



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: December 7, 2017 REPORT NO. PC-17-098

HEARING DATE: December 14, 2017

SUBJECT: RECONSIDERATION OF THE APPEAL HEARING FOR LIVING GREEN COOP
MMCC. Process Four

PROJECT NUMBER: [379530](#)

REFERENCE: Hearing Officer Report No. [HO-15-049](#)
Planning Commission Report No. [PC-15-075](#)
Planning Commission Report No. [PC-16-042](#)

OWNER/APPLICANT: Bradley Brown/Cary Weaver

SUMMARY

Issue: Should the Planning Commission approve or deny the appeals of the Hearing Officer's decision to deny a Medical Marijuana Consumer Cooperative (MMCC) located at 4417 Rainier Avenue within the Navajo Community Plan area?

Staff Recommendation: **Deny** the appeals and uphold the decision of the Hearing Officer to Deny Conditional Use Permit No. 1333320.

Community Planning Group Recommendation: On December 16, 2014, the Navajo Community Planners Inc. voted 16-0-0 to deny the project (PC-16-042, 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 (PC-16-042, Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 2015.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

This item is a remand for reconsideration of the Living Green Coop Conditional Use Permit (CUP) application appeal hearing to the Planning Commission as the City of San Diego has been directed pursuant to a Court Judgement (Attachment 6). The Hearing Officer Report No. HO-15-049 and Planning Commission Report No. PC-16-042 (Attachment 1), include all project specific background and analysis of the Conditional Use Permit (CUP) requirements and necessary findings by which staff recommended denial of the project at the Planning Commission hearing of August 11, 2016.

The project is an application for a CUP to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 2,844-square-foot building. The 0.16-acre site is located at 4417 Rainier Avenue in the former IL-3-1 zone (currently CC-3-6 zone), and designated Light Industrial (currently Community Commercial-Residential) within the Navajo Community Plan area. The project site is also located within the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone (CPIOZ) Type A, within Council District 7. The site was developed in 1976 per Building Permit No. K91109.

The project application was deemed complete on June 12, 2014. Since then, the following regulatory changes have occurred:

- 1) Rezone of the site from the IL-3-1 Zone to the CC-3-6 Zone, effective July 10, 2015;
- 2) Re-designation of the site from Industrial to Community Commercial- Residential (30-43 dwelling units/acre), effective June 9, 2015; and
- 3) Amendment to the San Diego Municipal Code (SDMC) Section 113.0225 related to distance measurement between uses, effective May 5, 2016. The code change allows MMCCs to consider natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. The distance can be measured as the most direct route around the barrier in a manner that establishes direct access.

MMCCs are not allowed in the CC-3-6 zone. This project was deemed complete prior to the zone change, and the application may continue to be processed at this location under the previous SDMC zone of IL-3-1, the Navajo Community Plan Industrial land use designation, and the SDMC regulations in effect in 2014. The SDMC amendment in 2016 that allows consideration of barriers when measuring distance cannot be applied to this project, as an application cannot be processed under two separate versions of the SDMC.

On April 22, 2015, the Hearing Officer denied the project because it was located within 1,000 feet of a park, did not meet the separation requirement, and the required permit findings could not be made. Thereafter, the City received two appeal applications filed by: Cary Weaver, the applicant for the project, on April 28, 2015; and Ted Griswold, on May 5, 2015. The appeal was processed and scheduled for Planning Commission hearings as detailed below:

Hearing Body	Hearing Date	Action
Planning Commission	June 25, 2015	Applicant Request to Withdraw
	October 29, 2015	Applicant Request for Continuance to date certain of December 10, 2015
	December 10, 2015	Applicant Request for Continuance to an indefinite date
	June 23, 2016	Applicant Request to withdraw
	August 11, 2016	PC voted to deny the appeal and the CUP application

On August 11, 2016, the Planning Commission voted 5-1-1 to deny the appeal and uphold the Hearing Officer's decision to deny CUP No. 1333320. The Planning Commission Report No. PC-16-042 includes the appeal issues and staff responses, and the findings by which the Planning Commission denied the project (Attachment 1). The basis for this decision to deny the CUP application was that the proposed MMCC is located within 1,000 feet of a public park, Mission Valley Riparian.

On November 8, 2016, Living Green Cooperative, filed a petition seeking a remand based on its argument that the City's finding did not make clear that Mission Valley Riparian qualified as a "public park" under the SDMC, which states that "public park" means publicly owned land that is "designated" as a park. On June 23, 2017, the matter was tried and pursuant to a Judgement, the Court ordered that the Planning Commission's decision does not contain a finding that the Mission Valley Riparian Open Space Area is a "public park" and remanded the matter to the Planning Commission for the making of a proper finding supported by evidence. The judgement explicitly states that the "court expresses no opinion on this point."

DISCUSSION:

Separation Requirements - The SDMC allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. A maximum of 36 are allowed, four within each Council District. At the time of the writing of this report a total of 17 MMCCs/Marijuana Outlets have been approved, including two Marijuana Outlets within Council District 7.

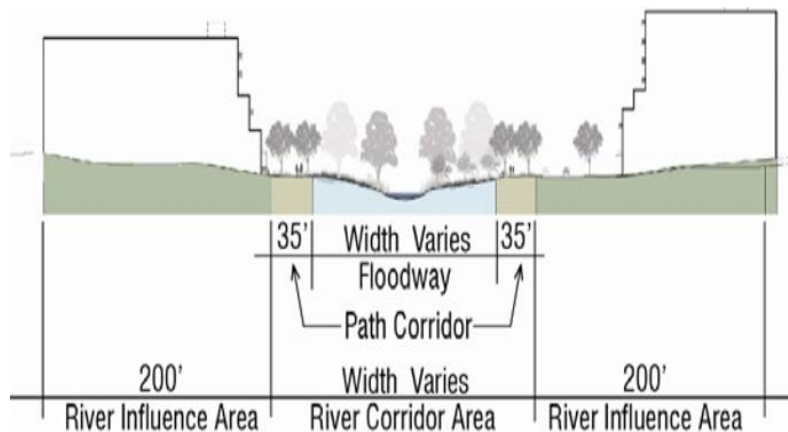
The SDMC provides criteria in the form of minimum separation requirements between certain uses to minimize detrimental effects on the community. SDMC section 141.0614(a)(1) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a public park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. The Mission Valley Riparian open space is a City-owned property that meets the definition of a public park per the SDMC, the Navajo Community Plan, and the General Plan, is designated as a park, and is within 1,000 feet of the proposed MMCC as explained below.

Public Park means “a publicly owned area that is designated as a park” pursuant to [SDMC Section 113.0103](#). The term “designated” as used in the definition of “public park”, is used in a general sense and refers to City parkland that is officially recognized, which encompasses both designated and dedicated City parks. The terms “dedication” and “designation” refer to the type of protection afforded to the parkland, with dedicated parkland having the highest protection under the law. Per City Charter section 55, protections afforded to dedicated parklands are greater in that City owned property that is formally dedicated by ordinance for park purposes can only be used for that purpose whereas land that is set aside without the formality of an ordinance or statute dedicating such lands for park can be used for any public purpose deemed necessary by the Council.

The City of San Diego General Plan Recreation Element identifies three use categories of parks and recreation: population-based, resource-based, and open space (Page RE-5). Open space is identified as a park type ([Recreation Element, Table RE-2](#)), and includes City-owned lands located throughout the City consisting of canyons, mesas, and other natural landforms intended to preserve and protect native plants and animals, while providing public access and enjoyment by the use of hiking, biking, and equestrian trails.

The proposed MMCC is located approximately 750 feet south of a park, Mission Valley Riparian open space park (Attachment 3). The City formally dedicated the City-owned site for park purposes per Resolution Number R-307902 (PC-16-042, Attachment 12). Furthermore, the park site is part of the San Diego River Park Master Plan (Attachment 10), and is within the San Diego River Park Subdistrict of the Navajo Community Plan (Attachment 11).

The San Diego River Park Master Plan (SDRPMP), approved by the City Council on May 20, 2013, is the primary policy document for land use policies along and adjacent to the San Diego River, and provides recommendations and design guidelines for the enhancement of river resources and development of recreational uses within two corridors directly adjacent to the river.



The River Corridor Area is the 100-year Floodway, plus 35 feet on both sides of the floodway to accommodate a pathway corridor. The River Influence Area extends 200 feet beyond the River Corridor Area on both sides of the river. The design guidelines for the River Corridor Area focus on the site planning of the floodway and the 35-foot wide pathway corridor, the design and materials for trails and the San Diego River Pathway, recreational amenities within the pathway corridor and appropriate plant materials.

Mission Valley Riparian open space is located within the Upper Valley Reach segment of the SDRPMP, which extends from Friars Road Bridge to the western boundary of Mission Trails Regional Park. The River Corridor Area will serve as a natural open space and a recreation system for the surrounding communities by providing a San Diego River Pathway, a trail network and other park amenities.

The park site is also within the Community Plan Implementation Overlay Zone (CPIOZ) –Type B San Diego River Park Subdistrict of the Navajo Community Plan area, intended to implement San Diego River Park Master Plan through supplemental development regulations. Within the 35-foot wide Path Corridor, development will consist of the San Diego River Pathway, trails, and passive recreational uses, as determined by the City Manager, including picnic areas, scenic or interpretive overlooks, fitness stations, seating and educational exhibit areas.

The project site is in direct violation of the separation requirement of SDMC, as it is located within 1,000 feet of a public park.

CPIOZ & Parking Requirements -The site is designated Light Industrial (currently Community Commercial-Residential), and is within the CPIOZ Type A of the Navajo Community Plan. Although no development is proposed, the change in use from office to commercial services requires the building façade, which faces a public street, have a minimum of three offsetting building planes or three distinct building facade variations, or a combination of offset building planes and façade variations. To meet the intent of this requirement, the project proposes specific façade upgrades to the north portion of the building facing Rainier Avenue that include painting the existing wood siding and portions of the masonry concrete wall in white, while maintaining portions of the wall in the existing tan color to create an illusion of offsetting planes. The proposed upgrades meet the intent of the CPIOZ requirement. A Site Development Permit (SDP) is required if a project does not meet the CPIOZ façade requirement. A SDP was originally included when the project was presented to the Hearing Officer, as the project was proposing building façade variations but not offsetting building planes. It was later determined by staff that the proposed façade upgrades met the intent of the CPIOZ, and therefore, a SDP is not required.

The proposed 2,844-square-foot MMCC requires five on-site parking spaces. The project is providing one van accessible parking space in front of the building facing Rainer Avenue and four in the rear of the property.

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

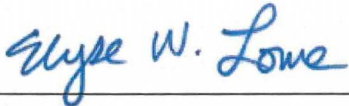
CONCLUSION:

Staff has prepared draft findings (Attachment 5) and is recommending denial of the appeals and denial of the project as it fails to meet the minimum distance requirement prohibiting MMCCs from operating within 1,000 feet of a public park. Attachment 4 includes Draft Permit with Conditions in the event the findings required to approve the project can be affirmed.

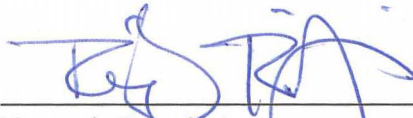
ALTERNATIVES:

1. Approve the appeal filed by Cary Weaver and Approve Conditional Use Permit No. 1333320, if the findings required to approve the project can be affirmed.
2. Approve the appeal filed by Ted Griswold or portions of it and modify the decision of the Hearing Officer to include these other reasons for denial of the project.

Respectfully submitted,



Elyse W. Lowe
Deputy Director
Development Services Department



Firouzeh Tirandazi
Development Project Manager
Development Services Department

EWL/FT

Attachments:

1. Planning Commission Report PC-16-042
2. Updated 100'/1000' Radius Map and Use Matrix
3. Mission Valley Riparian within 1,000 feet
4. Draft Permit with Conditions
5. Draft Resolution with Findings
6. Judgment
7. Court's Ruling
8. City's Opposition Brief
9. Andy Field's Declaration
10. San Diego River Park Master Plan Exhibit
11. Navajo – San Diego River Park Subdistrict
12. Project Plans



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 3, 2016 REPORT NO. PC-16-042

ATTENTION: Planning Commission, Agenda of August 11, 2016

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO DENY
A CONDITIONAL USE PERMIT FOR LIVING GREEN COOP MMCC. PROCESS
THREE

PROJECT NO. 379530

REFERENCE: Report to the Hearing Officer; Report No. HO-15-049 (Attachments 1-12).

OWNER/
APPLICANT: Bradley Brown/
Cary Weaver

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to deny a Conditional Use Permit (CUP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 2,844-square-foot building located at 4417 Rainier Avenue within the Navajo Community Plan area?

Staff Recommendation: Deny the appeal and uphold the Hearing Officer's decision to Deny Conditional Use Permit No. 1333320.

Community Planning Group Recommendation: On December 16, 2014, the Navajo Community Planners Inc. voted 16-0-0 to deny 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 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 2015.

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

Code Enforcement Impact: None with this action.

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 Conditional Use Permit to operate a MMCC in a 2,844-square-foot building. The 0.16-acre site is located at 4417 Rainier Avenue in the former IL-3-1 zone (currently the CC-3-6 zone), the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone (CPIOZ) Type A within the Navajo Community Plan area and Council District 7. The site was developed in 1976 per Building Permit No. K91109.

HEARING OFFICER

On April 22, 2015, the Hearing Officer denied the project because it was located within 1,000 feet of a park, did not meet the separation requirement, and the required permit findings could not be made.

PLANNING COMMISSION

This appeal was scheduled to be presented to the Planning Commission on October 29, 2015. The day of the hearing, the applicant requested a continuance to a date certain of December 10, 2015. On December 10, 2015, the applicant once again requested a continuance to an indefinite date. The request passed by a vote of 7-0 with Commissioners: Golba, Haase, Austin, Peerson, Wagner, Whalen and Quiroz voting yea.

CPIOZ & PARKING REQUIREMENTS

The site is designated Light Industrial and is within the CPIOZ Type A of the Navajo Community Plan.

Although no development is proposed, the change in use from office to commercial services requires the building façade, which faces a public street, have a minimum of three offsetting building planes or three distinct building facade variations, or a combination of offset building planes and façade variations. To meet the intent of this requirement, the project proposes specific façade upgrades to the north portion of the building facing Rainier Avenue that include painting the existing wood siding and portions of the masonry concrete wall in white, while maintaining portions of the wall in the existing tan color to create an illusion of offsetting planes. The proposed upgrades meet the intent of the CPIOZ requirement. A Site Development Permit (SDP) is required if a project does not meet the CPIOZ façade requirement. A SDP was originally included when the project was presented to the Hearing Officer, as the project was proposing building façade variations but not offsetting building planes. It was later determined by staff that the proposed façade upgrades met the intent of the CPIOZ, and therefore, a SDP is not required.

The proposed 2,844-square-foot MMCC requires five on-site parking spaces. The project is providing one van accessible parking space in front of the building facing Rainer Avenue and four in the rear of the property.

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

ZONE CHANGE

On July 10, 2015, the City Council approved Ordinance-20511 to rezone 222.7-acres in the Grantville area within the Navajo Community Plan area. The subject property was rezoned from IL-3-1 to the CC-3-6 zone. MMCCs are not allowed in the CC-3-6 zone, however, because the project was deemed complete on June 12, 2014, prior to the zone change, the application may continue to be processed at this location under the previous SDMC zone of IL-3-1.

MEASURING DISTANCE BETWEEN USES – Effective May 5, 2016

On April 5, 2016, the City Council approved Ordinance-20634. The ordinance includes changes to distance measurement between uses (SDMC §113.0225). The code change allows MMCCs to take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. The distance can be measured as the most direct route around the barrier in a manner that establishes direct access. Friars Road is a major roadway barrier that is located between the proposed MMCC and a park, impeding direct access. However, the subject application was deemed complete in 2014; therefore the SDMC regulations in effect in 2014 apply to this project. The applicant requested to continue to process the application under the 2014 SDMC regulations, maintaining the previous zone of IL-3-1. The newly adopted distance measurement that allows barriers to be taken into consideration cannot be applied, as applications cannot be processed under two separate versions of the SDMC.

The SDMC allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the

public's health, safety and welfare. The SDMC provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the community. SDMC section 141.0614(a)(1) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a public park and schools. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. Public Park means a publicly owned area that is designated as a park (SDMC Section 113.0103). Mission Valley Riparian open space is owned by the City of San Diego for public use and is designated as a park (Attachment 4). The proposed MMCC is located approximately 500 feet south of Dedicated Parkland per City Clerk Resolution number R-307902 (Attachment 12). The project site is therefore, in direct violation of the separation requirement of SDMC.

DISCUSSION

On April 28, 2015, Cary Weaver, the applicant for the project, filed an appeal of the Hearing Officer's decision on the grounds of Factual Error and New Information (Attachment 13).

On May 5, 2015, an appeal was filed by Ted Griswold on grounds of Factual Error and Findings not supported (Attachment 14). Although Mr. Griswold opposes the MMCC, he believes that the Hearing Officer should have based his denial on a number of factors in addition to the project's inability to meet the separation requirements.

APPEAL ISSUES AND RESPONSES

Appeal Issue – Cary Weaver:

1. Mission Valley Riparian open space is not a "public park" as defined by the SDMC. Therefore, this project complies with the separation requirement.

Staff Response: Mission Valley Riparian open space meets the definition of a public park per the SDMC, is designated as a park and is within 1,000 feet of the proposed MMCC.

Appeal Issues – Ted Griswold:

1. The proposed development does not comply with the Land Development Code because it relies on alternative access parking calculations.

Staff Response: SDMC 142.0540 provides exceptions to parking regulations for non residential uses, and may be applied to all commercial uses on small lots outside of the beach impact area. The alternative parking calculations requiring five on-site parking spaces for the proposed MMCC are acceptable since the proposed use is a commercial service on a small lot (0.16-acre), and has access to a legal alley.

2. The proposed development will be detrimental to the public health, safety, and welfare because it puts community members and customers in harm's way due to parking, traffic congestion and non compliance with ADA requirements.

Staff Response: The project is providing on-site parking that meets the parking requirements and is accessed from the alley. Generally, traffic volumes within alleys are low as they are normally used as a secondary means of access. The speed limit for alleys is 15 miles per hour per the California Vehicle Code (CVC) Section 22352. One van accessible space will be provided near the entrance of the project. Any additional accessibility requirements will be evaluated during the ministerial building review process.

3. The proposed development will be detrimental to the public, safety and welfare because it will cause traffic hazards and block emergency access ways.

Staff Response: Generally, traffic volumes within alleys are low as they are normally used as a secondary means of access. The speed limit for alleys is 15 miles per hour per the California Vehicle Code (CVC) 22352 and alley access for emergency vehicles is ensured per CVC 21102.1 & SDMC 86.0121, which states that "no person shall stop or stand any vehicle in an alley in such a manner that would prevent the passage of emergency vehicles."

4. The proposed development is not appropriate for the proposed location.

Staff Response: The proposed MMCC does not meet the separation requirements as it is located within 1,000 feet of a park, and therefore not an appropriate location.

5. The Community Planning Group was never able to provide meaningful input regarding the project.

Staff Response: On December 16, 2014, the Navajo Community Planning Group voted 16-0-0 to deny the project. The vote was included in the Hearing Officer Report (Attachment 10).

CONCLUSION:

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

ALTERNATIVES:

1. Approve the appeal filed by Cary Weaver and Approve Conditional Use Permit No. 1333320, if the findings required to approve the project can be affirmed.
2. Approve the appeal filed by Ted Griswold or portions of it and modify the decision of the hearing officer to include these other reasons for denial of the project.

Respectfully submitted,



Elyse Lowe
Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-12 Report to the Hearing Officer – HO-15-049
- 13. Appeal Application, Cary Weaver
- 14. Appeal Application, Ted Griswold
- 15. Map Exhibit – Park within 1,000 feet



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 22, 2015 REPORT NO. HO-15-049

ATTENTION: Hearing Officer

SUBJECT: LIVING GREEN COOP MMCC
PROJECT NUMBER: 379530

LOCATION: 4417 Rainier Avenue

APPLICANT: Cary Weaver, Living Green Cooperative, Inc.

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 2,844 square-foot building within the Navajo Community Plan Area?

Staff Recommendation: DENY Conditional Use Permit No. 1333320 and Site Development Permit No. 1390091.

Community Planning Group Recommendation: On December 16, 2014, the Navajo Community Planning Group voted 16-0-0 to deny 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 December 11, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 3, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

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

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

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

The proposed project is a request for a Conditional Use Permit and a Site Development Permit to operate a MMCC in a 2,844 square-foot building. The 0.16-acre site is located IL-3-1 zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone Type A within the Navajo Community Plan area. The site was developed in 1976 per Building Permit No. K91109.

The site is designated Light Industrial within the Navajo Community Plan. In addition to Light Industrial uses; retail, commercial and office uses are allowed in this designation. The Community Plan Implementation Overlay Zone (CPIOZ) of the Navajo Community Plan requires that any building facade which faces a public street have a minimum of three offset building planes or three distinct building facade variations, or a combination of offset building planes and facade variations which meets the intent of this requirement. In order to meet the intent of this requirement, the project proposes specific facade upgrades to the building that includes decorative siding on the north elevation and painting portions of the building and wood siding with light colors in order to create an illusion of offsetting planes.

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

DISCUSSION

The proposed 2,844 square-foot MMCC is located 4417 Rainier Avenue. The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the community. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is located within 1,000 feet of Mission Valley Riparian Dedicated Parkland per City Clerk Resolution number R-307902

(Attachment 12), and therefore is in direct violation of the SDMC.

CONCLUSION

Staff is recommending denial of the project as the proposed project is located within 1,000 feet of a park, and not in compliance with the minimum separation requirement per SDMC Section 141.0614. The proposed MMCC is not consistent with the SDMC's purpose and intent to protect public safety, does not comply with the regulations of the Land Development Code and is not located at an appropriate location.

ALTERNATIVE

1. Approve Conditional Use Permit No. 1333320 and Site Development Permit No. 1390091, with modifications.
2. Approve Conditional Use Permit No. 1333320 and Site Development Permit No. 1390091, with modifications.

Respectfully submitted,

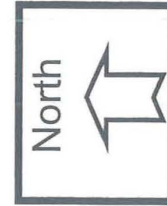


Edith Gutierrez, Development Project Manager

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
9. Project Site Plan(s)
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Resolution number R-30790

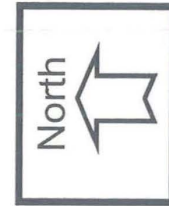
ATTACHMENT 1



Location Aerial Photo

LIVING GREEN COOP MMCC-4417 RAINIER
PROJECT NO. 379530

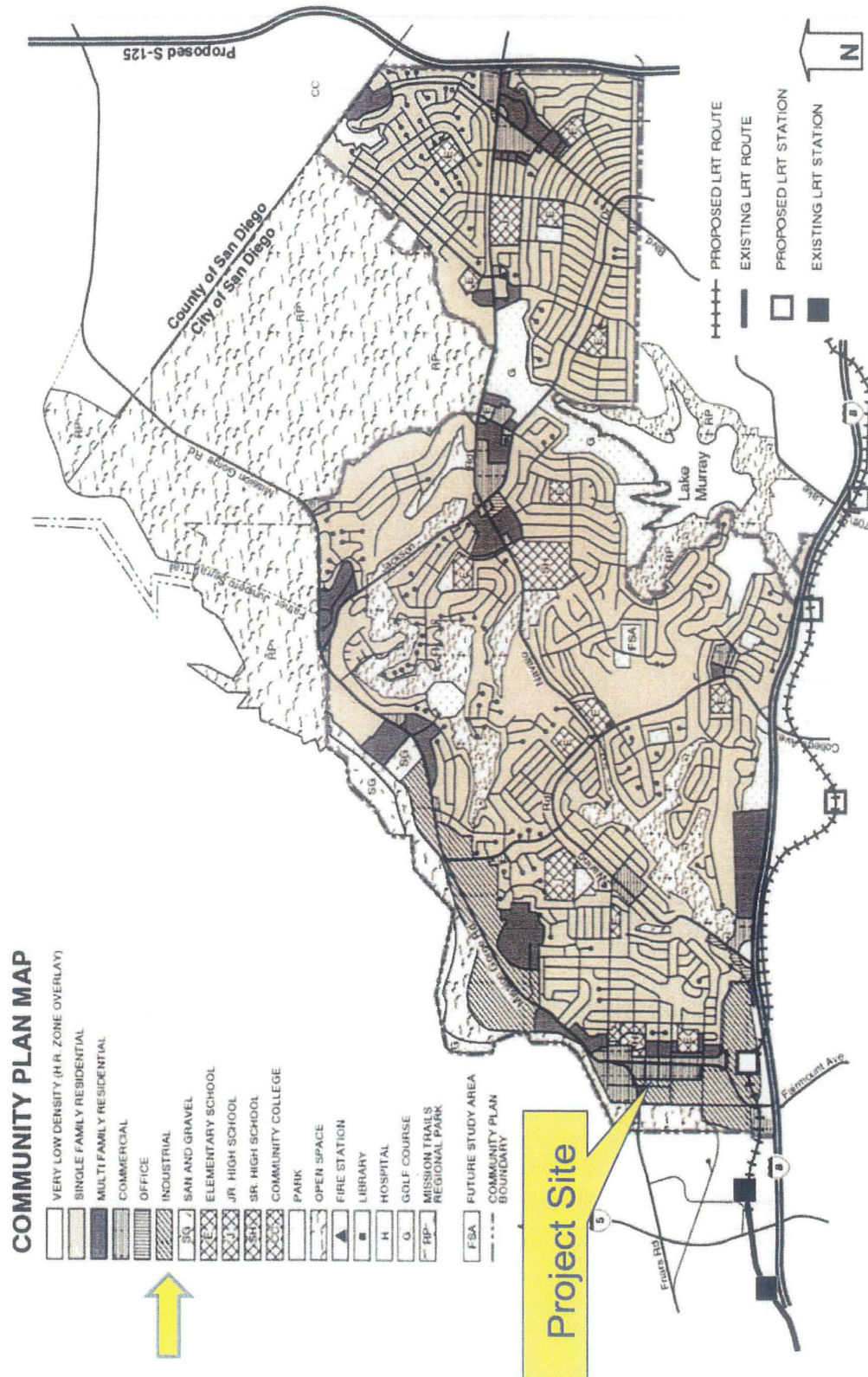




Project Location Map

LIVING GREEN COOP MMCC-4417 RAINIER
PROJECT NO. 379530





Land Use Map

LIVING GREEN COOP MMCC-4417 RAINIER

PROJECT NO. 379530

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: 24004883

CONDITIONAL USE PERMIT NO. 1333320 AND
SITE DEVELOPMENT PERMIT NO. 1390091
LIVING GREEN COOP MMCC - PROJECT NO. 379530
HEARING OFFICER

This Conditional Use Permit No. 1333320 and Site Development Permit No. 1390091 are denied by the Hearing Officer of the City of San Diego to BRADLEY BROWN, Owner and LIVING GREEN COOPERATIVE, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 & 126.0504. The 0.16-acre site is located at 4417 Rainier Avenue in the IL-3-1 Zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone, Type A within the Navajo Community Plan area. The project site is legally described as Lots 4 & 5, Block 13, Map No. 1, February 16, 1892, Map No. 776.

Subject to the terms and conditions set forth in this Permit, permission is denied to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 22, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 2,844 square-foot building on a 0.16-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 7, 2018.
2. This Conditional Use Permit [CUP], Site Development Permit [SDP] and corresponding use of this MMCC shall expire on May 7, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies

ATTACHMENT 4

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 2,844 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.16-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.
24. Prior to utilization of this permit specific facade upgrades to the building must be made as shown on Sheet A-3.0 of the Exhibit "A".

ENGINEERING REQUIREMENTS:

25. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway, on Rainier Avenue, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of City standard sidewalk, along the entire project frontage on Rainier Avenue, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

27. No fewer than 5 parking spaces including 1 accessible spaces (5 spaces proposed including 1 accessible spaces) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

POLICE DEPARTMENT RECOMMENDATION:

28. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

DENIED by the Hearing Officer of the City of San Diego on April 22, 2015 and Resolution No. HO-XXXX.

ATTACHMENT 4

Conditional Use Permit No. 1333320 and Site Development Permit No. 1390091

PTS No. 379530

Date of Denial: April 22, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

BRADLEY BROWN
Owner

By _____
Bradley Brown
Owner

LIVING GREEN COOPERATIVE, INC.
Permittee

By _____
Cary Weaver
President

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

ATTACHMENT 5

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1333320 AND
SITE DEVELOPMENT PERMIT NO. 1390091
LIVING GREEN COOP MMCC - PROJECT NO. 379530

WHEREAS, BRADLEY BROWN, Owner and LIVING GREEN COOPERATIVE, INC, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 2,844 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1333320 & 1390091), on portions of a 0.16-acre site;

WHEREAS, the project site located at 4417 Rainier Avenue is in the IL-3-1 Zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone Type A within the Navajo Community Plan area;

WHEREAS, the project site is legally described as Lots 4 & 5, Block 13, Map No. 1, February 16, 1892, Map No. 776;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1333320 and Site Development Permit No. 1390091 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 11, 2014, 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 March 3, 2015 pursuant to Resolution No. 309530;

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 April 22, 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 and Site Development Permit to operate a MMCC in a 2,844 square-foot building. The 0.16-acre site is located IL-3-1 zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone Type A within the Navajo Community Plan area. The site is designated Light Industrial within the Navajo Community Plan. In addition to Light Industrial uses; retail, commercial and office uses are allowed in this designation. All of the surrounding parcels are in the IL-3-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The Community Plan Implementation Overlay Zone

ATTACHMENT 5

(CPIOZ) of the Navajo Community Plan requires that any building facade which faces a public street have a minimum of three offset building planes or three distinct building facade variations, or a combination of offset building planes and facade variations which meets the intent of this requirement. The existing building, constructed in 1976 per Building Permit No. K91109, does not have any offset building planes or facade variations. In order to meet the intent of this requirement, the project proposes specific facade upgrades to the building that includes decorative siding on the north elevation and painting portions of the building and wood siding with light colors in order to create an illusion of offsetting planes.

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

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project is a request for a Conditional Use Permit and Site Development Permit to operate a MMCC in a 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

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

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

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed project is a request for a Conditional Use Permit and Site Development Permit to operate an MMCC 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian Dedicated Parkland (APN #458-300-17).

The Land Development Code regulates the operation of MMCCs City-wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects to neighboring properties or incompatibility with the other permitted uses of the base zone. One of the limitations included in the Code includes minimum separation requirements between certain uses. SDMC section 141.0614(a)

ATTACHMENT 5

specifically prohibits MMCC's from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC. Therefore, the proposed project does not comply with the regulations of the Land Development Code.

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

The proposed project is a request for a Conditional Use Permit and Site Development Permit to operate an MMCC 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

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

Site Development Permit - Section §126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is a request for a Conditional Use Permit and Site Development Permit to operate a MMCC in a 2,844 square-foot building. The 0.16-acre site is located IL-3-1 zone, the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone within the Navajo Community Plan area. The site is designated Light Industrial within the Navajo Community Plan. In addition to Light Industrial uses retail, commercial and office uses are allowed in this designation. All of the surrounding parcels are in the IL-3-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The Community Plan Implementation Overlay Zone (CPIOZ) of the Navajo Community Plan requires that any building facade which faces a public street have a minimum of three offset building planes or three distinct building facade variations, or a combination of offset building planes and façade variations which meet the intent of this requirement. The existing building, constructed in 1976 per Building Permit No. K91109, does not have any offset building planes or façade variations. In order to meet the intent of this requirement, the project proposes specific facade upgrades to the building that includes decorative siding on the north elevation and painting portions of the building and wood siding with light colors in order to create an illusion of offsetting planes.

The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit. The proposed exterior upgrades as proposed comply with the purpose and intent

ATTACHMENT 5

of the building façade variations required by the community plan with a Site Development Permit and therefore the proposed project will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project is a request for a Conditional Use Permit and Site Development Permit to operate a MMCC in a 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

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

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

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed project is a request for a Conditional Use Permit and Site Development Permit to operate an MMCC 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

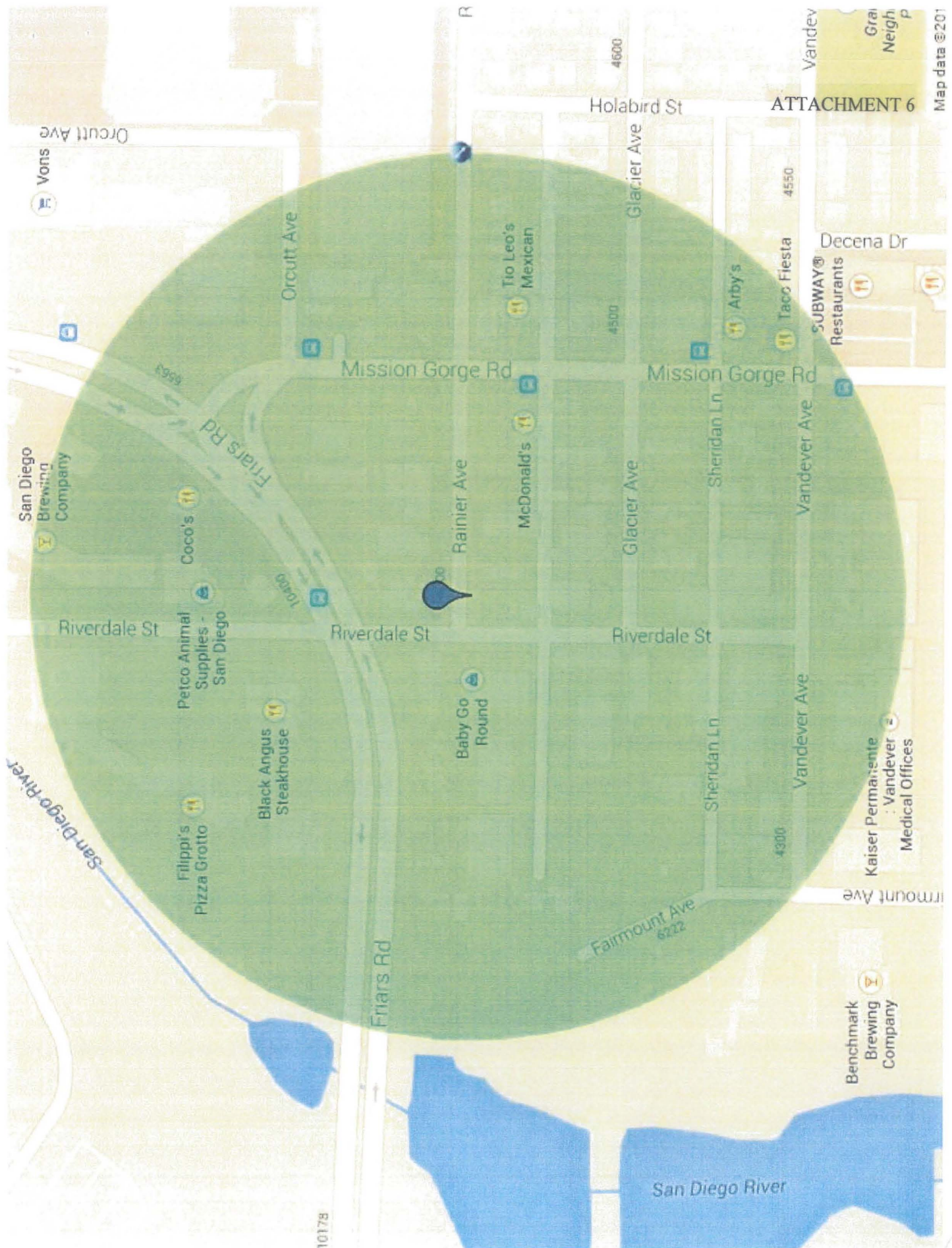
The Land Development Code regulates the operation of MMCCs City wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects to neighboring properties or incompatibility with the other permitted uses of the base zone. One of the limitations included in the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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1333320 and Site Development Permit No. 1390091 are hereby DENIED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1333320 & 1390091, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: April 22, 2015

Job Order No. 24004632



ATTACHMENT 6

Map data ©2011

1000 Foot Radius Map

Project Address	4417 Rainier Ave			
Date	7/9/2014			
P/N	458-521-26-00			
Use	Parcel Number	Street	Suite	Business Name
Office	369-121-34-00	Spectrum Center Blvd	110	Navajo Community Planners, Inc.
Garage	458-510-14-00	Fairmount Ave		Roadside Towing
Office	458-300-04-00	Fairmount Ave		Brickman
Industrial	458-300-04-00	Fairmount Ave		Plavan Petroleum
Gas Station	458-510-03-00	Fairmount Ave		Cosby Fuels
Industrial Lot	458-300-04-00	Fairmount Ave		Maxim Crane Works
Commercial	458-720-14-00	Friars Rd		Armstrong Garden Center
Restaurant	458-720-14-00	Friars Rd	101	Filippi's Pizza Grotto
Restaurant	458-720-14-00	Friars Rd	106	Camel's Breath Inn
Commercial	458-720-14-00	Friars Rd	108	Sun & Spray Tanning
Commercial	458-720-14-00	Friars Rd	109	Mathnasium of Mission Gorge
Commercial	458-720-14-00	Friars Rd	112	Regency Travel
Restaurant	458-720-14-00	Friars Rd	114	Sushi 4 U
Office	458-720-14-00	Friars Rd	115	Edward Jones - Financial Advisor: Alex M Zubak
Commercial	458-720-14-00	Friars Rd	116	Summer Nails & Spa
Commercial	458-720-14-00	Friars Rd	117	Jasmine's Beauty Salon
Commercial	458-720-14-00	Friars Rd	118	Pilates Room Studios
Commercial	458-720-14-00	Friars Rd	119	Inspire Wellness & Medical Weight Loss
Restaurant	458-720-14-00	Friars Rd	104-105	Jade Thai & Mandarin
Retail	458-720-13-00	Friars Rd		CVS Pharmacy
Restaurant	458-720-15-00	Friars Rd		Black Angus
Restaurant	458-720-11-00	Friars Rd		Tropical Fruit Paradise
Retail	458-720-11-00	Friars Rd		Euphoria Vapor Outlet
Office	458-720-11-00	Friars Rd		Sierra Pacific Mortgage
Office	458-720-11-00	Friars Rd		Mirage Cleaners
Commercial	458-720-11-00	Friars Rd		Swimquip Pool & Spa
Office	458-720-11-00	Friars Rd		Friars Road Pet Hospital
Restaurant	458-700-12-00	Friars Rd	A	Starbuck's Coffee
Restaurant	458-700-12-00	Friars Rd	B	Jamba Juice
Miscellaneous	458-342-23-00	Friars Rd		Farmers Outlet
Retail	458-700-12-00	Friars Rd		Petco Animal Supplies
Restaurant	458-700-13-00	Friars Rd		Coco's Bakery Restaurant

ATTACHMENT 7

Commercial	458-342-23-00	10433	Friars Rd	A	Shamrock Spa
Retail	458-342-23-00	10433	Friars Rd	B	Vapor Invasion
Commercial	458-342-23-00	10433	Friars Rd	D	Cindy's Nails
Commercial	458-342-23-00	10433	Friars Rd	E	AJ Pros Barber Shop
Office	458-342-23-00	10433	Friars Rd	H	Farmer's Insurance – Joseph Darcey
Office	458-342-23-00	10433	Friars Rd	I	Profesora Venus
Garage	458-342-23-00	10445	Friars Rd		Midas San Diego
Retail	458-700-10-00	10450	Friars Rd	A	Smoker's Outlet
Restaurant	458-700-10-00	10450	Friars Rd	B	Gaglione Bros. Famous Steaks & Subs
Commercial	458-700-10-00	10450	Friars Rd	C	Professional
Restaurant	458-700-10-00	10450	Friars Rd	D	Saigon Star
Office	458-700-10-00	10450	Friars Rd	G	Brighton Dental
Commercial	458-700-10-00	10450	Friars Rd	H	iTan Sun Spray Spa
Commercial	458-700-10-00	10450	Friars Rd	I	Friars Massage & Footcare
Restaurant	458-700-10-00	10450	Friars Rd	J	Fiji Yogurt
Restaurant	458-700-10-00	10450	Friars Rd	L	San Diego Brewing Co.
Restaurant	458-700-10-00	10450	Friars Rd	R	Jump Tokyo
Commercial	458-700-10-00	10450	Friars Rd	S	Finest Hair Salon
Restaurant	458-700-10-00	10450	Friars Rd	T	Troy's Greek Restaurant
Restaurant	458-700-10-00	10450	Friars Rd	W	Pizza Hut
Restaurant	458-700-10-00	10450	Friars Rd	X	Ra-Ka-De-Ka Fresh Thai Kitchen
Restaurant	458-700-11-00	10460	Friars Rd	A	Rubio's Fresh Mexican Grill
Restaurant	458-700-11-00	10460	Friars Rd	B	Einstein Bros Bagels
Office	458-521-21-00	4410	Glacier Ave	104	Alpha Communication
Light Industrial	458-522-02-00	4417	Glacier Ave		Summit Mechanical Inc
Office	458-522-03-00	4421	Glacier Ave		Apex Contracting & Restoration
Office	458-521-22-00	4422	Glacier Ave	C	Welby Construction Management
Office	458-521-22-00	4422	Glacier Ave	D	Pro Motion Entertainment
Office	458-521-22-00	4422	Glacier Ave	E	C U Acceptance Group
Office	458-521-23-00	4428	Glacier Ave	F	Enter the Goddess Beauty Lounge
Commercial	458-521-23-00	4435	Glacier Ave		Pure Auto Sales
Office	458-522-04-00	4440	Glacier Ave		Apex Contracting & Restoration
Office	458-521-12-00	4440	Glacier Ave		Lighthouse Auto Sales
Garage	458-521-23-00	4444	Glacier Ave		Precision Towing
Office	458-521-11-00	4452	Glacier Ave		Libby Engineers, Inc.
Restaurant	461-220-44-00	6178	Mission Gorge Rd		Sombrero Mexican Food
Restaurant	458-532-12-00	6201	Mission Gorge Rd		Taco Fiesta
Restaurant	458-532-12-00	6225	Mission Gorge Rd		Arby's Roast Beef Restaurant
Commercial Lot	458-522-24-00	6240	Mission Gorge Rd		Good Guys Auto Sales
Office	458-532-22-00	6255	Mission Gorge Rd		County of San Diego
Commercial	458-531-21-00	6313	Mission Gorge Rd		California Bank & Trust

ATTACHMENT 7

Garage	458-521-03-00	6322	Mission Gorge Rd	Mission Gorge Car Wash
Restaurant	458-521-29-00	6326	Mission Gorge Rd	McDonald's
Restaurant	458-531-02-00	6333	Mission Gorge Rd	Tio Leo's Mexican Restaurants
Warehouse	458-531-22-00	6347	Mission Gorge Rd	Wholesale Automotive Machine Inc.
Retail	458-343-28-00	6401	Mission Gorge Rd	7-Eleven
Commercial	458-343-28-00	6403	Mission Gorge Rd	Money Tree
Gas Station	458-342-20-00	6404	Mission Gorge Rd	USA Gasoline
Garage	458-343-01-00	6417	Mission Gorge Rd	Fast Brakes & Oil Change
Retail	458-342-10-00	6424	Mission Gorge Rd	Autozone
Restaurant	458-343-01-00	6435	Mission Gorge Rd	Grab & Go Subs
Commercial	458-700-04-00	6501	Mission Gorge Rd	Bank of America
Retail	458-700-07-00	6505	Mission Gorge Rd	Rite Aid Pharmacy
Restaurant	458-700-08-00	6566	Mission Gorge Rd	Carl's Jr. / Green Burrito
Office	458-342-24-00	4420	Rainier Ave	Our Feathered Friends
Office	458-342-24-00	4420	Rainier Ave	Comfort Keepers
Office	458-342-15-00	4440	Rainier Ave	Padre Janitorial Service
Light Industrial	458-342-15-00	4440	Rainier Ave	National Electric Works Inc.
Light Industrial	458-522-17-00	6267	Riverdale St	John's Automotive Care
Warehouse	458-510-32-00	6280	Riverdale St	Southern California Soil & Testing, Inc.
Commercial	458-510-18-00	6304	Riverdale St	Groundswell Brewing Company
Commercial	458-521-30-00	6305	Riverdale St	Natpro
Commercial	458-510-18-00	6306	Riverdale St	Know Knots Spa
Commercial Lot	458-510-18-00	6312	Riverdale St	TLC Medical Transport
Office	458-510-18-00	6314	Riverdale St	Riverdale Studios
Commercial	458-510-18-00	6316	Riverdale St	CeCe Photo
Office	458-510-18-00	6318	Riverdale St	LDM Inc.
Office	458-720-07-00	6320	Riverdale St	Studio 350 / Phaser Control
Warehouse	458-720-07-00	6330	Riverdale St	Four Seasons Candy
Warehouse	458-720-07-00	6332	Riverdale St	Outlier Crossfit
Office	458-521-17-00	6333	Riverdale St	Broyles Landscape Co
Warehouse	458-720-07-00	6334	Riverdale St	Outlier Athletics
Warehouse	458-720-07-00	6338	Riverdale St	American Ballet & Dance Academy
Warehouse	458-720-07-00	6346	Riverdale St	Proactive Fitness
Office	458-720-07-00	6348	Riverdale St	Murphy Power Ignition
Commercial	458-720-07-00	6354	Riverdale St	Speedpro Imaging
Commercial	458-720-07-00	6356	Riverdale St	Aikido of San Diego
Commercial	458-720-07-00	6360	Riverdale St	Baby-Go-Round Resale
Garage	458-510-04-00	4334	Sheridan Ln	Road One
Hospital	458-522-19-00	4402	Vandever Ave	Kaiser Permanente
Hospital	461-220-26-00	4405	Vandever Ave	Kaiser Permanente
Warehouse	458-522-18-00	4430	Vandever Ave	Schwerma's Professional Carpet Cleaning Co.

Commercial	458-522-18-00	4442	Vandever Ave	Tokyo Spa
Commercial	458-522-23-00	4456	Vandever Ave	Majestic Pharmacy
Office	458-522-23-00	4456	Vandever Ave	QualCare Home Health
Office	458-522-23-00	4456	Vandever Ave	Express Business Service, LLC
Office	458-522-23-00	4456	Vandever Ave	Kostyo Insurance Agency

5
6
9
10



THE CITY OF SAN DIEGO

(Revised) Date of Notice: December 11, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004883

PROJECT NAME/NUMBER: Living Green Coop MMCC/379530**COMMUNITY PLAN AREA:** Navajo Community Plan**COUNCIL DISTRICT:** 7**LOCATION:** The project is located at 4417 Rainier Avenue, San Diego, CA 92120

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC) and a Site Development Permit (SDP) to address development which does not conform to the Community Plan Implementation Overlay Zone (CPIOZ) Type A criteria in the Navajo Community Plan. The facility is proposing to operate in an existing 2,844-square foot building on a 0.16-acre site located at 4417 Rainier Avenue within the Navajo Community Plan Area; it is designated for Light Industry use. The project is zoned IL-3-1 and is subject to the Airport Influence Area for Montgomery Field, the Part 77 Noticing Area, the Airport Land Use Compatibility Overlay Zone, and the Community Plan Implementation Overlay Zone (Type A).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff**ENVIRONMENTAL DETERMINATION:** CEQA Exemption 15303 (New Construction or Conversion of Small Structures)**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

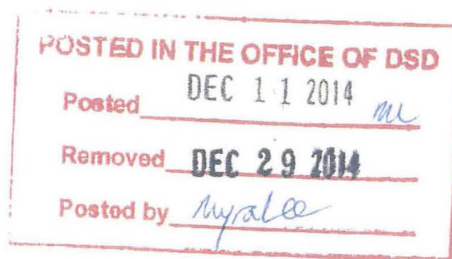
STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which allows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

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

On November 26 , 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). **This notice was originally posted on November 26, 2014; it is being reposted to correct an address error.** 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 (December 26, 2014). 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.



[illegible]

Architectural drawing showing the 1st and 2nd floor plans of a building, along with a keynotes section and a wall legend.

1st FLOOR PLAN (Scale: 1/8" = 1'-0")

Rooms and dimensions:

- STORAGE (105): 14'-9" x 13'-0 1/2"
- SHOWROOM (104): 13'-0 1/2" x 11'-8 1/2"
- OFFICE (103): 10'-8" x 10'-2"
- RESTROOM (102): 10'-2" x 4'-10"
- RECEPTION (101): 20'-0" x 28'-0"
- STORAGE (106): 19'-1" x 20'-0"

2nd FLOOR PLAN (Scale: 1/8" = 1'-0")

Rooms and dimensions:

- OFFICE (108): 20'-0" x 20'-0"

KEYNOTES

- ① EXISTING STAIR
- ② SECURITY CAMPS - TYP
- ③ OUTDOOR WALLPACK LIGHT FIXTURE - TYP

WALL LEGEND

- EXISTING EXTERIOR WALL
- EXISTING INTERIOR WALL
- NEW INTERIOR WALL

REVISIONS

REVISION	DATE	BY	OF
REVISION 5:	03-14-15		
REVISION 4:	11-25-14		
REVISION 3:	11-06-14		
REVISION 2:	9-24-14		
REVISION 1:	7-31-14		

PROJECT INFORMATION

DATE: 7-9-14
SHEET # 3
FLOOR PLAN
OFF: 5
4417 RAINIER AVENUE, SAN DIEGO, CA
POINT OF DEPARTURE ARCHITECTURE

Point of Departure ARCHITECTURE
3712 30th Street
San Diego, CA 92104
www.pod-architecture.com

4417 RAINIER AVE
San Diego, CA 92120

LIVING GREEN WELLNESS COOPERATIVE
CONDITIONAL USE PERMIT

FLOOR PLAN

ARCHITECT
POINT OF DEPARTURE ARCHITECTURE
3712 30th Street
San Diego, CA 92104
www.pod-architecture.com

1 **2**

1st FLOOR PLAN **2nd FLOOR PLAN**

KEYNOTES

WALL LEGEND

REVISIONS

PROJECT INFORMATION

Point of Departure ARCHITECTURE

4417 RAINIER AVE

LIVING GREEN WELLNESS COOPERATIVE

CONDITIONAL USE PERMIT

FLOOR PLAN

ARCHITECT

1 **2**

Point of Departure ARCHITECTURE
San Diego, CA 92104
www.pod-architecture.com

LIVING GREEN WELLNESS COOPERATIVE
CONDITIONAL USE PERMIT

EXTERIOR ELEVATIONS

A-3.0

KEY NOTES

- ① EXISTING CMU WALL, CURRENTLY PAINTED TAN
- ② EXISTING WOOD SIDING, CURRENTLY PAINTED BLACK
- ③ EXISTING ADDRESS SIGNAGE, PAINTED GREEN
- ④ EXISTING CMU WALL TO RETAIN CURRENT PAINT COLOR
- ⑤ EXISTING WOOD SIDING, TO BE PAINTED W/PT-1
- ⑥ EXISTING CMU WALL, TO BE PAINTED W/PT-2
- ⑦ EXISTING CMU WALL, TO BE PAINTED W/PT-1
- ⑧ EXISTING WINDOW BARS (BLACK)
- ⑨ NEW WALLPACK FRTURE

FINISH SCHEDULE

WALL FINISH

(PT-1) PAINT
MFG: FRAZEE ENVIROCOAT
COLOR: CL 1887N
FINISH: FLAT

(PT-2) PAINT
MFG: FRAZEE ENVIROCOAT
COLOR: D220001 LUHTE
FINISH: FLAT

PROPOSED NORTH ELEVATION
SCALE: 1/4"=1'-0"

EXISTING NORTH ELEVATION
SCALE: 1/4"=1'-0"

SUBMITTAL

REVISION 5: 03-14-15
REVISION 4: 11-25-14
REVISION 3: 11-06-14
REVISION 2: 9-24-14
REVISION 1: 7-31-14

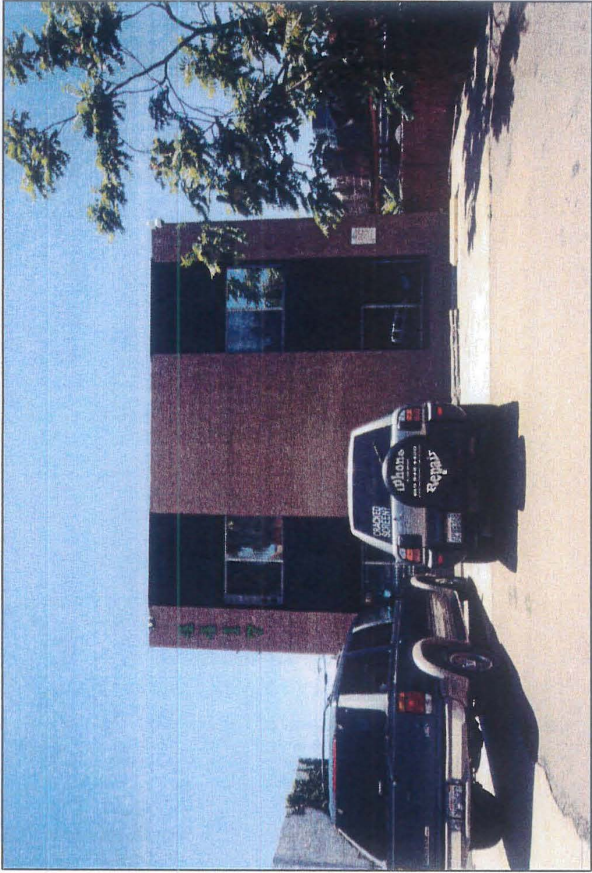
ORIGINAL PRESENTATION DATE: 7-9-14

SHEET #: 4 OF: 5

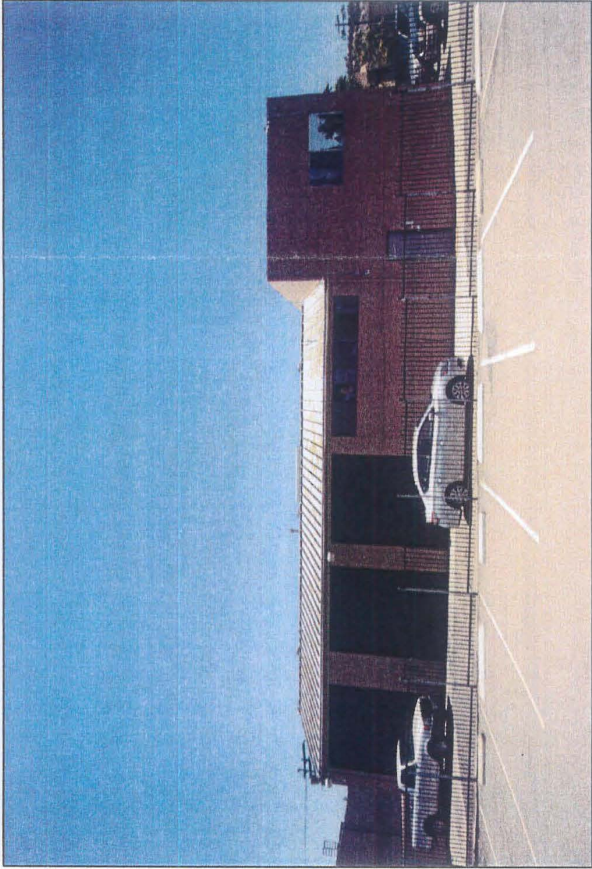
SHEET TITLE: EXTERIOR ELEVATIONS

4417 RAINIER AVENUE SAN DIEGO, CA

POINT OF DEPARTURE ARCHITECTURE



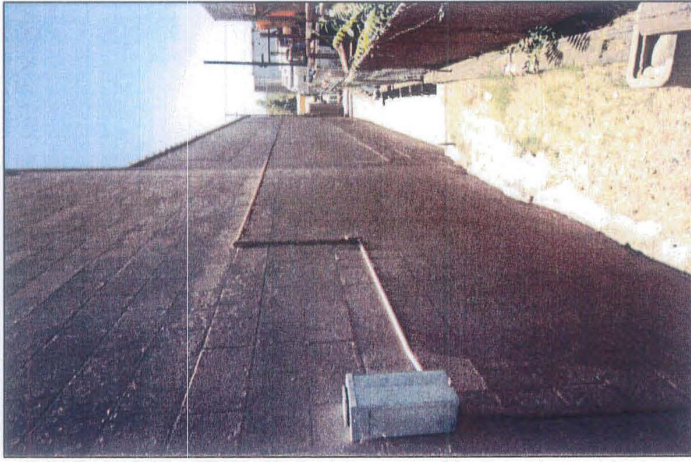
1 NORTH SIDE



2 EAST SIDE



3 SOUTHEAST CORNER



4 WEST SIDE

LIVING GREEN WELLNESS COOPERATIVE
CONDITIONAL USE PERMIT

BUILDING PHOTOS



A-3.1

REVISION 5:	03-14-15
REVISION 4:	11-25-14
REVISION 3:	11-06-14
REVISION 2:	9-24-14
REVISION 1:	7-31-14
ORIGINAL	
DRAWING	
PREPARATION	
DATE:	7-9-14
SHEET #:	5
SHEET TITLE:	BUILDING PHOTOS
OF:	5
4417 RAINIER AVENUE, SAN DIEGO, CA	
POINT OF DEPARTURE ARCHITECTURE	

Point of Departure
ARCHITECTURE
3712 30th Street
San Diego, CA 92104
www.pod-architecture.com



4417 RAINIER AVE
San Diego, CA 92120

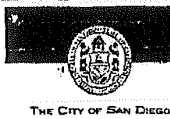


City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: Living Green Coop MMCC		Project Number: 379530	Distribution Date: 09/30/2014
Project Scope/Location: NAVAJO Conditional Use Permit (Process 3) for a Medical Marijuana Consumer Cooperative (MMCC) to operate in an existing 2,844 square foot, two story building located at 4417 Rainier Avenue. The 0.16 acre site is located in the IL-3-1 zone and Airport Influence Area (Montgomery Field) within the Navajo Community Plan area. Council District 7. Notice Card=1.			
Applicant Name:		Applicant Phone Number:	
Project Manager: Edith Gutierrez	Phone Number: (619) 446-5147	Fax Number: (619) 446-5245	E-mail Address: EGutierrez@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Deny	Members Yes 16	Members No 0	Members Abstain 0
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME: MATTHEW J. ADAMS		TITLE: CHAIR	
SIGNATURE: [Signature]		DATE: 12-16-14	
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 www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			

ATTACHMENT 11



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

Ownership Disclosure Statement

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

Project Title

MMCC, CUP, Living Green Cooperative

Project No. For City Use Only

379530

Project Address:

4417 Rainier Avenue, San Diego CA 92120

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

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

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

Brad Brown

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

5015 Santa Cruz, #208

City/State/Zip:

San Diego, CA 92107

Phone No:

(619)261-6979

Fax No:

Signature:

Date:

7/4/14

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

Living Green Cooperative, Inc., Cary Weaver-President

☐ Owner ☒ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

4417 Rainier Avenue

City/State/Zip:

San Diego, CA 92120

Phone No:

(619)677-3163

Fax No:

Signature:

Date:

07/02/2014

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

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

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

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

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

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

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

ATTACHMENT 12

(R-2013-362)

REV.COPY

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

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

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

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

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

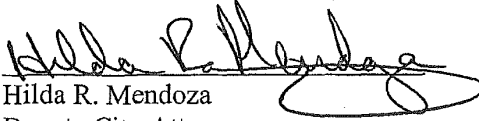
ATTACHMENT 12

(R-2013-362)

REV.COPY

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

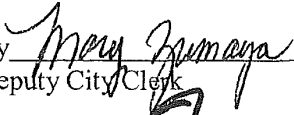
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

HRM:als
11/28/12
11/28/12 COR.COPY
11/30/12 REV. COPY
Or.Dept: Park & Rec
Doc. No.: 458904_7

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

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11-30-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101</p> <p>THE CITY OF SAN DIEGO</p>	<p>Development Permit/ Environmental Determination Appeal Application</p>	<p>FORM</p>
		<p>DS-3031</p> <p>OCTOBER 2012</p>

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
- ☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

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

Name: Living Green Cooperative, Inc. E-mail Address: livinggreencooperative@yahoo.com
 Address: 4417 Rainier Avenue City: San Diego State: CA Zip Code: 92120 Telephone: (619) 850-7557

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Cary Weaver

4. Project Information

Permit/Environmental Determination & Permit/Document No.: 379530 Conditional Use Permit No. 1333320; SDP No. 1390091	Date of Decision/Determination: 4/22/2015	City Project Manager: Edith Gutierrez
--	--	--

Decision (describe the permit/approval decision):
Denial of Conditional Use Permit by Hearing Officer

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

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

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.)

Hearing Officer erroneously denied the CUP based on its proximity to the Mission Valley Riparian open space area. This area is not a "public park" as defined by the MMCC Ordinance. For that reason, it complies with all of the MMCC ordinance's minimum separation requirements and should have been approved.

RECEIVED
APR 28 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: Cary Weaver Date: 04/28/2015

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

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101</p> <p>THE CITY OF SAN DIEGO</p>	<p>Development Permit/ Environmental Determination Appeal Application</p>	<p>FORM</p>
		<p>DS-3031</p> <p>OCTOBER 2012</p>

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1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
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☐ Process Four Decision - Appeal to City Council
- ☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

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

Name: TED GRISWOLD E-mail Address: TED.GRISWOLD@PROCOPIO.COM
 Address: 525 B STREET, SUITE 2200 City: SAN DIEGO State: CA Zip Code: 92101 Telephone: (619) 515-3277

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

LIVING GREEN MMCC

4. Project Information

Permit/Environmental Determination & Permit/Document No.: PROJECT NO. 379530: CUP 1333320	Date of Decision/Determination: APRIL 22, 2015	City Project Manager: E. GUTIERREZ
--	---	---------------------------------------

Decision (describe the permit/approval decision):
HO-15-049 DENIAL OF CUP 1333320 and SDP 139 0091

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

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

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.)

Hearing Officer denied project because of the inability to make the findings required under SDMC 141.0614,

requiring a minimum separation of 1,000 ft. from a "park." In rendering the decision on only this basis, the Hearing Officer

implied that the other findings could be made for this project. We disagree with these implied findings for the reasons

stated in the attached information, that the project: 1) complies with the Land Development Code; 2) that the

project is not detrimental to the public health, safety and welfare; and 3) that the proposed project is appropriate for the

proposed location cannot be made. On this basis, the Hearing Officer made a factual (and legal) error regarding the ability

of the project to use an alley as primary and sole vehicle access, and the implied findings made by the Hearing Officer

were not supported by the factual information before him. The denial should be upheld on these bases.

(See attached)

RECEIVED

MAY 05 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: 5/6/15

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

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.

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

DS-3031 (10-12)



www.procopio.com

ATTACHMENT 14
Procopio, Cory, Hargreaves & Savitch LLP
525 B Street, Suite 2200
San Diego, CA 92101
T. 619.238.1900
F. 619.235.0398

Theodore J. Griswold
Direct Dial: (619) 515-3277
E-Mail: ted.griswold@procopio.com

May 6, 2015

Hand Delivered

Planning Commission Appeals
Development Services Department
1222 First Avenue, Third Floor
San Diego, CA 92101

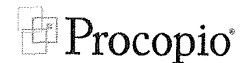
Re: Living Green MMCC - Project No. 379530; Hearing Officer Date: April 22, 2015;
Report No. HO-15-049; Planning Commission Hearing Date June 25, 2015

Dear Planning Commissioners:

We respectfully appeal the above-referenced decision of the hearing officer on the basis that, while we agree with the denial of the project CUP and CDP, the basis for the decision is erroneous. The hearing officer, in making his decision to deny the project, only addressed his inability to make the finding based on the project's proximity to a San Diego "park" property. In failing to address the myriad of parking, traffic, access and health and safety issues that were raised by the opponents for this project from the surrounding community, the hearing officer implied that the findings were made that 1) the project was compliant with the Land Development Code; 2) that the project was not detrimental to the health, safety and welfare of the public; and that the project was appropriate for the proposed location. Given the record on this project and the written and oral testimony provided by the Navajo Community members at this hearing, these implied findings were not supported by the evidence before the hearing officer. As a result, we respectfully request that the Planning Commission find that these findings cannot be made, and are the basis for denial of this proposed project.

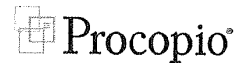
SUPPORT FOR APPEAL

1. **Hearing officer cannot make the finding that the proposed development complies with the Land Development code because it relies on alternative access parking calculations.**
 - a. Alley access alternative parking is not allowed in the IL-3-1 zone.



Planning Commission Appeals
Development Services Department
May 6, 2015
Page 2

- i. The property is zoned IL-3-1 Zone (see Attachment 1) which requires 5 spaces per 1000 sf (or 14 parking spaces). Zone IL-3-1 does not allow for alternate parking based on alley access. (see table 142.05E, which has no reference to the alley parking).
 - ii. This limitation on the applicability of alternative Alley Access parking is supported by Table 142-05G, which also references the ability to have Alley Access, but only within the IS zone or for Wholesale and distribution uses (see Table 142-05G).
 - iii. The City's processing of the Living Project with alternative parking based on alley access violates the city's own code provisions.
- b. Even if the property was zoned to allow for the alley alternative parking, SDMC section 142.0540 qualifies the exceptions allowed for in Table 142-05H, requiring findings for small lots to include that, among other findings:
 - i. The City Engineer has determined that "the lot has adequate alley access according to accepted engineering practices."
 - ii. These findings have not been made and were not provided for in the staff report or produced to the public as part of the project review.
- c. Even if the property was zoned to allow for the alley alternative parking, the alternate parking based on alley access would not apply because the alley is the primary and only access for the property.
 - i. SDMC defines "Alley" as a "public way that is no wider than 25 feet that is dedicated as a secondary means of access to an abutting property." (SDMC 113.0103)
 - ii. This project uses the alley as its primary and only vehicle access.
 - iii. Given that the property does not use the alley as secondary access, it cannot use the alley-access alternate parking requirements allowed under SDMC.
 - iv. This alley access as secondary is consistent with every other MMCC project with alley access that has been approved by the City. For example, Project 368344 (3452 Hancock) was not provided alternative alley access



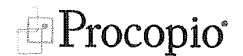
Planning Commission Appeals
Development Services Department
May 6, 2015
Page 3

parking at all; and Project 368301 (3421 Hancock St), which was afforded the alternative alley access parking, used the alley as secondary access.

2. **The Hearing Officer cannot make the finding that the proposed development will not be detrimental to the public health, safety and welfare because it puts community members and customers in harm's way.**
- a. The project proposes to operate access through on a long, narrow lot with an extended narrow driveway/emergency access way, and all access to the operation through a narrow, busy industrial alley. (See Attachment 2, Access Overview of Living Green Project).
 - b. By definition, the Project will serve medical patients, many of which may be in a compromised state physically or medically,
 - c. Yet the Project has only one parking place in the reasonable proximity of the facility entrance. All other customers must park at one of the 4 spaces the far end of the building in the alley. Having only one accessible parking place within 100 feet of the site entrance is detrimental to the health and safety of customers.
 - d. Customers parking in the alley must exit their cars into the alley (into traffic) and walk (or wheelchair) within the site's only driveway to the far end of the property to be served. Walking through these traffic areas is detrimental to health and safety.
 - e. The ramp from the alley is NOT ADA compliant. Requiring medical patients to travel through non-ADA compliant access ways is detrimental to the health and safety of customers.
 - f. The alley parking places are located next to a solid fence which extends to the edge of the alley causing blind entry and exit from the spaces, which is detrimental to traffic in the alley and those using the parking spaces.
 - g. The alley parking spaces are also in a busy industrial alley, creating traffic conflicts.
 - h. The alley parking is hidden and unsecure, creating opportunities for criminal activity upon unsuspecting customers.
 - i. Given the tortured site constraints for parking, this location for this facility would be detrimental to the public health, safety and welfare.

Planning Commission Appeals
Development Services Department
May 6, 2015
Page 4

3. **The Hearing Officer cannot make the finding that the proposed development will not be detrimental to the public health, safety and welfare because it will cause traffic hazards and block emergency access ways.**
- a. The Project estimates at least 100 customers per day, (their previous operation use was 2-3 times this). These visits are not evenly spaced through the day. (See additional testimony from Hearing, Attachment 3)
 - b. At least 80% of these customers will have to park in the alley parking spaces (if they can find them) and walk the length of the building before reaching the building entrance.
 - c. Given the applicant's estimate of 15 minutes for servicing the average client, plus the extended travel time to the front door from the parking location, it is likely that each of the parking places will be occupied for 20-25 minutes at a time.
 - d. The heavy in-flow of customers will face insufficient parking offered by the Project. If the five parking places are full from customers and employee parking, new customers arriving to the site will cause congestion either onsite (idling in the driveway and blocking the emergency access road) or within the adjacent alley.
 - e. Such congestion will cause the alley to become a bumper-to-bumper zone with traffic spilling over from the Project's vicinity and causing complications with local traffic and deliveries to neighboring industrial properties.
 - f. With medical patients as customers, it is reasonably foreseeable that emergency medical will be visiting this site (but blocked by cars).
 - g. Given the nature of the business and the likelihood of idling cars and loitering, it is likely that police access will be required (but blocked by cars).
 - h. Those cars that do not line up in the emergency access or alley area would burden adjacent parking by parking illegally on surround properties.
 - i. This location invites traffic congestion and altercations and is detrimental to the public health, safety and welfare.



Planning Commission Appeals
Development Services Department
May 6, 2015
Page 5

4. **In light of the above, and in light of the other testimony and concerns raised today, it is clear that the City cannot find that the proposed development is appropriate for the proposed location.**
 - a. This is not an issue of whether an MMCC should be allowed—It is an issue if the use, as proposed by the applicant, is appropriate for this locations.
 - b. Given the extraordinary site constraints, inadequate parking, dangerous design of access in and out of the facility, and likely high number of customers, it is clear that the proposed use is NOT appropriate for this location.
5. **Hearing Officer cannot make the finding that the proposed development complies with the Land Development code because the Community Planning Group was never able to provide meaningful input regarding the project.**
 - a. The very issues raised above (parking concerns and violations of existing ordinance) were raised by the Community Planning Group and it sought answers by the City Staff and the Applicant at its November 2014 Planning Group Meeting. The Planning Group refused to provide a recommendation on the project until the answers were received.
 - b. The Applicant promised to return to the Planning Group to address the concerns at the next meeting; however instead, the day after the Planning Group meeting, applicant informed the City Staff that the “Planning Group appearance was satisfied” and received sign-off from the City Staff based on that representation.
 - c. When, without explanation, the Applicant failed to appear before its December 2014 Planning Group agenda item, the planning group voted unanimously to deny the project as incomplete and noncompliant with the City Zoning requirements. But the project moved forward with processing because it had received the City sign-off on the Planning Group recommendation the day after the November Planning Group meeting.
 - d. The Planning Group Chair (Matt Adams) and the Community were incensed when he later learned of the Applicant’s dismissal of the Planning Group concerns.
 - e. The failure of the project to follow through the land development process does not comply with the land development code.



Planning Commission Appeals
Development Services Department
May 6, 2015
Page 6

We urge the Planning Commission to rely on reasons provided herein as the full basis for the denial of the project.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Theodore J. Griswold", written over a horizontal line.

Theodore J. Griswold

TJG/pat

Enclosures

Table 142-05G
Parking Ratios for Specified Non-Residential Uses

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽²⁾	Maximum Permitted
Institutional			
Separately regulated uses			
Botanical Gardens and Arboretums	3.3	2.8	N/A
Churches and places of religious assembly	1 per 3 seats; or 1 per 60 inches of pew space; or 30 per 1,000 square feet assembly area if seating is not fixed	85% of Minimum	N/A
Educational facilities:			
Kindergarten through grade 9	2.0 per classroom if no assembly area or 30 per 1,000 square feet assembly area	85% of Minimum	N/A
Grade 10 through grade 12	1 per 5 students at maximum occupancy	85% of Minimum	N/A
Vocational/trade schools	1 per student at maximum occupancy	85% of Minimum	N/A
Exhibit Halls & Convention Facilities	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum	N/A
Hospitals	2 per bed	85% of Minimum	N/A
Intermediate care facilities and nursing facilities	1 per 3 beds	85% of Minimum	N/A
Interpretive Centers	3.3	2.8	N/A
Museums	3.3	2.8	N/A
Radio & Television Broadcasting	3.3	2.9	5.0
Retail Sales: See Table 142-05E			
Commercial Services			
Eating & Drinking Establishments	See Table 142-05F		

San Diego Municipal Code
(1-2015)

Chapter 14: General Regulations

Public assembly & entertainment			
Theaters	1-3 screens: 1 per 3 seats 4+ screens: 1 per 3.3 seats Per assembly area if not fixed seats: 50.0	85% of Minimum	N/A
Health clubs	5.0 Clubs with Courts: 1 additional space per the maximum number of authorized players (Amateur Athletic Union) per court	85% of Minimum	N/A
Swimming pools	Commercial: 1 per 100 sq. ft. of pool surface area Community: 1 per 175 sq. ft. of pool surface area	85% of Minimum	N/A
All other public assembly and entertainment	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum	N/A
Visitor accommodations	1 per <i>guest room</i> Conference Area: 10.0	1 per <i>guest room</i> Conference Area: 10.0	N/A
Separately Regulated Uses			
Child Care Centers	1 per staff	85% of Minimum	N/A
Funeral parlors & Mortuaries	1 per 3 seats; 30.0 for assembly area if no fixed seats	85% of minimum	N/A
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per <i>guest room</i> , or 2.5, whichever is greater ⁽³⁾	85% of Minimum	N/A
Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for Reduced Parking Demand Housing stated in Section 142.0527, see Section 142.0527 for parking requirements.)	1 per room	0.5 per room	N/A

San Diego Municipal Code
(1-2015)

Chapter 14: General Regulations

Veterinary clinics & hospitals	2.5	2.1	N/A
Offices⁽⁴⁾			
Business & professional/ Government/ Regional & corporate headquarters (except in IS Zone)	3.3	2.9	5.0
Medical, dental, & health practitioners (except in IS Zone)	4.0	3.5	6.0
All office uses in the IS Zone	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	5.0
Vehicle & Vehicular Equipment Sales & Service			
Automobile service stations	2 per Station: with Maintenance Facility, 3 per Station Plus 1 per Service Bay Retail Sales: 3.0	85% of Minimum	N/A
Vehicle repair & maintenance	5.0	4.3	N/A
Vehicle sales & rentals	1 per each 10 display cars	85% of Minimum	N/A
Wholesale, Distribution, and Storage⁽⁴⁾			
All wholesale, distribution and storage uses	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	4.0
Self Storage Facilities	1.0 space/10,000 sq ft plus 3.3 space per 1,000 square foot of accessory office space	N/A	N/A
Industrial			
Heavy Manufacturing (except in IS Zone)	1.5	1.5	4.0
Light manufacturing (except in IS Zone)	2.5	2.1	4.0
Research & development (except in IS Zone)	2.5	2.1	4.0
All industrial uses in the IS Zone	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	4.0

* Alley parking Limited To IS Zones
and Wholesale/Distribution Situations

Footnotes For Table 142-05G

- ¹ Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ² *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).
- ³ In the beach impact area, one parking space per *guest room* or 5.0, whichever is greater.
- ⁴ Accessory Retail Sales, Commercial Services, and Office Uses. On-site accessory retail sales, commercial services, and office uses that are not open to the public are subject to the same parking ratio as the primary use.
- ⁵ *Alley Access*. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05G. Within the beach impact area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(d) Parking Spaces for Carpool Vehicles and Zero Emissions Vehicles

- (1) Designated parking spaces for carpool vehicles (vehicles containing two or more persons) and zero emissions vehicles (any vehicles certified to zero-emissions standards) shall be provided for non-residential *development* at the ratio indicated in Section 142.0530(d)(1)(B), unless exempt under Section 142.0530(d)(1)(C).
- (A) The required designated parking spaces for carpool vehicles and zero emissions vehicles are to be provided within the overall minimum parking requirement, not in addition to it.
- (B) The required number of designated parking spaces for carpool vehicles and zero emissions vehicles shall be calculated based on the total number of automobile parking spaces required for the *premises* as follows:
- (i) Zero designated parking spaces for carpool vehicles and zero emissions vehicles if there are 0-9 automobile parking spaces on the *premises*.
- (ii) One designated parking space for carpool vehicles and zero emissions vehicles if there are 10-25 automobile parking spaces on the *premises*.
- (iii) Three designated parking spaces for carpool vehicles and zero emissions vehicles if there are 26-50 automobile parking spaces on the *premises*.

Table 142-05E
Parking Ratios for Retail Sales, Commercial Services, and Mixed-Use Development

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Commercial Zones			
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	6.5
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0 ⁽³⁾	4.3	6.5
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5
CC-3-5	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5
CC-3-5/Beach impact area ⁽⁵⁾	2.5	2.1	6.5
CC-4-5	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5
CC-5-5	1.25	1.25	5.5
CN-1-1	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5
CN-1-2	5.0	4.3	6.5
CN-1-3	2.5	2.1	6.5
CR-1-1 CR-2-1	5.0 ⁽³⁾	4.3	6.5
CO-1-1 CO-1-2	5.0	4.3	6.5
CV-1-1	5.0	4.3	6.5


San Diego Municipal Code
(1-2015)

Chapter 14: General Regulations

CV-1-2	2.5	2.1	6.5
Industrial Zones			
IH-1-1	5.0	4.3	6.5
IH-2-1			
IL-1-1	5.0	4.3	6.5
IL-2-1			
IL-3-1			
IP-1-1	5.0	4.3	6.5
IP-2-1			
IS-1-1	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5
IBT-1-1	5.0	4.3	6.5
Planned Districts			
Barrio Logan: Subdistrict B	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5
Barrio Logan: Except Subdistrict B	2.5	2.1	6.5
Carmel Valley	5.0	4.3	6.5
Cass Street	2.0	2.0	6.5
Central Urbanized	2.5	2.1	6.5
Golden Hill	1.25	1.25	5.5
La Jolla	1.7	1.7	5.5
La Jolla Shores	1.0	1.0 ⁽⁴⁾	5.5
Mid-City: CN-3 and CV-3	1.25	1.25	5.5
Mid-City: Except CN-3, CV-3	2.5	2.1	6.5
Mount Hope	3.3	2.8	6.5
Mission Valley: CV	2.5	2.1	6.5
Mission Valley: Except CV	5.0	4.3	6.5
Old Town	4.0	3.4	6.5
Southeast San Diego	2.5	2.1	6.5
San Ysidro	2.5	2.1	6.5
West Lewis Street	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5

↑ only zones allowing "Alley Access" alternative parking requirements.

Footnotes For Table 142-05E

- ¹ Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ² *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).
- ³ Uses Located above *Ground Floor*. The minimum parking ratio for retail sales and commercial services uses above the ground floor is 4.0 spaces per 1,000 square feet of *gross floor area*.
-  ⁴ *Alley Access*. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05E. Within the beach impact area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.
- ⁵ Beach Impact Area. For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone).

- (b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the *primary use* on a *premises*.

§142.0540 Exceptions to Parking Regulations for Nonresidential Uses

- (a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are 10,000 square feet or less, that existed before January 1, 2000, the parking requirements set forth in Table 142-05H may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05H determines the minimum number of required *off-street parking spaces*.

Table 142-05H
Alternative Parking Requirement for
Commercial Uses on Small Lots

Type of Access	Minimum Number of Parking Spaces
With <i>Alley</i> Access ⁽¹⁾	1 space per 10 feet of <i>alley</i> frontage, minus one space
Without <i>Alley</i> Access	none required

Footnote to Table 142-05H

- ¹ The City Engineer will determine whether a *lot* has adequate *alley* access according to accepted engineering practices.

Alley defined term
as Secondary Access

- (b) Exceeding Maximum Permitted Parking. Development proposals may exceed the maximum permitted automobile parking requirement shown in Tables 142-05E, 142-05F, and 142-05G with the approval of a Neighborhood Development Permit, subject to the following:
- (1) The *applicant* must show that the proposed parking spaces are required to meet anticipated parking demand, will not encourage additional automobile trips, and will not result in adverse site design impacts; and
 - (2) The number of automobile parking spaces provided shall not be greater than 125 percent of the maximum that would otherwise be permitted.

Advertising display sign means a sign where the sign copy does not pertain to the use of the property, a product sold, or the sale or lease of the property on which the sign is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the sign. Such signs include vehicle-mounted signs and billboards.

Affiliate means business entities, organizations, or individuals who either directly or indirectly (1) control one another or have the power to control one another or (2) are controlled by a third party or are subject to control by a third party. Affiliates include chief executive officers and members of boards of directors or their equivalents.

Affordable housing cost shall mean (1) for ownership housing, a housing payment which includes loan principal, loan interest, property taxes, property and mortgage insurance, and homeowners association dues which allows a household with a gross income at not more than one hundred percent (100%) of the area median income to purchase a home and (2) for rental or cooperative housing, a housing payment including a reasonable allowance for utilities, which does not exceed thirty percent (30%) of not more than fifty percent (50%) of the area median income for very low income households and thirty percent (30%) of not more than eighty percent (80%) of the area median income for low income households.

Alley means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an abutting property.

Amended map means a map as set forth in the Subdivision Map Act, Section 66469 through 66472.1, that is used to correct errors or to amend an existing final map or parcel map.

Antenna means a device or system used for the transmission or reception of radio frequency signals for wireless communications. It may include an Omni-directional (whip), directional (panel), dish, or GPS antenna. It does not include the support structure.

Appealable area means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. This area includes lands between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. The appealable area is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. CC-17067-1; however, this map may be updated as appropriate and may not include all lands involving post-LCP certification appeal jurisdiction.

Article 3: Land Development Terms
(Added 12-9-1997 by O-18451 N.S.)

Division 1: Definitions
("Definitions" added 12-9-1997 by O-18451 N.S.)

§113.0101 Purpose of Definitions

The purpose of this division is to provide clear and concise definitions of words and phrases that have meanings specifically related to the Land Development Code and to apply these terms in a consistent way throughout the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§113.0102 Identification of Definitions

Each word or phrase that is defined in this division appears in the text of the Land Development Code in italicized letters.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§113.0103 Definitions

Abutting property means a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Accessory building means an accessory structure which is also a "building" as defined in the California Building Code.

Accessory structure means a structure attached to or detached from a primary structure located on the same premises that is customarily incidental and subordinate to the primary structure or use. The term accessory structure includes accessory buildings.

Accessory use means a use of land or building, or portion thereof, that is customarily incidental to, related to, and clearly subordinate to a primary use of the land or building located on the same premises.





Riverdale Commerce Park
6302-6360 Riverdale Street
San Diego, CA 92120

April 22, 2015

Hearing Officer
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Re: Living Green Cooperative - Project No. 379530
Hearing Date: April 22, 2015
Report No. HO-15-049

Dear Hearing Officer:

I am the owner of the Riverdale Commerce Park, located near the above-referenced proposed project in Grantville at 4417 Rainier Avenue. I have owned and operated Riverdale Commerce Park for over 7 years in the Grantville area, and I am very familiar with the neighborhood, its patrons and businesses, and traffic flows within the area. I support the staff recommendation to deny the Conditional Use Permit 133320 and the Site Development Permit No. 1390091 for this project. However, the basis for the denial extends well beyond staff's recommendation.

The basis for denial is that the City cannot make the necessary findings required under San Diego Municipal Code 126.0305, which are required for conditional use permit approval. Specifically, the proposed development will:

- (1) adversely affect the applicable land use plan by imposing excess parking burdens on surrounding properties;
- (2) the proposed development will be detrimental to the public health and safety due to the increased traffic, grossly inadequate parking, and potential criminal activity that would arise from the proposed facility at this location and in this configuration; and
- (3) the proposed use is not appropriate for the proposed location given the constrained property requirements and access requirements that would be necessary to fit this round peg into a square hole.

Hearing Officer
City of San Diego
April 21, 2015
Page 2

way to

The design of this project and its access creates a storefront for patrons to the facility that is a functional failure and there is no fix it. The project provides no vehicular access from Rainier Avenue, yet provides a street address on Rainier Avenue and the land development plan requires that it provide signage, frontage and additional facades to notify the public of the entrance on Rainier Avenue. Access off of Rainier Avenue is, in fact, precluded by the City given the configuration of the property. Instead, the limited parking for the project is hidden in the alley at the back of the project. As a result, patrons to the property will locate the project on Rainier Avenue, and then seek to park on Rainier Avenue in order to visit the facility. However, Rainier Avenue is already an over-parked street with multiple driveways and scant few locations for the public parking. As a result, patrons to the facility will either double-park on Rainier Avenue, more likely, find adjacent properties in and around Rainier Avenue to use as their parking to use the facility. This is a very predictable and inevitable pattern for the facility at this location, and it creates an unjust operational and economic burden on surrounding property owners.

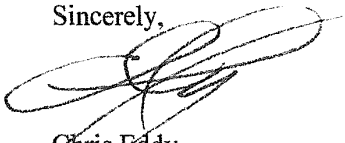
I own Riverdale Commerce Park, a business park that is approximately 120 feet from the proposed Living Green Facility. It has over 200 parking places, all of which are highly critical to the success of the businesses operating within the park. It is fair to say that was a major factor in selecting this location for their business. A few years ago, the Living Green Wellness Cooperative was housed in the most remote suite on my property and I was able to personally witness the parking activities of the patrons for the facility. It didn't work. Few parking rules were followed, and parking outside of designated areas was a regular occurrence. Parking was very heavy and in many cases, individuals would be left outside with the cars as one of the parties from the car would run into the facility and spend the necessary time to obtain the medical marijuana prescription. I am certain that this same type of parking activity that I sought to eliminate will now overflow onto my property given its proximity, design and frontage for this project. As a result of this situation, as a neighboring property owner I will have to hire security, install multiple cameras, additional lighting, new signage and contract with a towing company to have unauthorized parked cars removed. This should not be my responsibility when the approval of this Conditional Use Permit will create the problem.

It is human nature that patrons to this facility, once they identify the location of the facility, will find the easiest parking place possible which will be on other properties. By approving this project at this location, the City would be imposing parking for this facility on surrounding property owners. This is completely inconsistent with the current land use plan and it is a strong indication that the proposed use is inappropriate for the proposed location, given the property's configuration and confusing vehicular access off of the back part of the property through the alley to nearly non-existent parking, given the anticipated flow of patients and their ride-alongs.

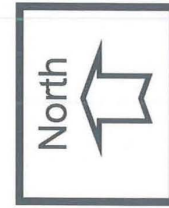
Hearing Officer
City of San Diego
April 21, 2015
Page 3

Your proposed findings require that the project has "demonstrated at the location of the proposed MMCC will not be detrimental to neighboring properties or the community." Given the design and access of the facility at this property and the constricted and confusing location of the insufficient four (4) parking places, this finding is impossible for this facility at this location. I respectfully request that the Hearing Officer deny the permit for this project and consistent with staff's recommendation on the basis that the proposed project will be detrimental to the neighboring properties and community in this location, would adversely affect the applicable land use plan and would adversely affect the public health, safety, and welfare of the community. Thank you.

Sincerely,

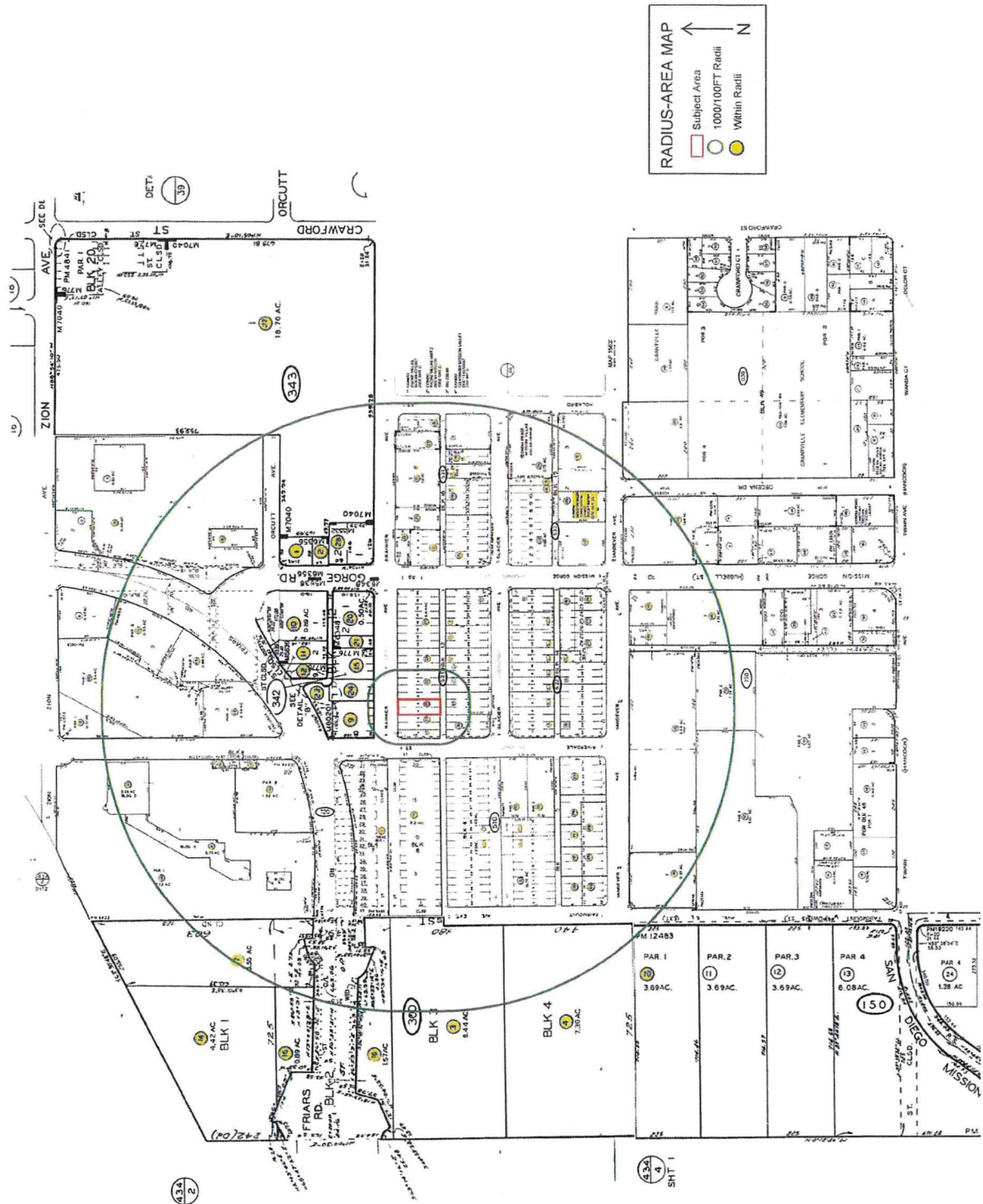


Chris Eddy
Riverdale Commerce Park



Mission Valley Riparian within 1,000 feet
LIVING GREEN COOP MMCC - 4417 RAINIER AVENUE
 PROJECT NO. 379530





SUMMARY OF PARCELS							
APN: 458-521-26 100FT MMCC							
#	Use Description	Site Address	City	State	Zip	Parcel Number	Owner Name
1	STORES, RETAIL OUTLET	10407 FRIARS RD	SAN DIEGO	CA	92120	458-342-09-00	SAN DIEGO FARMERS OUTLET INC.
2	STORES, RETAIL OUTLET	4420 RAINIER AVE 100	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
3	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 100	SAN DIEGO	CA	92120	458-342-24-00	OUR FEATHERED FRIENDS
4	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 202	SAN DIEGO	CA	92120	458-342-24-00	COMFORT KEEPERS
5	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 300	SAN DIEGO	CA	92120	458-342-24-00	ACTION PRINTING CO.
6	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 302	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
7	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 303	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
8	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 304	SAN DIEGO	CA	92120	458-342-24-00	VACANT
9	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 305	SAN DIEGO	CA	92120	458-342-24-00	KAISER FINANCIAL SERVICES
10	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 306	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
11	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 307	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
12	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 308	SAN DIEGO	CA	92120	458-342-24-00	WORLD RESOURCES SIMCENTER
13	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 310	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
14	WAREHOUSE, STORAGE	6333 RIVERDALE ST	SAN DIEGO	CA	92120	458-521-17-00	BRYLES CONSTRUCTION & LNDSCPG.
15	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 101	SAN DIEGO	CA	92120	458-521-21-00	DAY & ZIMMERMANN SVC.
16	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 102	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
17	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 103	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
18	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 104	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
19	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 105	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
20	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 106	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
21	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 107	SAN DIEGO	CA	92120	458-521-21-00	ALLIANCE COMMUNICATIONS
22	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 108	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
23	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 109	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
24	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 110	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL,MARILYN M TRUST
25	STORES, RETAIL OUTLET	4422 GLACIER AVE	SAN DIEGO	CA	92120	458-521-22-00	WOOD-WALL TRUST
26	STORES, RETAIL OUTLET	4422 GLACIER AVE STE A	SAN DIEGO	CA	92120	458-521-22-00	FAT DOG SAN DIEGO
27	STORES, RETAIL OUTLET	4422 GLACIER AVE STE B	SAN DIEGO	CA	92120	458-521-22-00	SERVPRO OF SAN DIEGO
28	STORES, RETAIL OUTLET	4422 GLACIER AVE STE C	SAN DIEGO	CA	92120	458-521-22-00	WOOD-WALL TRUST
29	STORES, RETAIL OUTLET	4422 GLACIER AVE STE D	SAN DIEGO	CA	92120	458-521-22-00	EPSE-LAMP UCSD
30	STORES, RETAIL OUTLET	4422 GLACIER AVE STE E	SAN DIEGO	CA	92120	458-521-22-00	SAN DIEGO CONCIERGE
31	STORES, RETAIL OUTLET	4422 GLACIER AVE STE F	SAN DIEGO	CA	92120	458-521-22-00	CLAYPOOL COMMUNICATIONS LLC
32	STORES, RETAIL OUTLET	4428 GLACIER AVE	SAN DIEGO	CA	92120	458-521-23-00	FORESTRY GROUP INC.
33	VACANT INDUSTRIAL	RAINIER AVE	SAN DIEGO	CA	92120	458-521-25-00	MCKINLEY,RICHARD V & PATRICIA J
34	STORES, RETAIL OUTLET	4417 RAINIER AVE	SAN DIEGO	CA	92120	458-521-26-00	WORLDWIDE VIDEO ENTERTAINMENT
35	STORES, RETAIL OUTLET	4427 RAINIER AVE	SAN DIEGO	CA	92120	458-521-27-00	LP DESIGN & CONSULTING
36	VACANT INDUSTRIAL	RAINIER AVE	SAN DIEGO	CA	92120	458-521-28-00	MCDONALDS CORP DBA DELAWARE MCDO
37	LIGHT INDUSTRIAL	6305 RIVERDALE ST	SAN DIEGO	CA	92120	458-521-30-00	ARMO GRECO DISTRIBUTION

NO RESIDENTIAL PROPERTIES OR ZONES FOUND WITHIN 100FT

SUMMARY OF PARCELS 458-521-26 1000FT MMCC							
#	Use Description	Site Address	City	State	Zip	Parcel Number	Owner/Business Name
1	VACANT MISCELLANEOUS	6220 FAIRMOUNT AVE	SAN DIEGO	CA	92120	458-300-03-00	WESTERN TREE SERVICE
2	LIGHT INDUSTRIAL	6218 FAIRMOUNT AVE	SAN DIEGO	CA	92120	458-300-04-00	BRIGHTVIEW LANDSCAPE
3	LIGHT INDUSTRIAL	6232 FAIRMOUNT AVE	SAN DIEGO	CA	92120	458-300-04-00	ONE SOURCE SUPL. SOLUTIONS LLC
4	INDUSTRIAL MISCELLANEOUS	VACANT/UNIMPROVED LAND	SAN DIEGO	CA	92120	458-300-14-00	DENTON, EDMON TESTAMENTARY TRUST
5	INDUSTRIAL MISCELLANEOUS	VACANT/UNIMPROVED LAND	SAN DIEGO	CA	92120	458-300-15-00	DENTON, EDMON TESTAMENTARY TRUST
6	INDUSTRIAL MISCELLANEOUS	6220 FAIRMOUNT AVE	SAN DIEGO	CA	92120	458-300-16-00	WESTERN TREE SERVICE
7	GOVERNMENTAL	PUBLIC AGENCY	SAN DIEGO	CA	92120	458-300-17-00	CITY OF SAN DIEGO
8	STORES, RETAIL OUTLET	10407 FRIARS RD	SAN DIEGO	CA	92120	458-342-09-00	SAN DIEGO FARMERS OUTLET INC.
9	AUTO SALES, SERVICES	6424 MISSION GORGE RD	SAN DIEGO	CA	92120	458-342-10-00	AUTOZONE
10	PARKING LOT, PARKING STRUCTURE	10445 FRIARS RD	SAN DIEGO	CA	92120	458-342-11-00	MIDAS
11	VACANT INDUSTRIAL	PARKING LOT/NO MAIL	SAN DIEGO	CA	92120	458-342-12-00	LARIAT LAND LLC
12	STORES, RETAIL OUTLET	4440 RAINIER AVE STE 101	SAN DIEGO	CA	92120	458-342-15-00	NATIONAL ELECTRIC WORKS INC.
13	STORES, RETAIL OUTLET	4440 RAINIER AVE STE 203	SAN DIEGO	CA	92120	458-342-15-00	MORGAN, KENNETH E REVOC FAMILY TR
14	STORES, RETAIL OUTLET	4440 RAINIER AVE STE 210	SAN DIEGO	CA	92120	458-342-15-00	NATIONAL SECURITY WORKS
15	SERVICE STATION, GAS STATION	6404 MISSION GORGE RD	SAN DIEGO	CA	92120	458-342-20-00	ARCO
16	VACANT COMMERCIAL	VACANT/NO MAIL	SAN DIEGO	CA	92120	458-342-21-00	MORGAN, KENNETH E REVOC FAMILY TR
17	STORES, RETAIL OUTLET	10433 FRIARS RD STE A	SAN DIEGO	CA	92120	458-342-23-00	O E C PROPERTY LLC
18	STORES, RETAIL OUTLET	10433 FRIARS RD STE C	SAN DIEGO	CA	92120	458-342-23-00	VACANT
19	STORES, RETAIL OUTLET	10433 FRIARS RD STE D	SAN DIEGO	CA	92120	458-342-23-00	O E C PROPERTY LLC
20	STORES, RETAIL OUTLET	10433 FRIARS RD STE E	SAN DIEGO	CA	92120	458-342-23-00	O E C PROPERTY LLC
21	STORES, RETAIL OUTLET	10433 FRIARS RD STE F	SAN DIEGO	CA	92120	458-342-23-00	O E C PROPERTY LLC
22	STORES, RETAIL OUTLET	10433 FRIARS RD STE H	SAN DIEGO	CA	92120	458-342-23-00	FARMERS INSURANCE-JOSEPH DARCEY
23	STORES, RETAIL OUTLET	10433 FRIARS RD STE I	SAN DIEGO	CA	92120	458-342-23-00	O E C PROPERTY LLC
24	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 100	SAN DIEGO	CA	92120	458-342-24-00	OUR FEATHERED FRIENDS
25	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 202	SAN DIEGO	CA	92120	458-342-24-00	COMFORT KEEPERS
26	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 300	SAN DIEGO	CA	92120	458-342-24-00	ACTION PRINTING CO.
27	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 302	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
28	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 303	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
29	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 304	SAN DIEGO	CA	92120	458-342-24-00	VACANT
30	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 305	SAN DIEGO	CA	92120	458-342-24-00	KAISER FINANCIAL SERVICES
31	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 306	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
32	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 307	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
33	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 308	SAN DIEGO	CA	92120	458-342-24-00	WORLD RESOURCES SIMCENTER
34	STORES, RETAIL OUTLET	4420 RAINIER AVE STE 310	SAN DIEGO	CA	92120	458-342-24-00	PETRARCA FAMILY TRUST
35	RESTAURANT, BAR, FOOD SERVICE	6435 MISSION GORGE RD	SAN DIEGO	CA	92120	458-343-01-00	GRAB & GO SUBS.
36	AUTO SALES, SERVICES	6417 MISSION GORGE RD	SAN DIEGO	CA	92120	458-343-02-00	VALVOLINE INSTANT OIL CHANGE, SAN DIEGO
37	HOSPITALS, CONVALESCENT, HOMES	4647 ZION AVE	SAN DIEGO	CA	92120	458-343-27-00	STERN-ELLIS DEBRA M
38	STORES, RETAIL OUTLET	6401 MISSION GORGE RD	SAN DIEGO	CA	92120	458-343-28-00	7-ELEVEN
39	STORES, RETAIL OUTLET	6403 MISSION GORGE RD	SAN DIEGO	CA	92120	458-343-28-00	MONEYTREE
40	WAREHOUSE, STORAGE	6225 FAIRMOUNT AVE	SAN DIEGO	CA	92120	458-510-01-00	DENTON, EDMON TESTAMENTARY TRUST
41	SERVICE STATION, GAS STATION	4334 SHERIDAN LN	SAN DIEGO	CA	92120	458-510-03-00	DENTON, EDMON TESTAMENTARY TRUST

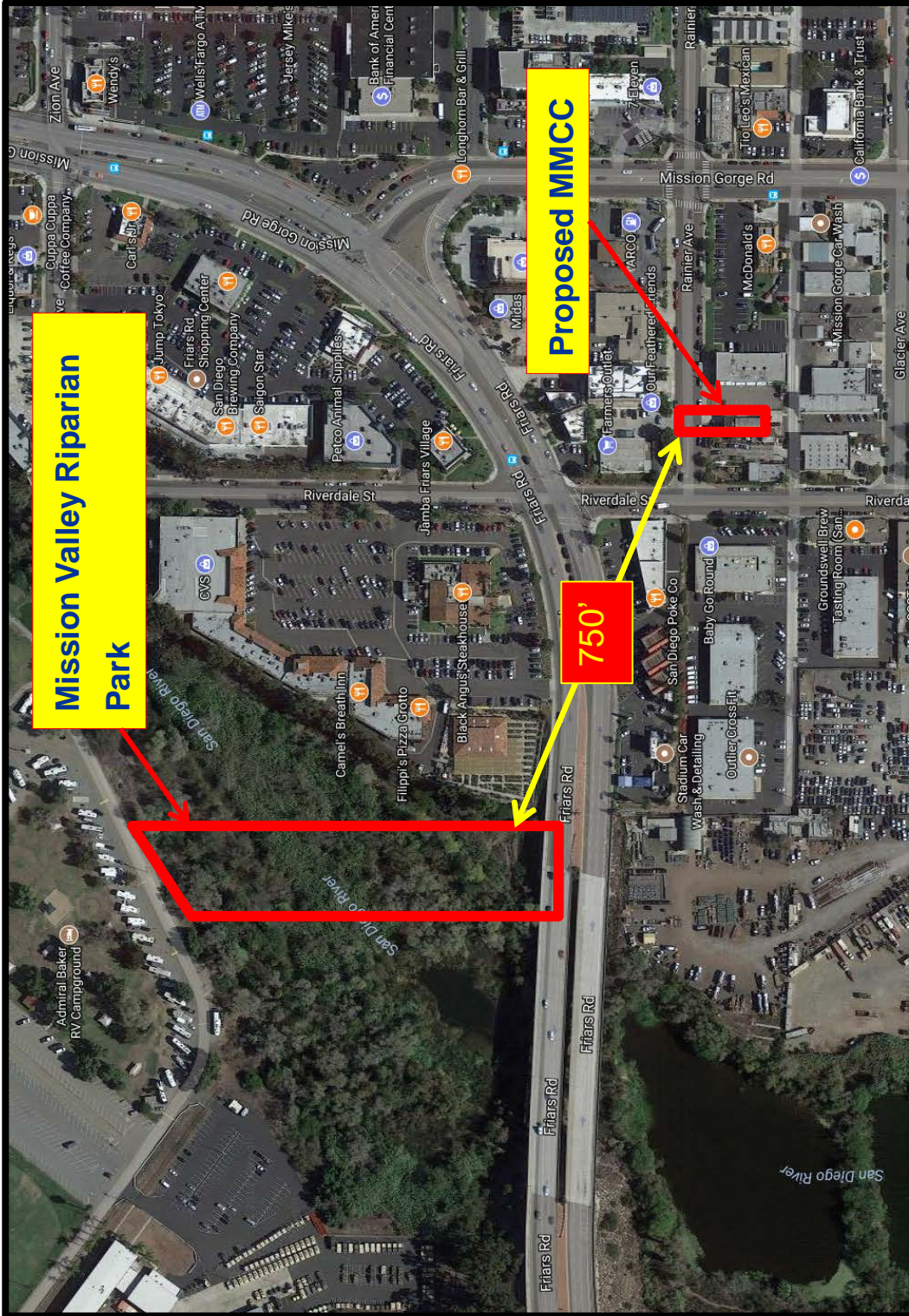
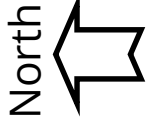
42	WAREHOUSE, STORAGE	4336 SHERIDAN LN	SAN DIEGO	CA	92120	458-510-04-00	DENTON, EDMON TESTAMENTARY TRUST
43	STORES, RETAIL OUTLET	4340 SHERIDAN LN	SAN DIEGO	CA	92120	458-510-05-00	DENTON, EDMON TESTAMENTARY TRUST
44	WAREHOUSE, STORAGE	4337 SHERIDAN LN	SAN DIEGO	CA	92120	458-510-11-00	N P AUTO ELECTRIC SUPPLY
45	PARKING LOT, PARKING STRUCTURE	4317 SHERIDAN LN	SAN DIEGO	CA	92120	458-510-12-00	MARK, I
46	STORES, RETAIL OUTLET	6215 FAIRMOUNT AVE	SAN DIEGO	CA	92120	458-510-14-00	ALL ROADSIDE TOWING
47	LIGHT INDUSTRIAL	6302 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-18-00	EMPLOYMENT & COMMUNITY OPTIONS
48	LIGHT INDUSTRIAL	6304 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-18-00	GROUNDSWELL BREWING CO.
49	LIGHT INDUSTRIAL	6306 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-18-00	KNOW KNOTS SPA
50	LIGHT INDUSTRIAL	6308 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-18-00	AMERICAN CUSTOM LIFTS
51	LIGHT INDUSTRIAL	6310 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-18-00	SIMR INC.
52	LIGHT INDUSTRIAL	6312 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-18-00	TLC MEDICAL TRANSPORT
53	LIGHT INDUSTRIAL	6318 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-18-00	LDM INC.
54	VACANT INDUSTRIAL	VACANT/NO MAIL	SAN DIEGO	CA	92120	458-510-26-00	I D Y L L VENTURES LLC
55	WAREHOUSE, STORAGE	4388 VANDEVER AVE	SAN DIEGO	CA	92120	458-510-27-00	AUTO-CHLOR SYSTEM
56	WAREHOUSE, STORAGE	4398 VANDEVER AVE	SAN DIEGO	CA	92120	458-510-27-00	IVY, EDWARD J DESCENDANTS TRUST
57	WAREHOUSE, STORAGE	4340 VANDEVER AVE	SAN DIEGO	CA	92120	458-510-28-00	I D Y L L VENTURES LLC
58	STORES, RETAIL OUTLET	4320 VANDEVER AVE STE C	SAN DIEGO	CA	92120	458-510-29-00	DYMOND GROUP
59	STORES, RETAIL OUTLET	6205 FAIRMOUNT AVE	SAN DIEGO	CA	92120	458-510-30-00	MISSION VALLEY FOREIGN CAR SVC.
60	STORES, RETAIL OUTLET	6280 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-32-00	SOUTHERN CA SOIL & TESTING
61	WAREHOUSE, STORAGE	6260 RIVERDALE ST	SAN DIEGO	CA	92120	458-510-33-00	H K B G LLC
62	SERVICE STATION, GAS STATION	6318 MISSION GORGE RD	SAN DIEGO	CA	92120	458-521-03-00	MG
63	SERVICE STATION, GAS STATION	6320 MISSION GORGE RD	SAN DIEGO	CA	92120	458-521-03-00	SAM BELLAS ACCUPRESSURE
64	SERVICE STATION, GAS STATION	6322 MISSION GORGE RD	SAN DIEGO	CA	92120	458-521-03-00	SAA THOFF, RONALD L
65	STORES, RETAIL OUTLET	4450 GLACIER AVE	SAN DIEGO	CA	92120	458-521-11-00	LIBBY FAMILY PARTNERS 50%
66	STORES, RETAIL OUTLET	4452 GLACIER AVE	SAN DIEGO	CA	92120	458-521-11-00	LIBBY ENGINEERS INC.
67	STORES, RETAIL OUTLET	4440 GLACIER AVE	SAN DIEGO	CA	92120	458-521-12-00	SUNSET AUTO GROUP
68	STORES, RETAIL OUTLET	4442 GLACIER AVE	SAN DIEGO	CA	92120	458-521-12-00	ZARRABI, ARDESHIR
69	STORES, RETAIL OUTLET	4444 GLACIER AVE	SAN DIEGO	CA	92120	458-521-12-00	360 E 1ST ST.
70	SERVICE STATION, GAS STATION	6312 MISSION GORGE RD	SAN DIEGO	CA	92120	458-521-15-00	WILSON, MARK & ELIZABETH FAMILY T
71	SERVICE STATION, GAS STATION	6314 MISSION GORGE RD	SAN DIEGO	CA	92120	458-521-15-00	ECONOMY RENTAL CAR INC.
72	WAREHOUSE, STORAGE	6333 RIVERDALE ST	SAN DIEGO	CA	92120	458-521-17-00	BROYLES CONSTRUCTION & LNDSCPG.
73	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 101	SAN DIEGO	CA	92120	458-521-21-00	DAY & ZIMMERMANN SVC.
74	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 102	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
75	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 103	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
76	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 104	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
77	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 105	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
78	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 106	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
79	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 107	SAN DIEGO	CA	92120	458-521-21-00	ALLIANCE COMMUNICATIONS
80	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 108	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
81	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 109	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
82	STORES, RETAIL OUTLET	4410 GLACIER AVE STE 110	SAN DIEGO	CA	92120	458-521-21-00	FRANKEL, MARILYN M TRUST
83	STORES, RETAIL OUTLET	4422 GLACIER AVE STE A	SAN DIEGO	CA	92120	458-521-22-00	FAT DOG SAN DIEGO
84	STORES, RETAIL OUTLET	4422 GLACIER AVE STE B	SAN DIEGO	CA	92120	458-521-22-00	SERVPRO OF SAN DIEGO
85	STORES, RETAIL OUTLET	4422 GLACIER AVE STE C	SAN DIEGO	CA	92120	458-521-22-00	WOOD-WALL TRUST

86	STORES, RETAIL OUTLET	4422 GLACIER AVE STE D	SAN DIEGO	CA	92120	458-521-22-00	EPSE-LAMP UCSD
87	STORES, RETAIL OUTLET	4422 GLACIER AVE STE E	SAN DIEGO	CA	92120	458-521-22-00	SAN DIEGO CONCIERGE
88	STORES, RETAIL OUTLET	4422 GLACIER AVE STE F	SAN DIEGO	CA	92120	458-521-22-00	CLAYPOOL COMMUNICATIONS LLC
89	STORES, RETAIL OUTLET	4428 GLACIER AVE	SAN DIEGO	CA	92120	458-521-23-00	FORESTRY GROUP INC.
90	VACANT INDUSTRIAL	VACANT/NO MAIL	SAN DIEGO	CA	92120	458-521-25-00	MCKINLEY, RICHARD V & PATRICIA J
91	STORES, RETAIL OUTLET	4417 RAINIER AVE	SAN DIEGO	CA	92120	458-521-26-00	WORLDWIDE VIDEO ENTERTAINMENT
92	STORES, RETAIL OUTLET	4427 RAINIER AVE	SAN DIEGO	CA	92120	458-521-27-00	LP DESIGN & CONSULTING
93	VACANT INDUSTRIAL	PARKING LOT/NO MAIL	SAN DIEGO	CA	92120	458-521-28-00	MCDONALDS CORP DBA DELAWARE MCDO
94	RESTAURANT, BAR, FOOD SERVICE	6326 MISSION GORGE RD	SAN DIEGO	CA	92120	458-521-29-00	MC DONALD'S
95	LIGHT INDUSTRIAL	6305 RIVERDALE ST	SAN DIEGO	CA	92120	458-521-30-00	ARMO GRECO DISTRIBUTION
96	WAREHOUSE, STORAGE	4417 GLACIER AVE	SAN DIEGO	CA	92120	458-522-02-00	SUMMIT HEATING & AIR COND.
97	STORES, RETAIL OUTLET	4421 GLACIER AVE	SAN DIEGO	CA	92120	458-522-03-00	CENTRAL INVESTMENTS
98	STORES, RETAIL OUTLET	4435 GLACIER AVE	SAN DIEGO	CA	92120	458-522-04-00	CENTRAL INVESTMENTS OF SAN DIEGO
99	STORES, RETAIL OUTLET	4445 GLACIER AVE	SAN DIEGO	CA	92120	458-522-05-00	MISSION GORGE ENTERPRISES
100	STORES, RETAIL OUTLET	4453 GLACIER AVE	SAN DIEGO	CA	92120	458-522-06-00	MISSION GORGE ENTERPRISES
101	STORES, RETAIL OUTLET	4461 GLACIER AVE	SAN DIEGO	CA	92120	458-522-07-00	MISSION GORGE ENTERPRISES LLC
102	SINGLE FAMILY RESIDENCE	6218 MISSION GORGE RD	SAN DIEGO	CA	92120	458-522-09-00	MOORE, JANICE R
103	VACANT INDUSTRIAL	VACANT/NO MAIL	SAN DIEGO	CA	92120	458-522-11-00	MOORE, JANICE R
104	STORES, RETAIL OUTLET	6240 MISSION GORGE RD	SAN DIEGO	CA	92120	458-522-14-00	GOOD GUYS AUTO SALES
105	WAREHOUSE, STORAGE	6267 RIVERDALE ST	SAN DIEGO	CA	92120	458-522-17-00	JOHN'S AUTOMOTIVE CARE
106	WAREHOUSE, STORAGE	4430 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-18-00	SCHWEMA'S RUG CLEANERS
107	LIGHT INDUSTRIAL	4402 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-19-00	MANZUK SHARON S
108	STORES, RETAIL OUTLET	4438 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-20-00	MOZART DENTAL STUDIO
109	STORES, RETAIL OUTLET	4440 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-20-00	ARAGON ARMS LLC
110	STORES, RETAIL OUTLET	4442 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-20-00	A B C MASSAGE SPA
111	STORES, RETAIL OUTLET	4444 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-20-00	ALLIED LENDERS
112	STORES, RETAIL OUTLET	4446 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-20-00	WHITTEN YONATAN G DC
113	STORES, RETAIL OUTLET	4448 VANDEVER AVE	SAN DIEGO	CA	92120	458-522-20-00	MEDICAL TALENT NETWORK
114	STORES, RETAIL OUTLET	6220 MISSION GORGE RD	SAN DIEGO	CA	92120	458-522-20-00	TEASLEY A E ENTERPRISES
115	STORES, RETAIL OUTLET	4456 VANDEVER AVE STE 10	SAN DIEGO	CA	92120	458-522-23-00	KOSTYO INSURANCE AGENCY
116	STORES, RETAIL OUTLET	4456 VANDEVER AVE STE 4	SAN DIEGO	CA	92120	458-522-23-00	ALAEI, SUZANNE TRUST
117	STORES, RETAIL OUTLET	4456 VANDEVER AVE STE 5	SAN DIEGO	CA	92120	458-522-23-00	ALAEI, SUZANNE TRUST
118	STORES, RETAIL OUTLET	4456 VANDEVER AVE STE 6	SAN DIEGO	CA	92120	458-522-23-00	ALAEI, SUZANNE TRUST
119	STORES, RETAIL OUTLET	4456 VANDEVER AVE STE 7	SAN DIEGO	CA	92120	458-522-23-00	ALAEI, SUZANNE TRUST
120	STORES, RETAIL OUTLET	4456 VANDEVER AVE STE 9	SAN DIEGO	CA	92120	458-522-23-00	ALAEI, SUZANNE TRUST
121	RESTAURANT, BAR, FOOD SERVICE	6333 MISSION GORGE RD	SAN DIEGO	CA	92120	458-531-02-00	TIO LEOS MEXICAN RESTAURANT
122	COMMERCIAL MISCELLANEOUS	6313 MISSION GORGE RD	SAN DIEGO	CA	92120	458-531-21-00	CALIFORNIA BANK & TRUST
123	STORES, RETAIL OUTLET	6347 MISSION GORGE RD	SAN DIEGO	CA	92120	458-531-22-00	WHOLESALE AUTOMOTIVE MACHINE
124	GOVERNMENTAL	PUBLIC AGENCY	SAN DIEGO	CA	92120	458-531-26-00	COUNTY OF SAN DIEGO
125	RESTAURANT, BAR, FOOD SERVICE	6201 MISSION GORGE RD	SAN DIEGO	CA	92120	458-532-12-00	TACO FIESTA
126	RESTAURANT, BAR, FOOD SERVICE	6225 MISSION GORGE RD	SAN DIEGO	CA	92120	458-532-12-00	ARBY'S
127	GOVERNMENTAL	PUBLIC AGENCY	SAN DIEGO	CA	92120	458-532-22-00	COUNTY OF SAN DIEGO
128	COMMERCIAL MISCELLANEOUS	6501 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-04-00	BANK OF AMERICA, GRANTVILLE
129	SHOPPING CENTER	6505 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	RITE AID

