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SAN DIEGO COUNTY RECORDER
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DEVELOPMENT SERVICES
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501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 1104183

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3326330

10715 SORRENTO VALLEY ROAD CANNABIS OUTLET AMENDMENT - PROJECT NO. PRJ-1097148

AMENDMENT TO CONDITIONAL USE PERMIT NO. 1865509 (PROJECT NO. 527802)

PLANNING COMMISSION

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

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate a cannabis outlet, conditioned on the issuance of a license from the state Department of Cannabis Control, and subject to the City's land use regulations, described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated September 19, 2024, on file in the Development Services Department.

The project shall include:

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

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

STANDARD REQUIREMENTS:

1. Utilization Date: This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 19, 2027.
2. Expiration Date: This Conditional Use Permit (CUP) and corresponding use of this site shall expire on September 19, 2029. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit, unless the expiration date is extended pursuant to SDMC 141.0504(n). Applications for CUP amendments to extend this Permit's expiration date pursuant to that code section must be deemed complete for processing prior to the expiration date listed above or the Owner and/or Permittee loses all rights vested by this Permit, and all operations must cease at the site.
3. The continued utilization of this CUP to sell cannabis is contingent upon (but not limited to) the following:
 - a. The existence of a valid license to sell cannabis at this location by the California Department of Cannabis Control (DCC). The issuance of this CUP does not guarantee that the DCC will grant a license for this location.
 - b. Compliance with Chapter 4, Article 2, Division 15 of the San Diego Municipal Code, including payment of any fees enacted pursuant to SDMC 42.1506.
 - c. Timely payment of all current and future Cannabis Business Tax owed pursuant to Chapter 3, Article 4, Division 1 of the San Diego Municipal Code.
 - d. Possession of a Business Tax Certificate.
 - e. Fulfillment of all permit conditions.
 - f. Continued compliance with all other applicable federal, state, and local laws.
4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
 6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
 7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
 8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
 9. This Conditional Use Permit No. PMT-3326330 supersedes Conditional Use Permit No. 1865509, which is hereby void.
 10. The Owner/Permittee shall secure any necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
 11. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
 12. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
- If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the

discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

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

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

16. The name and emergency contact phone number of the designated responsible managing operator shall be posted in a location visible from outside the cannabis outlet in character size at least two inches in height.

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

18. The use of vending machines which allow access to cannabis and cannabis products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to cannabis and cannabis products without a human intermediary.

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

20. A Conditional Use Permit for a cannabis outlet shall expire no later than five years from the date of issuance.

21. Deliveries shall be permitted as an accessory use only from cannabis outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.

22. The cannabis outlet, adjacent public sidewalks, and areas under the control of the cannabis outlet, shall be maintained free of litter and graffiti at all times.

23. The cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

24. Consultations by medical professionals shall not be a permitted accessory use at a cannabis outlet.

TRANSPORTATION REQUIREMENTS

25. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.


INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section 34.0103, taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at (619) 615-1580.

APPROVED by the Planning Commission of the City of San Diego on September 19, 2024, and Resolution No. 5308-PC.

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

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


Francisco Mendoza
Development Project Manager

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

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

SORRENTO VALLEY INVESTMENT GROUP
Owner/Permittee

By 
NAME: DAVID SCHNEIDER
TITLE: MANAGER

**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 October 3, 2024

Date

before me,

Rocio Mejia, 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: 10715 Sorrento Valley Road Cannabis Outlet Amendment - PRJ-1097148Document Date: September 19, 2024

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): _____☐ Partner – ☐ Limited ☐ General☐ Individual☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer is Representing: _____

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ACKNOWLEDGMENT

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

State of California
County of Alameda

On September 23, 2024 before me, Crystal R. Phillips, Notary Public
(insert name and title of the officer)

personally appeared DAVID SEYRANIAN
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

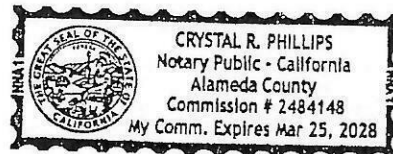
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Crystal R. Phillips

(Seal)



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PLANNING COMMISSION RESOLUTION NO. 5308-PC
CONDITIONAL USE PERMIT NO. PMT-3326330
10715 SORRENTO VALLEY ROAD CANNABIS OUTLET AMENDMENT - PROJECT NO. PRJ-1097148
AMENDMENT TO CONTIONAL USE PERMIT NO. 1865509 (PROJECT NO. 527802)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **Findings for all Conditional Use Permits:**

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

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

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

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

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

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

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

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

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

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

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

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

Including the requirements above, the proposed development will not be detrimental to the public's health, safety, and welfare because the discretionary permit controlling the development and continued use of this site contains specific regulatory conditions of approval to assure the project's compliance with applicable local, regional, state, and federal codes and rules. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent adverse impacts to the public and community at large.

c. The proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

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

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

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

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

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

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

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

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

The SDMC limits cannabis outlets to commercial and industrial zones and the number of outlets is limited to four allowed in Council Districts 2, 3, 4, 5, 6, 7, and 8, and five allowed in Council Districts 1 and 9, or 38 City-wide, in order to minimize the impact on the City and residential neighborhoods. The project, in amending the permit for a previously permitted outlet, does not cause City Council District 1 to exceed this requirement. All surrounding parcels are in the IL-3-1 Zone and the

existing uses are consistent with the Industrial designation of the community plan and compatible uses with an outlet. Therefore, based on the commercial nature of the use, compliance with all development regulations and requirements, and conditions of approval, the proposed development is appropriate at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Planning Commission, Conditional Use Permit No. PMT-3326330 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT- 3326330, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza
Development Project Manager
Development Services

Adopted on: September 19, 2024

IO#: 11004381