

DOC# 2021-0707595



Oct 11, 2021 11:54 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$65.00 (SB2 Atkins: \$0.00)

PAGES: 18

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: 24008101

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2233027

2605 CAMINO DEL RIO CANNABIS OUTLET CUP - PROJECT NO. 622996

HEARING OFFICER

This Conditional Use Permit No. 2233027 ("Permit") is granted by the Hearing Officer of the City of San Diego to 420 Oceanside, LLC, a California Limited Liability Company, Owner and Adam Knopf, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.99-acre site is located at 2605 Camino Del Rio South in the CO-2-2 Zone, Airport Land Use Compatibility Overlay Zone, Federal Aviation Authority (FAA) Part 77 Notification Area, Airport Influence Area (Montgomery and San Diego International Airport - Area 2), Fire Brush Zones, High Fire Severity Zone, and Transit Priority Area within the Mission Valley Community Plan area. The project site is legally described as Lot 1 of the Pepper Tree Company, In the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8051, filed in the office of the County Recorder of San Diego County, December 30, 1974.

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 9, 2021, on file in the Development Services Department.

The project shall include:

- a. Operation of a 2,596-square-foot Cannabis Outlet in Suite 100, located on the basement level of an existing four-story, 27,117-square-foot commercial building at 2605 Camino Del Rio South;
- b. Suite No. 101 and No. 102 (2,796 square feet) located on the basement level, combining with Suite No. 200 and No. 210 (5,929 square feet) located on the first floor of the 27,117-square-foot building, totaling 8,725 square feet as shown on Exhibit "A", to remain vacant and unoccupied for the term of the subject Conditional Use Permit;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- 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 23, 2024.
2. This Conditional Use Permit [CUP] and corresponding Cannabis Outlet use of this site shall expire on June 23, 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.

BUILDING OFFICIAL REQUIREMENT:

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

ORIGINAL

CLIMATE ACTION PLAN REQUIREMENTS:

13. 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:

14. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA), from the City Engineer, for the private sidewalk in the Camino Del Rio South Right-of-Way.

16. Prior to the issuance of any building permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

17. Prior to the issuance of any building permits, the Owner/Permittee shall incorporate any construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of a 24-foot wide driveway consistent with current City Standards, adjacent to the site on Camino Del Rio South, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

19. 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.

20. 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.

21. 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.

22. Odor Control: The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted cannabis outlet, to the satisfaction of the Development Services Department.
23. 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.
24. The cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
25. 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.
26. An annual operating permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
27. 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.
28. 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.
29. The cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
30. Consultations by medical professionals shall not be a permitted accessory use at a cannabis outlet.

TRANSPORTATION REQUIREMENTS

31. 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.
32. The Owner/Permittee shall enter into, and maintain a lease for an additional 8,725 square feet within the 27,117-square-foot building and retain it as vacant space. The lease shall specifically state

that the additional 8,725 square feet leased space is to be kept vacant and not to be occupied at any time during the entire term, for any use whatsoever, including storage space.

33. The Owner/Permittee must provide and maintain an accessible path from the building entrance to the public street.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- 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 Hearing Officer of the City of San Diego on June 9, 2021 and Resolution No. HO-7393.

ORIGINAL

Permit Type/PTS Approval No.: Conditional Use Permit No. 2233027
Date of Approval: June 9, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


PJ Fitzgerald
Deputy Director

**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.**

420 OCEANSIDE, LLC
A California Limited Liability Company
Owner

By _____
NAME
TITLE

ADAM KNOFF
Permittee

By _____
NAME
TITLE

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

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)
County of San Diego)

On October 7, 2021 before me, Silvia Ybarra-Merrill, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared PJ FitzGerald
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

Silvia Ybarra
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: 2605 Camino Del Rio Cannabis Outlet CUP, Project No. 622996

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

Signer Is Representing: _____

ORIGINAL

Permit Type/PTS Approval No.: Conditional Use Permit No. 2233027
Date of Approval: June 9, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

