



FORM
DS-3031
November 2022

Development Permit/ Environmental Determination Appeal Application

In order to ensure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin (IB) 505, "Development Permits/Environmental"

Determ	ination Appeal Procedure."	Stand iniornation	TBulletin (IB) 30	5, Development	Permits/Environmental
1.	Type of Appeal: Appeal of	the Project			
	Appeal of	the Environmen	tal Determinatio	n	
2.	Appellant: Please check one	pplicant Of	ficially recognize	ed Planning Comm	nittee
		nterested Person			
		Per San Diego Mui		MC) § 113.0103)	
	Name:		E	i-mail:	
	Robert Brienza		I	rob.brienza@	gmail.com
	Address:	City:	State:	Zip Code:	Telephone:
	11716 Corte Templanza	San Diego	CA 92128		949.429.9407
3.	Project Name:				
	16375 Bernardo Ctr New	CO CUP			
4.	Project Information:				
	RANCHO BERNARDO (P operate within a 6,453-sq	,			
	located at 16375 Bernard	o Center Dri	ve. The 0.63	acre site is le	ocated within the CC
	2-3 zone within the Ranc				Council District 5.
	Permit/Environmental Information			ument No:	
	CUP Approval # 2243740 Date of Decision/Determination:	; Project ID #		· Draigat Managa	
	1/25/2023		_	/ ProjectManage 'avis Clevelan	
	Decision (Describe the permit/app	roval decision):		arre Glovelan	
	Approved				
5.	Ground for Appeal (Please check a	ll that apply):	_		
	✔ Facture Error		✓ New Info	ormation	
	Conflict with other Matters		City-wide	Significance (Pro	cess four decisions only)
Γ	Findings NotSupported				

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in the SDMC \sigma 112.0501. Attach additional sheets if necessary.)

ATTACHMENT 3

City of San Diego • Form DS-3031 • November 2022

THE CITY OF SAN DIEGO

	OB,	
Signature:		

Note: Faxed appeals are not accepted.

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

Reference Table

Development Permits/Environmental Determination Appeal Procedure (IB-505)

Planning Commission members, I am not anti-marijuana; I voted yes on Prop 64 in favor of the legalization of marijuana. I did this with the understanding the industry would be held accountable and keep it safe and separate from sensitive use locations with appropriate regulation. I now feel obligated to speak out against the proposed marijuana outlet at 16375 Bernardo Center Drive because the safe and separate obligations to the citizens of the City of San Diego are not being upheld.

Our neighbors to the east in Poway have taken a further step of permanently banning marijuana outlets in their city. The community of Rancho Bernardo has been vehemently opposed to the outlet opening at the 16375 Bernardo Center Dr location since March of 2019. There were over 100 people who attended the very first meeting about this project back in March of 2019. Refer to news report below:

https://www.youtube.com/watch?v=pPXsCLy3ixQ

Reference: EXHIBIT A: PREVIOUS AGENDAS

The citizens of Rancho Bernardo have made a similar stance clear, with our objections being largely ignored and pointing out that the outlet is not in compliance with the San Diego Municipal Codes and Ordinances pointed out in numerous planning meetings and hearings, which we will discuss further.

The Rancho Bernardo Community Plan states the following for Commercial Objectives:

- To encourage commercial facilities to be designed so as to reduce the potential for criminal activity.
- To ensure that any redevelopment of commercial retail or office use is sensitive to the needs and conditions of the community.

The Rancho Bernardo Community Plan also states the following of the nearby Bernardo Town Center:

• The development should be characterized by shops and establishments which meet the diverse needs and tastes of community residents rather than the demands of large regional markets.

The marijuana outlet would not increase safety in Rancho Bernardo. It is not sensitive to the needs and conditions of the community. Since the community of Rancho Bernardo has made their opposition clear, the marijuana outlet does not meet the requirement of being sensitive to the needs of the community, not does it meet the needs and tastes of the community.

Reference: EXHIBIT B: RANCHO BERNARDO COMMUNITY PLAN

The applicant claimed that the church was more than 1,000 feet and more than 100 feet from residences or residential zones. The applicant claimed due to zoning errors that the residence and zone sharing property lines was zoned for industrial. The applicant was measuring between their property to residence property by a straight line, acknowledging the less than 100 foot distance but stating the residence was zoned for industrial. This was corrected to how previous zoning maps and surveys detailed this as residentially zoned, and the argument then shifted to demonstrating the distance was based on path of travel not the walk around distance.

I have included the year **1987 zoning map for 11716 Corte Templanza shown as residentially zoned.** I have included the current zoning map - showing 11716 Corte Templanza residentially zoned. An appraisal from 2018 shows 11716 Corte Templanza residentially zoned. Development Services also send correspondence confirming previous industrial zoning designation was incorrect.

Reference: EXHIBIT C: ZONING CORRECTED

After the neighboring residential zoning was proven based on previous zoning maps and surveys detailed this as residentially zoned, the argument then shifted to demonstrating the distance was based on path of travel being over 100 feet to residences and over 1,000 feet based on path of travel rather than the requirements of a straight line per the San Diego Municipal Code.

The measurement should be taken based on San Diego Municipal Code and Ordinances in effect at the time of the application submittal in February of 2019. I will reference from the San Diego Municipal Code that was enforced when the application was submitted. City staff during the Hearing and some previous instances by other committees have stated the codes and ordinances have been updated some now need to be considered, but this is being done in error. See Hearing Board Meeting from January 24, 2023 where city staff explain incorrectly starting at 1:06:00 at link below.

https://www.youtube.com/live/6Vqc_uSP4Y4?feature=share&t=3933

The application date by the applicant is February 4, 2019, so ordinances and codes prior to that date should only be considered. The 2017 version of O-20793 was in effect when CUP permit was submitted. 2018 version of San Diego Municipal Code was in effect when CUP was submitted. These will be referenced in this argument. It should be noted that the current San Diego Municipal Code and Ordinances also restrict the location of the marijuana outlet at 16375 Bernardo Center Drive.

O-20793 section 141.0504 (a) (1) and (2) states 1,000 feet from churches and 100 feet from residential zones as measured between property lines per section 113.0225 of the San Diego Municipal Code. San Diego Municipal Code Section 113.0225 defines property line to property line, including as noted diagram 113-02E. San Diego Municipal Code Section 113.0225 (a) and (b) defines measurement to be horizontally in a straight line without regard to topography or structures that would interfere with a straight-line measurement. Section (c) references separation distances NOT property lines. Section (c) also states account for natural topographical barriers and constructed barriers such as freeways or flood control channels but does NOT mention structures. Therefore, Section (c) does not apply since it is not referencing property lines, nor structures.

Reference: EXHIBIT D: SDMC & ORDANINCES IN EFFECT AT TIME OF SUBMISSION

The property line between 16375 Bernardo Center Dr and 11716 Corte Templanza falls on the residence side of the wall, so there is no barrier separating the two properties. Measurements have been pulled and confirmed on both SanGIS (https://sdgis.sandag.org/) and County Survey Records System (https://srs.sandiegocounty.gov/#/s?v=G&a=a&q=*&aoi=CIRCLE(33.010,-117.078%20d%3D0.0008944095351394622). Photo of measuring tape is 6 feet at closest point and 16 feet, 4 inches at farthest point. Property lines for similar points are less than those numbers, meaning there is no wall between the property lines.

Reference: EXHIBIT E: MEASURING BETWEEN PROPERTY LINES NOTED FROM GOOGLE MAPS, SANGIS, & SRS

There was a prior judgement in 2012 again Will Senn stating that even though he does not admit guilt, the court stated that he shall not operate any outlets in San Diego. Case 37-2012-00087648-CU-MC-CTL

is The City of San Diego v. The Holistic Cafe and Willie Senn. The Stipulated Judgement states that even though no guilt shall be admitted, the case was settled as follows:

"Defendants and all persons mentioned above are hereby enjoined and restrained pursuant to SDMC sections 12.0202 and 121.0311 and California Code of Civil Procedure section 526, and under the Court's inherent equity powers from engaging in or performing, directly or indirectly, any of the following acts:

b. Operating or maintaining at any property, premises, or location anywhere in the City of San Diego any commercial, retail, nonprofit, collective, cooperative, or group establishment for the growth, storage, sale, or distribution of marijuana, including but not limited to any marijuana dispensary, collective, or cooperative organized pursuant to the California Health and Safety Code."

Reference: EXHIBIT F: JUDGEMENT AGAINST APPLICANT

The median age for Rancho Bernardo is 45 per the latest census in 2020, much older than the median age of 35 across the City of San Diego. See link below:

http://www.city-data.com/neighborhood/Rancho-Bernardo-San-Diego-CA.html

According to a study conducted by the University of California San Diego School of Medicine, just 366 Californians over the age of 65 visited ERs in 2005 for cannabis-related concerns. By 2019, that figure had skyrocketed nearly 3200%, when 12,167 seniors made trips to emergency rooms for that reason. Safety should be considered in allowing the marijuana outlet to be permitted in a community of older individuals that could be susceptible to health and safety concerns based on this data.

https://health.ucsd.edu/news/releases/Pages/2023-01-09-cannabis-related-emergency-department-visitis-among-older-adults-on-the-rise.aspx

https://www.nbcsandiego.com/news/local/stoned-california-seniors-headed-to-ers-by-the-thousands-ucsd-study/3139189/

The first state to legalize marijuana was Colorado, and they have provided an in-depth state sanctioned study based on the impacts of marijuana legalization. Below are excerpts from "Impacts of Marijuana Legalization in Colorado A Report Pursuant to Senate Bill 13-283" published in October 2018. I would ask that safety concerns should be considered when reviewing this information:

Page 2 of the Colorado Executive Summary -

Court filings: In terms of organized crime, the number of court filings charged with the Colorado Organized Crime Control Act (C.R.S.18-17.104) that were linked to some marijuana charge increased from 31 in 2012 to 119 in 2017.

Traffic Safety: The prevalence of marijuana or marijuana-in-combination identified by Patrol officers as the impairing substance increased from 12% of all DUIs in 2014 to 15% in 2017.

Page 3 of the Colorado Executive Summary –

The number of fatalities with cannabinoid-only or cannabinoid-in-combination positive drivers increased 153%, from 55 in 2013 to 139 in 2017.

Probationers testing positive - The proportion of 18 to 25 year-old probationers testing positive for THC increased, from 32% in 2012 and 41% in 2017. The proportion of 36 and older probationers testing positive for THC also increased, from 14% in 2012 to 21% in 2017.

Illegal cultivation on public land: The number of plants seized on public lands increased. There were 80,926 plants seized in 2017, up 73% from 46,662 in 2012.

Diversion to other states: The number of seizures for Colorado-sourced marijuana reported to EPIC increased from 286 in 2012 to 608 in 2017.

Page 4 of the Colorado Executive Summary –

Public Health - In 2017, 15.5% of adults reported marijuana use in the past 30 days, compared to 13.6% in 2014, a significant increase. Also, in 2017, 7.6% reported daily or near daily use. This compares to 6.0% in 2014, a significant increase.

Hospitalization and emergency room visits: Hospitalization rates (per 100,000 hospitalizations) with possible marijuana exposures, diagnoses, or billing codes increased from 803 per 100,000 before commercialization (2001-2009) to 2,696 per 100,000 after commercialization (January 2014-September 2015). The period from October 2015-December 2015 indicated another increase.

The period of retail commercialization showed an increase in emergency department visits, from 739 per 100,000 ED visits (2010–2013) to 913 per 100,000 ED visits (January 2014–September 2015).

Page 5 of the Colorado Executive Summary -

Poison Control - The number of calls to poison control mentioning human marijuana exposure increased over the past 10 years. There were 45 calls in 2006 and 222 in 2017. Between 2014 and 2017, the frequency of calls reporting human marijuana exposure stabilized.

Youth impacts – Usage rates / School suspension - Data from the Colorado Department of Education show that that drug suspension rates increased from 391 (per 100,000 registered students) in the 2008-09 school year to 551 in 2010-11.

Reference: EXHIBIT G: STUDY POST-POT LEGALIZATION IN COLORADO (EXECUTIVE SUMMARY)

Similar findings have also been made by the State of California, including:

Page 4 of the California Executive Summary -

Drugs continue to be among the leading reasons for California public school expulsions (2016-2020)

In California, the percentage of driver fatalities testing positive for legal and/or illegal drugs increased from 43% in 2018 to 50% in 2019.

National marijuana edibles exposure calls to Poison Control, for ages 0-12, from 2016 (187) to 2021 (4329) has increased by 2215%.

In California in 2021, the highest number of marijuana exposure calls to Poison Control Centers were for individuals 5 years of age and under.

Page 5 of the California Executive Summary –

Nationally in 2021, marijuana was the most prevalent drug present in alcohol-related polysubstance emergency department visits (30.6%).

From 2008 (2,030) to 2020 (13,568) there was a 568% increase in California emergency department visits and admissions for primary marijuana use.

Nationally from 2016 to 2019, the highest percentage of marijuana treatment admissions were amongst those 26 years and older.

In California in 2020, 44.4% of marijuana treatment admissions were amongst those 26 years of age, and older, compared to 51.4% nationally .

Reference: EXHIBIT H: CALIFORNIA MARIJUANA IMPACT REPORT2022 (EXECUTIVE SUMMARY)

When the City Council tried to have the Planning Commission rubber stamp and push marijuana updates through previously, the Planning Commission took exception and said the community should have a say in the updates, and that the Planning Commission will have the ability to properly consider all facts and the community's input. The arguments against a marijuana outlet at 16375 Bernardo Center Drive are summarized as follows:

- The distance to sensitive use locations such as the church and residential zones as properly
 measured makes the proposed marijuana outlet location out of compliance with the San Diego
 Municipal Code and Ordinances.
- The applicant acknowledged the outlet was within 100 feet of residences when they argued it was incorrectly noted on the zoning map as industrial.
- The distances between the proposed outlet and the church and residential zones have been measured in error, and when measured correctly, the outlet location is not in compliance with the San Diego Municipal Code and Ordinances.
- The Rancho Bernardo Community Plan does not allow for businesses that do not serve the community safely. The people have opposed the marijuana outlet and have proven it does not safely serve the community.
- A judgement again the applicant states that they shall not be allowed to operate a marijuana establishment in the City of San Diego.
- There are safety concerns based on statistics that suggest an increase in crime, hospitalizations, and other adverse affects that would affect Rancho Bernardo.
- Rancho Bernardo does not want this marijuana outlet in their community.

I ask the Planning Commission to take a strong stance again like they did when the City Council tried to treat the Planning Commission as a push over check box, listen to the facts presented today, listen to the community of Rancho Bernardo, and overturn the Hearing Board's decision and reject the permit for the marijuana outlet at 16375 Bernardo Center Drive.

EXHIBIT A: PREVIOUS AGENDAS



Rancho Bernardo Community Planning Board

12463 Rancho Bernardo Road #523, San Diego, CA 92198

www.rbplanningboard.com

April 18, 2019, 7:00 PM Meeting Minutes

Bernardo Heights Community Center

16150 Bernardo Heights Parkway (Off of Avenido Venusto), San Diego, CA 92128

		-	2	018 RB PLANNING	BOA	ARD	-		
P = present		A	= ab	osent	AF	RC = arrived after r	oll call		
Sonny Googins	P	Patrick Vincent	P	Benjamin Wier	P	Gary Long	P		
Thomas Lettington	A	Dan Grobee	A	Robin Kaufman	P	Mike Lutz	A		
Terry Norwood	A	Sherry Guthrie	P	Vicki Touchstone	P				
Hugh Rothman	P	Mark Heuttinger	P	Jenny Yu	P			Total Seated	14
								Total in Attendance	10

- ITEM #1 Call to Order/Roll Call: Election Committee Co-chair Sherry Guthrie called the meeting to order.

 A quorum was met with 10 out of 14 members in attendance for the first meeting of our new year.
- ITEM #2 Seat New Members/Thank Retiring Members: Robin Kaufman took a few moments to thank all the members who were stepping down, giving them each thank you cards and certificates of appreciation. This included: Ruth Coddington, Scott Hall, Mel Zadeh, Joel Doss, Kyle Turner and Sherry Guthrie.
- ITEM #3 Non-agenda public comment (3 minutes per speaker): None.
- ITEM #4 Government Staff Reports:

Information Item

Monique Tello from Councilman Kersey's office informed us the 2020 fiscal budget will be discussed by City Council next week. The City has approved funds for street improvements and safety improvements for parks.

ITEM #5 Request Community Members to Identify Themselves if Interested in Appointment to Open Vacancies in Districts B, C, D, E, and F and Appoint Qualifying Candidates: None.

ITEM #6 Election of Officers:

Voting Item

Election Committee Co-chair Sherry Guthrie announced the positions for election this year include Chair, Vice Chair, Treasurer, Secretary. It was agreed to make motions for each position and then vote on all of them at one time. Motion made Gary Long/Sonny Googins to have Robin Kaufman as Chair. Motion made Robin Kaufman/Gary Long to have Patrick Vincent as Vice Chair. Motion made Gary Long/Robin Kaufman to have Benjamin Wier as Secretary. Motion made Robin Kaufman/Mark Heuttinger to have Gary Long as Treasurer. Vote to approve the aforementioned passed unanimously, 14-0-0.

ITEM #7 Modification and Adoption of Agenda:

Voting Item

Motion made Sonny Googins/Gary Long to accept the agenda as presented. Motion passed unanimously, 14-0-0.

ITEM #8 Administrative Items:

Voting Items

- **a.** Approve March 21, 2019 Meeting Minutes: Motion made Gary Long/Ben Wier to accept the minutes as presented. Motion passed 11-0-3 with Vicki Touchstone, Mark Heuttinger and Hugh Rothman abstaining as they were not present at the March meeting.
- **b.** <u>Approve Treasurer's Report:</u> Motion made Gary Long/Patrick Vincent to accept the Treasurer's report of \$322.95 in our savings and \$500 in our City account.

ITEM #9 <u>Ivy Leaf School Conditional Use Permit; 16469 Bernardo Center Drive:</u> Voting Item

Proposal for a 5,265-square-foot education center on the ground floor of a two-story existing building. Improvements are limited to the interior of the building, which will involve combining two existing suites and then creating 8 general classrooms, 2 private music rooms, one dance room, one art room, and office space. The zone allows K-G12 classes with a maximum of 300 students. The applicant provided additional details at the meeting. The following motion was made by Vicki Touchstone/Sonny Googins:

The Rancho Bernardo Community Planning Board, having reviewed and considered the proposed Ivy Leaf School Conditional Use Permit (CUP) to allow the operation of an education center at 16469 Bernardo Center Drive in the CC-2-3 zone, recommends City staff and Planning Commission approval of the CUP, with the understanding that no traffic queuing will be permitted for this use. We make this recommendation based on the following findings:

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

The Rancho Bernardo Community Plan (page 24) identifies the commercial areas in the vicinity of I-15 and Bernardo Center Drive as areas that should accommodate visitor-oriented, commercial-recreation and special community-serving commercial activities. The proposed Ivy Leaf School would fall into the category of a special community-serving commercial activity, as it would provide educational programs, such as after school and summer programs, along with arts and music programs, at a location convenient for families within Rancho Bernardo and surrounding communities. Therefore, the proposal would be consistent with the intent of the community plan for this commercially designated area.

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

The proposal to locate an education center at this site would not be detrimental to the public health, safety, and welfare, and would be one of several youth-oriented activities in this center.

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

The purpose of the CC zones is to accommodate community-serving commercial services. We consider this educational center to be community-serving and based on the information provided, the proposal does not appear to deviate from the Land Development Code.

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

Included in the recommended uses for this site are special community-serving commercial activities. The proposed use fits into that category. In addition, there are at least two other youth-oriented uses now occupying this commercial center.

Motion passed unanimously, 14-0-0.

ITEM #10 Bernardo Heights Community Center Entrance Signs:

Voting Item

Installation of two illuminated monument signs, one 36 square feet and one 26 square feet, for the Bernardo Heights Community Center. The item was presented by the Community Association of Bernardo Heights (CABH) manager, Byron Mettler. After the presentationresident Mr. Molaner commented he was not in favor as he felt the residents of Bernardo

ATTACHMENT 3

Heights were not properly informed of any meetings that discussed the matter. He didn't feel \$20,000 was an appropriate use of CABH funds. He did not like the very modern sign. After several questions and comments from the Board, a motion made Patrick Vincent/Hugh Rothman to approve the sign. Motion did not pass 4-3-3. In favor – Hugh Rothman, Gary Long, Mark Heuttinger, Sonny Googins. Those not in favor: Sherry Guthrie, Jenny Yu, Robin Kaufman. Those abstaining as the City already approved the sign: Vicki Touchstone, Ben Wier, Patrick Vincent.

ITEM #11 Rancho Bernardo Marijuana Outlet; 16375 Bernardo Center:

Voting Item

Proposal for a 11,930-square-foot one-story marijuana outlet in a stand-alone building (CC-2-3 Zone) located on the east side of Bernardo Center Drive near the north bound I-15 exit at Bernardo Center Drive. The proposal would involve demolition within the interior of the existing building to create new spaces such as sales dispensary areas (general, boutique, and personal shopper areas), offices, a large waiting area, a small waiting area, conference room, guard station, vault, and restrooms. Note: The Development Review Committee did not hear this item, therefore, only guidance on making a recommendation is provided. During the presentation, we were informed the applicant (Khoa Nguyen) has downsized the area to 6,647 square feet. Employees will be asked to park off site and be shuttled to/from their vehicles. Mr. Bourachi, owner of the parking lot area and two standalone buildings in the complex supported the comments and project. Several residents spoke on the matter:

Jim Wills and members of Hope United Church are opposed to having the outlet in Rancho Bernardo and so close to the church and several child based businesses in the center.

Jennifer Neno, also from Hope United Church, along with their pastor and others are opposed for similar reasons.

Becky Rapp is opposed. Concerned of sign spinners promoting it on various corners and billboards promoting it in our communities to come to our community. Is also concerned that they may incorporate delivery of items.

Kathy Lippett also opposed it for similar reasons.

Judy Stanger expressed concerns of sign spinners, billboards, bus advertisements, delivery concerns. Annie Casasalgno - spoke against.

Mindy Bullock sent an email speaking against the project which Robin Kaufman read.

Ms. Jaqueff also opposed for similar reasons.

Due to the new information about the change in size and other details, a motion was made Vicki Touchstone/Gary Long to table a vote on this matter until we receive new detailed study information from the City Department Services Department. Motion passed unanimously, 14-0-0.

ITEM #12 Annual Chair Report:

Voting Item

The outgoing Chair will present the Annual Report to be sent to the City. Robin Kaufman presented the annual report to the Board. Motion made Robin Kaufman/Vicki Touchstone to approve the annual report, send it to the City, Tony Kempton (our City Planner) and post on our website. Motion passed unanimously, 14-0-0.

ITEM #13 Appointment of Subcommittee Chairs:

Voting Item

Committees include: Development Review, Regional Issues, Traffic and Transportation, Community Outreach. Motion made Robin Kaufman/Sherry Guthrie to appoint Vicki Touchstone as Chair of Development Relations and Regional Issues committees and Robin Kaufman as Chair of the Traffic and Transportation committee.

ITEM #14 Appointment of Subcommittee Resident Members:

Voting Item

All subcommittees may have resident members as long as the resident members do not hold a majority of positions on the subcommittees. The resident membersare appointed by the Chair and approved by the full board membership present. No residents expressed interest at this time.

B

Rancho Bernardo Community Planning Board

12463 Rancho Bernardo Road #523, San Diego, CA 92198

www.rbplanningboard.com

August 15, 2019, 7:00 PM Meeting Agenda

Seven Oaks Community Center 16789 Bernardo Oaks Drive, San Diego, CA 92128

		2018 RB PLANNING	BOARD		
P = present	A =	= absent	ARC = arrived after	roll call	
Sonny Googins	Patrick Vincent	Benjamin Wier	Gary Long		
Thomas Lettington	David Wilson	Robin Kaufman	Mike Lutz		
Terry Norwood	Mark Heuttinger	Vicki Touchstone	Jenny Yu		
Hugh Rothman				Total Seated	13
				Total in	
				Attendance	

ITEM #1 Call to Order/Roll Call: Chair will call the meeting to order.

ITEM #2 Chair remarks

ITEM #3 Non-agenda public comment (3 minutes per speaker):

To discuss items not on the agenda, yet within the jurisdiction of the RB Planning Board. Board members should limit discussion of non-agenda items so as not to detract from the time available for agenda items.

ITEM #4 Government Staff Reports:

Information Item

Various government staff has an opportunity to present updates to the Board.

ITEM #5 Modification and Adoption of Agenda:

Voting Item

ITEM #6 Administrative Items:

Voting Items

- a. Approve July, 2019 Meeting Minutes
- b. Approve Treasurer's Report

ITEM #7 Bernardo Center Dr. TM (Project No. 512554), 16781/16785 Bernardo Center Dr. Voting Item

Process Three Tentative Map (TM) to subdivide a 12.78-acre lot to create a 0.362-acre parcel currently improved with a restaurant. The proposed lot, which would make this previously sold site a legal parcel, would include the existing restaurant and the surrounding sidewalk, no parking spaces. There are city approved agreements for access and parking with the owners of the remainder of the Lot 11. The project site is located at in the CC-2-3 zone.

ITEM #8 Verizon – RB Village Review Letter (Project No. 632762), 17010 Pomerado Rd. Voting Item

Application for upgrading an existing wireless communication facility on a church parcel. Work includes: removal of existing built-up cross spire and proposal for a new built-up cross spire remove and replace 3 panel antennas, and add new telco cabinet at existing equipment area. The site is zoned RS-1-14, the facility is permitted on non-residential uses in residential zones with a Conditional Use Permit. The height limit in the RS-1-14 zone is 35'; the height of the proposed spire is 71' which is a deviation and requires a Process Four PDP and if the size of the equipment area exceeds 250 square feet, a NDP is also required.

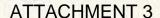
ITEM #9 Traffic Study for Proposed Marijuana Outlet - Discussion Limited to

Scope of Traffic Study

Voting Item

Provide input to the City regarding the scope of the traffic study to be conducted for the 6,647 square-foot Marijuana Outlet proposed at 16375 Bernardo Center Drive.

EXHIBIT B: RANCHO BERNARDO COMMUNITY PLAN



Rancho Bernardo Community Plan

B

COMMERCIAL OBJECTIVES

- To accommodate commercial retail and office uses that serve the community, as well as provide an employment base for area residents.
- To provide commercial facilities necessary to serve the needs of travelers and visitors to the area.
- To design commercial developments so as to incorporate attractive lighting, landscaped parking, screening of loading and service areas, architecturally compatible buildings and to provide safe and convenient bicycle and pedestrian access to these facilities.
- To provide a focal point for the community in the town center and to encourage a mix of commercial, office, financial, governmental, entertainment and cultural uses.
- To encourage commercial facilities to be designed so as to reduce the potential for criminal activity.
- To ensure that any redevelopment of commercial retail or office use is sensitive to the needs and conditions of the community.

COMMERCIAL PROPOSALS

• Bernardo Town Center

The 53-acre Town Center should function as a focal point for the Rancho Bernardo community. It should accommodate a diverse array of facilities and services including:

- A community shopping area devoted to stores and shops providing groceries, convenience and other shoppers' goods;
- Personal, professional and financial service establishments;
- Restaurants and entertainment centers;
- Public and semi-public institutions and cultural and social facilities; and
- Two residential retirement facilities consisting of 246 dwelling units, a 59-bed skilled nursing facility and 100 assisted care units.

