

From: [Gutierrez, Edith](#)
To: [Daniel Burakowski](#)
Bcc: [Jauregui, Rodolfo](#); [Sperry, Rowdy](#)
Subject: Code Enforcement Investigation
Date: Monday, April 24, 2017 1:45:00 PM
Attachments: [368347 - Recorded CUP #1296130 and Reso #PC-4716.pdf](#)
[368347 - Approved Exhibit A.pdf](#)

Daniel,

Please see Rudy's response below regarding the driveways.

Per SDMC 142.0560 (j) (1), Table 142-05M:

Table 142-05M
Driveway Width (Lots greater than 50 feet in width)

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	Two Way
<i>Detached Single Dwelling Unit</i>	12 feet		25 feet		12 feet
<i>Dwelling Unit in the RX Zone</i>	12 feet		20 feet		12 feet
<i>Multiple Dwelling Unit</i>	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

The allowed "driveway widths" are as indicated above and the "design" of the driveway curb cuts are as identified on City Standard drawing SDG-159 shown on Exhibit "A"; widths are of the travel-way width and do not include the flared transitions to the required sidewalk. Transitions should followed the design as identified in SDG-159.

Hope this helps.

Rudy Jauregui

Associate Engineer - Traffic
City of San Diego
Development Services Department

T (619) 557-7985
www.sandiego.gov

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-----Original Message-----

From: Gutierrez, Edith
Sent: Monday, April 24, 2017 11:36 AM
To: Jauregui, Rodolfo <RJauregui@sandiego.gov>
Subject: FW: Code Enforcement Investigation

-----Original Message-----

From: Gutierrez, Edith
Sent: Monday, April 24, 2017 9:29 AM

To: 'Daniel Burakowski' <danburakowski@gmail.com>
Subject: RE: Code Enforcement Investigation

Hello Daniel,

Attached are the approved permit and exhibits.

Regards,

Edith

-----Original Message-----

From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]
Sent: Monday, April 24, 2017 9:20 AM
To: Gutierrez, Edith <EGutierrez@sanidiego.gov>
Subject: Fwd: Code Enforcement Investigation

Can you help me get these specifications that I know were imposed upon the CUP.

----- Forwarded message -----

From: Daniel Burakowski <danburakowski@gmail.com>
Date: Mon, Apr 24, 2017 at 9:18 AM
Subject: Fwd: Code Enforcement Investigation
To: Mmontessoro@sanidiego.gov

Mr Montessoro,

Is it possible to acquire a set of CUP requirements and or drawings that specifically describe the need to modify by widening the roll up door of their designated parking garage to be able to meet the 5 designated parking space requirement.

Also specific dimensions that the development department imposed on the CUP for widening of the driveway approaches at the Baqlboa Ave entrances(3of) and not just replacement of existing approach and sidewalks.

I would be available to accompany the inspector at his discretion to point out the violations that this MMC is trying to cover up. Or perhaps we can resolve this with a phone call. I am available anytime.

Daniel Burakowski, Pres., HOA Montgomery Field Assoc
8861 Balboa Ave. D
San Diego, Ca. 92123
619 507 8994

----- Forwarded message -----

From: Sperry, Rowdy <RSperry@sanidiego.gov>
Date: Mon, Apr 24, 2017 at 8:42 AM
Subject: RE: Code Enforcement Investigation
To: Daniel Burakowski <danburakowski@gmail.com>
Cc: "Montessoro, Martin" <MMontessoro@sanidiego.gov>

Mr. Burakowski,

Thank you for bringing your concerns to the Code Enforcement Division of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP) with my management. We have examined not only the CUP, but also the approved plans that address the concerns you have and the requirements of the CUP.

The approved building plans address all relevant CUP conditions. The Inspection Services section of the Building Construction and Safety Division of DSD will be addressing conformance with this active permit, including occupancy. The contact in this division is Martin Montessoro, Program Manager.

The need for kind of approval from private associations is not within the City's enforcement authority.

Sincerely,

R. Sperry
Zoning Investigator
City of San Diego

Development Services Department

sandiego.gov

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-----Original Message-----

From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]

Sent: Thursday, April 20, 2017 10:26 PM

To: Sperry, Rowdy <RSperry@sandiego.gov>

Cc: Mary Howell <mhowell@epsten.com>

Subject: Re: Code Enforcement Investigation

Mr. Sperry,

The owner of the MMC is blatantly continuing the over the counter sales and delivery service out of the 8863 Balboa Ave suite E location without satisfying requirements of the CUP. We observe the heaviest retail activity between 5 pm and 9 pm when inspectors don't typically come around.

The unit does not have the required 5 dedicated spaces within our assigned space parking complex as dictated by the CUP. Their proposed parking garage which would give them the required 5 spaces cannot be structurally modified without the Association's approval which they cannot obtain. They have not completed safety issue - traffic approach modifications although they have torn up our driveway aprons without regard to fire dept access procedures. See San Diego police dept incident report # 170400032843 of 4-20-17. We have notified them countless times that they cannot proceed without our Association's approval for modification yet they continue.

Another problem is that they have a permit from the city to modify the sidewalks but they refuse to acknowledge that they need an architectural application and approval from the Business Condo Assoc (HOA) to proceed with further modification of the planters and relocation of the back flow valves and main water supply to the condos (all of which are Association common area). They cannot meet the conditions of the CUP unless they do that illegally.

In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

We look to you to give a close inspection of the CUP requirements and prevent them from operating this business per regulation.

Thank You for your consideration,

Daniel Burakowski, President, Montgomery Field Owners Association

619-507-8994

On Fri, Apr 14, 2017 at 9:39 AM, Sperry, Rowdy <RSperry@sandiego.gov> wrote:

> Good morning Daniel,

>

>

>

> Code Enforcement is in receipt of your concerns about the marijuana
> dispensary located at 8863 Balboa Ave. We will be investigating your
> concerns.

>

>

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> R. Sperry

>

> Zoning Investigator

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> City of San Diego

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> Development Services Department

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> sandiego.gov

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> Thank you.

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>

From: [Gutierrez, Edith](#)
To: [Tirandazi, Firouzeh](#)
Subject: FW: 8863 Balboa Ste. E MMCC (PJ# 368347)
Date: Tuesday, January 10, 2017 11:31:42 AM

From: bradford@equitycapital.us [mailto:bradford@equitycapital.us]
Sent: Monday, November 14, 2016 9:02 AM
To: Gutierrez, Edith <EGutierrez@sandiego.gov>
Cc: Renny Bowden <rennybowden@gmail.com>; Michael Hayford <michael@lhsllc.com>; Gargas, Glenn <GGargas@sandiego.gov>
Subject: RE: 8863 Balboa Ste. E MMCC (PJ# 368347)

Edith,

I want to introduce you to Michael Hayford our new President of San Diego Patients Consumer Corp. I have stepped down to let Michael run the Non Profit. Micheal, Edith is the Project Manager for all MMCC in the City of San Diego for the Development Services Department. Thank you!

Best,

Bradford T. Harcourt
President & CEO

.....



7938 Ivanhoe Avenue, Suite B
La Jolla, CA 92037

Direct: 858-220-0770 | **Fax:** 858-810-0301

bradford@equitycapital.us | www.equitycapital.us

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----- Original Message -----

Subject: RE: 8863 Balboa Ste. E MMCC (PJ# 368347)
From: "Gutierrez, Edith" <EGutierrez@sandiego.gov>
Date: Tue, November 08, 2016 9:55 am

To: ""bradford@equitycapital.us"" <bradford@equitycapital.us>
Cc: Renny Bowden <rennybowden@gmail.com>

Thanks for the form.

I will.

From: bradford@equitycapital.us [<mailto:bradford@equitycapital.us>]
Sent: Tuesday, November 08, 2016 9:53 AM
To: Gargas, Glenn; Gutierrez, Edith
Cc: Renny Bowden
Subject: RE: 8863 Balboa Ste. E MMCC (PJ# 368347)

Edith - Thank your for the time today. Attached is the DS-191 Background Permit for Project # 368347. Also can you please keep me up to speed if you have contact with anyone whom says there are acting on our behalf. Thank you! - BTH

Bradford T. Harcourt
President & CEO



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La Jolla, CA 92037

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----- Original Message -----

Subject: RE: 8863 Balboa Ste. E MMCC (PJ# 368347)
From: <bradford@equitycapital.us>
Date: Tue, November 08, 2016 8:25 am
To: "Gargas, Glenn" <GGargas@sanidiego.gov>, "Gutierrez, Edith" <EGutierrez@sanidiego.gov>
Cc: "Renny Bowden" <rennybowden@gmail.com>

Edith,

Let me know if you have time to jump on a call this week as I would like to bring you up to speed on our CUP (8863 Balboa Ste. E MMCC (PJ# 368347)). Thanks!

Bradford T. Harcourt

President & CEO



7938 Ivanhoe Avenue, Suite B
La Jolla, CA 92037

Direct: 858-220-0770 | **Fax:** 858-810-0301

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----- Original Message -----

Subject: RE: 8863 Balboa Ste. E MMCC (PJ# 368347)

From: <bradford@equitycapital.us>

Date: Wed, October 26, 2016 8:25 am

To: "Gargas, Glenn" <GGargas@sandiego.gov>, "Gutierrez, Edith" <EGutierrez@sandiego.gov>

Cc: "Renny Bowden" <rennybowden@gmail.com>

Glen,

Thanks for your help. Ill get in touch with Edith when she returns. The new buyer is requesting a DS-192 form. Please do not send anything to anyone with out mine or Renny's prior approval. Thank you!

Bradford T. Harcourt

President & CEO

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----- Original Message -----

Subject: RE: 8863 Balboa Ste. E MMCC (PJ# 368347)
From: "Gargas, Glenn" <GGargas@san Diego.gov>
Date: Mon, October 24, 2016 3:08 pm
To: ""bradford@equitycapital.us""
<bradford@equitycapital.us>,
"Gutierrez, Edith" <EGutierrez@san Diego.gov>
Cc: Renny Bowden <rennybowden@gmail.com>

Bradford,

I'll let Edith respond to you regarding sale agreement on the 8863 Balboa MMCC CUP when she returns.

As far as the account status on the 918 Laurel St. MMCC, I am checking with our Accounting Section to see why that is still open. It was requested to be closed back on Nov. 24, 2015. It clearly should have been closed by now. I'll get back to you with their response ASAP. Thank You!

Glenn R. Gargas, AICP

Development Project Manager
City of San Diego
Development Services Department
(619) 446-5142

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From: bradford@equitycapital.us
[mailto:bradford@equitycapital.us]
Sent: Monday, October 24, 2016 9:32 AM
To: Gutierrez, Edith; Gargas, Glenn
Cc: Renny Bowden
Subject: 8863 Balboa Ste. E MMCC (PJ# 368347)

Edith & Glenn,

I wanted to touch base with you as our building has been Purchased. I wanted to let you know the CUP was suppose to be part of that transaction and was skirted around in the middle of escrow. I know they have reach out to you regarding this CUP. I want to let you know that there is to be no one else to placed on the use permit except for myself or my partner Renny Bowden whom is cc'd on this email until we have come to a formal agreement. I will keep you up to date with any and all developments in the future.

