



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: September 28, 2023 REPORT NO. PC-23-011

HEARING DATE: October 12, 2023

SUBJECT: 5334 BANKS STREET NEW CANNABIS OUTLET, Process Three Appeal Decision

PROJECT NUMBER: [PRJ-1084774](#)

REFERENCE: Report to the Hearing Officer HO-23-031

OWNER/APPLICANT: GRASELA BRIAN TRUST / PHJ INVESTMENTS

SUMMARY

Issue: Should the Planning Commission grant or deny an appeal of the Hearing Officer's July 12, 2023 decision to approve a new, 3,000-square-foot cannabis outlet in an existing building at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan?

Staff Recommendation: Deny the appeal and affirm the decision of the Hearing Officer to approve Conditional Use Permit No. PMT-3207339.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15332 (In-fill Development). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 19, 2023, and the opportunity to appeal that determination ended June 2, 2023.

Fiscal Impact Statement: None. All staff costs associated with the processing of this project are recovered from a deposit account funded by the project applicant.

Code Enforcement Impact: None associated with this application.

Housing Impact Statement: The project does not propose housing and does not eliminate any existing housing units. The site is zoned IL-3-1 which prohibits housing.

BACKGROUND

This item is an appeal of the Hearing Officer’s July 12, 2023 decision to approve a Conditional Use Permit (CUP) to allow operation of a new Cannabis Outlet. The Report to the Hearing Officer HO-23-031 (Attachment 1) contains the project background, analysis, and necessary draft findings with a staff recommendation of approval.

Project Location:	5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan, the FAA Part 77 Noticing Area, the Transit Area, and the Airport Land Use Compatibility Plans for NAS North Island and San Diego International Airport in the Linda Vista Community Planning Area and City Council District 7.
Project Scope:	Conditional Use Permit for a 3,000-square-foot cannabis outlet in an existing building.
Lot Size:	0.286 acres
Zoning:	IL-3-1 (Light Industrial)
Community Plan Designation:	Industrial within the “Employment District” of the Morena Corridor Specific Plan

Legal Standard for Appeal of Hearing Officer Decision

An appeal of a Hearing Officer decision may only be granted with evidence supporting one of the following findings:

- (1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate; or
- (2) New Information. New information is available to the applicant or the interested person that was not available through that person’s reasonable efforts or due diligence at the time of the decision; or
- (3) Findings Not Supported. The decision maker’s stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
- (4) Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.

Pursuant to San Diego Municipal Code Section (SDMC) [section 112.0506\(c\)](#), the Planning Commission

can only deny the appeal and affirm approval of the project if none of the above findings are supported by sufficient evidence or grant the appeal and reverse approval of the project if it finds one of the above findings is supported by sufficient evidence. The below analysis demonstrates how the appellants do not provide facts to support one of the above findings.

PROJECT APPEAL DISCUSSION

On July 24, 2023, Willie Senn filed an appeal of the Hearing Officer's July 12, 2023, decision to approve the project (Attachment 2). On July 26, 2023, Peter Ishak filed an appeal (Attachment 3).

Willie Senn Appeal

Mr. Willie Senn's listed grounds for appeal were "Factual Error", "Conflict with other matters," "Findings not supported", and "New Information". The appeal consists of a two-page letter, which focuses on a nearby business, Brickyard Batting Cages at 5355 Grant Street, which he believes should disqualify the project from being approved. This staff report addresses key points from the appeal, the entirety of which is Attachment 2 to this report.

Senn Appeal Issue 1: *This project's approval is solely based on a missing certificate of occupancy, which is completely unacceptable and should be more deeply considered during this appeal and for future projects.*

Staff Response: The appellant claims in his appeal that this business is a minor-oriented facility located within 1,000 feet of the project site, which should have been a reason to deny the project. This is not the case.

The Hearing Officer report for this project states that

Cannabis outlets must be at least 1,000 feet away from the following per SDMC section 141.0504(a)(1):

- City parks
- Childcare centers
- Churches
- Playgrounds
- City libraries
- Minor-oriented facilities
- Schools
- Other outlets

They must also be at least 100 feet from all residentially zoned properties per SDMC section 141.0504(a)(2).

Staff analysis did not identify any of the listed uses within these limits and the proposed

Cannabis Outlet satisfies the separation requirements of SDMC section 141.0504(a)(1) and (2). One existing business, Brickyard Batting Cages at 5355 Grant Street, was identified as a potential minor-oriented use. However, because this business does not have a valid certificate of occupancy for the batting cages use, staff cannot consider it an existing business for the purposes of separation. The last known certificate of occupancy on file lists the structure as an office and warehouse use.

To further clarify the Hearing Officer report, it should have been noted that community members identified the existing business as a potential minor-oriented use. SDMC section 129.0113(a) states that "No structure or portion of a structure shall be used or occupied, and no change in the existing use or occupancy classification of a structure or portion of a structure shall be made until the Building Official has issued a Certificate of Occupancy approving that use or occupancy."

SDMC section 121.0302(a) states that "It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit..."

The building that Brickyard Batting Cages occupies was originally permitted as an office/warehouse use in 1977. However, the current use of the facility as batting cages is considered an assembly use. The code requires buildings that change in use to have a valid certificate of occupancy for that change. Because Brickyard Batting Cages does not meet this requirement, the use does not lawfully operate in its space. Therefore, this business is not considered an existing use under the SDMC and is not considered by staff as existing.

The lack of a valid certificate of occupancy for the existing use at 5355 Grant Street as a consideration for not considering it existing follows the SDMC and has been used in the review of previous cannabis projects. A business cannot be considered existing if it does not have an established right to exist in its current location.

Senn Appeal Issue 2: San Diego municipal code §141.0504 (a), does not contain any reference to a certificate of occupancy or any other permit as being required to consider a youth-oriented facility for the 1,000-foot buffer. The only reference is to property line measurement (Section 113.0225,) which also does not state any certificate of occupancy requirement.

Staff Response: Although this statement is correct, as stated above, the SDMC identifies what businesses are considered existing. An unpermitted business should not be considered existing for the purpose of separation analysis.

Senn Appeal Issue 3: The city should not overlook a business that is obviously a minor-oriented facility simply because of paperwork that is irrelevant in your decision being made. Mr. Cleveland explains in the Report to the Hearing Officer that the goal of the separation regulation is to protect the public health, safety, and welfare, however, in this instance, the city has chosen to turn a blind eye to approve this cannabis outlet, literally next door to a business clearly devoted to minor children. Essentially, the city leaders are contradicting San Diego's own separation buffers and this sets a dangerous precedent for the community and future projects. It is imperative that the city use measurements that are implemented in a

consistent manner throughout the approval process and that projects have the proper documentation explaining any exemptions or variances, in order to protect businesses that cater to children and in order to maintain the integrity of the regulatory framework in the City of San Diego.

Staff Response: See staff response to Senn Appeal Issue 2 above. The decision to disqualify Brickyard Batting Cages from consideration as an existing use is supported by the Municipal Code and is relevant to the current decision.

After determining that the business did not legally operate in the space, staff did not perform further analysis on whether the use would be minor-oriented or not. The lack of a valid Certificate of Occupancy disqualified the use from further consideration.

Senn Appeal Issue 4: *BrickYard Holds a valid Business Tax Certificate. BrickYard applied for, and obtained, a Business Tax Certificate (BTC) from the City of San Diego. As part of the BTC application process, the city conducts a zoning verification of the proposed property as standard practice. The city issued a valid BTC to BrickYard and has renewed that certificate numerous times, thus we are able to conclude that the zoning of the subject property was appropriate at the time of application and that the City deemed Brickyard to be a legal business.*

Staff Response: Brickyard Batting Cages holds a valid Business Tax Certificate (BTC) according to the City Treasurer. The business is not operating lawfully at this location regardless of BTC status.

Senn Appeal Issue 5: *BrickYard has been in continuous operation with no code enforcement issues BrickYard has remained in operation since 2011 and has not once received any inquiry from the city or Code enforcement regarding a certificate of occupancy issue whatsoever. Now that a new Cannabis operator wants to skirt the rules that all other city licensees has had to comply with the city says "sorry we didn't do our job" therefore this operator can locate directly next to a devoted children's facility? There is an obvious conflict here. At the very least the BrickYard is a previously conforming use that should be viewed as a legal business. Taking the position that BrickYard is an illegal business is a slap in the face of an upstanding business and its owner who has spent nearly 15 years serving the youth of the Central San Diego area. I urge the Planning Commission to use its discretion and take a common sense approach here.*

Staff Response: Code enforcement relies on citizen reporting and/or enforcement staff taking notice of violations. Illegal situations that are not reported on or noticed may exist for many years without being cited. The business is not operating lawfully at this location regardless of the current code enforcement status of the property.

Senn Appeal Issue 6: *Original Intent of Cannabis Regulatory Ordinance. The intent of the Minor Oriented Business provision of the regulatory ordinance as originally passed, and subsequently amended, by City Council was to limit the exposure of Children, under the age of 18 years old, to Cannabis. Denying this appeal goes in direct conflict with that intent as you will be permitting a Cannabis dispensary to open not just near a business Devoted to minors, but you will be allowing the CO to open directly next door, with no barrier or other structural impediment that would limit children's accessibility to the cannabis outlet. There have been instances on other CO projects where a barrier was appropriately taken into*

consideration when examining sensitive uses. This proposed location has no barriers whatsoever that could be reasonably expected to create such limitations to the children at large directly next door at BrickYard.

Staff Response: The SDMC outlines an obligation to obtain a certificate of occupancy for a change in use to provide for the health and safety of all persons entering a building, including children. Brickyard Batting Cages has not met this obligation. Therefore, it cannot be considered an existing business for the purpose of separation analysis. Furthermore, children are not allowed in a cannabis outlet per state law.

Senn Appeal Issue 7: *BrickYard Batting Cages is Clearly Devoted to Minors (Children under Age of 18). I have personally visited the brickyard cages over many days and weeks and have taken photos of my findings. The photos clearly show what I found to be 1 adult to every 6 minor children. We calculated the % of customers who are under the age of 18 as being 83% of all customers at BrickYard. This is far beyond the threshold of its too close to call. This is blatant and obvious. Even on the day of the Hearing officer decision, immediately after the hearing ended, I stopped by the BrickYard facility and observed (and photographed) more than 25 minor children who were playing wiffle ball in the parking lot in front of the facility. In addition, BrickYard holds baseball camps for minors Ages 6-13. These camps are held daily from 9a-3p and allow for early drop-offs at 8am. This is approaching daycare status if you truly think about what this means.*

The applicant argues that BrickYard occupies only 46.1% of the Parcel compared to 53.9% by Steve's Beemer & Benz. The fact of the matter is that 83% of patrons visiting the BrickYard facility are Minors under the age of 18. I have not seen a better scenario for the planning commission to exercise its discretion and do the right thing for the community in line with the intent of the regulatory framework.

Staff Response: As previously mentioned, staff did not determine whether or not Brickyard Batting Cages was a minor-oriented facility – the lack of a valid certificate of occupancy removed the site from further consideration.

Senn Appeal Issue 8: *The Owner of BrickYard Cages has voiced concerns multiple times to the City The owner of BrickYard Cages has written the city and hearing officer and voiced their concerns about the children they serve being subject to a cannabis outlet directly next door to their establishment.*

Staff Response: The owner of Brickyard Batting Cages did not appeal the project.

Senn Appeal Issue 9: *Public Safety Risk of Neighboring businesses. You see the news all the time, a dispensary was broken into or robbed by armed thieves. I recently experienced this personally in West Hollywood. A group of 12 individuals broke into and robbed a dispensary in plain daylight, smashing up the facility in a very aggressive manor. This is obviously why the city of San Diego has required extra security measures for Cannabis outlets. But in taking a commonsense approach, I do not want my children spending extended amounts of time at a business directly next door to a dispensary that is, quite simply, a larger target for crime than a normal retail business. The proposed location of the project is simply not appropriate. An incident like the one I described above could have severe implications for*

young children who witness such a crime.

Staff Response: The project will meet the security requirements of the Cannabis Outlet ordinance, which include operable, cameras, alarms, and a security guard.

Senn Appeal Issue 10: *In summary, this project does not meet the required findings and will pose a significant risk to the public health, safety, and welfare. I urge the commission to uphold this appeal and deny the project on these grounds. All Cannabis Outlets should be required to follow the same rules, especially when it comes to the separation requirement from a minor oriented facility bordering on a daycare facility.*

Staff Response: Per the SDMC, all cannabis outlets are required to follow the same rules with regard to unpermitted uses being located nearby. This facility has not been determined by the City to be a minor-oriented facility.

Peter Ishak Appeal

Mr. Peter Ishak's listed grounds for appeal were "Factual Error", "Conflict with other matters," "Findings not supported", and "New Information". The appeal consists of a two-page letter (Attachment 3), which raises several points.

Ishak Appeal Issue 1: *The applicants are not the true applicants. There is a hide-and-seek game being played with the city and no one seems to be taking notice. The applicant changed the applying entity name on the day of their Planning Officer Hearing. This further convolutes the situation in trying to find out who the true applicant for this project is. We have reason to believe that the true applicants are prohibited persons.*

Staff Response: Projects are not decided based on who the applicant is, and this had no bearing on the Hearing Officer's decision to approve or deny the project. Mr. Ishak also does not support his statement that the applicants are prohibited persons, nor does he disclose which person he is specifically concerned about.

Ishak Appeal Issue 2: *There needs to be an investigation into the communications between the applicants Representatives and the Planning staff. According to Lara Gates, Deputy Director, the average Discretionary project takes 12-18 months to complete review. This applicant on Banks Street has admittedly used their relationships with the Planning staff to expedite certain issues that also exist with our project in an unfair manner. This project was able to somehow clear their issues from their initial application in March to June of 2023. That is just 3 months for their discretionary project to be deemed complete. If someone cannot see that something nefarious is going on here, they must be involved.*

Staff Response: This is a project processing concern that is not relevant to the Hearing Officer's decision to approve or deny the subject project.

Ishak Appeal Issue 3: *The applicant used a "Glitch" within the Planning department's mapping system to*

misinform and intimidate neighbors in the area. The applicants used the fact that they were the only applicants showing on the City's map to inform neighbors that they had no choice but to accept the applicant's use because there are no other applicants in the area. Planning staff refused to fix the mapping glitch until they deemed the Banks Street application to be complete. How is this fair for any other applicants that experience this glitch?

Staff Response: This is a project processing concern that is not relevant to the Hearing Officer's decision to approve or deny the subject project. In addition, Mr. Ishak's description of the situation and his statement that staff refused to help based on the subject project's deemed complete date are incorrect. In April of 2023, Mr. Ishak noticed that his project did not appear on the Cannabis Business Division's cannabis map as a current application. Staff discussed this with him and fixed the issue as soon as was practical. The subject project was deemed complete on March 1, prior to this discussion. The subject project's being deemed complete could not have been a factor.

Ishak Appeal Issue 4: *The applicants failed to show any improvements to the property they intend to occupy. They do not plan on adding any landscaping, improving accessibility, nor adding any electrical vehicle charging stations. If the Planning Commission is looking to improve this area, the applicant on Banks Street is doing the bare minimum in order to improve the neighborhood.*

Staff's Response: As outlined in the Hearing Officer staff report, the proposed project complies with the regulations of the IL-3-1 zone with no deviations required to approve the project. The project meets all separation requirements, and the permit has been conditioned to ensure the proposed cannabis outlet would not be detrimental to the public health, safety, and welfare.

The project proposes public and private improvements including short-term bicycle parking spaces, carpool/zero emission vehicle parking spaces, and an accessible path from the parking lot to the building entrance and the public right of way. The project is conditioned to dedicate five feet of property for the adjacent alley and five feet of property to Banks Street, which will enable those facilities to meet City standards and which will enable Banks Street to have a parkway at this location. The project is also conditioned to reconstruct the driveway to City standards, and to construct two new City Standard curb ramps with truncated domes at the alley entrance, adjacent to the site.

A landscaping plan was not required for this project because it is in an existing tenant space that was not adding four or more parking spaces. Furthermore, the site characteristics are such that adding landscaping would be difficult due to existing buildings, parking area configuration, and the required dedications.

Ishak Appeal Issue 5: *Everyone in the area, including all neighbors are concerned for the lack of Security this applicant does not intend to implement. The applicant does not propose to have a 24hr security guard nor do they plan to have an attendant to control loitering. As you know there are other businesses in that area including the batting cages. This applicant plans to do nothing to assist in keeping children away from their facility and other patrons from loitering on neighboring properties. Our project on Grant Street presented a thorough plan for having 24hr security roam the neighboring properties to make sure*

everyone is safe.

Staff Response: As outlined in the Hearing Officer report for this project, on May 22, 2023, the Linda Vista Planning Group voted 8-0-1 with one abstention to recommend approval of the project with no conditions.

As also outlined in the same report, the proposed outlet is subject to the operational and security requirements of SDMC Sections 141.0504(b) through (m), which are included as conditions of approval of the CUP. These requirements include a prohibition on consultation by medical professionals on-site; prohibition of the use of vending machines except by a responsible person (as defined by SDMC sections 42.1502 and 11.0210); 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, removal of graffiti within 24 hours, and signage restrictions. Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation. State law also heavily regulates outlets, including their operational characteristics and advertising. Children are not allowed in cannabis outlets per state law.

Ishak Appeal Issue 6: *The applicant also has no intentions of implementing a parking attendant. The parking in this area is already very bad, all the businesses rely on the street parking for their customers. This applicant only intends to add 6 parking spaces and expects their customers to take up the already existing spots. Comparing this with our application, we will be adding 13 parking spots. By only adding 6 parking spots to an already oversaturated area, with all the additional traffic they will bring, is insulting.*

Staff Response: The subject project is located in the Parking Standards Transit Priority Area and has no minimum parking requirement. The subject project provides six car spaces. However, these spaces are not required, nor does the ordinance require a parking attendant.

Ishak Appeal Issue #7: *The applicant has absolutely no regard for their neighbors. They used intimidation tactics and relationships with the city to avoid any neighbors' concerns about the proximity to the batting cages. Our team has spent countless hours working with our neighbors to ensure a harmonious relationship with our businesses.*

Staff response: These statements are unsupported by facts and are not relevant to the Hearing Officer's decision to approve or deny the subject project.

Ishak Appeal Issue #8: *The applicant lied to the public. The applicant has absolutely zero experience in managing nor operating Cannabis businesses. The applicant claims to have ownership and experience in other retail businesses. Upon investigating these claims, they are found to be false.*

Staff response: These statements are unsupported by facts and are not relevant to the Hearing Officer's decision to approve or deny the subject project.

Ishak Appeal Issue #9: *No one in the planning department can explain to our group why certain issues*

regarding the setbacks of the property were deemed complete with this applicant yet not deemed complete with our application. The same issue exists with both applications, but the Planning staff has decided that this application can move forward without any explanation.

Staff response: This is a project processing concern that is not relevant to the Hearing Officer's decision to approve or deny the subject project. In addition, Mr. Ishak alleges differential treatment for similar issues, but does not support this statement with the relevant facts. This project moved forward because the applicant addressed all staff review issues and obtained an environmental determination. In addition, it is not clear what Mr. Ishak means by "deemed complete". The projects were deemed complete for processing before review began.

Ishak Appeal Issue #10: *This applicant does not even have a legal lease nor right to use the property in question. They have a LOI to rent the property if they are successful. If successful, they will be forcing a longtime tenant (the Coffee Shop) to relocate. Is it the intention of the Planning commission and City Council to displace longstanding businesses to accommodate Cannabis businesses because they are paying higher rental rates? It is my understanding that the Planning Commission exists to assist the public and longstanding, tax paying businesses. By approving this project, you will be continuing the trend of allowing sub-par projects that are set up for failure and conflict within the community. This is not a project that should be approved solely because of the relationships and facetime the Applicant's Architect and Attorney have conveniently used to circumvent your system.*

Staff Response: These statements are not supported by facts and are not relevant to the Hearing Officer's decision to approve or deny the subject project. It is the property owner's choice who to lease to and what rates to charge. Who is leasing from whom and for what, who an applicant is, and who an applicant's consultants are not regulated by the Land Development Code and were not factors in making the findings of approval for this project.

Ishak Appeal Issue #11: *These are just a few of the main concerns of this project. Not one single agency that has reviewed this project has reviewed it in a discretionary manner. This project is supposed to be discretionary, and all facts need to be considered. The architect and Land Use attorney for this project continue to threaten and bully their way through this process by claiming the project adheres to all land use codes and therefore does not need to be reviewed any further. If this project was black and white, why is it called Discretionary? How are other applicants supposed to achieve any success with the process when other applicants are clearly being given preferential treatment. I have brought this issue up with the DPM, the Deputy Director, and have requested that this issue be reviewed by the Director as well. I feel like my concerns are falling on deaf ears. There seems to be no interest in looking into the process this applicant has gone through. There are no other factors being taken into consideration when deeming this project "Approved" other than Land Use issues. I implore this Planning Commission to look at ALL OF THE FACTS involved in this project before making a final decision on this appeal. Thank You for time in reading this appeal for reversal of the Planning Officers Determination of Approval. This project should be denied.*

Staff Response: Staff review and Hearing Officer approval of the project were based on the requirements and required findings of the Land Development Code, as informed by the Community Plan. Mr. Ishak has appealed based on project processing concerns that are not relevant to the

Hearing Officer's decision to make the findings to approve or deny the subject project.

Conclusion:

The two appeals provide no evidence of new information that was not available through reasonable efforts or due diligence at the time of the decision.

City staff has reviewed the proposed project, analyzed the appeal issues raised, and determined that the project is in conformance with adopted City Council policies, regulations of the Land Development Code, and the Linda Vista Community Plan. The appellants do not have sufficient evidence to support any of the four findings that are grounds for appeal. The proposed project is consistent with the recommended land use and development standards in effect for this site, and no deviations are required to approve the project. Therefore, City staff recommends the Planning Commission deny the appeals and uphold the Hearing Officer's decision to approve Conditional Use Permit No. PMT-3207339.

Staff has prepared updated draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5).

ALTERNATIVES

1. Deny the appeals and affirm the Hearing Officer's decision to approve Conditional Use Permit No. PMT-3207339, with modifications.
2. Approve either of the appeals, reverse the Hearing Officer's decision, and deny Conditional Use Permit No. PMT-3207339, if the findings to approve the project cannot be affirmed.

Respectfully submitted,



Lara Gates
Deputy Director
Development Services Department



Travis Cleveland
Development Project Manager
Development Services Department

Attachments:

1. Report to the Hearing Officer HO-23-031
2. Willie Senn Appeal
3. Peter Ishak Appeal
4. Draft Resolution with Findings
5. Draft Permit with Conditions



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: July 11, 2023

TO: Hearing Officer

FROM: Travis Cleveland, Development Project Manager

SUBJECT: Additional Permit Condition, PRJ-1084774, Banks Street CO, Item #2 for July 12, 2023
Hearing Officer

The following permit condition was left out of the draft permit for the Hearing Officer's consideration. It will be added to the permit pending Hearing Officer approval.

The Owner/Permittee shall provide and maintain a ten foot by ten foot visibility triangle on both sides of the driveway measured along the property line on Banks Street. No obstacles higher than 36 inches shall be located within this area, which must be shown on construction plans.



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: July 5, 2023 REPORT NO. HO-23-031

HEARING DATE: July 12, 2023

SUBJECT: 5334 BANKS STREET NEW CANNABIS OUTLET, Process Three Decision

PROJECT NUMBER: [PRJ-1084774](#)

OWNER/APPLICANT: GRASELA BRIAN TRUST / Kristi Byers

SUMMARY

Issue: Should the Hearing Officer approve a new, 3,000-square-foot cannabis outlet in an existing building at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan?

Proposed Actions:

1. APPROVE Conditional Use Permit No. PMT-3207339.

Fiscal Considerations: Project processing costs paid for by applicant deposit.

Community Planning Group Recommendation: On May 22, 2023, the Linda Vista Planning Group voted 8-0-1 with one abstention to recommend approval of the project with no conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15332 (In-fill Development). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 19, 2023, and the opportunity to appeal that determination ended June 2, 2023.

BACKGROUND

The 0.286-acre project site is located at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Planning Area and City Council District 7. The site is designated "Industrial" within the Employment District of the Morena Corridor Specific Plan and is surrounded by properties in the same zone and use designation. The Employment District is located north of Friars Road and the Green Line Trolley, west of Morena Boulevard, and east of the Purple Line Trolley/Amtrak/Coaster tracks.

DISCUSSION

Project Description

Project Location:	5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan, the FAA Part 77 Noticing Area, the Transit Area, and the Airport Land Use Compatibility Plans for NAS North Island and San Diego International Airport in the Linda Vista Community Planning Area and City Council District 7.
Project Scope:	Conditional Use Permit for a 3,000-square-foot cannabis outlet in an existing building.
Lot Size:	0.286 acres
Zoning:	IL-3-1 (Light Industrial)
Community Plan Designation:	Industrial within the "Employment District" of the Morena Corridor Specific Plan

The proposed 3,000-square-foot cannabis outlet would be located in one of two tenant suites in an existing 6,193-square-foot building on the property. The project has no minimum parking requirement because it is within a Parking Standards Transit Priority Area and provides bicycle and carpool amenities. However, cannabis outlet customers will have access to six parking spaces available on the property.

Cannabis Outlets are allowed with the approval of a Process Three CUP, pursuant to [SDMC section 126.0303](#), in designated base zones. A CUP allows a Cannabis Outlet to sell both medicinal and recreational cannabis products subject to state licensing requirements.

Pursuant to [SDMC section 141.0504](#), cannabis outlets are limited to no more than four per City Council District (36 City-wide) within commercial and industrial zones, with two existing outlets allowed to remain because of redistricting, for a total of 38 outlets allowed. There are currently three approved cannabis outlets in Council District 7. If approved by the Hearing Officer, the proposed project would be the fourth and final Cannabis Outlet CUP approved within Council District 7, and the 35th within the City.