The zoning on the Town Center site should be changed from CA-S to CA-RR. The CA-RR zone permits development of community and regional commercial uses by right while permitting residential uses only if a Planned Commercial Development (PCD) permit is obtained. Application of the CA-RR zone to the Town Center would, therefore, ensure that residential uses could not be developed without an opportunity for the Planning Department and the Rancho Bernardo Community Planning Board to review a residential

proposal and participate in a public hearing on the merits of the proposal. However, the City would be under no obligation to approve proposals for any additional residential units in the Town Center if the CA-RR zone were applied to this property. The CA-RR zone is necessary to prevent residential uses from usurping land needed for commercial uses to serve the community. Residential development, which is permitted by right in the existing CA-S zone, could exceed the projected total unit count for this community and could strain roadways and other public services.

While the Bernardo Town Center will draw trade from outside the community, it is not intended to be a full-fledged regional center. Shopping facilities should offer depth, variety and choice in various lines (e.g., wearing apparel), but should not be dominated by major department stores and large appliance and automotive establishments. The development should be characterized by shops and establishments which meet the diverse needs and tastes of community residents rather than the demands of large regional markets.

The Town Center is centrally located and provides a focus to the community. It has excellent accessibility to the community circulation system, as well as to the interchanges of I-15. Direct access to the site is available from Rancho Bernardo Road, Bernardo Center Drive and Lomica Drive. The perimeter of the site is developed and landscaped to complement adjacent residential areas. Within the site, building areas are oriented to interior pedestrian movements through malls, plazas or paseos or toward view potentials. Site planning accommodates parking, interior circulation and landscaping criteria within a low-profile architectural development concept. Emphasis should continue to be placed on achieving a mix of uses capable of sustaining lively day and evening activities.

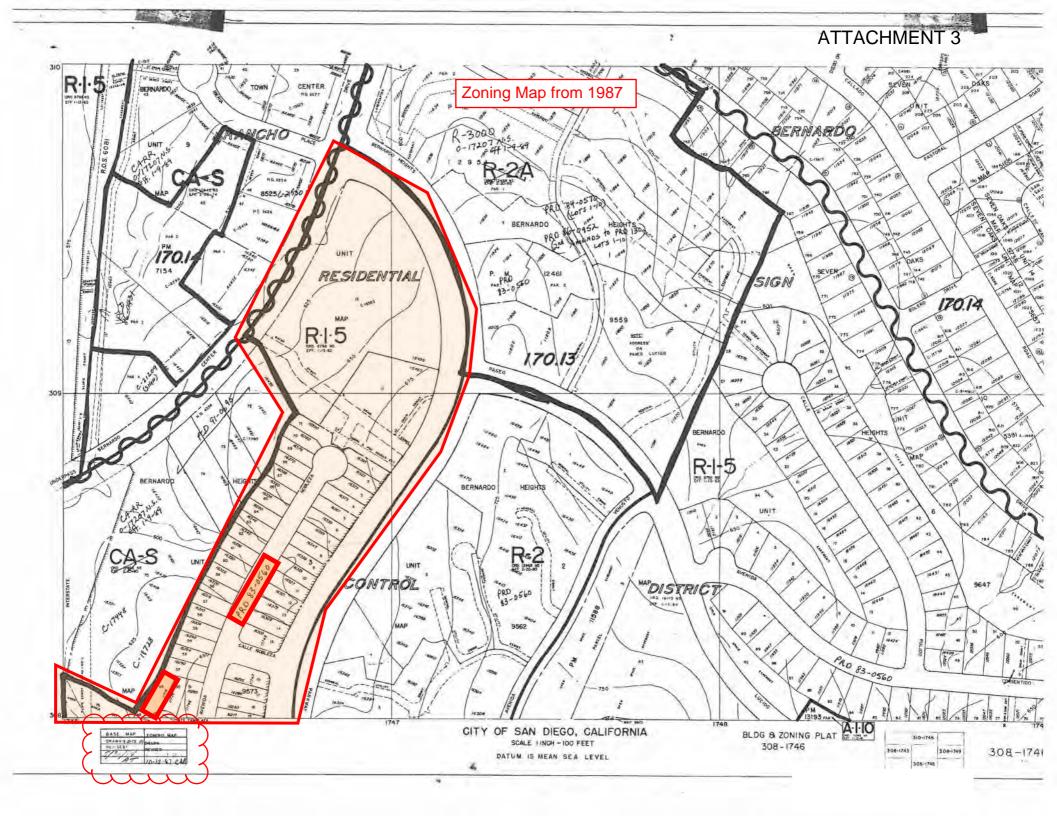
• Specialized Commercial Development

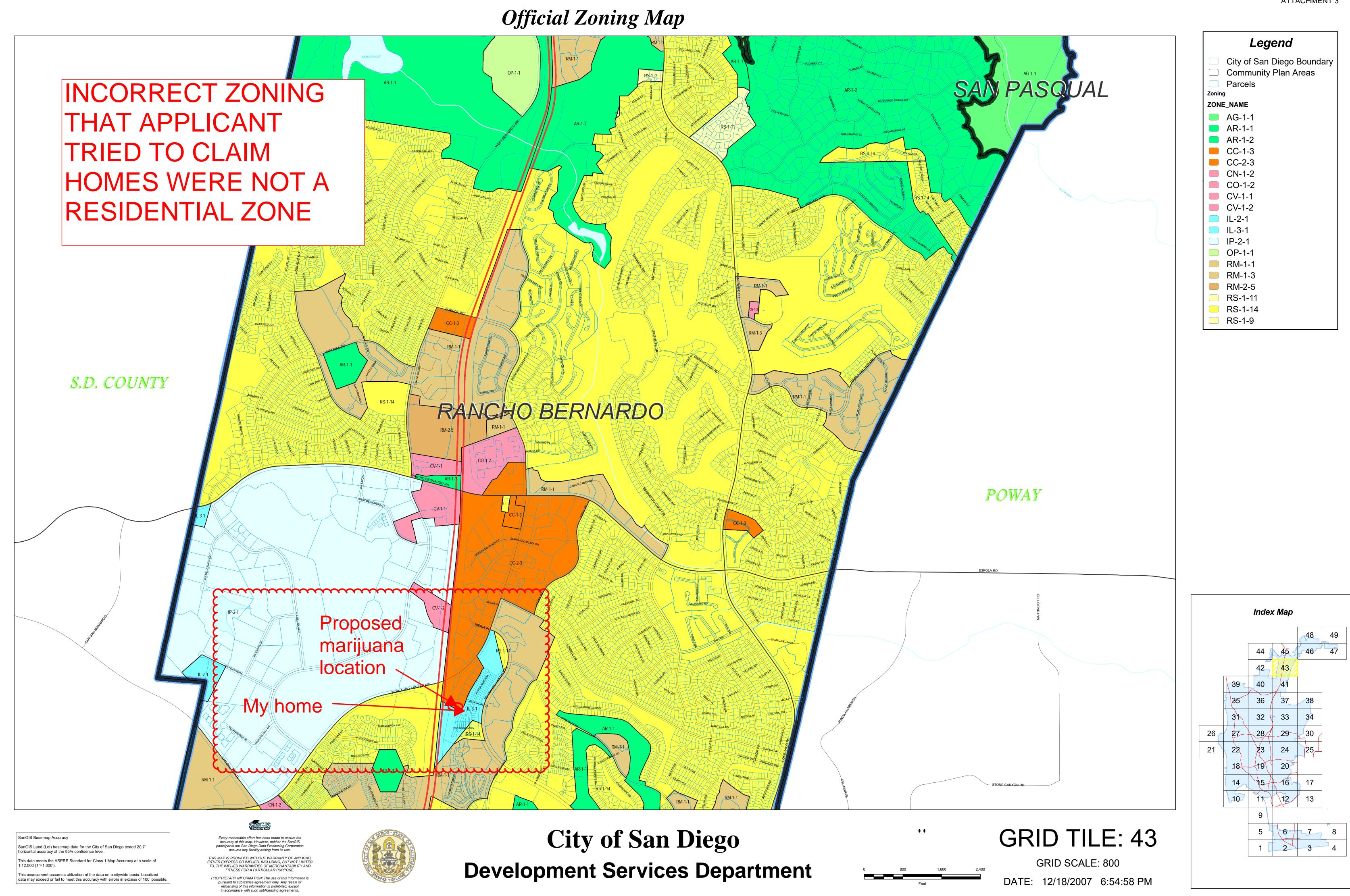
Commercial areas which accommodate visitor-oriented, commercial-recreation and special community-serving commercial activities are grouped in one land use category. In general, these use areas provide sites for establishments that are primarily highway-oriented and serve a trade area extending beyond the community. The Plan allocates 112 acres to specialized commercial uses.

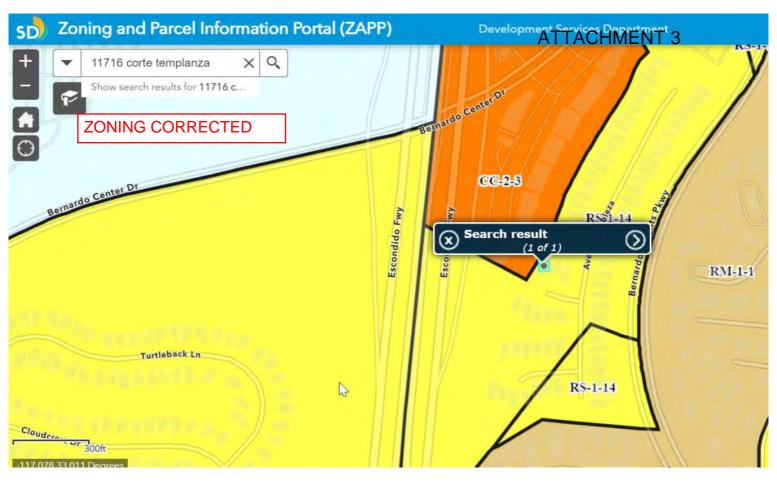
The zoning in the specialized commercial areas east of I-15 should be changed from CA-S to CA-RR for the reasons stated in the Town Center discussion in this Plan. Application of the CA-RR zone would help to ensure that the commercial uses in this area would not be usurped by residential development. Residential development should not be permitted under any circumstances on the specialized commercial areas west of I-15. These areas should be preserved for commercial-recreation and special community-serving commercial uses. The CR and CV zones should be retained in these areas.

Existing development is centered around the I-15/Rancho Bernardo Road interchange area. Visitor-oriented uses (motels, restaurants, service stations) are primarily located on the west side of the freeway in the vicinity of Rancho Bernardo Road and West Bernardo Drive. In this area, establishments have good access and visibility to regional routes and

EXHIBIT C: ZONING CORRECTED







ATTACHMENT 3



APPRAISAL OF REAL PROPERTY

LOCATED AT:

11716 Corte Templanza Lot 49 Tr 9573 San Diego, CA 92128

FOR:

Navy Federal Credit Union 820 Follin Ln. Vienna, VA 22180

AS OF:

10/10/2018

BY:

Justin Kim JK Appraisal JK Appraisal

Main File No. OR5205092 Page # 2 of 39

Uniform Residential Appraisal Report ATTACHN程內703

The purpose of this summary appraisal report is to	provide the lender/client with an ac	curate, and adequately supported, op	inion of the market value	of the subject property.
Property Address 11716 Corte Templanza		City San Diego	State CA	Zip Code 92128
Borrower ROBERT BRIENZA	Owner of Public Record	Aurelio P Asuncion	County San I	<u> </u>
Legal Description Lot 49 Tr 9573	OWNER OF FUSIO FICOUR	Adrello I Asdrictori	county Gair i	Diego
Assessor's Parcel # 274-832-34-00		Tax Year 2017	R.E. Taxes \$ 6	2.450
Neighborhood Name Bernardo Heights	Chariel Assessments th	Map Reference 1170A4	Census Tract (
Occupant Owner Tenant Vacant	Special Assessments \$	0 🔀 PU	D HOA \$ 110	per year per month
	sehold Other (describe)			
	Refinance Transaction Other (c	7		
Lender/Client Navy Federal Credit Union		llin Ln., Vienna, VA 22180		
Is the subject property currently offered for sale or has		onths prior to the effective date of this	appraisal?	Yes No
Report data source(s) used, offering price(s), and date	s). DOM 19;Subject was li	sted on 09/12/2018 for \$700,00	00. The price changed	d to \$697,000. It
entered contract status on 09/30/2018;SAN	DICOR#180051213.			
I 🖂 did 🔲 did not analyze the contract for sale for	the subject purchase transaction. Exp	lain the results of the analysis of the co	ntract for sale or why the a	ınalysis was not
performed. Arms length sale; The final purch	ase price is \$650,000 with no	down payment (EMD is \$6,250) and COE to be 30	days. All pages of
the fully executed contract has been review	ed.			
Contract Price \$ 650,000 Date of Contract O	9/30/2018 Is the property seller t	he owner of public record? Xes	No Data Source(s)	SDMIs/Title
Is there any financial assistance (loan charges, sale co	cessions, gift or downpayment assis	ance, etc.) to be paid by any party on b	ehalf of the borrower?	☐ Yes ⊠ No
If Yes, report the total dollar amount and describe the it		, , , , , , , , , , , , , , , , , , , ,		
	φο,,			
Note: Race and the racial composition of the neigh	orhood are not appraisal factors			
Neighborhood Characteristics		Housing Trends	One-Unit Housing	Present Land Use %
-		•	<u> </u>	
Location Urban Suburban Rural	Property Values Increasing		PRICE AGE	One-Unit 45 %
Built-Up Over 75% 25-75% Under 2		In Balance Over Supply	\$ (000) (yrs)	2-4 Unit 0 %
Growth Rapid Stable Slow	Marketing Time Under 3 m		500 Low 17	Multi-Family 35 %
	od is bounded by Rancho Be	·	750 High 53	Commercial 10 %
Interstate 15 to the West, Camino Del Nort	-		620 Pred. 30	Other 10 %
Neighborhood Description The subject is locate	ed in Bernardo Heights in the	city of San Diego in the county	of San Diego. The r	neighborhood is built
up for single and multi-family residences, s	rip mall, and reserved area.	No adverse factors noted. 10%	other land use repre	esent reserved area.
Market Conditions (including support for the above con	clusions) Values appear to	be increasing (refer to attached	d 1004MC) with the co	urrent fixed interest
rates between 3~6%. Conventional financi	ng is typical for the area with	ouy downs and other loan cond	essions atypical at th	is time.
Dimensions 145X41X121X41X42	Area 7,409 sf	Shape Rectangle	View N	;Res;
Specific Zoning Classification R-1	Zoning Description \$	Single-Family Residence		
Zoning Compliance 🔀 Legal 🔲 Legal Nonconform	ng (Grandfathered Use) 🗌 No Zoni	ng 🔲 Illegal (describe)		
Is the highest and best use of subject property as impre	ved (or as proposed per plans and sp	pecifications) the present use?	Yes No If No, de:	ecriha
		comodatorio, are processic acces	103 100 11 100, 000	301100
		, ,	103100 11 100, 000	
Utilities Public Other (describe)	Public Other (d	escribe) Off-site Impr	ovements - Type	Public Private
Electricity \(\sum \)	Water 🖂 🗌	escribe) Off-site Impr	ovements - Type halt	
Electricity 🖂 🗌 Gas 🖂 🔲	Water ⊠ ☐ Sanitary Sewer ⊠ ☐	escribe) Off-site Impr Street Aspl Alley Non	ovements - Type halt e	Public Private
Electricity	Water Sanitary Sewer FEMA Flood Zone X	escribe) Off-site Impr Street Aspl Alley Non FEMA Map # 06073C1090G	ovements - Type halt e	Public Private
Electricity	Water Sanitary Sewer Sewer FEMA Flood Zone Xemarket area? Yes 1	escribe) Off-site Impr Street Aspl Alley Non FEMA Map # 06073C1090G Io If No, describe	ovements - Type halt e FEMA Map	Public Private Date 05/16/2012
Electricity	Water Sanitary Sewer Sewer FEMA Flood Zone Xemarket area? Yes 1	escribe) Off-site Impr Street Aspl Alley Non FEMA Map # 06073C1090G Io If No, describe	ovements - Type halt e FEMA Map	Public Private
Electricity	Water Sanitary Sewer Sewer FEMA Flood Zone Xemarket area? Yes 1	escribe) Off-site Impr Street Aspl Alley Non FEMA Map # 06073C1090G Io If No, describe	ovements - Type halt e FEMA Map	Public Private Date 05/16/2012
Electricity	Water Sanitary Sewer Sewer FEMA Flood Zone Xemarket area? Yes 1	escribe) Off-site Impr Street Aspl Alley Non FEMA Map # 06073C1090G Io If No, describe	ovements - Type halt e FEMA Map	Public Private Date 05/16/2012
Electricity Gas	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sew	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G No If No, describe mental conditions, land uses, etc.)?	ovements - Type halt e FEMA Map	Public Private Date 05/16/2012 If Yes, describe
Electricity Gas	Water Sanitary Sewer Sanitary Sewer Sewer Sewer Sewer Sewer FEMA Flood Zone Xewarket area? Sewer	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G No If No, describe mental conditions, land uses, etc.)? Exterior Description materials	ovements - Type halt e FEMA Map Yes No	Public Private Date 05/16/2012
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sew	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G No If No, describe mental conditions, land uses, etc.)?	ovements - Type halt e FEMA Map	Public Private Date 05/16/2012 If Yes, describe
Electricity	Water Sanitary Sewer Sanitary Sewer Sewer Sewer Sewer Sewer FEMA Flood Zone Xewarket area? Sewer	escribe) Off-site Impr Street Aspl Alley Non FEMA Map # 06073C1090G Io If No, describe Imental conditions, land uses, etc.)? Exterior Description materials	ovements - Type halt e FEMA Map Yes No s/condition Interior Floors	Public Private Date 05/16/2012 If Yes, describe materials/condition
Electricity	Water Sanitary Sewer Sanitary Sewer	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G lo If No, describe mental conditions, land uses, etc.)? Exterior Description materials Foundation Walls Slab/Good	ovements - Type halt e FEMA Map Yes No s/condition Interior Floors	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sew	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G lo If No, describe mental conditions, land uses, etc.)? Exterior Description materials Foundation Walls Slab/Good Exterior Walls Stucco/Good	ovements - Type halt e FEMA Map Yes No s/condition Interior Floors Walls Trim/Finish	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sew	escribe) Street Asples Alley Non FEMA Map # 06073C1090G No If No, describe Imental conditions, land uses, etc.)? Exterior Description materials Foundation Walls Slab/Good Exterior Walls Stucco/Good Roof Surface Tile/Good	ovements - Type halt e FEMA Map Yes No s/condition Interior Floors Walls Trim/Finish	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sew	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G No If No, describe Imental conditions, land uses, etc.)? Exterior Description materials Foundation Walls Slab/Good Exterior Walls Stucco/Good Roof Surface Tile/Good Gutters & Downspouts Metal/Good	ovements - Type halt e FEMA Map Yes No s/condition Interior Floors od Walls Trim/Finish Bath Floor	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sew	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G Io If No, describe mental conditions, land uses, etc.)? Exterior Description materials Foundation Walls Slab/Good Exterior Walls Stucco/Good Roof Surface Tile/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good Ot None None
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sewer Sewer FEMA Flood Zone Xewarket area? Yes 1 (easements, encroachments, enviror Sewer Slab Crawl Space Basement Partial Basement Area O sq.ft. at Finish O % ide Entry/Exit Sump Pump of Infestation pness Settlement	escribe) Street Aspl Alley Non FEMA Map # 06073C1090G Io If No, describe mental conditions, land uses, etc.)? Exterior Description materials Foundation Walls Slab/Good Exterior Walls Stucco/Good Roof Surface Tile/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good	ovements - Type halt e FEMA Map Yes No s/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good Tile/Good None None # of Cars 2
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market area Oranget Sasement Partial Basement Area Oranget Sasement Semarket Sump Pump Per of Market Sump Pump Pump Per of Market Sump Pump Pump Per of Market Sump Pump Pump Pump Pump Pump Pump Pump P	escribe) Street Asplanted Alley Non FEMA Map # 06073C1090G To If No, describe Imental conditions, land uses, etc.)? Exterior Description materials Foundation Walls Slab/Good Exterior Walls Stucco/Good Exterior Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Uwoodsto	ovements - Type halt e FEMA Map Yes No No S/condition Interior Floors Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Car Storage Driveway Sve(s) # O Driveway Sur	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good None None # of Cars 2 fface Concrete
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Semarket area? Yes Semarket area? Semarket area? Semarket area? Semarket area Sement Semarket S	escribe) Street Asplanted Alley Non FEMA Map # 06073C1090G No If No, describe Imental conditions, land uses, etc.)? Exterior Description Imaterials Foundation Walls Slab/Good Exterior Walls Stucco/Good Exterior Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence V	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Car Storage Driveway Ove(s) # O Driveway Sur Vood Garage	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good Of None None # of Cars 2 face Concrete # of Cars 2
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sew	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Street Aspl Alley Non Alley Non Alley Non Materials Stucco/Good Tile/Good Window Type Vinyl/Good Monoe Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence V Patio/Deck Patio Porch N	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Car Storage Driveway Vood Garage None Carport	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good of None None # of Cars 2 face Concrete # of Cars 0
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sewarket area? Yes 1 (easements, encroachments, enviror Seasement, encroachments, enviror Seasement Partial Basement Area O sq.ft. at Finish O % ide Entry/Exit Sump Pump of Infestation pness Settlement FWA HWBB Radiant FWA HWBB Radiant Fuel Natural Gas Central Air Conditioning idual Other	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Voods Pool None Street Aspladley Alley Non Alley Non materials Stab/Good Stucco/Good Tile/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Car Storage Driveway ove(s) # O Driveway Sur Wood Garage None Carport None Att.	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good Of None None # of Cars 2 face Concrete # of Cars 2
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market Sasements, enviror services Sasement Partial Basement area of Sasement Partial Basement area of Sasement Sump Pump of Infestation pness Settlement Settlement FWA HWBB Radiant r Fuel Natural Gas Central Air Conditioning idual Other Shwasher Disposal Micro	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woodstor None Pool None Other No	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway ove(s) # 0 Driveway Sur Vood Sarage None Carport Jone Jone Att. (describe)	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good Of None None V # of Cars 2 face Concrete # of Cars 2 # of Cars 0 Det. Built-in
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market Sasements, enviror Semarket Slab Crawl Space Basement Partial Basement Area O sq.ft. Sump Pump Per of Infestation Pump Per of Infestation Pump Per of Infestation Pump Settlement Semarket Settlement Se	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Washer/Dryer Other (Pool None Washer/Dryer Other (2.0 Bath(s) 1/8 Illey Non Street Aspi Alley Non materials Slab/Good Stab/Good Stucco/Good Tile/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Stried Pool None Other (Washer/Dryer Other (2.0 Bath(s) 1,41	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Ove(s) # O Driveway Sur Vood Garage None Carport None Att. Gescribe) 6 Square Feet of Gross L	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good None None # of Cars 2 face Concrete # of Cars 2 # of Cars 0 Det. Built-in
Electricity Squared Sq	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market Sasements, enviror Semarket Slab Crawl Space Basement Partial Basement Area O sq.ft. Sump Pump Per of Infestation Pump Per of Infestation Pump Per of Infestation Pump Settlement Semarket Settlement Se	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woodstor None Pool None Other No	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Ove(s) # O Driveway Sur Vood Garage None Carport None Att. Gescribe) 6 Square Feet of Gross L	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good None None # of Cars 2 face Concrete # of Cars 2 # of Cars 0 Det. Built-in
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sewer FEMA Flood Zone Xemarket area? Yes 1 (easements, encroachments, enviror series Slab Crawl Space Basement Partial Basement Area Osq.ft. of Infestation pness Settlement Settlement Fuel Natural Gas Central Air Conditioning idual Other shwasher Disposal Micro oms 2 Bedrooms The subject has typical en	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woods Fireplace(s) # 1 Pool None Washer/Dryer Other (washer) Washer/Dryer Other (washer) Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woodstory Pool None Other None Washer/Dryer Other (washer) Street Aspin Alley Non Exterior Description materials Stucco/Good Tile/Good Window Type Vinyl/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodstory Spatio/Deck Patio Porch None Washer/Dryer Other (washer) Spatio/Pool None Other None Washer/Dryer Other (washer) Street Aspin Alley Non Exterior Description materials Stucco/Good Tile/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodstory Spation Porch None Spation None Other None Washer/Dryer Other (washer) Spation None Street None Spation None Street None Spation None Street None Spation None Street None Spation None	ovements - Type halt e FEMA Map S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway ove(s) # O Driveway Sur None	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good of None None Hof Cars 2 face Concrete # of Cars 2 # of Cars 0 Det. Built-in iving Area Above Grade and the market area.
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Sewer Sewer FEMA Flood Zone Xewarket area? Yes 1. (easements, encroachments, enviror Geasements, encroachments, enviror Geasements, encroachments, enviror Geasement Partial Basement Departial Basement Departia	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woods Fireplace(s) # 1 Pool None Other Newave Washer/Dryer Other (cash) Pergy efficient items for the age	ovements - Type halt e FEMA Map S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway ove(s) # 0 Driveway Sur Wood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good of None None Mone More More More More More More More Mor
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market area? Yes Mark	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woodstorm Pation Pool None Other None Wave Washer/Dryer Other (condition, No functional or exterior page 12 to 1 t	ovements - Type halt e FEMA Map S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway ove(s) # 0 Driveway Sur Wood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good of None None Mone More More More More More More More Mor
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market area? Yes Mark	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woodstorm Pation Pool None Other None Wave Washer/Dryer Other (condition, No functional or exterior page 12 to 1 t	ovements - Type halt e FEMA Map S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway ove(s) # 0 Driveway Sur Wood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good of None None Mone More More More More More More More Mor
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market area? Yes Mark	Exterior Description materials Foundation Walls Stucco/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Woodstorm Pation Pool None Other None Wave Washer/Dryer Other (condition, No functional or exterior page 12 to 1 t	ovements - Type halt e FEMA Map S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway ove(s) # 0 Driveway Sur Wood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good of None None Mone More More More More More More More Mor
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market Sasements, enviror area of Crawl Space Basement Partial Basement Area O sq.ft. Sump Pump of Infestation Pump of Infestation Pump of Infestation Pump of Market Settlement Settlement Market	Street Asping Alley None FEMA Map # 06073C1090G Io If No, describe Immental conditions, land uses, etc.)? Exterior Description Imaterials Stucco/Good Exterior Walls Stucco/Good Gutters & Downspouts Metal/Good Gutters & Downspouts Metal/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Patio Pool None Other Non	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Vood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements Carnal inadequacies no	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good None None # of Cars 2 face Concrete # of Cars 2 # of Cars 0 Det. Built-in Iving Area Above Grade and the market area.
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market Sasements, enviror area of Crawl Space Basement Partial Basement Area O sq.ft. Sump Pump of Infestation Pump of Infestation Pump of Infestation Pump of Market Settlement Settlement Market	Street Asping Alley None FEMA Map # 06073C1090G Io If No, describe Immental conditions, land uses, etc.)? Exterior Description Imaterials Stucco/Good Exterior Walls Stucco/Good Gutters & Downspouts Metal/Good Gutters & Downspouts Metal/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Patio Pool None Other Non	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Vood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements Carnal inadequacies no	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good of None None Mone More More More More More More More Mor
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market Sasements, enviror area of Crawl Space Basement Partial Basement Area O sq.ft. Sump Pump of Infestation Pump of Infestation Pump of Infestation Pump of Market Settlement Settlement Market	Street Asping Alley None FEMA Map # 06073C1090G Io If No, describe Immental conditions, land uses, etc.)? Exterior Description Imaterials Stucco/Good Exterior Walls Stucco/Good Gutters & Downspouts Metal/Good Gutters & Downspouts Metal/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Patio Pool None Other Non	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Vood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements Carnal inadequacies no	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good None None # of Cars 2 face Concrete # of Cars 2 # of Cars 0 Det. Built-in Iving Area Above Grade and the market area.
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market Sasements, enviror area of Crawl Space Basement Partial Basement Area O sq.ft. Sump Pump of Infestation Pump of Infestation Pump of Infestation Pump of Market Settlement Settlement Market	Street Asping Alley None FEMA Map # 06073C1090G Io If No, describe Immental conditions, land uses, etc.)? Exterior Description Imaterials Stucco/Good Exterior Walls Stucco/Good Gutters & Downspouts Metal/Good Gutters & Downspouts Metal/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Patio Pool None Other Non	ovements - Type halt e FEMA Map Yes No S/condition Interior Floors Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Vood Garage None Carport None Att. (describe) 6 Square Feet of Gross L of the improvements Carnal inadequacies no	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good None None # of Cars 2 face Concrete # of Cars 2 # of Cars 0 Det. Built-in Iving Area Above Grade and the market area.
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market area? Yes Mark	Exterior Description materials Foundation Walls Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Patio/Deck Patio Pool None Wave Washer/Dryer Other (2.0 Bath(s) 1,41) ergy efficient integrity of the property?	ovements - Type halt e FEMA Map S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Ove(s) # 0 Driveway Sur Vood Garage None Carport None Att. describe) 6 Square Feet of Gross L of the improvements n-updated-one to five I Yes I	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good ot None None # of Cars 2 # of Cars 2 # of Cars 0 Det. Built-in iving Area Above Grade and the market area. years ted. Normal wear
Electricity	Water Sanitary Sewer Sanitary Sewer Sanitary Sewer Semarket area? Yes Market area? Yes Mark	Exterior Description materials Foundation Walls Stucco/Good Roof Surface Tile/Good Gutters & Downspouts Metal/Good Window Type Vinyl/Good Storm Sash/Insulated None Screens Mesh/Good Amenities Woodsto Fireplace(s) # 1 Fence Wave Washer/Dryer Other (a.c.) Washer/Dryer Other (b.c.) Washer/Dryer Other (b.c.) Ca;Kitcher condition. No functional or extended improvements.	ovements - Type halt e FEMA Map S/condition Interior Floors od Walls Trim/Finish Bath Floor Bath Wainsco Car Storage Driveway Ove(s) # 0 Driveway Sur Vood Garage None Carport None Att. describe) 6 Square Feet of Gross L of the improvements n-updated-one to five I Yes I	Public Private Date 05/16/2012 If Yes, describe materials/condition Tile/Good Drywall/Good Wood/Good Tile/Good ot None None # of Cars 2 # of Cars 2 # of Cars 0 Det. Built-in iving Area Above Grade and the market area. years ted. Normal wear

EMAILS FROM DEVELOPMENT CONFIRMING THE ZONING MAIL THE THE

Brienza, Robert M.

From: Robert Brienza <rob.brienza@gmail.com>
Sent: Monday, August 26, 2019 5:14 PM

To: Brienza, Robert M.

Subject: Fwd: Form submission from: Email Development Services

---Rob.

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

From: Messina, Ana <amessina@sandiego.gov>

Date: Mon, Aug 26, 2019, 4:08 PM

Subject: RE: Form submission from: Email Development Services

To: rbrienza@vt.edu <rbrienza@vt.edu>

Hello Rob,

The address 11716 Corte Templanza is actually part of a Planned Residential Development, the permit # is 83-0560 and this document would supersede any base zone designation on this site, since Development permits will run with the land. Regardless, the City zoning info shouldn't be designating this as an IL-3-1 zone, but rather as an RS-1-14 which is the base zone noted for the rest of the Bernardo Heights subdivision area.

To see exactly what regulations apply based on the PRD 83-0560 you would need to request a copy of this document through our Records section, see link for more info, https://www.sandiego.gov/development-services/records lalso suggest that you contact the City's Planning department to verify why the Official Zoning map is noting the site as Industrial, when it is solely a Residential area, you can reach Planning at 619-235-5200.

Thank you,

Ana Messina Plan Review Specialist City of San Diego Development Services Department

T (619) 446-5131 sandiego.gov

Visit SanDiego.gov/DSD to pay invoices, schedule inspections, check project status, request a code enforement investigation and other online services.

CONFIDENTIAL COMMUNICATION

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you

----Original Message-----

From: Banks, Delores On Behalf Of DSD Web Sent: Friday, August 23, 2019 3:25 PM

To: Messina, Ana <amessina@sandiego.gov>

Subject: FW: Form submission from: Email Development Services

----Original Message----

From: webmaster@sandiego.gov < webmaster@sandiego.gov >

Sent: Friday, August 23, 2019 10:04 AM To: DSD Web < DSDWEB@sandiego.gov>

Subject: Form submission from: Email Development Services

Submitted on Friday, August 23, 2019 - 10:03

SENDER:

rbrienza@vt.edu [1]

SUBJECT:

Zoning Issue for Property

MESSAGE:

Hello! My property in the Villa Ladera area of Rancho Bernardo at 11716 Corte Templanza San Diego 92128 is currently zoned for IL-3-1 Light Industrial. My appraisal for the property back in October 2018 stated it was zoned for R-1 residential. I am trying to figure out when it was changed, and why I was never notified of the zoning modification.

Thanks!

---Rob.

[1] mailto:rbrienza@vt.edu

Date: February 14, 2020 at 12,08:04 PM PST To: Nancy Turk < Nancy turk@hopeumc.com>

Cc: "inosimj@hotmail.com" <inosimj@hotmail.com>

Subject: RE: Form submission from: Email Development Services

Good afternoon Nancy,

I finally received some information from Kyle at the City of San Diego DSD. Below is the information that he sent me via email. He and I spoke briefly as today as well and he wanted me to note:

- 1. This information has already been shared with the applicant for the marijuana outlet in the shopping center by Hope United
- 2. There are still a number of issues with that application, and City staff is still recommending denial of the application.

Begin forwarded message:

Hi Michelle.

Apologies for the delayed response. Here is what we found:

The properties are all residential uses as permitted per Planned Residential Development Permit 83-0560. Condition #3 of the PRD states that a final subdivision map shall be recorded on the subject property and the rezone will be shall be approved by City Council and become effective with the recordation of the map. There has been no City Council action to rezone the property after the recordation of the subdivision map. The adjacent sites were residentially zoned per Ordinance 8766 (Dec 13, 1962), which states that the sites would be designated R-1. The Industrial Zoning was approved per Ordinance 9193 (April 6, 1965), which designated the parcels zoning as M-1A. The rezoning was conditional, requiring a final subdivision map and the installation of public utility services and the dedication of streets, alleys, and easements for public use within two years of approval. The conditions were not met within two years, which Ordinance 9415 repealed O-9193 and rezoned the parcels to M-1A with the same conditions. The conditions were still not met within two years, with Ordinance 9639 repealing O-9415 and rezoning to M-1A. Those conditions were not met, with the final Ordinance 10022 repealing O-9639 and setting the same conditions to be met within two years. Those conditions were not met, however the Official Zoning Map approved per Resolution 301263 still zoned the site (L-3-1, which was the equivalent to M-1A. The sites are not

correctly zoned IL-3-1 and should be zoned an RS-1-14 zone.

Kyle Goossens

Associate Planner

City of San Diego

Development Services Department

T 619-446-5475

SanDiego, gov

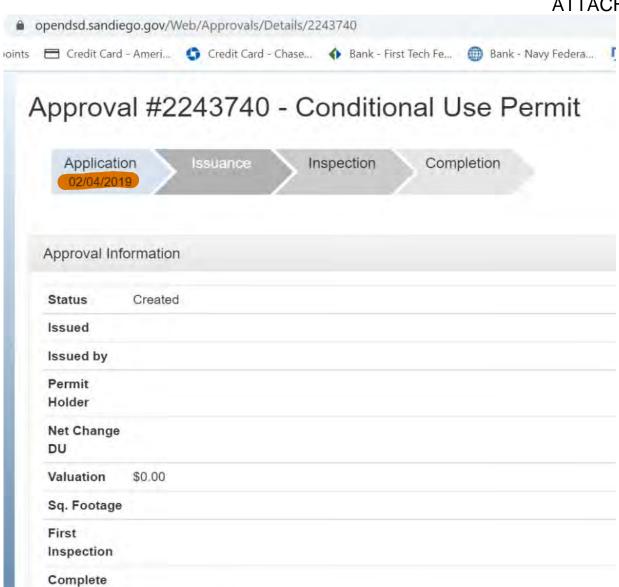
End forwarded message

If there is anything else that I can assist with, please let me know

Best.

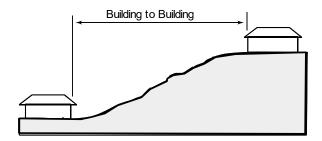
Michelle Wills

EXHIBIT D:
SDMC &
ORDANINCES
IN EFFECT AT
TIME OF
SUBMISSION



Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four *marijuana* outlets are permitted in each City Council District. Marijuana outlets are subject to the following regulations.

- (a) Marijuana outlets shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:
 - (1) 1,000 feet from resource and population-based city parks, other marijuana outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
 - (2) 100 feet from a residential zone.
- (b) Lighting shall be provided to illuminate the interior, façade, and the immediate surrounding area of the *marijuana outlet*, including any *accessory uses*, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
- (c) Security shall be provided at the *marijuana outlet* which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premises*



- (a) The distance shall be measured between *property lines*, buildings, or use locations, as required by the regulations for the particular use.
- (b) Except as provided in Section 113.0225(c), the distance between uses shall be measured horizontally in a straight line between the two closest points of the *property lines*, buildings, or use locations. The distance shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.
- (c) When measuring distance for separation requirements for *cannabis outlets* or *cannabis production facilities*, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as *freeways or flood* control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

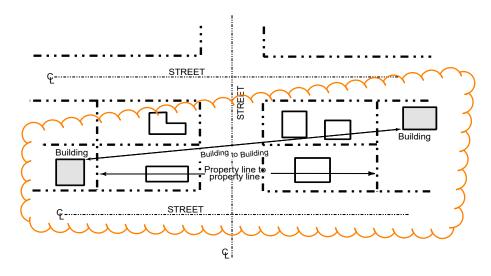
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.) (Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.) (Amended 2-22-2017 by O-20793 N.S.; effective 4-12-2017.) (Amended 10-17-2017 by O-20859 N.S.; effective 11-16-2017.) (Amended 1-8-2020 by O-21163 N.S.; effective 2-9-2020.)

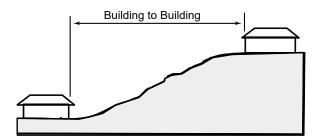
§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. See Diagram 113-02E.

Diagram 113-02E

Distance Between Uses





- (a) The distance shall be measured between *property lines*, buildings, or use locations, as required by the regulations for the particular use.
- (b) Except as provided in Section 113.0225(c), the distance between uses shall be measured horizontally in a straight line between the two closest points of the *property lines*, buildings, or use locations. The distance shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.

(4-2018)

(c) When measuring distance for separation requirements for marijuana outlets or marijuana production facilities, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as *freeways or flood* control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

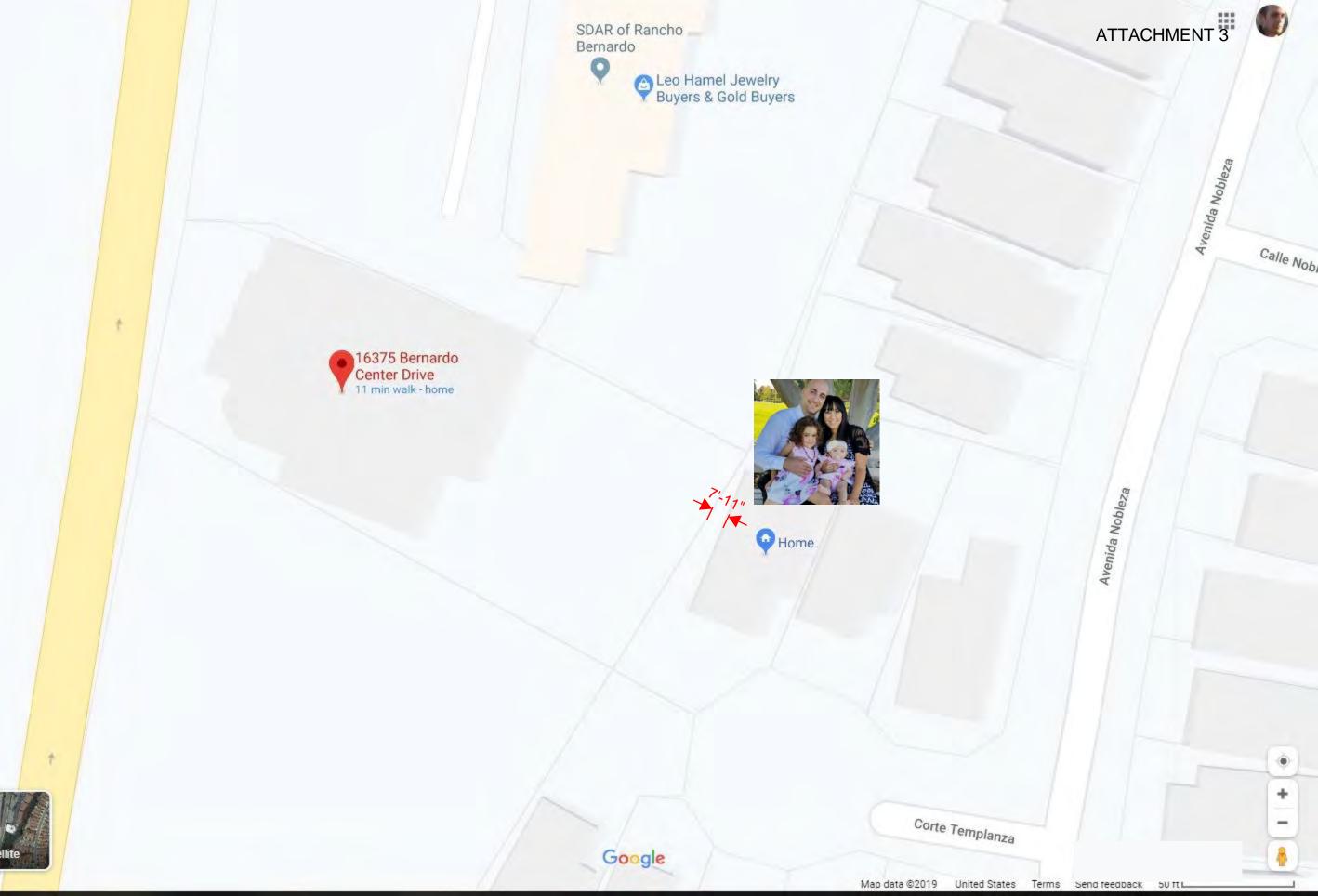
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.) (Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.) (Amended 2-22-2017 by O-20793 N.S.; effective 4-12-2017.) (Amended 10-17-2017 by O-20859 N.S.; effective 11-16-2017.)

does NOT reference propriety lines, only distance between uses

Determining Existing Grade §113.0228

(a) Existing grade is the ground elevation of the surface of a premises that has never been graded or, for a premises that has been graded, the ground elevation that existed on March 4, 1972. This is illustrated in Diagram 113-02F.

EXHIBIT E:
MEASURING
BETWEEN
PROPERTY LINES
NOTED FROM
GOOGLE MAPS,
SANGIS, & SRS



8/15/2019 Details - ParcelQuest Lite

ATTACHMENT 3

Ernie Dronenburg, County Assessor

PROPERTY LINE BETWEEN
PROPOSAED OUTLET AND
RESIDENTIAL ZONE AT TOP OF
EMBANKMENT

General Information

APN:

Open Map

274-831-57-00 Value Change Notice

Open

Situs Address:

16375 BERNARDO CENTER DR SAN DIEGO CA 92128-2541

Mailing Address:

1775 HANCOCK ST #200 SAN DIEGO CA 92110

Legal Description:

TR 9573 LOT 75*PAR 9 PER DOC86-64318 IN

Use Type: RESTAURANT

Tax Rate Area: 008-262

Assessment

 Year Assd:
 2019

 Land:
 \$850,000

 Structure(s):
 \$2,450,000

Other:

Total Land and Improv: \$3,300,000 **HO Exempt?:** N

Exemption Amt:

Property Characteristics

Bedrooms: Baths (Full): Baths (Half):

Bldg/Liv Area: 10,778

Year Built:

Lot Acres: 0.630 **Lot SqFt:** 27,442

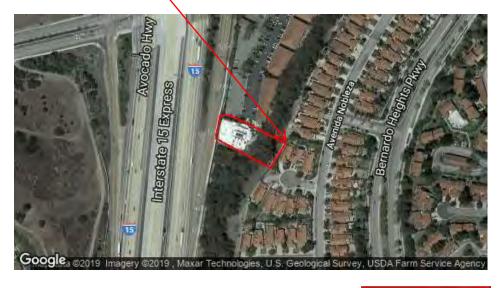
Recent Sale History

 Recording Date:
 11/08/2018

 Document #:
 0466793

 Transfer Amount:
 \$3,300,000

View More History



Natural Hazard Package Full Property Detail





Add to Cart View Sample

\$ 19.95 Add to Cart \$ 4.95

View Sample

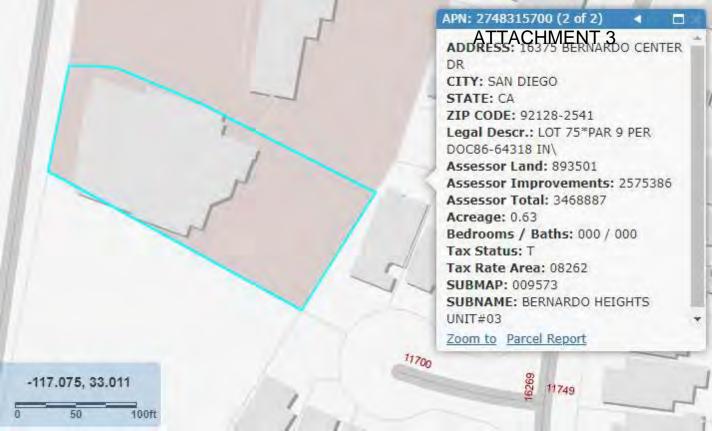


© 2019 ParcelQuest | Toll Free 1-844-893-7216 | Privacy Policy | Refund Policy | Disclaimer | Usage Limits

^{**}The information provided here is deemed reliable, but is not guaranteed.

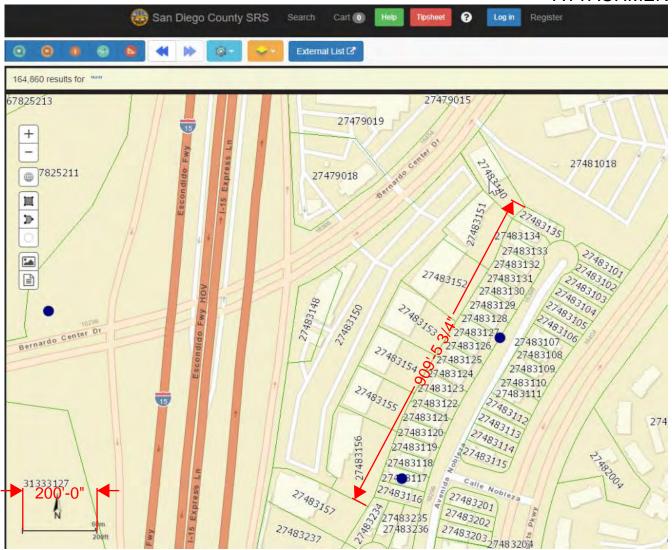








ATTACHMENT 3



ATTACHMENT 3

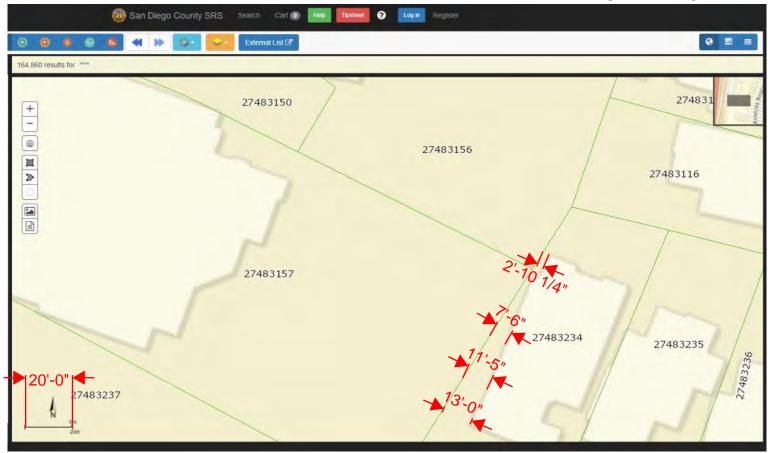






EXHIBIT F: JUDGEMENT AGAINST APPLICANT

JAN I. GOLDSMITH, City Attorney No Fee GC §6103 JON D. DWYER, Deputy City Attorney 2 California State Bar No. 233123 Office of the City Attorney 3 Community Justice Division/Code Enforcement Unit 1200 Third Avenue, Suite 700 4 San Diego, California 92101-4103 Telephone: (619) 533-5500 5 Fax: (619) 533-5696 JDwyer@sandiego.gov 1 4 2012 6 Attorneys for Plaintiff BY: LEE RYAN, Deputy 7 8 SUPERIOR COURT OF CALIFORNIA 9 COUNTY OF SAN DIEGO CITY OF SAN DIEGO, a municipal Case No.: 37-2012-00087648-CU-MC-CTL corporation, 11 STIPULATED JUDGMENT FOR ENTRY Plaintiff. OF FINAL JUDGMENT IN ITS ENTIRETY 12 AND PERMANENT INJUNCTION: JUDGMENT THEREON [CCP § 664.6] 13 THE HOLISTIC CAFÉ, INC., a California **IMAGED FILE** 14 nonprofit mutual benefit corporation; WILLIE FRANK SENN, as an individual, as president of THE HOLISTIC CAFE, INC., 15 and as chief executive officer of THE HOLISTIC CAFÉ, INC.; PATRICK IAN CARROLL, as an individual 17 and as secretary of THE HOLISTIC CAFE, INC.; 181 ZACHARY ROMAN, as an individual and as chief financial officer of THE HOLISTIC CAFÉ, INC.; and 19 DOES 1 through 50, inclusive, 20 Defendants. 21 Plaintiff City of San Diego, a municipal corporation, appearing by and through its 22 attorneys, Jan I. Goldsmith, City Attorney, and Jon D. Dwyer, Deputy City Attorney, and 23 24 Defendants HOLISTIC CAFÉ, INC., a California nonprofit mutual benefit corporation, WILLIE FRANK SENN, as an individual and as president/chief executive officer of HOLISTIC CAFE, 25 INC., PATRICK IAN CARROLL, as an individual and as secretary of THE HOLISTIC CAFÉ, 26 INC., ZACHARY ROMAN, as an individual and as chief financial officer of THE HOLISTIC 27 CAFE, INC., appearing by and through their attorney, Stephen G. Cline, enter into the following

STIPULATED JUDGMENT FOR ENTRY OF FINAL JUDGMENT IN ITS ENTIRETY AND PERMANENT INJUNCTION; JUDGMENT THEREON [CCP § 664.6]

L:\CBU\CASE.Z\\1681.g\\Pleadings\D\Settlement\Chy's tevised version Stip Final 11-26-12,doox

7 8

Stipulation for Entry of Final Judgment in full and final settlement of the above-captioned case without trial or adjudication of any issue of fact or law, and agree that a final judgment may be so entered.

- 1. This Stipulation for Entry of Final Judgment (Stipulated Judgment) is executed between and among Plaintiff City of San Diego, a municipal corporation, HOLISTIC CAFÉ, INC., a California nonprofit mutual benefit corporation, WILLIE FRANK SENN, as an individual and as president/chief executive officer of HOLISTIC CAFÉ, INC., PATRICK IAN CARROLL, as an individual and as secretary of THE HOLISTIC CAFÉ, INC., and ZACHARY ROMAN, as an individual and as chief financial officer of THE HOLISTIC CAFÉ, INC., (Defendants) who are named parties in the above-entitled action. (Collectively referred to hereinafter as Parties.)
- 2. The Parties to this Stipulated Judgment are parties to a civil suit pending in the Superior Court of the State of California for the County of San Diego, entitled CITY OF SAN DIEGO, a municipal corporation v. HOLISTIC CAFÉ, INC., a California nonprofit mutual benefit corporation, WILLIE FRANK SENN, as an individual and as president and chief executive officer of HOLISTIC CAFÉ, INC., PATRICK IAN CARROLL, as an individual and as secretary of THE HOLISTIC CAFÉ, INC., ZACHARY ROMAN, as an individual and as chief financial officer of THE HOLISTIC CAFÉ, INC.; and DOES 1 through 50, inclusive.
- 3. The Parties wish to avoid the burden and expense of further litigation and accordingly have determined to compromise and settle their differences in accordance with the provisions of this Stipulated Judgment. Neither this Stipulated Judgment nor any of the statements or provisions contained herein shall be deemed to constitute an admission or an adjudication of any of the allegations of the Complaint. The Parties to this Stipulated Judgment agree to resolve this action in its entirety by mutually consenting to the entry of Final Judgment in its Entirety and Permanent Injunction by the Superior Court.
- 4. The property involved in this action is located at 415 University Avenue, San Diego, California (PROPERTY). The PROPERTY is also identified as Assessor's Parcel Number 452-

LACHUNCASB, ZNA1681, gb\Picadingsi D\Settlomon\City's revised version Stip Final 11-26-12, docs

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

056-01-00, according to San Diego County Recorder's Grant Deed document No. 2006-0529341, filed July 26, 2006. The legal description of the PROPERTY is:

University Retail Apartments, (401-425 University Avenue, San Diego, California 92103) Lots 1 and 2 in Block 3 of Nutt's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereon No. 628, filed in the Office of the County Recorder of said County, April 8, 1890.

5. This action is brought under California law and this Court has jurisdiction over the subject matter, the PROPERTY, and each of the parties in this action.

INJUNCTION

- 6. The provisions of this Stipulated Judgment are applicable to Defendants, their successors and assigns, and any of their agents, officers, employees, representatives and all persons, corporations or other entities acting by, through, under or on behalf of Defendants and all persons acting in concert with or participating with Defendants with actual or constructive knowledge of this Stipulated Judgment and Injunction. Effective immediately upon the date of entry of this Stipulated Judgment, Defendants and all persons mentioned above are hereby enjoined and restrained pursuant to San Diego Municipal Code (SDMC) sections 12.0202 and 121.0311 and California Code of Civil Procedure section 526, and under the Court's inherent equity powers from engaging in or performing, directly or indirectly, any of the following acts:
- a. Operating or maintaining at the PROPERTY any commercial, retail, nonprofit, collective, cooperative, or group establishment for the growth, storage, sale, or distribution of marijuana, including but not limited to any marijuana dispensary, collective, or cooperative organized pursuant to the California Health and Safety Code;
- b. Operating or maintaining at any property, premises, or location anywhere in the City of San Diego any commercial, retail, nonprofit, collective, cooperative, or group establishment for the growth, storage, sale, or distribution of marijuana, including but not limited to any marijuana dispensary, collective, or cooperative organized pursuant to the California Health and Safety Code;

28 / / / / /

LiCEU(CASE,ZM) id 81.gbiPleadingsID/SoldomentClip's revised version Stip Plus I1-26-12.doex

c. The Parties acknowledge that if in the future, local zoning ordinances are enacted
or amended by either legislation or municipal code enactment and/or by operation of law pursuant
to rulings by California Supreme Court in relevant cases, including but not limited to, City of
Riverside v. Inland Empire Patients and Wellness Center Case No. S198638 and City of Lake
Forest v. Evergreen Holistic Case No. S201454 to allow commercial, retail, nonprofit, collective,
cooperative, or group establishment for the growth, storage, sale, or distribution of marijuana,
including but not limited to any marijuana dispensary, collective, or cooperative organized
pursuant to the California Health and Safety Code, as a permitted use in the City of San Diego,
then Defendants can apply to this Court for a modification of the terms of this Final Judgment;

- d. Performing or maintaining any structural work at the PROPERTY without first obtaining all required permits, inspections and approvals as required by the SDMC;
- e. Performing or maintaining any electrical work at the PROPERTY without first obtaining all required permits, inspections and approvals as required by the SDMC;
- f. Performing or maintaining any plumbing/mechanical work at the PROPERTY without first obtaining all required permits, inspections or approvals as required by the SDMC;
- g. Maintaining any violation of the SDMC at the PROPERTY or at any other property, premises, or location in the City of San Diego; and
- h. Operating any business in the City of San Diego without first obtaining a Business Tax Certificate as required by SDMC section 31.0121.

COMPLIANCE MEASURES

Defendants agree to do the following at the PROPERTY:

- 7. Immediately cease maintaining, operating, or allowing at the PROPERTY any commercial, retail, nonprofit, collective, cooperative, or group establishment for the growth, storage, sale, or distribution of marijuana, including but not limited to any marijuana dispensary, collective, or cooperative organized pursuant to the California Health and Safety Code.
- 8. Immediately, and no later than 48 hours from entry of this Stipulated Judgment, remove all signage from the PROPERTY advertising a marijuana dispensary or "The Holistic Café."

LICEUTCASE.ZM1681.gh/PlendingsID/Settlement/City's revised version Silp Final 11-20-12,doox

EXHIBIT G: STUDY POST-POT LEGALIZATION IN COLORADO (EXECUTIVE SUMMARY)

Impacts of Marijuana Legalization in Colorado

A Report Pursuant to Senate Bill 13-283

October 2018



Colorado Department of Public Safety Division of Criminal Justice Office of Research and Statistics

700 Kipling St., Denver, Colorado 80215 https://www.colorado.gov/dcj-ors

A Report Pursuant to Senate Bill 13-283

October 2018

Prepared by

Jack K. Reed, Statistical Analyst
Office of Research and Statistics

Stan Hilkey, Executive Director, Department of Public Safety Joe Thome, Director, Division of Criminal Justice Kim English, Research Director, Office of Research and Statistics



Table of Contents

Executive Summary	1
Section One: Introduction	8
Background, Limitations and Methods	8
Data limitations	9
Data Sources	10
Data Collection Methodology	11
Brief History of Marijuana Laws	11
Organization of this report	16
Summary	17
Section Two: Impact on Public Safety	18
Overview	18
Offenses and Arrests	19
Marijuana Court Case Filings	28
Crime Around Marijuana Establishments	31
Traffic Safety	33
Probationer Drug Test Results	55
Illegal Cultivation on Public Lands	57
Diversion Out of State	60
Transfer Using Parcel Services	62
Section Three: Impact on Public Health and Behavioral Health Services	63
Overview	63
Adult Usage	63
Hospitalizations and Emergency Department Visits	78
Poison Control	80
Treatment Trends	82
Suicide Rate Trends	98
Section Four: Impact on Youth	100
Overview	100
Youth Use	101
Criminal Justice Involvement	123



ATTACHMENT 3

iii

School Data	125
Drug-Endangered Children	136
Section Five: Additional Information	141
Licensing and Revenue	141
Medical Marijuana Cardholders	156
Overall Crime in Colorado	160
Appendix A: Ogden Memorandum	162
Appendix B: Cole Memorandum	166
Appendix C: Marijuana Arrests	171
Appendix D: Offenses reported, by location	217
Appendix E: Marijuana Drug seizures, by county	220
Appendix F: Court Filings	240
Appendix G: Certified Drug Recognition Experts, by agency	251
Appendix H: Marijuana Business Licensees, by County	254
Appendix I: Distribution of Marijuana Tax and Fee Revenue, FY 2017-18 Flowchart	257



EXECUTIVE SUMMARY

In 2013, following the passage of Amendment 64 which allows for the retail sale and possession of marijuana, the Colorado General Assembly enacted Senate Bill 13-283. This bill mandated that the Division of Criminal Justice in the Department of Public Safety conduct a study of the impacts of Amendment 64, particularly as these relate to law enforcement activities. This report seeks to establish and present the baseline measures for the metrics specified in S.B. 13-283 (C.R.S. 24-33.4-516.)

The information presented here should be interpreted with caution. The majority of the data should be considered baseline and preliminary, in large part because data sources vary considerably in terms of what exists historically. Consequently, it is difficult to draw conclusions about the potential effects of marijuana legalization and commercialization on public safety, public health, or youth outcomes, and this may always be the case due to the lack of historical data. Furthermore, the measurement of available data elements can be affected by very context of marijuana legalization. For example, the decreasing social stigma regarding marijuana use could lead individuals to be more likely to report use on surveys and also to health workers in emergency departments and poison control centers, making marijuana use appear to increase when perhaps it has not. Finally, law enforcement officials and prosecuting attorneys continue to struggle with enforcement of the complex and sometimes conflicting marijuana laws that remain. In sum, then, the lack of pre-commercialization data, the decreasing social stigma, and challenges to law enforcement combine to make it difficult to translate these preliminary findings into definitive statements of outcomes.

Recognizing the challenges involved in interpreting the data presented here, the following is a summary of findings:

Public Safety

Arrests

- The total number of marijuana arrests decreased by 52% between 2012 and 2017, from 12,709 to 6,153. Marijuana possession arrests, which make up the majority of all marijuana arrests, were cut in half (-54%). Marijuana sales arrests decreased by 17%. Arrests for marijuana production increased appreciably (+51%%). Marijuana arrests that were unspecified, meaning the specific reason for the arrest was not noted by law enforcement, went down by 45%.
 - The number of marijuana arrests decreased by 56% for Whites, 39% for Hispanics, and 51% for Blacks. The marijuana arrest rate for Blacks (233 per 100,000) was nearly double that of Whites (118 per 100,000) in 2017.
 - Nine large Colorado counties (Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, and Weld) showed a decrease in marijuana arrests, ranging between -8% (Boulder) and -67% (Adams). The average decline across these nine counties was -46%.



- Separate data provided by the Denver Police Department's Data Analysis Unit indicates an 81% decrease in total marijuana arrests, from 1,605 in 2012 to 302 in 2017.
 - The most common marijuana industry-related crime in Denver was burglary, accounting for 59% of marijuana crime related to the industry in 2017.

Court filings

- The number of marijuana-related court filings declined 55% between 2012 and 2017, from 11,753 to 5,288.
 - The number of cases with a marijuana-related felony as the top charge declined initially (986 in 2012 to 418 in 2014) but rebounded to near pre-legalization levels (907 in 2017).
 - This contrasts with the decline in misdemeanors (down 13%) and petty offenses (down 62%) between 2012 and 2017.
 - o Filings fell by 1% for juveniles 10 to 17 years old, by 28% for young adults 18 to 20 years old, and by 67% for adults ages 21 or older.
- In terms of organized crime, the number of court filings charged with the Colorado Organized Crime Control Act (C.R.S.18-17.104) that were linked to some marijuana charge increased from 31 in 2012 to 119 in 2017.
 - The types of charges associated with COCCA filings that increased most were manufacturing of marijuana or marijuana products (25 to 142) and possession of marijuana with intent to sell (32 to 124).

Traffic Safety

- The increase in law enforcement officers who are trained in recognizing drug use, from 129 in 2012 to 214 in 2018, can increase drug detection rates apart from any changes in driver behavior.
- Traffic safety data were obtained from a number of different sources. Please note that traffic safety data may be incomplete because law enforcement officers may determine that alcohol is impairing the driver, and therefore additional (time consuming and costly) drug testing may not be pursued.
- The total number of DUI citations issued by the Colorado State Patrol (CSP) decreased from 5,705 in 2014 to 4,849 in 2017. The prevalence of marijuana or marijuana-in-combination identified by Patrol officers as the impairing substance increased from 12% of all DUIs in 2014 to 15% in 2017.



- In 2016, the most recent data available, 27,244 cases were filed in court that included a charge
 of driving under the influence; 17,824 of these were matched with either a breath or blood
 test.¹
 - Of these, 3,946 had blood samples screened for the presence of marijuana: 2,885 cases (73.2%) had a positive cannabinoid screen and a follow-up confirmation for other cannabis metabolites, and 47.5% detected Delta-9 THC at 5.0 ng/mL or above.
- According to CDOT, the number of fatalities in which a driver tested positive for Delta-9 THC at
 or above the 5.0 ng/mL level declined from 52 (13% of all fatalities) in 2016 to 35 in 2017 (8% of
 all fatalities).
 - The number of fatalities with cannabinoid-only or cannabinoid-in-combination positive drivers increased 153%, from 55 in 2013 to 139 in 2017.
 - However, note that the detection of any cannabinoid in blood is not an indicator of impairment but only indicates presence in the system. Detection of Delta-9 THC, one of the primary psychoactive metabolites of marijuana, may be an indicator of impairment.
 - A 2017 survey conducted by the Colorado Department of Public Health and Environment found that 3.0% of adults reported driving within two-to-three hours of using marijuana in the past-30 days, while 19.7% of recent marijuana users reported this behavior.

Probationers testing positive

• The proportion of 18 to 25 year-old probationers testing positive for THC increased, from 32% in 2012 and 41% in 2017. The proportion of 36 and older probationers testing positive for THC also increased, from 14% in 2012 to 21% in 2017.

Illegal cultivation on public land

• The number of plants seized on public lands increased. There were 80,926 plants seized in 2017, up 73% from 46,662 in 2012.

Diversion to other states

- The Colorado Information Analysis Center (CIAC), located in the Department of Public Safety, compiled data from the El Paso Intelligence Center (EPIC), manages a database in which law enforcement agencies can voluntarily report drug seizures. The number of seizures for Colorado-sourced marijuana reported to EPIC increased from 286 in 2012 to 608 in 2017.
 - The types of marijuana products seized has changed over time, with marijuana concentrates accounting for 26% of seizures and edibles accounting for another 16% in

¹ Please see http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf for more information.



2017. In 2012, both of those categories combined accounted for 10% of marijuana seizures reported to EPIC.

Public Health

Adult usage rates

- The Colorado Behavioral Risk Factor Surveillance System (BRFSS) is a statewide telephone survey conducted by the Colorado Department of Public Health and Environment (CDPHE). In 2014, the BRFFS was expanded to include questions about marijuana use.
 - In 2017, 15.5% of adults reported marijuana use in the past 30 days, compared to 13.6% in 2014, a significant increase. Also, in 2017, 7.6% reported daily or near daily use. This compares to 6.0% in 2014, a significant increase.
 - Males have significantly higher past 30-day use (19.8%) than females (11.2%).
 - Adults ages 18-25 reported the highest past 30-day usage rates (29.2%), followed by 26-34 year olds (26.4%), 35-64 year olds (12.5%), and those 65 years and older (5.6%).
- According to the National Survey on Drug Use and Health, administered by the federal Substance Abuse and Mental Health Services Administration, the prevalence rates for marijuana use in the past 30 days increased for young adults (18- to 25-years old), from 21.2% in 2005/06 (pre-commercialization) to 31.2% in 2013/14 (post-commercialization), but stabilized at 32.2% in 2015/16. Reported 30-day marijuana use by adults ages 26 years and older increased from 5% in 2005/06 to 14% in 2015/16.

Hospitalizations and emergency department visits

- The Colorado Department of Public Health and Environment (CDPHE) analyzed data from the Colorado Hospital Administration (CHA) with these findings:
 - Hospitalization rates (per 100,000 hospitalizations) with possible marijuana exposures, diagnoses, or billing codes increased from 803 per 100,000 before commercialization (2001-2009) to 2,696 per 100,000 after commercialization (January 2014-September 2015). The period from October 2015-December 2015 indicated another increase, but due to changes in coding systems, variable structures, and policies at CHA, the numbers for 2016 are considered preliminary by CDPHE.
 - The period of retail commercialization showed an increase in emergency department visits, from 739 per 100,000 ED visits (2010–2013) to 913 per 100,000 ED visits (January 2014–September 2015). There was no definitive trend during the period October 2015-December 2015 and, due to changes in coding systems, variable structures, and policies at CHA, these figures for 2016 are considered preliminary by CDPHE.



Poison control

• The number of calls to poison control mentioning human marijuana exposure increased over the past 10 years. There were 45 calls in 2006 and 222 in 2017. Between 2014 and 2017, the frequency of calls reporting human marijuana exposure stabilized.

Youth Impacts

Usage rates

- Data on youth marijuana use was available from two sources. The Healthy Kids Colorado Survey (HKCS), with 47,146 high school and 6,704 middle school students responding in 2017, and the National Survey on Drug Use and Health (NSDUH), with about 512 respondents in 2015/16.
 - O HKCS results indicate no significant change in past 30-day use of marijuana between 2013 (19.7%) and 2017 (19.4%). Also, in 2017, the use rates were not different from the national 30-day use rates reported by the Youth Risk Behavior Survey.² In 2017, 19.4% of Colorado high school students reported using marijuana in the past 30-days compared to 19.8% of high school students nationally that reported this behavior.
 - The 2017 HKCS found that marijuana use increases by grade level, with 11.0% of 9th graders, 17.7% of 10th graders, 23.7% of 11th graders, and 25.7% of 12th reporting use in the past 30-days.
 - The 2015/16 NSDUH, with many fewer respondents compared to HKCS, indicated a gradual increase in youth use from 2006/07 (9.1%) to 2013/14 (12.6%); however, the last two years showed decreased use, with 9.1% reporting use in 2015/16. The NSDUH showed that youth use of marijuana in Colorado (9.1%) was above the national average (6.8%).

Arrests

- The number of juvenile marijuana arrests decreased 16%, from 3,168 in 2012 to 2,655 in 2017. The rate of juvenile marijuana arrests per 100,000 decreased from 583 in 2012 to 453 in 2017 (-22%).
 - The number of White juvenile arrests decreased from 2,146 in 2012 to 1,703 in 2017 (-21%).
 - The number of Hispanic juvenile arrests decreased from 767 in 2012 to 733 in 2017 (-4%).
 - The number of Black juvenile arrests decreased from 202 in 2012 to 172 in 2017 (-15%).

² The YRBS is the comparable survey overseen nationally by the Centers for Disease Control and Prevention.



Probationers testing positive

Data from the state Division of Probation Services indicated that the proportion of 10- to 14year-olds testing positive for THC one or two times increased from 19% in 2012 to 23% in 2014,
while the proportion testing positive three or more times increased from 18% to 25%. The
proportion of 15- to 17-year-olds testing positive one or two times went down slightly, from
26% in 2012 to 25% in 2014, while those testing positive three or more times increased from
23% to 25%.

School suspension/expulsion rates

- Data from the Colorado Department of Education show that that drug suspension rates increased from 391 (per 100,000 registered students) in the 2008-09 school year to 551 in 2010-11. The drug suspension rate fluctuated somewhat since then and was 507 in the 2017-18 school year. The drug expulsion rate was 65 (per 100,000 registered students) in the 2008-09 school year, increasing to 91 in 2010-11, and then decreasing to 38 by 2017-18.
 - School discipline data for 2017-18 indicated that marijuana accounted for 22% of all expulsions and 24% of all law enforcement referrals in Colorado public schools.
 - Note that Senate Bill 12-046 and House Bill 12-1345 targeted reform of "zero tolerance" policies in schools, and appear to have decreased expulsions, suspensions, and referrals to law enforcement.³

Drug-endangered children

- To assess drug-endangered children, as required in S.B. 13-283, data from CDPHE's Child Health Survey (targeting parents with children ages 1-14) was obtained.
 - Of parents with children ages 1–14 who responded to the survey, 6.9% reported some type of marijuana product around the house. When asked about where it was kept, 92% reported storing it in a location the child cannot access.

Additional Information

- In May 2018, 3,101 licensed marijuana businesses were registered in Colorado. Nearly 70% of the licenses for marijuana businesses were concentrated in the counties of Denver (1,226), El Paso (370), Pueblo (303), and Boulder (216).
- Total revenue from taxes, licenses, and fees increased from \$67,594,325 in 2014 to \$247,368,474 in 2017 (+266%). Excise tax revenue dedicated to school capital construction assistance was \$40,000,000 in 2017 and an additional \$27,752,968 was dedicated to the public school fund.

³ See Rosa, J., Krueger, J., and Severson, A. (May 2015). *Moving from Zero Tolerance to Supportive School Discipline Practices*. Office of Dropout Prevention and Student Re-engagement, Colorado Department of Education.



• In April 2018, there were 88,946 individuals registered as medical marijuana cardholders. The most common conditions reported were severe pain (93%), muscle spasms (31%), and severe nausea (14%).

Summary. Again, please note that fundamental measurement challenges interfere with our ability to confidently interpret the information presented here. As previously discussed, legalization may result in reports of increased use, which may be a function of the decreased stigma and legal consequences associated with use rather than actual changes in use patterns. Likewise, those reporting to poison control, emergency departments, or hospitals may feel more comfortable discussing their recent use or abuse of marijuana for purposes of treatment. Finally, complex and sometimes conflicting laws have caused law enforcement officials and prosecuting attorneys to modify policies and practices that cannot be disentangled from available data. For these reasons, it is critical to avoid ascribing changes in many social indicators solely to marijuana legalization.



EXHIBIT H: CALIFORNIA MARIJUANA IMPACT REPORT 2022 (EXECUTIVE SUMMARY)









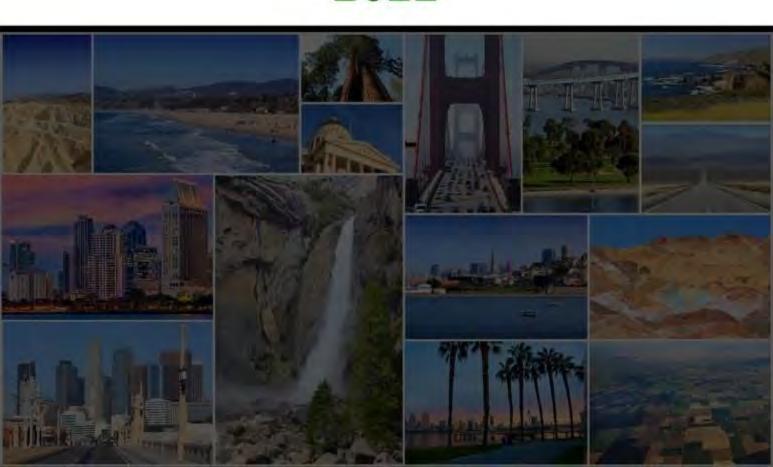




MARIJUANA'S IMPACT ON CALIFORNIA

CALIFORNIA HIGH INTENSITY DRUG TRAFFICKING AREAS REPORT

2022



ACKNOWLEDGEMENTS

We give special thanks to all who provided research, resources and data for this report. We also give thanks to the agencies that provided instrumental data for this report.

- California Department of Justice/ Bureau of Investigation (CA DOJ/BI)
- California Highway Patrol (CHP)
- California National Guard Counterdrug Task Force (CNG CDTF)
- California Poison Control System, San Diego Division
- Californians for Drug Free Youth (CADFY)
- Center for Community Research, San Diego (CCR)
- Central Valley California High Intensity Drug Trafficking Area (CVC HIDTA)
- Health Information Resources Center, Healthcare Information Division, Office of Statewide Health Planning and Development (OSHPD) of California
- Imperial Valley Drug Coalition/ Law Enforcement Coordination Center (IVDC/LECC)
- Los Angeles High Intensity Drug Trafficking Area (LA HIDTA) Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR)
- Marijuana Prevention Initiative, San Diego County (MPI)
- National Marijuana Initiative (NMI)
- Northern California High Intensity Drug Trafficking Area/ Northern California Regional Intelligence Center (NC HIDTA/ NCRIC)
- · Rady Children's Hospital-San Diego
- San Diego Association of Governments (SANDAG)
- San Diego/ Imperial Valley High Intensity Drug Trafficking Area (SDI HIDTA)
- San Diego Law Enforcement Coordination Center (SD LECC)
- Dr. Greta Wengert, MS, PhD (Integral Ecology Research Center)
- Western States Information Network (WSIN)

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION ONE: Potency and Price of Marijuana

SECTION TWO: Vaping

SECTION THREE: California Youth Marijuana Use Ages 12-17

SECTION FOUR: California Marijuana Use Ages 18-25

SECTION FIVE: California Marijuana Use Ages 26 and Older

SECTION SIX: California Arrests for Drug Sales, DUI, Possession of Cannabis While

Driving and Arrest Data

SECTION SEVEN: Public Health

SECTION EIGHT: Treatment

SECTION NINE: Diversion, Eradication and Related Crime

SECTION TEN: THC Extraction Labs

SECTION ELEVEN: Environmental Impacts of Marijuana Cultivation

APPENDIX A: American Nonsmokers' Rights Foundation: Secondhand Marijuana Smoke

EXECUTIVE SUMMARY

Summary of a Few Key Findings from Throughout the Report

Section One: Potency and Price of Marijuana

- Nationally, the average potency of tetrahydrocannabinol (THC), the primary psychoactive found in marijuana concentrates has risen from 13.23% in 1995 to 53.63% in 2019. This represents an increase of over 300%.
- Nationally, the average potency of tetrahydrocannabinol (THC), the primary psychoactive found in raw marijuana flower, has risen from 3.96% in 1995 to 13.85% in 2019. This represents an increase of nearly 250%.
- ❖ The price of a pound (lb.) of marijuana in California can vary from \$100 to \$2000 depending on THC potency level.

Section Two: Vaping

- Nationally in 2021, the daily use of nicotine vaping is higher than the daily use of smoking tobacco across all grade levels: 1.10% vs. .04% in 8th grade, 2.5% vs. .8% in 10th grade, and 5.4% vs. 2% in 12th grade.
- ❖ In California between 2017-2019, 6% of 7th graders surveyed reported vaping as their main mode of (marijuana) consumption while 9th and 11th graders favored smoking (marijuana).

Section Three: California Youth Marijuana Use Ages 12-17

California youth have predominantly had a lower perception of risk of smoking marijuana once a month, compared to the national average (2014-2020).

- ❖ From 2018 to 2020, California's rank increased nationally in past month usage of marijuana by 12-17 year-olds (by state).
- ❖ California lifetime use of drugs and alcohol for 7th, 9th and 11th grades has been decreasing since the 2011-2013 survey period.
- ❖ Drugs continue to be among the leading reasons for California public school expulsions (2016-2020).

Section Four: California Marijuana Use Ages 18-25

❖ Since 2015-2016, California's marijuana use by 18 to 25 year olds continued to surpass their use of cigarettes.

Section Five: California Marijuana Use Ages 26 and Older

❖ In 2019-2020, California's marijuana and cigarette use for individuals 26 years and older was lower than the national average.

Section Six: California Arrests for Drug Sales, DUI, Possession of Cannabis While Driving and Arrest Data

- ❖ In California, the percentage of driver fatalities testing positive for legal and/or illegal drugs increased from 43% in 2018 to 50% in 2019.
- ❖ In California, arrests for the sale of marijuana has decreased from 2015 (8,368) to 2020 (1,274).

Section Seven: Public Health

- National marijuana edibles exposure calls to Poison Control, for ages 0-12, from 2016 (187) to 2021 (4329) has increased by 2215%.
- ❖ In California in 2021, the highest number of marijuana exposure calls to Poison Control Centers were for indiviuals 5 years of age and under.

- ❖ Nationally in 2021, marijuana was the most prevalent drug present in alcohol-related polysubstance emergency department visits (30.6%).
- ❖ From 2008 (2,030) to 2020 (13,568) there was a 568% increase in California emergency department visits and admissions for primary marijuana use.

Section Eight: Treatment

- Nationally from 2016 to 2019, the highest percentage of marijuana treatment admissions were amongst those 26 years and older.
- ❖ In California in 2020, 44.4% of marijuana treatment admissions were amongst those 26 years of age, and older, compared to 51.4% nationally .

Section Nine: Diversion, Eradication and Related Crime

- California eradicates more illicit cannabis cultivation sites than any other state; it seizes more illicitly cultivated cannabis plants than any other state; it arrests more individuals associated with illicit cultivation; and it seizes more weapons from illicit cultivation sites than any other state in the country.
- In 2020 and 2021, most illegal marijuana plant seizures occurred on private land (trespass grows).
- ❖ Marijuana was the most seized drug (in pounds) by U.S. Border Patrol from FY19-FY21.
- Marijuana was the most seized drug (in pounds) by Nationwide Air and Marine Operations in FY21.

Section Ten: THC Extraction Labs

❖ There were 194 reported clan lab incidents in California in 2019. Out of the 194 reported labs, 72.6% were honey oil/THC extraction (141), followed by 9.3% precursor chemicals

(18).

❖ There were 132 reported clandestine (clan) lab incidents in California in 2020. Out of the 132 reported labs, 64% were honey oil/THC extraction (82), followed by 19% methamphetamine (24).

Section Eleven: Environmental Impacts of Marijuana Cultivation

- ♦ Outdoor marijuana grows consume an estimated 29.4 million gallons of water per year.
- * Researchers estimate over 1.4 million pounds of fertilizers and toxicants used annually at outdoor marijuana grow sites in California.

INTRODUCTION

In 1996, California became the first state to legalize marijuana for medicinal purposes with the passage of Proposition 215, the Compassionate Use Act. Now, in 2022, recreational marijuana use is fully legal within California for individuals 21 years of age and over. This report will outline the current and potential impacts of these policies.

<u>Purpose</u>

The purpose of this report is to describe the impacts that have arisen from the legalization of marijuana for both medical and recreational use in California. By gathering and examining data, citizens and policymakers can better understand the implications and effects of marijuana's increased presence in California.

Background

Due to concerns about public health risks and other possible impacts of marijuana, there is an on-going debate in the United States regarding the effects of the increasing prevalence of marijuana in our society.

Some common arguments for the legalization of marijuana use include:

- Marijuana legalization would eliminate arrests for possession and sale, resulting in fewer citizens with criminal records and a reduction in the incarcerated population.
- Legalization frees up law enforcement resources to target more serious and violent crimes.
- Legalization would reduce the disproportionate incarceration of minorities for possession of small quantities of marijuana.
- Legalization would reduce traffic fatalities since users may switch from alcohol to marijuana.
- Legalization would increase tax revenue from sales.
- Legalization would reduce profits for drug cartels trafficking marijuana.

Arguments for continued restrictions include:

- Marijuana use among youth and young adults would increase due to availability and the normalization of marijuana.
- Road fatalities would increase due to marijuana impairment.
- Marijuana-related emergency room visits would increase.
- The costs of physical and mental health services would increase due to marijuana use.
- Marijuana will continue to be diverted to illegal markets.
- Social and economic costs (e.g., poor academic outcome to include risks of dropping out of school) will far exceed the benefit to society of any potential revenue generated.¹
- Marijuana cultivation would cause environmental degradation to air, water, land, and wildlife.

History of Marijuana in California

California's relationship with marijuana has evolved over time, and a brief look at how it has changed since marijuana first gained any legal status is necessary to understand where the state stands now and to create a starting point for this report.

Proposition 215

California was the first state to decriminalize possession of lesser quantities of marijuana, when voters approved the Compassionate Use Act on November 5, 1996; also known as Proposition 215. Proposition 215 was intended to ensure that seriously ill Californians could obtain and use marijuana for the treatment of serious medical diseases such as cancer, AIDS, and severe spasms.² Currently, Proposition 215 makes California one of 37 states that allows marijuana for medical uses.