

MINUTES
SPECIAL PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
THURSDAY, JANUARY 12, 2012 - 6:30 PM

CALL TO ORDER

At 6:35 p.m. Chairman Kildoo called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jacoby, Kildoo, Maas (for Norris), Minnery, Nelson, Schaible, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: Flodine, Jones

ABSENT: Norris.

Also present were: Planning Division Director, Jerry Backoff; Principal Planner, Garth Koller; Principal Civil Engineer, Peter Kuey; Planning Secretary, Lisa Kiss; Deputy City Attorney, Jim Lough; City Consultant/AECOM, John Bridges;

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. **Case No:** GPA 09-105 / EIR 11-44 *(continued from 1/9/12)*

Application of: City of San Marcos

Request: To adopt a comprehensive update to the City of San Marcos General Plan resulting in changes to General Plan policies, text and maps generally as described below:

Land Use Element and Community Design – addresses land use changes relative to various city-wide focus planning areas as well as adding a Community Design component to the element, establishes new mixed-use land use types along existing and future transit corridors and central to the City.

Mobility Element – emphasis placed on establishing complete streets criteria, changes to the adopted roadway network/classification system and incorporation of a multi-way boulevard, changes to level of service criteria, and discussion of mobility/circulation improvements, including provision for transit services.

Conservation and Open Space Element - establishing policies that address new regulations regarding air quality, climate change, energy use, reduction in greenhouse gas emissions, and establishing new policies addressing watershed and water quality protection.

Parks, Recreation and Community Health Element – evaluation of a desired park ratio and expansion of the city-wide park system and adding a “Community Health and Family Enrichment” section aimed at addressing access to healthy foods, health care and promoting physical activity and community involvement.

Safety Element - updated to address law enforcement practices, emergency preparedness procedures, flood control improvements, and incorporation of procedures that address aircraft flight flyovers.

Noise Element – readdresses noise exposure levels and standards.

Certification of a Final Environmental Impact Report and adoption of a Statement of Overriding Considerations relative to Air Quality and Greenhouse Gas Emissions impacts.

Location of Property: City-wide and Sphere of Influence.

Backoff: Acknowledged GPAC members in audience: Glen Winn, Rod Jones, Eric Flodine, and Dean Tilton. Presentation will continue from the 1/9/12 meeting: PowerPoint presentation shown. Provided additional information on FA #29, “Murai” property near Santa Fe Hills. Mr. Mecum spoke at last meeting. (Pointed out aqueduct and open canyon area). Recommended by GPAC: SPA, residential, 89 lots, and open space corridor/park. Figure 4-3, “Open Space Area” shown and discussed. The open space, wildlife corridor and canyon connect to other natural areas and are to be retained. The maximum of 89 units has not changed.

Nelson: Asked where San Marcos Highlands project was located?

Backoff: Northeast of Murai property, (pointed out location).

Nelson: Inquired if the update affects SM Highlands?

Backoff: No.

Kildoo: Reminded audience they can speak tonight or Tuesday, but not both. Asked them to advise which night when name called.

OPEN PUBLIC HEARING

Dean Tilton: Indicated that this is a point of clarification concerning the future Transition zone. Current zone and current GP would stay intact, including properties that were undeveloped. In the future, when market forces allow it and at the discretion of property owner, they could rezone to the new zone and be bound by that. He is concerned now because Staff has decided to extend MU4 on Las Posas Road, which includes the Tilton property in front. Was okay with it, but doesn't know what the future will hold or whether the MU4 can work in the marketplace. Seemed appropriate as long as the Industrial

zoning stayed until the time they opted to change it. That area has now been expanded to the west and a little on north side of Descanso. Indicated he's part-owner of an undeveloped property there. If the undeveloped land is not allowed to develop as Industrial it would be a curse on that property.

Kildoo: Commented that he doesn't recall undeveloped property being discussed during briefings. Asked for staff input.

Backoff: Mr. Tilton is correct in that the Transitional area will be able to rely on the Industrial zone. Properties can still maintain themselves, develop and expand as industrial. When staff went through the discussions, it was specific to developed properties because those current developed Industrial uses wanted protection. Staff made clear it's not for undeveloped properties. That was the trade off.

Kildoo: Asked if undeveloped properties are required to go to new zoning? They don't have the Industrial "/" option?

Backoff: Correct.

Tilton: Indicated this is news to him and he believes it's a departure from what was announced. Okay w/MU4 on east side, but object to it being taken west to Descanso. GPAC recommended just the eastern part. Curious if the wording exists yet, as the letter indicated?

Backoff: Replied that it's part of the zoning ordinance implementation. That's where it will be defined. Land Use Element does indicate the Transitional approach, the use and how it's to be carried out. Believe area to the west is predominately developed. Staff will need to confirm.

Tilton: There is one 2.5 acre piece that's not developed.

Nelson: Asked if developed means a building on it? What about outdoor storage or trailer?

Backoff: Utilization of property, not vacant/dirt property.

Kildoo: Staff will address.

Minnery: Asked to see area.

Backoff: (Showed FA #1).

Tilton: Staff's recommendation to go west is the problem.

Jim Hernandez: Asked if Industrial properties that are not developed, could not transition to Commercial zone?

Backoff: Transition zone applies only to developed Industrial properties. Some properties are suggested to go from Industrial to Commercial, where property owners requested and GPAC recommended and that is not being changed.

Hernandez: Commented that he did not understand it that way. There are a number of Industrial properties that are undeveloped, they may have a plan in place but due to economy are being held back. Some undeveloped Industrial may have no plan, but want the alternative to build Industrial or change zone if they desire. Doesn't believe GPAC approved it that way. Asked about 20 acre Industrial alternative? It was vague, requested more information.

Backoff: Asked if he was referring to the "Bramble" property?

Hernandez: Yes.

Backoff: Bramble property is off Grand and Pacific. One portion is developed with Industrial, remaining is vacant. Desire by property owner is to designate as Commercial. Vacant land would be changed to "C" and existing Industrial would retain "I w/ Transitional C" overlay.

Hernandez: The parcel in the center is presently "LM" and they want to proceed with "LM." If market changes in the future, they'd like opportunity to change to "C." Don't think that will be allowed and that is not what was talked about at GPAC meetings.

John Bridges/AECOM: Alternative 2 in the EIR: Section 5, page 12. The 20 acres identified as Office/Professional is not specific and was not intended to be. Purpose of examining alternatives in an EIR is to try to identify alternatives that reduce the significant impacts of the proposed project and to meet most, if not all, of the project objectives. They began to look at changing some Industrial to other uses such as "OP." This was looked at on a limited basis to see if it reduced environmental impacts. It does not, and is an environmentally inferior alternative. We would not recommend adoption of the alternative for that reason.

Wedge: Indicated she was confused. Discussed with staff and thought it was a win-win for everyone. Industrial could keep, expand or change in the future if they wanted to. Thought it extended to vacant land as well.

Kildoo: Two regular GPAC attendees thought so also. Commission needs the GPAC members to give us their input. Indicated he didn't ask, but thought it applied to both undeveloped and developed, and that is clearly not staff's intention.

Nelson: Indicated he was told about undeveloped at staff meeting he attended.

Minnery: Staff pointed out on Monday that it's developed properties only.

Kildoo: Commissioner's may have missed it at our meetings or didn't ask.

Nelson: Inquired about plans that are "in the works?"

Backoff: Intent was not vacant property. Staff will review notes and talk to Mr. Tilton and Hernandez regarding the vacant properties. Industrial users didn't want stigma of "legal, non-conforming." There was no need to add vacant properties if we are talking about non-conforming uses.

Wedge: If someone has spent money on grading plans and it's in the works, shouldn't they be grandfathered in if the land use designation is changing?

Backoff: Regarding the vacant corner property Hernandez mentioned, they submitted a plan where it looked like a "LM" development. Intent was they wanted Commercial zoning. City was going through update process and didn't want a separate change of land use before update process with GPAC. Will revisit with Mr. Hernandez to understand issue

Wedge: Don't want to get specific.

Maas: Asked if each parcel will be listed as a Transition zone so no doubt where landowner stands?

Backoff: Yes, staff calls it the hybrid zone.

Nelson: Inquired if it's only if someone asked? What if they were not involved in the process and didn't ask for a different zone?

Backoff: Only where you have Industrial areas that have a different land use on them than Industrial.

Minnery: Asked Hernandez if the plans have been submitted or approved?

Jim Hernandez: Three parcels, one existing building, one in center (approved grading plan, construction docs ready for a building but delayed due to market), one in corner recommended for Commercial. Concern is for the one in the center, and any other Industrial property that is vacant. At GPAC, if undeveloped Industrial, you had the opportunity to leave as is or transition when ready. There was no talk of needing a building on it.

Minnery: Asked if moving forward immediately?

Hernandez: In limbo, not going anywhere with current economy. Have a year to pull grading permit and another year to build.

Ron White, representing White-Attebury Trust, CA #6: Indicated their property is a compromise between Planning, ourselves and approved by GPAC.

Backoff: Property is NE of San Elijo Hills. GPAC recommended density up to 68 units. Haven't heard concerns from anyone.

White: Asked if he could rely on Planning to defend recommendation?

Backoff: Staff would contact them if any concerns are voiced.

White: Thanked staff.

Bill Smith, resident of Santa Fe Hills for 1.5 years: Commented that many of his concerns regarding #21-23 have now been addressed. He was led to believe that any

planned developments would occur at the northern end. Asked if northern project includes a Las Posas Road extension?

Kildoo: Extension was discussed during San Marcos Highlands project.

Backoff: This property is not related to it. The road extension is still on the circulation, now called Mobility Element, and has always been there. The City has downgraded classification and size of road to be consistent with County's circulation element at 2-lanes within a certain right-of-way.

Smith: Added that his concerns, traffic and noise, would be more appropriate in the future.

Michael Hunsaker, resident of Twin Oaks area near Walnut Grove Park: Asked for staff clarification: It's his understanding that final zoning definitions and the Housing Element has not been done?

Backoff: Correct. Zoning Ordinance will come back to Commission at a later date. Housing Element is complete, certified by State and good until 2013. City will start the update of that soon.

Hunsaker: Asked if zoning definitions for the unincorporated areas have been defined yet?

Backoff: Zoning Ordinance is not before the Commission. It will be after. Typically, the zoning ordinance doesn't apply to those areas because the City doesn't have jurisdiction there. City has land use designations that are comparable, except for a few areas where we had changes.

Hunsaker: Indicated he was at a recent water resource and County meeting. The City's population growth is estimated between 85,000 - 156,000. There's no water for that. VWD is rolling the dice and hoping desalination comes in. If it isn't, it's a big problem for the existing population. The developer's are coming in, with new programs coming about; where they don't have to pay for, or even apply for permits, up until the day of occupancy. This could leave the City, VWD and the community in severe distress if not handled in appropriate and timely manner. Feels it's a possibility of disaster in the making. He's hoping that strong precautions are made to avoid problems. Indicated he'd discuss unincorporated areas at next meeting, by middle of the year pre-zoning designations. These have severe political consequences.

Wedge: Inquired what areas are included in population estimate?

Hunsaker: Entire San Marcos area.

Kildoo: Including unincorporated?

Hunsaker: Believe so. Number's off because Merriam Mountains is coming in. Currently zoned for 89, they tried to go to 1,200, and then compromised at 789, but latest compromise is now 1,300 and all apartments. It's a fire trap being dumped into San Marcos as far as liability, cost and water impact. This is not a minor issue.

Maas: Asked the date of population estimate?

Hunsaker: Believe maximum build-out under the General Plan.

John Bridges: Clarified it is a theoretical max build-out number. Projected number as explained in EIR is about 121,000 for City. Projected Sphere is 6,500, with total about 128,000.

Susan Wait: Wish to commend every member of the GPAC. They were awesome and they listened. Commented that she attended every meeting and her recollection was that the GPAC never discriminated between developed or undeveloped Industrial. Industrial was to remain, until such time owner wished to change it. This was in lieu of having a lot of people at every meeting. The changes discussed earlier were not the GPAC views. If this is being changed now, after the fact, and going before Council, it warrants recirculation. She recommended they consider CEQA 15088-5 recirculation. Land that is Industrial stays Industrial and that's exactly what she heard. The Mobility Element has flaws. It will increase GHG seriously, unless vehicles are switched to natural gas, or something other than the way planned now. Can't increase GHG, thought goal was to reduce them. She is concerned about this and that Mobility was not brought up until the end. There's no Housing or Zoning. Commission is going forward without the complete picture. Neighborhoods have been changed without regard for reasoning. There were reasons for the old names. She is really concerned about the addition of land beyond City. Sphere will have more than 6,500, plus Merriam Mountains and Lake San Marcos. Asked how they can run blind with no Zoning Ordinance? Changes could be made in Zoning Ordinance that can skew the Plan. Several new developments call for recirculation; one is Supreme Court decision on redevelopment. This will have massive impact on City. Funding mechanism won't be there. There's no mention of funds for Low/Mod income housing or how it's going to be replaced. Asked Commissioners to think about this and whether document is complete? Do they have everything or are things still up in the air? What will future be? Much is ignored. Urged the Commission to request recirculation of DEIR.

CLOSE PUBLIC HEARING

Backoff: Housing Element is adopted, no need to re-do now. Zoning Ordinance is not a part of this and will be a separate hearing. It takes time and City wants it correct.

John Bridges: Indicated he has worked on over 30 comprehensive updates in his career. It's very unusual to have both done at same time. Only one or two have had Zoning Ordinance at the same time, and those tended to be projects that were going for several years, not two years as this. Zoning Ordinance must be consistent with GP and that's why GP comes first. Disagreed strongly that DEIR needs to be re-circulated. Certain requirements dictate recirculation. Example: Any new significant impacts that have not been identified or changes in circumstance. Don't believe the example given by speaker regarding the court decision on redevelopment creates a physical impact that is different from the impacts already identified, nor does trailing of the Zoning Ordinance. DEIR is adequate as is.

Minnery: Commented that it was made clear to him that Housing was separate. Asked if clear to GPAC?

Backoff: It was made very clear that it's part of the plan, and was just reformatted to match the rest of the document. It's the same one certified by the State and next due in 2013.

Bridges: It's not unusual to not include Housing when plan update is done mid-cycle. Housing Element requires review and approval by a State agency and has own statutory requirements, different than all other elements.

Kildoo: General Plan life span is 20-25 year range. Asked about Housing?

Bridges: Housing Elements used to be every 5 years. Now under SB375, it's coordinated with the update of the Regional Transportation Plan and Sustainable Community Strategy, every 4 or 8 years. Eight years is the desired period.

Jim Lough: Agreed with Mr. Bridges, physical changes to the environment is the task under Federal environmental law. Economic changes can have an impact under NEPA, but under CEQA and CA, no. Redevelopment case has made significant changes in CA, they aren't physical changes to the environment. The funding aspect of it isn't assessed in the environmental document. Legislature has taken Housing Element out of the cycle; he recalls it used to run with Land Use Element.

Kildoo: Continued meeting to Tuesday, 1/17/12, 6:30 PM.

PLANNING DIRECTOR COMMENTS

None.

PLANNING COMMISSIONERS COMMENTS

None.

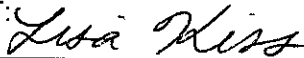
ADJOURNMENT

At 7:46 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION