



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 façade 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 façade 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:

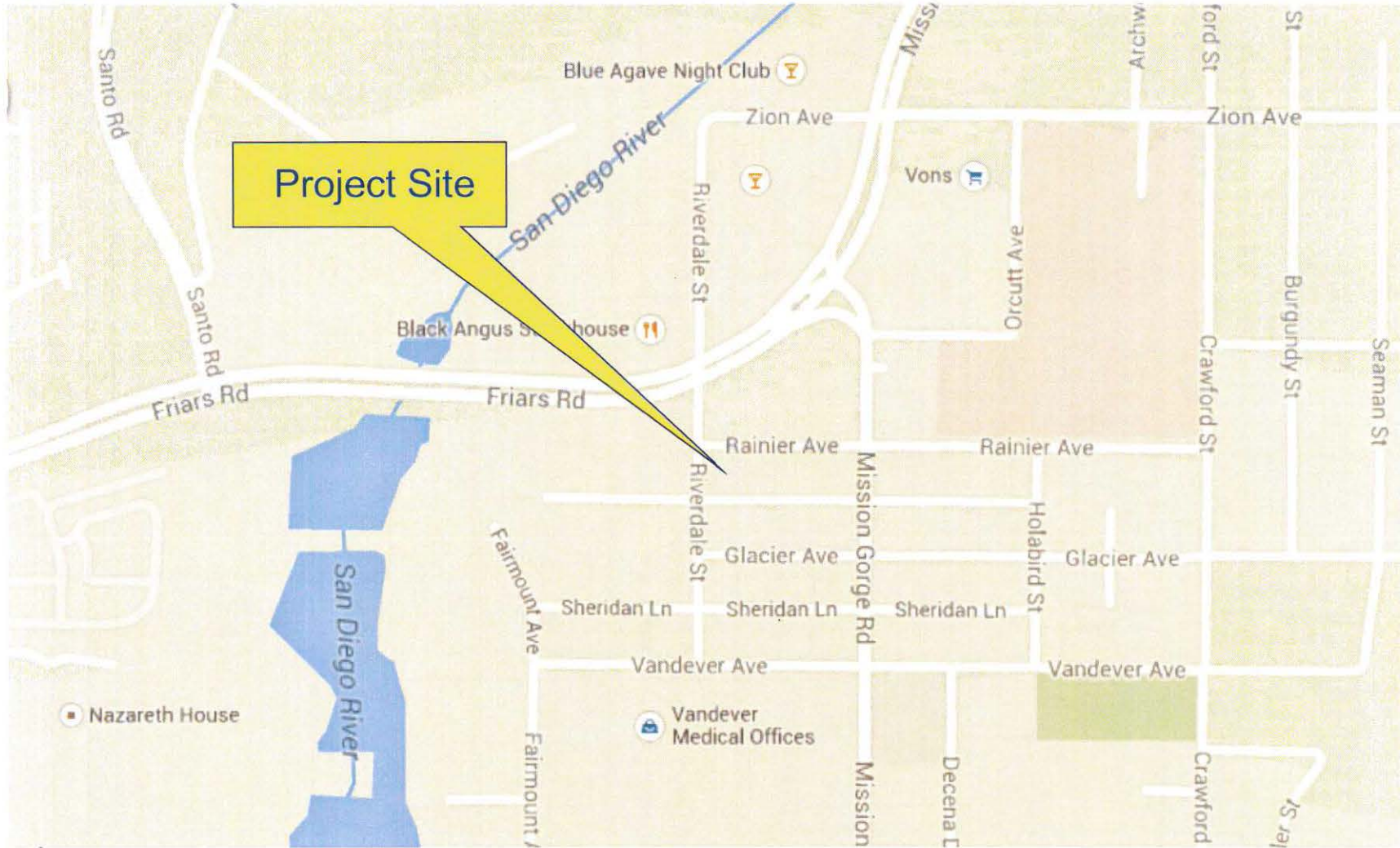
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000 Foot Radius Map
7. 1000 Foot Radius Map Spreadsheet
8. Notice of Right to Appeal
9. Project Site Plan(s)
10. Community Planning Group Recommendation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



Location Aerial Photo

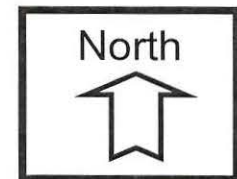
LIVING GREEN COOP MMCC-4417 RAINIER
PROJECT NO. 379530





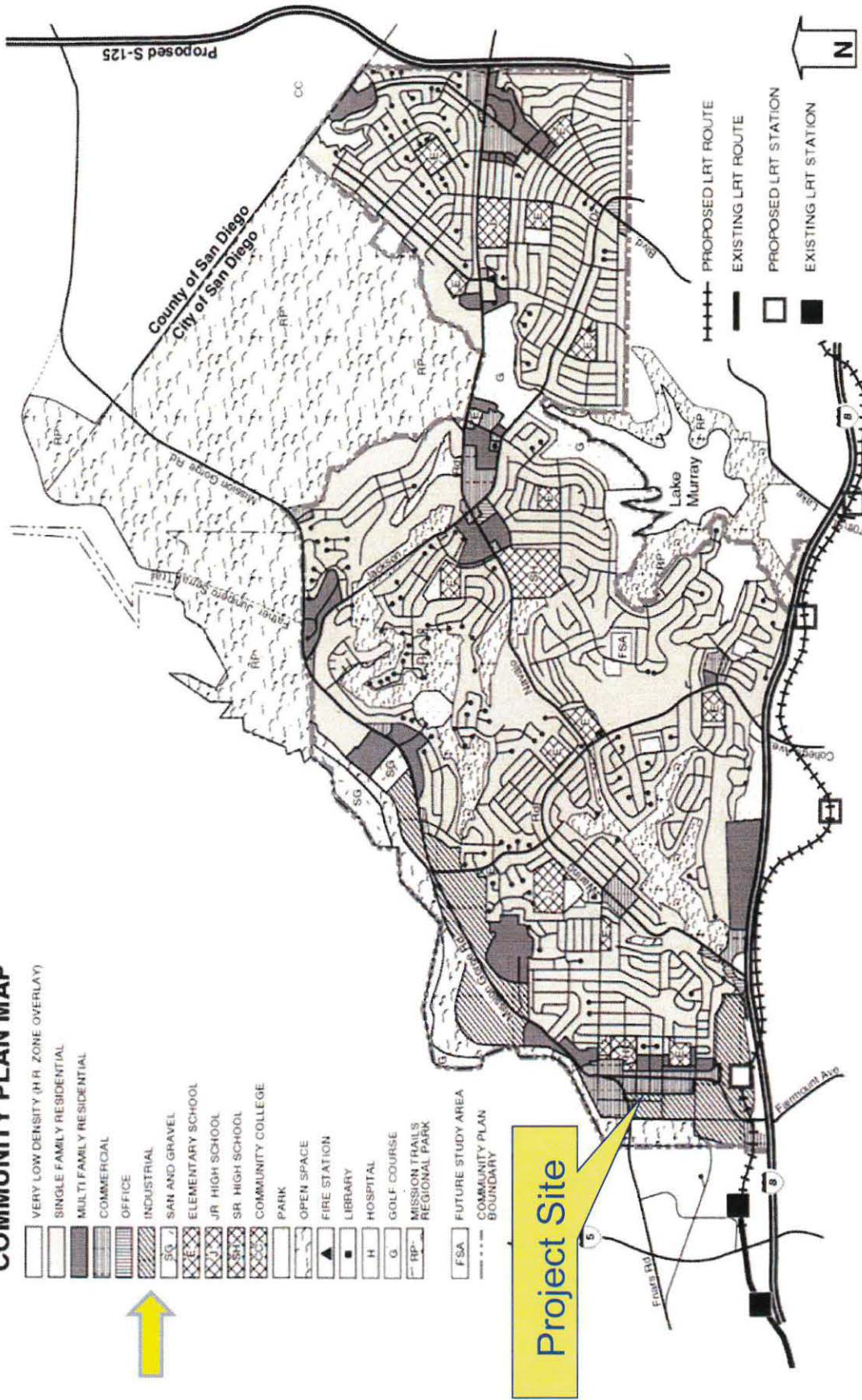
Project Location Map

LIVING GREEN COOP MMCC-4417 RAINIER
PROJECT NO. 379530



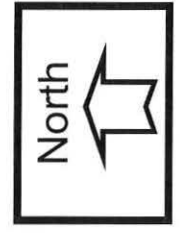
COMMUNITY PLAN MAP

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



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

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.

