



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: May 19, 2021 REPORT NO. HO-21-025

HEARING DATE: May 26, 2021

SUBJECT: 4337 Home Avenue Cannabis Outlet CUP, Process Three Decision

PROJECT NUMBER: [665772](#)

OWNER/APPLICANT: Arkan Somo, Avad Investments, Inc., Owner/Applicant

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit (CUP) to allow the operation of a 1,200-square-foot Cannabis Outlet on the first floor of a proposed 2,400-square-foot building to be located at 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones within the City Heights community of the Mid-City Communities Plan area?

Staff Recommendation: Approve CUP No. 2430967.

Community Planning Group Recommendation: After several planning committee meetings, the City Heights Area Planning Committee decided neither to provide an approval or denial recommendation on the subject project (Attachment 9).

Environmental Review: This project is within the scope of the [Mitigated Negative Declaration No. 593686](#) (MND), adopted by the Hearing Officer on July 24, 2019. This MND (Attachment 6) was prepared in accordance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15162, there are no conditions that require preparation of a subsequent environmental document: 1) No substantial changes are proposed in the project that would require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) No substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would have required major revisions to the previous environmental documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and 3) There is no new information of substantial importance that was not known and could not have been known at the time the previous environmental documents were certified that shows any of the circumstances described in CEQA Guidelines 15162(a)(3)(A) - (D) would be applicable. Therefore, no subsequent environmental document is required, in that no new additional impacts and/or

mitigation measures are required beyond those that were analyzed in the original environmental document. All of the impacts were adequately addressed and disclosed in the previously certified environmental document. Additionally, the current project is required to comply and/or implement all mitigation measures (Tribal Cultural Resources) outlined within the previously certified MND No. 593686. A Mitigation, Monitoring Reporting Program (MMRP) has been prepared which will reduce, to below a level of significance, potential impacts identified in MND No. 593686, and this MMRP will be implemented as a condition of the project.

BACKGROUND

This project is a request for a CUP pursuant to [SDMC Section 126.0303](#) to allow the operation of a 1,200-square-foot Cannabis Outlet within a proposed 2,400-square-foot building, located at 4337 Home Avenue (Attachment 1). The 1.08-acre site is in the CC-1-3 and IL-3-1 Zones, Airport Influence Area (San Diego International Airport – Area 2), Fire Brush Zones, and High Fire Severity Zone within the City Heights community of the Mid-City Communities Plan area. The site is designated Industrial by the Mid-City Communities Plan, and it is intended for commercial and light industrial land use (Attachment 2).

The site is surrounded by Home Avenue to the northwest, the 805 freeway and on and off-ramps to the southwest, and is in close proximity to public transit opportunities, located approximately 560 feet west of the bus stop for Metropolitan Transit System (MTS) bus service route No. 965. Off-site an undeveloped natural slope in the OR-1-1 (Open Space-Residential Zone) rises to the southeast approximately 100 feet in elevation with single family dwellings beyond the slope, and light industrial and commercial land uses are to the northeast in the IL-3-1 Zone. Multi-family residential units located on the opposite side of the 124-foot wide Home Avenue right-of-way to the northwest are visually screened by mature landscaping along the street frontage. A concrete-lined drainage channel is located off-site along the southwest boundary of the property, which is part of the Auburn Creek geographic section of the larger Chollas Creek watershed (Attachment 3); no sensitive habitat or biological resources are present on the project site. The project site is near the Multi-Habitat Planning Area (MHPA) to the southeast, and has been conditioned to comply with the MHPA Land Use Adjacency Guidelines.

The project site is currently developed with an existing automobile service station per Neighborhood Use Permit No. 2140441, [approved on December 5, 2019](#) (Attachment 7), and a 2,994-square-foot AM/PM mini-market with a Type 20 Alcoholic Beverage Outlet per Conditional Use Permit No. 2225844, [approved on February 20, 2020](#) (Attachment 8). Both uses are separately regulated uses in this location and no changes to the existing automobile service station and mini market are proposed as part of this application.

On December 5, 2019, the Planning Commission [voted 4-3-0 to uphold an appeal](#) of the Hearing Officer's July 24, 2019 decision to approve a CUP for a Cannabis Outlet at the project site. The Commission expressed concern there was ambiguity in the regulatory language regarding measurement of required distance per SDMC [Section 141.0504 \(a\)\(2\)](#), which at that time required proposed Cannabis Outlets to maintain "a 100-foot separation from a residential zone". The project appeal had raised the issue whether measurement should be taken from the centerline of the street, where typically zone boundaries lie, rather than from property line, which is the methodology

staff had been using to interpret the code language. Since the Planning Commission's decision, the SDMC was revised per the [12th Land Development Code Update](#) to clarify this language, specifying definitively the measurement is to be taken from "a residentially zoned lot or premises", as follows:

SDMC [Section 141.0504 \(a\)\(2\)](#): "100 feet from the property line of a residentially zoned lot or premises. The distance shall be measured horizontally in a straight line between the two closest points of the property lines without regard to topography or structures that would interfere with a straight-line measurement."

On March 25, 2014, the City of San Diego adopted Ordinance No O-20356 to implement regulations for Medical Marijuana Consumer Cooperatives (MMCCs), which allowed the sale of medicinal marijuana with the approval of a Conditional Use Permit (CUP). On February 22, 2017, Ordinance No. O-20793 was approved, which included amendments to the Land Development Code and the Local Coastal Program, replacing the MMCC use with a new retail sales use, Marijuana Outlet. On January 8, 2020, the San Diego Municipal Code (SDMC) was amended by Council Ordinance [O-21163](#). The revision replaced the word "marijuana" with "cannabis", to reflect consistency with the State of California cannabis regulations. Therefore, Marijuana Outlet was renamed to Cannabis Outlet.

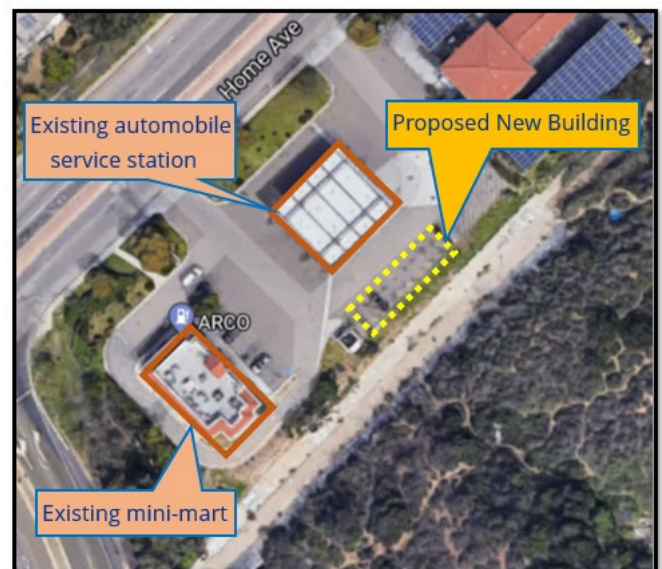
A Cannabis Outlet (CO) may be allowed with the approval of a Process Three CUP in specific land use zones of the City; these types of facilities are limited to no more than four per Council District (CD), and 36 City-wide. A CO is allowed to sell both medicinal and retail cannabis/cannabis products and is subject to State licensing requirements as defined in California Business and Professions Code section 26001. A total of two CUPs for COs have been approved in CD 9; therefore, there remains capacity for two additional COs to be approved in CD9.

DISCUSSION

Project Description:

The project proposes to construct a new, two-story, 2,400 square-foot building, which would contain a retail CO within a 1,200 square-foot tenant space on the first floor of the building. The 1,200 square-foot, second floor tenant space within the building will remain vacant for the duration of the CUP (Attachment 5, Condition No. 35). Any future occupancy of this vacant space would require an amendment to the CUP.

The new two-story building is located on the portion of the project site zoned IL-3-1. The proposed Cannabis Outlet, classified as retail sales, is allowed in the IL-3-1 Zone with a CUP pursuant to SDMC Section 141.0504. The IL-3-1 allows a mix of light industrial, office, and commercial uses. The proposed Cannabis Outlet use is consistent with the underlying zone; operation of the Cannabis Outlet will include the retail sale of cannabis/cannabis products.



The project will provide and maintain six off-street parking spaces for the CO, resulting in a minimum of 17 parking spaces required for the entire project site (22 will be provided). Public improvements include the construction of two 30-foot City Standard driveways, as well as the reconstruction of the existing curb ramp per current City standards, adjacent to the site on Home Avenue.

Landscaping/ Brush Management - The project will comply with landscape regulations, and landscaping improvements include the addition of four jacaranda street trees along the Home Avenue project frontage, and eight new Chinese banyan trees (three within the existing parking lot in the northeast portion of the site and five along the property's southeastern edge, between the new building and property line). The project is located in a High Fire Severity Overlay Zone and has been reviewed by qualified landscape review and Fire Department staff to verify compliance with the City's brush management regulations, including establishment of brush management zones and use of alternative compliance to incorporate structural "hardening" of the proposed building to reduce potential wildland fire impacts to below a level of significance. The proposed building will include 1-hour fire rated stucco construction and dual glazed/dual tempered glass openings within brush management zone 1, and the concrete drainage channel which lies offsite to the southeast of the property line effectively serves as an existing off-site fire break.

Prior to issuance of any public improvement or building permits being issued for the proposed development, construction plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and city construction standards. Cannabis Business Division (CBD) staff will ensure all cannabis related permits and state licensing requirements are met prior to issuance of a certificate of occupancy. These compliance checks will ensure the proposed development will not be detrimental to the public health, safety and welfare.

Chollas Creek Enhancement Program - The project is consistent with the Chollas Creek Enhancement Plan (CCEP), which outlines design and landscape planting strategies for development located in proximity to Chollas Creek. As recommended by the CCEP, the building design includes windows strategically placed to face Chollas Creek, which will bring attention to the creek and its environment, thereby avoiding the building "turning its back" to the creek. New landscaping along the rear setback line is designed to ensure visual and physical buffering between the new structure and the nearby Chollas Creek. As required, all landscape species proposed within this buffer area must be consistent with the "Creek Plant Palette" of the CCEP.

General Plan and Community Plan Consistency:

The project site is designated Industrial Employment by the General Plan, and Industrial by the Mid-City Communities Plan (Attachment 2). The site is within the City Heights community of the Mid-City Communities Plan Area, which identifies site for Light Manufacturing with Commercial use intended to accommodate shopping centers, strip commercial, neighborhood service convenience stores, retail sales, office, wholesale, personal and commercial services, visitor commercial enterprises, and light manufacturing. Additionally, the Mid-City Communities Plan identifies Home Avenue as a commercial corridor characterized by shopping centers, strip commercial and neighborhood serving convenience stores. Cannabis Outlet, classified as retail sales use category, is consistent with the community plan land use designation and objectives of encouraging a range of commercial goods

and services, and concentrating commercial enterprises serving regional markets reliant on freeway access along I-805, Highway 94, and State Route 15, and with a CUP, are compatible uses with the surrounding commercial establishments.

Separation Requirements:

The SDMC has very specific siting requirements for placement of Cannabis Outlets, only allowing this use in certain commercial and industrial zones and limiting quantity to no more than four per Council District, 36 city-wide. A total of two CUPs for Cannabis Outlets have been approved in Council District 9 and there is capacity for two additional Cannabis Outlet CUPs to be approved. A Cannabis Outlet use is allowed in the CC-1-3 and IL-3-1 Zones with a CUP and subject to separation requirements set forth in SDMC Section 141.0504(a), including a 1,000-foot separation from resource and population-based city parks, other cannabis outlets, churches, childcare centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools, measured in accordance with SDMC sections 141.0504 and 113.0225; there is also a minimum distance requirement of 100 feet from the property line of a residentially zoned lot or premises. City staff has reviewed the 100/1,000-foot radius map and the 100/1,000-foot radius map spreadsheet submitted by the applicant identifying all the existing surrounding uses, and determined that the proposed Cannabis Outlet complies with the minimum separation requirements between uses. If approved by the Hearing Officer, the proposed project would be the 3rd Cannabis Outlet CUP approved within Council District 9 and the 24th within the City and would bring forward another new business in San Diego's emerging cannabis industry.

Operational and Security Requirements:

The proposed Outlet is subject to specific operational and security requirements and restrictions as set forth in SDMC Section 141.0504(b) through (m), which have also been incorporated as conditions in the CUP including prohibition of consultation by medical professionals on-site; prohibition of the use of specified vending machines except by a responsible person (as defined by the SDMC); provision of interior and exterior lighting, operable cameras, alarms, security guard; restriction of hours of operation to between 7:00 am and 9:00 pm daily; maintenance of area and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; restriction of signage to business name, two-color signs, and alphabetic characters; and signage advertising cannabis may not be visible from the public right-of-way. Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

Conclusion:

City staff has reviewed the application for a CUP for a Cannabis Outlet at this location and has determined that the project is consistent with adopted City Council policies and the recommended land use and development standards in effect for this site per the SDMC, including all development regulations of the CC-1-3 and IL-3-1 Zones and the minimum separation requirements. The project is not requesting, nor does it require any deviation or variance from the applicable regulations and policy documents. The permit has been conditioned to ensure the proposed Outlet would not be detrimental to the public, health, safety and welfare. Staff has prepared draft findings (Attachment

4) for consideration and draft conditions of approval (Attachment 5) and is recommends approval of the project as proposed.

ALTERNATIVES

1. Approve CUP No. 2430967, with modifications.
2. Deny CUP No. 2430967, if the findings required to approve the project cannot be affirmed.

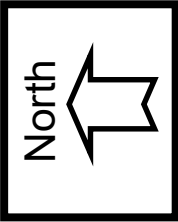
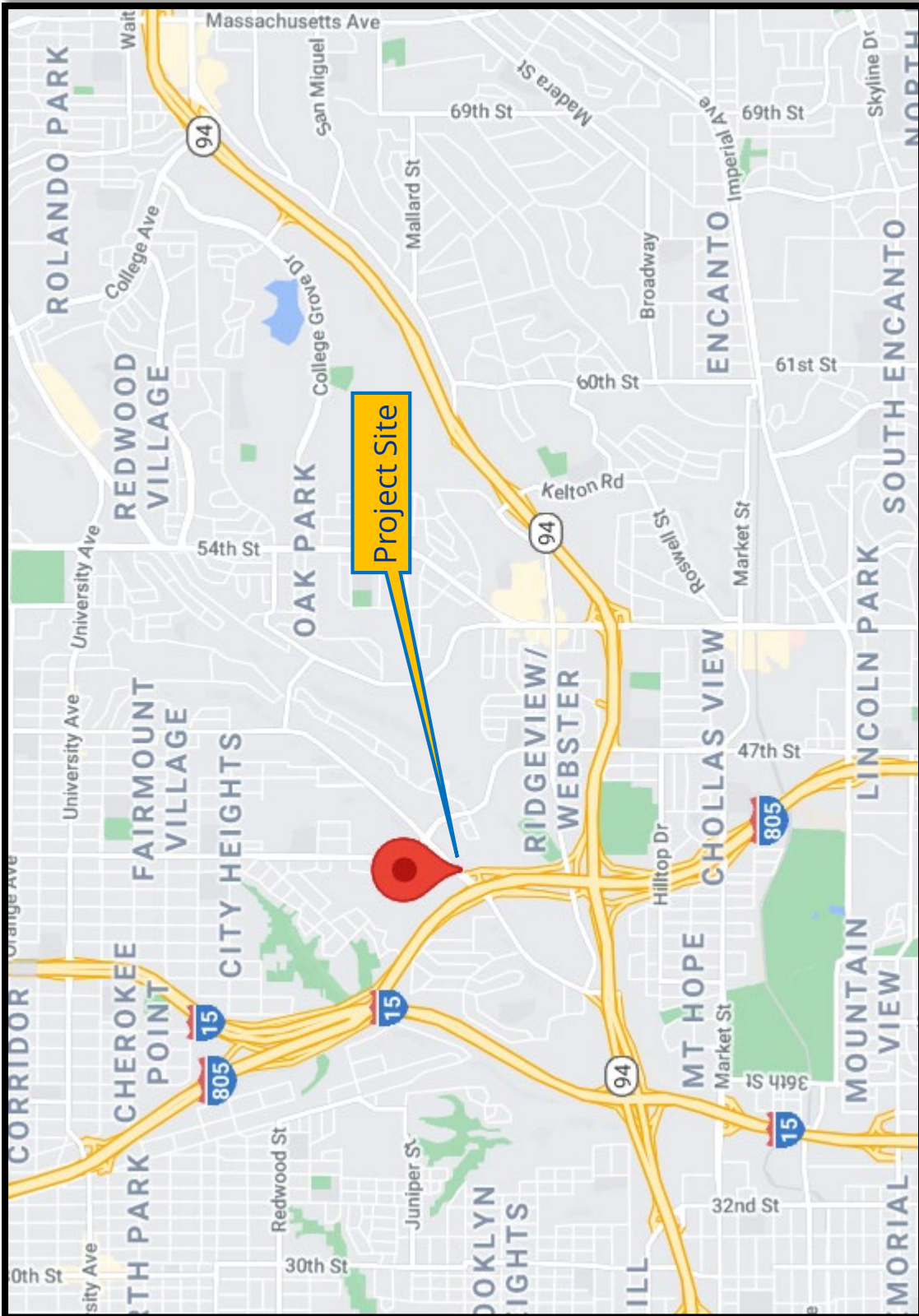
Respectfully submitted,



Sammi Ma, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. [Mitigated Negative Declaration No. 593686](#)
7. Neighborhood Use Permit No. 2140441
8. Conditional Use Permit No. 2225844
9. Community Planning Group Correspondence
10. Ownership Disclosure Statement
11. Project Plans



Project Location Map

4337 Home Avenue Cannabis Outlet CUP
PROJECT NO. 665772



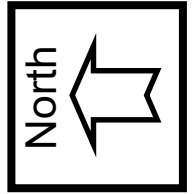
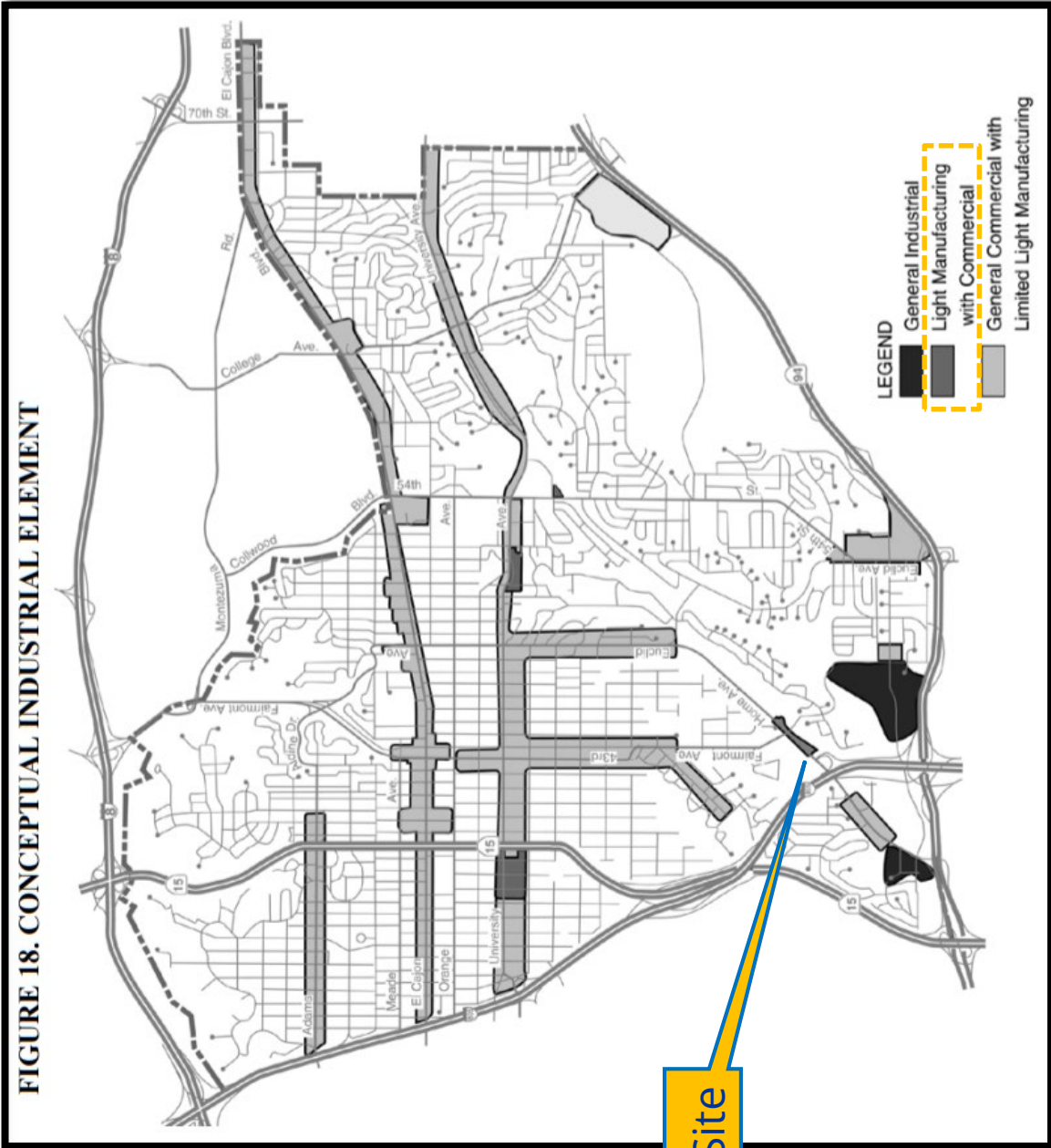


