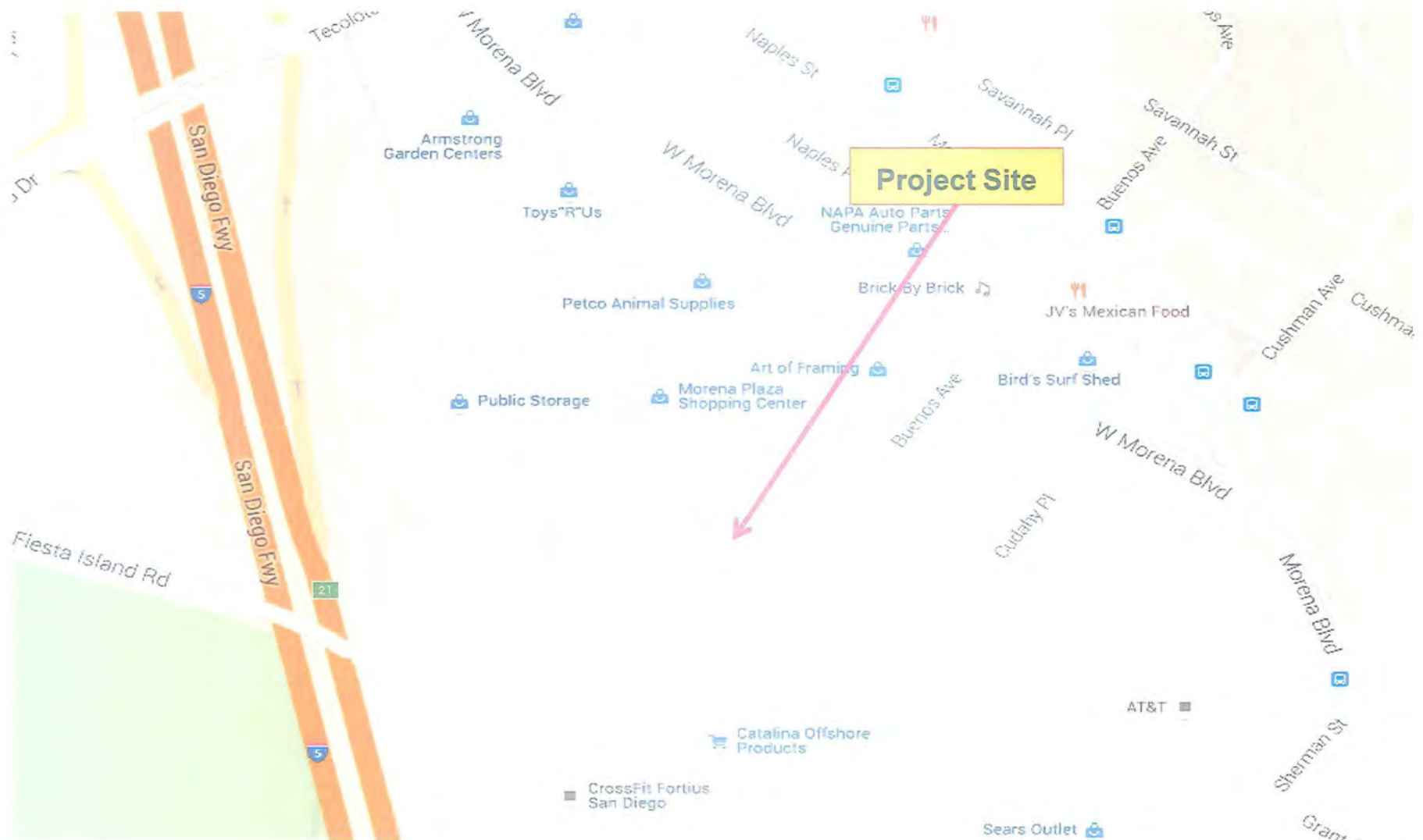


## Project Aerial Photo

1028 BUENOS AVENUE MMCC- 1028 Buenos Avenue  
 PPROJECT NO. 369290







## Project Location Map

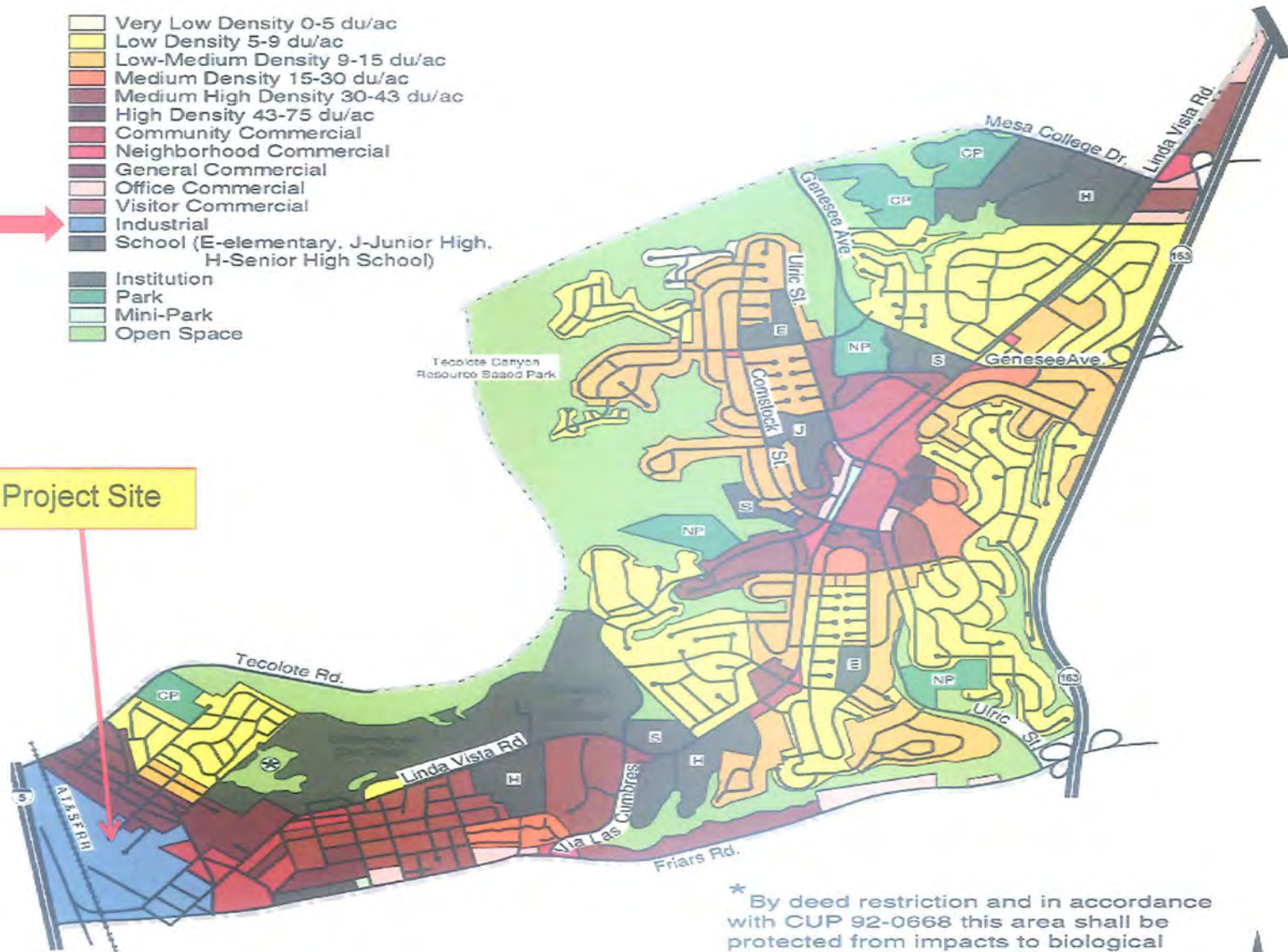
1028 BUENOS AVENUE MMCC- 1028 Buenos Avenue  
 PPROJECT NO. 369290



- Very Low Density 0-5 du/ac
- Low Density 5-9 du/ac
- Low-Medium Density 9-15 du/ac
- Medium Density 15-30 du/ac
- Medium High Density 30-43 du/ac
- High Density 43-75 du/ac
- Community Commercial
- Neighborhood Commercial
- General Commercial
- Office Commercial
- Visitor Commercial
- Industrial
- School (E-elementary, J-Junior High, H-Senior High School)
- Institution
- Park
- Mini-Park
- Open Space



Project Site

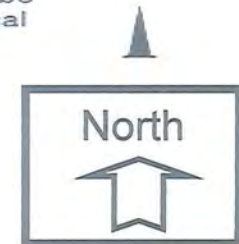


\* By deed restriction and in accordance with CUP 92-0668 this area shall be protected from impacts to biological or hillside resources



## Linda Vista Land Use Map

1028 BUENOS AVE MMCC- 1028 Buenos Avenue  
PPROJECT NO. 369290





**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: 24004683

**CONDITIONAL USE PERMIT NO. 1605038**  
**1028 BUENOS AVENUE MMCC - PROJECT NO. 369290**  
**HEARING OFFICER**

This Conditional Use Permit No. 1605038 is approved by the Hearing Officer of the City of San Diego to MISSION & GRAND, LLC, Owners and WILLIE SENN, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.73-acre site is located at 1028 Buenos Avenue in the IL-3-1 Zone, Parking Impact Overlay Zone (Campus), and the Community Plan Implementation Overlay Zone (Type A) within the Linda Vista Community Plan Area. The project site is legally described as: Lots 7 and 8, Morena Plaza Unit No. 1, Map 7418, September 5, 1972.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) 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 December 16, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 2,452 square-foot tenant space within an existing 16,542 square-foot building on a 0.73- acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. 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 January 4, 2019.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on January 4, 2021.
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 2,452 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 and a metal detector to the satisfaction of Development Services Department. This facility shall also include alarms and two armed security guards to the extent the possession of a firearm is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guards shall be licensed by the State of California. One security guard must be on the premises 24 hours a day, seven days a week, the other must be present during business hours. The security guards should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.
17. The Owner/Permittee shall install bullet resistant glass, plastic, or laminate shield at the reception area to protect employees.
18. The Owner/Permittee shall install bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, in the reception area and vault room.
19. 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.
20. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
21. 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.
22. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.
23. Medical marijuana shall not be consumed anywhere within the 0.73-acre site.
24. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
25. 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.

#### **ENGINEERING REQUIREMENTS:**

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement to the existing two driveways, serving the project site on Buenos Avenue, with City standard driveways, per Standard Drawing SDG-159, satisfactory to the City Engineer.

#### **TRANSPORTATION REQUIREMENTS:**

27. No fewer than 21 off-street parking spaces shall be required, including 2 disabled accessible spaces (at least one van-sized); with 12 spaces for MMCC use and 9 spaces for remaining previously conforming warehouse use. All parking spaces shall be permanently maintained on the property within the approximate locations shown on the project's Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

28. The proposed 2,452 square-foot Buenos Avenue MMCC shall lease an additional 1,390 square feet within the 16,542 square-foot building and retain it as vacant space. The lease shall specifically state that the additional 1,390 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.

#### **POLICE DEPARTMENT RECOMMENDATION:**

29. 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.

APPROVED by the Hearing Officer of the City of San Diego on December 16, 2015 and Resolution No. HO-XXXX.



Conditional Use Permit No.1605038/PTS No. 369290

Date of Approval: December 16, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Edith Gutierrez  
Development Project Manager

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

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**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.

MISSION & GRAND, LLC  
Owner

By \_\_\_\_\_  
Ronald E. Taylor  
Manager

WILLIE SENN  
Permittee

By \_\_\_\_\_  
Willie Senn  
Permittee

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

HEARING OFFICER  
RESOLUTION NO. HO-  
CONDITIONAL USE PERMIT NO. 1605038  
1028 BUENOS AVENUE MMCC - PROJECT NO. 369290

WHEREAS, MISSION & GRAND, LLC, Owner and, WILLIE SENN, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 2,452 square-foot tenant space within an existing 16,542 square-foot building (as described in and by reference to the denied Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1605038), on portions of a 0.73-acre site;

WHEREAS, the project site is located at 1028 Buenos Avenue in the IL-3-1 Zone, Parking Impact Overlay Zone (Campus), and the Community Plan Implementation Overlay Zone (Type A) within the Linda Vista Community Plan Area;

WHEREAS, the project site is legally described as Lots 7 and 8, Morena Plaza Unit No. 1, Map 7418, September 5, 1972;

WHEREAS, on August 10, 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 the Environmental Determination was appealed to City Council, which heard and denied the appeal on October 27, 2015 pursuant to Resolution No. 310046;

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 December 16, 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 2,452 square-foot tenant space within an existing 16,542 square-foot building. The 0.73-acre site is located at 1028 Buenos Avenue in the IL-3-1 Zone, Parking Impact Overlay Zone (Campus), and the Community Plan Implementation Overlay Zone (Type A) within the Linda Vista Community Plan Area. The project site is designated Industrial by the Linda Vista Community Plan.

Parcels to the South and West are in the IL-3-1 zone and CC-4-2 zone to the North and South. The existing uses are consistent with the Industrial and Commercial designations of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit, is consistent with the community plan, and therefore 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 2,452 square-foot tenant space is located on the west side of the existing 16,542 square-foot, one-story building located at 1028 Buenos Avenue. The project proposes interior improvements only that include a reception area, dispensary, secured storage area, office and restrooms. The improvements will require a ministerial building permit. The tenant improvement will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the two existing driveways to current City standards, requiring compliance with the appropriate public right-of-way permit.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures).

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1605038. The Conditional Use Permit is valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area and therefore, the proposed MMCC will not be detrimental to the public 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 16,542 square-foot, one-story building located at 1028 Buenos Avenue was developed in 1976 per Building Permit No. K48124. The project proposes interior improvements only that include a reception area, dispensary, secured storage area, office and restrooms. The tenant improvement will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the two



existing driveways to current City standards, requiring compliance with the appropriate public right-of-way permit.

MMCCs are allowed in the IL-3-1 Zone with a Conditional Use Permit (CUP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the Industrial land use designation, IL-3-1 zone and SDMC Section 141.0614 regulations. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the Land Development Code.

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

The proposed MMCC is in the IL-3-1 Zone, designated Industrial within the Linda Vista Community Plan area and allowed with a Conditional Use Permit. The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit in the IL-3-1 zone. Therefore, the proposed MMCC is an appropriate use at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1605038 is hereby APPROVED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1605038, a copy of which is attached hereto and made a part hereof.



