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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**01/30/2020** at 11:49:00 AM  
Clerk of the Superior Court  
By Carolina Miranda, Deputy Clerk

5 Attorneys for Respondents, City of Lemon Grove  
and City Council of Lemon Grove  
6  
7

**EXEMPT FROM FILING FEES**  
**[Government Code § 6103]**

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO – CENTRAL DIVISION**

10 CITRUS ST PARTNERS, LLC,  
11 Petitioner,

Case No.: 37-2019-00064690-CU-MC-CTL

[UNLIMITED CIVIL]

12 v.

13 CITY OF LEMON GROVE; CITY COUNCIL  
OF THE CITY OF LEMON GROVE, and  
14 DOES 1 through 10,

**DECLARATION OF KRISTEN STEINKE IN  
SUPPORT OF CITY AND CITY COUNCIL OF  
THE CITY OF LEMON GROVE'S  
OPPOSITION TO CITRUS ST PARTNERS'  
ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION**

15 Respondents.

[IMAGED FILE]

16  
17 DOES 11-20,

Date: February 14, 2020  
Time: 10:00 a.m.

18 Real Parties In Interest.

Judge: Hon. Kenneth J. Medel  
Dept: C-66  
Complaint Filed: December 5, 2019  
Trial Date: Not Set

19  
20  
21 I, Kristen Steinke, declare as follows:

22 1. I am an attorney duly licensed to practice law in the State of California. I am an  
23 attorney with the firm of Lounsbury Ferguson Altona & Peak, LLP, attorneys of record for City  
24 Council of the City of Lemon Grove and the City of Lemon Grove (jointly City) in the above-  
25 captioned case. I have personal knowledge of the matters contained herein and could and would  
26 testify competently thereto.

27 2. Petitioner submitted an application for a Zoning Clearance to the City on December  
28 20, 2018. On March 28, 2019, the City notified Petitioner that Zoning Clearance ZCM-180-0005

1 was deemed complete and Petitioner was eligible to proceed with an application for a CUP to  
2 establish a medical marijuana dispensary (MMD) at 7309 Broadway in Lemon Grove. Also, as set  
3 forth in the moving papers, the Zoning Clearance represents the City's determination that no MMD  
4 or other protected use existed within 1,000 feet of the proposed MMD. Petitioner then filed the  
5 Application for a CUP to establish an MMD at 7309 Broadway in Lemon Grove on April 3, 2019,  
6 and City staff deemed the Application complete on October 9, 2019.

7 3. Thereafter, on May 9, 2020, Kim Investments, LLC, filed an application for a CUP  
8 to establish an MMD within 1,000 feet from Petitioner's MMD, at 3515 Harris Street in Lemon  
9 Grove. The Harris Street MMD application was deemed complete by City staff on November 7,  
10 2019.

11 4. On November 19, 2019, the City voted to deny Petitioner's CUP Application to  
12 establish an MMD. The City determined that the parking provided by the Project was insufficient  
13 and on that basis denied the Application. Following the City's decision to deny Petitioner's CUP  
14 Application, Petitioner filed the instant Petition for Writ of Mandate seeking to overturn the City's  
15 denial of its CUP Application. Petitioner did not name Kim Investments as a party to the action.

16 5. On January 21, 2020, the City was set to hear and decide the Harris Street MMD  
17 CUP application. The City published notice of the hearing on January 9, 2020; thereafter, on  
18 January 13, 2020 Petitioner filed and served the instant application for a TRO and Order to Show  
19 Cause (OSC) re Preliminary Injunction, setting an ex parte hearing for January 14, 2020. The City  
20 filed an Opposition and appeared at the ex parte hearing. Counsel for Kim Investments also  
21 appeared at the hearing and requested an opportunity to intervene in the action as interested parties.

22 6. At the January 14, 2020 hearing, the Court granted a more narrowly tailored TRO  
23 and issued an OSC to hear the preliminary injunction on February 14, 2020. The Court also set a  
24 briefing schedule, which included a deadline for Kim Investments to seek intervention. Per the  
25 direction of the Court, the parties and Kim Investments met and conferred over the revised Order  
26 for a TRO and OSC, which the Court entered on January 16, 2020.

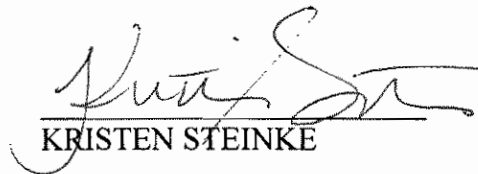
27 7. On January 21, 2020 the public hearing for the Harris Street MMD CUP took place.  
28 Prior to the hearing, City Staff issued a Staff Report recommending the denial of Harris Street's

1 application. A true and correct copy of the Staff Report is attached hereto as Exhibit A. In  
2 addition, Kim Investments submitted a letter requesting a continuance of the hearing and a finding  
3 that its deemed complete Zoning Clearance prevented other sensitive uses from impeding it's CUP  
4 application pending the outcome of this preliminary injunction hearing. A true and correct copy of  
5 the Letter is attached hereto as Exhibit B.

6 8. At the January 21, 2020 hearing the City voted to continue the hearing on the Harris  
7 Street CUP application to February 18, 2020 after the Court's ruling on the Preliminary Injunction  
8 is made and with direction that the application will not be prejudiced by the establishment of any  
9 sensitive uses within 1000 feet of the proposed Harris Street MMD until the matter is heard and in  
10 conformance with the TRO. The City will take action on February 18, 2020 to either continue the  
11 Harris Street CUP application or conduct the hearing on the CUP application depending upon the  
12 outcome of the motion for Preliminary Injunction here at issue.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing  
14 is true and correct.

15 Executed this 30th day of January 2020, at Escondido, California.

16  
17   
18 KRISTEN STEINKE