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.**

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

(CPIOZ) of the Navajo Community Plan requires that any building facade which faces a public street have a minimum of three offset building planes or three distinct building facade variations, or a combination of offset building planes and façade variations which meets the intent of this requirement. The existing building, constructed in 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 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)

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

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.

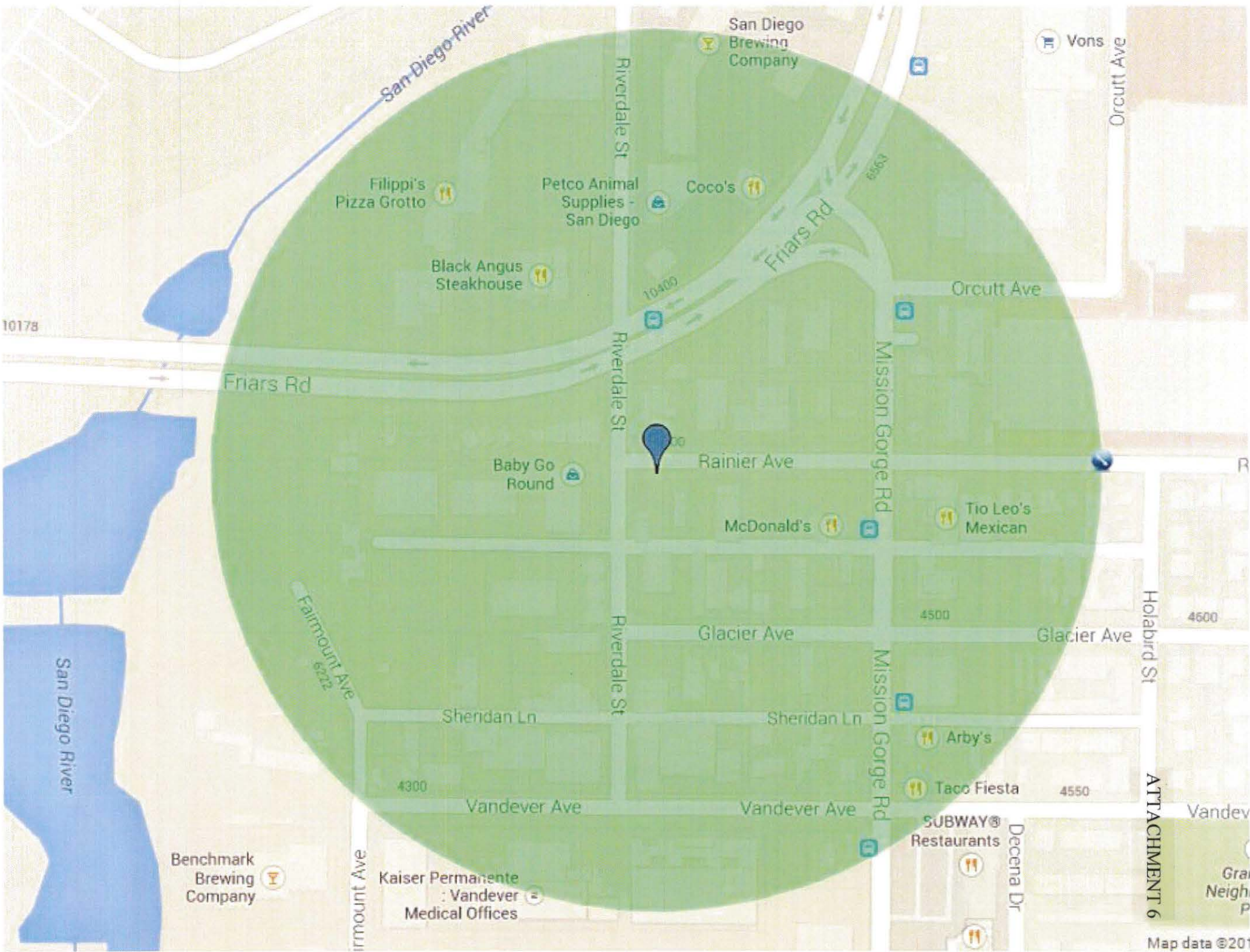
The Land Development Code regulates the operation of MMCCs City wide, and provides a variety of limitations and restrictions in an effort to minimize detrimental effects to neighboring properties or incompatibility with the other permitted uses of the base zone. One of the limitations included in the 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



