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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
02/18/2020 at 10:25:00 AM
Clerk of the Superior Court
By Carolina Miranda, Deputy Clerk

5 Attorneys for proposed intervenor
6 KIM Investments, LLC

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **IN AND FOR THE COUNTY OF SAN DIEGO –CENTRAL DIVISION**

9 CITRUS ST PARTNERS, LLC,
10

11 Plaintiff

12 v.

13 CITY OF LEMON GROVE; CITY
COUNCIL OF THE CITY OF LEMON
14 GROVE; AND DOES 1-10,

15 Respondents,
16

Case No: 37-2019-0064690-CU-MC-CTL

**DECLARATION OF JILETTE YOUSIF
FOR KIM INVESTMENTS, LLC IN
SUPPORT OF PROPOSED
INTERVENOR KIM INVESTMENTS,
LLC'S EX PARTE APPLICATION TO
INTERVENE OR IN THE
ALTERNATIVE FOR AN ORDER
SHORTENING TIME ON MOTION FOR
LEAVE TO INTERVENE**

[Imaged File]

Judge: Hon. Richard S. Whitney
Dept: C-68
Date: February 19, 2020
Time: 8:45 a.m.

Petition Filed: December 5, 2019

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21 Does 11-20,

22 Real Parties In Interest.

23 KIM Investments, LLC,

24 Real Party In Interest-
Intervenor.
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I, Jilette Yousif, declare:

1. I am the manager for KIM Investments, LLC (“KIM”). I make this declaration in support of KIM’s ex parte application to intervene or shorten time on its motion to intervene. I am over the age of 18 and have personal knowledge of the following facts and if called upon, I could and would competently testify hereto.

2. As KIM’s manager, I submitted an application for a medical marijuana dispensary in the City of Lemon Grove (“City”), CUP 190-0002 (“CUP Application”) and I have been KIM’s manager through the entirety of its CUP Application process. As a result, I am familiar with KIM’s CUP Application and petitioner Citrus Street, LLC’s (“Citrus Street”) competing application that was denied in November 2019.

3. On January 28, 2019, KIM began the City’s zoning clearance process as part of its CUP Application to legally operate a medical marijuana dispensary at 3515 Harris Street, Lemon Grove, CA 91945 (“Harris Street”).

4. In April 3, 2019, I became aware that Citrus Street completed the City’s zoning clearance process and entered the second phase of the City’s submittal process to operate a medical marijuana dispensary at 7309 Broadway. Citrus Street’s and KIM’s CUP Applications are within 1,000 feet of one another. It is my understanding that the approval of one CUP application necessarily precludes approval of the competing application.

5. On May 8, 2019 the City deemed KIM’s application complete which made KIM eligible to proceed to City’s CUP phase.

6. On May 9, 2019 KIM submitted its CUP Application to the City.

7. During this process, I learned that the City Planning Commission approved a day care facility at 3468 Citrus Street, Lemon Grove, California 91945. The day care is within 1,000 feet of KIM’s Harris Street site; if the daycare opens, the daycare will disqualify KIM’s CUP Application.

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1 8. On November 14, 2019, KIM received a notification letter from the City stating that
2 its CUP Application was complete and would be set for City Council hearing on Tuesday,
3 January 21, 2020 at 6:00p.m.

4 9. On November 19, 2019, the City Council voted to deny Citrus Street's CUP
5 application to operate a medical marijuana dispensary at 7309 Broadway.

6 10. On November 21, 2019 and November 26, 2019, KIM's attorney objected to KIM's
7 January 21, 2020 hearing date. It is my understanding the hearing date was scheduled beyond a
8 60-day requirement to hold the hearing, which is specified in the City's municipal code.

9 11. On January 9, 2020, KIM's attorney informed me that the Citrus Street applicant had
10 sued the City, had not sued KIM, and yet was seeking to stop KIM's CUP Application.

11 12. On January 14, 2020, I attended Citrus Street's request that KIM's CUP Application
12 be stopped despite the fact that Citrus Street did not sue KIM.

13 13. During the January 14, 2020 hearing, KIM's attorneys informed the judge that any
14 interference with KIM's January 21, 2020 hearing could cause its CUP Application to be denied
15 because of the pending day care application within 1,000 feet. The judge stopped KIM's CUP
16 Application but also stopped the daycare's application.

17 14. Also, during the January 14, 2020 TRO hearing, Citrus Street's attorneys refused to
18 agree to allow KIM to participate in the lawsuit in order to defend its interests.

19 15. On January 21, 2020, the City continued KIM's CUP Application hearing to
20 February 18, 2020.

21 16. On January 28, 2020, KIM filed a motion to intervene in this lawsuit.

22 17. In early February 2020, KIM filed a second motion to intervene. The hearing date is
23 not until May 1, 2020.

24 18. Because the hearing date is three months away, and given the time sensitive issues,
25 KIM scheduled this ex parte application to intervene or to shorten time on the May 1, 2020
26 hearing date.

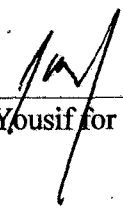
27 19. KIM has already been severely harmed in this lawsuit by Citrus Street stopping
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1 KIM's CUP Application without giving KIM any opportunity to defend its application. This has
2 been a long expensive process. Citrus Street's application was considered insufficient by the
3 City Council. I do not understand why this decision has in any way impacted KIM's application.
4 KIM's CUP Application should be heard by the City. KIM should be allowed to proceed
5 through the process. KIM must be allowed to defend its permit, or it will lose it, which is exactly
6 the outcome Citrus Street seeks and which is exactly why Citrus Street refuses to sue KIM.

7 20. KIM has expended nearly \$1,500,000 toward the approval process and purchase of
8 3515 Harris Street. The fundamental unfairness of KIM's present situation should not be ignored
9 and I respectfully request the opportunity to defend KIM's interests.

10 I declare under penalty of perjury under California state law that the foregoing is true and
11 correct. Executed this 18th day of February 2020 at San Diego, California.

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13 By: 
14 Jilette Yousif for KIM Investments, LLC
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