

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
MONDAY, JULY 6, 2009 - 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 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

ALTERNATE COMMISSIONERS IN AUDIENCE: Kritzer-Jabara

ABSENT: Minnery (Alternate)

Also present were: Planning Division Director, Jerry Backoff; Planning Secretary, Lisa Kiss; Clerk Typist, Debra Masnica; Deputy City Engineer, Sassan Haghgoo

ORAL AND WRITTEN COMMUNICATIONS

None.

**CONSENT CALENDAR**

1. APPROVAL OF MINUTES, 6/1/09

Action:

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

## PUBLIC HEARINGS

2. **Case No:** CUP 07-712 (09M) / ND 09-786  
**Application of:** HTH Learning (High Tech High)  
**Request:** Modification of Conditional Use Permit to delay the construction of the permanent middle school building and permanent recreational amenities, with middle school students (grades 6-8) occupying the existing ten modular buildings commencing in August 2009 and remaining until the permanent building is constructed. The high school students that currently occupy the modular classrooms will move into the permanent high school building, which will open with the August 2009 school year.  
**Location of Property:** 1420 W. San Marcos Blvd., more particularly described as: Parcel A of Certificate of Compliance Recorded June 20, 2006, as File 0435585, Official Records, being a portion of Parcel C of Parcel Map 18591, filed Dec. 1, 2000 as file number 2000-0654306, in the County of San Diego, State of California. Assessor's Parcel No.: 219-210-40.

Staff Presentation (Jerry Backoff):

Described request and location. PowerPoint presentation shown. Phasing Plan shown. Discussed background of the public charter school. In '07, the CUP was modified to approve the development of the permanent campus to include the middle school. The modification proposes to retain and use the modular office buildings for middle school students. This will allow them on site one year earlier. Discussed recreational amenities. Total campus enrollment at build out would be 860 students and 56 staff. There will not be an increase in number of students. Noise assessment was updated due to the recreational area being closer to condominiums. It concluded there should be an additional sound wall at north property line from the westerly property line. Other option is to limit students in recreational area to no more than 285. Applicant will construct dual left turn lanes at San Marcos Blvd./Discovery St. intersection before '09-'10 school year. No new traffic impacts. School will pay a fair share contribution towards signalization at Pacific St. and San Marcos Blvd. (CIP) and fair share towards future improvements to SMB & Rancho Santa Fe intersection. Staff recommends conditional approval.

Nelson: Asked if they pay school mitigation fees?

Backoff: No.

Kildoo: Inquired if CIP contribution was part of original CUP?

Backoff: All part of original conditions.

Kildoo: Asked if only change is noise mitigation and how they can come up with a number of 285 students?

Backoff: There will be a small retaining wall extension. No new environmental conditions. Modeling done, there are ways to project.

Vojtecky: Asked about traffic at peak hours.

Backoff: Traffic discussed in the original project. Hours are staggered from San Marcos High School. Parents use drop off/pick up. Not an issue with the modification.

Nelson: Commented that he is in the area often at another nearby school and has not witnessed any traffic problems at HTH.

### PUBLIC TESTIMONY

Kildoo: Only concern is the potential for noise. Number of students is arbitrary. Whether it's 100 or 300, it will depend more on the activities. If neighbors are okay, then no change is needed.

Norris: Asked how many parking spaces?

Paul Dooley, Applicant/High Tech High: 144 spaces.

Vojtecky: Wanted to know if adequate if 70 of the 144 spaces are for staff?

Dooley: Commented he was not sure about that split. School has a very aggressive carpooling program modeled after other campuses. Ride sharing program started two years ago.

Vojtecky: Inquired about High Tech teaching.

Dooley: Children learn based on projects, often in groups, rather than in classes. They learn related to how it is built. They make presentations. Learn globally around the project rather than individually.

Nelson: Asked how many students are San Marcos residents?

Dooley: Not sure, could find out. School uses a lottery system to select students.

Nelson: Feel San Marcos students should have a better chance. Asked how they can build so fast compared to public schools?

Dooley: Not funded with public money. Don't have to go through state architect. Can avoid "red tape" others must go through.

Nelson: Commended them for carpooling program. Know of six kids who attend and one car transports them.

TERMINATE PUBLIC TESTIMONY/CLOSE HEARING

Nelson: Asked about other options for sound wall due to possible graffiti.

Backoff: Options are available for priming the wall to make it less attractive to tagging and easier to clean up. Need certain building density for noise attenuation.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CUP 07-712 (09M)  
AS SET FORTH IN RESOLUTION PC 09-4109 SECONDED BY  
COMMISSIONER NORRIS 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. **Case No:** CUP 98-357 (09M) / GV 09-83 / ND 09-787

**Application of:** Hollandia Dairy Farms, Inc.

**Request:** Modification of the Conditional Use Permit to include the following: 1). Continue operating the existing 30,400 square foot creamery; 2). Construct a new 13,500 square foot "Building #1" (Wastewater treatment - 3 silos, spray booth, maintenance area, dry storage and a mezzanine); 3). Construct a new 38,551 square foot "Building #2" (office, cold storage, frozen storage); and, 4). Expand the existing cold storage on the creamery building by 17,291 square feet.

**Location of Property:** 622 E. Mission Road, more particularly described as: Parcel 2 of Parcel Map No. 19153 in the City of San Marcos, County of San Diego, State of California, filed in the office of the San Diego County Recorder, February 16, 2003. Assessor's Parcel No.: 218-180-48, 54 & 55.

Staff Presentation (Jerry Backoff):

Described request and location. Site is approximately 18 acres. PowerPoint presentation shown. Phasing Plan and elevations shown and discussed. During first phase, several old buildings will be demolished and mass grading will occur

on half the site. Bldg. #1, two floors, will contain a wastewater treatment plant. Bldg. #2, will be more visible and will contain cold & frozen storage & offices and Bldg. #3, the creamery, will include retrofitting of existing creamery. Existing silos will remain and be painted to match new buildings. Number one issue has been odor. Carbon filters were added which reduced but did not eliminate the odor. Applicant agreed to purchase state-of-the-art wastewater treatment equipment. There has been a history of noise issues relating to diesel generators which were used to keep products cool in the trucks throughout the night. Hollandia is now converting from diesel to direct electrical hook up for cooling which will eliminate nuisance noise. An acoustical engineer will be required to validate. Parking is adequate for all shifts. Truck numbers will be reduced from 63 to 53. Traffic discussed and street network will adequately handle all associated traffic. One issue is main entry, City ROW and single access (turf block). Initially, applicant agreed to close and landscape. They now want to retain access. Staff recommends conditional approval.

Jacoby: Aware of past concerns with odors. Is there concern with the number of trips?

Backoff: Acknowledged there will be no new traffic impacts. The number of trucks is to be reduced also.

Nelson: Asked how long they've been operating?

Backoff: Around 1957, before City incorporated.

Schaible: Inquired if the corner will be converted to Commercial in the future, why is applicant spending money now?

Backoff: Timing would be up to the applicant.

Vojtecky: Asked if the comment about noise complaints from neighborhood (Condition "U") is necessary? Is it in other resolutions, such as Vons & Albertsons? Doesn't feel it's appropriate if other similar businesses don't have the condition.

Backoff: Unique due to the outdoor use area. Original conditions are limited to daytime hours. It's a safeguard should an issue arise. There is a loading dock, platform and processing.

Vojtecky: Asked if there are turf blocks at entrance now?

Backoff: No.

## PUBLIC TESTIMONY

Jim Simmons, representative for applicant/Hollandia Farms, Inc.: Some issues have been rectified years ago and some are in process. Original CUP was done before many of the street improvements, the church, the high school, etc. In the past, there have been odor complaints, many from the neighboring high school. The cream must be treated before disposal. Creamery has worked closely with City staff to resolve. Ownership has changed and adjustments were made last fall. They now have an air tight system, added carbon scrubbers and pumping is done twice a week at 5:00 AM. There have been no odor complaints in the last year and the new system will eliminate the pumping of tanks. In the past, trucks were left running or used diesel generators to keep products cool. Noise study done in 2000 concluded that at the property line, level was 62.5 decibels with trucks running. 65 is acceptable. Since that time, noise has been reduced 95% due to SDG&E substations being installed that trucks now plug into. City has not had a noise complaint for several years. Landscaping has been added along southerly property line. Gas station and retail store at corner has been closed and the driveway will also be closed and landscaped. The site will be a heavily landscaped commercial/industrial area. Drainage issues have been dealt with and soils cleaned up. On site water well will handle all landscape irrigation. Discussed landscaping and fencing. Project will not impact intersections. Issues to discuss/resolve: Requested correction of legal description on resolutions. (Gave correct description to City Engineer). One way driveway - City asked that existing driveway on Mission Road be closed and landscaped. Long haul trucks come from AZ and NV and when they arrive, the drivers must sometimes stay and sleep. It makes more sense to keep the trucks on the property enabling them to drive to the parking area rather than go back out on the City streets. Want to reduce to 12' and raise level of landscaping. Turf block would be damaged with heavy trucks on it and would be costly to maintain. Asked for permission to use DG base and asphalt. Driveway would not be visible and applicant would landscape heavily.

Kildoo: Turf block may not be the most practical. Asked how visible driveway would be?

Simmons: Driveway openings are the only thing visible. Continued to discuss driveway/asphalt.

Backoff: Staff looked at truck weight issues including fire trucks.

Kildoo: An occasional fire truck wouldn't damage turf block but other heavy daily use could.

Backoff: City would consider decorative concrete.

Nelson: Asked if anyone in City has turf block? Don't recall seeing any commercial uses.

Backoff: More often in residential.

Jacoby: Inquired if all drivers are independent?

Simmons: Hollandia delivery drivers are not, most bringing milk in are independent.

Jacoby: Asked who's responsible for tracking hours?

Simmons: Drivers keep a log book and by law are required to rest/sleep.

Vojtecky: Commented it's a small area, so why can't asphalt be used? High school has three times the asphalt.

Simmons: Continued to discuss project. Site will have 34% landscaping. Entire site will be fenced. Original recommendation was a solid wall, but there were concerns with graffiti due to neighboring high school. Staff is asking for tubular steel fence with vines. Discussed with fence companies and was told it would last 3-4 years before it deteriorates. Prefer green vinyl-coated chain link fence. Vines grow faster and it lasts about 10 years. Fence is transitional and doesn't matter once landscape grows. Noise study is not necessary. Study was done in 2000 when complaints were occurring. There have been no noise complaints for several years. Cost is \$5,000-6,000 and they are already spending \$5 million. Want to help owners move forward and get financed. Have issue with restriction on holidays as stated in Condition U. Facility supplies milk for schools. They do have to work some holidays and must be able to operate 5 days regardless of holidays. This has occurred for past 16 years with no complaints. With the CUP, there is already a mechanism in place to handle complaints.

Backoff: Staff is okay removing the holiday restriction.

Simmons: Waste treatment facility is state-of-the-art. City asked it be enclosed in the building. All odors will be 100% eliminated and is guaranteed by company selling equipment. Solids have no odors and are taken to landfill. New ownership, some DeJong's still involved, has purchased from original DeJong family. Difficult to predict what will happen in the future. This is a major investment for the corner. It will be here for some time. If the pressures of growth occur and land values go up, it could be turned into something different. Applicant would not invest in this if they thought it would be a strip mall in 3-5 years.

Kildoo: Mentioned memo distributed prior to hearing regarding modifications primarily dealing with stormwater/BMP issues. Asked if applicant has seen and agrees with?

Simmons: Assume that City's stormwater staff modified wording as per State requirements. Requesting the right to review and resolve any issues with Staff. Don't anticipate problems.

Kildoo: Agreed, that is fair.

Vojtecky: Appear to be standard requirements.

Schaible: Comfortable that noise study is not needed. Asked if cash & carry closed?

Simmons: Store is for employees only, no retail. Main reason is the work involved didn't produce much revenue plus site circulation issues. They have large presence in schools and institutions in supplying milk.

Wedge: Prefer black vinyl coated chain link. Green is more noticeable. Asked if staff okay with black?

Simmons: Staff suggested green but agreeable to black.

Backoff: Okay with black. Also suggest looking at new fencing along Twin Oaks Valley Road which has mesh with vines. It's located near apartments and the post office.

Nelson: Asked if there is chain link in front of Mission Hills High School?

Backoff: Yes.

Simmons: Vines grow 3 times as fast on chain link. Well water available. New owner is serious about making it attractive.

Nelson: Time frame?

Simmons: Obtain financing then start grading and work in phases. Anticipate 18-24 months to Phase 3, which is an aggressive plan. Management wants to ensure everything is functioning before moving to next phase.

#### TERMINATE PUBLIC TESTIMONY/CLOSE HEARING

Wedge: Concerned about turf block collapsing. Consider other options. Okay with black vinyl coated chain link, not green. Or, possibly the mesh covered



fence that was mentioned earlier. Feel Noise Study is not necessary. Initiate one if complaints arise. Okay with holiday operation and addressing any issues from the memo modifications with staff. Nice project.

Nelson: Asked applicant if Monday-Friday is okay?

Simmons: Yes.

Vojtecky: Agreed with the change in truck access from 16' to 12' and eliminate turf block. Concrete could crack also. Don't care about color of vinyl, leave up to landscape architect. Agreed no Noise Study needed. Asked if this is the only water treatment plant in City? Good job on project.

Applicant: Yes.

Norris: For the heat island effect, would like to see turf block used. It is engineered to hold up if properly installed. Okay eliminating noise study. Asked about spray booth?

Applicant: Spray booth to be removed.

Norris: Asked what would be dumped into sewer?

Simmons: Treated water.

Norris: Inquired if that water could be used for irrigation? Also okay with chain link. Good project.

Applicant: Not allowed to use water.

Kildoo: Inquired about solar.

Backoff: Potential use of solar panels shown on plans. Trees are being limited to a certain height to eliminate blocking of solar panels.

Simmons: Solar has been considered. Evaluating costs vs. benefits. Structures are being designed to possibly allow for future solar.

Kildoo: Commented it should be designed to carry the load. Reviewed changes to resolution.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CUP 98-357 (09M) AS SET FORTH IN RESOLUTION PC 09-4112 WITH MODIFICATIONS: 1).

INCORPORATE STAFF'S MODIFICATIONS AS PER MEMORANDUM DATED 7/6/09; (Applicant reserves the right for their Engineer to review modifications. If any revisions are necessary, it can be done at a staff level and does not need to return to Planning Commission). 2). CONDITION U.: . . . five days a week (Monday-Friday) ~~except for holidays~~, unless there are . . . ; 3). D. (1) e. **Reduce** Change the single lane driveway in front of the existing creamery building **from 16 feet to 12 feet** (between the main entrance and the westerly driveway) **to allow for 14 feet of landscape in front of the drive and 20 feet behind it.** ~~to a landscape turfblock designed to withstand semi-truck use. Driveway to be asphalt.~~ 4). D. (5) A six-foot high tubular ~~steel~~ **vinyl-coated black chain link** fence shall be installed to replace the existing perimeter security fence along Mission Road. The fence shall be planted . . . ; 5). Delete L (~~and re-number/letter below~~). ~~Once all refrigeration trucks are converted to connect to an electrical source, the applicant will pay for the services of an acoustical engineer contracted under the City to validate there are no noise issues.~~; 6). Correct Legal Description: ~~Parcel 2 of Parcel Map 18519~~ **A portion of Parcel Map 19538 and a portion of Parcel 2 of PM 18519 together with Parcel 2 of Parcel Map 18135.**; AND SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER WEDGE MOVED TO APPROVE GV 09-83 AS SET FORTH IN RESOLUTION PC 09-4113 WITH MODIFICATIONS: Correct Legal Description: ~~Parcel 2 of Parcel Map 18519~~ **A portion of Parcel Map 19538 and a portion of Parcel 2 of PM 18519 together with Parcel 2 of Parcel Map 18135.** ; AND SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

PLANNING DIRECTOR COMMENTS

September meeting will be Tuesday, 9/15, with the HG Fenton item and a density bonus subdivision on the agenda. There will be a workshop at the 8/3 meeting on the same density bonus item. October meeting will be Monday, 10/19 with University District SP on agenda.

Nelson: Asked if there will be a workshop on Fenton?

Backoff: Do not anticipate workshop.

Nelson: Asked if packet can be distributed a week or two earlier for the Fenton project?

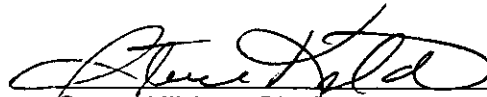
Backoff: Will have adequate time. Most Commissioners should already have the EIR and Specific Plan.

PLANNING COMMISSIONERS COMMENTS

Kildoo: A deer was hit on San Elijo Road.

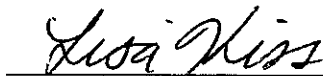
ADJOURNMENT

At 8:04 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairperson  
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary  
SAN MARCOS PLANNING COMMISSION