San Diego River

San Diego Brewing Company

Vons

Filippi's Pizza Grotto

Petco Animal Supplies - San Diego

Coco's

Black Angus Steakhouse

10400

10178

Friars Rd

Riverdale St

Friars Rd

Orcutt Ave



Rainier Ave

Baby Go Round

McDonald's

Tio Leo's Mexican

Fairmount Ave
6222

Riverdale St

Glacier Ave

4500

Glacier Ave

4600

Sheridan Ln

Sheridan Ln

Arby's

4300

Vandever Ave

Vandever Ave

Taco Fiesta

4550

SUBWAY® Restaurants

Decena Dr

Benchmark Brewing Company

Kaiser Permanente : Vandever Medical Offices

Holabird St

ATTACHMENT 6

Vandev

Grain Neigh P

Map data ©201

1000 Foot Radius Map

Project 4417 Rainier Ave
Address 4417 Rainier Ave
Date 7/9/2014
P/N 458-521-26-00

Use	Parcel Number	Street Number	Street	Suite	Business Name
Office	369-121-34-00	9201	Spectrum Center Blvd	110	Navajo Community Planners, Inc.
Garage	458-510-14-00	6215	Fairmount Ave		Roadside Towing
Office	458-300-04-00	6218	Fairmount Ave		Brickman
Industrial	458-300-04-00	6220	Fairmount Ave		Plavan Petroleum
Gas Station	458-510-03-00	6225	Fairmount Ave		Cosby Fuels
Industrial Lot	458-300-04-00	6232	Fairmount Ave		Maxim Crane Works
Commercial	458-720-14-00	10320	Friars Rd		Armstrong Garden Center
Restaurant	458-720-14-00	10330	Friars Rd	101	Filippi's Pizza Grotto
Restaurant	458-720-14-00	10330	Friars Rd	106	Camel's Breath Inn
Commercial	458-720-14-00	10330	Friars Rd	108	Sun & Spray Tanning
Commercial	458-720-14-00	10330	Friars Rd	109	Mathnasium of Mission Gorge
Commercial	458-720-14-00	10330	Friars Rd	112	Regency Travel
Restaurant	458-720-14-00	10330	Friars Rd	114	Sushi 4 U
Office	458-720-14-00	10330	Friars Rd	115	Edward Jones - Financial Advisor: Alex M Zubak
Commercial	458-720-14-00	10330	Friars Rd	116	Summer Nails & Spa
Commercial	458-720-14-00	10330	Friars Rd	117	Jasmine's Beauty Salon
Commercial	458-720-14-00	10330	Friars Rd	118	Pilates Room Studios
Commercial	458-720-14-00	10330	Friars Rd	119	Inspire Wellness & Medical Weight Loss
Restaurant	458-720-14-00	10330	Friars Rd	104-105	Jade Thai & Mandarin
Retail	458-720-13-00	10350	Friars Rd		CVS Pharmacy
Restaurant	458-720-15-00	10370	Friars Rd		Black Angus
Restaurant	458-720-11-00	10387	Friars Rd		Tropical Fruit Paradise
Retail	458-720-11-00	10389	Friars Rd		Euphoria Vapor Outlet
Office	458-720-11-00	10391	Friars Rd		Sierra Pacific Mortgage
Office	458-720-11-00	10393	Friars Rd		Mirage Cleaners
Commercial	458-720-11-00	10395	Friars Rd		Swimquip Pool & Spa
Office	458-720-11-00	10397	Friars Rd		Friars Road Pet Hospital
Restaurant	458-700-12-00	10406	Friars Rd	A	Starbuck's Coffee
Restaurant	458-700-12-00	10406	Friars Rd	B	Jamba Juice
Miscellaneous	458-342-23-00	10407	Friars Rd		Farmers Outlet
Retail	458-700-12-00	10410	Friars Rd		Petco Animal Supplies
Restaurant	458-700-13-00	10430	Friars Rd		Coco's Bakery Restaurant