Cannabis outlets must be at least 1,000 feet away from the following per SDMC 141.0504(a)(1):

- City parks
- Childcare centers
- Churches
- Playgrounds
- City libraries
- Minor-oriented facilities

- Schools
- Other outlets

They must also be at least 100 feet from all residentially zoned properties per SDMC 141.0504(a)(2).

Staff analysis did not identify any of the listed uses within these limits and the proposed Cannabis Outlet satisfies the separation requirements of SDMC 141.0504(a)(1) and (2). One existing business, Brickyard Cages at 5355 Grant Street, was identified as a potential minor-oriented use. However, because this business does not have a valid certificate of occupancy for the batting cages use, staff cannot consider it an existing business for the purposes of separation.

Land Use Analysis:

Linda Vista Community Plan (LVCP) - Neither the LVCP nor the MCSP specifically address cannabis outlets. The project site is in the Employment District of the Morena Corridor Specific Plan (MCSP) as defined by the LVCP. This designation envisions a range of urban-oriented, light industrial, creative office/flex space businesses, and commercial uses that provide a sub-regional job center for small- and medium-size businesses. The proposed project furthers the following MCSP goals and policies:

Land Use Goal: A distinct identity through a cohesive mix of uses.

Land Use Goal: Economic vitality through a mix of employment uses.

Land Use Goal: A vibrant retail and restaurant sector.

Employment District Policy 2.5.1: Support commercial, office, and light industrial employment uses to preserve and expand local and regional job opportunities and stimulate business growth and development.

Cannabis outlets are limited in number and their presence in a particular community is therefore distinct. The project fits into the Employment District because it represents a small to medium-sized retail business that will provide jobs to local residents. Cannabis outlets promote economic vitality by the generation of cannabis tax revenue and the provision of new retail jobs. Therefore, the proposed Cannabis Outlet is a compatible use at this location with a CUP and is consistent with the Community Plan land use policies.

Operational and Security Requirements:

The proposed outlet is subject to the operational and security requirements of SDMC Sections 141.0504(b) through (m), which are included as conditions of approval of the CUP. These requirements include a prohibition on consultation by medical professionals on-site; prohibition of the use of vending machines except by a responsible person (as defined by [SDMC sections 42.1502](#) and [11.0210](#)); 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, removal of graffiti within 24 hours, and signage restrictions. Outlets must also comply with Chapter 4, Article 2, Division 15 which provides

guidelines for lawful operation. State law also heavily regulates outlets, including their operational characteristics and advertising.

Conclusion

Cannabis outlets are unique in that there are only four allowed in each of the nine City Council districts, or 38 City-wide (36 with two others allowed to remain because of redistricting). No other retail business regulated by the City of San Diego is subject to such restrictions. Since the City's recreational cannabis regulations were first adopted in 2017, the zoning and separation requirements for cannabis outlets have resulted in very few locations that meet all locational criteria. This location does meet all criteria.

The proposed project meets all separation and zoning requirements. It would be the fourth Cannabis Outlet CUP approved within Council District 7, and the 35th within the City. Issues identified during review have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The proposed project complies with the regulations of the IL-3-1 zone with no deviations required to approve the project. The project meets all separation requirements, and the permit has been conditioned to ensure the proposed cannabis outlet would not be detrimental to the public health, safety, and welfare. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff recommends that the Hearing Officer approve CUP No. PMT-3207339 as proposed.

ALTERNATIVES

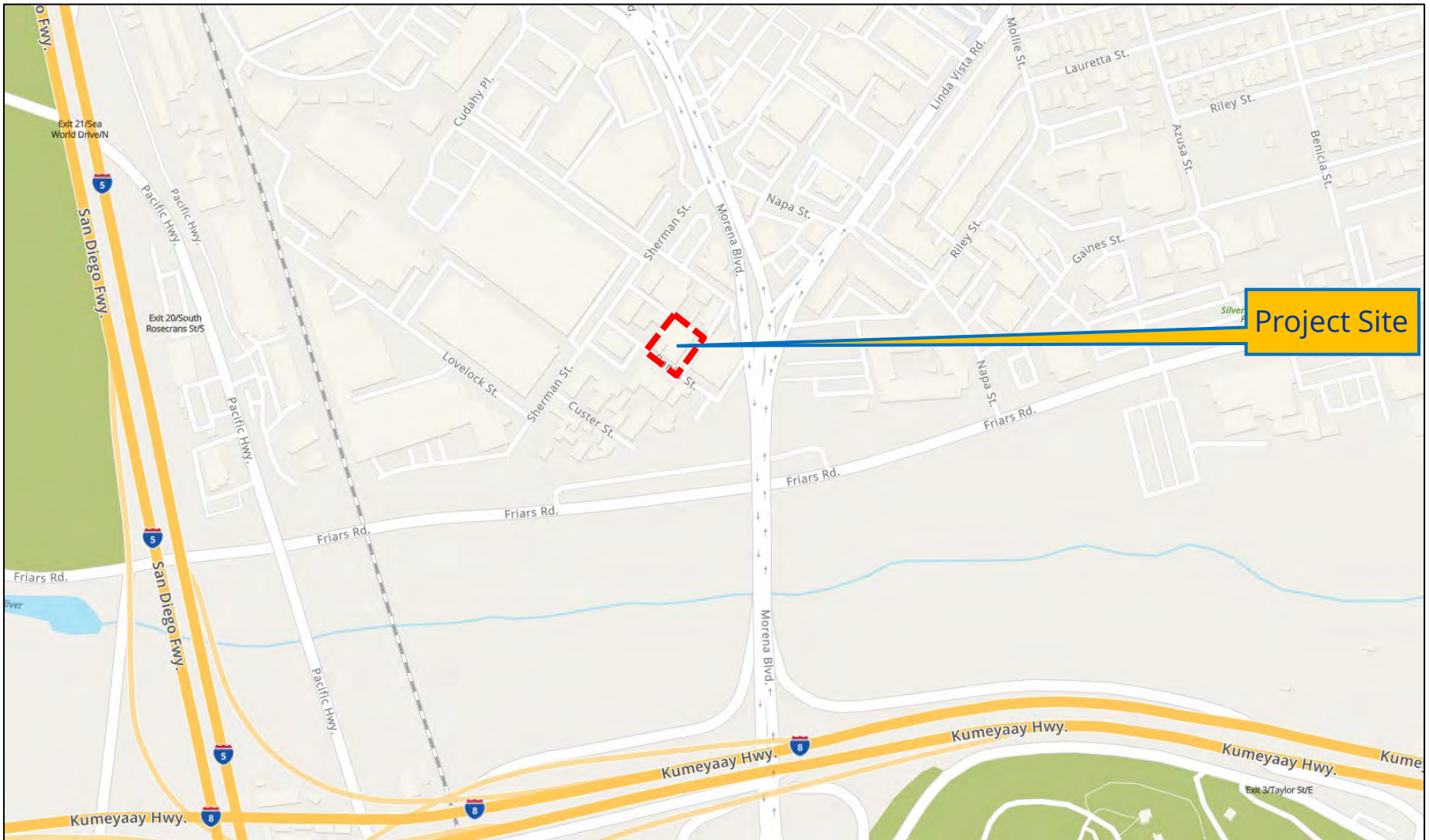
1. Approve Conditional Use Permit No. PMT-3207339, with modifications.
2. Deny Conditional Use Permit No. PMT-3207339, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Travis Cleveland
Development Project Manager

1. Project Location Map
2. Community Plan Land Use
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. 100/1,000-foot Separation Information
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Environmental Determination
10. Project Plans



Project Location Map

5334 Banks Street Cannabis Outlet CUP
PROJECT NO. PRJ-1084774

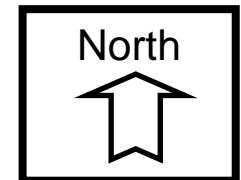
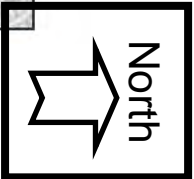
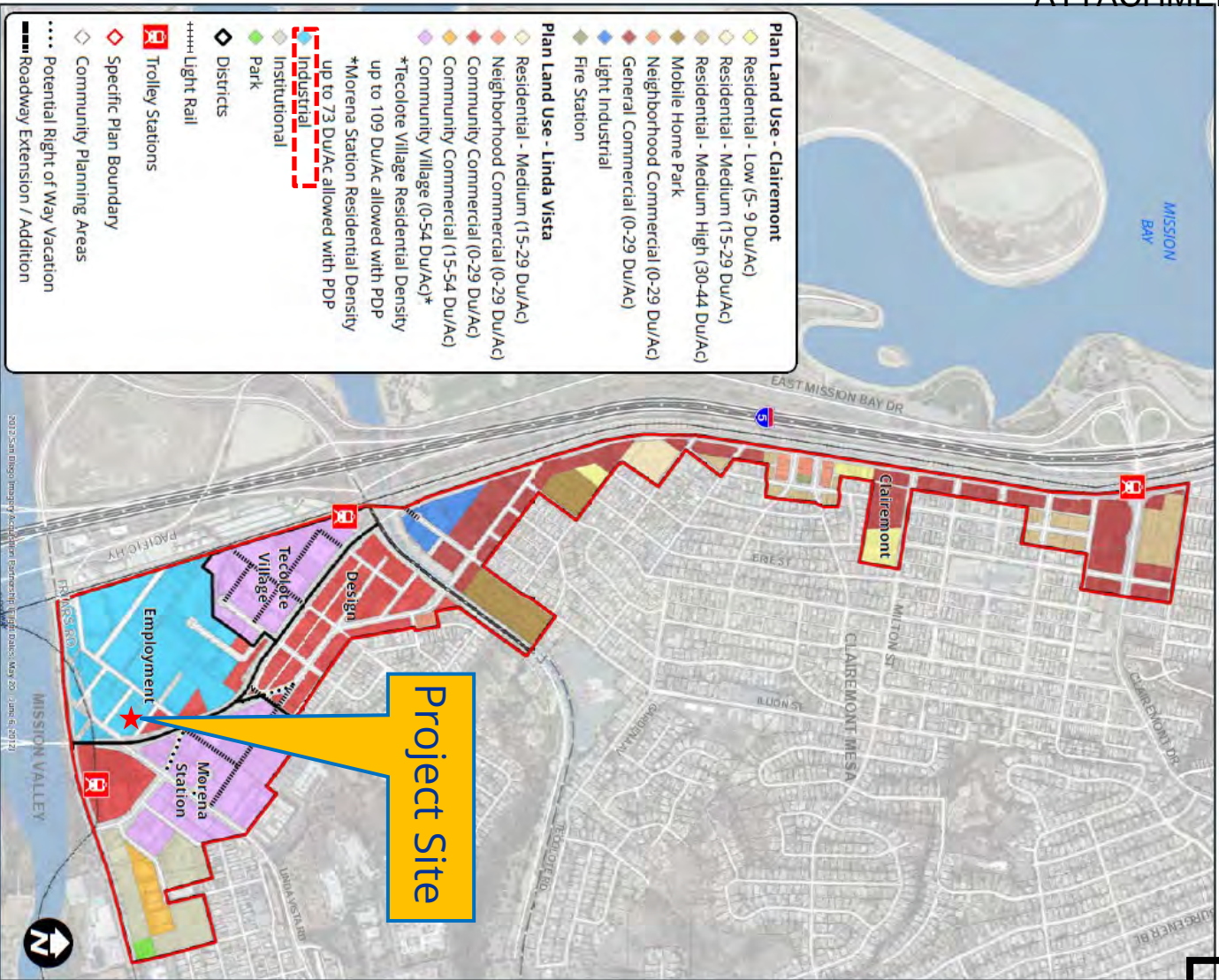


Figure 2-1 - Specific Plan Land Use Map



Community Plan Land Use Map

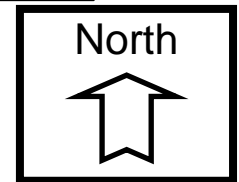
5334 Banks Street Cannabis Outlet CUP
 PROJECT NO. PRJ-1084774





Aerial Photo

5334 Banks Street Cannabis Outlet CUP
PROJECT NO. PRJ-1084774



HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. PMT-3207339
5334 BANKS STREET NEW CANNABIS OUTLET - PROJECT NO. PRJ-1084774

WHEREAS, the GRASELA BRIAN TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to operate a 3,000-square-foot cannabis outlet in an existing building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. PMT-3207339), on portions of a 0.286-acre site;

WHEREAS, the project site is located at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan;

WHEREAS, the project site is legally described as: LOTS 6,7,8 AND 9, IN BLOCK OF VERNON PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 569, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 23, 1888;

WHEREAS, on May 19, 2023, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guidelines Sections 15301 and 15332, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.052;

WHEREAS, on July 12, 2023, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. PMT-3207339 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. PMT-3207339:

A. CONDITIONAL USE PERMIT FINDINGS [SDMC Section 126.0305]

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

The project is a request for a Conditional Use Permit (CUP) to allow the operation of a new, 3,000-square-foot cannabis outlet in an existing building at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan.

The proposed cannabis outlet would be located in one of two tenant suites in an existing 6,193-square-foot building on the property. The project site is located in the Employment District of the Morena Corridor Specific Plan (MCSP) as defined by the Linda Vista Community Plan (LVCP). This designation envisions a range of urban-oriented, light industrial, creative office/flex space businesses, and commercial uses that provide a sub-regional job center for small-and medium-size businesses. Neither the LVCP nor the MCSP specifically address cannabis outlets; however, the proposed Cannabis Outlet will further the following MCSP goals and policies:

Land Use Goal: A distinct identity through a cohesive mix of uses.

Land Use Goal: Economic vitality through a mix of employment uses.

Land Use Goal: A vibrant retail and restaurant sector.

Policy 2.5.1: Support commercial, office, and light industrial employment uses to preserve and expand local and regional job opportunities and stimulate business growth and development.

Cannabis outlets are limited to 38 City-wide, four per each of the nine Council Districts with two permitted to remain after redistricting in 2023. Their presence in a particular community is therefore distinct. The project fits into the Employment District because it represents a small to medium-sized retail business that will provide jobs to local residents. It will promote economic vitality by the generation of cannabis tax revenue and the provision of new retail jobs. The proposed Cannabis Outlet is a compatible use at this location with a CUP and is consistent with the Community Plan land use policies. The City's General Plan Land Use and Community Planning Element designates the site Industrial Employment. The proposed project will promote the policies of the General Plan because Cannabis Outlets facilitate a diversified economy with a focus on providing quality employment opportunities, self-sufficient wages for all San Diegans, and efficient use of existing employment lands. Therefore, the project will not adversely affect the applicable land use plan.

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

The project proposes interior improvements to an existing tenant space, including entry/exit areas, waiting areas, a cannabis retail sales floor, and employee and storage areas. Construction authorized through this permit will be subject to all adopted building, electrical, mechanical, fire and plumbing codes, which will be enforced through plan review and inspections completed by the City's building inspectors. A Cannabis Outlet in the IL-3-1 zone is allowed with a CUP at this location, consistent with the goals and policies of the MCSP. The

discretionary permit controlling the development and continued use of this site contains regulatory conditions of approval which are intended to reduce, mitigate, or prevent all adverse impacts to the public and community at large.

Pursuant to SDMC section 141.0504, Cannabis Outlets are limited to no more than four per Council District (CD) within commercial and industrial zones to minimize the impact on the City and residential neighborhoods. There are currently three approved outlets in District 7. The project will be the fourth Cannabis Outlet CUP to be approved within District 7, and the 35th within the City.

Cannabis Outlets require compliance with the separation requirements of SDMC section 141.0504(a)(1) and (2). They must be at least 100 feet away from residentially zoned properties, and 1,000 feet away from the following:

- City parks
- Childcare centers
- Churches
- Playgrounds
- City libraries
- Minor-oriented facilities
- Schools
- Other outlets

Analysis of the area surrounding the project site did not identify any of the listed uses within the separation limits. One existing business, Brickyard Cages at 5355 Grant Street, was identified as a potential minor-oriented use. However, because this business does not have a valid certificate of occupancy for the batting cages use, staff cannot consider it an existing business for the purposes of separation. Therefore, the project complies with the separation regulations, which are intended to protect the public health, safety, and welfare.

The project has no minimum parking requirement because it is within a Parking Standards Transit Priority Area and provides bicycle and carpool amenities. However, cannabis outlet customers will have access to six parking spaces.

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, or prevent all adverse impacts to the public and community at large. The project will dedicate five feet of right of way on Banks Street and also on the adjacent alley, will construct the existing driveway on Banks Street to current City standards, will require an Encroachment Maintenance Removal Agreement for existing fences and gates located in the right-of-way, and will assure by permit and bond the construction of the two new City Standard curb ramps with truncated domes at the alley entrance, adjacent to the site.

The proposed Cannabis Outlet is subject to 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 a.m. and 9:00 p.m. 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. Cannabis Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation. The CUP is valid for five years, however, may be revoked if the use violates the terms, conditions, lawful requirements, or provision of the permit. Furthermore, this project has been reviewed pursuant to the California Environmental Quality Act, and determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15332 (In-fill Development).

The above analysis, project features and conditions of approval demonstrate 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 is located within the IL-3-1 zone, which allows Cannabis Outlets with the approval of a Conditional Use Permit per SDMC Table 131-06B. No deviations are requested or required by this project. As outlined in finding A.2. above, incorporated here by reference, the project complies with the separation requirements of the Land Development Code. As also outlined in finding A.2. above, incorporated here by reference, the permits for the project include conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to parking, signage, lighting, security measures, hours of operation, and site maintenance. The project does not request variances or deviations. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The proposed 3,000-square-foot cannabis outlet would be located in one of two tenant suites in an existing 6,193-square-foot building on the property. The project has no minimum parking requirement because it is within a Parking Standards Transit Priority Area and provides bicycle and carpool amenities. However, cannabis outlet customers will have access to six parking spaces available on the property. The project will dedicate five feet of right of way on Banks Street and also on the adjacent alley, will construct the existing driveway on Banks Street to current City standards, will require an Encroachment Maintenance Removal Agreement for existing fences and gates located in the right-of-way, and will assure construction of the two new City Standard curb ramps with truncated domes at the alley entrance, adjacent to the site.

As stated previously herein in finding A.2., incorporated here by reference, the project meets all separation requirements for cannabis outlets, as well as the requirements of the applicable land use plans and the Land Development Code. Cannabis outlets are unique in that there are only four allowed in each of the nine City Council districts, or 38 City-wide (36 with two others allowed to remain because of redistricting). No other retail business regulated by the City of San Diego is subject to such restrictions. Since the City's recreational cannabis regulations were first adopted in 2017, the zoning and separation requirements for cannabis outlets have

resulted in very few locations that meet all locational criteria. This location does meet all criteria.

The project meets all zoning requirements. It would be the fourth cannabis outlet CUP approved within Council District 7, and the 35th within the City. All issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The proposed project complies with all development regulations of the IL-3-1 zone and no deviations are required to approve the project. The permit is conditioned to ensure the proposed cannabis outlet would not be detrimental to the public health, safety, and welfare. 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 these findings adopted by the Hearing Officer, Conditional Use Permit No. PMT-3207339 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. PMT-3207339, a copy of which is attached hereto and made a part hereof.

Travis Cleveland
Development Project Manager
Development Services

Adopted on: July 12, 2023

IO#: 24009509

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009509

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3207339
5334 BANKS STREET NEW CANNABIS OUTLET - PROJECT NO. PRJ-1084774
HEARING OFFICER

This Conditional Use Permit No. PMT-3207339 is granted by the Hearing Officer of the City of San Diego to the GRASELA BRIAN TRUST, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section(s) 126.0301 et seq. and 141.0504. The 0.286-acre site is located at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan. The project site is legally described as: LOTS 6,7,8 AND 9, IN BLOCK OF VERNON PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 569, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 23, 1888.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a cannabis outlet, described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated July 12, 2023, on file in the Development Services Department.

The project shall include:

- a. A 3,000-square-foot cannabis outlet in an existing building,
- b. Off-street parking; and
- 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. **Utilization date:** 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 Conditional Use Permit (CUP) must be utilized by July 26, 2026.

2. **Expiration Date:** This Conditional Use Permit (CUP) and corresponding use of this site shall expire on July 26, 2028.

This expiration date can be extended by filing for a CUP amendment pursuant to SDMC 126.0114(c), 126.0114(d), and 141.0504(n). To allow the use to continue to operate while an amendment is processed, an amendment application must be deemed complete by the close of business on the expiration date. Otherwise, this permit will expire, and all operation of the use must cease.

An amendment application should be filed at least 90 days before expiration to allow time to be deemed complete.

3. The continued utilization of this CUP is contingent upon (but not limited to) the following, with non-compliance with any of the following being cause to revoke this permit:

- a. The existence of a valid license at this location by the California Department of Cannabis Control (DCC) for any operating business. The issuance of this CUP does not guarantee that the DCC will grant a license for this location.
- b. Compliance with Chapter 4, Article 2, Division 15 of the San Diego Municipal Code, including payment of any fees enacted pursuant to SDMC 42.1506.
- c. Timely payment of all current and future Cannabis Business Tax owed pursuant to Chapter 3, Article 4, Division 1 of the San Diego Municipal Code.
- d. Possession of a Business Tax Certificate for any operating business.
- e. Fulfillment of all permit conditions.
- f. Continued compliance with all other applicable federal, state, and local laws.

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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
 10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
 11. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
- If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee

shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the private gate and fences located within the City's right-of-way, satisfactory to the City Engineer.

14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveway with a City standard 24-foot-wide driveway, on Banks Street, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of the two new City Standard curb ramps with truncated domes at the alley entrance, adjacent to the site, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit 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:

17. 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.

18. 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.

19. 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.

20. 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.

21. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
22. 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.
23. An annual operating permit shall be obtained as required pursuant to San Diego Municipal Code Chapter 4, Article 2, Division 15.
24. Deliveries shall be permitted as an accessory use only from a cannabis outlet with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.
25. 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.
26. The Cannabis Outlet shall provide daily removal of trash, litter, and debris from the premises. Graffiti shall be removed from the premises within 24 hours.
27. Consultations by medical professionals shall not be a permitted accessory use at the cannabis outlet.
28. 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.

TRANSPORTATION REQUIREMENTS

29. 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 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.
30. Prior to the issuance of any building permit, a five-foot Irrevocable Offer of Dedication shall be granted along the project's alley frontage to the satisfaction of the City Engineer.
31. Prior to the issuance of any building permit, a five-foot Irrevocable Offer of Dedication shall be granted along the project's Banks Street frontage to the satisfaction of the City Engineer.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit

are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on July 12, 2023 and (Approved Resolution Number).

DRAFT

Permit Type/Approval No.: Conditional Use Permit No. PMT-3207339
Date of Approval: July 12, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Travis Cleveland
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.

GRASELA BRIAN TRUST
Owner/Permittee

By _____
NAME
TITLE

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

PACKAGE CONTENT LIST

This radius report package contains the following items and should not be removed by anyone but the Planning Department (with the exception of the Cover Sheet and Invoice):

1. One vacant property notice
2. One summary of owners list
3. 100 & 1000-Foot radius map spreadsheet
4. 1000-Foot vicinity/area map
5. Signed Certification
6. One set of maps

Removal of any item may delay your permit process.

Thank You,

Title Pro Information Systems

NOTE: The following information is not always publicly accessible from the Assessor's tax rolls: renter name, apartment/office suite numbers, mobile home unit numbers, etc. If needed and not publicly available, this information may have to be provided by the client or client's representative.

NOTICE

The Parcels that have no site addresses on the Summary Of Owners List & 100/1000-FOOT RADIUS MAP SPREADSHEET may be unimproved/vacant property or a public agency.

