



THE CITY OF SAN DIEGO  
DATE OF NOTICE: March 8, 2023

# NOTICE OF PUBLIC HEARING

## HEARING OFFICER

---

**DATE OF HEARING:** March 22, 2023  
**TIME OF HEARING:** 9:00 A.M.  
**LOCATION OF HEARING:** CITY OPERATIONS BUILDING, 1222 FIRST AVENUE, 4<sup>TH</sup> FLOOR, SAN DIEGO, CA 92101  
**PROJECT NO:** 1070598  
**PROJECT NAME:** 4909 PACIFIC HIGHWAY CANNABIS OUTLET  
**PROJECT TYPE:** CONDITIONAL USE PERMIT, PROCESS THREE  
**APPLICANT:** AARON MAGAGNA  
**COMMUNITY PLAN AREA:** LINDA VISTA  
**COUNCIL DISTRICT:** 7  
**CITY PROJECT MANAGER:** Tyler Sherer, Development Project Manager  
**PHONE NUMBER/E-MAIL:** (619) 446-5378 / [TSherer@sanidiego.gov](mailto:TSherer@sanidiego.gov)

---

Until further notice, Hearing Officer meetings will be conducted pursuant to the provisions of California Government Code section 54953(a), as amended by Assembly Bill 2249.

Effective February 10, 2023, the Hearing Officer meeting will be participating in Hearing Officer meetings in person and the meeting will be open for in-person testimony.

In lieu of in-person attendance, members of the public may participate virtually:

To join using the Zoom platform use this link:

<https://sanidiego.zoomgov.com/s/1603558740>

To join by using Telephone: Dial 1-669-254-5252 or (Toll Free) 1-833-568-8864. When prompted, input Webinar ID: 160 355 8740.

In lieu of in-person attendance, members of the public may submit their comments on agenda items using the public comment [webform](#) found on the Hearing Officer webpage: <https://www.sanidiego.gov/development-services/public-hearings-meetings-notices/hearing-officer>. If you have an attachment to your comment, you may send it to [HearingOfficer@sanidiego.gov](mailto:HearingOfficer@sanidiego.gov) and it will be distributed to the Hearing Officer.

The public is encouraged to [subscribe](#) to receive meeting agendas.

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application to operate a 464-square-foot cannabis outlet (CO) within an existing 32,829-square-foot commercial building previously permitted as a cannabis production facility (CPF), at 4909 Pacific Highway, in the IL-3-1 Zone of the Linda Vista Community Plan area, the Airport Influence Area (NAS North Island and San Diego International Airport (SDIA) Review Area 2), the Airport Land Use Compatibility Overlay (NAS North Island and SDIA), the Coastal Overlay Zone (Non-Appealable Area 2), the FAA Part 77 Notification area, the Parking Impact Overlay Zone (Campus Impact), the Parking Standards and Transit Priority Area (TPA) - Mobility Zone 2, and the TPA Overlay Zones.

This development is within the Coastal Overlay zone and the application was filed on October 17, 2022.

**APPEAL OF THE HEARING OFFICER DECISION:** The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision, you must be registered as a speaker at the public hearing concerning the application or have expressed interest by writing to the Hearing Officer, [HearingOfficer@sanidiego.gov](mailto:HearingOfficer@sanidiego.gov) before the close of the public hearing. Appeal procedures are described in [Information Bulletin 505](https://www.sanidiego.gov/sites/default/files/dsdib505.pdf) (<https://www.sanidiego.gov/sites/default/files/dsdib505.pdf>). Appeals to the Planning Commission can be filed by email/mail or in person:

- 1) Appeals filed via email/mail: Send the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation in pdf format) via email to [PlanningCommission@sanidiego.gov](mailto:PlanningCommission@sanidiego.gov) by 4:00pm on the last day of the appeal period. When received by the City, the appellant will be invoiced for payment of the required Appeal Fee. Timely payment of this invoice is required to complete processing of the appeal. Failure to pay the invoice within 5 business days of invoice issuance will invalidate the appeal application.
- 2) Appeals filed in person: Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the touchless Payment Drop-Off drop safe in the first-floor lobby of the Development Services Center, located at 1222 First Avenue in Downtown San Diego by 4 p.m. on the last day of the appeal period. The completed appeal package must be clearly marked on the outside as "Appeal" and must include the required appeal fee per this bulletin in the form of a check payable to the City Treasurer. This safe is checked daily, and payments are processed the following business day. All payments must be in the exact amount, drawn on US banks, and be made out to "City Treasurer." Please include in the memo of the check the invoice # or Project # or attach the invoice to the check. Cash payments are only accepted by appointment; email [DSDCashiers@sanidiego.gov](mailto:DSDCashiers@sanidiego.gov) to schedule an appointment.

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on February 15, 2023 and the opportunity to appeal that determination ended March 1, 2023.

The final decision by the City of San Diego is not appealable to the California Coastal Commission. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

**REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS**

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above. This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 or via email to [hearingofficer@sanidiego.gov](mailto:hearingofficer@sanidiego.gov) at least five business days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.



**Development Services Department**

Tyler Sherer / Project No. 1070598  
1222 First Ave., MS 301  
San Diego, California 92101-4140

**RETURN SERVICE REQUESTED**