

# MINUTES

## Regular Meeting of the Planning Commission

**MONDAY, MAY 15, 2017**

City Council Chambers

1 Civic Center Drive, San Marcos, CA 92069

### CALL TO ORDER

At 6:30 p.m. Planning Commission Chair Flodine called the meeting to order.

### PLEDGE OF ALLEGIANCE

**COMMISSIONER MAGEMENEAS** led the Pledge of Allegiance.

### ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JACOBY, KILDOO, MATTHEWS, NORRIS

ALTERNATE COMMISSIONERS REPLACING ABSENT COMMISSIONERS: MAGEMENEAS, SCHAIBLE

ABSENT: OLEKSY, MINNERY

Also present were: Planning Manager, Karen Brindley; Deputy City Attorney, Avneet Sidhu; Deputy City Clerk, Lori Wilcox

### ORAL AND WRITTEN COMMUNICATIONS

None.

### CONSENT CALENDAR

1. APPROVAL OF MINUTES, 5/1/17

#### Action:

MOVED BY COMMISSIONER KILDOO, SECONDED BY COMMISSIONER JACOBY AND CARRIED UNANIMOUSLY TO APPROVE THE CONSENT CALENDAR.

### PUBLIC HEARINGS

2. **Case No:** P16-0038: DA 16-002 (former case number DA 90-04(03mod))  
**Applicant:** San Elijo Hills Development Company, LLC  
**Location:** San Elijo Hills Specific Plan Area

AGENDA ITEM

# 1



**Request:** Approve a resolution (i) recommending that the City Council adopt an ordinance approving Amendment No. 2 to the First Amended and Restated Development Agreement and Owner Participation Agreement (Development Agreement) between the City of San Marcos and San Elijo Hills Development Company, LLC, for the San Elijo Hills project; and (ii) concluding that no subsequent environmental review is required for the approval of Amendment No. 2.

**Environmental Determination:** Exempt from California Environmental Quality Act (CEQA) pursuant to the existing approved environmental review documents for the project. The environmental issues associated with the change in use from public institutional to residential in Planning Area V-2 were evaluated in connection with the 2005 Specific Plan Amendment, and the approved Addendum associated with that action, concluded that all impacts had been identified and appropriately addressed by the prior San Elijo Ranch Subsequent Environmental Impact Report (SEIR No. 95-30, State Clearinghouse No. 95051064) and mitigation measures. No supplement to SEIR No. 95-30 and/or the approval of the Addendum is required as there are no changes or additions to the project that have not already been previously identified, evaluated and addressed. The provisions of Section 15162 of the CEQA Guidelines, which addresses subsequent environmental review documents, have not been triggered. The Planning Commission will review a resolution recommending that the City Council adopt an ordinance (i) approving Amendment No. 2 and authorizing the City Manager and the City Attorney to finalize and execute Amendment No. 2, which extends the term of the First Amended and Restated Development Agreement and Owner Participation Agreement, and further that the City Manager and the City Attorney be given the authority to make non-substantive modifications to the document prior to execution; and (ii) concluding that no subsequent environmental review is required for the project to approve Amendment No. 2 because no supplement to SEIR No. 95-30 and/or the approval of the Addendum is required as there are no changes or additions to the project that have not already been previously identified, evaluated and addressed.

**PLANNING MANAGER BRINDLEY** provided the staff report and recommended to modify Resolution PC 17-4626 to add the word “not,” on page two, in the third recital to read “effects previously examined in SEIR 95-30 and/or the Addendum would “**not**” be substantially more severe than was shown in that SEIR and/or the Addendum.”

**BY CONSENSUS THE PLANNING COMMISSION OPENED THE PUBLIC HEARING.**

There were no requests to speak.

**COMMISSIONER DISCUSSIONS INCLUDED:** reason behind the three year extension and clarification on the resolution modification.

**PLANNING MANAGER BRINDLEY,** responded the developer indicated additional time was needed.

**JEFF O’CONNOR,** Director of Operations, San Elijo Hills Development, LLC, responded there are 119 lots left and they are very high end lots with a higher absorption rate than the lower end lots. Additional time was estimated for 2 more years than originally planned. The developer did not want to come back to ask for additional time.

**BY CONSENSUS THE PLANNING COMMISSION CLOSED THE PUBLIC HEARING.**





**Action:**

MOVED BY COMMISSIONER JACOBY, SECONDED BY COMMISSIONER KILDOO, TO APPROVE RESOLUTION NO. PC 17-4626 WITH RECOMMENDED CHANGES TO INCLUDE “EFFECTS PREVIOUSLY EXAMINED IN SEIR 95-30 AND/OR THE ADDENDUM WOULD **“NOT”** BE SUBSTANTIALLY MORE SEVERE THAN WAS SHOWN IN THAT SEIR AND/OR THE ADDENDUM”, ON THE SECOND PAGE, THIRD RECITAL, AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES: COMMISSIONERS: FLODINE, JACOBY, KILDOO, MATTHEWS, MAGEMENEAS, NORRIS, SCHAIBLE  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

**COMMISSIONER JACOBY** stated that Jeff O’Connor wanted to give an update on the San Elijo Town Center.

**COMMISSIONER CHAIR FLODINE** asked the Deputy City Attorney’s advice on announcing the speaker.

**DEPUTY CITY ATTORNEY SIDHU** stated if the public comment is informational, the public hearing or public comments could be re-opened as part of the open public comment section, but Commissioners could not take action on the item. However, Commissioners could recommend staff place the item on a future agenda.

