

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
MONDAY, JUNE 3, 2013 - 6:30 PM

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CALL TO ORDER

At 6:31 p.m. Chairman Nelson called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Flodine led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: CHINN, FLODINE, JONES, MAAS, MINNERY,  
NELSON, SCHAIBLE

ALTERNATE COMMISSIONERS IN AUDIENCE: NONE

ABSENT: NORRIS & KILDOO.

Also present were: Planning Division Director, Jerry Backoff; Principal Planner, Karen Brindley; Principal City Engineer, Peter Kuey; Office Specialist III, Lisa Kiss; Deputy City Attorney, Jim Lough

ORAL AND WRITTEN COMMUNICATIONS

Jay Franklin, Chair of Community Services Commission & Fireworks Fundraising Committee: Discussed 4<sup>th</sup> of July Fireworks show held at Bradley Park. The Fireworks Fundraising Committee is made up of community volunteers. The City doesn't fund the cost of the fireworks. They depend on donations and the goal is \$25,000. Community Services Commissioner's are all donating \$25.00. Asked for support from the Planning Commission. Handed out informational flyer that is also on City website. Thanked Commissioner's for their service.

**CONSENT CALENDAR**

1. APPROVAL OF MINUTES, 5/6/13

Action:

COMMISSIONER/CHAIR NELSON MOVED TO APPROVE CONSENT  
CALENDAR AS PRESENTED AND CARRIED BY A UNANIMOUS VOTE WITH  
COMMISSIONER CHINN ABSTAINING.

ORAL AND WRITTEN COMMUNICATIONS (continued)

Todd Frank, Elfin Forest resident: Their neighborhood has been enduring flickering lights, popping fuses and frying circuit boards from the San Marcos power plant. It took a while to figure out what was causing it. Indicated he talked to SDG&E and they agreed it is happening, but SDG&E says they are indemnified by San Marcos Energy (the approved methane plant). After researching, he found out the owner of the plant is Fortistar. Fortistar has verbally denied any responsibility for the damage that's occurring. His situation involved overvoltage of 258 volts which fried about \$1,800 worth of pool equipment. Residents now aware of the situation are finding other damage. This was not brought to their attention by either company. He thinks this might be in violation of their CUP, item #2 & #C15 of PC Reso 11-4228 issued 5/16/11. Respectfully submit if appropriate: 1). That the City request the plant be taken off line until the power issues are addressed, both with regard to its voltage and to the condition of the power which continues to create problems.; 2). City use its influence to ask that clear responsibility perimeters be established with regard to damage to residents affected between SDG&E and Fortistar.; and 3). That future CUP's are revised to incorporate those two items. The plant had been taken off line by SDG&E but was put back on line. The voltage condition has been temporarily addressed, but the power condition problem has not. (Copy of SDG&E letter handed out).

Nelson: Asked what Commission can do?

Backoff: Staff is aware of issue and is talking to SDG&E. It's hard to determine yet whether there is a violation of the CUP. Need additional information from SDG&E. Mr. Frank has been communicating with Susan Vandrew Rodriguez in Planning. Will look into it, not sure of the conclusion.

**PUBLIC HEARINGS**

2. **Case No:** P13-0011: GPA 13-002 / R 13-001 / CUP 13-004 / MND 13-002  
**Application of:** High Tech High  
**Request:** The proposed project consists of the expansion of the High Tech High North County (HTHNC) campus to develop a new elementary school on 5.12 acres of vacant land located north and northeast of the existing Middle and High School campus. The proposed project will be accomplished in two phases (Phase 5a - temporary campus and Phase 5 - permanent campus). Phase 5a will consist of four modular classrooms for 96 students in grades K-2, and open in the Fall of 2013. Phase 5 will be construction of the permanent school buildings and related parking and play facilities for 460 Pre-K to 5<sup>th</sup> grade students to begin operation in Fall of 2014. The development of the site will require land use entitlements to include a General Plan Amendment from an Industrial designation to Public Institutional and Rezone from Industrial "I" to Public Institutional ("PI") as well as a Major Conditional Use Permit and boundary adjustment. Grading, landscape and building permits will also be required for project development.  
**Location of Property:** W. San Marcos Boulevard/Discovery Street, more particularly described as: Portions of Parcels B & C of Boundary Adjustment 06-197, filed February 13, 2007 as Doc. No. 2007-0099477, in the City of

San Marcos, County of San Diego, State of California. Assessor's Parcel  
No.: 219-210-41 and 219-210-42.

