

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, DECEMBER 5, 2011 - 6:30 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Jacoby 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; Assistant Planner, Sean del Solar; Assistant Planner, Art Pinon; Principal Civil Engineer, Peter Kuey; Planning Secretary, Lisa Kiss; Deputy City Attorney, Jim Lough; Director of Public Works/City Engineer, Mike Edwards; Deputy City Engineer, Maryam Babaki.

ORAL AND WRITTEN COMMUNICATIONS

Mike Edwards: Introduced the City's new Deputy City Engineer, Maryam Babaki.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 11/7/11

Action:

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

PUBLIC HEARINGS

2. **Case No:** CUP 10-833 / ND 11-816 (*Continued from 11/7/11*)
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.

Staff Presentation (Garth Koller):

Described request and location. PowerPoint presentation shown. University District Specific Plan exhibit shown. Pointed out location of the proposed rock crusher. Discussed equipment, size and screening. Discussed revised grading plan: Earthwork volume to be cut is 2,772,700 cubic yards. Approximately 80% will require crushing, resulting in 1,069,200 cubic yards of export. Work will occur in four phases. Phase 1 property area is owned by the applicant. Discussed temporary haul/access road off Twin Oaks Valley Road. Route was shifted to minimize noise impacts to adjacent residences. New intersection will be signalized to control haul trucks. Peak hours limited to one truck per cycle. Discussed blasting: Hours 9 am to 4 pm. Advance notice will be given to properties within a 600-ft. radius of blast area. A before and after physical site survey will occur on existing structures within a 300-ft. radius. Rock crusher and blasting was considered in the FEIR and mitigation will still apply. The rock crusher pad is to be graded 10 feet below ultimate grade of adjacent future pads. Facility will be secured and screened with a 10-foot fence. Additional visual screening shall be provided by earthen berm and intervening topography. Comments/inquires received from Mr. Blaney (his two properties pointed out). Staff met w/ Mr. Blaney twice to discuss the project and answer questions. Cross sections shown and discussed. The FEIR assumed earthwork balanced on site. Revised grading plan requires export of 1,069,200 c.y. of material. Max of 106 trucks loads/212 trips per day. Max of 24 truck trips/hour. Discussed Environmental Review and the FEIR for UDSP, adopted Nov. '09. Mitigation measures identified to reduce all impacts to below a level of significance except: Air Quality, Greenhouse Gas Emissions and Traffic. Applicant must prepare and implement a Traffic Management Plan, meter outbound trucks to Twin Oaks Valley Rd., pay for repairs of any potential pavement damage due to additional truck traffic. Impacts due to materials export would mitigate to below a level of significance. Discussed Noise Analysis. MND was circulated for 30-day review. Received 6 comments/10 letters. Responses were prepared including the five additional comments received after the review period closed.

Backoff: Indicated that numerous consultants are present to address any questions. Peer review consultant was hired by City to review the grading volume. Discussed changes to resolution (memo handout): New signal and existing signal at Carmel Street.

City will monitor and further evaluate when the Carmel signal will be removed. In-lieu fee shall be paid. Timing of signal will be determined at the discretion of City Engineer.

Minnery: Inquired if there were any problems with the rock crusher operation at Costco?

Backoff: Commented that it worked very well. There's more upgraded technology available now. This proposed project will have a large volume of dirt for noise attenuation, plus the pad will be located in a depressed area. The traffic from SR-78 has a more significant effect.

Nelson: Asked the City's peer review consultant how it's possible to miss 1 million cubic yards of dirt?

Dave Stefari, TPS: There are several elevation differences. The original grading plan didn't identify as well as what you have today. There would have been more retaining walls and higher slopes. As you blast 2 million yards, you're going to have expansion of material. When you look at today's plan, there is less grading near streets. Engineer did a good job of planning the site. It's not unusual to have significant changes as you go through entitlements. There's also a 10-foot undercut on all the pads and streets that creates additional quantities. Indicated he feels confident with the numbers they've provided.

OPEN PUBLIC HEARING

Kildoo: Asked if anyone in audience would like to speak? (None).

Nelson: Asked what happens if they can't acquire the rights to all the properties?

Backoff: It's a unique situation where they must work in phases, starting with what they control. Before they can move on, they must acquire properties or have agreements with properties they don't control. They'll be stalled until they can do that. The phasing is done to avoid impacts on existing owners.

Norris: Asked if there will be power on site or a generator?

Backoff: Could have either, suggested asking applicant.

Kildoo: Inquired about the change memo item related to non-metal screens?

Backoff: There are areas of equipment that need to be free of rubber to sift and screen materials. The Noise Analysis was done with no rubberized material. They will use it wherever possible.

Kildoo: Item BB. removed "authorized by building permit."

Backoff: All activities are regulated, not just those issued by building permits.

Kildoo: It's changed to intensify control?

Backoff: Yes.

Nelson: Asked if the traffic signal would be installed before they start?

Backoff: Yes, a full, ultimate signal.

Kuey: There will be a fiber-optic system, timed and synchronized.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 11-833.

Lough: Suggest he amend motion to include the changes as per memorandum handed out earlier today.

Jacoby: Correct.

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 11-833 AS SET FORTH IN RESOLUTION PC 11-4257 WITH MODIFICATIONS AS PER MEMORANDUM DATED 12/5/11; 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:** CUP 11-844 / ND 11-813

Application of: Del Taco, LLC

Request: Replacement of a 2,026 square foot retail building with a 2,452 square foot drive-thru restaurant building.

Location of Property: Northwest corner of Rancho Santa Fe Road & San Marcos Blvd., more particularly described as: Parcel 4 of Parcel Map No. 9761, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on March 6, 1980, as file No. 80-077806 of Official Records. Assessor's Parcel No.: 221-023-12.

Staff Presentation (Art Pinon):

Described request and location. Located in the Palomar Plaza Shopping Center commercial "C" zone. PowerPoint presentation shown. Proposed project will include new landscaping and reconfiguration of parking lot. The existing restaurant is to be demolished. Site plan/layout shown. Nearby mobile home residents are buffered from the drive-thru by the existing center. The center was recently remodeled. Two outbuildings were not included in the upgrade. One is proposed to be demolished and the other, a bank building, will remain. Discussed architecture. The drive thru is

required to be screened. Staff proposed a 5-foot wall and applicant requested a 3-foot. Applicant has agreed to use story poles, and staff will determine final height during the construction phase. Existing LOS "B" and "C" to stay the same. Project will eliminate 13 parking spaces, leaving 276 spaces on site. Code requires 339 spaces, so a Parking Study was completed. Study concluded that parking over a two-day period never exceeded 88. There are vacant tenant spaces and some spaces will be re-stripped as compact. Staff received an e-mail and one letter. Staff recommends conditional approval. Applicant is present.

Jacoby: Asked what percentage of business comes from the drive thru vs. walk-ins?

Desmond Wong, Del Taco: About 60%.

Nelson: Inquired if it's okay to not obey City's parking ordinance?

Backoff: City has the ability to reduce parking standard if substantiated by a supply and demand parking study. It has been done at other centers. This is an older center. Even at full occupancy it will probably not have the demand and parking should be adequate.

Kildoo: Asked what the occupancy rate is?

Backoff: Suggested to direct the question to the applicant.

OPEN PUBLIC HEARING

Mr. Desmond Wong/Representing Applicant, Del Taco, LLC: Indicated that this is their newest design and first one in CA. They are behind schedule in building due to additional time it took to address concerns from City, landlord and Del Taco.

Jacoby: Asked if he owns any other Del Taco's?

Mr. Wong: Do not own, just a representative working for them.

Kildoo: Asked if it is a Franchise?

Mr. Wong: Owned by Del Taco Corporation.

Nelson: Asked what their issue is regarding 5 foot vs. 3 foot wall?

Mr. Wong: Landlord is very concerned with visibility of the building and center. It's already elevated with an 8 foot berm. Have designed it for 5 foot, but City will decide with use of story poles.

Nelson: Doesn't understand how it would block visibility. Asked the height of In-N-Out's wall?

Backoff: Five feet.

Brian Cleugh, The Murrel Company: City requested we add richer materials/stone work. We agreed on an AZ red tile. Understand City's screening policy. Resolution says

pilaster should be stone. They feel it's too rich an element and shouldn't be the same as the tower. Indicated their preference is to use stucco with landscaping.

Nelson: Stucco and 3 foot wall?

Cleugh: Stucco. They're happy to have the story pole option which may show it's screened sufficiently at 3 or 4 feet.

Schaible: Asked how tall raspberry bougainvilleas are?

Cleugh: About 2.5 feet? There will be other shrubs and vines on the lattice.

Backoff: The only solid part of the wall is the pilasters, and in between is heavy mesh wrought iron screen with landscaping. You can see the tops of cars and trucks in the 3 foot simulations.

Schaible: Asked if screening is for headlight glare?

Backoff: Headlights and to block the visibility of the line-up of vehicles.

Nelson: Inquired why they didn't retro-fit that building?

Cleugh: Didn't know what tenant would be there and thought they may want to demo.

Norris: What are the plans for vacant spaces?

Cleugh: Indicated he doesn't do leasing, but they are trying in a difficult market.

Backoff: It's 67% leased now per the parking study.

Kildoo: These are not seasonal businesses, so parking shouldn't be an issue.

Wedge: Asked if parking count is figured by square footage? If 70% is drive thru, there's only 30% parking. Seems like a drive thru would have a lower parking standard.

Backoff: That's why City requires a supply and demand study.

Wedge: Indicated she's doesn't feel there will be parking issues as most use the drive thru.

Jacoby: Wall issue isn't settled.

Minnery: Commented that he's fine with the way condition is structured. It makes sense.

Backoff: City suggested story pole approach as a compromise.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 11-844 AS SET FORTH IN RESOLUTION PC 11-4244; SECONDED BY COMMISSIONER WEDGE 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

Kildoo: Encouraged them to join the Chamber of Commerce.

4. **Case No:** CUP 03-607 (11M)

Application of: AT&T Mobility

Request: A Conditional Use Permit Modification to replace six (6) panel antennas and add six (6) additional panel antennas on an existing faux broadleaf mono-tree.

Location of Property: 1441 N. Twin Oaks Valley Road (Twin Oaks Valley Golf Course), more particularly described as: Parcel A of Parcel Map 16427 as recorded in the Office of the Clerk Assessor of the County of San Diego, State of California. Assessor's Parcel No.: 182-160-12, 181-160-22.

Staff Presentation (Sean del Solar):

Described request and location. PowerPoint presentation shown. Located between 9th fairway and driving range at Twin Oaks Valley Golf Course. Will remove 6 existing antennas and add 12 new. Applicant will add branches to the broadleaf tree design and plant two additional trees to further camouflage faux trees. Must submit a report substantiating that operation of the facility is in compliance with FCC regulations. No comments received from public. Staff recommends conditional approval. Applicant is present and in agreement with conditions.

Kildoo: Asked why being reviewed at Planning Commission?

Backoff: It's a Specific Plan with nearby residential.

Nelson: Asked if they're updating technology?

Del Solar: Yes, several sites are being upgraded.

OPEN PUBLIC HEARING

None.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 03-607 (11M) AS SET FORTH IN RESOLUTION PC 11-4269; SECONDED BY COMMISSIONER MINNERY 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

Kildoo: 10 minute break.

5. NEW/OLD BUSINESS

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

Backoff: Introduced Glen Winn, Chairman of GPAC and Rod Jones, Vice Chair.

Glen Winn, GPAC Chair: Thanked City staff. Commented that the GPAC had some very contentious meetings and they conducted many more than originally anticipated. They didn't have the planning knowledge and experience and staff did an excellent job helping them.

Koller: PowerPoint presentation shown: Overview of the General Plan document and Draft EIR. Both have been posted for public review and available on City website. Review period is 45-days, from 11/21/11 to 1/5/12. Discussed Chapter 1-Introduction, Chapter 2-Land Use & Community Design Element, Discussed Goals & Policies and Implementation, Chapter 3-Mobility Element, Definitions of Level of Service (LOS), Chapter 4-Conservation & Open Space Element.

Backoff: Commented that Erica Ryan, Storm Water Program Manager, played a significant role in updating the section relating to water and storm water management in the Conservation & Open Space Element.

Koller: Discussed Chapter 5-Parks, Recreation & Community Health.

Backoff: City added an additional 40 acres where the Hanson property is located.

Koller: Discussed Chapter 6-Safety Element, Chapter 7-Noise Element, Chapter 8-Housing Element, (no changes). Housing Element is already adopted with the next update due in 2013. Discussed DEIR: Air Quality and Greenhouse Gas Emission were impacts that were unavoidable. The air basin is a challenge that all jurisdictions are facing. Discussed Land Use Planning: Staff agreed with most recommendations of GPAC. Discussed Alternatives 1-4. Discussed the table, “Staff Recommended Alternative Land Use Changes by Focus Area,” explaining the differences in staff recommendations vs. the GPAC. Discussed Mr. Chang's property, PO 8/FA22. It's a

prominent property, part of the ridgeline preservation. GPAC recommended up to 25 lots. Staff recommends up to 18.

Backoff: Added that it exceeds current GP. Anything beyond that is hard to achieve due to constraints such as water pressure, fire, etc. Visual simulations have to be done.

Koller: Discussed Mulberry Drive/Bieri property: GPAC recommended 15-20, Staff 8-12 du/ac.

Kildoo: Asked if in flood plain?

Backoff: Yes, that is a constraint. Believe the property owner is thinking of undergrounding it.

Koller: Discussed Movie studio building, PO 28/FA 34: Attorney changed position and thought business park would be appropriate. GPAC supported that change. Staff wants to retain as is.

Nelson: Asked if movie studio is realistic?

Backoff: City was just approached by a movie production company. They felt it was a perfect location and inquired about ability to raise the roof.

Koller: Discussed schedule of Planning Commission and City Council meetings: Three PC meetings: Jan. 9, 12 & 17. CC on 1/31 at Mission Hills High School, 2/7 at High Tech High School and 2/14 in Council Chambers.

Kildoo: Asked if Commission will be voting on 1/17?

Backoff: Yes, and will have the responses to comments on the FEIR. Council asked to hold off-site meetings to encourage more access to the public.

PLANNING DIRECTOR COMMENTS

Backoff: Bill Jacoby is resigning effective 12/31.

PLANNING COMMISSIONERS COMMENTS

Kildoo: Commented that he asked Jacoby to stay through January. Admire and respect Bill's decision. The Commission will miss his business perspective.

Wedge: Asked what the reason was?

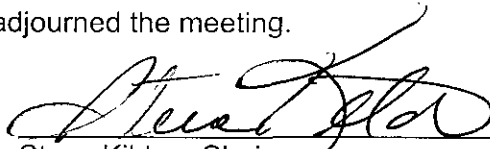
Jacoby: Commented it was a hard decision for him. City has two qualified alternates and everyone indicated they'd like to run again. Feels the two alternates don't stand a chance to move up unless he resigns. Indicated he asked the Mayor if there should be term limits. Residents will stop applying if they never get picked.

Kildoo: Commented that he and his wife would be greatly affected by term limits, but will respect that if the Mayor and Council decide. Serving has been a part of their lives. The

balance is a loss of institutional memory. The City will eventually lose long-term staff, so it might be good to keep it on the Commission. Agree that others in the community should also be given the opportunity. Some Commissions are under served and those could be a good starting point.

ADJOURNMENT

At 8:46 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION