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OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$146.00 (SB2 Atkins: \$75.00)

PAGES: 20

**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: 24008641

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2437097  
COASTAL DEVELOPMENT PERMIT NO. 2527091  
**BAKERY SORRENTO CANNABIS OUTLET - PROJECT NO. 665588**  
PLANNING COMMISSION

This Conditional Use Permit No. 2437097 and Coastal Development Permit No. 2527091 ("Permit") is granted by the Planning Commission of the City of San Diego to Gary Rogers, Owner and Bakery Sorrento LLC, a California Limited Liability Company, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 1.4-acre site is located at 11330 Sorrento Valley Road in the IL-3-1 Zone, Airport Influence Area (MCAS - Miramar Review Area 1), Airport Safety (MCAS Miramar - Accident Potential Zone 2), Coastal (Non-Appealable Area 1) Overlay Zone, First Public Roadway, Coastal Height Limitation, Fire Brush Management (100-foot Setback), Fire Brush Zone (300 Feet Buffer), Very High Fire Hazard Severity Zone, Special Flood Hazard Area (0.2 PCT Annual Chance Flood Hazard - 500 Year, and Zone AE - 100 Year), Prime Industrial Lands, and Transit Priority Area within the Torrey Pines Community Plan area. The project site is legally described as: Those portions of Lot "C" of acre Lot 15 and of Sorrento Valley Road, lying between the Southeasterly line of said Lot "C" and the Northeasterly line of the right of way of the Atchison, Topeka and Santa Fe Railway as shown on the Map of Sorrento Lands and Townsite, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 488, filed in the Office of the County Recorder of said San Diego County, dated February 9, 1988.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate a Cannabis Outlet, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 24, 2021, on file in the Development Services Department.

The project shall include:

- a. Operation of a Cannabis Outlet in a 5,412-square-foot tenant space within an existing 6,676-square-foot building located at 11330 Sorrento Valley Road;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

**ORIGINAL**

- 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 June 24, 2024.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 24, 2026.
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 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.

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.

#### **CLIMATE ACTION PLAN REQUIREMENTS:**

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.



### **ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA) for the landscape and irrigations located within the City's Right-Of-Way, satisfactory to the City Engineer.

### **LANDSCAPE REQUIREMENTS:**

14. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete landscape and irrigation construction documents for right-of-way improvements, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label and dimension a 40-square-foot area around each tree that is unencumbered by hardscape and utilities, unless otherwise approved per SDMC Section 142.0403(b) 6. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

15. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the Public Right-Of-Way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

16. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

### **PLANNING/DESIGN REQUIREMENTS:**

17. Lighting shall be provided to illuminate the interior, facade, and the immediate surrounding area of the cannabis outlet, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

18. Security shall be provided at the cannabis outlet which 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.

19. The Owner/Permittee shall provide a sufficient odor absorbing ventilation and system capable of minimizing excessive or offensive odors emanating outside of the permitted cannabis outlet to the satisfaction of the Development Services Department.



20. Signage: Primary signs shall be posted on the outside of the cannabis outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors. Secondary signs advertising cannabis, window signs and any display visible from the public right-of-way, are not permitted. No marketing or advertising for cannabis or cannabis products shall be displayed visible from the public right-of-way. All cannabis licensees, and any person acting on behalf of a licensee, must comply with the State of California statutes and regulations governing commercial cannabis advertising and/or promoting.
21. 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.
22. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
23. 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.
24. An annual operating permit shall be obtained as required pursuant to San Diego Municipal Code Chapter 4, Article 2, Division 15.
25. 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.
26. 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.
27. The cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
28. Consultations by medical professionals shall not be a permitted accessory use at a cannabis outlet.

**TRANSPORTATION REQUIREMENTS:**

29. All on-site parking stalls 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.

**PLANNING COMMISSION CONDITION:**

30. The 6,676-square-foot building shall not be converted into a stand-alone retail building during the term of the CUP. Permittee/Owner agree during the term of the CUP to not expand its

operations beyond the 5,412 square feet designated in this permit. Permittee/Owner's future entities or designees may not expand operations beyond the 5,412 square feet designated in this permit.