Lastly, I am still receiving account statements for the 918 Laurel St. MMCC (project # 435832, Acct # 24006883). This accounts was closed almost a years ago? Just wondering if there is something I still need to do? Thank you!

Best,

Bradford T. Harcourt

President & CEO



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From: [Montessoro, Martin](#)
To: [Gutierrez, Edith](#)
Subject: FW: Code Enforcement Investigation
Date: Thursday, June 1, 2017 11:09:18 AM
Attachments: [image002.png](#)
[Conditional Use Permit Exerpt.pdf](#)
[CUP exhibit A 8.9.pdf](#)

Hi Edith,

Are you still involved with these projects?

If so I wanted you to know I will be sending this message to Daniel Burakowski, President of the Owner's Association, Montgomery Field Business Condo Association. This project is at 8863 Balboa Av. project. Do you have anything to add? Or, do you have any questions for me?

"Good morning Mr. Burakowski, and thank you for bringing this matter to our attention. We wanted to inform you that Development Services granted temporary occupancy to the MMMC facility at 8863 Balboa Ave. (P.# 519594). The temporary occupancy was granted due to the project passing all required inspections, with the exception of final. It was also determined that the facility could be occupied safely, and that no substantial hazard would result from the occupancy of the facility before all work is completed.

Nonetheless, a correction notice was issued to the applicant directing them to go back to our main office to address the remaining tenant improvement (TI) requirements for 8861 Balboa Avenue. The applicant was also informed that final will not be granted until the remaining TI issues have been addressed, and that temporary occupancy could be revoked should this matter not be resolved in a timely manner. Once the permit is issued and ready for inspection, our inspector will verify that the project/TIs are built per approved plans.

Since this is an active project, we continue to monitor their progress. Thank you again for bringing this matter to our attention, and please contact me should you have any follow up questions."

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

Desk 858-573-1232
Mobil 619 990-2713
mmontessoro@san Diego.gov



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From: Daniel Burakowski [mailto:danburakowski@gmail.com]

Sent: Wednesday, May 31, 2017 9:24 AM

To: Montessoro, Martin <MMontessoro@sandiego.gov>; Gutierrez, Edith <EGutierrez@sandiego.gov>

Subject: Re: Code Enforcement Investigation

Mr. Montessoro,

I have attached excerpts from the Conditional Use Permit no 1296130 at 8863 Balboa Ave unit E. Please cross reference the requirement that the parking garage conversion requires the widening of the roll up door which requires a structural permit to modify the existing structure. I have underlined excerpts from pages 5&6 for your perusal. Also I have provided Exhibit "A" of the CUP pages 8&9 of the existing floor plan and site plan as it refers to them. No modifications other than a cosmetic clean up of the 8861 Balboa ave unit B have been completed of this date.

I request that this MMC be forced to stop operation at this site.

Thank You,
Daniel Burakowski, President Owner's Association
Montgomery Field Business Condo Association

On Mon, Apr 24, 2017 at 1:31 PM, Montessoro, Martin <MMontessoro@sandiego.gov> wrote:

Mr. Burakowski,

The conditional use permit requirements are contained in the approved set of plans and all public records are available for viewing at our Records Department at 1222 First Ave, second floor. I do not know if the CUP requirements are also available in a separate document.

For information on the width of the driveway, I will need to do some research. Can you describe the driveway to me and I will find out if it is due to an Engineering Department Standard or a Zoning regulation? And I will let you know as soon as I can.

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232
mmontessoro@sandiego.gov



Great news! The public can now check project status, pay invoices and schedule inspections on-line through the City's **OpenDSD**. To get started click on one of the following links:



[Pay Invoices](#) and [Schedule Inspections](#) and [Check Project Status](#)

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From: Daniel Burakowski [mailto:danburakowski@gmail.com]

Sent: Monday, April 24, 2017 9:19 AM

To: Montessoro, Martin <MMontessoro@sandiego.gov>

Subject: Fwd: Code Enforcement Investigation

Mr Montessoro,

Is it possible to acquire a set of CUP requirements and or drawings that specifically describe the need to modify by widening the roll up door of their designated parking garage to be able to meet the

5 designated parking space requirement.

Also specific dimensions that the development department imposed on the CUP for widening of the driveway approaches at the Baqlboa Ave entrances(3of) and not just replacement of existing approach and sidewalks.

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Daniel Burakowski, Pres., HOA Montgomery Field Assoc

8861 Balboa Ave. D

San Diego, Ca. 92123

619 507 8994

----- Forwarded message -----

From: Sperry, Rowdy <RSperry@san Diego.gov>

Date: Mon, Apr 24, 2017 at 8:42 AM

Subject: RE: Code Enforcement Investigation

To: Daniel Burakowski <danburakowski@gmail.com>

Cc: "Montessoro, Martin" <MMontessoro@san Diego.gov>

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of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP)

with my management. We have examined not only the CUP, but also the approved plans
that address the concerns you have and the requirements of the CUP.

The approved building plans address all relevant CUP conditions. The Inspection Services
section of the Building Construction and Safety Division of DSD will be addressing
conformance with this active permit, including occupancy. The contact in this division is
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The need for kind of approval from private associations is not within the City's enforcement
authority.

Sincerely,

R. Sperry

Zoning Investigator

City of San Diego

Development Services Department

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To: Sperry, Rowdy <RSperry@sandiego.gov>

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Subject: Re: Code Enforcement Investigation

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(HOA) to proceed with further modification of the planters and relocation of the back flow valves and main water supply to the condos (all of which are Association common area). They cannot meet the conditions of the CUP unless they do that illegally.

In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

We look to you to give a close inspection of the CUP requirements and prevent them from operating this business per regulation.

Thank You for your consideration,

Daniel Burakowski, President, Montgomery Field Owners
Association

619-507-8994

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> Good morning Daniel,

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> dispensary located at 8863 Balboa Ave. We will be investigating your

> concerns.

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> R. Sperry

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> Zoning Investigator

>

> City of San Diego

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> Development Services Department

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> sandiego.gov

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> Thank you.

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From: [Gutierrez, Edith](#)
To: [Jauregui, Rodolfo](#)
Subject: FW: Code Enforcement Investigation
Date: Monday, April 24, 2017 1:33:00 PM
Attachments: [368347 - Recorded CUP #1296130 and Reso #PC-4716.pdf](#)
[368347 - Approved Exhibit A.pdf](#)
[image004.png](#)
[image007.png](#)

Boxes move around when you send them.

From: Jauregui, Rodolfo
Sent: Monday, April 24, 2017 1:32 PM
To: Gutierrez, Edith <EGutierrez@sandiego.gov>
Subject: FW: Code Enforcement Investigation

Per SDMC 142.0560 (j) (1), Table 142-05M:

Table 142-05M
Driveway Width (Lots greater than 50 feet in width)

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	Two Way
<i>Detached Single Dwelling Unit</i>	12 feet		25 feet		12 feet
<i>Dwelling Unit in the RX Zone</i>	12 feet		20 feet		12 feet
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Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

The allowed "driveway widths" are as indicated above (two-way in **red** and one-way in **blue**) and the "design" of the driveway curb cuts are as identified on City Standard drawing SDG-159 shown on Exhibit "A"; widths are of the travel-way width and do not include the flared transitions to the required sidewalk. Transitions should followed the design as identified in SDG-159.

Hope this helps.

Rudy Jauregui
Associate Engineer - Traffic
City of San Diego
Development Services Department

T (619) 557-7985
www.sandiego.gov

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-----Original Message-----

From: Gutierrez, Edith
Sent: Monday, April 24, 2017 11:36 AM
To: Jauregui, Rodolfo <RJauregui@sandiego.gov>
Subject: FW: Code Enforcement Investigation

-----Original Message-----

From: Gutierrez, Edith
Sent: Monday, April 24, 2017 9:29 AM
To: 'Daniel Burakowski' <danburakowski@gmail.com>
Subject: RE: Code Enforcement Investigation

Hello Daniel,

Attached are the approved permit and exhibits.

Regards,

Edith

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Can you help me get these specifications that I know were imposed upon the CUP.

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From: Daniel Burakowski <danburakowski@gmail.com>
Date: Mon, Apr 24, 2017 at 9:18 AM
Subject: Fwd: Code Enforcement Investigation
To: Mmontessoro@sanidiego.gov

Mr Montessoro,

Is it possible to acquire a set of CUP requirements and or drawings that specifically describe the need to modify by widening the roll up door of their designated parking garage to be able to meet the 5 designated parking space requirement.

Also specific dimensions that the development department imposed on the CUP for widening of the driveway approaches at the Baqlboa Ave entrances(3of) and not just replacement of existing approach and sidewalks.

I would be available to accompany the inspector at his discretion to point out the violations that this MMC is trying to cover up. Or perhaps we can resolve this with a phone call. I am available anytime.

Daniel Burakowski, Pres., HOA Montgomery Field Assoc
8861 Balboa Ave. D
San Diego, Ca. 92123
619 507 8994

----- Forwarded message -----

From: Sperry, Rowdy <RSperry@sanidiego.gov>
Date: Mon, Apr 24, 2017 at 8:42 AM
Subject: RE: Code Enforcement Investigation
To: Daniel Burakowski <danburakowski@gmail.com>
Cc: "Montessoro, Martin" <MMontessoro@sanidiego.gov>

Mr. Burakowski,

Thank you for bringing your concerns to the Code Enforcement Division of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP) with my management. We have examined not only the CUP, but also the approved plans that address the concerns you have and the requirements of the CUP.

The approved building plans address all relevant CUP conditions. The Inspection Services section of the Building Construction and Safety Division of DSD will be addressing conformance with this active permit, including occupancy. The contact in this division is Martin Montessoro, Program Manager.

The need for kind of approval from private associations is not within the City's enforcement authority.

Sincerely,

R. Sperry
Zoning Investigator
City of San Diego
Development Services Department

sandiego.gov

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From: Daniel Burakowski [mailto:danburakowski@gmail.com]
Sent: Thursday, April 20, 2017 10:26 PM
To: Sperry, Rowdy <RSperry@sandiego.gov>
Cc: Mary Howell <mhowell@epsten.com>
Subject: Re: Code Enforcement Investigation

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In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

We look to you to give a close inspection of the CUP requirements and prevent them from operating this business per regulation.

Thank You for your consideration,
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619-507-8994

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> sandiego.gov
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From: [Jauregui, Rodolfo](#)
To: [Gutierrez, Edith](#)
Subject: FW: Code Enforcement Investigation
Date: Monday, April 24, 2017 1:32:25 PM
Attachments: [368347 - Recorded CUP #1296130 and Reso #PC-4716.pdf](#)
[368347 - Approved Exhibit A.pdf](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Per SDMC 142.0560 (j) (1), Table 142-05M:

Table 142-05M
Driveway Width (Lots greater than 50 feet in width)

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8861 Balboa Ave. D
San Diego, Ca. 92123
619 507 8994

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Date: Mon, Apr 24, 2017 at 8:42 AM

Subject: RE: Code Enforcement Investigation

To: Daniel Burakowski <danburakowski@gmail.com>

Cc: "Montessoro, Martin" <MMontessoro@sanidiego.gov>

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Sincerely,

R. Sperry
Zoning Investigator
City of San Diego
Development Services Department

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Sent: Thursday, April 20, 2017 10:26 PM

To: Sperry, Rowdy <RSperry@sandiego.gov>

Cc: Mary Howell <mhowell@epsten.com>

Subject: Re: Code Enforcement Investigation

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From: [Gutierrez, Edith](#)
To: [Jauregui, Rodolfo](#)
Subject: FW: Code Enforcement Investigation
Date: Monday, April 24, 2017 11:33:00 AM
Attachments: [368347 - Recorded CUP #1296130 and Reso #PC-4716.pdf](#)
[368347 - Approved Exhibit A.pdf](#)

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> Thank you.

