

# MINUTES

## Regular Meeting of the Planning Commission

**MONDAY, MARCH 5, 2018**

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

### **CALL TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

Led by Commissioner Matthews.

### **ROLL CALL**

PRESENT: COMMISSIONERS: CARROLL, FLODINE, JACOBY, MATTHEWS, MUSGROVE, NORRIS, OLEKSY  
ALTERNATE COMMISSIONERS IN AUDIENCE: NONE

ABSENT: COMMISSIONERS: MINNERY, MAGEMENEAS (Alternate)

ALSO PRESENT: Planning Manager Karen Brindley; Deputy City Attorney Avneet Sidhu, Principal Planner Saima Qureshy; Assistant Engineer Kyle Wright; Senior Office Specialist Sandra Gallegos.

### **ORAL COMMUNICATIONS**

None.

### **CONSENT CALENDAR**

#### **1. APPROVAL OF MINUTES, 2/5/18**

**COMMISSIONER OLEKSY MOVED TO APPROVE THE CONSENT CALENDAR; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY A MAJORITY VOTE.**

### **PUBLIC HEARINGS**

**2. Project No:** MFSDP 17-0003 MULTI FAMILY SITE DEVELOPMENT PLAN (The Marc)

**Applicant:** DAVIA WEST DEVELOPMENT, DAVIA EAST DEVELOPMENT, INTRACORP COMPANIES

**Request:** The applicant is requesting a modification to a condition of approval to the Davia Village (The Marc) Multi-family Site Development Plan (MFSDP) to remove the occupancy limitation of 885 occupants specified within the Multifamily Site Development Plan Resolution.

**Environmental Determination:** An Addendum to the previously adopted Mitigated Negative Declaration (MND13-003 - State Clearinghouse No. 2013061059) was prepared for the project pursuant to the California Environmental Quality Act (CEQA).

**Location of Property:** The project site is located 1001 Armorlite Drive and 130 Bingham Drive, more particularly described as All or Portions of Lots 5 AND Lot 6, Block Number 85 of Rancho Los Vallecitos De San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806 filed in the office of the County Recorder of San Diego County. APN: 219-163-63-00 and 219-163-64-00.

**COMMISSIONER FLODINE MOVED TO CONTINUE MFSDP 17-0003 MULTI FAMILY SITE DEVELOPMENT PLAN (THE MARC) TO THE MARCH 19, 2018 PLANNING COMMISSION HEARING. SECONDED BY COMMISSIONER MUSGROVE AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:**

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

**3. Project No:** P15-0068: General Plan Amendment GPA 15-005/Specific Plan SP15-009/Tentative Subdivision Map TSM15-007/Grading Variance GV15-002/Conditional Use Permit CUP15-008/Site Development Plan SDP16-002/Environmental Impact Report EIR16-001

**Applicant:** ColRich California LLC

**Request:** The project is requesting approval of a General Plan Amendment (GPA15-005) to amend the project site's designation in the Land Use and Community Design Element from "Specific Plan Area/Residential (89 lots)/OS/P" to "Murai Specific Plan Area/Open Space" and to remove the designation and description in the Park, Recreation and Community Health Element of the General Plan of a public park on the project site; a Specific Plan (SP 15-009) to establish development standards specific to the project site and to guide orderly development; the Tentative Subdivision Map (TSM 15-007) for 89 single-family residential lots, access/private street lots, open space lots, trails, and private park lots; a Grading Variance (GV15-002) to allow manufactured slopes in excess of 20 feet in height without benching within the project area; a Conditional Use Permit (CUP 15-008) to allow for the temporary use of a rock crusher during grading operations; and a Site Development Plan (SDP16-002) to address the design of residential units and plotting of floor plans and elevations within the subdivision.

**Environmental Determination:** An Environmental Impact Report (EIR16-001; State Clearinghouse No. 2016091054) was prepared and circulated for public comment from September 26, 2017 to November 10, 2017 pursuant to California Environmental Quality Act (CEQA).

**Location of Property:** The project site is located west of the northern terminus of Las Posas Road, more particularly described as Portions of Section 34, Township 11 South and Section 3 and Section 4, Township 12 south, all in range 3 west, San Bernardino Meridian, in the City of San Marcos, County of San Diego, State of California. Assessor's Parcel Numbers: 184-241-03-00, 218-011-10-00, 217-050-36-00, and 217-050-38-00.

**Principal Planner Saima Qureshy** and the **City's Consultant Sophia H. Mitchell** presented the staff report.

**Matt Simmons**, Consultant's Collaborative, applicant representative, reviewed the history of the general plan designations for the site. Project includes 89 homes on 91 acres with 40 acres of open space; 3 different floor plans with 3 different elevations; 4 parks totaling 2 acres; a public trail coming into the neighborhood from Las Posas Road and also a multi-use trail. Project preserves 52% of open space. The applicant is currently working with Army Corps of Engineers for the wildlife permits necessary to build the project. Traffic improvements include interconnecting the signals at Las Posas Road and Borden Road and at Las Posas Road and Avenida Azul; developing the signal timing plans for Las Posas Road from Mission Road to Borden Road. Project will contribute its fair share cost to install a traffic signal at the intersection of Las Posas Road and Camino Del Sol and also contribute its fair share towards constructing a dedicated right turn lane on a west bound approach at the intersection of Las Posas Road and Mission Road. Property is split with two different school districts - San Marcos and Vista. Project is designed to comply with the City's Climate Action Plan; 85% of the homes or lots integrated with solar panels or use of programs to power home electrical needs. The project's HOA will include long term maintenance of the private roads, trails, slopes, parks, fire buffers, water quality buffers and a long term endowment will cover conservancy management and maintenance of open space in perpetuity.

**Commissioner Jacoby** expressed concerned about two school districts serving this project. He asked what will be the price levels of the homes.

**Matt Simmons** responded that Vista has much more capacity than San Marcos. They have talked to both school districts and they both have expressed interest in working out a solution. The district boundaries were placed on this property quite some time ago which were done with sectional lines, not based off of road maps or topography or connection. The price levels will be in 700-800,000 range.

**Commissioner Flodine** noted that one of the project objectives includes the statement on range of affordability of the units. He asked if the builder considered a smaller floor plan maybe 300-400 square foot smaller so you can get around 75-100,000 less on sale price. It just doesn't seem like they are hitting that affordability and that is a concern for him.

**Matt Simmons** responded that not only are they offering 3 different plan types but they have many options within each plan type. Bedroom count ranges from 3 to 6 bedrooms depending on which options they select.

**Commissioner Flodine** asked if the builder were to come in with a smaller product type would they have to do a specific plan amendment or a site development plan revision or could it be reviewed at the administrative level.

**Planning Manger Brindley** stated there is a provision within the SDP resolution that allows for staff to evaluate any minor revisions. Depending upon what is actually presented to staff by the developer they would make that determination. Potentially yes they could do that administratively without a specific plan amendment but staff would need to evaluate the full course of what is being proposed.

**Commissioner Musgrove** at the intersection of Camino Del Sol there will not be a signal light installed at the conclusion of this project, is that correct?

**Matt Simmons** that is correct. The reason being is there is a cumulative impact which he believes is a 20-30 year time frame where all projects in the area would be built out and then that's when that impact would occur. The impact isn't there today; they're just contributing their fair share towards that cumulative but when that impact exists the signal would be built at that point.

**Commissioner Matthews** disclosed that she met with the developer to get a better understanding of the terrain. She stated there is a housing shortage and there is also a shortage of single level homes. These are all two story homes and asked if there can be a consideration for single level homes.

**Matt Simmons** stated this property has several constraints on it. There's a fairly major 200 foot wide San Diego County Water Authority line that goes through it, a VID water line, Las Posas Road goes through the site and then they have the requirement of preserving 50% of the undeveloped land which leaves them with a very small pocket. So they had to look at maximizing the use on that property so they could afford to pay for all the infrastructure they are putting in and the long term endowment to preserve Open Space in perpetuity. Unfortunately, with a one story product on a 5,000 square foot lot would not be able to get enough value out of it to pay for the rest of all those required items.

**Commissioner Oleksy** asked about the elevations and architectural design. In looking at some of the left and right elevations he is seeing huge expanses of wall with no interesting architectural detail.