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Edith Gutierrez  
Development Project Manager  
Development Services

Adopted on: December 16, 2015

Job Order No. : 24004683







### 1000-Foot Radius Map Spreadsheet

Project Name: 1028 BUENOS AVE MMCC

1028 BUENOS AVE. SAN

Address : DIEGO, CA 92110

Date: 4/30/14

Use	Address	Assessor Parcel No.	Business Name
WAREHOUSE	4901 PACIFIC HWY # 03	436-440-23-00	BREAD AND CIE WHOLESALE
WAREHOUSE	4909 PACIFIC HWY	436-440-22-00	MOCERI, DKJY
WAREHOUSE	4945 PACIFIC HWY # 55	436-440-21-00	VACANT
WAREHOUSE	4941 PACIFIC HWY	436-440-20-00	HANLEY SURFBOARDS, KEN'S TRUCKING
WAREHOUSE	5232 LOVELOCK ST	436-440-18-00	GOODWILL
WAREHOUSE	5222 LOVELOCK ST	436-440-17-00	PUNCH, LIFESPAN RECYCLING CO.,
WAREHOUSE	5202 LOVELOCK ST	436-440-16-00	CATALINA OFFSHORE PRODUCTS
WAREHOUSE	5202 LOVELOCK ST	436-440-16-00	CATALINA OFFSHORE PRODUCTS
RESIDENTIAL	NO ADDRESS	436-440-15-00	RUDIE & RUDIE L L C
WAREHOUSE	5232 LOVELOCK ST	436-440-09-00	GOODWILL
AUTO REPAIR	5252 LOVELOCK ST	436-440-08-00	MOSSY TOYOTA
WAREHOUSE	908 SHERMAN ST	436-440-07-00	U-HAUL
WAREHOUSE	960 SHERMAN ST	436-440-04-00	SEARS, BUDGET TRUCK RENTAL
RETAIL STORES	999 MORENA BLVD # 1001	436-330-33-00	JP WITHEROW CO
RETAIL STORES	1013 MORENA BLVD	436-330-32-00	CARPETERIA
GOVERNMENT/PUBLIC USE	NO ADDRESS	436-330-21-00	CITY OF SAN DIEGO
RETAIL STORES	1019 MORENA BLVD	436-330-19-00	LIGHT BULBS UNLIMITED
RETAIL STORES	1045 CUSHMAN AVE	436-330-18-00	MORENA MARKET
WAREHOUSE	1161 CUSHMAN AVE	436-330-17-00	PRINTWORKS, SOCAL BOUNCE, MITSVEN SURFBOARDS, DAVE KAPLEN CABINETS
WAREHOUSE	1169 CUSHMAN AVE	436-330-16-00	TDS
PARKING GARAGE	1215 CUSHMAN AVE	436-330-15-00	PARKING
RETAIL STORES	1215 CUSHMAN AVE # 19	436-330-13-00	PARKING
RETAIL STORES	1221 CUSHMAN AVE	436-330-12-00	JEYCO
COMMERCIAL-VACANT LAND	MORENA BLVD	436-310-54-00	MORENA MARSEA L L C
SINGLE FAMILY RESIDENCE	5160 SAVANNAH ST	436-310-52-00	N/A
SINGLE FAMILY RESIDENCE	5162 SAVANNAH ST	436-310-51-00	N/A
SINGLE FAMILY RESIDENCE	5154 SAVANNAH ST	436-310-49-00	N/A
DUPLEX	5124 SAVANNAH ST APT B	436-310-48-00	N/A
SINGLE FAMILY RESIDENCE	5118 SAVANNAH ST	436-310-47-00	N/A
WAREHOUSE	1065 W MORENA BLVD # 69	436-310-43-00	ARIZONA TILE
WAREHOUSE	1071 W MORENA BLVD # 75	436-310-42-00	N/A
RETAIL STORES	1079 W MORENA BLVD # 85	436-310-40-00	TRUE WORLD FOODS
RETAIL STORES	1103 MORENA BLVD # 05	436-310-39-00	VISTA PAINT
RETAIL STORES	1102 MORENA BLVD	436-310-38-00	BLACKGRAPE DESIGN, CITY CABINET CENTER
SINGLE FAMILY RESIDENCE	5115 SAVANNAH ST	436-310-30-00	N/A
SINGLE FAMILY RESIDENCE	1265 BUENOS AVE	436-310-29-00	N/A
CONDOMINIUM	1225 BUENOS AVE	436-310-28-01	N/A
SINGLE FAMILY RESIDENCE	5114 SAVANNAH ST	436-310-27-00	N/A
SINGLE FAMILY RESIDENCE	5130 SAVANNAH ST	436-310-24-00	N/A
SINGLE FAMILY RESIDENCE	5138 SAVANNAH ST	436-310-23-00	N/A
SINGLE FAMILY RESIDENCE	5144 SAVANNAH ST	436-310-22-00	N/A
CONDOMINIUM	5170 SAVANNAH ST	436-310-20-01	N/A
RETAIL STORES	5171 MORENA PL	436-310-19-00	ROCKET MOTORCYCLES
RETAIL STORES	5151 MORENA PL # ABC	436-310-18-00	NICO'S TACO SHOP
RETAIL STORES	5145 MORENA PL	436-310-17-00	VERANT GROUP
GAS STATION	1123 W MORENA BLVD # 25	436-310-14-00	MISSION BAY AUTO
RETAIL STORES	1112 MORENA BLVD # 22	436-310-13-01	JV'S MEXICAN FOOD



MANUFACTURING	1090 MORENA BLVD	436-310-10-00	DRIVE LINE SERVICES
RETAIL STORES	1076 MORENA BLVD	436-310-09-00	MORENA SMOG
RETAIL STORES	1070 MORENA BLVD	436-310-08-00	N/A
GAS STATION	1083 MORENA BLVD	436-310-07-00	VALERO
MANUFACTURING	1091 W MORENA BLVD	436-310-05-00	BIRD'S SURF SHED, ACTION SPORTS SURPLUS LLC
RETAIL STORES	1105 MORENA BLVD # 15	436-310-04-00	RELAXX DRY CLEANING
RETAIL STORES	1121 W MORENA BLVD # 25	436-310-03-00	CARPET, TILE AND FLOORING DEPOT
SINGLE FAMILY RESIDENCE	5053 SAVANNAH ST	436-303-09-00	N/A
SINGLE FAMILY RESIDENCE	5045 SAVANNAH ST	436-303-05-00	N/A
SINGLE FAMILY RESIDENCE	5037 SAVANNAH ST	436-303-04-00	N/A
SINGLE FAMILY RESIDENCE	5033 SAVANNAH ST	436-303-03-00	N/A
SINGLE FAMILY RESIDENCE	5025 SAVANNAH ST	436-303-02-00	N/A
SINGLE FAMILY RESIDENCE	5007 SAVANNAH ST	436-303-01-00	N/A
RETAIL STORES	1181 MORENA BLVD # 89	436-302-19-00	QUALITY INTERIORS
COMMERCIAL-VACANT LAND	NO ADDRESS	436-302-18-00	MORRIS CHILDRENS EXEMPT TRUST B
RETAIL STORES	1155 MORENA BLVD # 61	436-302-17-00	HOT ROD JO'S
PARKING GARAGE	1221 DORCAS ST	436-302-14-00	PARKING
SINGLE FAMILY RESIDENCE	5020 SAVANNAH ST	436-302-13-00	N/A
SINGLE FAMILY RESIDENCE	5028 SAVANNAH ST	436-302-12-00	N/A
MULTI-FAMILY DWELLINGS	5036 SAVANNAH ST	436-302-11-00	N/A
SINGLE FAMILY RESIDENCE	5044 SAVANNAH ST	436-302-10-00	N/A
SINGLE FAMILY RESIDENCE	5054 SAVANNAH ST	436-302-09-00	N/A
SINGLE FAMILY RESIDENCE	1228 BUENOS AVE	436-302-08-00	N/A
DUPLEX	1212 BUENOS AVE # 14	436-302-07-00	N/A
RESTAURANT	1129 MORENA BLVD	436-302-06-00	SARDINA'S ITALIAN RESTAURANT
COMMERCIAL-VACANT LAND	MORENA BLVD	436-302-05-00	BRUNETTO SALVATORE; SARDINA GAETANO & ESTHER L
RETAIL STORES	1163 MORENA BLVD # 67	436-302-03-00	N/A
RETAIL STORES	1169 MORENA BLVD # 71	436-302-02-00	RYAN J STEIN REAL ESTATE
RETAIL STORES	1152 MORENA BLVD	436-301-14-00	CIMTREK INC., ELITE UPHOLSTRY
RETAIL STORES	1162 MORENA BLVD # 64	436-301-13-00	METRO DÉCOR
RETAIL STORES	1180 MORENA BLVD	436-301-12-00	HAUSER'S PATIO
RETAIL STORES	1172 MORENA BLVD # 76	436-301-11-00	NEWMAN WINDOWS AND DOORS
RETAIL STORES	1156 MORENA BLVD	436-301-08-00	METRO DÉCOR
RETAIL STORES	MORENA BLVD	436-301-05-00	MORRIS CHILDRENS EXEMPT TRUST B
RETAIL STORES	1129 MORENA BLVD	436-301-04-00	SARDINA'S ITALIAN RESTAURANT
RETAIL STORES	1131 W MORENA BLVD # 33	436-301-03-00	BULL'S SMOKIN' BBQ
WAREHOUSE	1171 W MORENA BLVD # 93	436-301-02-00	NAPA AUTO PARTS
INDUSTRIAL-VACANT LAND	MORENA BLVD	436-301-01-00	HOWARD BROTHERS
RETAIL STORES	1120 MORENA BLVD # 30	436-290-45-00	ALLBRIGHT CLEANERS, WORLD ART AND FRAMING, UNIQUE STONE IMPORTS
RETAIL STORES	963 BUENOS AVE	436-290-42-00	MIR WALL & SHOWER DOOR COMPANY
WAREHOUSE	969 BUENOS AVE	436-290-41-00	OEM
PARKING GARAGE	BUENOS AVE	436-290-39-00	COLCO ENTERPRISES L L C
RETAIL STORES	1094 CUDAHY PL	436-290-37-00	MORENA OFFICE CENTER MD OFFICES
BULK STORAGE, TANKS	1040 SHERMAN ST	436-290-23-00	STORAGE ETC.
RETAIL STORES	920 MORENA BLVD	436-290-22-00	PACIFIC SALES KITCHEN, BATH & ELECTRONICS
INDUSTRIAL-VACANT LAND	NO ADDRESS	436-290-21-00	SEARS ROEBUCK & CO
MANUFACTURING	984 SHERMAN ST # 86	436-290-14-00	PUBLIC STORAGE
WAREHOUSE	1033 CUDAHY PL	436-290-13-00	KELLY PAPER
MANUFACTURING	1061 CUDAHY PL	436-290-12-00	WD-40
RETAIL STORES	1022 W MORENA BLVD	436-290-11-00	MAKERPLACE, ABC ABBEY, SOUL RYDE
WAREHOUSE	1084 CUDAHY PL	436-290-08-00	N/A
WAREHOUSE	1048 CUDAHY PL	436-290-07-00	VIDEO EQUIPMENT RENTALS
WAREHOUSE	1018 CUDAHY PL	436-290-06-00	FULLER ELECTRIC COMPANY
WAREHOUSE	1004 CUDAHY PL	436-290-05-00	TODD PIPE & SUPPLY, HAJOCA SUPPLY,





THE CITY OF SAN DIEGO

Date of Notice: August 10, 2015

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004683

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**PROJECT NAME/NUMBER:** 1028 Buenos Avenue MMCC/369290**COMMUNITY PLAN AREA:** Linda Vista Community Plan**COUNCIL DISTRICT:** 2**LOCATION:** The project is located at 1028 Buenos Avenue, San Diego, CA 92110.

**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 2,452-square foot area within an existing 16,542 square-foot building located at 1028 Buenos Avenue on a 0.73-acre site located within the Linda Vista Community Plan Area; the site is designated Light Industrial. The project site is zoned IL-3-1 and located within a Parking Impact Overlay Zone and a 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 Guidelines Section 15303 which allows for the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. The exceptions listed in CEQA Section 15300.2 would not apply.

**DEVELOPMENT PROJECT MANAGER:** Edith Gutierrez  
**MAILING ADDRESS:** 1222 First Avenue, MS 501  
San Diego, CA 92101  
**PHONE NUMBER:** (619) 446-5147

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On August 10, 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 (August 24, 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.



SITE PLAN SUMMARY NOTES:

PROJECT TEAM: Michael Rollins / Rollins Construction Consulting (619) 593-6003  
LOT: 7 & 8 CITY, SAN DIEGO SUBD; MORENA PLAZA UNIT #1 007418  
APN: 441-530-28-00  
OWNER: MISSION & GRAND LLC / RON E. TAYLOR 628 15TH ST., DEL MAR, CA 92014  
CONSTRUCTION TYPE: III-B; (Concrete, Concrete Masonry Units - CMU)  
OCCUPANCY CLASSIFICATION: B/S-1  
ZONE: IL-3-1  
GROSS SITE AREA: 32,203 sq. ft.  
FLOOR AREA (BUILDING): 16,542 sq. ft. (PROPOSED OCCUPIED AREA: 2,452 sq. ft.)  
EXISTING USE: WAREHOUSE/STORAGE/OFFICE  
PROPOSED USE: M/B (COMMERCIAL SERVICE/OFFICE)  
YEAR CONSTRUCTED: 1976  
GEOLOGIC HAZARD CATEGORY: 31

SHEET INDEX:

- Sheet 1 Site Plan, Building Summary, Vicinity Map & Floor Plan  
Sheet 2 Landscape Plan

Applying for a Conditional Use Permit.

Existing building to be used for a proposed Medical Marijuana Consumer Cooperative.  
Site to remain as is. Structure to remain unchanged.  
Proposing the Use to be changed from Warehouse area to Retail.  
Property lines to remain unchanged.  
No proposed deviations.  
No proposed improvements or developments.  
No proposed deviations to setbacks, building height, or FAR.

Scope of work to include:

- 1) Exterior lighting for the immediate surrounding area as required. Lighting shall be oriented to deflect light away from adjacent properties.  
2) Interior lighting as required  
3) Security: Security guard, operable cameras, and alarms as required.  
4) Exterior business sign posted will be limited to two colors.  
Hours of Operations: 7:00AM to 9:00PM, seven days a week.

No changes in grade.