130	SHOPPING CENTER	6507 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	LICHTER EQUITIES LP
131	SHOPPING CENTER	6511 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	KAISER PERMANENTE BLOOD DONOR
132	SHOPPING CENTER	6515 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	HOME STREET BANK
133	SHOPPING CENTER	6519 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	LONGHORN INC.
134	SHOPPING CENTER	6525 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	888 CLEANERS
135	SHOPPING CENTER	6529 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	DR. ADINA MANOLESCU
136	SHOPPING CENTER	6533 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	PHO EXPRESS
137	SHOPPING CENTER	6535 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	HI-TECH LOCK & KEY
138	SHOPPING CENTER	6541 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	BANFIELD PET HOSPITAL
139	SHOPPING CENTER	6545 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	LILY'S NAILS
140	SHOPPING CENTER	6549 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	PRECISION RESTORATION SLTNS
141	SHOPPING CENTER	6551 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	VZW AT RADIO SHACK #3076 SAN DIEGO
142	SHOPPING CENTER	6555 MISSION GORGE RD	SAN DIEGO	CA	92120	458-700-07-00	STARBUCKS
143	STORES, RETAIL OUTLET	6563 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	REALTY HEADQUARTERS
144	STORES, RETAIL OUTLET	6565 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	ROBERTA'S VILLAGE INN BIRTHDAY
145	STORES, RETAIL OUTLET	6573 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	HAVENS-THOMPSON PARTNERSHIP LF 1
146	STORES, RETAIL OUTLET	6575 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	SCOTT C THOMPSON & ASSOC.
147	STORES, RETAIL OUTLET	6583 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	HAVENS-THOMPSON PARTNERSHIP LF 1
148	STORES, RETAIL OUTLET	6585 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	HAVENS-THOMPSON PARTNERSHIP LF 1
149	STORES, RETAIL OUTLET	6593 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	TORCHIA RICHARD DDS -ORAL & MAXILLOFACIAL SURG.
150	STORES, RETAIL OUTLET	6595 RIVERDALE ST	SAN DIEGO	CA	92120	458-700-09-00	MESQUITA & ASSOC. ARCH & PLANN
151	SHOPPING CENTER	10450 FRIARS RD STE A	SAN DIEGO	CA	92120	458-700-10-00	DISCOUNT TOBACCO OUTLET
152	SHOPPING CENTER	10450 FRIARS RD STE B	SAN DIEGO	CA	92120	458-700-10-00	GAGUONE BROTHERS
153	SHOPPING CENTER	10450 FRIARS RD STE D	SAN DIEGO	CA	92120	458-700-10-00	PROFESSIONAIL
154	SHOPPING CENTER	10450 FRIARS RD STE E	SAN DIEGO	CA	92120	458-700-10-00	PHO SAIGON STAR
155	SHOPPING CENTER	10450 FRIARS RD STE F	SAN DIEGO	CA	92120	458-700-10-00	BLAKELY BRUCE DC
156	SHOPPING CENTER	10450 FRIARS RD STE G	SAN DIEGO	CA	92120	458-700-10-00	BRIGHTON DENTAL SAN DIEGO
157	SHOPPING CENTER	10450 FRIARS RD STE H	SAN DIEGO	CA	92120	458-700-10-00	FRIARS LLC
158	SHOPPING CENTER	10450 FRIARS RD STE I	SAN DIEGO	CA	92120	458-700-10-00	JUMP TOKYO
159	SHOPPING CENTER	10450 FRIARS RD STE K	SAN DIEGO	CA	92120	458-700-10-00	FUJI YOGURT
160	SHOPPING CENTER	10450 FRIARS RD STE L	SAN DIEGO	CA	92120	458-700-10-00	SAN DIEGO BREWING CO.
161	SHOPPING CENTER	10450 FRIARS RD STE R	SAN DIEGO	CA	92120	458-700-10-00	FRIARS LLC
162	SHOPPING CENTER	10450 FRIARS RD STE S	SAN DIEGO	CA	92120	458-700-10-00	CUPCAKES A LA YOLA LLC
163	SHOPPING CENTER	10450 FRIARS RD STE T	SAN DIEGO	CA	92120	458-700-10-00	TROY'S GREEK RESTAURANT
164	SHOPPING CENTER	10450 FRIARS RD STE V	SAN DIEGO	CA	92120	458-700-10-00	MICHAEL'S FLOWER GIRL
165	SHOPPING CENTER	10450 FRIARS RD STE W	SAN DIEGO	CA	92120	458-700-10-00	PIZZA HUT
166	SHOPPING CENTER	10450 FRIARS RD STE X	SAN DIEGO	CA	92120	458-700-10-00	RA-KA-DE-KA FRESH THAI KITCHEN
167	RESTAURANT, BAR, FOOD SERVICE	10460 FRIARS RD STE A	SAN DIEGO	CA	92120	458-700-11-00	RUBIO'S COASTAL GRILL
168	RESTAURANT, BAR, FOOD SERVICE	10460 FRIARS RD STE B	SAN DIEGO	CA	92120	458-700-11-00	EINSTEIN BROS. BAGELS
169	SHOPPING CENTER	10410 FRIARS RD	SAN DIEGO	CA	92120	458-700-12-00	PETCO
170	RESTAURANT, BAR, FOOD SERVICE	10430 FRIARS RD	SAN DIEGO	CA	92120	458-700-13-00	DENNY'S
171	SHOPPING CENTER	PARKING LOT/NO MAIL	SAN DIEGO	CA	92120	458-720-02-00	MCKINNEY, DANIEL G & VIOLET TRUST
172	SHOPPING CENTER	PARKING LOT/NO MAIL	SAN DIEGO	CA	92120	458-720-03-00	MCKINNEY, DANIEL G & VIOLET TRUST
173	LIGHT INDUSTRIAL	6314 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	POSITIVE IMAGE PRINTING & GRAPHICS

174	LIGHT INDUSTRIAL	6316 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	CECE CANTON PHOTOGRAPHY
175	LIGHT INDUSTRIAL	6320 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	TOGNAZZINI TIMOTHY
176	LIGHT INDUSTRIAL	6324 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	C K RIVERDALE INVESTMENT LLC 57%
177	LIGHT INDUSTRIAL	6328 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	XT 2000 INC.
178	LIGHT INDUSTRIAL	6330 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	PACIFIC REFRESHMENTS
179	LIGHT INDUSTRIAL	6332 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	OUTLIER CROSS FIT
180	LIGHT INDUSTRIAL	6334 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	TRADE-WINS WAREHOUSE
181	LIGHT INDUSTRIAL	6336 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	CORRECTIVE BEHAVIOR INSTITUTE
182	LIGHT INDUSTRIAL	6338 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	AMERICAN BALLET & DANCE ACAD.
183	LIGHT INDUSTRIAL	6340 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	BALBOA AMBULANCE
184	LIGHT INDUSTRIAL	6342 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	DSD MERCHANDISING
185	LIGHT INDUSTRIAL	6344 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	SAN DIEGO FUNERAL SERVICE
186	LIGHT INDUSTRIAL	6346 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	BENNET'S REFRIGERATION
187	LIGHT INDUSTRIAL	6348 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	MURPHY POWER IGNITION
188	LIGHT INDUSTRIAL	6350 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	FATHOM CHANGE
189	LIGHT INDUSTRIAL	6354 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	SPEEDPRO IMAGING
190	LIGHT INDUSTRIAL	6356 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	AIKIDO OF SAN DIEGO
191	LIGHT INDUSTRIAL	6360 RIVERDALE ST	SAN DIEGO	CA	92120	458-720-07-00	BABY-GO-ROUND RESALE
192	INDUSTRIAL MISCELLANEOUS	10383 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	STADIUM CAR WASH
193	INDUSTRIAL MISCELLANEOUS	10385 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	ROSE AUTO SALES
194	INDUSTRIAL MISCELLANEOUS	10387 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	SAN DIEGO POKE CO.
195	INDUSTRIAL MISCELLANEOUS	10389 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	EUPHORIA VAPOR OUTLET
196	INDUSTRIAL MISCELLANEOUS	10391 FRIARS RD STE A	SAN DIEGO	CA	92120	458-720-11-00	SIERRA PACIFIC MORTGAGE
197	INDUSTRIAL MISCELLANEOUS	10391 FRIARS RD STE B	SAN DIEGO	CA	92120	458-720-11-00	LAI FAMILY LF HODGE ROBERT E DEC
198	INDUSTRIAL MISCELLANEOUS	10393 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	BUBBLES CLEANERS & ALTERATIONS
199	INDUSTRIAL MISCELLANEOUS	10395 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	SWIMQUIP POOL & SPA SUPPLY CTR.
200	INDUSTRIAL MISCELLANEOUS	10397 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	FRIARS ROAD PET HOSPITAL
201	INDUSTRIAL MISCELLANEOUS	10399 FRIARS RD	SAN DIEGO	CA	92120	458-720-11-00	LAI FAMILY LF HODGE ROBERT E DEC
202	SHOPPING CENTER	10350 FRIARS RD	SAN DIEGO	CA	92120	458-720-13-00	CVS/PHARMACY
203	SHOPPING CENTER	10320 FRIARS RD	SAN DIEGO	CA	92120	458-720-14-00	ARMSTRONG GARDEN CENTERS INC.
204	RESTAURANT, BAR, FOOD SERVICE	10370 FRIARS RD	SAN DIEGO	CA	92120	458-720-15-00	BLACK ANGUS STEAKHOUSE
205	PARKING LOT, PARKING STRUCTURE	PARKING LOT/NO MAIL	SAN DIEGO	CA	92120	458-720-16-00	MCKINNEY, DANIEL G & VIOLET TRUST
206	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 101	SAN DIEGO	CA	92120	461-030-43-00	SUBWAY
207	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 102	SAN DIEGO	CA	92120	461-030-43-00	S3 COFFEE BAR
208	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 103	SAN DIEGO	CA	92120	461-030-43-00	SIDNEY FAMILY LTD PARTNERSHIP
209	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 104	SAN DIEGO	CA	92120	461-030-43-00	A BROOKLYN PIZZA
210	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 106	SAN DIEGO	CA	92120	461-030-43-00	SOUPPLANTATION
211	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 108	SAN DIEGO	CA	92120	461-030-43-00	MISSION NAILS
212	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 109	SAN DIEGO	CA	92120	461-030-43-00	SIDNEY FAMILY LTD PARTNERSHIP
213	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 110	SAN DIEGO	CA	92120	461-030-43-00	SIDNEY FAMILY LTD PARTNERSHIP
214	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 111	SAN DIEGO	CA	92120	461-030-43-00	SIDNEY FAMILY LTD PARTNERSHIP
215	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 112	SAN DIEGO	CA	92120	461-030-43-00	MISSION SQUARE MARKET
216	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 113	SAN DIEGO	CA	92120	461-030-43-00	DONUT PANIC
217	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 114	SAN DIEGO	CA	92120	461-030-43-00	VACANT

2218	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 115	SAN DIEGO	CA	92120	461-030-43-00	KING OF THAI CUISINE
2219	STORES, RETAIL OUTLET	6171 MISSION GORGE RD STE 118	SAN DIEGO	CA	92120	461-030-43-00	PURPLE MINT
2220	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE A	SAN DIEGO	CA	92120	461-150-10-00	ABILITY BIOMECHANICS INTL.
2221	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE B	SAN DIEGO	CA	92120	461-150-10-00	SUNSET PRESS INC.
2222	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE C	SAN DIEGO	CA	92120	461-150-10-00	GREENS INC.
2223	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE D	SAN DIEGO	CA	92120	461-150-10-00	ICE MAKERS INC.
2224	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE E	SAN DIEGO	CA	92120	461-150-10-00	H G F
2225	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE F	SAN DIEGO	CA	92120	461-150-10-00	H G F
2226	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE G	SAN DIEGO	CA	92120	461-150-10-00	BENCHMARK BREWING CO.
2227	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE J	SAN DIEGO	CA	92120	461-150-10-00	CACTUS BINGO SUPPLY
2228	LIGHT INDUSTRIAL	6190 FAIRMOUNT AVE STE K	SAN DIEGO	CA	92120	461-150-10-00	LOGISTERRA INC.
2229	MEDICAL/DENTAL/PROFESSIONAL BLDG	4405 VANDEVER AVE	SAN DIEGO	CA	92120	461-220-26-00	ZHANG TONG MD
2230	WAREHOUSE, STORAGE	4307 VANDEVER AVE	SAN DIEGO	CA	92120	461-220-36-00	CALIBER COLLISION CTR.
2231	RESTAURANT, BAR, FOOD SERVICE	6178 MISSION GORGE RD	SAN DIEGO	CA	92120	461-220-44-00	SOMBRERO MEXICAN FOOD
2232	PARKING LOT, PARKING STRUCTURE	PARKING LOT/NO MAIL	SAN DIEGO	CA	92120	461-220-45-00	MISSION CORP CENTER LLC
2233	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 100	SAN DIEGO	CA	92120	461-220-46-00	PROVIDENCE COMMUNITY SVC.
2234	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 108	SAN DIEGO	CA	92120	461-220-46-00	HOLZBAUER BRIANA
2235	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 110	SAN DIEGO	CA	92120	461-220-46-00	TRIPLE CROWN INSURANCE SVC. INC.
2236	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 120	SAN DIEGO	CA	92120	461-220-46-00	FAST TRACK MED TRAINING CTR.
2237	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 200	SAN DIEGO	CA	92120	461-220-46-00	MOTALEB PEGAH
2238	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 204	SAN DIEGO	CA	92120	461-220-46-00	SAN DIEGO COMMUNITY HOUSING CORP.
2239	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 205	SAN DIEGO	CA	92120	461-220-46-00	MAINFREIGHT
2240	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 300	SAN DIEGO	CA	92120	461-220-46-00	MISSION CORP CENTER LLC
2241	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 310	SAN DIEGO	CA	92120	461-220-46-00	MISSION CORP CENTER LLC
2242	STORES, RETAIL OUTLET	6160 MISSION GORGE RD STE 400	SAN DIEGO	CA	92120	461-220-46-00	REVES-YODER TRISTINE RN
2243	VACANT COMMERCIAL	6162 MISSION GORGE RD	SAN DIEGO	CA	92120	461-220-50-00	FAST UNDERCAR INC.
2244	VACANT COMMERCIAL	6156 MISSION GORGE RD	SAN DIEGO	CA	92120	461-220-52-00	ENVIRO GREEN ELCTRO RECYCLING
2245	VACANT COMMERCIAL	6158 MISSION GORGE RD	SAN DIEGO	CA	92120	461-220-52-00	ELITE MAINTENANCE SVC. INC.
2246	PARKING LOT, PARKING STRUCTURE	PARKING LOT/NO MAIL	SAN DIEGO	CA	92120	760-226-89-00	LERUS CORP
NO CONSIDERATION POINTS FOUND WITHIN 1000FT							

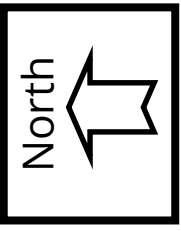


Mission Valley Riparian Park

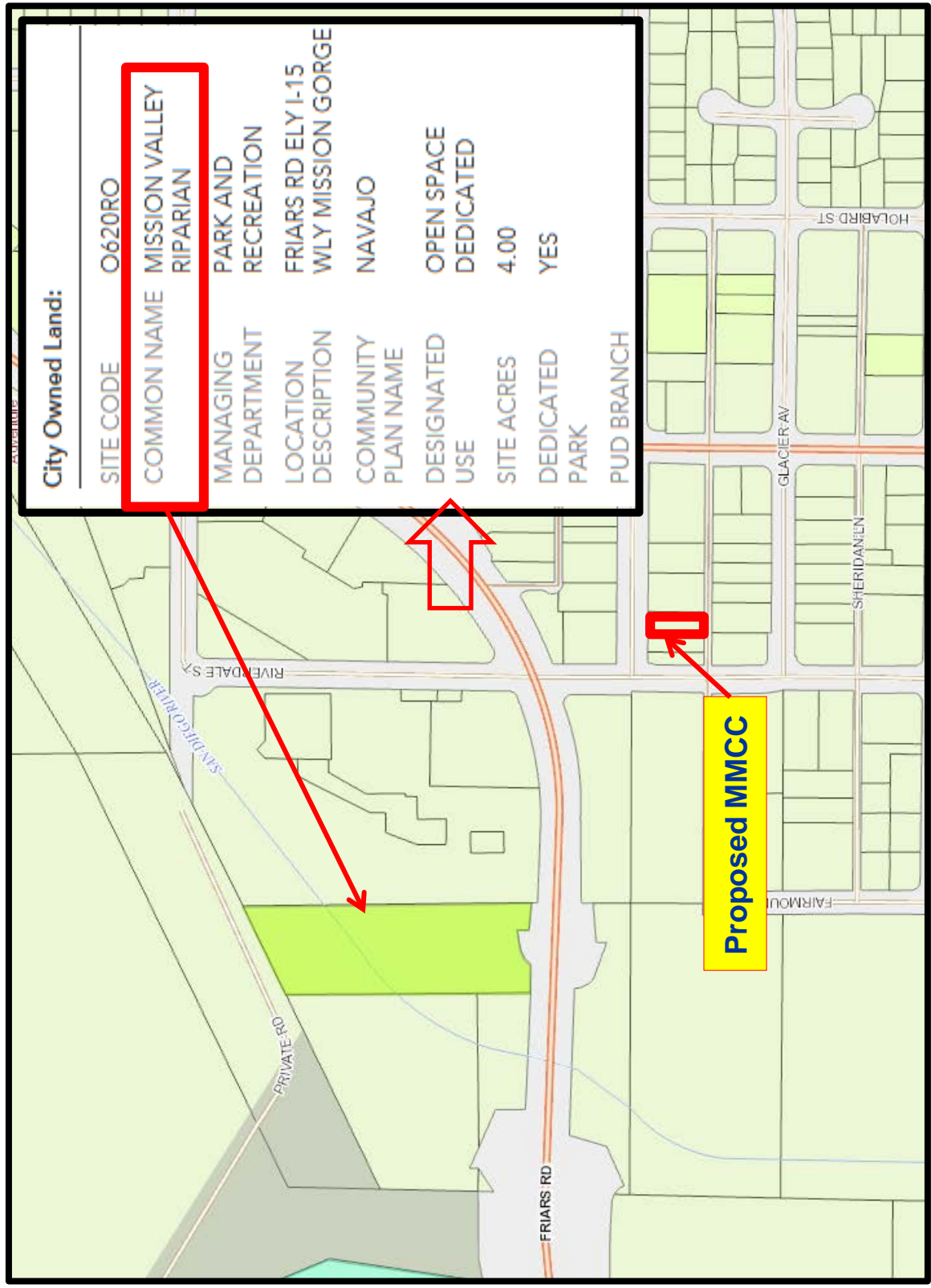
Living Green MMCC / 4417 Rainier Avenue

PROJECT NO. 379530





Mission Valley Riparian Park
Living Green MMCC / 4417 Rainier Avenue
PROJECT NO. 379530



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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24004883

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1333320
LIVING GREEN COOP MMCC - PROJECT NO. 379530
PLANNING COMMISSION

This Conditional Use Permit No. 1333320 is granted by the Planning Commission of the City of San Diego to Bradley Brown, Owner, and Living Green Cooperative, Inc., Permittee pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.16-acre site is located at 4417 Rainier Avenue in the IL-3-1 Zone, the Airport Influence Area (Montgomery Field), and the Community Plan Implementation Overlay Zone, Type A within the Navajo Community Plan area. The project site is legally described as Lots 4 & 5, Block 13, Map No. 1, February 16, 1892, Map No. 776.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) within an existing building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 14, 2017, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) in a 2,844 square- foot building on a 0.16-acre site;
- b. Existing Landscaping (planting, irrigation and landscape related improvements);
- c. Existing Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 14, 2020.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on December 14, 2022. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC Section 141.0504 (n).
3. In addition to other 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 permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, 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; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A Marijuana Outlet 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 subject property 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 subject property 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 construction 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 2,844 square-foot tenant space shall be limited to the MMCC and any use permitted in the IL-3-1 Zone.

14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.

15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 48 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.16-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.
24. Prior to utilization of this permit specific facade upgrades to the building must be made as shown on Sheet A-3.0 of the Exhibit "A".
25. The facility shall provide a sufficient odor absorbing ventilation and exhaust system capable of eliminating excessive or offensive odors causing discomfort or annoyance to any reasonable person of normal sensitivities standing outside of the structural envelope of the permitted facility in compliance with SDMC Section 142.0710.
26. Medical Marijuana, recreational marijuana or marijuana products shall not be consumed anywhere within the 1.01-acre site.

TRANSPORTATION REQUIREMENTS:

27. No fewer than 5 parking spaces including 1 accessible spaces (5 spaces proposed including 1 accessible spaces) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

ENGINEERING REQUIREMENTS:

28. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway, on Rainier Avenue, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

29. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of City standard sidewalk, along the entire project frontage on Rainier Avenue, satisfactory to the City Engineer.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 Planning Commission of the City of San Diego on December 14, 2017 and Resolution No. _____.

ATTACHMENT 4

Permit Type/PTS Approval No.: Conditional Use Permit No. 1333320

Date of Approval: December 14, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Firouzeh Tirandazi
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

BRADLEY BROWN
Owner

By _____
Bradley Brown
Owner

LIVING GREEN COOPERATIVE, INC.
Permittee

By _____
Cary Weaver
President

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

PLANNING COMMISSION RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 1333320
LIVING GREEN COOP MMCC - PROJECT NO. 379530

WHEREAS, BRADLEY BROWN, Owner and LIVING GREEN COOPERATIVE, INC, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 2,844 square-foot building (as described in and by reference to the denied Exhibits "A" and corresponding conditions of denial for the associated Permit No. 1333320), on portions of a 0.16-acre site;

WHEREAS, the project site located at 4417 Rainier Avenue is in the IL-3-1 Zone, the Airport Influence Area (Montgomery Field), and the Community Plan Implementation Overlay Zone Type A within the Navajo Community Plan area;

WHEREAS, the project site is legally described as Lots 4 & 5, Block 13, Map No. 1, February 16, 1892, Map No. 776;

WHEREAS, on December 11, 2014, 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 March 3, 2015 pursuant to Resolution No. 309530;

WHEREAS, on April 22, 2015, the Hearing Officer of the City of San Diego denied Conditional Use Permit No. 1333320 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 28 and May 5, 2015, Cary Weaver and Ted Griswold filed appeals of the Hearing Officer's decision;

WHEREAS, on August 11, 2016, the Planning Commission of the City of San Diego voted 5-1-1 to deny the appeals and deny Conditional Use Permit No. 1333320 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 8, 2016, Living Green Cooperative, filed a petition seeking a remand based on its argument that the City's finding did not make clear that Mission Valley Riparian qualified as a "public park" under the SDMC, which states that "public park" means publicly owned land that is "designated" as a park;

WHEREAS, on June 23, 2017, the matter was tried and pursuant to a Judgement, the Court ordered that the Planning Commission's decision does not contain a finding that the Mission Valley Riparian Open Space Area is a "public park" and remanded the matter to the Planning Commission for the making of a proper finding supported by evidence.

WHEREAS, on December 14, 2017, the Planning Commission of the City of San Diego reconsidered Conditional Use Permit No. 1333320 pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated December 14, 2017.

FINDINGS:

Conditional Use Permit Approval – SDMC Section 126.0305

(a) The proposed development will not adversely affect the applicable land use plan.

The proposed project is a request for a Conditional Use Permit (CUP) to operate a MMCC in a 2,844 square-foot building. The 0.16-acre site is located at 4417 Rainier Avenue, in the IL-3-1 zone (currently CC-3-6 Zone), the Airport Influence Area (Montgomery Field) and the Community Plan Implementation Overlay Zone Type A within the Navajo Community Plan area. The site is designated Light Industrial (currently Community Commercial-Residential) within the Navajo Community Plan. This CUP application was deemed complete prior to the zone change and Navajo Community Plan update, and the application may continue to be processed at this location under the previous San Diego Municipal Code (SDMC) zone of IL-3-1, the Navajo Community Plan Industrial land use designation, and the SDMC regulations in effect in 2014.

The Industrial land use designation supports light industrial uses, retail, commercial and office. All of the surrounding parcels are in the IL-3-1 zone and the existing uses are consistent with the Light Industrial designation of the community plan. The Community Plan Implementation Overlay Zone (CPIOZ) of the Navajo Community Plan requires that any building facade that faces a public street have a minimum of three offset building planes or three distinct building facade variations, or a combination of offset building planes and façade variations which meets the intent of this requirement. The existing building, constructed in 1976 per Building Permit No. K91109, does not have any offset building planes or façade variations. In order to meet the intent of this requirement, the project proposes specific facade upgrades to the building that includes decorative siding on the north elevation and painting portions of the building and wood siding with light colors in order to create an illusion of offsetting planes.

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

(b) The proposed development will not be detrimental to the public health, safety, and welfare.

The SDMC allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. The SDMC provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the public's health, safety and welfare. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a public park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line.

Public Park means "a publicly owned area that is designated as a park" pursuant to SDMC Section 113.0103. The proposed MMCC is located approximately 750 feet south of a park, Mission Valley Riparian open space (APN #458-300-17). The City formally dedicated the City-owned site for park and recreation purposes per City Clerk Resolution Number R-307902. Mission Valley Riparian meets the definition of a public park per the SDMC, the Navajo Community Plan, and the City of San Diego General Plan.

The term "designated" as used in the definition of "public park", is used in a general sense and refers to City parkland that is officially recognized, which encompasses both designated and dedicated City parks. The terms "dedication" and designation" refer to the type of protection afforded to the parkland, with dedicated parkland having the highest protection under the law. Per City Charter section 55, protections afforded to dedicated parklands are greater in that City owned property that is formally dedicated by ordinance for park purposes can only be used for that purpose whereas land that is set aside without the formality of an ordinance or statute dedicating such lands for park can be used for any public purpose deemed necessary the Council.

The City of San Diego General Plan Recreation Element identifies three use categories of parks and recreation: population-based, resource-based, and open space (Page RE-5). Open space is identified as a park type (Recreation Element, Table RE-2), and includes City-owned lands located throughout the City consisting of canyons, mesas, and other natural landforms intended to preserve and protect native plants and animals, while providing public access and enjoyment by the use of hiking, biking, and equestrian trails. Mission Valley Riparian open space meets the public park criteria set forth in the City's General Plan.

Additionally, the Mission Valley Riparian open space park is part of the San Diego River Park Master Plan (SDRPMP), and is within the San Diego River Park Subdistrict of the Navajo Community Plan. It is located within the Upper Valley Reach segment of the SDRPMP, which extends from Friars Road Bridge to the western boundary of Mission Trails Regional Park. The River Corridor Area, which includes the 100-year Floodway, plus 35 feet on both sides of the floodway, will serve as a natural open space and a recreation system for the surrounding communities by providing a San Diego River pathway, a trail network and other park amenities.

The Mission Valley Riparian open space park is also within the Community Plan Implementation Overlay Zone (CPIOZ) –Type B San Diego River Park Subdistrict of the Navajo Community Plan area, intended to implement the SDRPMP through supplemental development regulations. Within the 35-foot wide Path Corridor, development will consist of the San Diego River Pathway, trails, and passive recreational uses, as determined by the City Manager, including picnic areas, scenic or interpretive overlooks, fitness stations, seating and educational exhibit areas.

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

(c) The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The Land Development Code regulates the operation of MMCCs City-wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects on neighboring properties or incompatibility with the other permitted uses of the base zone. One limitation included is minimum separation requirements between certain uses. SDMC section 141.0614(a) specifically prohibits MMCC's from operating within 1,000 feet of a public park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line.

Public Park means "a publicly owned area that is designated as a park" pursuant to SDMC Section 113.0103. The proposed MMCC is located approximately 750 feet south of a park, Mission Valley Riparian open space (APN #458-300-17). The City formally dedicated the City-owned site for park and recreation purposes per City Clerk Resolution Number R-307902. Mission Valley Riparian meets the definition of a public park per the SDMC, the Navajo Community Plan, and the City of San Diego General Plan.

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The Mission Valley Riparian open space park is also within the Community Plan Implementation Overlay Zone (CPIOZ) –Type B San Diego River Park Subdistrict of the Navajo Community Plan area, intended to implement the SDRPMP through supplemental development regulations. Within the 35-foot wide Path Corridor, development will consist of the San Diego River Pathway, trails, and passive recreational uses, as determined by the City Manager, including picnic areas, scenic or interpretive overlooks, fitness stations, seating and educational exhibit areas.

In this case the proposed MMCC is proposed to be located within 1,000 feet of a public park, and therefore is in direct violation of the SDMC. Therefore, the proposed project does not comply with the regulations of the Land Development Code.

(d) The proposed use is appropriate at the proposed location.

The proposed project is a request for a CUP to operate a MMCC within a 2,844-square-foot building located at 4417 Rainier Avenue. The SDMC allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the public's health, safety and welfare. The SDMC provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the public's health, safety and welfare. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a public park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line.

Public Park means "a publicly owned area that is designated as a park" pursuant to SDMC Section 113.0103. The proposed MMCC is located approximately 750 feet south of a public park, Mission Valley Riparian open space (APN #458-300-17). The City formally dedicated the City-owned site for park and recreation purposes per City Clerk Resolution Number R-307902. Mission Valley Riparian meets the definition of a public park per the SDMC, the Navajo Community Plan, and the City of San Diego General Plan.

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Additionally, the Mission Valley Riparian open space park is part of the San Diego River Park Master Plan (SDRPMP), and is within the San Diego River Park Subdistrict of the Navajo Community Plan. It is located within the Upper Valley Reach segment of the SDRPMP, which extends from Friars Road Bridge to the western boundary of Mission Trails Regional Park. The River Corridor Area, which includes the 100-year Floodway, plus 35 feet on both sides of the floodway, will serve as a natural open space and a recreation system for the surrounding communities by providing a San Diego River pathway, a trail network and other park amenities.

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The proposed MMCC is proposed to be located within 1,000 feet of a public park, and therefore is in direct violation of the SDMC. Therefore, the proposed MMCC does not meet the separation requirements and is not appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1333320 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1333320, a copy of which is attached hereto and made a part hereof.

Firouzeh Tirandazi
Development Project Manager
Development Services

Adopted on: December 14, 2017

IO#: 24004632

DRAFT

FILED
Clerk of the Superior Court

JUN 23 2017

By: K. BRECKENRIDGE

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Attorneys for Plaintiff and
Petitioner Living Green Cooperative

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DIVISION**

LIVING GREEN COOPERATIVE; California Co-operative corporation,)	Case No. 37-2016-00039309-CU-MC-CTL
)	
Petitioner and Plaintiff,)	PROPOSED JUDGMENT GRANTING
)	PEREMPTORY WRIT OF MANDATE
)	
v.)	
)	
CITY OF SAN DIEGO, a California municipal corporation; and Does 1 through 10, inclusive,)	[ACTION FILED: NOVEMBER 8, 2016]
)	
Defendants and Respondents.)	
)	

This matter was tried in Department C-72 of this Court before the Honorable Judge Timothy B. Taylor on June 23, 2017. Attorney Lance Rogers of Greenspoon Marder LLP appeared before this Court on behalf of Petitioner, Living Green Cooperative, a California Co-operative corporation; Deputy City Attorney Glenn Spitzer appeared for Respondents the City of San Diego.

After consideration of the Pleadings, certified *Administrative Record*, and file in this matter, including the Parties briefs, replies and requests for judicial notice, IT IS HEREBY ORDERED THAT:

2. The analytical bridge between "designated" and "dedicated" has not been established in the absence of the Field Declaration, which the Court deemed inadmissible. "It is not sufficient that there is substantial evidence to support the decision. There must be a factual finding-supported by substantial evidence-to support the decision." *Singh v. Davi* 211 Cal. App. 4th 141, 151-52 (2012).

3. In light of this glaring defect, the Court remands the matter to the City Planning Commission for the making of a proper finding supported by evidence – if in fact such a finding can be made (see AR 0201, line 9-16; see also AR 0762, bottom of page). The court expresses no opinion on this point.

4. With regard to the contention that the City acted improperly in holding the petitioner to the old 1000 feet measuring methodology, which requires a horizontal straight line between property boundaries rather than a series of lines around natural or man-made obstacles [Municipal Code section 113.0225(c)], see petition paragraph 34-35 and AR 010: The court agrees with the City.

