

3/10/2025 5:21:03 PM

Clerk of the Superior Court
By T. Automation ,Deputy Clerk

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Attorneys for Real Parties In Interest
Sorrento Valley Investment Group And
David Seyranian

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

TORREY HOLISTICS, INC., a California
corporation; and

Petitioner and Plaintiff,
v.

CITY OF SAN DIEGO, a municipal
corporation; CITY OF SAN DIEGO
PLANNING COMMISSION; and DOES 1
through 10, inclusive;

Respondents and Defendants.

SORRENTO VALLEY INVESTMENT
GROUP, a California partnership, and
DAVID SEYRANIAN, an individual;

Real Parties-in-Interest.

CASE NO. 24CU029405C

**DECLARATION OF GINA AUSTIN IN
SUPPORT OF SORRENTO VALLEY
INVESTMENT GROUP'S OPPOSITION TO
PETITIONER TORREY HOLISTICS, INC'S
MOTION FOR A PRELIMINARY
INJUNCTION**

Judge: Hon. Michael Smyth
Dept: C-67
Date: March 21, 2025
Time: 9:00 a.m.

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1 I, GINA AUSTIN, declare as follows:

2 1. I am an attorney at law duly admitted to practice in California and along with
3 attorney Tamara Rozmus represent real parties in interest Sorrento Valley Investment Group
4 (“SVIG”) and David Seyranian in the above-captioned action. The following facts are within my
5 personal knowledge and, if called as a witness herein, I can and will competently testify thereto.
6 This declaration is made in support of SVIG’s opposition to petitioner and plaintiff Torrey
7 Holistics, Inc.’s (“Petitioner” or “Torrey”) motion for a preliminary injunction.

8 2. I am an expert in cannabis licensing and entitlement at the state and local levels and
9 regularly speak on the topic across the nation.

10 3. A conditional use permit (“CUP”) and cannabis operating permit are required to
11 operate a cannabis dispensary in the City of San Diego (“City”). The rights and entitlements of a
12 CUP run with the land and are binding on the property owner. These rights and entitlements may
13 be conferred to a tenant who is in lawful possession of the property at the property owner’s
14 discretion.

15 4. A license from the Department of Cannabis Control (“DCC”) is also required to
16 operate a cannabis dispensary in the City and the state of California. A license from the DCC is
17 valid for 1 year and must be renewed annually.

18 5. A license from the DCC requires both property owner and local jurisdiction
19 authorization.

20 6. In this case, plaintiff Sorrento Valley Investment Group is the property
21 owner/landlord of 10715 Sorrento Valley Road, San Diego (“Property”).

22 7. The City of San Diego’s Planning Commission approved a CUP for a cannabis CUP
23 at the Property. This CUP runs with the Property and is binding on SVIG. SVIG, at its discretion,
24 may confer the rights and entitlement on a Property tenant in lawful possession.

25 8. On September 12, 2024, City issued the Report to the Planning Commission (the
26 “Report”). City staff reviewed the proposed project, analyzed the appeal issues raised, and
27 determined the projected was in conformance with recommended land use and development
28 standards in effect for the Property. A true and correct copy of the Report is attached as Exhibit A

1 and incorporated by reference.

2 9. The report further clarified that a property owner may change who the applicant is
3 at any time.

4 10. On September 19, 2024, I attended the City Planning Commission's public hearing
5 on the non-party appeal to the CUP Amendment. The City Planning Commission denied the appeal.

6 11. On January 17, 2025, Petitioner filed an Ex Parte Application and Supporting
7 Documents regarding an order to show cause for Preliminary Injunction and Temporary Restraining
8 Order.

9 12. On January 21, 2025, real party in interest SVIG filed its opposition to Petitioner's
10 Ex Parte Application. That same day, SVIG also filed a request for Judicial Notice.

11 13. That morning, the Parties attended the ex parte hearing. After hearing extensive
12 arguments from both sides the ex parte application for the TRO was denied and the preliminary
13 injunction hearing was scheduled.

14 14. On February 27, 2025, Petitioner filed its Motion for Preliminary Injunction. The
15 motion included an additional real party in interest, listed as GOAT Venture, LLC. To date, Buzz
16 has not been properly served any amended Petition for Writ of Mandate and Compliance for
17 Declaratory Relief nor any DOE amendment identifying it as a real party in interest to this action.

18 I declare under penalty of perjury under California state law that the foregoing is true and
19 correct. Executed in San Diego, California on March 7, 2025.

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22 Gina M. Austin

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EXHIBIT A



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: September 12, 2024 REPORT NO. PC-24-039

HEARING DATE: September 19, 2024

SUBJECT: 10715 Sorrento Valley Road Cannabis Outlet Amendment Appeal, Process Four Decision

PROJECT NUMBER: [PRJ-1097148](#)

OWNER/APPLICANT: Sorrento Valley Investment Group, Owner and Applicant

REFERENCE: Project Chronology
[Streamlined Process for Cannabis Conditional Use Permit Amendments](#)

SUMMARY

Issue: Should the Planning Commission grant or deny an appeal of the Development Services Department's Process Two decision to approve a Conditional Use Permit amendment to extend operations for an additional 5 years to an existing Cannabis Outlet located at [10715 Sorrento Valley Road](#) in the [Torrey Pines Community Plan](#) area and Council District 1?

Staff Recommendation: Deny the appeal and affirm the Development Services Department's decision to approve Conditional Use Permit No. PMT-3326330 (amendment to Conditional Use Permit No. 1865509).

Fiscal Considerations: None. All staff costs associated with the processing of this appeal are paid from a deposit account maintained by the applicant.

Community Planning Group Recommendation: A formal recommendation was not sought for this project. On May 21, 2024, the Torrey Pines Community Planning Board voted 12-1 to not take a position on the project (Attachment 7). This vote occurred without the applicant present.

Environmental Impact: The project site was previously analyzed within the adopted Negative Declaration No. 82-0331. A consistency evaluation was prepared to determine if conditions specified in the California Environmental Quality Act (CEQA) Statute and Guidelines, Section 15162, would require the preparation of additional CEQA review for the project. The project is consistent with the original adopted/certified ND 82-0331 and would not result in new impacts. Based on the CEQA

Section 15162 consistency analysis, the project would not require any additional environmental review.

Code Enforcement Impact: None associated with this application.

Housing Impact Statement: The project does not propose housing and does not eliminate any existing housing units. The site is zoned IL-3-1 which prohibits housing.

BACKGROUND

This item is an appeal of the Development Services Department's May 2, 2024, decision to approve a Conditional Use Permit (CUP) amendment to allow the continued operation of an existing Cannabis outlet located at 10715 Sorrento Valley Road within Council District 1 (CD1). The appellant is the previous applicant of this CUP. On April 17, 2024, the property owner changed the applicant on this CUP application prior to the project decision. For a history of the project site and prior entitlements and enforcement, please see the Project Chronology (Attachment 1).

Cannabis outlets are limited City-wide to four cannabis outlets per Council District. However, the redistricting that occurred in 2022 (as a result of the 2020 U.S. Census) modified CD1's boundaries, increasing the number of outlets within CD1 (and also CD9) to five cannabis outlets. Subsequent changes to the SDMC were made that allowed the five cannabis outlets in CD1 to remain in a previously conforming status. These changes allowed cannabis outlets within CD1 to be amended every five years. Should any cannabis outlet CUP expire within CD1, however, the limit of four would return; and no new outlets would be allowed.

Cannabis conditional use permits are unique as they contain a five-year expiration date and are required to be renewed every five years through a CUP amendment process. To improve efficiency, the Development Services Department implemented a streamlined amendment process to facilitate rapid review of cannabis CUP amendments. Cannabis CUP amendments where only a five-year extension is requested qualify for the streamlined amendment. The subject appeal is a streamlined amendment application.

Project Location:	10715 Sorrento Valley Road in the IL-3-1 zone, the Coastal Overlay Zone (Non-appealable), the Coastal Height Limitation Overlay Zone, the Coastal Parking Impact Overlay Zone, the MCAS Miramar Airport Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), a Special Flood Hazard Area (100-Year Floodplain), and Prime Industrial Lands within the Torrey Pines Community Plan area and Council District 1.
Project Scope:	Amendment to CUP No. 1865509 for a 5-year extension to an operating 3,697-square-foot Cannabis Outlet within a 5,451-square-foot commercial building.
Lot Size:	0.37 acres
Zoning:	IL-3-1 (Light Industrial)

Community Plan Designation:	Industrial within the Torrey Pines Community Plan, Prime Industrial Lands and Industrial Employment within the General Plan.
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Legal Standard for Appeal of the Development Services Department Decision

An appeal of the Development Services Department decision may only be granted with evidence supporting one of the following findings:

- (1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate; or
- (2) New Information. New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
- (3) Findings Not Supported. The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
- (4) Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.

Pursuant to San Diego Municipal Code Section (SDMC) [Section 112.0506\(c\)](#), the Planning Commission may only deny the appeal and affirm approval of the project if none of the above findings are supported by sufficient evidence or grant the appeal and reverse approval of the project if it finds one of the above findings is supported by sufficient evidence. The below analysis demonstrates how the appellants do not provide facts to support one of the above findings.

PROJECT APPEAL DISCUSSION

On May 15, 2024, Richard Ormond filed an appeal of the Development Services Department's May 2, 2024 decision to approve the project (Attachment 2).

Appeal Issue 1: *Factual Error. The statements or evidence relied upon by the City were inaccurate. For instance, Sure Felt LLC was the valid Applicant for the CUP Amendment.*

Staff Response: Projects are not decided based on who the applicant is, and this has no bearing on the Development Services Department's decision to approve or deny the project. On April 17, 2024, the property owner, Sorrento Valley Investment Group, notified the Development Services Department that Sorrento Valley Investment Group would assume the amendment application as the applicant, and provided an updated ownership disclosure statement, new exhibit drawings, and updated noticing package. The property owner also rescinded the prior applicant, Sure Felt, LLC, as an authorized agent of the owner.

Appeal Issue 2: New Information. *New information is available that was not available through reasonable efforts or due diligence at the time of the decision.*

Staff Response: The appellant has not provided any new information. The property owner has the right to change the applicant of an application.

Appeal Issue 3: Findings Not Supported. *The decision maker's stated findings to disapprove the permit for Sure Felt LLC and approve the permit for Sorrento Valley Investment Group are not supported by the information provided to the decision maker.*

Staff Response: The submitted appeal makes this statement but does not further specify why this is the case. Sufficient information (updated Ownership Disclosure, Exhibits, Noticing Package) was provided for staff to make a decision to amend the existing Conditional Use Permit for an additional 5 years. As a streamlined amendment application, no changes to the development are proposed.

Appeal Issue 4: Conflicts. *The decision to approve the permit for Sorrento Valley Investment Group and deny the permit for Sure Felt LLC is in conflict with a land use plan, a City Council policy, or the Municipal Code.*

Staff Response: The submitted appeal makes this statement but does not further specify why this is the case. The amendment application was not denied under Sure Felt, LLC. Rather, the application was not yet approved before the applicant changed. Per SDMC 113.0103, applicant means any person who has filed an application for a permit, map, or other matter and that is the record owner of the real property that is the subject of the permit, map, or other matter; the record owner's authorized agent; or any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application. A property owner may change who the applicant is at any time.

Conclusion:

The appeal provides no evidence of new information that was not available through reasonable efforts or due diligence at the time of the decision.

City staff has reviewed the proposed project, analyzed the appeal issues raised, and determined that the project is in conformance with adopted City Council policies, regulations of the Land Development Code, and the Torrey Pines Community Plan. The appellant did not have sufficient evidence to support any of the four findings that are grounds for appeal. The proposed project is consistent with the recommended land use and development standards in effect for this site, and no deviations are required to approve the project. Therefore, City staff recommends the Planning Commission deny the appeal and uphold the Development Services Department's decision to approve Conditional Use Permit No. PMT-3207339.

