

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
JUNE 13, 2019
IN COUNCIL CHAMBERS – 12TH FLOOR
CITY ADMINISTRATION BUILDING
202 C STREET, SAN DIEGO, CA 92101**

CHRONOLOGY OF THE MEETING:

Chairperson Susan Peerson called the meeting to order at 9:09 a.m. Vice-Chairperson William Hofman adjourned the meeting at 2:48 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Susan Peerson – present / left at 1:32 p.m.
Vice-Chairperson William Hofman - present
Commissioner James Whalen – present
Commissioner Douglas Austin – present / arrived at 9:01 a.m. / left at 1:32 p.m.
Commissioner Vicki Granowitz – present / left at 9:45 a.m. / returned at 11:30 a.m.
Commissioner Dennis Otsuji – present – left at 1:32 PM
Commissioner Matthew Boomhower– present

Staff

Shannon Thomas, City Attorney – present / left at 11:34 a.m.
Leslie FitzGerald, City Attorney – present / arrived at 11:34 a.m.
Laura Black, Planning Department – present / left at 12:11 p.m.
Tait Galloway, Planning Department – present / arrived at 12:14 p.m.
PJ FitzGerald, Development Services Department – present
Tony Khalil – Development Services Department - present
Carmina Trajano, Recorder – present

ANNOUNCEMENTS/PUBLIC COMMENT

- Becky Johnson commented on Marijuana Outlets.
- Kathleen Lippitt commented on Sensitive Uses.
- William Perno commented on Marijuana Regulations/ADS.
- Tim Nguyen commented on Churches/CUP/Housing.
- Ping Wang commented on CUP/Churches.

REQUESTS FOR ITEMS TO BE CONTINUED AND/OR WITHDRAWN

- Abhay Schweitzer requested continuance of Item 2 -SORRENTO VALLEY MARIJUANA OUTLET CUP – PROJECT NO. 545299.
- Sandra Gonzalez submitted slip for the continuance of Item 2 (ceded time to Abhay Schweitzer).

CONSENT AGENDA

ITEM # 8 SATURN BOULEVARD – PROJECT NO. 566657 was pulled and approved under the Consent Agenda.

APPROVAL OF THE AGENDA

Item #6 was moved as the third discussion item.

DIRECTOR'S REPORT

PJ FitzGerald from Development Services provided a response to the Planning Commission's request for a status of the former Civic San Diego operations and organization. She reported that next Thursday, at Planning Commission, Planning Director Hansen and Development Services Director Elyse Lowe will give a brief update on the status of the Downtown Planning and Permitting; it will be the first item on the Agenda.

COMMISSION COMMENT

Commissioner Boomhower apologized for missing a couple of meetings while he was traveling. He said he brought back limoncello flavored candies, not alcohol. He said that it is less than five dollars and nobody has to report this.

Commissioner Peerson announced that she handed out a two-page memo as a reminder about the procedure for the Permanent Rules. She discussed 10 items regarding recusals, attendance, clarifying questions, motions, lights, speaker slips, public comment, consent agenda, findings and CEQA documents that are hyperlinked and are available online.

Commissioner Otsuji commented that for the last month or so, the Commissioners are getting emails the night before, or the day of the hearing from City staff. He asked the staff if there is a cutoff in sending those emails, so the Commission can have time to read the materials; he asked if they can also address that. Commissioner Otsuji said that he would like to be able to read the public comments and create an opinion and make a clear decision

Commissioner Hofman commented that the public needs to understand that, if they send their comments the night before, the Commission will not have time to review the public comments.

Commissioner Boomhower asked if there is something we can put on the website to inform the public to submit the materials in advance, so that the Commissioners can have time to review and consider them carefully.

Commissioner Peerson commented that getting the material on the day of the hearing is difficult for them to review and to be able to be thoughtful about it. She also said that the Commissioner should have ample opportunity to review the materials and not feel rushed or not even have a chance to look at it.

Commissioner Whalen commented that he also knows where the hyperlink is, but likes the hard copy so he can write comments. He also said that if the Commission gets the material late, they cannot help.

DISCUSSION ITEMS

ITEM-1: ***Trailed from June 6, 2019; Appeal of Hearing Officer's decision on February 20, 2019***

MPF 4655 RUFFNER STREET - PROJECT NO. 604122

City Council District: 6 Plan Area: Kearny Mesa

Staff: Tim Daly

Speaker slips in favor of the project submitted by Gina Austin, Doug McCrady, Aaron Jacob Hill, Chris Berry, Alan Austin, Peachy McCrady, Brittany Biesterfeld, Tamara Leetham, Issac Ramos, Devon McClelland, Jared Angell, Gwen Walter, Ian Lelis, Lisa Moore, Colleen Moore, Armen Buchaklian, Giovanni Barroso, Lizbeth Sanchez, Georgia Godfre, Dan Archula, Suzi Merline, James Lampe, Douglas Fremdling, Shuby Champ, Ping Wang, Tia Nguyen, Kathy Wang, Alex Isvanca, Chao C Wang, Kathleen Lippitt and Becky Johnson.

