



**THE CITY OF SAN DIEGO**

**M E M O R A N D U M**

DATE: January 12, 2022

TO: Planning Commission

FROM: TC Travis Cleveland, Development Project Manager, Development Services

SUBJECT: REQUEST FOR RECONSIDERATION SCHEDULED FOR JANUARY 20, 2022: Gateway Cannabis Outlet CUP, Project Number 660383

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**BACKGROUND**

This project was a request for a Conditional Use Permit (CUP) to allow a Conditional Use Permit (CUP) to allow the operation of a 2,995-square-foot Cannabis Outlet in Suites 107 and 108 within an existing three-story, 42,530-square-foot commercial building located at 995 Gateway Center Way in the IL-3-1 Zone within the Southeastern San Diego Community Plan area and City Council District 9.

**TIMELINE OF EVENTS**

**AUGUST 18, 2021**

Hearing Officer – Item No. 2

1. Adopted Negative Declaration (MND) No. 660383
2. Approved Conditional Use Permit No. 2411994

**SEPTEMBER 1, 2021**

Three appeals of the Hearing Officer's decision to approve the project were filed.

**NOVEMBER 4, 2021**

Planning Commission – Item No. 1

The Planning Commission heard the item and voted 3-3 to deny the appeal and affirm the Hearing Officer's decision to approve the project. This motion failed; however, one

commissioner was absent, and the item was continued to December 2, 2021 to allow this commissioner to review the November 4<sup>th</sup> hearing and vote on the appeal.

## **DECEMBER 2, 2021**

Planning Commission, Item No. 1

The Planning Commission voted 4-3 to grant the appeal, reverse the Hearing Officer's decision, and deny Conditional Use Permit No. 2411994

## **DECEMBER 9, 2021**

Planning Commission – Non-Agenda Public Comment

The applicant requested reconsideration of the Planning Commission's December 2, 2021 decision, stating that the Commission based their decision on erroneous information. Commissioner Austin, one of the Planning Commissioners who voted to grant the appeal and reverse the Hearing Officer's decision, asked staff to place the request for reconsideration 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.

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

1. The Commission must first suspend the Permanent Rules by a two-thirds vote before it may vote on the request for reconsideration.
2. The motion to reconsider must be made by a member who voted on the prevailing side of the motion to be reconsidered.
3. A motion to reconsider shall be approved by a majority vote of the Commission.
4. 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 motion 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 the project, subject to all applicable noticing requirements