

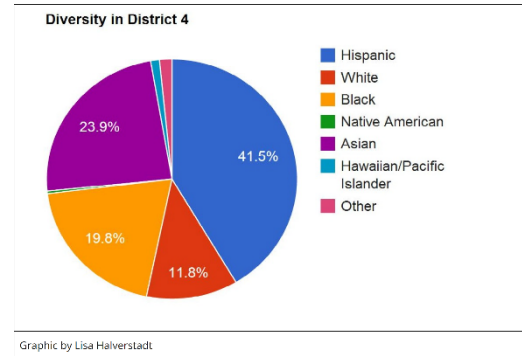


Could this happen in La Jolla?

A District 4 Conditional Use Permit (CUP) Comparison

San Diego City Council District 4 is one of the more racially diverse segments of our city. With a combined total of 61.3% Hispanic and Black population our elected officials should be doing everything within their power to not exclude those who represent these ethnicities in the adult-use licensed cannabis industry through the Conditional Use Permit (CUP) process. But sadly, that has not been the case.

I have tracked the way the 6220 Federal Blvd. SD CA 92114 (Originals) cannabis dispensary was fast-tracked through the approval process and even though I'm a white man, who attempted to acquire a CUP just west of Originals at 6176 Federal Blvd., and am currently involved in litigation to expose those involved in pay-to-play corruption within our city's licensing program. The question I have to ask you, the reader, is could these same, "special treatment" licensing processes have existed if the "competing" projects were in an area such as La Jolla, where the population is 82.5% white? It's a rhetorical question. We all know the answer.



The reason I'm bringing this forward now, into the public domain, is because the City of San Diego's Development Services Department (DSD) was complicit in having this project approved even though there were existing conditions that should have denied it and because today we are seeing the high numbers of near fatal head on and T-Bone crashes at this area of Federal Blvd. as a direct result of the laws and regulations that have been bypassed here.

What you will find in this paper is direct evidence that the City, through their DSD agency, have allowed the construction of the Originals dispensary because certain officials in DSD were paid, by the cannabis-cartel, a [predominantly white oligarchy](#) that, with the assistance of corrupt attorneys and lobbyists, acquires and controls adult-use licenses through the use of "strawman" proxy practices and shell corporations, concealing the real owner identities. Where it can be found and proven, this type of behavior must be soundly rejected. As will be shown here, this was the case of the 6220 Federal Blvd. CUP license. But in the case of 6220, currently owned by Originals, it was built on too small a parcel, creating a lack of setbacks and blinding lights that surround the building. Drivers on Federal Blvd. cannot properly judge the speed and distance of the fast-moving traffic that exists on this busy street. If this is not remedied soon, it's just a matter of time before someone is killed. Should that happen, it will be an avoidable stain on our city's hands not only the way this project was approved, but for allowing certain conditions to exist that represent a serious and ongoing risk to the public's physical health and safety.

I present the following issues and links for your consideration:

6176 Federal Blvd. CUP No 520606

- 1) Project Cycle Status Report showing LDR – [1.1 Transportation Dev Completed on 07/11/2018](#)

2) This is what a professional traffic engineers scope, services and proposal will look like. What's curious is that there was no additional report provided as an exhibit of expenses paid and the Mizuta Traffic Consulting [2.1 6176 Traffic Survey Proposal](#) is dated 07/31/18 when the [2.2 DSD Project Cycle Status Report](#) shows that this task had already been completed on 07/11/18. This makes no sense and it's not just a one-time irregularity either. As can be seen on the 6220 project and as described here in paragraph 9, there is yet another example of how on an approved project item DSD later requests another report that had presumably already been done to their satisfaction. It makes no sense. However, in the case of the Mizuta Traffic Report, it is worth noting that the strawman applicant at 6176, Ms. Rebecca Berry, ordered a traffic survey where one had presumably already been completed. Ms. Berry will claim ignorance because as she has [2.3 stated at trial, she "made no decisions" \(194;9-19\)](#) and [2.4 trusts what the "Team" asks her to sign \(202;5-11\)](#) but if that were the case, someone had to order her to solicit that Proposal and pay \$4,200 for traffic consultation work at 6176 that had already been completed and accepted.

6220 Federal Blvd. CUP No's 598124 & 644432

3) 04/05/2018: [3.1 1st CUP NO 598124 DSD Approval, Version One](#)

*I call this **Version One** because on page two of this document you can see the property image as 6220 Federal Blvd and that is in fact that property. The assessor's parcel number is listed as 543-020-04-00. Pay attention because in Version Two that is not the case.*

4) 06/08/2018: [4.1 1st CUP NO 598124 DSD Approval, Version Two](#)

*Here in **Version Two** DSD has changed the property address, the image of the property to a City parking garage and the parcel number to 533-433-28-00 from what was online just 2 months ago all while describing the Federal Blvd. CUP dispensary application. Something is very very wrong here.*

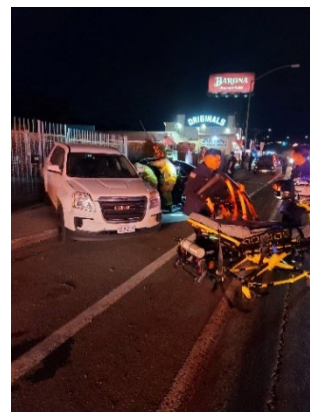
Amy Sherlock's [09/26/22 Public Records Act \(PRA\)](#) request she asked for all documents which DSD would have had re any and all Project related issues @ 6220 Federal. The following documents provided in the Responsive Documents, identified as (RD), and those that were NOT provided, reveal a number of strange and inexplicable issues with the way DSD processed the 6220 CUP using two different Project Numbers.

5) 07/24/2019 (RD) [5.1 1st CUP No 598124 DSD Project Status Report](#)

6) 08/20/2019 (RD) [6.1 2nd CUP No 644432](#): There is an inexplicable change in the CUP numbers.

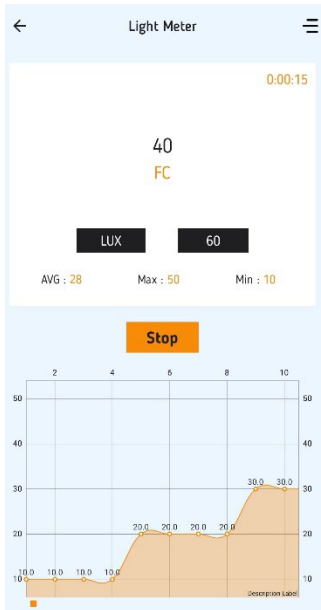


In addition to the fact that the project number is inexplicably switched, what is troubling here is where exterior lights are required to meet [6.2 City of San Diego Outdoor Lighting Regulations, Section 142.0740](#) and the final project does not meet those standards. For example, one cannot light up their neighbors property yet that is exactly what 6220 does. The amount of light that 6220 emits is far above the Title 24 requirements which dictate exterior lighting energy saving designs, yet this project somehow passed a final DSD plan check and a field inspection with 3 each High



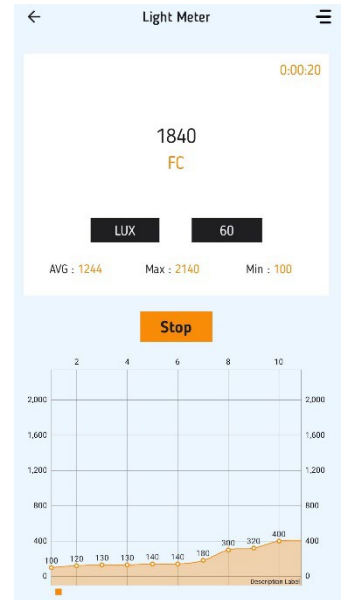
Intensity Discharge (HID) lights mounted at ~20' above grade facing the neighboring property. These are the unfortunate results.

These ridiculously unnecessary bright lights create not only Dark Sky light pollution, but they also serve to blind drivers who might be distracted by looking at them. The bright lights, in conjunction with a towering wall and a single entrance/exit driveway going into 6220, make it difficult for drivers to judge oncoming or cross traffic speeds leading to what has become, since the opening of this dispensary, an average of two serious accidents a month.