**BY CONSENSUS THE PLANNING COMMISSION RE-OPENED THE PUBLIC HEARING.**

**JEFF O’CONNOR**, Director of Operations, San Elijo Hills Development Company LLC, spoke about the progress on the San Elijo Town Center, and is working with City Staff on grading and improvement plans. Anticipates grading will begin in June or July. Phase I of the project will consist of 22,000 square feet of retail with 3 or 4 restaurants and 12 condominium units. Phase II will consist of 12 additional condominium units and approximately 7,000 square feet of retail space. Construction will take approximately 1 year.

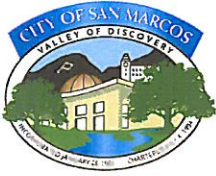
**BY CONSENSUS THE PLANNING COMMISSION CLOSED THE PUBLIC HEARING.**

**3. Case No: P17-0026 (Text Amendment TA 17-003)**

**Applicant:** City of San Marcos

**Request:** Amend zoning and land use regulations under Title 20 of the San Marcos Municipal Code (Performance Standards (Noise) – Section 20.300.070(F); Density Bonus – Chapter 20.305; Walls and Fences – Chapter 20.335; Accessory Dwelling Units – Chapter 20.410 and associated Municipal Code references to second (accessory) dwelling units; and Amendments (Notice and Hearings) – Section 20.530.040).

**Environmental Determination:** Exempt from CEQA because this is not a project within the meaning of Section 15378(a)(1) of the CEQA Guidelines. If the Text Amendment is found to be subject to CEQA, it is exempt pursuant to General Rule Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment. The Planning Commission will review proposed updates to Title 20 of the San Marcos Municipal Code (Zoning



Ordinance) governing noise standards, density bonus, walls and fences, accessory dwelling units, and amendment procedures to modify the Zoning Ordinance and the San Marcos General Plan.

**PLANNING MANAGER BRINDLEY** provided the staff report and power point presentation.

There were no requests to speak.

**COMMISSIONER DISCUSSIONS INCLUDED:** clarification on the difference between an Accessory Dwelling Unit (ADU) and a room addition; clarification on laws that would take precedence - Homeowner Association (HOA), state or local: 2<sup>nd</sup> and 3rd dwelling units per parcel; fencing, pilasters and driveway entry gates in rural agricultural zones; questioned if large single family lots with casitas could be split.

**CITY STAFF** responded: a room addition would be an expansion of an existing footprint of a structure and an Accessory Dwelling Unit (ADU) would be an independent living facility not to exceed 30% of the existing habitable living area of the main dwelling unit that could have a kitchen and restroom. New legislation states a second (ADU) is allowed, but does not have a provision for more than one (ADU) per parcel. The State of California allows the City to regulate authority and determine residential zones. The City's ordinance allows ADU's on single family lots, but not Specific Planned Areas (SPA). Chained link fencing is prohibited from public view. Permits are required for a second water meter. Light fixtures are not counted in the 78 inch maximum height allowance on fencing and determinations on design preferences would be made upon plan submittal and review. Existing structures when splitting parcel lots would not have to be taken down, but staff would evaluate the compliance of the development standards of the underlying zone, minimum lot size, and setbacks of the existing structure.

**DEPUTY CITY ATTORNEY SIDHU** responded that she would have to look into further whether State law would trump local and CC&R laws.

**BY CONSENSUS THE PLANNING COMMISSION OPENED THE PUBLIC HEARING.**

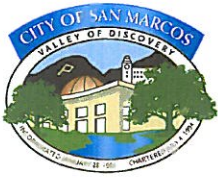
There were no requests to speak.

**BY CONSENSUS THE PLANNING COMMISSION CLOSED THE PUBLIC HEARING.**

**Action:**

COMMISSIONER KILDOO, SECONDED BY COMMISSIONER MATTHEWS TO RECOMMEND APPROVAL OF TA 17-003 AS SET FORTH IN RESOLUTION PC 17-4625 AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES:	COMMISSIONERS: FLODINE, JACOBY, KILDOO, MATTHEWS, MAGEMENEAS, NORRIS, SCHAIBLE
NOES:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE



**PLANNING MANAGER COMMENTS**

**PLANNING MANAGER BRINDLEY** stated the next Planning Commission hearing will be held on the first Monday in June, 2017.

**PLANNING COMMISSIONERS COMMENTS**

There were no comments.

**ADJOURNMENT**

**COMMISSION CHAIR FLODINE** adjourned the meeting at 7:29 p.m.

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ERIC FLODINE, CHAIRMAN, PLANNING COMMISSION  
CITY OF SAN MARCOS

**ATTEST:**

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LORI WILCOX, DEPUTY CITY CLERK  
CITY OF SAN MARCOS