FIGURE 18. CONCEPTUAL INDUSTRIAL ELEMENT



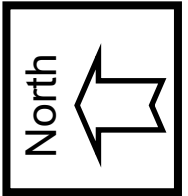
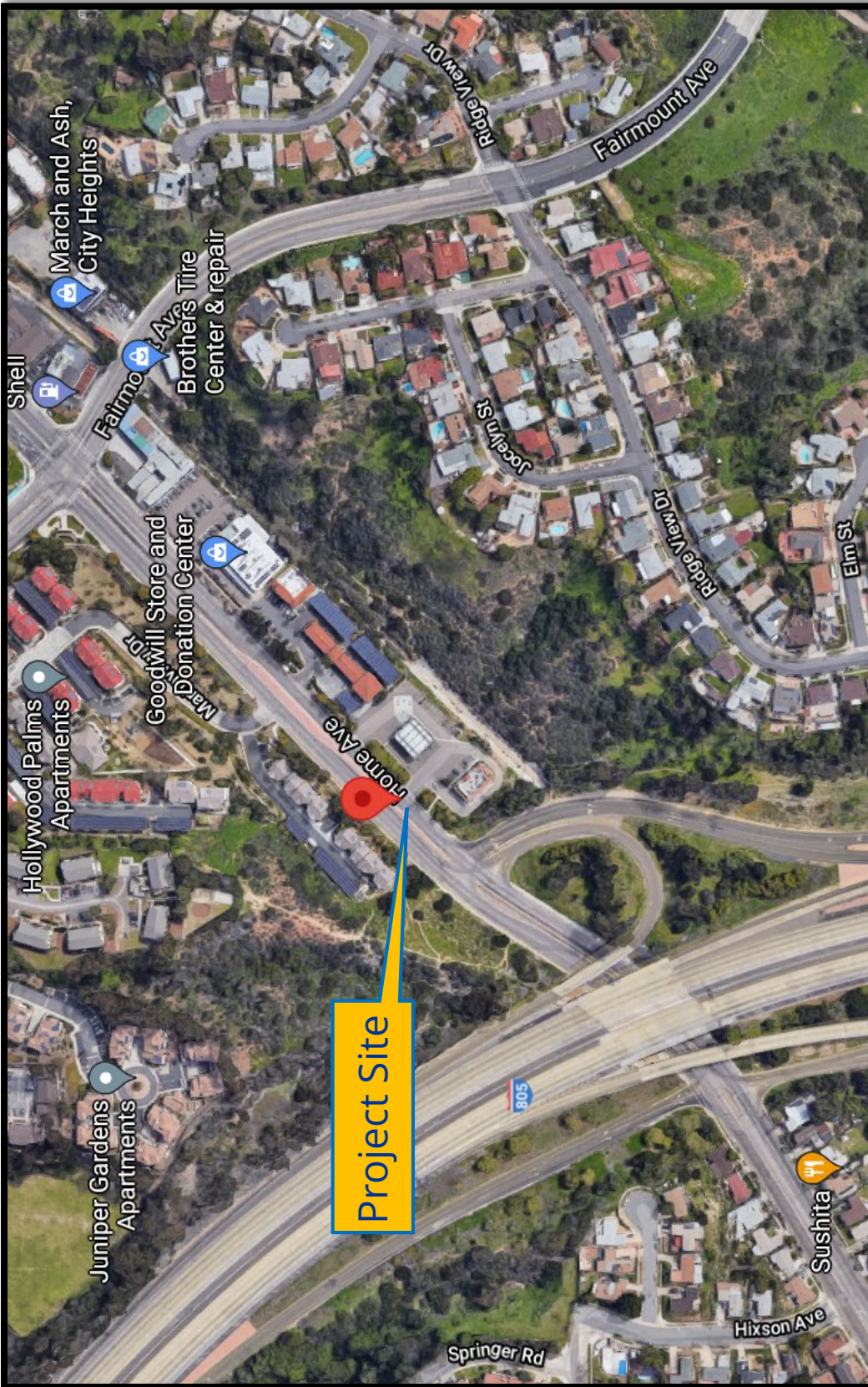
Project Site

Community Plan Land Use Map

4337 Home Avenue Cannabis Outlet CUP

PROJECT NO. 665772





Aerial Photo
4337 Home Avenue Cannabis Outlet CUP
PROJECT NO. 665772



HEARING OFFICER
RESOLUTION NO. XXXX
CONDITIONAL USE PERMIT NO. 2430967
4337 HOME AVENUE CANNABIS OUTLET CUP - PROJECT NO. 665772

WHEREAS, AVAD INVESTMENTS, INC., a California corporation, Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit to allow the operation of a 1,200-square-foot Cannabis Outlet on the first floor of a new 2,400-square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2430967), on portions of a 1.08-acre site; and

WHEREAS, the project site is located at 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones, Airport Influence Area (San Diego International Airport – Review Area 2), Fire Brush Zones, and High Fire Severity Overlay Zone within the City Heights community of the Mid-City Communities Plan area; and

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 17969, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County on December 22, 1997 as Instrument No. 1997-0651626 of Official Records; and

WHEREAS, on July 25, 2019, the City of San Diego Hearing Officer considered and adopted Mitigated Negative Declaration (MND) No. 593686. The project activity is adequately addressed in the previously adopted MND No. 593686 for the purposes of California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), and pursuant to CEQA Guidelines Section 15162, there are no conditions that require preparation of a subsequent environmental document; and

WHEREAS, on May 12, 2021, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2430967 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 2430967:

A. CONDITIONAL USE PERMIT FINDINGS [SDMC Section 126.0305]

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

This project is a request for a Conditional Use Permit (CUP) to allow the operation of a 1,200-square-foot Cannabis Outlet on the first floor of a new 2,400-square-foot building, to be located at 4337 Home Avenue. The project site is designated Industrial Employment by the General Plan, and Industrial by the Mid-City Communities Plan. The site is within the City Heights community of the Mid-City Communities Plan, which further identifies the site for Light Manufacturing with Commercial use. The land use designation is intended to accommodate shopping centers, strip commercial, neighborhood service convenience stores, retail sales, office, wholesale, personal and commercial services, visitor commercial enterprises, and light manufacturing. Additionally, the Mid-City Communities Plan identifies Home Avenue as a commercial corridor characterized by shopping centers, strip commercial and neighborhood serving convenience stores. The proposed Cannabis Outlet, classified as retail sales use category, is consistent with the Community Plan land use designation with the approval of a CUP. The project is also consistent with the community plan objectives of encouraging a range of commercial goods and services, and concentrating commercial enterprises serving regional markets reliant on freeway access along I-805, Highway 94, and State Route 15. The proposed Cannabis Outlet is compatible with the surrounding development, including adjacent commercial and light industrial establishments.

The project is consistent with the Chollas Creek Enhancement Plan (CCEP), which outlines design and landscape planting strategies for development located in proximity to Chollas Creek. As recommended by the CCEP, the building design includes windows strategically placed to face Chollas Creek, which will bring attention to the creek and its environment, thereby avoiding the building “turning its back” to the creek. New landscaping along the rear setback line is designed to ensure visual and physical buffering between the new structure and the nearby Chollas Creek. As required, all landscape species proposed within this buffer area must be consistent with the “Creek Plant Palette” of the CCEP. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes to operate a 1,200-square-foot Cannabis Outlet on the first floor of a new 2,400-square-foot building. The first floor will contain a queuing area, sales floor, storage area, office space and restroom. The 1,200-square-foot second floor shall remain vacant for the duration of the CUP (per condition No. 35). Construction of the project authorized through this permit will be subject to all adopted building, electrical, mechanical, fire and plumbing codes, which will be enforced through plan review of the building permit prior to issuance; all necessary field inspections will occur during project construction, conducted by certified City building inspectors. The project is located in a High Fire Severity Overlay Zone and has been reviewed by qualified landscape review and Fire Department staff to verify compliance with the City's brush management regulations, including establishment of brush management zones and use of alternative compliance to incorporate structural "hardening" of the proposed building to reduce potential wildland fire impacts to below a level of significance. The proposed building will include 1-hour fire rated stucco construction and dual glazed/dual tempered glass openings in brush management zone 1, and the concrete drainage channel which lies offsite to the southeast of the property line effectively serves as an existing offsite fire break.

Cannabis Outlets are restricted to four per Council District, 36 city-wide, within commercial and industrial zones. Cannabis Outlets require compliance with SDMC Section 141.0504, which requires a 1,000-foot separation, measured in accordance with SDMC sections 141.0504 and 113.0225, from resource and population-based city parks, other Outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools including private or public institutions of learning providing instruction in kindergarten grades 1 to 12; there is also a minimum distance requirement of 100 feet from the property line of a residentially zoned lot or premises. The proposed project meets all separation requirements.

The proposed Cannabis Outlet is subject to specific operational and security requirements and restrictions as set forth in SDMC Section 141.0504(b) through (m), which have also been incorporated as conditions in the CUP including prohibition of consultation by medical professionals on-site; prohibition of the use of specified vending machines except by a responsible person (as defined by the SDMC); provision of interior and exterior lighting, operable cameras, alarms, security guard; restriction of hours of operation to between 7:00 am and 9:00 pm daily; maintenance of area and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; restriction of signage to business name, two-color signs, and alphabetic characters; and signage advertising cannabis may not be visible from the public right-of-way. Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation, including designating one officer or manager to act as a responsible managing officer, fingerprinting and background checks, cannabis facility operational requirements, and regulatory actions which can be taken in the event of non-compliance. The CUP is valid for five

years, however, it may be revoked if the use violates the terms, conditions, lawful requirements, or provision of the permit.

The project will provide and maintain a minimum of six off-street parking spaces for the Cannabis Outlet, resulting in a minimum of 17 parking spaces required for all development on the project site, and 22 spaces will be provided on site. Public improvements include the construction of two 30-foot City Standard driveways, which will serve as access to the proposed development, as well as the reconstruction of the existing curb ramp per current City standards, adjacent to the site on Home Avenue. The discretionary permit controlling the development of this site contains specific regulatory conditions of approval. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent all adverse impacts to the public and community at large. The operation of the Cannabis Outlet in the CC-1-3 and IL-3-1 Zones, is allowed with a CUP at this location, and consistent with the goals and policies of the City Heights Community Plan.

The project is within the scope of the [Mitigated Negative Declaration No. 593686](#) (MND), adopted by the Hearing Officer on July 25, 2019 and prepared in accordance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15162, there are no conditions that require preparation of a subsequent environmental document: 1) No substantial changes are proposed in the project that would require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) No substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would have required major revisions to the previous environmental documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and 3) There is no new information of substantial importance that was not known and could not have been known at the time the previous environmental documents were certified that shows any of the circumstances described in CEQA Guidelines 15162(a)(3)(A) - (D) would be applicable. Therefore, no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document. As a condition of the permit the project will implement the Mitigation, Monitoring Reporting Program (MMRP) in accordance with the previously adopted MND No. 593686 for potential impacts to Tribal Cultural Resources, which will reduce, to below a level of significance, potential impacts identified in the environmental review process. Based on the above analysis, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The project proposes to operate a 1,200-square-foot Cannabis Outlet on the first floor of a new 2,400-square-foot building to be constructed, located at 4337 Home Avenue. The site is located within an urbanized community and surrounded by Home Avenue to the northwest, the 805 freeway and on and off-ramps to the southwest, an undeveloped natural slope in the OR-1-1 (Open Space-Residential Zone) that rises to the southeast approximately 100 feet in elevation with single family dwellings beyond the slope, and light industrial and commercial land uses to the northeast in the IL-3-1 Zone. There is no sensitive habitat or biological resources on site. The project site is near the Multi-Habitat Planning Area (MHPA) to the southeast, and has been conditioned to comply with the MHPA Land Use Adjacency Guidelines.

The SDMC has very specific siting requirements for placement of Cannabis Outlets, allowing this use in certain commercial and industrial zones and limiting quantity to no more than four per Council District, 36 city-wide. A total of two CUPs for Cannabis Outlets have been approved in Council District 9 and there is capacity for two additional Cannabis Outlet CUPs to be approved. A Cannabis Outlet use is allowed in the project site's CC-1-3 and IL-3-1 base zones with a CUP and subject to separation requirements set forth in SDMC Section 141.0504(a), including a 1,000-foot separation from resource and population-based city parks, other cannabis outlets, churches, childcare centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools, measured in accordance with SDMC sections 141.0504 and 113.0225; there is also a minimum distance requirement of 100 feet from the property line of a residentially zoned lot or premises. The proposed Cannabis Outlet complies with all required separation requirements.

The project will provide and maintain six off-street parking spaces for the Cannabis Outlet, resulting in a minimum of 17 parking spaces required for all development on the project site. The project will provide 22 parking spaces, thereby meeting this requirement. Public improvements will meet current City standards and include the construction of two 30-foot City Standard driveways, as well as the reconstruction of the existing curb ramp, adjacent to the site on Home Avenue.

The permit for the project includes various conditions and corresponding exhibits of approval to ensure compliance with the SDMC, including those relative to parking, signage, lighting, security measures, hours of operation, and site maintenance. No variance or deviations are required as part of this application, and the proposed development will comply with the regulations of the Land Development Code.

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

This project is a request for a CUP to allow the operation of a 1,200-square-foot retail Cannabis Outlet on the first floor of a proposed 2,400-square-foot building. The 1.08-acre site is located at 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones, Airport Influence Area (San Diego International Airport – Review Area 2), Fire Brush Zones, and High Fire Severity Overlay Zone within the City Heights community of the Mid-

City Communities Plan area. The property is currently developed with an existing automobile service station operating per Neighborhood Use Permit No. 2140441, and a 2,994-square-foot AM/PM mini-market with a Type 20 Alcoholic Beverage Outlet per Conditional Use Permit No. 2225844. Both existing uses are separately regulated uses in this location and no changes to the existing automobile service station and mini market are proposed as part of this application. The site is in close proximity to public transit opportunities, located approximately 560 feet west of the bus stop for Metropolitan Transit System (MTS) bus service route No. 965.

The project site is designated Industrial Employment by the General Plan, and Industrial by the Mid-City Communities Plan. The site is within the City Heights community of the Mid-City Communities Plan, which further identifies the site for Light Manufacturing with Commercial use. The land use designation is intended to accommodate shopping centers, strip commercial, neighborhood service convenience stores, retail sales, office, wholesale, personal and commercial services, visitor commercial enterprises, and light manufacturing. Additionally, the Mid-City Communities Plan identifies Home Avenue as a commercial corridor characterized by shopping centers, strip commercial and neighborhood serving convenience stores. Cannabis Outlet, classified as retail sales use category, is consistent with the Community Plan land use designation with the approval of a CUP. The project is consistent with the community plan objectives of encouraging a range of commercial goods and services, and concentrating commercial enterprises serving regional markets reliant on freeway access along I-805, Highway 94, and State Route 15. The proposed Cannabis Outlet is compatible with the surrounding development, including adjacent commercial and light industrial establishments. Multi-family residential units located on the opposite side of the 124-foot wide Home Avenue right-of-way to the northwest are visually screened by mature landscaping along the street frontage.

Though the project site located in a High Fire Severity Overlay Zone, it has been reviewed by qualified landscape review and Fire Department staff to verify compliance with the City's brush management regulations, including establishment of brush management zones and use of alternative compliance to incorporate structural "hardening" of the proposed building to reduce potential wildland fire impacts to below a level of significance. The proposed building will include 1-hour fire rated stucco construction and dual glazed/dual tempered glass openings in brush management zone 1, and the concrete drainage channel which lies offsite to the southeast of the property line effectively serves as an existing offsite fire break.

The SDMC has very specific requirements for siting of Cannabis Outlets, only allowing this use in certain commercial and industrial zones and limiting quantity to no more than four per Council District, 36 city-wide. A total of 23 retail cannabis facilities, two of which are within Council District 9 (CD9), have been approved to date; therefore, CD9 has capacity for two additional outlets. A Cannabis Outlet use is allowed in the CC-1-3 and IL-3-1 base zones with a CUP and subject to separation requirements set forth in SDMC Section 141.0504(a) including a 1,000-foot separation, measured in accordance with SDMC sections 141.0504 and 113.0225,

from specified uses; there is also a minimum distance requirement of 100 feet from the property line of a residentially zoned lot or premises. The proposed Outlet is in compliance with the required separation requirements.

Outlets are also subject to specific operational requirements and restrictions set forth in SDMC Section 141.0504(b) – (m), which have also been incorporated as conditions in the CUP, including: (1) prohibiting consultation by medical professionals on-site; (2) prohibiting the use of specified vending machines except by a responsible person (as defined by the SDMC); (3) provision of interior and exterior lighting, operable cameras, alarms, and security guards; (4) restriction of hours of operation to between 7:00 am and 9:00 pm daily; (5) maintenance of the project site and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and (6) restriction of signage to business name, two-color signs, and alphabetic characters. Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation. The proposed project would be the 3rd Cannabis Outlet CUP approved within CD9 and the 24th within the City, and would establish another new business in San Diego’s emerging cannabis industry, providing community access to a facility where consumers can purchase cannabis products meeting State safety and testing requirements. Therefore, based on the above analysis, the proposed use is appropriate at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the HEARING OFFICER, Conditional Use Permit No. 2430967 is hereby GRANTED by the HEARING OFFICER to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2430967, a copy of which is attached hereto and made a part hereof.

Sammi Ma
Development Project Manager
Development Services

Adopted on: May 26, 2021

IO#: 24008622

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008622

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2430967
4337 HOME AVENUE CANNABIS OUTLET CUP - PROJECT NO. 665772
HEARING OFFICER

This Conditional Use Permit No. 2430967 ("Permit") is granted by the Hearing Officer of the City of San Diego to Avad Investments, Inc., a California corporation, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 1.08-acre site is located at 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones, Airport Influence Area (San Diego International Airport – Review Area 2), Fire Brush Zones, and High Fire Severity Overlay Zone within the City Heights community of the Mid-City Communities Plan area. The project site is legally described as: Parcel 1 of Parcel Map No. 17969, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County on December 22, 1997 as Instrument No. 1997-0651626 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate a Cannabis Outlet, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 26, 2021, on file in the Development Services Department.

The project shall include:

- a. Operation of a 1,200-square-foot Cannabis Outlet on the first floor of a new, two-story, 2,400-square-foot building;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by June 9, 2024.
2. This Conditional Use Permit [CUP] and corresponding Cannabis Outlet use of this site shall expire on June 9, 2026.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

BUILDING OFFICIAL REQUIREMENT:

12. Prior to the commencement of operations granted by this Permit, the Owner/Permittee shall be granted occupancy for this cannabis use through a building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official.

CLIMATE ACTION PLAN REQUIREMENT:

13. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

15. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION (MND) No. 593686, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. Future development shall comply with the MMRP as specified in MND No. 593686, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of any construction permits, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue area: Tribal Cultural Resources.

MULTIPLE SPECIES CONSERVATION PROGRAM:

17. The Owner/Permittee shall comply with the City's Multiple Species Conservation Program (MSCP) and Multiple Habitat Planning Area (MHPA) Land Use Adjacency Guidelines.

18. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall depict the following requirements on the construction documents and plans for Project Site.

- a. **Grading/Land Development/MHPA Boundaries** – Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- b. **Drainage** – All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- c. **Toxics/Project Staging Areas/Equipment Storage** – Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."

- d. **Lighting** – All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.
- e. **Barriers** – Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- f. **Invasives** – No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- g. **Noise** – Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: CA gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species the following measures are required:

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

1. Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 1 O(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

- II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE

PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental/Mitigation conditions) and Exhibit "A", on file in the Development Services Department.

20. Prior to issuance of any construction permits for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

21. Prior to issuance of any construction permit for building structure (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

22. In the event that a foundation-only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with the Exhibit "A", Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area'.

23. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said

landscaping will be responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

24. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

25. The Owner/Permittee shall implement the following requirement in accordance with the Brush Management Program shown on the Exhibit "A" on file in the Development Services Department.

26. The Brush Management Program shall be based on a standard Zone One of 35-foot in width and a Zone Two of 65-foot in width, exercising the Alternative Compliance measures set forth under SDMC Sections 142.0412(f), 142.0412(i), and 142.0412(j). Zone One shall range from 15-foot to 35-foot in width, extending out from the occupiable structures towards the native/naturalized vegetation as shown on Exhibit "A". No Zone Two occurs on site. Where the full brush management zones cannot be provided, openings along the brush side of the occupiable structures, plus a 10-foot perpendicular return along adjacent wall faces, shall be upgraded to dual-glazed, dual-tempered panes as alternative compliance for the reduced brush management zones. Additional alternative compliance measures may be required as determined by the Deputy Fire Marshal.

27. Prior to issuance of any construction permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with the Exhibit "A".

28. Prior to issuance of any construction permits, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with the Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

29. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to the approval of the City Fire Marshal.

30. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

GEOLOGY REQUIREMENTS:

31. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addressed the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of the Development Services Department.

ENGINEERING REQUIREMENTS:

32. Prior to issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of two (2) 30-foot driveways, per current City Standard, adjacent to the site on Home Avenue as shown on Exhibit "A", satisfactory to the City Engineer.

33. Prior to issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing curb ramp per current City Standards, adjacent to the site on Home Avenue as shown on Exhibit "A", satisfactory to City Engineer.

34. Prior to issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA) of all private storm drain system connections, street trees, landscape and irrigation located in the City's right-of-way, satisfactory to the City Engineer.

35. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

36. Prior to issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

37. Prior to issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

38. The 1,200-square-foot second floor shall remain vacant for the duration of the CUP.

39. Lighting shall be provided to illuminate the interior, facade, and the immediate surrounding area of the cannabis outlet, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

40. Security shall be provided at the cannabis 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 during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.

41. Signage: Primary signs shall be posted on the outside of the cannabis outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors. Secondary signs advertising cannabis, window signs and any display visible from the public right-of-way, are not permitted. No marketing or advertising for cannabis or cannabis products shall be displayed visible from the public right-of-way. All cannabis licensees, and any person acting on behalf of a licensee, must comply with the State of California statutes and regulations governing commercial cannabis advertising and/or promoting.

42. Odor Control: The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted cannabis outlet, to the satisfaction of the Development Services Department.

43. The name and emergency contact phone number of the designated responsible managing operator shall be posted in a location visible from outside the cannabis outlet in character size at least two inches in height.

44. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

45. The use of vending machines which allow access to cannabis and cannabis products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to cannabis and cannabis products without a human intermediary.

