



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: January 23, 2020

TO: City of San Diego Planning Commission

FROM: Edith Gutierrez, Development Project Manager, Development Services

SUBJECT: REQUEST FOR RECONSIDERATION SCHEDULED FOR JANUARY 30, 2020
4337 Home Avenue Conditional Use Permit for Type 20 Alcohol License
Project No. 593686

BACKGROUND

The project was a request for a Neighborhood Use Permit (NUP) to continue operation of an existing automobile service station (ARCO) and mini-market (AM/PM) located in the CC-1-3 (Commercial-Community) and IL-3-1 (Industrial-Light) zones; a Conditional Use Permit (CUP) to continue operation of an Alcoholic Beverage Outlet, Type 20 Alcohol License, within the existing mini-market; and a CUP to allow operation of a Marijuana Outlet (Outlet) in a 1,200-square-foot tenant space within a new two-story, 2,400 square-foot building.

The 1.08-acre project site is in the Airport Influence Area (San Diego International Airport - Area 2), Fire Brush Zones, and High Fire Severity Overlay Zones, within the City Heights community of the Mid-City Communities Plan area in Council District 9.

TIMELINE OF EVENTS

JULY 24, 2019

Hearing Officer – Item No. 5

1. Adopted Mitigated Negative Declaration (MND) No. 593686
2. Approved Neighborhood Use Permit No. 2140441 (Automobile Service Station & Mini-Market);
3. Approved Conditional Use Permit No. 2225844 (ABC Type 20 License); and
4. Approved Conditional Use Permit No. 2117121 (Marijuana Outlet)

JULY 24, 2019

An appeal of the Hearing Officer's decision was filed.

AUGUST 7, 2019

The MND was appealed to City Council, however, the appeal was later withdrawn.

DECEMBER 5, 2019

Planning Commission – Item No. 2

1. Denied the appeal, affirmed the Hearing Officer's decision, and approved Neighborhood Use Permit No. 2140441 (Automobile Service Station & Mini-Market). Vote 6-1-0.
2. Upheld the appeal, reversed the Hearing Officer's decision, and denied Conditional Use Permit No. 2225844 (ABC Type 20 License). Vote 4-3-0.
3. Upheld the appeal, reversed the Hearing Officer's decision, and denied Conditional Use Permit No. 2117121 (Marijuana Outlet). Vote 7-0-0.

DECEMBER 12, 2019

Planning Commission – Non- agenda public comment

- o The Owner/Applicant of AVAD Investments Inc., Mr. Arkan Somo, requested a reconsideration of the December 5, 2019, Planning Commission decision for Conditional Use Permit (CUP) No. 2225844 (ABC Type 20 License).¹
- o Commissioners Granowitz and Whalen supported the request for reconsideration to be placed on a future agenda.

PROCEDURE FOR RECONSIDERATION

Pursuant to the Section 2.6 of the Permanent Rules of the Planning Commission, the Commission may vote to reconsider any matter to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that that has developed since the taking of the original vote.

¹ Mr. Randall Zaitona also requested a reconsideration of CUP Permit No. 2117121 (Marijuana Outlet). Commissioner Hofman asked that the request be placed on a future agenda. The request for reconsideration of the CUP for the MO is not on the current agenda but will be set on a later date.

A motion for reconsideration of any matter is subject to the following:

- (a) The Commission must first suspend these Permanent Rules by a two-thirds vote before it may vote on the request for reconsideration.
- (b) The motion to reconsider must be made by a member who voted on the prevailing side of the motion to be reconsidered.
- (c) A motion to reconsider shall be approved by a majority vote of the Commission.
- (d) If a motion to reconsider is approved, it shall set a date to rehear the matter, subject to all applicable noticing requirements.

POTENTIAL ACTIONS:

If the Planning Commission suspends their Permanent Rules by a two-thirds vote, it may vote on a request for reconsideration. The motion to reconsider must be made by a member who voted on the prevailing side and must fall within one of the categories listing Section 2.6 of the Permanent Rules. If the motion to reconsider is approved by a majority of the Commission, a date will be set to rehear Type 20 Alcohol License CUP hearing.