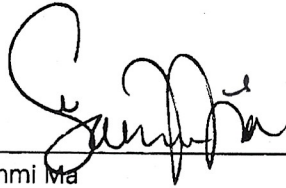
**INFORMATION ONLY:**

- 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 (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 June 24, 2021 and Resolution Number 5148-PC.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2437097  
Coastal Development Permit No. 2527091  
Date of Approval: June 24, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



Sammi Ma  
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.

**Gary Rogers**  
Owner

By

NAME

TITLE

  
OWNER 7/12/21

See CA Ack Attached

**Bakery Sorrento LLC**  
A California Limited Liability Company  
Permittee

By

NAME Brandon Johnson

TITLE Manager

SEE CALIFORNIA  
ACKNOWLEDGMENT  
DATE 7/12/21 INITL BJ

**NOTE: Notary acknowledgments  
must be attached per Civil Code**



**section 1189 et seq.**

**CALIFORNIA 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 August 2, 2021

Date

before me, Stacie L. Maxwell, Notary Public

Here Insert Name and Title of the Officer

personally appeared -- Sammi Ma, Development Project Manager --

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person 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

*[Handwritten 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: Bakery Sorrento Cannabis Outlet - Project No. 665588

Document Date: June 24, 2021

Number of Pages: 8

Signer(s) Other Than Named Above: -- Gary Rogers and Brandon Johnson --

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

Signer's Name: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

**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 Los Angeles )  
 On 07/12/2021 before me, Randall C. Ono, Notary Public,  
 Date Here Insert Name and Title of the Officer  
 personally appeared Gary Rogers  
 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: Conditional Use Permit No 2437097, Coastal Development  
 Document Date: \_\_\_\_\_ Number of Pages: Permit No  
 Signer(s) Other Than Named Above: \_\_\_\_\_ 2527091

**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: \_\_\_\_\_

**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 Orange )

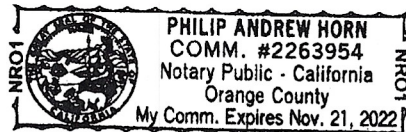
On July 7, 2021 before me, Philip Andrew Horn, Notary Public  
(insert name and title of the officer)

personally appeared Brandon Johnson  
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 Philip Horn (Seal)



# ORIGINAL

PLANNING COMMISSION  
RESOLUTION NO. 5148-PC  
CONDITIONAL USE PERMIT NO. 2437097  
COASTAL DEVELOPMENT PERMIT NO. 2527091  
**BAKERY SORRENTO CANNABIS OUTLET - PROJECT NO. 665588**

WHEREAS, GARY ROGERS, Owner and BAKERY SORRENTO LLC, a California Limited Liability Company, Permittee, filed an application with the City of San Diego for a Conditional Use Permit and Coastal Development Permit to allow the operation of a 5,412-square-foot Cannabis Outlet within an existing 6,676-square-foot commercial building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 2437097 and No. 2527091), on portions of a 1.4-acre site;

WHEREAS, the project site is located at 11330 Sorrento Valley Road in the IL-3-1 (Industrial Light) Zone, Airport Influence Area (MCAS – Miramar Review Area 1), Airport Safety (MCAS Miramar – Accident Potential Zone 2), Coastal (Non-Appealable Area 1) Overlay Zone, First Public Roadway, Coastal Height Limitation, Fire Brush Management (100-foot Setback), Fire Brush Zone (300 Feet Buffer), Very High Fire Hazard Severity Zone, Special Flood Hazard Area (0.2 PCT Annual Chance Flood Hazard – 500 Year, and Zone AE – 100 Year), Prime Industrial Lands, and Transit Priority Area within the Torrey Pines Community Plan area;

WHEREAS, the project site is legally described as those portions of Lot "C" of acre Lot 15 and of Sorrento Valley Road, lying between the Southeasterly line of said Lot "C" and the Northeasterly line of the right of way of the Atchison, Topeka and Santa Fe Railway as shown on the Map of Sorrento Lands and Townsite, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 488, filed in the Office of the County Recorder of said San Diego County, dated February 9, 1988;

WHEREAS, on February 26, 2021, 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 15301, Existing Facilities; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code (SDMC) section 112.0520;

WHEREAS, on April 28, 2021, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 2437097 and Coastal Development Permit No. 2527091 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, appeal of the Hearing Officer's decision was filed by Troy Van Horst, Chair of the Torrey Pines Community Planning Board on May 8, 2021; and

WHEREAS, on June 24, 2021, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 2437097 and Coastal Development Permit No. 2527091 pursuant to the Land Development Code of the City of San Diego; 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. 2437097 and Coastal Development Permit No. 2527091:

**A. CONDITIONAL USE PERMIT FINDINGS [SDMC Section 126.0305]**

**1. The proposed development will not adversely affect the applicable land use plan.**

This project is a request for a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) to allow the operation of a 5,412-square-foot Cannabis Outlet within an existing 6,676-square-foot commercial building located at 11330 Sorrento Valley Road. The 1.4-acre project site is in the IL-3-1 (Industrial Light) Zone, Airport Influence Area (MCAS – Miramar Review Area 1), Airport Safety (MCAS Miramar – Accident Potential Zone 2), Coastal (Non-Appealable Area 1) Overlay Zone, First Public Roadway, Coastal Height Limitation, Fire Brush Management (100-foot Setback), Fire Brush Zone (300 Feet Buffer), Very High Fire Hazard Severity Zone, Special Flood Hazard Area (0.2 PCT Annual Chance Flood Hazard – 500 Year,



and Zone AE – 100 Year), Prime Industrial Lands, and Transit Priority Area within the Torrey Pines Community Plan area.

The Torrey Pines Community Plan (TPCP) designates the site as Industrial. TPCP land use in Sorrento Valley is generally implemented by the IL-3-1 Zone, which is an industrial zone that allows industrial, retail, and commercial uses. Pursuant to SDMC section 131.0622, retail sales and commercial services are permitted uses in the IL-3-1 Zones. The proposed Cannabis Outlet is allowed in the IL-3-1 zone with a CUP pursuant to SDMC sections 131.0622 and 141.0504. 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 identified as Prime Industrial Lands (PIL) by the General Plan. A General Plan goal for identifying PIL is to protect valuable employment land for base sector industries important to the region's economy. A Cannabis Outlet is not considered a base sector employment. The General Plan 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. General Plan policies also specifically restrict sensitive receptor land uses such as residential and public assembly in PIL. A Cannabis Outlet is not a sensitive receptor land use.

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 immediately Sorrento Valley industrial area. The proposed Cannabis Outlet will be one of the two tenants in a multi-tenant commercial building. Suite B of the subject building is not part of the proposed Cannabis Outlet application, and will be occupied by a separate tenant. Therefore, the proposed Cannabis Outlet is not a freestanding retail, and the project conforms with this community plan policy. Per the market analysis included in the VMT (Vehicle Miles Traveled) Screening Analysis, the proposed Cannabis Outlet would satisfy the locally serving retail criteria per the City of San Diego Transportation Study Manual, based on the proximity of competitors limiting the market capture area of this project to less than three miles. Therefore, the proposed Cannabis Outlet is a compatible use at this location with a CUP, it is consistent with the TPCP land use policies and will not adversely affect the applicable land use plan.

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

The project proposes to operate a 5,412-square-foot Cannabis Outlet within an existing 6,676-square-foot commercial building, located at 11330 Sorrento Valley Road. The project proposes interior improvements to an existing tenant space, including a check in area, cannabis retail sales floor, non-cannabis merchandise sales area, offices, restrooms and storage areas. 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.

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. 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. The operation of the Cannabis Outlet in the IL-3-1 Zone, is allowed with a CUP at this location, and consistent with the goals and policies of the Torrey Pines Community Plan.

Cannabis 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. Cannabis 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 Cannabis 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 residentially zoned property or lot. City staff has reviewed the 100/1,000-foot radius map and the 100/1,000-foot radius map spreadsheet submitted by the applicant identifying all the existing surrounding uses, and determined that the proposed Cannabis Outlet complies with the minimum separation requirements between uses and residentially zoned lot or premises.

The proposed Cannabis 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, security guard; 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; restriction of signage to business name, two-color signs, and alphabetic characters; and signage advertising cannabis may not be visible from the public right-of-way. 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.

**3. 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 to operate a 5,412-square-foot Cannabis Outlet within an existing 6,676-square-foot commercial building, located at 11330 Sorrento Valley Road. The project



proposes interior improvements to an existing tenant space, including a check in area, cannabis retail sales floor, non-cannabis merchandise sales area, offices, restrooms and storage areas. Building improvements 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.

Cannabis 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. Cannabis 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 Cannabis 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 residentially zoned property or lot. City staff has reviewed the 100/1,000-foot radius map and the 100/1,000-foot radius map spreadsheet submitted by the applicant identifying all the existing surrounding uses, and determined that the proposed Cannabis Outlet complies with the minimum separation requirements between uses and residentially zoned lot or premises.

The permits for the project include 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.

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

The project is a request for a CUP and CDP to allow the operation of a 5,412-square-foot Cannabis Outlet within an existing 6,676-square-foot commercial building located at 11330 Sorrento Valley Road. The 1.4-acre project site is in the IL-3-1 (Industrial Light) Zone, Airport Influence Area (MCAS – Miramar Review Area 1), Airport Safety (MCAS Miramar – Accident Potential Zone 2), Coastal (Non-Appealable Area 1) Overlay Zone, First Public Roadway, Coastal Height Limitation, Fire Brush Management (100-foot Setback), Fire Brush Zone (300 Feet Buffer), Very High Fire Hazard Severity Zone, Special Flood Hazard Area (0.2 PCT Annual Chance Flood Hazard – 500 Year, and Zone AE – 100 Year), Prime Industrial Lands, and Transit Priority Area within the Torrey Pines Community Plan area.

The site is currently improved with a one-story commercial structure constructed in 1969 and occupied by offices and machine shops. The existing use of the proposed tenant space is currently an office. The SDMC limits Cannabis Outlets to commercial and industrial zones limited to no more than four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. A total of four CUPs for Cannabis Outlets were approved in Council District 1. However, one of the approved CUPs (CUP No. 2038237) was recently cancelled on April 8, 2021. Therefore, there are currently three Cannabis Outlets located in Council District 1 and there is capacity for one additional Cannabis Outlet to be approved. Cannabis Outlet is allowed in the IL-3-1 Zone with a CUP and subject to



separation requirements set forth in SDMC section 141.0504(a) including a 1,000-foot separation, measured in accordance with SDMC sections 141.0504 and 113.0225, from specified uses. There is also a minimum distance requirement of 100 feet from a residential zone.

The TPCP designates the site as Industrial. TPCP land use in Sorrento Valley is generally implemented by the IL-3-1 Zone, which is an industrial zone that allows industrial, retail, and commercial uses. Pursuant to SDMC section 131.0622, retail sales and commercial services are permitted uses in the IL-3-1 Zones. The proposed Cannabis Outlet is allowed in the IL-3-1 zone with a CUP pursuant to SDMC sections 131.0622 and 141.0504. 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 identified as Prime Industrial Lands (PIL) by the General Plan. 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.

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. The proposed Cannabis Outlet will be one of the two tenants in a multi-tenant commercial building. Suite B of the subject building is not part of the proposed Cannabis Outlet application, and will be occupied by a separate tenant. Therefore, the proposed Cannabis Outlet is not a freestanding retail, and the project conforms with this community plan policy. Based on the market analysis included in the VMT Screening Analysis, the proposed Cannabis Outlet would satisfy the locally serving retail criteria per the City of San Diego Transportation Study Manual, based on the proximity of competitors limiting the market capture area of this project to less than three miles. Thus, the proposed Cannabis Outlet is a compatible use at this location with a CUP and is consistent with the TPCP land use policies.

The proposed Cannabis Outlet, classified as retail sales use category, is consistent with the underlying IL-3-1 Zone and community plan land use designation and objectives of encouraging a range of commercial goods and services, and with a CUP, is a compatible use with the surrounding development. Therefore, based on the above analysis, the proposed use is appropriate at the proposed location.

**B. COASTAL DEVELOPMENT PERMIT FINDINGS [SDMC Section 126.0708]**

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The project is a request for a CUP and CDP to allow the operation of a 5,412-square-foot Cannabis Outlet within an existing 6,676-square-foot commercial building located at 11330 Sorrento Valley Road. The 1.4-acre project site is in the IL-3-1 (Industrial Light) Zone, Airport Influence Area (MCAS – Miramar Review Area 1), Airport Safety (MCAS Miramar – Accident

Potential Zone 2), Coastal (Non-Appealable Area 1) Overlay Zone, First Public Roadway, Coastal Height Limitation, Fire Brush Management (100-foot Setback), Fire Brush Zone (300 Feet Buffer), Very High Fire Hazard Severity Zone, Special Flood Hazard Area (0.2 PCT Annual Chance Flood Hazard – 500 Year, and Zone AE – 100 Year), Prime Industrial Lands, and Transit Priority Area within the Torrey Pines Community Plan area.

The project site is located approximately 1.5 miles from the Pacific Ocean, and it is within the First Public Roadway (1st-PBL-RDWY) pursuant to Ordinance No. O-17071 NS. The proposed development is limited to interior modifications that does not increase the footprint of the existing building and will not encroach upon any existing or proposed physical access to the coast. The site does not contain a public view as identified within the TPCP and Local Coastal Land Use Plan. Therefore, the project will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the TPCP and Local Coastal Land Use Plan.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The project proposes to operate a 5,412-square-foot Cannabis Outlet within an existing 6,676-square-foot commercial building, located at 11330 Sorrento Valley Road. The project site is mostly designated for Flood Zone X, and the property near the entrance contains a portion of Environmentally Sensitive Lands (ESL) in the forms of Flood Zone 0.2 PCT Annual Chance Flood Hazard – 500 year and Special Flood Hazard Area Zone AE – 100 year. However, this project is exempt from the permit requirement of the ESL regulations pursuant to SDMC sections 143.0110(b)(4) and (c)(1) because no encroachment into the ESL is proposed, and the development is limited to interior modifications that does not increase the footprint of the existing building, will not encroach into any ESL during or after construction. The project proposes a CUP to operate a Cannabis Outlet in one of the existing tenant spaces of an existing building. Therefore, the proposed development will not adversely affect ESL.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.**

The proposed Cannabis Outlet is located at 11330 Sorrento Valley Road in the IL-3-1 Zone within the TPCP area. The project site is located approximately 1.5 miles from the Pacific Ocean, and it is within the First Public Roadway (1st-PBL-RDWY) pursuant to Ordinance No. O-17071 NS. The proposed development is limited to interior modifications that does not increase the footprint of the existing building and will not encroach upon any existing or proposed physical access to the coast. The site does not contain a public view as identified within the Torrey Pines Community Plan and Local Coastal Land Use Plan. The project is proposed within an existing developed site and will not encroach upon any existing or proposed physical access to the coast. The site does not contain a public view as identified within the Torrey Pines Community Plan and Local Coastal Land Use Plan.



The TPCP designates the site as Industrial. TPCP land use in Sorrento Valley is generally implemented by the IL-3-1 Zone, which is an industrial zone that allows industrial, retail, and commercial uses. Pursuant to SDMC section 131.0622, retail sales and commercial services are permitted uses in the IL-3-1 Zones. The proposed Cannabis Outlet is allowed in the IL-3-1 zone with a CUP pursuant to SDMC sections 131.0622 and 141.0504. 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 identified as Prime Industrial Lands (PIL) by the General Plan. 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. 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. The proposed Cannabis Outlet will be one of the two tenants in a multi-tenant commercial building. Suite B of the subject building is not part of the proposed Cannabis Outlet application, and will be occupied by a separate tenant. Therefore, the proposed Cannabis Outlet is not a freestanding retail, and the project conforms with this community plan policy. Based on the market analysis included in the VMT Screening Analysis, the proposed Cannabis Outlet would satisfy the locally serving retail criteria per the City of San Diego Transportation Study Manual, based on the proximity of competitors limiting the market capture area of this project to less than three miles. Thus, the proposed development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The proposed 5,412-square-foot Cannabis Outlet is within an existing 6,676-square-foot commercial building located at 11330 Sorrento Valley Road. The project site is located approximately 1.5 miles from the Pacific Ocean, and it is within the First Public Roadway (1st-PBL-RDWY) pursuant to Ordinance No. O-17071 NS. The proposed development is limited to interior modifications that does not increase the footprint of the existing building and will not encroach upon any existing or proposed physical access to the coast. The public access to the water, public recreation facilities, or public parking would not be adversely affected by the approval of this coastal development because the development is located on an existing developed private property. Therefore, this coastal development is in compliance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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. 2437097 and Coastal Development Permit No. 2527091 is



hereby GRANTED by the HEARING OFFICER to the referenced Owner/Permittee, in the form, exhibits,  
terms and conditions as set forth in Permit Nos. 2437097 and 2527091, a copy of which is attached  
hereto and made a part hereof.



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Sammi Ma  
Development Project Manager  
Development Services

Adopted on: June 24, 2021

IO#: 24008641