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	458-342-11-00	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	458-521-22-00	4422	Glacier Ave	F	Enter the Goddess Beauty Lounge
Commercial	458-521-23-00	4428	Glacier Ave		Pure Auto Sales
Office	458-522-04-00	4435	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

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	100	Our Feathered Friends
Office	458-342-24-00	4420	Rainier Ave	202	Comfort Keepers
Office	458-342-15-00	4440	Rainier Ave	103	Padre Janitorial Service
Light Industrial	458-342-15-00	4440	Rainier Ave	201	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	5	Majestic Pharmacy
Office	458-522-23-00	4456	Vandever Ave	6	QualCare Home Health
Office	458-522-23-00	4456	Vandever Ave	9	Express Business Service, LLC
Office	458-522-23-00	4456	Vandever Ave	10	Kostyo Insurance Agency



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:**Edith Gutierrez****MAILING ADDRESS:****1222 First Avenue, MS 501****San Diego, CA 92101****PHONE NUMBER:****(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.



KEY NOTES

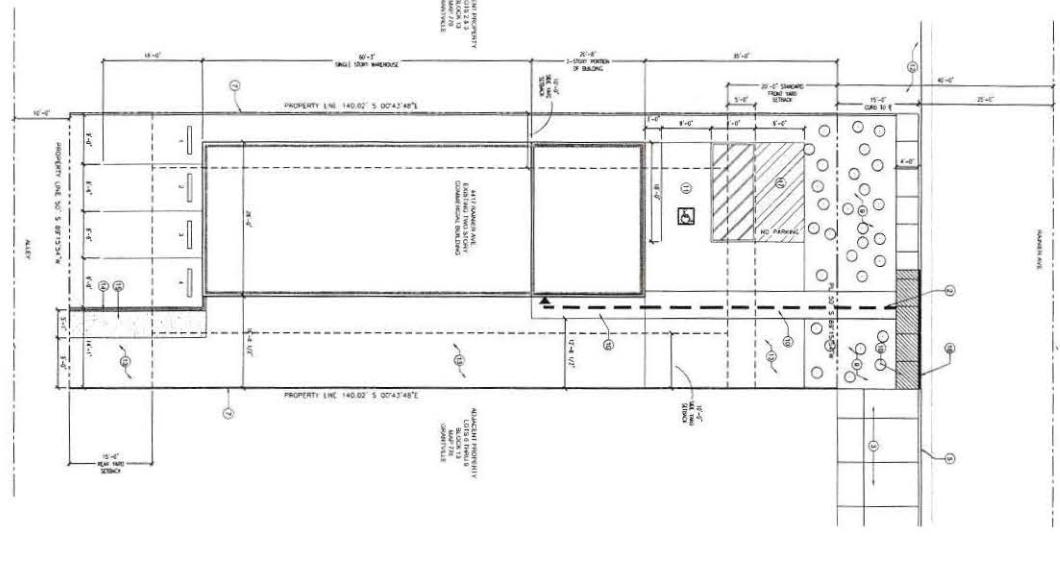
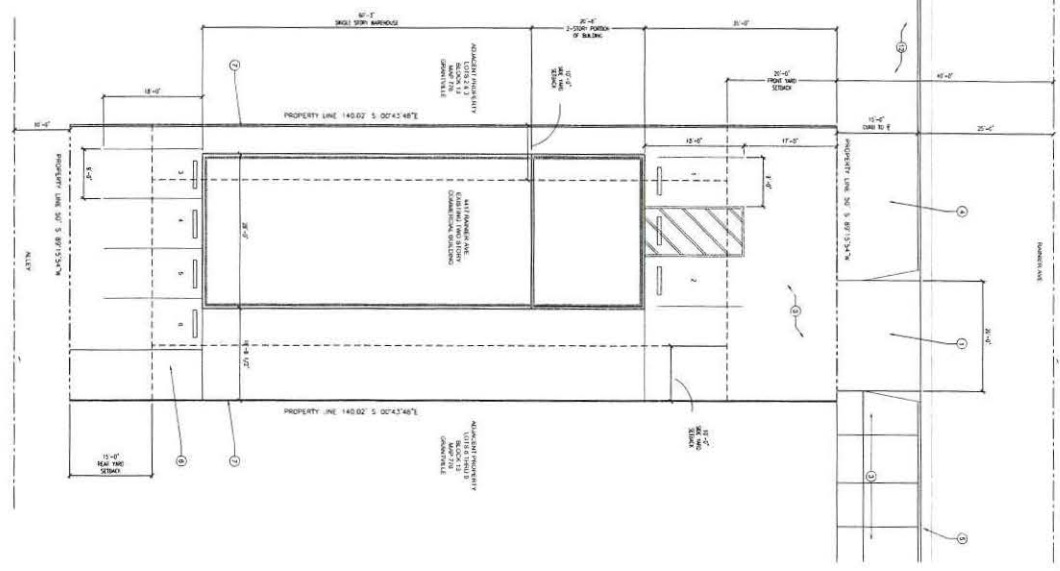
- 1) EXISTING CURB CUT PERSONAL TRAIL W/ SIGN TO BE REMOVED
- 2) ACCESS PATH OF BIKE
- 3) EXISTING CONCRETE PAVING IMPACT SIGNATURE
- 4) EXISTING CURB AND GUTTER
- 5) EXISTING CONCRETE DRIVE TO BE ADDED
- 6) EXISTING DRIVE
- 7) EXISTING AND REMAINING EXISTING PAVING AND CONCRETE PAVEMENT BE-FAE-WEA
- 8) EXISTING BIKEWAY PAVING SHALL
- 9) NEW BIKEWAY PAVING SHALL BE CONCRETE
- 10) NEW BIKEWAY PAVING SHALL BE CONCRETE
- 11) NEW BIKEWAY PAVING SHALL BE CONCRETE
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- 20) NEW BIKEWAY PAVING SHALL BE CONCRETE