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>

From: [Gutierrez, Edith](#)
To: [Barranon, William](#)
Subject: FW: Code Enforcement Investigation
Date: Wednesday, July 26, 2017 1:26:00 PM
Attachments: [image002.png](#)

FYI

From: Daniel Burakowski [mailto:danburakowski@gmail.com]
Sent: Wednesday, July 26, 2017 10:50 AM
To: Montessoro, Martin <MMontessoro@sandiego.gov>
Cc: Gutierrez, Edith <EGutierrez@sandiego.gov>
Subject: Re: Code Enforcement Investigation

Martin,

Please respond to our inquiry of how long can "in a timely manner" be interpreted. The modification to this building is not a complicated one. Any competent contractor can sketch up an "over the counter" permit application on this.

The owner of the MMC/CUP is dragging his feet at a great cost to our association in time lost as the result of customers to the MMC irresponsibly parking in other designated spaces. They do not have the CUP mandated 5 designated parking spaces.

The MMC has no intention of making this modification. So why are they still allowed to operate with both walk in and delivery service in violation of the conditions of CUP documents. Why are you not enforcing these requirements. Clearly, they should never have been granted the right to open initially. Why are they being given such preferential treatment at the cost of our time and profitability. Something is way wrong here.

Seeking a simple answer,

Daniel Burakowski, President Owners Association of
Montgomery Field Business Condo Association

On Thu, Jun 1, 2017 at 9:19 PM, Daniel Burakowski <danburakowski@gmail.com> wrote:

It is no secret that this MMC represents a major parking problem for our tenants and owners. Federal court action forced us to reduce our assigned parking spaces by 8 normally usable spaces when we were forced to replace them by 4 handicap van spaces and their offload spaces. The Appeals board told us they did not care that our total parking spaces were below the required formula that the MMC was to comply with. What arrogance ! You have no idea how rude these pot customers are. They park in other assigned spaces costing us enforcement issues, lost time from our business and loss of customers.

Please set a definite time limit on "in a timely manner". You owe us that much after the insult that has been levied upon us starting with development services all the way up the chain of City government. If this was your property and you watched as your property values diminished as these MMCs rake in tons of cash you would be more than a little upset. We "little guys" have been thrown to the wolves.

On Thu, Jun 1, 2017 at 2:46 PM, Montessoro, Martin <MMontessoro@sandiego.gov> wrote:

Mr. Burakowski,

I appreciate you bringing this matter to our attention. We wanted to inform you that Development Services has the discretion of issuing temporary occupancy. The decision to approve a temporary occupancy is based on the fact that the pending work is in a separate suite and that the applicant is in the review process to obtain permits for improvements to the suite in 8861 Balboa Ave. and the driveway. Therefore, we granted a temporary occupancy to the MMMC facility at 8863 Balboa Ave. (P. #519594). This was granted because the project has passed all required inspections, with the exception of final. It was also determined that the facility could be occupied safely, and that no substantial hazard would result from the occupancy of the facility before all work is completed.

Nonetheless, a correction notice was issued to the applicant directing them to go back to our main office to address the remaining tenant improvement (TI) requirements for 8861 Balboa Avenue. The applicant was also informed that final will not be granted until the remaining TI issues have been addressed, and that temporary occupancy could be revoked should this matter not be resolved in a timely manner. Once the permit is issued and ready for inspection, our inspector will verify that the project (Tenant Improvements) are built per approved plans.

Since this is an active project, we continue to monitor their progress. Thank you again for bringing this matter to our attention, and please contact me should you have any follow up questions.

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232
mmontessoro@sandiego.gov



Great news! The public can now check project status, pay invoices and schedule inspections online through the City's **OpenDSD**. To get started click on one of the following links:

 [Pay Invoices](#) and [Schedule Inspections](#) and [Check Project Status](#)

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From: Daniel Burakowski [mailto:danburakowski@gmail.com]

Sent: Wednesday, May 31, 2017 9:24 AM

To: Montessoro, Martin <MMontessoro@sandiego.gov>; Gutierrez, Edith
<EGutierrez@sandiego.gov>

Subject: Re: Code Enforcement Investigation

Mr. Montessoro,

I have attached excerpts from the Conditional Use Permit no 1296130 at 8863 Balboa Ave unit E. Please cross reference the requirement that the parking garage conversion requires the widening of the roll up door which requires a structural permit to modify the existing structure. I have underlined excerpts from pages 5&6 for your perusal. Also I have provided Exhibit "A" of the CUP pages 8&9 of the existing floor plan and site plan as it refers to them. No modifications other than a cosmetic clean up of the 8861 Balboa ave unit B have been completed of this date.

I request that this MMC be forced to stop operation at this site.

Thank You,

Daniel Burakowski, President Owner's Association
Montgomery Field Business Condo Association

On Mon, Apr 24, 2017 at 1:31 PM, Montessoro, Martin <MMontessoro@san Diego.gov> wrote:

Mr. Burakowski,

The conditional use permit requirements are contained in the approved set of plans and all public records are available for viewing at our Records Department at 1222 First Ave, second floor. I do not know if the CUP requirements are also available in a separate document.

For information on the width of the driveway, I will need to do some research. Can you describe the driveway to me and I will find out if it is due to an Engineering Department Standard or a Zoning regulation? And I will let you know as soon as I can.

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232
mmontessoro@san Diego.gov



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From: Sperry, Rowdy <RSperry@sanidiego.gov>

Date: Mon, Apr 24, 2017 at 8:42 AM

Subject: RE: Code Enforcement Investigation

To: Daniel Burakowski <danburakowski@gmail.com>

Cc: "Montessoro, Martin" <MMontessoro@san Diego.gov>

Mr. Burakowski,

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The need for kind of approval from private associations is not within the City's enforcement authority.

Sincerely,

R. Sperry

Zoning Investigator

City of San Diego

Development Services Department

sandiego.gov

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From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]

Sent: Thursday, April 20, 2017 10:26 PM

To: Sperry, Rowdy <RSperry@saniego.gov>

Cc: Mary Howell <mhowell@epsten.com>

Subject: Re: Code Enforcement Investigation

Mr. Sperry,

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Association

619-507-8994

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From: [Daniel Burakowski](#)
To: [Montessoro, Martin](#); [Gutierrez, Edith](#)
Subject: Fwd: Code Enforcement Investigation
Date: Saturday, April 29, 2017 2:19:38 PM
Attachments: [image002.png](#)

Thank you for your response. In your response you listed parking lot re stripe as part of your jurisdiction. The parking lot striping is the jurisdiction of the Montgomery Field Business Condo Association. Any attempt by the MMC to alter, modify, reconfigure etc. would be illegal under the CC&Rs of our association. If they are not compliant with requirements of the CUP then why have they been allowed to continue operating this business, in this complex. Have they told you that they are not in full operation at present. We have full video coverage of them doing business with full contingent of guards and employees. Development services have stipulated that 5 dedicated spaces must be secured by the MMC. They only have two at 8863 E Balboa Ave. and 1 at 8861 B Balboa Ave. Per Development Department evaluation, an additional 2 would be provided once modifications to the unit met parking garage requirements. So how can they be open for business without these conditions being met. Please explain.

On Fri, Apr 28, 2017 at 3:00 PM, Montessoro, Martin <MMontessoro@san Diego.gov> wrote:

Mr. Burakowski,

The scope of the work for project # 519594 is:

KEARNY MESA. Building, electrical, and mechanical permits for remodel of extg medical marijuana cooperative. Work to include parking lot restripe, break room, manager's office, dispensary, secure receptionist area, and accessible bath; security cameras, lighting, fan, and heat pump. IL-3-1. CUP 1296130. Geo Haz 51. Historic determination under 368347.

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Program Manager

City of San Diego

Development Services

858-573-1232

mmontessoro@sandiego.gov



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Program Manager

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To: [Gutierrez, Edith](#)
Subject: Fwd: Code Enforcement Investigation
Date: Saturday, April 29, 2017 2:20:11 PM
Attachments: [image002.png](#)

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To: ["Daniel Burakowski"; Gutierrez, Edith](#)
Subject: RE: Code Enforcement Investigation
Date: Thursday, June 1, 2017 2:46:24 PM
Attachments: [image002.png](#)

Mr. Burakowski,

I appreciate you bringing this matter to our attention. We wanted to inform you that Development Services has the discretion of issuing temporary occupancy. The decision to approve a temporary occupancy is based on the fact that the pending work is in a separate suite and that the applicant is in the review process to obtain permits for improvements to the suite in 8861 Balboa Ave. and the driveway. Therefore, we granted a temporary occupancy to the MMMC facility at 8863 Balboa Ave. (P. #519594). This was granted because the project has passed all required inspections, with the exception of final. It was also determined that the facility could be occupied safely, and that no substantial hazard would result from the occupancy of the facility before all work is completed.

Nonetheless, a correction notice was issued to the applicant directing them to go back to our main office to address the remaining tenant improvement (TI) requirements for 8861 Balboa Avenue. The applicant was also informed that final will not be granted until the remaining TI issues have been addressed, and that temporary occupancy could be revoked should this matter not be resolved in a timely manner. Once the permit is issued and ready for inspection, our inspector will verify that the project (Tenant Improvements) are built per approved plans.

Since this is an active project, we continue to monitor their progress. Thank you again for bringing this matter to our attention, and please contact me should you have any follow up questions.

Thank you,
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Program Manager
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From: Daniel Burakowski [mailto:danburakowski@gmail.com]
Sent: Wednesday, May 31, 2017 9:24 AM
To: Montessoro, Martin <MMontessoro@sandiego.gov>; Gutierrez, Edith <EGutierrez@sandiego.gov>
Subject: Re: Code Enforcement Investigation

Mr. Montessoro,

I have attached excerpts from the Conditional Use Permit no 1296130 at 8863 Balboa Ave unit E. Please cross reference the requirement that the parking garage conversion requires the widening of the roll up door which requires a structural permit to modify the existing structure. I have underlined excerpts from pages 5&6 for your perusal. Also I have provided Exhibit "A" of the CUP pages 8&9 of the existing floor plan and site plan as it refers to them. No modifications other than a cosmetic clean up of the 8861 Balboa ave unit B have been completed of this date.

I request that this MMC be forced to stop operation at this site.

Thank You,
Daniel Burakowski, President Owner's Association
Montgomery Field Business Condo Association

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For information on the width of the driveway, I will need to do some research. Can you describe the driveway to me and I will find out if it is due to an Engineering Department Standard or a Zoning regulation? And I will let you know as soon as I can.