No environmentally sensitive land or change in drainage patterns.  
No proposed street improvements, bus stops, or easements.  
Not dangerous or a hazard to the community or public safety.  
Not a hazard to the environment.

HISTORICAL RESOURCES INFORMATION: N/A for building.

GENERAL NOTES:

1. ALL SIGNS WILL BE LIMITED TO TWO TYPEFACES AND TWO COLORS - POLE SIGNS ARE PROHIBITED. NO SIGNS SHALL PROTRUDE ABOVE THE PARAPET/TOP OF BUILDING & GROUND MOUNTED SIGNS SHALL NOT EXCEED 5 FT. IN HEIGHT.  
2. SITE USES NOW AND IN FUTURE MAY BE ANY USE PERMITTED IN THE IL-3-1 ZONE ONLY.  
3. CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.  
4. SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS (LIMITED TO TWO COLORS).  
5. SIGNED MEDICAL STATES THAT THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO FEET IN HEIGHT.  
6. USE OF VEHICULAR MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 42.0502, IS PROHIBITED FOR PURPOSES OF THIS SECTION. A VEHICULAR MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.  
7. LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACADE AND THE IMMEDIATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJACENT SIDEWALKS. LIGHTING SHALL BE HOOKED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.  
8. THIS CONDITIONAL USE PERMIT AND CORRESPONDING USE OF THIS SITE SHALL EXPIRE FIVE YEARS FROM THE DATE OF ISSUANCE OF THIS PERMIT. UPON EXPIRATION OF THIS PERMIT, THE FACILITIES AND IMPROVEMENTS DESCRIBED HEREON SHALL BE REMOVED FROM THIS SITE AND THE PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION PRECEDING APPROVAL OF THIS PERMIT.  
9. SIGNED MEDICAL STATES THAT SECURITY SHALL BE PROVIDED, WHICH SHALL INCLUDE OPERABLE GADGETS, ALARMS AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND SHALL BE PRESENT AT THE SITE DURING ALL BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.  
10. PROVIDE BUILDING ADDRESS MARKERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY FOR FIRE POLICE PER 916-4 (SEE SCHEDULE A).  
11. THE OWNER OR OPERATOR SHALL MAINTAIN THE PREMISES, ALL ADJACENT PUBLIC OPENINGS, AND THE AREAS UNDER THE CONTROL OF THE OWNER OR OPERATOR, FREE OF GRAFTS AND LITTER AT ALL TIMES. THE OWNER OR OPERATOR SHALL PROVIDE FOR DAILY REMOVAL OF ALL TRASH, LITTER AND DEBRIS. THE OWNER OR OPERATOR SHALL REMOVE GRAFTS WITHIN 48 HOURS OF THE APPLICATION.

PARKING CALCULATIONS:

EXISTING PARKING RATIO - 0.72 PER 1,000 S.F.  
(12 SPACES/16,542 S.F.)

EXISTING CREDIT - .072 x 2,452 = 1,765 SPACES

PROPOSED MMCC USE - 5 x 2,452 = 12,26 SPACES

(12,26 - 1,765 EXISTING CREDIT = 10,495)

TOTAL PARKING FOR MMCC - 10 SPACES

PARKING CREDIT FOR 1,390 S.F. OF LEASE AREA (DEAD SPACE) = 1 SPACE REDUCTION

NEW PARKING SPACES PROVIDED= 9 SPACES

EXISTING PARKING= 12 SPACES

TOTAL NUMBER OF PARKING SPACES - 21 SPACES

OVERALL PARKING REQUIREMENTS ARE:

19 AUTOMOBILE PARKING SPACES (INCLUDING

2 ACCESSIBLE STALLS WITH 1 BEING FOR VAN)

PROVIDED:

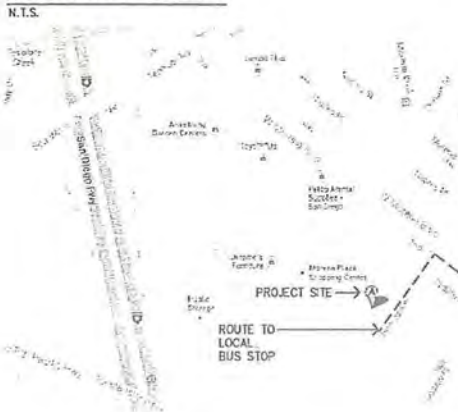
19 - ON-SIGHT STD. PARKING STALLS (MIN.

8'-6"W.)

2 - ADA COMPLIANT PARKING STALLS (1 VAN)

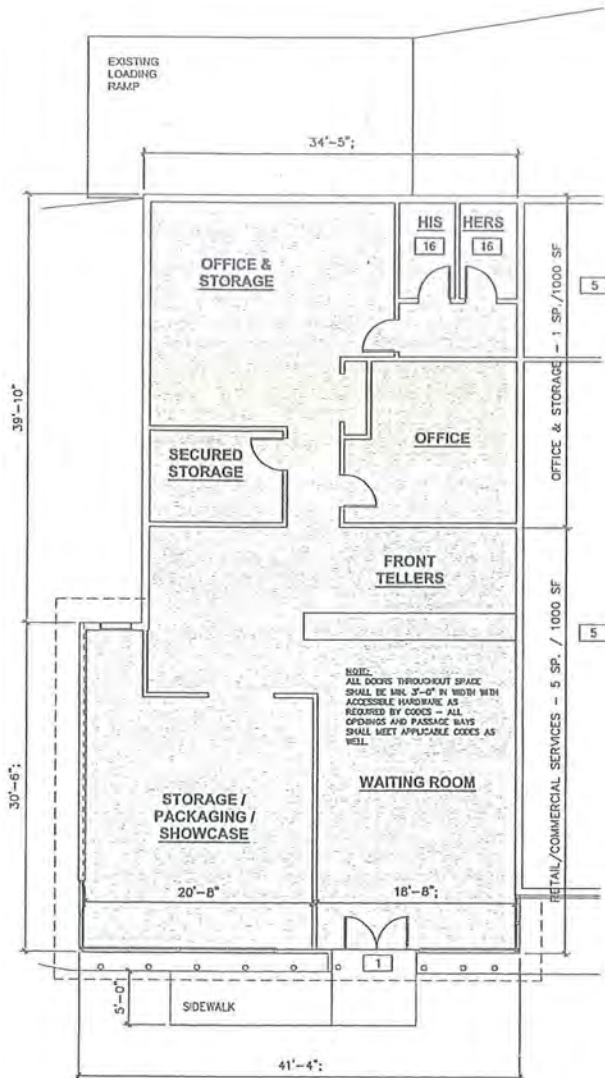
21 - TOTAL PARKING SPACES PROVIDED

VICINITY MAP:



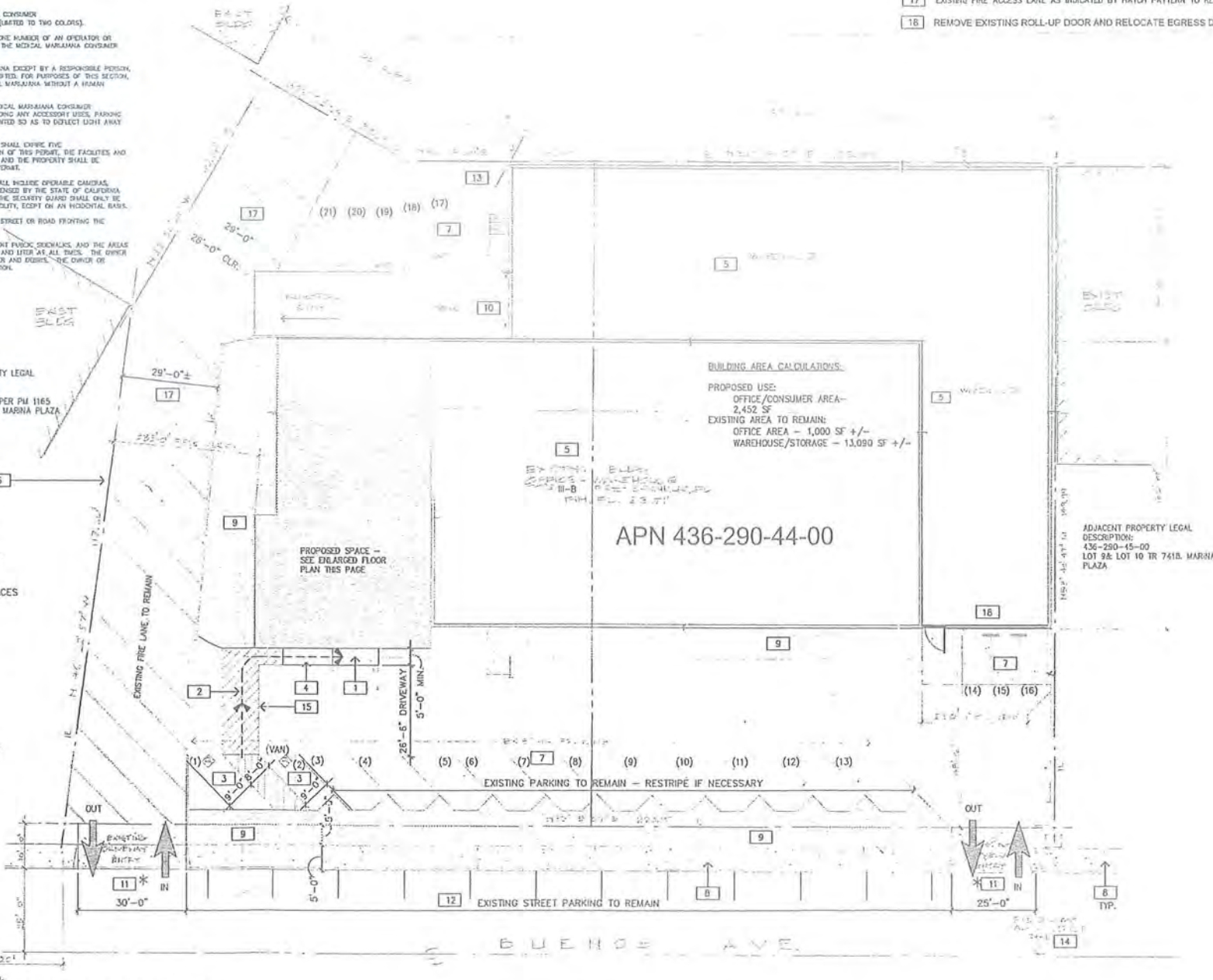
PLAN SPECIFIC NOTES:

- 1 EXISTING FULLY ACCESSIBLE PRIMARY ENTRANCE AS INDICATED.  
2 HEAVY DASHED LINE INDICATES EXISTING FULLY ACCESSIBLE PATH OF TRAVEL TO REMAIN.  
3 FULLY ACCESSIBLE PARKING, STRIPING AND SIGNAGE AS INDICATED  
4 NEW FULLY ACCESSIBLE CONCRETE WALK AS INDICATED  
5 EXISTING TENANT SPACE  
6 PROPERTY LINE AS INDICATED  
7 CUSTOMER PARKING ON-SITE  
8 EXISTING PUBLIC SIDEWALK TO REMAIN  
9 EXISTING LANDSCAPE AREA TO BE IMPROVED (SEE LANDSCAPE SHEET)  
10 EXISTING LOADING DOOR N.I.C.  
11 EXISTING DRIVEWAY/PARKING ENTRANCE  
12 EXISTING STREET PARKING AREA TO REMAIN  
13 EXISTING TRASH RECEPTACLES TO REMAIN  
14 EXISTING FIRE HYDRANT TO REMAIN (LOCATION AS INDICATED)  
15 STRIPED CROSS WALK AREA AS INDICATED  
16 FULLY ACCESSIBLE TOILET AS REQUIRED BY AFFLUABLE CODES  
17 EXISTING FIRE ACCESS LANE AS INDICATED BY HATCH PATTERN TO REMAIN.  
18 REMOVE EXISTING ROLL-UP DOOR AND RELOCATE EGRESS DOOR



ENLARGED FLOOR PLAN (For Reference Only)

SCALE: 1/8" = 1'-0"



SITE PLAN (For Reference Only)

SCALE: 1" = 20'

MMCC  
1028 BUENOS AVENUE  
SAN DIEGO, CALIFORNIA 92110

Date: 6/01/15  
Scale: AS NOTED  
Drawn: MFR  
Job: PTS# 369290  
Sheet:





VICINITY MAP

### STREET TREE & PUBLIC RIGHT-OF-WAY REQUIREMENTS

#### BUENOS AVENUE

STREET FRONTAGE = +/- 197 FT.  
REQUIREMENT: ONE 24-INCH BOX TREE EVERY 30 FEET OF STREET FRONTAGE

NUMBER OF TREES REQUIRED: 197/30 = 7 TREES  
NUMBER OF TREES PROVIDED: 7 (4 EX. CANOPY TREES + 3 PROPOSED CANOPY TREES)

#### NOTES:

1. A MINIMUM OF 40 SQ.FT. AIR AND WATER PERMEABLE GROWING AREA SHALL BE PROVIDED FOR EACH STREET TREE.
2. THE MINIMUM DIMENSION (WIDTH) OF EACH STREET TREE PLANTING AREA SHALL BE 5 FEET.
3. WHERE SITE CONDITIONS DO NOT ALLOW THE INSTALLATION OF REQUIRED STREET TREES, TREES SHALL BE LOCATED ON THE PRIVATE PROPERTY WITHIN TEN (10) FEET OF THE PROPERTY LINE ALONG THAT STREET FRONTAGE.

### KEY NOTES:

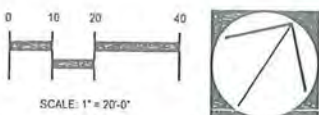
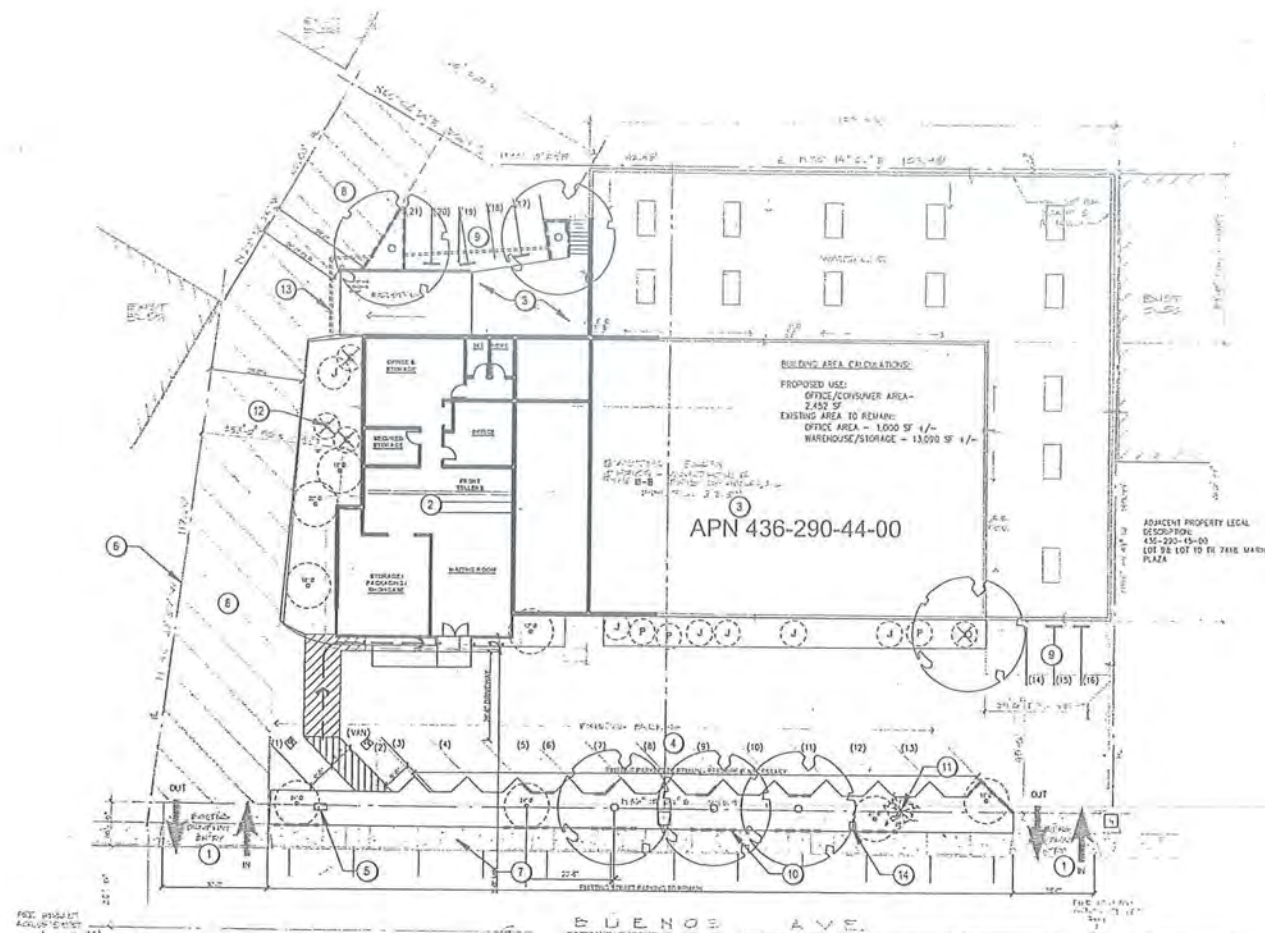
- 1 EX. DRIVEWAY/ PARKING ENTRANCE TO REMAIN
- 2 PROPOSED SPACE, REFER TO ARCHITECT'S DRAWINGS
- 3 EX. LOADING DOCK AREA
- 4 EX. CUSTOMER PARKING ON SITE
- 5 EXISTING UTILITIES, TYP.
- 6 PROPERTY LINE
- 7 EX. SIDE WALK TO REMAIN
- 8 EX. FIRE LANE TO REMAIN
- 9 NEW CUSTOMER PARKING
- 10 ADD ROOT BARRIERS AS SHOWN, TYP.
- 11 REMOVE JUVENILE PALM
- 12 REMOVE PAMPAS GRASS
- 13 TRENCH AND ADD IRRIGATION MAINLINE, REPAIR CONCRETE TO MATCH EXISTING, TYP.
- 14 EXISTING WATER METER

### GENERAL NOTES:

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
2. IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC 142.0403(c) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED. VERIFY THE OPERATION OF EXISTING IRRIGATION SYSTEM AND MAKE AND NECESSARY REPAIRS NEEDED FOR CORRECT OPERATION. STREET TREES WILL BE IRRIGATED WITH EXISTING IRRIGATION IF OPERATIONAL.
3. EXISTING TREES TO REMAIN ON SITE WITHIN THE AREA OF WORK WILL BE PROTECTED IN PLACE. THE FOLLOWING PROTECTION MEASURES WILL BE PROVIDED:
  - A. A BRIGHT YELLOW OR ORANGE TEMPORARY FENCE WILL BE PLACED AROUND EXISTING TREES AT THE DRIP LINE.
  - B. STOCKPILING, TOPSOIL DISTURBANCE, VEHICLE USE, AND MATERIAL STORAGE OF ANY KIND IS PROHIBITED WITHIN THE DRIP LINE.
  - C. A TREE WATERING SCHEDULE WILL BE MAINTAINED AND DOCUMENTED DURING CONSTRUCTION.
  - D. ALL DAMAGED TREES WILL BE REPLACED WITH ONE OF EQUAL OR GREATER SIZE.
4. TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENTS OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. THE ROOT BARRIER WILL NOT WRAP AROUND THE ROOT BALL.
5. MULCH: ALL REQUIRED PLANTING AREAS AND ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 2 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION PER SDMC 142.0411.
6. REMOVE EXISTING INVASIVE PLANT SPECIES ON SITE INCLUDING: CORTADERIA SP., WASHINGTONIA ROBUSTA, AND ANNUAL GRASSES.
  - A. REPLACEMENT TREES TO BE 36" BOX SIZE
  - B. REPLACEMENT SHRUBS TO BE 5 GAL. CONTAINER SIZE
7. IF ANY REQUIRED LANDSCAPE INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE.
8. TREES SHALL BE MAINTAINED SO THAT ALL BRANCHES OVER PEDESTRIAN WALKWAYS ARE 6 FEET ABOVE THE WALKWAY GRADE AND BRANCHES OVER VEHICULAR TRAVEL WAYS ARE 16 FEET ABOVE THE GRADE OF TRAVEL WAY PER THE SAN DIEGO MUNICIPAL CODE, SECTION 142.0403(i)(10).
9. MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

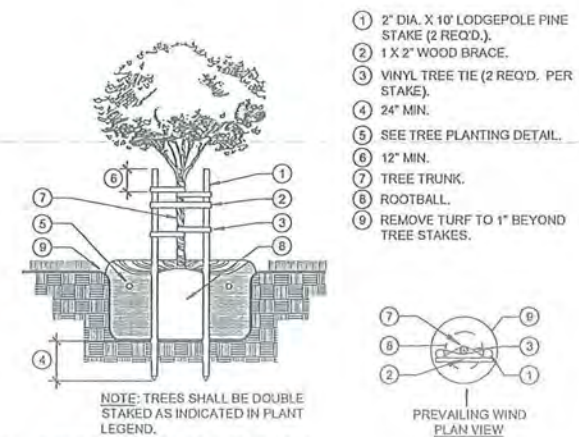
### TREE LEGEND

Symbol	Abr.	Botanical Name/Common Name
<b>EXISTING TREES</b>		
	PIN CAR	PINUS CANARIENSIS / CANARY ISLAND PINE
	WAS ROB	WASHINGTONIA ROBUSTA / MEXICAN PALM
<b>PROPOSED TREES</b>		
	PYR CAL	PYRUS CALLERYANA 'BRADFORD' / BRADFORD PEAR
<b>EXISTING SHRUBS</b>		
	COR SP.	CORTADERIA SP. / PAMPAS GRASS
	JUN SP.	JUNIPERUS SP. / JUNIPER
	PIT SP.	PITOSPORUM SP. / PITOSPORUM
		TO BE REMOVED/DEMO

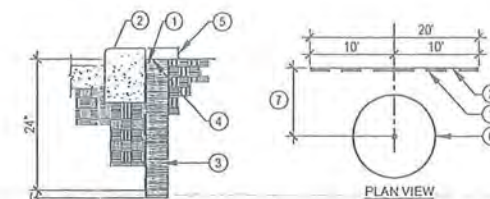


#### MINIMUM TREE SEPARATION DISTANCE

- A. TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
- B. WATER AND SEWER LINES - 10 FEET
- C. DRY UTILITY LINES - 5 FEET
- D. ABOVE GROUND UTILITY STRUCTURES - 10 FEET
- E. DRIVEWAY (ENTRIES) - 10 FEET
- F. INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET



A TREE STAKING DETAIL  
NO SCALE



B ROOT CONTROL BARRIER  
NO SCALE

PLANTING AND IRRIGATION CONSTRUCTION DOCUMENTS WILL BE PROVIDED AFTER THE PROJECT IS ENTITLED, DURING THE BUILDING PERMIT PHASE.



DeLorenzo  
International

Landscape  
Architecture  
+  
Land Planning

3990 Old Town Ave.  
Suite A-204  
San Diego, CA 92110  
619.295.5115



LANDSCAPE  
SITE EXHIBIT

WILL SENN MMCC  
1028 BUENOS AVENUE,  
SAN DIEGO, CA 92110

Revision/Description Date

△  
△  
△  
△  
△

Drawn By: JG

Reviewed By: ML

Project Mgr.: ML

Job No: 15-021

Date: 05/13/2015

Scale: AS SHOWN

L-1

Sheet 1 of 1





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

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> 1028 Buenos Av MMCC		<b>Project Number:</b> 369290	<b>Distribution Date:</b> 5/9/2014
<b>Project Scope/Location:</b> LINDA VISTA Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 16,542 square foot building located at 1028 Buenos Avenue. The 0.73-acre site is located in the IL-3-1 zone within the Linda Vista Community Plan Area. Council District 2. Notice Card=1.			
<b>Applicant Name:</b> Britvar, Paul		<b>Applicant Phone Number:</b> (970) 618-7746	
<b>Project Manager:</b> Gutierrez, Edith	<b>Phone Number:</b> (619) 446-5147	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> EGutierrez@sandiego.gov
<b>Committee Recommendations (To be completed for Initial Review):</b>			
<input checked="" type="checkbox"/> Vote to Approve	<b>Members Yes</b> 9	<b>Members No</b> 6	<b>Members Abstain</b> 1
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> Vote to Deny	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
<b>CONDITIONS:</b>			
<b>NAME:</b> Drew Corley		<b>TITLE:</b> Chairman	
<b>SIGNATURE:</b> <i>Drew Corley</i>		<b>DATE:</b> 7/28/14	
Attach Additional Pages If Necessary.		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 <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.			

Project Title: <b>1028 BUENOS AVE MHCC</b>	Project No. (For City Use Only) <b>369290</b>
--------------------------------------------	--------------------------------------------------

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

**Legal Status (please check):**

☐ 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

Corporate/Partnership Name (type or print): MISSION & GRAND LLC <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 628 15TH ST City/State/Zip: DEL MAR, CA 92014 Phone No: <b>619 277 5575</b> Fax No: Name of Corporate Officer/Partner (type or print): RONALD E TAYLOR Title (type or print): <b>MANAGER</b> Signature: <i>[Signature]</i> Date: <b>4/30/14</b>	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No: Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:
Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No: Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No: Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:
Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No: Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No: Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:





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

THE CITY OF SAN DIEGO

RECEIVED

CITY CLERK'S OFFICE

15 DEC 20 PM 12:42

# 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:  
Stephen M Coles, President, Coles Fine Flooring

E-mail Address:  
scoles@colesfineflooring.com

Address:  
1170 West Morena Blvd

City:  
San Diego

State:  
ca

Zip Code:  
92110

Telephone:  
(619) 276-5140

**3. Project Name:**

1028 Buenos Ave MMCC

**4. Project Information**

Permit/Environmental Determination & Permit/Document No.:  
369290

Date of Decision/Determination:  
12/16/15

City Project Manager:  
Edith Guitterez

Decision: (Describe the permit/approval decision)  
Approval of conditional Use Permit # 1605038

**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.)

1. There is a martial arts academy within 300 feet of the proposed marijuana cooperative. This academy has youth coming and going at all times. This address is 980 Buenos Ave suite C. The name is Jiai Akido and the owner is Catharine Strada. The close proximity would be in violation of San Diego's municipal code.

2. There is a Toys R US retail store within 1000 feet of the proposed cooperative. This is a youth oriented retail store. This would also be in violation of San Diego's municipal code.

3. The parking area in the back of the proposed cooperative is actually a loading dock. Our store consistently has trucks and forklifts operating in this area. This would be a safety issue as the two areas are next to each other.

RECEIVED

DEC 30 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: \_\_\_\_\_

Date: \_\_\_\_\_

12-30-15

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

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DS-3031 (08-15)



THE CITY OF SAN DIEGO

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

# 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: Julius Paeske, Manager for C & B Black Mountain, LLC		E-mail Address: <a href="mailto:jpaeske@cfisandiego.com">jpaeske@cfisandiego.com</a>	
Address: 10951 Sorrento Valley Rd. #2A	City: San Diego	State: CA	Zip Code: 92121 Telephone: (858) 200-4273

**3. Project Name:**

1028 Buenos Avenue MMCC

**4. Project Information**

Permit/Environmental Determination & Permit/Document No.: 369290	Date of Decision/Determination: 12/16/15	City Project Manager: Edith Gutierrez
------------------------------------------------------------------	------------------------------------------	---------------------------------------

Decision: (Describe the permit/approval decision)  
Approval of Conditional Use Permit #1605038

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

- |                                                            |                                                                               |
|------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Factual Error          | <input checked="" type="checkbox"/> New Information                           |
| <input type="checkbox"/> Conflict with other matters       | <input type="checkbox"/> City-wide Significance (Process Four decisions only) |
| <input checked="" type="checkbox"/> 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.)

Please see attached Sheet.

