



# MINUTES

## Regular Meeting of the Planning Commission

**TUESDAY, September 5, 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 Schaible led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JACOBY, MATTHEWS, MINNERY, NORRIS, OLEKSY, SCHABILE (Alternate)

ALTERNATE COMMISSIONERS IN AUDIENCE: MAGEMENEAS

ABSENT: KILDOO

Also present were: Planning Manager, Karen Brindley; Deputy City Attorney, Avneet Sidhu; Principal Civil Engineer, Peter Kuey; Associate Planner, Susan Vandrew Rodriguez; Associate Planner, Sean del Solar; Office Specialist III, Lisa Kiss

### **ORAL AND WRITTEN COMMUNICATIONS**

None.

### **CONSENT CALENDAR**

Flodine: Announced that he would pull Item #2 (AT&T) from Consent to allow for public input.

### **1. APPROVAL OF MINUTES - 8/21/17**

*Action:*

COMMISSIONER JACOBY MOVED TO APPROVE CONSENT CALENDAR (Item #1) AS PRESENTED; SECONDED BY COMMISSIONER MATTHEWS AND CARRIED BY A MAJORITY VOTE WITH NORRIS AND SCHABILE ABSTAINING.

**AGENDA ITEM  
# 1**

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2. **AT&T Mobility** – LP16-00028, A Landscape Permit for a previously approved Wireless Telecommunication Facility (CUP12-004/P12-0023) located at 2080 Golden Eagle Trail, APN: 679-040-01-00

**Staff Presentation (Sean del Solar):**

PowerPoint presentation shown. Background includes approval of CUP 12-004 (Sept. 2013) by Planning Commission, which was appealed to City Council. Council upheld decision and added additional conditions and required the Landscape Permit be approved by Planning Commission under Consent. Vicinity map shown and discussed. AT&T proposes a mix of Queensland Box and Afghan Pine trees, both 36" box and 15 gallon, which will match the Crown Castle trees. The trees are relatively fast growing, well suited for the soil & climate and have performed well in the area. They'll also plant Toyon and Lemonade Berry shrubs for additional screening. Photo simulations shown. After the appeal, a lawsuit was filed by "Cell No" and was settled. One of the petitioners, Elliott Herman, contacted staff and expressed a desire to address Commission. The Signorino's have expressed opposition to the project. Staff recommends approval of landscape permit.

Oleksy: Asked how long it would take for trees to mature or match simulation?

Del Solar: Anticipate about 10-15 years. The arborist may provide detail.

Schaible: Inquired about landscape maintenance, who would fix broken pipes or running water issues?

Del Solar: Indicated a qualified arborist would inspect and provide annual reports. The property owner does inspect the site and City has a maintenance plan requirement as part of a close out package. There's generally an alarm with pressure alerts in the equipment enclosures so AT&T could send a technician. Staff will ensure those aspects are included.

Matthews: Questioned if any future residential development is planned there?

Del Solar: Replied that it's not likely the 10 acre parcel where project is located would subdivide. City's portion of that area is built out, but County could do some development. Cell technology does change, so can't predict what may happen, but the City's cell ordinance would be the guide.

**OPEN PUBLIC HEARING**

Flodine: Reminded group that it's a Consent item for a landscape permit. The Commission has already heard the CUP item twice.

John Signorino, resident: Mentioned page 13, Section R of the code, it says the CUP shall become null and void if not acted upon within 12 months. They demonstrated it hadn't been acted upon and the City gave them an unsigned Building permit. (Gave to Chair). It's not signed, so it's not an actual, valid document, yet City is allowing them to move forward against their code. Asked how this can be?

Flodine: Reminded again that the action item for Commission is for a landscape permit. The question regarding the validity of the CUP can't be answered by Commission because it's not part of their package.

Signorino: Asked Commissioner's if they're familiar with DAS technology, which is what Carlsbad uses? Stated the cell towers transmit for 45 miles and are not what's needed in San Elijo Hills. Staff's presentation didn't show the site as it appears today. There's a cell tower that's been there 10 years and not one tree is present. How can the residents believe the tower will look like the photos if in 10 years the City hasn't upheld the existing permit? Asked if fire department looked at plan? It's a fire zone, and the trees are a massive fire hazard. The property has burned to their front door twice.

Flodine: Asked staff if Fire reviewed?

Del Solar: Indicated yes, and the trees are outside of the occupied structure zone. They're in a 30-foot fuel management area and the tree types meet those requirements. Three Torrey Pine trees originally planted didn't perform well at the Crown Castle site, due to solid rock and drainage issues. Two were removed and one is left at site. They're preparing the site to plant nine trees in October, because it's currently not optimal planting season.

Connie Signorino, resident: Inquired about fire plan and pointed out there are two elementary schools nearby.

Del Solar: Commented that there's no fire plan for planting trees. The landscape must comply with existing fire guidelines. The nearest structures within 30 feet are unoccupied and the trees on the plan comply with requirements.

Brindley: Added that the San Diego County's Defensible Space suggested plant list and Sunset Western Garden book were consulted for selection and the species are considered suitable.

Elliot Herman, resident: Explained that he's been involved with the project for many years. He was given a copy of the plan by AT&T that is almost impossible to read. Couldn't tell what tree went where and had questions on the irrigation system. He was expecting a full presentation by AT&T today and was disappointed there wasn't one. It's a consent item, so it's already been decided. There is a rock issue and he sees no prep work going on. Asked if trees are being planted before or after tower? Who pays water bill? Who monitors it? Other trees were wrong type and irrigation failed so they died. Currently there's a cell tower with no shielding around it. He couldn't tell from the plan what's for the new and old tower. He doesn't believe based on the past that the future will be any different. He suggested tree types and was ignored.

Flodine: Indicated the Commission fully intends to work with staff to make sure it succeeds this time. Asked staff about timing of trees and water bill?

Del Solar: Explained that the applicant is in charge of when trees go in. They may use the same drilling apparatus for both. Trees must be in place at close of building permit. The irrigation system always functioned. Water metering is worked out individually as condition of lease.

Kevin Sullivan, AT&T: Indicated they plan to install the facility first, followed quickly by landscaping. It's difficult to place trees first, and then work around them. The lease is set up where property owners would pay for irrigation and it's been negotiated with them. AT&T provided to Mr. Herman by e-mail, a full copy of the landscape plan, which can be enlarged on a screen and he acknowledged receipt. He was advised that AT&T would answer questions. They received a couple which were answered and he didn't ask any others. Under the settlement agreement, Mr. Herman can't dictate certain types of trees. A certified arborist developed the plan for Crown Castle and is also doing so for AT&T. No one has indicated that the plan is deficient.

Leo Simone, certified arborist, LSA Associates: Tree maturity depends on conditions but 10-15 years is a fair estimate. Site is being over-excavated to ensure they have proper drainage.

#### CLOSE PUBLIC HEARING

Oleksy: Asked what method of enforcement they have on landscape plan? What prevents owner from not watering and how does City manage?

Del Solar: AT&T would manage the irrigation controller. Community has made clear that enforcement activities are important for the site. If landscape is deficient, it would be a violation of CUP, and City has standards to go into enforcement mode. If any materials become damaged, they need to be replaced in kind. Trees will be monitored annually by a certified arborist. Over time, irrigation would be scaled back to adjust to climate conditions. The City can also retain personnel to review the report.

Norris: They're pushing maintenance to one year to ensure success and that is the critical time. Asked what the warranty is on plants and if they'll replace?

Tim Henion, AT&T: Landscape contractor will guarantee for one year. Then the arborist inspection would come and report annually.

Flodine: Reminded group that the project came to Commission in 2013. It was appealed to City Council and Council added conditions. Council asked for the Landscape plan to be reviewed by Commission under Consent. The item was pulled to allow for public comment. The conditions Council put on have all been met. The Commissioner's are not aware of what took place with the settlement.

#### *Action:*

COMMISSIONER MATTHEWS MOVED TO APPROVE CONSENT CALENDAR (Item #2) AS PRESENTED; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY A UNANIMOUS VOTE.

## **PUBLIC HEARINGS**

### **3. Project No: P16-0039: GPA16-002, R16-002, CUP16-006, ND 17-004**

**Applicant:** Metropolitan Area Advisory Committee on Anti-Poverty (MAAC)

**Request:** The MAAC Headstart preschool expansion project proposes a General Plan Amendment (GPA) from Medium Density Residential 2 (MDR2) to Public/Institutional (PI), Rezone (R) from Residential (R-3-10) to Public Institutional (P-I), and a Conditional Use Permit (CUP), to regulate the preschool expansion and operation, on 0.64 acres. The facility expansion will involve reconfiguration of an existing onsite play equipment to accommodate the construction of a three classroom 2,661 square foot addition, resulting in a 7,193 square foot facility which has seven classrooms. The building expansion will cross over a property line; a lot line consolidation of Assessor Parcels 220-320-04-00 and 220-320-23-00 will be processed to combine the parcels. The project also includes reconstruction and expansion of an existing parking lot from twelve (12) to twenty-eight (28) parking spaces on 0.35 acres (Assessor Parcel Numbers 220-320-00-07 and 220-320-08). The new parking lot is proposed on parcels owned by both MAAC and the City, and a parking agreement will be executed for shared parking use by MAAC and the City (to serve Richmar Park). The City owned parcel (220-320-00-08) is currently zoned Public Institutional (P-I) and designated "Park" in the General Plan and no change is proposed.

**Environmental Determination:** Mitigated Negative Declaration (ND 17-004) was prepared and circulated for public review pursuant to the California Environmental Quality Act (CEQA).

**Location of Property:** 139 Gosnell Way, more particularly described as Lots 6, 7, 10, and portions of lot 8 and 9 of Richland Terrace, Map 5516, filed in the Office of the County Recorder of San Diego California, January 15, 1965. Assessor's Parcel Numbers: 220-320-04-00, 220-320-07-00, 220-320-08-00 and 220-320-23-00.

### **Staff Presentation (Susan Vandrew Rodriguez):**

PowerPoint presentation shown. Discussed surrounding uses and background. Applicant known as MAAC requests Headstart preschool addition, parking lot expansion and adoption of Mitigated Negative Declaration. A vacant City parcel is proposed for a parking lot for MAAC and Richmar Park including a shared parking & maintenance agreement with City. Preschool was permitted via CUP in 1984. MAAC has owned since 1999. Discussed planned upgrades and enhancements to building. R-3-10 doesn't permit preschools by right and limits expansion to 10%. A GPA, Rezone and CUP and shared parking agreement are required for expansion. Proposing 2,661 s.f. preschool expansion for three additional classrooms. Total of 28 parking spaces. Expansion and operation will be regulated by CUP. Operates from 7 am - 5 pm. Maximum number of students is 123 and 15 staff. There will be six parking spaces next to on-site drop off/pickup area. Rezoned to P-I zone standards. NegDec was circulated for 21 day review. One comment letter was received from San Luis Rey Band of Mission Indians. Public workshop was held July 19, 2017 with no attendees. Staff recommends approval to City Council and adoption of MND, and acceptance of staff memo distributed earlier regarding F23(f) and F25, which restricts parking on Gosnell Way.

Schaible: Asked if no parking area is normally painted red?

Kuey: Indicated it's currently green but would be painted grey because it's less maintenance and up to four No Parking signs would be installed.

Oleksy: Asked if six pickup/drop off are enough with 123 students? Inquired how that would function and if there's staggered starts?

Vandrew Rodriguez: There are different start times, with both half and full day programs.

Norris: He's not sure how they'll prevent the use of Gosnell Way, when students are picked up it seems all laws are broken. Asked about EV charging stations? He believes it's 6% make ready?

Flodine: City is trying to self contain the cars on site, but its shared parking. There could be 15 used by staff and 13 left. Concerned the City is trying to regulate school parking, but will City allow park visitors during the day?

Vandrew Rodriguez: Indicated 13 spaces are required based on number of children, plus six for unloading, and those would be for MAAC. The park does have additional parking available.

Schaible: Commented there will be walk-ins, not everyone has a vehicle bringing them and there is parking on Firebird Street. He doesn't have a problem with the parking.

Flodine: He wants to be sure the facility isn't punished because lot is full for park visitors and their staff or parents have to park next to post office.

### **OPEN PUBLIC HEARING**

Adolfo Ventura, MAAC: Commented that they do have a lot of walk-ins and there's some parking along Firebird Lane. Depending upon enrollment, they can provide transportation or busing. He needs to learn more about EV spaces.

Norris: Inquired the age group?

Ventura: Currently ages 3-5, and they're looking at adding infants to age 2. There are staggered start times and some teachers provide home services.

### **CLOSE PUBLIC HEARING**

Norris: Asked about plans to install EV charging stations according to CA Building code?

Divo Maldaner, Cyber, contractor: Indicated they'd look into it and provide additional information.

#### **Action:**

COMMISSIONER MATTHEWS MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF:  
GPA 16-002 AS SET FORTH IN RESOLUTION PC 17-4652; R 16-002 AS SET FORTH IN RESOLUTION PC 17-4650; CUP 16-006 AS SET FORTH IN RESOLUTION PC 17-4651, INCLUDING REVISIONS AS PER

STAFF MEMO DATED 9/5/17; AND ADOPTION OF MITIGATED NEGATIVE DECLARATION MND 17-004; SECONDED BY COMMISSIONER NORRIS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES: COMMISSIONERS: FLODINE, JACOBY, MATTHEWS, MINNERY, NORRIS, OLEKSY, SCHAIBLE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

**PLANNING MANAGER COMMENTS**

Brindley: Announced that hearings are scheduled for October 9th & 16th and November 6th. Requested that Commissioners advise staff if they'll be absent.

**PLANNING COMMISSIONERS COMMENTS**

None.

**ADJOURNMENT**

At 7:42 p.m. Chairman Flodine adjourned the meeting.

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ERIC FLODINE, CHAIRMAN  
CITY OF SAN MARCOS PLANNING COMMISSION

**ATTEST:**

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LISA KISS, OFFICE SPECIALIST III  
CITY OF SAN MARCOS PLANNING COMMISSION