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232
mmontessoro@sandiego.gov



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I would be available to accompany the inspector at his discretion to point out the violations that this MMC is trying to cover up. Or perhaps we can resolve this with a phone call. I am available anytime.

Daniel Burakowski, Pres., HOA Montgomery Field Assoc

8861 Balboa Ave. D

San Diego, Ca. 92123

619 507 8994

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From: Sperry, Rowdy <RSperry@san Diego.gov>

Date: Mon, Apr 24, 2017 at 8:42 AM

Subject: RE: Code Enforcement Investigation

To: Daniel Burakowski <danburakowski@gmail.com>

Cc: "Montessoro, Martin" <MMontessoro@san Diego.gov>

Mr. Burakowski,

Thank you for bringing your concerns to the Code Enforcement Division of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP)

with my management. We have examined not only the CUP, but also the approved plans that address the concerns you have and the requirements of the CUP.

The approved building plans address all relevant CUP conditions. The Inspection Services section of the Building Construction and Safety Division of DSD will be addressing conformance with this active permit, including occupancy. The contact in this division is Martin Montessoro, Program Manager.

The need for kind of approval from private associations is not within the City's enforcement authority.

Sincerely,

R. Sperry

Zoning Investigator

City of San Diego

Development Services Department

sandiego.gov

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Sent: Thursday, April 20, 2017 10:26 PM

To: Sperry, Rowdy <RSperry@sandiego.gov>

Cc: Mary Howell <mhowell@epsten.com>

Subject: Re: Code Enforcement Investigation

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The unit does not have the required 5 dedicated spaces within our assigned space parking complex as dictated by the CUP. Their proposed parking garage which would give them the required 5 spaces cannot be structurally modified without the Association's approval which they cannot obtain. They have not completed safety issue - traffic approach modifications although they have torn up our driveway aprons without regard to fire dept access procedures. See San Diego police dept incident report # 170400032843 of 4-20-17. We have notified them countless times that they cannot proceed without our Association's approval for modification yet they continue.

Another problem is that they have a permit from the city to modify the sidewalks but they refuse to acknowledge that they need an architectural application and approval from the Business Condo Assoc

(HOA) to proceed with further modification of the planters and relocation of the back flow valves and main water supply to the condos (all of which are Association common area). They cannot meet the conditions of the CUP unless they do that illegally.

In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

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619-507-8994

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From: [Daniel Burakowski](#)
To: [Montessoro, Martin](#)
Cc: [Gutierrez, Edith](#)
Subject: Re: Code Enforcement Investigation
Date: Thursday, June 1, 2017 9:19:17 PM
Attachments: [image002.png](#)

It is no secret that this MMC represents a major parking problem for our tenants and owners. Federal court action forced us to reduce our assigned parking spaces by 8 normally usable spaces when we were forced to replace them by 4 handicap van spaces and their offload spaces. The Appeals board told us they did not care that our total parking spaces were below the required formula that the MMC was to comply with. What arrogance ! You have no idea how rude these pot customers are. They park in other assigned spaces costing us enforcement issues, lost time from our business and loss of customers.

Please set a definite time limit on "in a timely manner". You owe us that much after the insult that has been levied upon us starting with development services all the way up the chain of City government. If this was your property and you watched as your property values diminished as these MMCs rake in tons of cash you would be more than a little upset. We "little guys" have been thrown to the wolves.

On Thu, Jun 1, 2017 at 2:46 PM, Montessoro, Martin <MMontessoro@san Diego.gov> wrote:

Mr. Burakowski,

I appreciate you bringing this matter to our attention. We wanted to inform you that Development Services has the discretion of issuing temporary occupancy. The decision to approve a temporary occupancy is based on the fact that the pending work is in a separate suite and that the applicant is in the review process to obtain permits for improvements to the suite in 8861 Balboa Ave. and the driveway. Therefore, we granted a temporary occupancy to the MMMC facility at 8863 Balboa Ave. (P. #519594). This was granted because the project has passed all required inspections, with the exception of final. It was also determined that the facility could be occupied safely, and that no substantial hazard would result from the occupancy of the facility before all work is completed.

Nonetheless, a correction notice was issued to the applicant directing them to go back to our main office to address the remaining tenant improvement (TI) requirements for 8861 Balboa Avenue. The applicant was also informed that final will not be granted until the remaining TI issues have been addressed, and that temporary occupancy could be revoked should this matter not be resolved in a timely manner. Once the permit is issued and ready for inspection, our inspector will verify that the project (Tenant Improvements) are built per approved plans.

Since this is an active project, we continue to monitor their progress. Thank you again for bringing this matter to our attention, and please contact me should you have any follow up questions.

Thank you,

Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232

mmontessoro@saniego.gov



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The approved building plans address all relevant CUP conditions. The Inspection Services section of the Building Construction and Safety Division of DSD will be addressing conformance with this active permit, including occupancy. The contact in this division is Martin Montessoro, Program Manager.

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Sincerely,

R. Sperry

Zoning Investigator

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In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

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From: [Montessoro, Martin](#)
To: [Gutierrez, Edith](#)
Subject: RE: Code Enforcement Investigation
Date: Thursday, June 1, 2017 1:55:02 PM
Attachments: [image002.png](#)

Good point!

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232
mmontessoro@sandiego.gov



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From: Gutierrez, Edith
Sent: Thursday, June 01, 2017 1:12 PM
To: Montessoro, Martin <MMontessoro@sandiego.gov>
Subject: RE: Code Enforcement Investigation

Hi Martin,

Yes, to a certain point, I'm still involved.

Your response is very good but you never did address his question: why did you allow occupancy when their discretionary permit clearly states that all the permit conditions have to be met before operation can begin?

You may want to say that DSD has the discretion of issuing temporary occupancy. The decision was based on the fact that the pending work is in a separate suite and that the applicant is in the review process to obtain permits for improvements to suite 8861 and the driveways.

Just a suggestion so you don't have to keep going back and forth with emails.

Thanks for the update!

From: Montessoro, Martin
Sent: Thursday, June 01, 2017 11:09 AM

To: Gutierrez, Edith <EGutierrez@saniego.gov>

Subject: FW: Code Enforcement Investigation

Hi Edith,

Are you still involved with these projects?

If so I wanted you to know I will be sending this message to Daniel Burakowski, President of the Owner's Association, Montgomery Field Business Condo Association. This project is at 8863 Balboa Av. project. Do you have anything to add? Or, do you have any questions for me?

"Good morning Mr. Burakowski, and thank you for bringing this matter to our attention. We wanted to inform you that Development Services granted temporary occupancy to the MMMC facility at 8863 Balboa Ave. (P.# 519594). The temporary occupancy was granted due to the project passing all required inspections, with the exception of final. It was also determined that the facility could be occupied safely, and that no substantial hazard would result from the occupancy of the facility before all work is completed.

Nonetheless, a correction notice was issued to the applicant directing them to go back to our main office to address the remaining tenant improvement (TI) requirements for 8861 Balboa Avenue. The applicant was also informed that final will not be granted until the remaining TI issues have been addressed, and that temporary occupancy could be revoked should this matter not be resolved in a timely manner. Once the permit is issued and ready for inspection, our inspector will verify that the project/TIs are built per approved plans.

Since this is an active project, we continue to monitor their progress. Thank you again for bringing this matter to our attention, and please contact me should you have any follow up questions."

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

Desk 858-573-1232
Mobil 619 990-2713
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> Thank you.

>

From: [Daniel Burakowski](#)
To: [Montessoro, Martin](#); [Gutierrez, Edith](#)
Subject: Re: Code Enforcement Investigation
Date: Wednesday, May 31, 2017 9:23:58 AM
Attachments: [image002.png](#)
[Conditional Use Permit Exerpt.pdf](#)
[CUP exhibit A 8.9.pdf](#)

Mr. Montessoro,

I have attached excerpts from the Conditional Use Permit no 1296130 at 8863 Balboa Ave unit E. Please cross reference the requirement that the parking garage conversion requires the widening of the roll up door which requires a structural permit to modify the existing structure. I have underlined excerpts from pages 5&6 for your perusal. Also I have provided Exhibit "A" of the CUP pages 8&9 of the existing floor plan and site plan as it refers to them. No modifications other than a cosmetic clean up of the 8861 Balboa ave unit B have been completed of this date.

I request that this MMC be forced to stop operation at this site.

Thank You,

Daniel Burakowski, President Owner's Association
Montgomery Field Business Condo Association

On Mon, Apr 24, 2017 at 1:31 PM, Montessoro, Martin <MMontessoro@saniego.gov> wrote:

Mr. Burakowski,

The conditional use permit requirements are contained in the approved set of plans and all public records are available for viewing at our Records Department at 1222 First Ave, second floor. I do not know if the CUP requirements are also available in a separate document.

For information on the width of the driveway, I will need to do some research. Can you describe the driveway to me and I will find out if it is due to an Engineering Department Standard or a Zoning regulation? And I will let you know as soon as I can.

Thank you,

Martin Montessoro

Program Manager

City of San Diego

Development Services

858-573-1232

mmontessoro@sandiego.gov



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-----Original Message-----

From: Daniel Burakowski [mailto:danburakowski@gmail.com]

Sent: Monday, April 24, 2017 9:19 AM

To: Montessoro, Martin <MMontessoro@sandiego.gov>

Subject: Fwd: Code Enforcement Investigation

Mr Montessoro,

Is it possible to acquire a set of CUP requirements and or drawings that specifically describe the need to modify by widening the roll up door of their designated parking garage to be able to meet the

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I would be available to accompany the inspector at his discretion to point out the violations that this MMC is trying to cover up. Or perhaps we can resolve this with a phone

call. I am available anytime.

Daniel Burakowski, Pres., HOA Montgomery Field Assoc

8861 Balboa Ave. D

San Diego, Ca. 92123

619 507 8994

----- Forwarded message -----

From: Sperry, Rowdy <RSperry@san Diego.gov>

Date: Mon, Apr 24, 2017 at 8:42 AM

Subject: RE: Code Enforcement Investigation

To: Daniel Burakowski <danburakowski@gmail.com>

Cc: "Montessoro, Martin" <MMontessoro@san Diego.gov>

Mr. Burakowski,

Thank you for bringing your concerns to the Code Enforcement Division

of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP)

with my management. We have examined not only the CUP, but also the approved plans that address the concerns you have and the requirements of the CUP.

The approved building plans address all relevant CUP conditions. The Inspection Services section of the Building Construction and Safety Division of DSD will be addressing conformance with this active permit, including occupancy. The contact in this division is Martin Montessoro, Program Manager.

The need for kind of approval from private associations is not within the City's enforcement

authority.

Sincerely,

R. Sperry

Zoning Investigator

City of San Diego

Development Services Department

sandiego.gov

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From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]

Sent: Thursday, April 20, 2017 10:26 PM

To: Sperry, Rowdy <RSperry@sandiego.gov>

Cc: Mary Howell <mhowell@epsten.com>

Subject: Re: Code Enforcement Investigation

Mr. Sperry,

The owner of the MMC is blatantly continuing the over the counter sales and delivery

service out of the 8863 Balboa Ave suite E location without satisfying requirements of the CUP. We observe the heaviest retail activity between 5 pm and 9 pm when inspectors don't typically come around.

