

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, MAY 4, 2009 - 6:30 PM

CALL TO ORDER

At 6:30 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, Nelson, Norris, Schaible, Vojtecky, Wedge

ABSENT: COMMISSIONERS: Kritzer-Jabara, Minnery

ALTERNATE COMMISSIONERS IN AUDIENCE: None

Also present were: Planning Division Director, Jerry Backoff; Planning Secretary, Lisa Kiss; Guest Speaker, John Lormon, Partner/Procopio

CONSENT CALENDAR

Vojtecky: Requested that items be pulled for discussion.

1. APPROVAL OF MINUTES, 3/2/09

Action:

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

2. SAN MARCOS UNIFIED SCHOOL DISTRICT, GENERAL PLAN
CONFORMANCE REPORT – TWIN OAKS ELEMENTARY SCHOOL –
ACCESS ROAD, FUTURE PLAYFIELDS & HARDCOURTS, FFA LARGE
ANIMAL PROGRAM

Backoff: Described request from school district to acquire 7.6 acres east of existing elementary school. Access road to Olive Street will provide better ingress/egress. Staff has conditioned that off-site drainage is to be managed and controlled so as to not impact North Branch of San Marcos Creek or existing restoration areas.

Vojtecky: Inquired about the access road.

Backoff: It's an access/driveway connection from current school to new area and Olive Street.

Vojtecky: Asked if paved?

Backoff: Yes. No design at this point. For school districts to move forward with their projects there is a state law requirement for a finding of General Plan Conformity. That is what Commission is being asked. City is not able to provide oversight of school property and how they develop it.

Nelson: Schools go through state approvals. Asked if project would come back to Commission, or if it's just a courtesy notice?

Backoff: Will not be back to Commission. There is a statutory requirement for the City to respond within 30 days. It is deemed approved and moves forward whether City responds or not. Concern is related to drainage, creek and restoration area. Staff will discuss with school district as they proceed with property.

Nelson: Asked if entire FFA program will be moved to new location?

Backoff: Yes.

Nelson: Thought they were struggling to keep at current location. Inquired if students would be bused out there?

Kildoo: Yes, and several may drive. When program started in the 60's, there weren't regulations regarding ground water. Contamination in current location has gotten bad. It's critical they improve it. Asked if City would monitor?

Backoff: Not legally. City will work with district to develop a plan.

Kildoo: Requested it come back to Commission if district doesn't enforce best practices.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE AS SET FORTH IN RESOLUTION PC 09-4095; AND SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

3. SAN MARCOS UNIFIED SCHOOL DISTRICT, GENERAL PLAN CONFORMANCE REPORT – FOOTHILLS HIGH SCHOOL RELOCATION

Backoff: Relocation of Foothills High School program – independent study, adult education and teen parent program which has infant/toddler component, and district's administrative offices for school nurse program.

Kildoo: Asked what they're doing with old facility?

Backoff: Not sure.

Killdoo: Is parking adequate?

Backoff: Parking should be adequate.

Kildoo: Commission has limited amount of control.

Vojtecky: Asked if all the activities will create traffic problems?

Backoff: City didn't receive floor plans or layouts from the district. Received just the letter but would assume they have capacity.

Vojtecky: Will it be single or two-story? Does anyone review drawings?

Backoff: Do not receive from district.

Kildoo: Was the original approval of administrative/County site specified as official school site?

Backoff: Believe they would have some programs there. They may look at it as a "program" versus a school facility.

Kildoo: It's been run out of a school facility for 20 years.

Backoff: Staff attempted to have someone from school at meeting, however, they were traveling and unavailable.

Action:

COMMISSIONER NELSON MOVED TO APPROVE AS SET FORTH IN RESOLUTION PC 09-4096; AND SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: VOJTECKY

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

Vojtecky: Need additional information. Unsure what we're looking at or the traffic flow.

Kildoo: Will attend next school board meeting to ask questions.

4. SAN MARCOS UNIFIED SCHOOL DISTRICT, GENERAL PLAN CONFORMANCE REPORT – NEW SAN MARCOS ELEMENTARY SCHOOL

Backoff: There's been an agreed upon land swap with City. The current City park located in the back is not seen from the street and has low usability. The park will be moved to the west side. School will relocate to east side. Discussed Lowery Lane, Tiger Way and connection to Autumn Drive. School to be rebuilt as two, two-story, urban design buildings with some sharing of fields at the park and will allow more capacity.

Wedge: Recall new school being discussed during Autumn Terrace project.

Backoff: It was acknowledged school was going to be rebuilt.

Vojtecky: At 76,000 s.f., concerned about volume of people coming in at signal. The signal's timing device stops you at all times. Asked if anyone looks at traffic flow?

Backoff: Autumn Drive will allow second access and many students will walk to school. Signal timing will need to be adjusted.

Vojtecky: Thought the lights would be timed from San Marcos Blvd. to Rancho Santa Fe?

Backoff: There's a current project to do that but is not complete at this point.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE AS SET FORTH IN RESOLUTION PC 09-4097; AND SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: VOJTECKY

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ORAL AND WRITTEN COMMUNICATIONS

5. **PRESENTATION BY JOHN LORMON – “CLIMATE CHANGE: LAND USE PLANNING & CEQA IMPLICATIONS”**

Backoff: Introduced John Lormon with Procopio, Cory, Hargreaves & Savitch LLP, who specializes in environmental, climate change and sustainability law. (Professional summary handed out)

Lormon: PowerPoint presentation shown. Discussed outline. Review includes climate change, CA air quality, CA Global Warming Solutions Act of 2006 (AB 32), Senate Bill 375 - Sustainable Land Use & Transportation Planning, Assessing Climate Change Impacts under CEQA, Climate Change Litigation and Senate Bill 95. Eleven of the last 12 years ('95-'06) rank among the 12 hottest years in the record of global surface temperatures (since 1850). Professor Ramanathan, who has won a Nobel Prize and works at Scripps Institute of

Oceanography has indicated that "The effect of greenhouse gases on global warming is the most important environmental issue facing the world today, but the problem brims with uncertainties." Clean Air Act in 1967 created the Air Resources Board (ARB). Assessment made of Global Greenhouse Gas (GGE) Emissions in 2004. Largest contributor is transportation, followed by electricity, industrial then agriculture. Land Use Planning and Transportation will play a big part in managing greenhouse gas. In '05, Governor called for a 30% reduction of GGE to 1990 levels and by 2050 an 80% reduction.

Kildoo: Asked how one can determine who is right or wrong? Is it a manmade problem?

Lormon: There is little debate that the temperature of the globe & ocean is warming. Although only a one degree average, it has amazing implications for habitat, species, the oceans and air. Data is clear. Scientists can fingerprint gases and tell whether it's been combusted or not. Assessment shows what is natural and what is not. Estimate of 30% is caused by humans. Gases last 100 years in atmosphere and will increase. Having spent a lot of time with scientists, do believe human causes are a contributing factor. Most scientists are cautious people especially when making statements.

Kildoo: Asked how the actual process by the building industry of building commercial/residential fit into the '04 chart?

Lormon: Chart was from operational perspective. Currently, you look at impacts during construction, products used, etc. There are formulaic ways to make assessments.

Kildoo: Did not hear fiscal analysis when Governor did S-3-05. How much will it cost CA, businesses & taxpayers? Does analysis exist?

Lormon: Yes, there are debates and issues.

Norris: Worked at Scripps Institute of Oceanography for seven years and currently with UCSD in Sustainability. There is still debate among scientists, but agree it's best to be cautious.

Lormon: Science debate almost doesn't matter in CA. Policy makers/legislature will push past it. Globally, CA is the test tube and leader. Its programs, models and approach are being copied. Discussed CA AB 32. AB 32 law not in effect until 2012. CA has 2nd highest GGE in U.S. Global warming is a serious threat to economic well being, public health, natural resources and the environment. ARB to adopt mandatory statewide GGE limit and will monitor and enforce. Discussed reduction requirements and timeline. Will need new technology, inventions and will offer business opportunities.

Kildoo: Inquired what's happening at Federal level?

Lormon: CA has heavily populated the environmental arena. Advisor to the President is from Los Angeles. There will be a lot of influence from CA leaders.

Kildoo: Asked if CA and Federal regulations will meet?

Lormon: Since early 70's, states can have their own program as long as they are not less stringent than the Federal. CA implements many of the programs.

Kildoo: CA is so stringent, it makes us less competitive. Businesses go elsewhere.

Lormon: Many echo that concern. Continued to review/discuss items on PowerPoint: Early action items, regulations before 2010, Scoping Plan and solar roofs. Cost of solar has been a barrier. City of Berkley offered low or no interest loans over 30 years that are added to tax bill. If you sale, you don't have to pay it off.

Nelson: If homeowner installs solar roof, does it help utility qualify or homeowner?

Lormon: Helps the utility, but accounting for it is an issue. You can sell back on line to the utility. Discussed SB 375 Components, MPO's, Transportation, Sustainable Communities Strategy, Transit Priority Projects and Assessing Risks Under CEQA, Climate Change Litigation – types of cases, plaintiffs, defendants and obstacles. Discussed current & future cases.

Vojtecky: Warming also associated with sun spots. This happened in 1900's when there were no cars. How is it rationalized?

Lormon: There are natural, cyclical climate changes. Combination of some natural and cycle. There are debates but believe they will diminish. Not possible to have all the answers now.

PUBLIC HEARINGS

None.

PLANNING DIRECTOR COMMENTS

None.

PLANNING COMMISSIONERS COMMENTS

Kildoo: Commissioners received packet of information from Planner's Institute. Asked about September training?

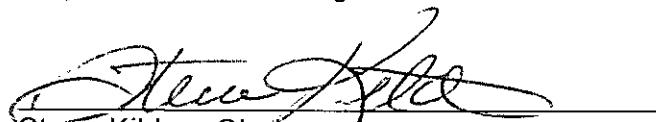
Backoff: September training is not geared to Planning Commissioners.

Wedge: Impressed with Newhall/Santa Clarita area. There is a lot of mixed use and residential being built in old shopping centers.

Kildoo: Westfield won't discuss mixed-use at Escondido mall.

ADJOURNMENT

At 8:38 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairperson
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION