

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, NOVEMBER 2, 2009 - 6:30 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Jabara led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jabara (Alternate), Jacoby, Kildoo, Norris, Schaible, Vojtecky, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: None

ABSENT: Nelson, Minnery (Alternate)

Also present were: Planning Division Director, Jerry Backoff; Planning Secretary, Lisa Kiss; Principal Planner, Garth Koller; Deputy City Attorney, Morton Park; City Engineer, Mike Edwards

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 10/20/09

Kildoo: Minutes not available - approve at next meeting.

PUBLIC HEARINGS

2. **Case No:** TSM 470 / ND 09-785 (*continued from 9/15/09*)

Application of: 1188 Borden Road and 1200 Venture LLC

Request: The proposed project is requesting to subdivide three parcels into twenty-two (22) single family residential lots (Tentative Subdivision Map 470). The applicant is also requesting a 35% density bonus, as permitted by Government Code §65915. The

maximum allowed density per the existing General Plan is sixteen (16) lots. The applicant has indicated that two (2) lots will be set aside for very low income residents, thus entitling the applicant to seek the 35% density bonus per the State Density Bonus law (Government Code 65915). Because the applicant will provide two very low income lots within the subdivision, this also entitles the applicant to request two (2) waivers or concessions of development standards. The applicant has requested two concessions: a concession of the minimum 10,000 square foot lot size and standard R-1 zone setbacks (to be counted as one concession) and has requested access be provided with a private road instead of a public road, as required by the Tentative Subdivision Ordinance.

Location of Property: North side of Borden Road between El Toro Lane and La Cienega Road, more particularly described as: Parcels 1,2,3 of Lot 2, Block 29 of Rancho Los 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 recorder of San Diego County, December 21, 1895. Assessor's Parcel No.: 224-040-11; 224-040-28; 224-040-29.

Kildoo: Item #2 tabled/cancelled as per applicant's request.

3. **Case No:** DP 09-788 - Appeal

Appellant: Leilani Wrbanek

Request: Appeal of Director's Permit 09-788 for the Abayan Large Family Child Care Home.

Location of Property: 647 Atherton, more particularly described as: Lot 22 of City of San Marcos Tract No. 400, Phase 3, Unit #11, according to map 15288, filed in the office of recorder of San Diego County, State of California. Assessor's Parcel No.: 679-260-22.

Staff Presentation (Jerry Backoff):

Described request and location in the San Elijo Hills area. PowerPoint presentation shown. Aerial photo shown. House is on the 8th lot coming in from Double Peak Road. Child care limited to first floor with up to 14 children. Floor plan shown. Concern expressed from neighbors regarding noise in the backyard. Planning Director approved on 9/7/09 and Appeal was filed 9/17. State law shall not prohibit child care homes. They are allowed by right, through non-discretionary permit or Use Permit. If regulated through Use Permit, City can reasonably regulate four areas: Traffic Control, Parking, Noise and Space/Concentration. Staff received public comments (petition and voicemails). Discussed Appeal items: 1). Applicant built rooms in garage. Home has a 3-car garage. San Elijo Hills Specific Plan requires a 2-car garage. Staff inspected and directed applicant to obtain a building permit. They have subsequently removed the walls and are no longer using. 2). Radius notification. State restricts public notification and it's limited to within 100 ft. which takes precedence over standard 300'. 3). Sign was removed once. It was removed in error, a misunderstanding by applicant. Sign was re-installed after staff informed them and City has observed it during inspection. 4). Single egress. Conditioned for staggered drop off/pickup times. The State finds that the Large Family Child Care homes are consistent with residential uses. 5). Enjoyment of property owner comprised. City must regulate noise no different than single family. Children will play in fenced side yard an hour at a time in AM & PM. Community Care Licensing Division regulations comply with state and home is inspected once

per year. 6). CC&R violations. Applicant has not indicated whether they'll post a sign. Commercial signs are not allowed in residential zone. Not using garage as part of child care. CC&R's cannot prohibit in a residential zone. Staff recommends denial of appeal based on State's legislative mandate which has limited local land use control. Another previous appeal went to City Council. Indicated City cannot go beyond what they've conditioned. Staff recommends denial of appeal.

Schaible: Asked about regulating space/concentration? How many daycare homes in area?

Backoff: The City hasn't established that regulation in City.

Vojtecky: Inquired why Commission is hearing the appeal? Feels it should be a CC&R issue and has nothing to do with City.

Backoff: Appeal was submitted to City by residents. Procedure was explained to them. They want to have a voice to someone other than Staff. They have a right to appeal staff's decision.

Vojtecky: City has no jurisdiction over CC&R's.

Backoff: State law is clear that CC&R's cannot preclude daycare. Allowed like a residential use.

Vojtecky: Asked what the goal is for the evening?

Backoff: Atherton Community has concerns to listen to. Review conditions and decide if any new conditions are warranted.

Park: Staff's presentation is accurate. City is limited to four areas of regulation.

Vojtecky: Asked if it takes into account CC&R's?

Park: CC&R's are a private issue. Many of those provisions will likely be void. Stated as a representative of the City, he is reluctant to give advice to a private organization in terms of how to resolve their CC&R matters. Should be regulating what City can do with respect to State law and how to regulate within our zoning. Suggested Vojtecky refrain from commenting on their specific CC&R provisions.

OPEN PUBLIC HEARING

Charlie Abayan, Husband of Applicant: Glad everyone came to meeting so there can be resolution. Hours are 6 am – 6 pm, M-F. Most drop offs are between 7-8 AM and pickups 2:30-6 PM. Average amount of time is 5 minutes to drop off/pick up. Times are staggered. Do not intend to employ more than one assistant. Clients have been instructed to park in driveway or directly in front. Outside play time is not in violation of City's noise ordinance. Not louder than average family outside at play. Traffic should not be affected.

Kildoo: Will give Appellant 15 minutes if she's speaking for the entire group.

Leilani Wrbanek, Appellant: Is opposed to the daycare and doesn't believe it's the best thing for the community. Stated that she was representing almost half of the Atherton Community. Safety is #1 concern, along with traffic, parking hazards, noise control and quality of life including privacy & peaceful enjoyment. This is because of the location of house and amount of people involved. Submitted photos to review: 1). Double Peak Road – no speed bumps, cars travel up 20-50 mph. Homes will eventually continue up road. 2). There's only one entrance to 72 homes, 3). FedEx truck, if both sides have cars parked, and car stops to drop off, cars cannot go by. Neighborhood is not designed for this type business and it's a safety hazard. 4). Width of road, 5). Curve and limited visibility with blind spot, 6). Car double parked in front of house with doors open getting kids in/out, 7). Car waiting to pass stopped vehicle, 8). Width & curve in road, 9). Curve leading out of community, 10) T in road at Homegrove Drive, 55 homes, 11). T in road, showing applicant's home. 12). Applicant's backyard w/wrought iron fence. Can't help but hear through this type of fence. 13). Homes are close together. Side yard is 200' and 9-14 kids in that space is a lot.

Jacoby: Inquired how many of the 72 homes signed?

Wrbanek: 60. Asked how traffic would be regulated? What can City help with to keep children safe? No crosswalks, speed bumps, signs or regulated parking areas. Help us understand. How will noise and parking be regulated? What about people who work from home? Some people park along curb. No area to park. Feel it should not be approved, it's not safe. (Read a letter from someone who could not attend).

Wedge: Double parked car shown in earlier picture could have parked properly, there was space. Applicant said they'd request clients to park in driveway or front of house. What happens when others have company? They can't all park in front of one house and will be there over 5 minutes. Does community feel they should only be able to park in front of their house?

Wrbanek: There should be designated parking. Residents feel they have right to park next to their homes.

Wedge: Could understand noise issue. State doesn't allow us to deny or put restrictions that are any more onerous. We can't put parking requirement on them that we can't put on you. Everyone must be restricted the same.

Wrbanek: It's a business.

Kildoo: The State treats them like a residence and perceives a need. City can't change the rules to treat as a business.

Vojtekcy: Recommend looking into CC&R's. You have the tools to make your own rules.

Kildoo/Wedge: They cannot use CC&R's for enforcement.

Park: That is my understanding. Would refrain from giving them civil legal advice in terms of how to handle this dispute. Want to provide fair and balanced way of handling the due process for both parties.

Norris: Commented that appellant's husband works at home. FedEx trucks probably stop, open doors and run up to houses.

Wrbanek: One truck vs. 9-10 vehicles. Shocking that majority doesn't feel its safe. It's frustrating.

Park: Issues raised are state law issues. City's hands are tied with exception of four designated areas. If problem with state laws, need to address with state representative.

Backoff: Typical conditions are to keep driveway clear, park in garage, stagger drop off times. The Planning Commission could add, "No double parking." Parking shall be along curb or in driveway.

Wrbanek: Many vehicles turn around in cul-de-sac rather than reversing & turning around.

Jacoby: Inquired if the group has met and talked?

Wrbanek: No.

Jacoby: Had a similar issue in own neighborhood. We approached resident and it was solved.

Wrbanek: Asked how could it be solved when they're opposed? Sometimes you need a 3rd party. It's touchy; you don't want to offend someone. It's nothing personal.

CLOSE PUBLIC HEARING

Wedge: Don't think you've wasted my time. The Commission understands your frustrations. Unfortunately, state law doesn't allow City to do a lot. Can come up with some conditions they must follow. Suggested they try to find a way to work with neighbors.

Vojtecky: Suggested utilizing CC&R tool to your benefit. You can improve safety, traffic & noise. Get together with everyone including applicant.

Norris: Agreed. Sit down with applicant to work out issues. Not sure about installing speed bumps. Main issue seems to be parking and noise. Whatever you decide on applies to everyone.

Jacoby: HOA election coming up in San Elijo. Approach the candidates.

Jabara: There are no speed signs posted on Double Peak either way. It's a steep grade. Perhaps City can look into.

Kildoo: The State was trying to solve social ills and lack of daycare and made it hard for City's denial. No, is not one of our choices. Student Neighborhood Commission helped create Property Appearance Ordinance. It talks about noise, appearance, etc., and that gives you tools to use. It's on City website. Believe applicant wants to be a good neighbor. Everyone must understand rules. Suggested for motion, add no double parking and keep driveway clear for vehicles to park during drop off/pick up.

COMMISSIONER WEDGE MOVED TO APPROVE DP 09-788 (DENIAL OF APPEAL) AS SET FORTH IN RESOLUTION PC 09-4137 AND MODIFIED CURRENT DP 09-788: ADD NO DOUBLE PARKING IN STREET, DRIVEWAY SHALL BE KEPT CLEAR FOR CLIENTS DROP OFF/PICK UP, DROP OFF/PICK UP HOURS SHALL BE STAGGERED; SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: VOJTECKY

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

Kildoo: If desired, Planning can supply state representative information.

Wedge: Commented that the State is far more frustrating to work with than the City. Suggested everyone get together to make it work for all.

Kildoo: Item # 4 to be heard last.

5. **Case No:** SP 82-01 (09M)/SDP 09-339/CUP 09-805/CUP 09-812/TPM 673/ND 09-793
Application of: Costco Wholesale
Request: Specific Plan modification involving: 1). Demolition of both the existing +/- 134,818 square foot Costco Warehouse building and the +/- 49,068 square foot Harley Davidson building; 2). The street vacation of a portion of Center Drive in order to construct a new +/- 148,233 square feet Costco Warehouse building; 3). A self-serve membership only 8 island fuel station/a future self service members only car wash (Major CUP 09-805); 4). A members only tire center (Minor CUP 09-812); 5). An interior food center; and a large parking lot with landscape improvements. The proposed new Costco Warehouse building would consist of 139,806 square feet of warehouse area with an adjoining 5,692 square foot tire center, an interior 1,260 square foot food service area, and 1,475 square foot mezzanine totaling 148,233

square feet. The proposed Costco Warehouse building would be an average of 32'-2" high, with an architecturally treated entrance at 36'-0" high. The existing Costco Warehouse and the Harley Davidson building have a total floor area of 183,886 square foot. Therefore, the net effect of the proposed new Costco Warehouse building will result in a total floor area reduction of 35,653 square feet. The proposed self-serving member's only gas station located in the northeast portion of the site includes a 32'x120' pump island canopy which is approximately 17'-8" in height over the 8 multi-product dispensers. There will be three (3) underground 30,000 gallon gasoline storage tanks.

Location of Property: 717 & 725 Center Drive, more particularly described as: All those parcels, identified as San Diego County tax assor's parcel numbers 226-111-20, 226-111-54, 226-111-55, 226-111-56, 226-111-27 respectively, described as that 9.6 acre parcel of lot 3 block 9 and a portion of lot 10 block 8, in the City of San Marcos, County of San Diego, State of California, according to map thereof no. 806, together with those parcels of 1, 2, 3, & 4 of parcel map no. 14529 of said county; Also, together with the westerly part of Center Drive, approximately 780 feet long strip. Assessor's Parcel No.: 226-111-20, 54, 55 & 56, 226-111-27.

Staff Presentation (Jerry Backoff):

Described request and location. PowerPoint presentation shown. Changing from Vallecitos Town Center Specific Plan (SP) to Nordahl Marketplace SP. Car wash will be phased, may come in at later date. CUP's are for gas station/car wash and tire center. Boundary adjustment for recordation purposes through a parcel map. Street vacation of a portion of Center Drive. Discussed surrounding area and zoning. Aerial photo shown. Project will result in demo of Harley Davidson and existing Costco buildings. New Costco warehouse to be constructed. Self-serve member only 8-island fueling station, 16 pumps, future self-service members only car wash, tire center, interior food center (rather than outside), parking lot with landscape and screen wall improvements. Costco went through a series of layouts. Two community workshops held. First one resulted in concerns with gas station location. Costco then redesigned and re-oriented gas station, pulling pump area away from residential. Landscape Plan shown. Trees were upgraded along property line from 24" to 36" box. There's a sound wall along entire northerly property line and portion of western line. Architectural elevations shown & discussed. Will have pop out features and elements similar to Nordahl Marketplace. Traffic study concluded a net decrease, LOS "B." Gas station does increase some AM/PM peak hour trips. Center Drive, LOS "B," Nordhal Rd., LOS "B" and "C" at peak hours. Will pay PFF fees and contribute to signal interconnect on Nordahl Road. The City, along with Escondido, has contributed money towards the rebuild of Nordahl bridge interchange. Caltrans and SANDAG have also included the remainder of the shortfall to push CIP project forward. PSR has already been completed and final design is underway. Discussed stacking plan for fueling station. Capacity is 72 vehicles. There will be an on-site attendant at all times. Area can be coned off to re-orient traffic if needed. New Costco will provide 765 parking spaces and currently has 590. During phasing, some parking may not be optimal. Costco will shuttle employees and provide drive up area to pick up merchandise. Costco typically experiences 23% reduction during re-construction. As per San Diego Air Pollution Control District, no fueling station has been cited for nuisance odors within last 10 years. Letters from residents (included in packet) have been responded to.

Consultants present to answer any questions. Staff recommends approval to City Council.

Schaible: Asked if there is a drawing of fuel island canopy available?

Backoff: Standard canopy with column supports, slate or split face, w/stucco to match building. Limited signage. (Large exhibit displayed).

Schaible: Asked if lighting is shielded, shining down and not out?

Backoff: Yes, directed under the canopy, with no spillover outside canopy.

Schaible: Inquired about the grade difference. Is fueling area or residences higher?

Backoff: Costco sits higher than residential homes. There may be a one to two foot difference in the final elevations. There will be 8' masonry sound attenuation wall along the entire northerly property line length and landscape material.

Jacoby: Did Harley Davidson handle any fuels?

Backoff: Not aware of any.

Vojtekcy: Question #21 was not answered. Does car wash building meet setbacks from the underground tanks?

Koller: It will. Final configuration needs to be established that will incorporate both proposed gas station and car wash. When property lines are established they must be free & clear of structures and can't go through a structure and it will be free & clear of underground tanks as well.

OPEN PUBLIC HEARING

Michael Okuma, Director of Real Estate Development for Costco: Working diligently with staff. Several neighborhood meetings were held and they met with senior housing residents last week. Issues were brought up; we listened carefully and made changes to operations and the proposed project. Originally Costco was only looking to do a remodel but due to the building being over 25 years old and originally a Price Club, it didn't meet Costco standards. When the Harley Davidson parcel became available it gave Costco an opportunity to expand and relocate the building. Currently, it is 274 feet away from the residences which lead to noise/glare issues. Design of new warehouse will correct that. It will be 760' from residences, with increased landscaping & changed parking lot lighting. The manager was introduced to the neighbors and they discussed current operational issues. Costco worked to reduce lighting glare from a 25-year old system, reduce alarms and changed parking lot sweeping hours. The VP of Operations attended last meeting and has an open dialog with anyone. The existing warehouse will continue to operate during the new construction. This is necessary due to the cost of acquiring the Davidson parcel and also to retain employees.

Francis Chu, consultant, Greenberg Farrow Architects: Staff made sure we listened to neighbors. Discussed access to site. Discussed 8' wall and landscape. Residents on Palomar Road would not be able to see building. Lighting would be low pressure sodium with cutoff shields to eliminate light spillage.

Jeff Howard, Landscape architect, Knoll & Associates: There were three areas defined for project: Screen planting for perimeter, canopy trees within parking area, specialty trees at entrance/drive aisles. Concerns expressed at workshop were the view of building/gas station. Size of plantings were increased on northern edge, to 36' box from 24' and spaced closer together to create almost a hedge. Added a second layer of tree/hedges near fueling station. Will maintain existing trees along SR-78 and add additional trees.

Joel Howitt, Barghausen Consulting Engineers: Pointed out clarification to Staff's presentation: Gas station is a four-island facility with 8 dispensers and 16 fueling positions. Discussed lighting. Recessed light fixture is set on the underside of canopy and provides ambient lighting. There are spot lights at each dispenser, beams directed to pads only. Signage is subdued. Costco operates over 300 gas stations in U.S. and internationally. The gas industry, definitely in CA, is extremely regulated. There's extensive oversight from EPA, CA Air Resources Board, CA Water Resources Board, SDAPCD, SD County Environmental Health re: storage tanks. Costco facilities represent the cutting edge, best available control technology. All vapor recovery, UST's and leak detection prevention system is state-of-the-art. Question was asked at workshop regarding how placement was determined. 1). Fueling station must fit in with overall circulation of site. 2). Health risk analysis that needs to be conducted. In SoCal, Costco hires an independent air quality consultant who evaluates locations throughout the site which represent the least health risk impacts to nearest commercial & residential receptors. Current location on site plan represents the lowest health risk impacts of locations studied.

Norris: Inquired about lighting, asked why not LED or directional?

Howitt: They are directional. They are very low energy, low ambient. Not going to LED yet. There is no cast off light.

Norris: Asked about fuel types?

Howitt: Just gasoline. No propane in current plan.

Norris: Inquired if car wash water will be reclaimed?

Howitt: Each wash is approximately 57 gallons of water with 50% reclaimed.

Vojtecky: Asked if vapors are pulled back into tank?

Howitt: The Costco nozzle utilizes a vacuum-type system which does the same thing.

Vojtekcy: No issues for anyone living nearby?

Howitt: No.

Graziella Giannetta, resident at nearby senior apartments: (Showed pictures of her skin condition - a rare leukemia directly due to benzene by-products). Worked at North Island aircraft facility and was exposed to diesel exhaust. Glad to hear no diesel pumps. Her concern is the exhaust that will come from construction equipment. Stated it will have an impact on her health and be all throughout area on Center Drive.

Jo MacKenzie: Direct neighbor to Costco. Re-modification of site plan and re-location of Costco isn't the issue. The issue is inconsistency of the environmental document. 1). CEQA requires project be analyzed as a whole not as a piecemeal. 2). Public review period was 20 days. Usually it's a 30-day period. Stated she didn't get responses back to her comment letter. Asked what other agencies received MND. There is no discussion on the Tentative Parcel Map in the MND. Was told it's a boundary adjustment tentative parcel map. Not sure what that is and couldn't find in the State Subdivision Map Act. What is the configuration of Tentative Map and why not evaluated under CEQA? Air quality report says cell towers will be included and a point of sales for high efficiency cars. Those were not analyzed in MND, Air Quality Report or technical studies. The public comment time was shortened to 20 days. Concern expressed over timing of availability of hearing documents. The Brown Act requires that all writings to a legislative body be made available to the public at the same time. Thanked Staff and Costco for being amenable but there are still a number of issues. There are discrepancies on the project descriptions. Director says 1'-2' difference in elevation, but Geotechnical Report says 5' cut and 8' fill. Staff Report says 3'. Not sure where parking lot is, it's about 12' below the bank. The wall won't be top of the bank, because property line is in the middle of bank. Have lived with noise for 20+ years. Stated her issue with gas station is with the fumes from cars idling. You can have 72 cars there. At Vista Costco, it takes 16 minutes to rotate 7 cars through the pumps. That comes to 3,255 ADT's a day. Traffic study analyzed it at 900. Traffic report says no impact but doesn't take into consideration what's happening on ground.

Florence Kenny, resident at nearby senior apartment: Requested 15 minutes.

Kildoo: Only 3 minutes, because not a recognized group. (Distributed pictures to Commissioners).

Kenny: Concerned with fumes & carbon monoxide. Cars are lined up now and residents have difficulty getting out of complex. Costco's plan didn't show our complex. They are putting up a wall for the residents behind, which funnels the southwest air, which we get in the afternoon right through to our apartments. There are 1,200 people in three complexes. Some have children and grandchildren who visit. They breathe the polluted air. Very upset about this. Black dirt from tires.

Can't open windows. No consideration being given to the apartments. (Handed out petitions).

Kildoo: Apartments are relatively recent compared to center as a whole. Asked when they moved in, if she and others were not aware of the existing shopping center, traffic on Center Drive or uses of surrounding area?

Kenny: Costco was low key. There wasn't as much traffic and certainly no gas station. They have put on a membership drive and I am a member. Lived with construction for 1.5 years and don't want to move again. So much dirt, dust and jackhammers you couldn't sleep.

Kildoo: Asked if she noticed nearby development when she moved there?

Kenny: We do not get south wind.

Kildoo: Is there something different in this proposal?

Kenny: There will be.

Kildoo: The Costco was there and Center Drive provides access.

Kenny: The gasoline tank. Objecting to the wall and vacation of part of Center Drive. Once closed, the traffic will turn around and go by our building. Apartments will have 75% vacancy, people will move out.

Jim Simmons, representing World Premier Investments (WPI), owner of majority of the shopping center: Presently engaged in a process with Costco. Working out arrangements to maintain Center Drive. Haven't reached agreement but condition requires Costco to come to agreement with WPI.

Kildoo: Is condition present?

Backoff: Condition is to vacate Center Drive. The two parties will need to come to agreement.

Simmons: Currently in an on-going conversation with Costco and anticipate agreement will be reached before it goes to Council. Also for the record, there's an on-going discussion regarding a shared sign. (Not related to application).

Patricia Bransford, north boundary neighbor: Lived in home 36 years. Before Price Club, property was a hill with an orange grove. Once built, the freeway noise became evident. Provide daycare for grandchildren. There are fumes coming from freeway. Costco seems to be trying to address issues. Gas station and future car wash is near their property. Stacking cars/fumes will impact us. Totally against the car wash and have asked Costco to reconsider putting it in. Concern with blower noise. The afternoon quiet period will go away. Happy with 8' wall (or higher) and

landscape. Privately owned parcel strip is not taken care of. Mr. Koller advised they were told to clean the mess up. Objects to gas station & car wash.

Dale Goldsmith, Land Use Attorney, representing Costco: Addressed several earlier questions/concerns: 1). Health impacts from construction emissions. Legitimate concern, but the NegDec is based on a comprehensive Air Quality Technical Analysis that considered all potential equipment that would be used during construction and concluded the emission levels would be well below the established thresholds of significance. Therefore, no health impacts. MND identifies measures to further reduce emission potentials during construction. 2). The 20-day review period is what is required under CEQA. There is no requirement that the City respond to comments for a Negative Declaration. EIR's, yes. City must only consider comments. 3). MND did not discuss TPM. Suggest possible confusion with an implementing approval of the project. The map merely changes some of the property lines to further conform to Costco's business needs. It does not have potential to impact environment and doesn't need to be separately analyzed in NegDec. The NegDec extensively analyzes the project and all potential physical impacts fully consistent with the requirements of CEQA. 4). Cell tower and point of sale. Originally considered but have since been withdrawn. Therefore, no need to analyze in MND. 5). Concerns about the project changing. The public outreach works. Costco met with neighbors, heard the concerns and made changes to make it better. MND is adequate and process is working. 6). ADT's. Couldn't follow the arithmetic of Ms. MacKenzie. Table 6 of Traffic Report includes breakdown of trip generation and fueling facility. AM & PM increase, and decrease overall is fully accounted for. 7). Operational Air Quality. Technical Report analyzed both construction and operational impacts and concluded less than significant. 8). Noise of car wash. Mitigation includes 8' wall & extensive landscape. Costco will put vines on wall to avoid graffiti.

Schaible: Asked for more detail on private landscape strip?

Backoff: Unfortunately, Costco doesn't want to control the property. Over time, ownership has changed hands. Property owners thought they could utilize it, but is not the case. Property has gone through the court-house steps. City has given current owner notice they are in default of tenant use as a buffer and lack of landscape. Owner wants proof that it has to be maintained. Costco may ultimately purchase to become part of project. If it happens, it could become more intensified with landscape.

Schaible: Asked if Costco is looking at buying it?

Backoff: Owner wants Costco to purchase. City can't require a sale.

Wedge: Inquired about Ms. Kenny's concern regarding 8' walls funneling or changing air stream?

Goldsmith: Don't believe that is the case. If blowing from the freeway, the wall would actually be an impediment to anything and landscape hedge would create a

potential barrier for any air quality emissions. The extensive analysis, which included all emission sources, concluded that the Costco project would not result in any significant air quality impacts.

CLOSE PUBLIC HEARING

Backoff: Introduced consultants.

Valerie Thompson, Scientific Resources Associated (SRA): Conducted a technical peer review of the Air Quality Technical Report. Conclusions indicate pollutant levels that would be generated by the project are less than the significance thresholds for all of the criteria pollutants that were evaluated. Vehicle exhaust & carbon monoxide is the concern when cars are idling. Carbon monoxide is regulated by US EPA & CA Air Resources Board. They have set standards based on one hour & 8 hour concentrations. The entire county has not seen an exceedance of the thresholds since '94. This includes a monitoring station in downtown San Diego where there is a lot of traffic & congestion. The South Coast basin, which includes LA area, has also recently been designated as an attainment area. It sees much higher traffic than would be experienced at Costco. Gave example of "modeling" done in Orange County. The gas station must obtain a permit to operate from SD Air Pollution Control District and that will include a Health Risk Assessment to demonstrate that risks would not be above their significance thresholds.

Vojtecky: Asked if prevailing winds are from the west?

Thompson: Winds during the day are mostly from the west, but vary throughout day.

Vojtecky: Pointed out that he lived in this area years ago and experienced the vehicle exhausts and soot. It's coming from the freeway to the west, not this project.

Bob Davis, RBF, Senior Transportation Planner: Clarify trip generation – Table 5. Numbers indicate an increase in ADT's of 3,750 vehicles per day. When you take into account the difference in the pass by with new use and subtract the Harley Davidson trip generation it results in net decrease of 80 trips. Not sure where 900 assumptions came from as it's not in the report.

Kildoo: Asked if addition of gas pumps would change ADT's?

Davis: Research from Costco shows that 70% of trips going to the gas station, are also shopping at store or using the car wash. Gas stations are not producing that many new trips.

Vojtecky: Asked if WPI wants to be involved in road and/or sign? (Simmons left meeting).

Backoff: The vacation of Center Drive must be considered by World Premier. Costco will have to interface with them. Has heard some discussion of a new pylon sign. Nordahl Marketplace SP sign program sets the number/type of signs.

Costco has not asked Staff for a change to the sign program. Sign is what you see on building.

Okuma: Center Drive separates both Costco and World Premier properties. Currently negotiating and when road vacates, part goes to Costco & part to WPI. Must work with WPI to enhance with landscaping and acquire. After taking ownership, it would be Costco's responsibility to maintain. All signs have been indicated in proposal.

Norris: Inquired if Costco is looking at alternative fuels? Propane?

Okuma: Costco members have been polled and there wasn't a need or desire to provide additional fuels which is not to say it won't occur in future.

Norris: Blowers are a big concern. Asked if carwash uses de-ionized water?

OPEN PUBLIC HEARING

John Ellingson, Barghausen Engineers: Drying agents and the blowers are most efficient. There's potential for changes. De-ionized water will be used. The wall, landscape, air screens & parapet type will greatly reduce noise level that escapes from the building.

Norris: Any LEED points? Demo/recycle?

Okuma: Not taking advantage due to construction time line. Many elements are very sustainable in the construction such as materials used & energy reduction and management.

Norris: Costco not going for certification?

Okuma: No, but the elements put into standard building meets the building certification itself.

CLOSE PUBLIC HEARING

Schaible: Very thorough presentation.

Action:

COMMISSIONER SCHAILBLE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF SP 82-01 (09M) AS SET FORTH IN RESOLUTION PC 09-4143 SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

AYES: COMMISSIONERS: JABARA, JACOBY, KILDOO, NORRIS, SCHAILBLE, VOJTECKY, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER JACOBY MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF SDP 09-339 AS SET FORTH IN RESOLUTION PC 09-4144 SECONDED BY COMMISSIONER JABARA AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER SCHAIBLE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF CUP 09-805 AS SET FORTH IN RESOLUTION PC 09-4145 SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER JACOBY MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF CUP 09-812 AS SET FORTH IN RESOLUTION PC 09-4146 SECONDED BY COMMISSIONER JABARA AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

Park: Stated for the record: Issue related to the Brown Act and receipt of Agenda packet. The failure to receive that does not invalidate the actions taken by the Planning Commission tonight by statute. The vote will take effect under the Brown Act.

10 minute break

4. **Case No:** TA 09-61 / ND 09-791
Application of: City of San Marcos
Request: Landscape Ordinance.
Location of Property: City-wide.

Staff Presentation (Garth Koller):

Described request. PowerPoint presentation shown. On Sept. 10, 2009, the State approved, by Assembly Bill 1881, the adoption of law requiring all City's to incorporate a landscape model ordinance. It was submitted to all jurisdictions for review, went through a number of workshops and then they came up with a final version. It incorporates a number of important landscape designs for conservation of water and smarter design. It became apparent that both the City's and water purveyor's shared a common concern regarding some of the regulations. Issues are: auditing obligations, inspections, water surveys, terminology such as recycling water vs. re-circulating water. It makes the public more aware of their responsibility and includes individual residential lots and larger projects. Includes soil management, irrigation scheduling and establishing formulas. Staff recommends approval to City Council.

Backoff: One of the biggest issues City & water purveyor's had was the responsibility to audit. State says it doesn't matter who audits, but someone has to. City doesn't have the staff or data and water purveyors, who have knowledge and information, don't want to. City crafted the Ordinance where the private sector would submit through a certified auditor or landscape architect. They would have audit and reporting responsibility. It takes pressure off the City and water purveyors and puts it on the development community. Best approach to minimize impact on staff is to require it be done by certified personnel.

Kildoo: Asked who this will impact?

Koller: Will affect almost a lot of projects, everything from small commercial site to larger residential lots. Minimum criteria are 2,500 square feet (of landscape area) for new, rehabilitated or modified landscape. A room addition could affect landscape.

Kildoo: Inquired who provides certification for auditors?

Koller: There's an 8-hour course. If exam is passed, you are certified by State and able to do auditing.

Kildoo: Another layer of bureaucracy.

Koller: Water purveyors concerned it's only an 8-hour course. Licensed landscape architect may be better qualified.

Kildoo: Asked if City is establishing any minimum education criteria beyond state certification?

Koller: No.

Jacoby: Inquired if any interaction between City and Homeowners Association? In San Elijo Hills, you can plant Eucalyptus tree but it's hard to get approval for a palm tree in your backyard.

Backoff: Will have significant issues for new subdivisions & new lots, not specific to current HOA's.

Norris: Asked about additions for homeowners?

Koller: If over 5,000 s.f. Paperwork could be overwhelming for some. Ordinance recognizes all areas – flat, slopes, wherever there is landscape as part of square footage.

Wedge: Sounds like individuals can't landscape their own yard. Asked if a homeowner can tear up roses and plant cactus to save water?

Koller: If existing landscape, it only applies to those areas where changes will occur. You do have the ability to do your own design. Must hire a licensed landscape architect if over a certain size.

Vojtecky: Asked the difference between state and City versions?

Koller: Similar. Blue font represents state wording.

Vojtekcy: Asked the purpose of City adopting the ordinance?

Koller: State mandate. Can alter it only if it carries the intent of the model ordinance.

Vojtecky: Inquired if a separate water meter is required if you re-do landscape?

Koller: That section is worded as "may" or "recommended" and is what State model suggests. City and water purveyors felt unnecessary and most likely won't be enforced.

Vojtekcy: Asked what cost is for a meter?

Koller: \$200-\$300.

Vojtecky: It's very expensive.

Backoff: Can't change regulation.

Vojtekcy: Vote it down.

Backoff: If you don't adopt it, then it defaults to State mandate ordinance.

Vojtecky: Not the will of the people. Backflow preventive valves: What about well water? Or, a combination of City/well?

Koller: Didn't cover well water usage in detail. Mainly connected to available service.

Vojtecky: VWD letter as an attachment. Why won't City monitor?

Koller: Most water purveyors provide limited auditing as a courtesy at no cost. This type of monitoring is on-going and more aggressive. Their concern is with cost and manpower.

Backoff: City wishes to put auditing responsibility on developer.

Vojtecky: Increasing values of property. Someone will pay and eventually it will be the homeowner. It increases the costs to live in the community.

Kildoo: If you're in the State of CA, you're going to be looking at the regulation no matter where you are.

Backoff: Issues have been raised with lobbyist. City has pointed out pitfalls and problem areas. City must address it now.

Vojtekcy: Asked how recycled water relates to Health Dept., mosquitoes, etc.?

Kildoo: Two types: 1). Gray water, discharge from washing machine. 2). Recycled, that water districts treat, (but at lower level than potable), the purple pipe water for irrigation.

Norris: Must be careful with that.

Koller: Recycled water is a high potential for health problems. Re-circulated is more appropriate.

Vojtecky: Document says you can't enforce water efficient landscape ordinance. Why do it if can't monitor?

Koller: Comments are from water purveyors. There is difficulty in following through with intent of ordinance. Requires additional man hours and training and costs to

individuals. State still feels City is lead agency and responsible to carry through intent. No one else is willing to take on additional responsibility.

Jabara: Asked how other Cities are handling?

Koller: Haven't had a chance to contact many. Large group in San Diego were creating own ordinance. Several had water departments and were willing to add greater restrictions.

Jo MacKenzie: Vista is using state model.

Jacoby: If more strict, less people may locate here.

Kildoo: All cities will have some level of this. Most differences will be minor.

Backoff: City is trying to make it a minimal impact.

Jabara: We'll pay for it by hiring someone at City or as homeowners.

Action:

COMMISSIONER SCHAIBLE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF TA 09-61 AS SET FORTH IN RESOLUTION PC 09-4148 SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

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

NOES: COMMISSIONERS: VOJTECKY

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

PLANNING DIRECTOR COMMENTS

Backoff: None.

PLANNING COMMISSIONERS COMMENTS

Kildoo: Directed Staff to provide a one week minimum to Commissioners for review of packet or continue the item to the following month. Staff needs to tell consultants & applicants that they have that timeline and to make sure they get items in or they'll see another month added to their timeframe.

Schaible: Do you need a second?

Jabara: Believe we all agree.

Kildoo: Not a formal motion. (Everyone nodded in agreement). Not beating up on Staff. There's a lot going on in this particular case. The only way Planning can push back against applicants is to let them know the Planning Commission wants a week's time to review. If they're not going to do this, an exception to this can be discussed through the Chairman.

Jabara: Majority of us work and we only had one day to meet with Jerry. It's rough. Plus, from the public's perspective, it's not enough time.

Kildoo: Any legal reason why this requirement to Staff would be a problem?

Park: Not seeing a legal barrier.

Backoff: Staff tries to get many items to the Commission ahead of time.

Kildoo: Yes, received University District & Creek District documents.

Backoff: Haven't done that for MND's. Can e-mail some larger documents. Staff Reports are about 4 pages and resolutions are not large.

Kildoo: Part of this requirement is about the public. We know what to look at. The public doesn't and should be given enough time to review. It's a lot to read in a weekend.

Backoff: Public gets 20 days or more for NegDec's. Will give additional time for voluminous documents. Staff can and will attempt to make packet available a week ahead. Council gets same packet with similar amount of time to review.

Wedge: This is voluminous.

Kildoo: Sympathetic to staff, but we have no problem if the deadline can't be met, to push it off a month so we all have plenty of time. Recognizing the challenges that may present to you with management, that's the direction we're charging you to go. Do the best you can. If an exception to one week rule needs to be made, Staff needs to call Chairman to discuss.

Backoff: May need special meeting.

Kildoo: We need to not be in this position again.

Wedge: Doesn't developer pay for a special meeting? If caused by staff, they shouldn't pay.

Jo MacKenzie: Commenting on issue as a representative to an applicant, neighbor to the project and sitting on the VID board and LAFCO commission. You need information early enough to digest. Of all the documents we had on Costco, there

are half dozen conditions that would probably have made everyone relatively happy with project but didn't get a chance to address. As an applicant, we get the documents at the same time as Commission. Usually, we're working through some conditions, but there always seems to be a zinger in there we get on Thursday or Friday when City is closed. Can't resolve until Monday. Then, Commission gets all these addendums on dais.

Kildoo: Stated he doesn't like getting addendums and paperwork when he walks into the room. Rather not deal with this.

MacKenzie: Tried to get documents on Friday, City was closed and it wasn't on website. No way to get anything until today.

Kildoo: That's what Commission is trying to address.

MacKenzie: Maybe meeting date should be on a Monday following an open Friday? Need more time. LAFCO is able to get their packets out a week ahead of time. Have had this same discussion many years ago.

Kildoo: It ebbs and flows.

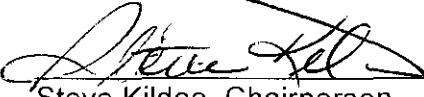
MacKenzie: It helps the applicant to have ready earlier.

Backoff: City will work with everyone. This will have a ramification and developers and applicants may not like it.

Kildoo: Would rather make an occasional exception than accept this normal process of receiving it the Thursday or Friday prior. We need a full week to review and allow us time to visit site if needed.

ADJOURNMENT

At 9:56 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairperson
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION