

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Regular Meeting – October 22, 2010**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:01 a.m., recessed at 10:32 a.m., reconvened at 10:58 a.m. and adjourned at 11:52 a.m.

**A. ROLL CALL**

**Commissioners Present:** Beck, Brooks, Norby, Pallinger, Riess, Woods

**Commissioners Absent:** Day

**Advisors Present:** Harron (OCC), Lantis (DPW)

**Staff Present:** Beddow, Farace, Gibson, Kanani, Lubich, Morgan, Ramaiya, Steven, Switzer, Jones

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of October 8, 2010.**

**Action:** Brooks - Riess

Approve the Minutes of October 8, 2010.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods  
Noes: 1 - Day  
Abstain: 0 - None  
Absent: 0 - None

**C. Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

**D. Announcement of Handout Materials Related to Today's Agenda Items**

**E. Requests for Continuance**

**F. Formation of Consent Calendar:** Items 3 (P10-019), Item 4 (P10-020) and Item 5 (P09-007)

**G. Director's Report:**

The Board of Supervisors continued consideration of the draft General Plan Update to their meeting of November 10, 2010.

**POD 10-002, Agenda Item 1:**

1. **Zoning Ordinance Update No. 28 and County Code Amendments, POD 10-002, Countywide** (continued from the meeting of September 24, 2010)

Proposed revisions to the Zoning Ordinance and County Code which are intended to amend the applicability of the Ordinance to allow certain limited uses on County-owned solid waste sites and buffer properties without requiring a discretionary Permit, amend various definitions, civic and commercial use regulations, height exceptions, temporary use regulations, accessory use regulations, procedures and other miscellaneous revisions and clarifications. Amendments to the County Code as it relates to Surface Mining to require that Reclamation Plans are to be filed with the County Recorder, minor clarifications relating to building permit exemptions and amendments to the Administrative Code relating to Staff reports and training.

**Staff Presentation:** Steven

**Proponents:** 0; **Opponents:** 0

**Discussion:**

Staff provides a brief overview of the proposed amendments, which include revisions pertaining to height variances, temporary uses, outdoor entertainment events, and the Site Plan waiver process. At the conclusion of Staff's report, Chairman Beck recommends that Planning and Sponsor Groups be allowed to review Site Plan waiver requests, and Staff clarifies that these requests are only routed to the Community Design Review Boards to avoid unnecessary delays in project review. Staff also clarifies that the "waiver" is actually more of an exemption, not a waiver of the Site Plan review process. Following this clarification, Commissioner Riess recommends that the existing terminology in the Zoning Ordinance be revised where necessary to clearly define exemptions versus waivers. Staff agrees this is necessary but, because the term "waiver" is utilized throughout the document, Staff proposes that Commissioner Riess' recommendation be undertaken during the next Zoning Ordinance clean-up.

At Commissioner Pallinger's request, Staff discusses proposed amendments to the Zone Reclassification process, explaining that these applications are currently only presented to the Board of Supervisors if the Planning Commission recommends approval, or if the Planning Commission's denial of an application is appealed. The proposed amendments will result in all Zone Reclassification

POD 10-002, Agenda Item 1:

requests being forwarded to the Board of Supervisors following consideration by the Planning Commission. Staff will prepare a chart for submittal to the Planning Commission, which includes the proposed revisions to the Zone Reclassification application process, as well as other proposed revisions to the project review process.

**Action:** Riess - Brooks

Recommend that the Board of Supervisors:

1. Find that the Planning Commission has reviewed and considered the information contained in the Negative Declaration before making its recommendations on the project;
2. Adopt the Form of Ordinance amending the San Diego County Zoning Ordinance related to applicability of the Ordinance definitions, civic and commercial use regulations, procedures and other miscellaneous topics; and
3. Approve the introduction of the Ordinance, read the title and waive further reading of the Ordinance amending Title 8, Division 7, Chapter 7 of the County Code related to surface mining; amending Title 9, Division 1, Chapter 1 of the County Code related to adoption of Appendix Chapter 1, California Building code and amending Article XX1a of the Administrative Code related to rules of conduct and procedure for planning and zoning process.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 1 - Day

**ABC 10-004, Agenda Item 2:****2. Blu Flayme, Alcoholic Beverage Control (ABC ) Permit 10-004, Spring Valley Community Plan Area**

**Appeal of the Director of Planning and Land Use's Decision that no public convenience or necessity would not be served by issuance of a Type 40 (onsite, beer only) ABC permit for the Blu Flayme, a hookah lounge located at 3515 Sweetwater Springs Boulevard, Suite 4 in the Spring Valley Community Plan Area. The project site is designated (13) General Commercial, and is zoned C36.**

**Staff Presentation:** Switzer

**Proponents:** 3; **Opponents:** 3

**Discussion:**

Staff has been provided information indicating that the area within which the project site is located contains an undue concentration of alcoholic beverage licenses and a crime rate 120% above the State's threshold. This has raised many concerns regarding impacts that could result from approval of this application, including a potential increase in under-aged drinking because the establishment is located within ¼ mile of a high school. Staff is also concerned that approval of the application could result in fighting, public drinking and loitering. Staff explains that there are three other establishments that sell alcohol in the immediate vicinity, in addition to churches, a day care facility and schools.

The applicant insists that Sheriff's Department representatives have provided misinformation regarding his establishment and the surrounding community. He explains that his lounge is only one of a very few businesses still operating in an almost vacant business complex, and both he and his representatives provide evidence refuting the information previously provided. The applicant states the area does not have a high crime rate, and crime has actually decreased during the past several years. The applicant clarifies that three of the five calls the Sheriff's Department representatives have attributed to this facility were actually from the applicant requesting more frequent drive-throughs.

The applicant informs the Planning Commission that the high school in question is actually .5 mile away from the project site. He acknowledges that there are other establishments within the vicinity that sell alcohol, but only one that allows onsite consumption. Project supporters believe the applicant has improved the

**ABC 10-004, Agenda Item 2:**

complex and inform the Planning Commission that the Spring Valley Community Planning Group recommended approval of the application because this establishment would better serve the area than the existing vacant businesses. The Planning Group also believes approval of this application will change the look of the complex because it will discourage potential.

The Sheriff's Department representative informs the Planning Commission that the combination of alcohol and live entertainment has proven to increase calls for assistance. The Sheriff's Department representative is also concerned that approval of the application will increase the potential for under-aged drinking, and insists that no special or beneficial services will be provided by issuance of the requested license. She informs the Planning Commission that the applicant only recently applied for the license that will allow the music and live entertainment currently being provided. (Staff has forwarded the Sheriff's Department representatives a recommendation that they approve the license.)

The Planning Commissioners all agree that vacant buildings, particularly so many in one complex, become attractive nuisances; however, none of them believe there is a nexus between issuance of a license to serve alcoholic beverages and higher crime. Commissioner Pallinger reminds those in attendance that these establishments are highly regulated and must meet all the State of California's criteria. He and his fellow Commissioners believe encouragement must be given to assist businesses in today's sagging economy. The Planning Commissioners are confident that any problems resulting from approval of the application will be brought to the attention of the proper authorities and resolved quickly.

**Action:** Pallinger - Riess

Overrule the Director's denial and approve this application.

**Discussion of the Action:**

Chairman Beck announces his support of approving this application, and his lack of support for the rationale utilized to determine this application should be denied. Chairman Beck discusses the importance of Spring Valley's infrastructure, stating approval of this application will increase the economic viability of this area. Commissioner Norby agrees.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods  
 Noes: 0 - None  
 Abstain: 0 - None

ABC 10-004, Agenda Item 2:

Absent: 1 - Day

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P10-019, Agenda Item 3:

3. Greenwood Cemetery Wireless Telecommunication Facility Major Use Permit P10-019, County Islands Community Plan Area

Requested Major Use Permit for an unmanned wireless telecommunications facility at 4300 Imperial Avenue in the County Islands Community Plan Area. The project consists of adding six façade-mounted panel antennas and three directional antennas to an existing rooftop. An accessory equipment cabinet will be located on the rooftop and screened by the existing parapet. The project site is subject to the 1.1 Current Urban Development Area Regional Category, the (10) Residential Land Use Designation, and is zoned S80 (Open Space). The currently contains several existing buildings, including a mausoleum, for the Greenwood Cemetery, all of which will be retained. Access would be provided by a series of private roads/driveways connecting to Imperial Avenue.

Staff Presentation: Kanani

Proponents: 2; Opponents: 0

Discussion:

This Item is approved on consent.

Action: Brooks - Pallinger

Grant Major Use Permit P10-019, make the Findings and impose the requirements and conditions as set forth in the Form of Decision.

Ayes:	6 -	Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes:	1 -	Day
Abstain:	0 -	None
Absent:	0 -	None

P10-020, Agenda Item 4:

4. Monte Vista High School Wireless Telecommunications Facility, Major Use Permit P10-019, Spring Valley Community Plan Area

Requested Major Use Permit to authorize the installation of six panel antennas and three directional antennas mounted onto an existing 100' tall stadium light at the Monte Vista High School football stadium. The proposed antennas would be mounted at 88 feet. The project also includes one equipment cabinet enclosed in a 7' tall concrete masonry unit wall with a steel deck topper. The project site is located at 3230 Sweetwater Springs Boulevard in the Spring Valley Community Plan Area.

Staff Presentation: Morgan

Proponents: 1; Opponents: 0

Discussion:

This Item is approved on consent following clarification that the proposal is a co-location project onto an existing 80' tall tower.

Action: Brooks - Pallinger

Grant Major Use Permit P10-020, make the Findings and impose the requirements and conditions as set forth in the Form of Decision.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods  
Noes: 1 - Day  
Abstain: 0 - None  
Absent: 0 - None

P09-007, Agenda Item 5:

5. San Miguel Fire Protection District Regional Training Facility, Major Use Permit P09-007, Valle De Oro Community Plan Area

Requested Major Use Permit for a joint regional emergency services and public utilities training center in partnership with the Otay Water District and the San Miguel Consolidated Fire Protection District. The training facility would provide emergency services training for firemen and public utilities personnel to meet modern day training standards and requirements. The facility would have three personnel on duty from 8:00 am to 5:00 pm, Monday through Friday. There would also be periods, during emergency conditions, when the site would be manned 24 hours a day. During emergency conditions or natural disasters, the proposed facility would also serve as an alternative Emergency Operations Center. The project site is subject to the Current Urban Development Area Regional Category, the (21) Specific Plan Area and (22) Public/Semi Public Lands Land Use Designations, and is zoned S88 (Specific Plan) and S80 (Open Space). The project site is located at 11880 Campo Road in the Spring Valley Community Plan Area.

Staff Presentation: Lubich

Proponents: 3; Opponents: 0

This Item is approved on consent.

Action: Brooks - Pallinger

Grant Major Use Permit P09-007, make the Findings and impose the requirements and conditions as set forth in the Form of Decision.

Ayes:	6 -	Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes:	1 -	Day
Abstain:	0 -	None
Absent:	0 -	None

**Policy PC-2, Agenda Item 6:****6. Amendments to Planning Commission Policy PC-2**

Proposed revisions to Planning Commission Policy PC-2 pertaining to "Planning Commission Procedural Rules for Conduct of Zoning and Planning Hearings". Amendments consist of revisions to time limits when addressing the Commission. The proposed changes will include minor revisions to the existing provisions, as well as the addition of new procedures pertaining to Community Planning Group and group presentation time limits, and guidance on the filing of Request to Speak forms.

**Staff Presentation:** Farace

**Proponents:** 1; **Opponents:** 0

**Discussion:**

Staff provides a brief oral and visual presentation on the proposed amendments to the Planning Commission's Policy PC-2 and, in response to comments on revisions to Section 4 (pertaining to time limits when addressing the Commission), Staff explains that the amendments will better reflect the Planning Commission's current practices and the Board of Supervisors' procedures.

A member of the audience voices support of Staff's proposed revisions, but does not believe they go far enough to ensure that Request to Speak forms are only submitted by the persons whose name they bear. This speaker also recommends that the Commission require those providing testimony to disclose any financial connection to the projects they discuss. Commissioner Brooks reminds those in attendance that the Commission's decisions are not based on the amount of Request to Speak forms submitted. With respect to financial disclosures, Counsel believes requiring such information from those speaking to projects would be impractical and impossible to enforce. Several Planning Commissioners concur.

Commissioner Norby recommends that those who do not wish to speak about projects on the Commission's Agendas submit their signatures as petitioners to the Planning Commission. He also recommends that those who relinquish their speaking time to another identify themselves to the Commissioners by raising their hands. Commissioners Pallinger and Woods recommend that no more than one Request to Speak form can be submitted by any individual. Staff believes date-stamped forms will alleviate concerns about their authenticity.

Policy PC-2, Agenda Item 6:

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**Policy PC-2, Agenda Item 6:**

**Action:** Brooks - Woods

Allow only one Request to Speak form to be submitted per person, and all forms are to be date-stamped by Staff prior to release to the public.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods  
 Noes: 0 - None  
 Abstain: 0 - None  
 Absent: 1 - Day

**Action:** Pallinger - Woods

Delete Section 4.c, disallowing speakers to relinquish time to another.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods  
 Noes: 0 - None  
 Abstain: 0 - None  
 Absent: 1 - Day

Commissioner Riess recommends that Section 3.d, pertaining to Planning Commissioners' disclosures, be relocated to the appropriate Section of the Policy. Commissioner Riess also recommends that Section 5 (Procedural Matters) be revised to ensure that hearings are conducted as prescribed by Roberts Rules of Order if available - and so long as it doesn't conflict with the Brown Act - or Rosenberg's Rules of Order.

The Planning Commissioners voice no support for Staff's recommendation that Request to Speak forms be submitted prior to consideration of the Agenda Items (Section 4.f, first sentence). Commissioner Norby, while discussing proposed revisions to Section 4.e (organized presentations), recommends that any person donating time must be present to do so, and that all representatives in group presentations be required to speak.

**Action:** Pallinger - Woods

Delete the last sentence in Section 4.f, which would require non-speaking audience members to be present to represent their positions, and include language in Section 4.e to require that each member of organized group presentations must speak.

Ayes: 5 - Beck, Norby, Pallinger, Riess, Woods  
 Noes: 0 - None

Policy PC-2, Agenda Item 6:

Abstain: 0 - None  
Absent: 2 - Brooks (briefly), Day

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Policy PC-2, Agenda Item 6:

**Action:** Woods - Riess

Staff is to ensure that any Item reconsidered by the Planning Commission meets County noticing requirements.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 1 - Day

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Administrative:

**H. Report on actions of Planning Commission’s Subcommittees.**

No reports were provided.

**I. Results from Board of Supervisors’ Hearing(s)**

At their October 13, 2010 meeting, the Board of Supervisors reconsidered and approved the Raecorte Tentative Map (TM 5269R/DBP 06-001, denied by the Commission on October 5, 2007), per a settlement agreement between the applicant and the County of San Diego, which will allow the applicant 13 units and one bonus unit. The Board of Supervisors also sent a letter to the Governor expressing the concerns voiced by the Planning Commission regarding density-bonus mandates and how they impact the General Plan and zoning regulations. The Board also adopted the Planning Commission's recommendations to approve the Bela Minor Subdivision (recommended for approval by the Planning Commission on September 24, 2010), and the Sugarbush Major Subdivision (considered by the Commission on August 20, 2010).

The Board of Supervisors began accepting public testimony on the draft General Plan at their October 20, 2010 meeting, and will resume with public testimony on November 10, 2010.

**J. Designation of member to represent Commission at Board of Supervisors at their November 10, 2010 meeting:**

None of the Planning Commissioners were selected to attend the Board's November 10, 2010 meeting.

**K. Discussion of Correspondence received by the Planning Commission**

None.

**L. Scheduled Meetings**

November 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 3, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 17, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

Administrative:

January 7, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
January 21, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 4, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 25, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 11, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 25, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 15, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 29, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 20, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 3, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 24, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 8, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 22, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 12, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 26, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 9, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 23, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 7, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 21, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 4, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 18, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 11:52 a.m. to 9:00 a.m. on November 5, 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.