

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
JUNE 6, 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 9:04 a.m. Vice-Chairperson William Hofman adjourned the meeting at 1:24 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Susan Peerson – present / left at 1:09 p.m.
Vice-Chairperson William Hofman - present
Commissioner James Whalen – present
Commissioner Douglas Austin – present
Commissioner Granowitz – present
Dennis Otsuji – present
Commissioner Boomhower– absent

Staff

Corrine Neuffer, City Attorney – present
Laura Black, Planning Department – present
PJ FitzGerald, Development Services Department – present
Louis Schultz, Development Services Department – present
Carmina Trajano, Recorder – present

ANNOUNCEMENTS/PUBLIC COMMENT

Kelly McCormick commented on Marijuana Testing.

Becky Johnson commented on Marijuana MPF's.

Kathleen Lippitt commented on product testing requirements.

REQUESTS FOR ITEMS TO BE CONTINUED AND/OR WITHDRAWN

ITEM-2: *Expedite*

Appeal of Hearing Officer's decision on February 20, 2019

MPF 3279 NATIONAL AVENUE – PROJECT NO. 585635 - **WITHDRAWN**

ITEM-4: *Appeal of Hearing Officer's decision on February 20, 2019*

MPF 9220 MIRA ESTE CT – PROJECT NO. 585378 - **WITHDRAWN**

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

MPF 3940 HOME AVENUE – PROJECT NO. 611536 - **WITHDRAWN**

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

MPF 8390 MIRAMAR PLACE – PROJECT NO. 585648 - **WITHDRAWN**

CONSENT AGENDA

ITEM-1: **CROWN CASTLE UNIVERSITY – PROJECT NO. 577364**

City Council District: 6 Plan Area: Mid City: Eastern Area

Staff: Travis Cleveland

Speaker slips in favor of the project submitted by Mark Linman.

No speaker slips in opposition to the project were submitted.

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER WHALEN APPROVING THE STAFF'S RECOMMENDATIONS TO APPROVE CONDITIONAL USE PERMIT (CUP) NO. 2285351, PLANNED DEVELOPMENT PERMIT (PDP) NO. 2285352, AND NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) 2285918. Seconded by Commissioner Austin. The motion passed by a vote of 6-0-1 with Commissioners Peerson, Hofman, Austin, Granowitz, Otsuji and Whalen voting yea and with Commissioner Boomhower absent.

APPROVAL OF THE AGENDA

Accepted as presented.

DIRECTOR'S REPORT

PJ Fitzgerald shared some sad news for us and some great news for Louis Schultz, who is the City Engineer's representative on the Commission. He is moving over to Public Works after many years in Development Services. She stated that his participation, all the hard work he has given to DSD and his support to the Commission is much appreciated.

COMMISSION COMMENT

Commissioner Whalen commented that it would be good for the Commission to have a sort of a status report on how the Cannabis regulations are working. As he has mentioned in the past, the Commission does listen when we had a comment on this issue. He also wants to complain again about the system being gamed, for people in the audience, he said that the Commission does read the materials for the hearings and to have those appeals pulled at the last minute after they went through all this trouble, it's clear that somebody is gaming the system and they are all angry about it and he just want to get that on the record. But the other question he wants to ask, do people think it's a good idea to perhaps review how things are going?

Commissioner Austin commented that the comments made during the testimony are thoughtful and looks like they are well-researched and would like to get on the Agenda about the billboards and what can be done about it. He mentioned that his wife was complaining about it and he's seeing that there may be a danger that he didn't understand before with the Marijuana Facilities which has to do with safety. He would like to hear from staff what can be done and come back with a report. Lastly, he asked if there is a public safety problem on this and what can be done to help make the situation better?

Commissioner Hofman commented that he agrees with his fellow Commissioners and it would be good to do more research and report back to the Commission. He also mentioned that he disagrees with the comments he heard this morning that the staff has been too busy approving CUP's instead of analyzing them. And that just is not the case, the amount of work that goes into the review of these projects is phenomenal. He disagreed with that and he respect the way the staff has handled it. He also wants to say how happy he was with our new disclosure procedure and getting disclosure out early is helpful; he's glad we're doing that.

Commissioner Granowitz commented that some time ago, she asked to get an update on how the Planning Commission might be affected by the dissolution of Civic. And now that has happened, it would be nice to know if the Commission will be impacted in anyway by the change.

Commissioner Peerson acknowledged the students from Loyola Marymount who were in the audience to observe and record the hearing. She welcomed the students to the Planning Commission and said that students are encouraged to come and be part of the Planning Commission proceedings and learned from the process. She also mentioned that the Commissioners are in an Appointed position, they are not paid and it's a public service and volunteer service that they provide. She said that she is glad they are here in the audience today and appreciate this process.

DISCUSSION ITEMS

ITEM-2: ***Expedite***
Appeal of Hearing Officer's decision on February 20, 2019
MPF 3279 NATIONAL AVENUE – PROJECT NO. 585635
 City Council District: 8 Plan Area: Southeastern San Diego

Staff: Firouzeh Tirandazi

No speaker slips in favor of the project submitted.

Speaker slips in opposition to the project submitted by Marsha Lyon.

COMMISSION ACTION:
 THIS ITEM WAS WITHDRAWN.

ITEM-3: ***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, opposed to appeal submitted by, Gina Austin, Peachy McCrady, Aaron Magagna, Jared Angell, Ian Lellis, Dillon Sanchez, Brittany Biesterfeld, Doug McCrady and Alan Austin.

Speaker slip in opposition to the project, in favor of the appeal submitted by Kathleen Lippitt, Tim Nguyen, Ping Wang, Wesley Quach, Lauren Garces, Charles Wang, Timm Ryan Johnson, Kelly McKay, Elizabeth Davis Hynd, Kathy Wang, Daniel Wang, Andrew Ly, John Turpit, Jceheon Chu, Tracy Nguyen, Issac Wang, Phivan Nguyen, John J. Kang, Lijun Zhou, Alan Beck, Paul Young, Thanh K. Nguyen, Dr. Allen Chan, William Perno and Becky Johnson.

COMMISSION ACTION:
 MOTION BY COMMISSIONER WHALEN APPROVING THE STAFF'S RECOMMENDATION TO DENY THE APPEAL AND UPHOLD THE HEARING OFFICER DECISION TO APPROVE CONDITIONAL USE PERMIT NO. 2135497 WITH ADDITIONAL CONDITIONS. Seconded by

Commissioner Austin. The motion failed by a vote of 3-3-1 with Commissioners Peerson, Austin and Whalen voting yea and with Commissioners Hofman, Granowitz and Otsuji voting nay and with Commissioner Boomhower absent.

NOTE: THIS ITEM WILL BE TRAILED TO JUNE 13, 2019.

Per Permanent Rules of the Planning Commission 6.3 **Inability to Obtain Four Votes:** If four affirmative votes cannot be obtained and the hearing presents a situation where an absent commissioner(s) is capable of participating at a future hearing, the matter is automatically trailed as unfinished business to the next meeting where the absent commissioner(s) can vote. The absent commissioner(s) should review the audio and/or visual record of the hearing and review all evidence before voting.

Break time: 10:25 a.m. – 10:35 a.m.

ITEM-4: **Appeal of Hearing Officer's decision on February 20, 2019**
MPF 9220 MIRA ESTE CT – PROJECT NO. 585378

City Council District: 6 Plan Area: Mira Mesa

Staff: Hugo Castaneda

No speaker slip in favor of the project were submitted.

No speaker slips in opposition to the project were submitted.

COMMISSION ACTION:

THIS ITEM WAS WITHDRAWN.

ITEM-5: **Appeal of Hearing Officer's decision on March 6, 2019**
MPF 3940 HOME AVENUE – PROJECT NO. 611536

City Council District: 9 Plan Area: Mid City: City Heights

Staff: Hugo Castaneda

No speaker slips in favor of the project were submitted.

Speaker slip in opposition to the project submitted by William Perno, Dawn Kamali, Elizabeth Davis Hynd and Kelly McKay.

COMMISSION ACTION:

THIS ITEM WAS WITHDRAWN.

ITEM-6: ***Appeal of Hearing Officer's decision on March 6, 2019***
MPF 8390 MIRAMAR PLACE - PROJECT NO. 585648

City Council District: 1 Plan Area: University

Staff: Sammi Ma

No speaker slip in favor of the project were submitted.

No speaker slips in opposition to the project were submitted.

COMMISSION ACTION:

THIS ITEM WAS WITHDRAWN.

ITEM-7: ***Continued from May 9, 2019***
**12TH UPDATE TO THE LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM FOR
ITEM # 12 (WCF)**

City Council District: All Plan Area: Citywide

Staff: Karen Lynch

Speaker slips in favor of the project submitted by Don Taylor, Jan Bart and Kevin McGee.

Speaker slip in opposition to the project submitted by Beverly Raimondo, Debbie Lokanc, Bill Brittingham, A. Hayes, Alina Talbott, Mike Tristani, Julio Garcia, Adrian Salas, Vicki Pinkus, Lisa Sinclair, Priscilla Ann Berge, Randy Sinclair and Melanie Irwin.

COMMISSION ACTION:

MOTION BY COMMISSIONER HOFMAN APPROVING THE STAFF'S RECOMMENDATIONS TO RECOMMEND TO CITY COUNCIL TO APPROVE 12TH UPDATE TO THE LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM FOR ITEM # 12. Seconded by Commissioner Whalen. The motion passed by a vote of 5-0-2 with Commissioners Peerson, Hofman, Austin, Granowitz, Otsuji and Whalen voting yea and with Commissioners Boomhower absent and Austin abstaining (Note: Commissioner Austin had stepped out and unable to hear the full deliberation.)

ITEM-8: **MONTEZUMA HOTEL - PROJECT NO. 574562**

City Council District: 9 Plan Area: College

Staff: Jeffrey A. Peterson

Speaker slips in favor of the project submitted by Jeannette Temple, Marcela Escobar Eck, Karen Ruggles, Nasi Edalatdju, Carlson Temple, Jan Hintzman, Aimee Lee Cheek, Julie Hamilton, Joseph Bruno and Armin Kuhlman.

No speaker slips in opposition to the project were submitted.

COMMISSION ACTION:

MOTION BY COMMISSIONER AUSTIN APPROVING THE STAFF'S RECOMMENDATIONS TO RECOMMEND TO CITY COUNCIL TO APPROVE THE PROPOSED REVISIONS TO THE AMENDMENT TO THE GENERAL PLAN AND THE COLLEGE AREA COMMUNITY PLAN NO. 2027061, REVISIONS TO REZONE NO. 2027063, AND RECOMMEND ADOPTION OF AN ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM REGARDING CHAPTER 13, ARTICLE 2, DIVISION 14 SECTIONS 132.1402 AND 132.1403. Seconded by Commissioner Whalen. The motion passed by a vote of 5-0-2 with Commissioners Hofman, Austin, Granowitz, Otsuji and Whalen voting yea and with Commissioners Peerson recusing and Boomhower absent.