

SAN DIEGO PLANNING COMMISSION

**DOCKET FOR PLANNING COMMISSION MEETING
9:00 A.M., OCTOBER 7, 2010
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS
202 C STREET, 12TH FLOOR**

NOTE: *If a Sign Language Interpreter, aids for the visually impaired, or Alternative Listening Devices (ALD's) are required, please contact the Planning Department at (619) 321-3208 at least five (5) working days prior to the meeting to insure availability.*

Those items with an asterisk () will include consideration of the appropriate environmental document.*

To listen to the "live" broadcast of a Planning Commission meeting, dial 619-533-4001. Note: Rancho Bernardo and Rancho Penasquitos residents dial 619-484-7711 and ask the Citizen's Assistance operator to connect you.

Members of the Public should realize and understand that Planning Commissioners may be unable to thoroughly review and consider materials delivered the day of the hearing.

When it is determined that the Planning Commission will adjourn for lunch, the Planning Commission will adjourn @ 12:30 to Conference Room A, located on the 12th floor next to the Council Chambers, and reconvene @ 1:30.

ITEM-1: ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD. REQUEST TO SPEAK SHOULD BE SUBMITTED TO THE COMMISSION SECRETARY AT THE TIME OF THE MEETING.

NOTE: 3 MINUTE TIME PER SPEAKER.

ITEM-2: REQUESTS FOR ITEMS TO BE CONTINUED AND/OR WITHDRAWN.

ITEM-3: REQUESTS FOR ITEMS TO BE PLACED ON CONSENT AGENDA.

The Chair may entertain a motion by a Commissioner to approve certain non-controversial agenda items as consent agenda items at the beginning of the meeting. Items approved on consent are in accordance with the Manager's recommendation as stated in the Report to Planning Commission.

ITEM-4: DIRECTOR'S REPORT.

ITEM-5: COMMISSION COMMENT.

ITEM – 6: **APPROVAL OF MINUTES FROM JULY 8, 2010; JULY 22, 2010; AUGUST 5, 2010; AUGUST 12, 2010 AND SEPTEMBER 9, 2010.**

ITEM – 7: **AT&T MOBILITY 6TH AVENUE – PROJECT NO. 193273**
City Council District: 2 Plan Area: Uptown

Staff: Simon Tse

AT&T Mobility 6th Avenue – A Site Development Permit (SDP) and Conditional Use Permit (CUP) for an existing Wireless Communication Facility (WCF) located at 2400 6th Avenue within the MR-800b zone of the Uptown Community Plan. The existing permit expired and a new application for a WCF is required in accordance to the current regulations. AT&T is proposing to modify one sector to include a Fiberglass Reinforced Panel (FRP) concealing the antennas, painted and textured to match consistent with the other two sectors on the existing building. No other changes are being proposed. The project was exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. Report No. – PC-10-074

TODAY’S ACTION IS:

Process 4. Approve or deny the project.

DEPARTMENT RECOMMENDATION:

Approve the project.

ITEM – 8: **VERIZON WIRELESS BLACK MOUNTAIN - PROJECT NO. 190928**
City Council District: 1 Plan Area: Rancho Penasquitos

Staff: Simon Tse

Verizon Wireless Black Mountain – A Planned Development Permit (PDP) and a Neighborhood Use Permit (NUP) to replace an expired Conditional Use Permit No. 967657 for an existing Wireless Communication Facility (WCF) on a 80-ft. high lattice tower. The project is located at 14002 Black Mountain Road in the AR-1-1 zone within the Rancho Penasquitos Community Plan. Verizon Wireless will be replacing the drum antenna covers for the microwave dishes from white to a non-reflective low contrast grey color. No other changes are being proposed to this existing WCF. The project is currently located within the Black Mountain Transmission Towers area as identified in the Rancho Penasquitos Community Plan. Per San Diego Municipal Code LDC 141.0420(d)(3) would typically require an NUP, Process 2. However, due to the requested height deviation to exceed the 30-ft height requirement within the AR-1-1 zone, the project would also require a PDP, Process 4, Planning Commission decision with appeal rights to City Council. The project is exempt from the California Environmental Quality Act (CEQA) (Public Resources

Code section 21000 et. Esq.) under CEQA Guidelines Section 15301 (Existing Facilities). Report No. – PC-10-068

TODAY’S ACTION IS:

Process 4. Approve or deny the project.

DEPARTMENT RECOMMENDATION:

Approve the project.

ITEM – 9: **SPRINT/CLEARWIRE – MADDOX PARK – PROJECT NO. 195912**
City Council District: 5 Plan Area: Mira Mesa

Staff: Alex Hempton

Sprint/Clearwire – Maddox Park is an application for a Conditional Use Permit (Process 4) to construct and operate a Wireless Communication Facility (WCF) consisting of Sprint and Clearwire antennas mounted on three proposed 40-foot high stadium light standards within Maddox Park located at 7799 Flanders Dr. near the intersection of Dabney Dr. and Flanders Dr. Equipment associated with the antennas will be located within an equipment shelter. This project was found to be categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction or Conversion of Small Structures). Report No. – PC-10-083

TODAY’S ACTION IS:

Process 4. Approve or deny the project.

DEPARTMENT RECOMMENDATION:

Approve the project.

ITEM – 10: **REVIEW OF STINGAREE CONDITIONAL USE PERMIT 2005-47A**
City Council District: 2 Plan Area: Downtown

Staff: Lucy Contreras

On November 5, 2009, Planning Commission approved an amendment to Conditional Use Permit 2005-47 for Stingaree; a 22,000 square foot tri-level nightclub located at 454 Sixth Avenue in the Gaslamp Quarter Planned District. A condition of approval required that a mandatory public hearing occur within 9 months after the date of approval to ensure conformance with conditions of the permit relative to expanded hours of entertainment on the roof-top. The Planning Commission requested that the Conditional Use Permit review be scheduled after the summer season ended. The Planning Commission will, after considering a staff report and public testimony, find Stingaree to be in conformance with the conditions of approval or may approve modifications to or revoke CUP2005-47A. Report No. – PC-10-084

TODAY'S ACTION IS:

The Planning Commission will, after considering a staff report and public testimony, approve modifications to or revoke the expanded hours and days as provided in the amended Conditional Use Permit.

DEPARTMENT RECOMMENDATION:

Staff is recommending no modifications be made to CUP 2005-47.

ITEM – 11: **ORDINANCE TO PROTECT SMALL AND NEIGHBORHOOD BUSINESS**
 City Council District: All Plan Area: City-wide

Staff: Stephen Hill

An amendment to the San Diego Municipal Code and the Local Coastal Program amending Chapter 11, Article 3, Division 1 by amending Section 113.0103; Amending Chapter 12, Article 6, Division 5 by adding Section 126.0502(d)10, and amending Section 126.0505, and adding Section 126.0504(p); amending Chapter 12, Article 7, Division 1 by amending Section 127.0103(a), Table 127-01A, and adding Sections 127.0106(f) and 127.0106(g); amending Chapter 13, Article 1, Division 5 by amending Section 131.0522, Table 131-05B; amending Chapter 13, Article 1, Division 6, Section 131.0622 Table 131-0622 Table 131-06B; amending Chapter 14, Article 3, Division 3 by amending Section 143.0302, Table 143-03A, and adding Section 143.0365: All pertaining to superstores. The ordinance would require a Site Development Permit (SDP) decided in accordance with Process Four for development of a superstore in all commercial and industrial zones, and in all planned districts. The ordinance would apply to single tenant retail establishments that exceed 90,000 square-foot gross floor area or a multiple tenant retail establishment that exceeds 90,000 square-foot gross floor area where the multiple tenants share common check stands, a controlling interest, storage areas, warehouses, or distribution facilities, that devotes more than ten percent of the sales floor area to the sale of nontaxable merchandise. The ordinance does not apply to wholesale clubs or other discount retail establishments that sell primarily bulk merchandise and that charge membership dues or otherwise restrict merchandise sales to customers paying a periodic assessment fee. The ordinance also defines sales floor area, nontaxable merchandise, and economic and community impact area. In addition to requiring an SDP for superstore development, the ordinance requires the decision maker to make additional findings before approving the SDP. It also requires an applicant to submit, at its expense, an economic and community impact analysis report and sets forth minimum requirements for that report. To implement these regulations to the fullest extent possible in all zones and planned districts, this ordinance amends use Tables 131-05B and 131-06B by adding footnotes indicating that development of a superstore and development that would result in a superstore in subject to the supplemental regulations applicable to superstores. This ordinance also amends Table 127-01A and Table 143-03A, and amends sections 127.0106(f) and (g) of the San Diego Municipal Code to close loopholes leading to the potential development of a

superstore without complying with the new regulations required by this ordinance.
Report No. – PC-10-088

TODAY'S ACTION IS:

Process 5. Recommendation to City Council to approve or deny the project.

DEPARTMENT RECOMMENDATION:

Recommendation to City Council to approve the project.