**Matt Simmons** explained that they are looking at the standard package and in the packet there is an exhibit that shows the enhanced lots. Any lot visible from a public street or from a trail will have rear enhancements.

**Chairman Norris** said he echoed Commissioner Flodine and Matthews comments. The houses are going to be big and they are not going to be a first time home buyer home. He asked if the project is contributing toward an affordable housing fund.

**Matt Simmons** responded yes that is one of the public facility fees the project will be paying.

**Chairman Norris** asked why not just install the signal at Camino Del Sol now and the right turn lane and be done during construction and not have to come back in 2035 and do more work when things are bottle neck there.

**Matt Simmons** said the impact to that intersection is somewhere between 6% and 9%, that's this project's responsibility. It would be an unfair burden to charge them with 100% of the cost of that signal. They don't know when the other projects are going to come online between now and 2030 so it would be a tough commitment for them to pay for more than their fair share.

**Assistant Engineer Wright** stated that the existing plus project impact is a direct impact and the mitigation that can be applied is the signal interconnect and that will resolve the impacts that are created by the project. By employing the interconnect between the traffic signals it does resolve their impacts created directly by the project. In the horizon years and the cumulative when you add the other projects and the growth rate for the City and the future year and our horizon year is 2035 for this project it gets to the point where it's a cumulative impact beyond where the signal interconnects can no longer handle that impact. So it's cumulative should they do pay their fair and they don't construct they just pay the fair share. For Camino Del Sol their fair share is approximately 9.4% and for the Las Posas Road and Mission Road intersection it's approximately 5.6%. They would pay those fair shares towards the completion of those design features.

**Chairman Norris** asked about PV. The San Marcos Climate Action Plan says 85%. Is each house going to have PV when it is built?

**Matt Simmons** stated that a new condition came in today from city staff and they would like to continue to work through that particular condition between now and Council to fine-tune it. The intent of their design was to incorporate either solar panels on the structure or on the land itself or through solar programs meaning that all power is coming from green power. He pointed out that it's not just the units they have to power, it's the whole development – the parks, the street lights, the irrigation systems. Anything that uses power on that property has to be underneath that 85% threshold.

**Planning Manager Brindley** stated the revised condition that was provided tonight to the Commission did modify the parameters of the condition to provide additional flexibility to the developer however the intent here is that the project does require essentially an energy audit to identify the project's totality of

electricity demand. It was recognized as a design feature that basically the project would incorporate PV whether that was on some rooftops or somewhere else on site. However, recognizing that there may be some constraints, staff did feel it was appropriate to provide additional flexibility in order to ensure that the developer could comply with that greenhouse measure.

The Commission took a break at 8:10 pm and reconvened at 8:16 pm.

## **PUBLIC HEARING OPENED**

**Eric Evitts**, resident, the proposed plan is a smart use of the land. He encourages them to support the project.

**Sharlene Evans**, resident, supports the project. Need more housing for the younger generation and there is a shortage of that. The project will be a great asset.

**Trevor Evans**, resident, project will be a good usage of the land. He supports the project.

**James Evans**, resident, supports the project 100%.

**Sylvia Rose**, resident, the growth they have experienced and the newer homes have made for nice looking neighborhoods in San Marcos. The new businesses that are coming here are making San Marcos a more desirable place to live and to visit. Looking at the plan that is proposed she supports it 100%. It is well designed, well thought out and will be a nice addition and blend well with the existing neighborhood.

**Ned Heiskell**, resident, is very much in favor of the project. He is excited about the preservation of the open space and the interconnection of that existing trail that ends and now is going to connect through and move further along. That is one of the things that makes San Marcos so great is the trails and how everything is getting connected. Also happy about the traffic improvements because exactly what was talked about is exactly what we need. Right now coming out of Camino Del Sol you get cars pretty much continuously and if the signals are coordinated they'll be able to make that left turn safely. The project is the right size because the houses in that area are fairly large, mostly two story. This fits, it's less dense than where he lives, but it is the right mix for what they are looking for. He is favor of more housing especially in San Marcos.