SUMMARY OF OWNERS

ATTACHMENT 6

#	PARCEL NUMBER	OWNER NAME	SITE ADDRESS	CITY	STATE	ZIP	MAILING ADDRESS	CITY	STATE	ZIP	USE DESCRIPTION
1	436-290-11-00	MORENA MARSEA L L C	1022 W MORENA BLVD	SAN DIEGO	CA	92110	3456 INGRAM ST	SAN DIEGO	CA	92109	COMMERCIAL
2	436-290-12-00	SAN DIEGO CHARITABLE REAL ESTATE FOUNDATION	1061 CUDAHY PL	SAN DIEGO	CA	92110	2508 HISTORIC DECATUR RD #200	SAN DIEGO	CA	92106	INDUSTRIAL
3	436-290-13-00	Q & A PROPERTIES LLC	1033 CUDAHY PL	SAN DIEGO	CA	92110	5128 N 41ST ST	PHOENIX	AZ	85018	INDUSTRIAL
4	436-290-14-00	PUBLIC STORAGE INSTITUTIONAL FUND III	984 SHERMAN ST	SAN DIEGO	CA	92110	P O BOX 25025	GLENDALE	CA	91221	INDUSTRIAL
5	436-290-21-00	960 SHERMAN STREET LLC		SAN DIEGO	CA	92110	P O BOX 847	CARLSBAD	CA	92018	VACANT
6	436-290-22-00	1210 MORENA WEST L L C	920 MORENA BLVD	SAN DIEGO	CA	92110	10951 SORRENTO VALLEY RD #2A	SAN DIEGO	CA	92121	COMMERCIAL
7	436-290-23-00	S E SHERMAN LLC	1040 SHERMAN ST	SAN DIEGO	CA	92110	2870 LOS FELIZ PL #2	LOS ANGELES	CA	90039	INDUSTRIAL
8	436-330-26-00	WOSK LEVIN CO L L C	MORENA BLVD	SAN DIEGO	CA	92110	P O BOX 12-2336	SAN DIEGO	CA	92112	VACANT
9	436-330-32-00	MARKARIAN REAL ESTATE HOLDINGS LLC	1013 MORENA BLVD	SAN DIEGO	CA	92110	8400 MIRAMAR RD #135	SAN DIEGO	CA	92126	COMMERCIAL
10	436-330-33-00	UNIVERSITY OF SAN DIEGO	999 MORENA BLVD	SAN DIEGO	CA	92110	5998 ALCALA PARK	SAN DIEGO	CA	92110	COMMERCIAL
11	436-340-04-00	MAKORE LLC	5328 METRO ST	SAN DIEGO	CA	92110	5328 METRO ST	SAN DIEGO	CA	92110	COMMERCIAL
12	436-340-05-00	ROGERS FAMILY PTNSHP L P	5304 METRO ST	SAN DIEGO	CA	92110	1991 VILLAGE PARK WAY #155	ENCINITAS	CA	92024	COMMERCIAL
13	436-340-06-00	S BROOKE LLC	5305 METRO ST	SAN DIEGO	CA	92110	5305 METRO ST	SAN DIEGO	CA	92110	INDUSTRIAL
14	436-340-07-00	UNIVERSITY OF SAN DIEGO	5325 METRO ST	SAN DIEGO	CA	92110	5998 ALCALA PARK HC #335	SAN DIEGO	CA	92110	INDUSTRIAL
15	436-350-20-00	PRESIDIO L L C	5261 LINDA VISTA RD	SAN DIEGO	CA	92110	1545 FARADAY AVE	CARLSBAD	CA	92008	COMMERCIAL
16	436-350-21-00	PRESIDIO L L C	5265 LINDA VISTA RD	SAN DIEGO	CA	92110	1545 FARADAY AVE	CARLSBAD	CA	92008	COMMERCIAL
17	436-350-28-00	RILEY STREET L L C	5228 RILEY ST	SAN DIEGO	CA	92110	2937 DENVER ST	SAN DIEGO	CA	92117	INDUSTRIAL
18	436-350-30-00	FORD BENJAMIN P FAMILY TRUST 02-27-97	5201 LINDA VISTA RD	SAN DIEGO	CA	92110	313 WILCOX ST	OCEANSIDE	CA	92054	COMMERCIAL
19	436-350-31-00	FORD BENJAMIN P FAMILY TRUST 02-27-97	5251 LINDA VISTA RD	SAN DIEGO	CA	92110	313 WILCOX ST	OCEANSIDE	CA	92054	COMMERCIAL
20	436-350-32-00	GRAY ANDREW TRUST 04-25-13	5370 NAPA ST	SAN DIEGO	CA	92110	10721 TREENA ST #200	SAN DIEGO	CA	92131	COMMERCIAL
21	436-440-04-00	960 SHERMAN STREET LLC	960 SHERMAN ST	SAN DIEGO	CA	92110	P O BOX 847	CARLSBAD	CA	92018	INDUSTRIAL
22	436-440-07-00	MORENA SELF STORAGE LP	908 SHERMAN ST	SAN DIEGO	CA	92110	2001 ROSS AVE #3400	DALLAS	TX	75201	INDUSTRIAL
23	436-440-08-00	TRIG INVESTMENTS I LLC	5252 LOVELOCK ST	SAN DIEGO	CA	92110	P O BOX 847	CARLSBAD	CA	92018	AUTOMOTIVE USES
24	436-440-09-00	GOODWILL INDUSTRIES OF SAN DIEGO COUNTY	5232 LOVELOCK ST	SAN DIEGO	CA	92110	3663 ROSECRANS ST	SAN DIEGO	CA	92110	INDUSTRIAL
25	436-440-11-00	ATCHISON TOPEKA & SANTA FE RAILWAY CO		SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
26	436-440-12-00	ATCHISON TOPEKA & SANTA FE RAILWAY CO		SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
27	436-440-13-00	MORENA SELF STORAGE LP	SHERMAN ST	SAN DIEGO	CA	92110	2001 ROSS AVE #3400	DALLAS	TX	75201	VACANT
28	436-440-18-00	GOODWILL INDUSTRIES OF SAN DIEGO COUNTY	5232 LOVELOCK ST	SAN DIEGO	CA	92110	3663 ROSECRANS ST	SAN DIEGO	CA	92110	INDUSTRIAL
29	436-440-25-00	DICKERMAN L L C	5255 LOVELOCK ST	SAN DIEGO	CA	92110	108 VIA CORONADO	RANCHO SANTA FE	CA	92091	INDUSTRIAL
30	436-440-26-00	ATCHISON TOPEKA & SANTA FE RAILWAY CO	LOVELOCK ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
31	436-451-06-00	CITY OF SAN DIEGO	877 SHERMAN ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	RECREATIONAL
32	436-451-08-00	CITY OF SAN DIEGO	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
33	436-451-10-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	MORGAN ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
34	436-451-11-00	CITY OF SAN DIEGO	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
35	436-451-12-00	CITY OF SAN DIEGO	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
36	436-452-01-00	NINTEMAN DEAN N TRUST 05-18-10	5304 CUSTER ST	SAN DIEGO	CA	92110	2015 W RIVER RD #1	TUCSON	AZ	85704	INDUSTRIAL
37	436-452-02-00	NINTEMAN DEAN N TRUST 05-18-10	5318 CUSTER ST	SAN DIEGO	CA	92110	2015 W RIVER RD #101	TUCSON	AZ	85704	INDUSTRIAL
38	436-452-03-00	BANKS PROPERTY LLC	5328 CUSTER ST	SAN DIEGO	CA	92110	5353 BANKS ST	SAN DIEGO	CA	92110	INDUSTRIAL
39	436-452-07-00	OGLE FAMILY TRUST 09-25-11	5315 BANKS ST	SAN DIEGO	CA	92110	2892 RANCHO GANADERO	CARLSBAD	CA	92009	COMMERCIAL
40	436-452-08-00	OGLE FAMILY TRUST 09-25-11	5305 BANKS ST	SAN DIEGO	CA	92110	2892 RANCHO GANADERO	CARLSBAD	CA	92009	PARKING LOT
41	436-452-09-00	AUGUSTINE MARION ANNUITY TRUST	935 SHERMAN ST	SAN DIEGO	CA	92110	935 SHERMAN ST	SAN DIEGO	CA	92110	COMMERCIAL
42	436-452-13-00	BANKS PROPERTY LLC	5335 BANKS ST	SAN DIEGO	CA	92110	5353 BANKS ST	SAN DIEGO	CA	92110	COMMERCIAL
43	436-452-14-00	BANKS PROPERTY LLC	5353 BANKS ST	SAN DIEGO	CA	92110	5353 BANKS ST	SAN DIEGO	CA	92110	INDUSTRIAL
44	436-453-01-00	SMITH BROTHERS	5304 BANKS ST	SAN DIEGO	CA	92110	5304 BANKS ST	SAN DIEGO	CA	92110	INDUSTRIAL
45	436-453-02-00	HEDRICK FAMILY TRUST 02-03-00	5312 BANKS ST	SAN DIEGO	CA	92110	14026 N RIVILLA LN	SPOKANE	WA	99208	INDUSTRIAL
46	436-453-03-00	BALTIC AVENUE LLC	5322 BANKS ST	SAN DIEGO	CA	92110	5328 BANKS ST	SAN DIEGO	CA	92110	INDUSTRIAL
47	436-453-04-00	BALTIC AVENUE LLC	5328 BANKS ST	SAN DIEGO	CA	92110	5328 BANKS ST	SAN DIEGO	CA	92110	INDUSTRIAL
48	436-453-05-00	GRASELA BRIAN TRUST 03-03-21	5334 BANKS ST	SAN DIEGO	CA	92110	807 W UPAS ST	SAN DIEGO	CA	92103	INDUSTRIAL
49	436-453-09-00	E S PROPERTIES LP	5325 GRANT ST	SAN DIEGO	CA	92110	841 CANDLELIGHT PL	LA JOLLA	CA	92037	INDUSTRIAL
50	436-453-10-00	E S PROPERTIES LP	5319 GRANT ST	SAN DIEGO	CA	92110	841 CANDLELIGHT PL	LA JOLLA	CA	92037	INDUSTRIAL
51	436-453-11-00	E S PROPERTIES LP	5305 GRANT ST	SAN DIEGO	CA	92110	841 CANDLELIGHT PL	LA JOLLA	CA	92037	INDUSTRIAL
52	436-453-12-00	FORSYTH KATHLEEN M REVOCABLE TRUST 03-11-08	5354 BANKS ST	SAN DIEGO	CA	92110	36013 CORTE PAVIA	MURRIETA	CA	92562	AUTOMOTIVE USES
53	436-453-13-00	FORSYTH KATHLEEN M REVOCABLE TRUST 03-11-08	5355 GRANT ST	SAN DIEGO	CA	92110	36013 CORTE PAVIA	MURRIETA	CA	92562	INDUSTRIAL
54	436-453-14-00	OTT REVOCABLE TRUST 07-12-02	5345 GRANT ST	SAN DIEGO	CA	92110	9495 RIDGECREST DR	LA MESA	CA	91941	INDUSTRIAL
55	436-460-01-00	NAPA STREET TERROIR INVESTORS L L C	5330 NAPA ST	SAN DIEGO	CA	92110	11456 OLIVE BLVD #210	ST LOUIS	MO	63141	COMMERCIAL
56	436-460-02-00	WINKAL HOLDINGS L L C	5302 NAPA ST	SAN DIEGO	CA	92110	10 RYE RIDGE PLAZA #200	RYE BROOK	NY	10573	RESTAURANT

ATTACHMENT 6

57	436-460-04-00	WHITT KAREN L LIVING TRUST 12-22-05	814 MORENA BLVD	SAN DIEGO	CA	92110	10721 TREENA ST #200	SAN DIEGO	CA	92131	COMMERCIAL
58	436-460-08-00	MORENA TRIANGLE L L C	855 MORENA BLVD	SAN DIEGO	CA	92110	1524 DORCAS ST	SAN DIEGO	CA	92110	COMMERCIAL
59	436-460-11-00	WOSK LEVIN CO L L C	909 MORENA BLVD	SAN DIEGO	CA	92110	P O BOX 12-2336	SAN DIEGO	CA	92112	COMMERCIAL
60	436-460-12-00	MORENA TRIANGLE L L C	845 MORENA BLVD	SAN DIEGO	CA	92110	6700 TOWER CIR #1000	FRANKLIN	TN	37067	RESTAURANT
61	436-460-13-00	MORENA TRIANGLE L L C	5150 LINDA VISTA RD	SAN DIEGO	CA	92110	1524 DORCAS ST	SAN DIEGO	CA	92110	COMMERCIAL
62	436-470-19-00	SAN DIEGO GAS & ELECTRIC CO	GREENWOOD ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
63	436-470-27-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	GREENWOOD ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
64	436-470-28-00	CITY OF SAN DIEGO	FORT STOCKTON DR	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
65	436-480-20-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	LINDA VISTA RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
66	436-480-21-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	NAPA ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
67	436-480-22-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	NAPA ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
68	436-480-23-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
69	436-490-20-00	CITY OF SAN DIEGO	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
70	436-490-21-00	CITY OF SAN DIEGO	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
71	436-500-04-00	HAZARD JR ENTERPRISES L P	5404 NAPA ST #44	SAN DIEGO	CA	92110	10951 SORRENTO VALLEY RD #2A	SAN DIEGO	CA	92121	INDUSTRIAL
72	436-520-03-00	CITY OF SAN DIEGO		SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
73	436-660-14-00	N P ANNA LLC	5258 ANNA AVE	SAN DIEGO	CA	92110	499 N CANON DR #3RF	BEVERLY HILLS	CA	90210	INDUSTRIAL
74	436-660-25-00	BARRIOS FAMILY TRUST 12-17-01	5265 LOVELOCK ST	SAN DIEGO	CA	92110	1814 ALTOZANO DR	EL CAJON	CA	92020	INDUSTRIAL
75	436-660-26-00	SUPER SECRET LAIR LLC	5280 ANNA AVE	SAN DIEGO	CA	92110	640 ALBION ST	SAN DIEGO	CA	92106	INDUSTRIAL
76	436-660-46-00	CITY OF SAN DIEGO	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
77	436-660-48-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
78	436-660-52-00	CITY OF SAN DIEGO	FRIARS RD	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
79	436-670-04-00	CITY OF SAN DIEGO	CHESTNUT	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
80	436-670-06-00	CITY OF SAN DIEGO	WHITMAN ST	SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
81	436-680-05-00	CITY OF SAN DIEGO		SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
82	436-690-07-00	CITY OF SAN DIEGO		SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
83	436-700-04-00	CITY OF SAN DIEGO		SAN DIEGO	CA	92110		SAN DIEGO	CA	92110	NO VALUE
84	760-245-18-00	FPACP3 MORENA VISTA LLC	5175 LINDA VISTA RD	SAN DIEGO	CA	92110	2082 MICHELSON DR #400	IRVINE	CA	92612	RESID. MULTIPLE FAMILY

100 & 1000-FOOT RADIUS MAP SPREADSHEET

NO RESIDENTS OR RESIDENTIAL ZONES FOUND WITHIN 100FT								
#	USE DESCRIPTION	SITE ADDRESS	CITY	STATE	ZIP	PARCEL NUMBER	BUSINESS/OWNER NAME	NOTES
1	COMMERCIAL	5315 BANKS ST	SAN DIEGO	CA	92110	436-452-07-00	OGLE FAMILY TRUST 09-25-11	
2	PARKING LOT	5305 BANKS ST	SAN DIEGO	CA	92110	436-452-08-00	OGLE FAMILY TRUST 09-25-11	
3	COMMERCIAL	5335 BANKS ST	SAN DIEGO	CA	92110	436-452-13-00	A E FLORAL	
4	COMMERCIAL	5337 BANKS ST STE A	SAN DIEGO	CA	92110	436-452-13-00	CLOVE ST PRESS	
5	COMMERCIAL	5337 BANKS ST STE B	SAN DIEGO	CA	92110	436-452-13-00	BANKS PROPERTY LLC	
6	COMMERCIAL	5343 BANKS ST	SAN DIEGO	CA	92110	436-452-13-00	PROSPECT MORTGAGE	
7	INDUSTRIAL	5353 BANKS ST	SAN DIEGO	CA	92110	436-452-14-00	FLORENTINE CO	
8	INDUSTRIAL	5312 BANKS ST	SAN DIEGO	CA	92110	436-453-02-00	QUANTITATIVE ECOLOGY, INCORPORATED	
9	INDUSTRIAL	5322 BANKS ST	SAN DIEGO	CA	92110	436-453-03-00	MARVIN GARDENS LLC	
10	INDUSTRIAL	5328 BANKS ST	SAN DIEGO	CA	92110	436-453-04-00	DEFT BREWING	
11	INDUSTRIAL	5334 BANKS ST	SAN DIEGO	CA	92110	436-453-05-00	SUBJECT PROPERTY	
12	INDUSTRIAL	5325 GRANT ST	SAN DIEGO	CA	92110	436-453-09-00	K C DISTRIBUTING	
13	INDUSTRIAL	5319 GRANT ST	SAN DIEGO	CA	92110	436-453-10-00	GARAGE DOOR MEDICS	
14	AUTOMOTIVE USES	5354 BANKS ST STE A	SAN DIEGO	CA	92110	436-453-12-00	STEVES BEEMER BENZ	
15	AUTOMOTIVE USES	5354 BANKS ST STE B	SAN DIEGO	CA	92110	436-453-12-00	STEVES BEEMER BENZ	
16	AUTOMOTIVE USES	5354 BANKS ST STE C	SAN DIEGO	CA	92110	436-453-12-00	FORSYTH KATHLEEN M REVOCABLE TRUST 03-11-08	
17	AUTOMOTIVE USES	5354 BANKS ST STE D	SAN DIEGO	CA	92110	436-453-12-00	FORSYTH KATHLEEN M REVOCABLE TRUST 03-11-08	
18	INDUSTRIAL	5355 GRANT ST	SAN DIEGO	CA	92110	436-453-13-00	BRICKYARD CAGES	
19	INDUSTRIAL	5345 GRANT ST	SAN DIEGO	CA	92110	436-453-14-00	PRECISION WOODCRAFT	

THERE IS ONE POINT OF CONSIDERATION FOUND - MARKED BELOW IN YELLOW								
#	USE DESCRIPTION	SITE ADDRESS	CITY	STATE	ZIP	PARCEL NUMBER	BUSINESS/OWNER NAME	NOTES
1	COMMERCIAL	1022 W MORENA BLVD STE A	SAN DIEGO	CA	92110	436-290-11-00	AMERICA'S BEST FLOORING	
2	COMMERCIAL	1022 W MORENA BLVD STE B	SAN DIEGO	CA	92110	436-290-11-00	ABC ABBEY HARDWOOD & CARPET	
3	COMMERCIAL	1022 W MORENA BLVD STE C	SAN DIEGO	CA	92110	436-290-11-00	MORENA MARSEA L L C	
4	COMMERCIAL	1022 W MORENA BLVD STE D	SAN DIEGO	CA	92110	436-290-11-00	LAMP SHADES UNLIMITED	
5	COMMERCIAL	1022 W MORENA BLVD STE E	SAN DIEGO	CA	92110	436-290-11-00	SILK THE ART OF ARTIFICIAL	
6	COMMERCIAL	1022 W MORENA BLVD STE F	SAN DIEGO	CA	92110	436-290-11-00	FASTENAL	
7	COMMERCIAL	1022 W MORENA BLVD STE G	SAN DIEGO	CA	92110	436-290-11-00	MORENA MARSEA L L C	
8	COMMERCIAL	1022 W MORENA BLVD STE H	SAN DIEGO	CA	92110	436-290-11-00	3 R'S ROBOTICS LLC	
9	INDUSTRIAL	1061 CUDAHY PL	SAN DIEGO	CA	92110	436-290-12-00	HDP HOLDINGS	
10	INDUSTRIAL	1033 CUDAHY PL	SAN DIEGO	CA	92110	436-290-13-00	KELLY PAPER	
11	INDUSTRIAL	984 SHERMAN ST	SAN DIEGO	CA	92110	436-290-14-00	PUBLIC STORAGE INC	
12	VACANT		SAN DIEGO	CA	92110	436-290-21-00	960 SHERMAN STREET LLC	
13	COMMERCIAL	920 MORENA BLVD	SAN DIEGO	CA	92110	436-290-22-00	PACIFIC SALES KITCHEN & HOME	
14	INDUSTRIAL	1040 SHERMAN ST	SAN DIEGO	CA	92110	436-290-23-00	STORAGE ETC	
15	VACANT	MORENA BLVD	SAN DIEGO	CA	92110	436-330-26-00	WOSK LEVIN CO L L C	
16	COMMERCIAL	1013 MORENA BLVD	SAN DIEGO	CA	92110	436-330-32-00	GRINDER GYM	
17	COMMERCIAL	1001 MORENA BLVD	SAN DIEGO	CA	92110	436-330-33-00	J P WITHEROW ROOFING CO	
18	COMMERCIAL	999 MORENA BLVD	SAN DIEGO	CA	92110	436-330-33-00	MIDWAY AUTO REPAIR	
19	COMMERCIAL	5328 METRO ST	SAN DIEGO	CA	92110	436-340-04-00	SWEIG GENERAL CONTRACTING INC	
20	COMMERCIAL	5330 METRO ST	SAN DIEGO	CA	92110	436-340-04-00	ELIXIRS DU MONDE	
21	COMMERCIAL	5304 METRO ST STE A	SAN DIEGO	CA	92110	436-340-05-00	PIONEER DAY SCHOOL	
22	COMMERCIAL	5304 METRO ST STE B	SAN DIEGO	CA	92110	436-340-05-00	ROGERS FAMILY PTNSHP L P	
23	COMMERCIAL	5304 METRO ST STE C	SAN DIEGO	CA	92110	436-340-05-00	SAN DIEGO COUNTY OFFICE LIBR	
24	COMMERCIAL	5304 METRO ST STE D	SAN DIEGO	CA	92110	436-340-05-00	ROGERS FAMILY PTNSHP L P	
25	INDUSTRIAL	5305 METRO ST STE A	SAN DIEGO	CA	92110	436-340-06-00	GOLDEN PAW	
26	INDUSTRIAL	5325 METRO ST	SAN DIEGO	CA	92110	436-340-07-00	UNIVERSITY OF SAN DIEGO	
27	COMMERCIAL	5261 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-20-00	COLORAMA PAINTS SUPPLY INC	
28	COMMERCIAL	5265 LINDA VISTA RD STE 201	SAN DIEGO	CA	92110	436-350-21-00	SHARETEA	
29	COMMERCIAL	5265 LINDA VISTA RD STE 202	SAN DIEGO	CA	92110	436-350-21-00	DOMINOS PIZZA	
30	COMMERCIAL	5265 LINDA VISTA RD STE 203	SAN DIEGO	CA	92110	436-350-21-00	ROLAND JOHNSON CONSULTING	
31	COMMERCIAL	5267 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-21-00	WEST COAST ANIMAL HOSPITAL	
32	COMMERCIAL	5269 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-21-00	ALE TALES	
33	COMMERCIAL	5277 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-21-00	CROSS FIT	
34	COMMERCIAL	5287 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-21-00	LUV BRIDAL	
35	COMMERCIAL	5297 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-21-00	LH ACUPLEASURE	
36	COMMERCIAL	5299 LINDA VISTA RD STE 100	SAN DIEGO	CA	92110	436-350-21-00	PRESIDIO L L C	
37	COMMERCIAL	5299 LINDA VISTA RD STE 200	SAN DIEGO	CA	92110	436-350-21-00	PRESIDIO L L C	
38	INDUSTRIAL	5228 RILEY ST	SAN DIEGO	CA	92110	436-350-28-00	SHERWIN-WILLIAMS	
39	INDUSTRIAL	5232 RILEY ST	SAN DIEGO	CA	92110	436-350-28-00	J P LONGBALL	
40	COMMERCIAL	5201 LINDA VISTA RD STE 100	SAN DIEGO	CA	92110	436-350-30-00	ROSE DONUTS	
41	COMMERCIAL	5201 LINDA VISTA RD STE 101	SAN DIEGO	CA	92110	436-350-30-00	SUPERTEK COMPUTER SVC	
42	COMMERCIAL	5201 LINDA VISTA RD STE 102	SAN DIEGO	CA	92110	436-350-30-00	MATADOR MEXICAN GRILL	
43	COMMERCIAL	5201 LINDA VISTA RD STE 103	SAN DIEGO	CA	92110	436-350-30-00	RYANS CAFÉ	
44	COMMERCIAL	5201 LINDA VISTA RD STE 104	SAN DIEGO	CA	92110	436-350-30-00	BEAUTY BY HAVILAH	
45	COMMERCIAL	5201 LINDA VISTA RD STE 105	SAN DIEGO	CA	92110	436-350-30-00	PRESIDIO MARKET	
46	COMMERCIAL	5251 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-31-00	ERIC'S MEDICAL SUPPLY INC	
47	COMMERCIAL	5255 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-31-00	SOCIAL HOOKAH LOUNGE	
48	COMMERCIAL	5259 LINDA VISTA RD	SAN DIEGO	CA	92110	436-350-31-00	J T THAI FOOD	
49	COMMERCIAL	5370 NAPA ST	SAN DIEGO	CA	92110	436-350-32-00	AERIAL REVOLUTION ENTERTAINMENT	
50	COMMERCIAL	5376 NAPA ST	SAN DIEGO	CA	92110	436-350-32-00	WURTS CARPET OUTLET	
51	COMMERCIAL	5390 NAPA ST	SAN DIEGO	CA	92110	436-350-32-00	AUTOMOTIVE DATA RESEARCH	
52	INDUSTRIAL	960 SHERMAN ST	SAN DIEGO	CA	92110	436-440-04-00	FLOOR & DÉCOR	
53	INDUSTRIAL	908 SHERMAN ST	SAN DIEGO	CA	92110	436-440-07-00	MORENA SELF STORAGE LP	
54	AUTOMOTIVE USES	5252 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-08-00	MOSSY AUTOMOBILE GROUP	
55	INDUSTRIAL	5232 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-09-00	GOODWILL INDUSTRIES OF SAN DIEGO COUNTY	
56	NO VALUE		SAN DIEGO	CA	92110	436-440-11-00	ATCHISON TOPEKA & SANTA FE RAILWAY CO	
57	NO VALUE		SAN DIEGO	CA	92110	436-440-12-00	ATCHISON TOPEKA & SANTA FE RAILWAY CO	
58	VACANT	SHERMAN ST	SAN DIEGO	CA	92110	436-440-13-00	MORENA SELF STORAGE LP	
59	INDUSTRIAL	5232 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-18-00	GOODWILL INDUSTRIES OF SAN DIEGO COUNTY	
60	INDUSTRIAL	5215 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-25-00	AMERICAN RADIO INC	
61	INDUSTRIAL	5225 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-25-00	ALLEN'S FLOWERS & PLANTS LLC	
62	INDUSTRIAL	5235 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-25-00	DIRECT DEMOS LLC	
63	INDUSTRIAL	5245 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-25-00	CORONADO BREWING CO	
64	INDUSTRIAL	5255 LOVELOCK ST	SAN DIEGO	CA	92110	436-440-25-00	GLENWOOD DISTRIBUTING CORPORATION	
65	NO VALUE	LOVELOCK ST	SAN DIEGO	CA	92110	436-440-26-00	ATCHISON TOPEKA & SANTA FE RAILWAY CO	
66	RECREATIONAL	877 SHERMAN ST	SAN DIEGO	CA	92110	436-451-06-00	CITY OF SAN DIEGO	
67	RECREATIONAL	887 SHERMAN ST	SAN DIEGO	CA	92110	436-451-06-00	CITY OF SAN DIEGO	
68	RECREATIONAL	887 1/2 SHERMAN ST	SAN DIEGO	CA	92110	436-451-06-00	CITY OF SAN DIEGO	
69	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-451-08-00	CITY OF SAN DIEGO	
70	NO VALUE	MORGAN ST	SAN DIEGO	CA	92110	436-451-10-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
71	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-451-11-00	CITY OF SAN DIEGO	
72	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-451-12-00	CITY OF SAN DIEGO	
73	INDUSTRIAL	5304 CUSTER ST	SAN DIEGO	CA	92110	436-452-01-00	FIBERGLASS WAREHOUSE	
74	INDUSTRIAL	5318 CUSTER ST	SAN DIEGO	CA	92110	436-452-02-00	NINTEMAN DEAN N TRUST 05-18-10	
75	INDUSTRIAL	5320 CUSTER ST	SAN DIEGO	CA	92110	436-452-02-00	REUSABLE FINDS	
76	INDUSTRIAL	5328 CUSTER ST	SAN DIEGO	CA	92110	436-452-03-00	BANKS PROPERTY LLC	
77	INDUSTRIAL	5338 CUSTER ST	SAN DIEGO	CA	92110	436-452-03-00	AQUA SEAL, INC.	
78	COMMERCIAL	5315 BANKS ST	SAN DIEGO	CA	92110	436-452-07-00	OGLE FAMILY TRUST 09-25-11	
79	PARKING LOT	5305 BANKS ST	SAN DIEGO	CA	92110	436-452-08-00	OGLE FAMILY TRUST 09-25-11	

ATTACHMENT 6

80	COMMERCIAL	935 SHERMAN ST	SAN DIEGO	CA	92110	436-452-09-00	LLOYD PEST CONTROL	
81	COMMERCIAL	5335 BANKS ST	SAN DIEGO	CA	92110	436-452-13-00	A E FLORAL	
82	COMMERCIAL	5337 BANKS ST STE A	SAN DIEGO	CA	92110	436-452-13-00	CLOVE ST PRESS	
83	COMMERCIAL	5337 BANKS ST STE B	SAN DIEGO	CA	92110	436-452-13-00	BANKS PROPERTY LLC	
84	COMMERCIAL	5343 BANKS ST	SAN DIEGO	CA	92110	436-452-13-00	PROSPECT MORTGAGE	
85	INDUSTRIAL	5353 BANKS ST	SAN DIEGO	CA	92110	436-452-14-00	FLORENTINE CO	
86	INDUSTRIAL	5304 BANKS ST	SAN DIEGO	CA	92110	436-453-01-00	SMITH BROTHERS	
87	INDUSTRIAL	5312 BANKS ST	SAN DIEGO	CA	92110	436-453-02-00	QUANTITATIVE ECOLOGY, INCORPORATED	
88	INDUSTRIAL	5322 BANKS ST	SAN DIEGO	CA	92110	436-453-03-00	MARVIN GARDENS LLC	
89	INDUSTRIAL	5328 BANKS ST	SAN DIEGO	CA	92110	436-453-04-00	DEFT BREWING	
90	INDUSTRIAL	5334 BANKS ST	SAN DIEGO	CA	92110	436-453-05-00	SUBJECT PROPERTY	
91	INDUSTRIAL	5325 GRANT ST	SAN DIEGO	CA	92110	436-453-09-00	K C DISTRIBUTING	
92	INDUSTRIAL	5319 GRANT ST	SAN DIEGO	CA	92110	436-453-10-00	GARAGE DOOR MEDICS	
93	INDUSTRIAL	5305 GRANT ST	SAN DIEGO	CA	92110	436-453-11-00	E S PROPERTIES LP	
94	INDUSTRIAL	5311 GRANT ST	SAN DIEGO	CA	92110	436-453-11-00	CDH TRADING	
95	AUTOMOTIVE USES	5354 BANKS ST STE A	SAN DIEGO	CA	92110	436-453-12-00	STEVES BEEMER BENZ	
96	AUTOMOTIVE USES	5354 BANKS ST STE B	SAN DIEGO	CA	92110	436-453-12-00	STEVES BEEMER BENZ	
97	AUTOMOTIVE USES	5354 BANKS ST STE C	SAN DIEGO	CA	92110	436-453-12-00	FORSYTH KATHLEEN M REVOCABLE TRUST 03-11-08	
98	AUTOMOTIVE USES	5354 BANKS ST STE D	SAN DIEGO	CA	92110	436-453-12-00	FORSYTH KATHLEEN M REVOCABLE TRUST 03-11-08	
99	INDUSTRIAL	5355 GRANT ST	SAN DIEGO	CA	92110	436-453-13-00	BRICKYARD CAGES	
THE BRICKYARD CAGES ARE WITHIN A ~300FT WALKING DISTANCE FROM THE SUBJECT PROPERTY. BRICKYARD OFFERS YOUTH AND ALL AGE HITTING/PITCHING LESSONS AS WELL AS YOUTH CAMPS ONSITE.								
100	INDUSTRIAL	5345 GRANT ST	SAN DIEGO	CA	92110	436-453-14-00	PRECISION WOODCRAFT	
101	COMMERCIAL	5330 NAPA ST	SAN DIEGO	CA	92110	436-460-01-00	U.S. BANK	
102	RESTAURANT	5302 NAPA ST	SAN DIEGO	CA	92110	436-460-02-00	TIO LEOS MEXICAN RESTAURANTS	
103	COMMERCIAL	814 MORENA BLVD STE 101	SAN DIEGO	CA	92110	436-460-04-00	UPWARD TREND	
104	COMMERCIAL	814 MORENA BLVD STE 102	SAN DIEGO	CA	92110	436-460-04-00	KENCOM INC	
105	COMMERCIAL	814 MORENA BLVD STE 103	SAN DIEGO	CA	92110	436-460-04-00	CENTRAL SAN DIEGO ATTORNEY SERVICE INC	
106	COMMERCIAL	814 MORENA BLVD STE 104	SAN DIEGO	CA	92110	436-460-04-00	MESA REALTY CO	
107	COMMERCIAL	814 MORENA BLVD STE 105	SAN DIEGO	CA	92110	436-460-04-00	BRANDON LOO - STATE FARM AGENT	
108	COMMERCIAL	814 MORENA BLVD STE 106	SAN DIEGO	CA	92110	436-460-04-00	WHITT KAREN L LIVING TRUST 12-22-05	
109	COMMERCIAL	814 MORENA BLVD STE 107	SAN DIEGO	CA	92110	436-460-04-00	MORTGAGE ALLIANCE GROUP	
110	COMMERCIAL	814 MORENA BLVD STE 108	SAN DIEGO	CA	92110	436-460-04-00	CETERA ADVISOR NETWORKS	
111	COMMERCIAL	814 MORENA BLVD STE 110	SAN DIEGO	CA	92110	436-460-04-00	SR BRADLEY & ASSOCIATES, INC	
112	COMMERCIAL	814 MORENA BLVD STE 111	SAN DIEGO	CA	92110	436-460-04-00	ELOITE HOME LOANS	
113	COMMERCIAL	814 MORENA BLVD STE 202	SAN DIEGO	CA	92110	436-460-04-00	KERI SILVA DDS, INC	
114	COMMERCIAL	814 MORENA BLVD STE 204	SAN DIEGO	CA	92110	436-460-04-00	WHITT KAREN L LIVING TRUST 12-22-05	
115	COMMERCIAL	814 MORENA BLVD STE 205	SAN DIEGO	CA	92110	436-460-04-00	LOOMIS, KELLY J DO	
116	COMMERCIAL	814 MORENA BLVD STE 206	SAN DIEGO	CA	92110	436-460-04-00	HOECH ROBINSON CORP	
117	COMMERCIAL	814 MORENA BLVD STE 207	SAN DIEGO	CA	92110	436-460-04-00	LOPEZ PRICE COX	
118	COMMERCIAL	814 MORENA BLVD STE 208	SAN DIEGO	CA	92110	436-460-04-00	SPENCER FRANCO TRADING LTD	
119	COMMERCIAL	814 MORENA BLVD STE 209	SAN DIEGO	CA	92110	436-460-04-00	S R BRADLEY ASSOC	
120	COMMERCIAL	814 MORENA BLVD STE 210	SAN DIEGO	CA	92110	436-460-04-00	DAVIS	
121	COMMERCIAL	814 MORENA BLVD STE 301	SAN DIEGO	CA	92110	436-460-04-00	EDWARD JONES	
122	COMMERCIAL	814 MORENA BLVD STE 302	SAN DIEGO	CA	92110	436-460-04-00	IDAT TECHNOLOGIES	
123	COMMERCIAL	814 MORENA BLVD STE 303	SAN DIEGO	CA	92110	436-460-04-00	NUERA CONTRACTING CONSULTING	
124	COMMERCIAL	814 MORENA BLVD STE 304	SAN DIEGO	CA	92110	436-460-04-00	PEOPLES HOME MORTGAGE	
125	COMMERCIAL	814 MORENA BLVD STE 305	SAN DIEGO	CA	92110	436-460-04-00	WHITT KAREN L LIVING TRUST 12-22-05	
126	COMMERCIAL	814 MORENA BLVD STE 306	SAN DIEGO	CA	92110	436-460-04-00	RUSSELL POND ARCHITECT & ASSOCIATES	
127	COMMERCIAL	814 MORENA BLVD STE 307	SAN DIEGO	CA	92110	436-460-04-00	FARMERS INSURANCE	
128	COMMERCIAL	814 MORENA BLVD STE 308	SAN DIEGO	CA	92110	436-460-04-00	GUARD WEST SECURITY SERVICES	
129	COMMERCIAL	814 MORENA BLVD STE 309	SAN DIEGO	CA	92110	436-460-04-00	MARKETING DELI	
130	COMMERCIAL	814 MORENA BLVD STE 310	SAN DIEGO	CA	92110	436-460-04-00	COMMUNITY MORTGAGE	
131	COMMERCIAL	814 MORENA BLVD STE 311	SAN DIEGO	CA	92110	436-460-04-00	WHITT KAREN L LIVING TRUST 12-22-05	
132	COMMERCIAL	855 MORENA BLVD	SAN DIEGO	CA	92110	436-460-08-00	VIP CLEANERS & LAUNDRY	
133	COMMERCIAL	909 MORENA BLVD	SAN DIEGO	CA	92110	436-460-11-00	THE COMPOUND LIFTING CLUB	
134	RESTAURANT	845 MORENA BLVD	SAN DIEGO	CA	92110	436-460-12-00	CARL'S JR	
135	COMMERCIAL	5150 LINDA VISTA RD	SAN DIEGO	CA	92110	436-460-13-00	7-ELEVEN	
136	NO VALUE	(VACANT) GREENWOOD ST	SAN DIEGO	CA	92110	436-470-19-00	SAN DIEGO GAS & ELECTRIC CO	
137	NO VALUE	(VACANT) GREENWOOD ST	SAN DIEGO	CA	92110	436-470-27-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
138	NO VALUE	(VACANT) FORT STOCKTON DR	SAN DIEGO	CA	92110	436-470-28-00	CITY OF SAN DIEGO	
139	NO VALUE	5375 NAPA ST STE 101	SAN DIEGO	CA	92110	436-480-20-00	MISSION FEDERAL CREDIT UNION	
140	NO VALUE	5375 NAPA ST STE 102	SAN DIEGO	CA	92110	436-480-20-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
141	NO VALUE	5375 NAPA ST STE 103	SAN DIEGO	CA	92110	436-480-20-00	URBANE CAFÉ	
142	NO VALUE	5375 NAPA ST STE 104	SAN DIEGO	CA	92110	436-480-20-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
143	NO VALUE	5375 NAPA ST STE 105	SAN DIEGO	CA	92110	436-480-20-00	FANTASTIC SAMS	
144	NO VALUE	5375 NAPA ST STE 106	SAN DIEGO	CA	92110	436-480-20-00	FEDEX OFFICE PRINT SHIP	
145	NO VALUE	5375 NAPA ST STE 107	SAN DIEGO	CA	92110	436-480-20-00	TAN-CHA	
146	NO VALUE	5375 NAPA ST STE 108	SAN DIEGO	CA	92110	436-480-20-00	PITA PIT	
147	NO VALUE	5375 NAPA ST STE 110	SAN DIEGO	CA	92110	436-480-20-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
148	NO VALUE	5395 NAPA ST STE 100	SAN DIEGO	CA	92110	436-480-21-00	ARRIVE MISSION VALLEY	
149	NO VALUE	NAPA ST	SAN DIEGO	CA	92110	436-480-22-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
150	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-480-23-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
151	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-490-20-00	CITY OF SAN DIEGO	
152	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-490-21-00	CITY OF SAN DIEGO	
153	INDUSTRIAL	5404 NAPA ST	SAN DIEGO	CA	92110	436-500-04-00	ALCALA CO.,INC	
154	INDUSTRIAL	5422 NAPA ST	SAN DIEGO	CA	92110	436-500-04-00	CESN CONSTRUCTION	
155	INDUSTRIAL	5444 NAPA ST	SAN DIEGO	CA	92110	436-500-04-00	SYNDICATE AUTOMOTIVE CONCEPTS	
156	INDUSTRIAL	5225 RILEY ST	SAN DIEGO	CA	92110	436-500-04-00	GRAPHIC BUILDERS INC.	
157	INDUSTRIAL	5227 RILEY ST	SAN DIEGO	CA	92110	436-500-04-00	PROVERB 5356 INC	
158	INDUSTRIAL	5220 GAINES ST	SAN DIEGO	CA	92110	436-500-04-00	PROVERB 5356 INC	
159	NO VALUE	VACANT	SAN DIEGO	CA	92110	436-520-03-00	CITY OF SAN DIEGO	

ATTACHMENT 6

160	INDUSTRIAL	5258 ANNA AVE	SAN DIEGO	CA	92110	436-660-14-00	N P ANNA LLC	
161	INDUSTRIAL	5260 ANNA AVE	SAN DIEGO	CA	92110	436-660-14-00	SQUARE PEG PACKAGING AND PRINTING	
162	INDUSTRIAL	5265 LOVELOCK ST	SAN DIEGO	CA	92110	436-660-25-00	RALLYS HAMBURGERS INC	
163	INDUSTRIAL	5285 LOVELOCK ST	SAN DIEGO	CA	92110	436-660-26-00	SUPER SECRET LAIR LLC	
164	INDUSTRIAL	5280 ANNA AVE	SAN DIEGO	CA	92110	436-660-26-00	SUPER SECRET LAIR LLC	
165	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-660-46-00	CITY OF SAN DIEGO	
166	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-660-48-00	SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD	
167	NO VALUE	FRIARS RD	SAN DIEGO	CA	92110	436-660-52-00	CITY OF SAN DIEGO	
168	NO VALUE	CHESTNUT	SAN DIEGO	CA	92110	436-670-04-00	CITY OF SAN DIEGO	
169	NO VALUE	WHITMAN ST	SAN DIEGO	CA	92110	436-670-06-00	CITY OF SAN DIEGO	
170	NO VALUE		SAN DIEGO	CA	92110	436-680-05-00	CITY OF SAN DIEGO	
171	NO VALUE		SAN DIEGO	CA	92110	436-690-07-00	CITY OF SAN DIEGO	
172	NO VALUE		SAN DIEGO	CA	92110	436-700-04-00	CITY OF SAN DIEGO	
173	RESID. MULTIPLE FAMILY	5175 LINDA VISTA RD STE 101	SAN DIEGO	CA	92110	760-245-18-00	JAMBA JUICE	
174	RESID. MULTIPLE FAMILY	5175 LINDA VISTA RD STE 102	SAN DIEGO	CA	92110	760-245-18-00	CRICKET WIRELESS AUTH RETAILER	
175	RESID. MULTIPLE FAMILY	5175 LINDA VISTA RD STE 103	SAN DIEGO	CA	92110	760-245-18-00	HEAVENLY NAILS SPA	
176	RESID. MULTIPLE FAMILY	5175 LINDA VISTA RD STE 104	SAN DIEGO	CA	92110	760-245-18-00	FPACP3 MORENA VISTA LLC	
177	RESID. MULTIPLE FAMILY	5175 LINDA VISTA RD STE 105	SAN DIEGO	CA	92110	760-245-18-00	TACO DEL MAR	
178	RESID. MULTIPLE FAMILY	5175 LINDA VISTA RD STE 106	SAN DIEGO	CA	92110	760-245-18-00	ZPIZZA	
179	RESID. MULTIPLE FAMILY	5175 LINDA VISTA RD STE 107	SAN DIEGO	CA	92110	760-245-18-00	STARBUCKS	



13520 Scarsdale Way
San Diego, CA 92128
www.titleprois.com

CERTIFICATION

I SEAN WILSON/ TITLE PRO INFORMATION SYSTEMS HEREBY CERTIFY THAT THE ATTACHED LIST CONTAINS THE NAMES, ADDRESSES AND PARCEL NUMBERS OF ALL PERSONS TO WHOM ALL PROPERTY IS ASSESSED AS THEY APPEAR ON THE LATEST AVAILABLE ASSESSMENT ROLL OF THE COUNTY WITHIN THE AREA DESCRIBED AND REQUESTED BY YOU THE CLIENT, THE REQUIRED RADIUS MEASURED FROM THE EXTERIOR BOUNDARIES OF THE PROPERTY REQUESTED AND DESCRIBED AS:

APN(S): 626-422-05 100FT & 1000FT
PLAT DATE: 02/14/2023
COUNTY OF: SAN DIEGO
CITY OF: SAN DIEGO

A handwritten signature in cursive script that reads "Sean Wilson".

SEAN WILSON
TITLE PRO INFORMATION SYSTEMS

DATE:
02/14/2023

	City of San Diego Development Services (619) 446-5000	Affidavit for Cannabis Outlet or Cannabis Production Facility for Conditional Use Permit (CUP)	FORM DS-190 March 2020
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The purpose of this affidavit is for the property owner, authorized agent, or business owner of the Cannabis Outlet (Outlet) and Cannabis Production Facility (Facility) to affirm that all uses within 1,000 feet from the subject property line have been identified, including residential zones within 100 feet, as defined in San Diego Municipal Code (SDMC), Sections [113.0103](#), [141.0504](#), and [141.1004](#).

The proposed Outlet and Facility location must be 100 feet from any residential zone and not within 1,000 feet of the property line of the following:

- | | |
|--|---|
| 1. Resource and population-based city park | 6. Minor-oriented facility |
| 2. Church | 7. Residential Care Facility |
| 3. Child care center | 8. Schools |
| 4. Playground | 9. Other Cannabis Outlets |
| 5. City library | (applicable to Outlet CUP applications only). |

GENERAL INFORMATION

Project Name:	Project No.: <i>For City Use Only</i>
---------------	---------------------------------------

Project Address:

Date Information Verified by Owner or Authorized Agent:

DECLARATION: *The property owner, authorized agent, or business owner of the Outlet and Facility must complete the following section and sign their name where indicated.*

We are aware that the business described above is subject to the Cannabis Outlet or Cannabis Production Facility requirements regulated by SDMC Section [141.0504](#) (Outlet) and Section [141.1004](#) (Facility), and [Chapter 4, Article 2, Division 15](#). We hereby affirm under penalty of perjury that the proposed business location is not within 1,000 feet, measured in accordance with SDMC Section [113.0225](#) of the property line of any resource and population-based city park, church, child care center, playground, library owned and operated by the City of San Diego, minor-oriented facility, residential care facility, and other Cannabis Outlets (applicable to Outlet CUP applications only), or schools; and is 100 feet from any residential zone as identified on the 1000-foot radius map and spreadsheet submitted with the Conditional Use Permit application.

Property Owner or Authorized Agent Name: *Check one* Owner Agent Telephone No.:

Mailing Address: City: State: Zip Code:

Signature: Date:

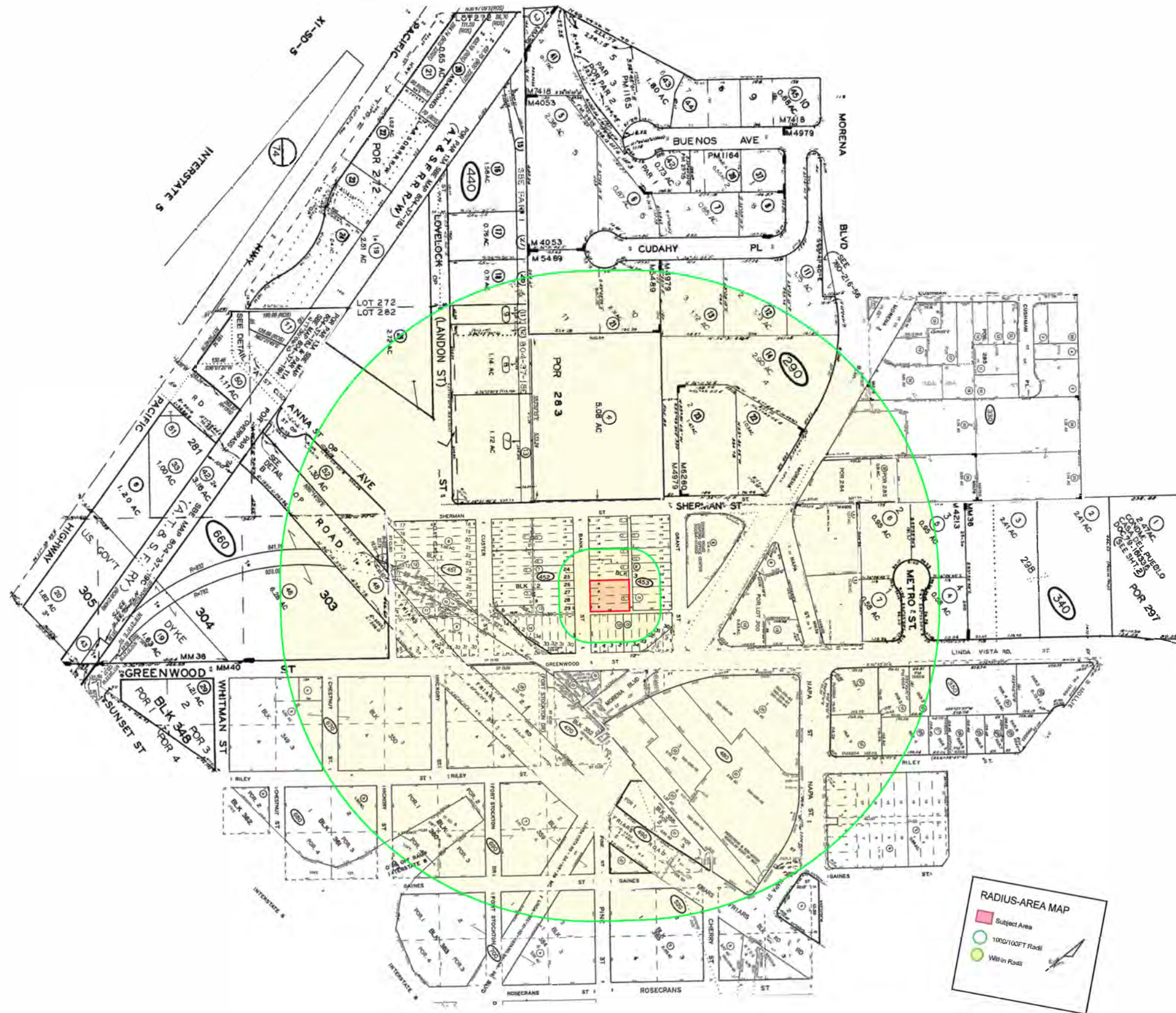
Business Owner Name: Telephone No.:

Mailing Address: City: State: Zip Code:

Signature: Date:

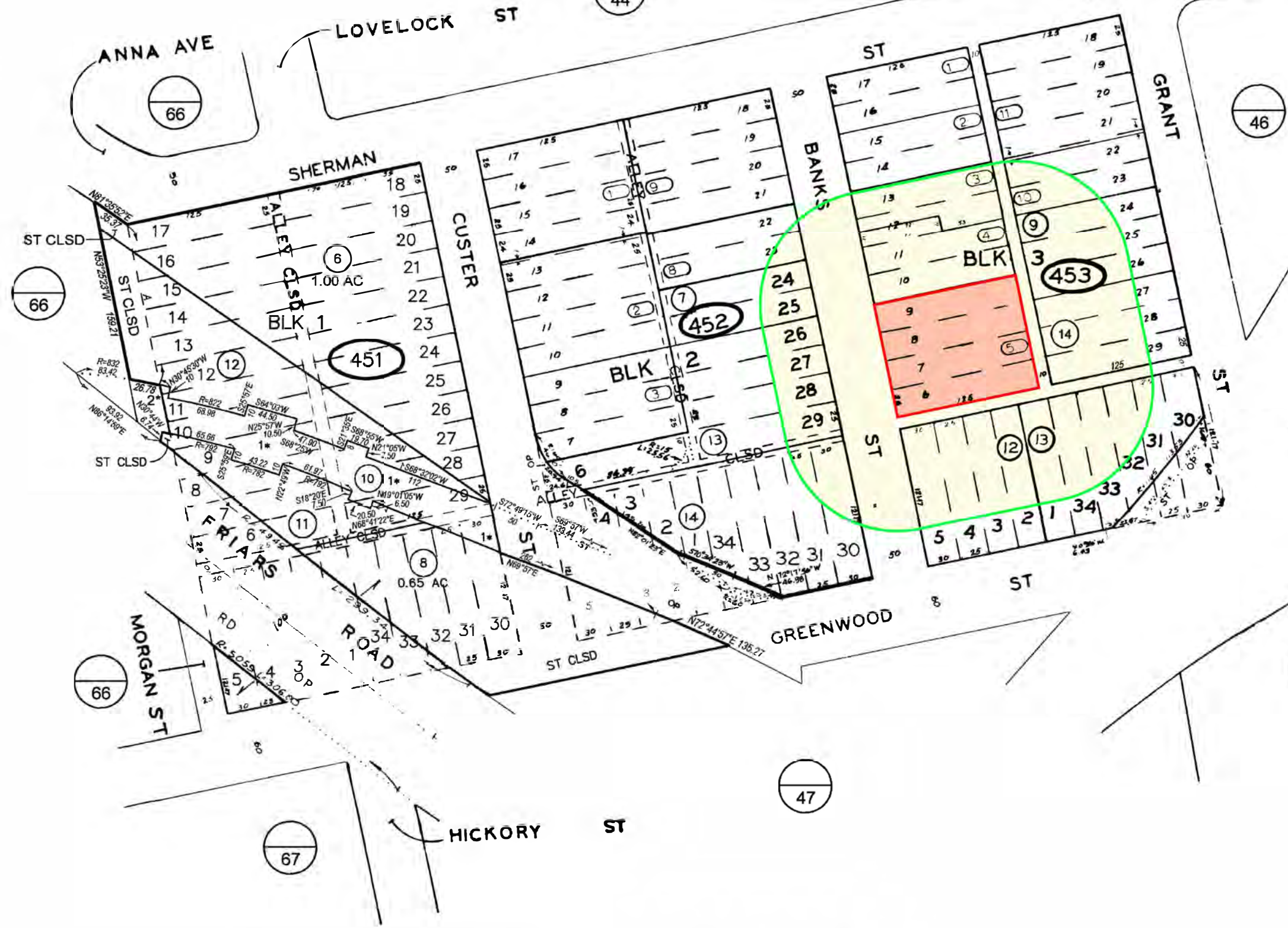
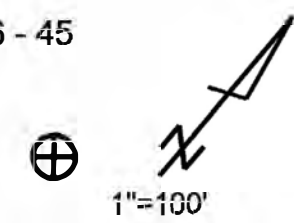
1000-FOOT VICINITY/AREA MAP





ONE SET OF MAPS

436-451-453

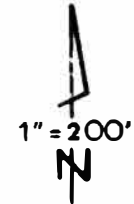


08/20/2018 JGD

CHANGES				
BLK	OLD	NEW	YR	CUT
451	1&2	3,4,4	70	390
452	ALLEY CLOS 1-9	1-9	75	5609
452	PICK-UP	10	75	794
452	4,10	11 & ST	75	2610
452	5&6/11	12-13	80	1531
453	6	12&13	80	1532
452	12	14 & ST OP	87	1086
451	3&4	5-9	00	1552
451	7&9	10	00	1780
451	5,8&10	SAME & ST CLSD	04	5665
453	7&8	14	11	1221
451	5 & 6	SAME & ST CLSD	13	5512
451	5	11&12	19	1106

1* MTBD R/W
2* MORGAN ST

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.