**RECEIVED**  
**DEC 30 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: \_\_\_\_\_

Date: 12/29/15

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

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DS-3031 (08-15)



Attachment to section 5 of the Appeal of CUP #1605038:

1. Staff's report HO-15-141 contains an incorrect identification of the proposed site for the marijuana cooperative on Attachment 1 of its report. Therefore the report and the applicant did not present the correct location of the proposed cooperative in the attachment to the report.
2. Staff's report HO-15-141 Attachment 7 does not contain a complete list of the properties within 1,000 feet of the subject site. The building located at 980 Buenos Ave. and which contains a youth oriented activity in a portion of the building was not included on Attachment 7. Therefore the report and the applicant did not provide true and correct listing of all businesses within the 1,000 foot radius.
3. Staff's report HO-15-141 Attachment 9 does not truly represent the existing conditions at the site or the potential site plan. The proposed parking per the plan inhibits the use and access to the building by the other existing tenant(s). The proposed parking spaces 14-16 would be blocking the access to the warehouse loading and man doors and parking spaces 17-21 are located in the loading dock area which would inhibit loading operations for the existing tenant(s). Therefore the report and applicant did not provide true conditions at the site.
4. The fact that the building located at 980 Buenos Ave, and which contains a youth oriented activity, is within 300 feet of the proposed marijuana cooperative would be in violation of the San Diego Municipal Code that states that a marijuana cooperative may not be located with 1,000 feet of a youth oriented activity. The youth oriented activity is conducted at Jiai Akido in approximately 3,961 square feet of the building and is located at 980 Buenos Ave Suite C. The owner of Jiai Akido is Catharine Strada and may be reached at 619-892-0295. Therefore approval of the CUP would be in violation of San Diego's Municipal Code.
5. The fact that the proposed cooperative would be within 1,000 feet of the Toy r Us retail store, a youth oriented establishment, would also be in violation of the SDMC.

Therefore the appellant believes that the Hearing Officer erred in approving the CUP and the appellant requests that the Planning commission reverse said approval and deny the CUP.





Proposed non-feasible parking spaces that do not exist.

SITE PLAN SUMMARY NOTES:

PROJECT TEAM: Michael Rollins / Rollins Construction Consulting (619) 593-6003  
LOT: 7 & 8 CITY: SAN DIEGO SUBD. MORENA PLAZA UNIT #1 007418  
APN: 441-530-28-00  
OWNER: MSSION & GRAND LLC / ROY E. TAYLOR 628 15TH ST., DEL MAR, CA 92014  
CONSTRUCTION TYPE: III-B: (Concrete, Concrete Masonry Units - CMU)  
OCCUPANCY CLASSIFICATION: B/S-1  
ZONE: IL-3-1  
GROSS SITE AREA: 32,203 sq ft  
FLOOR AREA (BUILDING): 16,542 sq ft. (PROPOSED OCCUPIED AREA: 2,452 sq ft.)  
EXISTING USE: WAREHOUSE/STORAGE/OFFICE  
PROPOSED USE: M/B (COMMERCIAL SERVICE/OFFICE)  
YEAR CONSTRUCTED: 1976  
GEOLOGIC HAZARD CATEGORY: 3

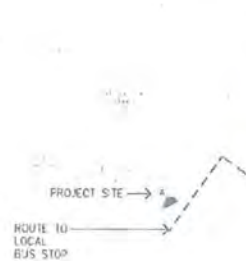
Applying for a Conditional Use Permit  
Existing building to be used for a proposed Medical Marijuana Consumer Cooperative.  
Site to remain as is. Structure to remain unchanged.  
Proposing the Use to be changed from Warehouse area to Retail.  
Property lines to remain unchanged.  
No proposed deviations.  
No proposed improvements or developments.  
No proposed deviations to setbacks, building height, or FAR.  
Scope of work to include:  
1) Exterior lighting for the immediate surrounding area as required. Lighting shall be oriented to deflect light away from adjacent properties.  
2) Interior lighting as required.  
3) Security: Security guard, operable cameras, and alarms as required.  
4) Exterior business sign posted will be limited to two colors.  
Hours of Operations: 7:00AM to 9:00PM, seven days a week.

No changes in grade.  
No environmentally sensitive land or change in drainage pattern.  
No proposed street improvements, but stops, or easements.  
Not dangerous or a hazard to the community or public safety.  
Not a hazard to the environment.

HISTORICAL RESOURCES INFORMATION: N/A for building

VICINITY MAP:

N.T.S.



PLAN SPECIFIC NOTES:

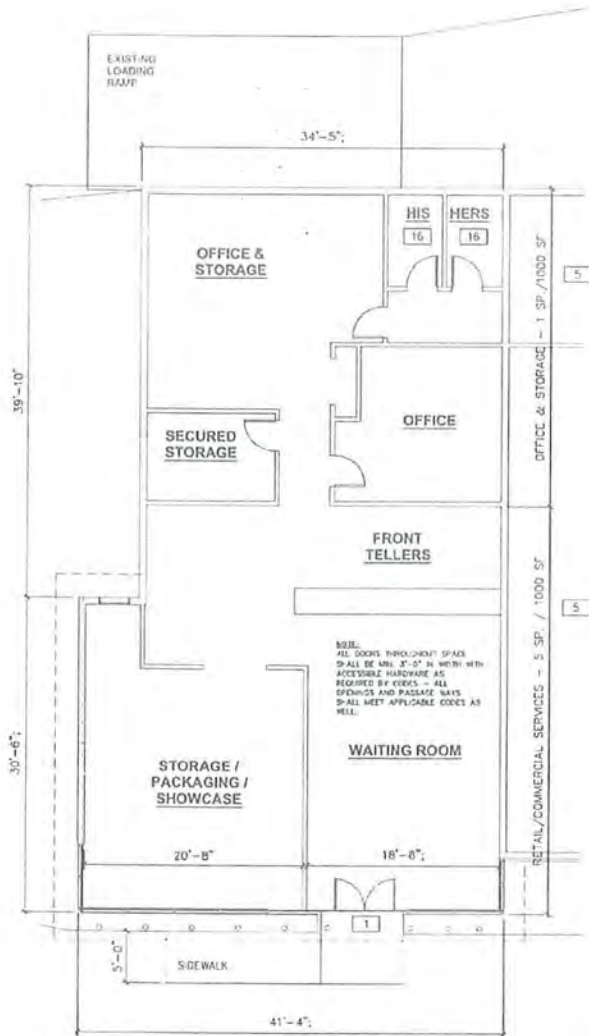
- EXISTING FULLY ACCESSIBLE PRIMARY ENTRANCE AS INDICATED.
- HEAVY DASHED LINE INDICATES EXISTING FULLY ACCESSIBLE PATH OF TRAVEL TO REMAIN.
- FULLY ACCESSIBLE PARKING, STRIPING AND SIGNAGE AS INDICATED.
- NEW FULLY ACCESSIBLE CONCRETE WALK AS INDICATED.
- EXISTING TENANT SPACE.
- PROPERTY LINE AS INDICATED.
- CUSTOMER PARKING ON-SITE.
- EXISTING PUBLIC SIDEWALK TO REMAIN.
- EXISTING LANDSCAPE AREA TO BE IMPROVED (SEE LANDSCAPE SHEET).
- EXISTING LOADING DOOR "L.D."
- EXISTING DRIVEWAY/PARKING ENTRANCE.
- EXISTING STREET PARKING AREA TO REMAIN.
- EXISTING TRASH RECEPTACLES TO REMAIN.
- EXISTING FIRE HYDRANT TO REMAIN (LOCATION AS INDICATED).
- STRIPPED CROSS WALK AREA AS INDICATED.
- FULLY ACCESSIBLE TOILET AS REQUIRED BY APPLICABLE CODES.
- EXISTING FIRE ACCESS LANE AS INDICATED BY HATCH PATTERN TO REMAIN.
- REMOVE EXISTING ROLL-UP DOOR AND RELOCATE EGRESS DOOR.

SHEET INDEX:

- Sheet 1 Site Plan Building Summary, Vicinity Map & Floor Plan  
Sheet 2 Landscape Plan

GENERAL NOTES:

- ALL SIGNAGE WILL BE LIMITED TO TWO COLORS AND TWO TYPES - ONE SIGNAGE IS PROHIBITED. NO SIGNS SHALL EXCEED THE MAXIMUM HEIGHT OF 10 FEET. NO SIGNAGE SHALL EXCEED 10 FEET IN HEIGHT.
- SITE USES NOW AND IN FUTURE MAY BE ANY USE PERMITTED IN THE IL-3-1 ZONE ONLY.
- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.
- SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS (LIMITED TO TWO COLORS).
- SIGNAGE SHALL BE LIMITED TO THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER. SIGNS SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE & CHARACTERIZED BY AT LEAST TWO COLORS IN HEIGHT.
- USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 421102, IS PROHIBITED FOR PURPOSES OF THIS SECTION. A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.
- LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACED, AND THE IMMEDIATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, INCLUDING LOTS AND ADJACENT SIDEWALKS. LIGHTING SHALL BE ORIENTED TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
- THIS CONDITIONAL USE PERMIT AND CORRESPONDING USE OF THIS SITE SHALL EXPIRE FIVE (5) YEARS FROM THE DATE OF ISSUANCE OF THIS PERMIT. UPON EXPIRATION OF THIS PERMIT, THE FACILITIES AND IMPROVEMENTS DESCRIBED HEREIN SHALL BE REMOVED FROM THIS SITE AND THE PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION PRECEDING APPROVAL OF THIS PERMIT.
- STATE LAW ENFORCEMENT THAT SECURITY SHALL BE PROVIDED, WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND SHALL BE PRESENT AT THE SITE DURING ALL BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES NECESSARY TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN EMERGENCY BASIS.
- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY FOR THIS POLICY P-100-6 (LDC 301.4.4).
- THE OWNER OR OPERATOR SHALL MAINTAIN THE PERMITS, ALL ADJACENT PROPERTIES, AND THE AREA UNDER THE CONTROL OF THE OWNER OR OPERATOR FREE OF OBSTACLES AND LITTER AT ALL TIMES. THE OWNER OR OPERATOR SHALL PROVIDE, FOR DAILY REMOVAL, OF ALL TRASH, LITTER AND DEBRIS. THE OWNER OR OPERATOR SHALL REMOVE OBSTACLES WITHIN 48 HOURS OF THE APPLICATION.

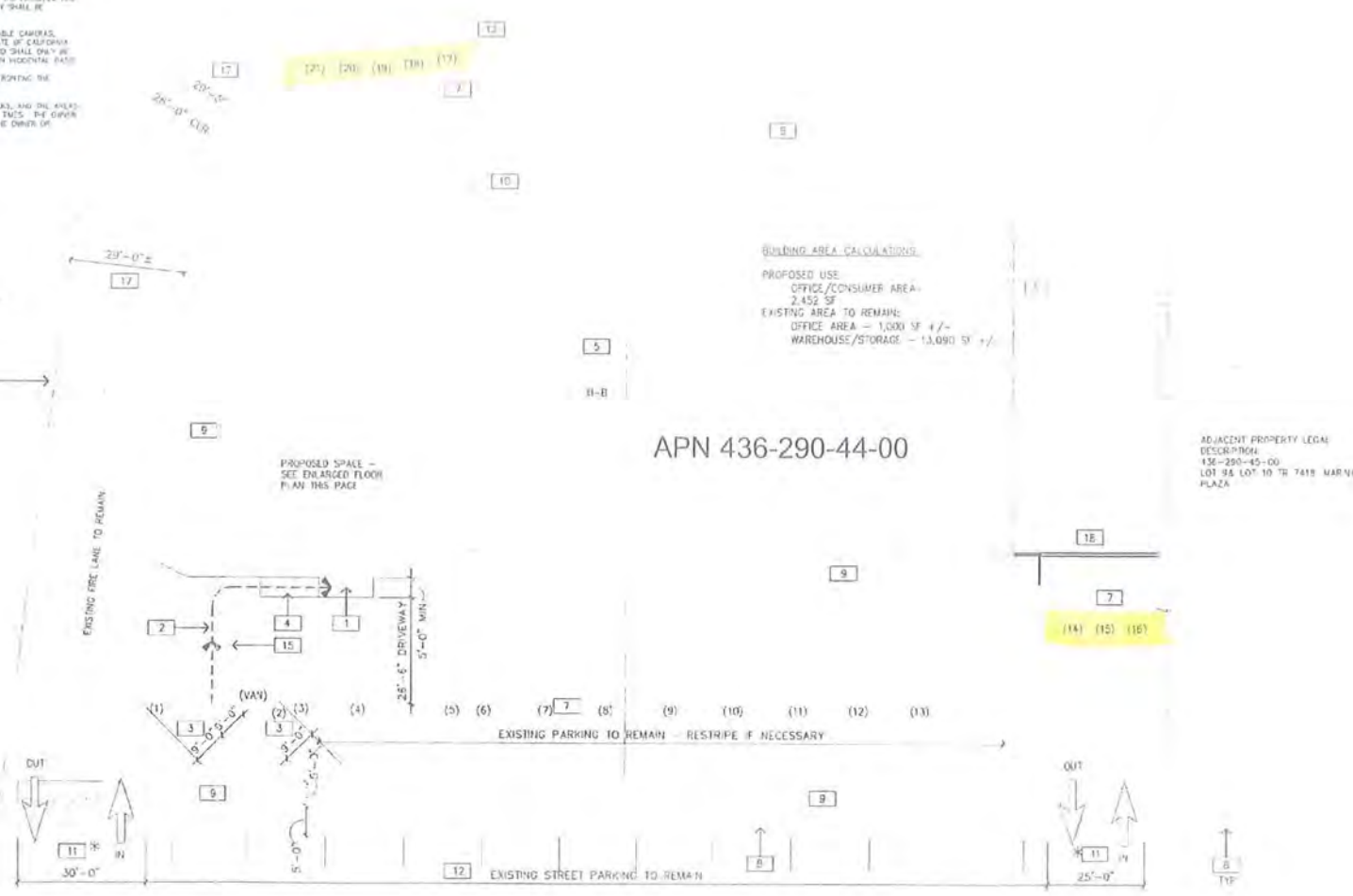


ENLARGED FLOOR PLAN (For Reference Only)

SCALE: 1/8" = 1'-0"



\* THIS DRIVEWAY WILL NEED TO BE REPLACED WITH THE CURRENT CITY STANDARD DRIVEWAY, PER STANDARD DRAWING SDG-159, TO PROVIDE ADEQUATE SIDEWALK TRANSITIONS ACROSS THE DRIVEWAY - VERIFY



APN 436-290-44-00

BUILDING AREA CALCULATIONS:  
PROPOSED USE:  
OFFICE/CONSUMER AREA - 2,452 SF  
EXISTING AREA TO REMAIN:  
OFFICE AREA - 1,000 SF +/-  
WAREHOUSE/STORAGE - 13,090 SF +/-

ADJACENT PROPERTY LEGAL DESCRIPTION:  
436-290-44-00  
LOT 98 LOT 10 TR 7418 MARINA PLAZA

SITE PLAN (For Reference Only)

SCALE: 1" = 20'



REVISIONS	DATE
MFR	7/16/15

MMCC  
1028 BUENOS AVENUE  
SAN DIEGO, CALIFORNIA 92110

Date: 6/01/15  
Scale: AS NOTED  
Drawn: MFR  
Job: P158 369290  
Sheet: 1 of 2





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: David Snyder E-mail Address: dsnyder@uniquestoneimports.com  
Address: 1028 Buenos Avenue City: San Diego State: CA Zip Code: 92102 Telephone: 619.275.8300

3. Project Name: 1028 Buenos Avenue MMCC

4. Project Information  
Permit/Environmental Determination & Permit/Document No.: 369290 Date of Decision/Determination: 12/16/15 City Project Manager: Edith Gutierrez

Decision: (Describe the permit/approval decision)

Conditional Use Permit 1605038 Approved

## 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.)

Please see attached sheet and photos.