23 DATED: June 23, 2017

By: Timothy B. Taylor
Judge of the Superior Court
Timothy B. Taylor

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - June 22, 2017

EVENT DATE: 06/23/2017

EVENT TIME: 01:30:00 PM

DEPT.: C-72

JUDICIAL OFFICER: Timothy Taylor

CASE NO.: 37-2016-00039309-CU-MC-CTL

CASE TITLE: LIVING GREEN COOPERATIVE VS CITY OF SAN DIEGO [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Misc Complaints - Other

EVENT TYPE: Hearing on Petition

CAUSAL DOCUMENT/DATE FILED: Brief - Other, 04/21/2017

Tentative Ruling on Petition for Writ of Mandate*Living Green Cooperative v. City of San Diego*, Case No. 2016-39309

June 23, 2017, 1:30 p.m., Dept. 72

1. Overview and Procedural Posture.

In this action for a writ of mandate, the petitioner, a "marijuana consumer cooperative," challenges the City's August 11, 2016 refusal to issue Conditional Use Permit No. 1333320 (CUP) "despite Petitioner's compliance with all applicable City land use rules and regulations." The petition, alleging a violation of Govt. Code section 65906, was filed November 8, 2016. The City certified the administrative record in February of 2017, and answered in March. ROA 11, 12, 14. Petitioner changed counsel, and the parties then stipulated to a briefing schedule. ROA 13, 17.

Petitioner filed its opening brief in April. ROA 18. The City filed opposition papers in May. ROA 19-22. Petitioner filed reply in early June. ROA 23. The court has reviewed the papers and the administrative record (hereinafter "AR")(ROA 25). The centerpiece of the dispute is whether the City properly withheld approval of the CUP because the proposed location of the marijuana collective is within 1000 feet of a public park (in this case, the Mission Valley Riparian Open Space Area). Petitioner contends that under the Municipal Code, "public park" and "public open space" are not the same. Petitioner also contends the City improperly required petitioner to utilize a distance measuring methodology that had been repealed and replaced by one more favorable to petitioner. Petitioner also contends the City abused its discretion by requiring petitioner to post a second NORA (AR 0477) due to a one digit scrivener's error by City staff.*

2. Applicable Standards.

A. Petitioner has included counts one and two under both CCP sections 1085 and 1094.5. There is no practical difference between the standards of review applied under traditional or administrative mandamus. *Gentry v. City of Murrieta*, 36 Cal.App.4th 1359, 1375 (1995). Code of Civil Procedure section 1094.5 provides that a trial court reviewing the decision of an administrative agency must exercise its independent judgment in reviewing the evidence; and that an "abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence."

CASE TITLE: LIVING GREEN COOPERATIVE VS CASE NUMBER: 37-2016-00039309-CU-MC-CTL
CITY OF SAN DIEGO [IMAGED]

Fukuda v. City of Angels, 20 Cal. 4th 805 (1999). "Weight of the evidence" is synonymous with "preponderance." *Chamberlain v. Ventura County Civil Service Comm'n*, 69 Cal. App. 3d 362 (1977).

Courts consider "whether the respondent has proceeded without, or in excess of jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence." (Code Civ. Proc., § 1094.5, subd. (b).) Where it is claimed that the findings are not supported by the evidence and the case, as here, does not involve a fundamental vested right, "abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record." (*Id.*, § 1094.5, subd. (c); *American National Ins. Co. v. Fair Employment & Housing Com.* (1982) 32 Cal.3d 603, 607.)

"Substantial evidence" is evidence of "ponderable legal significance." *People v. Bassett* (1968) 69 Cal.2d 122, 138-139. "It must be reasonable in nature, credible, and of solid value." *Id.* at p. 139; accord, *Ofsevit v. Trustees of Cal. State University & Colleges* (1978) 21 Cal.3d 763, 773, fn. 9. In determining whether an administrative decision is supported by substantial evidence, "[w]e may not isolate only the evidence which supports the administrative finding and disregard other relevant evidence in the record. [Citations.] On the other hand, [we may not] disregard or overturn the Commission's finding 'for the reason that it is considered that a contrary finding would have been equally or more reasonable.' [Citations.] The ultimate issue in an administrative mandamus proceeding is whether the agency abused its discretion. An abuse of discretion is 'discretion exercised to an end or purpose not justified by and clearly against reason, all of the facts and circumstances being considered.' [Citations.] Unless the finding, viewed in the light of the entire record, is so lacking in evidentiary support as to render it unreasonable, it may not be set aside." *Northern Inyo Hosp. v. Fair Employment Practice Com.* (1974) 38 Cal.App.3d 14, 24; accord, *Johnson Controls, Inc. v. Fair Employment & Housing Com.* (1990) 218 Cal.App.3d 517, 531-532.

B. Govt. Code section 65906 provides:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

C. Count three seeks declaratory relief under CCP section 1060. A threshold requirement for declaratory relief is the existence of a justiciable dispute. The declaratory judgment statute expressly provides that declaratory relief is available to parties to contracts or written instruments "*in cases of actual controversy* relating to the legal rights and duties of the respective parties." (Code Civ. Proc., § 1060, italics added.) Because Code of Civil Procedure section 1060 "makes the presence of an 'actual controversy' a jurisdictional requirement to the grant of declaratory relief ' ' (*Environmental Defense Project of Sierra County v. County of Sierra* (2008) 158 Cal.App.4th 877, 885 (*Environmental Defense Project*)), a "court is only empowered to declare and determine the rights and duties of the parties 'in cases of actual controversy' " (*Pittenger v. Home Savings & Loan Assn.* (1958) 166 Cal.App.2d 32, 36 (*Pittenger*)). For this reason, the existence of an " '*actual, present controversy* ' " is " 'fundamental' " to an action for declaratory relief. (*City of Cotati v. Cashman* (2002) 29 Cal.4th 69, 79 (*Cashman*); *In re Claudia E.* (2008) 163 Cal.App.4th 627, 639.)

CASE TITLE: LIVING GREEN COOPERATIVE VS CASE NUMBER: 37-2016-00039309-CU-MC-CTL
CITY OF SAN DIEGO [IMAGED]

One requirement for a justiciable controversy is ripeness: there must be a dispute between adverse parties on a specific set of facts that has reached the point that an invasion of one party's rights is likely unless the court orders relief and enters a conclusive judgment declaring the parties' rights and obligations. (See, e.g., *Pacific Legal Foundation v. California Coastal Com.* (1982) 33 Cal.3d 158, 170-171 (*Pacific Legal Foundation*); *Selby Realty Co. v. City of San Buenaventura* (1973) 10 Cal.3d 110, 117 (*Selby Realty*); *County of San Diego v. State of California* (2008) 164 Cal.App.4th 8.

There is no basis for declaratory relief where only past wrongs are involved. *Baldwin v. Marina City Properties, Inc.* (1978) 79 Cal.App.3d 393, 407.

3. Requests for Judicial Notice.

The City seeks judicial notice (ROA 20) of certain provisions of the Municipal Code, the City Charter, and a dictionary definition of the word "designate." Courts of Appeal review a trial court's ruling granting a request for judicial notice pursuant to the abuse of discretion standard of review. (*In re Social Services Payment Cases* (2008) 166 Cal.App.4th 1249, 1271.) The request is granted in accordance with Evid. Code section 452(b), (c), (g) and (h).

Petitioner seeks, with the reply papers, judicial notice of several other matters. The City objected. ROA 24. The objections are sustained. As the court held in the summary judgment context in *San Diego Watercrafts, Inc. v. Wells Fargo Bank*, 102 Cal. App. 4th 308, 316 (2002), consideration of evidence offered for the first time in a reply violates the non-moving party's right to know "what issues it was to meet in order to oppose the motion. ... due process requires a party be fully advised of the issues to be addressed and be given adequate notice of what facts it must rebut in order to prevail." It is noteworthy that the same rule applies in federal court, *See Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir.2007) ("the district court need not consider arguments raised for the first time in a reply brief."), and in the Courts of Appeal (*See American Drug Stores, Inc. v. Stroh* (1992) 10 Cal.App.4th 1446, 1453 ["[p]oints raised for the first time in a reply brief will ordinarily not be considered, because such consideration would deprive the respondent of an opportunity to counter the argument"]; *Neighbours v. Buzz Oates Enterprises* (1990) 217 Cal.App.3d 325, 335, fn. 8 ["[T]he rule is that points raised in the reply brief for the first time will not be considered, unless good reason is shown for failure to present them before."].)

4. Other Evidentiary Problems.

The court disregards the entirety of the declaration of Andrew Field (ROA 21). The submission of the declaration is inconsistent with the oft-repeated rule in writ cases: "If it is not in the administrative record, it does not exist." *See Sierra Club v. Coastal Comm'n* (2005) 35 Cal.4th 839, 863; Code of Civil Procedure § 1094.5; *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 565. The court must, and does, disregard the Field Declaration. The City is not free to construct a *post-hoc* evidentiary basis for its decision.

5. Discussion and Ruling.

The Planning Commission's decision [AR009-11] does not contain a finding that the Mission Valley Riparian Open Space Area is a "public park," which is defined in Municipal Code section 113.0103 as "a publicly owned area that is **designated** as a park." (Exh. 2 to City's RJN). The finding (Resolution No. PC-4798, AR 009-11) states: "This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, **dedicated** for park and recreation purposes per City Clerk Resolution number R-307902." The analytical bridge between "designated" and "dedicated" has not been established in the absence of the Field Declaration, which is inadmissible as stated above. "It is not sufficient that there is substantial evidence to support the decision. There must be a factual finding-supported by substantial evidence-to support the decision." *Singh v. Davi* 211 Cal. App. 4th 141, 151-52 (2012). In light of this glaring defect, the Court remands the matter to the City Planning Commission not for approval of the CUP (as prayed), but rather for the making of a proper finding supported by evidence – if in fact such a finding can be

CASE TITLE: LIVING GREEN COOPERATIVE VS CASE NUMBER: 37-2016-00039309-CU-MC-CTL
CITY OF SAN DIEGO [IMAGED]

made (see AR 0201, line 9-16; see also AR 0762, bottom of page). The court expresses no opinion on this point.

With regard to the contention that the City acted improperly in holding the petitioner to the old 1000 feet measuring methodology, which requires a horizontal straight line between property boundaries rather than a series of lines around natural or man-made obstacles [Municipal Code section 113.0225(c)], see petition paragraph 34-35 and AR 010: The court agrees with the City. To the extent this argument is developed in the moving papers and has been preserved, the City acted properly in essentially grandfathering both the application and the measuring protocol as of the date the application was deemed complete (8/1/14). Petitioner can't have it both ways.

Petitioner must bring a writ to the hearing for the court to sign, consistent with the foregoing.

*Very ironically, in the charging portions of the petition relating to this point, petitioner repeatedly makes a "single digit" scrivener's error (201**6** vs. 201**4**). See petition paragraphs 20-21, 53). The petitioner's opening brief does not develop this point, and the court treats it as having been waived. See *Duarte v. Chino Comm. Hospital*, 72 Cal. App. 4th 849, 856 (1999); *Badie v. Bank of America*, 67 Cal. App. 4th 779, 784-85 (1998).

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 To the benefit of the City of San Diego

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

10 LIVING GREEN COOPERATIVE; California Co-operative corporation;, 11 12 Petitioner and Plaintiff, 13 v. 14 CITY OF SAN DIEGO, a California municipal corporation; and Does 1 through 10, inclusive, 15 Defendants and Respondents.) Case No. 37-2016-00039309-CU-MC-CTL)) MEMORANDUM OF POINTS AND) AUTHORITIES IN SUPPORT OF) DEFENDANT AND RESPONDENT) CITY OF SAN DIEGO'S OPPOSITION) TO PETITION FOR WRIT OF) MANDATE) [IMAGED FILE])) Hearing Date: June 23, 2017) Time: 1:30 p.m.) I/C Judge: Hon. Timothy B. Taylor) Dept.: C-72)) Complaint filed: November 8, 2016
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TABLE OF CONTENTS

	<u>Page(s)</u>
I. INTRODUCTION	1
II. STATEMENT OF FACTS	2
A. The Project	2
B. The Regulations	2
1. The Conditional Use Permit Findings.....	2
2. MMCC Regulations	3
C. Processing the Application	4
III. ARGUMENT	6
A. Standard of Review	6
B. The Planning Commission's findings appropriately "bridge the analytic gap between the raw evidence and ultimate decision."	7
C. Substantial evidence supports the Planning Commission findings.....	9
D. Petitioner's interpretation of "public park" is unreasonable and wrong.....	10
IV. CONCLUSION	12

TABLE OF AUTHORITIES

	<u>Page(s)</u>
Cases	
<i>Breneric Associates v. City of Del Mar</i> (1998) 69 Cal. App. 4th 166	6, 7
<i>California Native Plan Society v. City of Rancho Cordova</i> (2009) 172 Cal.App.4th 603	6
<i>County of Santa Barbara v. Connell</i> (1999) 72 Cal.App.4th 175	11
<i>Dore v. County of Ventura</i> (1994) 23 Cal. App. 4th 320	6, 7
<i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1988) 47 Cal.3d 376	6
<i>Mason v. Retirement Bd.</i> (2003) 111 Cal.App.4th 1221	11
<i>Reddell v. California Coastal Com'n</i> (2009) 180 Cal. App. 4th 956	7
<i>Saad v. City of Berkeley</i> (1994) 24 Cal. App. 4th 1206	7
<i>Topanga Assn. for a Scenic Community v. County of L.A.</i> (1974) 11 Cal. 3d 506.	7, 9
<i>Yamaha Corp. of America v. State Bd. of Equalization</i> (1998) 19 Cal.4th 1	11
Statutes	
Civ. Code § 3542	12
Code of Civ. Proc. § 1094.5.....	7
Code of Civ. Proc. § 1094.5(b) and (c).....	6
Code of Civ. Proc. § 1861.....	12
Other Authorities	
San Diego Municipal Code section	
§§ 112.0501, <i>et seq</i>	2
§ 112.0505.....	2

1	§ 113.0103.....	3, 10, 11
	§ 113.0225.....	3, 8, 9
2	§ 113.0225(b).....	3
	§ 126.0303.....	2
3	§ 126.0305.....	2, 7, 8, 9
	§ 126.0305(b).....	7
4	§ 126.0305(c).....	8, 9
	§ 141.0504.....	3
5	§ 141.0614(a).....	8
6	San Diego Resolution R-307902 (Nov. 27, 2012).....	8
7	Sen. Bill 1169.....	11
8	http://granicus.sandiego.gov/ViewPublisher.php?view_id=8	1
9	https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.	2
10		
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12		
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Respondent City of San Diego respectfully submits this Memorandum of Points and Authorities in Opposition to Petitioner Living Green Cooperative's Opening Brief in Support of its Petition for Writ of Mandate.

I.

INTRODUCTION

This case arises from the City's denial of an application to develop a Medical Marijuana Consumer Cooperative (MMCC). The rules in place at the time the application was filed preclude the approval of a MMCC within 1000 feet a public park, using a straight line measurement. The City denied the application because the development was proposed within 1000 feet of a public park. This case turns on one issue: whether substantial evidence supports the City's finding that the proposed development is within 1000 feet of a public park.

It is undisputed that the Mission Valley Riparian is within 1000 feet from the Project site using the relevant measurement methodology. The dispute is whether Mission Valley Riparian is a public park.

Mission Valley Riparian is unquestionably a public park. The City formally dedicated the site for park purposes per Resolution number R-307902. (AR 294:1913-1915.) The parkland site is part of the San Diego River Park. (Tab 190:1275 (Navajo Community Plan).)

At the Planning Commission hearing, Petitioner argued that the site was open space, and therefore not a park. The Planning Commissioners painstakingly addressed this issue at length and concluded that the site qualified as a park under any standard. The City respectfully requests that the Court review the approximately one hour August 11, 2016, Planning Commission hearing on line: http://granicus.sandiego.gov/ViewPublisher.php?view_id=8. There is ample evidence in the record supporting the Planning Commission's determination. Accordingly, the Court should deny the Petition.

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II.

STATEMENT OF FACTS

A. The Project

The proposed project is a MMCC in a 2,844 square-foot building on a 0.16-acre site within the Navajo Community Plan in San Diego (Project). (AR 5:0047.) The Project site is 4417 Rainier Avenue. (AR 3:0009.)

B. The Regulations

1. The Conditional Use Permit Findings

MMCCs are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision.¹ (AR 6:0116; *see also* City's Request for Judicial Notice (RJN), Exh. 1 (SDMC § 112.0505) and Exh. 3 (SDMC § 126.0303).) Staff initially determined that the Project required both a Site Development Permit and Conditional Use Permit (CUP) because of certain façade requirements within the Community Plan Implementation Overlay Zone, but ultimately determined that the Project only required a CUP. (AR 6:0116.)

The CUP requirements are set forth in SDMC § 126.0305 (Exh. 3 to City's RJN). The findings at issue are as follows:

- (b) The proposed *development* will not be detrimental to the public health, safety, and welfare;
- (c) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and
- (d) The proposed use is appropriate at the proposed location. (SDMC § 126.0305.)

The Planning Commission could not make any of these findings because of the Project site is located within 1000 feet of a public park. (AR 3:0009-0011.)

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¹ The City's Processes are described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code (SDMC)(§§ 112.0501, *et seq.*) The current SDMC is on the City's website: <https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni>.

1 **2. MMCC Regulations**

2 At the time the Project application was “deemed complete” (August 1, 2014), the zoning
3 for the Project site was IL-3-1 (light industrial), which allowed for MMCCs with a CUP. (AR
4 6:0116.) However, on July 10, 2015 (*i.e.*, prior to the August 11, 2016 Planning Commission
5 hearing), the zone for the Project site changed to CC-3-6 (commercial—community), which does
6 not allow for MMCCs. (AR 12:0166 ll. 4-9; AR 12:0167 ll. 12-18.)

7 On the August 1, 2014 “deemed complete” date, the processing of MMCCs was
8 governed by SDMC section 141.0614,² a copy of which is in the administrative record at Tab
9 419. (AR 419: 2997-2998.). Section 141.0614(a) states that MMCCs cannot be located within
10 1000 feet of a “public park,” which is defined in the SDMC as “a publicly owned area that is
11 designated as a park.” (Exh. 2 to City’s RJN, SDMC § 113.0103.)

12 Section 141.0614(a) requires that minimum separation between uses be measured in
13 accordance with section 113.0225. (AR 419: 2997-2998.). At the time the Project application
14 was “deemed complete,” section 113.0225 required a straight line measurement, which placed
15 Mission Valley Riparian within 1000 feet of the Project site. (SDMC § 113.0225(b); AR 2:0005;
16 AR 421:3012.) On April 5, 2016, SDMC section 113.0225 was amended so that the
17 measurement takes barriers into consideration. (AR 421:3006-3013.)

18 Consistent with the general rule that laws do not have retroactive application unless a
19 contrary intent is expressly shown, the City’s Development Services Department used the laws in
20 effect at the time an application is deemed complete. (AR 12:0167 ll. 12-18; AR 12:0168, ll 14-
21 18; AR 12:0193 at ll. 6-24.) Petitioner does not dispute that the rules governing the application
22 decision are those in effect at the time the application is deemed complete. (AR 12:0196:11-
23 0197:14.)

24 As such, the parties agree that Petitioner’s development application (which was deemed
25 complete on August 1, 2014, and went before the Planning Commission for final hearing on
26 August 11, 2016) entitled Petitioner to a MMCC so long as Petitioner could meet the
27

28

 ² This section has since been amended and moved to SDMC section 141.0504.

requirements for the issuance of a CUP in effect on August 1, 2014, which required use of the straight line measurement methodology in effect on August 1, 2014. (AR 12:0196:11-0197:14.) Plaintiff does not dispute that the Mission Valley Riparian portion of the San Diego River Park is within 1000 feet of the Project site. The only issue is whether Mission Valley Riparian qualifies as a public park.

C. Processing the Application

On August 1, 2014, the Project application was deemed complete. (AR 12:0167:5-6.)

On March 3, 2015, City Council denied an appeal of the environmental determination,³ thereby allowing the Project to proceed. (AR 1:0001.)

On April 22, 2015, the Hearing Officer denied the Project because of its proximity to the Mission Valley Riparian Dedicated Parkland. (AR 5:0048.) Appeals were timely filed. (AR 5:0048.)

On June 25, 2015, Petitioner requested to continue its Planning Commission appeal. (AR 12:0146.) On October 29, 2015, Petitioner again requested to continue its Planning Commission appeal. (AR 12:0147.) On December 10, 2015, Petitioner again requested to continue its Planning Commission appeal. (AR 12:0150, 0162.)

On August 11, 2016, the Planning Commission heard the appeal and denied the Project application. (AR 3:0009-0011; 12: 0164-0206.) The Planning Commissioners spent considerable time addressing Petitioner's argument that the Mission Valley Riparian is not a park.

Commissioner Austin stated: "We can't be fuzzy about it—my understand (sic) is staff is saying, Yes, this is a designated as a park (sic); has public access, has all the things that make it a park; is that correct?" To which staff responded: "Yes, it meets the definition of a park." (AR 12:0198:18-0199:1.)

Commissioner Whalen came to the same conclusion after conferring with park professionals and because of the accessibility of the park site:

³ The California Environmental Quality Act (CEQA) determination is not at issue here. Though the City's CUP process does not provide for City Council involvement in the processing of this CUP application, the SDMC and CEQA require appeals of the environmental determination to go to City Council.

1 This is in the SMCP preserve. And based on my discussions with --
 2 we'll call them park professionals and my own understanding of
 3 the MSCP, I consider this a park. [¶] The—one of the things that's
 4 raised by the County Department of Parks is they say, Public
 5 access equals park. I don't think it's quite as simple as that. But
 6 this has public access and I think it meets the practical definition of
 7 a park in today's world. (AR 12:0189:19-0190:2.)

8 Commissioner Wagner confirmed the park's accessibility by providing a first-hand
 9 account. (AR 12:0190:17-24.) Commissioner Hofman concurred:

10 I concur. It comes down to the City definition of a park, and in my
 11 mind this does meet that definition. I think the Navajo Community
 12 Plan doesn't, but I think it comes down to what the City definition
 13 is, too. The—there is a trail that does go down behind
 14 Armstrong's. It's very easily accessible. There's a trail system. To
 15 me, it really does meet my logical definition of what a passive park
 16 is, so I concur with my fellow Commissioners and I'm going to
 17 vote accordingly. (AR 12:0200:1-10.)

18 Commissioner Haase agreed that the park site qualifies as a public park under the City's
 19 laws and policies:

20 I did read the City Council resolution that went along with the
 21 State Legislation. It's very clear in all of that language that there is
 22 no differentiation between what we might think of as a public park
 23 that a child uses and open space. They're all considered pretty
 24 much the same, not only under the Council's resolution, but also
 25 under Council Policy 700-17. ...[¶] ... So I do believe that it—
 26 while we may have a bit of a conundrum over open space versus
 27 public park in our designation in plans, the Charter, the State
 28 action, the City Council resolution, and the Council policy doesn't
 give us any or much wiggle room as to what's a public park and
 what's open—open space. I mean it's all considered parkland. And
 that's where I concur with my colleagues on that, as to how I feel
 my hands are somewhat tied. (AR 12:0200:24-0202:2.)

21 III.

22 ARGUMENT

23 A. Standard of Review

24 The standard of review for the denial of a development permit is the deferential
 25 substantial evidence test. (*Breneric Associates v. City of Del Mar* (1998) 69 Cal. App. 4th 166,
 26 174-176; *see also* Code of Civ. Proc. § 1094.5(b) and (c).) This standard requires an examination
 27 of the administrative record to assess whether there is substantial evidence to support the
 28

administrative agency's findings and whether the findings support the agency's decision. (*Id.* at p. 174-175.) "The burden is on the petitioner to show there is insufficient evidence to support the agency's findings." (*Id.* at p. 175.) "Under this standard of review, [courts] resolve all reasonable doubts in favor of the administrative findings and decision and reverse the administrative determination only if, based on the evidence before the agency, a reasonable person could not have reached the conclusion reached by the agency." (*Ibid.*)

A plaintiff cannot meet its burden simply by pointing to evidence in the record that favors its position. (*California Native Plan Society v. City of Rancho Cordova* (2009) 172 Cal. App. 4th 603, 626.) A court will not set aside the agency's decision on the ground that an opposite conclusion would have been equally or more reasonable. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393.) As the Supreme Court has explained:

The Association relies on evidence in the record that the Association claims supports conclusions contrary to those reached by the Regents. The question, however, is not whether there is substantial evidence to support the *Association's* position; the question is only whether there is substantial evidence to support the *Regents'* conclusion. [Emphasis of the court.]

(*Id.* at p. 407.)

When a development permit is subject to discretionary review, "[s]uch review rests in the sound discretion of the administrative body." (*Dore v. County of Ventura* (1994) 23 Cal. App. 4th 320, 328.) "Because the administrative agency has a technical expertise to aid it in arriving at its decision, [courts] should not interfere with the discretionary judgments made by the agency." (*Dore*, 23 Cal. App. 4th at 326-327.)

When challenging the *denial* of a permit, the agency action must be upheld so long as *any* one of the findings precludes approval of the development and that finding is supported by substantial evidence. (*Reddell v. California Coastal Com'n* (2009) 180 Cal. App. 4th 956, 967; *Breneric Associates*, 69 Cal. App. 4th at 176; *Saad v. City of Berkeley* (1994) 24 Cal. App. 4th 1206, 1212-1214.)

Here, the City's Planning Commission determined that it could not make any of the three above-referenced CUP findings because the Project did not meet the separation requirement between MMCCs and public parks. (AR 3:0009-0011.) The issue before the court is whether a reasonable trier of fact could have made a similar determination based on the evidence in the record.

B. The Planning Commission's findings appropriately "bridge the analytic gap between the raw evidence and ultimate decision."

"[I]mplicit in section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision[.]" (*Topanga Assn. for a Scenic Community v. County of L.A.* (1974) 11 Cal. 3d 506, 515.) Section 1094.5 is intended "to direct the reviewing court's attention to the analytic route the administrative agency traveled from evidence to action." (*Ibid.*) When determining whether this requirement is met, "the reviewing court must resolve reasonable doubts in favor of the administrative findings and decision." (*Id.* at p. 514.) The purpose of the findings is to prevent courts from having to speculate as to the administrative agency's basis for decision. (*Id.* at 515.)

The Planning Commission found that the proposed development would be detrimental to the public health, safety, and welfare because it is within 1000 feet of a public park. (SDMC § 126.0305(b) (Exh. 3 to City's RJN); AR 3:0010.) Specifically, the Planning Commission found:

The proposed project is a request for a Conditional Use Permit to operate a MMCC in a 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited areas of the City, and only when it can be demonstrated that the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on the public's health, safety and welfare. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCC's from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured

between property lines in a horizontal straight line. In this case the proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC.

The proposed project fails to meet the SDMC's minimum separation requirements prohibiting MMCCs from operating within 1,000 feet of a park, and is not consistent with the SDMC's purpose and intent to protect public safety. Therefore, the proposed project will be detrimental to the public's health, safety, and welfare. (AR 3:0010.)

The Planning Commission also found that the Project does not comply with the regulations of the Land Development Code because it is within 1000 feet of a park. (SDMC § 126.0305(c) (Exh. 3 to City's RJN); AR 3:0010-0011.) Specifically, the Planning Commission found:

The proposed project is a request for a Conditional Use Permit to operate an MMCC 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian Dedicated Parkland (APN #458-300-17).

The Land Development Code regulates the operation of MMCCs City-wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects to neighboring properties or incompatibility with the other permitted uses of the base zone. One of the limitations included in the Code includes minimum separation requirements between certain uses. SDMC section 141.0614(a) specifically prohibits MMCC's from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC. Therefore, the proposed project does not comply with the regulations of the Land Development Code. (AR 3:0011.)

The Planning Commission also found that the Project is not appropriate at the proposed location because it is within 1000 feet of a park. (SDMC § 126.0305(c) (Exh. 3 to City's RJN); AR 3:0011.) Specifically, the Planning Commission found:

The proposed project is a request for a Conditional Use Permit to operate an MMCC 2,844 square-foot building located at 4417 Rainier Avenue. This proposed MMCC is located within 1,000 feet of Mission Valley Riparian, dedicated for park and recreation purposes per City Clerk Resolution number R-307902.

The San Diego Municipal Code (SDMC) allows the operation of MMCCs only in limited locations of the City, and only when it can be demonstrated that the location of the proposed MMCC will not be detrimental to neighboring properties or the community. The Code provides criteria in the form of minimum separation requirements between certain uses in order to minimize detrimental effects on public safety. SDMC section 141.0614(a) regulates the locations of MMCCs throughout the City, and specifically prohibits MMCCs from operating within 1,000 feet of a park. SDMC, Section 113.0225 requires that the distance be measured between property lines in a horizontal straight line. In this case the proposed MMCC is proposed to be located within 1,000 feet of the dedicated parkland, and therefore is in direct violation of the SDMC. Therefore, the proposed MMCC is not appropriate at this proposed location. (AR 3:0011.)

These three findings meet the standard set by the California Supreme Court in the *Topanga* case. In fact, these findings are a model of clarity and leave nothing to the imagination. The findings do an excellent job of communicating precisely why the Planning Commission rejected the application. This is clearly not a situation in which the Court is left speculating as to the basis of the decision. (*Topanga*, 11 Cal. 3d at p. 515.)

C. Substantial evidence supports the Planning Commission findings.

It is undisputed that the Project site is located within 1000 feet of the dedicated parkland. An aerial view of the site and parkland can be reviewed at Tab 5, page 0114. At issue is whether the Mission Valley Riparian qualifies as a public park. At the Planning Commission hearing, Petitioner argued that the Mission Valley Riparian is not a park, and staff responded “that public park means a publicly owned area that is designated as a park, and Mission Valley Riparian is owned by the City of San Diego and designated as a park.” (AR 12:0169:4-7.) The park site has been officially dedicated for park purposes. (Tab 4:0044-0046.) The park site is part of the San Diego River Park system and reflected as such in the Navajo Community Plan. (Tab 190:1275.)

D. Petitioner’s interpretation of “public park” is unreasonable and wrong.

Petitioner does not dispute that the Mission Valley Riparian is a dedicated park, but instead argues that dedicated parks do not meet the SDMC section 113.0103 definition of “public park” because they are not “designated” parks. Petitioner’s narrow interpretation of the term “public park,” and specifically the term “designated,” would lead to absurd results because the

1 interpretation excludes parks that have the highest official and legal parkland status (*i.e.*,
2 dedicated parks).

3 Assistant Director of the City's Park and Recreation Department, Andrew Field, explains
4 that the City's officially recognized parklands are comprised of both "designated" and
5 "dedicated" parklands, with "dedicated" parkland having the highest recognition. (Field Decl. ¶
6 2.) The terms "dedication" and "designation" refer to the type of protection afforded to the
7 parkland, with dedicated parkland having the highest protection under the law. (Field Decl. ¶ 4.)

8 He explains that "designated" parkland has limited protection. (Field Decl. ¶ 4.) The
9 "designated" status is accomplished by City Council action, but that action need not rise to the
10 level of an adoption of a City Ordinance. (Field Decl. ¶ 4.) Designated parkland "may be used
11 for any public purpose deemed necessary by the Council." (Charter Section 55, Exh. 4 to City's
12 RJN.) Dedicated parkland, on the other hand, may only be accomplished by State action or by
13 adoption of a City Ordinance. (Field Decl. ¶ 4.) The protections afforded to dedicated parklands
14 are far greater, as codified in Charter section 55 (attached to City's RJN as Exh. 4), which reads
15 in relevant part:

16 All real property owned in fee by the City heretofore or hereafter
17 formally dedicated in perpetuity by ordinance of the Council or by
18 statute of the State Legislature for park, recreation or cemetery
19 purposes shall not be used for any but park, recreation or cemetery
20 purposes without such changed use or purpose having been first
21 authorized or later ratified by a vote of two-thirds of the qualified
22 electors of the City voting at an election for such purpose.
23 However, real property which has been heretofore or which may
24 hereafter be set aside without the formality of an ordinance or
25 statute dedicating such lands for park, recreation or cemetery
26 purposes may be used for any public purpose deemed necessary by
27 the Council.

23 SDMC section 113.0103 defines "public park" as "a publicly owned area that is
24 designated as a park." (Exh. 2 to City's RJN.) The Assistant Director explains that Petitioner
25 misconstrues the City's municipal code when it argues that a "dedicated" park is not "designated
26 as a park." (Field Decl. ¶ 6.) He explains that both designated and dedicated parks qualify as
27 public parks under the municipal code. (Field Decl. ¶ 6.) He further explains that the City
28 considers "dedicated" parks as having an elevated status over "designated" parks in the hierarchy

1 of City parkland, and that the word “designated,” as used in the definition of “public park” in
 2 section 113.0103, is used in a general sense and refers to City parkland that is officially
 3 recognized, which encompasses both designated and dedicated City parks. (Field Decl. ¶ 6.)

4 Mr. Fields testified that, in all his years in the City’s Park and Recreation Department, the
 5 City has always interpreted the defined term “public park” in section 113.0103 to include both
 6 designated and dedicated parks. (Field Decl. ¶ 6.) Courts must give great weight and respect to
 7 an agency’s interpretation of a statute governing its powers and responsibilities. (*Mason v.*
 8 *Retirement Bd.* (2003) 111 Cal.App.4th 1221, 1228 (citing *County of Santa Barbara v. Connell*
 9 (1999) 72 Cal.App.4th 175, 185).) Consistent agency construction of a statute, especially when it
 10 originates with the agency that is charged with putting the statutory machinery into effect, is
 11 accorded great weight. (*Ibid.*) Such deference is particularly warranted when an agency’s
 12 interpretation is of long standing. (*Yamaha Corp. of America v. State Bd. of Equalization* (1998)
 13 19 Cal.4th 1, 13.)

14 Citing to Senate Bill No. 1169, Petitioner on the other hand argues that the term
 15 “designate” in the section 113.0103 definition does not include dedicated parkland because the
 16 terms “designated” and “dedicated” are mutually exclusive. (Opening Brief, p. 10.) This hyper
 17 technical reading is not how City staff or the Planning Commissioners understood the term, and
 18 it is not how members of the general public would read the definition based on common
 19 understandings of the term “designate.” For example, the American Heritage Dictionary defines
 20 the term “designated” as meaning “to indicate or specify; point out.” (City’s RJN, Exh. 5.) With
 21 this common definition in mind, anyone reading the municipal code would logically conclude
 22 that a dedicated park was a “public park.” Therefore, the City’s interpretation comports with the
 23 maxim that terms are to be construed in their general acceptance. (Code of Civ. Proc. § 1861.)

24 Moreover, the City’s interpretation comports with the maxim of jurisprudence that
 25 “Interpretations must be reasonable.” (Civ. Code § 3542.) In light of the fact that “dedicated”
 26 parks have the highest status under the law, it is unreasonable to consider them outside the
 27 definition of public park. Accordingly, the Court should reject Petitioner’s narrow and incorrect
 28 interpretation

IV.

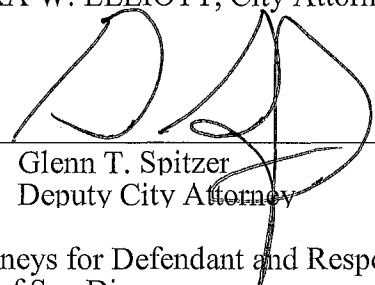
CONCLUSION

Because the City's decision is supported by proper findings and those findings are supported by substantial evidence, the Court should deny the Petition.

Dated: May 19, 2017

MARA W. ELLIOTT, City Attorney

By



Glenn T. Spitzer
Deputy City Attorney

Attorneys for Defendant and Respondent
City of San Diego

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Attorneys for Defendant and Respondent
 City of San Diego

Exempt from fees per Gov't Code § 6103
 To the benefit of the City of San Diego

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

<p>LIVING GREEN COOPERATIVE; California Co-operative corporation;, Petitioner and Plaintiff, v. CITY OF SAN DIEGO, a California municipal corporation; and Does 1 through 10, inclusive, Defendants and Respondents.</p>	<p>) Case No. 37-2016-00039309-CU-MC-CTL)) DECLARATION OF ANDREW FIELD) IN SUPPORT OF CITY OF) SAN DIEGO'S OPPOSITION TO) PETITION FOR WRIT OF MANDATE)) [IMAGED FILE])) Hearing Date: June 23, 2017) Time: 1:30 p.m.) I/C Judge: Hon. Timothy B. Taylor) Dept.: C-72)) Complaint filed: November 8, 2016))))</p>
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I, Andrew Field, declare:

1. I am employed by the City of San Diego (City) in the Park and Recreation Department. I am currently the Assistant Director for the department. I have been employed by the City in the Park and Recreation Department for 14.5 years, and I have been the Assistant Director for four years. I provide this declaration based on my personal knowledge. If called to do so, I could and would competently testify to the contents of this declaration.

2. I read "Petitioner's Opening Brief for Petition for Writ of Mandamus." At pages 8 through 11, Petitioner argues that the Mission Valley Riparian—a *dedicated* City park—does not qualify as a park because the Municipal Code defines "public park" as "a publicly owned area

1 that is *designated* as a park.” (SDMC § 113.0103 (emphasis added).) Petitioner is wrong. The
2 City’s officially recognized parklands are comprised of both “designated” and “dedicated”
3 parklands, with “dedicated” parkland having the highest recognition.

4 3. In my role as Assistant Director, I am sometimes called upon to help the City
5 convert “designated” parkland to “dedicated” parklands. As such, I am familiar with the terms
6 “designated” and “dedicated” in the context of City parklands.

7 4. The terms “dedication” and “designation” refer to the type of protection afforded
8 to the parkland, with dedicated parkland having the highest protection under the law. Designated
9 parkland has limited protection. The “designated” status is accomplished by City Council action,
10 but that action need not rise to the level of an adoption of a City Ordinance. Designated parkland
11 “may be used for any public purpose deemed necessary by the Council.” (Charter Section 55.)
12 Dedicated parkland, on the other hand, may only be accomplished by State action or by adoption
13 of a City Ordinance. The protections afforded to dedicated parklands are far greater, as codified
14 in Charter section 55 (attached to City’s Request for Judicial Notice as Exh. 3), which reads in
15 relevant part:

16 All real property owned in fee by the City heretofore or hereafter formally
17 dedicated in perpetuity by ordinance of the Council or by statute of the State
18 Legislature for park, recreation or cemetery purposes shall not be used for any but
19 park, recreation or cemetery purposes without such changed use or purpose
20 having been first authorized or later ratified by a vote of two-thirds of the
21 qualified electors of the City voting at an election for such purpose. However, real
22 property which has been heretofore or which may hereafter be set aside without
23 the formality of an ordinance or statute dedicating such lands for park, recreation
24 or cemetery purposes may be used for any public purpose deemed necessary by
25 the Council.

23 5. Council Policy 700-17 (AR 294:1917-1919) elaborates on the process of
24 dedicating parklands, whether those parklands be resource-based parks, population-based parks,
25 or open space parks. For example, if the conditions for open space parkland in section III are
26 met, then City Council must formally dedicate that parkland in order to provide the higher level
27 of protection set forth in Charter section 55. Section IV of the policy states that lands not meeting
28

1 qualifications for dedication shall be designated for park purposes to ensure some level of
2 protection.

3
4 6. Petitioner misconstrues the City's municipal code when it argues that a
5 "dedicated" park does not qualify as a "public park." Both designated and dedicated parks
6 qualify as public parks under the municipal code. In fact, the City considers "dedicated" parks as
7 having an elevated status over "designated" parks in the hierarchy of City parkland. The word
8 "designated," as used in the definition of "public park" in section 113.0103, is used in a general
9 sense and refers to City parkland that is officially recognized. The defined term encompasses
10 both designated and dedicated City parks. In all my years in the City's Park and Recreation
11 Department, we have always interpreted the defined term "public park" in section 113.0103 to
12 include both designated and dedicated parks.

13
14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct.

16 Executed this 17th day of May, 2017, at San Diego, California.

17
18 

19 _____
20 Andrew Field

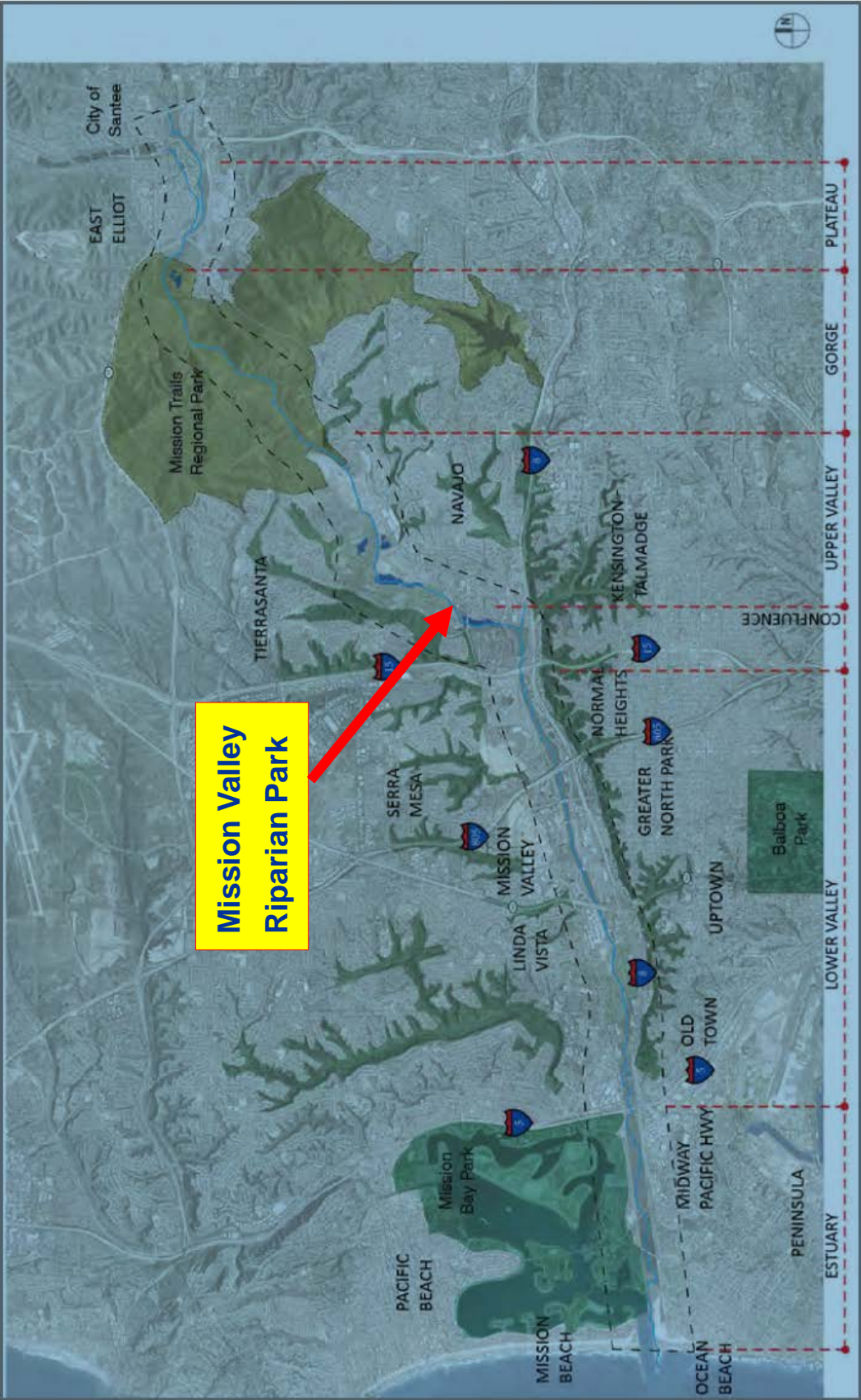
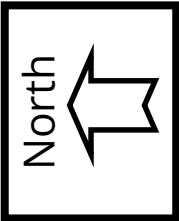


Figure 1. Six Distinct Reaches

San Diego River Park Master Plan

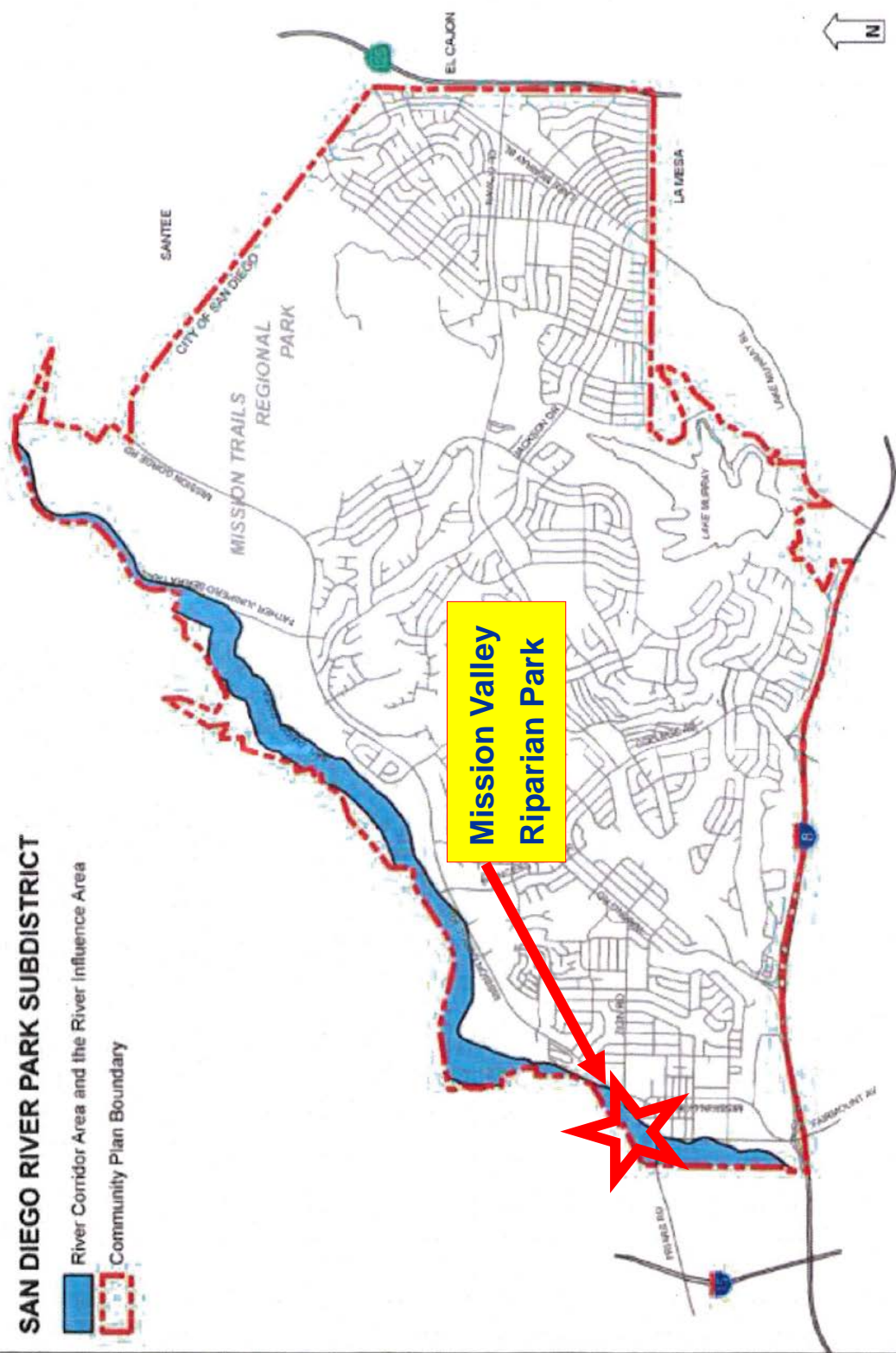
Living Green MMCC / 4417 Rainier Avenue
PROJECT NO. 379530





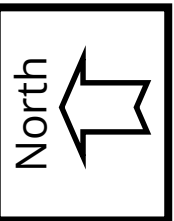
SAN DIEGO RIVER PARK SUBDISTRICT

- River Corridor Area and the River Influence Area
- Community Plan Boundary

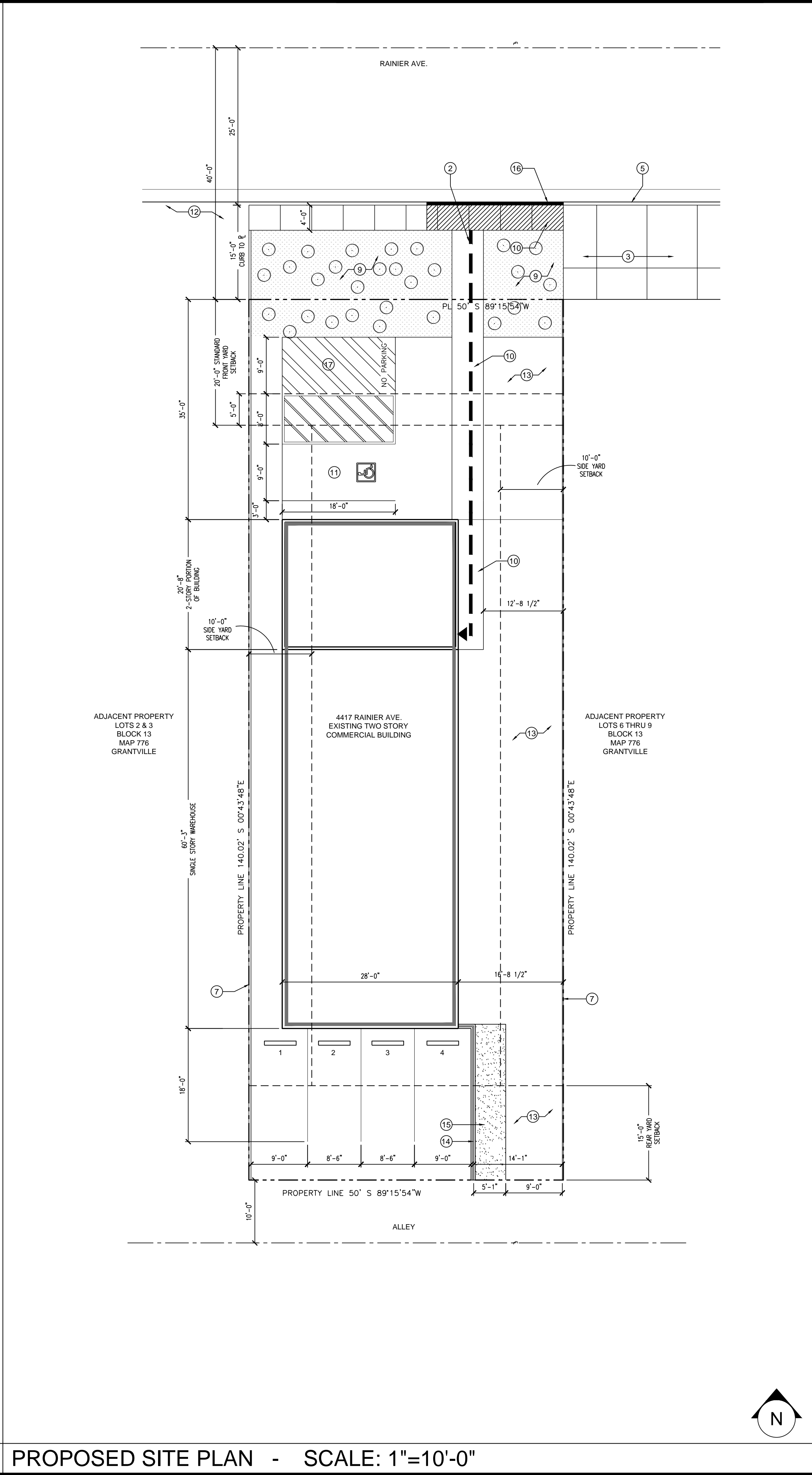


Navajo - San Diego River Park Subdistrict

Living Green MMCC / 4417 Rainier Avenue
PROJECT NO. 379530



	<div>ABBREVIATIONS</div> <div>AC ASPHALT CONCRETE ACT ACOUSTICAL CEILING TILE ALUM ALUMINUM ALT ALTERNATE AP ACCESS PANEL ARCH ARCHITECT BD BOARD BLDG BUILDING BLK'G BLOCKING BM BEAM BOT BOTTOM CAB CABINET CAR CARPET CEM CEMENT < CENTERLINE CLG CEILING CLR CLEAR CT CERAMIC TILE CTR COUNTER COL COLUMN CONSTR CONSTRUCTION CONT CONTINUOUS CORR CORRIDOR DBL DOUBLE DEPT DEPARTMENT DF DRINKING FOUNTAIN DIA/~ DIAMETER DIM DIMENSION DISP DISPENSER DN DOWN DR DRAIN DET DETAIL DWG DRAWING DWR DRAWER EA EACH EJ EXPANSION JOINT ELECT ELECTRICAL ENCL ENCLOSURE EQ EQUAL EW EACH WAY EWC ELECT WATER COOLER EXG EXISTING ETR EXISTING TO REMAIN EXT EXTERIOR FD FLOOR DRAIN FEC FIRE EXTINGUISHER CABINET FHC FIRE HOSE CABINET FIN FINISH FIXT FIXTURE FLR FLOOR FT FEET FURR FURRING GA GAUGE GALV GALVANIZED GB GRAB BAR GL GLASS GSM GALVINIZED SHT. METAL GYP GYPSUM HDR HEADER HDWD HARDWOOD HDWR HARDWARE HGT HEIGHT HORIZ HORIZONTAL ID INSIDE DIAMETER INSUL INSULATION INT INTERIOR JAN JANITOR LAM LAMINATE LLH LONG LEG HORIZONTAL LLV LONG LEG VERTICAL LGT WGT LIGHT WEIGHT MAX MAXIMUM MECH MECHANICAL MIN MINIMUM MISC MISCELLANEOUS NIC NOT IN CONTRACT NO/# NUMBER NTS NOT TO SCALE OC ON CENTER OD OUTSIDE DIAMETER OFCI OWNER FURNISHED/ CONTRACTOR INSTALLED OPENING OPENING OPNG OPPOSITE OPP PLATE/PROPERTY LINE PL LAM PLASTIC LAMINATE PLWD PLYWOOD POL POLISHED PR PAIR PT PRESSURE TREATED PNT PAINTED QTY QUANTITY R RADIUS RD ROOF DRAIN REF REFERENCE REINF REINFORCING RM ROOM RO ROUGH OPENING RUB RUBBER SC SOLID CORE SCHD SCHEDULE SHR SHOWER SHT SHEET SIM SIMILAR SPEC SPECIFICATIONS SQ SQUARE ST STL STAINLESS STEEL STD STANDARD STOR STORAGE STL STEEL STRUCT STRUCTURE SUSP SUSPENDED TEL TELEPHONE TEMP TEMPORARY THK THICK TYP TYPICAL UON UNLESS OTHERWISE NOTED VCT VINYL COMPOSITION TILE VERT VERTICAL VEST VESTIBULE VIF VERIFY IN FIELD W/ WITH WD WOOD W/O WITHOUT WGT WEIGHT</div>	<div>GENERAL NOTES</div> <div>1. NO HAZARDOUS MATERIALS WILL BE STORED AND/OR USED WITHIN THE BUILDING. 2. NO EASEMENTS EXIST ON THE SUBJECT PROPERTY. 3. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4) 4. NO BUS STOPS EXIST ON OR ADJACENT TO THE SUBJECT PROPERTY; NEARBY BUS STOPS ARE SHOWN ON THE VICINITY MAP. 5. FUTURE USES FOR THE SITE MAY INCLUDE ANY USE PERMITTED IN THE IS-1-1 ZONE, WHETHER BY RIGHT OR BY CONDITIONAL USE PERMIT. 6. ALL SIGNAGE WILL BE LIMITED TO TWO COLORS AND TYPEFACES. POLE SIGNS ARE PROHIBITED. THE POLE SIGN ON SITE IS EXISTING. 7. CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE. 8. 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 ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES. 9. SECURITY SHALL BE PROVIDED AT THE MMCC WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHOULD ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS. 10. 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, ANY 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. 11. THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE THE MMCC IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT. 12. MMCC HOURS ARE LIMITED TO BETWEEN 7:00am TO 9:00pm, SEVEN (7) DAYS A WEEK. 13. 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 THE PURPOSES OF THIS RESTRICTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY. 14. THE UTILIZATION OF THIS CUP IS CONTINGENT UPON THE APPROVAL OF A PERMIT OBTAINED AS REQUIRED AND PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 15. THE ISSUANCE OF THIS PERMIT DOES NOT GUARANTEE THAT A PERMIT WILL BE GRANTED IN ACCORDANCE WITH CHAPTER 4, ARTICLE 2, DIVISION 15. 15. THIS CUP AND CORRESPONDING USE OF THIS SITE SHALL EXPIRE ON _____, WHICH IS FIVE 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. 16. THE OWNER OR OPERATOR SHALL MAINTAIN THE PREMISES, 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. THE OWNER OR OPERATOR SHALL ELIMINATE GRAFFITI WITHIN 48 HOURS OF APPLICATION 18. IN ADDITION TO THE CONDITIONAL USE PERMIT, A SITE DEVELOPMENT PERMIT WILL BE REQUIRED.</div>	<div>SCOPE OF WORK</div> <div>CONDITIONAL USE PERMIT & SITE DEVELOPMENT PERMIT FOR A MEDICAL MARIJUANA CONSUMER COOPERATIVE IN AN EXISTING TWO-STORY, 2,844 S.F. BUILDING IN ACCORDANCE WITH INFORMATION BULLETIN 170. NO CONSTRUCTION WORK PROPOSED.</div>	<div>PROJECT DIRECTORY</div> <div>ARCHITECT: POINT OF DEPARTURE 3712 30TH STREET SAN DIEGO, CA 92104 619.294.2500 OWNER: LIVING GREEN WELLNESS COOPERATIVE</div>	<div>PROJECT DATA</div> <div>PROJECT LOCATION: 4417 RAINIER AVENUE SAN DIEGO, CA 92120 JURISDICTION: CITY OF SAN DIEGO LEGAL DESCRIPTION: LOTS 4 AND 5, BLOCK 13, MAP 776 APN: 458-521-2600 SITE AREA: 7,000 S.F., .16 ACRES LOT SIZE AND DIMENSIONS ARE EXISTING NON-CONFORMING ZONING: IL-3-1 OVERLAY ZONES: AIRPORT INFLUENCE AREA (MONTGOMERY FIELD), COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE TYPE A, NAVAJO COMMUNITY PLAN AREA GEOLOGIC HAZARD ZONE: V-B TYPE OF CONSTRUCTION: B, RETAIL/BUSINESS USE PRIOR OCCUPANCY: B, MMCC USE PER INFORMATION BULLETIN 170 PROPOSED OCCUPANCY: 4 OCCUPANT LOAD: 2,844 S.F. EXISTING BUILDING AREA: 2,844 S.F. PROPOSED MMCC USE AREA OF USE: 2 STORY BUILDING HEIGHT: TWO STORY, NO PROPOSED ALTERATION AREA OF WORK: 50 SQUARE FEET GOVERNING CODES: 2013 CBC, CEC, CFC, CMC, CPC; 2008 EES; 2010 TITLE 24 CBC, 2013 CAL GREEN BUILDING STANDARDS DATE OF CONSTRUCTION: 1978 NO EXTERIOR MODIFICATIONS PROPOSED PARKING: PER SDMC SECTION 142.0540(a) & TABLE 142.05H 1 PARKING STALL FOR EVERY 10' OF ALLEY FRONTAGE MINUS ONE STALL IS REQUIRED <u>50' ALLEY FRONTAGE</u> = (5 STALLS) - 1 = 4 REQUIRED PARKING STALLS # OF STALLS PROVIDED: 4 STANDARD STALLS, 1 ACCESSIBLE STALL</div>	<div>INDEX TO DRAWINGS</div> <table><thead><tr><th></th><th>SHT. #</th><th>TITLE SHEET</th></tr></thead><tbody><tr><td></td><td>T1.0</td><td>TITLE SHEET</td></tr><tr><td></td><td>A1.0</td><td>SITE PLAN</td></tr><tr><td></td><td>A2.1</td><td>FLOOR PLAN</td></tr><tr><td></td><td>A3.0</td><td>EXTERIOR ELEVATIONS</td></tr><tr><td></td><td>A3.1</td><td>ELEVATION PHOTOS</td></tr></tbody></table>		SHT. #	TITLE SHEET		T1.0	TITLE SHEET		A1.0	SITE PLAN		A2.1	FLOOR PLAN		A3.0	EXTERIOR ELEVATIONS		A3.1	ELEVATION PHOTOS	<div>VICINITY MAP</div> <div><p>■ BUS STOP ● FIRE HYDRANT</p></div>	<div>LIVING GREEN WELLNESS COOPERATIVE CONDITIONAL USE PERMIT TITLE SHEET</div> <div><div>SUBMITTAL</div><div>REVISION 5: 03-14-15 REVISION 4: 11-25-14 REVISION 3: 11-06-14 REVISION 2: 9-24-14 REVISION 1: 7-31-14 ORIGINAL DRAWING PREPARATION DATE: 7-9-14 SHEET #: 1 OF: 5 SHEET TITLE: TITLE SHEET 4417 RAINIER AVENUE, SAN DIEGO, CA POINT OF DEPARTURE ARCHITECTURE</div><div>T-1.0</div></div>
	SHT. #	TITLE SHEET																								
	T1.0	TITLE SHEET																								
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- ① EXISTING 20' CURB CUT (PER SDMC TABLE 142.05N) TO BE REMOVED
- ② ACCESSIBLE PATH OF TRAVEL
- ③ EXISTING SIDEWALK
- ④ EXISTING STREET FRONTAGE WITHOUT SIDEWALK
- ⑤ EXIST. CURB AND GUTTER
- ⑥ EXISTING CONCRETE RAMP TO BE WIDENED
- ⑦ EXISTING FENCE
- ⑧ DEMO AND REMOVE EXISTING PAVING AC PAVING AND CONCRETE PAVING, RE-PAVE AREA FOR NEW LEVEL ACCESSIBLE PARKING STALL.
- ⑨ INSTALL NEW DROUGHT RESISTANT XERISCAPING W/ DECOMPOSED GROUND COVER
- ⑩ NEW CITY STANDARD SIDEWALK. SLOPE SHALL BE MINIMUM OF 5 PERCENT IN THE DIRECTION OF TRAVEL WITH A MAX CROSS SLOPE OF 2 PERCENT
- ⑪ NEW ACCESSIBLE PARKING STALL (PERMITTED TO ENCROACH 5 FEET INTO STANDARD FRONT YARD SETBACK PER SDMC 131.0643 b)
- ⑫ EXISTING AC PAVING, NOT IN SCOPE
- ⑬ EXISTING AC PAVED DRIVEWAY
- ⑭ NEW, 36" HANDRAIL
- ⑮ NEW CMU RETAINING WALL AND CONCRETE DRIVEWAY
- ⑯ NEW CURB AND GUTTER PER SD REGIONAL STANDARD G-2
- ⑰ TURNAROUND AREA PER SDMC 142.05.60(d)(3)

- NO HAZARDOUS MATERIALS WILL BE STORED AND/OR USED WITHIN THE BUILDING.
- NO EASEMENTS EXIST ON THE SUBJECT PROPERTY.
- PROPOSED SIGNAGE AND ACCESSIBILITY SHALL BE LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PHPS POLICY P-0-06 (UPC 901.4.4).
- NO BUS STOPS EXIST ON OR ADJACENT TO THE SUBJECT PROPERTY; NEARBY BUS STOPS ARE SHOWN ON THE VICINITY MAP.
- FUTURE USES FOR THE SITE MAY INCLUDE ANY USE PERMITTED IN THE IS-1-1 ZONE, WITH THE EXCEPTION OF THE FOLLOWING: 1. NO SIGN PERMIT.
- ALL SIGNAGE WILL BE LIMITED TO TWO COLORS AND TYPEFACES. POLE SIGNS ARE PROHIBITED. THE POLE SIGN ON SITE IS EXISTING.
- CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.
- SECURITY GUARD SHALL PROVIDE THE FOLLOWING: 1. NO SIGN PERMIT, THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, 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.
- SECURITY GUARD SHALL PROVIDE THE FOLLOWING: 1. NO SIGN PERMIT. OPERABLE CAMERAS, ALARMS, AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND BE PRESENT ON THE PREMISES DURING BUSINESS HOURS. THE SECURITY GUARD SHOULD ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN EMERGENCY BASIS.
- 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. ANY GROUND SIGNS SHALL NOT BE POLE SIGNS. A SIGN IS REQUIRED TO BE POSTED ON THE NORTH SIDE OF THE MMCC AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS.
1. THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE THE MMCC IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
2. THE HOURS OF OPERATION ARE LIMITED TO BETTER THAN 7:00am TO 9:00pm, SEVEN (7) DAYS A WEEK.
3. 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 THE PURPOSES OF THIS RESTRICTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT THE NEED FOR A CASHIER OR SERVER.
4. THE UTILIZATION OF THIS CUP IS CONTINGENT UPON THE APPROVAL OF A PERMIT OBTAINED AS REQUIRED AND PURSUANT TO CHAPTER 4, ARTICLE 2, DIVISION 15. THE ISSUANCE OF THIS PERMIT DOES NOT GUARANTEE THAT A PERMIT WILL BE GRANTED IN ACCORDANCE WITH CHAPTER 4, ARTICLE 2, DIVISION 15.
5. THE CUP OF THE CORRESPONDING COLOR SHALL BE THE EXPIRATION DATE OF THE PERMIT, WHICH IS FIVE 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.
6. THE OWNER OR OPERATOR SHALL MAINTAIN THE PREMISES, 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. THE OWNER OR OPERATOR SHALL MAINTAIN THE SITE FOR AT LEAST 24 HOURS AFTER CLOSURE.
7. THE PROJECT DOES NOT PROSE IN AN OVERSEER AREA, NO BMPs REQUIRED.
8. IN ADDITION TO THE CONDITIONAL USE PERMIT, A SITE DEVELOPMENT PERMIT WILL BE REQUIRED.

PER SDMC SECTION 142.0540(a) & TABLE 142.05H
1 PARKING STALL FOR EVERY 10' OF ALLEY FRONTAGE MINUS ONE STALL IS REQUIRED.
 $\frac{50' \text{ ALLEY FRONTAGE}}{10'} = (5 \text{ STALLS}) - 1 = 4 \text{ REQUIRED PARKING STALLS}$
OF STALLS PROVIDED: 4 STANDARD STALLS, 1 ACCESSIBLE STALL

REVISION 5:	03-14-15
REVISION 4:	11-25-14
REVISION 3:	11-06-14
REVISION 2:	9-24-14
REVISION 1:	7-31-14
ORIGINAL DRAWING PREPARATION DATE:	7-9-14
SHEET #:	2 OF 5
SHEET TITLE:	SITE PLAN

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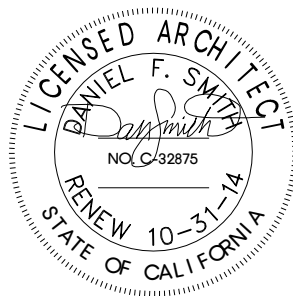


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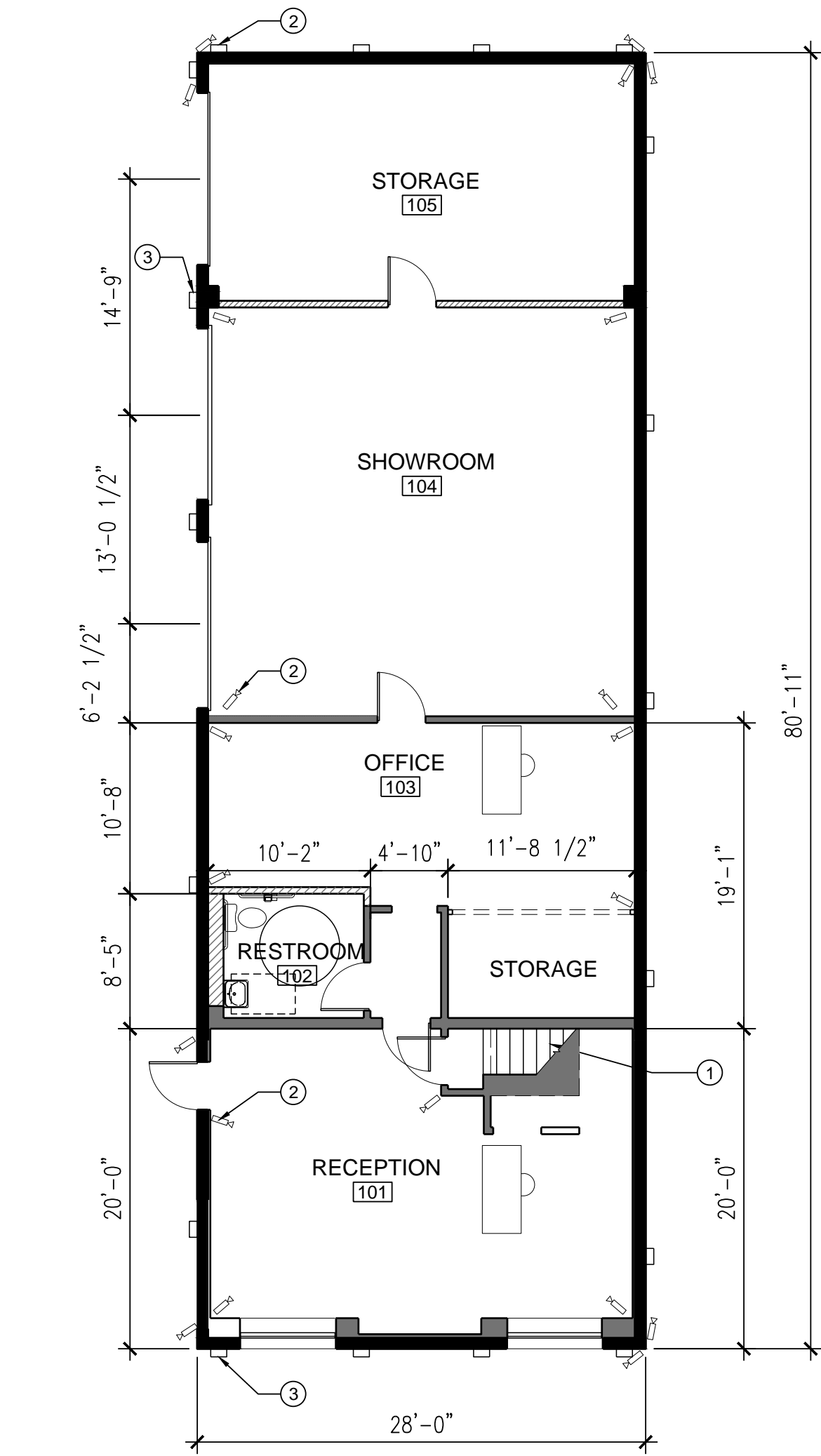
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SITE PLAN

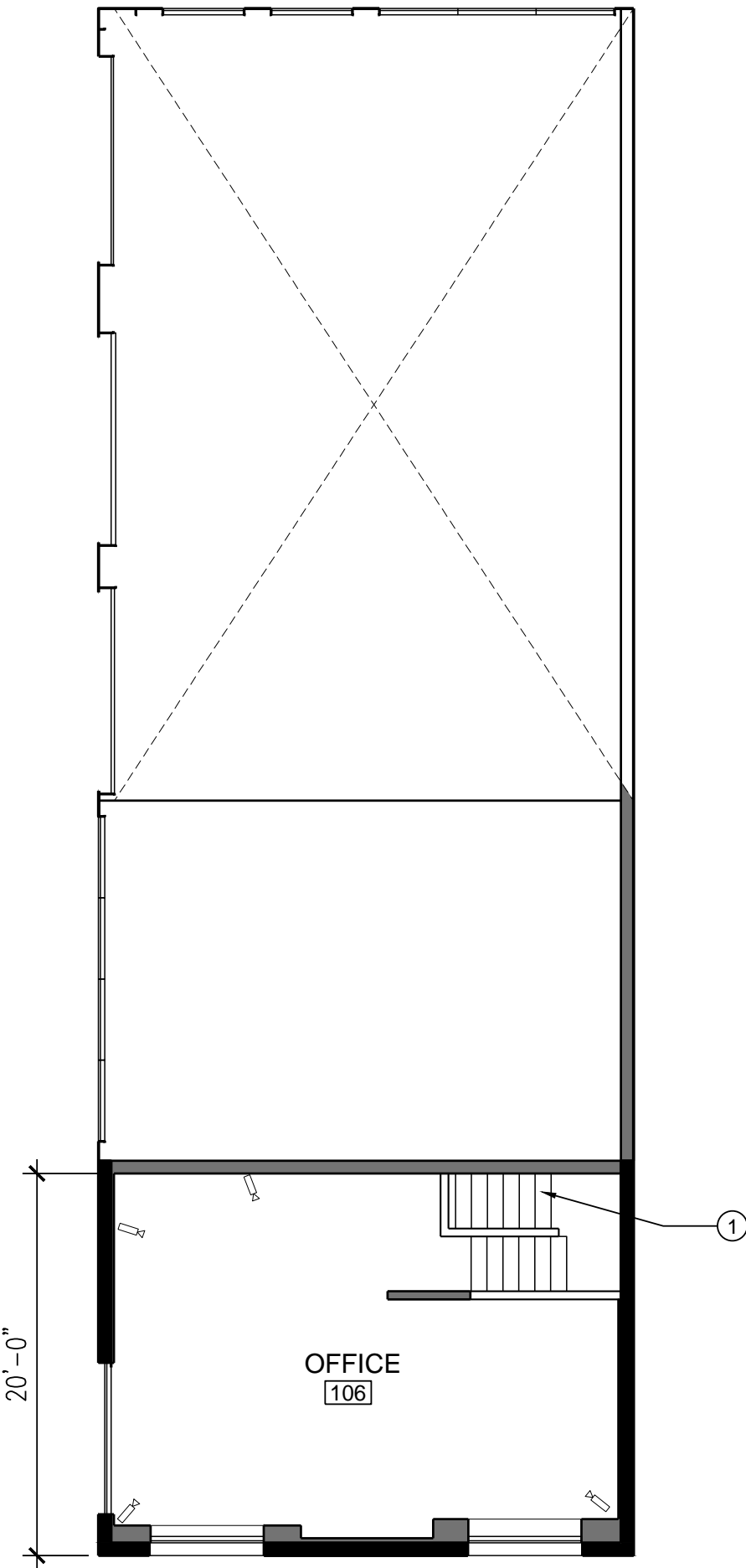


SUBMITTAL

A-1.0



1 1ST FLOOR PLAN scale: 1/8" = 1'-0"



2 2ND FLOOR PLAN scale: 1/8" = 1'-0"

KEY NOTES

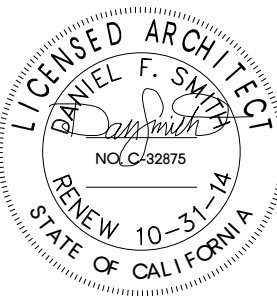
- 1 EXISTING STAIR
- 2 SECURITY CAMERA - TYP.
- 3 OUTDOOR WALLPACK LIGHT FIXTURE - TYP

WALL LEGEND

- EXISTING EXTERIOR WALL
- EXISTING INTERIOR WALL
- NEW INTERIOR WALL

REVISION 5: 03-14-15
REVISION 4: 11-25-14
REVISION 3: 11-06-14
REVISION 2: 9-24-14
REVISION 1: 7-31-14
ORIGINAL DRAWING PREPARATION DATE: 7-9-14
SHEET #: 3 OF: 5
SHEET TITLE: FLOOR PLAN

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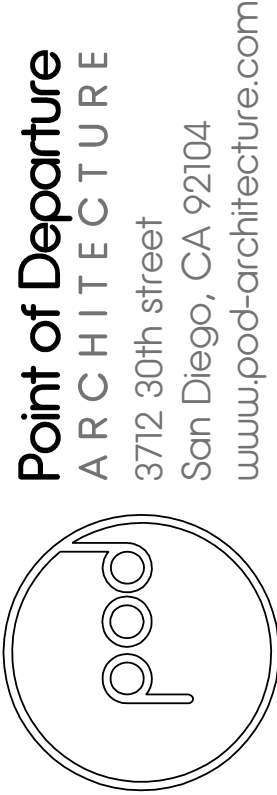
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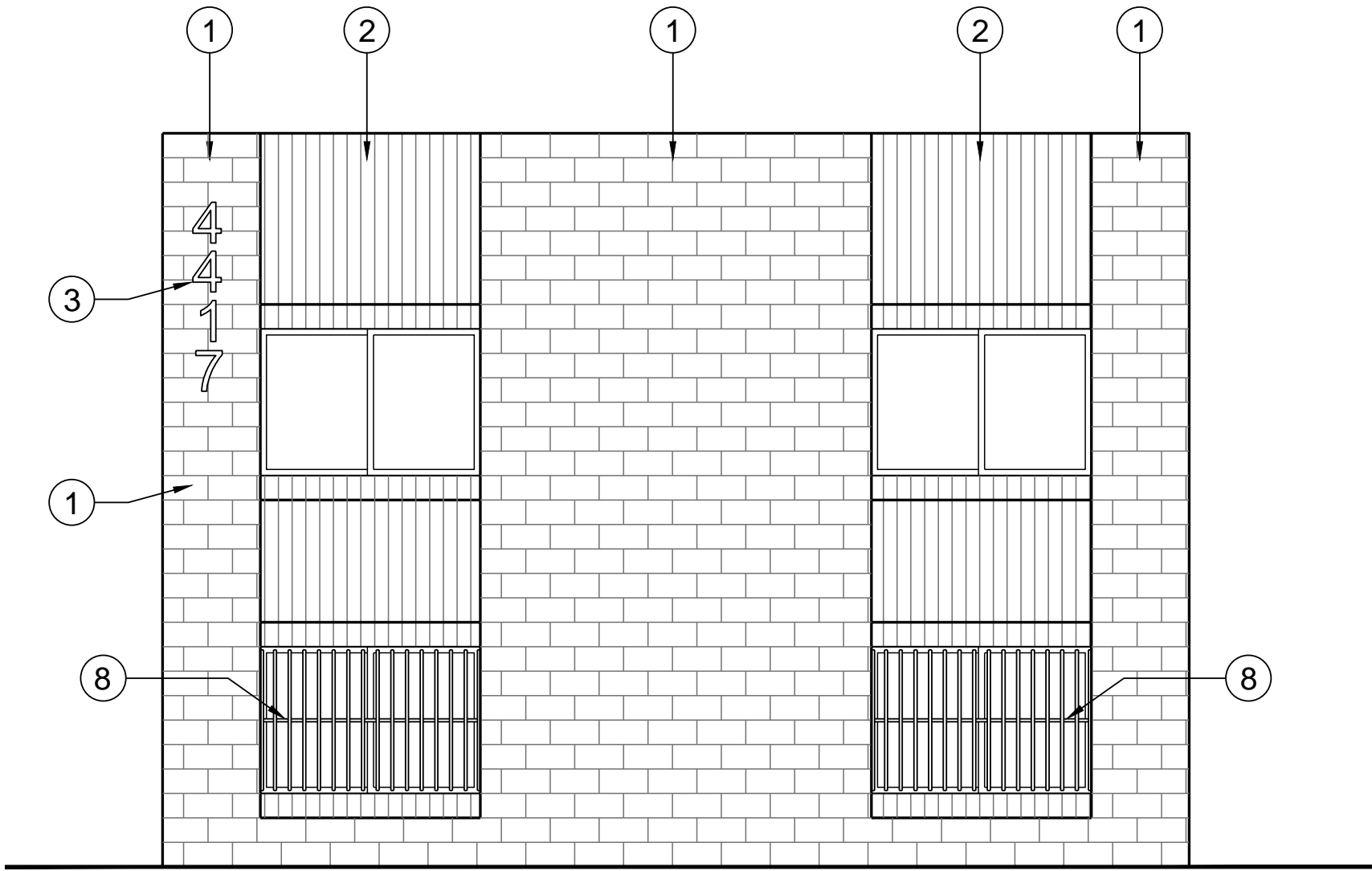
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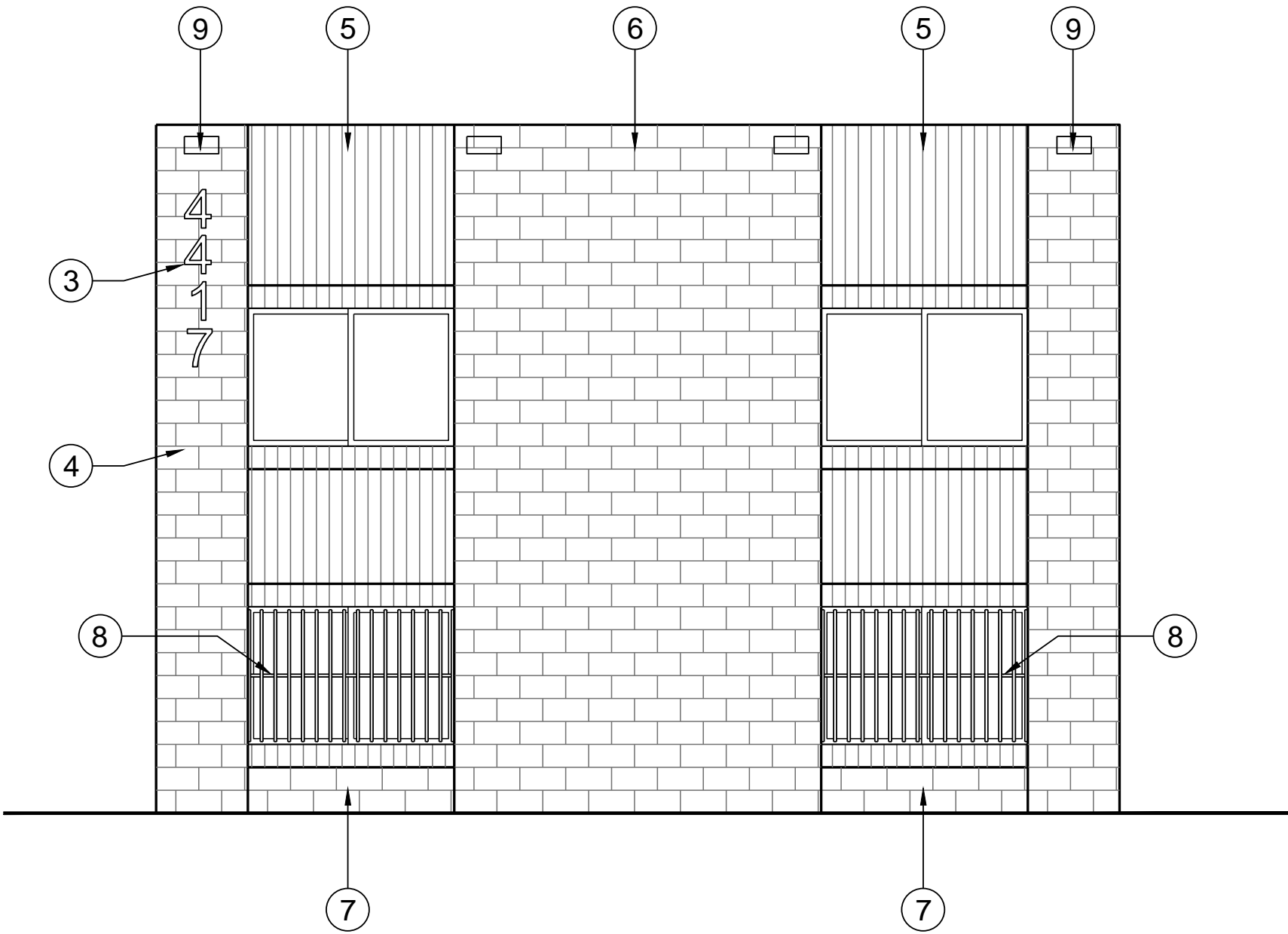
FLOOR PLAN

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1 EXISTING NORTH ELEVATION SCALE: 1/4"=1'-0"



1 PROPOSED NORTH ELEVATION SCALE: 1/4"=1'-0"

KEY NOTES

- 1 EXISTING CMU WALL, CURRENTLY PAINTED TAN
- 2 EXISTING WOOD SIDING, CURRENTLY PAINTED BLACK
- 3 EXISTING ADDRESS SIGNAGE, PAINTED GREEN
- 4 EXISTING CMU WALL, TO RETAIN CURRENT PAINT COLOR
- 5 EXISTING WOOD SIDING, TO BE PAINTED W/ PT-1
- 6 EXISTING CMU WALL, TO BE PAINTED W/ PT-2
- 7 EXISTING CMU WALL, TO BE PAINTED W/ PT-1
- 8 EXISTING WINDOW BARS (BLACK)
- 9 NEW WALLPACK FIXTURE

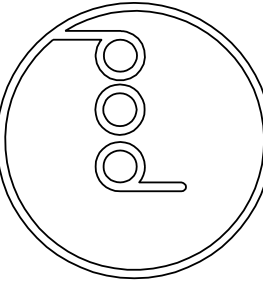
FINISH SCHEDULE

WALL FINISH

PT-1 PAINT
MFGR: FRAZEE ENVIROCOAT
COLOR: CL 1987N
FINISH: FLAT

PT-2 PAINT
MFGR: FRAZEE ENVIROCOAT
COLOR: 0220001 WHITE
FINISH: FLAT

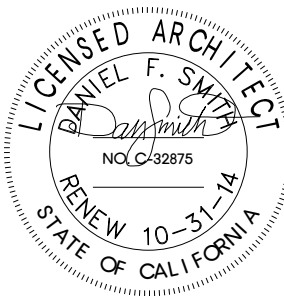
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EXTERIOR ELEVATIONS



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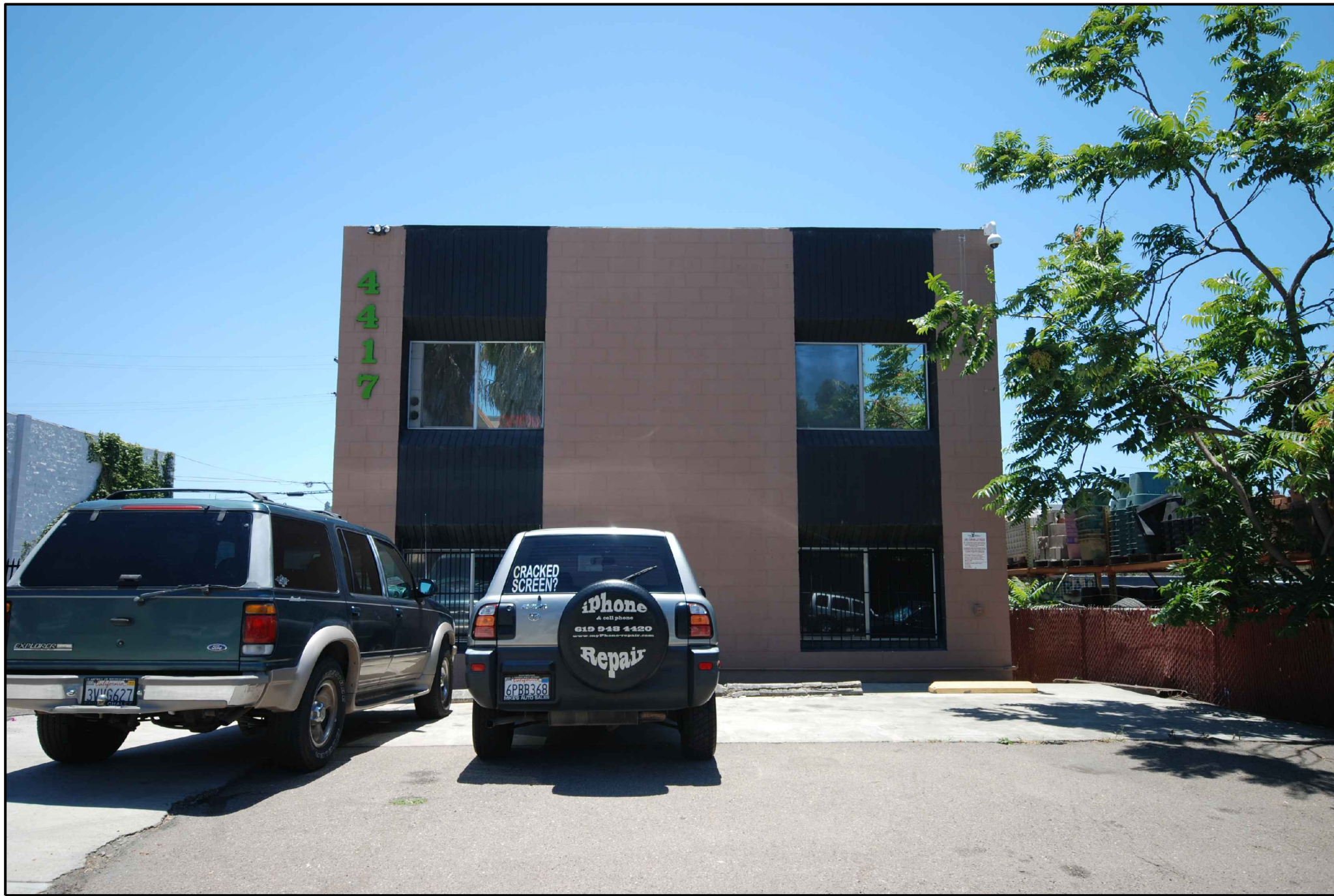
REVISION 5: 03-14-15
REVISION 4: 11-25-14
REVISION 3: 11-06-14
REVISION 2: 9-24-14
REVISION 1: 7-31-14

ORIGINAL
DRAWING
PREPARATION
DATE: 7-9-14

SHEET #: 4 OF: 5
SHEET TITLE: EXTERIOR ELEVATIONS

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A-3.0



1 NORTH SIDE



2 EAST SIDE



3 SOUTHEAST CORNER



4 WEST SIDE

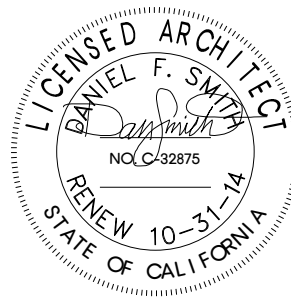
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BUILDING PHOTOS



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REVISION 5:	03-14-15
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REVISION 2:	9-24-14
REVISION 1:	7-31-14
ORIGINAL DRAWING PREPARATION DATE:	7-9-14
SHEET #:	5 OF 5
SHEET TITLE:	BUILDING PHOTOS

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POINT OF DEPARTURE ARCHITECTURE

A-3.1