



THE CITY OF SAN DIEGO

**Planning Commission Agenda**  
**February 24, 2022 at 9:00 A.M.**  
**Virtual Meeting**

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**PLANNING COMMISSIONERS**

- William Hofman – Chairperson
- James Whalen – Vice-Chairperson
- Douglas Austin
- Dennis Otsuji
- Ken Malbrough
- Matthew Boomhower
- Kelly Moden

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**COVID- 19 PUBLIC SERVICE ANNOUNCEMENT:**

Until further notice, Planning Commission meetings will be conducted pursuant to the provisions of California Government Code section 54953(e), as amended by [Assembly Bill 361](#), which suspends certain requirements of the Ralph M. Brown Act during a proclaimed state of emergency when measures to promote social distancing are in effect or the City has determined meeting in person would present imminent risks to the health or safety of attendees

During the current State of Emergency related to the COVID-19 pandemic and in the interest of public health and safety, the Planning Commissioners will be participating in Planning Commission meetings by teleconference and/or videoconference. There will be no members of the public in attendance at the Planning Commission meetings.

In lieu of in-person attendance, members of the public may participate and provide comment via telephone, Zoom, using the Planning Commission [webform](#) or via U.S. Mail of written materials, as follows:

**JOINING THE WEBINAR AND OFFERING PHONE-IN TESTIMONY:**

Starting February 11, 2021, the Planning Commission meetings will be held virtually using the Zoom Webinar platform. Members of the public can offer public comment on agenda items by accessing the meeting online using a desktop computer, laptop, tablet, or Smartphone, or by calling into the meeting using a Smartphone, cellular phone, or land line.

**THE LINK TO JOIN THE WEBINAR BY COMPUTER, TABLET, OR SMARTPHONE IS:**

<https://sandiego.zoomgov.com/j/1602771962>

**TO JOIN BY USING IPHONE ONE-TAP:**

US: 1-669-254-5252 or 1-646-828-7666 or 1-669-216-1590 or 1-646-828-7666

**TO JOIN BY TELEPHONE:**

Dial 1-669-254-5252 or (Toll Free) 1-833-568-8864

When prompted, input **Webinar ID: 160 277 1962**

### **HOW TO SPEAK TO A PARTICULAR ITEM OR DURING NON-AGENDA PUBLIC COMMENT:**

When the Chairperson introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the “Raise Your Hand” button on your computer, tablet, or Smartphone, or by dialing \*9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item.

When the Chairperson indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial \*6 on your phone.

### **WRITTEN COMMENT THROUGH WEBFORM:**

**Comment on Agenda Items, Non-Agenda Public Comment** may be submitted using the [webform](#) indicating the comment type and item number (if relevant) for which you wish to submit your comment. Comments received by 7:00 AM the day of the meeting will be distributed to the Planning Commission and posted online with the meeting materials. All webform comments are limited to 500 words but may include attachments. Comments received after the deadlines described above but before the item is called will be submitted into the written record for the relevant item. Please go to the Planning Commission website for further instructions.

**Written Materials.** If you wish to submit written materials for submission into the record or have an attachment to your comment, you may or submit via U.S. Mail to 1222 First Avenue, MS 501 San Diego, CA 92101. Materials submitted via U.S. Mail will need to be received the business day prior for it to be distributed to the Planning Commission.

### **WATCH THE MEETING**

The public may view the meetings at their scheduled time on [YouTube](#) or within 24 to 48 hours of the meeting depending upon technical streaming issues.

### **GENERAL INFORMATION**

- **Requests For Accessibility Modifications Or Accommodations:** As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by calling 619-321-3208 or emailing [planningcommission@sandiego.gov](mailto:planningcommission@sandiego.gov) at least two business days before the meeting. The City is committed to resolving all accessibility requests swiftly.
- **Items Marked with Asterisks:** Those items with an asterisk (\*) will include consideration and adoption/approval of the appropriate environmental document. For additional information please see [California Environmental Quality Act \(CEQA\) Notices and Documents](https://www.sandiego.gov/ceqa) at: <https://www.sandiego.gov/ceqa>.
- **Consent Agenda:** The Commission may take one vote to approve one or more items identified as being part of a Consent Agenda. If an item is approved in that manner, the action approved is as

stated in Staff’s recommendation, which is normally set forth in the agenda and the Report to Planning Commission, and which Staff may modify prior to the vote by informing the Commission verbally or in writing.

The Consent Agenda may be voted on quickly, so if you wish to be heard, please submit your [webform](#) hour prior to the start of the meeting. Comments received by 7:00 AM the day of the meeting will be distributed to the Planning Commission and posted online with the meeting materials. All webform comments are limited to 500 words but may include attachments. Comments received after the deadlines described above but before the item is called will be submitted into the written record for the relevant item.

**ANNOUNCEMENTS/NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Commission on items of interest within the jurisdiction of the Commission. Comments relating to items on today’s docket are to be taken at the time the item is heard.

Comments may be submitted using the [webform](#) checking the appropriate box. Comments received by 7:00 AM the day of the meeting will be distributed to the Planning Commission and posted online with the meeting materials. All webform comments are limited to 200 words. Comments received after the start of the meeting but before Non-agenda comment is called will be submitted into the written record for the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by the Commission on any issue brought forth under Announcements/Public Comment

**REQUESTS FOR ITEMS TO BE CONTINUED AND/OR WITHDRAWN**

**APPROVAL OF THE MINUTES**

[February 17, 2022](#)

**REQUEST FOR ITEMS TO BE PLACED ON CONSENT AGENDA**

**APPROVAL OF THE AGENDA**

**DIRECTOR'S REPORT**

**COMMISSION COMMENT**

**AGENDA ITEMS**

**ITEM 1: *Appeal of the Hearing Officer Decision on December 15, 2021***

**701 FIFTH AVENUE CUP/NUP – PROJECT NO. 656544**

**City Council District:** 3 **Plan Area:** Downtown

**Staff:** Nicole Pare

The project included a request for a Conditional Use Permit and Neighborhood Use Permit to allow indoor live entertainment, outdoor live entertainment, and sidewalk cafe and street-level outdoor dining areas at an existing two-story, 32,000-square-foot, commercial building located

on a 0.65-acre site at 701 Fifth Avenue within the Gaslamp neighborhood of the Downtown Community Plan area.

The Hearing Officer's decision approved the project as proposed, excluding amplified outdoor live entertainment at the rooftop deck. Rooftop outdoor live entertainment was prohibited as part of the Hearing Officer's decision to approve the project. Downtown FEIR SCH #2003041001. [Report No. PC-22-009](#)

**PROPOSED ACTION**

Process 3. Approve or Deny the Appeal

**DEPARTMENT RECOMMENDATION**

Deny the Appeal and uphold the Hearing Officer's decision to approve the Neighborhood Use Permit and Conditional Use Permit, excluding amplified outdoor live entertainment at the rooftop deck.

**ITEM 2: *Appeal of HO Decision on 8/18/2021-Approved Planning Commission reconsideration of 1/20/2022***

**GATEWAY CANNABIS OUTLET -PROJECT NO. 660383**

**City Council District:** 9    **Plan Area:** Southeastern San Diego

**Staff:** Travis Cleveland

On January 20, 2022, the Planning Commission approved the applicant's request for reconsideration of the Commission's December 2, 2021 decision to deny 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. The Planning Commission will reconsider whether to approve or deny a CUP.

The 4.1-acre site is 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.

On August 18, 2021, the Hearing Officer adopted Negative Declaration No. 660383. The scope of the subject hearing only includes the project, and not the environmental determination. Project information and a project timeline are summarized in the [February 17 Memorandum](#).

**PROPOSED ACTION**

Process 3. Approve or Deny the Appeal

**DEPARTMENT RECOMMENDATION**

Deny the Appeal and uphold the Hearing Officer's decision to approve the Conditional Use Permit.

**ADJOURNMENT**