GENERAL NOTES

- 1) NO EXISTING UTILITIES SHALL BE EXPOSED UNLESS USED WITHIN THE EXISTING
- 2) NO EXISTING FOOTING SHALL BE EXPOSED UNLESS USED WITHIN THE EXISTING
- 3) EXISTING UTILITIES SHALL BE EXPOSED UNLESS USED WITHIN THE EXISTING
- 4) EXISTING UTILITIES SHALL BE EXPOSED UNLESS USED WITHIN THE EXISTING
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- 19) EXISTING UTILITIES SHALL BE EXPOSED UNLESS USED WITHIN THE EXISTING
- 20) EXISTING UTILITIES SHALL BE EXPOSED UNLESS USED WITHIN THE EXISTING

LIVING GREEN WELLNESS COOPERATIVE
CONDITIONAL USE PERMIT

4417 RAINIER AVE
San Diego, CA 92120



PARKING CALCULATIONS

PER CODE SECTION 12.04.01 (TABLE 12.01) - 1.5 SPACES PER 1,000 SQ FT OF GROSS FLOOR AREA (GFA) IS REQUIRED. THIS CALCULATION IS BASED ON THE TOTAL GFA OF THE PROPOSED DEVELOPMENT.

OF STALLS PROVIDED: 1.5 X 10,000 SQ FT = 15,000 STALLS

REVISION 5	03-14-15
REVISION 4	11-25-14
REVISION 3	11-06-14
REVISION 2	9-24-14
REVISION 1	7-21-14

SHEET # 2 OF 3
SITE PLAN

PERMITTED TO SUBMIT

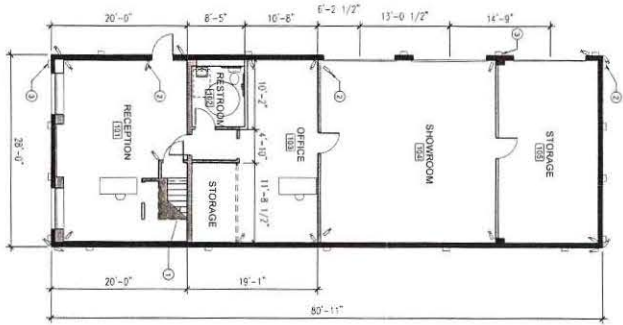
LIVING GREEN WELLNESS COOPERATIVE

A-1.0

EXISTING SITE PLAN - SCALE: 1"=10'-0"

