

DOC# 2022-0472533



Dec 19, 2022 10:13 AM

OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$59.00 (SB2 Atkins: \$0.00)

PAGES: 16

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: 24009037

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2581333

CANNABIS 21+ SDR CUP AMENDMENT - PROJECT NO. 696757

(AMENDMENT TO CONDITIONAL USE PERMIT NO. 1846240 AND

RESCISSION OF SITE DEVELOPMENT PERMIT NO. 1952275)

DEVELOPMENT SERVICES DEPARTMENT

This Conditional Use Permit No. 2581333, amendment to Conditional Use Permit No. 1846240, dated October 11, 2017 as Document Number 2017-0469262 of Official Records of the County of San Diego, is granted by the Development Services Department of the City of San Diego to MISSION VALLEY SOUTH, LTD, a California limited liability partnership, Owner, and Sean St. Peter, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0110(2)(b), 126.0303(a), 126.0305, and 141.0504.

The 6.65-acre site is located at 1233 Camino Del Rio South, in the CR-2-1 Zone, and the Airport Land Use Compatibility (Montgomery Field), Airport Influence Area (Montgomery Field Review Area 2 and SDIA-Lindbergh Field Review Area 2), and the Federal Aviation Authority (FAA) Part 77 (Montgomery Field and SDIA-Lindbergh Field) Overlay Zones within the Mission Valley Community Plan Area. The project site is legally described as:

LOT 1 OF MISSION VALLEY SOUTH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5984, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 31, 1967.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to expand and operate an existing cannabis outlet described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 14, 2022, on file in the Development Services Department.

The project shall include:

- a. Operation of an existing Cannabis Outlet expanded to a 6,474-square-foot tenant space within an existing 71,130-square-foot commercial building.
- b. Existing Landscaping (planting, irrigation and landscape related improvements);

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- c. Off-street parking; and
- 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. **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 November 29, 2025.

2. **Expiration date:** This Conditional Use Permit [CUP] and corresponding use of this site shall expire on November 29, 2027.

This expiration date can be extended by filing for a CUP amendment pursuant to SDMC 126.0114(c), 126.0114(d), and 141.0504(n). To allow the use to continue to operate while an amendment is processed, an amendment application must be deemed complete by the close of business on the expiration date. Otherwise, this permit will expire, and all operation of the use must cease.

An amendment application should be filed at least 90 days before expiration to allow time to be deemed complete.

- 3. The continued utilization of this CUP is contingent upon (but is not limited to) the following:
 - a. A valid license for this location granted by the California Department of Cannabis Control (DCC) for the proposed cannabis business activities. Once initially obtained, this license must not be allowed to lapse while the associated business is in operation. 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 Cannabis Business Tax owed pursuant to Chapter 3, Article 4, Division 1 of the San Diego Municipal Code.
 - d. Possession of a valid Business Tax Certificate issued by the City of San Diego for all cannabis businesses operating at this location.
 - e. Continued compliance with all Permit Conditions herein.

- 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. This Permit amends Conditional Use Permit No. 1846240 and rescinds Site Development Permit No. 1952755, all conditions of which remain in full effect except where amended by this permit.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
9. 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.).
10. 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.
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.

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the landscape, and irrigation adjacent to the site on Camino Del Rio South, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

15. 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.

16. 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.

17. 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.

18. 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.
19. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
20. 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.
21. An annual operating permit shall be obtained as required pursuant to San Diego Municipal Code Chapter 4, Article 2, Division 15.
22. Deliveries shall be permitted as an accessory use only from a cannabis outlet with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.
23. 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.
24. The Cannabis Outlet shall provide daily removal of trash, litter, and debris from the premises. Graffiti shall be removed from the premises within 24 hours.
25. Consultations by medical professionals shall not be a permitted accessory use at the cannabis outlet.
26. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

27. 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 authorized by the appropriate City decision maker in accordance with the SDMC.

INFORMATION ONLY:

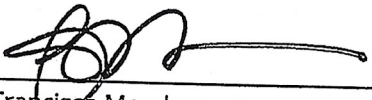
- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required 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(b), taxable activities include, but are not limited to, transporting, manufacturing, cultivating, packaging, and/or retail sales of cannabis and any ancillary products in the City of San Diego. 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 November 14, 2022 and CM-7197.

Conditional Use Permit No. 2581333
Date of Approval: November 14, 2022

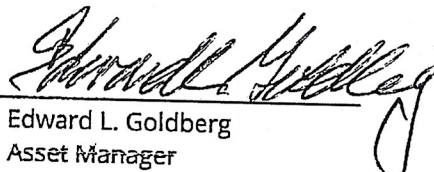
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


Francisco Mendoza
Development Project Manager

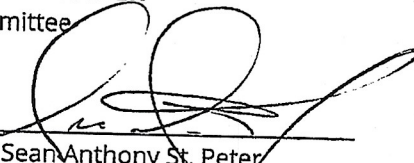
**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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.

MISSION VALLEY SOUTH LTD
Owner

By 
Edward L. Goldberg
Asset Manager

SEAN ST. PETER
Permittee

By 
Sean Anthony St. Peter
AICA Sean St. Peter

**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 December 14, 2022

Date

before me,

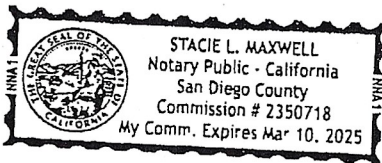
Stacie L. Maxwell, Notary Public

Here Insert Name and Title of the Officer

personally appeared --- Francisco Mendoza, 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 he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Place Notary Seal and/or Stamp Above

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 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 DocumentTitle or Type of Document: Cannabis 21+ SDRC CUP (AM) Project No. 696757Document Date: November 14, 2022Number of Pages: 16Signer(s) Other Than Named Above: ---Edward L. Goldberg and Sean Anthony St. Peter---**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 ACKNOWLEDGMENT

CIVIL CODE § 1189

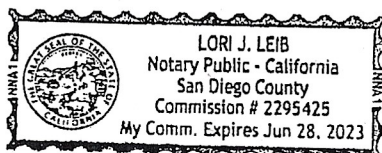
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of San Diego)
 On 12/7/22 before me, Lori J. Leib, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared EDWARD L GOUNBERG
 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 Lori J. Leib
 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: RECORDING CONDITIONAL USE PERMIT
 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 or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
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☐ Other: _____
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CIVIL CODE § 1189

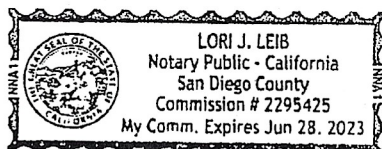
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State of California)
 County of San Diego)
 On 12/7/22 before me, Lori J. Leib, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared SEAN ANTHONY ST. PETER
 Name(s) of Signer(s)

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.

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WITNESS my hand and official seal.



Signature Lori J. Leib
 Signature of Notary Public

Place Notary Seal Above

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 County of San Diego)
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 Date Here Insert Name and Title of the Officer
 personally appeared SEAN ST. PETER
 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 Lori J. Leib
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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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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DEVELOPMENT SERVICES DEPARTMENT RESOLUTION CM-7197.
CONDITIONAL USE PERMIT NO. 2581333
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 1846240 AND RESCISSION OF SITE DEVELOPMENT
PERMIT NO. 1952275)
CANNABIS 21+ SDR CUP AMENDMENT - PROJECT NO. 696757

WHEREAS, MISSION VALLEY SOUTH, LTD, Owner, and SEAN ST. PETER, Permittee, filed an application with the City of San Diego for an amendment to a Conditional Use Permit to operate and expand an existing Cannabis Outlet in a proposed 6,474-square-foot second-floor tenant space within an existing 71,130-square-foot, two-story commercial office building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2581333, and referenced as the project, hereon), on portions of a 6.65-acre site;

WHEREAS, the project site is located at 1233 Camino Del Rio South, in the CR-2-1 Zone, and the Airport Land Use Compatibility (Montgomery Field), Airport Influence Area (Montgomery Field Review Area 2 and SDIA-Lindbergh Field Review Area 2), and the Federal Aviation Authority (FAA) Part 77 (Montgomery Field and SDIA-Lindbergh Field) Overlay Zones within the Mission Valley Community Plan Area;

WHEREAS, the project site is legally described as Lot 1 of Mission Valley South, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5984, filed in the Office of the County Recorder of San Diego County, October 31, 1967;

WHEREAS, on September 10, 2019, the City Council of the City of San Diego adopted the updated Mission Valley Community Plan revoking the Mission Valley Planned District and the requirement for a Site Development Permit for the project site;

WHEREAS, on November 14, 2022, 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 Section 112.0520;

WHEREAS, on November 14, 2022, the Development Services Department of the City of San Diego considered Conditional Use Permit No. 2581333, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE

BE IT RESOLVED by the Development Services Department of the City of San Diego, that it hereby rescinds Site Development Permit No. 1952275; and

BE IT FURTHER RESOLVED by the Development Services Department of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 2581333:

A. **CONDITIONAL USE PERMIT FINDINGS – SDMC SECTION 126.0305**

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

The project is an application for a Conditional Use Permit (CUP) amendment to allow the operation and expansion of an existing Cannabis Outlet (Outlet) in a proposed 6,474-square-foot second-floor tenant space in an existing 71,130-square-foot, two-story commercial building. The 6.65-acre project site is located at 1233 Camino Del Rio South within the CR-2-1 Zone of the Mission Valley Community Plan (MVCP) area. The CR-2-1 Zone implements the MVCP land use and a Cannabis Outlet is an allowed use with a CUP.

The project site is designated for Regional Office and Visitor Commercial land use in the MVCP. This land use designation provides for areas with retail, hotel, and office uses for customers residing inside and outside of the region. The project site is also designated for Commercial Employment, Retail, and Services by the Land Use and Community Planning Element of the General Plan. The proposed Outlet will promote the policies of the General Plan as the CO will supply jobs and facilitate or encourage commerce within the San Diego Region. The MVCP further encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses. The proposed Outlet, classified as a retail sales use category, is consistent with the community plan objective of encouraging a range of retail uses integrated with other uses, and is a compatible use with the surrounding commercial establishments at this location with a CUP. Therefore, the proposed Outlet 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 expanded Outlet 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.

Approval of this application would allow the 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 as set forth in SDMC Section 141.0504 (b) – (m), which have also been incorporated as conditions in the Permit, 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 a security guard; restriction of hours of operation, 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 colors, and alphabetic characters.

The Outlet must also comply with Chapter 4, Article 2, and Division 15 which provides guidelines for lawful operation. The Permit is valid for five years, however, may be revoked if the use violates the terms, conditions, lawful requirements, or provision of the permit.

Furthermore, any project construction related activities 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 City of San Diego conducted an environmental review of this project in accordance with the CEQA Guidelines and concluded there would be no environmental impacts associated with the proposed project. Based on the above analysis, the proposed development would not be detrimental to the public's 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 the operation of an Outlet within an existing two-story commercial building. The proposed Outlet, classified as retail sales, is allowed in the CR-2-1 Zone with a CUP pursuant to SDMC Section 141.0504.

The proposed Outlet is exempt from the Airport Land Use Compatibility Overlay Zone regulations set forth in Chapter 13, Article 2, and Division 15 of the SDMC pursuant to Section 132.1505(c)(1) and (2) as: 1) the project is limited to interior modifications and will not increase the density, floor area ratio or height of the existing structure, and 2) the proposed project would not require an increase in the number of parking spaces pursuant to Chapter 14, Article 2, Division 5.

Cannabis Outlets are restricted to four per Council District, 36 city-wide, within certain commercial and industrial zones to reduce impacts to the City and residential zones. 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 Outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The original project met these requirements, and the proposed amendment is not subject to a subsequent analysis per SDMC 141.0504(n)(1).

The project is proposed within one existing structure of two constructed in 1971 in accordance with all applicable development regulations. The project site provides the required parking spaces for both buildings on the project site.

The Permit 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.

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

The proposed project is a request for a CUP to operate and expand an existing Outlet in a two-story commercial building. The existing two-story building was constructed in 1971 and includes a fitness club and several professional office, commercial service, and retail suites. The project site is surrounded by a multi-story commercial office building and the Sheraton San Diego to the east, a multi-story commercial office building and fast food restaurant to the west, open space/hillside to the south, and Camino Del Rio South and Interstate 8 to the north.

The project site and surrounding parcels to the east and west are designated for Regional Office and Visitor Commercial use in the MVCP. This land use designation provides for areas with retail, hotel, and office uses for customers residing inside and outside of the region. The MVCP further encourages a range of retail uses and multi-use development in which commercial uses are combined or integrated with other uses. The proposed Outlet, classified as a retail sales use category, is consistent with the community plan objective of encouraging a range of retail uses integrated with other uses, and is a compatible use with the surrounding commercial establishments.

The project site abuts the OR-1-1 (Open Space-Residential) Zone to the south, and is designated for Open Space use in the Uptown Community Plan. The OR-1-1 Zone is an open space base zone intended to preserve privately owned property that is designated as open space in a land use plan. The existing hillside has a slope gradient greater than 50% and an elevation difference of approximately 220 feet, with City-owned designated park sites and residential development located on top of the hillside.

The original project site was within the Mission Valley Planned District (MVPD) MV-CO-CV Zone, which allowed the use with a CUP. In 2019, the City Council of San Diego revoked the MVPD, and rezoned the site CR-2-1, which also allows the Outlet with the processing of a CUP. Additionally, Cannabis Outlets are restricted to four per Council District, 36 city-wide, within certain commercial and industrial zones to reduce impacts to the City and residential

zones. 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 Outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The original project met these requirements and the proposed amendment is not subject to a subsequent analysis per SDMC 141.0504(n)(1).

Outlets are subject to specific operational requirements set forth in SDMC Section 141.0504 (b) – (m), which have been incorporated as conditions in the Permit 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 a security guard; restriction of hours of operation; 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 colors, and alphabetic characters. The Outlet must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed Outlet is a compatible use with the surrounding commercial establishments. Based on the commercial nature of the use, 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 the findings hereinbefore adopted by the Development Services Department, Conditional Use Permit No. 2581333 (amendment to Conditional Use Permit No. 1846240), is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2581333, a copy of which is attached hereto and made a part hereof.



Francisco Mendoza
Development Project Manager
Development Services

Adopted: November 14, 2022

IO#: 24009037