436-290



7/16/99 MAS

CHANGES

BLK	OLD	NEW	YR	CUT
34	40	41	73	4793
38	40	42	75	4086
32	180	21	43	76 1239
30,31	44	44	76	3041
28	29	45	77	333

1* (A. T. & S. F. RY)
PAR 12A SBE MAP 804-37-18J

- MAP 7418 - MORENA PLAZA UNIT NO. 1
- MAP 6260 - LINDE COMMERCIAL SUB
- MAP 5489 - CUDAHY'S SUB UNIT NO. 2
- MAP 4979 - LINDE SUB
- MAP 4053 - CUDAHY'S SUB
- MM 36 - PUEBLO LANDS
- ROS 7455

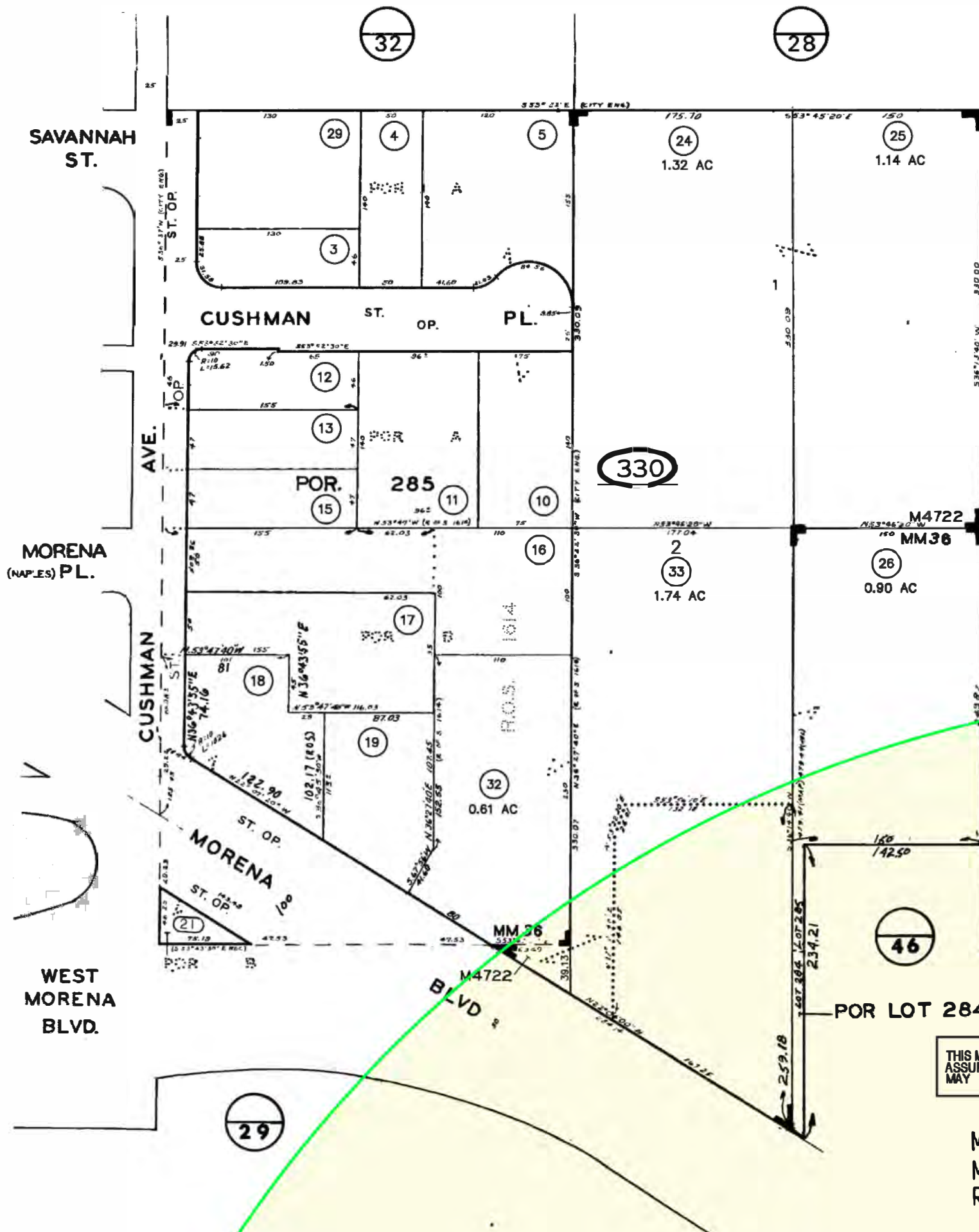
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

436-33



04/29/2004 EK ✓

CHANGES			
BLK	OLD	NEW	CUT
330	142	29	68
	20	SAME AC CHG	89
	27	30&33	98
	20,31 & 28,30	32&33	98
			3815
			5515
			1470
			1767

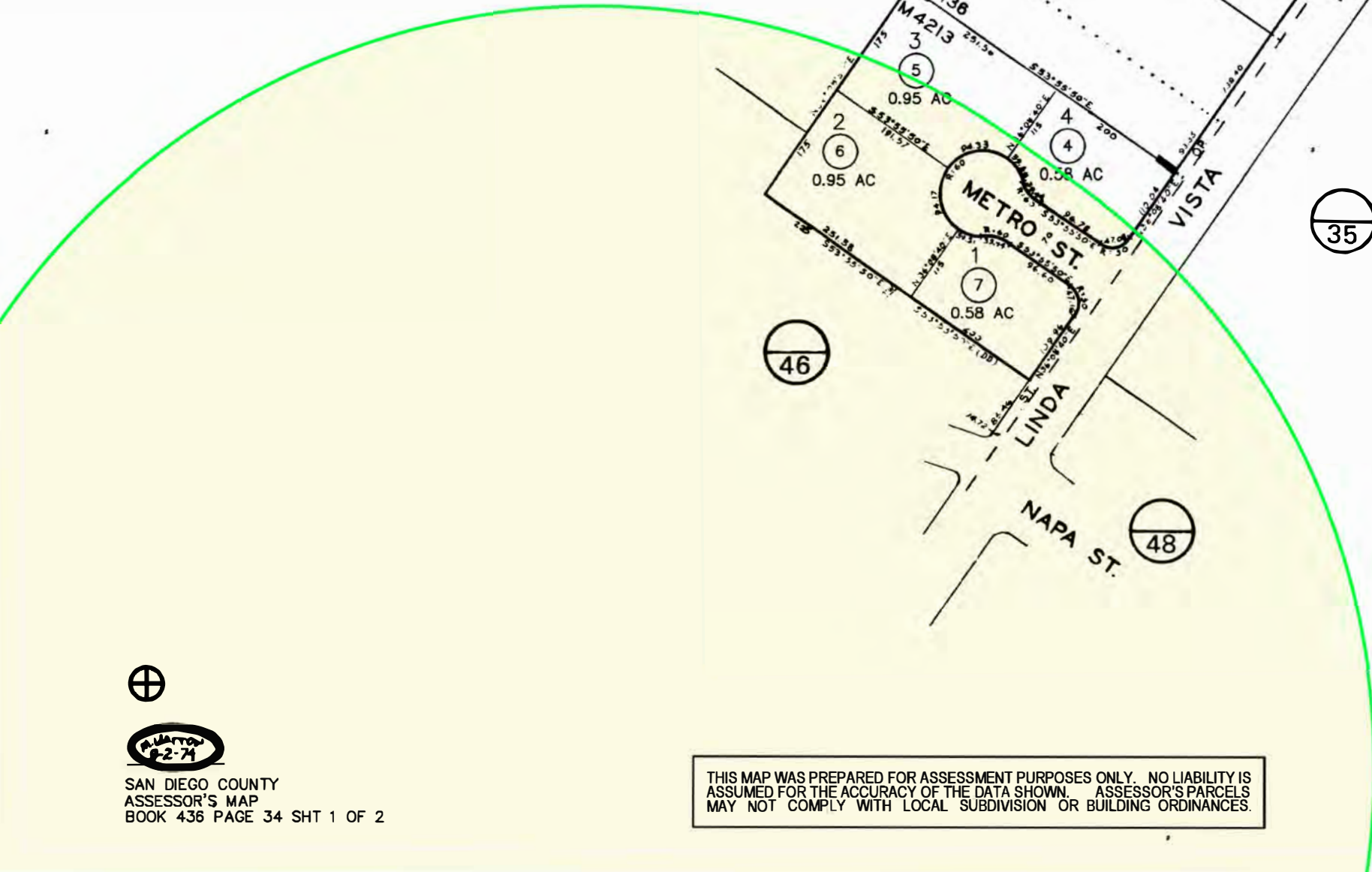
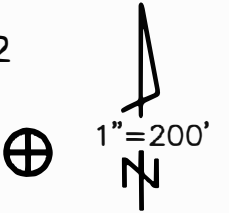


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MAP 4722 - GUE SUB
MM 36 - PUEBLO LANDS
ROS 1614,11379,15345

436-330





04/29/10 RAG

CHANGES

BLK	OLD	NEW	YR	CUT	
340	1	CONDO	80	438	CC
	02 & 03	SAME & AC CHG	10	5809	



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MAP 4213 - PUEBLO HEIGHTS
MM 36 - PUEBLO LANDS
ROS 2419

03

1" = 100'

436-350

12-11-91 MCD

CHANGES

BLK	OLD	NEW	YR	CUT
11	13-15	74	2903	
13	16,17	77	1369	
16,17	SAME	79	3040	
3,4,6,7,10				
12,14-17				
490-125	18-29	80	2848	
18,19,29	30-32	92	1947	

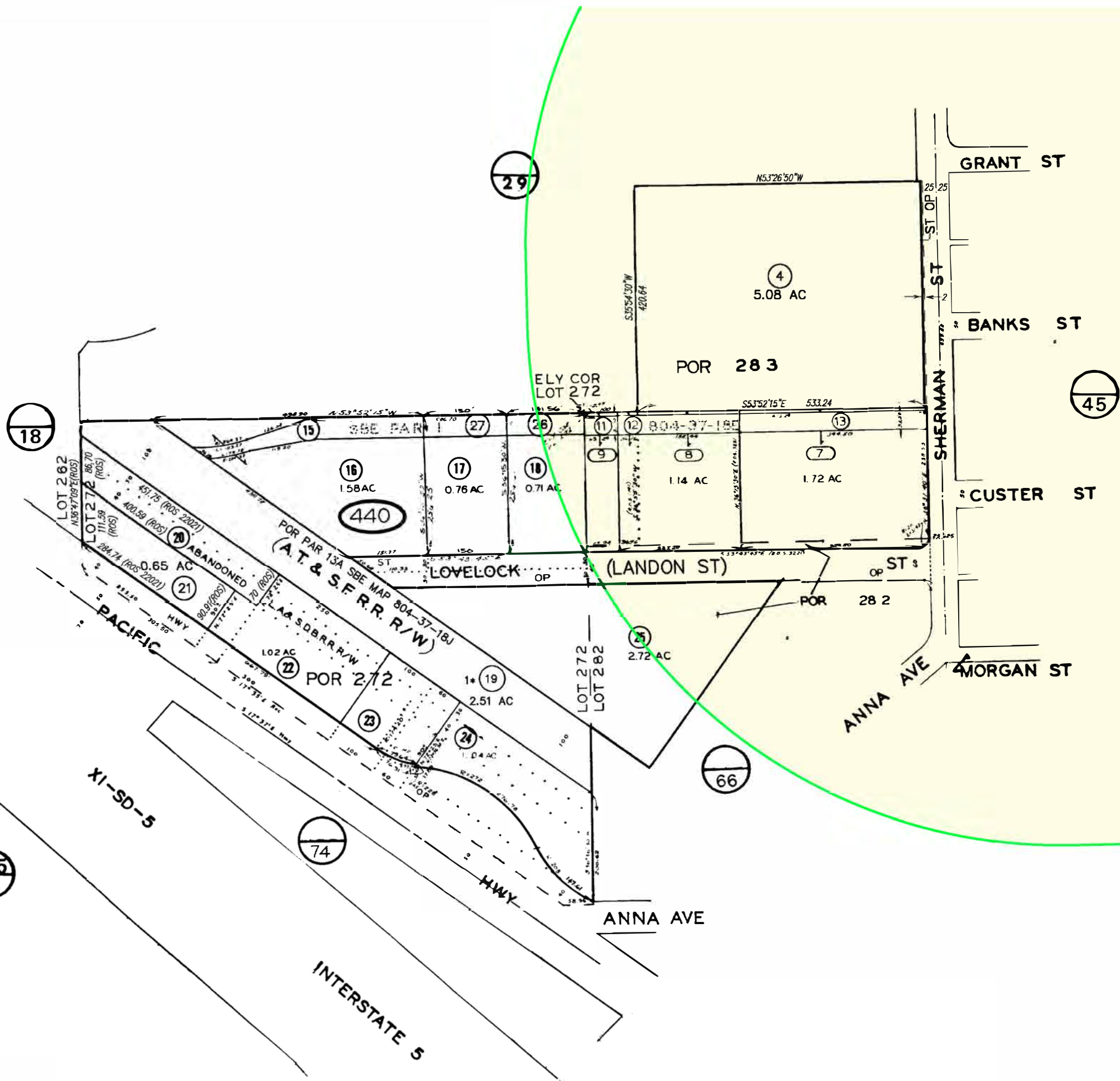


MM 40 - OLD SAN DIEGO ROS .10779

435-430
(436-440)

1"=200'

01/10/2021 JGD



CHANGES				
BLK	OLD	NEW	YR	CUT
440	435-430 436-440	14-25	75	10043
	14	26&27	19	1261
	4	SAME & ST OP	21	4647

1* 760-216-90 POR

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

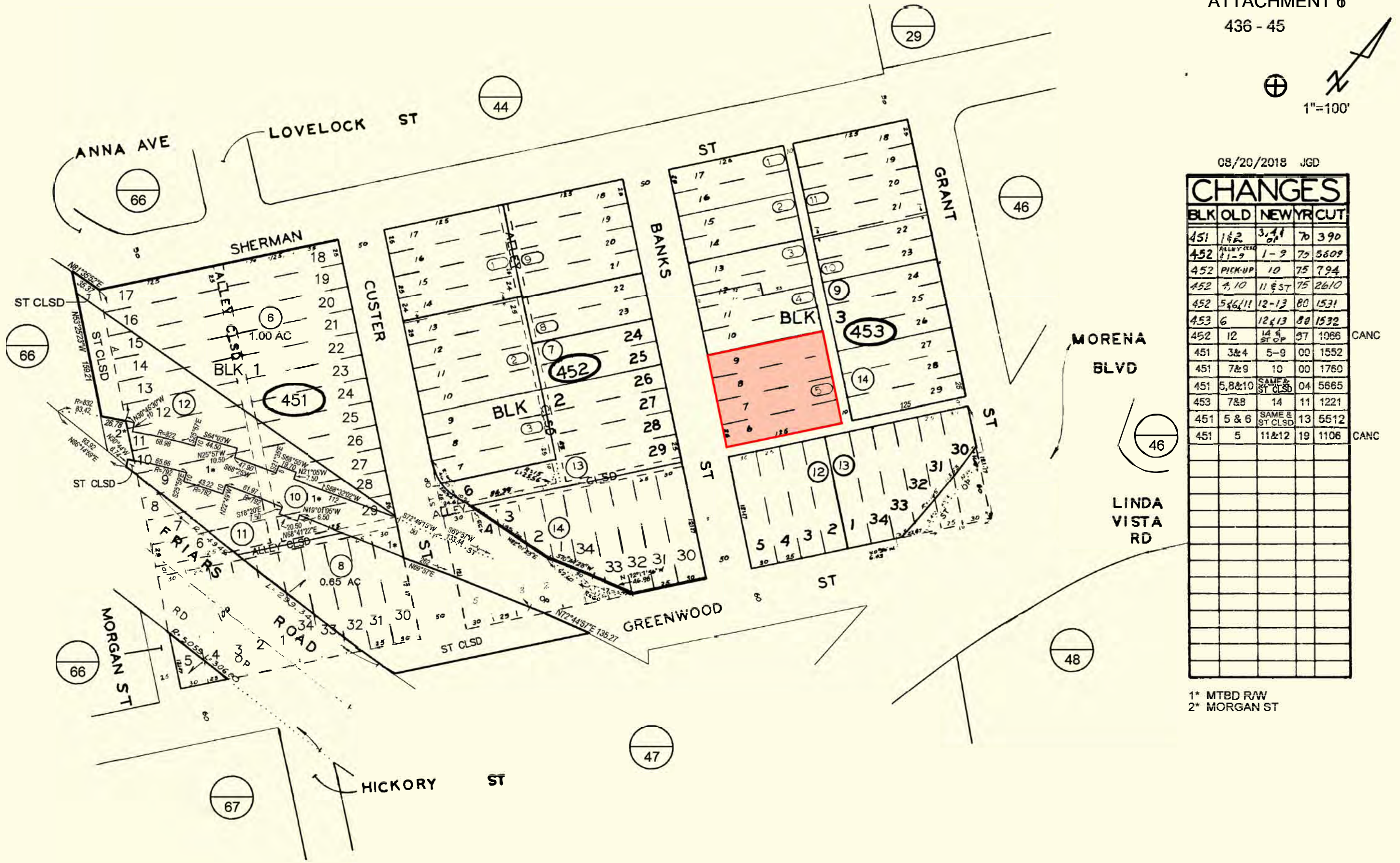
MM 36 - PUEBLO LANDS
ROS 852, 1141, 3221, 21436, 22021



SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 436 PAGE 44

436-451-453

1"=100'



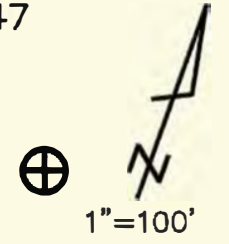
08/20/2018 JGD

CHANGES

BLK	OLD	NEW	YR	CUT
451	1&2	3, 4, 11	70	390
452	ALLEY CLSD 11-9	1-9	75	5609
452	PICK-UP	10	75	794
452	1, 10	11 & ST	75	2610
452	5 & 11	12-13	80	1531
453	6	12 & 13	80	1532
452	12	14 & ST OP	97	1086
451	3&4	5-9	00	1552
451	7&9	10	00	1760
451	5, 8 & 10	SAME & ST CLSD	04	5665
453	7&8	14	11	1221
451	5 & 6	SAME & ST CLSD	13	5512
451	5	11 & 12	19	1106

1* MTBD R/W
2* MORGAN ST

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03/01/2005 EK

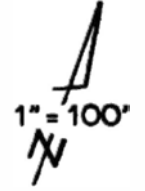
CHANGES

BLK	OLD	NEW	YR	CUT
470	1&4	16-18	70	309
	15	19-24	80	2847
	2,7&18	19-24	00	1552
	22&24	25	00	1760
	16,19,21 &23	SAME	04	5665
	25	28& POR PG 48	05	200
VOID	13,16,17 20,21,23 &26	27&28	05	1995

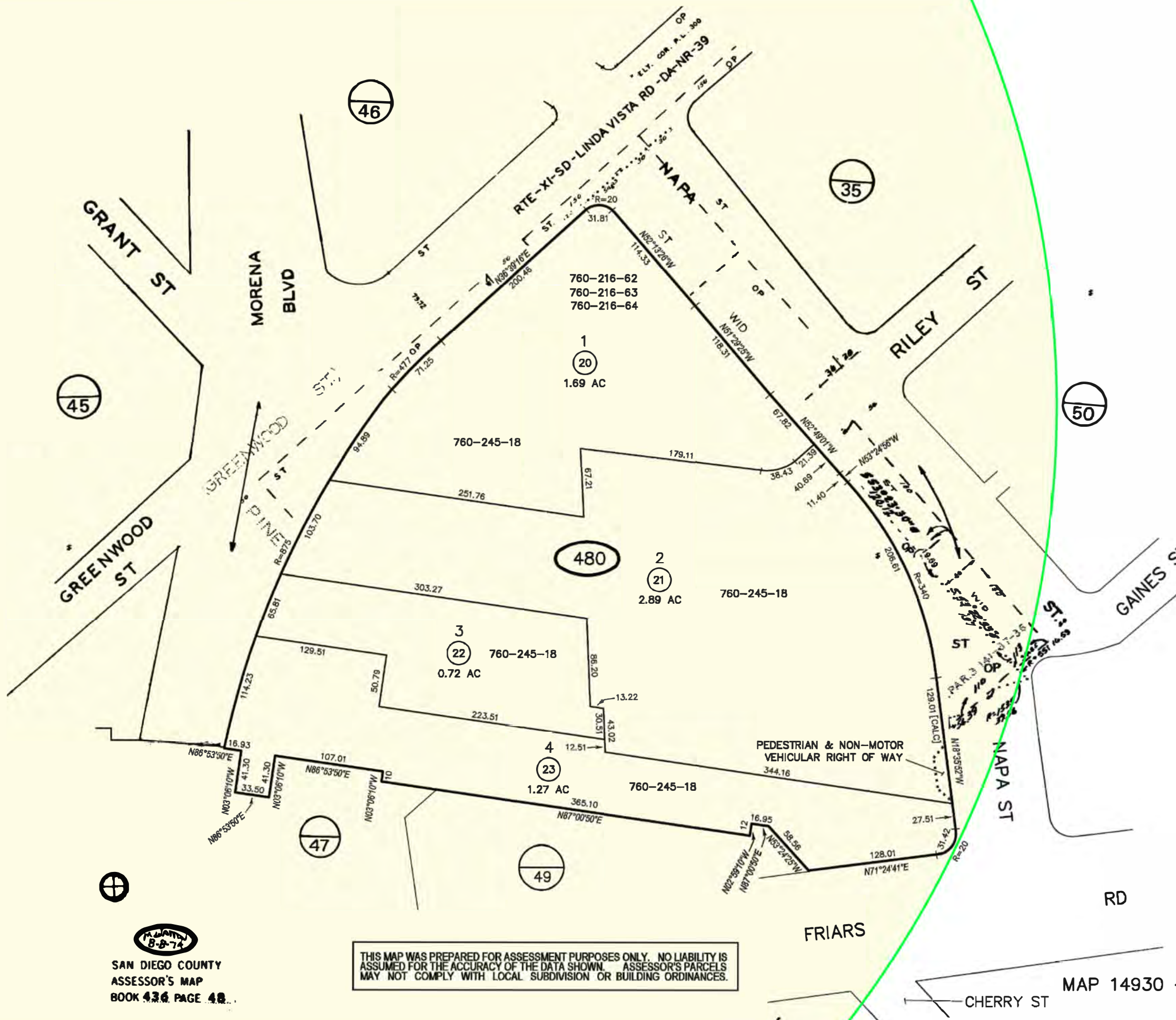


STA 121+53.80
PER 13352-15-D
AND
STA 104+89-08
PER 13352-14-D

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.