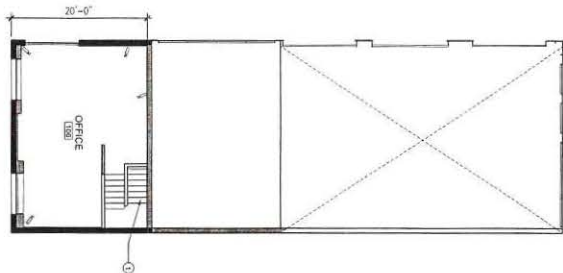
PROPOSED SITE PLAN - SCALE: 1"=10'-0"

NOTE:
• PLACE REFER TO REFERENCE DRAWINGS NO. 1001-1 AND 1002 FOR EXISTING SITE IMPROVEMENTS



1 1ST FLOOR PLAN

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



2 2ND FLOOR PLAN

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

- KEYNOTES
- ① Solid Wall
 - ② Glass Wall - 1/2"
 - ③ Office Partition Wall - 1/2"

WALL LEGEND



REVISION 5	03-14-15
REVISION 4	11-08-14
REVISION 3	09-24-14
REVISION 2	07-31-14
REVISION 1	07-31-14
ORIGINAL	
DATE	7-31-14
SHEET #	1
SHEET TITLE	FLOOR PLAN
DATE	7-31-14
OF	5

4417 RAINIER AVENUE, SAN DIEGO, CA
POINT OF DEPARTURE ARCHITECTURE



SUBMITTAL

A-2.1

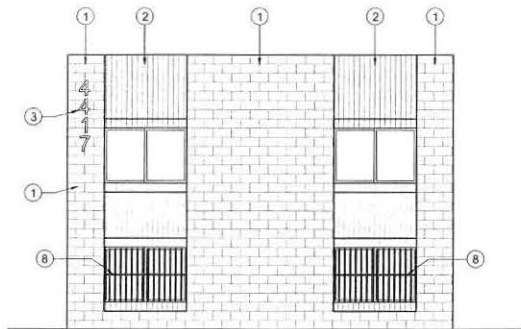
LIVING GREEN WELLNESS COOPERATIVE
CONDITIONAL USE PERMIT

FLOOR PLAN

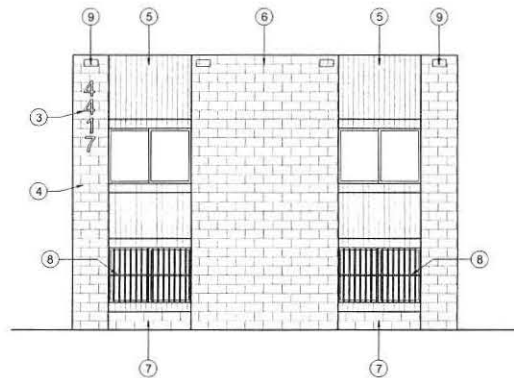
4417 RAINIER AVE
San Diego, CA 92120



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



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 WINDOW BARS (BLACK)
- ⑧ EXISTING WINDOW BARS (BLACK)
- ⑨ NEW WALLPAPER FINISH

FINISH SCHEDULE

- WALL FINISH
- PT-1 PAINT
MFGR: FRAZEE ENVIROCOAT
COLOR: CL 197N
FINISH: FLAT
 - PT-2 PAINT
MFGR: FRAZEE ENVIROCOAT
COLOR: 0220001 LIGHT
FINISH: FLAT



Point of Departure
ARCHITECTURE
2712 38th Street
San Diego, CA 92104
www.pointofdeparture.com