46. An annual operating permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

47. Deliveries shall be permitted as an accessory use only from cannabis outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.

48. The cannabis outlet, adjacent public sidewalks, and areas under the control of the cannabis outlet, shall be maintained free of litter and graffiti at all times.

49. The cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

50. Consultations by medical professionals shall not be a permitted accessory use at a cannabis outlet.

TRANSPORTATION REQUIREMENTS:

51. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with the requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

52. Prior to issuance of any construction permits, if it is determined during the building permit review process the existing water and sewer service will not be adequate to serve the proposed project, the Owner/Permittee shall, assure by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

53. No tree or shrubs exceeding three (3) feet in height at maturity shall be installed within ten (10) feet of any sewer facilities and five (5) feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section [34.0103 \(b\)](#), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at (619) 615-1580.

APPROVED by the Hearing Officer of the City of San Diego on May 26, 2021 and Resolution No. #####.

ATTACHMENT 5

Permit Type/PTS Approval No.: Conditional Use Permit No. 2430967
Date of Approval: May 26, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Sammi Ma
Development Project Manager

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

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

AVAD Investments, Inc.
A California Corporation
Owner/Permittee

By _____
Name: Arkan Faraj Somo
Title: President

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

ATTACHMENT 6

An online copy of Mitigated Negative Declaration No. 593686 can be found through the following link: [Mitigated Negative Declaration No. 593686](#)



Feb 25, 2020 10:33 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$47.00 (SB2 Atkins: \$0.00)

PAGES: 12

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007693

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD USE PERMIT NO. 2140441
4337 HOME AVENUE NUP - PROJECT NO. 593686
PLANNING COMMISSION

This Neighborhood Use Permit No. 2140441 ("Permit") is granted by the Planning Commission of the City of San Diego to Avad Investments Inc., a California corporation, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0205. The 1.08-acre site is located at 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones, and the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones within the City Heights neighborhood of the Mid-City Communities Plan area. The project site is legally described as: Parcel 1 of Parcel Map No. 17969 in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Records of San Diego County on December 22, 1997, as Instrument No. 1997-0651626 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to continue operation of an auto service station with mini-market, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 5, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of an existing auto service station (ARCO) and a 2,944 square-foot mini-market (AM/PM);
- b. Off-street parking;
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 5, 2022.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Future development shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 593686, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: Tribal Cultural Resources.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan

Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

13. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

14. All signs associated with development associated with this Permit shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

AUTOMOBILE SERVICE STATION REQUIREMENTS:

16. Devices to alert station attendants to entering vehicles shall be located and adjusted so that they do not cause noise disturbance to adjoining properties.

17. Merchandise, material, and products for sale shall be stored and displayed only within an enclosed building, except that motor oil, tires, batteries, and other automotive supplies may be displayed at pump islands or adjacent to a building if the display or storage racks and containers are designed to appear as an integral part of the pump island or building exterior.

18. When the service station is abandoned, or the use changed, the Owner shall remove the underground tanks in accordance with the procedures of the City of San Diego Fire Department and the County of San Diego Health Services Department.

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on December 5, 2019 and Resolution No. 5061-PC.

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego
On February 21, 2020 before me, Rose Marie White, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Sammi Ma
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

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

WITNESS my hand and official seal.

Signature Rose Marie White
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Permit Type/PTS Approval No.: Neighborhood Use Permit No. 2140441

Date of Approval: December 5, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



Sammi Ma
Development Project Manager

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

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

**AVAD INVESTMENTS INC.,
A California Corporation**
Owner/Permittee



By ARKAN SOMO
NAME AKA Arkan Faraj Somo
TITLE President

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)
On 02/21/2020 before me, Hugo Reyes-Villegas, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Arkan Faraj Somo
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

ORIGINAL

PLANNING COMMISSION RESOLUTION NO. 5061-PC
NEIGHBORHOOD USE PERMIT NO. 2140441
4337 HOME AVENUE NUP – PROJECT NO. 593686

WHEREAS, AVAD INVESTMENTS INC., a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a Neighborhood Use Permit to continue the operation of an existing automobile service station and a 2,944 square-foot mini-market (Conditional Use Permit No. 2117121), as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated permits, on portions of a 1.08-acre site;

WHEREAS, the project site is located at 4333 - 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones, and the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones within the City Heights community of the Mid-City Communities Plan area;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 17969 in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Records of San Diego County on December 22, 1997, as Instrument No. 1997-0651626 of Official Records;

WHEREAS, on July 24, 2019, the Hearing Officer of the City of San Diego considered and Approved Mitigated Negative Declaration (MND) No. 593686 and Neighborhood Use Permit No. 2140441, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on July 24, 2019, a Development Permit Appeal Application (Appeal) was filed on the Project; and

WHEREAS, on August 7, 2019, the Mitigated Negative Declaration was appealed to City Council, however, the appeal was withdrawn before the appeal hearing;

WHEREAS, on December 5, 2019, the Planning Commission of the City of San Diego Denied the Appeal, affirmed the Hearing Officer's decision, and Approved Neighborhood Use Permit No. 2140441;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego, , pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same, affirms the Hearing Officer decision of approval on July 24, 2019, and adopts the following findings with respect to Neighborhood Use Permit No. 2140441:

A. NEIGHBORHOOD USE PERMIT [SDMC SECTION 126.0205]

1. Findings for all Neighborhood Use Permits:

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

The project includes a request for a Neighborhood Use Permit (NUP) to continue operation of an existing automobile service station (ARCO) and mini-market (AM/PM) located in the CC-1-3 (Commercial-Community) and IL-3-1 (Industrial-Light) zones. The 1.08-acre project site is located at 4333 - 4337 Home Avenue, within the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones, within the City Heights community of the Mid-City Communities Plan area.

The project site is designated Industrial Employment by the General Plan, and Industrial by the Mid-City Communities Plan. The site is within the City Heights community of the Mid-City Communities Plan, which further identifies site for Light Manufacturing with Commercial use. The land use designation is intended to accommodate shopping centers, strip commercial, neighborhood service convenience stores, retail sales, office, wholesale, personal and commercial services, visitor commercial enterprises, and light manufacturing. Additionally, the Mid-City Communities Plan identifies Home Avenue as a commercial corridor characterized by shopping centers, strip commercial and neighborhood serving convenience stores.

The operation of an automobile service station, classified as vehicle and vehicle equipment sales and service use category, and the operations of a mini-market, classified as retail sales use category, are consistent with the community plan land use designation. The project is also consistent with the community plan objectives of encouraging a range of commercial goods and services, and concentrating commercial enterprises serving regional markets reliant on freeway access along I-805, Highway 94, and State Route 15. The project is compatible with the surrounding development, including adjacent commercial and light industrial establishments, with a NUP. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The proposed development will not be detrimental to the public's health, safety and welfare because the discretionary permits controlling the development and continued use of this site contains specific regulatory conditions of approval to assure the project's compliance with applicable local, regional, state and federal codes and rules. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent all adverse impacts to the public and community at large. The operations of the automobile service station and the mini-market in the CC-1-3 and IL-3-1 Zones are allowed with a NUP at this location, and consistent with the goals and policies of the Mid-City Communities Plan.

Approval of this application would allow operation of the automobile service station and mini-market to be conditioned in order to prevent potential adverse impacts on the community. Specifically, the associated permit for the automobile service station includes a condition limiting hours of operation between 6:00AM to 12:00 Midnight.

Furthermore, this project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Based on the above analysis, the proposed development would not be detrimental to the public health, safety, and welfare.

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

The project proposes to continue the operation of the existing automobile service station, and the 2,994-square-foot mini-market located in the CC-1-3 and IL-3-1 Zones. No construction changes to the existing automobile service station and mini-market are proposed as part of this application.

The project will provide 24 off-street parking spaces, which exceeds the 21 off-street parking spaces required for all uses on site, including six required spaces for the

marijuana outlet, and 15 required spaces for the auto service station and the mini-market.

The permits for the project include various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to parking and hours of operation. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Neighborhood Use Permit No. 2140441 is hereby GRANTED by the Planning Commission to the referenced Owner and Permittees, in the form, exhibits, terms and conditions as set forth in Permit No. 2140441, a copy of which is attached hereto and made a part hereof.



Sammi Ma
Development Project Manager
Development Services Department

Adopted on: December 5, 2019

IO#: 24007693



Feb 25, 2020 10:29 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER
FEES: \$56.00 (SB2 Atkins: \$0.00)

PAGES: 15

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007693

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2225844

4337 HOME AVENUE ALCOHOL BEVERAGE OUTLET CUP – PROJECT NO. 593686

PLANNING COMMISSION

This Conditional Use Permit No. 2225844 ("Permit") is granted by the Planning Commission of the City of San Diego to Avad Investments Inc., a California corporation, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 1.08-acre site is located at 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones, the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones within the City Heights neighborhood of the Mid-City Communities Plan area. The project site is legally described as: Parcel 1 of Parcel Map No. 17969 in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Records of San Diego County on December 22, 1997, as Instrument No. 1997-0651626 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to continue operation of an Alcoholic Beverage Outlet, Type 20 Alcohol License, conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control, and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2020, on file in the Development Services Department.

The project shall include:

- a. Operation of an Alcoholic Beverage Outlet, Type 20 Alcohol License, within an existing 2,944-square-foot mini-market facility, conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control;
- b. Off-street parking;
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 20, 2023.
2. Conditional Use Permit No. 2225844 [CUP] and corresponding use of this site shall expire on February 20, 2030. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC section 141.0502(c)(7).
3. The utilization of CUP No. 2225844 is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Future development shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 593686, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: Tribal Cultural Resources.

PLANNING/DESIGN REQUIREMENTS:

12. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

13. All signs associated with development associated with this Permit shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

ALCOHOLIC BEVERAGE OUTLET CONDITIONS:

15. Owner/Permittee shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.

16. The sale of alcoholic beverages shall be accessory as shown on Exhibit "A" and limited to no more than 50 square feet of the floor area of the mini-market.

17. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

18. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or amusement devices are not permitted on the premises.

19. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.

20. The Owner/Permittee shall provide illumination, at a minimum level of 0.4 foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.

21. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, except for any advertising prohibited by law. All advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.

22. The Owner/Permittee of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent to the premises, violators are subject to arrest." The sign shall be at least two square feet with two-inch block lettering. The sign shall be in English and Spanish.

23. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

24. The Owner/Permittee shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic

beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the Owner/Permittee.

25. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. The Owner/Permittee shall eliminate graffiti within 48 hours of application.

POLICE DEPARTMENT REQUIREMENTS:

26. The sales of alcoholic beverage shall be permitted between the hours of 8 a.m. to midnight each day of the week.

27. Exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited.

28. Video surveillance shall be recording and available to law enforcement upon request covering both interior and exterior of the premises. Upon request of law enforcement video surveillance shall not be deleted, voided or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale.
- Beer, wine and malt beverage products, regardless of size, shall only be sold in pre-packaged multi-unit quantities.
- The sale of beer or malt beverages in kegs is prohibited.
- Wine shall not be sold with an alcoholic content greater than 15 percent by volume.

INFORMATION ONLY:

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

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on February 20, 2020 and Resolution No. PC-5076.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



Edith Gutierrez
Development Project Manager

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

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

**AVAD INVESTMENTS INC.,
A California Corporation**
Owner/Permittee



By ARKAN SOMO
NAME: Arkan Somo AKA Arkan Faraj Somo
TITLE: President

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

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

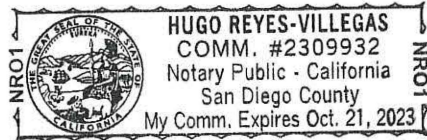
State of California
County of San Diego)

On 02/21/2020 before me, Hugo Reyes-Villegas Notary Public
(insert name and title of the officer)

personally appeared Arkan Faraj Somo,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature [Handwritten Signature] (Seal)

ORIGINAL

PLANNING COMMISSION RESOLUTION NO. 5076-PC
CONDITIONAL USE PERMIT NO. 2225844
4337 HOME AVENUE ALCOHOL BEVERAGE OUTLET CUP – PROJECT NO. 593686

WHEREAS, AVAD INVESTMENTS INC., a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a permit to continue the operation of an Alcoholic Beverage Outlet, Type 20 Alcohol License, as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated permits, on portions of a 1.08-acre site;

WHEREAS, the project site is located at 4337 Home Avenue in the CC-1-3 and IL-3-1 Zones, and the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones within the City Heights community of the Mid-City Communities Plan area;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 17969 in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Records of San Diego County on December 22, 1997, as Instrument No. 1997-0651626 of Official Records;

WHEREAS, on July 24, 2019, the Hearing Officer of the City of San Diego considered and Approved Mitigated Negative Declaration (MND) No. 593686 and Conditional Use Permit No. 2225844 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on July 24, 2019, a Development Permit Appeal Application (Appeal) was filed on the Project; and

WHEREAS, on August 7, 2019, the Mitigated Negative Declaration was appealed to City Council, however, the appeal was withdrawn before the appeal hearing;

WHEREAS, on December 5, 2019, the Planning Commission of the City of San Diego Granted the Appeal, reversed the Hearing Officer's decision, and Denied Conditional Use Permit No. 2225844;

WHEREAS, on December 12, 2019, during non-agenda public comment at the Planning Commission hearing, the Owner/Applicant, AVAD Investment Inc., Arkan Somo, requested a reconsideration of the December 5, 2019, Planning Commission decision for Conditional Use Permit No. 2225844; and the request was supported by the Planning Commission to place the reconsideration of Conditional Use Permit No. 2225844 on a future agenda pursuant to Section 2.6 of the Permanent Rules of the Planning Commission; WHEREAS, on January 30, 2020, the Planning Commission suspended the Permanent Rules and reconsidered the December 5, 2019, denial of Conditional Use Permit NO. 2225844;

WHEREAS, on February 20, 2020, the Planning Commission of the City of San Diego Denied the appeal, affirmed the Hearing Officer's decision and approved Conditional Use Permit No. 2225844 for a Type 20 Alcohol License;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego, pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully reconsidered the matter and being fully advised concerning the same, affirms the Hearing Officer decision of approval on July 24, 2019, and adopts the following findings with respect to Conditional Use Permit No. 2225844:

A. CONDITIONAL USE PERMIT [SDMC SECTION 126.0305]

1. Findings for all Conditional Use Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

The project is a request for a Conditional Use Permit (CUP) to continue operation of an alcoholic beverage outlet for the sale of beer and wine for off-site consumption, in accordance with a Type 20 Alcohol and Beverage Control (ABC) License, within an existing mini-market on a portion of a 1.08-acre site zoned CC-1-3 (Commercial-Community Zone). The project site is located at 4337 Home Avenue, within the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones, within the City Heights community of the Mid-City Communities Plan area.

The project site is designated Industrial Employment by the General Plan, and Industrial by the Mid-City Communities Plan. The site is within the City Heights community of the Mid-City Communities Plan, which further identifies the site for Light Manufacturing with Commercial use. The land use designation is intended to accommodate shopping centers, strip commercial, neighborhood service convenience stores, retail sales, office, wholesale, personal and commercial services, visitor commercial enterprises, and light manufacturing. Additionally, the Mid-City Communities Plan identifies Home Avenue as a commercial corridor characterized by shopping centers, strip commercial and neighborhood serving convenience stores.

The operation of an alcoholic beverage outlet, classified as retail sales use category, is consistent with the community plan land use designation with approval of a CUP. The project is also consistent with the community plan objectives of encouraging a range of commercial goods and services, and concentrating commercial enterprises serving regional markets reliant on freeway access along I-805, Highway 94, and State Route 15. The project is compatible with the surrounding development, including adjacent commercial and light industrial establishments, with a CUP. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The proposed development will not be detrimental to the public's health, safety and welfare because the discretionary permits controlling the development and continued use of this site contains specific regulatory conditions of approval to assure the project's compliance with applicable local, regional, state and federal codes and rules. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent all adverse impacts to the public and community at large. The operations of the alcoholic beverage outlet within the mini-market, in the CC-1-3 Zone, is allowed with a CUP at this location, and consistent with the goals and policies of the Mid-City Communities Plan.

Approval of this application would allow continued operation of an alcoholic beverage outlet for the sale of beer and wine for off-site consumption from an existing mini-market. The permit as conditioned will prevent potential adverse

impacts on the community. Specifically, the associated permit for the alcoholic beverage outlet includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti.

Furthermore, this project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Based on the above analysis, the proposed development would not be detrimental to the public health, safety, and welfare.

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

The project proposes to continue the operation of a Type 20 alcoholic beverage outlet within an existing 2,994-square-foot mini-market located on a portion of a 1.08-acre site Zoned CC-1-3. No construction changes to the existing mini-market are proposed as part of this application.

The project will provide 24 off-street parking spaces, which exceeds the 21 off-street parking spaces required for all uses on site.

The permits for the project include various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to signage, lighting, security measures, hours of sale of alcohol, and site maintenance. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The project proposes to continue the operation of an alcoholic beverage outlet for the sale of beer and wine for off-site consumption, in accordance with a Type 20 Alcohol and Beverage Control (ABC) License, within an existing mini-market located on the portion of a 1.08-acre site zoned CC-1-3 (Commercial – Community). The project site is also located within the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones, within the City Heights community of the Mid-City Communities Plan area.

The project site is currently improved with a mini-market with a Type 20 ABC License alcoholic beverage outlet, fueling islands, paved parking lot, and landscape areas, constructed in accordance with CUP No. 96-7374, approved on September 17, 1997. The site is located within an urbanized community and surrounded by Home Avenue to the northwest, the 805 freeway and on and off-ramps to the southwest, an undeveloped natural slope in the OR-1-1 (Open Space-Residential Zone) that rises to the southeast approximately 100 feet in elevation with single family dwellings

beyond the slope, and light industrial and commercial land uses to the northeast in the IL-3-1 Zone. There is no sensitive habitat or biological resources on site. The project site is near the Multi-Habitat Planning Area (MHPA) to the southeast, and has been conditioned to require compliance with the MHPA Land Use Adjacency Guidelines

The project site is designated Industrial Employment by the General Plan, and Industrial by the Mid-City Communities Plan. The site is within the City Heights community of the Mid-City Communities Plan Area, which identifies site for Light Manufacturing with Commercial use intended to accommodate shopping centers, strip commercial, neighborhood service convenience stores, retail sales, office, wholesale, personal and commercial services, visitor commercial enterprises, and light manufacturing. Additionally, the Mid-City Communities Plan identifies Home Avenue as a commercial corridor characterized by shopping centers, strip commercial and neighborhood serving convenience stores. The operation of an alcoholic beverage outlet, classified as retail sales use category, is consistent with the community plan land use designation and objectives of encouraging a range of commercial goods and services, and concentrating commercial enterprises serving regional markets reliant on freeway access along I-805, Highway 94, and State Route 15, and with a CUP, is a compatible use with the surrounding commercial establishments.

The alcoholic beverage outlet is allowed at this location with a CUP, which would allow the project to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The permit includes conditions that limit the hours of alcohol sales, limit advertising, prohibit machines or video games devices on the premises, and prohibit loitering and graffiti. The primary use on site is the automobile servicing and dispensing of gasoline with the market use, including sales of limited inventory of alcoholic beverages, as an accessory use and added convenience for service station customer residing, visiting and working in the project vicinity. In addition to serving the immediate community, this project is located immediately at the exit ramp of Interstate-805 and serves the wider community. The project is consistent with the purpose and intent of the underlying light industrial/commercial designation per the community plan and zone, and is compatible with the surrounding development with a CUP. Therefore, based on the above analysis, the proposed use is appropriate at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 2225844 is hereby GRANTED by the Planning Commission

to the referenced Owner and Permittees, in the form, exhibits, terms and conditions as set forth in Permit No. 2225844, a copy of which is attached hereto and made a part hereof.



Edith Gutierrez
Development Project Manager
Development Services Department

Adopted on: February 20, 2020

IO#: 24007693

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego
On February 21, 2020 before me, Rose Marie White, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Edith Gutierrez
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Rose Marie White
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Corporate Officer – Title(s): _____
- Partner – Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer is Representing: _____

Signer's Name: _____

- Corporate Officer – Title(s): _____
- Partner – Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer is Representing: _____

From: [CHAPC Chairman](#)
To: [Ma, Sammi](#)
Cc: [Maria Cortez](#); [Edwin Lohr](#); [Vanessa Erickson](#)
Subject: Re: [EXTERNAL] Re: Project #665772 - Digital: 4337 Home Ave Outlet
Date: Friday, January 29, 2021 10:39:54 AM
Attachments: [665772_4337 Home Ave Outlet.pdf](#)
[Untitled.msg](#)

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Sammi,

Here is the clarifications I can offer for this project per our minutes along with the Chair's observations:

Brian Green-Carson motioned to **deny** the CUP for a proposed Marijuana Outlet at 4337 Home Ave based on the following issues:

- the proposed site is 895' from an existing outlet on the corner of Fairmount and Home Ave.
- the proposed site is less than 1000' from Hollywood Palms where there are children present in a tot lot and after school program.
- the proposed site is near a Head Start facility.
- the project is not in compliance with the Chollas Creek Enhancement Project.
- this project is located within a designated high crime area.

Maria seconded the motion. David Nelson commented, Patty Vaccariello and Roddy Jerome asked follow-up questions. Committee **did not approve the motion** (7-8-1 Chair not voting, Edwin Lohr abstaining due to lack of project knowledge). At this point, we did not deny the project.

Follow up motion by Patty to **approve** the CUP on the condition that this project complies with the Chollas Creek Enhancement Program. Jake Banfield-Weir seconded the motion. Vote was 7-9-0 Chair did not vote, **Motion did not pass**. **At this point, we did not approve the project.**

My observation and discussion after the motion, was that the Committee was conflicted by a the requests by the community that the committee deny the project vs. the legality of marijuana and the right to purchase it at outlets that are licensed by the City and State. Also adding to the discussion was the lack of clarity by the applicant regarding future use of the second floor of the proposed building, the proximity of the building to be built adjacent to Auburn Creek bed (Chollas Creek Enhancement Program), the number of outlets already licensed in the area and the continual changes by the Planning Department to the rules regarding MO placement and proximity to sensitive receptors that cause continual reassessment of the project based on regulations when reviewed vs the rules that were changed after the project was through the initial community input phase.

Due to the split in the committee regarding this subject, the Chair did not entertain a further motion after requesting committee comment after the second vote on the item. This indicated that further discussion and motions would not change the outcome regarding this item.

The vote tally and action noted on the document submitted reflected the last vote taken by the committee regarding the second motion. It should be noted by you and the applicant that the CHAPC discussed the item at length and made two motions but could not agree on a definitive action regarding this project due to the reasons stated above.

This DOES NOT indicate a action of approval or denial for the project, rather that this was

discussed heavily by the committee with community and applicant input. The outcome was to neither approve or deny per the motions and discussion outlined above. This should be so noted.

Since the form you wish me to revise does not have a space to indicate a neutral position or the fact that multiple votes were taken, I do not feel that revising the Community Input Form will be needed since the form accurately reflects the last motion made by the CHAPC regarding this item. **This form should be updated in future to more accurately reflect the outcome of votes/discussion that are neutral in final standing in order to alleviate confusion in the future.**

I hope this offers the clarity regarding the committee's actions that you and the applicant are requesting. Thanks.

Russ Connelly
Chair, City Heights Area Planning Committee



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

Ownership Disclosure Statement

**FORM
DS-318**
October 2017

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

Project Title: 4333 - 4337 Home Avenue Marijuana Outlet - CUP **Project No. For City Use Only:** 665772

Project Address: 4333 - 4337 Home Avenue, San Diego, CA 92105

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? California Corporate Identification No. C2589316
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: AVAD Investments, Inc. Owner Tenant/Lessee Successor Agency

Street Address: 1129 Avenida Del Oceano

City: El Cajon State: CA Zip: 92019

Phone No.: 619-977-8485 Fax No.: 866-790-6123 Email: arkansomo@gmail.com

Signature: *Ark Somo* Date: 05-22-2020

Additional pages Attached: Yes No

Applicant

Name of Individual: Arkan Somo Owner Tenant/Lessee Successor Agency

Street Address: 4333-4337 Home Ave.

City: San Diego State: CA Zip: 92105

Phone No.: 619-977-8485 Fax No.: 866-790-6123 Email: arkansomo@gmail.com

Signature: *Arkan Somo* Date: 05-22-2020

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: ARM Investment, Inc. Owner Tenant/Lessee Successor Agency

Street Address: 1530 Jamacha Rd.

City: El Cajon State: CA Zip: 92019

Phone No.: 619-820-8121 Fax No.: _____ Email: rzaitona@yahoo.com

Signature: *Arkan Somo* Date: 05-22-2020

Additional pages Attached: Yes No

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.

State of California
Secretary of State



E-659284

FILED

In the office of the Secretary of
State of the State of California

Nov - 17 2008

This Space For Filing Use Only

STATEMENT OF INFORMATION
(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00. If amendment, see instructions.
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. CORPORATE NAME (Please do not alter if name is preprinted.)

C2589316
AVAD INVESTMENTS, INC.

1129 AVENIDA DEL OCEANO
EL CAJON CA 92019

S

DUE DATE:

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 2 and 3 cannot be P.O. Boxes.)

2. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE CITY STATE ZIP CODE
1129 AVENIDA DEL OCEANO EL CAJON CA 92019

3. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY CITY STATE ZIP CODE
4333 HOME AVE. SAN DIEGO CA 92105

4. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 2 CITY STATE ZIP CODE
1129 AVENIDA DEL OCEANO EL CAJON CA 92019

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/ ADDRESS CITY STATE ZIP CODE
ARKAN FARAJ SOMO 1129 AVENIDA DEL OCEANO EL CAJON, CA 92019

6. SECRETARY/ ADDRESS CITY STATE ZIP CODE
ARKAN FARAJ SOMO 1129 AVENIDA DEL OCEANO EL CAJON, CA 92019

7. CHIEF FINANCIAL OFFICER/ ADDRESS CITY STATE ZIP CODE
BAYDAA SABRI SOMO 1129 AVENIDA DEL OCEANO EL CAJON CA 92019

NAMES AND COMPLETE ADDRESSES OF ALL DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS (The corporation must have at least one director. Attach additional pages, if necessary.)

8. NAME ADDRESS CITY STATE ZIP CODE
ARKAN FARAJ SOMO 1129 AVENIDA DEL OCEANO EL CAJON, CA 92019

9. NAME ADDRESS CITY STATE ZIP CODE
BAYDAA SABRI SOMO 1129 AVENIDA DEL OCEANO EL CAJON, CA 92019

10. NAME ADDRESS CITY STATE ZIP CODE

11. NUMBER OF VACANCIES ON THE BOARD OF DIRECTIONS, IF ANY:

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California street address (a P.O.Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 13 must be left blank.)

12. NAME OF AGENT FOR SERVICE OF PROCESS
ARKAN FARAJ SOMO

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE
1129 AVENIDA DEL OCEANO EL CAJON, CA 92019

TYPE OF BUSINESS

14. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
CONVENIENCE STORE WITH GAS

15. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

11/17/2008
DATE

ARKAN FARAJ SOMO
TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

PRESIDENT
TITLE

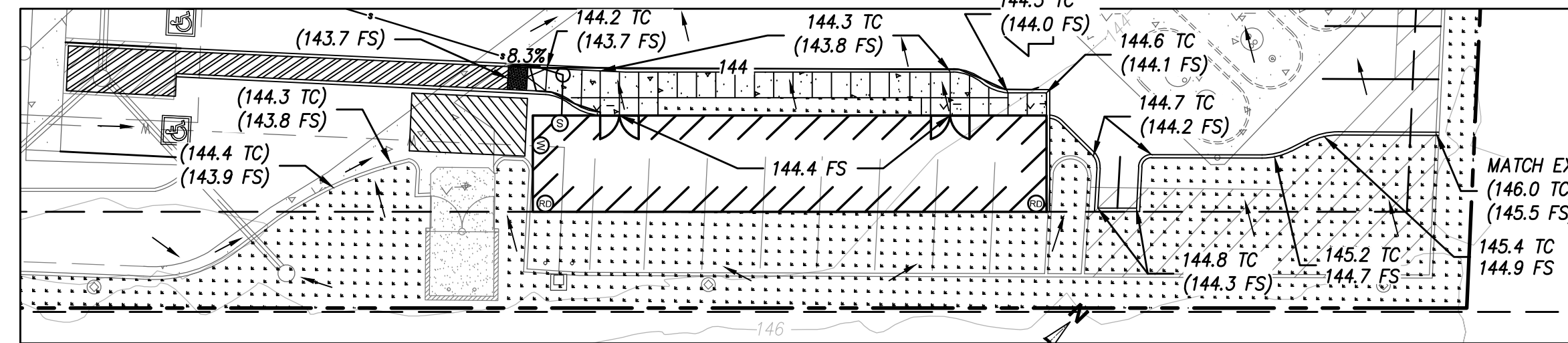
SIGNATURE

CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

4337 HOME AVENUE, SAN DIEGO, CA 92105

LEGEND:

- PROPERTY LINE
- EXISTING SETBACKS
- ZONE DELINEATION
- EXISTING BUILDING
- EXISTING CURB & GUTTER
- EXISTING TREES
- ADA PATH OF TRAVEL
- VISIBILITY AREA (SEE NOTE)
- APPROXIMATE DRAINAGE PATTERN
- PROPOSED BUILDING
- PROPOSED LANDSCAPING
- PROPOSED UTILITY CONNECTION (SEWER, WATER, ROOF DRAIN)
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PROPOSED STRIPED DIRECTIONAL ARROWS



SITE PLAN - SPOT ELEVATIONS
SCALE 1"=20'

VISIBILITY AREA NOTE:
NO OBSTRUCTION INCLUDING SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT PER SDMC SECTION 142.0409 (B)(2). PLANT MATERIAL, OTHER THAN TREES, LOCATED WITHIN VISIBILITY AREAS OR THE ADJACENT PUBLIC RIGHT-OF-WAY SHALL NOT EXCEED 36 INCHES IN HEIGHT, MEASURED FROM THE LOWEST GRADE ABUTTING THE PLANT MATERIAL TO THE TOP OF THE PLANT MATERIAL.

DEVELOPMENT SUMMARY
THE PROPOSED PROJECT IS SEEKING:

-APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO OPERATE A 1,200 SF CANNABIS OUTLET (CO) ON THE FIRST FLOOR OF A 2,400 SF BUILDING THAT IS TO BE CONSTRUCTED.

PROJECT TEAM:

LATITUDE 33 PLANNING AND ENGINEERING
9968 HIBERT STREET 2ND FLOOR, SAN DIEGO, CA 92131
92121 (858) 751-0633 FAX (858) 751-0634

OWNER:

AVAD INVESTMENTS, INC.
4333 & 4337 HOME AVE.
SAN DIEGO, CA 92105

LEGAL DESCRIPTION:

PARCEL 1 OF PARCEL MAP NO. 17969 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 22, 1997 AS INSTRUMENT NO. 1997-0651626 OF OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO.

541-060-19-00

ZONING DESIGNATION:

CC-1-3 & IL-3-1

OVERLAY ZONE DESIGNATION:
-HILLSIDE REVIEW OVERLAY ZONE

EXISTING/PROPOSED USE:

-EXISTING: N/A, BUILDING IS NOT DEVELOPED
-PROPOSED: OPERATIONS OF A CANNABIS OUTLET

EASEMENTS:

- 1 SEWER EASEMENT RESERVED PER DEED REC. 10-31-1980 AS F/P. 80-364441, O.R. (CITY DWG. NO. 14805-2-D).
- 2 DRAINAGE EASEMENT RESERVED PER DEED REC. 10-31-1980 AS F/P. 80-364441, O.R.
- 3 4' WIDE SDG&E EASEMENT PER DEED REC. 2-01-1977, F/P 77-038930, O.R.

GEOLOGIC HAZARD CATEGORY:

32 - LOW POTENTIAL, FLUCTUATING GROUNDWATER MINOR DRAINAGES

ENVIRONMENTALLY SENSITIVE LAND:

NONE

LIMIT OF WORK:

ASSESSOR'S PARCEL NUMBER 541-060-19-00

TRANSIT STOPS:

TRANSIT STOPS DIRECTLY ADJACENT TO PROJECT: NONE
SEE VICINITY MAP ABOVE.

PARKING REQUIREMENTS:

PARKING REQUIREMENTS					
	PROPOSED USE/SQ.FT.	RATIO	MIN. REQUIRED	PROVIDED	
ZONE IL-3-1	GROUND FLOOR	CO/1200	5	6	6
	SECOND FLOOR	VACANT/1200	N/A	0	4
ZONE CC-3-1	SINGLE STORY	GAS SERVICE STATION/2944	3	11	12
			TOTAL:	17	22

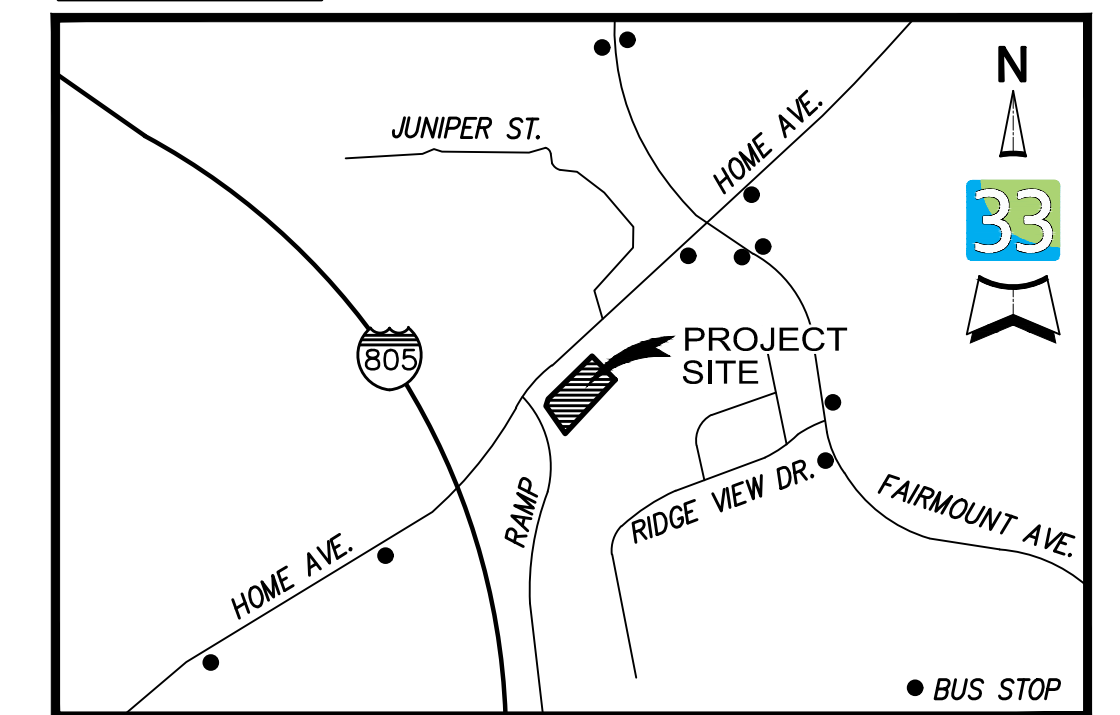
PROVIDED PARKING		
	MIN. REQUIRED	PROVIDED
ADA PARKING	1	1
VAN ACCESSIBLE ADA PARKING	1	1
STANDARD PARKING	17	20
TOTAL PROVIDED:		22

PROVIDED CARPOOL/ZERO EMISSION PARKING		
	MIN. REQUIRED	PROVIDED
CARPPOOL/ZERO EMISSION PARKING	1	1
TOTAL PROVIDED:		1

PROVIDED BICYCLE PARKING		
	MIN. REQUIRED	PROVIDED
MOTORCYCLE PARKING	2	2
TOTAL PROVIDED:		2

PROVIDED BICYCLE PARKING		
	MIN. REQUIRED	PROVIDED
LONG TERM	1	1
SHORT TERM	2	5
TOTAL PROVIDED:		6

VICINITY MAP:



GROSS SITE AREA/FLOOR AREA:

- GROSS SITE AREA: 46,952 SF (1.08 ACRES)
- EXISTING FLOOR AREA: 2,944 SF (0.07 ACRES)
- EXISTING FLOOR AREA RATIO: 6.3%
- PROPOSED CO FLOOR AREA: 2,400 SF (0.05 ACRES)
- PROPOSED TOTAL FLOOR AREA: 5,344 (0.12 ACRES)
- PROPOSED TOTAL FLOOR AREA RATIO: 11.4%

LANDSCAPE AREA SQUARE FOOTAGE:

EXIST: 9,000 SF
PROPOSED: 15,174 SF

BUILDING HEIGHT:

(P) CO BUILDING: 34'-4" (2 STORIES)

YEAR CONSTRUCTED:

(P) CO BUILDING: PROPOSED

TYPE OF CONSTRUCTION:

(P) CO BUILDING: III

OCCUPANCY CLASSIFICATION:

(P) CO BUILDING: V-B

NOTES:

1. OWNER SHALL PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PHPS P-00-6 (UFC 901.4.4)
2. NO OBSTRUCTION INCLUDING LANDSCAPING OR WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT.
3. EXISTING WATER AND SEWER SERVICES TO REMAIN. NO NEW WATER OR SEWER SERVICES ARE PROPOSED FOR THIS PROJECT.
4. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN PART 2 CONSTRUCTION BMP STANDARDS CHAPTER 4 OF THE CITY'S STORM WATER STANDARDS.
5. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
6. THE PROPOSED PROJECT WILL COMPLY WITH ALL THE REQUIREMENTS OF THE CURRENT CITY OF SAN DIEGO STORM WATER STANDARDS MANUAL BEFORE A GRADING OR BUILDING PERMIT IS ISSUED. IT IS THE RESPONSIBILITY OF THE OWNER/DESIGNER/APPLICANT TO ENSURE THAT THE CURRENT STORM WATER PERMANENT BMP DESIGN STANDARDS ARE INCORPORATED INTO THE PROJECT.

GRADING QUANTITIES

- SITE DISTURBANCE: 15,530 SF
- 10,300 SF OF PERVIOUS AREA DISTURBED
 - 5,230 SF OF IMPERVIOUS AREA DISTURBED
 - IMPERVIOUS DISTURBED AREA REPLACED W/ PROPOSED IMPERVIOUS SURFACE: 3,180 SF
 - IMPERVIOUS DISTURBED AREA REPLACED W/ PROPOSED PERVIOUS LANDSCAPE: 2,050 SF

TOTAL EXPORT: 210 CUBIC YARDS (CUT)

- 190 CY FOR LANDSCAPING
- 15 CY FOR BUILDING ADDITION FOUNDATION
- 5 CY FOR WATER AND SEWER LATERALS

- MAXIMUM EXCAVATION DEPTH FOR SITE WORK:
- 1.5' FOR PROPOSED CONCRETE PAVEMENT
 - 5.5' FOR PROPOSED SEWER LATERAL
 - 3.5' FOR PROPOSED BUILDING ADDITION FOOTING

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Project Address: 4337 HOME AVENUE

SAN DIEGO, CA 92105

Project Name: 4337 HOME AVENUE

CANNABIS OUTLET CUP

Project Number: 665772

Sheet Title: COVER SHEET & SITE PLAN

Original Date: 1/8/2018

Revision 14: _____

Revision 13: _____

Revision 12: _____

Revision 11: _____

Revision 10: _____

Revision 9: _____

Revision 8: 4/12/2021

Revision 7: 7/29/2020

Revision 6: 3/26/2019

Revision 5: 3/7/2019

Revision 4: 12/10/2018

Revision 3: 10/29/2018

Revision 2: 9/20/2018

Revision 1: 7/26/2018

PREPARED IN THE OFFICE OF:



Sheet Title: COVER SHEET & SITE PLAN

Sheet 1 of 8

DEP# _____

TOPOGRAPHIC SOURCE:
SITE TOPOGRAPHY SHOWN IS PER FIELD SURVEY BY GARY ENGINEERING DATED MARCH 07, 2018.

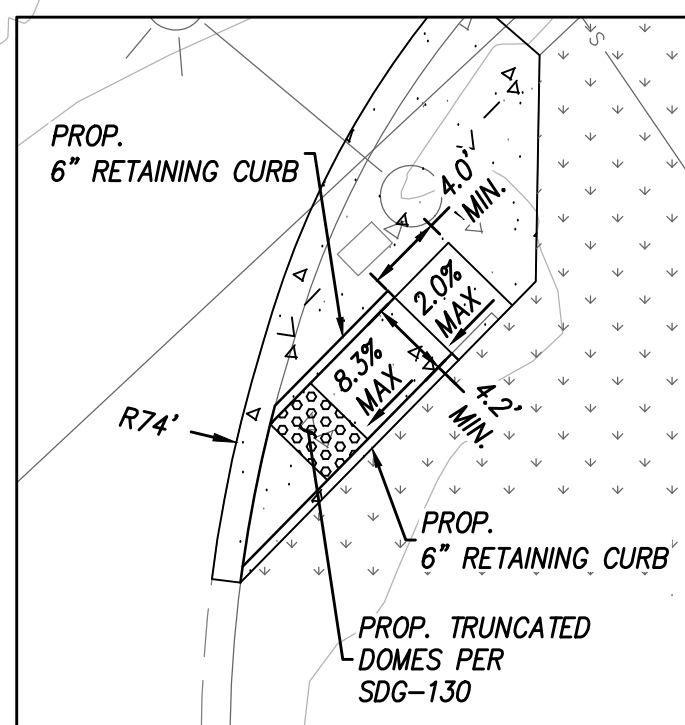
BENCHMARK:
BRASS PLUG LOCATED IN CURB RETURN AT THE NORTHEAST CORNER OF HOME AVENUE AND FAIRMOUNT AVENUE INTERSECTION
ELEVATION: 157.95
DATUM: NGVD 29 FEET

REFERENCE DRAWING NO.

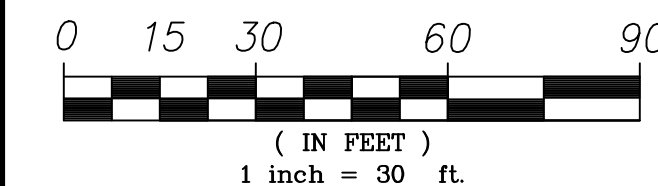
28984-D, 14805-D, 28477-D

SHEET INDEX:

- COVER SHEET AND SITE PLAN.....1
- PROPOSED ARCHITECTURAL FLOOR PLANS.....2
- PROPOSED BUILDING ELEVATIONS.....3
- LANDSCAPE PLANS.....4-9



PROPOSED CURB RAMP:
SCALE: 1"=10'



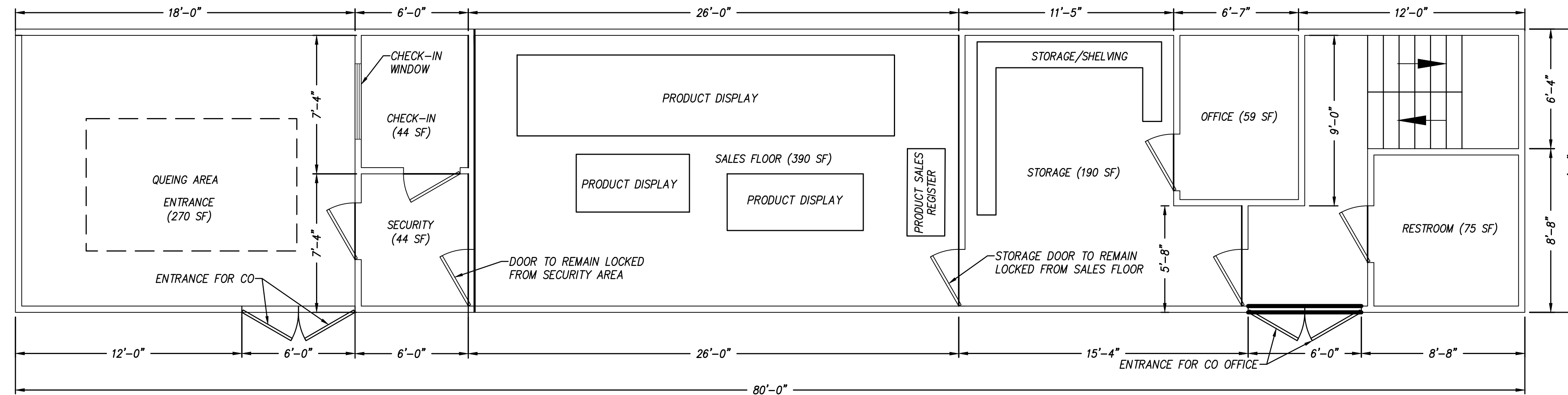
SITE PLAN
SCALE 1"=30'

CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

4337 HOME AVENUE, SAN DIEGO, CA 92105

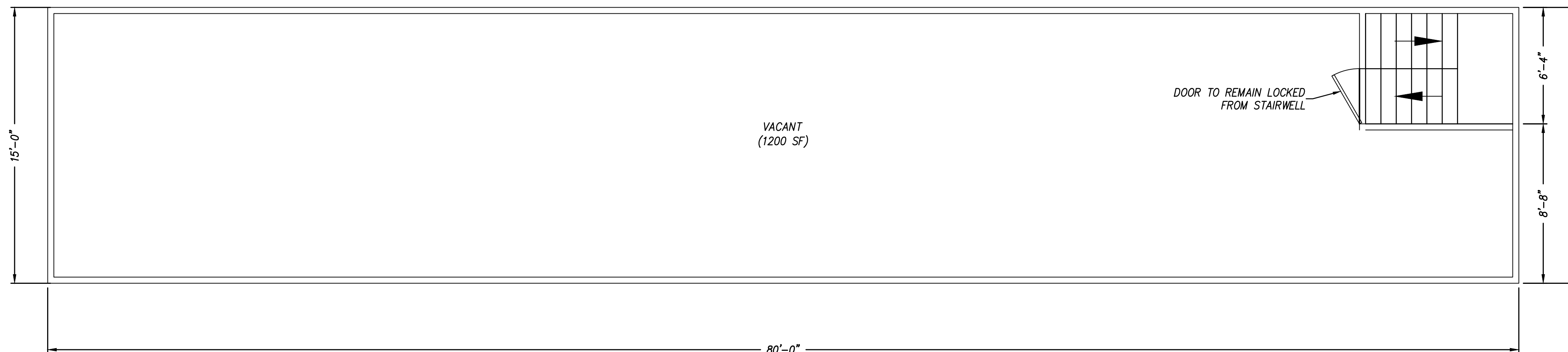
LEGEND

- ◊ LA HABRA STUCCO (X-53 PURE IVORY)
- ◊ 12"x12" TILE (SAND)
- ◊ SPANISH TILE ROOFING
- ◊ DOUBLE PANE CLEAR TEMPERED GLAZING TYP.
- ◊ ANODIZED ALUMINUM (BLACK)
- ◊ 2" REVILES
- ◊ INTERNALLY ILLUMINATED LIGHT BOX



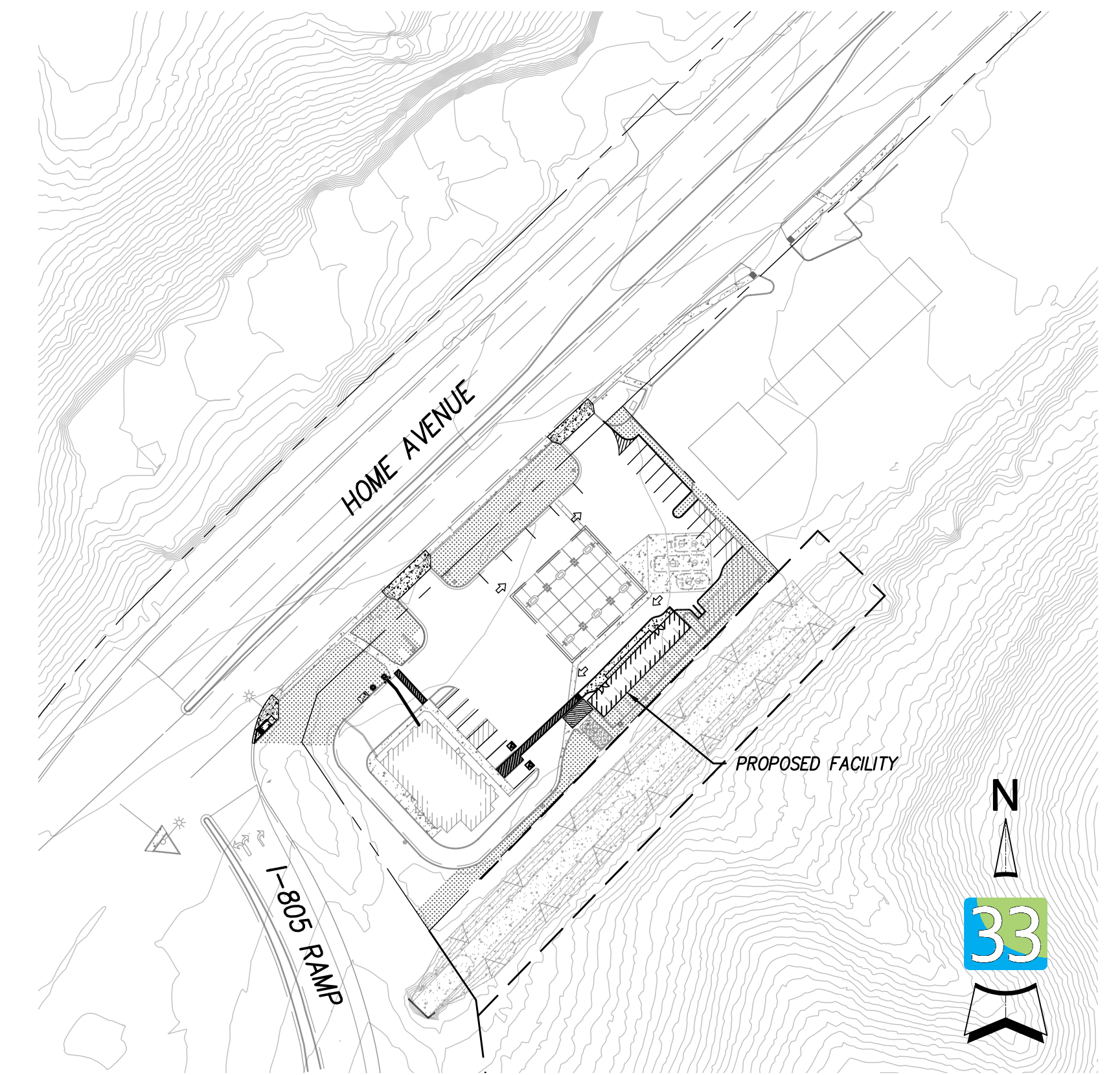
1ST FLOOR PLAN

SCALE: 1/4"=1'-0"



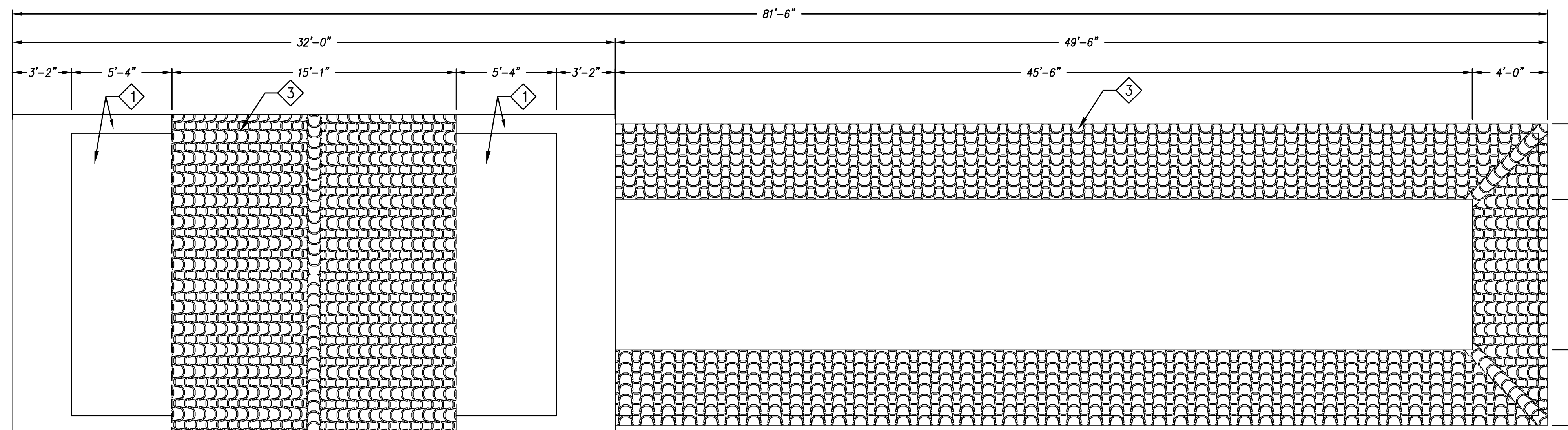
2ND FLOOR PLAN

SCALE: 1/4"=1'-0"



SITE PLAN

NTS



ROOF PLAN

SCALE: 1/4"=1'-0"

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		Revision 10: _____
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		Revision 8: 4/12/2021
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		Revision 4: 12/10/2018
		Revision 3: 10/29/2018
		Revision 2: 9/20/2018
		Revision 1: 7/26/2018
Project Name:	4337 HOME AVENUE	Original Date: 1/8/2018
	CANNABIS OUTLET CUP	
Project Number:	665772	

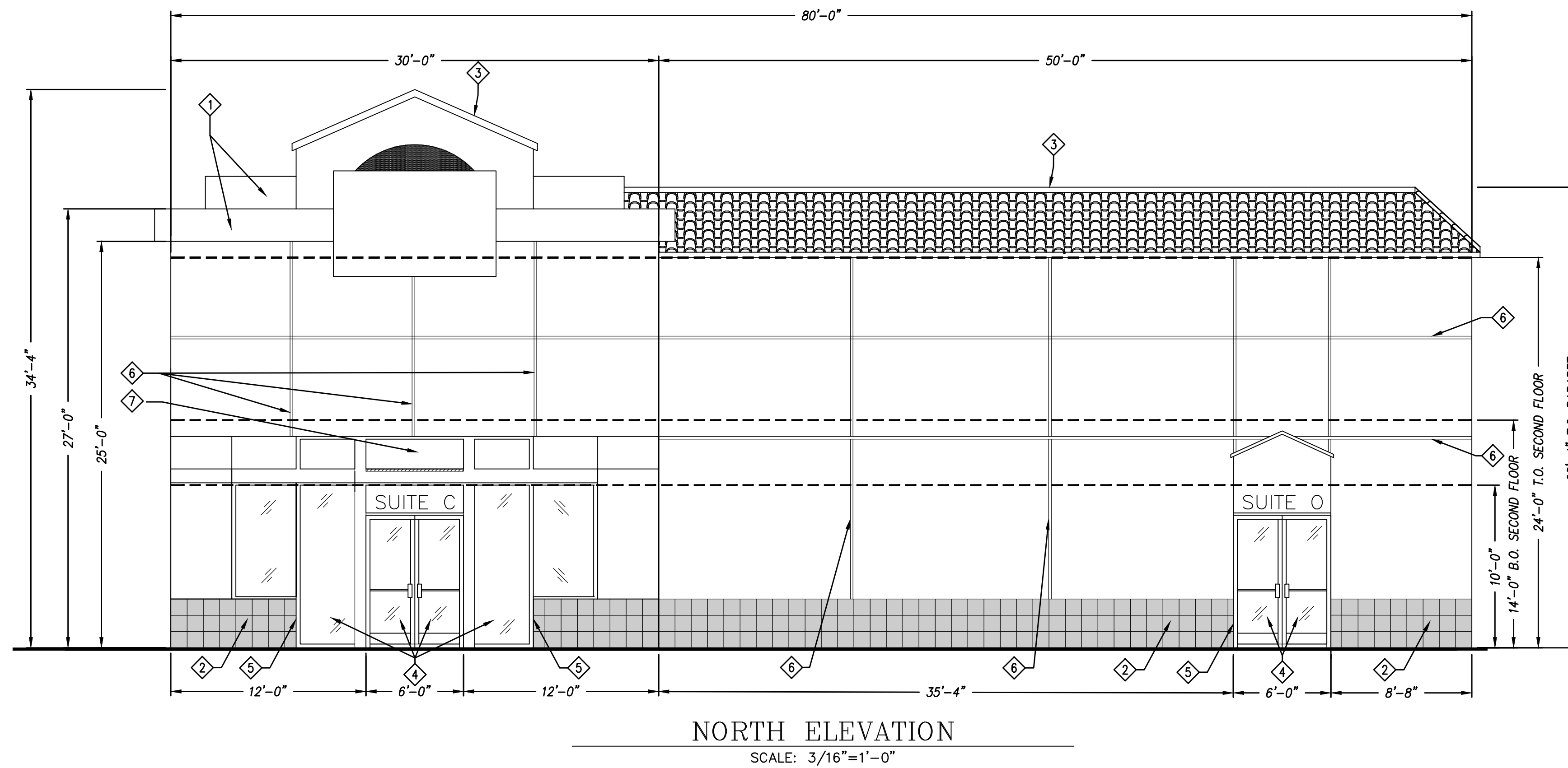
PREPARED IN THE OFFICE OF:

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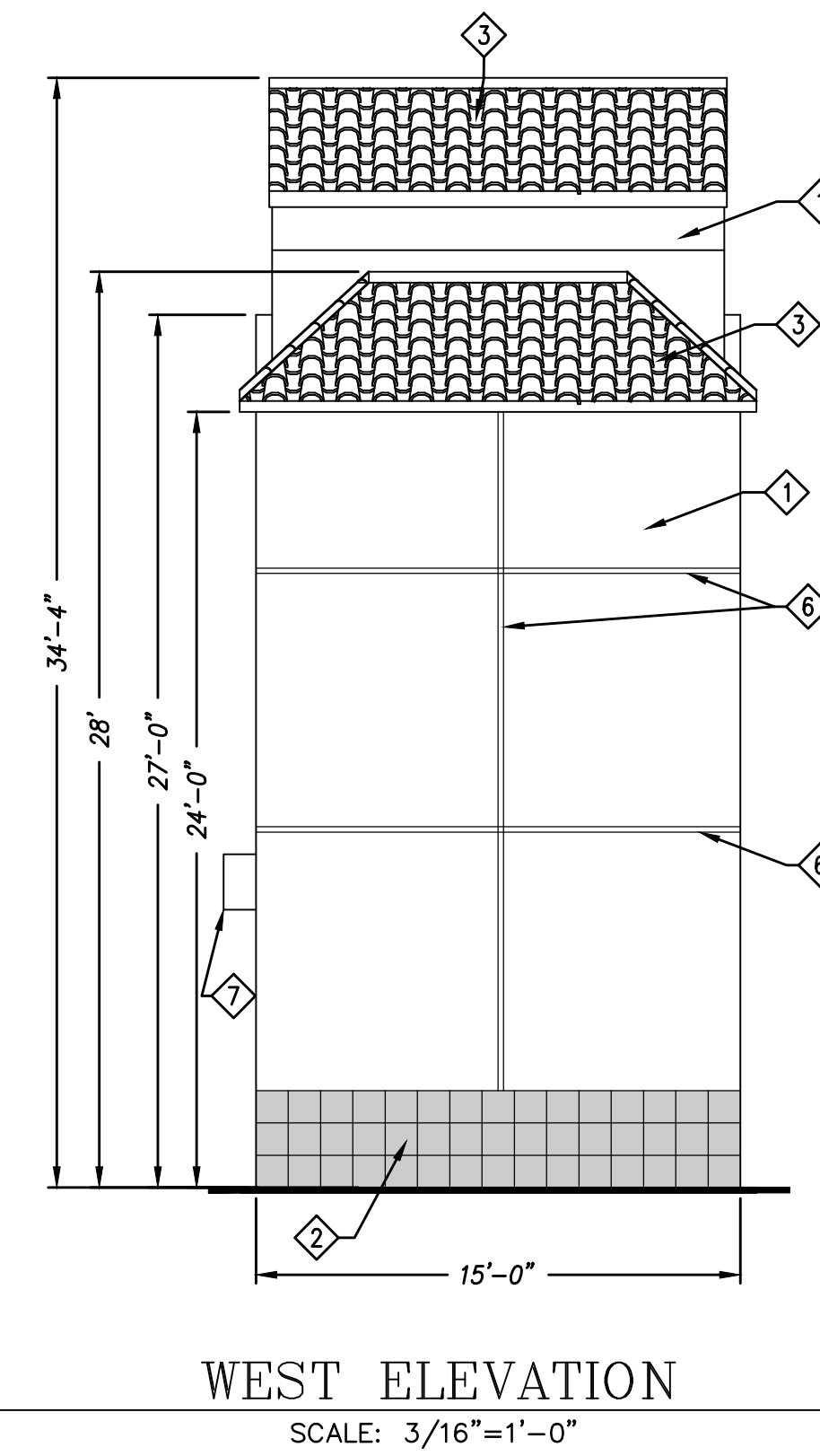
Sheet Title: **PROPOSED ARCHITECTURAL FLOOR PLANS & ROOF PLAN** Sheet 2 of 8
DEP# _____

CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

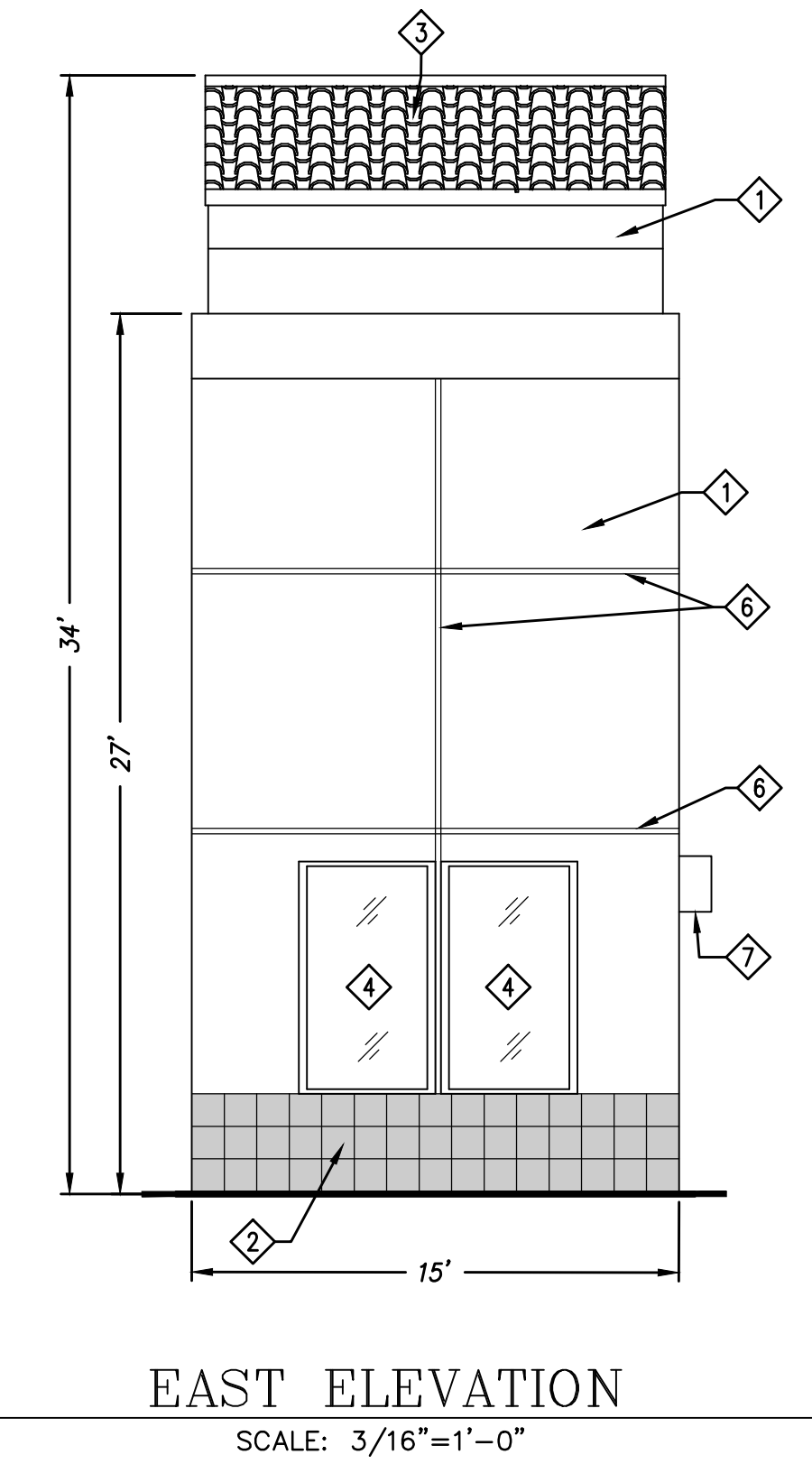
4337 HOME AVENUE, SAN DIEGO, CA 92105



NORTH ELEVATION
SCALE: 3/16"=1'-0"



WEST ELEVATION
SCALE: 3/16"=1'-0"



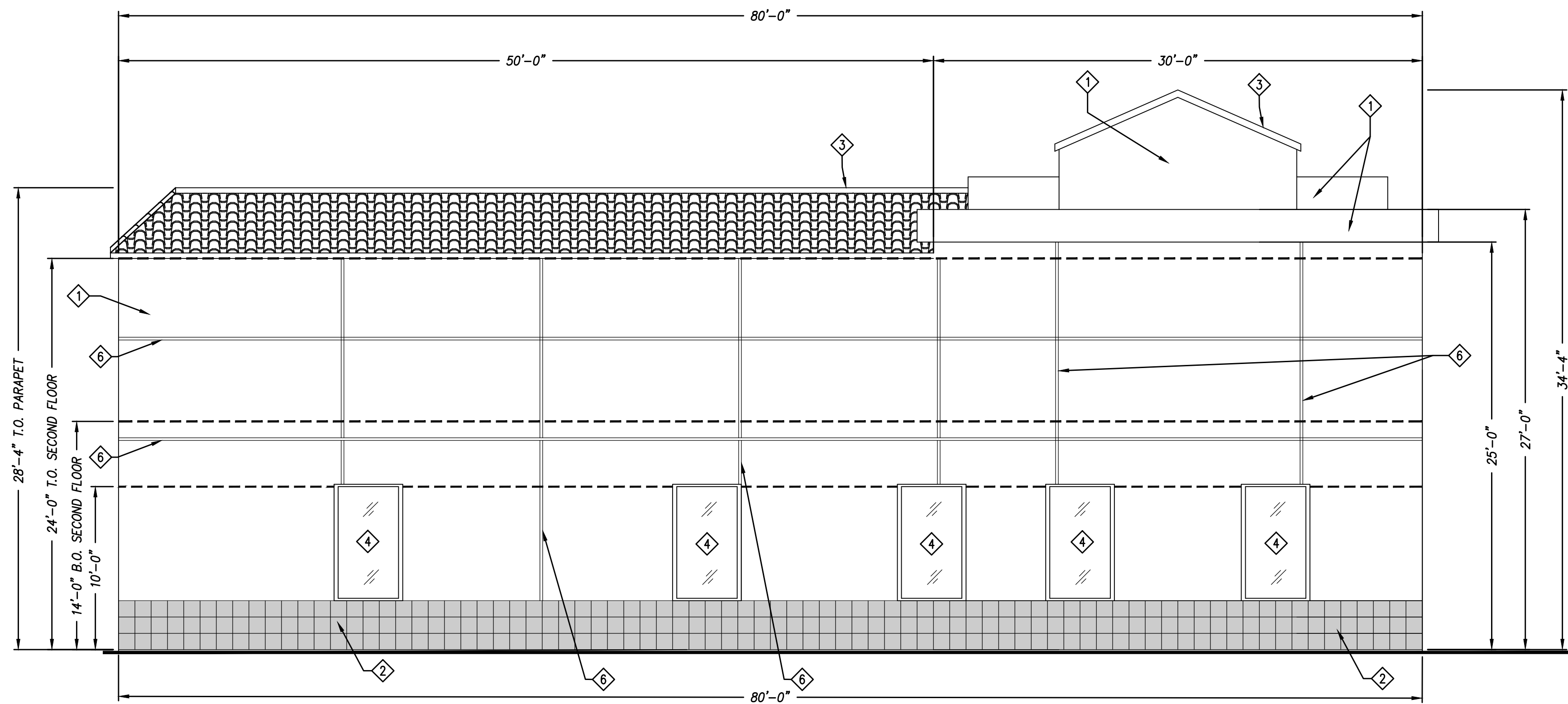
EAST ELEVATION
SCALE: 3/16"=1'-0"

LEGEND

- 1 LA HABRA STUCCO (X-53 PURE IVORY)
- 2 12"x12" TILE (SAND)
- 3 SPANISH TILE ROOFING
- 4 DOUBLE PANE CLEAR TEMPERED GLAZING TYP.
- 5 ANODIZED ALUMINUM (BLACK)
- 6 2" REVLES
- 7 INTERNALLY ILLUMINATED LIGHT BOX

MATERIAL LEGEND

CODE	MATERIAL	MANUFACTURER	SPECIFICATION
P-1	PAINT(EXTERIOR)	SHERWIN WILLIAMS 6535 E. 82ND STREET, STE.206 INDIANAPOLIS, IN 46250 CONTACT: MARGE JONES (317) 594 0083	STYLE: AQUARIUS PAINTS COLOR: CUSTOM RED
P-2	PAINT(EXTERIOR)	SHERWIN WILLIAMS 6535 E. 82ND STREET, STE.206 INDIANAPOLIS, IN 46250 CONTACT: MARGE JONES (317) 594 0083	STYLE: AQUARIUS PAINTS COLOR: CUSTOM PURPLE
P-3	PAINT(EXTERIOR)	SHERWIN WILLIAMS 6535 E. 82ND STREET, STE.206 INDIANAPOLIS, IN 46250 CONTACT: MARGE JONES (317) 594 0083	STYLE: AQUARIUS PAINTS COLOR: CUSTOM YELLOW



SOUTH ELEVATION
SCALE: 3/16"=1'-0"

Prepared By:
Name: LATITUDE 33 PLANNING & ENGINEERING Revision 14: _____
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Address: 9968 HIBERT ST 2ND FLOOR Revision 12: _____
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Revision 8: 4/12/2021
Project Address: 4337 HOME AVENUE Revision 7: 7/29/2020
SAN DIEGO, CA 92105 Revision 6: 3/26/2019
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Revision 3: 10/29/2018
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Revision 1: 7/26/2018
Original Date: 1/8/2018

Project Number: 665772

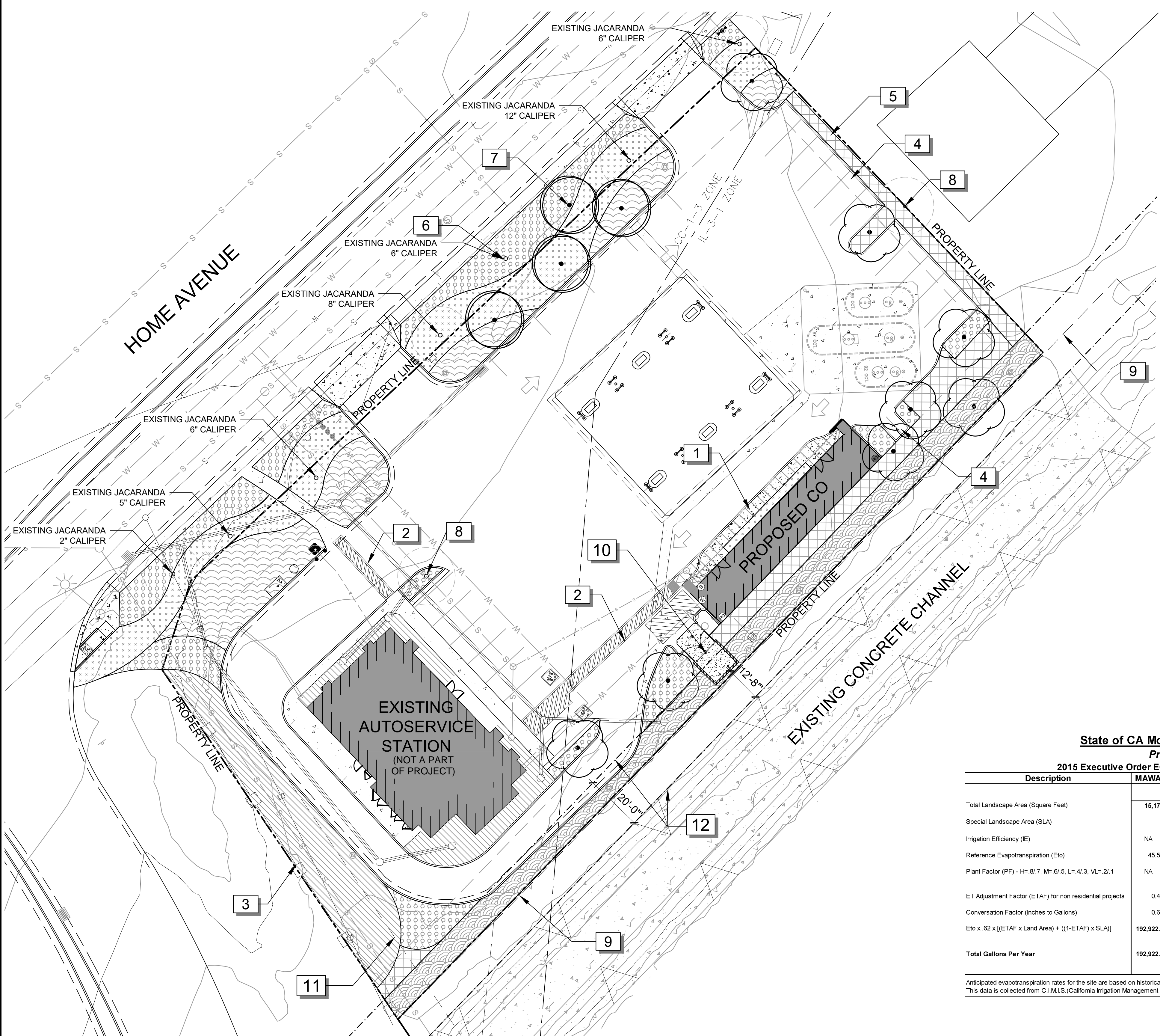
Sheet Title: ARCHITECTURAL ELEVATIONS Sheet 3 of 8
DEP# _____

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CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

4337 HOME AVENUE, SAN DIEGO, CA 92105



LANDSCAPE NOTES

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- MINIMUM TREE SEPARATION DISTANCE:
TRAFFIC SIGNALS / STOP SIGNS - 20 FT.
UNDERGROUND UTILITY LINES - 5 FT. (10 FT. FOR SEWER)
ABOVE GROUND UTILITY STRUCTURES - 10 FT.
DRIVEWAY (ENTRIES) - 10 FT.
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FT.
- A MINIMUM ROOT ZONE OF 40 SF. IN AREA SHALL BE PROVIDED FOR ALL TREES. THE MINIMUM DIMENSION FOR THIS AREA SHALL BE 5 FT. PER SDMC 142.0403(B)(5).
- MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
- VEGETATION SHALL BE MAINTAINED IN SUCH A MANNER AS TO ALLOW IMMEDIATE ACCESS TO ALL HYDRANTS, VALVE, FIRE DEPARTMENT CONNECTIONS, PULL STATION, EXTINGUISHERS, SPRINKLER RISERS, ALARM CONTROL PANELS, RESCUE WINDOWS, AND OTHER DEVICES OR AREAS USED FOR FIREFIGHTING PURPOSES.

IRRIGATION NOTES

- ALL PLANTING AREAS WILL BE IRRIGATED FROM A DEDICATED IRRIGATION METER ACCORDING TO HYDROZONES, PLANT TYPE & ENVIRONMENTAL EXPOSURE AND WILL RECEIVE 100% COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRONICALLY OR SATELLITE OPERATED, UNDERGROUND PIPED PERMANENT IRRIGATION SYSTEM.
- AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC 142.0403(C) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME / COMMON NAME	CONT	SPACING
(Circle with dot)	EXISTING TREE / PROTECT IN PLACE	-	-
(Circle with cloud)	PODOCARPUS GRACILIOR / PODOCARPUS	36" BOX	-
(Circle with cloud)	JACARANDA MIMOSIFOLIA / JACARANDA	36" BOX	-
(Dotted pattern)	LANTANA MONTEVIDENSIS 'WHITE LIGHTNING' / TRAILING LANTANA LAVANDULA ANGLUSTIFOLIA / ENGLISH LAVANDER ROSMARINUS OFFICIALIS 'PROTRATUS' / CREEPING ROSEMARY	1 GALLON	24" o.c.
(Dotted pattern)	MUHLENBERGIA DUBIA / PINE MUHLY MUHLENBERGIA LINDHEIMERI / LINDHEIMER'S MUHLY LOMANDRA LONGIFOLIA 'NYALLA' / NYALLA MAT RUSH	1 GALLON	36" o.c.
(Dotted pattern)	PYRACANTHA X 'DWARF RED' / DWARF RED FIRETHORN COTONEASTER 'LADDER LEAF' / BEARBERRY COTONEASTER GREVILLEA LANIGERA 'PROSTRATE' / PROSTRATE WOOLLY GREVILLEA	1 GALLON	30" o.c.
(Dotted pattern)	RHAPHIOLEPIS INDICA 'CLARA' / INDIAN HAWTHORN GREVILLEA 'SCARLET SPRITE' / SCARLET SPRITE GREVILLEA CALLISTEMON 'LITTLE JOHN' / DWARF CALLISTEMON	5 GALLON	36" o.c.
(Dotted pattern)	BACCHARIS PILULARIS / COYOTE BRUSH RIBES SPECIOSUM / FUCHSIA FLOWERING GOOSEBERRY ROSA CALIFORNICA / CALIFORNIA WILD ROSE	1 GALLON	36" O.C.
(Hatched pattern)	EXISTING PLANTING TO REMAIN, PROTECT IN PLACE.	-	-

REFERENCE NOTES

SYMBOL	DESCRIPTION
1	ENHANCED PEDESTRIAN PAVING
2	PEDESTRIAN ACCESSIBLE PATHWAY (STRIPING ONLY)
3	EXISTING CHAINLINK FENCE TO REMAIN
4	PARKING STALLS
5	NEW PLANTER ALONG PROPERTY LINE
6	EXISTING JACARANDA STREET TREE
7	PROPOSED JACARANDA STREET TREE
8	EXISTING FIGUS TREE (CALIPER 6")
9	EXISTING DRAINAGE EASEMENT, TYP.
10	EXISTING TRASH ENCLOSURE
11	EXISTING SEWER EASEMENT
12	CHOLLAS CREEK LANDSCAPE BUFFER

State of CA Model Water Efficient Landscape Ordinance (MWELO)

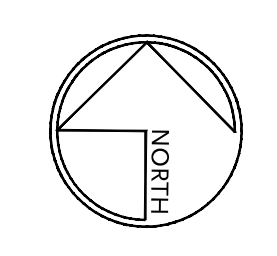
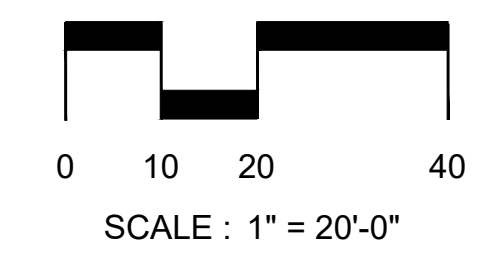
Project Name: 4337 HOME AVENUE CUP

2015 Executive Order EO B-29-15 MWELO (Updated ETWU) - PROJECT WATER USE ANALYSIS

Description	MAWA	ETWU	Hydrozones					Total Usage
			Special Landscape Area	High Water Use	Moderate Water Use	Low Water Use	Very Low Water Use	
Total Landscape Area (Square Feet)	15,174	Hydrozone Area S.F. (HA)	NA	0	0	15,174	0	15,174 SqFt
Special Landscape Area (SLA)	0	SLA Hydro Area	0	NA	NA	NA	NA	0 SqFt
Irrigation Efficiency (IE)	NA	Irrigation Efficiency (IE)	Irr. Type 1.00	Irr. Type 0.75	Irr. Type 0.75	Irr. Type 0.75	Irr. Type 0.81	
Reference Evapotranspiration (Eto)	45.57	Ref ET (Eto)	45.57	45.57	45.57	45.57	45.57	
Plant Factor (PF) - H=8/7, M=6/5, L=4/3, VL=2/1	NA	Plant Factor (PF)	1.0	0.7	0.5	0.3	0.1	
ET Adjustment Factor (ETAF) for non residential projects	0.45	ETAF (PF/IE)	1.00	0.93	0.67	0.40	0.12	
Conversion Factor (Inches to Gallons)	0.62	Conversion Factor (ETAF x Area)	0.62	0.62	0.62	0.62	0.62	
Eto x .62 x (ETAF x Land Area) + ((1-ETAF) x SLA)	192,922.7	Eto x .62 x (SLA Area)	NA	0.00	0.00	6,069.60	0.00	6,069.6 SqFt
		Eto x 0.62 x (SLA Area)	NA	0	0	171,487	0	171,486.8 Gal/Yr
			0.00	0.00	0.00	0.00	0.00	0.0 Gal/Yr
Total Gallons Per Year	192,922.7	171,486.8						171,486.8 Gal/Yr
		Project Average ETAF	0.4	(Proj. Ave. ETAF = MAWA ETAF)				

Anticipated evapotranspiration rates for the site are based on historical averages. IE = All overhead spray = 0.75; Subsurface irrigation such as Bubblers and Drip = 0.81
This data is collected from C.I.M.I.S. (California Irrigation Management Information System) Data from the C.I.M.I.S. Station # 184 was used.

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 Revision 7: 4/12/2021
 Project Address: 4337 HOME AVENUE Revision 6: 11/6/2020
SAN DIEGO, CA 92105 Revision 5: 3/7/2019
 Revision 4: 12/10/2018
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 Revision 2: 9/20/2018
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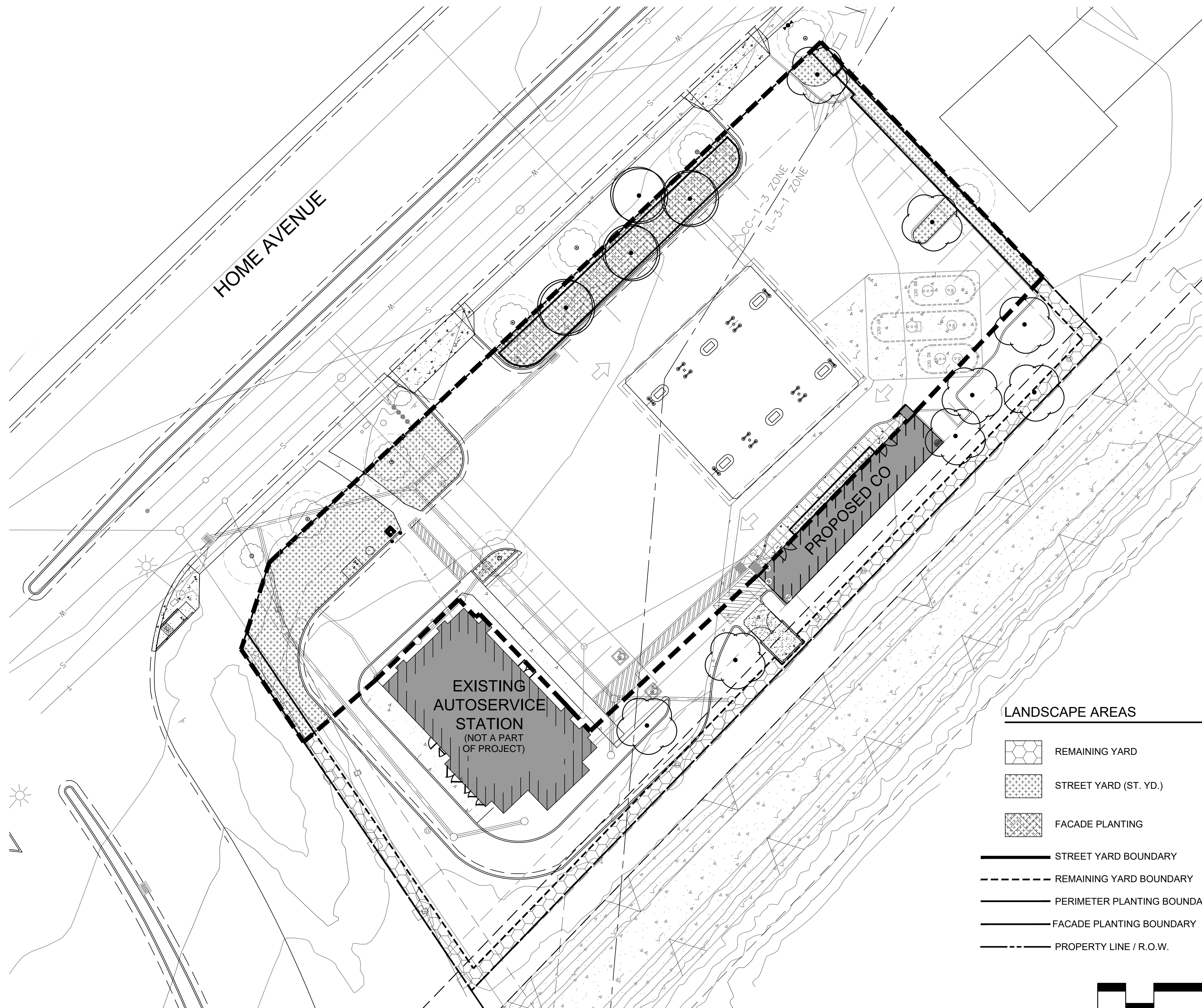


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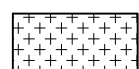


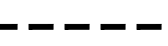



Project Number: 665772
 Sheet Title: LANDSCAPE DEVELOPMENT PLAN Sheet L-1 of 8
 DEP# _____

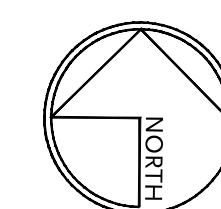
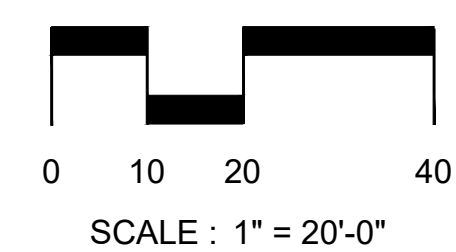
CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

4337 HOME AVENUE, SAN DIEGO, CA 92105



LANDSCAPE AREAS

-  REMAINING YARD
-  STREET YARD (ST. YD.)
-  FACADE PLANTING
-  STREET YARD BOUNDARY
-  REMAINING YARD BOUNDARY
-  PERIMETER PLANTING BOUNDARY
-  FACADE PLANTING BOUNDARY
-  PROPERTY LINE / R.O.W.



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PLANT TABULATION NOTES:

STREET YARD:

TREE POINTS REQUIRED (50%) : 550

TREE POINTS PROVIDED

(2) EXISTING (6" CALIPER) - 150 POINTS EACH = 300
(5) 36" BOX TREES - 50 POINTS EACH = 250

SHRUBS PROVIDED

(8) EXISTING SHRUB 24"+ - 15 POINTS EACH = 120
(15) EXISTING SHRUB 12"-24" - 4 POINTS EACH = 60
(72) 5 GALLON SHRUBS - 2 POINTS EACH = 144
(375) 1 GALLON SHRUBS - 1 POINTS EACH = 365

REMAINING YARD:

SHRUBS POINTS PROVIDED WITHIN REMAINING YARD
(200) 1 GALLON SHRUBS - 1 POINT EACH = 200

NOTES:

1. LANDSCAPE CALCULATIONS BASED UPON CITY OF SAN DIEGO LANDSCAPE REGULATIONS, CHAPTER 14, ARTICLE 2, DIVISION 4 OF LAND DEVELOPMENT CODE.
2. SEE PLANTING PLAN FOR FULL PLANTING SCHEDULE.
3. A MINIMUM OF ONE 24" BOX TREE SHALL BE LOCATED WITHIN 30' OF EACH PARKING SPACE.
4. TREE GRATES SHALL PROVIDE A MINIMUM OF 40 SQ.FT. PLANTING AREA, WITH NO DIMENSION LESS THAN 5'.
5. LANDSCAPE CALCULATIONS ARE BASED OFF OF PROPOSED SITE IMPROVEMENTS WITHIN THE PROPERTY LINE / R.O.W. EXISTING LANDSCAPE AREA WITHIN THE STREET R.O.W. ARE NOT INCLUDED IN THESE CALCULATIONS.

STREET YARD

TOTAL AREA	31,177 SF				
PLANTING AREA REQUIRED (SQ. FT.) (15%)	4,677	PLANTING AREA PROVIDED (SQ. FT.) ----->	5,093	EXCESS AREA PROVIDED (SQ. FT.) ----->	416
PLANTING POINTS REQUIRED (3%)	935	PLANTING POINTS PROVIDED ----->	1,239	EXCESS POINTS PROVIDED ----->	304

REMAINING YARD

TOTAL AREA	2,242 SF				
PLANTING AREA REQUIRED (SQ. FT.) (30%)	673	PLANTING AREA PROVIDED (SQ. FT.) ----->	2,199	EXCESS AREA PROVIDED (SQ. FT.) ----->	1,526
PLANTING POINTS REQUIRED (5%)	112	PLANTING POINTS PROVIDED ----->	200	EXCESS POINTS PROVIDED ----->	88

PERIMETER PLANTING AREA

LINEAR LENGTH	155 FT				
PLANTING AREA REQUIRED (SQ. FT.) (length x 5')	775	PLANTING AREA PROVIDED (SQ. FT.) ----->	728	EXCESS AREA PROVIDED (SQ. FT.) ----->	-47
PLANTING POINTS REQUIRED (2%)	16	PLANTING POINTS PROVIDED ----->	123	EXCESS POINTS PROVIDED ----->	107

FACADE PLANTING AREA

LINEAR LENGTH	80 FT				
PLANTING AREA REQUIRED (SQ. FT.) (length * 50% x 9')	360	PLANTING AREA PROVIDED (SQ. FT.) ----->	1658	EXCESS AREA PROVIDED (SQ. FT.) ----->	1298
PLANTING POINTS REQUIRED (5%)	18	PLANTING POINTS PROVIDED ----->	379	EXCESS POINTS PROVIDED ----->	361

PERIMETER PLANTING AREA:

SHRUBS POINTS PROVIDED WITHIN PERIMETER AREA
(3) EXISTING SHRUB 24"+ - 15 POINTS EACH = 45
(6) EXISTING SHRUB 12"-24" - 4 POINTS EACH = 24
(15) 5 GALLON SHRUBS - 2 POINTS EACH = 30
(24) 1 GALLON SHRUBS - 1 POINTS EACH = 24

FACADE AREA:

TREE POINTS PROVIDED
(3) 36" BOX TREES - 50 POINTS EACH = 150
SHRUBS POINTS PROVIDED WITHIN FACADE AREA
(229) 1 GALLON SHRUBS - 1 POINT EACH = 229

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CANNABIS OUTLET CUP

Project Number:

665772

Sheet Title:

LANDSCAPE CALCULATIONS

Revision 14: _____

Revision 13: _____

Revision 12: _____

Revision 11: _____

Revision 10: _____

Revision 9: _____

Revision 8: _____

Revision 7: 4/12/2021

Revision 6: 11/6/2020

Revision 5: 3/7/2019

Revision 4: 12/10/2018

Revision 3: 10/29/2018

Revision 2: 9/20/2018

Revision 1: 7/26/2018

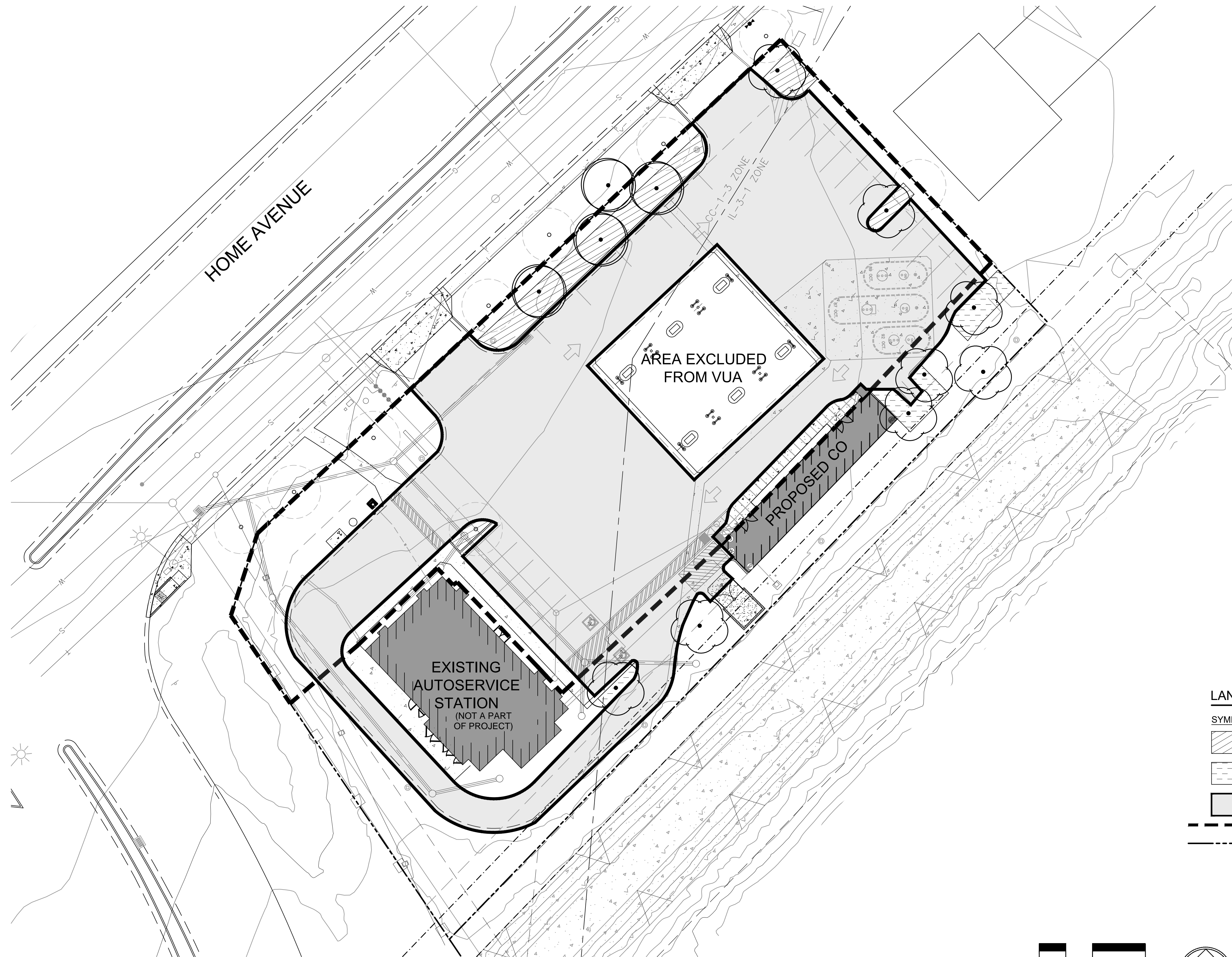
Original Date: 1/8/2018

Sheet L-2 of 8

DEP# _____

CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

4337 HOME AVENUE, SAN DIEGO, CA 92105



VEHICULAR USE AREA CALCULATIONS					
TOTAL VUA AREA	23,902				
VUA IN ST. YD.	20,439				
VUA OUTSIDE OF ST. YD.	3,463				
PLANTING AREA REQ'D (5% TOTAL) (SQ. FT.)	1,195	PLANTING AREA PROVIDED (SQ. FT.)	1,855	EXCESS AREA PROVIDED (SQ. FT.)	660
PLANTING AREA REQ'D INSIDE ST. YD. (5% TOTAL) (SQ. FT.)	1,022	PLANTING AREA PROVIDED (SQ. FT.)	940	EXCESS AREA PROVIDED (SQ. FT.)	-82
PLANTING AREA REQ'D OUTSIDE ST. YD. (3% TOTAL)	104	PLANTING AREA PROVIDED (SQ. FT.)	915	EXCESS AREA PROVIDED (SQ. FT.)	811
PLANT POINTS REQUIRED (.05xS.F.)	1,195	PLANTING POINTS PROVIDED	1195	EXCESS POINTS PROVIDED	0
PLANT POINTS REQUIRED INSIDE ST. YD. (.05xS.F.)	1,022	PLANTING POINTS PROVIDED	807	EXCESS POINTS PROVIDED	-215
PLANT POINTS REQUIRED OUTSIDE ST. YD. (.03xS.F.)	104	PLANTING POINTS PROVIDED	418	EXCESS POINTS PROVIDED	314

PLANT TABULATION NOTES:

VEHICULAR USE AREA:

TREE POINTS REQUIRED (50%):

TREE POINTS PROVIDED
 (2) EXISTING (6" CALIPER) - 150 POINTS EACH = 300
 (8) 36" BOX TREES - 50 POINTS EACH = 400

SHRUBS PROVIDED
 (76) 5 GALLON SHRUBS - 2 POINTS EACH = 152
 (343) 1 GALLON SHRUBS - 1 POINTS EACH = 343

INSIDE STREET YARD:

TREE POINTS PROVIDED
 (2) EXISTING (6" CALIPER) - 150 POINTS EACH = 300
 (5) 36" BOX TREES - 50 POINTS EACH = 250

SHRUBS PROVIDED
 (69) 5 GALLON SHRUBS - 2 POINTS EACH = 138
 (119) 1 GALLON SHRUBS - 1 POINTS EACH = 119

OUTSIDE STREET YARD:

TREE POINTS PROVIDED
 (4) 36" BOX TREES - 50 POINTS EACH = 200

SHRUBS PROVIDED
 (218) 1 GALLON SHRUBS - 1 POINTS EACH = 218

NOTES:

- LANDSCAPE CALCULATIONS BASED UPON CITY OF SAN DIEGO LANDSCAPE REGULATIONS, CHAPTER 14, ARTICLE 2, DIVISION 4 OF LAND DEVELOPMENT CODE.
- SEE PLANTING PLAN FOR FULL PLANTING SCHEDULE.
- A MINIMUM OF ONE 24" BOX TREE SHALL BE LOCATED WITHIN 30' OF EACH PARKING SPACE.
- TREE GRATES SHALL PROVIDE A MINIMUM OF 40 SQ.FT. PLANTING AREA, WITH NO DIMENSION LESS THAN 5'.
- LANDSCAPE CALCULATIONS ARE BASED OFF OF PROPOSED SITE IMPROVEMENTS WITHIN THE PROPERTY LINE / R.O.W. EXISTING LANDSCAPE AREA WITHIN THE STREET R.O.W. ARE NOT INCLUDED IN THESE CALCULATIONS.

LANDSCAPE AREAS

SYMBOL	NOTES
	VUA INSIDE ST. YD.
	VUA OUTSIDE ST. YD.
	VEHICULAR USE AREA
	STREET YARD BOUNDARY
	PROPERTY LINE / R.O.W.

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Project Name:

4337 HOME AVENUE

CANNABIS OUTLET CUP

Project Number:

665772

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VEHICULAR USE AREA

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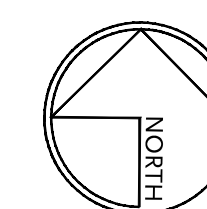
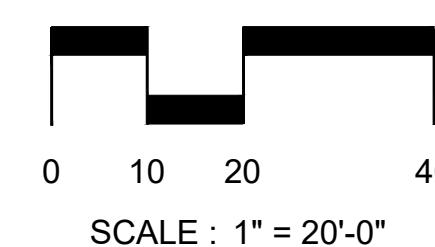
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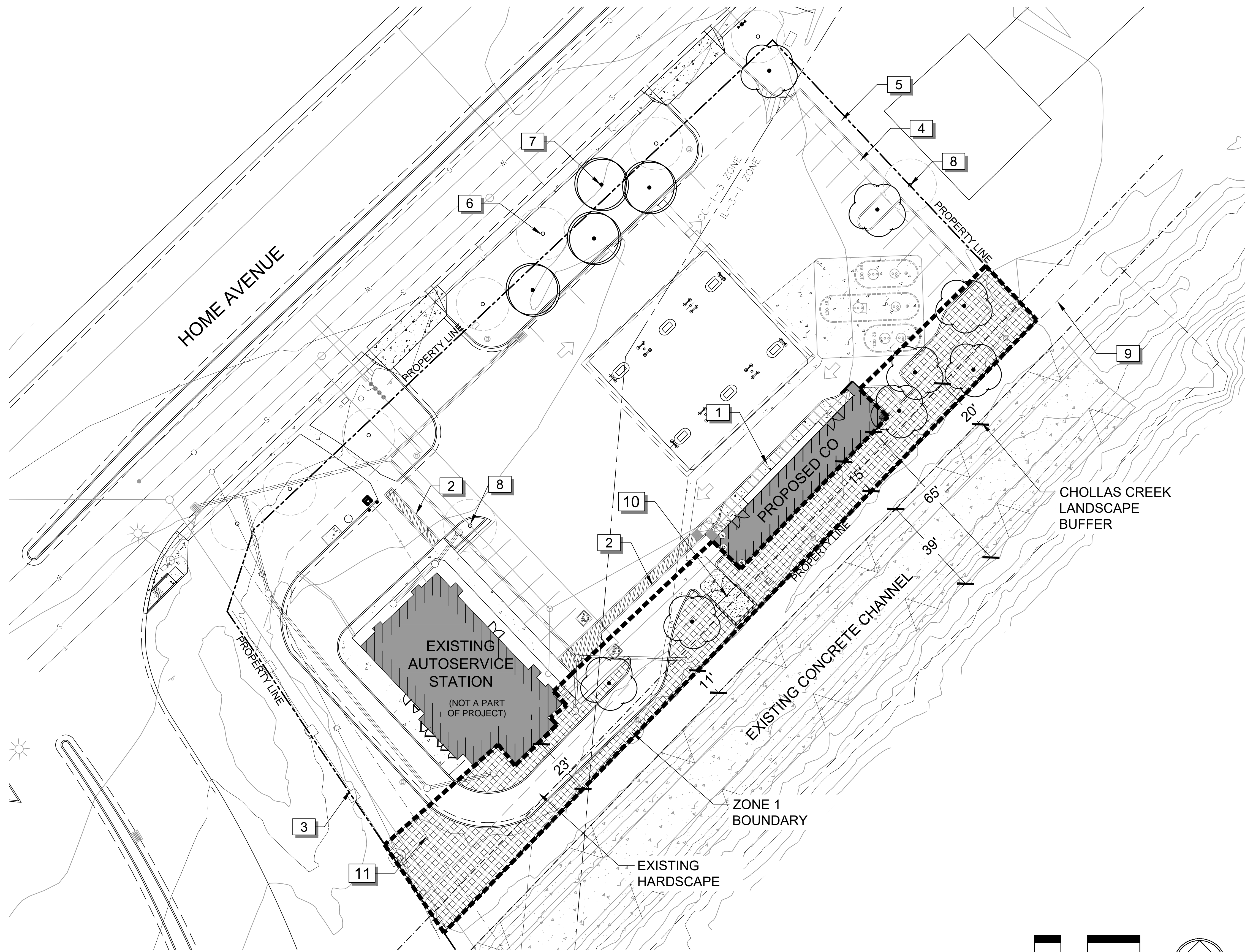
VEHICULAR USE AREA

Sheet L-3 of 8

DEP# _____

CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

4337 HOME AVENUE, SAN DIEGO, CA 92105



LEGEND

SYMBOL	DESCRIPTION
1	ENHANCED PEDESTRIAN PAVING
2	PEDESTRIAN ACCESSIBLE PATHWAY (STRIPING ONLY)
3	EXISTING CHAINLINK FENCE TO REMAIN
4	PARKING STALLS
5	NEW PLANTER ALONG PROPERTY LINE
6	EXISTING JACARANDA STREET TREE
7	PROPOSED JACARANDA STREET TREE
8	EXISTING FICUS TREE (CALIPER 6")
9	EXISTING DRAINAGE EASEMENT, TYP.
10	EXISTING TRASH ENCLOSURE
11	EXISTING SEWER EASEMENT

TREES	BOTANICAL NAME / COMMON NAME
(Symbol)	EXISTING TREE / PROTECT IN PLACE
(Symbol)	FICUS MICROCARPA / CHINESE BANYON
(Symbol)	JACARANDA MIMOSIFOLIA / JACARANDA
(Symbol)	ZONE 1 PLANTING TO BE MAINTAINED TO ZONE 1 STANDARDS

BRUSH MANAGEMENT ALTERNATE COMPLIANCE:

1. PROPOSED BUILDING TO INCLUDE 1-HOUR FIRE RATED STUCCO CONSTRUCTION AND DUAL GLAZED/DUEL TEMPERED GLASS OPENINGS IN BRUSH MANAGEMENT ZONE 1.
2. CONCRETE DRAINAGE CHANNEL SERVES AS EXISTING OFFSITE FIRE BREAK.

BRUSH MANAGEMENT NOTES

1. IRRIGATION: NEW PLANTING AREAS WILL HAVE NEW PERMANENT AUTOMATIC IRRIGATION SYSTEM. IRRIGATION FROM ZONE 1 SHALL NOT RUN INTO ZONE 2.
2. PRE-CONSTRUCTION MEETING: A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH THE CITY'S LANDSCAPE INSPECTOR PRIOR TO IMPLEMENTING THE BRUSH MANAGEMENT PROGRAM.
3. OFFSITE BRUSH MANAGEMENT SHALL BE THE RESPONSIBILITY OF ADJACENT PROPERTY OWNERS. FOR FUEL MODIFICATION LOADING AND MAINTENANCE ISSUES, CONTACT THE FIRE RESCUE DEPARTMENT'S FIRE HAZARD ADVISOR - BRUSH / WEED COMPLIANCE LINE @ 619-533-4444.

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Project Name:

4337 HOME AVENUE

CANNABIS OUTLET CUP

Project Number:

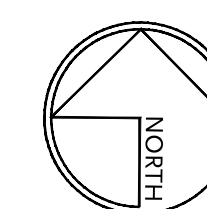
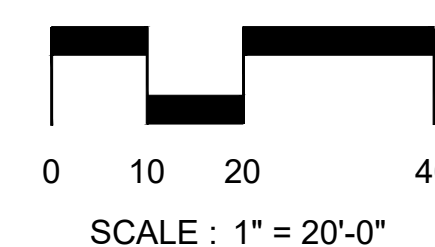
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BRUSH MANAGEMENT PLAN

DEP# _____

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Sheet L-4 of 8

CONDITIONAL USE PERMIT # 2430967 FOR CANNABIS OUTLET (CO)

4337 HOME AVENUE, SAN DIEGO, CA 92105

SAN DIEGO MUNICIPAL CODE §142.0412 - BRUSH MANAGEMENT

ZONE ONE REQUIREMENTS

- THE REQUIRED ZONE ONE WIDTH SHALL BE PROVIDED BETWEEN NATIVE OR NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MEASURED FROM THE EXTERIOR OF THE STRUCTURE TO THE VEGETATION.
- ZONE ONE SHALL CONTAIN NO HABITABLE STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES A MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURES. STRUCTURES SUCH AS FENCES, WALLS, PALAPAS, PLAY STRUCTURES, AND NON-HABITABLE GAZEBOS THAT ARE LOCATED WITHIN BRUSH MANAGEMENT ZONE ONE SHALL BE OF NONCOMBUSTIBLE, ONE HOUR FIRE-RATED OR HEAVY TIMBER CONSTRUCTION.
- PLANTS WITHIN ZONE ONE SHALL BE PRIMARILY LOW-GROWING AND LESS THAN 4 FEET IN HEIGHT WITH THE EXCEPTION OF TREES. PLANTS SHALL BE LOW-FUEL AND FIRE-RESISTIVE.
- TREES WITHIN ZONE ONE SHALL BE LOCATED AWAY FROM STRUCTURES TO A MINIMUM DISTANCE OF 10 FEET AS MEASURED FROM THE STRUCTURES TO THE DRIP LINE OF THE TREE AT MATURITY IN ACCORDANCE WITH THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL.
- PERMANENT IRRIGATION IS REQUIRED FOR ALL PLANTING AREAS WITHIN ZONE ONE EXCEPT AS FOLLOWS:
 - WHEN PLANTING AREAS CONTAIN ONLY SPECIES THAT DO NOT GROW TALLER THAN 24 INCHES IN HEIGHT, OR
 - WHEN PLANTING AREAS CONTAIN ONLY NATIVE OR NATURALIZED SPECIES THAT ARE NOT SUMMER-DORMANT AND HAVE A MAXIMUM HEIGHT AT PLANT MATURITY OF LESS THAN 24 INCHES.
- ZONE ONE IRRIGATION OVERSPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.
- ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS.

ZONE TWO REQUIREMENTS

- THE REQUIRED ZONE TWO WIDTH SHALL BE PROVIDED BETWEEN ZONE ONE AND THE UNDISTURBED, NATIVE OR NATURALIZED VEGETATION, AND SHALL BE MEASURED FROM THE EDGE OF ZONE ONE THAT IS FARTHEST FROM THE HABITABLE STRUCTURE, TO THE EDGE OF UNDISTURBED VEGETATION.
- NO STRUCTURES SHALL BE CONSTRUCTED IN ZONE TWO.
- WITHIN ZONE TWO, 50 PERCENT OF THE PLANTS OVER 24 INCHES IN HEIGHT SHALL BE CUT AND CLEARED TO A HEIGHT OF 6 INCHES.
- WITHIN ZONE TWO, ALL PLANTS REMAINING AFTER 50 PERCENT ARE REDUCED IN HEIGHT, SHALL BE PRUNED TO REDUCE FUEL LOADING IN ACCORDANCE WITH THE LANDSCAPE STANDARDS IN THE LAND DEVELOPMENT MANUAL. NON-NATIVE PLANTS SHALL BE PRUNED BEFORE NATIVE PLANTS ARE PRUNED.
- THE FOLLOWING STANDARDS SHALL BE USED WHERE ZONE TWO IS IN AN AREA PREVIOUSLY GRADED AS PART OF LEGAL DEVELOPMENT ACTIVITY AND IS PROPOSED TO BE PLANTED WITH NEW PLANT MATERIAL INSTEAD OF CLEARING EXISTING NATIVE OR NATURALIZED VEGETATION:
 - ALL NEW PLANT MATERIAL FOR ZONE TWO SHALL BE NATIVE, LOW-FUEL, AND FIRE-RESISTIVE. NO NON-NATIVE PLANT MATERIAL MAY BE PLANTED IN ZONE TWO EITHER INSIDE THE MHPA OR IN THE COASTAL OVERLAY ZONE, ADJACENT TO AREAS CONTAINING SENSITIVE BIOLOGICAL RESOURCES.
 - NEW PLANTS SHALL BE LOW-GROWING WITH A MAXIMUM HEIGHT AT MATURITY OF 24 INCHES. SINGLE SPECIMENS OF FIRE RESISTIVE NATIVE TREES AND TREE FORM SHRUBS MAY EXCEED THIS LIMITATION IF THEY ARE LOCATED TO REDUCE THE CHANCE OF TRANSMITTING FIRE FROM NATIVE OR NATURALIZED VEGETATION TO HABITABLE STRUCTURES AND IF THE VERTICAL DISTANCE BETWEEN THE LOWEST BRANCHES OF THE TREES AND THE TOP OF ADJACENT PLANTS ARE THREE TIMES THE HEIGHT OF THE ADJACENT PLANTS TO REDUCE THE SPREAD OF FIRE THROUGH LADDER FUELING.
 - ALL NEW ZONE TWO PLANTINGS SHALL IRRIGATED TEMPORARILY UNTIL ESTABLISHED TO THE SATISFACTION OF THE CITY MANAGER. ONLY LOWFLOW, LOW-GALLONAGE SPRAY HEADS MAY BE USED IN ZONE TWO. OVERSPRAY AND RUNOFF FROM THE IRRIGATION SHALL NOT DRIFT OR FLOW INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION. TEMPORARY IRRIGATION SYSTEMS SHALL BE REMOVED UPON APPROVED ESTABLISHMENT OF THE PLANTINGS. PERMANENT IRRIGATION IS NOT ALLOWED IN ZONE TWO.
 - WHERE ZONE TWO IS BEING REVEGETATED AS A REQUIREMENT OF SECTION 142.0411(A), REVEGETATION SHALL COMPLY WITH THE SPACING STANDARDS IN THE LAND DEVELOPMENT MANUAL. FIFTY PERCENT OF THE PLANTING AREA SHALL BE PLANTED WITH MATERIAL THAT DOES NOT GROW TALLER THAN 24 INCHES. THE REMAINING PLANTING AREA MAY BE PLANTED WITH TALLER MATERIAL, BUT THIS MATERIAL SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS FOR EXISTING PLANT MATERIAL IN ZONE TWO.
- ZONE TWO SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, REMOVING INVASIVE SPECIES, AND CONTROLLING WEEDS.
- EXCEPT AS PROVIDED IN SECTION 142.0412(I), WHERE THE REQUIRED ZONE ONE WIDTH SHOWN IN TABLE 142-04H CANNOT BE PROVIDED ON PREMISES WITH EXISTING STRUCTURES, THE REQUIRED ZONE TWO WIDTH SHALL BE INCREASED BY ONE FOOT FOR EACH FOOT OF REQUIRED ZONE ONE WIDTH THAT CANNOT BE PROVIDED.

SAN DIEGO LANDSCAPE STANDARDS SECTION III - BRUSH MANAGEMENT

3-1 BRUSH MANAGEMENT - DESCRIPTION

FIRE SAFETY IN THE LANDSCAPE IS ACHIEVED BY REDUCING THE READILY FLAMMABLE FUEL ADJACENT TO STRUCTURES. THIS CAN BE ACCOMPLISHED BY PRUNING AND THINNING OF NATIVE AND NATURALIZED VEGETATION, REVEGETATION WITH LOW FUEL VOLUME PLANTINGS OR A COMBINATION OF THE TWO. IMPLEMENTING BRUSH MANAGEMENT IN AN ENVIRONMENTALLY APPROPRIATE MANNER REQUIRES A REDUCTION IN THE AMOUNT AND CONTINUITY OF HIGHLY FLAMMABLE FUEL WHILE MAINTAINING PLANT COVERAGE FOR SOIL PROTECTION. SUCH A TRANSITION WILL MINIMIZE THE VISUAL, BIOLOGICAL, AND EROSION IMPACTS WHILE REDUCING THE RISKS OF WILDLAND FIRES.

3-2 BRUSH MANAGEMENT-REQUIREMENTS

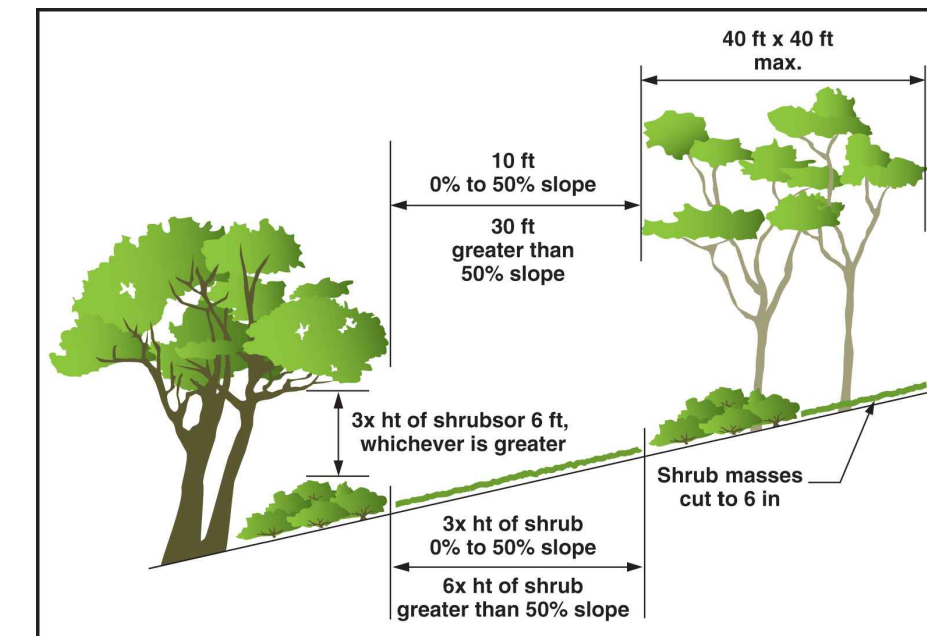
3.2-1 BASIC REQUIREMENTS - ALL ZONES

3.2-1.01 FOR ZONE TWO, PLANTS SHALL NOT BE CUT BELOW SIX INCHES.

3.2-1.02 DEBRIS AND TRIMMINGS PRODUCED BY THINNING AND PRUNING SHALL BE REMOVED FROM THE SITE OR IF LEFT, SHALL BE CONVERTED INTO MULCH BY A CHIPPING MACHINE AND EVENLY DISPERSED, NON-IRRIGATED, TO A MAXIMUM DEPTH OF 6 INCHES.

3.2-1.03 TREES AND LARGE TREE FORM SHRUBS (E.G. OAKS, SUMACS, TOYON) WHICH ARE BEING RETAINED SHALL BE PRUNED TO PROVIDE CLEARANCE OF THREE TIMES THE HEIGHT OF THE UNDER STORY PLANT MATERIAL OR SIX FEET WHICHEVER IS HIGHER (FIGURE 3-1). DEAD AND EXCESSIVELY TWIGGY GROWTH SHALL ALSO BE REMOVED.

FIGURE 3.1
PRUNING TREES TO PROVIDE CLEARANCE FOR BRUSH MANAGEMENT



3.2-1.04 ALL PLANTS OR PLANT GROUPINGS EXCEPT CACTI, SUCCULENTS, TREES AND TREE-FORM SHRUBS SHALL BE SEPARATED BY A DISTANCE THREE TIMES THE HEIGHT OF THE TALLEST ADJACENT PLANTS (FIGURE 3-1).

3.2-1.05 MAXIMUM COVERAGE AND AREA LIMITATIONS AS STATED HEREIN SHALL NOT APPLY TO INDIGENOUS NATIVE TREE SPECIES (I.E., PINUS, QUERCUS, PLATANUS, SALIX, AND POPULUS).

3.2-2 ZONE 1 REQUIREMENTS - STRUCTURES

3.2-2.01 DO NOT USE, AND REMOVE IF NECESSARY, HIGHLY FLAMMABLE PLANT MATERIALS (SEE APPENDIX "B").

3.2-2.02 TREES SHOULD NOT BE LOCATED ANY CLOSER TO A STRUCTURE THAN A DISTANCE EQUAL TO THE TREE'S MATURE SPREAD.

3.2-2.03 MAINTAIN ALL PLANTINGS IN A SUCCULENT CONDITION.

3.2-2.04 NON-IRRIGATED PLANT GROUPINGS OVER SIX INCHES IN HEIGHT MAY BE RETAINING PROVIDED THEY DO NOT EXCEED 100 SQUARE FEET IN AREA AND THEIR COMBINED COVERAGE DOES NOT EXCEED 10 PERCENT OF THE TOTAL ZONE 1 AREA.

3.2-2 ZONE 2 REQUIREMENTS - ALL STRUCTURES

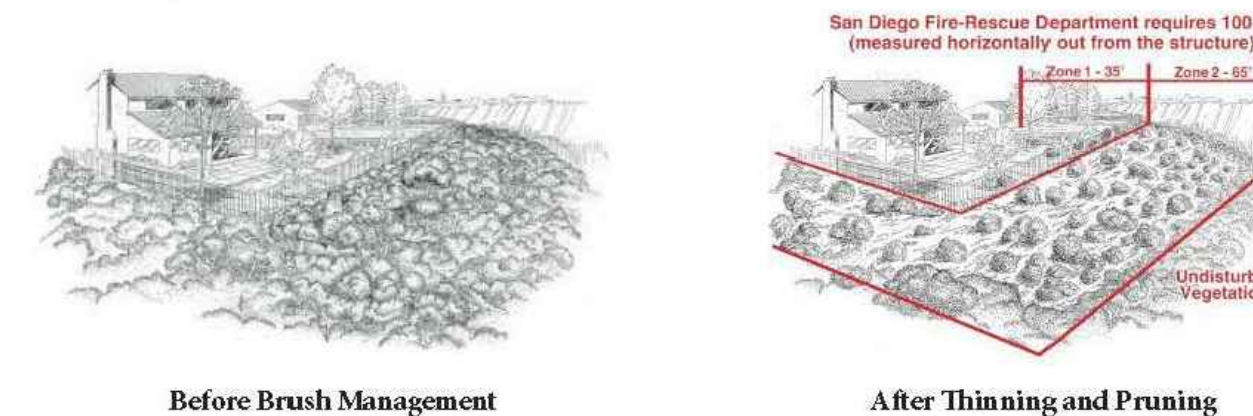
3.2-3.01 INDIVIDUAL NON-IRRIGATED PLANT GROUPINGS OVER 24 INCHES IN HEIGHT MAY BE RETAINED PROVIDED THEY DO NOT EXCEED 400 SQUARE FEET IN AREA AND THEIR COMBINED COVERAGE DOES NOT EXCEED 30 PERCENT OF THE TOTAL ZONE 2 AREA.

SAN DIEGO BRUSH MANAGEMENT REGULATIONS BRUSH MANAGEMENT GUIDE

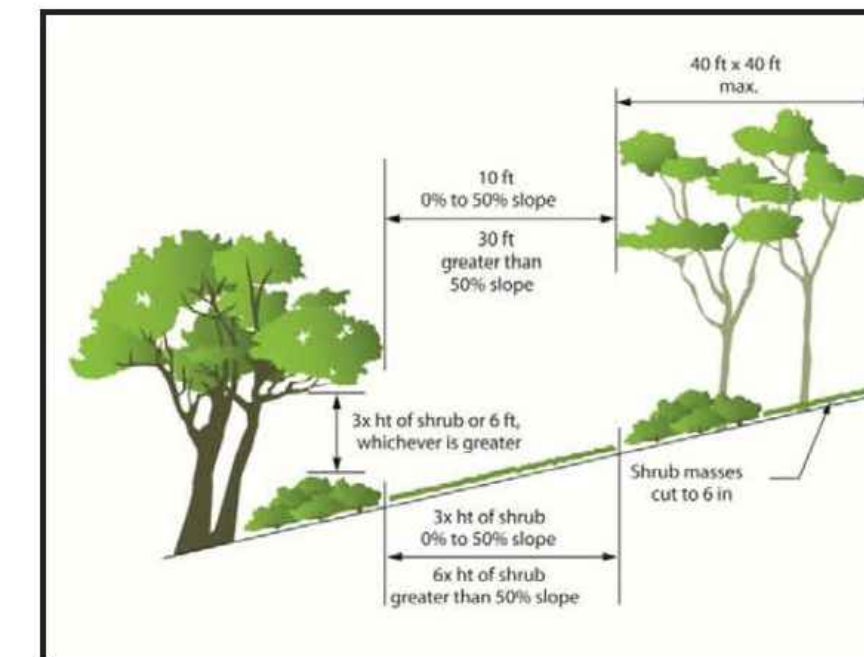
How to Selectively Thin and Prune Plants and Trees in Zone 2 and Avoid Clearing Sensitive Vegetation in Violation of the Code.

Step 1: Remove... as much dead wood as you can and invasive species within the Brush Management Zone areas.

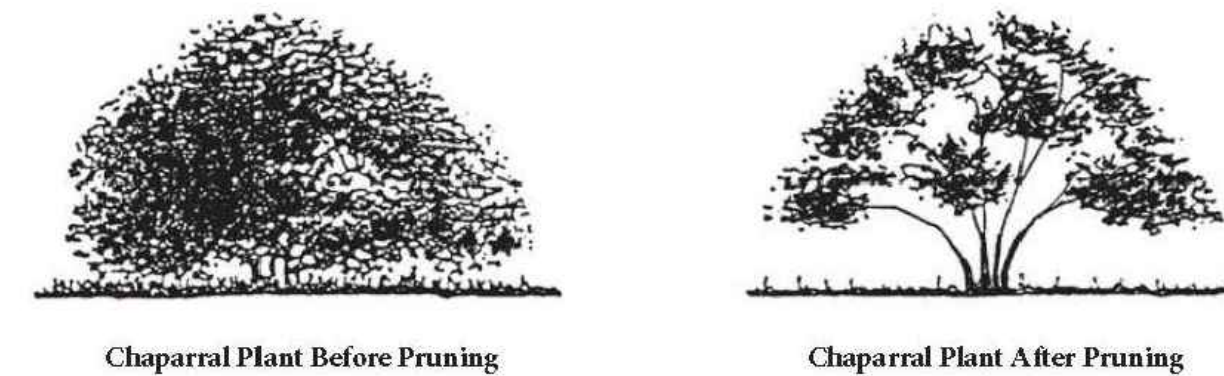
Step 2: Thin... the entire Zone 2 area. Start by cutting down 50% of the plants over 2 feet in height to a height of 6 inches. Don't go any lower than 6 inches so the roots remain to control soil erosion. The goal is to create a "mosaic" or more natural look, as shown below, so do your cutting in a "staggered" pattern. Leave uncut plant groupings up to 400 square feet — that's a 20x20-foot area, or an area that can be encircled by an 80-foot rope — separated by groupings of plants cut down to 6 inches. Thinning should be prioritized as follows: 1) invasive non-native species; 2) non-native species; 3) flammable native species; 4) native species; and 5) regionally sensitive species.



Step 3: Prune... all plants or plant groupings that are left after the thinning process to achieve the horizontal and vertical clearances shown in the illustration below. (For trees in Eucalyptus Woodlands areas, see FPB Policy B-08-1.)



Remaining plants, 4 feet or more in height, should then be cut and shaped into "umbrellas." This means pruning one half of the lower branches to create umbrella-shaped canopies. This allows you to see and deal with what is growing underneath. Upper branches may then be shortened to reduce fuel load as long as the canopy is left intact. This keeps the plant healthy and the shade from the plant canopy reduces weed and plant growth underneath. Vegetation that is less than 4 feet in height, like coastal sage scrub, should be cut back to within 12 inches of the root crown.



Step 4: Dispose... of the cuttings and dead wood by either hauling it to a landfill, or, by chipping/mulching it on-site and spreading it out in the Zone 2 area to a depth of not more than 6 inches.

Step 5: Thin and prune annually... because plants will grow back.

SAN DIEGO LANDSCAPE STANDARDS BRUSH MANAGEMENT MAINTENANCE NOTES

1. GENERAL MAINTENANCE ~ REGULAR INSPECTIONS AND LANDSCAPE MAINTENANCE ARE NECESSARY TO MINIMIZE THE POTENTIAL DAMAGE OR LOSS OF PROPERTY FROM BRUSH FIRES AND OTHER NATURAL HAZARDS SUCH AS EROSION AND SLOPE FAILURES. BECAUSE EACH PROPERTY IS UNIQUE ESTABLISHING A PRECISE MAINTENANCE SCHEDULE IS NOT FEASIBLE. FOR EFFECTIVE FIRE AND WATERSHED MANAGEMENT, HOWEVER, PROPERTY OWNERS SHOULD EXPECT TO PROVIDE MAINTENANCE ACCORDING TO EACH BRUSH MANAGEMENT ZONE. ZONE 1: YEAR-ROUND MAINTENANCE, ZONE 2: SEASONAL MAINTENANCE. BRUSH MANAGEMENT ACTIVITIES ARE PROHIBITED WITHIN COASTAL SAGE SCRUB, MARITIME SUCCULENT SCRUB, AND COASTAL SAGE-CHAPARRAL HABITATS FROM MARCH 1 THROUGH AUGUST 15, EXCEPT WHERE DOCUMENTED TO THE SATISFACTION OF THE CITY MANAGER THAT THE THINNING WOULD BE CONSISTENT WITH CONDITIONS OF SPECIES COVERAGE DESCRIBED IN THE CITY OF SAN DIEGO'S MSCP SUBAREA PLAN.

2. BRUSH MANAGEMENT ZONE 1 ~ THIS IS THE MOST CRITICAL AREA FOR FIRE AND WATERSHED SAFETY. ALL ORNAMENTAL PLANTINGS SHOULD BE KEPT WELL WATERED AND ANY IRRIGATION RUN-OFF SHOULD DRAIN TOWARD THE STREET. RAIN GUTTERS AND DRAINAGE PIPES SHOULD BE CLEANED REGULARLY ALL LEAVES REMOVED FROM THE ROOF BEFORE FIRE SEASON BEGINS. ALL PLANTING, PARTICULARLY NON-IRRIGATED NATIVES AND LARGE TREES SHOULD BE REGULARLY PRUNED TO ELIMINATE DEAD FUELS, TO REDUCE EXCESSIVE FUEL AND TO PROVIDE ADEQUATE SPACES BETWEEN PLANTS AND STRUCTURES.

3. BRUSH MANAGEMENT ZONE 2 ~ SEASONAL MAINTENANCE IN THIS ZONE SHOULD INCLUDE REMOVAL OF DEAD WOODY PLANTS, ERADICATION OF WEEDY SPECIES AND PERIODIC PRUNING AND THINNING OF TREES AND SHRUBS. REMOVAL OF WEEDS SHOULD NOT BE DONE WITH HAND TOOLS SUCH AS HOES, AS THIS DISTURBS VALUABLE SOIL. THE USE OF WEED TRIMMERS OR OTHER TOOLS WHICH RETAIN SHORT STUBBLE THAT PROTECTS THE SOIL IS RECOMMENDED. NATIVE SHRUBS SHOULD BE PRUNED IN THE SUMMER RAFTER THE MAJOR PLANT GROWTH OCCURS. WELL PRUNED HEALTHY SHRUBS SHOULD TYPICALLY REQUIRE SEVERAL YEARS TO BUILD UP EXCESSIVE LIVE AND DEAD FUEL. ON SLOPES ALL DRAINAGE DEVICES MUST BE CLEAR. RE-INSPECT AFTER EACH STORM SINCE MINOR SOIL SLIPS CAN BLOCK DRAINS. VARIOUS GROUNDCOVERS SHOULD BE PERIODICALLY SHEARED AND THATCH REMOVED. DISEASED AND DEAD WOOD SHOULD BE PRUNED FROM TREES. FERTILIZING TREES AND SHRUBS IS NOT TYPICALLY RECOMMEND AS THIS MAY STIMULATE EXCESSIVE GROWTH.

4. LONG-TERM MAINTENANCE RESPONSIBILITY ~ ALL LANDSCAPING/BRUSH MANAGEMENT WITHIN THE BRUSH MANAGEMENT ZONE(S) AS SHOWN ON THESE PLANS SHALL BE THE RESPONSIBILITY OF THE OWNER. THE BRUSH MANAGEMENT ZONE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER OF ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION.

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Revision 8: _____
Revision 7: 4/12/2021
Project Address: 4337 HOME AVENUE Revision 6: 11/6/2020
SAN DIEGO, CA 92105 Revision 5: 3/7/2019
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