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OFFICIAL RECORDS  
JORDAN Z. MARKS,SAN DIEGO COUNTY RECORDER  
FEES: \$56.00 (SB2 Atkins: \$0.00)

PAGES: 15

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24008497

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2400710  
**909 CARDIFF STREET CANNABIS OUTLET - PROJECT NO. 655750**  
HEARING OFFICER

This Conditional Use Permit No. 2400710 is granted by the Hearing Officer of the City of San Diego to LATO INVESTMENTS, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section(s) 126.0301 et seq. and 141.0504. The 0.22-acre site is located at 909 Cardiff Street in the CC-2-3 zone of the Skyline-Paradise Hills Community Plan area. The project site is legally described as: The Southerly 215 feet measured along the Easterly line of Lot 899 of Lomita Village Unit No. 5, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2998, filed in the Office of the County Recorder of San Diego County, June 4, 1953. Excepting therefrom that portion of the Southerly 125.00 feet thereof, measured along the Easterly line of said Lot, lying Westerly of the Westerly line of the Easterly 75.00 feet of said Lot (APN: 577-380-08-00).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 3,491-square-foot cannabis outlet in an existing commercial building, described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated September 6, 2023, on file in the Development Services Department.

The project shall include:

- a. A 3,491-square-foot cannabis outlet in an existing commercial building,
- b. 15 off-street parking spaces; 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 September 20, 2026.

2. **Expiration Date:** This Conditional Use Permit (CUP) and corresponding use of this site shall expire on September 20, 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.

**ENVIRONMENTAL / MITIGATION REQUIREMENTS:**

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

**ENGINEERING REQUIREMENTS:**

14. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond removal of existing driveways and replacement with two 24' standard driveway on Cardiff Street and Wade Street to the satisfaction of the City Engineer.

15. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond construction of new sidewalk per current City Standard adjacent to the site on Cardiff Street and Wade Street.

16. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for Trees/Landscaping/Irrigation on Cardiff Street and Wade Street public right of way.

**LANDSCAPE REQUIREMENTS:**

18. Prior to issuance of a building permit, replacement trees and shrubs shall be provided within the Vehicular Use Area (VUA) center island in conformance with previous permits and/or current landscape regulations.

**PLANNING/DESIGN REQUIREMENTS:**

19. An annual operating permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.
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. 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.
24. 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.
25. 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.
26. Consultations by medical professionals shall not be a permitted accessory use at the cannabis outlet.

## **TRANSPORTATION REQUIREMENTS**

27. 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.

28. Prior to the issuance of any building permit, the Owner/Permittee shall record a Shared Parking Agreement between the project site (909 Cardiff Street) and adjacent property (903 Cardiff Street) to utilize a minimum of 15 vehicular parking spaces of the 50 total vehicular parking spaces in the parking area, to the satisfaction of the City Engineer.

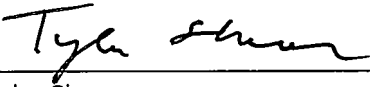
### **INFORMATION ONLY:**

- 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 September 6, 2023 by Resolution Number HO-7521.

Conditional Use Permit No. 2400710  
Date of Approval: September 6, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

  
Tyler Sherer  
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.

**LATO INVESTMENTS**  
Owner/Permittee

By 

NAME MATTHEW CANESSA  
TITLE MANAGER

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

**CALIFORNIA ACKNOWLEDGMENT**

CIVIL CODE § 1189

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

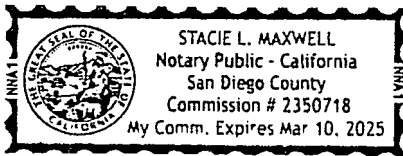
State of California

County of San Diego

On October 4, 2023 before me, Stacie L Maxwell, Notary Public

personally appeared Tyler Stover, Development Project  
Manager  
 Date Here Insert Name and Title of the Officer  
 Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature [Signature]  
 Signature of Notary Public

Place Notary Seal and/or Stamp Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document: 909 Cardiff Street - Project NO 655750

Document Date: September 6, 2023 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: Matthew Cologna

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

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

State of California

County of Placer

On September 22, 2023 before me, Dawn R. Opichka, Notary Public  
(insert name and title of the officer) personally appeared  
Matthew Colonna,

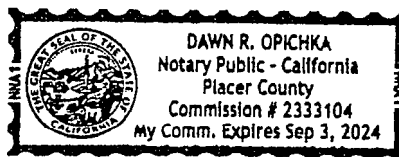
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument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

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

WITNESS my hand and official seal.

Signature 

(Seal)



**ORIGINAL**

HEARING OFFICER RESOLUTION NO. HO-7521  
CONDITIONAL USE PERMIT NO. 2400710  
**909 CARDIFF STREET CANNABIS OUTLET - PROJECT NO. 655750**

WHEREAS, LATO INVESTMENTS, Owner/Permittee, filed an application with the City of San Diego for a permit to operate a 3,491-square-foot cannabis outlet in an existing commercial building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2400710), on portions of a 0.22-acre site;

WHEREAS, the project site is located at 909 Cardiff Street in the CC-2-3 zone of the Skyline-Paradise Hills Community Plan area;

WHEREAS, the project site is legally described as: The Southerly 215 feet measured along the Easterly line of Lot 899 of Lomita Village Unit No. 5, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2998, filed in the Office of the County Recorder of San Diego County, June 4, 1953. Excepting therefrom that portion of the Southerly 125.00 feet thereof, measured along the Easterly line of said Lot, lying Westerly of the Westerly line of the Easterly 75.00 feet of said Lot.

WHEREAS, on August 16, 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 Section 15301 (Existing Facilities); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on September 6, 2023, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2400710 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. 2400710:

**A. CONDITIONAL USE PERMIT FINDINGS [SDMC Section 126.0305]**

**1. Findings for all Conditional Use Permits:**

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

The project is a request for a Conditional Use Permit (CUP) to allow the operation of a cannabis outlet within a 3,941-square-foot building at 909 Cardiff Street within the Skyline-Paradise Hills Community Plan (SPHCP).

The SPHCP designates the site as Commercial with specific recommendations for the Cardiff Street and Jamacha Road Area for development to meet the needs of existing and future residents by offering a number of merchandise and service facilities including restaurants, grocery stores, and adequate commercial facilities offering a variety of goods and services. Furthermore, the SPHCP recommends that private investment be responsible for providing additional landscaping on site to improve visual aesthetics along the corridor.

The SPHCP does not specifically address cannabis outlets; however, as a retail establishment specialized in the sale of cannabis, a cannabis outlet fits the Commercial designation. The use would serve the needs of residents who want to purchase recreational cannabis and will also provide jobs to area residents. City and state requirements for security systems, guards, and secured facilities will ensure that the potential for criminal activity is minimized, and conditions of the permit will ensure prompt removal of litter and graffiti if it occurs onsite. Furthermore, the project proposes an abundance of trees, shrubs, and ground cover per the SPHCP recommendation (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2400710).

The City's General Plan Land Use and Community Planning Element designates the site Commercial Employment, Retail, & Services. The proposed project will promote the policies of the General Plan because cannabis outlets supply jobs and encourage and facilitate commerce within the San Diego region.

Therefore, the project will not adversely affect the applicable land use plan.

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

The 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 of the project authorized through this permit will be subject to all adopted building, electrical, mechanical, fire and plumbing codes, which

will be enforced through plan review and building inspections completed by the City's building inspectors.

A cannabis outlet in the CC-2-3 zone is allowed with a CUP at this location and consistent with the goals and policies of the SPHCP as detailed in finding A.1.a, incorporated here by reference. The proposed development will not be detrimental to the public's health, safety, and welfare because the discretionary permit controlling the development and continued use of this site contains specific regulatory conditions of approval. These conditions are specifically 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 City Council district, with existing outlets that changed City Council districts as a result of redistricting in 2022 allowed to remain. This results in four outlets allowed in Council Districts 2, 3, 4, 5, 6, 7, and 8, and five allowed in Council Districts 1 and 9, or 38 City-wide, within commercial and industrial zones to minimize the impact on the City and residential neighborhoods. There are currently three approved outlets in District 4. The project will be the fourth cannabis outlet CUP to be approved within District 4, and the 36th approved within the City.

Cannabis outlets require compliance with the separation requirements of SDMC section 141.0504(a). The project was deemed complete on March 2, 2020 and is therefore subject to the regulations in effect at that time. At that time, SDMC 141.0504(a) read as follows:

(a) Cannabis outlets shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:

(1) 1,000 feet from resource and population-based city parks, other 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 one to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(2) 100 feet from a residential zone.

During project review, staff identified one potential conflict with the separation requirements which has been evaluated and determined not to conflict with the applicable ordinance as detailed below.

Lighthouse Baptist Church, 1345 Skyline Drive: This church is approximately 951 feet north of the proposed cannabis outlet when measured property line to property line.

However, a straight-line measurement is not possible due to constructed barriers existing between the proposed cannabis outlet and the existing church.

Per SDMC 113.0225(c), distance is measured as the most direct route around the barrier in a manner that establishes direct access. A direct public route to the church from the proposed cannabis outlet would be via the public sidewalk along Cardiff Street and crossing Jamacha Road, a four-lane collector street at the signalized cross walk, resulting in a distance of approximately 1,020 feet, verified by a signed survey dated July 21, 2022. Therefore, the project complies with the SDMC separation regulations, which are intended to protect the public health, safety, and welfare.

The proposed cannabis outlet use is required to provide 15 parking spaces, which will be provided within the existing parking area and via a shared parking agreement with the neighboring lot. The project will provide public improvements, which include the reconstruction of the driveways on Cardiff Street and Wade Steet to meet current accessibility standards, sidewalks, trees, and landscaping. CUP No. 2400710 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 proposed cannabis outlet is subject to specific operational and security requirements and restrictions as set forth in SDMC section 141.0504 (b) through (m), which have also been incorporated as conditions in the CUP including prohibition of consultation by medical professionals on-site; prohibition of the use of specified vending machines except by a responsible person (as defined by the SDMC); provision of interior and exterior lighting, operable cameras, alarms, security guard; restriction of hours of operation to between 7:00 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.

This project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and the project was determined to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(Existing Facilities). Categorical exemptions include classes of projects which have been determined not to have a significant effect on the environment. Based on the above, including project features and conditions of approval, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The project is located within the CC-2-3 zone, which allows cannabis outlets with the approval of a Conditional Use Permit per SDMC Table 131-05B. No deviations are requested or required by this project. As outlined in Finding A.1.b above, incorporated here by reference, the project complies with the separation requirements of the Land Development Code.

As further outlined in finding A.1.b. above, incorporated here by reference, the permits for the project include various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC section 141.0504 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.

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

Cannabis outlets are unique in that there are only four allowed in each of the nine City Council districts, or 36 City-wide, with existing outlets that changed City Council districts as a result of redistricting allowed to remain. This results in four outlets allowed in Council Districts 2, 3, 4, 5, 6, 7, and 8, and five allowed in Council Districts 1 and 9, or 38 City-wide, within commercial and industrial zones. No other retail business regulated by the City of San Diego is subject to such restrictions. The proposed project is located in District 4. At this time, District 4 has three permitted cannabis outlets, located at 6220 Federal Boulevard, 2281 Fairmount Avenue, and 4337 Home Avenue. Since the City's recreational cannabis regulations were first adopted in 2017, the zoning and separation requirements for cannabis outlets as applied in Council District 4 have resulted in very few locations that meet all locational criteria. This project site is one of those locations. By contrast, in the five years since cannabis outlets have been allowed subject to the requirements of SDMC 141.0504, five City Council districts with different development patterns have reached the cap of four cannabis outlets per district.

The site is currently improved with a commercial retail building built in 1961. The previous tenant and many existing uses have similar operational characteristics (high frequency retail sales and services). The proposed tenant space was most recently occupied by a medical clinic but is currently vacant. Other existing uses in the vicinity include a grocery store, medical clinic, barber shop, restaurants, and a thrift store. The proposed cannabis outlet use is required to provide 15 parking spaces, which will be provided within the existing parking area and via a shared parking agreement with the neighboring lot. The project will provide public improvements, which include the reconstruction of the driveways on Cardiff Street and Wade Street to meet current accessibility standards, sidewalks, trees, and landscaping. Furthermore, the project is located within an established commercial area with nearby access to arterial roads (Jamacha Road) and freeways (State Route 125).

As stated in findings A.1.a. ,b., and c. above, incorporated here by reference, the project meets all applicable separation requirements for cannabis outlets, as well as the requirements of the applicable land uses plans and the Land Development Code. 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. 2400710 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. 2400710, a copy of which is attached hereto and made a part hereof.

  
Tyler Sherer  
Development Project Manager  
Development Services

Adopted on: September 6, 2023

IO#: 24008497