**RECEIVED**

**DEC 30 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: Date: 12/29/15

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](http://www.sandiego.gov/development-services).

Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 (08-15)

## Attachment to Section 5 of the Appeal of CUP#1605038

There are false and misleading representations by the applicant regarding the parking at 1028 Buenos Avenue.

The Staff Report HO-15-141 does not reflect the accurate parking on the proposed site. The parking number is overstated by 8 spaces. There are only 13 parking spaces at the front of the building. Additionally it should be noted, that the slopes at the proposed handicapped spaces exceed the city standards. (See photos 1 through 11).

The approximate locations shown on HO-15-141 Attachment 9 are factually incorrect. The parking opportunities on the proposed site as shown on HO-15-141 Attachment 9 are totally unfeasible and would block access to our leased space.

According to the Conditional Use Permit No. 1605038 no fewer than 21 off-street parking spaces shall be required for the total building use in actuality there are only 13. Spaces 14, 15 & 16 shown on Attachment 9 do not and cannot exist. They are shown are in front of a roll up door which is used by USI for moving 1000 pound slabs and crates of stone and tile. In addition, the pedestrian door is not in the location as shown and parking in this area would block our entrance to the space. These proposed parking spaces would block vehicular and employee ingress and egress by Unique Stone Imports to our facility. There is an interior slab yard behind the roll up door; in an area of where there is constant daily use by multiple forklifts and 18 ton truck. This would limit our use of the building as is contractually obligated. Spaces 14, 15 and 16 cannot exist on site. (See photos 12 through 26).

The exact equivalent situation is shown on Attachment 9 with Spaces 17, 18, 19, 20, 21. These supposed parking spaces are actually shown in an established recessed loading dock bay which services 3 axle delivery trucks for stone products stored in the building. Again use of this area for customer parking would eliminate our ability to access our merchandise and is against the contractual obligation by the landlord for tenancy. Note that the loading dock area services only the portion of the building occupied by Unique Stone Imports. It is not feasible to locate passenger vehicles at our loading dock blocking the ingress and egress to our merchandise. In addition, the loading area contains a sump pump and pipe and floods during rain. This space could never be available for pedestrian or passenger vehicle usage. (See photos 27 through 43).

Lastly, Unique Stone Imports leases 12,950 s/f of the 16,542 s/f of the 1028 Buenos Avenue. The only parking is 13 spaces at the front of the building of these we have claimed right to 78% of these spaces based on our percentage of occupancy. These spaces are used by our employees and clients. Thus, based on the percentage of occupancy, there are only 3 spaces available for the applicant's use.

Therefore, the appellant believes that the Hearing Officer erred in approving the CUP. We request that the Planning Commission reverse the approval and deny the CUP. The available parking fails to meet the CUP requirements for the proposed site.



1028 Buenos Ave.  
CUSTOMER PARKING  
ONLY  
PARKING STRICTLY  
ENFORCED  
PRIVATE PROPERTY  
ALL UNAUTHORIZED VEHICLES WILL BE CITED AND IM-  
POUNDED AWAY AT VEHICLE OWNER'S EXPENSE.  
OPEN PUBLIC PARKING PROHIBITED  
CVC 22659A SDPD 619-521-2844  
FOR INFORMATION CALL WESTERN TOWING 800-760-7800

PROPOSED  
HANDICAPPED  
SPACES









SLOPE AT PROPOSED  
HANDICAPPED SPACES



SLOPE  
at.  
HANDICAPPED SPACES

























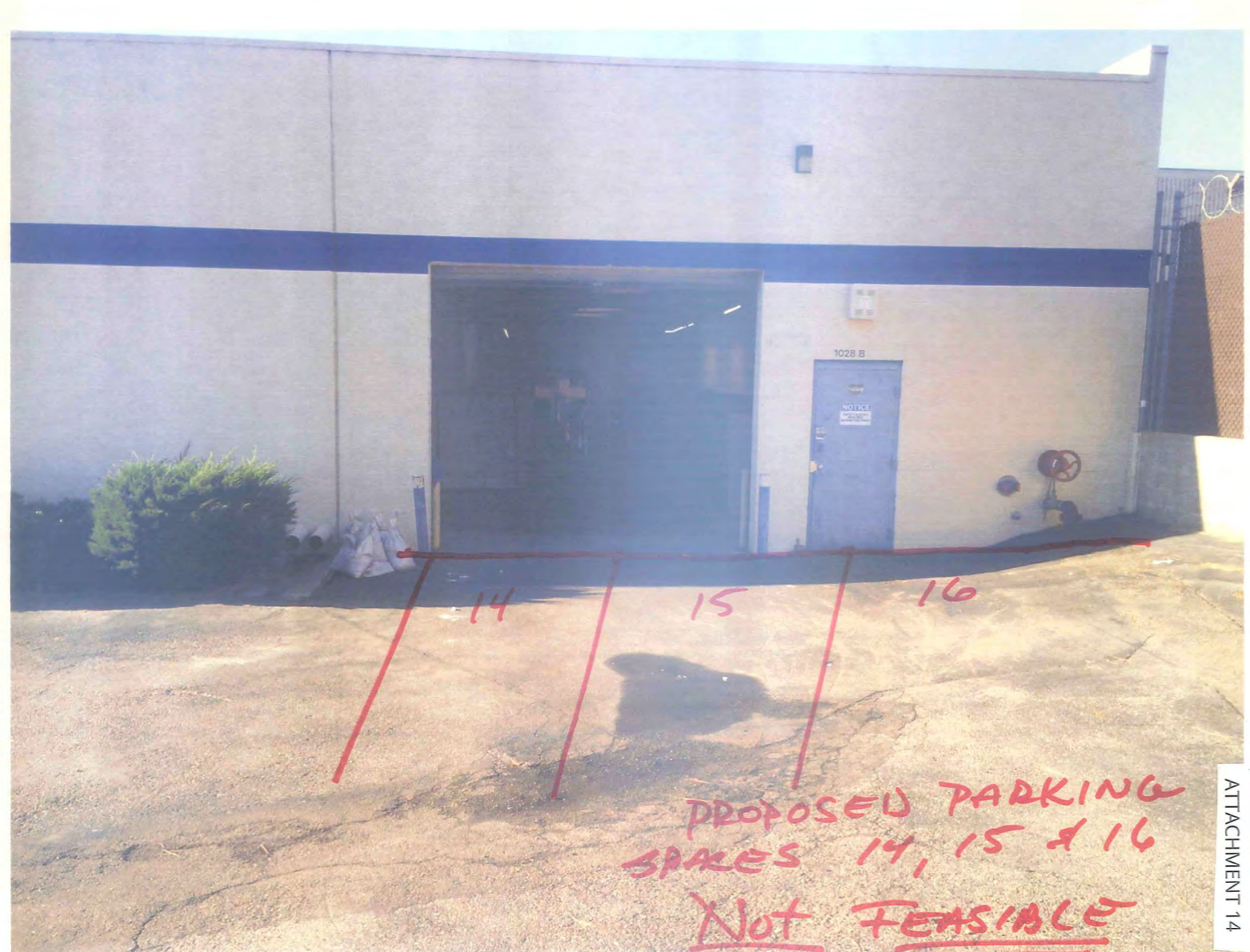
PROPOSED HANDICAPPED  
SPACES



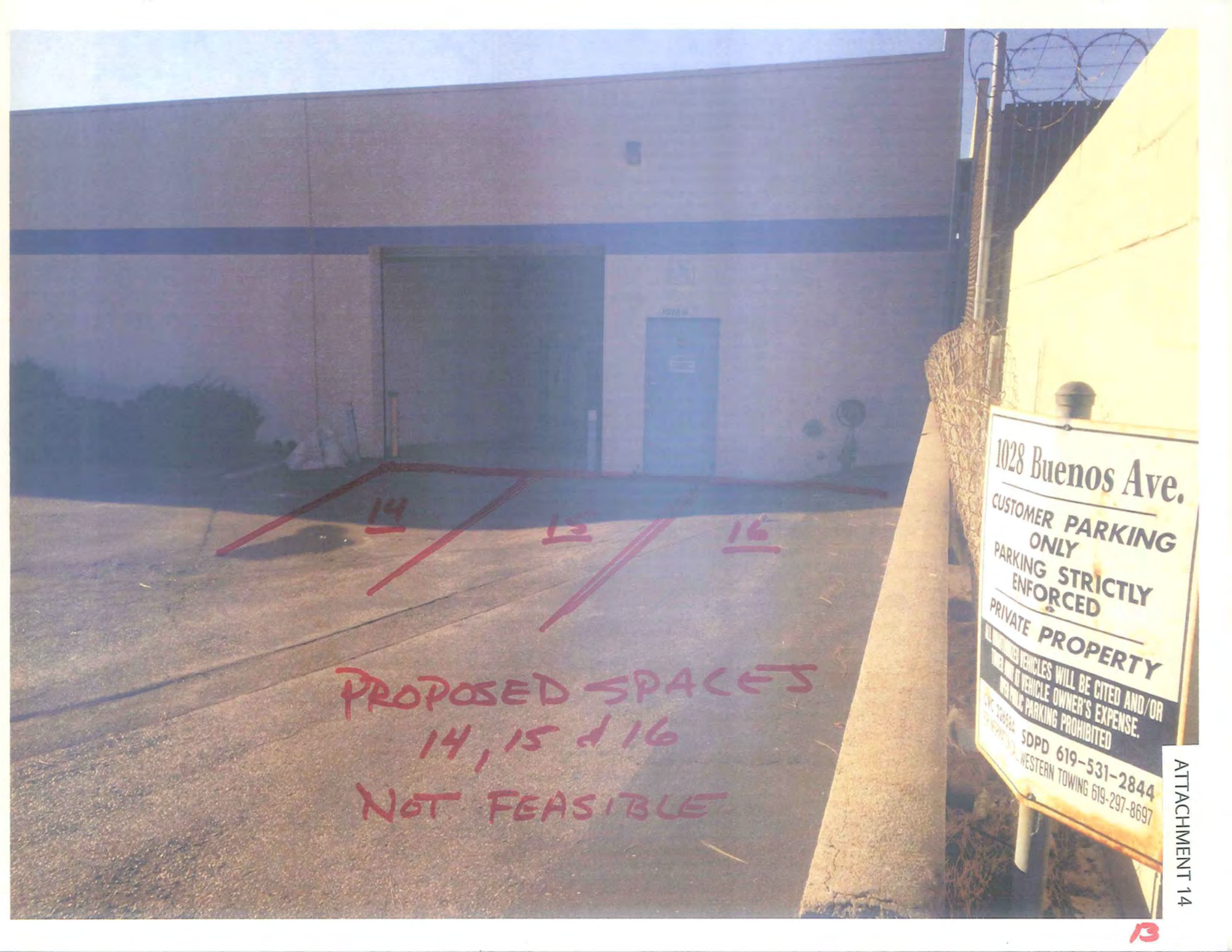


PROPOSED  
HANDICAPPED  
SPACES  
SLOPE EXCEEDS  
ALLOWED









PROPOSED SPACES  
14, 15 & 16  
NOT FEASIBLE

1028 Buenos Ave.  
CUSTOMER PARKING  
ONLY  
PARKING STRICTLY  
ENFORCED  
PRIVATE PROPERTY  
ALL VEHICLES WILL BE CITED AND/OR  
TOWED AT VEHICLE OWNER'S EXPENSE.  
NO PARKING  
SDPD 619-531-2844  
WESTERN TOWING 619-297-8697







K































ATTACHMENT 14



















LOADING DOCK

PROPOSED  
SPACES

17, 18, 19  
20 & 21

NOT AVAILABLE  
FOR CUSTOMER  
PARKING

17

18

19

20

21





LOADING DOCK  
AREA FOR UNIQUE STONE  
IMPORTS

LOADING AND UNLOADING  
OF TRUCKS  
ONLY

























DRAINAGE ISSUE  
FREQUENT FLOODING









































March 2, 2016

City of San Diego  
Edith Gutierrez  
Development Services Department  
1222 First Avenue  
San Diego, CA 92101

Re: CUP 1605038 Proj. No. 369290 response to Appeal of permit

Ms. Gutierrez,

The applicant has reviewed the appeal letters and appeal applications for the subject project and respectfully presents the following responses.

Issue 1 Parking

There are several issues identified in some of the appellant's letters and appeal applications. The project proposes to add required spaces to the site to be in conformance with the current code requirements. Five (5) spaces have been added at the southwest corner of the facility directly west of an existing truck loading ramp. These spaces do not encroach in any way on the ramp or loading dock.

The project has added three (3) spaces at the northeast corner of the building immediately adjacent to the building. The building will be modified to eliminate warehouse circulation at this location other than a complying exit door. This will reduce cross traffic of warehouse operations and parking/pedestrian activity at the front of the building.

Finally two (2) ADA compliant parking spaces have been added at the southeast portion of the existing parking to provide ADA parking immediately adjacent to the proposed MMCC facility. The building owner will be assigning parking spaces to each of the tenants including the MMCC customer parking spots which will be immediately adjacent to the MMCC entrance.

Issue 2 Minor oriented facility concerns

The appellants have suggested that there are two minor oriented facilities within 1000 feet of the proposed MMCC. The first facility is the Jiai Akido training facility located at 980 Buenos Ave., Suite C. This facility is one tenant space within a large building and represents less than 50% of the building occupancy. The applicant agrees with staff that this does not constitute a minor oriented facility. Furthermore the training facility offers training to all ages of students and is not specifically oriented to youth training.

The second mentioned facility is the Toys R Us large retail store located to the west. This facility is a retail store selling toys and other retail items. Applicant supports the City's position that this does not represent a minor oriented facility as defined in the ordinance such as schools or day care facilities.

This decision is consistent with decisions regarding similar retail stores located near currently approved MMCC projects in other locations, within the City of San Diego. Furthermore, while based on property line locations the Toys R Us is located closer than 1000 feet, in practical terms there are no apparent visual or traffic circulation connections between the two facilities. Any pedestrian



walking distances between the two facilities are either through adjacent building driveways (973 feet) or by sidewalk over 1,600 feet away (see attached exhibits).

Issue 3 Tenant security

Another issue was potential security concerns regarding crime such as robberies or vandalism to the surrounding buildings. The proposed MMCC will increase security in the area for the MMCC and adjacent tenants and the general public as a whole. The MMCC is required to have two armed guards during business hours as well as one armed guard present 24 hours a day on premises. In addition improved lighting is required both at the facility as well as in the parking lots and adjacent areas. Finally the building owner will be adding landscape and other site improvements to improve the overall environment of the project.

Respectfully,

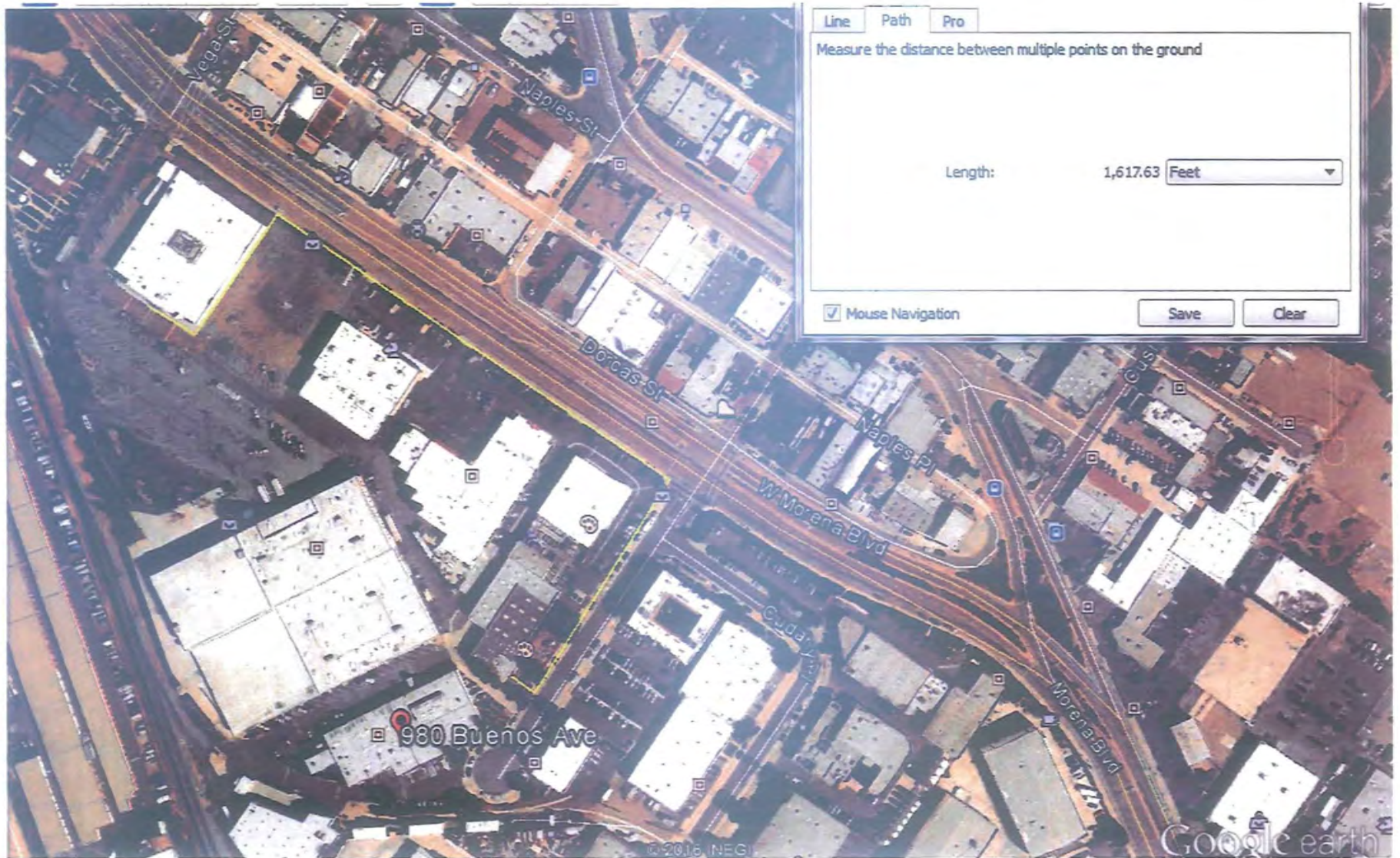


Scott Bernet  
Architect













San Diego, CA  
Member of Aikido Schools of Ueshiba

September 3, 2014

Chris Larson  
Edith Gutierrez  
All reviewers of the MMCC applications  
City of San Diego  
San Diego, Ca. 92101

Hello,

I am the President of Jiai Aikido Corporation (dba Jiai Aikido), am over the age of 18 years, and reside in the State of California. I suffer no legal disabilities and have been informed that a medical marijuana dispensary is applying to move in at 968 Buenos Avenue, San Diego, Ca 92110.

My martial art programs & students currently are not comprised of a majority of youth under 18 years. Since the vast majority of Jiai Aikido students are adults, I do not consider myself a minor oriented facility. With that said I, reserve my right to always offer youth classes and youth instruction at Jiai Aikido, but I have no objection to a Medical Marijuana Dispensary (MMJ) being located adjacent to my martial art school.

Since it has been indicated to me that all business operations shall be done in legal manners, and all possible efforts will be taken to reduce any potential impact on my school, I have no objection to the MMJ being located next to me.

Anyone can feel free to contact me anytime to discuss these matters. Thank you

Regards,

Catherine Strada, President  
Jiai Aikido Corp.





## AFFIDVIT OF CATHERINE STRADA

State of California  
County of San Diego

The undersigned, Catherine Strada, do hereby swear, certify, and affirm that:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts herein, and, if called as a witness could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

I declare that the foregoing is true and correct.

I am the owner and operator of Jiai Aikido located at 980 Buenos Ave., #1C, San Diego Ca 92110.

I understand and acknowledge that there is a proposed medical marijuana consumer cooperative for the building adjacent to my business.

The proposed MMCC will not be a conflict to my business so long as operated under all legal means and in full compliance with any governing agencies and public laws related thereto. It has been indicated and represented and guaranteed to me multiple times, that this will be the case, so in turn I support the application.

Therefore, please do not consider my business Jiai Aikido as being in conflict within the 1000 foot radius of the proposed MMC at 1068 Buenos Ave.

Executed this 2nd day of August, 2014.

Catherine Strada

**NOTARY ACKNOWLEDGEMENT**

On 8/2/2014 before me, Eric Brakowski, Public Notary, personally appeared Catherine Strada, proved to me on the basis of satisfactory evidence to be the person(s) whose name is subscribed to the within Affidavit and acknowledged to me that she execute the same in here capacity and who being first duly sworn on oath according to law, deposes and says that she has read the foregoing affidavit subscribed by her and that the matters stated herein are true to the best of her information, knowledge, and belief.

I certify under PENTALTY OF PERJURY under laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(Notary Seal)

Signature of Notary Public





**PROJECT TEAM:** Paul Brivner (970) 610-7748, Nicole Brivner (616) 428-7619  
**LOT:** 7 & B CITY; SAN DIEGO SUBD; MORDIA PLAZA UNIT #1 007418  
**AREA:** 441-530-29-00  
**OWNER:** MISSION & GRAND LLC / RON E. TAYLOR 628 16TH ST., DEL MAR, CA 92014  
**CONSTRUCTION TYPE:** B-B; (Concrete, Concrete Masonry Units - CMU)  
**OCCUPANCY CLASSIFICATION:** B/S-1  
**ZONE:** R-3-1  
**GROSS SITE AREA:** 32,203 sq ft.  
**FLOOR AREA (BUILDING):** 18,642 sq ft. (PROPOSED OCCUPIED AREA: 2,452 sq. ft.)  
**EXISTING USE:** WAREHOUSE/STORAGE/OFFICE  
**PROPOSED USE:** M/B (COMMERCIAL SERVICE/Office)  
**YEAR CONSTRUCTED:** 1978  
**GEOLOGIC HAZARD CATEGORY:** 31  
**LANDSCAPE AREA:** 657 sq ft. (Edelting to Remove)  
**SHEET CONTENT:** A) Site Plan Summary B) Vicinity Map C) SITE PLAN D) Floor Plan

Applying for a Conditional Use Permit:

Existing building to be used for a proposed Medical Marijuana Consumer Cooperative. Site to remain as is. Structure to remain unchanged.

Proposing the Use to be changed from Warehouse area to Retail.

Property lines to remain unchanged.

No proposed deviations.

No proposed improvements or developments.

No proposed deviations to setbacks, building height, or FAR.

Scope of work to include:

- 1) Exterior lighting for the immediate surrounding area as required. Lighting shall be oriented to deflect light away from adjacent properties.
- 2) Interior lighting as required
- 3) Security: Security guard, operable cameras, and alarms as required.
- 4) Exterior business sign posted will be limited to two colors.

Hours of Operation: 7:00AM to 8:00PM, seven days a week.

No changes in grade.  
No environmentally sensitive land or change in drainage patterns.  
No proposed street improvements, bus stops, or easements.  
Not dangerous or a hazard to the community or public safety.  
Not a hazard to the environment.  
Will increase traffic flow to help existing businesses in the area grow profits; yet proposed building of operation has sufficient parking with inclusion of owner's adjacent parcel.  
**EXTERIOR ELEVATIONS:** N/A for building - No proposed exterior modifications.  
**HISTORICAL RESOURCES INFORMATION:** N/A for building.  
**LANDSCAPE DEVELOPMENT PACKAGE:** N/A for building.  
**OTHER TECHNICAL STUDIES:** N/A for building.

- 1 EXISTING FULLY ACCESSIBLE PRIMARY ENTRANCE AS INDICATED.
- 2 HEAVY DASHED LINE INDICATES EXISTING FULLY ACCESSIBLE PATH OF TRAVEL TO REMAIN.
- 3 FULLY ACCESSIBLE PARKING, STOPPING AND SIGNAGE AS INDICATED.
- 4 NEW OR EXISTING FULLY ACCESSIBLE CONCRETE WALK AS INDICATED.
- 5 EXISTING TENANT SPACE NOT IN THIS CONTRACT.
- 6 PROPERTY LINE AS INDICATED.
- 7 CUSTOMER PARKING ON-SITE.
- 8 EXISTING PUBLIC SIDEWALK TO REMAIN.
- 9 EXISTING LANDSCAPE AREA TO REMAIN - UPDATED IF REQ. BY THIS CONTRACT.
- 10 EXISTING LOADING DOOR MLC.
- 11 EXISTING DRIVEWAY/PARKING ENTRANCE (PRIVATE PROPERTY - PARCEL ACCESS ONLY) TO REMAIN.
- 12 EXISTING STREET PARKING AREA TO REMAIN.
- 13 EXISTING TRASH RECEPTACLES TO REMAIN.
- 14 EXISTING FIRE HYDRANT TO REMAIN (LOCATION AS INDICATED).
- 15 STRIPPED CROSS WALK AREA AS INDICATED.
- 16 FULLY ACCESSIBLE TOILET AS REQUIRED BY APPLICABLE CODES.
- 17 EXISTING FIRE ACCESS LAINE AS INDICATED BY HATCH PATTERN TO REMAIN.

[illegible]

ALL LANDSCAPING IS EXISTING TO REMAIN -  
NO LANDSCAPING IS BEING REMOVED & ALL EXISTING  
IRRIGATION SHALL REMAIN (REVISED LANDSCAPING  
WILL BE UNDER A FUTURE CONTRACT)

PROPOSED:  
EXISTING PARKING RATIO - 0.72 PER 1,000 S.F.  
(12 SPACES/18,542 S.F.)  
EXISTING CRUISE - .072 x 2,452 = 1.765 SPACES  
PROPOSED USE - 5 x 2,452 = 12.26 SPACES  
TOTAL PROPOSED NEW PARKING - 10 SPACES  
(12.26 - 1.765 = 10.495)  
PARKING CRUISE FOR 1,360 S.F. OF LEASE AREA  
(LEASE SPACE) = 1 SPACE REDUCTION  
TOTAL NUMBER OF PARKING SPACES - 21 SPACES

OVERALL PARKING REQUIREMENTS ARE:  
19 AUTOMOBILE PARKING SPACES (INCLUDING  
2 ACCESSIBLE STALLS WITH 1 BEND FOR VAN)

