



# MINUTES

## Regular Meeting of the Planning Commission

**MONDAY, DECEMBER 02, 2019**

City Council Chambers  
1 Civic Center Drive, San Marcos, CA 92069

### **CALL TO ORDER**

At 6:30 p.m. Planning Commission Chair Norris called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

Commissioner Matthews led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

The Secretary called the roll:

PRESENT: COMMISSIONERS: NUTTALL, MATTHEWS, OLEKSY, NORRIS, MUSGROVE, CARROLL

ALTERNATE COMMISSIONERS IN AUDIENCE: NONE

ABSENT: FLODINE, CRAIN

Also present were: Planning Manager Joe Farace; Deputy City Attorney Avneet Sidhu; Principal Civil Engineer Stephanie Kellar; Senior Office Specialist Gina Henderson

For the record, Commissioner Nuttall arrived near the end of the staff presentation for Item #1. Commissioner Nuttall confirmed receipt of the PC Packet prior to the hearing date and was present for the public hearing questions, discussion and voting.

### **ORAL AND WRITTEN COMMUNICATIONS**

None

### **CONSENT CALENDAR**

**1. Project No: PA19-0004**

### **PC AGENDA ITEM #2**

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**Applicant:** Urban Villages San Marcos, LLC

**Request:** Recommend to City Council adoption of Resolution PC 19-4829 for the summary vacation of dedicated right-of-way for a portion of June Way within Tentative Subdivision Map 14-002. Together with a portion of the general easement granted to the City of San Marcos per Doc. No. 2017-02836847

**Environmental Determination:** The project is categorically exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15378 of the CEQA Guidelines because there is no potential to result in the physical change in the environment and pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility it would have a significant effect on the environment.

**Location of Property:** Portions of June Way

**Assessor's Parcel Numbers:** 220-202-61 & 220-202-62

**Stephanie Kellar, Principal Civil Engineer:** Presented Staff Report and PowerPoint Presentation for the Summary Vacation of Right-of-Way and a General Utility Easement for Portions of June Way and North City Drive. The project applicant dedicated the subject portion of June Way on Map 16246, recorded on December 27, 2017. A General Utility Easement was granted by Document 2017-0283684, recorded on June 22, 2017. Subsequently the ultimate alignment of June Way and the configuration of the roundabout at the intersection of June Way with North City Drive were finalized. The portion of right-of-way and General Utility Easement to be vacated are in excess and are consistent with the final alignment of June Way and the configuration of the intersection as constructed. California Streets and Highways Code (CSHC) Section 8330(a) states that the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation. Further, CSHC Section 8334 provides that the legislative body of a local agency may summarily vacate an excess right-of-way or highway not required for street or highway purposes. Staff have determined that the right-of-way proposed to be vacated has been superseded by the relocation of June Way and the June Way/North City Drive intersection; will not terminate an existing public service easement; and will not cut off all access any person's property. In accordance with Streets and Highways Code Section 8313 and Government Code Section 65402, the local planning agency is required to consider the proposed vacation action and to report on the conformity with the adopted general plan. After reviewing the limits of the proposed right-of-way vacation, the existing road infrastructure, and the General Plan, staff concluded that a public road is not needed along the portion of June Way to be vacated.

**Planning Commissioner comments included:** Did staff know that realignment would have an impact on the City's right-of-way, and was generally approved pending approval by City Council; clarify location on map indicating the south east section.

**Stephanie Kellar, Principal Civil Engineer:** Yes that is correct and the same action has been taken to adjust the right-of-way on other corners of the same intersection. To clarify, it's the south east quadrant of the intersection. It's relative to the four corners of the intersection this is to the northwest of the building.

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**Action:**

COMMISSIONER MATTHEWS MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL RESOLUTION NO. 19-4829, PA19-0004; SECONDED BY COMMISSIONER MUSGROVE. MOTION CARRIED BY THE FOLLOWING ELECTRONIC VOTE.

AYES: COMMISSIONERS: NUTTALL, MATTHEWS, OLEKSY, NORRIS, MUSGROVE, CARROLL  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: FLODINE, CRAIN,  
ABSTAIN: COMMISSIONERS: NONE

**2. Project No:** PA19-0005

**Applicant:** Discovery SL, LLC

**Request:** Recommend to City Council adoption of Resolution PC 19-4830 for the summary vacation of dedicated right-of-way for portions of Echo Lane, Myrtle Avenue, and Discovery Street within Tentative Subdivision Map 16-003.

**Environmental Determination:** The project is categorically exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15378 of the CEQA Guidelines because there is no potential to result in the physical change in the environment and pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility it would have a significant effect on the environment.

**Location of Property:** Portions of Echo Lane, Myrtle Avenue, and Discovery Street

**Assessor's Parcel Number:** N/A

**Stephanie Kellar, Principal Civil Engineer:** Presented Staff Report and PowerPoint Presentation for the summary vacation of right-of-way for portions of Echo Lane and Myrtle Avenue within Tentative Subdivision Map 16-003, located west of S. Twin Oaks Valley Road and south of the future alignment of Discovery Street for the subdivision of 38.990 acres of land into 4 lots with up to 220 condominium dwelling units. TSM 16-003 was recommended by Planning Commission for approval on February 5, 2018 and approved by City Council on March 13, 2018 as City Council Resolution 2018-8471. California Streets and Highways Code (CSHC) Section 8330(a) states that the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation. Further, CSHC Section 8334 provides that the legislative body of a local agency may summarily vacate an excess right-of-way or highway not required for street or highway purposes. Staff have determined that the rights-of-way proposed to be vacated have been superseded by the relocation of Discovery Street; will not terminate an existing public service easement; and will not cut off all access to any person's property. In accordance with Streets and Highway Code Section 8313 and Government Code Section 65402, the local planning agency is required to consider the proposed vacation action and to report on the conformity with the adopted general plan. After reviewing the limits of the proposed right-of-way vacations, the road infrastructure as existing and as proposed per Tentative Subdivision Map 16-003, and the General Plan, staff concluded that public roads are not needed along the Myrtle Avenue and

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Echo Lane rights-of-way to be vacated.

**Planning Commissioner discussions included:** The land was approved in the past and never gave up the easements then, why now; what happens if this plan never comes to fruition, do we lose the easement; is the request for this or the anticipated request because of the modification of the future Discovery Street from the original plan alignment, why is this now an issue with the TSM; I don't recall this being forecasted back in 2018; concerns that the land owner doesn't want to build what was proposed, can the City get the property back and rezone for something different.

**Stephanie Kellar, Principal Civil Engineer:** Yes it's been in place for some time. The tentative subdivision map as it was processed and approved depended upon this right-of-way being vacated. This is a formalization of an action that was already shown to Planning Commission and City Council. The applicant will also not be able to record their final map until this process has been finalized. There is nothing that stipulates the timeline. It could get City Council to go ahead with the vacation and not complete the vacation until the City was surer the development was going forward. This action has always been necessary based upon the information shown on the TSM.

**Joe Farace, Planning Manager:** I will add that this is a Condition of Approval prior to final map. The applicant is intending to move forward with finalizing their map. Up to this point they have shown their intent based on the actions they are taking. When the easements are vacated they can align with the final map recording. This probably wasn't discussed. These areas to be vacated were shown on the map, and then the TSM conditions also indicated that these areas would need to be vacated as well. You are right; it wasn't explicitly part of a staff presentation. It was mentioned that it had to happen but it was always anticipated to be part of this future action. The new Discovery Street alignment has been known for some time and is in place. It's the northern boundary of the site. In my opinion regardless if this site goes through or whether a hospital will take its place, this site's roadway easements encumbered on there are not necessary and that is part of the findings. Discovery Street isn't going to change the alignment.

#### PUBLIC COMMENTS

**None**

#### **Action:**

COMMISSIONER OLEKSY MOTIONED TO RECOMMEND APPROVAL TO CITY COUNCIL RESOLUTION NO. 19-4830, PA 19-0005, WITH TENTATIVE SUBDIVISION MAP 16-003. COMMISSIONER NUTTALL SECONDED THE MOTION. MOTION CARRIED BY AN ELECTRONIC VOTE.

AYES: COMMISSIONERS: NUTTALL, MATTHEWS, OLEKSY, NORRIS, MUSGROVE, CARROLL  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: FLODINE, CRAIN

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ABSTAIN: COMMISSIONERS: NONE

**PLANNING MANAGER COMMENTS**

We will be having a meeting on December 16<sup>th</sup> and bringing forward a Master Sign Program for North City, along with the Minutes from the last meeting. And that is all I have to report on.

**PLANNING COMMISSIONERS COMMENTS**

None

**ADJOURNMENT**

At 6:55 p.m. Chair Norris adjourned the meeting.

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KEVIN NORRIS, CHAIRMAN  
CITY OF SAN MARCOS PLANNING COMMISSION

**ATTEST:**

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GINA HENDERSON, SENIOR OFFICE SPECIALIST  
CITY OF SAN MARCOS PLANNING COMMISSION

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