



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 2, 2019 REPORT NO. PC-19-038

HEARING DATE: May 9, 2019

SUBJECT: MPF 10671 Roselle Street, Process Three Decision

PROJECT NUMBER: [585605](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-001](#)

OWNER/APPLICANT: GMG SD LLC., Owner, Torrey Holistics, Inc., Applicant

SUMMARY

Issue: Should the Planning Commission deny or approve the appeal of the Hearing Officer's decision to approve the operation of a Marijuana Production Facility within 7,447 square feet of an existing 9,687 square-foot building located at 10671 Roselle Street within the Torrey Pines Community Plan area?

Staff Recommendation: DENY the appeal and uphold the Hearing Officer's decision to APPROVE Conditional Use Permit No. 2072708.

Community Planning Group Recommendation: On September 13, 2018, the Torrey Pines Community Planning Board voted 6-1-0 to recommend approval of the project "on the basis that owners of the business put in writing that in order to retain their City license, that they will continue to clean the lot on a monthly basis and will provide ADA space(s) that are approved by DSD" (Report No. HO-19-001, Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15303(c), New Construction or Conversion of Small Structures. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on November 13, 2018, [Resolution No. R-312060](#). The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account funded by the applicant.

Code Enforcement Impact: None with this application.

Housing Impact Statement: The project is an industrial development located in the industrial light, IL-3-1 Zone of the Torrey Pines Community Plan. The site is designated Industrial within the Torrey Pines Community Plan, and intended for manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses. Surrounding properties are also zoned IL-3-1 and designated Industrial within the Torrey Pines Community Plan and developed with mix of industrial, commercial, and office uses. Therefore, the project would not impact the housing supply within the City of San Diego.

BACKGROUND

The proposed MPF 10671 Roselle Street project (Project) is a request for a Conditional Use Permit (CUP) pursuant to [San Diego Municipal Code \(SDMC\) Section 126.0303](#) to operate a Marijuana Production Facility (MPF) within 7,447 square feet in Suites 200-203, 102, and a portion of Suite 101 within an existing 9,687 square-foot, two story building located at 10671 Roselle Street. The remaining building floor area would be occupied by 946 square feet of office use in a portion of Suite 10, and a 1,294 square-foot Marijuana Outlet in Suite 100, which was approved on October 29, 2015 as a Medical Marijuana Consumer Cooperative (MMCC) pursuant to Conditional Use Permit No. 1371299 and Building Permit No. 1583516. The 0.44-acre project site is in the IL-3-1 Zone within the Torrey Pines Community Plan area. The project site is also located in the Coastal Overlay Zone (Appealable and Non-Appealable), Coastal Height Limit Overlay Zone, MCAS Miramar Airport Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), Parking Impact Overlay Zone (Campus and Coastal), Transit Priority Area, and designated as Prime Industrial Lands in the Economic Prosperity Element of the General Plan.

The project proposes interior tenant improvements to accommodate operations, including interior walls to reconfigure space, installation of an elevator, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. No exterior building alterations would occur. MPF Operations would include cannabis manufacturing (extraction), storage, and distribution.

As shown in Figure 1 – Site Plan, proposed exterior site improvements include a new accessible path from the existing sidewalk, and allocation of two motorcycle parking spaces. The subject site has previously conforming rights to

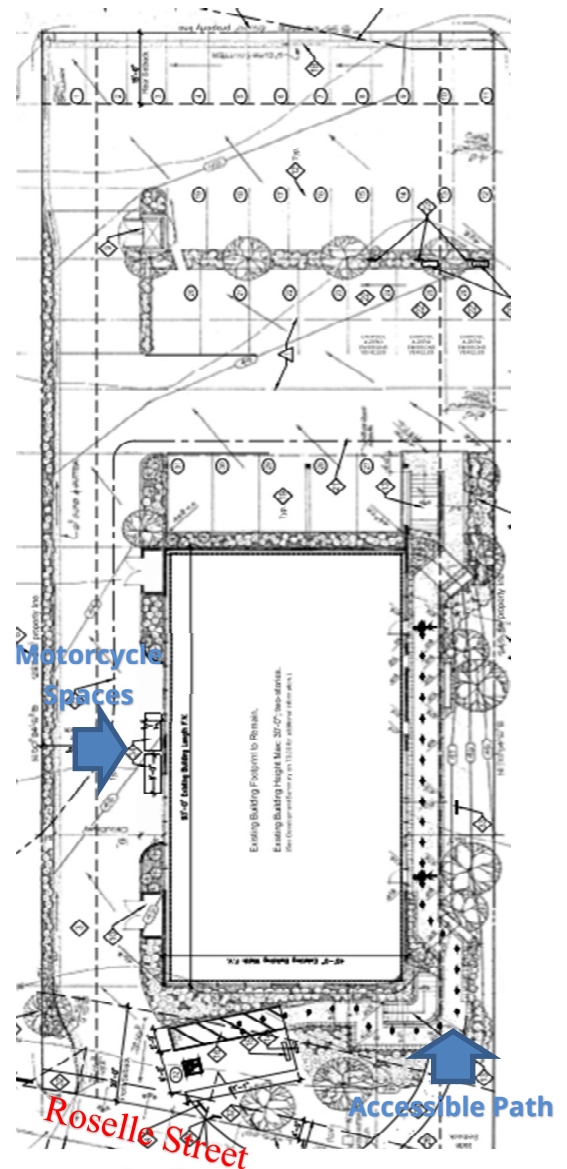


Figure 1- Site Plan

maintain the previously approved 32 on-site parking spaces. City staff has determined the existing parking spaces, including one existing accessible parking space, satisfies the parking requirement for all uses on site.

The Report to the Hearing Officer No. HO-19-001 (Attachment 1) contains the Project background, analysis and necessary draft findings with a staff recommendation of approval. On February 6, 2019, the Hearing Officer approved the Project with an additional permit condition accepted by the applicant requiring monthly cleaning of the parking lot due to the project's location near a concrete drainage channel (Attachment 5, Permit Condition No. 26).

PROJECT APPEAL DISCUSSION

Two appeals of the Hearing Officer's decision were filed. The first was filed on February 20, 2019, by Shahin Mobine (Attachment 2). The second appeal was filed on February 21, 2019, by Khoa Nguyen (Attachment 3).

The appellants' Project appeal issues are provided below along with City staff responses:

Shahin Mobine Appeal Issue 1: "New Information. New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision."

Staff Response: City Staff cannot respond to this appeal issue as the appellant has not identified any new information that was not available at the time of the decision.

Shahin Mobine Appeal Issue No. 2: "Findings Not Supported. The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker."

Staff Response: On February 6, 2019, the Hearing Officer considered CUP No. 2072708 pursuant to the Land Development Code and adopted the required findings, as set forth in San Diego Municipal Code Section 126.0305, to approve the CUP. The appellant has not provided any evidence as to how the stated findings to approve the CUP is not supported by the information provided to the decision maker.

Shahin Mobine Appeal Issue No. 3: "Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code."

Staff Response: The appellant has not provided any evidence as to how the Hearing Officer's decision on the subject CUP application conflicts with a land use plan, a City Council policy, or the Municipal Code.

As detailed in the Report to the Hearing Officer No. HO-19-001, the project site is designated Prime Industrial Land in the Prosperity Element, and Industrial Employment by the Land Use and Community Planning Element, of the General Plan. The General Plan identifies a citywide shortage of

land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. Furthermore, the project site is designated Industrial within the Torrey Pines Community Plan. The Industrial designation is intended for manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses. The IL Zones are intended to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-3-1 Zone allows a mix of light industrial, office, and commercial uses. Surrounding properties are also zoned IL-3-1 and designated Industrial by the Torrey Pines Community Plan and developed with a mix of industrial, commercial, and office uses. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation. Furthermore, the proposed MPF complies with all development regulations of the IL-3-1 Zone and no deviations are requested.

MPFs also require compliance with [SDMC section 141.1004](#), which restricts the maximum number of MPFs to forty City-wide, and requires a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPFs also have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC section 141.1004 (a). City Staff has reviewed the project and concluded the project is in conformance with all applicable City Council policies, land use plan, and regulations of the Land Development Code.

City Staff has reviewed the project and concluded the project is in conformance with all applicable City Council policies, land use plan, and regulations of the Land Development Code.

Shahin Mobine Appeal Issue No. 4: "The project applicant has piecemealed its application process in order to increase the intensity of its retail operations while avoiding obtaining the Coastal Development Permit required under the Municipal Code."

Staff Response: On October 29, 2015, the Planning Commission approved CUP No. 1371299 to allow the operation of a MMCC within a 1,294 square-foot tenant space in the subject building. At the time of review, the MMCC project was determined to be exempt from a Coastal Development Permit pursuant to [SDMC Section 126.0704\(a\)](#) as it did not propose any additions or result in an intensification of use requiring additional parking. [Ordinance No. O-20793](#) was approved in February 2017 and instituted a new retail sales use, called a Marijuana Outlet, replacing the MMCC use. Pursuant to Section 18 of the Ordinance, an MMCC operating with a valid CUP as of the effective date of the ordinance may operate as a marijuana outlet for the remaining term of the CUP without need for an amendment. Retail marijuana sales commenced when the State began issuing licenses for commercial marijuana activities on January 1, 2018.

On October 17, 2017, [Ordinance No. O-20858](#) and [Ordinance No. O-20859](#) were approved to regulate the marijuana industry including commercial cultivation, distribution, production, and storage of medical and recreational marijuana and marijuana products through approval of a CUP (Process Three) for a new separately regulated industrial use category, MPF, and to allow by right (Process One) testing labs for commercial testing of marijuana and marijuana products. The subject CUP application for a MPF was deemed complete on December 12, 2017. Pursuant to SDMC Section 141.1004 (i), a MPF is prohibited providing marijuana and marijuana products to any person other

than another MPF, a testing lab, or a marijuana outlet. An MPF is not a retail operation, rather it is a separately regulated Industrial use, and would not affect the intensity of the retail operations. The Project does not result in an intensification of use and has been determined to be exempt from a Coastal Development Permit per SDMC 126.0704(a)(3).

Khoa Nguyen Appeal Issue: “The Hearing Officer's stated finding to approve is not supported by the information that was provided to the Hearing Officer. It is widely known that Marijuana Production Facilities produce strong odors. The applicant has not sufficiently demonstrated that their marijuana production facility will not produce odors that will be detrimental to surrounding businesses and to the public.

Staff Response: The Project will include heating, ventilation, and an air condition system that would draw air through carbon filtration systems and odor controlling systems before venting from the building. The carbon filtration systems and odor controlling systems would be maintained and serviced on a regular basis to ensure proper function and avoid air contaminant nuisance.

The Project's CUP contains various conditions related to San Diego Municipal Code Chapter 14, Article 2, Division 7: Off-Site Development Impact Regulations, which include: requiring the Owner/Permittee to provide an odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility; requiring the continued use of this MPF, subject to the regulations of the City and any other applicable governmental agency; and stating that the issuance of the Permit by the City of San Diego does not authorize the Owner/Permittee for the Permit to violate any Federal, State or City laws, ordinances, regulations or policies.

In addition, the Municipal Code regulates air contaminants. Specifically, [SDMC Section 142.0710](#), Air Contaminant Regulations, states air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located. Nuisance complaints for non-compliance will be investigated by the City and/or other regulatory agencies, including, but not limited to, the California Department of Public Health and the Air Pollution Control District.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with all development regulations of the IL-3-1 Zone and no deviations are required to approve the project. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff is recommending the Planning Commission deny the appeals and approve the Project as presented.

ALTERNATIVES

1. Deny the appeals and approve Conditional Use Permit No. 2072708, with modifications.
2. Uphold the appeals and deny the Conditional Use Permit No. 2072708, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


PJ FitzGerald
Assistant Deputy Director
Development Services Department
Firouzeh Tirandazi
Development Project Manager
Development Services Department

FitzGerald/FT

Attachments:

1. Report to the Hearing Officer No. HO-19-001
2. Shahin Mobine Appeal
3. Khoa Nguyen Appeal
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: January 16, 2019 REPORT NO. HO-19-001

HEARING DATE: January 23, 2019

SUBJECT: MPF 10671 ROSELLE STREET, Process Three Decision

PROJECT NUMBER: [585605](#)

OWNER/APPLICANT: GMG SD LLC., Owner, Torrey Holistics, Inc., Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Marijuana Production Facility within 7,447 square feet of an existing 9,687 square-foot building located at 10671 Roselle Street within the Torrey Pines Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2072708.

Community Planning Group Recommendation: On September 13, 2018, the Torrey Pines Community Planning Board voted 6-1-0 to recommend approval of the project "on the basis that owners of the business put in writing that in order to retain their City license, that they will continue to clean the lot on a monthly basis and will provide ADA space(s) that are approved by DSD" (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15303(c), New Construction or Conversion of Small Structures. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on November 13, 2018. The scope of the subject hearing only includes the project, and not the environmental determination.

BACKGROUND

The project is a request for a Conditional Use Permit pursuant to [San Diego Municipal Code \(SDMC\) Section 126.0303](#) to operate a Marijuana Production Facility (MPF) within 7,447 square feet in Suites 200-203, 102, and a portion of Suite 101 of an existing 9,687 square-foot, two story building located on a 0.44-acre site at 10671 Roselle Street (Attachment 1). The project site is in the IL-3-1 Zone within the Torrey Pines Community Plan area. The project site is also located in the Coastal Overlay Zone (Appealable and Non-Appealable), Coastal Height Limit Overlay Zone, MCAS Miramar Airport

Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), Parking Impact Overlay Zone (Campus and Coastal), Transit Priority Area, and designated as Prime Industrial Lands in the Economic Prosperity Element of the General Plan. The building was constructed in 1983. It is currently occupied by a Marijuana Outlet within a 1,294 square-foot tenant space, Suite 100 (previously approved as a Medical Marijuana Consumer Cooperative [MMCC] on October 29, 2015, pursuant to Conditional Use Permit No. 1371299 and Building Permit No. 1583516) and commercial office uses within the remaining building suites (Attachment 3).

The project site is designated Prime Industrial Land in the Prosperity Element, and Industrial Employment by the Land Use and Community Planning Element, of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. The project site is designated Industrial within the Torrey Pines Community Plan (Attachment 2). The Industrial designation is intended for manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses. The IL Zones are intended to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-3-1 Zone allows a mix of light industrial, office, and commercial uses. Surrounding properties are also zoned IL-3-1 and designated Industrial by the Torrey Pines Community Plan and developed with mix of industrial, commercial, and office uses. The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with [SDMC Section 141.1004](#), which require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPF's also require a minimum distance of 100 feet from a residential zone. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPF's must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

DISCUSSION

Project Description:

The project proposes to operate a MPF within six suites consisting of 7,447 square feet of interior space within an existing 9,687 square-foot, two-story building. The project proposes tenant improvements to accommodate operations, including interior walls to reconfigure space, installation of an elevator, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. No exterior building alterations would occur. Operations include cannabis manufacturing (extraction), storage, and distribution. Proposed exterior site improvements include a new accessible path from the existing sidewalk, and allocation of two motorcycle parking spaces, and security cameras.

The proposed MPF is subject to specific operational and security requirements as set forth in SDMC Section 141.1004. Furthermore, the proposed improvements would require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and

Regulations in effect at the time of building permit, satisfactory to the Building Official (Attachment 5, Condition No. 12). The facility is also subject to State of California statutes and regulations.

Community Planning Group Recommendation:

The Torrey Pines Community Planning Board's recommendation to approve the project is on the basis that the business owners provide written assurance that the lot will be cleaned monthly, and that the project will provide ADA space(s) as approved by the Development Services Department. City Staff has determined the 32 existing parking spaces on site, including one existing accessible parking space, satisfies the parking requirement for all uses on site and in conformance with the SDMC. With respect to monthly cleaning of the parking lot, the applicant has indicated that they propose to voluntarily contract with a third-party parking lot cleaning company to clean the lot monthly (power/wet wash the lot two times per year and "dry-clean/sweep the lot for the balance of the year).

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The project complies with all development regulations of the IL-3-1 Zone and no deviations are requested. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff is recommending the Hearing Officer approve the Project as presented.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2072708, with modifications.
2. Deny Conditional Use Permit No. 2072708, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

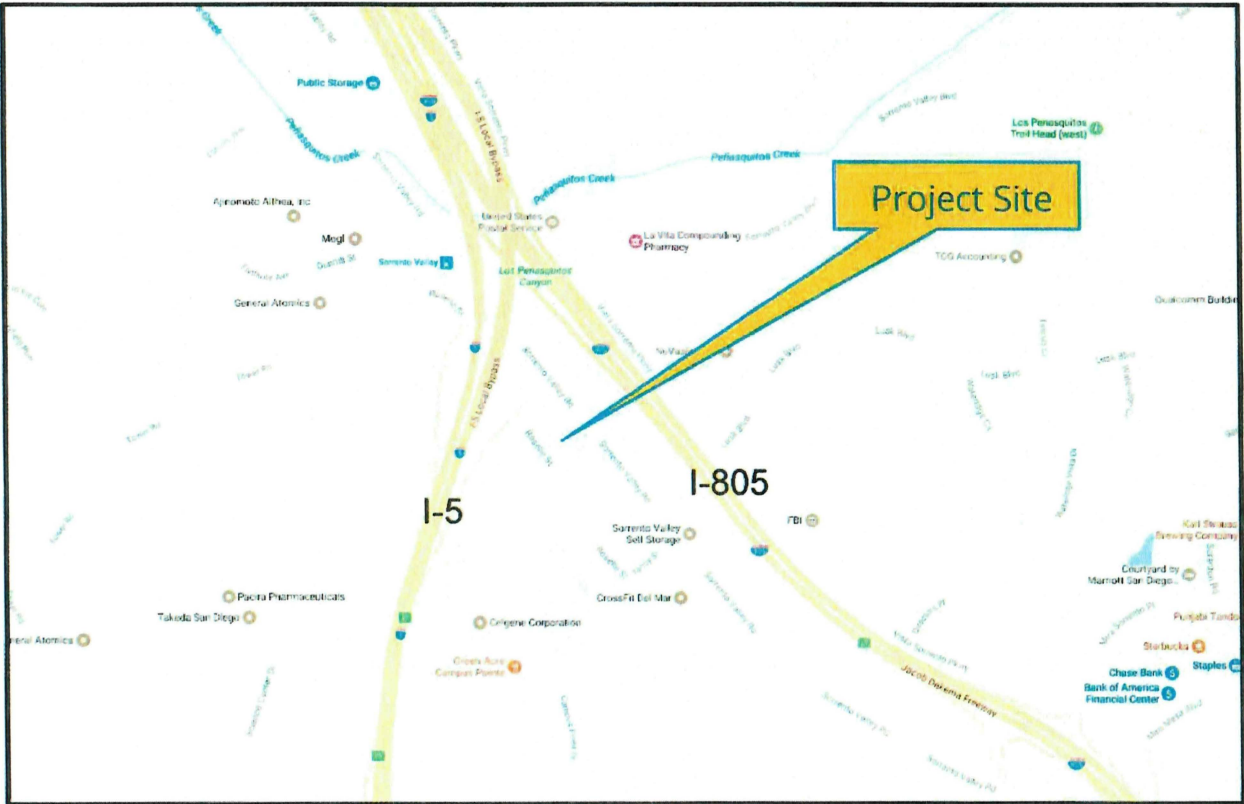


Firouzeh Tikandazi
Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption

7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans

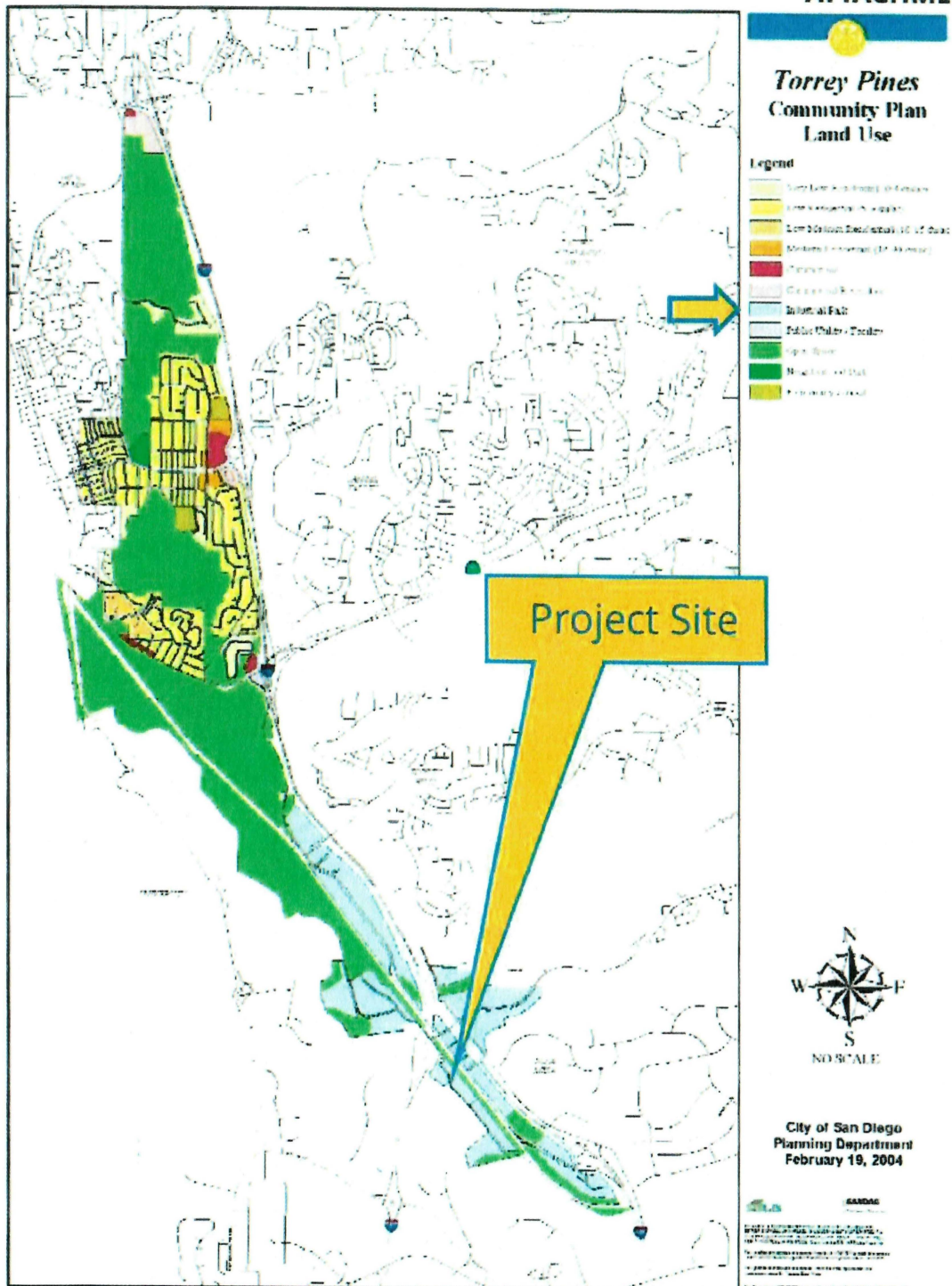


Project Location Map

MPF 10671 Roselle Street /10671 Roselle Street
PROJECT NO. 585605



ATTACHMENT 2



Land Use Map

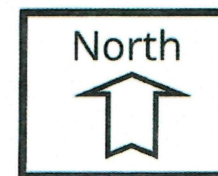
MPF 10671 Roselle Street /10671 Roselle Street
PROJECT NO. 585605





Aerial Photo

MPF 10671 Roselle Street /10671 Roselle Street
PROJECT NO. 585605



ATTACHMENT 3

ATTACHMENT 1

HEARING OFFICER RESOLUTION NO. HO-XXXX
CONDITIONAL USE PERMIT NO. 2072708
MPF 10671 ROSELLE STREET - PROJECT NO. 585605

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

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

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

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

WHEREAS, on January 23, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2072708 pursuant to the Land Development Code of the City of San Diego; 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. 2072708:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]**1. Findings for all Conditional Use Permits:****a. The proposed development will not adversely affect the applicable land use plan.**

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

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

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

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

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

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC) section 141.1004, which require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPFs also have a

minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC section 141.1004 (a). The proposed MPF is subject to specific operational requirements as set forth in SDMC section 141.1004, including security requirements, such as lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPFs must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

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

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2072708. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project is a request for a Conditional Use Permit to operate a MPF within 7,447 square feet (Suites 200-203, 102, and a portion of Suite 101) of an existing 9,687 square-foot, two story building constructed in 1983. The 0.44-acre project site is in the IL-3-1 Zone within the Torrey Pines Community Plan area. The project proposes tenant improvements to accommodate operations, including interior walls to reconfigure space, installation of an elevator, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. Operations include cannabis manufacturing (extraction), storage, and distribution. Proposed exterior site improvements include a new accessible path from the existing sidewalk, and allocation of two motorcycle parking spaces, and security cameras.

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

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

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

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

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

The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Industrial designation of the Torrey Pines Community Plan. Therefore, the proposed MPF is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2072708 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2072708, a copy of which is attached hereto and made a part hereof.

Firouzeh Tirandazi
Development Project Manager
Development Services

Adopted on: January 23, 2019

IO#: 24007596

DRAFT

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: 24007596

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2072708
MPF 10671 ROSELLE STREET - PROJECT NO. 585605
Hearing Officer

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

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within 7,447 square feet of an existing 9,687 square-foot, two story building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 23, 2019, on file in the Development Services Department.

The project shall include:

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

- 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 February 7, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on February 7, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

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

PLANNING/DESIGN REQUIREMENTS:

16. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.
17. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
18. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
19. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
20. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.
21. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.

22. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.

23. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.

24. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

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

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 January 23, 2019 by Resolution No. HO-XXXX.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2072708

Date of Approval: January 23, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Firouzeh Tirandazi
Development Project Manager

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

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

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

By _____
Gregory King
TITLE:

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

ATTACHMENT 1
ATTACHMENT 5

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

TORREY HOLISTICS, INC.
(A CALIFORNIA CORPORATION)

Permittee

By _____
Douglas Gans
Title:

By _____
Tony Hall
Title:

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

ATTACHMENT 1
ATTACHMENT 6

NOTICE OF EXEMPTION

(Check one or both)

TO: ☒ Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2400

☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Project Name/Number: MPF 10671 Roselle Street / 585605

SCH No.: N.A.

Project Location-Specific: 10671 Roselle Street, Suites 200-203, 102 & portion of 101, San Diego, CA 92121

Project Location-City/County: San Diego / San Diego

Description of nature and purpose of the Project: Conditional Use Permit (CUP) for a Marijuana Production Facility to operate within 7,447-square-feet of interior space within an existing 9,687-square-foot two-story building located at 10671 Roselle Street, Suites 200-203, 102 & portion of 101. Project operations would include the manufacturing, extraction, processing, and distribution of cannabis products to State of California licensed outlets. Adjacent to these suites, encompassing the remainder of the building is the currently operational Torrey Holistics CUP. The 0.44-acre site is located within the Torrey Pines Community Plan Area; the site is designated for industrial use. The site is designated as Prime Industrial by the Economic Prosperity Element of the General Plan. The project site is zoned IL-3-1 and located within the Coastal Overlay Zone (Appealable and Non-Appealable), Geologic Hazard Category 31, the Airport Influence Area for MCAS Miramar - Review Area 1, Airport Land Use Compatibility Overlay Zone - MCAS Miramar, Accident Potential Zone 2 for Miramar, FEMA Type "X" - FP-500, Parking Impact Overlay Zone (Campus and Coastal), Transit Priority Area, Penasquitos Watershed, Miramar Sub-Area Watershed, and the Coastal Height Limitation Overlay Zone and Council District 1.

Name of Public Agency Approving Project: City of San Diego Hearing Officer

Name of Person or Agency Carrying Out Project: Doug Gans, Hall & Gans Holding LLC., 6549 Mission Gorge Road, Suite #265, San Diego, CA 92120 (619) 818-4555.

Exempt Status: (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- ☒ Categorical Exemption: Section 15303(c) (New Construction or Conversion of Small Structures)
- ☐ Statutory Exemptions:

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303(c) which allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure as is the case with this project. Furthermore, the site is located within existing urbanized area, and the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area, as is the case for the size of the suites under consideration, and the use does not propose the use of significant amounts of hazardous substances and the site located where all necessary public services and facilities are available and the

ATTACHMENT 1

ATTACHMENT 6

surrounding area is not environmentally sensitive. The exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Chris Tracy, AICP Senior Planner

Telephone: (619) 446-5381

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA


Signature/Title

CHRIS TRACY, AICP

Senior Planner

9/18/18
Date

Check One:

(X) Signed By Lead Agency

() Signed by Applicant

Date Received for Filing with County Clerk or OPR:



Torrey Pines Community Planning Board
www.torreypinescommunity.org

BOARD MEMBERS: Dennis Ridz, Chair; Dee Rich, Vice Chair; Patti Ashton, Treasurer (absent); Wayne Cox, Recording Secretary; Jake Mumma (absent); Susan Lyon; Barbara Cerny; Pat Whitt; Troy Van Horst (absent); Mike Hastings (absent); Samson Gavranian (absent); Brad Remy (absent); Sheryl Adams: Seven attendees.

Torrey Pines Committee Planning Board General Board Monthly Meeting

MINUTES, THURSDAY, September 13, 2018

7:00 PM, Del Mar Hills Academy, 14085 Mango Drive, Del Mar CA 92014

CALL TO ORDER: 7:00 P.M. Dennis Ridz, Chair:

INTRODUCTIONS:

Officer Terry Phillips, SDPD, North West Station, announced that Mark Sanders was the new Acting Captain, cautioned that many of the unmarked vans that are being noticed by citizen calls are in fact Amazon vans, and said personnel vacancies are nagging the department currently.

Justine Murray, representing D-1 City Councilwoman Barbara Bry, was introduced but did not speak because of the many speakers scheduled.

Javier Gomez, from State Assemblyman Todd Gloria's office, updated us on the Assemblyman's activities:

1. By 2040 the State will operate 100% on renewable energy;
2. If anyone needs assistance with the DMV they should ask his office for help;
3. They are asking for ideas for legislative bills for next session; and
4. His office is supporting a bill that will provide \$500 million for homeless shelters (\$33 million to San Diego).

A. NON-AGENDA PUBLIC COMMENT: Mario Larach was concerned that the Minutes were not made publicly available early enough for the public to have time to properly review them. He wanted closer attention to detail. Wayne said that if anyone provided a written statement, in order to preserve accuracy, that it would get affixed to the Minutes, and that the Speaker Slips being used for this meeting were going to be helpful in assuring correct attributes for speakers.

B. GENERAL ANNOUNCEMENTS:

C. MODIFICATIONS TO THE AGENDA: The Chair modified the order of the Action Items.

D. ACTION TO APPROVE PAST MEETING MINUTES: July minutes were approved 7-0.

E. REPORT BY TREASURER: None. Patti Ashton, Treasurer, was absent.

F. REPORT BY VICE CHAIR: Dee Rich said that no decision had yet been made on whether to disband the Del Mar Heights Safety Committee.

BRIEFING, INFORMATION, QUESTIONS & ANSWER (non-action)

1. The M.O. applicant 597781, for the property at 10940 Roselle St., has canceled their lease with the site owner. DSD has not commented further.
2. The M.O. at 10715 Sorrento Valley Road is believed to be selling their shop license.

ACTION ITEMS:

1. MPF application for 10671 Roselle St.: The applicant is seeking to add an MPF at a currently operating MO.

Project Review considered the application at their September 6 meeting and unanimously forwarded it to the full Board with the conditions that the applicant:
 - Create a Retention Basin to collect water that would otherwise drain into Carroll Canyon Creek;
 - Treat runoff before it is released into the waterway; and
 - Resolve ADA parking requirements, with one or two spaces reserved for handicap parking.
 - a. Presentation of the project was made by Phil Rath, Khoa Nguyen, and Drish Byem
 - b. DSD has determined that no CEQA review is necessary because there are only tenant improvements involved.
 - c. Instead of a Retention Tank for runoff (which would create a new sequence for obtaining permits), they will commit to a monthly enhanced cleaning procedure that will include a pressure wash of all asphalt on the property, including capturing all water runoff involved.
 - d. The proposed ADA space is on the street, not on the applicant's lot, because parking on the lot is downhill from the front door to the business. The street is aligned with the front door.
 - e. Judy Strang asked if the company doing the clean-up was specifically licensed for that kind of work and what solvents would be used in the clean-up process. The applicant committed to a service that would be properly licensed and that used chemicals that were approved by City regulations for this purpose.
 - f. Peggy Walker asked if the CEQA review waiver was in fact in writing. No definitive answer was given. She also wanted to know how DSD informs locals, especially neighbors, about MPF applicants and their specific proposed operations. Everyone within 300 feet of the proposed business is contacted by person. Others receive written notices.
 - g. **Application approved 6-1 (Pat)** - Susan moved that the application be approved on the basis that the owners of the business put in writing that in order to retain their City license that they will continue to clean the lot on a monthly basis and will provide ADA space(s) that are approved by the DSD. Wayne seconded the motion.

2. MPF application for 1070 Sorrento Valley Rd.

The application is for 36,361 feet dedicated to cultivation, extraction and distribution, with 4,764 feet currently unassigned, but undergoing a separate application for an Advocacy Research Center (ARC) that will conduct legal research of marijuana in a clinical setting.

- a. Presentation of the project was made by Abhay Schweitzer and Renny Bowden. Joe Nobel addressed fire safety issues. Heather Riley spoke on legal issues. Also with the applicant group was Jim Bartell.
- b. The project is scheduled to be heard by a Hearing Officer on September 19th.
- c. Wayne asked for an explanation about the activity associated with the "Volatile Processing" room shown on the site plans that had been distributed to each Board member. The group of presenters explained that Class 1-B allows for 60 gallons of methanol, used in the extraction process, to be stored in a room without sprinklers; and that both open and closed extraction systems would be employed.
- d. General discussion by the Board developed explanations that the building is approved for F-1 occupancy, a CEQA notice is categorically exempt because the building is not being modified, this is a "seed-to-sale" operation, and the applicant group also has an operation in Nevada where the regulations are more strict than those in California
- e. Kelly McCormick asked what assurances the public would have that this business would control mold, insecticides, pesticides, and a host of other potential dangers to public health.

Response: They would follow all State protocols.

- f. Dennis asked how they would get rid of production materials that were found to have one of the problems that Kelly had mentioned. Response: The State has protocols for this.
- g. Peggy Walker asked what cannabis elements were going to be present in the scheduled products they would be manufacturing and distributing.

Response: CBD and THC.

- g. Wayne moved to approve the application. Susan seconded. The vote was **3 Yes, 3 No, and one abstention.**
- h. Further discussion followed. On a re-vote, the application was **approved 6 to 1 (Pat).**

At 9:00 P.M. the Chair asked for a motion to extend the meeting another 30 minutes. A motion to extend was **approved 7-0.**

The Action Items continued.

ATTACHMENT 1
ATTACHMENT 7

3. Del Mar Heights Road Master Plan:

- a. The Chair announced that the TPCPB had requested, and had been granted, an auditor to look into the missing DIF funds.
- b. Justine stated that:
 - she was glad that the TPCPB/members of the Ad Hoc Committee were looking into the matter so that we could finally have a tangible answer to this issue;
 - the D-1 office was supportive with this request being put out to the City Auditor; and
 - she felt it would be best if the TPCPB and D-1 were to work together in requesting road improvements and tackling road safety along DMH, even if the Ad Hoc Committee no longer were to exist.

4. The Chair stated that he considered the Ad-Hoc subcommittee for the Del Mar Heights Road Master Plan should be disbanded, at least temporarily, because it had failed to obtain \$85,000 in funding from the City and was created for a short term duration, per bylaws. General discussion concluded that at the next meeting another entity for this project would be discussed.

Wayne moved that the Ad Hoc Del Mar Heights Master Plan Committee be terminated. Susan seconded the motion. **The vote passed 6-1 (Dee).**

Pat Witt expressed dismay with the review of MPF applications, fearing that the City has set up Planning Groups to just be rubber stamps.


The Chair adjourned the meeting at 9:20.

NOTE: Times assigned for each item are approximate.

Agenda items/order are subject to modification at beginning of meeting at the discretion of the Chair.

Any item may be pulled from Consent Agenda and added to a future Board agenda by request.

To request an agenda in alternative format - sign language, oral interpreter or Assistive Listening Devices (ALDs) - please contact the Planning Department at (619) 236-6879 five (5) working days prior to the meeting to insure availability.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title: 10671 Roselle MPF **Project No. For City Use Only:** _____
Project Address: 10671 Roselle Street, Suites 101, 102, 200, 201 & 202

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☒ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. 201520910192
☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: Greg King (GMG SD, LLC) ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 10671 Roselle Street, #200
 City: San Diego State: CA Zip: 92121
 Phone No.: 619-990-7716 Fax No.: _____ Email: gking@lightningme.com
 Signature: _____ Date: 12.06.2018
 Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: Doug Gans (Torrey Holistics, Inc.) ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency
 Street Address: 10671 Roselle Street, Suite 100
 City: San Diego State: CA Zip: 92121
 Phone No.: 619-818-4556 Fax No.: _____ Email: dgers@aol.com
 Signature: _____ Date: 12.06.2018
 Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: Tony Hall (Torrey Holistics, Inc.) ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency
 Street Address: 10671 Roselle Street, Suite 100
 City: San Diego State: CA Zip: 92121
 Phone No.: 619-807-7044 Fax No.: _____ Email: tonyh@torreyholistics.com
 Signature: _____ Date: 12.06.2018
 Additional pages Attached: ☐ Yes ☒ No

Kristi Byers, Architect

Architecture

Sustainability Strategies

10671 Roselle MPF: Supplemental Info for DS 318

The following individuals own more than 10% of the shares for the Property Owner and Applicant entities as noted below:

Property Owner: GMG SD, LLC

Individuals owning more than 10% of the shares of the LLC:

Greg King, Partner, 10671 Roselle Street Suite 200, San Diego, 92121

Michael Schwartz, Partner, 10671 Roselle Street Suite 200, San Diego, 92121

Gilbert Kort, Partner, 10671 Roselle Street Suite 200, San Diego, 92121

Applicant: Torrey Holistics, Inc.

Individuals owning more than 10% of the shares of the LLC:

Doug Gans, Partner, 10671 Roselle Street, San Diego, CA 92121

Tony Hall, Partner, 10671 Roselle Street, San Diego, CA 92121

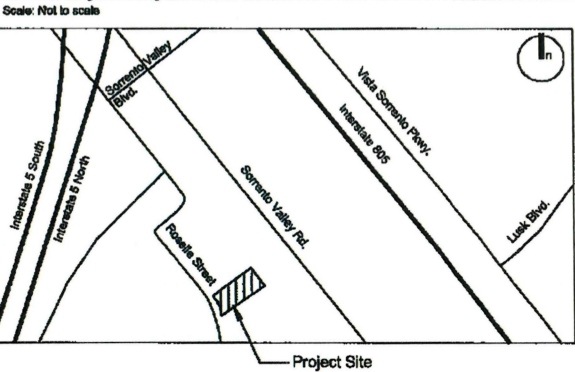
Marijuana Production Facility Notes

1. Verification and Documentation. A marijuana outlet and a marijuana production facility shall maintain and provide upon request by the City a current list of all responsible persons. (Per City of San Diego Municipal Code Section 42.1508.a)
2. Age Limitations. 1.) No person under the age of twenty-one is allowed at or in any marijuana outlet or marijuana production facility unless the person is a qualified patient or state identification card holder, and if under the age of eighteen, is accompanied by a parent, legal guardian, or a primary caregiver who is over the age of eighteen; 2.) No person under the age of twenty-one may be employed by or act as a responsible person on behalf of a marijuana outlet or a marijuana production facility. (Per City of San Diego Municipal Code Section 42.1508.b)
3. Marijuana production facilities shall maintain the following minimum separation between uses as measured between property lines in accordance with Section 113.0226:
- a. 1,000 feet from resource and population-based city parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this note, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive but does not include any private school in which education is primarily conducted in private homes.
- b. 100 feet from a residential zone.

Draft Conditions

- A. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure. (Per City of San Diego Municipal Code Section 141.1004.b)
- B. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties. (Per City of San Diego Municipal Code Section 141.1004.c.)
- C. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis. (Per City of San Diego Municipal Code Section 141.1004.d.)
- D. The name and emergency contact phone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address. (Per City of San Diego Municipal Code Section 141.1004.e.)
- E. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 16. A Conditional Use Permit for a marijuana production facility shall expire no later than five (5) years from the date of issuance.
- F. The sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet. (Per City of San Diego Municipal Code Section 141.1004.f.)
- G. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times. (Per City of San Diego Municipal Code Section 141.1004.j.)
- H. The marijuana production facility shall provide daily removal or trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours. (Per City of San Diego Municipal Code Section 141.1004.k.)

Vicinity Map



Development Summary

Project Narrative:	<p>This project constitutes a request for a Process 3 Conditional Use Permit for a Marijuana Production Facility (MPF) which consists of the following scope:</p> <ol style="list-style-type: none">Interior tenant improvement of 7,447 SF on Floors 1 and 2 of an existing, 2-story, 9,687 SF building for the processing, wholesaling, distributing, storing and producing of marijuana and marijuana products.Interior improvements to include new non-load bearing partitions, doors, lighting, security cameras and system, millwork, finishes throughout and associated mechanical, electrical and plumbing infrastructure.There are no proposed modifications for the building exterior. ADA pathway & motorcycle parking added to site. <p>Note: An approved Marijuana Outlet exists within a suite on the first level of the building. (CUP Approval Number 1371296, City of San Diego Project Number 390043.) This CUP for an MPF proposes no changes to the existing Marijuana Outlet.</p>	
Project Team:	Tenant:	Hall and Gans Holdings, LLC 6549 Mission Gorge Road, #265 San Diego, CA 92120 Contact: Tony Hall and Doug Gans 619.807.7044
	Architect:	Kristi Byers, Architect A.P.C. 2220 National Avenue San Diego, CA 92113 Contact: Kristi Byers, AIA LEED AP BD&C kristi@kristibyersale.com 619.359.0235
	Design Consultant:	TECHNE 3956 30th Street San Diego, CA 92104 Contact: Abhay Schweitzer abhay@techne-us.com 619.940.5814
Legal Description:	006218 LOT 6*	
APN:	340-150-21-00	
Property Owner Information:	GMC SD, LLC 10871 Roselle Street, #200 San Diego, CA 92121 Contact: Greg King 619.990.7716	
Sheet Index:	T0.00 Development Summary, Vicinity Map, & MPF Notes G0.01 Stormwater Checklist & FEMA Letter for Reference Only G0.02 MWPCP and Stormwater BMPs G0.03 Existing Driveway Construction Plans for Reference Only G0.04 Existing Plans for Reference Only A1.00 Site Plan & Parking Calculations A2.00 Proposed Floor Plans A3.00 Lighting & Security Plans	
Type of Construction:	V-B, non-sprinklered	
Occupancy Classification:	Existing: M - Commercial Service; and B - Office Proposed: M - Commercial Service; B - Office; F-1 Moderate Hazard Factory; and F-2 Low Hazard Factory	
Zoning & Overlays:	Base Zone:	IL-3-1
	Overlay Zones:	Airport Influence Area (AIA) - MCAS Miramar Fire Brush Zones 300' Buffer Fire Hazard Severity Zone Parking Impact Overlay (PIOZ) Prime Industrial Land Transit Priority Area (TPA) City Coastal Overlay
Gross Area:	Gross Site Area:	19,105 SF
	Gross Floor Area:	7,447 SF (Interior TI Project) within 9,687 SF Building
Existing & Proposed Use:	Existing Use:	B (Office) S-1 (Storage)
	Proposed Use:	B (Office) F-1 (Moderate Hazard Factory) (F-2 Low Hazard Factory)
Year Constructed:	1983	
Geologic Hazard:	31	
Landscape Area:	3,912 SF - All existing landscape area to remain with the exception of ADA pathway & moto. pkg	
Project Address:	10671 Roselle Street, Suites # 200-203, 102, and Part of 101	
Building Heights:	Building Height - West:	28'-10"
	Building Height - East:	28'-10" + 3'-2" (Grade Differential as defined in LDC 113.0270)
	First Floor Ceiling Height:	8'-2" Finish Floor to Ceiling
	Second Floor Ceiling Height:	8'-2" Finish Floor to Ceiling
	First Floor to Second Floor:	12'-0" Finish Floor to Finish Floor
	Second Floor to Parapet:	14'-0" Finish Floor to Top of Parapet
	Second Floor to Roof:	11'-6" Finish Second Floor to Top of Roof Varies
Historic:	Historic District:	No
	Designated Historic:	No
FAA Notification (Part 77):	No	
Applicable Building Codes:	City of San Diego Municipal Code 2016 California Building Code 2016 California Green Building Code 2016 California Plumbing Code 2016 California Mechanical Code 2018 California Energy Code 2018 California Fire Code	

Creating Preparation and Revision Dates		
01	11.15.2017	CUP Completeness Review
02	12.12.2017	CUP Full-Submittal
03	05.07.2018	Cycle Review 2 Responses
04	07.10.2018	Cycle Review 4 Responses

Kristi Byers, Architect
Sustainability Strategist
Architecture



Project

Roselle Street - Marijuana Production Facility (MPF)
Conditional Use Permit Application

10671 Roselle Street
San Diego, California 92121

Drawing Preparation and Revision Dates
01 07-10-2018 Cycle Review 4 Responses

Drawing Name:
"Minor" Water Pollution
Control Plan & BMP
Checklists

Drawing Number
G0.02
(3 of 8)

Source Control BMP Checklist (for Standard Projects) Form I-SA			
All development projects must implement source control BMPs. Refer to Chapter 4 and Appendix E of the BMP Design Manual for information to implement BMPs shown in this checklist. Note: All selected BMPs must be shown on the construction plans.			
Source Control Requirement	Applied ¹		
4.2.1 Prevention of leaks, drippages, into the MS4	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.2.2 Storm Drain Stenciling or Signage	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.2.3 Protect Outdoor Materials Storage Areas from Rainfall, Run-Off, Runoff, and Wind Dispersal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.2.4 Protect Materials Storage in Outdoor Work Areas from Rainfall, Run-Off, Runoff, and Wind Dispersal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.2.5 Protect Trash Storage Areas from Rainfall, Run-Off, Runoff, and Wind Dispersal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.2.6 BMPs based on Potential Sources of Runoff Pollutants			
On-site storm drain valves	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Interior floor drains and elevator shaft pump pantries	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Interior parking garages	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Need for future erosion & structural pest control	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Landscape/Outdoor Pesticide Use	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Fuels, oils, paints, decorative fountains, and other water features	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Food service	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Refrigeration	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Industrial processes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Outdoor storage of equipment or materials	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Vehicle/Equipment Repair and Maintenance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Fuel Dispensing Areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Laundry Bays	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Auto Sprinklers, Tint Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Miscellaneous Drain or Wash Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Placards, networks, and parking lots	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
AC/EA Large Trough Generating Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Small Animal Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Small Plant Nurseries and Garden Centers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Small Automotive Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Discussion / Justification for all "No" answers shown above:			

The City of San Diego | Storm Water Standards
Form I-SA | January 2018 Edition



Site Design BMP Checklist (for Standard Projects) Form I-SA			
All development projects must implement site design BMPs. Refer to Chapter 4 and Appendix E of the BMP Design Manual for information to implement BMPs shown in this checklist. Note: All selected BMPs must be shown on the construction plans.			
Site Design Requirement	Applied ¹		
4.3.1 Maintain Natural Drainage Pathways and Hydrologic Features	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.3.2 Conserve Natural Areas, Soils, and Vegetation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.3.3 Minimize Impervious Area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.3.4 Minimize Soil Compaction	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.3.5 Minimize Area Disturbance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4.3.6 Runoff Collection	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
4.3.7 Landscaping with Native or Drought-Tolerant Species	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
4.3.8 Harvest and Use Precipitation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Discussion / Justification for all "No" answers shown above:			

Answer the storm water control and site design category shall be pursuant to the following:
 • "Yes" means the project will implement the BMP as described in Chapter 4 and/or Appendix E of the BMP Design Manual. Discussion / Justification is not required.
 • "No" means the BMP is applicable to the project but it is not feasible to implement. Discussion / Justification must be provided.
 • "N/A" means the BMP is not applicable to the project site because the project does not include the feature that is addressed by the BMP (e.g., the project has no outdoor materials storage areas). Discussion / Justification may be provided.

The City of San Diego | Storm Water Standards
Form I-SA | January 2018 Edition



Kristi Byers, Architect
Architecture
Sustainability Strategist



Project:

Roselle Street - Marijuana Production Facility (MPF)
Conditional Use Permit Application

10671 Roselle Street
San Diego, California 92121

Drawing Preparation and Revision Dates

01 07.10.2016 Cycle Review 4 Responses

Drawing Name:

Existing Driveway
Construction Plans for
Reference Only

Drawing Number:

G0.03
(4 of 8)

THIS CONSTRUCTION PLAN IS NOT VALID UNLESS AN ENGINEERING PERMIT IS ATTACHED

DEVELOPMENT SERVICES DEPARTMENT
BUILDING, SAFETY AND CONSTRUCTION
1225 FIRST AVENUE
SAN DIEGO, CA 92101-4185
(619) 238-8840

CONSTRUCTION PLAN

DISCRETIONARY PERMIT NO.
BUILDING
PROJECT NO.
WORK ORDER NO.
PROJECT TRACKING NO. 463278

THE CITY OF SAN DIEGO

SITE ADDRESS: 10671 ROSELLE STREET SUITE 100
SAN DIEGO, CA 92121

NOTES

- IF ANY EXISTING HARDSCAPE OR LANDSCAPE ON THE APPROVED PLAN IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND PER THE APPROVED PLANS.
- THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN (11"x17") FOR APPROVAL, PRIOR TO STARTING WORK. THE PLANS SHALL BE SUBMITTED TO THE TRAFFIC CONTROL PERMIT COUNTER AT THE ADDRESS IN THE ABOVE HEADING, ON THE 3RD FLOOR, ROOM 22. FOR QUESTIONS, CALL (619) 446-5120. THE CONTRACTOR SHALL OBTAIN A TRAFFIC CONTROL PERMIT A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO STARTING WORK, AND A MINIMUM OF FIVE (5) DAYS IF WORK WILL EFFECT A BUS STOP OR AN EXISTING TRAFFIC SIGNAL, OR WILL REQUIRE A ROAD OR ALLEY CLOSURE.
- THE CONTRACTOR OR SHALL BE RESPONSIBLE FOR CLEANUP OF ALL SILT AND MUD ON ADJACENT STREET(S), DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY, AT THE END OF EACH WORK DAY, OR AFTER A STORM EVENT THAT CAUSES A BREACH IN INSTALLED CONSTRUCTION BARRIERS THAT COMPROMISES STORM WATER QUALITY WITHIN ANY STREET(S). A STABILIZED CONSTRUCTION EXIT MAY BE REQUIRED TO PREVENT CONSTRUCTION VEHICLES OR EQUIPMENT FROM TRACKING MUD OR SILT ON TO THE STREET.
- THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS THE ENVIRONMENT.
- A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS THAT PROPOSE THE CONSTRUCTION OF CONCRETE IMPROVEMENTS THAT ARE TO BE POURED IN PLACE ON SITE.
- BEFORE EXCAVATION, CALL UNDERGROUND SERVICE ALERT (800) 422-4133.
- PRIOR TO ANY DISTURBANCE TO THE SITE, EXCLUDING UTILITY MARK-OUTS AND SURVEYING, THE CONTRACTOR SHALL MAKE ARRANGEMENTS FOR A PRE-CONSTRUCTION MEETING WITH THE CITY OF SAN DIEGO FIELD ENGINEERING DIVISION (650) 627-3200.
- ALL APPROVALS GRANTED HEREON ARE BASED ON INFORMATION PROVIDED BY THE APPLICANT. APPROVAL OF THIS PERMIT DOES NOT AUTHORIZE VIOLATION OF ANY CODES OR REGULATIONS. THE CITY'S RESIDENT ENGINEER RESERVES THE RIGHT TO MODIFY THE WORK TO BE DONE, AS ACTUAL FIELD CONDITIONS MAY INDICATE.

SPECIFICATIONS/STANDARD DRAWINGS

ALL WORK SHALL BE DONE IN ACCORDANCE WITH THIS PLAN, THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, AND THE CITY OF SAN DIEGO STANDARD DRAWINGS, AS LAST AMENDED.

LEGEND

DESCRIPTION	STANDARD DRAWING	SYMBOL
PROPOSED WORK AREA		
PROPOSED 24' DRIVEWAY	SDG-159	

APPROVED

DEC 23 2015

LAND DEVELOPMENT REVIEW
CHANGING & DIVIDED

NEIGHBOR MAP

**LAND DEVELOPMENT REVIEW
APPROVED CONSTRUCTION PLAN**

ENGINEERING PERMIT NUMBER

SIGNATURE **DATE**

JOEL VALDIVIA
R.C.E. NO. 65256
NOVEMBER 25, 2015
EXP. 9-30-17

PROFESSIONAL ENGINEER
No. 65256
EXP. 9/30/17
CIVIL
STATE OF CALIFORNIA

THE FOLLOWING INFORMATION IS TO BE PROVIDED BY THE WATER REVIEW SECTION PLAN REVIEWER
DIVISION OF INFORMATION AND APPLICATION SERVICES: ENTER THIS INFORMATION INTO L.O.S.

FIRE SERVICE BILLING CODE: SP: ST: HW

WATER SECTION REVIEWER NAME: DATE:

SEWER SECTION REVIEWER NAME: DATE:

PREPARED FOR: TORREY HOLISTIC CLINIC
NAME: 10671 ROSELLE STREET SUITE 100
ADDRESS/PHONE: SAN DIEGO, CA 92121

PREPARED BY: CUALDO CORPORATION
NAME: CUALDO CORPORATION
ADDRESS/PHONE: 4001 MONTEBELLO BLVD. STE. 1100 SD, CA 92117
951 669-0720

PERMIT NUMBER:
1620741

THIS INFORMATION IS AVAILABLE IN ALTERNATIVE FORMATS FOR PERSONS WITH DISABILITIES.
DS-3179 (3/9/2008)

THIS CONSTRUCTION PLAN IS NOT VALID UNLESS AN ENGINEERING PERMIT IS ATTACHED

DEVELOPMENT SERVICES DEPARTMENT
LAND DEVELOPMENT REVIEW DIVISION
1225 FIRST AVENUE
SAN DIEGO, CA 92101-4185
(619) 238-8840

CONSTRUCTION PLAN

DISCRETIONARY PERMIT NO.
BUILDING
PROJECT NO.
WORK ORDER NO.
PROJECT TRACKING NO.

THE CITY OF SAN DIEGO

SITE ADDRESS: 10671 ROSELLE STREET SUITE 100
SAN DIEGO, CA 92121

PROPERTY OWNER NAME:
TORREY HOLISTIC CLINIC

SITE ADDRESS:
10671 ROSELLE STREET SUITE 100
SAN DIEGO, CA 92121

CONFORMS
DEVELOPMENT SERVICES
LAND DEVELOPMENT REVIEW

Plan File/Work Order No. 463278
Conforms to DS 300247/enc 1371497
By: [Signature] Title:
Date: 12-23-15 Phone: 951-5307
Call: for landscape inspection
Any Revision To These Plans Will Require Another Stamp of Conformance.
SIGNED: [Signature]

CONSTRUCTION NOTES

- CONTRACTOR TO REPLACE EXISTING DRIVEWAY WITH 24' WIDE DRIVEWAY PER SDG-159
- CONTRACTOR TO REPLACE CURB AND GUTTER INCH 1" IF DAMAGED DURING CONSTRUCTION PER SDG-159
- CONTRACTOR TO ADJUST 2:1 TRANSITION IN FIELD IN ORDER TO MATCH EXISTING CONDITIONS AND NOT ENCRoACH INTO NEIGHBOR'S DRIVEWAY

GENERAL NOTES

ALL WORK TO BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.

PERMIT NUMBER:
1620741

PREPARED FOR: TORREY HOLISTIC CLINIC
NAME: 10671 ROSELLE STREET SUITE 100
ADDRESS/PHONE: SAN DIEGO, CA 92121

PREPARED BY: CUALDO CORPORATION
NAME: CUALDO CORPORATION
ADDRESS/PHONE: 4001 MONTEBELLO BLVD. STE. 1100 SD, CA 92117
951 669-0720

PERMIT NUMBER:
W-1620741

THIS INFORMATION IS AVAILABLE IN ALTERNATIVE FORMATS FOR PERSONS WITH DISABILITIES.
DS-3179 (3/9/2008)

Kristi Byers, Architect
Sustainability Strategist
Architecture



Project:

Roselle Street - Marijuana Production Facility (MPF)
Conditional Use Permit Application
10671 Roselle Street
San Diego, California 92121

Drawing Preparation and Revision Dates
01 07.10.2018 Cycle Review 4 Responses

Drawing Name:
Existing Floor Plans
For Reference Only

Drawing Number:
G0.04
(5 of 8)

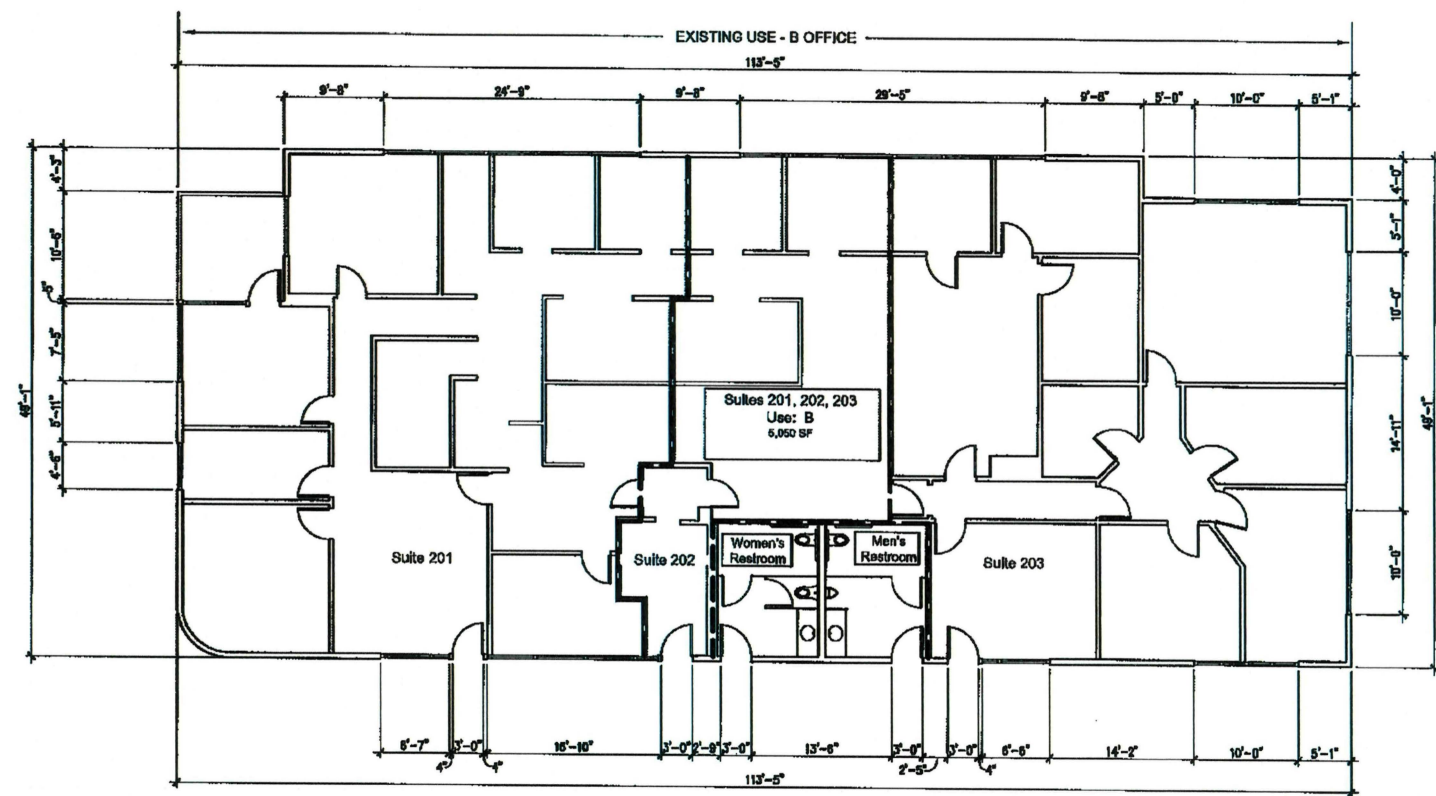
Existing building SF & Parking Count

Note: This project proposes no changes to the number or configuration of the site's 32 off-street parking spaces. Per the Transportation Requirements of the Approved CUP No. 1371299 Torrey Holistics Clinic MMCC - Project No. 390943, "No fewer than 32 off-street parking spaces (with 32 off-street parking spaces provided; including 1 disabled accessible space) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and stall widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), 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."

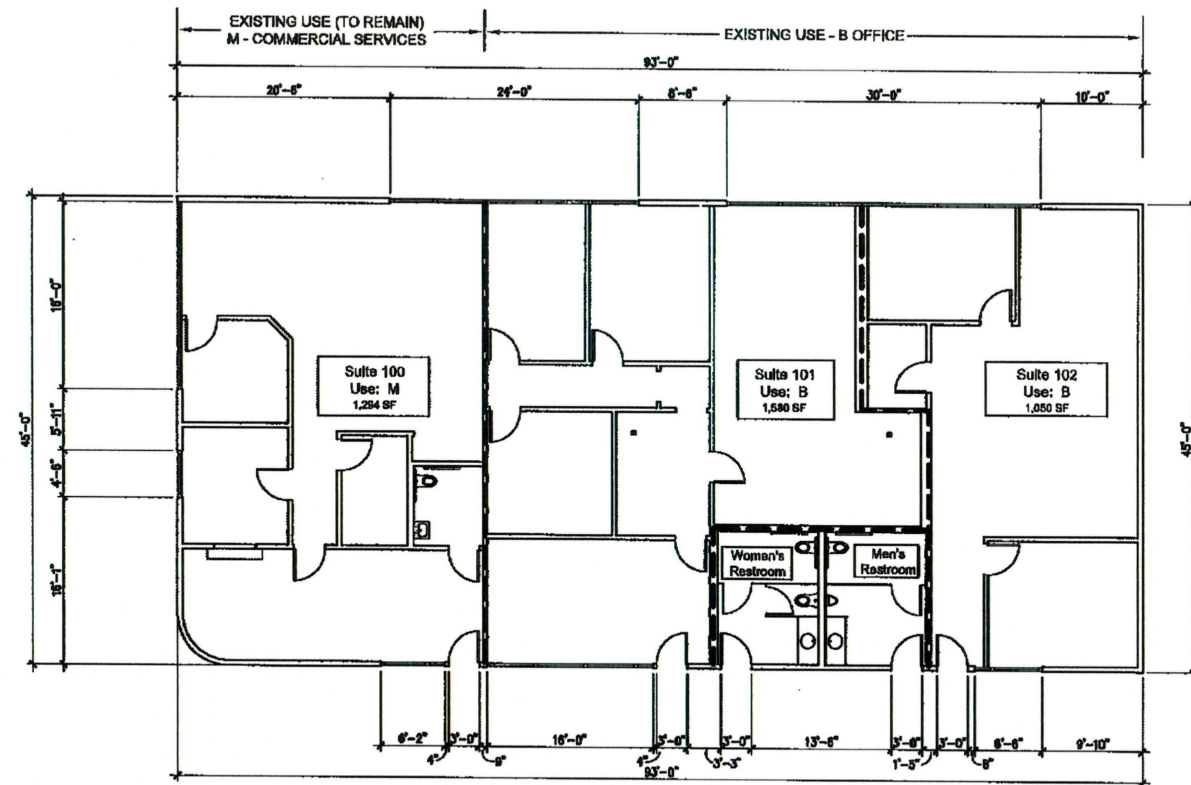
Parking Spaces Provided	=	32 Spaces
Parking Spaces Required for Existing Occupancies	=	32 Spaces
M - Commercial Service*	1,294 SF; 5.0 spaces / 1,000 SF = 6.47	> 31.9
B - Office*	7,880 SF; 3.3 spaces / 1,000 SF = 25.34	

*Per SDMC Section 142.0630 and Table 142-5G.

Parking by Suite			
Suite 100	Use: M	1,294 SF; 5.0 spaces / 1,000 SF = 6.47	> 31.79
Suite 101	Use: B	1,580 SF; 3.3 spaces / 1,000 SF = 6.21	
Suite 102	Use: B	1,050 SF; 3.3 spaces / 1,000 SF = 3.46	
Suite 201	Use: B		
Suite 202	Use: B		
Suite 203	Use: B	5,050 SF; 3.3 spaces / 1,000 SF = 16.65	

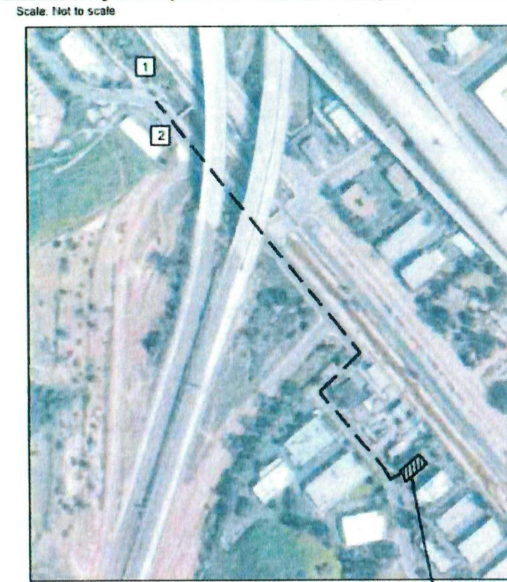


11. Existing Second Floor Plan
Scale: 1/8" = 1'-0"



10. Existing First Floor Plan
Scale: 1/8" = 1'-0"

Vicinity Map & Transit Stops



Transit Stops: No transit stops exist or are proposed directly adjacent to the building area. The nearest transit stop is approximately 0.4 miles away at the Sorrento Valley Coaster Station with access to the Coaster, Pacific Surfliner, and bus routes 978 and 979.

- 1 Sorrento Valley Coaster Station: Coaster and Pacific Surfliner.
- 2 Sorrento Valley Coaster Station: Bus Routes 978 and 979.

Parking Calculation:

Note: This project proposes no changes to the number or configuration of the site's 32 off-street parking spaces. Per the Transportation Requirements of the Approved CUP No. 1371299 Torrey Hollistics Clinic MMCC - Project No. 390943, "No fewer than 32 off-street parking spaces (with 32 off-street parking spaces provided, including 1 disabled accessible spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the San Diego Municipal Code (SDMC), 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."

Parking Spaces Provided = 32 Spaces
Parking Spaces Required for Revised Occupancies = 28 Spaces

*Note: 19 spaces of 32 are compact parking spaces = 59%

M - Commercial Service* 1,294 SF; 5.0 spaces / 1,000 SF = 6.47
B - Office* 946 SF; 3.3 spaces / 1,000 SF = 3.12
F - Marijuana Production Facility* 7,447 SF; 2.5 spaces / 1,000 SF = 18.62

*Per SDMC Section 142.0530 and Table 142-5G.

Motorcycle: 2 proposed
Carpool / Zero Emissions: 3 provided
EV Charging Stations: 2 provided
Short-term Bicycle Storage: 2 provided
Long-term Bicycle Storage: 2 provided (inside - see Level 1 floor plan)

Site Plan General Notes:

- A. Proposed limit of work is interior only within footprint of existing building. All existing grades, hardscape, and landscape are to remain.
- B. See sheet T0.00 Development Summary for additional information.
- C. See sheet A2.00 Proposed Plans for additional information.
- D. Existing Landscape to remain per original building permit plans under Plan File Number F14819 / Permit Number A19801 per CDP 6-83-243. No additional landscape required with this CUP.

Existing Easements:

- 1 Existing 15'-0" sewer easement to remain.
- 2 Existing 4'-0" SDGE easement to remain.

Hours of Operation, Employee Count, Shifts

Hours of operation: 7 days per week from 6:00 a.m. to 12:00 a.m.

Maximum number of employees on-site at any one time: 20 employees

Expected shift schedules: 2 shifts per day
from 6:00 a.m. - 3:00 p.m. and from 3:00 p.m. to 12:00 a.m.

Delivery Information

Expected number of deliveries and type per day

- 1 delivery (or less) per day (on average 5 times per week) for deliveries of manufacturing supplies such as raw cannabis, extraction process supplies, packaging supplies, cleaning supplies, and other ancillary office supplies.
- 2 shipments (or less) per day (on average 10 to 12 times per week).

Schedule of Deliveries: deliveries and shipments to occur, Monday through Saturday between 8:00 a.m. and 6:00 p.m.

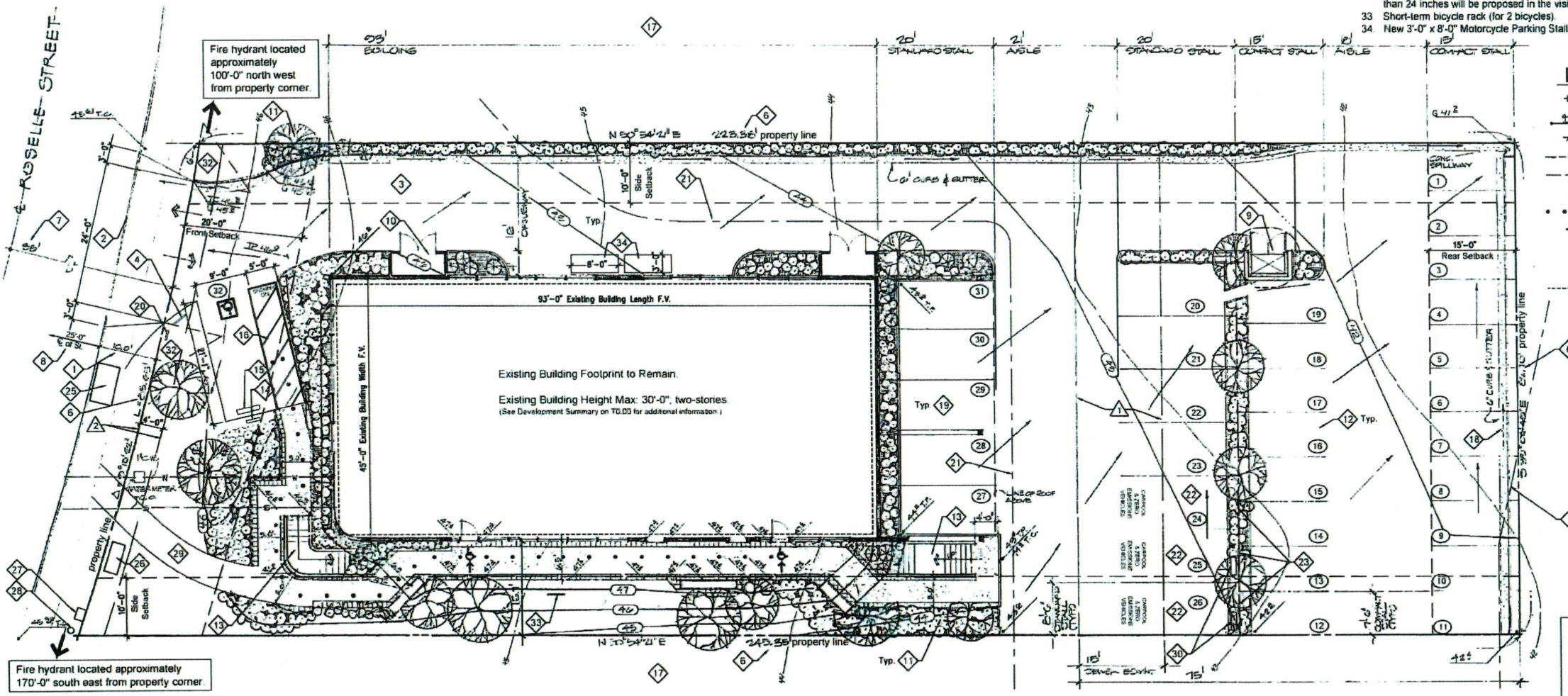
Size of Delivery Vehicles: cargo van

Site Plan Key Notes:

- 1 Existing sidewalk to remain.
- 2 Existing curb cut to remain.
- 3 Existing driveway to remain.
- 4 Existing building address sign complying with FHPS Policy P-00-6 (UFC 901.4.4); Number Height: 12 inches, Stroke Width: 1-1/2 inches.
- 5 Line represents revised limit of floodplain as depicted on FIRM Map 1338G. See included For Reference Only FEMA Floodplain Letter of Map Revision.
- 6 Property line length.
- 7 Dimension from property line to centerline of street.
- 8 Dimension from curb to centerline of street.
- 9 Existing 6'-0" tall CMU trash enclosure to remain. Location of screened trash & recycling receptacles.
- 10 Existing electrical room to remain.
- 11 Existing landscape to remain.
- 12 Existing parking stalls and striping to remain.
- 13 Existing stair to second floor to remain.
- 14 Existing accessible parking sign and "Minimum Fine \$250" sign to remain.
- 15 Existing wheel stop to remain.
- 16 Existing accessible parking stall and aisle striping to remain.
- 17 Adjacent land use commercial property.
- 18 Existing drainage swale to remain.
- 19 Existing covered parking to remain.
- 20 New sign containing the following: name and emergency contact phone number of an operator or manager with character size at least two inches in height. Note: This sign must remain visible to the public right-of-way and the permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities.
- 21 Line of 0.2% Annual Chance Flood Hazard area.
- 22 Designated parking space for carpool vehicles and zero emissions vehicles in accordance with San Diego Municipal Code Section 142.0530(d). Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle "RESERVED FOR CARPOOL & ZERO EMISSIONS VEHICLES".
- 23 Reserved parking for carpool and zero emissions vehicles post mounted signage. Reflector sign panel shall be 12"W and 18"H and constructed of a minimum 0.062 (1157MM) thick aluminum with porcelain enamel finish with "white" background color equal to no. 15090 federal standard 595A. 1/2" wide "black" border with "black" letters 2" high minimum character size with the text "RESERVED PARKING FOR CARPOOL AND ZERO EMISSIONS VEHICLES". Mechanically attach to metal sign pole at center of landscape median.
- 24 Existing sewer easement.
- 25 Existing SDGE Vault with slip-resistant cover.
- 26 Existing Electrical box.
- 27 Existing ATT box.
- 28 Existing Telecommunications.
- 29 New accessible path from R.O.W. to existing accessible path.
- 30 Electric vehicle charging station.
- 31 Short-term bicycle parking. Bicycle rack for two bicycles.
- 32 Visibility Triangles per San Diego Municipal Code Diagram 113-02SS. No objects higher than 24 inches will be proposed in the visibility areas.
- 33 Short-term bicycle rack (for 2 bicycles).
- 34 New 3'-0" x 8'-0" Motorcycle Parking Stalls.

Legend:

- Site Elevation Line, Typ.
- Spot Elevation Marker, Typ.
- Drainage Pattern
- Property Line
- Limit of Floodplain
- Off-Street Parking Space Count
- Existing Accessible Path of Travel
- Existing Accessible Entrance
- Existing Easement
- Existing Easement Boundary
- Area of Work - Interior Only



10. Site Plan

Scale: 1" = 10'-0"

ATTACHMENT 9

Kristi Byers, Architect
Sustainability Strategist
Architecture



Project

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San Diego, California 92121

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02	12.12.2017	CUP Full-Submittal
03	05.07.2018	Cycle Review 2 Responses
04	07.10.2018	Cycle Review 4 Responses
05	08.17.2018	Cycle Review 6 Trans-Specific Responses

Drawing Name
Site Plan & Parking Calculations

Drawing Number

A1.00
(6 of 8)

*Note: Drawing information based on Owner provided documents and Site Survey.
Site Survey taken 11/26/2014 by Coffey Engineering, Inc. - Benchmark. Brass disk inside well monument at Roselle Street CVL-DE-SAC, EL. 65.363.



Project:

Roselle Street - Marijuana Production Facility (MPF)
Conditional Use Permit Application
10871 Roselle Street
San Diego, California 92121

Drawing Preparation and Revision Dates		
01	11.15.2017	CUP Completeness Review
02	12.12.2017	CUP Full-Submittal
03	05.07.2018	Cycle Review 2 Responses
04	07.10.2018	Cycle Review 4 Responses

Drawing Name:
Proposed
Floor Plans

Drawing Number:
A2.00
(7 of 8)

Floor Plan Key Notes:

- Existing exterior door to remain.
- Existing exterior glazing system to remain.
- Existing exterior stair to remain.
- Existing exterior deck to remain.
- New interior partition.
- New interior door.
- New proposed elevator.
- New proposed elevator equipment.
- Existing accessible restroom to remain.
- Dashed line represents line of building overhang above.
- Existing column to remain.
- Odor Suppression System: The project will implement a strategy of filtering any exhaust air through a carbon scrubber to mitigate odor and will also design the HVAC system with negative and positive pressure rooms, as appropriate, to control the flow of air with others and to prevent it from escaping the project building.

Floor Plan Key Legend:

- New Interior Partition
— Existing Wall / Partition to Remain

Distribution Description (First Floor)

Secured Entry: Staff would use this space to enter and leave the building. When not patrolling the grounds, the security officer would sit in this space. Product would be taken out of the MPF through this space as well.

Packaging & Distribution Room: This room would house batching, processing and packaging of cannabis products.

Secured Product Storage Room: Packaged product would be stored in this area prior to being distributed.

Staff Office: This room provides desk area and computer space for staff.

Manufacturing Description (Second Floor)

Secured Entry: Staff would use this space to enter and leave the building. When not patrolling the grounds, the security officer would sit in this space.

Manager's Office & Safe: This room would provide desk area and computer space for the manager as well as secure storage for money and valuables.

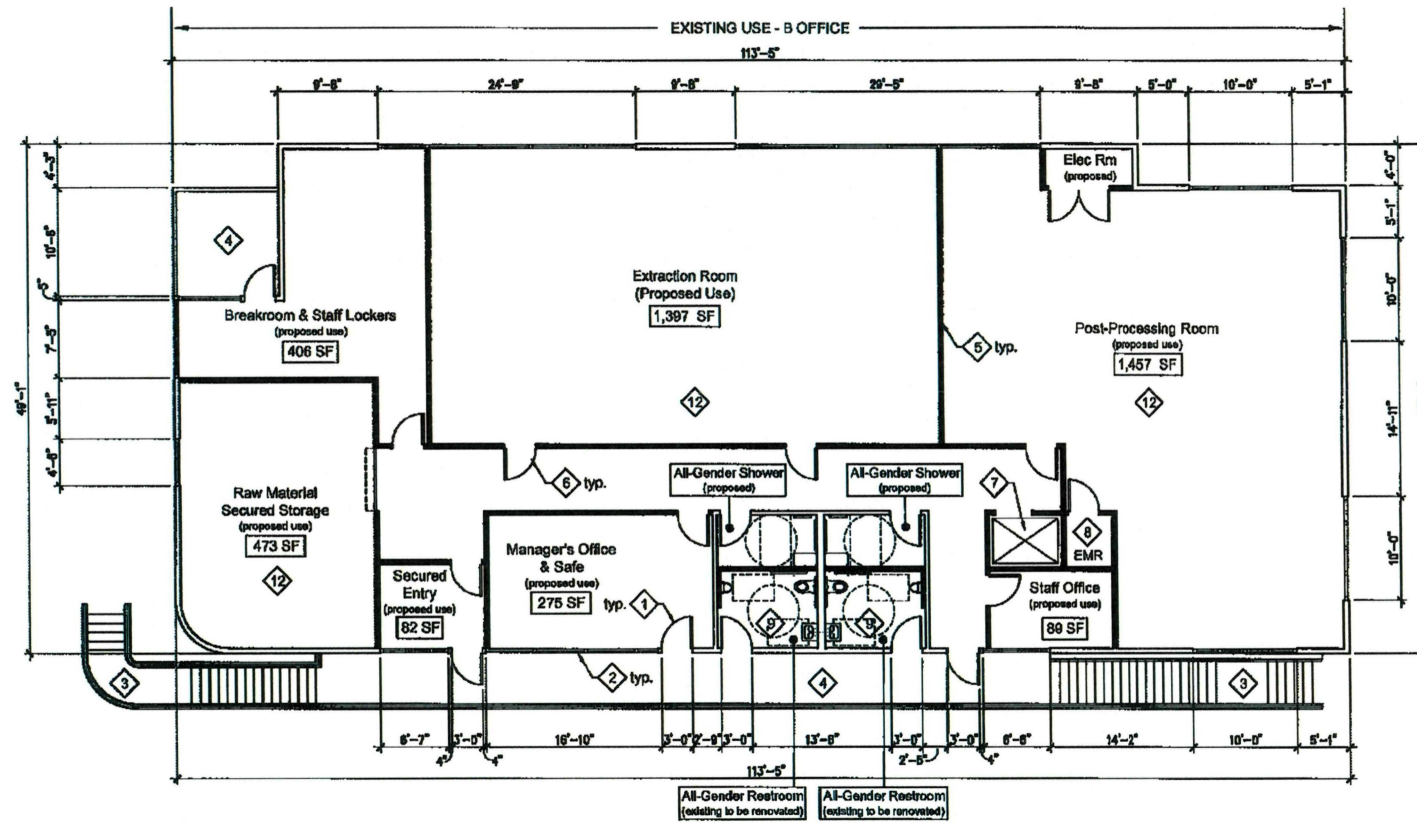
Raw Material Secured Storage: Once raw cannabis is received, inspected, and accepted from cultivators, it would be moved to and stored in a this secured storage room. There would be shelving in this room to allow for separate storage of batches.

Breakroom & Staff Lockers: The employee breakroom would be used for staff break time, lunches, etc. Staff lockers would be included in this space to allow for storage of personal effects.

Extraction Room: Cannabinoids would be extracted through a variety of processes including mechanical extraction using screens and presses and chemical extraction using a non-volatile solvent such as nonhydrocarbon-based or water, vegetable glycerin, vegetable oils, animal fats, or food-grade glycerin. Batches would be kept separate during the extraction process.

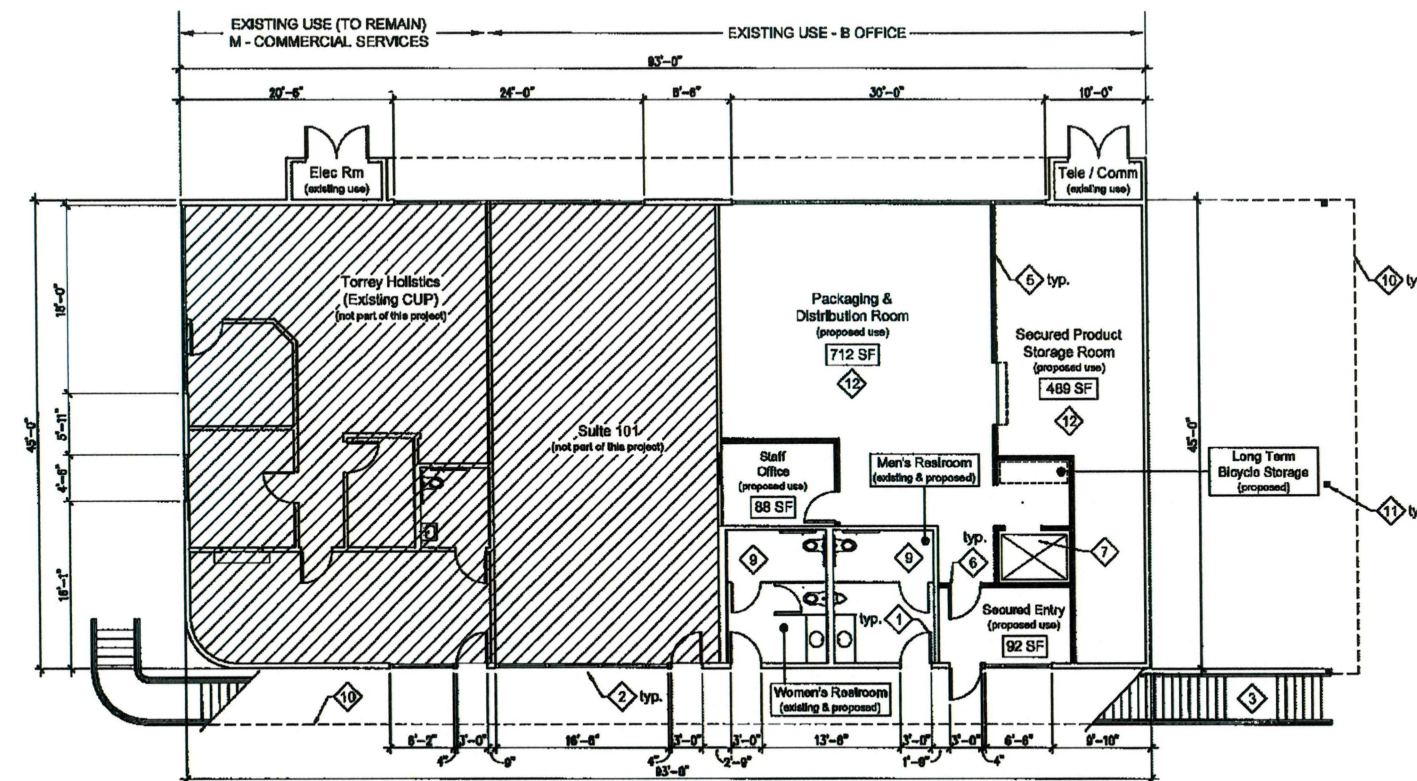
Post-Processing Room: In this room the raw extract would be further refined through a variety of methods using non-volatile solvents such as nonhydrocarbon-based or water, vegetable glycerin, vegetable oils, animal fats, or food-grade glycerin. Batches would be kept separate during post-processing. This room would also be where batches would be sampled for laboratory testing.

Staff Office: This room would provide desk area and computer space for staff.



11. Proposed Second Floor Plan

Scale: 1/8" = 1'-0"



10. Proposed First Floor Plan

Scale: 1/8" = 1'-0"

Kristi Byers, Architect
Sustainability Strategist



Roselle Street - Marijuana Production Facility (MPF)
Conditional Use Permit Application
10671 Roselle Street
San Diego, California 92121

Drawing Preparation and Revision Dates		
01	05.07.2018	Cycle Review 2 Responses
02	07.10.2018	Cycle Review 4 Responses

Drawing Name:
Lighting and Security Plans

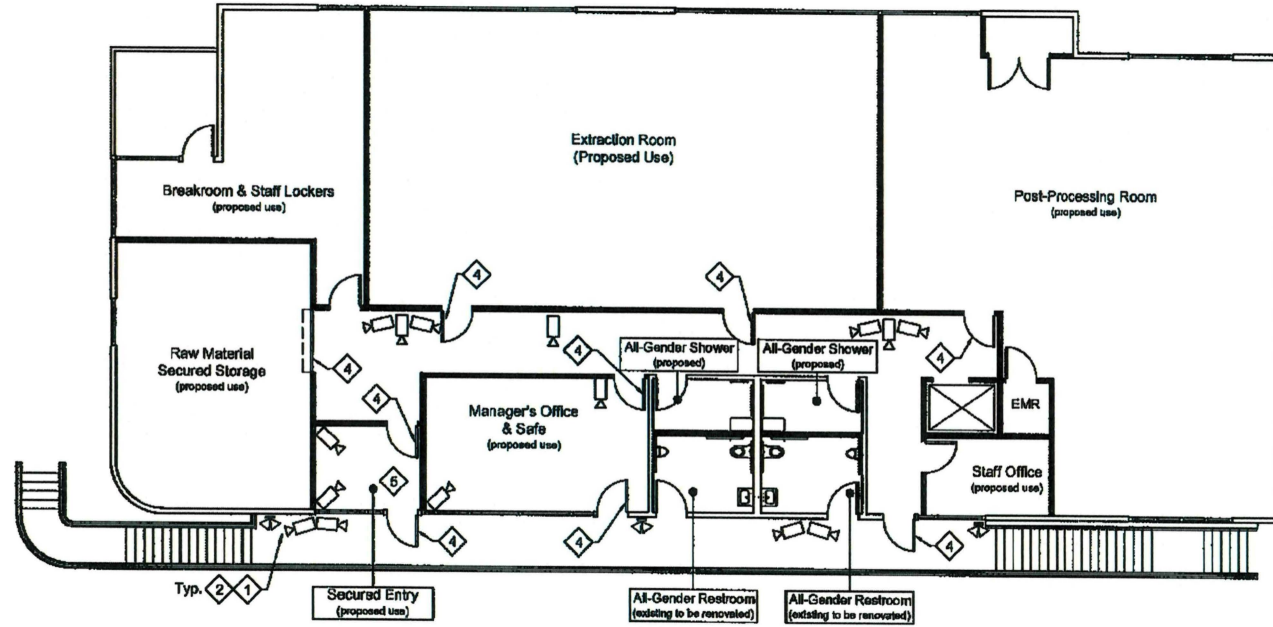
Drawing Number:
A3.00
(8 of 8)

Floor Plan Key Notes:

1. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties. (Per City of San Diego Municipal Code Section 141.1004.c.)
2. New operable security cameras.
3. Existing operable cameras to remain.
4. Commercial-grade, nonresidential door locks at all limited access areas and on all points of entry and exit to the licensed premises.
5. 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. (Per City of San Diego Municipal Code Section 141.1004.d.)

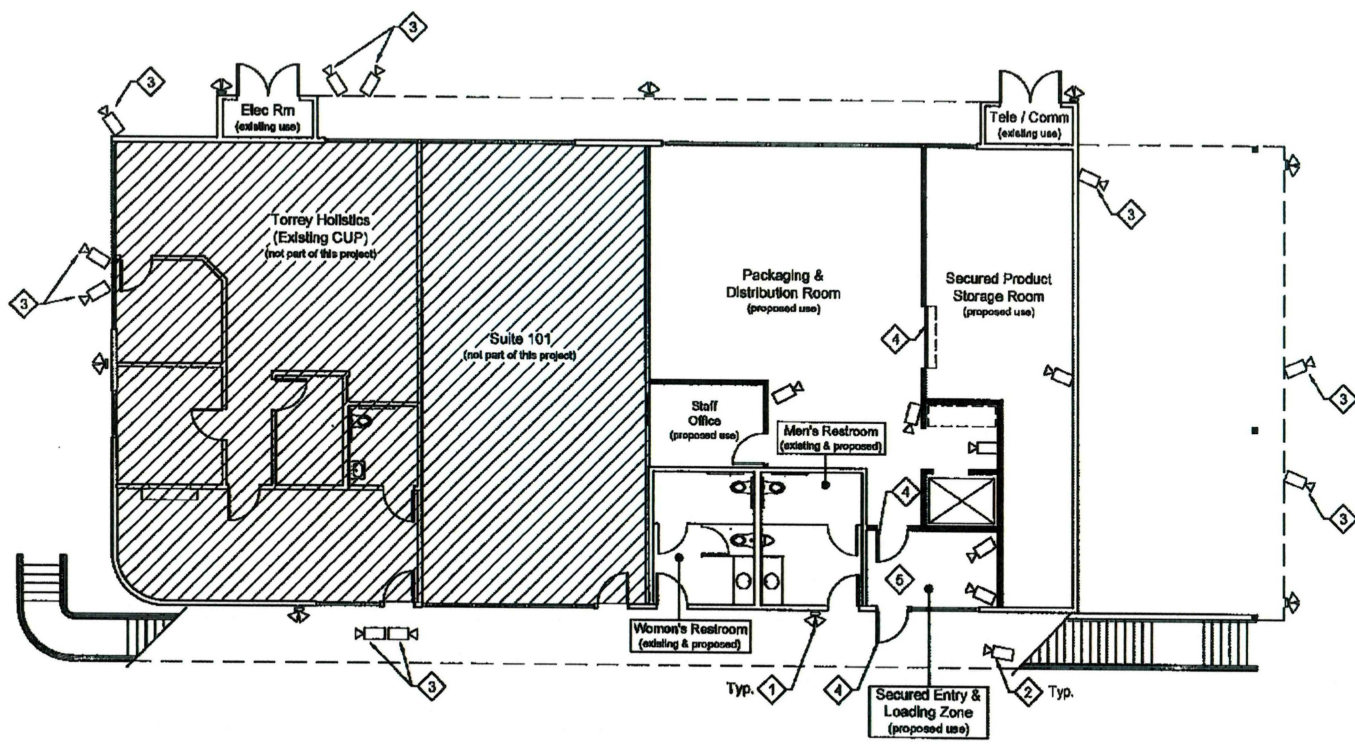
Floor Plan Key Legend:

- New Interior Partition
- Existing Wall / Partition to Remain
- New Operable Security Camera
- New Security Lighting



11. Second Floor Lighting and Security Plan

Scale: 1/8" = 1'-0"



10. First Floor Lighting and Security Plan

Scale: 1/8" = 1'-0"

**Development Permit/
Environmental Determination
Appeal Application**

November 2017

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Upon request, this information is available in alternative formats for persons with disabilities.
DS-3032 (11-17)

ATTACHMENT 1 – GROUNDS FOR APPEAL

Appeal of Hearing Officer Decision Re: MPF 10671 Roselle Street – Project No. 585605

- **New Information.** New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision.
- **Findings Not Supported.** The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.
- **Conflicts.** The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.
- **The project applicant has piecemealed its application process in order to increase the intensity of its retail operations while avoiding obtaining the Coastal Development Permit required under the Municipal Code.**

**Development Permit/
Environmental Determination
Appeal Application**

November 2017

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DS-3032 (11-17)

ATTACHMENT 1 – GROUNDS FOR APPEAL

MPF 10671 Roselle Street, Project No. 585605, CUP No. 2072708

Findings Not Supported:

The Hearing Officer's stated finding to approve is not supported by the information that was provided to the Hearing Officer. It is widely known that Marijuana Production Facilities produce strong odors. The applicant has not sufficiently demonstrated that their marijuana production facility will not produce odors that will be detrimental to surrounding businesses and to the public.

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

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

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

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

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

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

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

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

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

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

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

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

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

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

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

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

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

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

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2072708. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project is a request for a Conditional Use Permit to operate a MPF within 7,447 square feet (Suites 200-203, 102, and a portion of Suite 101) of an existing 9,687 square-foot, two story building constructed in 1983. The 0.44-acre project site is in the IL-3-1 Zone within the Torrey Pines Community Plan area. The project proposes tenant improvements to accommodate operations, including interior walls to reconfigure space, installation of an elevator, lighting, security cameras and system, finishes throughout and associated mechanical, electrical, and plumbing improvements. Operations include cannabis manufacturing (extraction), storage, and distribution. Proposed exterior site improvements include a new accessible path from the existing sidewalk, and allocation of two motorcycle parking spaces, and security cameras.

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

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

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

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

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

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

The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Industrial designation of the Torrey Pines Community Plan. Therefore, the proposed MPF is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 2072708 is hereby GRANTED by the Planning Commission

ATTACHMENT 4

to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2072708, a copy of which is attached hereto and made a part hereof.

Firouzeh Tirandazi
Development Project Manager
Development Services

Adopted on: May 9, 2019

IO#: 24007596

DRAFT

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: 24007596

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

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

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

The project shall include:

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

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 9, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 9, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

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

PLANNING/DESIGN REQUIREMENTS:

16. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.
17. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
18. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
19. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
20. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.
21. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.

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

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on May 9, 2019 by Resolution No. PC-XXXX.

ATTACHMENT 5

Permit Type/PTS Approval No.: Conditional Use Permit No. 2072708

Date of Approval: May 9, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Firouzeh Tirandazi
Development Project Manager

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

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

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

By _____
Gregory King
TITLE:

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

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

TORREY HOLISTICS, INC.
(A CALIFORNIA CORPORATION)

Permittee

By _____
Douglas Gans
Title:

By _____
Tony Hall
Title:

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