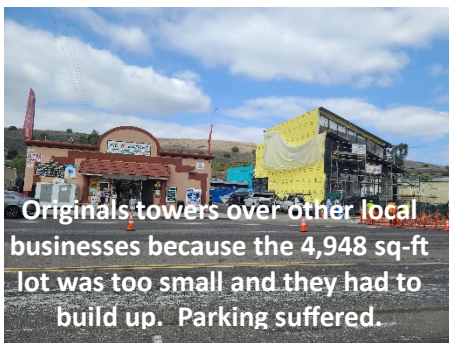


The light level readings shown here were taken @ 8:00 pm on 05/21/2023. The reading on the left was taken on the sidewalk just west of the Big K Market. It is what drivers would be seeing as nighttime ambient light conditions on the roadway.

The light level readings on the right were taken in the Big K parking lot and are a result of the HID lights on both Originals and Big K. But the problem, as can be seen in the accident images, is that the 3 lights mounted on the West end of the Originals building are over 20 ft. above grade and are not shielding the light from anyone who might look directly at them. These lights are designed to be mounted much lower and never to where they would blind drivers who would have to navigate the areas around them.



1 foot-candle equals 10.76 lux. The conversion from 1,840 fc to lux = 19,805 lux. The IES design recommendations for parking lots is 30 lux with no more than a 20:1 maximum to minimum variation in light levels. The light levels being generated by Originals (1,840 fc) is 6,000% above the IES recommended maximum level (30 fc) and should not be contributing to the light levels in the adjacent, Big K parking lot. How DSD approved this design is a mystery.



Originals towers over other local businesses because the 4,948 sq-ft lot was too small and they had to build up. Parking suffered.

The Big K market has a two-car wide driveway and drivers flow around the building to exit on the West end of the market. This allows cars to flow in and around the Big K Market without having to come face to face and jockey for entrance or exit. That is not the case with Originals.



These 3 Exterior Lights are not supposed mount this high or shine on adjacent properties, yet they do.



In addition to the tight parking conditions that require Originals customers to back into their parking spots, Originals only has a one car wide driveway entrance compared to the two-car wide driveway that Big K Market has going into a one-way parking lot. What happens with the Originals



driveway with traffic flow is that inevitably conditions exist where a car wanting to enter their parking lot will come face to face with a car leaving and the car wishing to pull in will be left with the rear of their car exposed to west bound traffic on Federal Blvd. When that occurs, the cars must jockey for position or have the Originals security guards attempt to direct traffic into and out of the lot. Praying that fast-moving traffic is paying attention and will slow down and take evasive moves while this occurs. Based on the statistics provided under City of San Diego PRA No 23-2768 there have been [a 6.3 3,880% increase between 2018 and 2019-2023 accident/injuries](#) since Originals was built. I can assure you that this is not what any legitimate traffic consultant would have ever approved.

During the 12/04/2018 appeal of the 6220 CUP, there were numerous issues brought up by the 6176-design team, [6.4 TECHNE, one of the objections listed in their report](#) brought up the width of the Original's driveway (see page 10) as not being compliant and that showed a two-way driveway. That is obviously not what has been built and the recommended traffic study (see page 32) in the 6.3 link was, if we're to believe the [6.5 DSD cycles report of 08/01/18](#) work that was done and completed to DSD satisfaction. That report was never provided in the Sherlock PRA request. Where is it? What traffic engineer would have signed off on this 6220 parking lot calamity? I'd like to meet him.

Also, in the [6.6 10/17/2018 DSD Report to the Hearing Officer](#), it should have been argued by TECHNE, but wasn't, that the drawings submitted for the 6220 project, were not stamped by a licensed CA architect (see page 30) and that DSD actually had their own City of San Diego title on the Preliminary Grading Plan (see pages 45-48) instead of the applicant's private engineer who would have, in normal cases, submitted that on their behalf. Since when does the DSD do work on behalf of an applicant?

7) 05/20/2020: (RD) [7.1 Aaron Magagna's 2nd CUP Application at 6220 Federal Blvd](#). This was submitted after the 598124 CUP had already been approved. Also why did Magagna go to the added trouble of having this Application notarized? It's not a DSD requirement and none of his other applications with DSD have been notarized. Why was this one considered so important that it had to be notarized?

8) 07/06/20: (RD) CUP No 644432: What is extremely odd here is how DSD treats this as a new project with [8.1 new construction plan issues](#) when this project was finalized and [8.2 Approved Upon Appeal on 12/06/2018](#).