01/06/05 MO

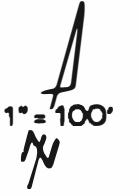


CHANGES			
BLK	OLD	NEW	CUT
	11	1617	69 3655
	16	SAME	80 5611
	16, 17 & 18	18 & 19	80 2847
	18, 19 & 20	19 & 20	80 2848
	19	SAME & ST OP	99 4627
	18, 19 & 20		
480	490-OR 13, 18, 22	20-23	05 200
	-520-07		

8-9-74
 SAN DIEGO COUNTY
 ASSESSOR'S MAP
 BOOK 436 PAGE 48

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

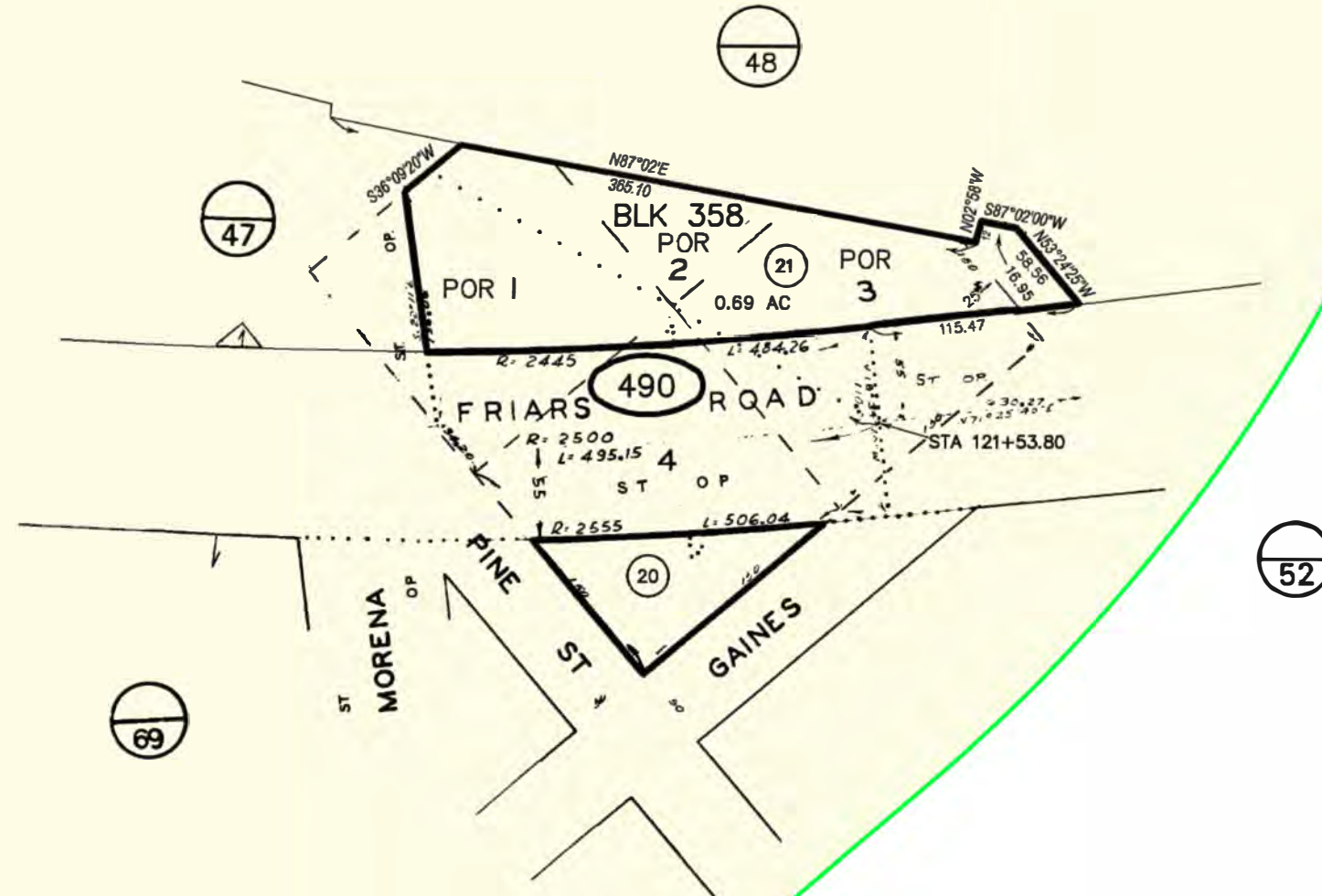
MAP 14930 - MORENA VISTA MIXED USE SITE



01/06/05 MO

CHANGES

BLK	OLD	NEW	YR	CUT
490	16	17401	70	387
	ST CLSD 15	SAME	80	5611
	154 POR 480-16	18	80	2847
	8413	SAME ST OP	81	4546
	18	SAME & ST OP	99	4827
	17	19&20	99	1902
	19	21&22	00	1552
	21	SAME & ST CLSD	04	5665
490	8,13,18,& 22	PG 48 POR	05	200



M. WHITE
8-2-74

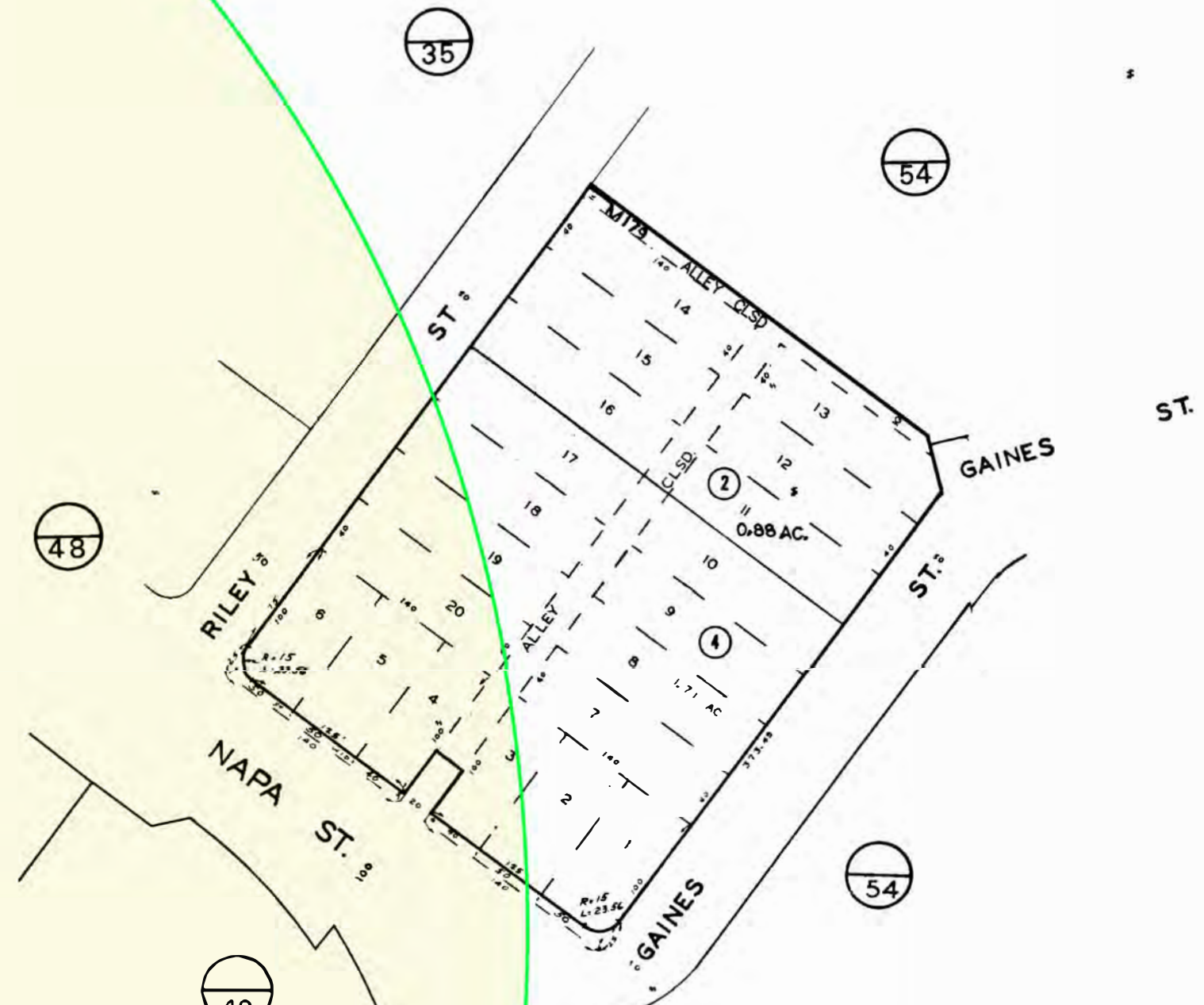
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

436-500

6/27/00 DJB

CHANGES

BLK	OLD	NEW	YR	CUT
3	4	71		3216
1	POR-540-17&18		01	1134

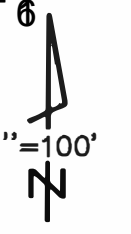


⊕
 SAN DIEGO COUNTY
 ASSESSOR'S MAP
 BOOK 436 PAGE 50

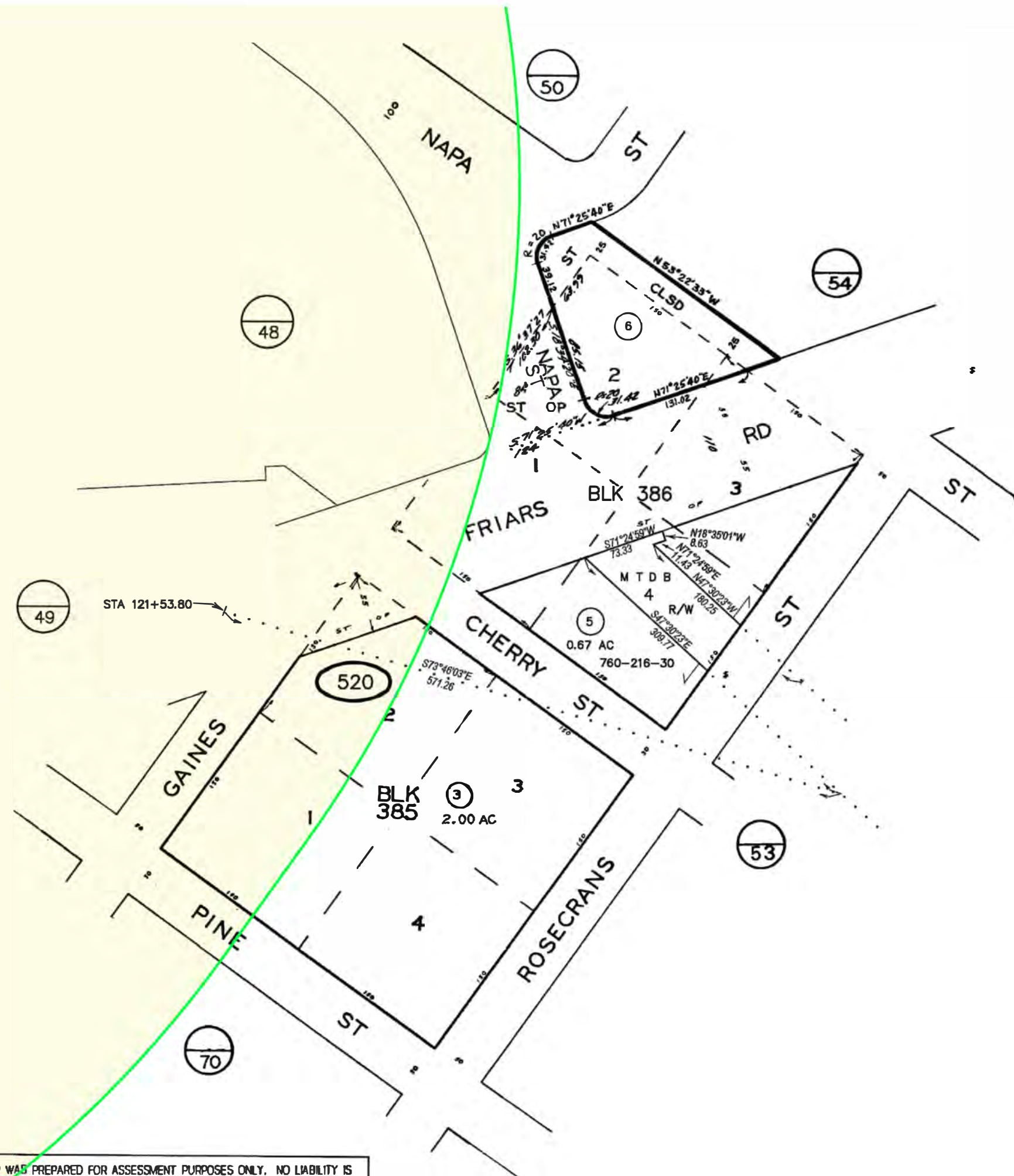
**PLANNED
8-8-79**

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MAP 179 - JONES J. P., SUB
 MM 40 - OLD SAN DIEGO
 ROS 2393, 11246



01/06/05 MO



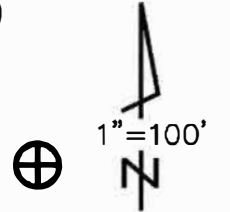
CHANGES

BLK	OLD	NEW	YR	CUT
520	112	FLOPS 3-3-69	69	4475
	4	SAME ST 02/81	81	4546
	SF CLSD 4	SAME	82	5571
	4	6&7	00	1552
	5	SAME & R/W ESMT	00	4657
520	7	480-23 POR	05	200

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MM 40 - OLD SAN DIEGO





11/17/05 ADU

CHANGES

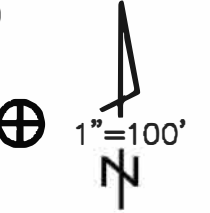
BLK	OLD	NEW	YR	CUT
690		ALL	76	10536
	4,5&6	7	06	1540

442-310



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

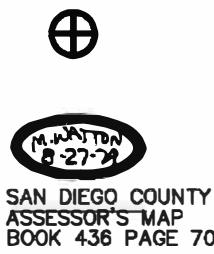
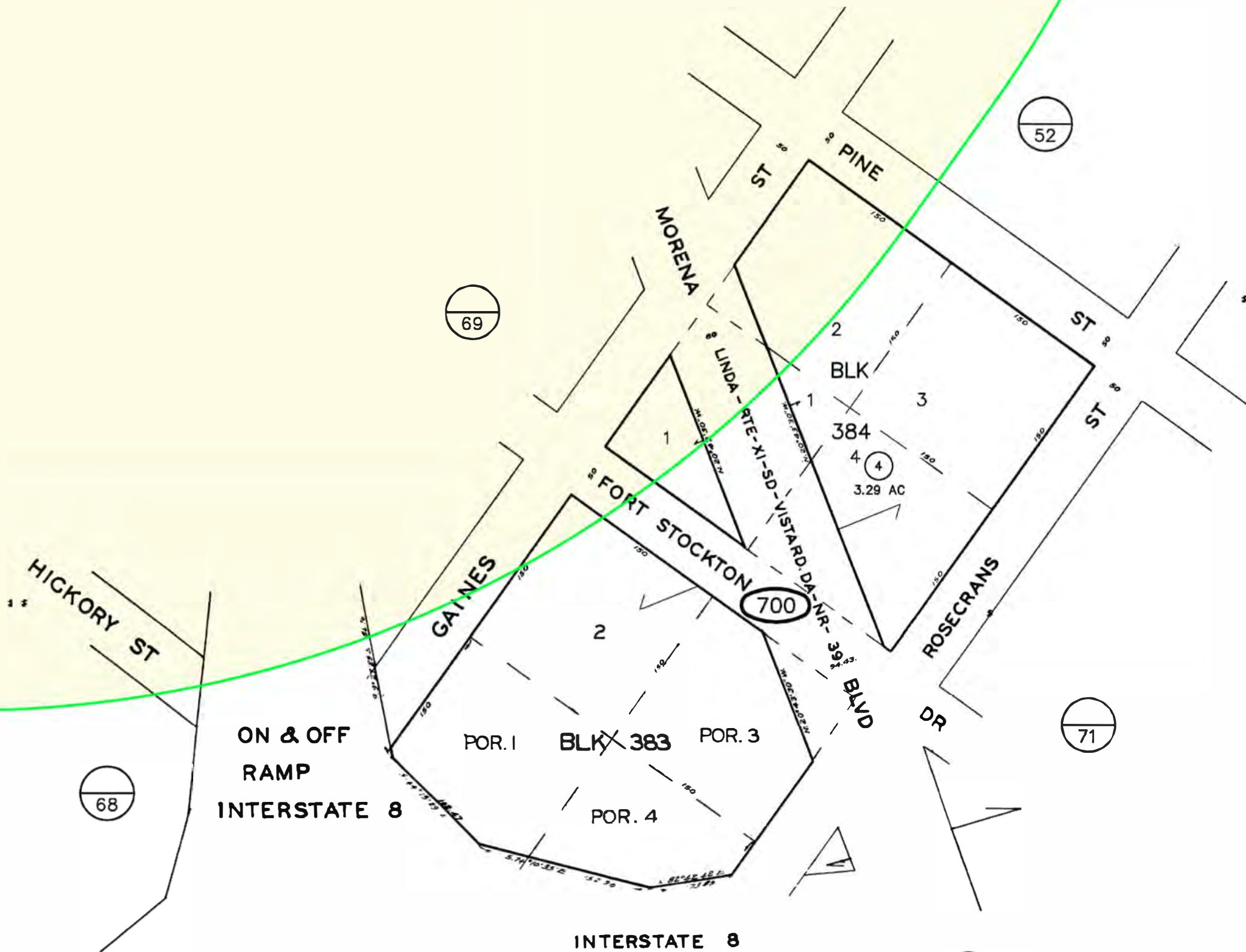




11/16/05 AW

CHANGES

BLK	OLD	NEW	CUT
700		ALL	76 10536
	2&3	4	06 1539



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

LINDA VISTA PLANNING GROUP

Monday, January 23, 2023

6:30 pm -8:00 pm

Meeting Location for In-Person:

American Legion Post 731

7245 Linda Vista Rd, San Diego, CA 92111

Or Via Zoom

BOARD MEMBERS PRESENT: Howard Wayne (Interim Chair), Felicity Senoski (Interim Vice Chair), Lauree Camarato (Secretary), Victor Ochoa, Jennifer Carroll, Carol Baker, Ashley Martinez, Kim Heinle, Becky Hunt

BOARD MEMBERS ABSENT: Demi Brown, Keith Warner, Margarita Castro, Cynthia Dillon (resigned)

QUORUM: was met

Community Members in Attendance: 22

- GENERAL MEETING MINUTES -

Call to Order: 6:30 pm by Howard Wayne (Interim Chair)

Pledge of Allegiance: led by Officer David Surwilo

Roll Call of Planning Group Members: Lauree Camarato

Approval of Draft Agenda: January 23, 2023

Motion by V. Ochoa and second by A. Martinez. Interim Chair deemed the agenda approved as presented, by all members present without objection.

Approval of November 28, 2022 Meeting Minutes

Motion by V. Ochoa to approve the November 28, 2022 general meeting minutes with minor edits submitted to the Secretary by F. Senoski. Second by A. Martinez. Minutes were approved by members present without objection.

Reports by Government Representatives

- **Police Department:** Officer David Surwilo
 - Shift changes and new rotations for the officers
 - Comments and questions from community members.
 - Email is dsurwilo@pd.sandiego.gov
- **Congress & State Legislature (Senate/Assembly):**
 - Congresswoman Sarah Jacobs – Jawad Al Baghdadi, representative. (absent)
 - Senator Toni Atkins: Diana Lara, representative.
 - Email: diana.lara@sen.ca.gov
 - Assemblymember Weber: Moana Cabiles, representative
 - Assemblymember Ward: Teannae Owens, representative
- **County & City:**
 - **Mayor:** Emily Piatanesi, representative.

- Email: epiatanesi@sandiego.gov
- **City Attorney:** not present
- **Supervisor Fletcher:** Ana Laura Martinez, representative
 - Email: AnaLaura.Martinez@sdcounty.ca.gov
- **City Council:** Raul Campillo – Miles Noel representative (absent)
- Kim Heinle shared a report from Miles Noel (**Lauree note – see email from Miles for details to add here**)
 - Email mnoel@sandiego.gov.
- **Councilmember Campbell** – Carrie Munson, representative (absent)
- **Planning Dept:** Linda Vista community planner. Not present.
- **Development Services:** Not present.
- **University of San Diego (USD):** Not present.
- **SANDAG:** not present

Public Non-Agenda Comments (2 minutes per person)

- Citizen expressed concern about Riverwalk construction being conducted at night and the noise and congestion. Interim Chair informed citizen that Riverwalk is an agenda item and will be addressed at that time.
- Kim Heinle – Bayside will be sponsoring a Lunar New Year Celebration on Jan 26 with an open market from 2pm-7pm and entertainment from 5pm-6:30pm
- Citizen expressed concerns about paving the streets and how the city determines which streets are repaved.
- Felicity Senoski – updates from the Captains Advisory Board (CAB). Officer Surwilo also shared.

Interim Chair's Report: Howard Wayne.

- Cynthia Dillon has resigned, and her position is now vacant.
- Interim Chair declared vacancy for the position held by Dorothy Perez. Secretary will send official notification to Dorothy advise she will need to apply for this position and attend March LVPG meeting to be voted as a board member.

Secretary's Report: Lauree Camarato. No report.

Information Items:

1. Update from LVPG Elections Committee – Jennifer Carrol provided an update on the upcoming elections. Members will be staggered terms of one year or two year. Elections that will be held at the March 27, 2023 meeting. All planning group members are subject to re-election and must reapply and must be received by February 27, 2023 meeting.
2. Taco Truck on Friars Road – Felicity Senoski shared an overview of the taco truck situation and concerns regarding obstruction of the public right away, trespassing and zoning/code violations. Raul Escobar, Kiko's taco truck owner, shared an overview of his business and family history. Officer Surwilo shared information on zoning and codes for food trucks and enforcement of trespassing on private property and noted the zoning

department is currently investigating the complaints and associated zoning violations. Community members online submitted questions and comments in the chat. Community members attending in person shared comments and concerns about the location and issues with public health and safety, trash, loud music, excess traffic, overwhelming smell and trespassing. Raul Escobar thanked the community members for their concern and suggestions.

3. DIF Spending Priorities – Jennifer Carroll shared an overview of the priority list and one item has been completed. Linda Vista has \$1.4 M in DIF funds designated for the community. DIF fees are generated by developers and the city has changed how funds are designated (placed in a general fund instead of specific community fund).

Action Items:

1. **1502 Via Las Cumbres, AT&T Wireless Installation (PRJ-1066122/CAL02088)** Ashley Martinez, chair of the Zoning & Land Use committee shared the committee met and approve three projects to move forward to LVPG. Michele Vernotico presented an overview of the proposed AT&T wireless upgrade project.
Motion by Zoning & Land Use Committee to recommend approval of the AT&T Wireless Installation located at 1502 Via Las Cumbres. Discussion and questions from the planning board members followed. Motion carried by a hand vote of members present with 8-0-0 result. Interim chair did not vote.
2. **5220 Anna Avenue – Cannabis Outlet (PRJ-1074123)** The applicant presented an overview of the proposed project.
Motion by K. Heinle to approve of the Conditional Use Permit for the cannabis outlet as presented. Second by J. Carroll. Discussion and questions from the planning board members followed. Motion carried by a hand vote of members present with 7-0-2 result. B. Hunt abstained and interim chair did not vote.
3. **4909 Pacific Highway – Cannabis Outlet (PRJ107059)** Abhay Schweitzer presented an overview of the proposed project.
Motion by V. Ochoa to approve the project as presented. Second by C. Baker. Discussion and questions from the planning board members followed. Motion carried by a hand vote of members present with 7-0-2 result. B. Hunt abstained and Interim chair did not vote.

Committee Reports & Updates

1. **Landscape Maintenance Assessment District (MAD)** – V. Ochoa. Continuing to monitor the landscape project. Chair received a question from a community member regarding the maintenance of a median by Navy housing. Rotary San Diego Downtown Breakfast committee and board approved for \$1800 to increase trees in the community.
2. **Morena Corridor Specific Plan** (ad hoc) – H. Wayne. No report.
3. **Riverwalk Development** (ad hoc) – F. Senoski. SDG&E conducting nighttime construction to relocate utilities and will be conducted in three phases and should conclude in about three months.
4. **Traffic & Transportation** – K. Heinle will chair this committee in the interim.
5. **Zoning and Land Use** – A. Martinez. Meeting in Feb to hear third cannabis project.

6. **Affordable Housing Task Force** (ad hoc) – K. Heinle. Meeting with Community Planners was successful and no meeting over the holidays. Next meeting in February.
7. **Community Improvements** – Jennifer Carroll. Attended presentation regarding the library master plan. Community members can take an online survey.

Representative Committees:

1. **Community Planners Committee** – H. Wayne. Next meeting is Jan 24.
2. **Linda Vista Collaborative** – K. Heinle. Next meeting is Feb 15 on decarbonization.
3. **Mission Bay Park** – No representative.
4. **Tecolote Canyon Advisory Committee** – No representative.
5. **Linda Vista Recreation Advisory Council** – No representative.
6. **Linda Vista Town Council** – B. Hunt. First meeting of the new board, open invitation for community members to join sub-committees.
7. **Skate World Ad Hoc** – B. Hunt. Fundraiser on Jan 28 from 4-9pm. Full report at Feb meeting.

Items for February 27, 2023 meeting:

- Submit items to Interim Chair

Adjournment: Interim Chair adjourned the meeting at 9:08 pm

Respectfully submitted by:

Lauree Camarato

Secretary

Linda Vista Planning Group



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

Ownership Disclosure Statement

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

Project Title: 5334 Banks Cannabis Outlet **Project No. For City Use Only:** _____

Project Address: 5334 Banks Street, San Diego, CA 92110

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

Corporation Limited Liability -or- General - What State? _____ Corporate Identification No. _____
 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: Brian J. Grasela Owner Tenant/Lessee Successor Agency

Street Address: 807 West Upas Street

City: San Diego State: CA Zip: 92103

Phone No.: 858 822 8141 Fax No.: _____ Email: BRIANGRASELA@GMAIL.COM

Signature: [Signature] Date: 02.10.2023

Additional pages Attached: Yes No

Applicant

Name of Individual: Jilette Joseph Yousif (PHJ Investments, Inc.) Owner Tenant/Lessee Successor Agency

Street Address: 642 Palomar Street, Suites 406-505

City: Chula Vista State: CA Zip: 91911

Phone No.: 619-241-6561 Fax No.: _____ Email: jiletteyousif@gmail.com

Signature: [Signature] Date: Feb 14, 2023

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

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.

Applicant: PHJ Investments

ATTACHMENT 8

Name: Jilette Joseph Yousif

Title: President

Address: 642 Palomar Street, Suites 406-505
Chula Vista, CA 91911

Ownership: 45%

Name: Dhafir Hammi

Title: Vice-President

Address: 642 Palomar Street, Suites 406-505
Chula Vista, CA 91911

Ownership: 55%



THE CITY OF SAN DIEGO

Date of Notice: May 19, 2023

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION DEVELOPMENT SERVICES DEPARTMENT

SAP or I.O. No. 24009509

PROJECT NAME / NUMBER: 5334 Banks Street Cannabis Outlet CUP / 1084774

COMMUNITY PLAN AREA: Linda Vista

COUNCIL DISTRICT: 7

LOCATION: 5334 Banks Street, San Diego, CA 92110

PROJECT DESCRIPTION: Conditional Use Permit for a new 3,000 square-foot cannabis outlet at 5334 Banks Street within an existing 6,193 square-foot building. The site is zoned Industrial-Light (IL-3-1), within the Morena Corridor Specific Plan and designated Industrial in the Linda Vista Community Plan. Proposed interior tenant improvements within the existing building include lighting, security cameras and system, millwork, finishes throughout, non-load bearing partitions and associated mechanical, electrical and plumbing infrastructure. Project is also within the Airport Land Use Compatibility Overlay Zone (Naval Air Station North Island and San Diego International Airport – Lindberg Field Airport Influence Area Review Area 2), the Parking Impact Overlay Zone (Campus Impact), Parking Standards Transit Priority Area, Transit Priority Area, and the FAA Part 77 Noticing Area and Council District 7. **LEGAL DESCRIPTION:** Lots 6 thru 9 in Block 3 of Vernon Park, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 569, Filed in the Office of the County Recorder of San Diego County, October 23, 1888. APN: 436-453-05.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines Section(s) 15301, Existing Facilities and 15332, Infill Development.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to 15301 (Existing Facilities) and 15332 (Infill Development); and where the exceptions listed in Section 15300.2 would not apply. The project is requesting the permitting of a cannabis outlet facility within an existing commercial structure. The project meets the criteria set forth in CEQA Section 15301 which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving

negligible or no expansion of existing or former use. The project also meets the criteria set forth in CEQA Guidelines Section 15332 and is consistent with the applicable land use and zoning designations and regulations; occurs within city limits on a site no more than 5 acres surrounded by urban uses; has no value as habitat or endangered, rare, or threatened species; would not result in significant traffic, noise, air quality or water effects; and can be adequately served by all required utilities and public services.

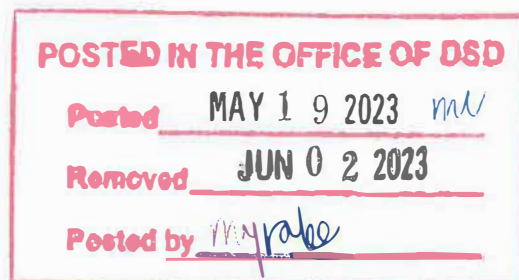
DEVELOPMENT PROJECT MANAGER: Travis Cleveland
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER / EMAIL: (619) 446-5407 / TCleveland@sandiego.gov

On May 19, 2023 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within ten (10) business days from the date of the posting of this Notice (June 2, 2023). Appeals to the City Clerk must be filed by email or in-person as follows:

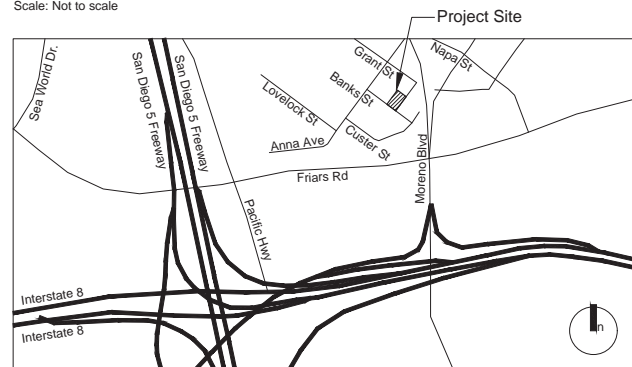
- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to Hearings1@sandiego.gov by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building—Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.



Vicinity Map

Scale: Not to scale



Mobility Choices - VMT Reduction Measures

The project is located within the 2035 Transit Priority Area, which is within Mobility Zone 2. Per SDMC Section 143.1103(b)(1), development in Mobility Zone 2 shall include VMT reduction measures totaling at least 5 points. The 5 points minimum will be achieved with the following VMT Reduction Measures:

Bicycle Supportive Measures

- 16 Providing short-term bicycle parking spaces that are available to the public, at least 10% beyond minimum requirements. Minimum 2 required. 4 proposed.
- Unit = Each multiple of 10% beyond the minimum. Points per unit = 1.5. 4 spaces = 200% over 2 minimum, therefore 20 x 1.5 = 30 points

Other Measures

- 26 Providing carpool parking spaces 10% beyond the minimum number of carpool spaces required (for non-residential projects).
- Unit = Each multiple of 10% beyond the minimum. Points per unit = 1.5. No spaces are required for this project. The project proposes 1. Assume 1 is baseline, 1 = 100% over minimum, therefore 10 x 1.5 = 15 points

Cannabis Outlet Notes

- Cannabis outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 12, Article (Base Zones), provided that no more than four cannabis outlets are permitted in each City Council District. Cannabis outlets are subject to the following regulations. (Per SDMC 42.1504)
- Cannabis outlets shall maintain the following minimum separation:
 - 1,000 feet from resource and population-based city parks, other cannabis outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance shall be measured between the property lines, in accordance with Section 113.0225. (Per SDMC 42.1504.a.1)
 - 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. (Per SDMC 42.1504.a.2)
- 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. (Per SDMC 141.0504.b.)
- 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. (Per SDMC 141.0504.c.)
- 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. (Per SDMC 141.0504.d.)
- 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. (Per SDMC 141.0504.e.)
- The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week. (Per SDMC 141.0504.f.)
- 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. (Per SDMC Section 141.0504.g.)
- A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15. (Per SDMC 141.0504.h.)
- A Conditional Use Permit for a cannabis outlet shall expire no later than five (5) years from the date of issuance. (Per SDMC 141.0504.i.)
- 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. (Per SDMC 141.0504.j.)
- 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. (Per SDMC 141.0504.k.)
- The cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours. (Per SDMC 141.0504.l.)
- Consultations by medical professionals shall not be a permitted accessory use at a cannabis outlet. (Per SDMC 141.0504.m.)

Professional Certification Statement

I hereby acknowledge and certify that:

- I am accountable for knowing and complying with the governing policies, regulations and submittal requirements applicable to this proposed development.
- I have performed reasonable research to determine that required approvals and decision process for the proposed project, and that failure to accurately identify an approval or decision process could significantly delay the permitting process or result in a change in fee/deposit requirements.
- Certifying submittals for Development Permit Completeness Review is a privilege and requires accurate submittals on a consistent basis.
- Submitting incomplete documents and plans on a consistent basis may result in the denial of future submittals by certification for Development Permit Completeness Review.
- If required documents or plan content is missing, project review will be delayed.
- This submittal package meets all of the minimum submittal requirements contained in Land Development Manual, Volume 1, Chapter 4, and/or Section 6 for Rezones.

For the proposed project, I have determined the appropriate process and approval types to be as follows:

Project Process Level (2-5): 3 Project Approval(s) Needed: CUP (CO)

Responsible Certified Professional Name: Kristine M. Byers

Signature: [Signature] Date: February 15, 2023

Development Summary

Scope of Work Narrative:	This project is an application for a Process 3 Conditional Use Permit (CUP) for a Cannabis Outlet (CO). The CO is a proposed interior tenant improvement within an existing building on a pre-developed site.	
	Notes: A. Proposed new work would include lighting, security cameras and system, millwork, finishes throughout, non-load bearing partitions and associated mechanical, electrical and plumbing infrastructure.	
Project Team:	Architect: (Point-of-Contact)	Kristi Byers, Architect A.P.C. 2801 B Street, # 161 San Diego, CA 92102 Contact: Kristi Byers, AIA LEED AP BD&C kb@kristibyrsaia.com 619.599.5984
Legal Description:	LOTS 6,7,8 and 9, IN BLOCK OF VERNON PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 569, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 23, 1888.	
APN:	436-453-05-00	
Property Owner Information:	Brian Grasela Trustee of Brian Grasela Trust 807 West Upas Street San Diego, CA 92103	
Sheet Index:	T0.00	Development Summary, Vicinity Map, & Outlet Notes
	A1.00	Site Plan & Parking Calculations
	A2.00	Proposed Floor Plans, Lighting & Security Plans
	A3.00	Existing Exterior Elevation Imagery
Type of Construction:	Type III-B	
Occupancy Classification:	Existing:	F-1, Moderate-Hazard Factory Industrial; B, Business
	Proposed:	M, Mercantile
Zoning & Overlays:	Base Zone: IL-3-1	
	Overlay Zones:	Airport Land Use Compatibility Overlay Zone (ALUCOZ) NAS North Island San Diego International Airport Parking Impact Overlay Zone (PIOZ) PIOZ-CAMPUS-IMPACT Parking Standards Transit Priority Area (PSTPA) Transit Priority Area (TPA) Affordable Housing Parking Demand - High ALUCP Airport Influence Area (AIA) San Diego International Airport - Review Area 2 NAS North Island - Review Area 2 FAA Part 77 Noticing Area SDIA - Lindbergh Field // 110 to 115 feet elevation above sea level // 9500 to 10000 feet horizontal distance from runway
Gross Site Area:	12,475 SF	
Building Floor Area:	Existing Overall Building:	6,193 SF
	Proposed Overall Building:	6,193 SF (no change)
	This Project (Cannabis Outlet):	3,000 SF
Existing & Proposed Uses:	Existing Uses:	Eating and Drinking Establishment, Light Manufacturing
	Proposed Use (This Project):	Separately Regulated Retail Sales Uses, Cannabis Outlet
	Remaining Adjacent Suite Use:	Light Manufacturing
Year Constructed:	1979	
Existing Dwelling Units:	0 (none) No existing dwelling units are proposed for demolition or alteration that were at any point during the 5-year period preceding this application either subject to a recorded covenant ordinance or law that restricts rents for very low income or low income households, or are or were occupied by very low income or low income households.	
Geologic Hazard:	Category 31	
Landscape Area:	0 SF (zero SF - no existing or proposed landscape)	
Project Address:	5334 Banks Street, San Diego, CA 92110	
Building Height:	Top of Building Parapet: 18'-0" (Existing to remain unchanged)	
Historic:	Historic District:	No
	Designated Historic:	No
Applicable Building Codes:	City of San Diego Municipal Code 2022 California Building Code 2022 California Green Building Code 2022 California Plumbing Code 2022 California Mechanical Code 2022 California Energy Code 2022 California Fire Code	

ATA ASSUMMENT 110

Kristi Byers, Architect
Sustainability
Design
Architecture



Project:

5334 Banks Street
CO Conditional Use Permit
5334 Banks Street,
San Diego, California 92110

Issue:

- 01 02.15.2023 CUP Submittal
02 04.25.2023 CUP Resubmittal

Drawing Name:

Development
Summary, Vicinity
Map & Outlet Notes

Drawing Number:

T0.00

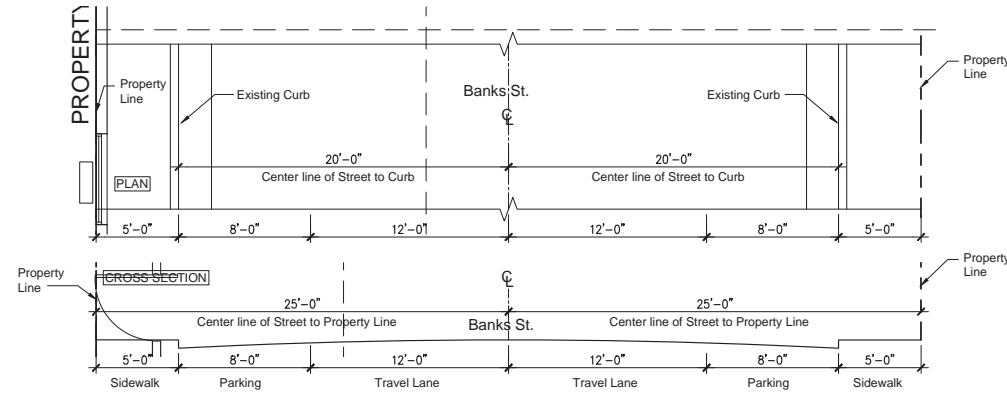
Parking Calculations:

Per SDMC Tables 142-05E Parking Ratios for Retail Sales, Commercial Services, Offices and Mixed-Use Development and 142-05G Parking Ratios for Specified Non-Residential Uses the Minimum Required Parking Spaces in the an IL-3-1 Zone which occurs within a Transit Priority Area are as follows:

Existing Land Use	Area	Minimum Required Parking Spaces
Light Industrial	5,403 SF	
Eating and Drinking Establishment	790 SF	

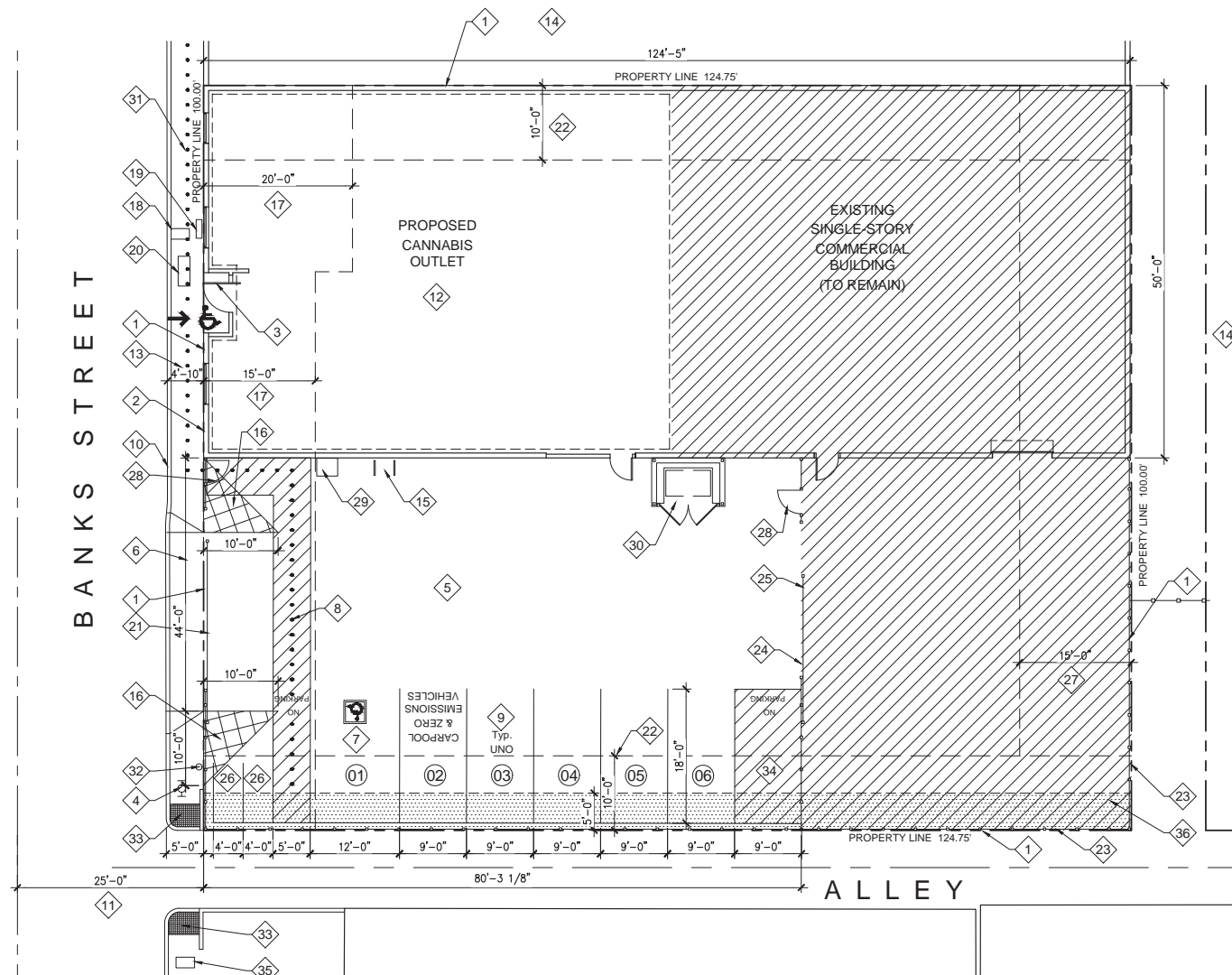
Proposed Land Uses with Minimum Required Parking Spaces per Land Use	Area	Minimum Required Parking Spaces
Light Industrial	3,193 SF	0 spaces
Cannabis Outlet	3,000 SF	0 spaces
Total Parking Spaces Required for Proposed Uses =		0 spaces

Proposed Parking Spaces	Quantity
Automobile:	6 off-street standard parking spaces 1 off-street accessible van parking space 7 total off-street parking spaces <i>(1 of the spaces noted above are dedicated Carpool & Zero Emission Spaces)</i>
Motorcycle:	2 off-street motorcycle spaces
Short-Term Bicycle:	4 short-term bicycle spaces
Long-Term Bicycle:	0 long-term bicycle spaces



12. Full Roadway Cross Section and Plan - Existing (Banks St.)

Scale: 3/16" = 1'-0"



10. Proposed Site Plan

Scale: 3/32" = 1'-0"

Site Plan General Notes

- There are no known easements for this site.

Site Plan Keynotes:

- Property line.
- Building address numbers, visible and legible from Banks Street per FHPS Policy P-00-6 (UFC 901.4.4).
- Main entry to Cannabis Outlet.
- Existing fire hydrant to remain.
- Existing drive aisle to remain.
- Existing driveway to be reconstructed to be 24'-0" wide and to meet current City Standard.
- Accessible van parking space per CBC 2019 11B-502.
- Accessible path-of-travel from accessible van space to CO Main Entry door.
- Standard vehicular parking space.
- Existing concrete curb to remain.
- Distance from property line to centerline of street - 25'-0". Any private improvement/gate in the ROW will require an EMRA (Encroachment Maintenance Removal Agreement), subject to the City Engineer's approval.
- Existing single story building to remain.
- Curb to property line dimension.
- Adjacent property. Not part of this project.
- Short term bicycle racks. (4 spaces total) Note: 50% of these spaces (2 spaces) will be supplied with individual outlets for electric charging at each bicycle parking space.
- Visibility area at the intersection of a street and driveway. No objects higher than 24 inches will be proposed in the visibility area.
- Front Setback. Per SDMC 131.0643 (a) Front Setback in the IP, IL, IH, and IBT Zones. Up to 50 percent of the length of the building facade may observe the minimum front setback provided the remaining percentage observes the standard front setback. This may occur on a floor-by-floor basis.
- Existing water meter to remain.
- Existing domestic backflow preventer to remain.
- Existing electrical vault to remain.
- New vehicular gate.
- Side Setback.
- Existing fence to remain.
- New fence. To match existing.
- New vehicular gate. To match existing.
- Proposed motorcycle spaces (3'-0" x 8'-0" minimum).
- Rear Setback. Per 131.0643 (d) Rear Setback in IL Zones. In the IL zones, no rear setback is required for up to 50 percent of the width of the building envelope provided the remainder of the building envelope observes at least the standard rear setback as shown in Diagram 131-06B.
- New accessible pedestrian gate.
- Existing electrical infrastructure to remain.
- New refuse and recycling area per SDMC 142.0810.
- Accessible path-of-travel from public right-of-way.
- Relocated utility pole. New location to be coordinated with SDGE.
- New City Standard ADA-curb ramps with truncated domes to be installed.
- Turnaround space.
- Existing water meter to be relocated to accommodate City Standard Curb Ramp. Final location to be coordinated with SDGE.
- 5'-0" Irrevocable Offer of Dedication.

Vicinity Map and Transit Stops

Scale: Not to scale



Transit Stops: The nearest transit stop is approximately 0.17 miles (874 feet) from 5334 Banks Street at the corner of Morena Blvd and Napa Street.

- 5334 Banks Street: Project Site.
- Bus Stop - Morena Blvd and Napa Street.
- Bus Stop - Morena Blvd and Sherman Street.

Legend:

#	Parking Space	→ ♿	Accessible Entrance
---	Property Line	→	Accessible Path of Travel
---	Setback Line	□	Visibility triangle hatch
⊕	Fire Hydrant	▨	Not part of this project
♿	International Symbol of Accessibility	▤	Irrevocable Offer of Dedication



Project:

5334 Banks Street
CO Conditional Use Permit
5334 Banks Street,
San Diego, California 92110

Issue:	Date	Description
01	02.15.2023	CUP Initial Submittal
02	04.25.2023	CUP Resubmittal

Drawing Name:
Proposed Site Plan

Drawing Number:
A1.00

Floor Plan General Notes

A. See A1.00 Site Plan for additional information.

ATTACHMENT 10

Kristi Byers, Architect
 Architecture Design Sustainability



Floor Plan Keynotes:

1. Main entry to Cannabis Outlet. (Existing to remain)
2. Accessible entry.
3. New entry door for receiving.
4. Existing window to remain.
5. Adjacent property. Not part of this project.
6. Existing exterior concrete wall to remain.
7. Separate tenant. Not part of this project.
8. New interior non-bearing partition.
9. New interior door.
10. New millwork. Check-in counter.
11. New accessible restroom. New security lighting to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties. (Per City of San Diego Municipal Code Section 141.1004.c.)
12. New security camera.
13. Commercial-grade, nonresidential door locks at all limited access areas and on all points of entry and exit to the licensed premises.
14. Existing exterior door to remain.
15. New millwork. Point-of-sale counter.
16. New millwork. Product displays.

Project:

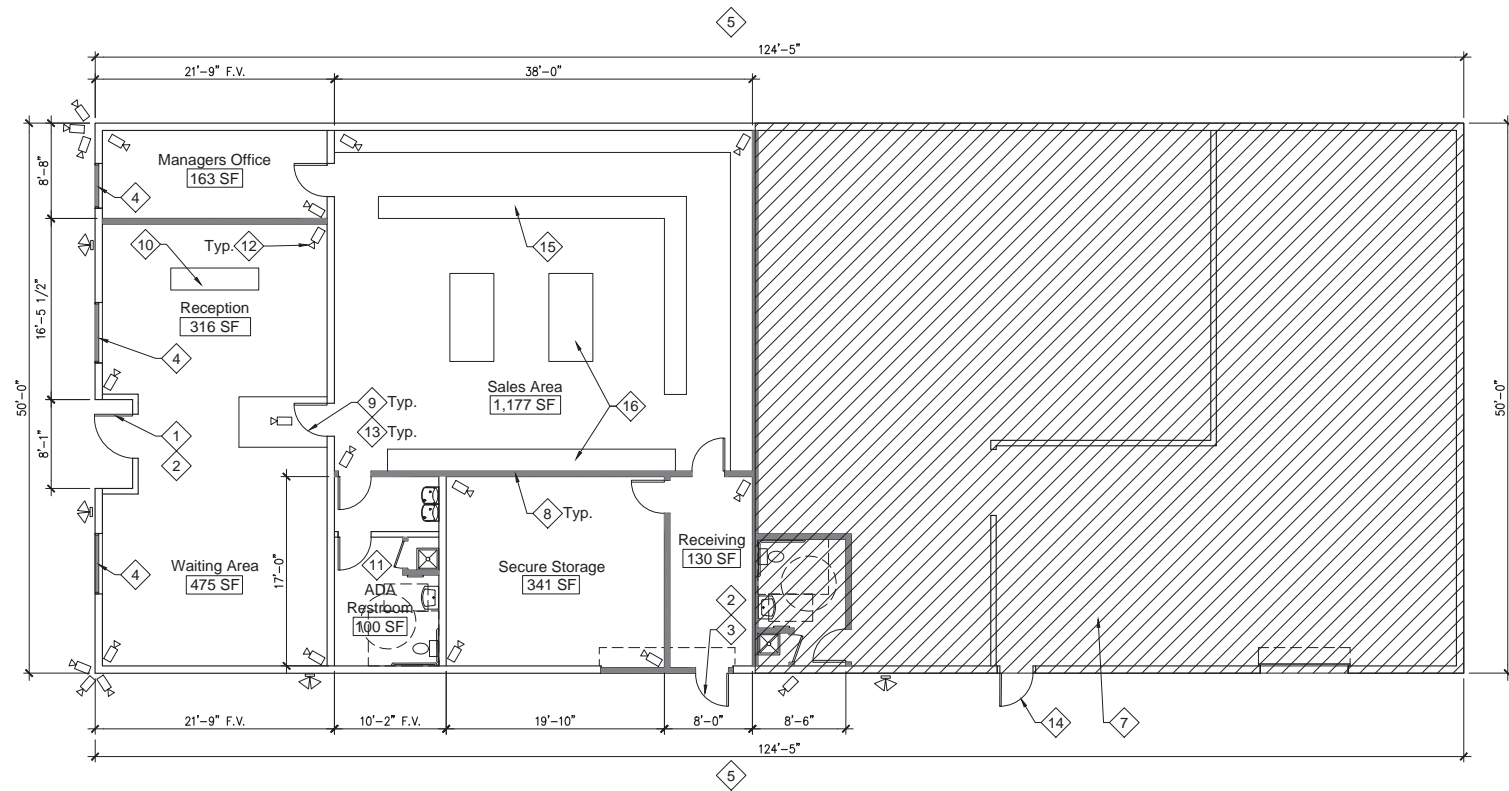
5334 Banks Street
CO Conditional Use Permit
 5334 Banks Street,
 San Diego, California 92110

Issue:

01	02.15.2023	CUP Submittal
02	04.25.2023	CUP Resubmittal

Drawing Name:
Proposed Floor Plan with Security

Drawing Number:
A2.00



Legend:

- Existing Adjacent Suite. Not Part of This Project
- New Operable Security Camera
- New Security Lighting

10. Proposed Floor Plan with Security

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



Kristi Byers, Architect
Sustainability
Design
Architecture



8. Image of Existing South Elevation

Scale: not to scale



7. Image of Existing West Elevation

Scale: not to scale

Project:

5334 Banks Street
CO Conditional Use Permit
5334 Banks Street,
San Diego, California 92110

Issue:

01	02.15.2023	CUP Submittal
02	04.25.2023	CUP Resubmittal

Drawing Name:

Existing Exterior
Elevation Imagery

Drawing Number:

A3.00

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

Signature: *Will Senn* Date: Jul 24, 2023
Signature: Will Senn (Jul 24, 2023 17:00 PDT)

Note: Faxed appeals are not accepted.