Speaker slip in opposition to the project were submitted by Lijun Zhou and Kaye Villafiores

COMMISSION ACTION:

MOTION BY COMMISSIONER AUSTIN APPROVING STAFF'S RECOMMENDATION TO DENY THE APPEAL AND UPHOLD THE HEARING OFFICER DECISION TO APPROVE CONDITIONAL USE PERMIT NO. 2135497 WITH CONDITIONS. Seconded by Commissioner Whalen. The motion passed by a vote of 4-2-1 with Commissioners Peerson, Whalen, Boomhower, and Austin voting yea, Commissioners Otsuji and Hofman voting nay, and Commissioner Granowitz absent.

ITEM-2: ***Appeal of Hearing Officer's decision on September 19, 2018***
SORRENTO VALLEY MARIJUANA OUTLET CUP - PROJECT NO. 545299

City Council District: 1 Plan Area: Torrey Pines

Staff: Firouzeh Tirandazi

Speaker slips in favor of the project submitted by Phil Roth, Gina Austin, Brittany Biesterfeld, Tara St. Peter, Sean St. Peter, Tamara Leetham, Alan Austin and Doug McCrady.

Speaker slip in opposition to the project were submitted by Abhay Schweitzer, Jim Bartell, Heather Riley, Lauren Palmer, Kathleen Lippitt, Becky Johnson and William Perno.

COMMISSION ACTION:

MOTION BY COMMISSIONER HOFMAN APPROVING THE STAFF'S RECOMMENDATIONS TO DENY THE APPEAL AND AFFIRM THE HEARING OFFICER'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. 1927100 AND COASTAL DEVELOPMENT PERMIT NO. 2173348. Seconded by Commissioner Boomhower. The motion passed by a vote of 6-0-1 with Commissioners Peerson, Whalen, Boomhower, Otsuji, Hofman and Austin voting yea, and Commissioner Granowitz absent.

Break time: 10:44 a.m. -10:55 a.m.

ITEM-3: ***Appeal of Hearing Officer's decision on March 6, 2019***
CHELSEA STREET CDP - PROJECT NO. 609389

City Council District: 1 Plan Area: La Jolla

Staff: Xavier Del Valle

Speaker slips in favor of the project submitted by Sandra Gonzalez, Michael Morton, Flayia Gomes and Abhay Schweitzer.

No speaker slips in opposition to the project were submitted.

COMMISSION ACTION:

MOTION BY COMMISSIONER WHALEN APPROVING THE STAFF'S RECOMMENDATION TO DENY THE APPEAL AND UPHOLD THE HEARING OFFICER'S DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 2154471. Seconded by Commissioner Boomhower. The motion passed by a vote of 6-0-1 with Commissioners Peerson, Whalen, Boomhower, Otsuji, Hofman and Austin voting yea, and Commissioner Granowitz absent.

ITEM-4: ***Appeal of Development Services Department's decision on March 5, 2019***

RYAN CDP - PROJECT NO. 619310

City Council District: 1 Plan Area: La Jolla

Staff: Francisco Mendoza

Speaker slips in favor of the project submitted by Rick Turner, Mark Morris, Eric Buchanan and Ben Ryan,

Speaker slips in opposition to the project submitted by Kathleen Neil and Davie Ish.

COMMISSION ACTION:

MOTION BY COMMISSIONER WHALEN APPROVING THE STAFF'S RECOMMENDATIONS DENY THE APPEAL AND UPHOLD THE DEVELOPMENT SERVICES DEPARTMENT'S DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 2204696. Seconded by Commissioner Hofman. The motion passed by a vote of 6-0-1 with Commissioners Peerson, Whalen, Boomhower, Otsuji, Hofman and Austin voting yea, and Commissioner Granowitz absent.

ITEM-5: ***Appeal of Hearing Officer's decision on March 6, 2019***

MARDOUM CDP - PROJECT NO. 612206

City Council District: 1 Plan Area: La Jolla

Staff: Francisco Mendoza

Speaker slips in favor of the project submitted by Cindy Eldred, Todd Jackson, Diane Murbach, John Kavan, Monte Murbach, Scott Harry, Riad Marsoum, Valerie Sussman, Warren Mardoum and Adam Mardoum.

Speaker slip in opposition to the project were submitted by Michael Pallamary, Brian Bomisler, Andrew Smith, Susan Patterson, Drex Patterson, Terri Zimdars, Davis Gammage, Betsy McClendon, Ann Farrell, Scott McClendon, John Farrell, Dr. Betty Edwards, Kerri Smith and Shelley Smith.

COMMISSION ACTION:

MOTION BY COMMISSIONER WHALEN APPROVING THE STAFF'S RECOMMENDATIONS TO DENY THE APPEAL AND UPHOLD THE HEARING OFFICER'S DECISION TO APPROVE SITE

DEVELOPMENT PERMIT NO. 2174199, WITH MODIFICATIONS TO THE EXHIBIT "A" DRAWING AND A REVISED CONDITION TO THE PERMIT. Seconded by Commissioner Hofman. The motion passed by a 7-0- vote with Commissioners Peerson, Whalen, Boomhower, Otsuji, Hofman, Granowitz, and Austin voting yea.

Lunch time: 1:10 p.m. – 1:31 p.m.

ITEM-6: **Appeal of Development Services Department's decision on March 20, 2019**
SAN DIEGO RELEAF MARIJUANA OUTLET CUP/CDP - PROJECT NO. 575936
City Council District: 1 Plan Area: Torrey Pines

Staff: Tim Daly

Speaker slips in favor of the project submitted by Heather Riley, Jim Bartell. Michael Morton, Sandra Gonzalez, Abhay Schweitzer, Becky Johnson, Kathleen Lippitt.

Speaker slip in opposition to the project were submitted by Gina Austin.

COMMISSION ACTION:

MOTION BY COMMISSIONER WHALEN APPROVING THE STAFF'S RECOMMENDATIONS TO DENY THE APPEAL AND AFFIRM THE HEARING OFFICER DECISION TO DENY CONDITIONAL USE PERMIT NO. 2033810 AND COASTAL DEVELOPMENT PERMIT NO. 2163214. Seconded by Commissioner Hofman. The motion passed by a vote of 6-0-1 with Commissioners Peerson, Whalen, Boomhower, Otsuji, Hofman and Austin voting yea, and Commissioner Granowitz absent.

ITEM-7: **LUMINA TM - PROJECT NO. 555609**
City Council District: 8 Plan Area: Otay Mesa

Staff: Tim Daly

Speaker slips in favor of the project submitted by Jason Shepard, Jessica Damschen, Monique Chen, Johnathan Sanchez, Heather Riley, Mark Daitch, Briar Belair, Kathi Riser, Emilie Colwell, Jer Harding, Raul Rodriguez, Rita Mahoney, Greg Shields, John Ponder, Mark Elliott and Marcela Escobar-Eck.

Speaker slip in opposition to the project were submitted by Mark Freed, Ted Griswold, Mike While, Rhonda Rya, Charise Robinson, Michelle LeMeix, Hal Ryan, Georgie Ryan, Jack Ryan and Ryley Ryan.

COMMISSION ACTION:

MOTION BY COMMISSIONER GRANOWITZ APPROVING THE STAFF'S RECOMMENDATIONS TO RECOMMEND THE CITY COUNCIL ADOPT ADDENDUM NO. 555609 TO THE OTAY MESA COMMUNITY PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT NO.

30330/304032 AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM; APPROVE TENTATIVE MAP NO. 1972222; APPROVE NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2106744; APPROVE SITE DEVELOPMENT PERMIT NO. 2287794; APPROVE PUBLIC RIGHT-OF-WAY VACATION NO. 2103455 AND APPROVE A MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT. Seconded by Commissioner Boomhower. The motion passed by a vote of 4-0-3 with Commissioners Whalen, Boomhower, Granowitz, and Hofman voting yea, and Commissioners Austin, Peerson, and Otsuji recusing.

ITEM-8: **SATURN BOULEVARD – PROJECT NO. 566657**

City Council District: 8 Plan Area: Otay Mesa-Nestor

Staff: Bryan Hudson

Speaker slips in favor of the project submitted by Jeannette Temple, David Larson, Ramzy de Castro, Rob Rydeen and Matt Peterson.

No speaker slips in opposition to the project were submitted.

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER WHALEN APPROVING THE STAFF'S RECOMMENDATIONS TO RECOMMEND THE CITY COUNCIL ADOPT MITIGATIVE NEGATIVE DECLARATION NO. 566657 AND ADOPT THE MITIGATION, MONITORING AND REPORTING PROGRAM; APPROVE REZONE NO. 1996524; APPROVE COASTAL DEVELOPMENT PERMIT NO. 1996526; APPROVE PLANNED DEVELOPMENT PERMIT NO. 1996525; AND APPROVE VESTING TENTATIVE MAP NO. 1996523. Seconded by Commissioner Austin. The motion passed by a vote of 6-0-1 with Commissioners Hofman, Austin, Granowitz, Boomhower, Otsuji and Whalen voting yea and with Commissioner Peerson recusing.