**Sandra Farrell**, resident of Vista, agrees that the massing seems a bit harsh and there does need to be details on the back. She stated this area is really important because the site has Agua Hedionda Creek and two drainage areas that come down here to where the project is going to be built. Fish & Wildlife has had concerns from the beginning and they wanted 75% conservation and a 500 foot corridor. She spoke about the impacts this project and the Highlands project will have on the wildlife corridor. She would like to see a solution that allows for the wildlife movement and she is willing to take homes closer to her house to get that. She would like to see alternatives that are meaningful and that actually solve a problem. She hopes they ask the applicant to do some refinement to the design. She agrees there needs to be a mix of single and two story houses.

**Lesley Blankenship-Williams**, resident, stated she has a PhD in marine biology and teaches at Palomar College. She supports Ms. Farrell's comments. The wildlife corridor is not wide enough. This is the most

valuable piece of property left in north county; it supports a wonderful ecosystem. The wildlife agency said 500 feet and the developer said 130 feet is sufficient. There is no body of evidence to support that. She stated this project will ruin her view, but that's okay, she is fine with that. She is not fine with destroying the environment for the sake of somebody's profit margin. She asked that they continue to make San Marcos sustainable and beautiful for the next generation.

#### **PUBLIC HEARING CLOSED**

**Ingrid Eich**, Senior Biologist, HDR Inc., stated that the aqueduct corridor is identified as a secondary linkage. The primary linkage is identified as the river area that is further to the west not associated with the project. When you look at the overall MHCP document this entire pocket of habitat is acknowledged in the MHCP document as already being fragmented and somewhat isolated from other patches of habitat and that is why it is identified as a significant patch of habitat for avian species. There is no identification of target wildlife species, large body mammals that are targeted for conservation in this area. It really targets the avian species. If you look at the south of the property there is quite a bit of development between the south and the Agua Hedionda where it starts to become more natural again. You're not looking at something that's blocking an existing very long corridor that is connecting habitat over miles. It's a portion of a core habitat in which there's local wildlife movement and the biologists for the project identified that local wildlife movement as occurring. There is local wildlife movement through Hedionda Creek and through the property. Local wildlife, bobcats, coyotes, smaller mammals, raccoons they will continue to use the property as they do now with the project in place because they are very urban adaptive. It is important to continue having that movement because they help control predators on birds the target species but that movement is maintained by having that 200 foot wide corridor. The gnatcatcher which is a target species is able to move 3 kilometers up to 16 kilometers over developed habitat. That's why you can still conserve a gnatcatcher population as long as you have these islands of habitat with development around them which is what we are looking at here.

**Commissioner Carroll** looking through the alternatives that were considered in CEQA was 68 units and one of the comments from the report was that 68 units would not be financially viable. Looking at the exhibit he doesn't see any kind of financial analysis to explain why that is not financially viable other than it just isn't. He asked if an analysis was conducted to determine that 68 units were not viable and if so why isn't it presented here.

**Principal Planner Qureshy** explained they looked at the project objectives to see which alternative is going to meet which objectives. Some met all and some met partially some of them. The site has several easements on it. The project as designed and per the city's expectation is going to be maintaining pretty much all the infrastructure on its own and the maintenance of open space would be distributed between 89 units versus the 68 units. That is the conclusion in the EIR that just because of the financial obligations on this project it probably won't be feasible to build 68 units.

**Commissioner Oleksy** asked why there are no 2035 horizon impacts to anything south of Mission Road considering that there really is two viable accesses to the 78 which is heavily used one of which is Las Posas Road and the other Rancho Santa Fe Road. As we add housing to this area those people are going to be traveling south of Mission on Las Posas Road for shopping. Everything that people would really want to get to in the city is all south of the 78.

**Assistant Engineer Wright** responded that during the analysis for the horizon year 2035 there was no cumulative for horizon year impacts which identified the trip generation created by this project would lead to a level of service that is deficient for the roadway networks south of Mission Road.

**Dawn Wilson**, STC Traffic Consulting, stated that this project looked at the distribution of traffic heading from the project down to the 78. When you have a project this size, traffic starts to distribute out on a lot of different arterials. Although during peak commute periods you will see a heavy attractiveness to the 78 freeway being the regional connector to employment maybe during the off peak periods you will see things attracted more to the numerous retail centers that are throughout the city. So we have a high concentration of trips going towards the freeway and to other points but none of that traffic really exceed the threshold or the allowable thresholds of significance that would have triggered an impact for a project maybe larger than this one or something even closer to the freeway where you'd see less distribution of traffic.

