

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, NOVEMBER 7, 2011 - 6:30 PM

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: Jones, Maas

ABSENT: None.

Also present were: Planning Division Director, Jerry Backoff; Principal Planner, Garth Koller; Principal Planner, Karen Brindley; Associate Planner, Norm Pedersen; Principal Civil Engineer, Peter Kuey; Planning Secretary, Lisa Kiss; Deputy City Attorney, Jim Lough;

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 10/3/11

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CONSENT CALENDAR AS PRESENTED; SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY A UNANIMOUS VOTE.

PUBLIC HEARINGS

Kildoo: Announced that Item #4, Urban Villages Rock Crusher CUP has been continued to 12/5/11.

2. **Case No:** CUP 11-854 / ND 11-817

Application of: DWO Enterprises, Inc.

Request: A Conditional Use Permit to allow the construction of a preschool within the San Elijo Hills Specific Plan Area (SPA).

Location of Property: South side of Elfin Forest Road, more particularly described as: Lot 6 of San Marcos Tract No. 400, Phase I, Unit No. 34, according to map thereof No. 15432, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder on September 19, 2006. Assessor's Parcel No.: 223-820-06.

Staff Presentation (Norm Pedersen):

Described request and location. PowerPoint presentation shown. Proposed 6,975 s.f. preschool on a site that was previously graded, behind the existing Albertsons in the San Elijo Town Center. Will include an outdoor playground and landscaping. Hours are 6 AM – 6 PM. Maximum of 130 students. Site is zoned Specific Plan Area. The SDP for Albertson's center anticipated development of a future preschool. Architectural elevations shown and discussed. Estimated daily trip generation rate of 650 ADT's. Proposes 30 parking spaces which complies with the 4.3 spaces per 1,000 ratio. Project will use existing driveway off Elfin Forest Road or through Albertson's center from San Elijo Road. Parents will use parking spaces on site or on Elfin Forest Road for drop off/pick up. No comments were received from the public. Staff recommends conditional approval.

Jacoby: Asked how many employees and where they'll park?

Pedersen: 25 employees. Parking at Albertson's, through the shared parking agreement, or on the street.

Jacoby: Commented that he lives in San Elijo Hills and witnesses the off-loading of children at both nearby schools. The parents cars have to be parked somewhere. 30 spaces won't work for 130 students arriving before 8 AM. How can they let the children out?

Pedersen: Applicant proposes to have staggered times. They're not all arriving at same time.

Jacoby: Most people start work at 8 AM, they don't have staggered times.

Backoff: Applicant is present and can address issue. Indicated there's enough parking with shared agreement to accommodate parents. School district is a different issue.

Nelson: Asked if they'd walk around Albertson's?

Pedersen: Would be on the east side of Albertson's. (Pointed out parking on site plan).

Minnery: Asked why five trips a day per child are used?

Pedersen: It's based upon a trip generation rate from SANDAG, per day.

OPEN PUBLIC HEARING

Kildoo: Asked applicant to address parking.

Russell Pierce, DWO Enterprises, developer of project, representing applicant: There are an additional 25 parking spots adjacent to the same driveway shown on site plan. The applicant/operator will address the staggered times and number of students.

Kildoo: Asked about entrance?

Pierce: Off Elfin Forest Road.

Kildoo: Agreed with Jacoby that it's a very congested area. Want to be sure this traffic flow is not combined with the other school's drop off flow and impacting the streets.

Pierce: They were not required to do a Traffic study. During master plan development, it was always planned to be a preschool.

Kildoo: Commission looked at the plan initially and ADT's sounded good at the time. The reality is what we see today. There's a substantial amount of school drop off/pickups in the area. Asked how their parents are going to drop students off and not aggravate the situation?

Linda Way, Applicant/Operator, Pacific Preschools: Indicated she's operated preschools for 21 years and is familiar with traffic issues. Their Orange County location is similar in enrollment and also has a school and library nearby. The preschool has the flexibility to work with timing of schools. They're licensed for 130 children, but they don't have 130 at once or all at the same time. Open at 7:00 AM, drops off's start from 7 AM until 8:30 AM and again later. They can vary times if needed depending upon the other school's schedule. Dismissal time is even more staggered, 12:15-12:45 PM, another 1:30 PM, with the rest later and up to 5:45 PM.

Kildoo: Not all coming or going at once?

Way: Never.

Minnery: Isn't the drop off time predicated on parents work schedule?

Way: Yes and no. Working families arrive between 7-9 AM. The morning education program starts at 9 AM.

Minnery: Asked the percentage of siblings?

Way: 40%.

Wedge: Great use for the area and it's needed.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 11-854 AS SET FORTH IN RESOLUTION PC 11-4255; SECONDED BY COMMISSIONER NORRIS 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

3. **Case No:** GPA 09-107 / R 09-144 / SP 09-54 / MFSDP 09-50 / TPM 675 / ND 11-818

Application of: Hitzke Development Corporation

Request: A Specific Plan to allow the development of a mixed-use project with 84 affordable apartment units and 6,490 s.f. of commercial retail space. In addition, the project proposes a General Plan Amendment to change the land use designation from "Residential 15-20 du/ac" and "Residential 20-30 du/ac" to "Specific Plan Area" and a Rezone from Multi-Family Residential (R-3-6) to Specific Plan Area (SPA).

Location of Property: Chinaberry Lane, south of Autumn Drive, more particularly described as: Portion of Lot 11, Block 61 of Rancho Las 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 on December 21, 1895. Assessor's Parcel No.: 220-130-18, 220-130-23, 220-130-28, 220-130-35, 220-130-36, 220-130-43, 220-130-62, 220-130-65, 220-130-67.

Staff Presentation (Norm Pedersen):

Described request and location: Multiple entitlements to allow the construction of a mixed-use, in-fill affordable development. PowerPoint presentation shown. 4.01 acre site consisting of 9 parcels. Demo of existing single-family residences have already occurred for safety reasons. Existing site photos shown. Project to include 6,490 s.f. of retail space on ground floor, 84 affordable apartment units, commons building, laundry facilities and Chinaberry Lane to be replaced with a central greenbelt through the development. Amenities include tot lots and landscaped plazas. Within walking distance of Sprinter transit. Project is a continuation of recent, upgraded development along Autumn Drive and Richmar Neighborhood. New developments in area were shown. Architecture displayed and discussed. Includes three varying elevation types. Project will generate an estimated 130 additional ADT over the existing development. Circulation shown and discussed: Pedestrian access provided through the project to the school, park and future daycare. Retail will have 26 parking spaces and residential will be 1.7 spaces per unit with a minimum of 143 spaces on site. Same ratio as approved at Autumn Terrace and future Westlake Village. Staff recommends approval to City Council.

Backoff: Mentioned memo distributed earlier with resolution revisions. Some being deleted are duplicates or not applicable.

OPEN PUBLIC HEARING

Mike Van Buskirk, Project Manager, Hitzke Development and C&C Development:
Requested that "C&C Development" be added to the application as they are a partner.

Lough: Instructed Commissioners to do so in the motion.

Nelson: Asked if they believe they'll be able to lease the commercial space?

Van Buskirk: Yes, as the area and the Westlake project develop, commercial demand should improve.

Nelson: Commented that the nearby project on Mission Road has vacancies.

Van Buskirk: Have learned lessons from the sizing of space. Indicated this will be a larger, more rentable area.

Nelson: Even San Elijo is not completely built out yet.

Van Buskirk: It's a competitive environment and difficult economy right now.

Nelson: Asked if retail is required because of funding?

Van Buskirk: Part of the Specific Plan and idea for the area.

Backoff: Trying to change the street to a mixed-use character. Economy has impacted projects around town. Affordability and close proximity to Sprinter should make it useable.

Nelson: Inquired if area could be converted to residential if it doesn't work out later?

Backoff: Not without a change to the plan.

Nelson: Commented that South Pasadena has converted some of theirs and he thinks it's a waste to sit vacant.

Van Buskirk: Will work aggressively to lease space.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF GPA 09-107 AS SET FORTH IN RESOLUTION PC 11-4258 WITH MODIFICATION: . . . received from Hitzke Development Corporation **and C&C Development** requesting a . . .; SECONDED BY COMMISSIONER NORRIS 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

Action:

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF R 09-144 AS SET FORTH IN RESOLUTION PC 11-4259 WITH MODIFICATION: . . . received from Hitzke Development Corporation **and C&C Development** requesting a . . . ; SECONDED BY COMMISSIONER NORRIS 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

Action:

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF SP 09-54 AS SET FORTH IN RESOLUTION PC 11-4260 WITH MODIFICATION: . . . received from Hitzke Development Corporation **and C&C Development** requesting a . . . ; SECONDED BY COMMISSIONER NORRIS 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

Action:

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF MFSDP 09-50 AS SET FORTH IN RESOLUTION PC 11-4261 WITH MODIFICATION: . . . received from Hitzke Development **and C&C Development** to allow the . . . ; SECONDED BY COMMISSIONER NORRIS 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

Action:

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF TPM 675 AS SET FORTH IN RESOLUTION PC 11-4262 WITH MODIFICATION: . . . received from Hitzke Development and C&C Development requesting a . . . ;
SECONDED BY COMMISSIONER NORRIS 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

4. **Case No:** CUP 10-833 / ND 11-816

Application of: Urban Villages San Marcos, LLC

Request: The proposed project is issuance of a Major Conditional Use Permit (CUP) for a temporary rock crushing operation and related grading in order to prepare the University District San Marcos Specific Plan area for future development. The proposed project includes construction of an access road to Twin Oaks Valley Road, a four-phased grading plan, blasting, rock crushing and export of 1,069,200 cubic yards of material over a two to four year period. The temporary rock crusher would be located approximately 2,300 feet (0.4 mile) from Discovery Meadows and 3,100 feet (0.6 mile) from Discovery Hills, the two major residential developments in the area.

Location of Property: The 102-acre project site is located in the City of San Marcos, within the University District San Marcos Specific Plan area. The project site is generally located south of SR-78, west of Twin Oaks Valley Road and east of the H.G. Fenton property.

Item continued to 12/5/11.

5. **NEW/OLD BUSINESS**

Presentation – “City of San Marcos General Plan & Zoning Ordinance Update”

Garth Koller: Discussed New Land Use Designations. PowerPoint presentation shown. Density: MU1 (Mixed Use 1), MU2 (Mixed Use 2), MU3 (Mixed Use 3, Non-residential), MU4 (Mixed Use 4, Non-residential). The update involved consolidating existing with the new. Discussed descriptions: OP (Office Professional), LI (Light Industrial), I (Industrial), AG (Agricultural/Residential), HR1 (Hillside Residential 1), HR2 (Hillside Residential 2), RR (Rural Residential), VLDR (Very Low Density Residential), LDR (Low Density Residential), LMDR (Low Medium Density Residential), MDR1 (Medium Density Residential 1), MDR2 (Medium Density Residential 2), MHDR (Medium High Density Residential), HDR (High Density Residential), C (Commercial), PI (Public/Institutional). Discussed Planned Land Use Focus Areas: Study Areas, Consideration Areas, Property

Owner Initiated Areas. 7% potential land use per GPAC recommendation. SANDAG Smart Growth Map shown: SA-1 Mission Rd., SA-2 Rancho Santa Fe Rd., SA-3 San Marcos Blvd. The "GPAC Recommended Land Use Plan" color-coded map was shown and discussed. Photo simulations were shown. Discussed Consideration Areas and the Property Owner Initiated Areas: GPAC recommendations and in some cases, the differences of City/Consultant vs. GPAC are in red. FA#34 is the "Movie Studio Property," former landfill. Currently zoned SP with movie studio land use. The owner gained support from GPAC to retain the SP but develop as a Business Park.

Backoff: Staff is still evaluating and trying to finalize a decision regarding the movie studio and may consider mixed-use, commercial/business-park.

Koller: Discussed FA#9, Hanson property changes. Some time ago, Hanson processed a subdivision map for 346 units, which is now expired. Density must meet map of 346 units. Discussed area of MU4, non-residential/business-park. There's a potential for a school site off Twin Oaks Valley Road.

Backoff: Currently, there's a school designator which means it could happen anywhere on the Hanson property. District is considering MU4 area as the school site. Also took into consideration the transferring of 346 units into single family detached and different housing types - smaller, courtyard-type homes, garages in the rear. The trade off by transferring densities is the additional 40 acres of park land.

Koller: Discussed FA#10, White Attebury property, currently allows up to 244 units. There have been a number of studies demonstrating this would be difficult to achieve. Now recommended for up to 68 units. Site is challenging and involves primary and secondary ridgelines. Continued discussion of areas. Discussed the property owner requests where no land use change was supported or recommended by GPAC.

Nelson: Asked what the property owner can do if they don't like the decision?

Backoff: Pointed out that they've had a voice all along. Ultimately, City Council will decide.

Wedge: They did know there's a designation on the land when they bought it.

Backoff: There were months of discussions. GPAC ultimately made recommendations.

***** 5 minute break *****

Karen Brindley: Continued with PowerPoint and discussed Zoning Ordinance Update: Shall be comprehensively updated to be consistent with the General Plan (GP). Created new zones to implement new GP designations. Zone names will be changed to be consistent with the renamed GP land uses and some have been eliminated. Content has been added to address GP policies or State and Federal Law requirements. Discussed homeless shelters: City is evaluating, to be allowed by right in industrial zone. Discussed non-conforming standards: Business community/industrial stakeholders and GPAC expressed concern and wanted flexibility. GPAC subcommittee was formed to work with staff. Discussed abandonment-definition and period of time, and damage/reconstruction of legal nonconforming structures. Nonconforming

Ordinance codifies the "grandfathering" of land uses and structures that legally existed at the time of the change of the GP or zoning designation. Discussed highlights of nonconforming structures. Abandonment: 12 months, with additional 12 month extension by Planning Director. Recognized that there may be some periods of economic downturn making it difficult to find a user. Allows reconstruction of a damaged/destroyed legal nonconforming structure. Transition zone discussed. Allows for property owner to continue operations in perpetuity and would not be labeled as "legal, non-conforming." Discussed new GP/Zoning approach. Zoning Ordinance Update is in process and the hearing will occur after the adoption of the General Plan/EIR, likely a month or two later.

Nelson: Asked about options for entitled projects?

Backoff: Depends on status and most have one year expiration.

Peter Kuey: Continued PowerPoint, discussing Mobility Element: 1). Complete Streets Philosophy: Must consider other modes of travel other than the car. 2). Multi-Modal Level of Service (pedestrians, bicycles, transit & vehicles). Developer must think about complete streets approach.

Backoff: Added that it won't apply to every street in the City.

Kuey: Discussed Protected Intersections and Street Typology. On Rancho Santa Fe Road, City wants to prioritize the vehicle over the pedestrian and have incoming cars from Vista & Carlsbad use this route. With the future mixed-use development going in San Marcos Creek SP, we're looking at a multi-way boulevard between Discovery and Bent, prioritizing the pedestrian/bicycle transit over the vehicle. It will be more comfortable for them versus how San Marcos Blvd. is today. (Concepts shown).

Backoff: This type of orientation looks better and with changes at Old California Restaurant Row, brings both sides of the street together.

Nelson: Asked how you get cars off San Marcos Blvd.?

Backoff: There will still be cars, but less and trucks will use Rancho Santa Fe Road.

Kuey: Idea is to have Rancho Santa Fe Road expanded to six lanes and be the primary road to SR-78. Consultant is looking at cross sections. Drivers will learn that Rancho Santa Fe is the quicker route. SANDAG models were run and four lanes on San Marcos Blvd. are working.

PLANNING DIRECTOR COMMENTS

Backoff: Reviewed schedule for future Planning Commission meetings: January 9, 12 and 17 and City Council on 1/31, 2/7 and 2/14.

Nelson: Asked if it will be one vote, or, case by case?

Backoff: Can make recommendation with different options, similar to what GPAC has done.

Kildoo: Asked that the schedule be e-mailed to Commissioners.

Backoff: Mentioned e-mail and letter directed to Commission from Dias family. Jim Lough responded to Commission via Memo which was distributed earlier.

Lough: Informed the Commission that they are bound by the parameters set by the Council and government code as far as what their jurisdiction is. When a matter comes up outside their jurisdiction, when it involves potential litigation, we need to be more proactive. Suggested that the chair hear it and then refer it to staff or Deputy City Attorney.

Nelson: Asked if those e-mails should be directed to City Attorney's office?

Lough: No, staff will check with us as needed. Commission gets most everything.

Backoff: Staff tries to screen the e-mails, but some get passed on that shouldn't. We try not to send those that may involve potential litigation. Commission was advised not to hit "reply all," as it could be a potential Brown Act violation.

Lough: If something ends up in litigation, "discovery" would include those "reply all" e-mails.

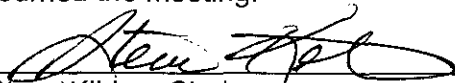
Backoff: Reminded Commission that four regular member terms expire and Carl as alternate. All have indicated they'd like to re-apply. Forms have been forwarded and need to be turned in by 11/21.

PLANNING COMMISSIONERS COMMENTS

None.

ADJOURNMENT

At 8:44 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION