

MINUTES  
SPECIAL PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
TUESDAY, JANUARY 17, 2012 - 6:30 PM

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CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Kildoo led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jacoby, Kildoo, Minnery, Nelson, Norris, Schaible, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: Flodine, Jones, Maas

ABSENT: None.

Also present were: Planning Division Director, Jerry Backoff; Principal Planner, Garth Koller; Principal Civil Engineer, Peter Kuey; Planning Secretary, Lisa Kiss; Deputy City Attorney, Avneet Sidhu; 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.

Jerry Backoff: Recognized GPAC members in audience: Eric Flodine, Charles Zahl, Rod Jones, and Dean Tilton. City’s consultant will summarize comments that have come in.

John Bridges/AECOM, City Consultant: (PowerPoint Presentation). Indicated that Responses to Comments were prepared for the 26 letters received during the 11/21-1/5 Public Review Period. Letters consisted of 10 from public agencies, 6 from organizations or community groups and 10 from private individuals. Eight relate to GP and remaining to DEIR. Indicated he would not go through each comment, but will discuss the more important topics and general responses. Commission has copies of all. He asked that Commissioner’s let him know if they have any questions after the brief overview is given.

Backoff: Discussed the GP-related Comment Letters: 1. Public notification & participation. Twin Oaks Sponsor Group asked why they weren’t included as part of the GPAC. The GPAC was put together after residents submitted applications. There were two representatives selected from each community. All information was put on website; there were community workshops, public meetings were conducted, notices mailed, etc. There was ample notification in all areas. 2. Development in Focus Area #29/PO #20-23, known as the “Murai” property. Area was shown and discussed at the last meeting. There’s a maximum yield of 89 units. GPAC discussed area only because it was recommended to change to Specific Plan, which gives greater control over area and provides for additional review. Some letters received feared that the creek and canyon area would be developed, which is not the case. Network of open space was shown previously. Future workshops and hearings would be required prior to any development. 3. Twin Oaks Valley/Sphere of Influence. Comments indicated open space and corridors weren’t extended into County area. City doesn’t have direct oversight of those Sphere/County areas. It’s obvious where City’s open space/canyon area networks are and it would be a logical progression to extend those out into the County under similar landforms. Is similar to when City did Ridgeline Overlay Zone. The City initially set them

over County areas, but based upon input from the property owners, City took them out and dealt with just the City properties. There are policies that relate to or allow for mutual planning of those areas. It's the same with trails. City didn't specify where trails should go in County. The City has been in communications with County on those types of connectivity issues. 4. Conservation and Open Space. Many comments received regarding water and water supply. Letter's asked how City can have future growth and development. There are a lot of policies dealing with conservation and preservation of watershed. Regulation is done by water districts. They all have Urban Water Management Plans that indicate there is water but everyone must be sensitive to how it's used. City has Water Efficient Landscape Ordinance which restricts use of water, as well as using well water, etc.

John Bridges/AECOM: DEIR related letters: 1. Native American notification and inclusion. Request was sent to Native American Heritage Commission in Sept. '09 for a search of a "sacred lands inventory" for information on cultural resources in the City. They responded that there were known sites and they identified which tribes City should contact. Tribes were contacted and San Luis Rey Band was the only one that responded. The fact that there are unknown sites yet to be identified means the City must include Native American monitors during the preliminary stages of development in order for them to be on site while construction is occurring, to determine if any resources are found and how they'll be handled. Continued to discuss their letter. Consultation has occurred and there would be additional interaction with the tribe as projects come forward.

Backoff: Pointed out that the law requires consultation with Native Tribes for GPA'S and SP's. The tribes like to be involved in CIP and others projects and the City is sensitive to that. The City would consult and mitigate if any impacts found.

John Bridges: Indicated the next two go together, 2. Consistency with County planning. and, 3. Circulation / Mobility clarifications. Sphere of Influence is in County but part of San Marcos planning area. Question from the County, why different land uses? There are some differences but not great. In the EIR, "No project alternative," includes County's land uses within Sphere. It looks at same land uses as County. One issue related to land uses within area and study area for traffic study. County suggested that additional analysis be done on County roadways that would be impacted by City development. Went back and did the analysis and it was reported in Responses to Comments. Results: Yes, some impacts, all less than significant. 4. Need for EIR recirculation. Comment made at last hearing and in some comment letters. Commenter suggested if there are changes going on, Supreme Court regarding redevelopment, the absence of a new Zoning Ordinance and the Housing Element. Those do not apply. In order to re-circulate you'd need: a). New, significant impact, b). Substantial increase in severity of environmental impact, c). Feasible project alternative or mitigation measure considerably different from others previously analyzed that would lessen environmental impacts. Looked at each comment in light of those three criteria and don't find any have been met, so re-circulation is not appropriate in this case. 5. Water service and infrastructure planning. Received comments related to water and wastewater and projections are identified within EIR. Responses have been clarifications on how projections were made, how associated improvements would occur over time and the limitations the City would place on new development to ensure there aren't conditions arising that would result in shortages. The EIR examines it closely and acknowledges