Staff has prepared updated draft findings (Attachment 3) to support the proposed development and draft conditions of approval (Attachment 4).

ALTERNATIVES

1. Deny the appeal and affirm the Development Services Department's decision to approve Conditional Use Permit No. PMT-3326330 (amendment to Conditional Use Permit No. 1865509), with modifications.
2. Approve the appeal, reverse the Development Services Department's decision, and deny Conditional Use Permit No. PMT-3326330 (amendment to Conditional Use Permit No. 1865509), if the findings to approve the project cannot be affirmed.

Respectfully submitted,



Lara Gates
Deputy Director
Development Services Department



Francisco Mendoza
Development Project Manager
Development Services Department

Attachments:

1. Project Chronology
2. Copy of Appeal
3. Draft Permit Resolution with Findings
4. Draft Permit with Conditions
5. Ownership Disclosure Statement
6. Copy of Recorded (existing) Permit
7. Community Planning Group Minutes
8. Project Plans
9. Email request to change applicant
10. Notice sent to Owner/Permittee
11. Notice of decision issued May 2, 2024

10715 Sorrento Valley Road Cannabis Outlet Project Chronology	
Project Milestones	Date
Cannabis Outlet / Addendum to Negative Declaration approved/adopted at City Council.	June 18, 2018
Amendment application (streamlined) deemed complete (Permit Expiration of June 18, 2023, automatically extended during processing).	June 6, 2023
Project Review – Determined consistent with prior Negative Declaration.	August 9, 2023
Torrey Pines Community Planning Board Project Review Committee (PRC) voted 3-2-1 to recommend approval with various conditions.	March 12, 2024
Notice of possible revocation of Cannabis Operating Permit and Non-renewal of CUP amendment sent to Property Owner and Prior Applicant due to non-payment of taxes (See Attachment 10).	April 16, 2024
Property Owners notify Development Services Department of change to applicant and rescinding of authorized agent status of Sure Felt LLC (Attachment 9).	April 17, 2024
Development Services Department approves amendment.	May 2, 2024
Richard Ormond files appeal.	May 15, 2024
Torrey Pines Community Planning Board rescinded PRC approval and Voted to not take a position on the CUP (See Attachment 7).	May 21, 2024
Hearing Scheduled for September 19, 2024.	May 23, 2024
Recall of Notice of possible revocation letters from April 16, 2024 by City of San Diego to Owner/Permittee.	June 10, 2024

FORM

DS-3031

November 2022

Development Permit/ Environmental Determination Appeal Application

In order to ensure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin [\(IB\) 505, "Development Permits/Environmental](#)

[Determination Appeal Procedure."](#)

1. Type of Appeal: ☒ Appeal of the Project
☐ Appeal of the Environmental Determination
2. Appellant: Please check one ☐ Applicant ☐ Officially recognized Planning Committee
☒ "Interested Person"
[\(Per San Diego Municipal Code \(SDMC\) § 113.0103\)](#)

Name: Richard Ormond, LASC Receiver

E-mail: Rormond@mmecontractor.com

Address: 1000 Wilshire Blvd,
Suite 1500

City: LA

State: CA

Zip Code: 91436 Telephone: 213.891.5217

3. Project Name:
10715 SORRENTO VALLEY ROAD CANNABIS OUTLET AMENDMENT

4. Project Information:
Amend Conditional Use Permit for Cannabis Outlet for an additional five-year period.

Permit/Environmental Information Determination and Permit/Document No:

PRJ-1097148

Date of Decision/Determination:

May 2, 2024

City Project Manager:

Tyler Sherer

Decision (Describe the permit/approval decision):

AMENDMENT TO CONDITIONAL USE PERMIT, PROCESS TWO

5. Ground for Appeal (Please check all that apply):



Factual Error



New Information



Conflict with other Matters



City-wide Significance (Process four decisions only)



Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in the [SDMC § 112.0501](#). Attach additional sheets if necessary.)

Visit our website: sandiego.gov/DSD.

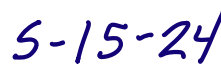
Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

6. Applicant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: _____



Date: _____



Note: Faxed appeals are not accepted.

Reference Table

- [San Diego Municipal Code \(SDMC\)](#)
- [Development Permits/Environmental Determination Appeal Procedure \(IB-505\)](#)

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

Development Permit Appeal Application Form DS-3031
PRJ-1097148: 10715 SORRENTO VALLEY ROAD CANNABIS OUTLET
CONDITIONAL USE PERMIT AMENDMENT

Description of Grounds for Appeal from Interested Party

1. Factual Error. The statements or evidence relied upon by the City were inaccurate. For instance, Sure Felt LLC was the valid Applicant for the CUP Amendment.
2. New Information. New information is available that was not available through reasonable efforts or due diligence at the time of the decision.
3. Findings Not Supported. The decision maker's stated findings to disapprove the permit for Sure Felt LLC and approve the permit for Sorrento Valley Investment Group are not supported by the information provided to the decision maker; or
4. Conflicts. The decision to approve the permit for Sorrento Valley Investment Group and deny the permit for Sure Felt LLC is in conflict with a land use plan, a City Council policy, or the Municipal Code.

ATTACHMENT 5
Draft Resolution

PLANNING COMMISSION RESOLUTION NO. PC-_____
CONDITIONAL USE PERMIT NO. PMT-3326330
10715 SORRENTO VALLEY ROAD CANNABIS OUTLET AMENDMENT - PROJECT NO. PRJ-1097148
AMENDMENT TO CONTIONAL USE PERMIT NO. 1865509 (PROJECT NO. 527802)

WHEREAS, SORRENTO VALLEY INVESTMENT GROUP, Owner/Permittee, filed an application with the City of San Diego for a permit to amend Conditional Use Permit No. 1865509, to continue the operation with no changes to the operations or site plan of an existing, 3,697-square-foot cannabis outlet (formerly called a marijuana outlet) within an existing 5,451-square-foot, one-story, commercial building, (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Permit No. PMT-3326330), on portions of a 0.37-acre site; and

WHEREAS, the project site is located at 10715 Sorrento Valley Road in the IL-3-1 of the Torrey Pines Community Plan; and

WHEREAS, the project site is legally described as: All of Lots 12-15, inclusive, in Block 17 of the Town of Sorrento, in the City of San Diego, County of San Diego, State of California, as originally shown on maps thereof Nos. 262 and 483, filed in the office of the County Recorder of San Diego County, September 30, 1887 and February 9, 1880, respectively; and

WHEREAS, on September 12, 2017, the City Council of the City of San Diego approved Resolution No. R-311318 granting an appeal of the Environmental Determination of Exemption from the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to San Diego Municipal Code section 112.0529(e), the City Council of the City of San Diego retains jurisdiction to act on the environmental determination and associated project at a subsequent hearing; and

WHEREAS, the matter was set for public hearing on December 4, 2017, and at said hearing the applicant elected to change the scope of the project from a Medical Marijuana Consumer

ATTACHMENT 5
Draft Resolution

Cooperative to a Marijuana Outlet and requested a continuance to the public hearing of January 9, 2018; and

WHEREAS, on January 9, 2018, the City Council of the City of San Diego returned the matter to the Development Services Department to complete the review of the project as a Marijuana Outlet; and

WHEREAS, on June 18, 2018, the City Council of the City of San Diego considered and approved Conditional Use Permit No. 1865509 – Project No. 527802 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on June 6, 2023, the Owner/Permittee, filed an amendment application prior to the expiration of Conditional Use Permit No. 1865509, automatically extending the expiration of the permit until a decision on the amendment request is final and all available administrative appeals of the project decision have been exhausted; and

WHEREAS, on May 2, 2024, the Development Services Department of the City of San Diego considered Conditional Use Permit No. 2389821 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on May 15, 2024, an appeal of the Development Services Department's decision to approve the project was filed by ; and

WHEREAS, on September 19, 2024, the Planning Commission of the City of San Diego considered the appeal; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. PMT-3326330:

A. CONDITIONAL USE PERMIT [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 an application for the continued operation with no changes to the operations or site plan of an existing 3,967-square-foot cannabis outlet (CO), previously permitted as a marijuana outlet (MO), within an existing 5,451-square-foot, one-story, commercial building at 10715 Sorrento Valley Road, within the IL-3-1 zone of the Torrey Pines Community Plan (TPCP) area. Overlay zones for the site include: Coastal Overlay Zone (Non-appealable Area 1), MCAS Miramar Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), Special Flood Hazard Area (100 Year Floodplain), and Prime Industrial Lands

The 0.37-acre site is designated as "Industrial" in the TPCP and as "Industrial Employment" in the General Plan. This land use designation is intended to support a variety of commercial and industrial uses ranging from retail and commercial services to office and industrial. Furthermore, this designation provides for retail sales, commercial services, office uses, and heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service.

The Sorrento Valley industrial area, including this site is further identified as "Prime Industrial Lands" (PIL) by the General Plan. A General Plan goal of the PIL designation is to protect valuable employment land for base sector industries important to the region's economy. A CO is a commercial retail use not considered as base sector employment. The General Plan also allows development or redevelopment of individual properties pursuant to the development regulations and permitted uses of the existing zone and community plan designation provided a site is not critical to base sector employment. The project site is not critical to achieving the City's base sector employment goal. The existing building was previously used for a credit union business, a commercial service use and is not expected to be reconfigured to accommodate base sector employment uses commonly found in the area such as scientific research. The 0.37-acre site is also relatively small and not expected to be redeveloped into a scientific research facility as new scientific research developments typically occupy multiple acre sites. General plan policies also specifically restrict sensitive receptor land uses such as residential and public assembly in PIL. A CO is not a sensitive receptor land use.

The proposal to continue cannabis retail operations on the site without changes, is consistent with, and would not adversely affect, the TPCP land use designation. The "industrial" land use designation is intended to support manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, as well as support commercial and retail uses. A TPCP Industrial

ATTACHMENT 5

Draft Resolution

Land Use Element policy is to emphasize the citywide importance of, and encourage the location of, scientific research, biotechnology, and clean manufacturing uses in Sorrento Valley because of its proximity to UCSD and the industrial areas in neighboring University City and Mira Mesa. Due to the existing building configuration and site size, the project site is not suited for use by, or redevelopment of, scientific research or manufacturing uses.

Additionally, page 86 of the TPCP contains a policy that states "development of freestanding retail commercial uses in industrially designated areas shall be restricted to those uses that serve only the immediate Sorrento Valley industrial area." Due to their relative restriction within the City's zoning scheme, CO uses would not be expected to serve "only the immediate Sorrento Valley industrial area." However, the CO would occupy an existing building previously used for a marijuana outlet and a commercial services use prior to that. The continued operation of the CO without changes to its operations or site plan would not result in an intensification of use within the site. The building is not considered freestanding retail as it contains two tenant spaces, the existing CO, and an additional tenant space with separate access to be leased and occupied by a non-retail commercial use and no changes are proposed by this project. Therefore, the continued operation of the CO does not and will not adversely affect the applicable land use plan.

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

Approval of this application would allow the continued sale of cannabis to be conditioned in order to prevent potential adverse impacts on the community. The proposed outlet is subject to specific operational requirements and restrictions as set forth in SDMC Section 141.0504(b)-(m), which have also been incorporated as conditions in the CUP by reference. Current regulations of SDMC 141.0504 include: (1) prohibiting consultation by medical professionals on-site; (2) prohibiting the use of specified vending machines except by a responsible person (as defined by the SDMC); (3) provision of interior and exterior lighting, operable cameras, alarms, and a security guard; (4) restriction of hours of operation to between 7:00 am and 9:00 pm daily; (5) maintenance of the project site and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and (6) restriction of signage to business name, two-color signs, and alphabetic characters.

Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation. The CUP is valid for five years and may be revoked if the owner/permittee violates the terms, conditions, lawful requirements, or provision of the permit. Furthermore, construction of the project authorized through this permit will be subject to all adopted building, electrical, mechanical, fire and

ATTACHMENT 5

Draft Resolution

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

The City of San Diego conducted an environmental review of this project in accordance with the State of California Environmental Quality Act (CEQA) guidelines and concluded there would be no environmental impacts associated with the proposed project.

Including the requirements above, 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 to assure the project's compliance with applicable local, regional, state, and federal codes and rules. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent adverse impacts to the public and community at large.

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 proposed cannabis outlet, classified as a retail sales use, is allowed in the IL-3-1 zone with a CUP pursuant to SDMC Section 141.0504. Furthermore, per SDMC Section 141.0504(a), outlets are subject to separation requirements including a 1,000-foot separation from resource and population-based city parks, other outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools including private or public institutions of learning providing instruction kindergarten or grades 1 to 12. There is also a 100-foot minimum separation from a residential zone. The proposed outlet complied with these requirements when first approved under Conditional Use Permit No. 1865509, and this amendment to the Conditional Use Permit for an existing cannabis outlet is not required to demonstrate compliance again per SDMC 141.0504(n)(1).

The project is proposed within an existing structure constructed in 1984 in accordance with all applicable development regulations. The proposed outlet will occupy the existing MO space - approximately 3,697 square feet - within the existing 5,451-square-foot building. An additional building floor area of 703 square feet is to be leased and occupied by a non-retail commercial service use that is allowed by right in the IL-3-1 Zone, with the remaining 1,051 square feet to remain vacant throughout the duration of the CUP. The vacant floor space shall not be used for any purpose, including storage. The project provides 22 off-street parking spaces, which meets the required 22 off-street spaces required for all uses on the premises calculated at a rate of 5.0 automobile parking spaces per 1000 square feet of floor space, and by maintaining 1,051 square feet of building floor area within the building as vacant and unoccupied during the term of the CUP.

The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to parking,

ATTACHMENT 5

Draft Resolution

signage, lighting, security measures, hours of operation, and site maintenance. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The proposed project is a request for a CUP to continue the operation of a CO, previously permitted as an MO, in a 3,697-square-foot tenant space within an existing 5,451-square-foot, one-story, commercial building. The building is a multi-tenant building and includes an additional 703-square-foot tenant space that would be leased and occupied by a licensed non-retail commercial establishment that is permitted by right in the IL-3- 1 Zone. The existing one-story building was developed in 1984 per Building Permit No. A-10502. The existing use is a marijuana outlet, which is a retail-sales use. The proposed change of use from a marijuana outlet to a cannabis outlet is not an intensification of use as the parking requirement will not change. The project site is adjacent to a commercial office building to the east, research and development establishments to the south, an auto body shop to the north, and railroad tracks to the west across Sorrento Valley Road, and a mix of industrial and commercial uses further west.

The site is designated as "Industrial" in the TPCP, the adopted land use plan for this community. TPCP land use in Sorrento Valley is generally implemented by the IL-3-1 zone which is an industrial zone that allows for both industrial and commercial uses. The site is within the "Industrial Employment" General Plan land use category. As discussed above, the extension of operations for this CO will not adversely affect the TPCP nor General Plan and is a compatible use with the surrounding commercial establishments.

COs are also subject to specific operational requirements and restrictions set forth in SDMC Section 141.0504(b)-(m), which have also been incorporated as conditions in the CUP, including: (1) prohibiting consultation by medical professionals on-site; (2) prohibiting the use of specified vending machines except by a responsible person (as defined by the SDMC); (3) provision of interior and exterior lighting, operable cameras, alarms, and security guards; (4) restriction of hours of operation to between 7:00 am and 9:00 pm daily; (5) maintenance of the project site and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and (6) restriction of signage to business name, two-color signs, and alphabetic characters. Cannabis outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The SDMC limits cannabis outlets to commercial and industrial zones and the number of outlets is limited to four 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, in order to minimize the impact on the City and residential neighborhoods. The project, in amending the permit for a previously permitted outlet, does not cause City Council District 1 to exceed this requirement. All surrounding parcels are in the IL-3-1 Zone and the

ATTACHMENT 5
Draft Resolution

existing uses are consistent with the Industrial designation of the community plan and compatible uses with an outlet. Therefore, based on the commercial nature of the use, compliance with all development regulations and requirements, and conditions of approval, the proposed development 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 Planning Commission, Conditional Use Permit No. PMT-3326330 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT- 3326330, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza
Development Project Manager
Development Services

Adopted on: September 19, 2024

IO#: 11004381

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 1104183

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3326330
10715 SORRENTO VALLEY ROAD CANNABIS OUTLET AMENDMENT - PROJECT NO. PRJ-1097148
AMENDMENT TO CONDITIONAL USE PERMIT NO. 1865509 (PROJECT NO. 527802)
PLANNING COMMISSION

This Conditional Use Permit No. PMT-3326330, an amendment to Conditional Use Permit No. 1865509, recorded by the San Diego County Recorder as Document No. 2018-0500067 on December 5, 2018, is granted by the Development Services Department of the City of San Diego to SORRENTO VALLEY INVESTMENT GROUP, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0303(a), 126.0305, and 141.0504(n). The 0.37-acre site is located at 10715 Sorrento Valley Road, in the IL-3-1 Zone of the Torrey Pines Community Plan (TPCP) area. Overlay zones for the site include: Coastal Overlay Zone (Non-appealable Area 1), MCAS Miramar Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), Special Flood Hazard Area (100 Year Floodplain), and Prime Industrial Lands. The project site is legally described as: All of Lots 12-15, inclusive, in Block 17 of the Town of Sorrento, in the City of San Diego, County of San Diego, State of California, as originally shown on maps thereof Nos. 262 and 483, filed in the office of the County Recorder of San Diego County, September 30, 1887, and February 9, 1880, respectively.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate a cannabis outlet, conditioned to the issuance of a license from the state Department of Cannabis Control, and subject to the City's land use regulations, described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated May 2, 2024, on file in the Development Services Department.

The project shall include:

- a. Continued operation of an existing 3,697-square-foot cannabis outlet, (formerly permitted as a marijuana outlet), within an existing 5,451-square-foot, one-story, commercial building on a 0.37-acre site; and
- b. A 703-square-foot additional tenant space within the existing 5,451-square-foot building, as shown on Exhibit "A," maintained and occupied by a licensed, non-retail commercial service use that is allowed by right in the IL-3-1 Zone, and;

- c. 1,051 square feet within the existing 5,451-square-foot building, as shown on Exhibit "A," to remain vacant and unoccupied for the term of the Conditional Use Permit; and
- b. Existing off-street parking.

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 permit must be utilized by September 19, 2027.
2. Expiration Date: This Conditional Use Permit (CUP) and corresponding use of this site shall expire on September 19, 2029. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit, unless the expiration date is extended pursuant to SDMC 141.0504(n). Applications for CUP amendments to extend this Permit's expiration date pursuant to that code section must be deemed complete for processing prior to the expiration date listed above or the Owner and/or Permittee loses all rights vested by this Permit, and all operations must cease at the site.
3. The continued utilization of this CUP to sell cannabis is contingent upon (but not limited to) the following:
 - a. The existence of a valid license to sell cannabis at this location by the California Department of Cannabis Control (DCC). 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.
 - 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. This Conditional Use Permit No. PMT-3326330 supersedes Conditional Use Permit No. 1865509, which is hereby void.
10. The Owner/Permittee shall secure any 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.
11. 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.
12. 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.

13. 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.

PLANNING/DESIGN REQUIREMENTS:

14. A minimum of 703 square feet of tenant space within the 5,451-square-foot building shall be reserved and maintained for occupancy by a non-retail commercial use with a valid business license that is permitted by right in the IL-3-1 Zone and does not trigger additional parking or result in an intensification of the use on the premises.

15. 1,051 square feet of tenant space within the 5,451-square-foot building as shown on Exhibit "A," shall remain vacant throughout the duration of the CUP. The vacant floor space shall not be used for any purpose, including storage.

16. 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.

17. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

18. 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.

19. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

20. A Conditional Use Permit for a cannabis outlet shall expire no later than five years from the date of issuance.
21. Deliveries shall be permitted as an accessory use only from cannabis outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.
22. 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.
23. The cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
24. Consultations by medical professionals shall not be a permitted accessory use at a cannabis outlet.

TRANSPORTATION REQUIREMENTS

25. 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.

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.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section 34.0103, taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at (619) 615-1580.

APPROVED by the Development Services Department of the City of San Diego on May 2, 2024,
Resolution No. CM-_____.

ATTACHMENT 6
Draft Permit

Conditional Use Permit No. PMT-3326330
Date of Approval: September 19, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Francisco Mendoza
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.

SORRENTO VALLEY INVESTMENT GROUP
Owner/Permittee

By _____
NAME:
TITLE:

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

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	Ownership Disclosure Statement	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: CO 10715 Sorrento Valley CUP Amendment **Project No. For City Use Only:** PRJ-1097148

Project Address: 10715 Sorrento Valley Road, San Diego

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☒ General – What State? CA Corporate Identification No. _____
☒ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: Sorrento Valley Investment Group ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 4144 Redwood Road

City: Oakland State: CA Zip: 94619

Phone No.: 510-482-8100 Fax No.: _____ Email: dkseyranian@aol.com

Signature: *David Seyranian* Date: 04-16-2024

Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: Sorrento Valley Investment Group ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 4144 Redwood Road

City: Oakland State: CA Zip: 94619

Phone No.: 510-482-8100 Fax No.: _____ Email: dkseyranian@aol.com

Signature: *David Seyranian* Date: 04-16-2024

Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: David Seyranian ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 4144 Redwood Road

City: Oakland State: CA Zip: 94619

Phone No.: 510-482-8100 Fax No.: _____ Email: dkseyranian@aol.com

Signature: *David Seyranian* Date: 04-16-2024

Additional pages Attached: ☒ Yes ☐ No

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DOC# 2018-0500067



Dec 05, 2018 09:57 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$92.00 (SB2 Atkins: \$0.00)

PAGES: 27

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

**WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A**

INTERNAL ORDER NUMBER: 24007128 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT NO. 1865509
10715 SORRENTO VALLEY - PROJECT NO. 527802
CITY COUNCIL**

This Conditional Use Permit No. 1865509 is granted by the City Council of the City of San Diego to Sorrento Valley Investment Group, Owner, and Sure Felt, LLC, Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0305. The 0.37-acre site is located at 10715 Sorrento Valley Road in the IL-3-1 Zone, Coastal Overlay Zone (Non-appealable), Coastal Height Limitation Overlay Zone, Coastal Parking Impact Overlay Zone, MCAS Miramar Land Use Compatibility Overlay Zone (Airport Influence Area – Review Area 1 and Accident Potential Zone 2), Special Flood Hazard Area (100 Year Floodplain), and Prime Industrial Lands, within the Torrey Pines Community Plan area. The project site is legally described as: All of Lots 12-15, inclusive, in Block 17 of the Town of Sorrento, in the City of San Diego, County of San Diego, State of California, as originally shown on maps thereof Nos. 262 and 483, filed in the office of the County Recorder of San Diego County, September 30, 1887 and February 9, 1880, respectively.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Outlet described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 18, 2018, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Outlet in a 3,697-square-foot tenant space within an existing 5,451-square-foot, one-story, commercial building on a 0.37-acre site;
- b. A 703-square-foot additional tenant space within the existing 5,451-square-foot building, as shown on Exhibit "A," maintained and occupied by a licensed, non-retail commercial establishment permitted by right in the IL-3-1 Zone;
- c. 1,051 square feet within the existing 5,451-square-foot building, as shown on Exhibit "A," to remain vacant, and unoccupied, for the term of the subject Conditional Use Permit;

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- d. Existing landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. 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. 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 permit must be utilized by June 18, 2021.
2. This Conditional Use Permit (CUP) and corresponding use of this site shall expire on June 18, 2023.
3. In addition to other provisions of the law, the Marijuana Outlet must comply with Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 5 of the San Diego Municipal Code.
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.
 - c. A Permit issued by the Development Services Department is approved in accordance with SDMC Section 42.1504.
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.

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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,

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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.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing driveway with a current City Standard 24-foot wide driveway, adjacent to the site on Sorrento Valley Road, satisfactory to the City Engineer.

14. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing curb ramp with a current City Standard curb ramp, adjacent to the site on Sorrento Valley Road, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

15. The use within the 3,697-square-foot tenant space shall be limited to the Marijuana Outlet and any use permitted by right in the IL-3-1 Zone.

16. The Owner/Permittee shall configure the building to maintain at least two suites with separate entrances at exterior building facades.

17. A minimum of 703 square feet of tenant space within the 5,451-square-foot building shall be reserved and maintained for occupancy by a non-retail commercial use with a valid business license that is permitted by right in the IL-3-1 Zone, and does not trigger additional parking or result in an intensification of the use on the premises.

18. The sale of marijuana shall be prohibited without a valid license from the State authorizing such activity.

19. Consultations by medical professionals shall not be a permitted accessory use at the Marijuana Outlet.

20. Lighting shall be provided to illuminate the interior of the Marijuana Outlet, façade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

21. Security shall include operable cameras and a metal detector to the satisfaction of Development Services Department. This facility shall also include alarms and two security guards. The security guards shall be licensed by the State of California. The security guards must be on the premises during business hours. One security guard must be on the premises 24 hours a day, seven days a week. The security guards should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the recordings for a minimum of 30 days.

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22. The Owner/Permittee shall install a combination of full-height bullet resistant glass, plastic or laminate shield and bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at the reception area.
23. The Owner/Permittee shall install full-height bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at all walls adjoining common areas and other tenants, and vault room.
24. The Owner/Permittee shall post and maintain a sign showing the name and emergency contact phone number of an operator or manager in a location visible from outside the Marijuana Outlet in character size at least two inches in height.
25. The Marijuana Outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
26. The use of vending machines which allow access to marijuana and marijuana products except by a responsible person, as defined in the San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to marijuana and marijuana products without a human intermediary.
27. The Owner/Permittee shall maintain the Marijuana Outlet, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times.
28. The facility shall provide a sufficient odor absorbing ventilation and exhaust system capable of eliminating excessive or offensive odors causing discomfort or annoyance to any reasonable person of normal sensitivities standing outside of the structural envelope of the permitted facility in compliance with SDMC Section 142.0710.
29. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
30. Marijuana and marijuana products shall not be consumed anywhere within the 0.37-acre site.
31. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Ground signs shall not be pole signs. A primary sign shall be posted on the outside of the Marijuana Outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.
32. The Owner/Permittee shall post the name and emergency contact phone number of the operator or manager, in a location visible from outside the Marijuana Outlet, in character size at least two inches in height.

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33. Deliveries shall be permitted as an accessory use from the Marijuana Outlet with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996

TRANSPORTATION REQUIREMENTS:

34. 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.

35. The Owner/Permittee shall enter into and maintain a lease for an additional 1,051 square feet within the 5,451-square-foot building and retain it as vacant space. The lease shall specifically state that the additional 1,051 square feet leased space is to be kept vacant and not to be occupied at any time during the entire term, for any use whatsoever, including storage space.

36. Permittee must provide and maintain an accessible path from the building entrance to the public street.

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.

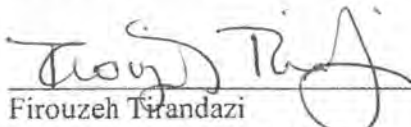
APPROVED by the City Council of the City of San Diego on June 18, 2018 and by Resolution No. R-311819.

ORIGINAL

REV. COPY

Permit Type/PTS Approval No.: Conditional Use Permit No. 1865509

Date of Approval: June 18, 2018

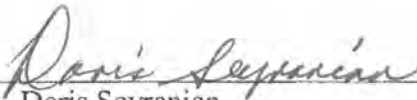
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

 Firouzeh Tirandazi
 Development Project Manager

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

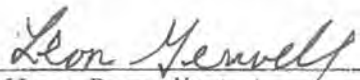
The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

SORRENTO VALLEY INVESTMENT GROUP

Owner

By 
 Doris Seyranian
 General Partner

By _____
 Neil Goodhue
 General Partner

By 
~~Henry Persoglio~~ LEON GERWELL
 General Partner

By 
 Timothy LeVeon
 General Partner

SURE FELT, LLC

Permittee

By _____
 Belinda Jane Appleyard
 Manager

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

ORIGINAL

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Permit Type/PTS Approval No.: Conditional Use Permit No. 1865509
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DEPARTMENT

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Development Project Manager

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this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

SORRENTO VALLEY INVESTMENT GROUP
Owner

By _____
Doris Seyranian
General Partner

By _____ *SEE ATTACHED NOTARY*
Neil Goodhue *AKA NEIL B GOODHUE*
General Partner

By _____
Henry Persoglio
General Partner

By _____
Timothy Le Veen
General Partner

SURE FELT, LLC
Permittee

By _____
Belinda Jane Appleyard
Manager

**NOTE: Notary acknowledgments
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ORIGINAL

REV. COPY

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DEPARTMENT

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Development Project Manager

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**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
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SORRENTO VALLEY INVESTMENT GROUP
Owner

By _____
Doris Seyranian
General Partner

By _____
Neil Goodhue
General Partner

By _____
Henry Persoglio
General Partner

By _____
Timothy Le Veen
General Partner

SURE FELT, LLC
Permittee

By Belinda Appleyard
Belinda Jane Appleyard
Manager **AKA BELINDA APPELYARD**

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

ORIGINAL

CALIFORNIA ALL-PURPOSE 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 DiegoOn December 3, 2018 before me, Rose Marie White, Notary Public,
Date Here Insert Name and Title of the Officerpersonally appeared Krouzek Juarez
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.

Place Notary Seal and/or Stamp Above

Signature

Signature of Notary Public

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: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: _____

Signer is Representing: _____

ORIGINAL

ACKNOWLEDGMENT

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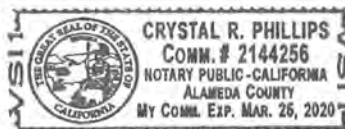
State of California
County of Alameda)

On November 28, 2018 before me, Crystal R. Phillips, Notary Public
(insert name and title of the officer)

personally appeared DORIS SEYRANIAN
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 Crystal R. Phillips (Seal)

ORIGINAL

ACKNOWLEDGMENT

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.

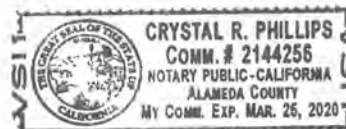
State of California
County of Alameda)

On November 30, 2018 before me, Crystal R. Phillips, Notary Public
(insert name and title of the officer)

personally appeared **LEON GERWELL**
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 Crystal R. Phillips (Seal)

ORIGINAL

ACKNOWLEDGMENT

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.

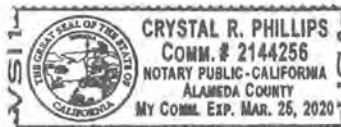
State of California
County of Alameda)

On November 28, 2018 before me, Crystal R. Phillips, Notary Public
(insert name and title of the officer)

personally appeared TIMOTHY LEVEEN
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 Crystal R. Phillips (Seal)

ORIGINAL

ACKNOWLEDGMENT

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 ALAMEDA

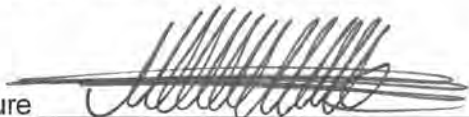
On NOVEMBER 29TH 2018 before me, ALFRED ZOLLAR NOTARY PUBLIC
(insert name and title of the officer)

personally appeared NEIL B GOODHUE
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.

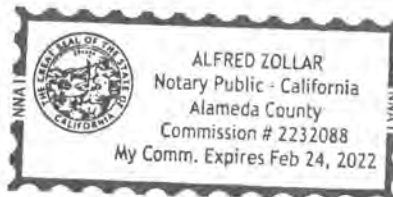
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



ORIGINAL

California All-Purpose Acknowledgment

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 11/28, 2018, before me Alec Mrochek, Notary Public, personally appeared Belinda Jane Appleyard.
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.

Alec Mrochek

Signature of Notary Public



OPTIONAL

Description of Attached Document

Title or Type of Document _____

Document Date: _____ Number of Pages (including this one) _____

Additional Information _____

Capacity(ies) Claimed by Signer

- ☐ Individual
- ☐ Corporate Officer- Title(s) _____
- ☐ Partner: Limited General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other

Signer is representing: _____

Right Thumbprint of
Signer 1

Right Thumbprint of
Signer 2

ORIGINAL

RESOLUTION NUMBER R- 311819

DATE OF FINAL PASSAGE JUN 18 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING CONDITIONAL USE PERMIT NO.
1865509 FOR A MARIJUANA OUTLET LOCATED AT 10715
SORRENTO VALLEY – PROJECT NO. 527802.

WHEREAS, Sorrento Valley Investment Group, Owner, and Sure Felt, LLC, Permittee, filed an application with the City of San Diego for a Conditional Use Permit to operate a Marijuana Outlet within an existing building known as the 10715 Sorrento Valley project, located at 10715 Sorrento Valley Road, and legally described as All of Lots 12-15, inclusive, in Block 17 of the Town of Sorrento, in the City of San Diego, County of San Diego, State of California, as originally shown on maps thereof Nos. 262 and 483, filed in the office of the County Recorded or San Diego County, September 30, 1887 and February 9, 1880, respectively, in the Torrey Pines Community Plan area, in the IL-3-1 Zone, Coastal Overlay Zone (Non-appealable), Coastal Height Limitation Overlay Zone, Coastal Parking Impact Overlay Zone, MCAS Miramar Land Use Compatibility Overlay Zone (Airport Influence Area – Review Area 1 and Accident Potential Zone 2), Special Flood Hazard Area (100 Year Floodplain), and Prime Industrial Lands; and

WHEREAS, on September 12, 2017, the City Council of the City of San Diego approved Resolution No. R-311318 granting an appeal of the Environmental Determination of Exemption from the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to San Diego Municipal Code section 112.0520(e), the City Council of the City of San Diego retains jurisdiction to act on the environmental determination and associated project at a subsequent hearing; and

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WHEREAS, the matter was set for public hearing on December 4, 2017, and at said hearing the applicant elected to change the scope of the project from a Medical Marijuana Consumer Cooperative to a Marijuana Outlet and requested a continuance to the public hearing of January 9, 2018; and

WHEREAS, on January 9, 2018 the City Council of the City of San Diego returned the matter to the Development Services Department to complete the review of the project as a Marijuana Outlet; and

WHEREAS, Addendum No. 527802 to Negative Declaration No. 82-0331 was prepared in accordance with CEQA Guidelines Sections 15162 and 15164, and this project was evaluated and subsequently determined to be inclusive of the scope covered under Negative Declaration No. 82-0331, dated July 15, 1982, which was prepared for the original development of the site, and no changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on June 18, 2018 testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

(R-2018-450)
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BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 1865509:

CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0305

(a) **The proposed development will not adversely affect the applicable land use plan.** The project is an application for a Conditional Use Permit (CUP) to allow the operation of a Marijuana Outlet (Outlet) in a 3,697-square-foot tenant space within an existing 5,451-square-foot, one-story, commercial building. The building is a multi-tenant building and includes an additional 703-square-foot tenant space, which will be leased and occupied by a non-retail commercial establishment with a valid business license that is permitted by right in the IL-3-1 Zone. The 0.37-acre project site is located at 10715 Sorrento Valley Road in the IL-3-1 Zone within the Torrey Pines Community Plan (TPCP) area, Coastal Overlay Zone (Non-appealable), and the Coastal Height Limitation Overlay Zone. Additionally, the site is within the Coastal Parking Impact Overlay Zone, MCAS Miramar Land Use Compatibility Overlay Zone (Airport Influence Area – Review Area 1 and Accident Potential Zone 2), Special Flood Hazard Area (100 Year Floodplain), and Prime Industrial Lands.

The site is designated as “Industrial” in the TPCP, the adopted land use plan for this community. TPCP land use in Sorrento Valley is generally implemented by the IL-3-1 zone which is an industrial zone that allows for both industrial and commercial uses. The site is within the “Industrial Employment” General Plan land use category per the Land Use and Street System Map (Figure LU-2).

The Sorrento Valley industrial area, including this site, is further identified as “Prime Industrial Lands” (PIL) by the General Plan. A General Plan goal for identification of PIL designation is to protect valuable employment land for base sector industries important to the region's economy. An Outlet is a commercial retail use not considered as base sector employment. The General Plan also allows development or redevelopment of individual properties pursuant to the development regulations and permitted uses of the existing zone and community plan designation provided a site is not critical to base sector employment. The project site is not critical to achieving the City's base sector employment goal. The existing building was previously used for a credit union business, a commercial service use, and is not expected to be reconfigured to accommodate base sector employment uses commonly found in the area such as scientific research. The 0.37-acre site is also relatively small and not expected to be redeveloped into a scientific research facility as new scientific research developments typically occupy multiple acre sites. General Plan policies also specifically restrict sensitive receptor land uses such as residential and public assembly in PIL. An Outlet is not a sensitive receptor land use.

The proposal to reconfigure an existing commercial building for use as an Outlet is a compatible use within Sorrento Valley and would not adversely affect the TPCP land use. The “industrial” land use designation is intended to support manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, as

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well as support commercial and retail uses. A TPCP Industrial Land Use Element policy is to “emphasize the citywide importance of, and encourage the location of, scientific research, biotechnology, and clean manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities’ industrial areas.” Due to the existing building configuration and site size, the project site is not suited for use by, or redevelopment of, scientific research or manufacturing uses.

Additionally, page 86 of the TPCP contains a policy that states “development of freestanding retail commercial uses in industrially designated areas shall be restricted to those uses that serve only the immediate Sorrento Valley industrial area.” Due to their relative restriction within the City’s zoning scheme, Outlet uses would not be expected to serve “only the immediate Sorrento Valley industrial area.” However, the Outlet would occupy an existing building previously used for a commercial services use and the proposed use and space configuration within the building would not result in an intensification of use within the site. Furthermore, the building is not considered freestanding retail as its interior would be minimally modified to include two tenant spaces, the Outlet, and an additional tenant space with separate access to be leased and occupied by a non-retail commercial use. Based on the above, the proposed Outlet is a compatible use at this location with a Conditional Use Permit and is consistent with the TPCP land use policies, and will therefore not adversely affect the applicable land use plan.

(b) The proposed development will not be detrimental to the public health, safety, and welfare. 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 to assure the project’s compliance with applicable local, regional, state and federal codes and rules. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent all adverse impacts to the public and community at large.

Outlets are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. Outlets require compliance with SDMC Section 141.0504, which requires a 1,000-foot separation, measured in accordance with SDMC sections 141.0504 and 113.0225, from resource and population-based city parks, other Outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools including private or public institutions of learning providing instruction in kindergarten grades 1 to 12. There is also a minimum distance requirement of 100 feet from a residential zone.

Approval of this application would allow the sale of marijuana to be conditioned in order to prevent potential adverse impacts on the community. The proposed 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, and two security guards; restriction of

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hours of operation to between 7:00 am and 9:00 pm daily; maintenance of area and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and restriction of signage to business name, two-color signs, and alphabetic characters. 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.

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. Furthermore, this project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Based on the above analysis, the proposed development would 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 proposes the operation of an Outlet in a 3,697-square-foot tenant space within an existing 5,451-square-foot, one-story, multi-tenant commercial building. The proposed Outlet, classified as retail sales use, is allowed in the IL-3-1 Zone with a CUP pursuant to SDMC Sections 141.0504. The project has been determined to be exempt from the permit requirements of the Environmentally Sensitive Lands (ESL) regulations pursuant to SDMC sections 143.0110(b)(4) and (c)(1). The proposed change of use from a bank, a commercial service use, to an Outlet which is a retail sales use, is not an intensification of use as the parking requirement for retail sales, commercial services, offices, and mixed use development is the same within the IL-3-1 Zone pursuant to SDMC Chapter 14, Article 2, Division 5. Therefore, a Coastal Development Permit is not required pursuant to SDMC section 126.0704(a). The project is also exempt from the Airport Land Use Compatibility Overlay Zone regulations pursuant to SDMC Section 132.1505(c)(1) and (2).

Pursuant to SDMC Section 141.0504(a), Outlets are subject to separation requirements including a 1,000-foot separation from resource and population-based city parks, other Outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools including private or public institutions of learning providing instruction in kindergarten grades 1 to 12. There is also a minimum distance requirement of 100 feet from a residential zone. The proposed Outlet is in compliance with the required separation requirements.

The project is proposed within an existing structure constructed in 1984 in accordance with all applicable development regulations. The proposed Outlet will occupy an approximately 3,697-square-foot space within the existing 5,451-square-foot building. An additional building floor area of 703 square feet is to be leased and occupied by a non-retail commercial service use that is allowed by right in the IL-3-1 Zone, with the remaining 1,051 square feet to remain vacant throughout the duration of the CUP. The vacant floor space is not to be used for any purpose, including storage. The project provides 22 off-street parking spaces, which meets the required 22 off-street spaces required for all uses on the premises calculated at a rate of 5.0 automobile

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parking spaces per 1000 square feet of floor space, and by maintaining 1,051 square feet of building floor area within the building as vacant and unoccupied during the term of the CUP.

The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to parking, signage, lighting, security measures, hours of operation, and site maintenance. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

(d) The proposed use is appropriate at the proposed location. The proposed project is a request for a CUP to operate an Outlet in a 3,697-square-foot tenant space within an existing 5,451-square-foot, one-story, commercial building. The building is a multi-tenant building and includes an additional 703-square-foot tenant space that would be leased and occupied by a licensed non-retail commercial establishment that is permitted by right in the IL-3-1 Zone. The existing one-story building was developed in 1984 per Building Permit No. A-10502. Prior use on the site was a bank, which is a commercial service use. An Outlet is classified as a retail-sales use. The proposed change of use from a bank to an Outlet is not an intensification of use as the parking requirement for retail sales, commercial services, offices, and mixed use development is the same within the IL-3-1 Zone pursuant to SDMC Chapter 14, Article 2, Division 5. The project site is adjacent to a commercial office building to the east, research and development establishments to the south, an auto body shop to the north, and railroad tracks to the west across Sorrento Valley Road, and a mix of industrial and commercial uses further west.

The site is designated as "Industrial" in the TPCP, the adopted land use plan for this community. TPCP land use in Sorrento Valley is generally implemented by the IL-3-1 zone which is an industrial zone that allows for both industrial and commercial uses. The site is within the "Industrial Employment" General Plan land use category per the Land Use and Street System Map (Figure LU-2).

The Sorrento Valley industrial area, including this site, is further identified as "Prime Industrial Lands" (PIL) by the General Plan. A General Plan goal for identification of PIL designation is to protect valuable employment land for base sector industries important to the region's economy. An Outlet is a commercial retail use not considered base sector employment. The General Plan also allows development or redevelopment of individual properties pursuant to the development regulations and permitted uses of the existing zone and community plan designation provided a site is not critical to base sector employment. The project site is not critical to achieving the City's base sector employment goal. The existing building was previously used for a credit union business, a commercial service use, and is not expected to be reconfigured to accommodate base sector employment uses commonly found in the area such as scientific research. The 0.37-acre site is also relatively small and not expected to be redeveloped into a scientific research facility as new scientific research developments typically occupy multiple acre sites. General Plan policies also specifically restrict sensitive receptor land uses such as residential and public assembly in PIL. An Outlet is not a sensitive receptor land use.

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The proposal to reconfigure an existing commercial building for use as an Outlet is a compatible use within Sorrento Valley and would not adversely affect the TPCP land use. The "industrial" land use designation is intended to support manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, as well as support commercial and retail uses. A TPCP Industrial Land Use Element policy is to "emphasize the citywide importance of, and encourage the location of, scientific research, biotechnology, and clean manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas." Due to the existing building configuration and site size, the project site is not suited for use by, or redevelopment of, scientific research or manufacturing uses.

Additionally, page 86 of the TPCP contains a policy that states "development of freestanding retail commercial uses in industrially designated areas shall be restricted to those uses that serve only the immediate Sorrento Valley industrial area." Due to their relative restriction within the City's zoning scheme, Outlet uses would not be expected to serve "only the immediate Sorrento Valley industrial area." However, the Outlet would occupy an existing building previously used for a commercial services use and the proposed use and space configuration within the building would not result in an intensification of use within the site. Furthermore, the building is not considered freestanding retail as its interior would be minimally modified to include two tenant spaces, the Outlet, and an additional tenant space with separate access to be leased and occupied by a non-retail commercial use. Based on the above, the proposed Outlet is a compatible use at this location with a Conditional Use Permit and is consistent with the TPCP land use policies, and will therefore not adversely affect the applicable land use plan.

The proposed Outlet is allowed in the IL-3-1 Zone with a CUP and is subject to separation requirements set forth in SDMC Section 141.0504, including a 1,000-foot separation from resource and population-based city parks, other Outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools including private or public institutions of learning providing instruction in kindergarten grades 1 to 12. There is also a minimum distance requirement of 100 feet from a residential zone.

A minor-oriented facility is defined as any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the primary use is devoted to people under the age of 18. The SDMC further defines a primary use as an allowed use on a premises that occupies a majority of the area of the premises. The proposed Outlet is approximately 755 feet, measured property line to property line, from the New Youth Orchestra (NYO) located at 10855 Sorrento Valley Road. The NYO occupies approximately 2,500 square feet, within Suites 2 and 3, of a 30,000-square-foot multi-tenant building and offers music education program to intermediate and advanced level string or wind instrument performers between the ages of 7 to 25. NYO is not considered any of the specific uses listed above. It is a music instruction studio that occupies approximately 8.3% of the building, and is not considered the primary use on the premises. Therefore, the proposed Outlet is not required to maintain a 1,000-foot distance from this use. Furthermore, City staff cannot locate any building permits for tenant improvements and occupancy establishing an instructional

(R-2018-450)
REV. COPY

studio use at this location and has determined the subject use is not an allowed use at this location designated Prime Industrial Land per SDMC Chapter 13, Article 1, Division 6, Table 131-06B.

Outlets are also prohibited within 1,000 feet of other Outlets. On January 12, 2016, a CUP was issued for the Torrey Holistics Clinic MMCC located at 10671 Roselle Street, which is approximately 300 linear feet, measured property line to property line, from the proposed Outlet. In accordance with SDMC Section 113.0225(c), where there is a natural topographical barrier or constructed barrier, distance between uses can be measured as the most direct route around the barrier in a manner that establishes direct access. City staff has determined there are existing constructed barriers including railroad tracks, six-foot high chain link fence, and a drainage channel that would impede direct physical access between the uses. A direct pedestrian path of travel from the project site along the sidewalk and designated pedestrian crosswalk around these constructed physical barriers measures more than 1,000 feet, and therefore, in compliance with the separation requirements.

Outlets are also subject to 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 guards; restriction of hours of operation to between 7:00 am and 9:00 pm daily; maintenance of area and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and restriction of signage to business name, two-color signs, and alphabetic characters. 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.

The SDMC limits Outlets to commercial and industrial zones and the number of Outlets to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the IL-3-1 Zone and the existing uses are consistent with the Industrial designation of the community plan and compatible uses with an Outlet. Therefore, based on the commercial nature of the use, compliance with the separation requirements, and conditions of approval, the proposed development 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.