What was NOT provided by DSD in response to Amy's PRA request was this [8.3 06/30/2020 DSD document](#) that treats the 6220 CUP as a new project. None of this makes sense unless you are with DSD and at some point, just want the original 598124 CUP, and all its shenanigans, to simply disappear. That would be my guess as to why this happened.

9) A [9.1 Geo-Technical Soils Report](#), dated August 28, 2019, was prepared by Leighton Consulting Inc., in response to a DSD request for this information. This information was requested for the approval of CUP No 644432 which is the second CUP for this project. The first CUP No 598124 was [9.2 Approved Upon Appeal on 12/06/2018](#). What is equally puzzling about these 6220 DSD processes and procedures is how DSD plan check approved the [9.3 Geological testing requirements shown completed on 05/30/2018 under CUP 598124](#). Why is it being asked for again and why is the applicant willing to order it from a new consulting/engineering firm?

10) Lastly, we need to address the fact that the 6220 project is located within the radius of not one but two licensed child-care facilities. During the [10.1 public hearing there is audio at 12:15](#) of Ms. Cherlyn Cac, DSD Project Manager stating they have “no evidence” of there being any child-care facilities within that 1,000 ft. radius “based upon the applicant submittals DSD received”. Furthermore, in her [10.2 October 10, 2018, Separation Statement to the Public Hearing Officer @ Page 3](#) Ms. Cac relied on the “provided by applicant” documents in Attachment 7 (page 24) radius map that does not highlight or show the two licensed child-care facilities and in Attachment 8 (pages 25-27) where the Parcel Summary does not identify the child-care facilities either.

DSD knew that these childcare facilities existed. Both facilities have City of San Diego Business Licenses and are licensed by the state. Page 6 of my [10.3 Setback Issues Report](#) shows an aerial view of the 6220 project and both child-care facilities being within the 1,000 foot exclusion radius for a cannabis dispensary. Based on both the written and oral statements made by DSD Project Mgr., Cac, DSD did nothing to confirm the applicants statements and work product was valid regarding there being child-care facilities within that exclusion zone. This is particularly troubling because Ms. Cac had been PM on the 6176 CUP project but was reassigned to 6220, a 7 month start to finish project, where she threw her entire support into that project despite having been PM at 6176 for approximately 2 years.

Of note, when they tried to open the dispensary up directly behind the current location, they were looking for the larger property directly behind the current location. That adjacent parcel is in the City of Lemon Grove. As can be seen by the [10.4 April 3, 2017, City of Lemon Grove CUP denial letter](#) that the City of Lemon Grove had no trouble identifying those child-care facilities. With that denial, the dispensary was moved to its current location within the City of San Diego where they took no issue with creating the public safety hazard that exists there today.

In closing, I have nothing against adult-use licensed cannabis business. I have everything against corrupt government and tight clicks of wealthy businesspeople who subvert the law with the help of corrupt attorneys and lobbyists in their attempts to control the cannabis industry at all costs. People have already died (see [10.5 Justice4Amy.org](#)) because of their methods. One of them, Salam Razuki, is serving a federal sentence having been charged with a [10.6 conspiracy to commit murder](#) of his licensed cannabis business partner, Mr. Ninus Malan, but recently pled out to a [10.7 conspiracy to commit kidnapping](#). When these people own the dispensaries, not only does the money not stay in our communities, but it also empowers them to take these actions to further their monopolistic enterprises. Only when insiders step forward and provide a [10.8 sworn affidavit](#) to their actual intents and purposes, can we hope to expose these individuals and their criminal activities for what they are.

To be clear, I am NOT accusing Originals of being part of any criminal activities. However, because of the traffic and lighting related issues they inherited with the purchase of this dispensary, those of us who live and work in this community should not have to do so in fear while we wait for the next accident that someday, I have no doubt, will end in a fatality. If nothing else comes of what I’ve disclosed here, I would ask that the City enforce their exterior lighting provisions by removing the 3 lights on the West end and lower the 3 lights on the East end of the Originals building so that we might at least mitigate the current conditions and prevent that situation from occurring.

To learn more about how the City of San Diego, through certain corrupt attorneys and government employees, allows these cannabis cartels to own, operate and monopolize this industry, please go to;

[Canna-Greed. Stay Awake. Stay Aware. My Story.](#)

Authored by Darryl Cotton
May 24, 2023