there's long-term uncertainty as to water supply in CA. It's identified as a cumulative significant unavoidable impact. Must do a lot of things to make sure population growth can be accommodated. 6. School impact fees and mitigation agreements. Letter makes point that impact fees identified under state law tend to not completely satisfy the need for dollars to be devoted to new school facilities. Agreed with comment, but indicated there's a limitation in preparing an EIR that they've followed relating to SB50, the limitation on environmental impacts mitigation when talking about school facilities. School does enter into agreements with developers, outside of just the fees collected, to try to offset additional impacts not addressed by fees. They have their own separate authority under law to do that. They like the City to help in the process, but City is limited in that regard.

Backoff: City requires "will serve" letters as part of development, so we don't approve without agreed upon resolution with school district. It forces developer back to school district so they can utilize their authority to enter into a variety of agreements. They can't get permits without "will serve" letter between developer and school.

Kildoo: Asked if similar to VWD?

Backoff: Yes.

John Bridges: 7. Twin Oaks Valley / SOI clarification requests. Letter asked why we didn't examine an alternative or project that did not include the Sphere? That doesn't create an environmental impact change by changing the boundary that we're examining. There will still be development occurring within Sphere even if limited to City boundary. There's no real difference in level of development. It's a political boundary not environmental impact boundary. 8. Public Agency standard form comments. State OPR letter acknowledged they received letter and distributed to agencies. 9. Clarification requests / ID of typos. Tried to make changes to clarify and correct where needed.

Wedge: Asked about consistency between City/County?

Bridges: Land uses are generally the same, agricultural and residential. There are some differences in density levels. City's categories and locations they're applied to result in some levels that exceed County. County's plan has somewhat less density. It's a theoretical estimate of density and resulting development. You could see very similar development for either the County or City. Indicated the next step is to prepare Final GP and FEIR, Findings of Fact, Mitigation Monitoring & Reporting Program and looking for a recommendation to Council.

Backoff: Asked if any questions from Commissioner's? Indicated there was an issue at the last meeting regarding transitional zoning. Some thought it was applicable to both developed and non-developed properties. There was some confusion because it was not clearly discussed at GPAC or with the Sub-committee. The biggest issue was Industrial users and the non-conforming ordinance. City made the new ordinance much more flexible, allowing expansion of use. Because of comments that have come up, staff reviewed and identified vacant properties that will probably be included. Letters were sent to 133 property owners who have transitional zoning. There are situations where there are multiple parcels; one may have a building, the other vacant. Understand those concerns and City would consider that Transitional. If someone has

an Industrial storage/supply yard, that is Transitional, and it could be expanded to adjacent vacant parcel that they own. Staff has met with some property owners and believes they have a better understanding now. There are a number of scenarios that staff will look at during Zoning Ordinance update. The City will be flexible so that no Industrial land-owner is harmed. Continued to discuss Industrial/Transitional zone. Will allow Industrial to use and expand keeping Industrial as long as they want, or they may change and conform to new GP.

Wedge: MU-4?

Backoff: One example.

Wedge: Asked if the concerns have been answered regarding vacant Industrial?

Backoff: Believe so.

Norris: Asked how the Native American Tribes impact developers and where are the sites?

Bridges: Archeological sites are not generally public information. When a project triggers CEQA, the City will undertake analysis to determine if cultural resources need to be examined. The study is normally be done by a consultant. If resources are identified, they need to be avoided, or if impacted, then further testing to determine significance. If they are significant, must go through a data recovery program. It's typical of the CEQA process today. Cultural resources aren't readily obvious; most beneath surface, part of involvement involves mitigation monitoring. If you're likely to find resources, you must have a Native monitor on site during construction.

Norris: Asked if this adds more cost to development?

Bridges: Indicated it's the same process and cost that occurs now. There is no additional cost related to this GP. SB18 requires consultation when doing GP Update or Amendment and/or a Specific Plan.

Backoff: You may already have a qualified archeologist on site, but the tribes also want an Indian monitor there, so it's a slight additional expense.

Kildoo: Reminded audience that the hearing is one meeting being held over three nights and he had advised at past meeting that everyone would have one chance to speak. If a part of a registered group, you could speak as a group. Two have asked to speak again. Thought everyone understood the rules, but recognize the importance of this meeting. Indicated he'd decide as meeting progresses if there's time for them to speak again. If so, would have to allow all to do so.

#### OPEN PUBLIC HEARING

Jim Hernandez: Indicated he spoke as a citizen at last meeting. He's now representing Mr. Chang at this meeting and also the Elm Tree Residence Association.

Kildoo: Commented that he wasn't happy regarding his way to manipulate the system. Informed Mr. Hernandez that Chang can defer to him.

Hernandez: Added that Mr. Chang flew in from CO to speak, has employed Hernandez as his consultant and asked that he speak as his representative.

Avnett Sidhu, Deputy City Attorney: Commission is free to limit the time. Total time per speaker is five minutes and Chair has stated rules.

Hernandez: We can both speak within five minutes.

Kildoo: Mr. Chang can speak, he's not in question. Asked Commissioner's how they felt about allowing both to speak?

Wedge: Recalled that Jim and another person stated they'd speak as individuals and as a group. Don't believe they were told they couldn't.

Kildoo: Group is Elm Tree Residence Association.

Wedge: Pointed out that Mr. Bieri is speaking on three items. They shouldn't be allowed to speak again on the same item, but okay with it if it's a different item.

Jacoby: Agreed.

Jim Hernandez, representing Chang PO #8 property: Indicated he was Chairman of the Ridgeline Task Force committee that helped form the Ridgeline Ordinance. During this time, it was discussed that the Chang property would be seriously impacted by the Ordinance because the easiest area to develop was at the top. The Chang family was told there would be an equitable and fair resolution. There are 14 lots at debate on the flat, top of the peak, where existing water is and 360 degree views. Now they're being pushed to the west hillside, on rock, requiring heavy grading, with no existing access or water and a 140 degree view of the lower valley and horizontal ocean view. Indicated he went to the meetings and advised that they can only determine the number of lots/economics when they get more into the analysis (hydrology, engineering/grading, utility/vehicle access, slope, storm water, ridgeline ordinance). To do so then would have been a horrific burden to Mr. Chang. Mr. Gittings is present and may recall the issue. Asking that Commission agree with GPAC recommendation of up to 25 lots.

Eddie Chang: Asked Commission that they consider what City Council told them, that they'd get something fair and equitable for not being able to build on top.

Nelson: Asked what he considered equitable?

Chang: With all the associated costs, need somewhere in the 20's to get there. Don't have hard numbers. During the earlier process, Garth asked the City Engineer to do an estimate involving clustering on the east side. The estimate concluded 50,000 cubic yards of dirt to move. Indicated he was given an estimated cost of \$3-\$4 million just to move the dirt. There's a huge cost to put in the infrastructure.

Wedge: Asked how he'd feel after analysis if they could only get 13 lots?

Chang: Commented they'd have to accept what they can get. Based on the prelims they've done they're hopeful for more.

Backoff: Staff recommends up to 18. To clarify, the current GP policy deals with ridgelines and conservation, even before the Ridgeline Ordinance. There are policies against putting homes directly on ridgeline. That's why there are none at San Elijo. This ridgeline is fairly constant. When you assign a number it establishes an expectation. Someone may purchase later and think they can get up to 25. Staff has looked at the values and you won't know until you do a Specific Plan for the property. Staff feels it would be tough to get 25 lots and 18 are above current GP.

Norris: Asked if both sides could be developed?

Chang: Looked at west side due to access as getting over the mountain was an issue.

Norris: City Engineer checked the east side?

Chang: They looked at cluster area on east side

Backoff: Pointed out a saddle area. There may be legal access issues. Any development up there will have views.

Nelson: Bottom line is it's a mountain. Asked what the lot size would be?

Chang: One-two acres.

Dean Tilton: Indicated he met with Staff earlier and is comforted. He's received a letter regarding their vacant parcel which includes them in the Transition zone. Believes issue is solved. On record to say, 133 letters were sent out. Those people who received letters are covered. It's a wonderful ordinance, a cut above what other City's would do. His main concern is about others who didn't receive a letter. Was shown a map today where the work was done but it wasn't overlaid with the actual new zoning classifications. Seems like a difficult job and a lot of work needs to be done. He hopes by the time Council hears item, that the job is complete, even with outside help, so staff that has put a lot of time in this can check that everything has been done. Don't want someone in the future to say, "what about me?" Request that Commission instruct staff to have it completely done, including all the people on the list and also some way to determine the people that weren't.

Sandra Farrell, Friends of Hedionda Creek, but speaking as resident: PowerPoint shown. PO #20-23, Agreed with Staff's SP designation area but feel the yield is unreasonably high. Found a letter in the file from wildlife agencies that talked about the importance of the site because of the creek, ponds, the wildlife corridor and it being a linkage area. They only support 25% development in the upper NW portions. In the new County GP, the area on left adjacent to site, are SR-1: one dwelling unit per acre. Because of steep slopes (exceed 25% criteria), they're actually one unit per two acres. Indicated their 6.5 acre property, abuts the Murai/Bieri property and is one unit per ten acres. Realize the yield is a maximum but it sets unrealistic expectations. Asked

Commissioner's for a more realistic number. There are a lot of problems with San Marcos Highlands.

Kildoo: Asked if they own adjoining property?

Farrell: Trust owns the property and she lives there.

Jim Hernandez, Elm Tree Residence Association: POICA #11-15: PowerPoint presentation shown: Homes built in '75. They were first homes in the subdivision on  $\frac{3}{4}$ -acre lots. He's asking for similar zoning as neighborhood. Showed zoning in neighborhood, 2-4 per acre. Discussed smart growth and infrastructure. Trying to build in existing areas with infrastructure already in. There are small retail stores down the street. He feels area conforms like a "poster child" for smart growth. Concern by GPAC was increasing density, but all have the ability to put in a granny flat. Indicated he attempted to do so five years ago and the Fire Department said they had to build a \$125,000 road to build the \$60,000 granny flat. That didn't make sense. No density will be increased because you can already put a second dwelling on the properties. No one would want to put more than that. Asking Commissioner's to modify GPAC recommendation to very low density of 2-4 units/acre.

Nelson: Asked what GPAC recommendation is?

Hernandez: Leave as is.

Nelson: Inquired if anyone has split a lot?

Hernandez: Not enough net property to split.

Kildoo: Understands that five neighbors are interested, asked about others?  
Commented he'd hate to hear later from someone who doesn't want the change or increased density.

Hernandez: A sixth house asked to sit on sidelines. Obtained signatures from five property owners, one was out of town and couldn't get signature by deadline. Believe it's a win-win for entire neighborhood. They can leave as is. There are many other obstacles involved and would include lot split and street improvements.

Minnery: Asked how much time he had to obtain signatures?

Hernandez: One month. Indicated the sideline person is an absentee owner. It's a leased property and he's seen the woman twice in 15 years.

Kildoo: Commented he should get a creative writing for his smart growth portion.

Michael Hunsaker: Commented that this evening is also the Board Meeting for the Twin Oaks Valley Property Owners Association. Three board members are present as they are all very concerned about Sphere of Influence situation and what's going on in the County and State. The state recently passed a law, SB244, making it easier to annex in properties and even easier to annex hostile annexations. The unincorporated community is opposed to annexation and may be annexed against its will. The law



requires a rezoning of the unincorporated lands. Once annexed in, you cannot change whatever is rezoned for two years. City Council doesn't. Property owners will potentially have no say and one notification after agreement of an annexation is made. It has a peculiar construction which says you have to have a formal application for annexation. But, if the community is opposed, no public application is required. Notification is after an agreement is made then you get the notification of what's been agreed for. Lack of zoning is disturbing in this case. No questions about what is included because there is nothing. It's disturbing because it can't be changed for two years. Don't believe this is an acceptable way to deal with unincorporated land. Want clarification on the procedures for rezoning, and what will be done if a hostile annexation is approved? Merriam Mountains would come right into your laps. County's zoning/density is much higher density than City's and will be a virtual fire trap. Want zoning and handling of this above board and open and dangers and problems addressed.

Wedge: Indicated she was not familiar with hostile annexation and figures City would have used this with Lake San Marcos by now.

Hunsaker: Just passed three months ago.

Wedge: Commented that she lives in Twin Oaks, can't quite grasp the fear and doesn't understand concern. You'd think City should take Merriam Mountains if City would give less density.

Hunsaker: Merriam Mountains will be a community problem for all residents. Twin Oaks is a fiercely rural community. There's a great deal of fear, suspicion and paranoia about what can be done with them not having any say in the matter.

Wedge: Zoning will be consistent with GP.

Nelson: Asked staff what hostile annexation is?

Backoff: Indicated he's not familiar with the new bill or term, and thought everything had to go through LAFCO. If it's a State approved bill, City can't change it. LAFCO looks at every aspect of annexation. There's no proposal to annex property. City identified Sphere. City's land use designation is mostly consistent with County. Decision is made at LAFCO not at City.

Hunsaker: Requested notice of rezoning and movement by LACO to annex.

Kildoo: Commented that he couldn't imagine a bill that would allow this without a public forum. He has never heard of any City or LAFCO land transfer process that isn't fully transparent.

Backoff: Agreed. Increased density is typically frowned upon by LAFCO.

Hunsaker: Asking for assurance that the City and Planning staff would give public notice and not rely on LAFCO.

Backoff: To get to annexation, City would have to do rezoning and that would be publically advertised at Council level.

Kildoo: He believes that no one would quietly annex Twin Oaks area.

Steve Bieri: 1). Murai property. He agrees with Staff's recommendation for a SP. Indicated he would meet with local residents as he's done in the past. They have no unrealistic expectations; it's been designated 89 units for 20 years or so. The roads are sized for it, the curb cut is in. Not sure if that number can be achieved. Ask that Commission agree with Staff/GPAC recommendation of up to 89 units. The cards will fall where they may as they get into project design down the road. There is no project at this time. 2). Questhaven property. Staff had four comments from first meeting: They want MU-4; there's enough multi-family already; property owner wants max flexibility; and that City needs Office Park. Don't agree with first. There are 30 developable acres; the MU4 would permit up to 1,960,200 s.f. of space. It could not even handle a quarter of that. The use mix and product type, vertical mix and structured parking are not correct for the site. MU4 is correctly used in a highly urbanized area with significant transportation opportunities. The market demand for multi-family says otherwise, especially rental apartments. Agree that owner wants max flexibility. City feels they need office park, but that's not correct. They need the approved office spaces to be built. Creekside has 589,000 s.f. and UDSP has 938,000 s.f. with medical. No one is building it yet and for good reason. This site is isolated, irregular in shape, near open space, landfill and next to old recycling plant. It fits with existing approved uses next door to Movie Studio and/or BP. Showed two possible layouts with apartments tucked under hill. It's a large in-fill suburban site and would be horizontal not vertical. Asked Commission to accept GPAC recommendation of SP, permitting Commercial, Light Industrial and Multi-Family Residential which gives the owner, the City and community flexibility over time. There were 25 workshops and no complaints. 3). Mulberry property. There are two-story products on Morton Circle. GPAC didn't support his request of 20-30 and he agreed to compromise at 15-20. Density is not too high as it will easily fit on site. Showed possible layout of 16 units to acre, two-story = 160 units. Transition starts at Mission and Mulberry. Understand City not wanting 3-story in certain areas, but could do up against Commercial and Light Industrial. Site is currently zoned Light Industrial, would allow up to 6-story with 250,000 s.f. of space. Showed layout with 117,000 s.f. Industrial with single family and 1&2 story. This is not what they're looking for, but is what they currently have. Site has two different drainage areas coming through the property. Multi-family gives more flexibility to handle water coming from above. There's a four lane road, easy walk to the park, high school and across from a church. Having more people next to a future expanded neighborhood commercial center will enhance the viability of the new plan and the area will redevelop sooner. Ask Commissioners to support GPAC recommendation. It doesn't change any environmental impacts and the difference is 80 units. The item that makes the staff's recommendation environmentally superior relates only to FA#22.

\*\*\*10 MINUTE BREAK\*\*\*

Rick Gittings, representing Liberty Family Partnership and property known as "Old Richland Schoolhouse": Thanked GPAC, staff and Commissioners for their time and effort in the process. It's the most important process for the future of the City. The 4-acre parcel at Mission and Woodland Parkway has been Industrial for more than 20 years. Property owner asked City for MU3 or MU4 for the future GP. City agreed and they were appreciative. Was expecting a Transitional letter two weeks ago and have not

received one. Property owner wants to retain Industrial until such time they have a use for MU3 or 4, which they do believe will be the future of that site. Asked Commission to consider the property as part of Industrial/Transitional Zone. The biggest issue with GPAC in terms of attendance was Industrial users. They were concerned there was a push for Business Park, MU3 & 4, the legal, non-conforming uses and being pushed out. Staff came up with solution with the Transition zone. We assumed it would apply to all industrial. Have now discovered some nuances we didn't understand that has created confusion. We know that the City Council would like it clarified. Requested a new exhibit showing all the Industrial properties, who got the letters and who didn't, with an explanation why. Indicated he'd like to have a workshop on this. This was the critical element during the process and we need to get it right.

Wedge: The misunderstanding has been a major item.

Gittings: Appreciate Jerry's clarification but it's still confusing.

Backoff: Indicated the reason they didn't get a letter was because the site has never been utilized as Industrial. Transitional has been utilized as Industrial and it's never taken place on this property. To allow Transitional, there'd be the potential for grading of the site with impacts to landform, to accommodate Industrial. City feels that would be a mistake. Site should be Commercial in the future. If developed as Industrial, you may never see it as Commercial.

Nelson: Asked how CUP would be treated in future?

Backoff: They'd continue to use until such time they want to change. If you make Transitional, it has a lot of bearing on what could happen. City wouldn't argue the point if it had ever been used as Industrial.

Norris: Inquired if they could expand Commercial?

Backoff: Yes. City doesn't believe it should be Industrial.

Wedge: Asked how much additional grading for Industrial vs. Commercial?

Backoff: Commercial type office or restaurant, hospitality/brewery/hotel use would require minimal grading. Traditional shopping center would need to be significantly lower.

Wedge: Asked if City is directing what has to go there?

Backoff: No, have had discussions with property owner but City's not dictating. They wanted to grade close to the street and relocate an Industrial building. City advised them it would not be supported and best use is MU3 or 4. If Transitional/Industrial is allowed, then the City would have to allow the grading. A more flat pad area is needed for Industrial.

Jason Simmons, Representing several clients: 1). Markstein. Clarify Markstein is Industrial with SP.

Backoff: Correct.

Simmons: 2). Torres family/PO #7 at Grand & Las Posas, Currently a house on approximately ½ acre. GPAC correctly recommended Commercial. Staff concerned about loss of Industrial, but it's so small that it's not a concern. Adjacent is Industrial but functioning as commercial, with commercial surrounding it. Edco could eventually sell and become commercial. It would promote the removal of the house. Asked what Commission is voting on?

Wedge: Asked what kind of commercial he envisioned?

Simmons: Possibly a shop with parking in front. Maybe a 7-11 or drive thru? It's very visible and easy to get to.

Jim Simmons: Indicated he attended all but one of the GPAC meetings. Commend GPAC, staff, consultants and Commission. Changes may be painful for some people. Last time it was updated, the zoning didn't change. Shadow committee talked a lot about Industrial and how to make it work. GPAC agreed that it should apply to vacant property and staff has interpreted differently. Richland Schoolhouse is a good example. Continued to discuss. There are rules today as to how sites get graded. If you have a landform worth preserving, you have a mechanism to preserve whether Industrial, Commercial or Residential. Recommend looking at from higher perspective. Will carry to Council if needed. Would like the Commission to make recommendation that the Transition zone applies to all industrial. Then, staff can work to write a Zoning Ordinance that allows the kinds of controls that you want to see to make sure it transitions properly. Don't do at the General Plan level.

Nelson: Asked if shadow committee discussed why all Industrial didn't have a "/" next to it, versus the 133 properties?

Simmons: No, discussed every bit of it. Indicated their interpretation was different than staff's. It applied to all industrial. City wanted to change Markstein from "M" to "LM." Markstein wanted to expand and double in size. They didn't think it was a big deal until they went to the bank and was informed that "LM" is worth \$8.00 s.f. less, so they couldn't finance building. This took place during GPAC meetings and was the reason the discussions started. The real key is how to preserve "M" value. Who would think "M" would be more valuable than "LM?" City decided to put it in "M" with a SP so they'd have a heightened level of control. "M" to "LM" will lose value all over the City and people will come to the City and say, what happened? Rather than have that happen, they worked hard for weeks and looked at other cities to see how transitional zoning worked. Rules and regulations as to how it's implemented should come through the Zoning Ordinance and that is yet to be written. This will put together the pieces to allow flexibility to take place. Make sure it doesn't hurt the City or property owners.

Minnery: Asked for staff's input.

Backoff: Have talked about Transition and several properties. There's no intent to harm Industrial properties. All situations are different. Markstein was taken care of with the SP approach. Richland Schoolhouse was never utilized as Industrial in the last 20 years and there was no request to do so. Property next door to it is flat and perfect for it. If so

hotly demanded for Industrial, it would have been developed years ago. You have to look at the big picture. Staff has agreed with most areas. Will share the map with Rick and Jim. City sent letters regarding transitional and will look to ensure that no properties were missed.

Wedge: Asked if City made all Industrial MU4?

Backoff: No. It only applies to areas where a different land use designation proposed for Industrial. Continued to discuss Transitional/Industrial.

Wedge: Asked current zoning of Richland Schoolhouse?

Backoff: Zoned Industrial, but never used as that.

Wedge: Asked if they could build Industrial now, why does City think they'd do so if made Transitional?

Backoff: Pointed out they could under current GP, but City is now updating GP and planning for the future. Each situation is unique.

Wedge: Commented that all industrial being changed should be Transitional. The decision will affect the value of their property.

Backoff: Have done that where being used as Industrial and vacant land where adjacent to Industrial.

Wedge: Schoolhouse property is next door to Industrial. Agreed with staff that she'd hate to see Industrial there, but feels we're singling out one property.

Backoff/Wedge: Continued to discuss.

Kildoo: CLOSE PUBLIC HEARING

Kildoo: Richland Schoolhouse has been used as Commercial from the start. No other Industrial fits that description.

Wedge: Agree with staff, but is rule being applied evenly? This part is the most confusing.

Kildoo: GP updates will always affect business. Commented that he's amazed at the level of misunderstanding after 22+ meetings and that somehow vacant land got left off.

Wedge: Also concerned that some properties may not have received a notice and they may not find out until they go to do something. Suggested Commissioners give their opinions on staff vs. GPAC recommendation.

Kildoo: The recommendation to Council on the GP requires discussion. Entertain motion to either accept all staff, or all GPAC, or go through each one at a time.

Backoff: Suggested they take action on the EIR, then, take recommendation of GP Update. At debate are the seven areas and Richland Schoolhouse.

Action:

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF EIR 11-44 AS SET FORTH IN RESOLUTION PC 12-4273; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

AYES: COMMISSIONERS: JACOBY, KILDOO, MINNERY, NELSON, NORRIS, SCHAIBLE, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

General Discussion & Recommendation Supported:

**FA#6:** GPAC Recommendation: Jacoby; Staff Recommendation: All others. (1-6 = **STAFF**).

**FA#11:** GPAC: Norris, Wedge, Nelson, Jacoby; Staff: All others. (4-3 = **GPAC**).

Backoff: Indicated that City did compromise on FA#21 and offered Light Industrial to allow some storefront opportunities, a deli or restaurant with use permit. In light of recent discussions, staff would change recommendation to "LI."

**FA#21:** GPAC: Minnery, Jacoby, Nelson, Kildoo, Schaible, Norris; Staff: Wedge (6-1 = **GPAC**).

**FA #22:** GPAC: Wedge, Kildoo; Staff: All others. (2-5 = **STAFF**).

**FA#30:** GPAC: Kildoo, Schaible, Wedge; Staff: All others. (3-4 = **STAFF**).

**FA#34:** GPAC: Nelson; Staff: All others. (1-6 = **STAFF**).

Backoff: Clarified that entire area on FA#1 is Transitional. It was made clear in letter.

**FA#1:** GPAC: Nelson, Kildoo; Staff: All others. (2-5 = **STAFF**).

Jim Hernandez: Requested vote on Elm Tree area.

Kildoo: Asked if there was support for the Hernandez request?

Jacoby: Indicated he'd support it. Schaible: He'd support also. All others would not. (2-5 = **STAFF**).

Summary: GPAC Recommendation: FA#11 & FA#21. All others: Staff.

Wedge: Indicated she wanted to discuss whether all industrial changed will be transitional.

Kidoo: We know that not all property owners were *notified*, which happens when you send notices based on tax assessor records.

Backoff: Received one call from the 133 letters that went out. Will share map with those who spoke earlier. If City missed something, we would add to it.

Wedge: Asked if staff's memo regarding changes should have been part of her motion?

Backoff: They were corrections.

Bridges: It becomes part of the Errata that was introduced the first night. We assume the changes are part of the Errata and they're part of the motion, unless you exclude them.

Wedge: Asked for confirmation from City Attorney?

Sidhu: Yes, that's how it works. All the points on the Errata are part of the package that you've considered. You're voting on all the changes and corrections made to date. And, of course, but for the changes that you recommend tonight.

Kildoo: Asked if any other requests for additional recommendation beyond what Commission has been given, and besides Elm Tree and Schoolhouse?

Nelson: Asked for clarification, is Wedge recommending Transitional zoning for all Industrial?

Wedge: Any Industrial changed to MU3 or MU4 would have "/" Transitional and include undeveloped land. It includes everything but the Schoolhouse property.

Backoff: Clarified that it's really a zoning issue, which is not being debated tonight.

Wedge: Commented that she disagreed, it's not zoning. GP will be the basis for the Zoning.

Backoff: Staff will bring back with the Zoning Ordinance and Transitional will be clarified.

Wedge/Backoff: Continued to discuss.

Bridges: To clarify, there's nothing in the GP that gets anywhere close to as specific as Wedge just did. There's information you don't have yet. Staff will put together and bring back to you at the time Zoning comes forward.

Wedge: Asked again, is all land that's being changed from Industrial to MU3 or 4, vacant or with a use on it, going to have transitional, except one piece?

Bridges: Nothing is GP specifies that. It's a zoning discussion that we've had during the course of this hearing. It will come back to you for much more discussion at both Planning Commission and City Council.

Wedge: Added that her motion would include any Industrial changed to MU3 or 4 should have transitional.

Kildoo: Asked if all the disputed focus areas that they just went through were zoning discussions?

Bridge: No, they're GP land-use designations. The land use designation proposed is before you. The exact mechanism for zoning for the transition zone and which properties it applies to is not discussed in the GP before you.

Wedge: So it's not real yet. It's up in the air and not in the document.

Bridge: It's mentioned in the document, but not to the level of specificity you're talking about now.

Nelson: Asked about having an inventory and overlay of the properties?

Backoff: Not sure number of properties. There were 133 letters.

Nelson: Should give them opportunity to have transitional zone.

Wedge: Maybe they didn't call because they didn't get the letter?

Kildoo: Can staff make clearer the distinction between zoning and GP designation?

Backoff: The GP designation is what it is, how you implement it is the Zoning. It's a "hybrid" zone. Staff talked with GPAC about how to make property owners whole. If someone doesn't agree, when we come back with Zoning Ordinance, they can voice those concerns and discussion will be had at that time.

Kildoo: One Commissioner, maybe more, wants to broaden the properties that are part of Transitional zone to include all of them. Wants all who own those properties to enjoy benefit of Transitional zone. Asked how best to make that recommendation to Council?

Backoff: Make recommendation when you get to Zoning Ordinance that you'd like Transitional to apply to all industrial that have the different land use designation.

Wedge: Asked City Attorney if she could add?

Sidhu: Yes, you can put into the recommendation to City Council.

Action:

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF GPA 09-105 AS SET FORTH IN RESOLUTION PC 12-4272 WITH MODIFICATIONS: **Any industrial property that was zoned Industrial and changed to a lighter use, shall be given a "Transitional" zone designation with no**



**exceptions. FA#1 – Staff, FA#6 -Staff, FA#11 - GPAC, FA#21 - GPAC, FA#22 - Staff, FA#30 - Staff, FA#34 – Staff.; SECONDED BY COMMISSIONER NORRIS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;**

AYES: COMMISSIONERS: JACOBY, KILD00, MINNERY, NELSON,  
NORRIS, SCHAIBLE, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

PLANNING COMMISSIONERS COMMENTS

Kildoo: There were good arguments on both sides. The number of GPAC meetings and time invested turned out to be so much more than what was suggested at the beginning. Congratulations to those that hung in there the whole time. Community will be thanking them for the next 20 years.

Wedge: Commented that there were some very good presentations that perhaps changed some votes. It proves the importance of coming out to speak at meetings.

PLANNING DIRECTOR COMMENTS

Backoff: Staff has a map showing parcels with transitional zone. Thanked GPAC, staff, AECOM for all the hard work. Congratulations to all.

ADJOURNMENT

At 9:55 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairman  
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary  
SAN MARCOS PLANNING COMMISSION