



MINUTES

Regular Meeting of the Planning Commission

TUESDAY, September 6, 2016

City Council Chambers
1 Civic Center Drive, San Marcos, CA 92069

CALL TO ORDER

At 6:30 p.m. Chairman Flodine called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Norris led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, MATTHEWS, MINNERY, NORRIS

ALTERNATE COMMISSIONERS IN AUDIENCE: JACOBY, SCHIABLE

ABSENT: None

Also present were: Planning Manager, Karen Brindley; Principal Civil Engineer, Peter Kuey; Deputy City Attorney, Avneet Sidhu; Associate Planner, Norm Pedersen; Office Specialist III, Lisa Kiss; City Consultant, Sophia Mitchell; in audience: Deputy City Manager, Matt Little; Community Services Director, Buck Martin; Division Chief/Fire Marshal, Robert Scott; Fiscal Services/Debt Manager, Roque Chiriboga; City Consultant, Bill Everett

ORAL AND WRITTEN COMMUNICATIONS

Aaron Andrews, representing Senator Joel Anderson's office: Distributed a handout to Commissioners and invited them to a Community Coffee Townhall, hosted by Mayor Desmond, at the City on 9/15/16 from 6-7 pm.

Mike Hunsaker, resident: Indicated he's the San Diego County Taxpayer Association's representative for two school districts, and that he discussed with the SMUSD Business Manager the negative aspects of AB744. The manager was concerned by the City's lack of concern. One of the problems is the exemptions from a lot of fees, including school fees. Another aspect has impact on the Creekside District, if you have a certain amount of affordable housing units, you get big density bonuses. You can



also no longer specify parking ratios, and it's suggested that there should be no parking at all. The Creekside District would be completely different than what it is today, and developers could eliminate the parking structures. With no access to automobiles, it would prevent people from earning a decent income. Autos are the most environmentally friendly, lowest greenhouse gas producers outside of trains. AB744 requires the City to pass an Ordinance specifying how it is to implement the rules & regulations. Inquired how the City is going to comply and when? Asked what the impact would be to Creekside? And, if the bonuses go into effect? The bonuses have far more implications than suspected.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 8/15/16

Action:

COMMISSIONER KILDOO MOVED TO APPROVE CONSENT CALENDAR AS PRESENTED; SECONDED BY COMMISSIONER MATTHEWS AND CARRIED BY A UNANIMOUS VOTE.

PUBLIC HEARINGS

2. Project No.: P13-0009 (SP 13-001, TSM 13-001, CUP 13-010, ROZ 14-001, PZ 14-001, GPA 15-002, EIR 15-001)

Applicant: Farouk Kubba

Request: The applicant proposes a Specific Plan Amendment and Tentative Subdivision Map to allow for 189 clustered single-family residential lots and open space on 265.8-acres within the San Marcos Highlands Specific Plan Area (SPA) plus an additional 27.5 acres of contiguous open space. The project also proposes annexation of approximately 124.7 acres from the County of San Diego which requires approval by the Local Agency Formation Commission (LACCO). A pre-zone from County Zoning (A-70) to Specific Plan Area (SPA) will be required for a 9.7-acre portion of the project site currently in the County.

Additionally, a Ridgeline Development Permit that would allow a portion of the proposed subdivision to be developed in accordance with the Ridgeline Overlay Zone and a Conditional Use Permit for temporary use of a rock crusher(s) during grading operations have been requested. The project includes a General Plan Amendment to modify the acreage and description for the future Buena Neighborhood Park (the project's proposed Park "C") in the Parks, Recreation, and Community Health Element of the General Plan to be consistent with the adopted 1990 Parks Master Plan. The extension of N. Las Posas Road to Buena Creek Road is not proposed as part of this project. The narrow strip of property extending up to Buena Creek Road will be preserved habitat as part of the 210.8 acres of conservation open space for the project.

Environmental Determination: Environmental Impact Report (EIR 15-001, State Clearinghouse No. 1999071007) was prepared and circulated for public review from June 23, 2015 to August 24, 2015 pursuant to the California Environmental Quality Act (CEQA).

Location of Property: North of Santa Fe Hills at the northern end of N. Las Posas Road, more particularly described as a Portion of Sections 34 & 35, Township 11 South, Range 3 West, San Bernardino Meridian in the County of San Diego, State of California. Assessor's Parcel No.: 182-110-02-00, 182-110-03-00, 182-111-01-00, 184-101-14-00, 184-102-18-00, 184-102-32-00, 182-102-44-00, 184-240-13-00, 184-240-14-00, 184-240-15-00, 184-240-32-00, 184-240-33-00, 184-241-05-00, 184-241-06-00, 184-241-07-00, & 184-241-08-00.

Staff Presentation (Norm Pedersen):

PowerPoint presentation shown. Described entitlements requested, discussed location on approximately 265 acres. Currently, the Specific Plan is partially located within County and allows for up to 230 dwelling units. Project proposes 189 residential lots, 5,000 s.f. – 20,669 s.f., with 210 acres of biological open space, a public park, two private mini-parks and new improved trails with connections to existing trails. Extension of Las Posas Road to Buena Creek Road is not part of the project. Discussed



background: In '90, a Specific Plan (SP) was approved to allow 275 single family lots. In '02, the SP was amended for a revised TSM with 230 lots. In '04, a 1-year time extension for the TSM was approved to allow more time for applicant to process regulatory permits with resource protection agencies. In '05, a 2nd time extension was applied for to allow for additional time to process regulatory permits, and was denied, but left the SP in effect. In '13, the project was submitted with 198 single family lots. Three public workshops were conducted that summer. Based on workshop comments, the applicant made revisions: Increased minimum lot size from 4,000 to 5,000 s.f. on project's west side, habitat linkage was widened; Public Park "C" on east side was enlarged, and number of lots reduced to 189. Revised 189-lot map was presented at a Planning Commission Workshop in December '13. Project was scheduled for Planning Commission hearing on 1/13/14, but postponed by applicant in order to address issues raised by LAFCO. It was determined an EIR was required. EIR Scoping Meeting was held with public in August '14 and an additional public workshop in October '14. Discussed minimum lot sizes & relation to Santa Fe Hills lot sizes. Average lot size would be 6,746 s.f., with 0.71 dwelling units per acre. Applicant would apply for annexation/approval from LAFCO (124.7 acres from County), after City approval. LAFCO approval also required for boundary changes for water districts. Discussed background of the Ridgeline Ordinance. Exhibits shown. 121.7 acres of SPA is within Ridgeline Overlay Zone (ROZ). Proposes 9.76 acres/37 lots, to be developed within ROZ. A portion of the development would be visible from three viewing platforms. Viewing Platforms & visual simulations shown. Development wouldn't impact the silhouette of the adjacent ridgelines. Discussed CUP for rock crusher. There could potentially be two for use during grading operation, and noise reduction berms may be required. Discussed parks requirement. The General Plan designates a future park & "Park C" is proposed. A level park area would be limited to at least 1 acre due to steep terrain. Discussed amenities. Resource agencies require removal of the irrigation dam & restoration of the pond to riparian habitat. "Park C" would provide trail connection to adjacent 21.7 acres riparian habitat area, with an interactive educational trail. Developer would be required to construct "Park C" & pay PFF fees. Project's residents would contribute towards City maintenance of park. The City's Community Service Department is currently in process of updating the Parks Master Plan and it's separate from the proposed project.

Sophia Mitchell, Sophia Mitchell & Associates, City's CEQA/Environmental Consultant: PowerPoint presentation shown/overview of EIR. Purpose of CEQA is to disclose environmental impacts of a project, to prevent or minimize impacts through mitigation measures, monitoring or project alternatives, disclose public agency decision making through findings, and enhance public participation. Discussed project's CEQA history: An EIR was certified in 1990, Supplemental EIR certified in 2002, MND prepared in '13, but not adopted, and then a new EIR process was undertaken in 2014 and is the document included now. Discussed summary of impacts. All environmental impacts will be reduced to below a level of significance through implementation of the project design & mitigation measures, and are detailed in a matrix in Volume I, Section 0.4. of the Final EIR. Discussed Project Alternatives, detailed in Chapter 4. Discussed Public Review: 30 day Notice of Preparation period & 14 comments letters received. Scoping meeting held August '14. 60 day Draft EIR public review & 74 comments letters received. Section 0.3, Volume I, includes all letters & responses. In summary, the EIR adequately discloses the environmental impacts of the project, mitigation measures will reduce all environmental impacts to below a level of significance and Findings have been prepared reflecting the conclusions of the EIR.

Pedersen: Five public workshops were held, EIR scoping meeting with the public, EIR public review period was extended 15 days per public request, project info., notices & environmental documentation



was on City website. Expanded notification by mail included all of Santa Fe Hills and surrounding County properties up to Buena Creek Road, notification by e-mail, and public comments since '13 were included in the packet. An additional 18 comments were received since distribution of packet and those were circulated as "Additional Items" with a City response. County provided a comment letter at 4 PM on 9/6/16, which was distributed, but City didn't have time to provide a written response.

Mitchell: County's letter discussed climate change, land use and traffic. The Climate Change analysis was revised to reflect the recent case law from Newhall Ranch ruling, which addressed the thresholds used in GHG analysis. The project is consistent with City's Climate Action Plan and cumulative contributions would be less than significant. The project was designed to sit in the lower areas to minimize grading on the higher topographical areas. The EIR included analysis on slope stability and landslides in Geology & Soils section and visual changes associated with grading were disclosed in Aesthetics chapter. The EIR adequately discloses how it would impact County land, including visual, biological, noise, traffic & other issues. It included a Consistency Analysis with over 50 General Plan goals identified in County's General Plan. Project will mitigate all traffic impacts to below a level of significance. Project will also pay PFF fees which contribute to regional traffic improvements.

Bill Everett, Everett & Associates, Biological Consultant: Indicated he prepared the Biological Resources section of EIR, has reviewed most recent letters & looked briefly at County's letter. The letters have not raised any significant issues that haven't already been raised a number of times since '13 and have already been addressed. Everything has been brought up numerous times.

Pedersen: Staff recommends approval to City Council of the following: the Specific Plan Amendment 13-001, Tentative Subdivision Map 13-001, Pre-Zone 14-001, Ridgeline Development Permit 14-001, Conditional Use Permit 13-010, General Plan Amendment 15-002 and Certification of the Environmental Impact Report 15-001.

Matt Simmons, Consultants Collaborative, Applicant's representative: PowerPoint presentation shown. Discussed history. Mr. Kubba purchased property 35 years ago. Originally zoned for an Industrial Park in City & 2-acre lots in County, was later changed to residential. County later rezoned from 2 acre to 10 acre lots. Discussed Habitat Mitigation and Monitoring Plan (HMMP). In 2013, the MND was released, and as a response to the community, LAFCO asked for updated environmental reports and a new EIR with even fewer impacts. In 2014, the EIR reduced impacts further and the project was redesigned with less density. Earlier version impacts were quite significant compared to today. Discussed increased habitat linkage, off-site mitigation parcel, open space & changes after public workshops. Project includes 242 acres of open space, 210 is biological; difference is fire buffer/slopes/HOA area. Discussed Bio Permits. Army Corp. issued first permit in Sept. '08, Regional Water Quality Control Board in Dec. '05, Dept. of Fish & Game renewed streambed alteration in '16. The permits result in their currently issued HMMP, which mitigates all impacts & concerns previously raised, to below a level of significance. Discussed parks, amenities, trails and open space. Three parks totaling 1.53 acres, including a City park with restrooms. Discussed the 22-acre Interactive Nature Park Trail around preserved and enhanced blue line stream & riparian wetlands habitat. Wildlife agencies are requiring the removal of the irrigation dam & restoration to a natural habitat, which will cost about \$1M. Indicated they met with the trails committee four times, who raised some issues and they've worked with them to resolve. Trail map shown & discussed. Project will provide access to all existing trails in preserved open space with 3.9 miles of trails on site, including an equestrian trail. 210.8 acres biological open space to be preserved in



perpetuity, with an Endowment placed on the land. Discussed Ridgeline Overlay Zone. They're compliant with all rules & regulations of the ROZ and are not asking for any variances from it. They're proposing development on 9.76 acres, leaving the rest preserved. An additional 82.78 acres could be developed.

OPEN PUBLIC HEARING

Sandra Farrell, Vista resident: PowerPoint presentation shown. Commented that in CEQA Section 4.31, it looked at County zoning alternative in an odd way. It assumed 124 units would be developed in City, but said the yield would be less because of steep terrain, but didn't say how many less. In the County, it said it could be developed as individual lots. It's hard to see how that could be done with the odd configuration & connectivity. She wondered how the County's conservation subdivision plan would look? Indicated she e-mailed a plan to the County, asking them the maximum yield. County said 19 lots if they bought Darling property. She created a plan with 19 lots, a BMX bike area for kids so they don't destroy habitat areas, increased park size and trails. The County is interested in introducing duplexes/other types of housing; density is up, but it looks similar & blends with urban/rural. Multi-family housing types shown, suggested it could be a mix of larger & smaller, higher & lower income. Mentioned possibility of a larger complex, condo/townhomes or build 3-story? She asked people in the audience opposed to the project to stand up.

Mary Clarke, Oceanside resident, representing Sierra Club San Diego Chapter: Indicated they've been working on Habitat Conservation Plans in North County since the mid '90's. Displayed map showing County/City boundaries. In the County, it's called the "Multiple Species Conversation Plan." It's in draft form & is being developed now. In the City, it's called the "Multiple Habitat Conservation Plan," which includes seven North County cities. The purpose of the plans is to conserve a connected system of biologically viable habitat lands that maximizes the protection of sensitive species & precludes the need for future listing of species as threatened or endangered. The plans seek to maintain biodiversity & ecosystem health while ensuring quality of life & economic growth opportunities. Indicated her letter to Commission dated 9/2/16, states the problems they have with the project. Project will severely constrain wildlife movement from the SE & NW, particularly in the County portion. Urged Commission to reject project and the applicant to come back with a project that respects the environment & neighboring communities.

Lisa Holley, Vista resident: (Submitted one letter). Commented that she didn't have much time to review EIR, but is opposed to project and very concerned because of the multi-year drought. Believes more projects will follow if it's approved. Efforts have been made with transit, but Hwy. 78 is a nightmare, and project will make it worse. There's very little character & quality of life left in the area. Need a good strategic plan, or city will become another Orange County, where housing stops at the mountain because it's too steep to develop. It's virtually the same as the '90's project. It wasn't right for those years, so it shouldn't be approved now. It's not near existing transit, and will add to traffic, pollution and greenhouse gases.

Frank Landis, representing California Native Plant Society: Thanked Commission for reading the huge packet, their letter was included. He understands the project was a lot of work. CNPS is dealing with climate change now & how it affects native plants. The climate will continue to change for hundreds of thousands of years. In next 100 years, the area will resemble central Baja, a desert. They want to stop



or slow down greenhouse gases. The Commission has more power than his group. It's easier to get a greater reduction with a new development than retrofitting an old one. You want to go as far down as feasible. San Marcos has 2030 goals and once the houses are built they'll have to be retrofitted later.

Kevin Mecum, resident: Discussed his two major issues out of 15: 1). Parks. Santa Fe Hills has 19.18 acres of park. Of that, 12 acres includes Las Posas Park, which isn't really a community park. It's a field park, used by entire City and you can't reserve space there. General Plan says City is supposed to have 5 acres per 1,000 residents, equally distributed. Area has a park deficiency of 11.5 acres. The project is bringing a 1 acre park and two tiny parks. It's not enough for its own population and will make situation worse, but they'll pay fees to mitigate. 2). The public workshops were three years ago, 70-100 people showed up, mostly in opposition. He asked Commissioner's if they've had enough time to review everything? All of sudden, here's the EIR & the hearing. Commented that everyone needs more time, it can't just be pushed through the pipeline. Feels it's a ridiculous, unfair project that needs to be opposed.

Tom Kumura, Vista resident, also serves as Chair of Twin Oaks Valley Community Sponsor Group & Vice Chair of Citizen Oversight Committee/Prop K Fund: Provided Exhibits 1-6, displayed on overhead & discussed. His concerns are outlined in his letter. There has been resistance ever since the beginning. EIR is using Parks Master Plan from '90. There are an inadequate number of parks. The overall project is flawed. No roads in the County, including Buena Creek area where they're at, receive PFF funding. That mitigation money will go outside the area.

Richard Borevitz, resident for 40 years: Feels the project has always been inappropriate. Walks the area a lot, the slopes are 40-45%, and you can fall easily. There's water in the dam even in dry years. It's not polluted, there's no runoff anymore. Ask applicant to do a water analysis. If dam is removed, habitat will be hurt. There's hardly any ground worth developing. It used to be one house per two acres, now its one house per 10 acres in County's 2020 Plan. What does it tell you when they need two rock crushers? There's no soil to move around, it's rocks. What kind of house pad does that build? When it rains heavy, all the runoff will go into the creek.

Brett Bigelow, resident: Commented that he likes the direction; it seems to be getting better with each try, but it's just not there yet. The corridors are too narrow. Indicated he's really disappointed with the City since he bought his house, because there is too much development. Traffic is horrendous. His 1.7 mile commute is annoying with the college and increased traffic, and this will add to it. The timed lighting on San Marcos Blvd. has not helped. He's concerned with park deficient and is opposed to project. Need to reduce number of homes.

Mike Hunsaker, resident: Discussed four issues: 1). There has been major abuse of open space endowments. Facing situation where there's a very low income opportunity, which means the endowment must be large. History of City with endowments has been very poor. All too often, non-profits go bankrupt & developer gets off without having to pay much of anything. Inquired what is the endowment, how is it calculated, where is it shown, and how are they ensuring it's sufficient? 2). One of the major fees existing residents had to pay was for parks and City has eliminated it. Now there is some intermittent application of the parks and the park money doesn't go to development, but throughout the City. Does it go to Creekside that is supposed to pay for all its facilities, or not? 3). Asked how sewer capacity is to be addressed? He's concerned about the use of homebrew sewer/wastewater treatments. They often fail in 7-8 years, and then VWD has to make an emergency connection. 4). VWD



recently updated its Urban Water Management Plan. There is not enough water or sewer. Any letter of assurances is null and void. Asked what City will do about those four issues?

Gary Means, resident: Indicated his property backs to the project. When first approved, it was a bad idea, and 15 years later, it's still a bad idea. City doesn't have much open space left and you won't get the ground back. Thousands of homes are being built on postage-sized stamps. Do we want a mass of suburban houses? Need to think of park & recreation areas. He's concerned with school overcrowding. Asked about fire access? He heard they would come through Robinhood Ranch, but no one has talked to them about access. Asked what happens in a major fire and there's one entrance? Understands there is a lot of material, but now is not the time to act.

*** 10 MINUTE BREAK ***

Flodine: Announced that all public speakers have presented. Staff and applicant will respond to topic areas. The Public Hearing is still open.

Pedersen: Clarified that there were four public workshops in addition to a Planning Commission Workshop attended by Commissioner's, and an EIR Public Scoping Meeting.

Minnery: Asked the timeline?

Pedersen: Last one was Oct. '14.

Flodine: Inquired how long he was involved with project?

Pedersen: Since Feb. '13.

Mitchell: Traffic Impact Study was included, and impacts were identified but there is mitigation which brings it to below a level of significance. Those include on ground improvements, lighting signal coordination and others. They worked with both water districts, VWD and VID. VWD prepared Water & Sewer Technical Study, updated it & provided a final version last week. It concluded there's adequate supply and applicant will pay fees to help make improvements as needed in the future. There's a mandate in the Urban Water Management Plan Update that if deficiencies are noted, they must provide contingencies. VWD included those measures as well as conservation. There are adequate seats at the schools that would serve project, but districts as a whole do have shortages. Project will pay fees to offset. Park impacts were analyzed, identified a park deficiency, but are offset with PFF fees going towards park improvements within community. GHG issue is compliant with Newhall case ruling. Fire response is addressed.

Kildoo: Asked if Las Posas Road is the only fire access?

Mitchell: There's an emergency only access to the north.

Brindley: Also an Emergency only access to the south that connects to Ardilla Way.



Flodine: Understands there's an active parks deficiency, the trails don't count in calculations and there's an ability to pay PFF fees. The neighboring communities have to live with the new project, but fees go into a City-wide pot. Do they care about money paid that goes into improvements elsewhere? Asked if the money can be used in the adjoining community?

Buck Martin, Community Services Director: Currently, the City is evaluating the update of Parks Master Plan. They've done public outreach to see what the community wants and are evaluating the potential of enhancing current park inventory. Fees are paid system-wide, and right now there isn't a way to earmark funds. There are nine parks in Santa Fe Hills community area.

Flodine: Inquired if they've looked at quadrants or zones? The City has wonderful parks in all areas.

Jones: Asked if the ratio of 5 acres per 1,000 residents is based on City-wide population?

Martin: It's a system-wide ratio approved by the City. Per the "Quimby Act," the norm is 3 acres per 1,000 for CA.

Jones: Asked if each community area has to meet that?

Martin: No.

Norris: Asked Fire Dept. staff if they are okay with project and if anything needs to happen with the back road?

Robert Scott, Division Chief/Fire Marshal: There are primary access roads to both sides of project and multiple ways out. Based on fire behavior, the most important evacuation route is to the south. There's another secondary access at the end of N. Las Posas Rd., a gated/private road, exiting to Robinhood Road into the County area. Fire access is shown on page 11 of the Staff Report. Fire Station #1 is primary, with fastest response times to the area, about 5.5 minutes to furthest reaches of the project. With a working structure fire, it's an automatic 1st Alarm response; you'd get three fire engines, a ladder truck, a medic unit. They can adequately respond to the project. They also have automatic aid agreements with nearby Fire Departments.

Flodine: Asked if they're concerned the access road may become a through-way? Inquired about the road surface, and where does Las Posas stop being public?

Scott: Road must be all-weather surface, not DG or dirt. Minimum 24' wide with no parking. Roads throughout entire development must support 75,000 lbs. weight, which is the heaviest piece of apparatus. Any roads over 15% grades must be Portland Cement, heavy broomed finish. Road to Ardilla Way where it connects on east side, would be improved to 24' wide, a gated access, similar to many projects, and same for the road to N. Las Posas, gated, electric operating/KNOX box, used by Fire and/or Sheriff.

Norris: Asked about maintenance?



Scott: Requires 13.6' vertical clearance at all times and maintenance of brush on both sides in perpetuity.

Brindley: It's a HOA obligation.

Norris: Inquired if there are periodic inspections?

Scott: Yes, Fire Dept. has a year-round weed abatement program and work with HOA's and homeowners.

Norris: Asked about school capacity? Appears to be a split between Vista & SMUSD, which seems odd to split a neighborhood.

Brindley: The EIR analyzed both districts. There is on site capacity, but they're over as it relates to number of students in portables. There is an impact at SMUSD, defer to applicant to address. Mr. Everett will address biology, preservation and long-term endowment.

Everett: Indicated that years ago there were problems with the TWC (Wildlife Conservancy). It was basically unregulated, but since then, the Fish & Wildlife Service have adopted a method for determining how much an endowment should be. It's called a "Property Analysis Record" and is very detailed. It determines the amount of money needed to yield annual funding to do routine maintenance, fence repair, etc. In the past, the TWC held on to the funds and it lead to some abuses, but those days are long gone. In all cases, the body of the endowment goes to the San Diego Foundation. Whoever is the recipient can't touch the corpus of the endowment. It's a very expensive process. He has never seen a more detailed, habitat management plan than this proposed project. There was concern about the width of the wildlife corridor/linkage. He isn't aware of any studies that suggest 400' would be adequate or not adequate, or even 1,000' or 2,000'. The important thing is Fish & Wildlife & other agencies, have all said 400' is adequate. He's sure the applicant would prefer not to remove the dam because it's very expensive to do, but it is a requirement by Fish & Wildlife and Army Corp of Engineers and to re-vegetate & restore creek to natural conditions.

Norris: Inquired about water, wastewater/sewer service?

Mitchell: VWD would provide wastewater service. EIR looked at two scenarios for water: Joint or just VWD. The water authority will decide.

Norris: Asked if sizing is adequate?

Brindley: VWD analysis indicated through payment of fees, it would be allocated to future Capital Improvement projects, and is identified in EIR.

Kildoo: Noticed the use of solar in the Climate Action Plan section.

Matt Simmons: Addressed earlier questions/concerns: Agreed that the 12-acre Santa Fe Hills park isn't neighborhood friendly. It's used by AYSO, is a challenge and he's never been successful in getting space there for an event. The park fee is \$6,200/unit and is being paid on this project. Mr. Mecum didn't



mention the 22-acre riparian park. Project will be spending an extreme amount of money & time on that park. It will have a nature trail around it and they have no choice but to remove the dam.

Jim Simmons, Consultants Collaborative: Indicated that the applicant did anticipate receiving credit for the riparian park, but the attitude of City changed mainly because the lake is going away. This community will create the park, costing over \$1M, plus an endowment close to \$2M. It will be paid by the residents of the new development and open to all. They're complying with the intent and exceeding the passive park size that City originally asked for. It's important to recognize that they must be able to have enough homes to pay for it.

Matt Simmons: Pointed out that the 3.9 miles of trail doesn't offer park credit, and they're not asking for it. Developers should not be discouraged from trying to provide onsite amenities like trails & open space. Every bit of the project could have been mitigated off site, but it was chosen to be done onsite. They fought hard for trails and will be paying for them in perpetuity. Clarified that the open space has not gone down, it's increased. The bio space is isolated from open space. Actual bio open space is larger than previous entitlement. The last map approved had 191 lots. There is an approved GP & SP for 230 units. The map was denied and they're proposing 189 now. There's no runoff feeding the lake. Water is trickling out of an orange grove near piles of horse manure. When the water authority flushes their tank, there can be two ponds at times, and when it rains, it runs down and collects in the lake. Wildlife agencies are making them restore it to a natural habitat. In the future, water that leaves the site will be much cleaner. Rock crusher CUP's are needed for many developments. They may need one or none, but they don't want to return for a 3-5 month entitlement process at the end. Discussed County alternative and a conservation subdivision. School district used Las Posas Road as a boundary line, with Vista to the west, SMUSD to the east. Applicant had no say in it, but they're working with and making a request for SMUSD. That district is impacted, but the schools the children would go to are not. There's a private road to the north, a property owner has access and can use it for emergencies, along with water districts, Fire & Sheriff. No future residents of the development would use it unless gate is opened for an emergency. There are three primary roads for daily driving. Project is designed for 88% solar; most likely 100% will be built, and pre-wired for electric charging station in garages.

Jim Simmons: The Resource Agencies issued 401, 404 & 1603 permits. Under the Clean Water Act, 404, Section 7 brings in all agencies for consultation. They work through all the issues, and then US Fish & Wildlife creates a Biological Opinion, and under the rules, the MHCP and MSCP, even though not adopted, will apply. In order for them to issue the permits, the project must be in conformance. To implement the mitigation, they create a Habitat Mitigation & Monitoring Plan (HMMP) which describes the methodology used to restore habitat, and how the analysis is done to create the endowment. They will inspect at various stages, sign off, and monitor 5 years to make sure it's sustainable. The developer and HOA will facilitate that effort. They got the permits because they complied, and CA Fish & Wildlife re-issued their permit because it had expired.

Kumura: Commented that he lives west of Las Posas Road and his son attends SMUSD. SMUSD grad rate is 97%, Vista is 90%, so people will want to go to SMUSD. Wastewater report used was from 2010. Water district is reviewing the report and he doesn't trust the earlier analysis.

Clarke: Commented that she received an e-mail from Richard VanZant, Army Corp of Engineers, dated 8/31/16, and it says a provisional permit was issued in September 2008, because the applicant hadn't



received approval from City or County. Because it's been 8 years, some regulations have changed slightly. The Corp may ask for updated biological survey information and to come into conformity with recent regulations. So, no valid permit at this time, it's provisional.

CLOSE PUBLIC HEARING

Matthews: Commented that she appreciates the public involvement and has spent a lot of time reading the packet & letters. Project has been in the works for 16 years. There have been exhaustive reviews, input, City/County agencies, etc. At some point, asking for more detail or analysis will not make much difference. EIR issues keep coming in at below a level of significance. Staff has done a very good job in providing information.

Kildoo: Agreed with Matthews. He has seen a lot of changes in City the past 50 years. Many communities have added value to the City. He sees the project as another neighborhood full of good people. Thinks it will be a good project & improve open space. Applicant has paid taxes on all of it for years, and with the changes to biological conservation, now they can't build on a major portion of it. Commission needs to be sensitive to that. They did a great job at meeting requirements that exist today that didn't exist in the 90's. Project brings value and he supports it.

Flodine: Commented that the Commission received their packets a week and a half ago, a box full, with staff report, two volume FEIR, digital version, maps, etc. He has spent at least 20 hours reading documents, met with the applicant, walked the site by himself and gathered as much info as possible. Half of the FEIR is correspondence. There has been a lot of passion and dedication on both sides. Santa Fe Hills couldn't be built today with the comments presented. It's not a perfect plan and everyone's concerns are valid. You can see the nearby Ag-zone properties are clearing land. This project is preserving land.

Action (One Motion):

COMMISSIONER NORRIS MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF:

SP 13-001 AS SET FORTH IN RESOLUTION PC 16-4543;
TSM 13-001 AS SET FORTH IN RESOLUTION PC 16-4544;
CUP 13-010 AS SET FORTH IN RESOLUTION PC 16-4545;
ROZ 14-001 AS SET FORTH IN RESOLUTION PC 16-4546;
PZ 14-001 AS SET FORTH IN RESOLUTION PC 16-4547;
GPA 14-002 AS SET FORTH IN RESOLUTION PC 16-4548;
FEIR 15-001 AS SET FORTH IN RESOLUTION PC 16-4550;

SECONDED BY COMMISSIONER KILDOO AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES:	COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, MATTHEWS, MINNERY, NORRIS
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

PLANNING MANAGER COMMENTS

Brindley: Next meeting is October 3rd.



PLANNING COMMISSIONERS COMMENTS

None.

ADJOURNMENT

At 9:10 p.m. Commissioner Flodine adjourned the meeting.



ERIC FLODINE, CHAIRMAN
CITY OF SAN MARCOS

ATTEST:



LISA KISS, OFFICE SPECIALIST III
SAN MARCOS PLANNING COMMISSION