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In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

We look to you to give a close inspection of the CUP requirements and prevent them from operating this business per regulation.

Thank You for your consideration,

Daniel Burakowski, President, Montgomery Field Owners
Association

619-507-8994

On Fri, Apr 14, 2017 at 9:39 AM, Sperry, Rowdy <RSperry@sandiego.gov> wrote:

> Good morning Daniel,

>

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>

> Code Enforcement is in receipt of your concerns about the marijuana

> dispensary located at 8863 Balboa Ave. We will be investigating your

> concerns.

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> R. Sperry

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> Zoning Investigator

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> City of San Diego

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> sandiego.gov

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> Thank you.

>

>

From: [Gutierrez, Edith](#)
To: [Montessoro, Martin](#)
Subject: RE: Code Enforcement Investigation
Date: Thursday, June 1, 2017 1:12:00 PM
Attachments: [image002.png](#)

Hi Martin,

Yes, to a certain point, I'm still involved.

Your response is very good but you never did address his question: why did you allow occupancy when their discretionary permit clearly states that all the permit conditions have to be met before operation can begin?

You may want to say that DSD has the discretion of issuing temporary occupancy. The decision was based on the fact that the pending work is in a separate suite and that the applicant is in the review process to obtain permits for improvements to suite 8861 and the driveways.

Just a suggestion so you don't have to keep going back and forth with emails.

Thanks for the update!

From: Montessoro, Martin
Sent: Thursday, June 01, 2017 11:09 AM
To: Gutierrez, Edith <EGutierrez@sandiego.gov>
Subject: FW: Code Enforcement Investigation

Hi Edith,

Are you still involved with these projects?

If so I wanted you to know I will be sending this message to Daniel Burakowski, President of the Owner's Association, Montgomery Field Business Condo Association. This project is at 8863 Balboa Av. project. Do you have anything to add? Or, do you have any questions for me?

"Good morning Mr. Burakowski, and thank you for bringing this matter to our attention. We wanted to inform you that Development Services granted temporary occupancy to the MMMC facility at 8863 Balboa Ave. (P.# 519594). The temporary occupancy was granted due to the project passing all required inspections, with the exception of final. It was also determined that the facility could be occupied safely, and that no substantial hazard would result from the occupancy of the facility before all work is completed.

Nonetheless, a correction notice was issued to the applicant directing them to go back to our main office to address the remaining tenant improvement (TI) requirements for 8861 Balboa Avenue. The applicant was also informed that final will not be granted until the remaining TI issues have been addressed, and that temporary occupancy could be revoked should this matter not be resolved in a timely manner. Once the permit is issued and ready for inspection, our inspector will verify that the project/TIs are built per approved plans.

Since this is an active project, we continue to monitor their progress. Thank you again for bringing this matter to our attention, and please contact me should you have any follow up questions."

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

Desk 858-573-1232
Mobil 619 990-2713
mmontessoro@sandiego.gov



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From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]
Sent: Wednesday, May 31, 2017 9:24 AM
To: Montessoro, Martin <MMontessoro@sandiego.gov>; Gutierrez, Edith <EGutierrez@sandiego.gov>
Subject: Re: Code Enforcement Investigation

Mr. Montessoro,

I have attached excerpts from the Conditional Use Permit no 1296130 at 8863 Balboa Ave unit E. Please cross reference the requirement that the parking garage conversion requires the widening of the roll up door which requires a structural permit to modify the existing structure. I have underlined excerpts from pages 5&6 for your perusal. Also I have provided Exhibit "A" of the CUP pages 8&9 of the existing floor plan and site plan as it refers to them. No modifications other than a cosmetic clean up of the 8861 Balboa ave unit B have been completed of this date.

I request that this MMC be forced to stop operation at this site.

Thank You,
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On Mon, Apr 24, 2017 at 1:31 PM, Montessoro, Martin <MMontessoro@sandiego.gov>

wrote:

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For information on the width of the driveway, I will need to do some research. Can you describe the driveway to me and I will find out if it is due to an Engineering Department Standard or a Zoning regulation? And I will let you know as soon as I can.

Thank you,
Martin Montessoro
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858-573-1232
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Daniel Burakowski, Pres., HOA Montgomery Field Assoc

8861 Balboa Ave. D

San Diego, Ca. 92123

619 507 8994

----- Forwarded message -----

From: Sperry, Rowdy <RSperry@sandiego.gov>

Date: Mon, Apr 24, 2017 at 8:42 AM

Subject: RE: Code Enforcement Investigation

To: Daniel Burakowski <danburakowski@gmail.com>

Cc: "Montessoro, Martin" <MMontessoro@sandiego.gov>

Mr. Burakowski,

Thank you for bringing your concerns to the Code Enforcement Division of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP)

with my management. We have examined not only the CUP, but also the approved plans that address the concerns you have and the requirements of the CUP.

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Sincerely,

R. Sperry

Zoning Investigator

City of San Diego

Development Services Department

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Sent: Thursday, April 20, 2017 10:26 PM

To: Sperry, Rowdy <RSperry@sandiego.gov>

Cc: Mary Howell <mhowell@epsten.com>

Subject: Re: Code Enforcement Investigation

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Daniel Burakowski, President, Montgomery Field Owners

Association

619-507-8994

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From: [Gutierrez, Edith](#)
To: [Daniel Burakowski](#)
Subject: RE: Code Enforcement Investigation
Date: Monday, May 1, 2017 6:35:00 AM
Attachments: [image002.png](#)

Hello Daniel,

Martin Montessoro, the supervisor in Building Inspection, is the best person to assist you with this investigation. He is working closely with Code Enforcement. He stated in his email below that he will getting back to you with more information.

Thank you for keeping me in the loop of this project.

Regards,

Edith

From: Daniel Burakowski [mailto:danburakowski@gmail.com]
Sent: Sunday, April 30, 2017 10:36 PM
To: Gutierrez, Edith <EGutierrez@sanidiego.gov>
Subject: Fwd: Code Enforcement Investigation

I just don't understand how they can continue selling pot when they have not met all the conditions of the CUP. Is not 5 dedicated parking spaces what cycle review insisted upon.

----- Forwarded message -----

From: **Montessoro, Martin** <MMontessoro@sanidiego.gov>
Date: Mon, Apr 24, 2017 at 1:31 PM
Subject: RE: Code Enforcement Investigation
To: Daniel Burakowski <danburakowski@gmail.com>

Mr. Burakowski,

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Martin Montessoro
Program Manager
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Development Services

858-573-1232

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8861 Balboa Ave. D

San Diego, Ca. 92123

619 507 8994

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Sincerely,

R. Sperry

Zoning Investigator

City of San Diego

Development Services Department

sandiego.gov

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619-507-8994

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From: [Gutierrez, Edith](#)
To: [Jauregui, Rodolfo](#)
Subject: RE: Code Enforcement Investigation
Date: Monday, April 24, 2017 2:11:00 PM

Mil gracias!!!

From: Jauregui, Rodolfo
Sent: Monday, April 24, 2017 2:02 PM
To: Gutierrez, Edith <EGutierrez@sandiego.gov>
Subject: RE: Code Enforcement Investigation

Got it...just trying to make it as clear as possible...but the INFO below is how I started.

Rudy Jauregui

Associate Engineer - Traffic
City of San Diego
Development Services Department

T (619) 557-7985
www.sandiego.gov

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From: Gutierrez, Edith
Sent: Monday, April 24, 2017 1:46 PM
To: Daniel Burakowski <danburakowski@gmail.com>
Subject: Code Enforcement Investigation

Daniel,

Please see Rudy's response below regarding the driveways.

Per SDMC 142.0560 (j) (1), Table 142-05M:

Table 142-05M
Driveway Width (Lots greater than 50 feet in width)

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	Two Way
Detached <i>Single Dwelling Unit</i>	12 feet		25 feet		12 feet
<i>Dwelling Unit in the RX Zone</i>	12 feet		20 feet		12 feet
<i>Multiple Dwelling Unit</i>	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

The allowed "driveway widths" are as indicated above and the "design" of the driveway curb cuts are as identified on City Standard drawing SDG-159 shown on Exhibit "A"; widths are of the travel-way width and do not include the flared

transitions to the required sidewalk. Transitions should followed the design as identified in SDG-159.

Hope this helps.

Rudy Jauregui

Associate Engineer - Traffic
City of San Diego
Development Services Department

T (619) 557-7985
www.sandiego.gov

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From: Gutierrez, Edith
Sent: Monday, April 24, 2017 11:36 AM
To: Jauregui, Rodolfo <RJauregui@sandiego.gov>
Subject: FW: Code Enforcement Investigation

-----Original Message-----

From: Gutierrez, Edith
Sent: Monday, April 24, 2017 9:29 AM
To: 'Daniel Burakowski' <danburakowski@gmail.com>
Subject: RE: Code Enforcement Investigation

Hello Daniel,

Attached are the approved permit and exhibits.

Regards,

Edith

-----Original Message-----

From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]
Sent: Monday, April 24, 2017 9:20 AM
To: Gutierrez, Edith <EGutierrez@sandiego.gov>
Subject: Fwd: Code Enforcement Investigation

Can you help me get these specifications that I know were imposed upon the CUP.

----- Forwarded message -----

From: Daniel Burakowski <danburakowski@gmail.com>
Date: Mon, Apr 24, 2017 at 9:18 AM
Subject: Fwd: Code Enforcement Investigation
To: Mmontessoro@sandiego.gov

Mr Montessoro,

Is it possible to acquire a set of CUP requirements and or drawings that specifically describe the need to modify by widening the roll up door of their designated parking garage to be able to meet the 5 designated parking space requirement.

Also specific dimensions that the development department imposed on the CUP for widening of the driveway approaches at the Baqlboa Ave entrances(3of) and not just replacement of existing approach and sidewalks.

I would be available to accompany the inspector at his discretion to point out the violations that this MMC is trying to cover up. Or perhaps we can resolve this with a phone call. I am available anytime.

Daniel Burakowski, Pres., HOA Montgomery Field Assoc
8861 Balboa Ave. D
San Diego, Ca. 92123
619 507 8994

----- Forwarded message -----

From: Sperry, Rowdy <RSperry@sandiego.gov>
Date: Mon, Apr 24, 2017 at 8:42 AM
Subject: RE: Code Enforcement Investigation
To: Daniel Burakowski <danburakowski@gmail.com>
Cc: "Montessoro, Martin" <MMontessoro@sandiego.gov>

Mr. Burakowski,

Thank you for bringing your concerns to the Code Enforcement Division of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP) with my management. We have examined not only the CUP, but also the approved plans that address the concerns you have and the requirements of the CUP.

The approved building plans address all relevant CUP conditions. The Inspection Services section of the Building Construction and Safety Division of DSD will be addressing conformance with this active permit, including occupancy. The contact in this division is Martin Montessoro, Program Manager.

The need for kind of approval from private associations is not within the City's enforcement authority.

Sincerely,

R. Sperry
Zoning Investigator
City of San Diego
Development Services Department

sandiego.gov

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-----Original Message-----

From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]
Sent: Thursday, April 20, 2017 10:26 PM
To: Sperry, Rowdy <RSperry@sandiego.gov>
Cc: Mary Howell <mhowell@epsten.com>
Subject: Re: Code Enforcement Investigation

Mr. Sperry,

The owner of the MMC is blatantly continuing the over the counter sales and delivery service out of the 8863 Balboa Ave suite E location without satisfying requirements of the CUP. We observe the heaviest retail activity between 5 pm and 9 pm when inspectors don't typically come around.

The unit does not have the required 5 dedicated spaces within our assigned space parking complex as dictated by the CUP. Their proposed parking garage which would give them the required 5 spaces cannot be structurally modified without the Association's approval which they cannot obtain. They have not completed safety issue - traffic approach modifications although they have torn up our driveway aprons without regard to fire dept access procedures. See San Diego police dept incident report # 170400032843 of 4-20-17. We have notified them countless times that they cannot proceed without our Association's approval for modification yet they continue.

Another problem is that they have a permit from the city to modify the sidewalks but they refuse to acknowledge that they need an architectural application and approval from the Business Condo Assoc (HOA) to proceed with further modification of the planters and relocation of the back flow valves and main water supply to the condos (all of which are Association common area). They cannot meet the conditions of the CUP unless they do that illegally.

In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

We look to you to give a close inspection of the CUP requirements and prevent them from operating this business per regulation.

Thank You for your consideration,

Daniel Burakowski, President, Montgomery Field Owners Association
619-507-8994

On Fri, Apr 14, 2017 at 9:39 AM, Sperry, Rowdy <RSperry@sandiego.gov> wrote:

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> dispensary located at 8863 Balboa Ave. We will be investigating your

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> City of San Diego

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>

From: [Gutierrez, Edith](#)
To: [Daniel Burakowski](#)
Subject: RE: Code Enforcement Investigation
Date: Monday, April 24, 2017 9:28:00 AM
Attachments: [368347 - Recorded CUP #1296130 and Reso #PC-4716.pdf](#)
[368347 - Approved Exhibit A.pdf](#)

Hello Daniel,

Attached are the approved permit and exhibits.

Regards,

Edith

-----Original Message-----

From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]
Sent: Monday, April 24, 2017 9:20 AM
To: Gutierrez, Edith <EGutierrez@sanidiego.gov>
Subject: Fwd: Code Enforcement Investigation

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> Thank you.

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>

From: [Barranon, William](#)
To: ["danburakowski@gmail.com"](mailto:danburakowski@gmail.com)
Cc: [Gutierrez, Edith](#); [Montessoro, Martin](#); [Richmond, Michael](#); [Del Valle, Xavier](#); [Anderson, Jaimie](#)
Subject: RE: Code Enforcement Investigation
Date: Wednesday, July 26, 2017 4:47:58 PM
Attachments: [image002.png](#)

Good Day Mr. Burakowski,

Mr. Montessoro is out from work. Your email below was forwarded to me for a response. Please allow me until Friday afternoon to look into the details of this project, your concerns and provide you a response.

Feel free to contact me with other questions or to provide additional information.

Thanks for your patience.

Sincerely,

William Barrañón
Inspection Services Manager
City of San Diego
Development Services

619-980-2816
wbarranon@sandiego.gov

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From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]

Sent: Wednesday, July 26, 2017 10:50 AM

To: Montessoro, Martin <MMontessoro@sandiego.gov>

Cc: Gutierrez, Edith <EGutierrez@sandiego.gov>

Subject: Re: Code Enforcement Investigation

Martin,

Please respond to our inquiry of how long can "in a timely manner" be interpreted. The modification to this building in not a complicated one. Any competent contractor can sketch up an "over the counter" permit application on this.

The owner of the MMC/CUP is dragging his feet at a great cost to our association in time lost as the result of customers to the MMC irresponsibly parking in other designated spaces. They do not have the CUP mandated 5 designated parking spaces.

The MMC has no intention of making this modification. So why are they still allowed to operate with both walk in and delivery service in violation of the conditions of CUP documents. Why are you not enforcing these requirements. Clearly, they should never have been granted the right to open initially. Why are they being given such preferential treatment at the cost of our time and profitability. Something is way wrong here.

Seeking a simple answer,

Daniel Burakowski, President Owners Association of
Montgomery Field Business Condo Association

On Thu, Jun 1, 2017 at 9:19 PM, Daniel Burakowski <danburakowski@gmail.com> wrote:

It is no secret that this MMC represents a major parking problem for our tenants and owners. Federal court action forced us to reduce our assigned parking spaces by 8 normally usable spaces when we were forced to replace them by 4 handicap van spaces and their offload spaces. The Appeals board told us they did not care that our total parking spaces were below the required formula that the MMC was to comply with. What arrogance ! You have no idea how rude these pot customers are. They park in other assigned spaces costing us enforcement issues, lost time from our business and loss of customers.

Please set a definite time limit on "in a timely manner". You owe us that much after the insult that has been levied upon us starting with development services all the way up the chain of City government. If this was your property and you watched as your property values diminished as these MMCs rake in tons of cash you would be more than a little upset. We "little guys" have been thrown to the wolves.

On Thu, Jun 1, 2017 at 2:46 PM, Montessoro, Martin <MMontessoro@sandiego.gov> wrote:

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I appreciate you bringing this matter to our attention. We wanted to inform you that Development Services has the discretion of issuing temporary occupancy. The decision to approve a temporary occupancy is based on the fact that the pending work is in a separate suite and that the applicant is in the review process to obtain permits for improvements to the suite in 8861 Balboa Ave. and the driveway. Therefore, we granted a temporary occupancy to the MMMC facility at 8863 Balboa Ave. (P. #519594). This was granted because the project has passed all required inspections, with the exception of final. It was also determined that the facility could be occupied safely, and that no substantial hazard would result from the occupancy of the facility before all work is completed.

Nonetheless, a correction notice was issued to the applicant directing them to go back to our main office to address the remaining tenant improvement (TI) requirements for 8861 Balboa Avenue.

The applicant was also informed that final will not be granted until the remaining TI issues have been addressed, and that temporary occupancy could be revoked should this matter not be resolved in a timely manner. Once the permit is issued and ready for inspection, our inspector will verify that the project (Tenant Improvements) are built per approved plans.

Since this is an active project, we continue to monitor their progress. Thank you again for bringing this matter to our attention, and please contact me should you have any follow up questions.

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232

mmontessoro@sandiego.gov



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From: Daniel Burakowski [mailto:danburakowski@gmail.com]

Sent: Wednesday, May 31, 2017 9:24 AM

To: Montessoro, Martin <MMontessoro@sandiego.gov>; Gutierrez, Edith
<EGutierrez@sandiego.gov>

Subject: Re: Code Enforcement Investigation

Mr. Montessoro,

I have attached excerpts from the Conditional Use Permit no 1296130 at 8863 Balboa Ave unit E. Please cross reference the requirement that the parking garage conversion requires the widening of the roll up door which requires a structural permit to modify the existing structure. I have underlined excerpts from pages 5&6 for your perusal. Also I have provided Exhibit "A" of the CUP pages 8&9 of the existing floor plan and site plan as it refers to them. No modifications other than a cosmetic clean up of the 8861 Balboa ave unit B have been completed of this date.

I request that this MMC be forced to stop operation at this site.

Thank You,
Daniel Burakowski, President Owner's Association
Montgomery Field Business Condo Association

On Mon, Apr 24, 2017 at 1:31 PM, Montessoro, Martin <MMontessoro@sandiego.gov> wrote:

Mr. Burakowski,

The conditional use permit requirements are contained in the approved set of plans and all public records are available for viewing at our Records Department at 1222 First Ave, second floor. I do not know if the CUP requirements are also available in a separate document.

For information on the width of the driveway, I will need to do some research. Can you describe the driveway to me and I will find out if it is due to an Engineering Department Standard or a Zoning regulation? And I will let you know as soon as I can.

Thank you,
Martin Montessoro
Program Manager
City of San Diego
Development Services

858-573-1232
mmontessoro@sandiego.gov



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Sincerely,

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Zoning Investigator

City of San Diego

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From: [Daniel Burakowski](#)
To: [Montessoro, Martin](#)
Cc: [Gutierrez, Edith](#)
Subject: Re: Code Enforcement Investigation
Date: Wednesday, July 26, 2017 10:49:52 AM
Attachments: [image002.png](#)

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Program Manager

City of San Diego

Development Services

858-573-1232

mmontessoro@sandiego.gov



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Daniel Burakowski, President Owner's Association

Montgomery Field Business Condo Association

On Mon, Apr 24, 2017 at 1:31 PM, Montessoro, Martin <MMontessoro@san Diego.gov> wrote:

Mr. Burakowski,

The conditional use permit requirements are contained in the approved set of plans and

all public records are available for viewing at our Records Department at 1222 First Ave, second floor. I do not know if the CUP requirements are also available in a separate document.

For information on the width of the driveway, I will need to do some research. Can you describe the driveway to me and I will find out if it is due to an Engineering Department Standard or a Zoning regulation? And I will let you know as soon as I can.

Thank you,

Martin Montessoro

Program Manager

City of San Diego

Development Services

858-573-1232

mmontessoro@sandiego.gov



Great news! The public can now check project status, pay invoices and schedule inspections on-line through the City's **OpenDSD**. To get started click on one of the following links:

 [Pay Invoices and Schedule Inspections and Check Project Status](#)

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error, please immediately notify the sender by replying to this message or by telephone. Thank you.

-----Original Message-----

From: Daniel Burakowski [mailto:danburakowski@gmail.com]

Sent: Monday, April 24, 2017 9:19 AM

To: Montessoro, Martin <MMontessoro@san Diego.gov>

Subject: Fwd: Code Enforcement Investigation

Mr Montessoro,

Is it possible to acquire a set of CUP requirements and or drawings that specifically describe the need to modify by widening the roll up door of their designated parking garage to be able to meet the

5 designated parking space requirement.

Also specific dimensions that the development department imposed on the CUP for widening of the driveway approaches at the Balboa Ave entrances(3of) and not just replacement of existing approach and sidewalks.

I would be available to accompany the inspector at his discretion to point out the violations that this MMC is trying to cover up. Or perhaps we can resolve this with a phone call. I am available anytime.

Daniel Burakowski, Pres., HOA Montgomery Field Assoc

8861 Balboa Ave. D

San Diego, Ca. 92123

619 507 8994

----- Forwarded message -----

From: Sperry, Rowdy <RSperry@san Diego.gov>

Date: Mon, Apr 24, 2017 at 8:42 AM

Subject: RE: Code Enforcement Investigation

To: Daniel Burakowski <danburakowski@gmail.com>

Cc: "Montessoro, Martin" <MMontessoro@san Diego.gov>

Mr. Burakowski,

Thank you for bringing your concerns to the Code Enforcement Division of DSD. I have thoroughly reviewed the Conditional Use Permit (CUP) with my management. We have examined not only the CUP, but also the approved plans that address the concerns you have and the requirements of the CUP.

The approved building plans address all relevant CUP conditions. The Inspection Services section of the Building Construction and Safety Division of DSD will be addressing conformance with this active permit, including occupancy. The contact in this division is Martin Montessoro, Program Manager.

The need for kind of approval from private associations is not within the City's enforcement authority.

Sincerely,

R. Sperry

Zoning Investigator

City of San Diego

Development Services Department

sandiego.gov

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-----Original Message-----

From: Daniel Burakowski [<mailto:danburakowski@gmail.com>]

Sent: Thursday, April 20, 2017 10:26 PM

To: Sperry, Rowdy <RSperry@sandiego.gov>

Cc: Mary Howell <mhowell@epsten.com>

Subject: Re: Code Enforcement Investigation

Mr. Sperry,

The owner of the MMC is blatantly continuing the over the counter sales and delivery service out of the 8863 Balboa Ave suite E location without satisfying requirements of the CUP. We observe the heaviest retail activity between 5 pm and 9 pm when inspectors don't typically come around.

The unit does not have the required 5 dedicated spaces within our assigned space parking complex as dictated by the CUP. Their proposed parking garage which would give them the required 5 spaces cannot be structurally modified without the Association's approval which they cannot obtain. They have not completed safety issue - traffic approach modifications although they have torn up our driveway aprons without regard to fire dept access procedures. See San Diego police dept incident report # 170400032843 of 4-20-17. We have notified them countless times that they cannot proceed without our Association's approval for modification yet they continue.

Another problem is that they have a permit from the city to modify the sidewalks but they refuse to acknowledge that they need an architectural application and approval from the Business Condo Assoc

(HOA) to proceed with further modification of the planters and relocation of the back flow valves and main water supply to the condos (all of which are Association common area). They cannot meet the conditions of the CUP unless they do that illegally.

In conclusion, they are trying to dupe the city into overlooking the specific requirements of the CUP while they continue to sell and distribute marijuana products at this location.

We look to you to give a close inspection of the CUP requirements and prevent

them from operating this business per regulation.

Thank You for your consideration,

Daniel Burakowski, President, Montgomery Field Owners
Association

619-507-8994

On Fri, Apr 14, 2017 at 9:39 AM, Sperry, Rowdy <RSperry@sandiego.gov> wrote:

> Good morning Daniel,

>

>

>

> Code Enforcement is in receipt of your concerns about the marijuana

> dispensary located at 8863 Balboa Ave. We will be investigating your

> concerns.

>

>

>

> R. Sperry

>

> Zoning Investigator

>

> City of San Diego

>

> Development Services Department

>

>

>

> sandiego.gov

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> Thank you.

>

>

From: [Tirandazi, Firouzeh](#)
To: [Brencick Sr., Paul](#)
Subject: RE: Exclusive story opportunity on ESD Grant
Date: Wednesday, May 31, 2017 9:06:00 AM
Attachments: [image001.png](#)

Paul,

Staff recommendation was to approve the project. The Hearing Officer denied based on his interpretation of the rules for measurement set forth in SDMC Section 113.0225(c) and his assessment that the evidence provided by staff did not constitute a significant physical barrier that would impede direct physical access between the proposed Outlet and sensitive uses located west of Texas street.

Firouzeh Tirandazi

Development Project Manager
City of San Diego
Development Services Department

(619)446-5325
sandiego.gov



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From: Brenck Sr., Paul
Sent: Wednesday, May 31, 2017 8:31 AM
To: Tirandazi, Firouzeh <FTirandazi@sandiego.gov>
Subject: FW: Exclusive story opportunity on ESD Grant

Good morning Firouzeh,

Sorry, but below the reporter has one follow-up question to the responses you prepared for me yesterday. Please review the F/U question highlighted below and if you can please help me with a response, much appreciated!

Paul Brenck, Sr.
Senior Public Information Officer
City of San Diego
Communications Department

T (619) 533-4508
C (858) 247-9191
SanDiego.gov
InsideSanDiego.org
pbrencick@sandiego.gov

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From: Garrick, David [<mailto:David.Garrick@sduniontribune.com>]

Sent: Tuesday, May 30, 2017 4:38 PM

To: Brencick Sr., Paul <PBrencick@sandiego.gov>

Subject: RE: Exclusive story opportunity on ESD Grant

Can you tell me why CDRS was denied by the HO? Was staff recommendation for denial?

From: Brencick Sr., Paul [<mailto:PBrencick@sandiego.gov>]

Sent: Tuesday, May 30, 2017 4:21 PM

To: Garrick, David <David.Garrick@sduniontribune.com>

Subject: RE: Exclusive story opportunity on ESD Grant

Hi David,

Currently, there are 15 marijuana dispensary businesses approved and 10 operating. See attached lists.

As for the new applications, two CUP applications were considered by the Hearing Officer last week – CDRS Cooperative (2425 Camino Del Rio South) and Stoneage Farmacy (3456 Camino Del Rio North). CDRS was denied by HO; an appeal has been filed. Stoneage was approved by HO, however, we anticipate an appeal of the HO decision.

Here are the addresses for applications in the pipeline:

- 2425 Camino Del Rio S – CD7 – denied by HO 5/24; appeal to PC in process
- 2835 Camino Del Rio S – CD7 –
- 3456 Camino Del Rio N – CD7- approved by HO 5/25; anticipate an appeal
- 1233 Camino Del Rio S – CD7 – tentatively scheduled for HO 6/28 – recommending approval
- 10715 Sorrento Valley Rd – CD1 – anticipate HO late June/early July – recommending approval
- 6176 Federal Boulevard – CD4
- 7850 Mission Center Ct – CD7
- 10110 Sorrento Valley Rd – CD1
- 5959 Mission Gorge Road – CD7
- 1235 Hotel Circle S – CD7

Let me know if you have any questions.

Regards,

Paul Brencick Sr.
Sr. Public Information Officer
Communications Department

City of San Diego

(619) 533-4508

(858) 247-9191

pbrencick@sandiego.gov

From: Garrick, David [<mailto:David.Garrick@sduniontribune.com>]

Sent: Tuesday, May 30, 2017 11:54 AM

To: Brencick Sr., Paul <PBrencick@sandiego.gov>

Subject: RE: Exclusive story opportunity on ESD Grant

Paul,

I am writing about the Energy Commission grant for tomorrow's paper.

On dispensaries, here are my questions:

Is the number of dispensaries approved in the city still at 15, and is the number that have opened still at 8?

Here is some text from a story I wrote on Jan. 31:

The legal dispensaries in San Diego that have opened are located at 3703 Camino del Rio South in Mission Valley, 2335 Roll Drive in Otay Mesa, 3452 Hancock St. in the Midway District, 658 E. San Ysidro Blvd., 2405 Harbor Drive in Barrio Logan, 7128 Miramar Road in Mira Mesa, 5125 Convoy St. in Kearny Mesa and 10671 Roselle St. in Torrey Pines/Sorrento Valley.

Seven others have been approved but haven't yet opened. Their locations are: 8863 Balboa Ave. in Kearny Mesa, 8888 Clairemont Mesa Blvd., 3455 Camino Del Rio South in Mission Valley, 4645 DeSoto St. in eastern Pacific Beach, 1028 Buenos Avenue in Linda Vista, 3500 Estudillo Street in the Midway District and 3385 Sunrise Avenue, just southeast of downtown in Stockton.

Assuming more have opened, I'd like to move some from the second list of seven on to the list of dispensaries that have opened.

Also, Firouzeh Tirandazi in Development Services told me in January that there were five others "in the pipeline" at that time, including multiple dispensaries in District 7 on Camino del Rio South and one in District 1 on Sorrento Valley Road.

Can I get the addresses of those five and any others that have entered the pipeline since. Sometimes applicants run into obstacles and abandon their efforts. If that has happened with any in the pipeline, I'd like to know. Of the applications in the pipeline that are still being

pursued, have any had hearings before a city hearing officer scheduled? Are any close to that point in the process? Does DSD know which of the dispensaries in the pipeline are likely to get staff recommendation for approval and which are likely to get staff recommendation of denial?

This is not for a daily, so there is no rush. I'd like to get the information by Thursday if possible.

Thanks,

David

From: Brencick Sr., Paul [<mailto:PBrencick@saniego.gov>]

Sent: Friday, May 26, 2017 2:32 PM

To: Garrick, David <David.Garrick@sduniontribune.com>

Subject: Exclusive story opportunity on ESD Grant

Hi David,

Thanks for taking my call today and for considering doing a story about the recent news we received from the California Energy Commission about a \$1.9 M grant the City's Environmental Services Department won for a pilot project scheduled to launch this Fall.

Attached is a news release and fact sheet that has not been distributed yet. Please let me know at your earliest convenience next week if you'll do a story on this. Otherwise, I'm planning to release this later next week to all media outlets.

Also, please send me your questions about the marijuana dispensaries (planning and status updates) as we discussed. I'd be glad to help you.

Thanks and have a great Memorial Day weekend!

Paul Brencick, Sr.
Senior Public Information Officer
City of San Diego
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From: [Tirandazi, Firouzeh](#)
To: freddyfoti88@gmail.com
Subject: RE: Info on Marijuana dispensary
Date: Thursday, May 25, 2017 10:39:00 AM
Attachments: [Marijuana Outlet \(MMCC\) Information 5-11-2017.docx](#)

Good Morning,

Please reference the attached handout for information on Marijuana Dispensaries.

From: Romo-Diego, Carmen
Sent: Thursday, May 25, 2017 10:27 AM
To: Tirandazi, Firouzeh <FTirandazi@san Diego.gov>; freddyfoti88@gmail.com
Subject: Info on Marijuana dispensary

Firouzeh,

Here is the contact of a customer I helped at the DPI counter.

He is interest on getting information on Marijuana dispensaries.

Carmen I. Romo-Diego

Plan Review Specialist
City of San Diego
Development Services Department
T (619) 557.7939
CRomoDiego@san Diego.gov



From: [Tirandazi, Firouzeh](#)
To: [chris manzelli](#)
Subject: RE: Marijuana Dispensary License
Date: Wednesday, February 1, 2017 11:03:00 AM
Attachments: [MMCC Information 01-10-2017.docx](#)
[image001.png](#)

The City currently has a Conditional Use Permit requirement for Medical Marijuana Consumer Cooperatives. Please reference the attachment for additional information and helpful links. Please note that Information Bulletin is in the process of updating the zoning information – MMCCs are not allowed in the CO-2-1, CO-2-1, Southeast San Diego Planned District Ordinance (PDO), which has been repealed, and the San Ysidro PDO outside of the Coastal Overlay Zone, which has also been repealed and subject to Citywide zoning. The San Ysidro PDO is in effect within the Coastal Overlay Zone until final action by the California Coastal Commission expected by the end of the year.