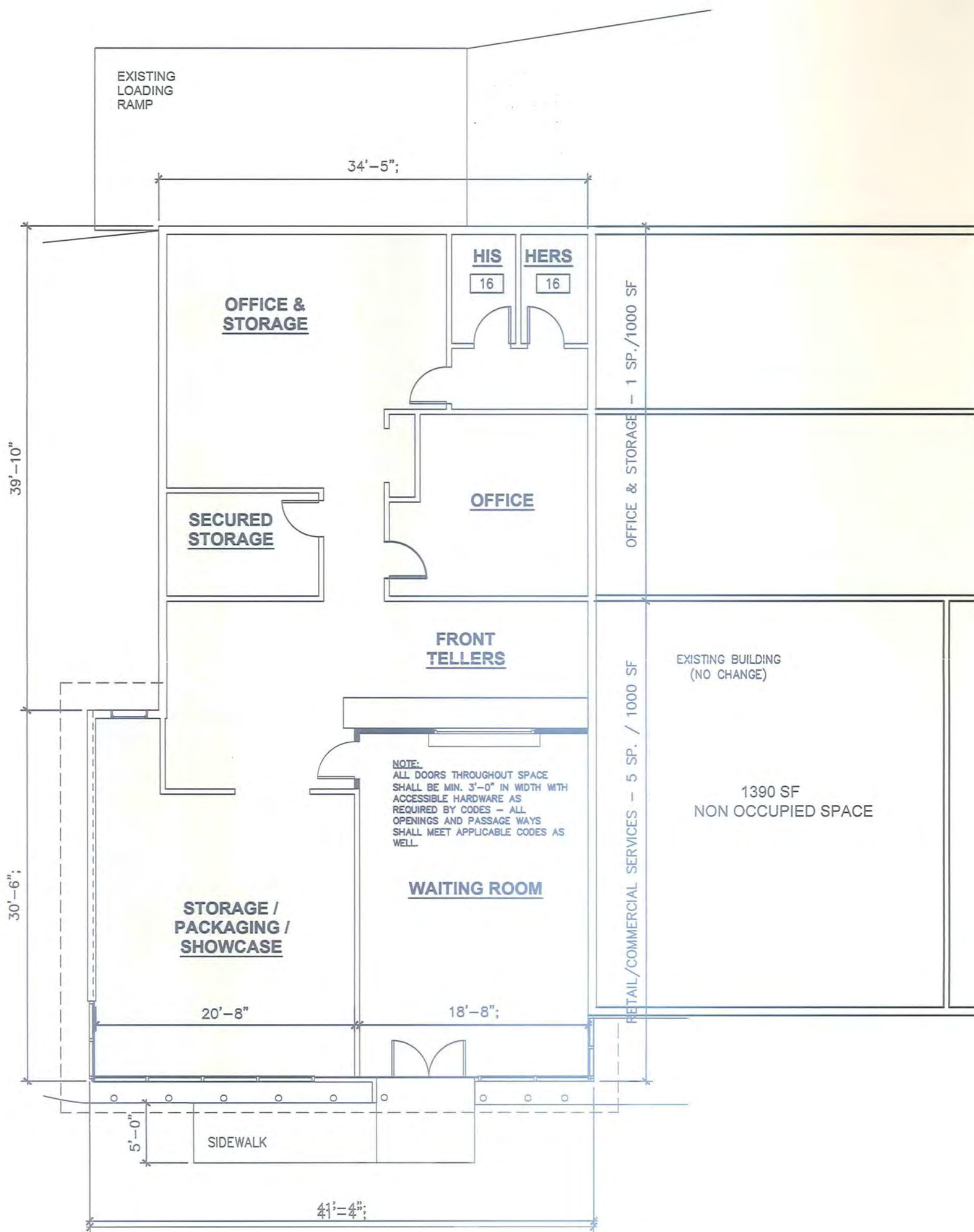
PROVIDED:  
19 - ON-SITE SIGN. PARKING STALLS (MIN.  
5'-6" W.)  
2 - 30' CONCRETE PARKING STALLS (1 VAN)  
21 - TOTAL PARKING SPACES PROVIDED

SCALE:  $1/8" = 1'-0"$

SCALE: 1" = 10'

Medical Marijuana Consumer  
Cooperative  
1028 BUENOS AVENUE  
SAN DIEGO, CALIFORNIA 92110





## ENLARGED FLOOR PLAN

SCALE: NTS







VICINITY MAP

## STREET TREE & PUBLIC RIGHT-OF-WAY REQUIREMENTS

### BUENOS AVENUE

STREET FRONTAGE = +/- 197 FT.  
REQUIREMENT: ONE 24-INCH BOX TREE EVERY 30 FEET OF STREET FRONTAGE

NUMBER OF TREES REQUIRED: 197/30 = 7 TREES  
NUMBER OF TREES PROVIDED: 7 (4 EX. CANOPY TREES + 3 PROPOSED CANOPY TREES)

#### NOTES:

1. A MINIMUM OF 40 SQ.FT. AIR AND WATER PERMEABLE GROWING AREA SHALL BE PROVIDED FOR EACH STREET TREE.
2. THE MINIMUM DIMENSION (WIDTH) OF EACH STREET TREE PLANTING AREA SHALL BE 5 FEET.
3. WHERE SITE CONDITIONS DO NOT ALLOW THE INSTALLATION OF REQUIRED STREET TREES, TREES SHALL BE LOCATED ON THE PRIVATE PROPERTY WITHIN TEN (10) FEET OF THE PROPERTY LINE ALONG THAT STREET FRONTAGE.

## KEY NOTES:

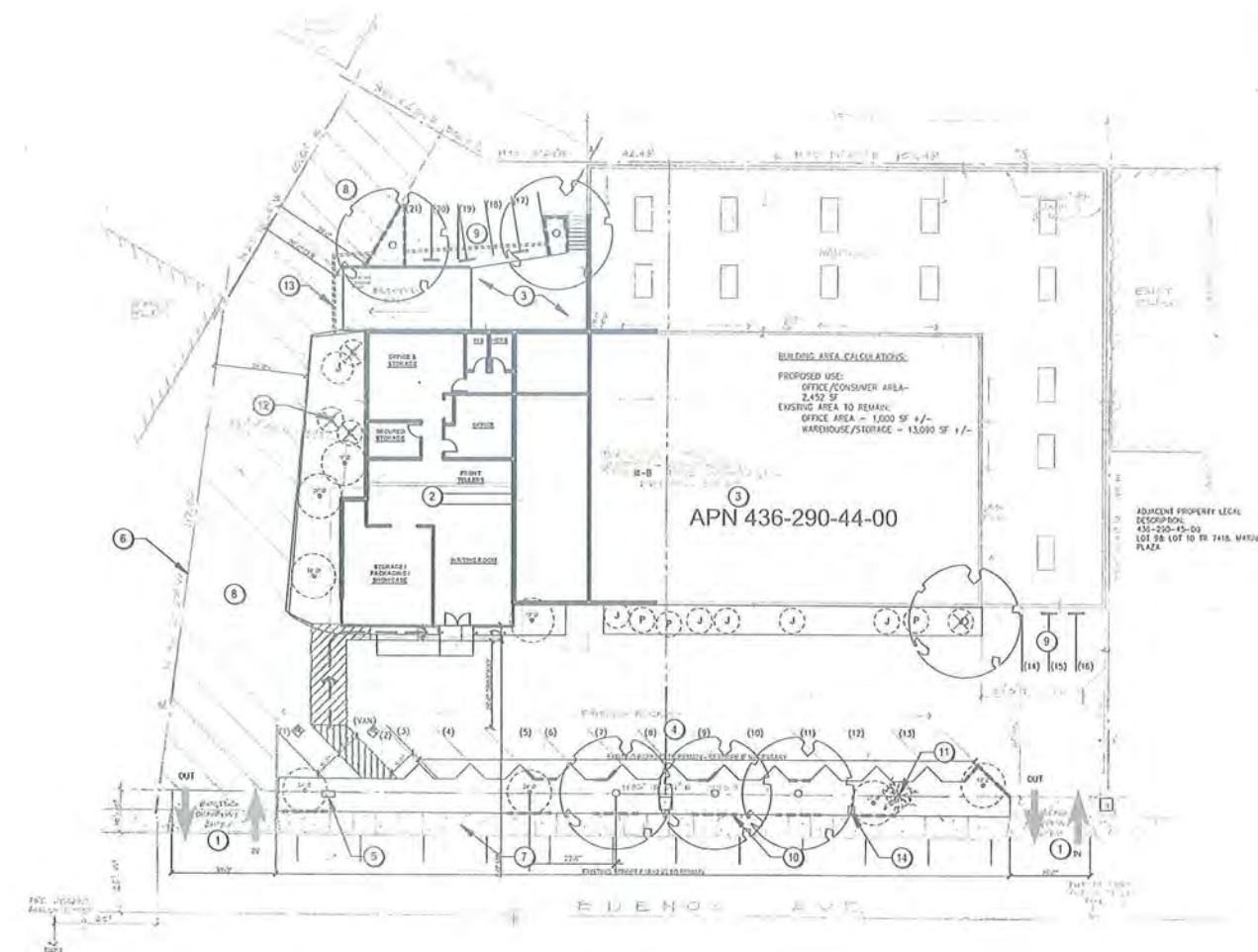
- 1 EX. DRIVEWAY/PARKING ENTRANCE TO REMAIN
- 2 PROPOSED SPACE, REFER TO ARCHITECT'S DRAWINGS
- 3 EX. LOADING DOCK AREA
- 4 EX. CUSTOMER PARKING ON SITE
- 5 EXISTING UTILITIES, TYP.
- 6 PROPERTY LINE
- 7 EX. SIDE WALK TO REMAIN
- 8 EX. FIRE LANE TO REMAIN
- 9 NEW CUSTOMER PARKING
- 10 ADD ROOT BARRIERS AS SHOWN, TYP.
- 11 REMOVE JUVENILE PALM
- 12 REMOVE PAMPAS GRASS
- 13 TRENCH AND ADD IRRIGATION MAINLINE, REPAIR CONCRETE TO MATCH EXISTING, TYP.
- 14 EXISTING WATER METER

## GENERAL NOTES:

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
2. IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC 142.0403(c) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED. VERIFY THE OPERATION OF EXISTING IRRIGATION SYSTEM AND MAKE AND NECESSARY REPAIRS NEEDED FOR CORRECT OPERATION. STREET TREES WILL BE IRRIGATED WITH EXISTING IRRIGATION IF OPERATIONAL.
3. EXISTING TREES TO REMAIN ON SITE WITHIN THE AREA OF WORK WILL BE PROTECTED IN PLACE. THE FOLLOWING PROTECTION MEASURES WILL BE PROVIDED:
  - A. A BRIGHT YELLOW OR ORANGE TEMPORARY FENCE WILL BE PLACED AROUND EXISTING TREES AT THE DRIP LINE.
  - B. STOCKPILING, TOPSOIL DISTURBANCE, VEHICLE USE, AND MATERIAL STORAGE OF ANY KIND IS PROHIBITED WITHIN THE DRIP LINE.
  - C. A TREE WATERING SCHEDULE WILL BE MAINTAINED AND DOCUMENTED DURING CONSTRUCTION.
  - D. ALL DAMAGED TREES WILL BE REPLACED WITH ONE OF EQUAL OR GREATER SIZE.
4. TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENTS OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. THE ROOT BARRIER WILL NOT WRAP AROUND THE ROOT BALL.
5. MULCH: ALL REQUIRED PLANTING AREAS AND ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 2 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION PER SDMC 142.0411.
6. REMOVE EXISTING INVASIVE PLANT SPECIES ON SITE INCLUDING: CORTADERIA SP., WASHINGTONIA ROBUSTA, AND ANNUAL GRASSES.
  - A. REPLACEMENT TREES TO BE 36" BOX SIZE
  - B. REPLACEMENT SHRUBS TO BE 5 GAL. CONTAINER SIZE
7. IF ANY REQUIRED LANDSCAPE INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE.
8. TREES SHALL BE MAINTAINED SO THAT ALL BRANCHES OVER PEDESTRIAN WALKWAYS ARE 6 FEET ABOVE THE WALKWAY GRADE AND BRANCHES OVER VEHICULAR TRAVEL WAYS ARE 16 FEET ABOVE THE GRADE OF TRAVEL WAY PER THE SAN DIEGO MUNICIPAL CODE, SECTION 142.0403(b)(10).
9. MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

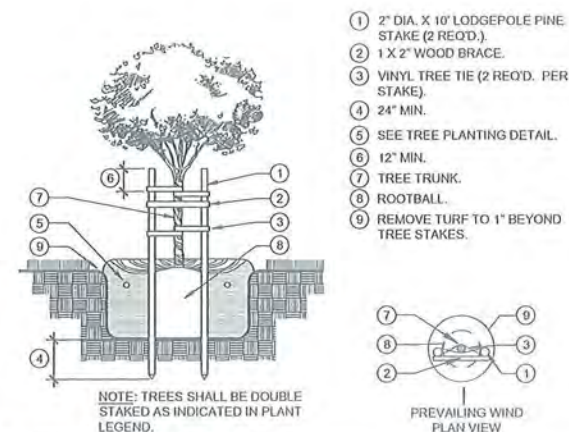
## TREE LEGEND

Symbol	Abr.	Botanical Name/Common Name
<b>EXISTING TREES</b>		
	PIN CAR	PINUS CANARIENSIS / CANARY ISLAND PINE
	WAS ROB	WASHINGTONIA ROBUSTA / MEXICAN PALM
<b>PROPOSED TREES</b>		
	PYR CAL	PYRUS CALLERYANA 'BRADFORD' / BRADFORD PEAR
<b>EXISTING SHRUBS</b>		
	COR SP.	CORTADERIA SP. / PAMPAS GRASS
	JUN SP.	JUNIPERUS SP. / JUNIPER
	PIT SP.	PITTOSPORUM SP. / PITTOSPORUM
		TO BE REMOVED/DEMO

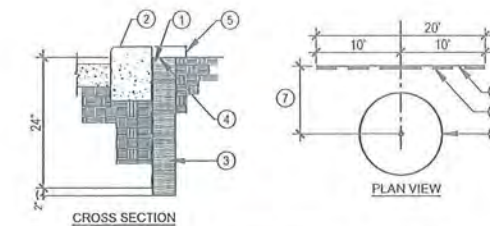


### MINIMUM TREE SEPARATION DISTANCE

- A. TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
- B. WATER AND SEWER LINES - 10 FEET
- C. DRY UTILITY LINES - 5 FEET
- D. ABOVE GROUND UTILITY STRUCTURES - 10 FEET
- E. DRIVEWAY (ENTRIES) - 10 FEET
- F. INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET



**A TREE STAKING DETAIL**  
NO SCALE



- 1 24" ROLL ROOT CONTROL BARRIER (BIOBARRIER) BY BBA REEMAY, INC. OR APPROVED EQUAL. (800)284-2780
- 2 HARDSCAPE EDGE: SIDEWALK, CURB, SWALE OR PAVEMENT
- 3 ROOT CONTROL BARRIER TRENCH BACKFILLED WITH CLEAN SITE SOIL
- 4 TOP OF ROOT CONTROL BARRIER FLUSH WITH GRADE.
- 5 3" IN SHRUB AREAS.
- 6 TREE
- 7 ROOT CONTROL BARRIERS SHALL BE PROVIDED AS SHOWN ON THIS DETAIL WHERE TREES ARE PLANTED WITHIN 8' OR CLOSER FROM THE EDGES OF PAVEMENTS AND ALUMINUM EDGING.

**B ROOT CONTROL BARRIER**  
NO SCALE

PLANTING AND IRRIGATION CONSTRUCTION DOCUMENTS WILL BE PROVIDED AFTER THE PROJECT IS ENTITLED, DURING THE BUILDING PERMIT PHASE.



**Delorenzo International**  
Landscape Architecture  
Land Planning  
3990 Old Town Ave.  
Suite A-204  
San Diego, CA 92110  
619.295.5115



LANDSCAPE  
SITE EXHIBIT

**WILL SENN MMCC**  
1028 BUENOS AVENUE,  
SAN DIEGO, CA 92110

Revision/Description	Date
△	
△	
△	
△	
△	

Drawn By: JG  
Reviewed By: ML  
Project Mgr.: ML

Job No: 15-021  
Date: 05/13/2015  
Scale: AS SHOWN

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