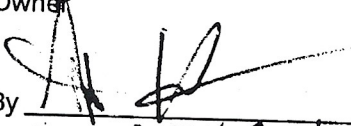
Sammi Ma
Development Project Manager

**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.**

420 OCEANSIDE, LLC
A California Limited Liability Company
Owner

By


NAME **ANDY S. HIRMEZ**
TITLE **PRESIDENT**

ADAM KNOPF
Permittee

By


NAME **A. KNOPF AKA ADAM S. KNOPF**
TITLE **CEO**

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

ACKNOWLEDGMENT

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

State of California

County of San Diego)

On OCT 1, 2021 before me, A. Montiel, Notary
(insert name and title of the officer)

personally appeared Andy S. Hirmez,
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] (Seal)



ORIGINAL

ACKNOWLEDGMENT

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

State of California

County of San Diego

On 9/29/21 before me, A. Montiel, notary public
(insert name and title of the officer)

personally appeared Adam S. Knopf
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]

(Seal)



ORIGINAL

HEARING OFFICER
RESOLUTION NO. HO-7393
CONDITIONAL USE PERMIT NO. 2233027
2605 CAMINO DEL RIO S CANNABIS OUTLET CUP - PROJECT NO. 622996

WHEREAS, 420 Oceanside, LLC, a California Limited Liability Company, Owner, and Adam Knopf, Permittee, filed an application with the City of San Diego for a Conditional Use Permit to allow the operation of a 2,596-square-foot Cannabis Outlet in Suite 100, with 8,725 square feet of vacant space, within an existing four-story 27,117-square-foot commercial building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No 2233027), on portions of a 0.99-acre site; and

WHEREAS, the project site is located at 2605 Camino Del Rio South in the CO-2-2 Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area, Airport Land Use Compatibility Overlay Zone, Airport Influence Area (Montgomery and San Diego International Airport – Review Area 2), Fire Brush Zones, High Fire Severity Zone, and Transit Priority Area of the Mission Valley Community Plan area; and

WHEREAS, the project site is legally described as Lot 1 of the Pepper Tree Company, In the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8051, filed in the office of the County Recorder of San Diego County, December 30, 1974; and

WHEREAS, on March 9, 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 Section 112.0520; and

WHEREAS, on June 9, 2021, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2233027 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 2233027:

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) to operate a 2,596-square-foot Cannabis Outlet in Suite 100, with 8,725 square feet of vacant space and 15,796 square feet of existing office use, within an existing four-story, 27,117-square-foot commercial building located at 2605 Camino Del Rio South. The 0.99-acre site is in the CO-2-2 Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area, Airport Land Use Compatibility Overlay Zone, Airport Influence Area (Montgomery and San Diego International Airport – Review Area 2), Fire Brush Zones, High Fire Severity Zone, and Transit Priority Area of the Mission Valley Community Plan area. The project site is located within Council Districts 3 and 7; however, the building structure where the proposed Cannabis Outlet is located at is entirely within Council District 7.

The project site is designated Commercial Employment, Retail and Services by the General Plan, and Office and Visitor Commercial use by the Mission Valley Community Plan. Both land use designations are intended to provide a variety of commercial uses such as goods, services, and employment opportunities for community members. The proposed Cannabis Outlet, classified as a retail sales use category by the SDMC, is consistent with the community plan land use designation and objective of encouraging a range of retail uses integrated with other uses, and with a CUP, is a compatible use with the surrounding commercial establishments.

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

This project is a request for a CUP to operate a 2,596-square-foot Cannabis Outlet, located on the basement level of an existing four-story, 27,117-square-foot commercial building. The proposed Cannabis Outlet features interior improvements that include an entry/security area, reception, dispensary floor, pick-up areas, manager's room, safe room, information technology room, inventory storage room, employee break room, an exit area, and delivery hub area totaling 2,596 square feet in Gross Floor Area. The project is required to allocate 8,725 square feet of space to be kept vacant and unoccupied throughout the duration of the CUP as conditioned. The vacant space includes Suite No. 101 and No. 102 (2,796 square feet) located on the basement level,

combining with Suite No. 200 and No. 210 (5,929 square feet) located on the first floor (Attachment 5, Condition No. 30). The vacant floor space is not to be used for any purpose, including storage.

The project site is surrounded by existing development and contained within an urbanized area. The site does not contain sensitive habitat, and it does not contain nor is it adjacent to Multi-Habitat Planning Area designated lands. Furthermore, the existing building structure is more than 100 feet away from native and naturalized vegetation to the south. Therefore, this project does not require a brush management plan.

Cannabis Outlets are restricted to four per Council District, 36 city-wide, within commercial and industrial 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 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 the property line of a residentially zoned lot or premises. The proposed project meets all separation requirements.

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. Cannabis Outlets must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation, including designating one officer or manager to act as a responsible managing officer, fingerprinting and background checks, cannabis facility operational requirements, and regulatory actions which can be taken in the event of non-compliance. The CUP is valid for five years, however, it may be revoked if the use violates the terms, conditions, lawful requirements, or provision of the permit.

The project is required to restripe parking spaces in order to comply with the 63 off-street parking for all uses on the premises, which includes 11 spaces for the proposed 2,596-square-foot Cannabis Outlet at a rate of five spaces per 1,000 square feet of floor area, and 52 spaces for the remaining commercial services and office use within the building at a rate of 3.3 spaces per 1,000 square feet of floor area. Public improvements include restriping parking spaces and reconstruction of a 24-foot wide driveway consistent with current City Standards, located adjacent to the site on Camino Del Rio South. The discretionary permit controlling the development 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 CO-2-2 Zone, is allowed with a CUP at this location, and consistent with the goals and policies of the Mission Valley Community Plan. Based on the above analysis, project features and conditions of approval, the proposed development will 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.

This project is a request for a CUP to operate a 2,596-square-foot Cannabis Outlet, located on the basement level of an existing four-story, 27,117-square-foot commercial building. The SDMC has very specific siting requirements for placement of Cannabis Outlets, allowing this use in certain commercial and industrial zones and limiting quantity to no more than four per Council District, 36 city-wide. A total of three CUPs for Cannabis Outlets have been approved in CD 7; therefore, there remains capacity for one additional Cannabis Outlet to be approved in CD 7. A Cannabis Outlet use is allowed in the project site's MV-CO base zones with a CUP and subject to separation requirements set forth in SDMC Section 141.0504(a), including a 1,000-foot separation from resource and population-based city parks, other Cannabis Outlets, churches, childcare centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools, measured in accordance with SDMC sections 141.0504 and 113.0225; there is also a minimum distance requirement of 100 feet from the property line of a residentially zoned lot or premises. The proposed Cannabis Outlet complies with these required separation requirements as explained below.

The project site abuts the RS-1-1 to the south, which is designated Open Space in the North Park Community Plan. Per the Community Plan, the open space designation is intended to provide for preservation and community character and form. The proposed Cannabis Outlet is separated from the residential use located at the top of the hillside with an overall slope gradient of 40 percent and an elevation difference of approximately 240 feet. In accordance with SDMC Section 113.0225(c), where there is a natural topographical barrier, distance can be measured as the most direct route around the barrier in a manner that established direct access. A street route to this site from the proposed Outlet would be greater than 1,000 feet, and therefore, the proposed Cannabis Outlet is in compliance with the minimum separation requirement.

Academy of Our Lady of Peace is a private school located at 4860 Oregon Street approximately 600 feet south of the proposed Cannabis Outlet, measured property line to property line. The school is located on top of a hillside with a slope gradient greater than 40 percent and an elevation difference of approximately 240 feet, which is considered a natural topographic barrier that impedes direct access to the proposed Cannabis Outlet. A street route to this site from the proposed Cannabis Outlet would be greater than 1,000 feet. Therefore, the proposed Cannabis Outlet is in compliance with the minimum separation requirement.

The project is required to restripe parking spaces in order to comply with the 63 off-street parking for all uses on the premises, which include 11 spaces for the proposed 2,596-square-foot Cannabis Outlet at a rate of five spaces per 1,000 square feet of floor area, and 52 spaces for the remaining commercial services and office use within the building at a rate of 3.3 spaces per 1,000 square feet of floor area. Public improvements include restriping parking spaces and reconstruction of a 24-foot wide driveway consistent with current City Standards, located adjacent to the site on Camino Del Rio South.

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

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

This project is a request for a CUP to operate a 2,596-square-foot Cannabis Outlet within an existing 27,117-square-foot commercial building located at 2605 Camino Del Rio South. The 0.99-acre site is in the CO-2-2 Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area, Airport Land Use Compatibility Overlay Zone, Airport Influence Area (Montgomery and San Diego International Airport – Review Area 2), Fire Brush Zones, High Fire Severity Zone, and Transit Priority Area of the Mission Valley Community Plan area. The project site is located within Council Districts 3 and 7, however, the proposed Cannabis Outlet is located within Council District 7.

The project site is designated Commercial Employment, Retail and Services by the General Plan, and Office and Visitor Commercial use by the Mission Valley Community Plan. Both land use designations are intended to provide a variety of commercial uses such as goods, services, and employment opportunities for community members. The proposed Cannabis Outlet, classified as a retail sales use category by the SDMC, is consistent with the community plan land use designation and objective of encouraging a range of retail uses integrated with other uses, and with a CUP, is a compatible use with the surrounding commercial establishments.

The project site is currently developed with an existing four-story commercial building that was constructed in 1979, which includes several professional office and commercial services suites. The proposed Cannabis Outlet will be located on the basement level in Suite 100. Adjacent uses include multi-story commercial office buildings to the east and west, open space/hillside to the south, and interstate 8 to the north. The project site abuts the North Park Community Plan area to the south.

The SDMC has very specific requirements for siting of Cannabis Outlets, only allowing this use in certain commercial and industrial zones and limiting quantity to no more than four per Council District, 36 city-wide. A total of three CUPs for Cannabis Outlets have been approved in Council District 7 and there is capacity for one additional Cannabis Outlet CUP to be approved. A Cannabis Outlet use is allowed in the CO-2-2 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 the property line of a residentially zoned lot or premises. The proposed Cannabis Outlet complies with these required separation requirements as explained below.

The project site abuts the RS-1-1 to the south, which is designated Open Space in the North Park Community Plan. Per the Community Plan, the open space designation is intended to provide for preservation and community character and form. The proposed Cannabis Outlet is separated from the residential use located at the top of the hillside with an overall slope gradient of 40 percent and an elevation difference of approximately 240 feet. In accordance with SDMC Section 113.0225(c), where there is a natural topographical barrier, distance can be measured as the most direct route around the barrier in a manner that established direct access. A street route to this site from the proposed Outlet would be greater than 1,000 feet, and therefore, the proposed Cannabis Outlet is in compliance with the minimum separation requirement.

Academy of Our Lady of Peace is a private school located at 4860 Oregon Street approximately 600 feet south of the proposed Cannabis Outlet, measured property line to property line. The school is located on top of a hillside with a slope gradient greater than 40 percent and an elevation difference of approximately 240 feet, which is considered a natural topographic barrier that impedes direct access to the proposed Cannabis Outlet. A street route to this site from the proposed Cannabis Outlet would be greater than 1,000 feet. Therefore, the proposed Cannabis Outlet is in compliance with the minimum separation requirement.

Cannabis Outlets 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 proposed project would be the fourth Cannabis Outlet CUP approved within CD 7 and the 25th within the City, and would establish another new business in San Diego's emerging cannabis industry, providing community access to a facility where consumers can purchase cannabis products meeting State safety and testing requirements. Therefore, based on the above analysis, the proposed use 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 Hearing Officer, Conditional Use Permit No. 2233027 is hereby GRANTED by the Hearing Officer to the referenced Owner and Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2233027, a copy of which is attached hereto and made a part hereof.

Sammi Ma
Development Project Manager
Development Services

Adopted on: June 9, 2021

IO#: 24008101