4417 RAINIER AVE
San Diego, CA 92120

LIVING GREEN WELLNESS COOPERATIVE
CONDITIONAL USE PERMIT
EXTERIOR ELEVATIONS



SUBMITTAL

REVISION 5:	03-14-15
REVISION 4:	11-23-14
REVISION 3:	11-08-14
REVISION 2:	9-24-14
REVISION 1:	7-31-14

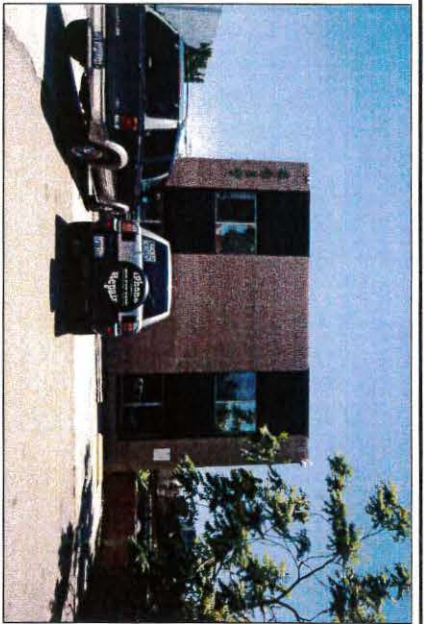
ORIGINAL DRAWING PREPARATION DATE: 7-9-14

SHEET #: 4 OF 5

SHEET TITLE: EXTERIOR ELEVATIONS

4417 RAINIER AVENUE, SAN DIEGO, CA
POINT OF DEPARTURE ARCHITECTURE

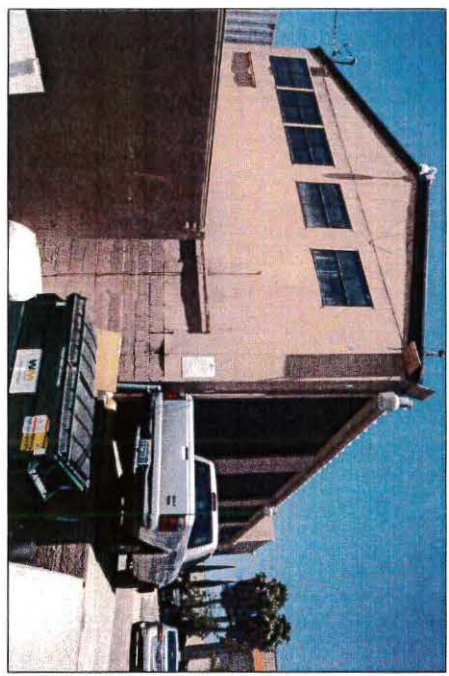
A-3.0



1 NORTH SIDE



2 EAST SIDE



3 SOUTHEAST CORNER



4 WEST SIDE

REVISION 5	01-14-15
REVISION 4	11-22-14
REVISION 3	09-24-14
REVISION 2	07-21-14
REVISION 1	07-21-14
DATE	7-21-14
SHEET #	5
BUILDING PHASES	OF 5

4417 RAINIER AVENUE, SAN DIEGO, CA
POINT OF DEPARTURE ARCHITECTURE

A-3.1

SUBMITTAL

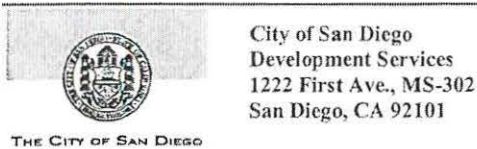


LIVING GREEN WELLNESS COOPERATIVE
CONDITIONAL USE PERMIT

BUILDING PHOTOS

4417 RAINIER AVE
San Diego, CA 92120





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: <i>[Signature]</i>		DATE: 12-16-14	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



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 **Project No. For City Use Only**
379530
 MMCC, CUP, Living Green Cooperative

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: *[Signature]* **Date:** 7/4/14

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: *[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:**

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- 307902

DATE OF FINAL PASSAGE NOV 30 2012

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

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

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

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

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

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

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

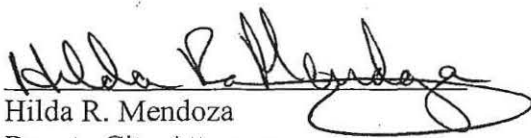
WHEREAS, it is not the intent of the City to dedicate any real property that is encumbered by an easement for solely private purposes or any real property that is not owned in fee by the City; NOW, THEREFORE,

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

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

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

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

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

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11-30-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor