

DOC# 2019-0410285



**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**

Sep 19, 2019 09:02 AM  
OFFICIAL RECORDS  
Ernest J. Dronenburg, Jr.,  
SAN DIEGO COUNTY RECORDER  
FEES: \$56.00 (SB2 Atkins: \$0.00)

PAGES: 15

INTERNAL ORDER NUMBER: 24007596

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2072708  
**MPF 10671 ROSELLE STREET - PROJECT NO. 585605**  
PLANNING COMMISSION

This Conditional Use Permit No. 2072708 is granted by the Planning Commission of the City of San Diego to GMG SD LLC., a California Limited Liability Company, Owner, and Torrey Holistics, Inc., a California corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.44-acre site is located at 10671 Roselle Street in the IL-3-1 Zone, Coastal Overlay Zone (Appealable and Non-Appealable), Coastal Height Limit Overlay Zone, MCAS Miramar Airport Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), Parking Impact Overlay Zone (Campus and Coastal), Transit Priority Area, and Prime Industrial Lands within the Torrey Pines Community Plan area. The project site is legally described as: Lot 6 of University Sorrento Industrial, Map No. 6218, filed in the Office of the County Recorder of San Diego county, October 31, 1968.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to operate a Marijuana Production Facility within 7,447 square feet of an existing 9,687 square-foot, two story building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 9, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within 7,447 square feet (Suites 200-203, 102, and a portion of Suite 101) of an existing 9,687 square-foot, two story building. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis manufacturing (extraction), storage, and distribution;
- c. Off-street parking; and

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- d. 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 May 9, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 9, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).

8. The Owner/Permittee shall secure all necessary construction 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.

9. 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.

10. 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.

11. 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.

**BUILDING OFFICIAL REQUIREMENTS:**

12. Prior to the commencement of operations granted by this Permit, the Owner/Permittee shall obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official.



**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private walkway in the Roselle Street Right-of-Way.
14. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate Construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

**PLANNING/DESIGN REQUIREMENTS:**

16. 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.
17. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
18. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
19. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
20. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.
21. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.



22. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.
23. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.
24. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
25. The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.
26. The Owner/Permittee shall wet clean the parking lot on a monthly basis for the purpose of avoiding runoff into the adjacent drainage channel.

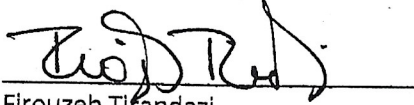
**INFORMATION ONLY:**

- Owner/Permittee voluntarily agrees to wet clean the parking lot on a monthly basis for the purpose of avoiding runoff into the adjacent drainage channel.
- 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 (b), 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 Planning Commission of the City of San Diego on May 9, 2019 by Resolution No. PC-5007.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2072708  
Date of Approval: May 9, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



Firouzeh Tirandazi  
Development Project Manager

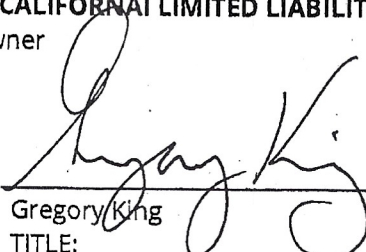
**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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**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.

**GMG SD, LLC**  
**(A CALIFORNIA LIMITED LIABILITY COMPANY)**  
Owner

By




Gregory King  
TITLE:


**NOTE: Notary acknowledgments  
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.

**TORREY HOLISTICS, INC.  
(A CALIFORNIA CORPORATION)**

Permittee

By   
Douglas Gans  
Title: CFO

By   
Tony Hall  
Title: CEO

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



**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 Diego )  
 On September 18, 2019 before me, Stacie L. Maxwell, Notary Public,  
 Date Here Insert Name and Title of the Officer  
 personally appeared ---Firouzeh Tirandazi---  
 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.



Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above.

**OPTIONAL**

Though this section is 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: MPF 10671 Roselle Street - Project No. 585605  
 Document Date: May 9, 2019 Number of Pages: 7  
 Signer(s) Other Than Named Above: ---Gregory King, Douglas Gans and Tony Hall---

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

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# CALIFORNIA ALL-PURPOSE CERTIFICATE ACKNOWLEDGEMENT

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.

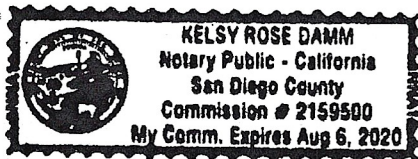
State of: California }  
County of: San Diego }

On September 5<sup>th</sup>, 2019, before me, Kelsy Rose Damm  
, Notary Public, personally appeared

Gregory King

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 State of California that the foregoing paragraph is true and correct.



PLACE NOTARY SEAL ABOVE

WITNESS my hand and official seal.

SIGNATURE

Kelsy Rose Damm

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

## Description of attached document

Title or type of document: Conditional Use Permit No. 2072708  
MPF 10671 Roselle St - Project No. 585605

Document Date: May 9<sup>th</sup>, 2019

Number of Pages: 7

**ORIGINAL**



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF 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 9/5/2019 before me, Kristian Brooks, Notary Public  
(Here insert name and title of the officer)

personally appeared Douglas Gans and Tony Hall,  
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.

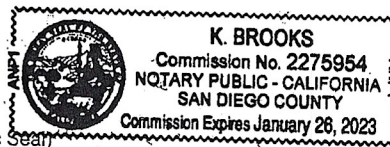
I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

K. Brooks

Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Conditional Use Permit Pa.

(Title or description of attached document)

2012708

(Title or description of attached document continued)

Number of Pages 7 Document Date 9/4/2019

### CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

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PLANNING COMMISSION RESOLUTION NO. PC-5007  
CONDITIONAL USE PERMIT NO. 2072708  
**MPF 10671 ROSELLE STREET - PROJECT NO. 585605**

WHEREAS, GMG SD, LLC., a California Limited Liability Company, Owner, and TORREY HOLISTICS, INC., a California corporation, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within 7,447 square feet of an existing 9,687 square-foot, two story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2072708 on portions of a 0.44-acre site;

WHEREAS, the project site is located at 10671 Roselle Street, Suites 200-203, 102, and a portion of Suite 101, in the IL-3-1 Zone of the Torrey Pines Community Plan area;

WHEREAS, the project site is legally described as Lot 6 of University Sorrento Industrial, Map No. 6218, filed in the Office of the County Recorder of San Diego county, October 31, 1968;

WHEREAS, on August 31, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303(c), and the Environmental Determination was appealed to City Council, which heard and denied the appeal on November 13, 2018, pursuant to Resolution No. R-312060;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2072708 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 20, 2019 and February 21, 2019, appeals of the Hearing Officer's decision to approve Conditional Use Permit No. 2072708 were filed by Shahin Mobine and Khoa Nguyen, respectively; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 9, 2019:

**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 proposed project is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within 7,447 square feet (Suites 200-203, 102, and a portion of Suite 101) of an existing 9,687 square-foot, two story building located at 10671 Roselle Street. The 0.44-acre project site is in the IL-3-1 Zone, Coastal Overlay Zone (Appealable and Non-Appealable), Coastal Height Limit Overlay Zone, MCAS Miramar Airport Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), Parking Impact Overlay Zone (Campus and Coastal), and Transit Priority Area, within the Torrey Pines Community Plan area.

The project site is designated Prime Industrial Land in the Prosperity Element, and Industrial Employment by the Land Use and Community Planning Element, of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is designated Industrial per the Torrey Pines Community Plan. The Industrial designation is intended for manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses.

The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

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

The MPF is proposed within 7,447 square feet of an existing 9,687 square-foot, two story building. The project proposes tenant improvements to accommodate operations, including interior walls to reconfigure space, installation of an elevator, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. The proposed improvements would require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Proposed exterior site improvements include a new accessible path from the existing sidewalk, and allocation of two motorcycle parking spaces, and security cameras.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC) section 141.1004, which

require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPFs also have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC section 141.1004 (a). The proposed MPF is subject to specific operational requirements as set forth in SDMC section 141.1004, including security requirements, such as lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2072708. The Conditional Use Permit No. 2072708 will be valid for five years and may be revoked if the Owner/Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2072708. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will 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 proposed project is a request for a Conditional Use Permit to operate a MPF within 7,447 square feet (Suites 200-203, 102, and a portion of Suite 101) of an existing 9,687 square-foot, two story building constructed in 1983. The 0.44-acre project site is in the IL-3-1 Zone within the Torrey Pines Community Plan area. The project proposes tenant improvements to accommodate operations, including interior walls to reconfigure space, installation of an elevator, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. Operations include cannabis manufacturing (extraction), storage, and distribution. Proposed exterior site improvements include a new accessible path from the existing sidewalk, and allocation of two motorcycle parking spaces, and security cameras.

MPFs are allowed in the IL-3-1 Zone with a Conditional Use Permit. The proposed use requires compliance with SDMC section 141.1004 and Chapter 4, Article 2, Division 15. SDMC section 141.1004 requires a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must



be licensed by the State of California and be present on the premises during business hours.

The proposed MPF is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. Therefore, the proposed MPF will comply with the regulations of the Land Development Code.

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

The MPF is proposed within 7,447 square feet (Suites 200-203, 102, and a portion of Suite 101) of an existing 9,687 square-foot, two story building located at 10671 Roselle Street. The project site is in the IL-3-1 Zone of the Torrey Pines Community Plan. The project site is designated Prime Industrial Land in the Prosperity Element, and Industrial Employment by the Land Use and Community Planning Element, of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is designated Industrial per the Torrey Pines Community Plan. The Industrial designation is intended for manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses

The IL Zones are intended to permit a range of uses, including non-industrial uses in some instances. The purpose and intent of the IL-3-1 Zone is to accommodate a range of industrial and manufacturing activities in designated areas to promote balanced land use and provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality development and protecting land for industrial uses and limiting nonindustrial uses. The development standards of this zone are intended to encourage sound industrial development by providing an attractive environment free from adverse impacts associated with some heavy industrial uses. Specifically, the IL-3-1 Zone allows a mix of light industrial, office, and commercial uses.

The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Industrial designation of the Torrey Pines Community Plan. Therefore, the proposed MPF is an appropriate use 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 the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 2072708 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. 2072708, a copy of which is attached hereto and made a part hereof.

  
\_\_\_\_\_  
Firouzeh Grandazi  
Development Project Manager  
Development Services

Adopted on: May 9, 2019

IO#: 24007596