**Commissioner Flodine** talked about the 2 to 1 slopes and said that if they had areas of 1.5 to 1 it would further reduce the development footprint building impacts.

**Matt Simmons** indicated that the soils report has indicated that the 2 to 1 slope is what is suitable for the property. Additionally there is a condition in the packet as it relates to landscape coverage to help with slope stability and erosion control and a performance standard that has to be met before it is signed off from the construction to the HOA maintenance that the City will participate in and verify that that coverage is in place.

**Commissioner Flodine** asked about the mitigation measures for the rock crusher. The resolution states that the noise level will be measured once during the first week. He asked if that is typical.

**Planning Manager Brindley** responded that the condition of taking a measurement during the first week of operation is fairly standard for rock crushers. That doesn't preclude the Commission to request something in addition to that. Typically if there are noise complaints that are associated with crushing activities, the City would investigate and make a determination if there is a potential violation of that 60 decibel level. Although the conditions don't state it, there is the opportunity for the City to enforce the provisions to comply with that 60 decibel level that exists today without nullifying the condition.

**Matt Simmons** stated that the idea is to test it in that first week to verify that the model is accurate and if it's not to modify whatever you need to do on site to be in compliance.

**Jeremy Louden**, Principal, LdN Consulting, explained that the sound level measurements would be taken at the property line in various locations. The final locations will be pretty much every home that is within about 1,000 feet. They will look at it based on final location of the rock crusher. The reason the measurements are being done at the beginning is the rock crusher is being assembled on site and it is noisier then. He explained that once they start crushing they try to set up the stockpiles between the crusher and the homes to create a sound barrier so the noise will get better over time.

**Chairman Norris** asked about the strip of on-street parking near the park with the ocean views.

**Matt Simmons** stated they wanted to have the opportunity to have some parking there so that if you live at a further stretch in this neighborhood you have the ability to park on the street. These are private streets and not publicly maintained means that it will be up to the HOA to maintain that if parking becomes a problem.

**Commissioner Carroll** stated that while it wasn't legally required to provide some form of financial analysis for the alternative proposals he thinks it should be backed up by some kind of numbers that they can see rather than just taking somebody's word for it. He would appreciate in the future if they could provide some kind of analysis for why that is that he can see and put some numbers before it.

**COMMISSIONER MATTHEWS MOVED TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF GPA15-005 AS SET FORTH IN RESOLUTION PC 18-4688; SP15-009 AS SET FORTH IN RESOLUTION PC18-4689; TSM15-007 AS SET FORTH IN RESOLUTION PC18-4690; GV15-002 AS SET FORTH IN RESOLUTION PC18-4691; CUP15-008 AS SET FORTH IN RESOLUTION PC18-4692; SDP16-002 AS SET FORTH IN RESOLUTION PC18-4693; FEIR16-001 AS SET FORTH IN RESOLUTION PC18-4694 AND THE MODIFICATIONS IN THE STAFF MEMO DATED 3/5/18. SECONDED BY COMMISSIONER MUSGROVE AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:**

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

#### **PLANNING MANAGER COMMENTS**

Next Planning Commission hearing is Monday, March 19, 2018.

#### **PLANNING COMMISSIONERS COMMENTS**

**Commissioner Jacoby** doesn't think this is the forum for financial analysis. When the developer or the builder goes to the bank, the financial analysis will have been done. The decision has to be made to build x amount of homes. The planning department approved it, who are we to second guess it.

**Commissioner Musgrove** stated it unfairly prejudices the Commission to consider profit margins for the developer and we are not here to consider the profit margins just the viability of the plan and whether it's in conformance with our general plan and other regulations that apply.

**Chairman Norris** stated he agreed.

#### **ADJOURNMENT**

Chairman Norris adjourned the meeting at 9:32 p.m.

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KEVIN NORRIS, CHAIRMAN  
CITY OF SAN MARCOS PLANNING COMMISSION

ATTEST:

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SANDRA GALLEGOS, SENIOR OFFICE SPECIALIST  
CITY OF SAN MARCOS PLANNING COMMISSION