



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 21, 2018 REPORT NO. PC-18-079

HEARING DATE: November 29, 2018

SUBJECT: Boomers Rezone. Process Five Decision

PROJECT NUMBER: [571050](#)

OWNER/APPLICANT: Huish Land Trust, Owner/Apex Beverage and Concession, Applicant

SUMMARY

Issue: Should the Planning Commission recommend the City Council approve, deny, or modify the proposed Rezone located at 6999 Clairemont Mesa Boulevard in the Kearny Mesa Community Plan Area?

Staff Recommendations:

1. APPROVE Rezone No. 2221513.

Community Planning Group Recommendation: On May 16, 2018, the Kearny Mesa Community Planning Group voted 10-0-1 to recommend approval of the rezone with no conditions or recommendations.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 5, 2018 and the opportunity to appeal that determination ended November 19, 2018 in accordance with San Diego Municipal Codes Section 112.0520 (b).

Fiscal Impact Statement: None with this action. All costs are recovered through a deposit account funded by the applicant.

BACKGROUND

The project site is located at 6999 Clairemont Mesa Boulevard, along the south side of the street, east of the northbound Interstate 805 off-ramps to Clairemont Mesa Boulevard, and

north and west of a shopping center (Attachment 1). Access to the site is via an existing driveway from Clairemont Mesa Boulevard.

The project site, while zoned residential, is designated as General Commercial in the Kearny Mesa Community Plan. The nearest residential uses include single dwelling unit development on the west side of I-805, about 400 feet away, and a mobile home park about 1,100 feet to the north of the site. The uses to the east, south, and immediate north include primarily commercial uses, such as the McGrath Center shopping center which has a mix of big box stores, a fitness center, restaurant, and retail; as well as gas and service stations, and medical offices. McGrath Center is zoned IL-3-1 while areas to the north of the project site are zoned IL-2-1 and RS-1-2, which includes the mobile home park and the freeway on- and off-ramps. A gas station and grocery store, located about 900 feet to the east along Clairemont Mesa Boulevard are zoned CC-1-3. On the west side of I-805, the single dwelling unit development is zoned RS-1-7, while the area along Clairemont Mesa Boulevard is zoned CV-1-1, CN-1-2, and CV-1-2.

On March 12, 1987, the Planning Commission of the City of San Diego approved Conditional Use Permit (CUP) No. 86-1029. The CUP allows for the development and operation of miniature golf facilities, batting cages, a recreation building including a snack bar, a 25-foot-high ground sign, accessory uses as may be determined incidental by the Planning Director, and other related recreational and amusement facilities. The site is developed and has been operating in accordance with that CUP.

DISCUSSION

Project Description:

The project proposes to rezone 5.55 acres of land to CC-1-3. The site is currently zoned RS-1-2, which allows for the existing use with a CUP. The RS-1-2 zone does, however, prohibit alcohol sales. The CC-1-3 zone permits on-premises sale and consumption of beer and wine should the Alcohol Beverage Control Board (ABC) approve a license for the site. No CUP would be required for the alcohol sale and consumption, but the CC-1-3 zone requires a CUP for the existing use. Therefore, the existing CUP will remain in effect. No new development or construction is proposed with this rezone. Additionally, the proposed rezone is consistent with the land use designation as well as the mix of zones in the project vicinity.

Community Plan Analysis:

The project site is located within the Kearny Mesa Community Planning Area and is designated General Commercial by the Kearny Mesa Community Plan. The proposed CC-1-3 zone is consistent with the General Commercial Land Use Designation.

The Kearny Mesa Community Plan Update process has identified future land use scenarios for consideration. The current land use and proposed zone are consistent with the land use scenarios which will be analyzed.