(R-2018-450)
REV. COPY

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 1865509 is granted to Sorrento Valley Investment Group, Owner, and Sure Felt, LLC, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:als
0326/2018
05/29/2018 Cor. Copy
11/14/2018 Rev. Copy
Or.Dept:DSD
Doc. No.: 1716538_3

Attachment: Conditional Use Permit No. 1865509

Office of
The City Attorney
City of San Diego

MEMORANDUM

DATE: November 14, 2018
TO: Elizabeth Maland, City Clerk
FROM: Corrine L. Neuffer, Deputy City Attorney *CN*
SUBJECT: Item #204-Subitem B – 10715 Sorrento Valley – Project No. 527802 – Council Meeting of June 18, 2018

On June 18, 2018, the above referenced project, as Item 204, was approved by the City Council. Belinda Jane Appleyard, the applicant, is identified as the Permittee in Conditional Use Permit No. 1865509 and Resolution No. R-311818. Since the hearing, but before the recordation of the approvals, the Permittee changed to Sure Felt, LLC.

The Permittee has been revised accordingly in the attached Revised Resolution and Permit and no revisions are required for the other documents.

CLN:als
Doc. No.: 1875185

Attachments: Articles of Organization of a Limited Liability Company (LLC).
Revised Resolution R-2018-450 and Permit

ORIGINAL

Passed by the Council of The City of San Diego on JUN 18 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☒	☐	☐	☐
Lorie Zapf	☐	☒	☐	☐
Chris Ward	☒	☐	☐	☐
Myrtle Cole	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Chris Cate	☒	☐	☐	☐
Scott Sherman	☐	☐	☒	☐
David Alvarez	☒	☐	☐	☐
Georgette Gomez	☒	☐	☐	☐

Date of final passage JUN 18 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

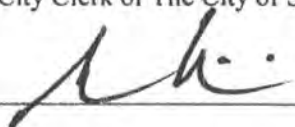
(Seal)

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311819

ORIGINAL

Passed by the Council of The City of San Diego on June 18, 2018, by the following vote:

YEAS: BRY, WARD, COLE, KERSEY, CATE, ALVAREZ, GÓMEZ.

NAYS: ZAPF.

NOT PRESENT: SHERMAN.

RECUSED: NONE.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Matthew R. Hilario, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-311819, approved on June 18, 2018. The date of final passage
is June 18, 2018.

ELIZABETH S. MALAND

City Clerk of the City of San Diego, California

(Seal)

By:  Deputy

ORIGINAL



TORREY PINES COMMUNITY PLANNING BOARD

REGULAR MEETING MINUTES

TUESDAY, May 21, 2024, 6:30 P.M.-8:30 P.M.

In-Person at Del Mar Hills Academy Multi-Use Room: 14085 Mango Drive, Del Mar, 92014

Speakers are requested to fill out Speaker Slips.

1. CALL TO ORDER (6:30 P.M.) Adam Gevanthor, Chair – **call to order at 6:31pm**
2. APPROVAL OF THE AGENDA (6:31 P.M.)
 - a. **Request by City Project Manager for Los Peñasquitos Lagoon Restoration Project to be moved earlier in board meeting.**
 - **Focus of presentation to be on information of project status and CEQA process.**
 - **Requested to provide updated project description to clarify the steps on the Public Review period and Public EIR. Description of public notification period was incorrect and will be clarified during presentation. Project data to be posted on City website and not the State Clearinghouse.**
 - b. **City Planning representative (Grant Ruerode) to present following public forum.**
 - c. **Ian to approve, Duncan to second – approved unanimous.**
3. APPROVAL OF MINUTES – **2 abstentions (Jonathan and Liz).**
 - a. **Adam to verify that past meeting minutes were sent out to Board.**
4. PUBLIC FORUM – Non-agenda items only but within the jurisdiction of the Community Planning Board. Time limit - Board does not respond to speaker per City Council policy (three-minute limit per speaker subject to change based on number of speakers present).
 - a. **Megan Steward – County of SD board of supervisors recognizes May as National Foster Care and Mental Health Awareness month. Discussed health effects of secondhand smoke on public health with nicotine based and ESD based products. Engages planning group to promote smoke free properties (including tobacco, marijuana and ESD products)**
5. LOS PENASQUITOS LAGOON RESTORATION PROJECT (6:35-7:10 P.M.) Mike Hastings, President, Los Peñasquitos Lagoon Foundation, City of San Diego
Project update prior to start of public comment period about planned restoration of salt marsh in lagoon, including sediment, trash, invasive species, removal, flood attenuation, and freshwater management to improve sustainability of restoration and overall lagoon health. Addendum to Program EIR originally prepared for Los Peñasquitos Lagoon Enhancement Plan will be submitted to State Clearing House followed by Notice of

Action Package

- **Reporting each year to state housing needs for 2021-2029. City has permitted over 10,000 units over past year which is highest number in records. Approximately 27% are affordable units.**
- h. Representative for Senator Toni Atkins (**Cole**)
 - **Senate Bill 1428 – gap for health insurance coverage**
 - **Senate Bill 1213 – raise threshold for every woman counts program, passed unanimously**
 - **Senate Bill 1342 – infrastructure bill to permit streamlining San Vicente pumpstation; water treatment plant near border, passed unanimously**
 - **Liz: regarding home fire insurance, is state stopping insurers from leaving market? Home and apartment owners are not able to get fire insurance in certain areas.**
 - **State exploring legislation opportunity**
 - **Inquiring Facility at border**
- 7. **LOSSAN Rail Realignment Project Discussion (7:40-7:45 P.M.) (ACTION ITEM)**

Discussion about the upcoming SANDAG Project Scoping Meeting scheduled for June 18th at SD Del Mar Marriot and strategy for preparing formal response by Board.

 - a. **June 18th is normal TPCPB meeting date.**
 - **Adam recommendation to change meeting date to following Tuesday, June 25th**
 - **Greg concurs**
 - **Last Tuesday is CPC (Brad)**
 - **Greg proposing Thursday, June 27th**
 - **Follow up via strawpoll**
 - **Dee: notification about scoping meeting on June 18th. Inform more of the community, post on website**
 - **Adam: special meeting on either**
 - **Regular board meeting to be reschedule Tuesday or Thursday following week of scoping meeting, still retain meeting on June 18**
 - **Rail committee to attend scoping meeting and provide feedback (majority of board members)**
 - b. **Updated June 2024 meeting to be scheduled via Zoom on June 25.**

Adam motion, Greg – seconds. Location TBD.

8. JUNE MEETING DATE CHANGE (ACTION ITEM)

Discussion about changing the regular June meeting to following Tuesday, June 25th due to conflict with LOSSAN Rail Project Scoping Meeting scheduled for same day.

- a. **Proposed that updated June 2024 meeting to be scheduled via Zoom on June 25.**
- b. **Adam makes motion, Greg – seconds. Unanimous.**

9. MEDMEN, CONDITIONAL USE PERMIT AMENDMENT (7:50-8:15 P.M.)

Chair; Adam Gevanthor; Vice Chair, Greg Jabin; Secretary, Jonathan Parot; Treasurer, Brad Remy, Dennis Ridz; Ian Galton, Evan White, Duncan Agnew, Dee Rich, Liz Shopes, Michael Halpern, Eric Thies

(ACTION ITEM)

Scope/Location: Process Two: Conditional Use Permit amending CUP No. 1865509, PRJ No. 527802 to grant an additional five-year operational term to existing Cannabis Outlet at 10715 Sorrento Valley Road in the IL-3-1 zone within the Torrey Pines Community Planning Area and Council District 1. The project is located within the following overlay zones: Coastal Overlay Zone (Non-appealable), Coastal Height Limitation Overlay Zone, Coastal Parking Impact Overlay Zone, MCAS Miramar Land Use Compatibility Overlay Zone, Airport Influence Area - Review Area 1 and Accident Potential Zone 2, Special Flood Hazard Area (100 Year Floodplain), and Prime Industrial Lands. The project does not propose additional physical development.

Applicant/Representative: Michael Kinoshita michaelk@mkainc.net **Project**

Manager City of San Diego: Tyler Sherer, TSherer@sandiego.gov (619) 446-5378

- **Applicant not present. Adam put on agenda. PRC review project.**
 - **Discussion on concerns that new data regarding the business operations came in on facts that were not presented to the board or PRC**
 - **Past meeting minutes not approved regarding project being forwarded from PRC to Board.**
 - **Dennis shared history on project.**
 - **Madmen in bankruptcy, delisted on stock exchange in Canada, and allegedly owes the City monies for marijuana sales**
 - **Discussion on why would the board consider the project**
 - **PRC concerns: renewal of CDP (5-years), board opposed went to city council. Lost appeal, City council still approved.**
 - **PRC reviewed project as consistent with existing Conditional Use Permit**
 - **Discussion on the business being delinquent in fees and surprised the City looked at it not as a free standing business**
- **PRC Question for staff:**
 - **Project is located on prime industrial land and why is it not considered a freestanding commercial use?**
 - **Additional issues around parking. Clients are using coaster parking, which takes away from riders.**
- **Board to not take position**
- **Eric makes motion to recommend to not approve project– no second**
- **Peggy (member of public): objected to retail in industrial area. Surprised to see come up for renewal**
- **Duncan: to not take a position on the CUP.**
- **Adam makes motion for Board to not take position on project – All concur but Eric opposes.**

10. COMMITTEE & MISC. UPDATES (8:15-8:29 P.M.)

a. CPC, B. Remy/L. Shopes

- **City is now allowing Zoom meetings. Need to have as an agenda item for Board to take action on in-person, hybrid, or zoom-only.**
- **The same resolution that recognizes Torrey Pines as advisory board, allows to meet virtually (hybrid or virtual only)**

- Place meeting methodology as Action items in June.
 - 2/3 participation need to vote to approve zoom meetings, with in person annual meeting every March.
 - Duncan makes motion to approve, Greg seconds– unanimous passes with 2/3 majority.
 - In June, the Board will discuss consistency in meeting methods
 - CPC feedback on meeting 3 times yearly.
- b. Rail Committee / I. Galton
- Meeting with Duncan, Brian, Julio, Adam, Mike, Greg, Dee, Joaquin in discussing about how the Board does not feeling represented vs the City of Del Mar.
 - Take away was that Board members felt tentatively better but will see how it goes from there
 - Overall positive
 - Meeting scoping on June 18th. NOP coming out June 4
- c. San Dieguito EMS District / County Service Area 17 / Liz Shopes
- d. Undergrounding Block 1Y – A. Gevanthor

11. ANNOUNCEMENTS

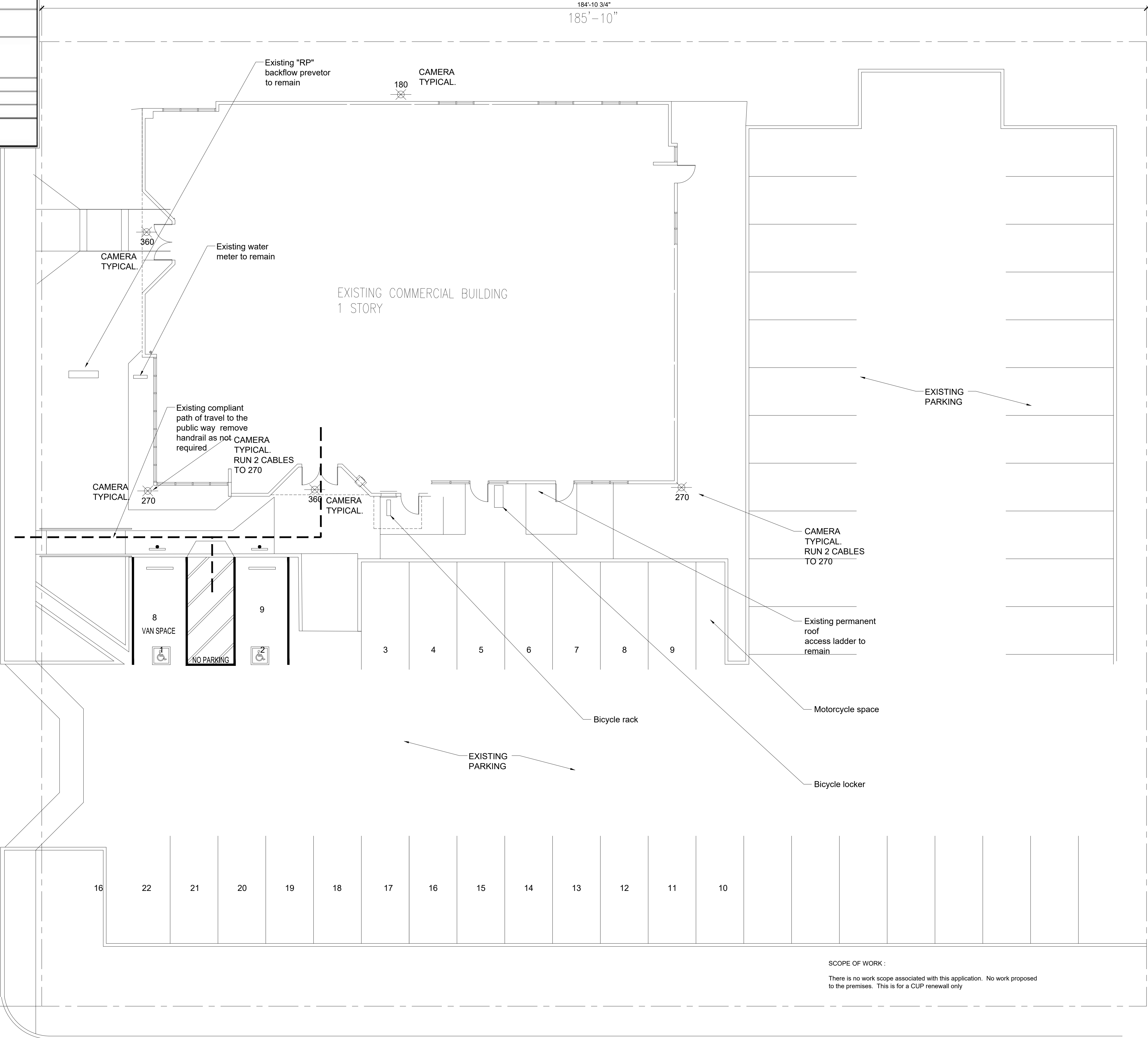
- a. Attend City workshop training.
- b. Liz to share link and information on webinar for traffic safety from Maryland city planning committee.

12. ADJOURNMENT (8:30 P.M.)

Parking Table per SDMC 142.0530		
Automobile Spaces		
Use	Number of Spaces Required per SDMC Table 142-05E	SDMC 142.0560(e) Pre-existing Parking Facilities
IL-3-1 Zone	5 spaces per 1,000 SF of floor area outside a transit area	(1) Parking stall dimensions for 90-degree parking are 8'-6" wide by 20' long with 21' aisles; or
	5 x 4,400 = 22 spaces w/ 1 van accessible space	(2) A maximum of 60 percent of the total number of spaces may be 7'-6" wide by 15' long with 18' aisles.
Accessible Parking Spaces per Americans with Disabilities Act (ADA) and SDSD SDM-117		
Use	Number of Spaces Required	Number of Spaces Provided
Commercial IL-3-1 Zone	1 accessible parking space for 1-25 parking spaces with at least 1 van accessible parking space for every 6 accessible parking spaces	1 ADA van accessible parking space
Carpool and Zero Emissions Vehicles per SDMC 142.0530(d)(B)(iii)		
Use	Number of Spaces Required	Number of Spaces Provided
Commercial IL-3-1 Zone	1 designated space if there are 10-25 parking spaces	1 space
Bicycle Spaces per SDMC 142.0530(e)(1)(A) and 142.0530(e)(2)(A)		
Use	Number of Spaces Required	Number of Spaces Provided
Commercial IL-3-1 Zone	Short-term - 2 spaces or 0.1 per 1,000 SF of floor area, whichever is greater	Short-term - 2 spaces
	Long-term - 1 space or 5% of the required automobile parking for any premises with more than 10 full-time employees	Long-term - 1 bike locker
Motorcycle Spacs per SDMC 142.0530(g)		
Use	Number of Spaces Required	Number of Spaces Provided
Commercial IL-3-1 Zone	2% of the minimum number of automobile parking spaces required or 2 spaces, whichever is greater	2 spaces

DEVELOPMENT SUMMARY	
10715 Sorrento Valley Road, San Diego, CA 92121.	
Narrative:	
Required Permits/Approvals	Conditional Use Permit Cannabis Outlet
Project Team	Darren Machulsky 609-492-4234
Legal Description	(EX ST OP)ALLEY CLSD ADJ & LOTS 13-15 BLK 17 TR 483
Assessor's Parcel Number	340-120-24-00
Owner's Name & Address	Sorrento Valley Investment Group 10715 Sorrento valley Road, San Diego, CA 92121.
Sheet Index	1 of 1
Type of Construction	Wood framing with stucco finish
Occupancy Classification per CA Building Code	B
Zoning Designation	IL-3-1. Overlays: Miramar Airport Influence Area and Coastal Overlay Zone Environmentally Sensitive Lands: FEMA Floodplain (0.2% annual chance 500 Year)
Gross Site Area & Floor Area	Gross Site Area: 16,320 SF Building Floor Area: 5,451 SF Proposed Cannabis Outlet Floor Area: 3,697 SF Proposed Commercial Service/Office: 703 SF
Existing Use	Commercial Services - Cannabis Outlet/Commercial Service/Office
Proposed use	Commercial Services - Cannabis Outlet/Commercial Service/Office
Year Constructed	1984
Geologic Hazard Category	31
Landscape Area Square Footage	4,090 Sf

DEVELOPMENT SUMMARY



SCOPE OF WORK :
There is no work scope associated with this application. No work proposed to the premises. This is for a CUP renewal only

02 Site Plan / Key Plan
TS1 1/32" = 1'-0"

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DMA EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES, REPRESENTATIONS AND AGREEMENTS FOR THE PROJECT. THESE PLANS AND SPECIFICATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. NO CODES, STANDARDS OR REGULATIONS HAVE BEEN ASSIGNED TO ANY PART OF THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PROJECT TITLE:

CUP Renewal
10715 SORRENTO VALLEY ROAD
SAN DIEGO, CA.
92121

CALIFORNIA
NEW JERSEY
PENNSYLVANIA
ARIZONA
TEXAS
DELAWARE
IOWA
OHIO
FLORIDA
NEW YORK
MASSACHUSETTS
ILLINOIS
COLORADO
MINNESOTA
NEVADA
INDIANA
OKLAHOMA
HAWAII
MONTANA
GEORGIA
NEW MEXICO
TENNESSEE
WASHINGTON
OREGON
MARYLAND
SOUTH CAROLINA
KANSAS
MISSOURI
MISSISSIPPI
DC

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ARCHITECT

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SAN DIEGO, CA 92108
(609) 492-4234
FAX 760 730 9659

DARREN@MACHULSKY.COM

LICENSED ARCHITECT
DARREN MACHULSKY
No. C-30817
Exp. 7-31-25
STATE OF CALIFORNIA
Darren Machulsky

REVISIONS:

1	10-30	city

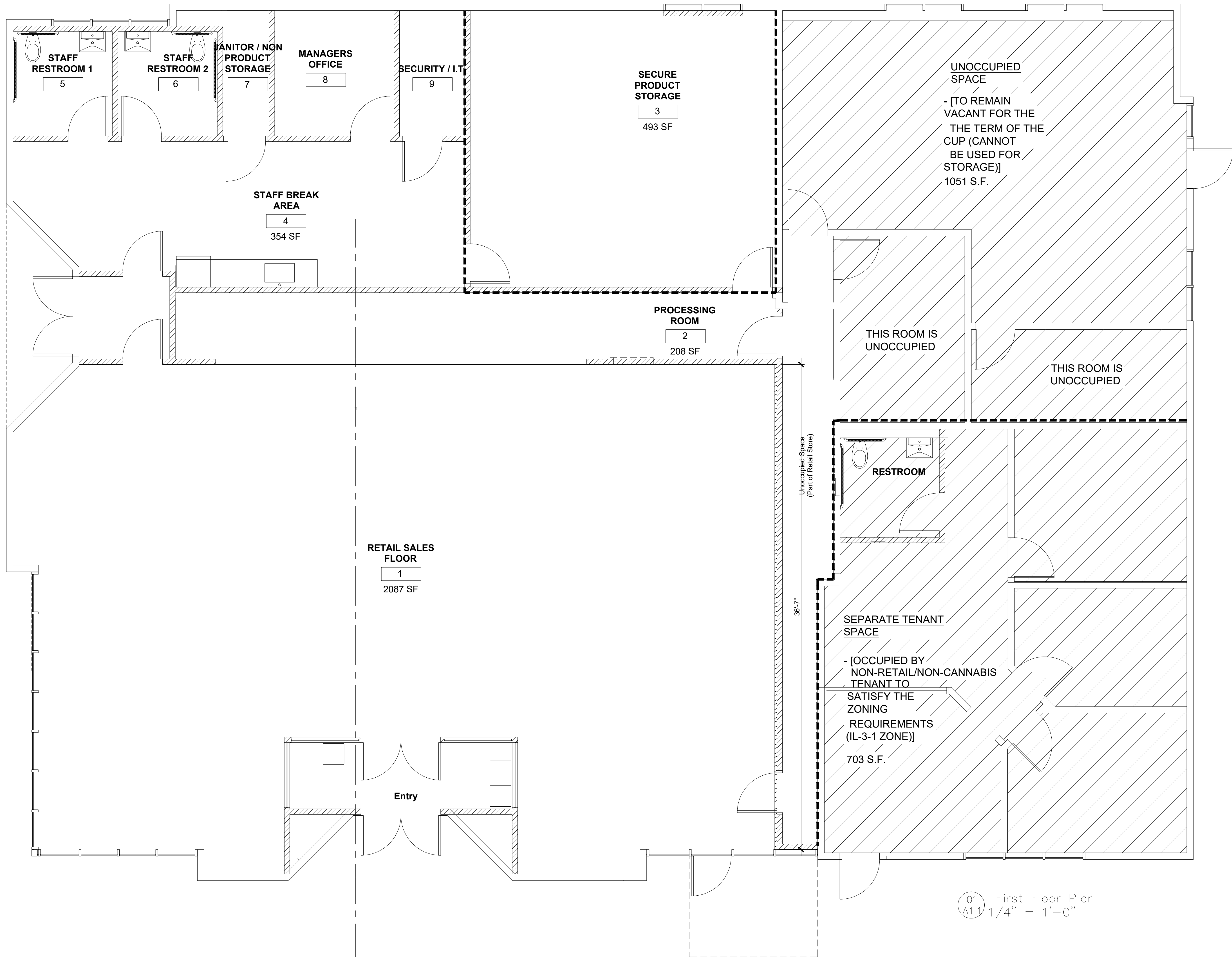
April 19, 2024

TITLE SHEET

DWG TITLE:

TS1

DWG P:



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CUP Renewall
10715 SORRENTO VALLEY ROAD
SAN DIEGO, CA.
92121

PROJECT TITLE:

CALIFORNIA
NEW JERSEY
PENNSYLVANIA
ARIZONA
TEXAS
DELAWARE
IOWA
OHIO
FLORIDA
NEW YORK
MASSACHUSETTS
ILLINOIS
COLORADO
MINNESOTA
NEVADA
INDIANA
OKLAHOMA
HAWAII
MONTANA
GEORGIA
NEW MEXICO
TENNESSEE
WASHINGTON
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MARYLAND
SOUTH CAROLINA
KANSAS
MISSOURI
MISSISSIPPI
DC

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DARREN MACHULSKY
No. C-50817
Exp. 7-31-25
STATE OF CALIFORNIA
Darren Machulsky

REVISIONS:	

FLOOR PLAN

A1.1
DWG. 1

April 19, 2024



From: Austin, Gina <gaustin@austinlegalgroup.com>
Sent on: Wednesday, April 17, 2024 12:12:51 AM
To: Sherer, Tyler <TSherer@sandiego.gov>
CC: Gates, Lara <LNGates@sandiego.gov>; dkseyranian@aol.com; Peter Seyranian <pseyranian@aol.com>
Subject: [EXTERNAL] PRJ-1097148
Attachments: ds318 printed.pdf (215.74 KB), ds3032 with attachment.pdf (303.74 KB)

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Tyler,

As explained in our phone call and the email from the property owner, the existing tenant at 10715 Sorrento Valley Rd no longer has authority to occupy the property and the property owner has revoked the tenant's authority to continue to take any actions with regard to the property or the CUP. In light of the above, the property owner is substituting the DS-318 and DS-3032 for the CUP renewal PRJ-1097148. When a new operator is chosen by the property owner, a new DS-192 will be submitted in order to obtain a new operating permit.

Please let me know next steps.

Thank you

Gina

Gina Austin, Esq.

Austin Legal Group, APC

Office Phone: 619.924.9600

Cell: 619.368.4800

Office Fax: 619.881.0045

gaustin@austinlegalgroup.com

3990 Old Town Ave, Suite A-101

San Diego, California 92110

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April 16, 2024

Richard Ormond, Medmen, rormond@mmecontractor.com
 Art Luna, Medmen, art@artlunacpa.com
 Amit Pandey, Medmen, amit.pandey@medmen.com>
 David Seyranian, Property Owner, dkseyranian@aol.com

Sent Via Email and Certified Mail

RE: Sure Felt LLC - Notice of possible revocation of Cannabis Operating Permit and Non-Renewal of CUP #1865509 for Conditional Use Permit Conditions Violations

This letter is to inform you that the City may revoke the cannabis operating permit (COP) located at 10715 Sorrento Valley Road, San Diego CA 92121, forcing the outlet to close immediately and recommend denial of conditional use permit (CUP) of (Attachment A) if the following permit violations are not corrected:

1. Default on promissory note (Attachment B) payments: Required payment in the amount of \$32,588.68 due at the end March was not made.
2. Taxes and penalties associated with December sales activity have not been received and were recently referred to the City's Delinquent Accounts Program. The following is a breakdown of taxes and penalties owed for December sales activity:

2019004907 – Sure Felt LLC (ID #5841906)	
December 2023 Tax	\$30,110.28
December 2023 Penalty	\$16,613.34
Total referred -	\$46,723.62

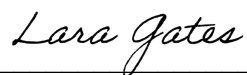
3. Remittance form and associated tax payment was not submitted for February sales activity as required under San Diego Municipal Code (SDMC) section 34.0113. Using track and trace data compiled via the State's METRC portal, it is estimated that the following is owed:

February Estimated Tax	\$13,765.93
February Estimated Penalty	\$3,510.31
Total Estimated Amount Owed	\$17,276.24

SDMC section 42.1504 requires that all local cannabis outlets possess an active CUP and COP to operate. Per San Diego Municipal Code (SDMC) Section 121.0313, if taxes are not paid, the Cannabis Business Division (CBD) may revoke your permits pursuant to section 42.1509 (for the COP) and 121.0314 (for the CUP). Since this CUP is currently processing a Process 2 amendment to renew your CUP staff may not recommend approval of the amendment if these violations are not corrected. Please coordinate with the City's Delinquent Accounts Program to pay the outstanding amount due by May 5, 2024.

Please contact me immediately upon receipt of this letter to resolve the violations associated with CUP #1865509 and your COP. Should you have questions, please contact me at 619-871-7294 or lngates@sandiego.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lara Gates".

Lara Gates
Deputy Director, Cannabis Business Division
Development Services Department

Attachments: A. Conditional Use Permit #1865509
B. Promissory Note

cc: Ricardo Ramos, Deputy Director, Office of the City Treasurer

CITY OF SAN DIEGO
TREASURER'S OFFICE
COLLECTION ID: 5841906

PROMISSORY NOTE

SURE FELT LLC DBA: MEDMEN,

DOES HEREBY ACKNOWLEDGE ITS INDEBTEDNESS TO THE CITY OF SAN DIEGO IN THE SUM OF \$195,532.08 COMPRISED OF PRINCIPAL OF \$189,410.22, COLLECTION REFERRAL FEES OF \$1,000.00 AND INTEREST OF \$5,121.86. THIS INDEBTEDNESS IS BASED ON THE AUDIT CONDUCTED BY THE CITY THAT REFERS TO THE OBLIGATIONS FOR THE AUDIT PERIOD OF 04/01/2019 THROUGH 09/30/2022. SURE FELT LLC DBA: MEDMEN AGREES TO PAY THAT SUM ON THE FOLLOWING TERMS:

PAY \$195,532.08 PLUS ACCURED INTEREST, DUE ON OR BEFORE 07/30/2024 IN SEVEN MONTHLY INSTALLMENT PAYMENTS. THE FIRST SIX PAYMENTS WILL BE \$32,588.68. EACH PAYMENT IS DUE NO LATER THAN THE THIRTIETH DAY OF EACH MONTH (FEBRUARY'S PAYMENT DUE BY THE TWENTY-NINTH DAY), WITH THE FIRST MONTHLY INSTALLMENT PAYMENT DUE TO THE CITY NO LATER THAN 01/30/2024. INTEREST WILL ACCRUE ON THE UNPAID BALANCE AT 7% PER ANNUM RATE, BASED ON THE PRINCIPAL AMOUNT DUE. THE SEVENTH AND FINAL PAYMENT DUE ON OR BEFORE 07/30/2024 WILL BE FOR ANY REMAINING ACCRUED INTEREST.

IF THE AMOUNTS INDICATED ABOVE ARE NOT PAID IN FULL BY 07/30/2024, AND THE PAYMENTS ARE NOT MADE AS SET FORTH HEREIN, SURE FELT LLC DBA: MEDMEN SHALL BE IN DEFAULT OF THIS AGREEMENT, AND SUBJECT TO LOSS OF ITS BUSINESS CERTIFICATE, REVOCATION OF THE CONDITIONAL USE PERMIT AND SUBJECT TO LEGAL ACTION TO COLLECT THE UNPAID BALANCE. THE CITY IS ALLOWING SURE FELT LLC DBA: MEDMEN TO ENTER INTO THIS AGREEMENT TO MAKE INSTALLMENT PAYMENTS OF THE DELINQUENT AMOUNT OWED AND TO AVOID BEING SUBJECT TO THE ACTIONS LISTED. PROVIDED THE PAYMENTS ARE RECEIVED IN ACCORDANCE WITH THE TERMS OF THIS PROMISSORY NOTE, THE CITY AGREES NOT TO REVOKE THE BUSINESS CERTIFICATE, CONDITIONAL USE PERMIT, OR PURSUE ANY LEGAL ACTION TO COLLECT THE OBLIGATIONS CURRENTLY OWING AND IDENTIFIED IN THIS AGREEMENT.

SHOULD A DEFAULT OF ANY PAYMENT OCCUR, THE ENTIRE OBLIGATION SHALL BE ACCELERATED AND ALL OUTSTANDING AMOUNTS, INCLUDING ACCRUED INTEREST, SHALL BECOME IMMEDIATELY DUE AND PAYABLE. ANY DEFAULT IN THE AGREED UPON TERMS MAY JEOPARDIZE SURE FELT LLC DBA: MEDMEN'S CANNABIS BUSINESS DIVISON OPERATING PERMIT AND CONDITIONAL USE PERMIT (CUP).

SURE FELT LLC DBA: MEDMEN FURTHER AGREES TO MAKE EACH OF ITS ONGOING FUTURE CANNABIS BUSINESS TAX AND RELATED FEE PAYMENTS ON TIME. ANY ADDITIONAL UNPAID AMOUNTS REFERRED TO DELINQUENT ACCOUNTS FOR COLLECTION ARE NOT PART OF THIS AGREEMENT. THE CITY TREASURER'S OFFICE RESERVES THE RIGHT TO PURSUE ALL LEGAL REMEDIES TO COLLECT ANY ADDITIONAL AMOUNTS THAT BECOME DUE TO THE CITY.

SHOULD THE CITY INCUR LEGAL FEES OR UTILIZE LEGAL SERVICES TO ENFORCE THE TERMS OF THIS AGREEMENT, SURE FELT LLC DBA: MEDMEN AGREES TO BE RESPONSIBLE FOR AND PROMPTLY PAY ALL REASONABLE ATTORNEYS' FEES AND COSTS INCURRED OR EXPENDED BY THE CITY, WHETHER BY DEPUTY CITY ATTORNEYS' OR BY OUTSIDE COUNSEL.

SURE FELT LLC DBA: MEDMEN AGREES TO KEEP THE CITY TREASURER'S OFFICE APPRISED OF ITS CONTACT INFORMATION SHOULD IT CHANGE FROM WHAT IS SET FORTH BELOW.

ANY MODIFICATION TO THIS AGREEMENT MUST BE IN WRITING, AGREED TO, AND SIGNED BY BOTH PARTIES.

I HEREBY CERTIFY THAT I AM AUTHORIZED TO, AND DO, LEGALLY BIND SURE FELT LLC, INDIVIDUALLY AND DOING BUSINESS AS SURE FELT LLC DBA: MEDMEN, TO THIS AGREEMENT AND THAT I HAVE READ, UNDERSTAND, AND AGREE TO ALL THE TERMS AND CONDITIONS OF THIS AGREEMENT.

EXECUTED AT SAN DIEGO, CALIFORNIA.

DATED: 2/23/2024

DocuSigned by:

FE8B3D1DB8E8423...
Richard Ormond, CRO for SURE FELT LLC DBA: MEDMEN

6501 Congress Avenue, Boca Raton, FL 33487

ADDRESS

rormond@mmecontractor.com

E-MAIL ADDRESS

310-913-0515

TELEPHONE NUMBER



THE CITY OF SAN DIEGO

DATE OF NOTICE: May 2, 2024

NOTICE OF DECISION

DEVELOPMENT SERVICES DEPARTMENT

PROJECT NO:	PRJ-1097148
PROJECT NAME:	<u>10715 SORRENTO VALLEY ROAD CANNABIS OUTLET AMENDMENT</u>
PROJECT TYPE:	AMENDMENT TO CONDITIONAL USE PERMIT, PROCESS TWO
APPLICANT:	SORRENTO VALLEY INVESTMENT GROUP
COMMUNITY PLAN AREA:	TORREY PINES
COUNCIL DISTRICT:	1
CITY PROJECT MANAGER:	Tyler Sherer, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5378 / TSherer@sanidiego.gov

On May 2, 2024, the Development Services Department APPROVED an application to allow a previously approved Marijuana Outlet (MO) to change its use to Cannabis Outlet (CO) and continue operations in a 3,697-square-foot tenant space within an existing commercial building. No other changes to the existing development are proposed, only a change of use and a 5-year extension of operations. The 0.37-acre site is located at 10715 Sorrento Valley Road in the IL-3-1 zone of the Torrey Pines Community Plan area.

If you have any questions about this project, the decision, or wish to receive a copy of the resolution approving or denying the project, contact the Development Project Manager above.

The decision of the Development Services Department Staff can be appealed to the Planning Commission within ten business days from the above date: May 16, 2024. Appeal procedures are described in [Information Bulletin 505](#) (<https://www.sandiego.gov/sites/default/files/dsdib505.pdf>) and 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 by 4:00 pm 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@sandiego.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 consistent with Negative Declaration No. 82-0331 pursuant to the California Environmental Quality Act (CEQA) Section 15162 on August 9, 2023.

This information will be made available in alternative formats upon request.

Internal Order No.: 11004381

cc: Adam Gevanthor, Chair, Torrey Pines Community Planning Group



Development Services Department

Tyler Sherer / Project No. PRJ-11097148 10715 Sorrento Valley Road CO

1222 First Avenue, MS 301

San Diego, California 92101-4140

RETURN SERVICE REQUESTED