



MINUTES

Regular Meeting of the Planning Commission

MONDAY, JUNE 01, 2020

City Council Chambers – Teleconference and Electronic Means
1 Civic Center Drive, San Marcos, CA 92069

CALL TO ORDER

At 6:31 p.m. Planning Commission Chair Flodine called the meeting to order.

Chair Flodine made the following statement:

Pursuant to Governor Newsom's Executive Order N-29-20 dated March 17, 2020, and Executive Order N 33-20 dated March 19, 2020, issued with respect to COVID-19 pandemic, this Planning Commission meeting will be conducted utilizing teleconferencing and electronic mean. In the interest of reducing the spread of COVID-19, members of the public may only call in to hear the meeting and may not be present in the Council Chamber.

To submit a public comment at this Planning Commission meeting, please email Ghenderson@san-marcos.net and write "Public Comment" in the subject line. In the body of the email, include the item number and/or title of the item as well as your comments. Email comments on matters not on the agenda must be submitted prior to the time the Chair calls the Oral Communications item. Email comments on any agenda item must be submitted prior to the time the Chair closes public comments on the agenda item. Please be advised that all emailed comments are subject to the same rules as would otherwise apply to speaker comments at any Planning Commission meeting, and that electronic comments on agenda items for this meeting may only be submitted by email. Comments via text message and/or social media (Facebook, Twitter, Instagram, etc.) will not be accepted.

The Planning Secretary will read all email comments, provided that the reading will not exceed three (3) minutes, or such other time as the Commissioners may provide, consistent with its ability to set time parameters for public comment at a Planning Commission meeting. If persons submitting their comments do not want their comment read out loud at the meeting (not to exceed three minutes), they should not "Do Not Read Out Loud at Meeting" at the top of the email. All emailed comments that were received by 4:00 p.m. today were provided to the Planning Commission members and included as "Supplemental Information" on the City's website prior to the meeting. Those comments received after 4:00 p.m. and prior to close of public comment on the applicable agenda item will be added to the record and will be shared with the Planning Commission members at the meeting.

Any presentations or materials provided by planning staff or applicants to be shared during this Planning Commission Meeting are available on the City's website.



PLEDGE OF ALLEGIANCE

Commissioner Oleksy led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT BY TELECONFERENCE: COMMISSIONERS: NUTTALL, MATTHEWS, CAVANAUGH, FLODINE, OLEKSY, MUSGROVE, CARROLL

ALTERNATE COMMISSIONERS IN AUDIENCE BY TELECONFERENCE: NONE

ABSENT: NORRIS

Also present were: Planning Manager Joe Farace; Principal Planner Saima Qureshy; Principal Civil Engineer Stephanie Kellar; Deputy City Engineer Edward Deane, Principal Traffic Civil Engineer Nicholas Abboud, Deputy City Attorney Punam Prahalad; Associate Planner Norm Pedersen; Associate Planner Sean del Solar; Senior Office Specialist Gina Henderson

ORAL AND WRITTEN COMMUNICATIONS

None were received by email or telephone prior to 4:00 p.m.

CONSENT CALENDAR

1. Project No.: PA20-0006

Applicant: Warmington San Marcos LLC.

Request: Proposed Summary Vacation and Abandonment of Right-of-Way for a portion of Richland Road within County of San Diego Tract 5570-1.

Environmental Determination: Categorically Exemption EX20-068 per CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations).

Location of Property: Richland Road opposite of Tide Way.

Assessor's Parcel Numbers: 218-220-10.

Action:

COMMISSIONER MUSGROVE MOVED TO APPROVE CONSENT CALENDAR ITEM #1 AS PRESENTED; SECONDED BY COMMISSIONER FLODINE. MOTION CARRIED BY THE FOLLOWING VOTE.



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

PUBLIC HEARING

2. Project No.: CUP19-0008


Applicant: Raising Cane's Restaurant

Request: Applicant is requesting a Conditional Use Permit (CUP) for the construction of a 4,185 square-foot restaurant with a drive-through facility on a 1.22 acre site located in the Commercial (C) Zone.

Environmental Determination: Categorically Exemption (EX20-060) pursuant to the California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development Projects).

Location of Property: 105 S. Las Posas Road, more particularly described as Parcel G of Parcel Map No. 20389, City of San Marcos, County of San Diego, State of California, as per map recorded on November 28, 2007, under File No. 2007-741786 of Parcel Maps, San Diego County Records. Assessor's Parcel Number: 219-153-11-00.

Norm Pedersen, Associate Planner: Presented staff report and power point presentation for Raising Cane's Restaurant with a drive-through facility. The project site is located in the Grand Plaza Shopping Center. The project site is currently developed with a 7,897 square-foot restaurant built in 2006. Grand Plaza is a 33 acre commercial center with approximately 358,000 square-feet of commercial space (primarily retail and restaurants). The project proposes to demolish the existing restaurant building (former Elephant Bar) and construct a new 4,185 square-foot restaurant with an approximately 559 square-foot outdoor dining area and drive-through facility, and forty-eight (48) parking spaces. The project site is surrounded by retail buildings to the north and east, and a restaurant to the south which are all part of Grand Plaza. A car rental facility in the Industrial (I) Zone is located to the west across S. Las Posas Road. In accordance with San Marcos Municipal Code Section 20.220.040 of the Zoning Ordinance, approval of a Conditional Use Permit is required for a development with a drive-through facility in the Commercial (C) Zone. In addition, San Marcos Municipal Code Section 20.400.070 provides specific development standards for drive-through services including minimum lot size, minimum queuing distance, and drive-through screening. The proposed restaurant, outdoor eating area, parking spaces and drive-through function will be located on a 1.22 acre parcel. The project site will therefore comply with the required minimum lot size of 20,000 square feet for a drive-through facility. The project proposes dual drive-through aisles with an average length of 120 feet from entry to the menu board which complies with the minimum required distance. In addition, a 42 inch high wall (covered in stone veneer to match the building), and landscaping will screen the drive-through aisle from view. The drive-through payment and



pick-up windows will be located behind the building away from Las Posas Road. The proposed development complies with the development standards of the Commercial (C) Zone, including building setbacks, height, and site coverage. The ingress and egress to the project site will be provided by the existing driveway entries into Grand Plaza from Las Posas Road and Via Vera Cruz. Per the Parking Ordinance, the required parking for restaurants is 1 space per 3 seats or 1 space per 100 square feet of floor area plus 3 employee spaces. In addition, 1 space per 150 square feet of outdoor dining area which is greater than 25 percent of the interior dining area is required. As a result, the proposed project requires a minimum of 44 parking spaces for customers and employees. The project provides 2 ADA, 2 future EV charging stations, and 44 standard parking spaces; totaling 48 parking spaces. At the required standard of 25 feet per vehicle, the dual drive-through lanes provide room for the stacking of 18 vehicles up to the first drive-through window without impacting the parking lot. Accessible paths of travel are located within the project site connecting the sidewalk on Las Posas Road to the restaurant and a connection from the ADA path through Grand Plaza. The project will also provide a bicycle rack for bicycle parking. It is estimated the project would generate 2,720 average daily trips (ADT), including 114 trips during the PM peak hour. Since the proposed restaurant does not serve breakfast and will not be open for business during the AM peak hour of 7 a.m. to 9 a.m., there would be no traffic generation during this time period. In order to avoid potential traffic impacts during the AM peak hour, the resolution is conditioned to limit the business hours to 9 a.m. and later. A queuing analysis was prepared for the main vehicular access points into the shopping center including the entries at the intersection of Las Posas Road and La Mirada Drive and off of Via Vera Cruz. At the intersection of the La Mirada Drive entry into the shopping center and the driveway aisle directly east of the restaurant, a right-turn only sign will be installed for the southbound lane of the driveway aisle and "Keep Clear" markings will be installed in said intersection as part of the proposed project. With this improvement of the shopping center circulation, the queuing analysis estimates all of the main project access points into the shopping center will not exceed storage lengths as a result of the project under cumulative conditions.

Kristen Roberts, Raising Cane's Restaurant: Gave presentation of project, Raising Cane's Restaurant. Presentation was about the type of concept of the restaurant and what they offer, Raising Cane's past history and how the restaurant started. Raising Cane's has a simple menu offering chicken fingers, crinkle cut fries, coleslaw, cane's sauce, Texas toast and drinks. Raising Cane's gives back to the community, and focuses on six areas; Education, Feeding the Hungry, Pet Welfare, Active Lifestyles, Business Development & Entrepreneurship, and Everything else. Before we even open a restaurant, our entire crew volunteers with an organization within that community; and are able to donate a minimum of \$1000 on opening day to that organization. There are over 497 restaurants across the globe and companywide with 28 in California. Raising Cane's has given back over \$10 million to our communities within our six Areas of Focus. Our concept is simple, we have one love and that is quality chicken finger meals.

Planning Commissioner discussions included: On the architecture drawing it shows One Love displayed, will One Love and San Marcos be on the sign of the building as shown on the drawing; there is a restaurant in Vista, how was the experience with opening up the restaurant and how long has it been there; the stacking of 18 vehicles in the drive through, where does the drive through start and how deep does that drive through go in the plaza;



Kristen Roberts: Yes, we will be displaying both One Love and San Marcos, as well as the interior will have a wall dedicated to what San Marcos is all about. The restaurant in Vista has been there about 3 years and has been very successful, as well as a great city and community to work with. We do a honeymoon period when we open, because we know we will be busy. We have a team that will work with traffic and police to work out a traffic plan. We do hire off duty police officers and have management crews there for a few month to help out the drive through and parking lot to ease the flow of the drive through to prevent the stacking.

PUBLIC COMMENTS

No public comments were received by email during the 3 minute pause.

CLOSE PUBLIC HEARING

Planning Commissioner discussions included: A suggestion was made to Raising Cane's to consider the San Marcos Girls Softball League as a recipient of the \$1000 donation as they play their games on the other side of the empty lot across from the restaurant.

Action:

COMMISSIONER MATTHEWS MOVED TO APPROVE CUP19-0008 WITH PC20-4865 AND ADOPT THE CATEGORICAL EXEMPTION EX20-060; SECONDED BY COMMISSIONER CARROLL. MOTION CARRIED BY THE FOLLOWING VOTE.

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

3. Project No.: CUP20-0003

Applicant: Edenpark SM

Request: A request to modify a condition of approval of an existing Conditional Use Permit (CUP18-0004) to change a timing requirement for the installation of a traffic signal at the intersection of the property driveway and San Elijo Road.

Environmental Determination: The request is in compliance with the previously adopted Mitigated Negative Declaration (MND03-681) and 2018 Addendum that was prepared for the project pursuant to the California Environmental Quality Act (CEQA).

Location of Property: 1601 San Elijo Road, more particularly described as all or portion of the northwest quarter of Section 33, Township 12 south, Range 3 west, San Bernardino Base and Meridian in the City of San Marcos and County of San Diego, State of California according to official plat thereof.




Assessor's Parcel Numbers: 223-080-41-00 and 223-080-42-00.

Sean del Solar, Associate Planner: Presented staff report and presentation. The 12.33 acre project site is located at 1601 San Elijo Road, between the San Elijo Town Center and Melrose Drive. It was developed in the early 1990's as a 179,535 square foot Material Recovery Facility (MRF) consisting of a building divided into three parts: a 9,750 square foot industrial/office space, a 61,650 square foot enclosed area, and an additional 108,135 square foot enclosed area. The site is accessed via an easement from San Elijo Road, over a gated private driveway owned by the County of San Diego. Surrounding land uses consist of the closed county landfill to the east and vacant land to the north, south, and west. The MRF was abandoned in 1995 due to rapidly changing regulations and market conditions related to how solid waste was recycled. In 2003, the property was purchased by Loma San Marcos and in 2004, the City adopted the San Marcos Studios Specific Plan and Conditional Use Permit (CUP) to allow the existing building to be repurposed into movie studios (Phase 1) and to construct a new office building and parking structure in the rear of the property (Phase 2). After the property did not develop into a traditional movie studio, the City adopted a 2018 Specific Plan amendment and CUP to allow onsite commercial filming in association with youth sport activities. Under this proposal, the applicant also subdivided the original movie studio Phase 1 into sub-phases 1A and 1B. Phase 1A is currently operational (although temporarily suspended due to the COVID-19 pandemic) and utilizes a 71,400 square foot portion of the existing facility (61,650 square foot movie studio with 5 basketball courts and 5 beach volleyball courts, and a 9,750 square foot industrial/office area for movie production) while the remaining 108,135 square feet of the facility is limited to being utilized as storage by the CUP. The future Phase 1B of the project would allow use of this remaining 108,135 square feet of the existing facility as movie studio, add approximately 23,000 square feet of floor area and construct additional improvements to onsite circulation, parking, and landscaping to support the expanded use of the facility. Phase 2 of the project would continue to consist of the development of an office building and parking structure in the rear of the project site, unchanged from the original San Marcos Movie Studio Specific Plan.

Stephanie Kellar, Principal Civil Engineer: Presented the Current Traffic Pattern of the site location. San Elijo Town Center is to the right of the project site. There is no traffic signal at the project driveway and San Elijo Road, the current traffic pattern traffic allows for only a right turn out of the facility. Vehicles that want to proceed to the southwest need to take that right turn, head towards the San Elijo Town Center and make a double left to effectively make a u-turn to proceed to the southwesterly direction. There is a legal option for doing that; Baker Street is where drivers can make a legal u-turn. The second option is drivers will cut through the gas station to effectively make the same movement. The traffic impacts for Phase 1B require the installation of a signal at the project driveway. Phase 1A is able to operate without causing a traffic impact and without having traffic volumes rise to the level of necessitating a signal. However when Phase 1B is implemented, those traffic volumes do meet signal warrants and a signal must be installed at that time. The original condition of approval, as staff presented at City Council, required the installation of the traffic signal at the project driveway prior to occupancy of Phase 1B. That was consistent with traffic signal warrants and it's also consistent with the project traffic impact analysis. At the November 13 City Council Hearing, there was public testimony regarding the potential for increased traffic in the San Elijo Town Center and potential impacts to pedestrian traffic at the project site driveway and in the town




center. Residents coming to speak were concerned about left turns being made illegally at the project driveway, increased traffic in the town center, and the impacts of pedestrians with that traffic if only right turns were allowed. In response to that, City Council revised the Condition of Approval at the November 13 hearing and required that the developer install a traffic signal at the project driveway within 18 months of that approval date. The Lomas San Marcos Specific Plan was approved by City Council on November 13 and 18 months later brings us to the May 13, 2020 deadline for the signal installation. That signal again is necessary to accommodate the left turns out of the project driveway. The final condition of M(9) is written; "Prior to occupancy of Phase 1A, all parking and improvements shall be installed per the approved parking layout plan. In addition, design and permitting of the traffic signal will be pursued, with all necessary approvals to be achieved no later than fourteen (14) months from the date of approval of this Resolution, and construction completed within four (4) months of receipt of all such necessary approvals." Following the approval of the project on November 13, 2018, a Certificate of Occupancy was issued for Phase 1A in May of 2019. A couple of months later in August of 2019 City staff began contacting the applicant to inquire about their timeline for submitting their Improvement Plans necessary for the construction of that intersection for the installation of the traffic signal. January 13, 2020 was the date of the deadline to submit those plans for City review, fourteen months after project approval. On January 17 the applicant filed this CUP 20-0003 to request the modification of timing of traffic signal installation. Shortly thereafter the Governor issued the Stay at Home order and site operations were suspended. Therefore the May 13, 2020 deadline has come and past. The applicant requests to modify the Condition of Approval M(9) by striking the portion that was added by City Council in November 2018. The revised Condition of Approval would state simply, "Prior to occupancy of Phase 1A, all parking and improvements shall be installed per the approved parking layout plan." This would leave traffic conditions as they exist today until a future date. A right turn can be made into the site, a left turn can be made into the site from east bound San Elijo Road. The only permitted turn is a right turn out of the site that proceeds toward San Elijo Town Center. The applicant's justification for the request includes that traffic signal warrants are not met for the current operation. The Phase 1A as described uses a portion of the existing structure and the remaining portion is closed off and not permitted for use currently. The trips that are generated by the current Phase 1A use do not rise to the level to meet signal warrant. However the City Council November 13, 2018 direction took into account staff's recommendation for signal warrants and decided on the current condition based on public testimony, not the warrants themselves. In support of this request, the applicant generated a traffic analysis memo, and the goal of that memo was to document the current circulation pattern, and how the signal would affect those patterns. Also, to evaluate some of the concerns City staff had received from residents. Data was gathered for vehicular counts and pedestrian counts on three different occasions: a Sunday morning in December, a Tuesday afternoon in December, and a Sunday afternoon when the applicant described a medium size event being held at the facility. However, all of staff's concerns and questions regarding the memo were not able to be answered by the applicant in part because of the onset of the COVID pandemic and Stay at Home Orders. Staff wanted to have additional information and details on the frequency attendance for medium and large size events, so that we could have a better context for how often the high traffic events are occurring. We also requested that the applicant consider providing an origin destination analysis. This analysis would count the number of cars taking a right turn out of the project driveway and identify those actual vehicles if they were making a turn through the gas station or to Bakers Street. The goal of that analysis is to determine exactly how many u-turn trips this site is actually contributing to the San Elijo Town Center. The justification for the request




from the applicant also includes coordination with the potential Copper Hills Development. The argument is that the intersection improvements and signal should be constructed in coordination with the analysis of the Copper Hills Development so that the ultimate impacts can be understood at the intersection and be included in the design. There is an application that was submitted to the City for Copper Hills, however it's currently incomplete and has been inactive since February 2017. The application includes the development of 69 acres annexed into the City; 350 residential units and 140,000 square feet of commercial/light industrial use. If developed in that fashion, the Copper Hills site certainly would contribute a significant number of trips to the intersection and the ultimate signal there. However, the developer that submitted the Copper Hills application has notified the City that it is interested in withdrawing the application and instead pursuing the development of a 64 unit residential project with the County that would be consistent with the existing County zoning and annexation wouldn't need to occur, resulting in many fewer trips under that alternative. Since the Condition of Approval requesting to be modified originated with the City Council, the Planning Commission's decision on this matter is a recommendation to the City Council. Staff recommends that the Planning Commission recommend that the City Council uphold its decision to require installation of the traffic signal in Phase 1A and grant an 18 month extension for that installation with the following milestones: to achieve within 9 months of approval by City Council the approval of the design of the intersection and within an additional 9 months (18 months total) to complete the installation of the traffic signal and improvements. The revised condition M(9) per staff recommendation would read as follow, "Prior to occupancy of Phase 1A, all parking and improvements shall be installed per the approved parking layout. In addition, design and permitting of the traffic signal will be diligently pursued by the applicant, with all necessary approvals to be achieved no later than nine months from the date of the City Council approval of CUP20-0003, and construction/installation of the signal completed within nine months of receipt of all such necessary approvals, for a total design and construction period not to exceed eighteen months from the date of the City Council approval of CUP20-0003."

Sean del Solar, Associate Planner: Continued with presentation to discuss the pending Edenpark application. A new Edenpark Specific Plan (SP19-0003), applicable to this site, was submitted to the City on September 9, 2019, and would redevelop this site as a lifestyle center to include: Flexible indoor and outdoor recreational uses, fitness-oriented retail; additional floor area created within the existing facilities; restaurants and additional smaller out buildings; and possible parking structure and/or hotel. It is currently under review and if adopted, it would supersede and replace the existing Loma San Marcos Specific Plan and CUP. Under the new/proposed Edenpark Specific Plan, the applicant intends to re-envision Phases 1B and 2 of the project based on their experience operating the facility. Although the Edenpark Specific Plan application has been filed and is currently under review by the City, the facility operates under the provision of Phase 1A of the existing Loma San Marcos Specific Plan and CUP, which this request proposed to modify. If not required now, the traffic signal would be a condition of that project's approvals and may be delayed further. Previously adopted Mitigated Negative Declaration ND03-681 in the 2018 addendum analyzed traffic impacts previously discussed. It required the installation of the traffic signal in Phase 1B of the project. Any action to require the installation of the signal before Phase 1B, including granting an 18 month extension to install the signal in Phase 1A conforms to the Mitigated Negative Declaration. A Notice of Application was circulated when the application was filed and additional public notices were circulated prior to both the originally scheduled hearing and this one. In response to



those notices a number of comments were received. Those comments have been included in the staff report as Attachment I and also in the email sent today. Comments received in opposition to the project generally reflect on the agreement reached in November 2018 City Council meeting and point out the applicant accepted the modified Condition of Approval requiring the installation of the traffic signal in Phase 1A of the project. Comments received in support of project generally describe the public benefit of the facility and do not specifically address the issues of the traffic signal. It is also important to note that all letters included in Attachment I of the staff report were received before the height of the COVID-19 pandemic and the suspension of operations in late March and early April. Again, staff's recommendation to the Planning Commission is to approve Resolution No. PC 20-4849 for Conditional Use Permit 20-0003. This concludes staff's presentation and both myself and Stephanie are available for any questions of the Commission, additionally the applicant Jason Simmons is also on the line and available to answer any questions of the Commission.


Jason Simmons of CCI, Applicant: Hello Mr. Chairman, I am here with Matt Simmons and also on the line is Jonathan Sanchez our traffic consultant. We do not have a presentation, but I would like to say a few words. I would like to talk about the history of what we have been working on for those Commissioners who were not hear at the time this project started. Originally it developed in 1995 and was open for a short time and since then there have been limited activities and challenges with the space. A terrific community has grown around the site in that time frame. We took on this project a few years ago to try and find a solution to activate the space and working within the zoning that exists on the site. We were able to in May of 2019 activate the space with basketball and volleyball uses and other sport activities while filming everything for a production on a TV show. This site has provided a much needed sports facility for the City. The facility has received a positive outcome from the community to play sport locally and provides another resource for youths to play sports in the area. We initially designed this to function without the light. With the inclusion of the pork chop (installation of a raised barrier to prevent left turns out of the facility), it allowed for us to limit the impacts and make this intersection safe. We opened in May of 2019 and we were vamped up to add more activities to the site and then COVID hit and it all fell apart. We don't know when we'll be able to open legally and what circumstances will be in place to allow us to open for business. The general operation during the week is mostly practices, very few trips and mostly drop offs. Most of the activity is on the weekends and San Elijo Road sees a significant drop in traffic numbers. With regards to the traffic analysis; in 2018 we ran a model that discussed how many trips to and from the site. Since then we did another study for this particular approval process we are going through and those numbers are similar to what was estimated. With regards to Baker Street and the u-turn activity that is happening, those were measured prior to and again our recent study shows the numbers are lower. With regards to driving through the gas station concerns, most of those were there already and are coming from the residents across the street. The traffic signal at this time is not warranted and we want to talk about having the Commission remove that Condition at this time. Some of the challenges with that design are that we have to coordinate with an adjacent property owner who doesn't know yet what they are going to do with their property. We also have to coordinate with the County of San Diego who owns the land that is underneath where the intersection would be located. We have been coordinating with both property owners and it's been a long process, and will continue to be a long process. The design alone will take about 6 months, we'll have an additional 2 to 3 month timeframe from the City to get through plan check, and then go back to the County of San Diego with the design approval



and their approval will be about 6 months, and ordering materials could be 5 to 9 months, then the construction period. It's a lengthy process. Our request today is to ask the Commission to eliminate that condition for now and the Eden Park project that has been submitted, once approved will put in the light to help with the impact of the traffic due to the types of uses we are adding to the site.

Planning Commissioners discussion included: Wanted confirmation on language that a traffic signal would be potentially required upon complete use of the facility to include the additional building that is currently in the process of being built; confirm that what was said that the current traffic count is less than what was originally thought with the existing use; in the Traffic Study, was the new development by the gas station and Baker Street taking into consideration with regards to adding more congestion on the roads; are those intersections looped into the City's computer system which has ground sensors and track the volume of traffic adjustments and timing of the lights; is it correct to state the traffic flow from the project not exceed your general estimate; with regards to staff, who would be the person managing the process to ensure the signal light went in at the appropriate time; was this proposal generated by the applicant or the City; the modification would be an assumption that in eighteen months time the project would be at or near 1B but we don't know that; this is not going to be a structured timeline because of what we are dealing with right now. We can't make an estimate when full operation and anticipation would occur; concerns with imposing hard deadlines; there are many variables with a large project and right now we are dealing with a pandemic which has caused some impacts to services and applications; seems more reasonable to use milestones instead of timelines as originally stated; there could be a delay with getting and receiving the traffic signal; would it be unreasonable to send this back to Council to consider the current situation and decide what would be a reasonable timeline or to let that be managed internally or to set the milestones; concerns that we don't know what the pandemic situation will be in the next six (6) to eighteen (18) months to indicate a timeline on the project; did the applicant reach out to City staff during the time between November 2018 after City Council approved the Lomas San Marcos Specific Plan and CUP to August 2019 to notify them that they were having difficulty working with the County or any other reasons that might have possibly delayed the installation of the traffic signal; if the new Edenpark CUP were to come before Planning Commission and City Council for approval, would that replace this CUP entirely; what stage are we in for the new Edenpark CUP; we are in a position where the applicant is asking for one thing and staff is recommending something else, can we get clarification from the City Attorney on what we can vote on; has anything been filmed at the project or is only youth sporting events taking place.

Jason Simmons: If we go into any 1B use or expand any of the current uses, or if Edenpark is approved prior to opening, a traffic light would need to be installed. Yes, we took all new development in consideration when conducting the traffic study. In response to contacting staff about delays; we were consistently working on designs for not only our new application for Edenpark, but also the Improvement Plans. In August, after being contacted by the City, we discussed with them about having trouble with the designs and the traffic report. We talked for many months with Mr. del Solar, management with the City, the Community Development Director, and many others regarding our struggles with what to analyze in the traffic study, because you can't design a traffic signal without a study telling you what the other adjacent property is going to be doing. We can't go into a traffic study when we don't know when the normal traffic patterns are going to happen. I would like to give a little history again on how this came to




City Council. The decision by City Council is based on input from the public. It was not based on CEQA documentation or a warrant for the light. My understanding is that City staff does not want to go against what City Council has originally voted on. That was a different time and the Planning Commission voted not to have this requirement. Since opening in May of 2019 every activity has been filmed, we have had interviews with parents and athletes that include the day to day basketball practices and games as well as other events happening on site. The production group has thousands of hours of footage and they are looking to get that picked up by somebody for distribution at some point. There haven't been a lot of events or activities. In March things were starting to happen and of course that got cut short. Their hope is to restart their activity soon, but it does take awhile to vamp back up.

Jonathan Sanchez, Traffic Engineer Consultant: All the developments were considered and the latest analyses conducted for the project are traffic counts from last December, 2019, which were development at that time.

Nic Abboud, City Traffic Engineer: Yes, those intersections are, however we are in the process of updating our entire system and it is not as reliable during the upgrades as it was before the upgrades started. Once the upgrades are complete the ground sensors will track the volume of traffic and timing of the lights. The traffic flow from the project did not exceed our general estimate. The consultant Chen-Ryan and our staff were limited to some events and we didn't know the worst case scenario. The traffic study did show the impact less significant and wasn't going to trigger more at this time. My group had not received any communication from the applicant regarding delays.

Stephanie Kellar, Principal Civil Engineer: Land Development would be in coordination with the City Traffic Engineer and Planning to manage the process of the signal light installation. The proposal was generated by the applicant. The request to remove the traffic signal requirement from the condition entirely was made by the applicant. The City's recommendation is not to uphold the condition but to modify the timeline for signal installation with an additional eighteen (18) months. The reflection of the eighteen month timeline from the date of City Council approval is a part of staff's recommendation because that is the period of time in which City Council originally felt was appropriate to allot to the applicant for signal installation. Because City Council's original condition allowed eighteen months from time of approval for the signal installation, staff's reflected time of eighteen months was a suggestion to modify the Condition of Approval. With regards to ongoing monitoring of the duration, the site is very close to warrant a signal installation with the current use and any additional use would likely trigger the signal warrant and staff would work with the applicant to ensure that the signal was installed at that time. I'll defer to Mr. del Solar regarding whether a timeline needs to be stipulated for the condition. Land Development does not have a history of being contacted by the applicant for a delay in the project.

Sean del Solar, Associate Planner: The timeline shown in Exhibit A of the resolution is broken up into two pieces. The applicant would have nine (9) months to obtain approval of an Improvement Plan, after they get the direction from City Council on this action. The applicant would prepare an Improvement Plan for the intersection improvements and installation of the traffic signal. After submittal, we would process within nine (9) months. In that point in time after the nine month milestone, we would know whether or not the applicant is on track with the requirement and we can identify a problem with the permit. Similar



to what occurred with this cycle, there was a shorter period of time when the COVID situation occurred. After the first milestone was missed, the applicant filed this application to request the remove this requirement. There could be additional milestones added or the Commission could talk about an adequate timeline for moving forward. With fixed timelines it is a bit easier to ensure enforcement if necessary, makes it more clean and we can work with you on suggestions. In the late summer staff contacted the applicant and they indicated they were in the process of working with their consultants to develop the Improvement Plan. The new Edenpark CUP would replace this existing CUP. The application for the new Edenpark was submitted to the City, the City and the applicant are working a bit on the scope and how the Specific Plan will function. There has been some changes initially in the envisioning of the sports facility. The Specific Plan allows for flexibility, but also establishes what those constraints are. We issued an incomplete letter and are working through those issues and are about to commence their environmental document on the project. It is possible the project could be coming back to the Commission in the fall, but that is still hard to give a projection of timeline.

Joe Farace, Planning Manager: Installation of the traffic signal was originally triggered by an activity and use that was brought forth to Planning Commission and it did go to City Council with that same information. Based on public testimony, City Council wanted the traffic signal installed by a certain timeframe within that eighteen month time period. That date has come and gone with the reasons explained. Technically the project is out of compliance with the CUP. What staff is trying to do is come to a compromise to continue to be consistent with the City Council direction and essentially reset the clock to allow the installation of the traffic signal..


Punam Prahalad, Deputy City Attorney: I am on the call and can give the Commission some advice on the voting. Staff's recommendation to the Commission is to make a recommendation to City Council. You are not approving the project or approving this particular Conditional Use Permit. You are going to give a recommendation to Council and what staff is asking you to do is recommend an eighteen (18) month extension and the applicant is asking you to remove the requirement for the traffic signal. You as the Commission have the ability to change a timeline and actually put any conditions you would like as long as it is voted on by the Commission as a recommendation to City Council.

PUBLIC COMMENTS

Five comments were received today and have been requested to be read out loud.

Tim Glynn: Please do not add traffic light at the entrance to Eden Park. The traffic coming up into San Elijo is terrible and can already take 30 minutes or more just on San Elijo Rd. Adding another light is going to further slow down the flow of traffic.

Frances Donnelly: My name is Frances Donnelly, my home overlooks San Elijo Road at the entrance to this facility. I do not support staff's recommendation for an extension of time for the installation of the traffic signal. My reasons are simple. When the applicant submitted their previous change of use, in 2018,



they requested that a traffic signal not be required until a future phase. They provided traffic studies and alternative traffic management techniques. That request was denied by City Council on Nov. 13th, 2018. The City Council, in instituting the condition of the signal, supported the community desire for safety and set a time line indicating their sense of urgency of this result. Allowing an extension, undermines the sentiment of the Council, sets a precedent with applicants and denies the community the safety they were promised by the applicant. If you accept this recommendation, the previously proposed traffic management techniques remain in place, and existing unsafe conditions continue. What do I mean by unsafe conditions? One is that the “pork chop” barrier designed to enforce right turn only, is regularly ignored. (Photos were emailed to the Commission) Photo A shows that the facility driveway shares space with parking by recreational visitors. To leave safely and have access to the right turn only lane, the start of the pork chop barrier, shown in Photo B, is placed close to San Elijo Road. The result is there is not a continuous barrier that prevents users of the filming facility from turning left. This gap is frequently used by those leaving the facility to sneak and make, the unsafe, left turn. This unexpected behavior poses great risk. The configuration of this space does not allow the pork chop to do its job. The stream of students walking past each day continues. While current activity start time on the site is set for 30 minutes after most students have walked past, there is no guarantee this start time will continue so our young people remain at risk. A risk the signal specifically addresses. Traffic approaching on westbound San Elijo at 45 mph has to decelerate. This traffic is flowing uphill with limited visibility of any pedestrians in walk ways. Weekday evenings the backup of eastbound traffic on San Elijo road requires that those wanting to make a left turn into the site have to wait for a courteous driver to create a gap. Which is a highly dangerous maneuver. The signal installation has a multiplicity of stakeholders, but that is not why the extension is being requested. Instead, as the staff report records, the applicant has further plans for this site and the offered 18 month delay will more likely be 30 to 36 months. The applicant wants to continue using the site, ignore conditions established and investigate other opportunities. How is this okay? Why provide an 18 month extension if the applicant is going to ignore that too? I believe penalties for non-conformance as long as the applicant is operating the site are more appropriate and will create a record of how well this applicant meets their commitments.

Lisa Farrar: I am a 20-year resident and teacher living in San Elijo Hills (since its inception) and am very excited about the proposed Edenpark lifestyle recreation center. This project will be a huge asset to our community, especially if they will be able to offer tennis and pickleball courts which are badly needed in this City of San Marcos. I am very concerned, however, about the addition of yet another traffic light at this intersection. Traffic is already slow moving into the town center, particularly between the hours of 8-9:30 am and 3:00-6:00 pm and an additional traffic signal will further increase traffic delays. It is hard to believe that a traffic light here would really be necessary. Perhaps in the distant future, but certainly not initially. I hope you will seriously consider my comments and opinion.

Tom Ferrar: I am a longtime original resident of San Elijo. I am expressing this for a lot of people and how excited they are for the project. My wife also works for the school district and schools do not have the funds to provide sports activities and we are happy about this project going in. I do have a concern with the traffic light and not sure why we are supporting the delaying construction and if the light is really necessary.



Lindsey Smith: I am a board member for the San Elijo Hills HOA. I support the applicant's request for an extension as long as the requirements for a light are still met with any future development made to the site. The community has voiced significant concerns about traffic patterns especially during the commuting times.

CLOSE PUBLIC HEARING

Planning Commissioner discussions included: The Planning Commission extensively discussed staff's recommendation for an additional 18 month extension and the applicant's request to remove the traffic signal requirement, as well as public comments received. The Commission's biggest concern is the current circumstances related to the COVID-19 pandemic, and that a reasonable extension of time for the installation of the traffic signal could not be developed and that the signal should be installed when warranted in Phase 1B of the project.

Action:

COMMISSIONER MATTHEWS MOVED TO REJECT STAFF RECOMMENDATION OF 18 MONTH EXTENSION AND ADOPT A MODIFIED RECOMMENDATION FOR APPROVAL BY CITY COUNCIL FOR PC20-4849, CUP20-0003; SECONDED BY COMMISSIONER MUSGROVE. MOTION CARRIED BY THE FOLLOWING VOTE.


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

COMMISSIONER OLEKSY MOVED TO RECOMMEND TO CITY COUNCIL TO APPROVE PC20-4849, CUP20-0003 APPLICANTS REQUEST TO MODIFY CONDITIONS OF APPROVAL M(9) FOR TRAFFIC SIGNAL TO BE INSTALLED WITH PHASE 1B PRIOR TO OCCUPANCY AND ALL PARKING IMPROVEMENTS BE INSTALLED. PHASE 1B REMAIN IN EFFECT; SECONDED BY COMMISSIONER MUSGROVE. MOTION CARRIED BY THE FOLLOWING VOTE.

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

PLANNING MANAGER COMMENTS

Last Tuesday the City Council adopted an Emergency Ordinance. The ordinance enacted temporary zoning, development, and entitlement modifications based on the recent health orders that came into effect to assist with reopening certain businesses. The City Council accepted the potential changes because of the public health orders. Businesses such as restaurants could open but they do need to maintain social distancing, which means having less patrons in the indoor portions of the site. These temporary regulations are allowing extended outdoor dining, drive through, curbside pick-ups, and outdoor



merchandising display areas. These are all temporary and are intended to create more areas for businesses that are going through the process of recovering from the COVID-19 pandemic, to open their businesses and have patrons use their facilities in a safe environment consistent with State and County health orders. The applicants are required to obtain a no fee outdoor business permit through the City. All information and forms are online. It sets the parameters if they are going to be doing outdoor dining. ADA spots and ADA access cannot be blocked, and businesses must ensure there is safe circulation for both pedestrians and traffic conflicts. We are also allowing temporary signage. These are 2 day permits with no fees and it was launched Thursday night. We already have had a handful of folks come in and request to be granted a temporary outdoor business permit. This is some good news amongst these difficult times and gets our businesses and economy recovering in our City. In terms of upcoming Planning Commission Hearings, our next Planning Commission Hearing will be July 6th. There will not be a second meeting in June. I don't know what the situation will be if we are still going to have a virtual meeting or if we'll be allowed to assemble in the Chambers under certain rules. This concludes my report tonight.

PLANNING COMMISSIONERS COMMENTS

The system we are using tonight seemed to be extremely glitch and there were times I (Commissioner Carroll) had trouble hearing some of the other Commissioners. Hope that we are able to get back to normal conditions in July; the topic tonight seemed to get complicated and it wasn't a complicated item. Maybe moving forward the Chair can put everything into terms we all understand and use the appropriate language.

PLANNING MANAGER RESPONSE


I'm not sure if this has anything to do with the glitches experienced, but tonight's meeting, due to the potential protests, the City decided to conduct the meeting entirely remotely, so we are all at home running the meeting.

ADJOURNMENT

At 10:02 p.m. Chair Flodine adjourned the meeting.


ERIC FLODINE, CHAIRMAN
CITY OF SAN MARCOS PLANNING COMMISSION

ATTEST:


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