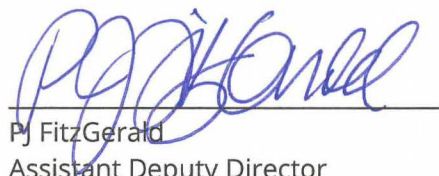
Conclusion:

Staff has reviewed the proposed rezone and all issues identified through the review process have been resolved in conformance with the relevant adopted policies and regulations of the Land Development Code. Staff has provided a draft ordinance and recommends that the Planning Commission recommend to the City Council approval of the rezone as proposed.

ALTERNATIVES

1. Recommend Approval of Rezone No. 2221513, with modifications.
2. Recommend Denial of Rezone No. 2221513.

Respectfully submitted,



PJ Fitzgerald
Assistant Deputy Director
Development Services Department

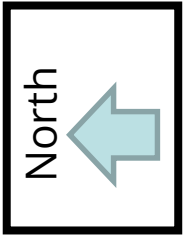


Martha Blake
Development Project Manager
Development Services Department

FITZGERALD/MKB

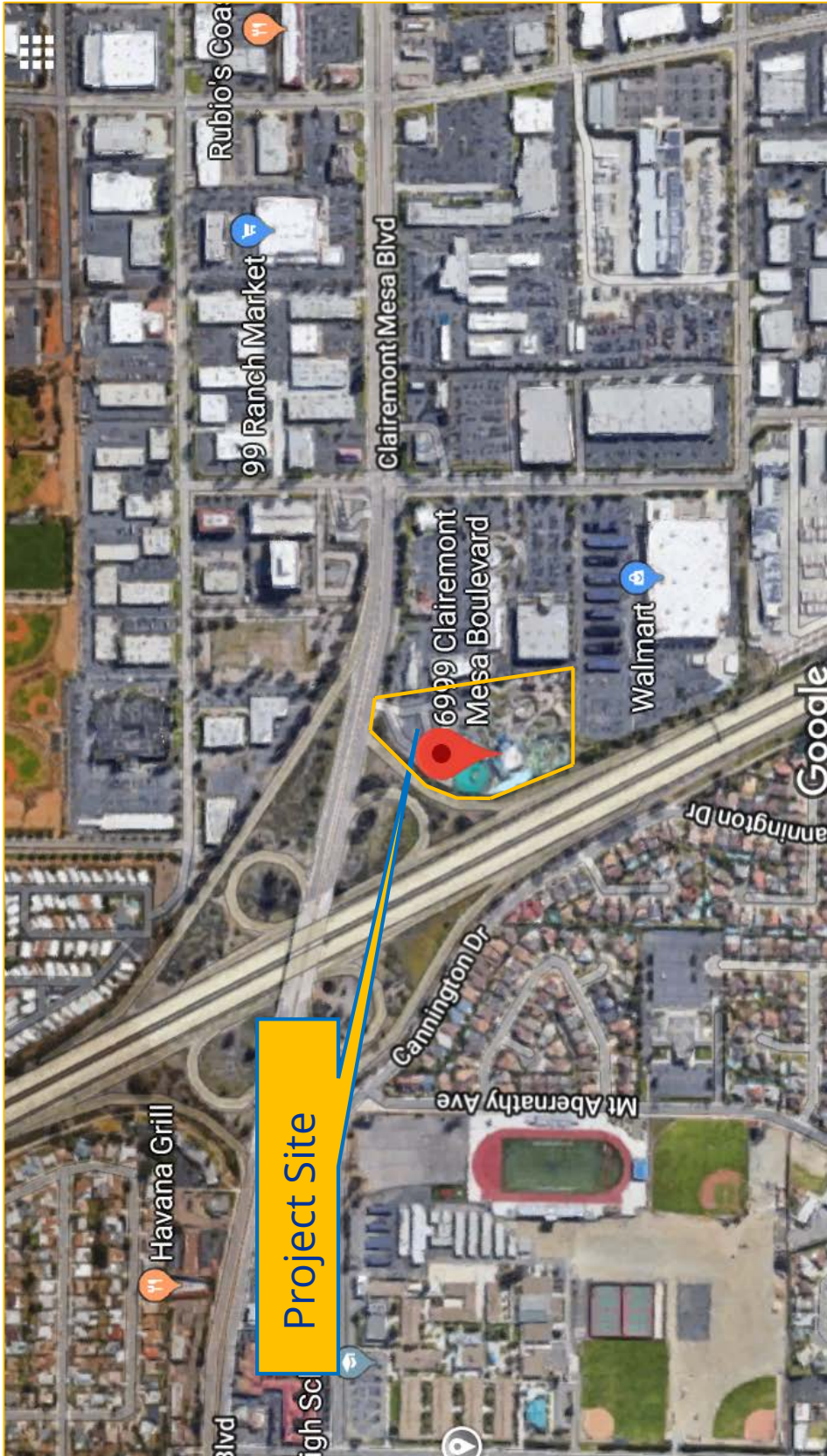
Attachments:

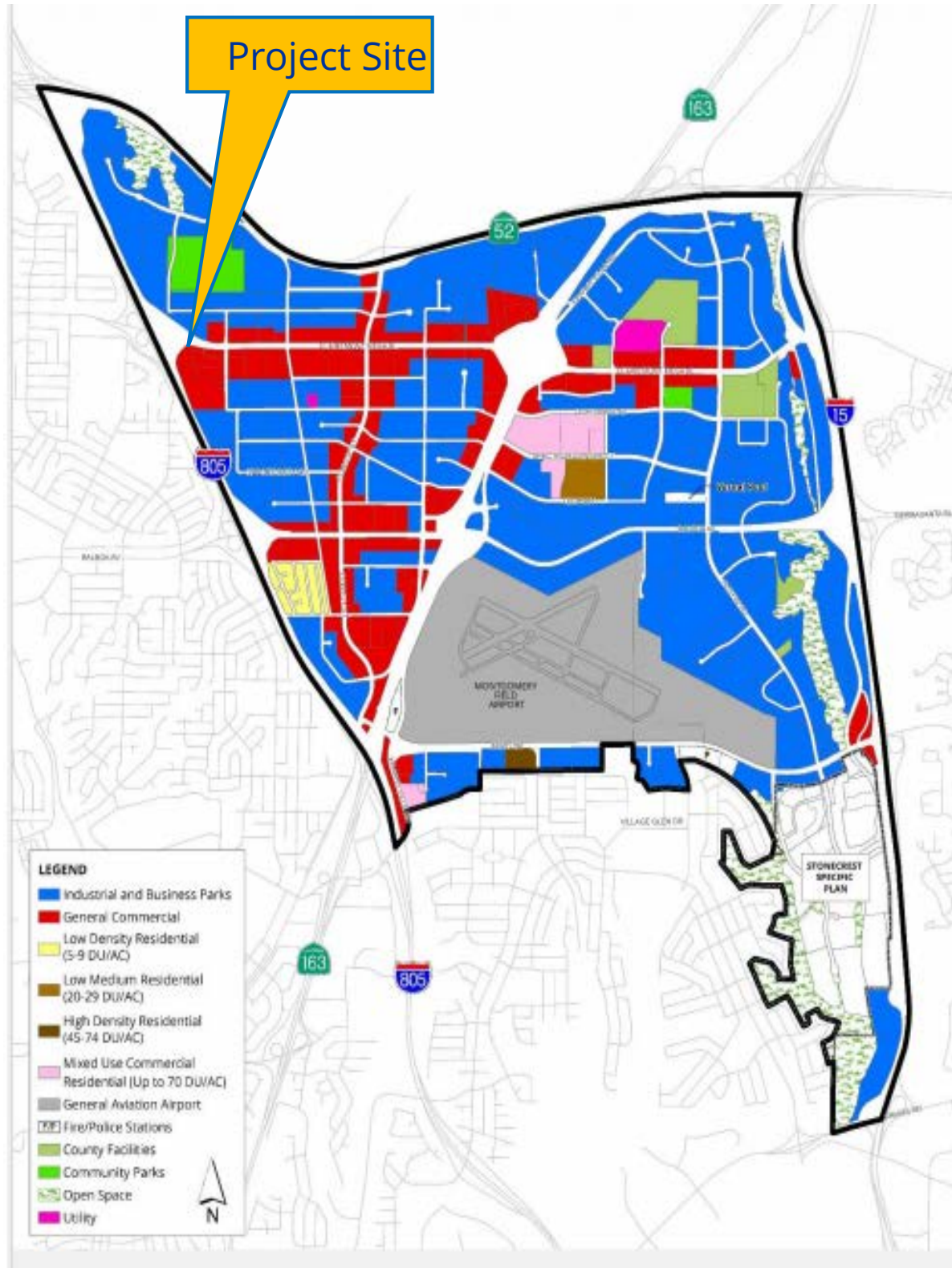
1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Ordinance
5. Rezone B-Sheet
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement



Aerial Photo

Boomers Rezone/6999 Clairemont Mesa Blvd.
PROJECT NO. 571050



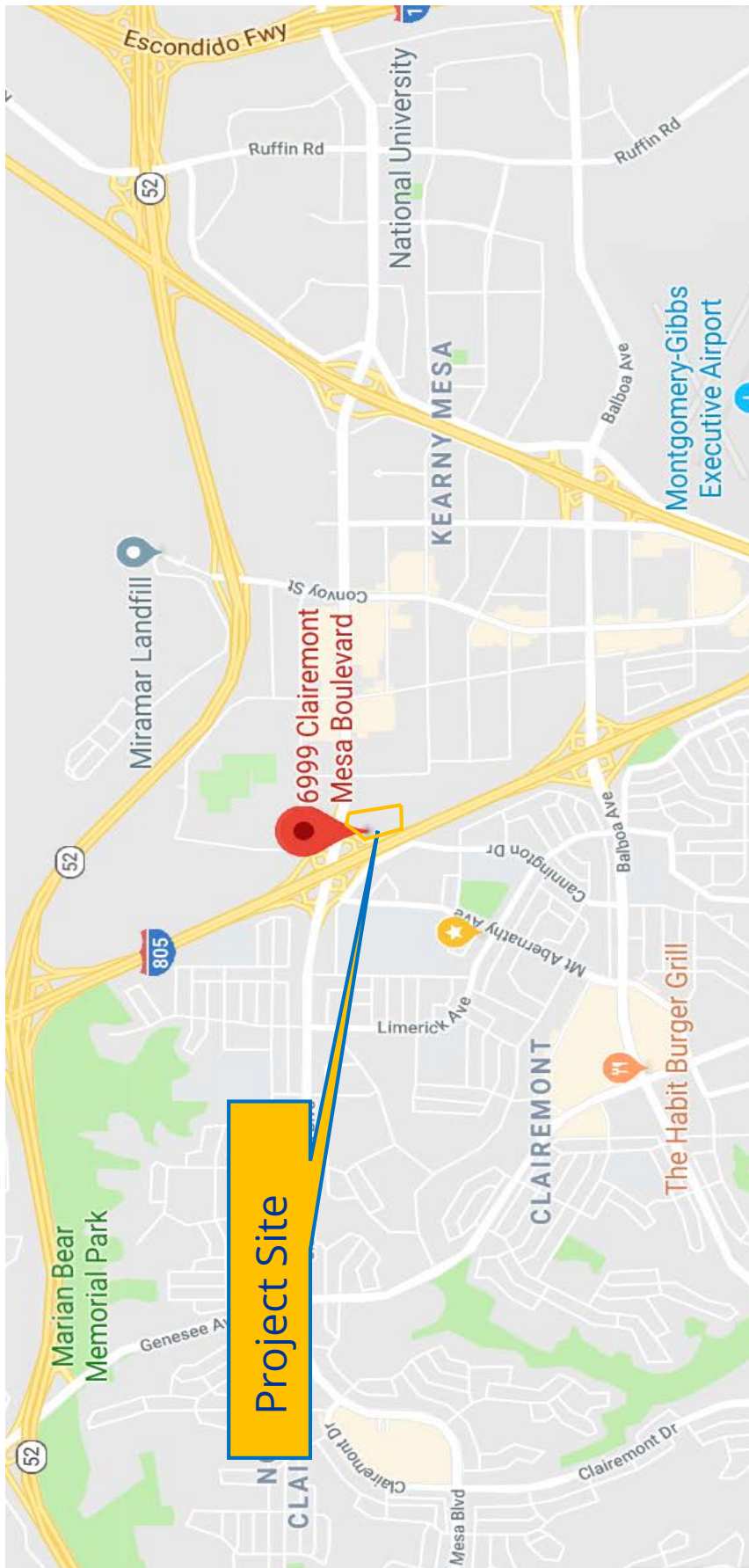
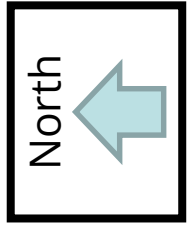


Land Use Map

Boomers Rezone/6999 Clairemont Mesa Blvd.
PROJECT NO. 571050

North





Location Map

Boomers Rezone/6999 Clairemont Mesa Blvd.
PROJECT NO. 571050



(O-2018-XXXX)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 5.5 ACRES LOCATED AT 6999 CLAIREMONT MESA BOULEVARD, IN THE KEARNY MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-2 ZONE INTO THE CC-1-3, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0507; AND REPEALING ORDINANCE NO. O-9030 (NEW SERIES), ADOPTED JUNE 4, 1964, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HERewith.

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 5.55 acres located at 6999 Clairemont Mesa Boulevard, and legally described as a Portion of Lot 54, the Highlands, Map No. 284, in the Kearny Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4337 filed in the office of the City Clerk as Document No. OO- _____, are rezoned from the RS-1-2 zone into the CC-1-3, as the zone is described and defined by San Diego Municipal Code Chapter 13 Article 1 Divisions 5. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-9030 (New Series), adopted June 4, 1964, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this Ordinance shall be issued unless application therefore was made prior to the date of adoption of this Ordinance.

APPROVED: City Attorney

By _____

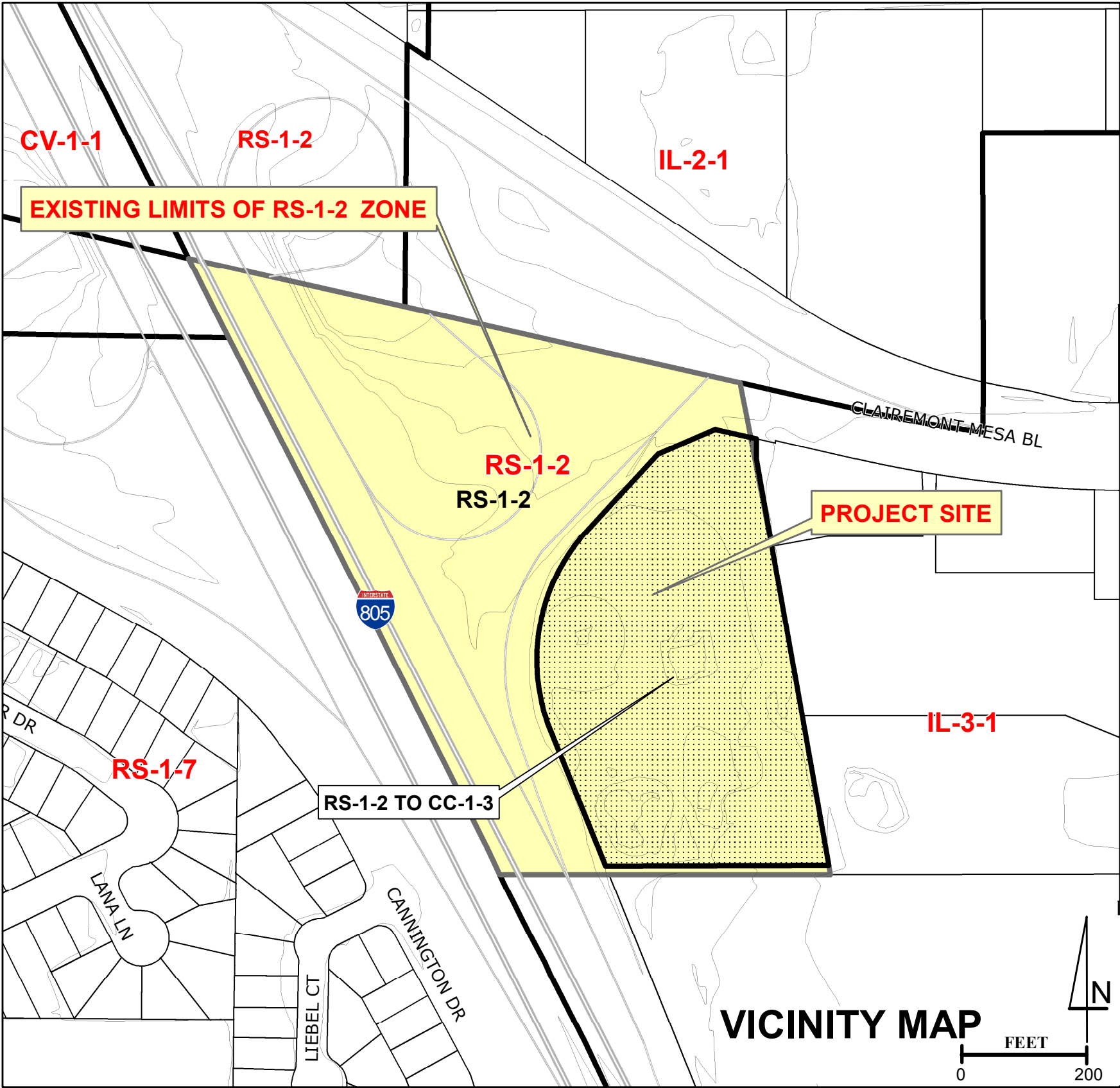
Deputy City Attorney

Date~
Or.Dept: DSD
O-XXXXX



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



VICINITY MAP

0 200
FEET

LOT 54*5.57 AC M/L IN LOT 78 SCC MAP 348		CASE NO. 57-1050
ORDINANCE NO. _____	REQUEST CC-1-3	
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	DEVELOPMENT SERVICES MANAGER
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	
BEFORE DATE _____		B- 4337
EFF. DATE ZONING _____		APN: 362-240-03
MAP NAME AND NO. _____		(242-1716) 11-7-18 ldj

Minutes of the Monthly Meeting of the
Kearny Mesa Planning Group
May 16, 2018
Serra Mesa/Kearny Mesa Public Library
9005 Aero Drive, San Diego, CA 92123

Planning Group Members in Attendance:

☐ Tim Nguyen ☒ Paul Yung ☐ Tana Lorah ☒ Todd Matcher ☐ Ray Richmond ☒ Jeff Sallen
☒ John Turpit ☒ Meridith Marquis ☐ Buzz Gibbs ☒ Ed Quinn ☒ Karen Ruggels ☒ Robyn Badilla
☒ Derek Applbaum ☒ John Mulvihill ☒ Dana Hooper ☒ Mike Huntoon

Community Members in Attendance:

Michael Sosamon, Alex Wade, Patrick McDonald, Sherm Harmer, Jessica McElfresh, Sapphire Blackwood, Jim Bartel, Abbey Schweitzer, Andy Dzulynsky, Matthew Johnston, Tiffany Lavan, Teresa Frey, David Belanich, Sara Adams, Phil Adams, Alexander Zamora, Jason Weisz, Lisa Lind, Allen Young

The Meeting was brought to order at 11:40 PM by Jeff Sallen, chair of the Kearny Mesa Planning Group. Copies of the **Minutes of the April meeting** were distributed and discussed. After the members reviewed the minutes, Jeff asked for any changes or corrections. They were **approved 6-0-2**.

Following the approval of minutes, Jeff announced an open position on the Kearny Mesa Planning Group. Mike Huntoon with Solar Turbines volunteered his services to the board and was asked to join.

Public Comment: Nobody from the audience stood to speak for public comment.

Informational Item:

1. John Mulvihill (Planning Group Member & President of Pacific Southwest Mortgage) intends to demolish an existing three story office building on Complex Drive and plans to construct a new industrial/flex building on the premises. The building for now is being built on spec and will allow for a multitude of different uses. The building will be built with grade level loading doors but has potential to add a dock should a tenant desire one. There will be enough parking to provide a parking ratio of 2.1/1,000 SF. Because a change in zoning is not taking effect, this project does not require a vote from the planning group and was solely given out of respect for to the group and to inform the community.

Action Item:

2. Steve Rawlings with the Alcoholic Beverage Specialists presented and asked for a recommendation of approval to rezone the existing Boomers site from RS-1-2 to CC 1-3. The change in zoning will allow the property owner to construct a working restaurant on site. The group voted in favor of the project (10-0-1).
3. Jim Bartell (President of Bartell & Associates) presented on project #585435 to request a recommendation of a Condition Use Permit to allow a Marijuana Production Facility to operate at 8859 Balboa Avenue, Suite A-E. The project encompasses 5 units with a total size of 4,998 SF within an existing 39,674 SF Building. The KMPG voted (11-0-1) in favor of postponing the vote until the applicant returned with all issues in their cycle letter complete. Applicant promised they would return to the KMPG for a vote once all issue with the city had been resolved.
4. Sapphire Blackwood with Grassroots Resources along with Jessica McElfresh (Attorney-at-Law) presented on project #585369 to request a recommendation of a Conditional Use Permit to allow a Marijuana Production Facility to operate a 8,155 square foot facility located within a 14,173

multi-tenant building. The group is currently operating at the location under a Business Tax Certificate as a medical marijuana manufacturer and distributor. They also hold a temporary license through the state of California. Mr. Michael Sosamon (VP & CAO of Integrits Corp.) occupies the entire second floor of this facility and asked to be heard. Michael announced to the group his concern regarding odor and security due to the nature of his business (Government Contractor). The KMPG voted (11-0-1) in favor of postponing the vote until the applicant returned with all issues in their cycle letter complete. Applicant promised they would return to the KMPG for a vote once all issue with the city had been resolved.

5. Lisa Lind w/the City of San Diego Planning Department presented the Kearny Mesa Community Plan Update Draft Land Use Map for recommendation for further study from the Planning Group. The group voted on three Maps for further investigation. The first was the overall map (12-0-0). The second was a further study to allow for mixed use development along Convoy Street (8-3-0) and the third was a vote to allow for further study of mixed use development along Clairemont Mesa Blvd. near the recently constructed County Operation Center (7-5-0).

Additional public comment with regard to the commercial marijuana industry was brought up by community members.

Jeff concluded the meeting at 1:15pm.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

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

Boomers

Project No. For City Use Only

Project Address:

6999 Clairemont Mesa Blvd.

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: Boomers	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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 names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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. **Additional pages attached** ☐ Yes ☒ No

Corporate/Partnership Name (type or print): Huish Land Trust 05-24-84 <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: PO Box 543185 City/State/Zip: Dallas, TX 75354 Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: <i>Carol B. Huish</i> Date: <i>3-13-2017</i>	Corporate/Partnership Name (type or print): Apex Beverage and Concessions LLC <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant/Lessee Street Address: 27061 Aliso Creek Road, Suite 100 City/State/Zip: Aliso Viejo, CA 92656 Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: <i>CFO, Brenda Morris</i> Date: <i>3-16-17</i>
Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____
Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____