Reference Table

- [San Diego Municipal Code \(SDMC\)](#)
- [Development Permits/Environmental Determination Appeal Procedure \(IB-505\)](#)

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

July 24, 2023

Dear Planning Commissioners,

This letter is in appeal of the approval of the CUP for PRJ-1084774 dated July 12, 2023. The main concern is the BrickYard Batting Cages located less than 20 feet as the crow flies from the prospective cannabis retailer and the illusion that BrickYard does not need to be considered due to Brickyard having not applied for a building permit since the business was established. This project's approval is solely based on a missing certificate of occupancy, which is completely unacceptable and should be more deeply considered during this appeal and for future projects. In the Report to the Hearing Officer, Mr. Cleveland states the following "... because this business does not have a valid certificate of occupancy for the batting cages use, staff cannot consider it an existing business for the purposes of separation." San Diego municipal code §141.0504 (a), does not contain any reference to a certificate of occupancy or any other permit as being required to consider a youth-oriented facility for the 1,000-foot buffer. The only reference is to property line measurement (Section 113.0225,) which also does not state any certificate of occupancy requirement. The city should not overlook a business that is obviously a minor-oriented facility simply because of paperwork that is irrelevant in your decision being made. Mr. Cleveland explains in the Report to the Hearing Officer that the goal of the separation regulation is to protect the public health, safety, and welfare, however, in this instance, the city has chosen to turn a blind eye to approve this cannabis outlet, literally next door to a business clearly devoted to minor children. Essentially, the city leaders are contradicting San Diego's own separation buffers and this sets a dangerous precedent for the community and future projects. It is imperative that the city use measurements that are implemented in a consistent manner throughout the approval process and that projects have the proper documentation explaining any exemptions or variances, in order to protect businesses that cater to children and in order to maintain the integrity of the regulatory framework in the City of San Diego.

BrickYard Holds a valid Business Tax Certificate

BrickYard applied for, and obtained, a Business Tax Certificate (BTC) from the City of San Diego. As part of the BTC application process, the city conducts a zoning verification of the proposed property as standard practice. The city issued a valid BTC to BrickYard and has renewed that certificate numerous times, thus we are able to conclude that the zoning of the subject property was appropriate at the time of application and that the City deemed Brickyard to be a legal business.

BrickYard has been in continuous operation with no code enforcement issues

BrickYard has remained in operation since 2011 and has not once received any inquiry from the city or Code enforcement regarding a certificate of occupancy issue whatsoever. Now that a new Cannabis operator wants to skirt the rules that all other city licensees has had to comply with the city says "sorry we didn't do our job" therefore this operator can locate directly next to a devoted children's facility? There is an obvious conflict here. At the very least the BrickYard is a previously conforming use that should be viewed as a legal business. Taking the position that BrickYard is an illegal business is a slap in the face of an upstanding business and its owner who has spent nearly 15 years serving the youth of the Central San Diego area. I urge the Planning Commission to use its discretion and take a common sense approach here.

Original Intent of Cannabis Regulatory Ordinance

The intent of the Minor Oriented Business provision of the regulatory ordinance as originally passed, and subsequently amended, by City Council was to limit the exposure of Children, under the age of 18 years old,

to Cannabis. Denying this appeal goes in direct conflict with that intent as you will be permitting a Cannabis dispensary to open not just near a business **Devoted to minors**, but you will be allowing the CO to open directly next door, with no barrier or other structural impediment that would limit children's accessibility to the cannabis outlet. There have been instances on other CO projects where a barrier was appropriately taken into consideration when examining sensitive uses. This proposed location has no barriers whatsoever that could be reasonably expected to create such limitations to the children at large directly next door at BrickYard.

BrickYard Batting Cages is Clearly Devoted to Minors (Children under Age of 18)

I have personally visited the brickyard cages over many days and weeks and have taken photos of my findings. The photos clearly show what I found to be 1 adult to every 6 minor children. We calculated the % of customers who are under the age of 18 as being 83% of all customers at BrickYard. This is far beyond the threshold of its too close to call. This is blatant and obvious. Even on the day of the Hearing officer decision, immediately after the hearing ended, I stopped by the BrickYard facility and observed (and photographed) more than 25 minor children who were playing wiffle ball in the parking lot in front of the facility. In addition, BrickYard holds baseball camps for minors Ages 6-13. These camps are held daily from 9a-3p and allow for early drop-offs at 8am. This is approaching daycare status if you truly think about what this means.

The applicant argues that BrickYard occupies only 46.1% of the Parcel compared to 53.9% by Steve's Beemer & Benz. The fact of the matter is that 83% of patrons visiting the BrickYard facility are Minors under the age of 18. I have not seen a better scenario for the planning commission to exercise its discretion and do the right thing for the community in line with the intent of the regulatory framework.

The Owner of BrickYard Cages has voiced concerns multiple times to the City

The owner of BrickYard Cages has written the city and hearing officer and voiced their concerns about the children they serve being subject to a cannabis outlet directly next door to their establishment.

Public Safety Risk of Neighboring businesses

You see the news all the time, a dispensary was broken into or robbed by armed thieves. I recently experienced this personally in West Hollywood. A group of 12 individuals broke into and robbed a dispensary in plain daylight, smashing up the facility in a very aggressive manor. This is obviously why the city of San Diego has required extra security measures for Cannabis outlets. But in taking a commonsense approach, I do not want my children spending extended amounts of time at a business directly next door to a dispensary that is, quite simply, a larger target for crime than a normal retail business. The proposed location of the project is simply not appropriate. An incident like the one I described above could have severe implications for young children who witness such a crime.

In summary, this project does not meet the required findings and will pose a significant risk to the public health, safety, and welfare. I urge the commission to uphold this appeal and deny the project on these grounds. All Cannabis Outlets should be required to follow the same rules, especially when it comes to the separation requirement from a minor oriented facility bordering on a daycare facility.

Sincerely,

Will Senn



DS3031-Appeal-PRJ-1084774

Final Audit Report

2023-07-25

Created:	2023-07-24
By:	Judy Hernandez (jhernandez@statehouse.co)
Status:	Signed
Transaction ID:	CBJCHBCAABAA8GrgcDFVnZc8tCUD_RwjcmrfqAqtGny1

"DS3031-Appeal-PRJ-1084774" History

-  Document created by Judy Hernandez (jhernandez@statehouse.co)
2023-07-24 - 11:49:23 PM GMT
-  Document emailed to will@statehouse.co for signature
2023-07-24 - 11:53:08 PM GMT
-  Email viewed by will@statehouse.co
2023-07-24 - 11:59:19 PM GMT
-  Signer will@statehouse.co entered name at signing as Will Senn
2023-07-25 - 0:00:11 AM GMT
-  Document e-signed by Will Senn (will@statehouse.co)
Signature Date: 2023-07-25 - 0:00:13 AM GMT - Time Source: server
-  Agreement completed.
2023-07-25 - 0:00:13 AM GMT

FORM

DS-3031

November 2022

Development Permit/ Environmental Determination Appeal Application

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

[Determination Appeal Procedure."](#)

1. Type of Appeal: Appeal of the Project
 Appeal of the Environmental Determination
2. Appellant: Please check one Applicant Officially recognized Planning Committee
 "Interested Person"
[\(Per San Diego Municipal Code \(SDMC\) § 113.0103\)](#)

Name:

Peter Ishak

E-mail:

peter@nsgenetics.com

Address:

5325 Grant St

City:

San Diego,

State:

CA

Zip Code:

92110

Telephone:

323-744-1738

3. Project Name: 5334 BANKS ST NEW CO CUP PRJ-1084774
4. Project Information: PRJ-1084774 5334 BANKS STREET NEW CO CUP CONDITIONAL USE PERMIT AND CEQA EXEMPTION, PROCESS THREE KRISTI BYERS, ARCHITECT A.P.C
Permit/Environmental Information Determination and Permit/Document No: APPROVAL PRJ-1084774

Date of Decision/Determination: 07/12/2023

City Project Manager: TRAVIS CLEVELAND

Decision (Describe the permit/approval decision):

APPROVAL FOR 5334 BANKS STREET NEW CO CUP
CONDITIONAL USE PERMIT AND
CEQA EXEMPTION, PROCESS THREE KRISTI BYERS,
ARCHITECT A.P.C

5. Ground for Appeal (Please check all that apply):



Factual Error



New Information



Conflict with other Matters



City-wide Significance (Process four decisions only)



Findings Not Supported

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

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

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

Signature: Peter Ishak Date: 07/26/2023

Note: Faxed appeals are not accepted.

Reference Table

- [San Diego Municipal Code \(SDMC\)](#)
- [Development Permits/Environmental Determination Appeal Procedure \(IB-505\)](#)

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

Dear Planning Commission,

I am writing to you today regarding project PRJ-1084774. I am also an applicant for district 7 and I have been working with the city on my application since November 2022. There are several glaring concerns that I believe need to be addressed and considered regarding this project. These concerns include the following:

1. The applicants are not the true applicants. There is a hide-and-seek game being played with the city and no one seems to be taking notice. The applicant changed the applying entity name on the day of their Planning Officer Hearing. This further convolutes the situation in trying to find out who the true applicant for this project is. We have reason to believe that the true applicants are prohibited persons.
2. There needs to be an investigation into the communications between the applicants Representatives and the Planning staff. According to Lara Gates, Deputy Director, the average Discretionary project takes 12-18 months to complete review. This applicant on Banks Street has admittedly used their relationships with the Planning staff to expedite certain issues that also exist with our project in an unfair manner. This project was able to somehow clear their issues from their initial application in March to June of 2023. That is just 3 months for their discretionary project to be deemed complete. If someone cannot see that something nefarious is going on here, they must be involved.
3. The applicant used a "Glitch" within the Planning department's mapping system to misinform and intimidate neighbors in the area. The applicants used the fact that they were the only applicants showing on the City's map to inform neighbors that they had no choice but to accept the applicant's use because there are no other applicants in the area. Planning staff refused to fix the mapping glitch until they deemed the Banks Street application to be complete. How is this fair for any other applicants that experience this glitch?
4. The applicants failed to show any improvements to the property they intend to occupy. They do not plan on adding any landscaping, improving accessibility, nor adding any electrical vehicle charging stations. If the Planning Commission is looking to improve this area, the applicant on Banks Street is doing the bare minimum in order to improve the neighborhood.
5. Everyone in the area, including all neighbors are concerned for the lack of Security this applicant does not intend to implement. The applicant does not propose to have a 24hr security guard nor do they plan to have an attendant to control loitering. As you know there are other businesses in that area including the batting cages. This applicant plans to do nothing to assist in keeping children away from their facility and other patrons from loitering on neighboring properties. Our project on Grant Street presented a thorough plan for having 24hr security roam the neighboring properties to make sure everyone is safe.
6. The applicant also has no intentions of implementing a parking attendant. The parking in this area is already very bad, all the businesses rely on the street parking for their customers. This applicant only intends to add 6 parking spaces and expects their customers to take up the already existing spots. Comparing this with our application, we

- will be adding 13 parking spots. By only adding 6 parking spots to an already oversaturated area, with all the additional traffic they will bring, is insulting.
7. The applicant has absolutely no regard for their neighbors. They used intimidation tactics and relationships with the city to avoid any neighbors' concerns about the proximity to the batting cages. Our team has spent countless hours working with our neighbors to ensure a harmonious relationship with our businesses.
 8. The applicant lied to the public. The applicant has absolutely zero experience in managing nor operating Cannabis businesses. The applicant claims to have ownership and experience in other retail businesses. Upon investigating these claims, they are found to be false.
 9. No one in the planning department can explain to our group why certain issues regarding the setbacks of the property were deemed complete with this applicant yet not deemed complete with our application. The same issue exists with both applications, but the Planning staff has decided that this application can move forward without any explanation.
 10. This applicant does not even have a legal lease nor right to use the property in question. They have a LOI to rent the property if they are successful. If successful, they will be forcing a longtime tenant (the Coffee Shop) to relocate. Is it the intention of the Planning Commission and City Council to displace longstanding businesses to accommodate Cannabis businesses because they are paying higher rental rates? It is my understanding that the Planning Commission exists to assist the public and longstanding, tax paying businesses. By approving this project, you will be continuing the trend of allowing sub-par projects that are set up for failure and conflict within the community. This is not a project that should be approved solely because of the relationships and facetime the Applicant's Architect and Attorney have conveniently used to circumvent your system.

These are just a few of the main concerns of this project. Not one single agency that has reviewed this project has reviewed it in a discretionary manner. This project is supposed to be discretionary, and all facts need to be considered. The architect and Land Use attorney for this project continue to threaten and bully their way through this process by claiming the project adheres to all land use codes and therefore does not need to be reviewed any further. If this project was black and white, why is it called Discretionary? How are other applicants supposed to achieve any success with the process when other applicants are clearly being given preferential treatment. I have brought this issue up with the DPM, the Deputy Director, and have requested that this issue be reviewed by the Director as well. I feel like my concerns are falling on deaf ears. There seems to be no interest in looking into the process this applicant has gone through. There are no other factors being taken into consideration when deeming this project "Approved" other than Land Use issues. I implore this Planning Commission to look at ALL OF THE FACTS involved in this project before making a final decision on this appeal. Thank You for time in reading this appeal for reversal of the Planning Officers Determination of Approval. This project should be denied.

Peter Ishak

HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. PMT-3207339
5334 BANKS STREET NEW CANNABIS OUTLET - PROJECT NO. PRJ-1084774

WHEREAS, the GRASELA BRIAN TRUST, Owner, and PHJ INVESTMENTS, Permittee, filed an application with the City of San Diego for a permit to operate a 3,000-square-foot cannabis outlet in an existing building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. PMT-3207339), on portions of a 0.286-acre site;

WHEREAS, the project site is located at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan;

WHEREAS, the project site is legally described as: LOTS 6,7,8 AND 9, IN BLOCK OF VERNON PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 569, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 23, 1888;

WHEREAS, on May 19, 2023, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guidelines Sections 15301 and 15332, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.052;

WHEREAS, on July 12, 2023, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. PMT-3207339 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 24 and July 26, 2023, two appeals of the Hearing Officer's July 12, 2023 decision to approve the project were filed;

WHEREAS, on October 12, 2023, the Planning Commission of the City of San Diego considered these appeals; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. PMT-3207339:

A. CONDITIONAL USE PERMIT FINDINGS [SDMC Section 126.0305]

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

The project is a request for a Conditional Use Permit (CUP) to allow the operation of a new, 3,000-square-foot cannabis outlet in an existing building at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan.

The proposed cannabis outlet would be located in one of two tenant suites in an existing 6,193-square-foot building on the property. The project site is located in the Employment District of the Morena Corridor Specific Plan (MCSP) as defined by the Linda Vista Community Plan (LVCP). This designation envisions a range of urban-oriented, light industrial, creative office/flex space businesses, and commercial uses that provide a sub-regional job center for small-and medium-size businesses. Neither the LVCP nor the MCSP specifically address cannabis outlets; however, the proposed Cannabis Outlet will further the following MCSP goals and policies:

Land Use Goal: A distinct identity through a cohesive mix of uses.

Land Use Goal: Economic vitality through a mix of employment uses.

Land Use Goal: A vibrant retail and restaurant sector.

Policy 2.5.1: Support commercial, office, and light industrial employment uses to preserve and expand local and regional job opportunities and stimulate business growth and development.

Cannabis outlets are limited to 38 City-wide, four per each of the nine Council Districts with two permitted to remain after redistricting in 2023. Their presence in a particular community is therefore distinct. The project fits into the Employment District because it represents a small to medium-sized retail business that will provide jobs to local residents. It will promote economic vitality by the generation of cannabis tax revenue and the provision of new retail jobs. The proposed Cannabis Outlet is a compatible use at this location with a CUP and is consistent with the Community Plan land use policies. The City's General Plan Land Use and Community Planning Element designates the site Industrial Employment. The proposed project will promote the policies of the General Plan because Cannabis Outlets facilitate a diversified economy with a focus on providing quality employment opportunities, self-sufficient wages for all San Diegans, and efficient use of existing employment lands. Therefore, the project will not adversely affect the applicable land use plan.

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

The project proposes interior improvements to an existing tenant space, including entry/exit areas, waiting areas, a cannabis retail sales floor, and employee and storage areas. Construction authorized through this permit will be subject to all adopted building, electrical, mechanical, fire and plumbing codes, which will be enforced through plan review and

ATTACHMENT 4

inspections completed by the City's building inspectors. A Cannabis Outlet in the IL-3-1 zone is allowed with a CUP at this location, consistent with the goals and policies of the MCSP. The discretionary permit controlling the development and continued use of this site contains regulatory conditions of approval which are intended to reduce, mitigate, or prevent all adverse impacts to the public and community at large.

Pursuant to SDMC section 141.0504, Cannabis Outlets are limited to no more than four per Council District (CD) within commercial and industrial zones to minimize the impact on the City and residential neighborhoods. There are currently three approved outlets in District 7. The project will be the fourth Cannabis Outlet CUP to be approved within District 7, and the 35th within the City.

Cannabis Outlets require compliance with the separation requirements of SDMC section 141.0504(a)(1) and (2). They must be at least 100 feet away from residentially zoned properties, and 1,000 feet away from the following:

- City parks
- Childcare centers
- Churches
- Playgrounds
- City libraries
- Minor-oriented facilities
- Schools
- Other outlets

Analysis of the area surrounding the project site did not identify any of the listed uses within the separation limits. One existing business, Brickyard Cages at 5355 Grant Street, was identified as a potential minor-oriented use. However, because this business does not have a valid certificate of occupancy for the batting cages use, staff cannot consider it an existing business for the purposes of separation. Therefore, the project complies with the separation regulations, which are intended to protect the public health, safety, and welfare.

The project has no minimum parking requirement because it is within a Parking Standards Transit Priority Area and provides bicycle and carpool amenities. However, cannabis outlet customers will have access to six parking spaces.

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, or prevent all adverse impacts to the public and community at large. The project will dedicate five feet of right of way on Banks Street and also on the adjacent alley, will construct the existing driveway on Banks Street to current City standards, will require an Encroachment Maintenance Removal Agreement for existing fences and gates located in the right-of-way, and will assure by permit and bond the construction of the two new City Standard curb ramps with truncated domes at the alley entrance, adjacent to the site.

The proposed Cannabis Outlet is subject to 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 a.m. and 9:00 p.m. 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. Cannabis Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation. The CUP is valid for five years, however, may be revoked if the use violates the terms, conditions, lawful requirements, or provision of the permit. Furthermore, this project has been reviewed pursuant to the California Environmental Quality Act, and determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15332 (In-fill Development).

The above analysis, project features and conditions of approval demonstrate 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 is located within the IL-3-1 zone, which allows Cannabis Outlets with the approval of a Conditional Use Permit per SDMC Table 131-06B. No deviations are requested or required by this project. As outlined in finding A.2. above, incorporated here by reference, the project complies with the separation requirements of the Land Development Code. As also outlined in finding A.2. above, incorporated here by reference, the permits for the project include conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to parking, signage, lighting, security measures, hours of operation, and site maintenance. The project does not request variances or deviations. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The proposed 3,000-square-foot cannabis outlet would be located in one of two tenant suites in an existing 6,193-square-foot building on the property. The project has no minimum parking requirement because it is within a Parking Standards Transit Priority Area and provides bicycle and carpool amenities. However, cannabis outlet customers will have access to six parking spaces available on the property. The project will dedicate five feet of right of way on Banks Street and also on the adjacent alley, will construct the existing driveway on Banks Street to current City standards, will require an Encroachment Maintenance Removal Agreement for existing fences and gates located in the right-of-way, and will assure construction of the two new City Standard curb ramps with truncated domes at the alley entrance, adjacent to the site.

As stated previously herein in finding A.2., incorporated here by reference, the project meets all separation requirements for cannabis outlets, as well as the requirements of the applicable land use plans and the Land Development Code. Cannabis outlets are unique in that there are only four allowed in each of the nine City Council districts, or 38 City-wide (36 with two others allowed to remain because of redistricting). No other retail business regulated by the City of

ATTACHMENT 4

San Diego is subject to such restrictions. Since the City's recreational cannabis regulations were first adopted in 2017, the zoning and separation requirements for cannabis outlets have resulted in very few locations that meet all locational criteria. This location does meet all criteria.

The project meets all zoning requirements. It would be the fourth cannabis outlet CUP approved within Council District 7, and the 35th within the City. All issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The proposed project complies with all development regulations of the IL-3-1 zone and no deviations are required to approve the project. The permit is conditioned to ensure the proposed cannabis outlet would not be detrimental to the public health, safety, and welfare. 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 these findings adopted by the Planning Commission, Conditional Use Permit No. PMT-3207339 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3207339, a copy of which is attached hereto and made a part hereof.

Travis Cleveland
Development Project Manager
Development Services

Adopted on: October 12, 2023

IO#: 24009509

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009509

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3207339
5334 BANKS STREET NEW CANNABIS OUTLET - PROJECT NO. PRJ-1084774
PLANNING COMMISSION

This Conditional Use Permit No. PMT-3207339 is granted by the Planning Commission of the City of San Diego to the GRASELA BRIAN TRUST, Owner, and PHJ INVESTMENTS, Permittee, pursuant to San Diego Municipal Code (SDMC) section(s) 126.0301 et seq. and 141.0504. The 0.286-acre site is located at 5334 Banks Street in the IL-3-1 zone within the Morena Corridor Specific Plan in the Linda Vista Community Plan. The project site is legally described as: LOTS 6,7,8 AND 9, IN BLOCK OF VERNON PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 569, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 23, 1888.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a cannabis outlet, described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated October 12, 2023, on file in the Development Services Department.

The project shall include:

- a. A 3,000-square-foot cannabis outlet in an existing building,
- b. Off-street parking; and
- 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. **Utilization date:** 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 Conditional Use Permit (CUP) must be utilized by October 12, 2026.

2. **Expiration Date:** This Conditional Use Permit (CUP) and corresponding use of this site shall expire on October 12, 2028.

This expiration date can be extended by filing for a CUP amendment pursuant to SDMC 126.0114(c), 126.0114(d), and 141.0504(n). To allow the use to continue to operate while an amendment is processed, an amendment application must be deemed complete by the close of business on the expiration date. Otherwise, this permit will expire, and all operation of the use must cease.

An amendment application should be filed at least 90 days before expiration to allow time to be deemed complete.

3. The continued utilization of this CUP is contingent upon (but not limited to) the following, with non-compliance with any of the following being cause to revoke this permit:

- a. The existence of a valid license at this location by the California Department of Cannabis Control (DCC) for any operating business. The issuance of this CUP does not guarantee that the DCC will grant a license for this location.
- b. Compliance with Chapter 4, Article 2, Division 15 of the San Diego Municipal Code, including payment of any fees enacted pursuant to SDMC 42.1506.
- c. Timely payment of all current and future Cannabis Business Tax owed pursuant to Chapter 3, Article 4, Division 1 of the San Diego Municipal Code.
- d. Possession of a Business Tax Certificate for any operating business.
- e. Fulfillment of all permit conditions.
- f. Continued compliance with all other applicable federal, state, and local laws.

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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee

shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the private gate and fences located within the City's right-of-way, satisfactory to the City Engineer.

14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveway with a City standard 24-foot-wide driveway, on Banks Street, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of the two new City Standard curb ramps with truncated domes at the alley entrance, adjacent to the site, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit 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:

17. 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.

18. 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.

19. 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.

20. 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.

21. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
22. 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.
23. An annual operating permit shall be obtained as required pursuant to San Diego Municipal Code Chapter 4, Article 2, Division 15.
24. Deliveries shall be permitted as an accessory use only from a cannabis outlet with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.
25. 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.
26. The Cannabis Outlet shall provide daily removal of trash, litter, and debris from the premises. Graffiti shall be removed from the premises within 24 hours.
27. Consultations by medical professionals shall not be a permitted accessory use at the cannabis outlet.
28. 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.

TRANSPORTATION REQUIREMENTS

29. 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 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.
30. Prior to the issuance of any building permit, a five-foot Irrevocable Offer of Dedication shall be granted along the project's alley frontage to the satisfaction of the City Engineer.
31. Prior to the issuance of any building permit, a five-foot Irrevocable Offer of Dedication shall be granted along the project's Banks Street frontage to the satisfaction of the City Engineer.
32. The Owner/Permittee shall provide and maintain a ten foot by ten foot visibility triangle on both sides of the driveway measured along the property line on Banks Street. No obstacles higher than 36 inches shall be located within this area, which must be shown on construction plans.

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 October 12, 2023 and (Approved Resolution Number).

DRAFT

Permit Type/Approval No.: Conditional Use Permit No. PMT-3207339
Date of Approval: October 12, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Travis Cleveland
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.

GRASELA BRIAN TRUST
Owner/Permittee

By _____
NAME
TITLE

PHJ INVESTMENTS
Owner/Permittee

By _____
NAME
TITLE

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