Staff Presentation (Karen Brindley):

Described request and location. PowerPoint presentation shown. Proposed project is for a new elementary school to be built in two phases. Construction of a temporary school (K-2) first, then a future, permanent (K-5, 460 students) school. Site is located between middle school campus and Markstein Beverage Company to the north. Zoned Industrial with GP land use of Industrial and a requirement for Specific Plan for future Industrial. High Tech Learning is a public charter school. The middle & high schools were first built as temporaries and are now permanent. At that time, they were allowed in Industrial zone. The 2012 Comprehensive Zoning Ordinance update modified regulation of schools and they are no longer allowed in Industrial. Now requires a Rezone, General Plan Amendment and CUP. Public workshop conducted on 5/8/13. One person attended, supported the project overall but indicated the roof was too dark. Staff feels it's consistent with existing buildings and is the same roof as what's on middle school. There was one phone call who inquired about the public notice and no concerns were expressed. The driveway access is on San Marcos Blvd., at Discovery, with a circulation loop and two drop-off areas. High Tech will purchase 5.13 acres from Markstein and will process a boundary adjustment. Site plan & architecture shown. Discussed the two phases. It's consistent with their other schools that have been built. Phase 5a/Temporary, will include six modular buildings, parking and playground. Bulk of grading for entire site, construction of perimeter block wall, utility infrastructure and storm water BMPs. Phase 5, will include the permanent building, recreational amenities, drive aisles, parking and landscaping. Discussed land use compatibility and surrounding uses. Complies with CARB recommended spacing for siting a new sensitive land use, (school/playground), in proximity to a distribution facility as well as a gas dispensing facility (Markstein). School will be single story, others are two-story. Discussed architecture & landscape. A solid, 6' block wall will run along perimeter of site, varying 8-10' feet depending on grade and is required for noise mitigation. A 12' landscape buffer, pine trees & chain link fence along Markstein will remain. During CEQA review, City is required to do tribal consultation. San Luis Rey Band of Mission Indians requested modification in environmental document to assure pre-excavation agreement and monitor. Conditioned to include that as per the Memo distributed earlier today. Traffic circulation shown & discussed. Applicant must provide circulation & striping plan for City's review. Focused Traffic Study was done. Discussed traffic. Five intersections and four roadway segments were studied. Approximately 740 ADT's at build out. Near term impact improvements include, restriping north and southbound approaches to provide two dedicated left turns and a shared thru right-turn lane, a change to signal phasing at the north and southbound approaches and alignment of thru lanes & redesign of intersection layout. Significant impacts occur at the 2035 Horizon year at Rancho Santa Fe Rd. & San Marcos Blvd., and Las Posas Rd. & San Marcos Blvd. They're required to mitigate/pay fair share contribution to the improvement of the intersections prior to issuance of any permits. Pointed out correction on Rezone resolution, #3 Finding, General Plan reference should read "Rezone." Staff recommends the Planning Commission recommend approval to City Council.

Flodine: Indicated he served on the General Plan Advisory Committee (GPAC) and through two years of those meetings this project area was in one of the study areas. The conclusion was that it be an Industrial site with a Specific Plan requirement. Real

estate deals take time. Curious why throughout the GPAC process, Markstein or the applicant didn't come into the process and ask for Public Institutional?

Brindley: At the time of the GPAC meetings, the Zoning Ordinance had not been updated. As the middle & high school campuses were approved, schools were allowed in any zone and a CUP was required. Markstein was still reviewing their potential expansion. They weren't prepared to sell the full acreage amount at the time. There was a study being prepared by Markstein. The "PI" zone is new.

Flodine: Site was Light Industrial, and then changed to Industrial with SP. Thought the City asked for SP for tighter controls. Conditions say project is required to pay school fees. Does the Sheriff pay police fees?

Brindley: That is a boilerplate condition. Don't believe their other schools paid a school fee.

Backoff: Should say, "if applicable."

Flodine: The perimeter wall adjacent to Markstein is conditioned in the early phase with the grading. The MND measures just say "construct as early as practical." Didn't see a time specific.

Backoff: It's not specific in conditions. Intent is to start wall early at east end next to the temporary elementary school modular's. Commission can add to conditions if so desired.

Flodine: Vehicle access shows one in and one out. Inquired if there are 100 high school seniors driving, are they all driving around the elementary school site to get to the southern perimeter?

Kuey: Yes, that is the circulation that High Tech is proposing.

Flodine: Is there enough width to allow them to turn into the first left instead of going into the elementary school drop-off zone?

Kuey: That could perhaps create conflict with cars turning left & exiting. Tried to get cars more north, don't want the queue extended onto San Marcos Blvd.

Maas: Asked if there is a time separation between schools?

Backoff: Elementary school students are scheduled to be on campus first, then high school, followed by middle school. Don't want to impact City streets. This adds more car stacking. Administration is also out directing traffic

Nelson: Thought the school promoted car pooling?

Maas: Indicated he looked on line for total number of students, thought it was 1,200?

Flodine: Believe it's 1,320? Students come from all areas with charter schools. Asked the percentage from San Marcos?

OPEN PUBLIC HEARING

Paul Dooley, Applicant: Commented that they've been very friendly neighbors with Markstein and over the years have asked to purchase property but have always been told "no, Markstein was going to expand." High Tech asked to lease land while building the middle school and during that time Markstein asked if High Tech was interested in buying. They did a long range planning study to decide how much they could sell. All of this was going on during GPAC meetings, so the school wasn't sure they'd be buying. Indicated they do not pay school fees and SMUSD signs off on that. Plan is to build the wall right away. Markstein and High Tech are building it together and sharing the cost. Want to keep traffic between site and condo down. Currently, the school has a one-way loop and they're proposing to extend the loop. The students & parents are well trained. There are permanent speed bumps in place. If student drivers have trouble with speed, they'll lose privileges. Total potential enrollment is 1,320. Percentage from San Marcos is not known but will find out and provide to Commission. They use a lottery-system for enrollment and there is no boundary.

Nelson: Commented that he knows quite a few students who go there. Asked how school is funded?

Dooley: Through the State for day to day operations. High Tech is a statewide benefit charter, not under SMUSD.

Nelson: It's great there are different choices and it's amazing how fast High Tech builds compared to San Marcos High. It was suppose to be done last year.

George Giannini, Alligance Residential Services: Managing agent for Lake Park Terrance HOA, directly to the west. Indicated they are concerned about the wall between their property and school. 1). A lot of foot traffic is cutting through. 2). When the first portion was built, there was damage to the landscape irrigation pipes. Want to be assured if it happens again that it will be addressed. 3). Flow of traffic, 400-500 cars per day. Asked if 6' wall is high enough for sound mitigation? Thinks it should be looked at.

Minnery: Asked if damage was taken care of?

Giannini: No.

Dooley: Indicated the school dealt with the manager at the time. The landscaper gave a dollar amount to the school and the school paid it. The school was unaware of the problem when it occurred.

Giannini: That was not what he was led to believe.

Dooley: School will be proactive and take care of it.

Backoff: Noise analysis addressed and verified that 6' wall would attenuate the noise. The grade of the homes are lower than campus.

Mike Hunsaker, resident: Indicated his grandson attended High Tech and they drove him to school frequently. The single access is a problem. Surprised it has gone this

long without getting resolved. Another thing missing from the study was the effect of the proposed widening of San Marcos Blvd. into a complete street. This will have a big impact. A lot of traffic will be turning at Discovery and they'll be adding traffic lights. This doesn't bode well for congestion. What is a fair share? Is it related to the present San Marcos Blvd. configuration, the complete street, or a regional idea of widening it to 6 lanes? SMUSD to the south doesn't have much room for widening. The original Creekside Plan called for all expansion to be on the south side. There are schools on both the north and south. Where is that street going to go? Indicated he's been advocating for staggered hours for SMUSD for years. Fifteen minutes is not enough based on his experience driving through the area. Assume there is flexibility in present plan. Commented that he often sees students completely fill the sidewalks and go into the street. He is opposed to losing Industrial land & jobs as they are highest paid in the area. City is also losing those Industrial jobs on Armorlite Drive. Something should be done to maintain agricultural and Industrial in the City.

#### CLOSE PUBLIC HEARING

Flodine: Commented that the aerial in the MND shows 45 trucks on north boundary of Markstein. Noise exhibit only shows 12. Asked how many trucks are there and when? Loading zone is up against the school. Has concern's with noise and air emissions near the kids. There's a fueling area with 800 & 1,200 gallon fuel tanks. Don't want to see Markstein hindered because kids are coming into their area.

Backoff: There's no set standard for proximity of sensitive land uses to Industrial. The Air Resources Board has established advisory recommendations. Distribution centers: Suggested to be not within 1,000 feet if over 100 trucks per day or more than 40 trucks with refrigeration units. Markstein indicated they have 30-33 trucks, not all are refrigerated. Large gas stations (3.6 million+ gallons per year): 300 feet; and a 50 foot separation for typical gas dispersing facilities. Staff indicated we're below the advisory recommendations. There's also the wall & setbacks.

Flodine: Asked who uses the Discovery Street driveway?

Backoff: Driveway is used by school campus and Discovery Business Park tenants.

Nelson: Commented that Markstein has big refrigerator trailers coming in.

Backoff: Not sure of breakdown, was told 30-33 trucks.

Nelson: Load primarily at night, gone early AM.

Backoff: Gone before students arrive.

Brindley: Indicated trucks come back between Noon and 6 PM. Not sure if they operate on weekends, or if 24/7.

Minnery: Commented that it's an impressive campus.

Nelson: Asked what review Commission would have if a public school?

Backoff: None. Do not have review or approval authority over public schools.

Flodine: If a public school were to buy the site from Markstein and suggest an elementary school, it would not come before the Commission or Council?

Backoff: Correct.

Action:

COMMISSIONER SCHAIBLE MOVED TO RECOMMEND APPROVAL OF GPA 13-002 AS SET FORTH IN RESOLUTION PC 13-4349; SECONDED BY COMMISSIONER MINNERY.

Lough: That would be with the amendment to the Negative Declaration discussed earlier (Memo/Errata handout) regarding the mitigation for potential archeological issues. There was also a Finding #3 correction on other resolution.

COMMISSIONER SCHAIBLE AMENDED MOTION TO **INCLUDE THE AMENDMENT TO MITIGATED NEGATIVE DECLARATION #13-002 / ERRATA SHEET**; SECONDED BY COMMISSIONER MINNERY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES: COMMISSIONERS: CHINN, FLODINE, JONES, MAAS,  
MINNERY, NELSON, SCHAIBLE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER CHINN MOVED TO RECOMMEND APPROVAL OF REZONE 13-001 AS SET FORTH IN RESOLUTION PC 13-4350 WITH MODIFICATION: (Finding) #3. The proposed ~~General Plan Amendment~~ **Rezone** is consistent with the objectives of the General Plan in that . . . ; AND **INCLUDE THE AMENDMENT TO MITIGATED NEGATIVE DECLARATION #13-002 / ERRATA SHEET**; SECONDED BY COMMISSIONER MAAS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

AYES: COMMISSIONERS: CHINN, FLODINE, JONES, MAAS,  
MINNERY, NELSON, SCHAIBLE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER CHINN MOVED TO RECOMMEND APPROVAL OF CUP 13-004 AS SET FORTH IN RESOLUTION PC 13-4351 WITH MODIFICATION: **INCLUDE THE AMENDMENT TO MITIGATED NEGATIVE DECLARATION #13-002 / ERRATA**

**SHEET**; SECONDED BY COMMISSIONER MINNERY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

AYES: COMMISSIONERS: CHINN, JONES, MAAS, MINNERY,  
NELSON, SCHAIBLE

NOES: COMMISSIONERS: FLODINE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

Chinn: Asked if they need to vote on Mitigated Negative Declaration?

Backoff: The approval is included with each resolution in a "Whereas." It's already accomplished.

Dooley: Thanked staff. Commented he's been doing this for 25 years and feels the level of cooperation by the City has been phenomenal. They really appreciate it.

Nelson: Asked if they get much push back from public schools?

Dooley: No. SMUSD supplies all our lunches.

Nelson: Asked if more schools are being planned?

Dooley: Expanding in Point Loma & always looking for other sites.

PLANNING DIRECTOR COMMENTS

None.

PLANNING COMMISSIONERS COMMENTS

None.

ADJOURNMENT

At 7:35 p.m. Chairman Nelson adjourned the meeting.

  
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Dean Nelson, Chairman  
SAN MARCOS PLANNING COMMISSION

ATTEST:

  
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Lisa Kiss, Office Specialist III  
SAN MARCOS PLANNING COMMISSION