Firouzeh Tirandazi

Development Project Manager
City of San Diego
Development Services Department

(619)446-5325
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From: chris manzelli [<mailto:chris.manzelli@gmail.com>]
Sent: Wednesday, February 01, 2017 10:20 AM
To: Tirandazi, Firouzeh <FTirandazi@sandiego.gov>
Subject: Marijuana Dispensary License

Good morning Mr. Tirandazi,

My name is Chris Manzelli and I am writing you to inquire about applying for licensing to open a new marijuana dispensary here in San Diego county. I am completely flexible on location within the county limits. Eventually, once legal if it isn't currently, I'd like to have more a lounge type environment. Similar to what is offered in other legalized states or even a cigar shop here in San Diego. I am a college graduate with over ten years experience in the business world, most recently four years working at AIG. I have a spotless criminal record and background check. To further that, I was employed as a police officer for three years. I ask for this opportunity to provide for my wife and small daughter. I want to provide them a good living and do it the right way. I would greatly appreciate a chance to apply and make them proud. I look forward to hearing from you. I can be reached by email or anytime on my cell phone, 619 453 2674.

Thank you in advance,

Chris Manzelli

From: [Tirandazi, Firouzeh](#)
To: [Andrew Beltran](#)
Cc: [DSD PlanningCommission](#)
Subject: RE: Medical Marijuana - Military Comp.
Date: Thursday, March 30, 2017 3:29:00 PM
Attachments: [MMCC Information 3-29-2017.docx](#)
[image001.png](#)

Good Afternoon Mr. Beltran,

The City currently has regulations in effect related to Medical Marijuana Consumer Cooperatives (MMCCs).

Please note that on February 14, 2017, San Diego City Council adopted an ordinance regulating Marijuana per the Adult Use of Marijuana Act, and establishing a Conditional Use Permit process for Marijuana Outlets. However, this ordinance is not currently in effect and will become effective on April 13, 2017, in areas of the City of San Diego outside of the Coastal Overlay Zone. It will become effective within the Coastal Overlay Zone upon certification by the California Coastal Commission.

The ordinance states no marijuana outlet or medical marijuana consumer cooperative may be used for recreational marijuana purposes until the State of California has begun issuing licenses for commercial marijuana activities, as defined in California Business and Professions Code section 26001.

Here is a link to the 2/14 Council docket and supporting material - Item No. 51

<http://dockets.sandiego.gov/sirepub/pubmtgframe.aspx?meetid=3410&doctype=Agenda>

Please reference the attached handout for information related to MMCCs, which also includes a link to Information Bulletin 170 with information on how to obtain a Conditional Use Permit to operate an MMCC.

Please contact me should have any questions.

Regards,

Firouzeh Tirandazi

Development Project Manager
City of San Diego
Development Services Department

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sandiego.gov



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the sender by replying to this message or by telephone. Thank you.

From: Andrew Beltran [mailto:andrewj.beltran11@gmail.com]
Sent: Monday, March 27, 2017 5:32 PM
To: DSD PlanningCommission <PlanningCommission@sandiego.gov>
Subject: Medical Marijuana - Military Comp.

San Diego Planning Commission.

Im Andrew - retired USMC. Ive owned businesses here in San Diego for 4 years after getting out of the Military.

My next business venture will be to open a Marijuana Dispensary that is created to give % of sales to Military.

The program we intend to donate to is Wounded Warriors. I would like to hear from the Planning Commission on what is needed for us to get licensed here in San Diego.

Please provide me with the documentation needed to apply along with other licenses needed to be approved.

- I would like to begin this business later this year , but I would like to have the specific documentation to do it legally and under the right jurisdiction.

Thank you again for your time and I look forward to hearing more.

Andrew Beltran
Founder | Marketing Manager

From: [Tirandazi, Firouzeh](#)
To: [Brencick Sr., Paul](#)
Subject: RE: MJ Dispensaries Inquiry
Date: Wednesday, June 14, 2017 12:12:00 PM

No, I don't believe so.

From: Brenck Sr., Paul
Sent: Wednesday, June 14, 2017 12:01 PM
To: Tirandazi, Firouzeh <FTirandazi@sandiego.gov>
Subject: FW: MJ Dispensaries Inquiry
Importance: High

Hi Firouzeh,

I received a phone call today from David Garrick at the Union-Tribune. He says he's planning to publish his story on the MJ dispensaries that you helped me with a couple weeks ago. He asked has anything changed on the info we shared with him a couple weeks ago? Please let me know if there have been any major updates to the info below.

Many thanks!

Paul

From: Brenck Sr., Paul
Sent: Wednesday, May 31, 2017 10:04 AM
To: 'Garrick, David' <David.Garrick@sduniontribune.com>
Subject: MJ Dispensaries Inquiry

Hi David,

Per Firouzeh Tirandazi, staff's recommendation was to approve the project. The Hearing Officer denied based on his interpretation of the rules for measurement set forth in SDMC Section 113.0225(c) and his assessment that the evidence provided by staff did not constitute a significant physical barrier that would impede direct physical access between the proposed outlet and sensitive uses located west of Texas street.

Let me know if you need anything further.

Thanks,

Paul

From: Garrick, David [<mailto:David.Garrick@sduniontribune.com>]
Sent: Tuesday, May 30, 2017 4:38 PM
To: Brenck Sr., Paul <PBrencick@sandiego.gov>
Subject: RE: Exclusive story opportunity on ESD Grant

Can you tell me why CDRS was denied by the HO? Was staff recommendation for denial?

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To: Garrick, David <David.Garrick@sduniontribune.com>
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- 7850 Mission Center Ct – CD7
- 10110 Sorrento Valley Rd – CD1
- 5959 Mission Gorge Road – CD7
- 1235 Hotel Circle S – CD7

Let me know if you have any questions.

Regards,

Paul Brencick Sr.
Sr. Public Information Officer
Communications Department
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David

From: Brencick Sr., Paul [<mailto:PBrencick@sandiego.gov>]

Sent: Friday, May 26, 2017 2:32 PM

To: Garrick, David <David.Garrick@sduniontribune.com>

Subject: Exclusive story opportunity on ESD Grant

Hi David,

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Thanks and have a great Memorial Day weekend!

Paul Brencick, Sr.
Senior Public Information Officer
City of San Diego
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From: [Tirandazi, Firouzeh](#)
To: [J Kotzker](#)
Subject: RE: MMCC Question
Date: Wednesday, June 14, 2017 10:51:00 AM
Attachments: [Marijuana Outlet \(MMCC\) Information 5-11-2017.docx](#)
[image008.png](#)

Good Morning,

I just left you a vm. Please reference the attached document for information related to the permit process.

Firouzeh Tirandazi

Development Project Manager
City of San Diego
Development Services Department

(619)446-5325
sandiego.gov



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From: J Kotzker [mailto:jkotzker@strainwise.com]
Sent: Wednesday, June 14, 2017 8:31 AM
To: Tirandazi, Firouzeh <FTirandazi@sandiego.gov>
Subject: MMCC Question

Good morning, Ms. Tirandazi. I am an attorney representing a company seeking to apply for a CUP with the City of San Diego for a medical marijuana dispensary. I have a couple quick questions pertaining to the application process that I am unable to get answered online. I was advised that you handle cannabis licensing questions. As such, I would greatly appreciate it if you could give me a call at your convenience today.

I can be reached at either of the numbers contained in the signature block below.

Thank you!



Jay Kotzker | General Counsel

1350 INDEPENDENCE STREET
LAKEWOOD, CO 80215

E: JKOTZKER@STRAINWISE.COM | W: STRAINWISECONSULTING.COM

P. 303. 395.3464 | C. 303.875.5386 |



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From: [Tirandazi, Firouzeh](#)
To: [Suvithya Yong](#)
Subject: RE: PTS 542886
Date: Thursday, March 30, 2017 3:43:00 PM
Attachments: [MMCC Information 3-29-2017.docx](#)

A marijuana dispensary requires a Conditional Use Permit. The required deposit amount to process the permit is \$8,000 and additional funds would be required during the course of the review. The cost of processing the permit varies, hence it is a deposit account.

Please reference the attached handout, which contains helpful information and links to application documents, form, and regulations.

From: Suvithya Yong [mailto:suvithya@gmail.com]
Sent: Thursday, March 30, 2017 11:26 AM
To: Tirandazi, Firouzeh <FTirandazi@sanidiego.gov>
Subject: Fwd: PTS 542886

Hi Firouzeh,

I am interested in opening a dispensary. Can you please send me all information that I will need to make this happen (Application/ Rules & Regulations).

Currently, I am trying to do the research for it. Do you what the cost for permit, also what is the average cost to open a dispensary?

thank you in advance,

Suvi

----- Forwarded message -----

From: **Lizzi, Philip** <PLizzi@sanidiego.gov>
Date: Mon, Mar 27, 2017 at 12:32 PM
Subject: RE: PTS 542886
To: Suvithya Yong <suvithya@gmail.com>

Hi Suvi, yes I spoke to her and she said to send her an email and she will send you some information. Her name is Firouzeh Tirandazi, her email, ftirandazi@sanidiego.gov

From: Suvithya Yong [mailto:suvithya@gmail.com]
Sent: Friday, March 24, 2017 4:16 PM
To: Lizzi, Philip <PLizzi@sanidiego.gov>
Subject: Re: PTS 542886

Hi Philip,

I was talking to you on regards to the dispensary permit/license last Tuesday. Is possible for

you to give me the name of the planner person who was in charge. I would like to have a meeting with her to go over what I need to do to get one. Thank you in advance for helping me.

thanks,

Suvi

On Mon, Mar 20, 2017 at 1:29 PM, Suvithya Yong <suvithya@gmail.com> wrote:

See you tomorrow.

thanks,

Suvi

On Mon, Mar 20, 2017 at 1:26 PM, Lizzi, Philip <PLizzi@san Diego.gov> wrote:

Suvi, can you come in to see me over the counter tomorrow morning at booth 14? Joseph forwarded me your email. I will be there from 7-11. I can look at it for you then if that works for you. Thanks.

Phil Lizzi
Planner
Development Services Department
[619-446-5159](tel:619-446-5159)

From: [Tirandazi, Firouzeh](#)
To: [Clark, Cameron](#)
Subject: RE: Request for information
Date: Friday, June 2, 2017 1:40:00 PM
Attachments: [image001.png](#)
[368347 - Recorded CUP #1296130 and Reso #PC-4716.pdf](#)
[Balboa MMCC.msg](#)

Hi Carmen,

I've attached a copy of the recorded CUP. The application is in the project folder kept in DSD Record's office. Do you want me to order the project file? I know that Ninus Milan was not on the original application. Property Owner / applicant changed following recordation of the CUP (see attached email.)

Regards,

Firouzeh Tirandazi

Development Project Manager
City of San Diego
Development Services Department

(619)446-5325
sandiego.gov



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From: Clark, Cameron
Sent: Friday, June 02, 2017 12:51 PM
To: Tirandazi, Firouzeh <FTirandazi@sandiego.gov>
Subject: Request for information

Hello Firouzeh,

My name is Cameron Clark, I'm an investigator with the City Attorney's Office. When you have a chance, can I get a copy of the application and the approved CUP for the marijuana dispensary located at 8863 Balboa Ave. The applicant is Ninus Milan.

Please let me know if you have any questions or need additional information.

Thank you,

Cameron D. Clark

City Attorney Investigator
San Diego City Attorney's Office
Community Justice Division
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San Diego, CA 92101
(619) 533-5511
CDClark@sandiego.gov