

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, MAY 2, 2011 - 6:30 PM

CALL TO ORDER

At 6:37 p.m. Chairman Kildoo called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jacoby, Kildoo, Minnery, Nelson, Norris,
Schaible, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: Jones, Maas

ABSENT: None

Also present were: Planning Division Director, Jerry Backoff; Associate Planner,
Susan Vandrew Rodriguez; Associate Planner, Norm Pedersen; City Engineer,
Mike Edwards; Planning Secretary, Lisa Kiss; Deputy City Attorney, Jim Lough;

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 3/17/11

Action:

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

AGENDA ITEM

PUBLIC HEARINGS

2. **Case No:** CUP 10-831 (*Continued from 4/4/11*)
Application of: Iglesia Sol de Justicia
Request: A Major Conditional Use Permit to operate a religious assembly use in 1,600 square feet of a commercial center.
Location of Property: 277 S. Rancho Santa Fe Road, Suites A & B, more particularly described as: A portion of Parcel B of Map 12732 as recorded in the County of San Diego Recorder's Office. Assessor's Parcel No.: 219-087-06.

Jacoby: Asked if there's an error in the spelling of the church name?

Vandrew: Indicated this was what was submitted on the application to City.

Staff Presentation (Susan Vandrew Rodriguez):

Described request and location. PowerPoint presentation shown. Previous code violation. Operating in 1,600 s.f., suite A & B, in a 17,400 s.f. commercial center. All operations occur inside. No tenant improvements or expansion proposed. Discussed surrounding uses and history. During the CUP process, City determined two other uses to be subject to CUP requirement: Herbalife & Birth Choice. Code Enforcement contacted both and Herbalife modified use to comply with zone. They may pursue a CUP at later date. Birth Choice has submitted an application. Center has 116 parking spaces and 8 are needed for church use. Shared parking is allowed within center. Staff has observed parking availability on Sunday's during peak assembly use times. Project shall be annexed into CFD or pay in-lieu fee as approved by City. Music shall be non-amplified. Staff recommends approval for 3-year term.

Minnery: Asked what the action was on May 11th?

Vandrew: Code Enforcement informed them they needed CUP for assembly use.

OPEN PUBLIC HEARING

Kildoo: Asked applicant if they wanted to speak?

Applicant: Indicated he speaks only a little English but does understand it and is okay with conditions.

Jacoby: Confirm name of church/spelling?

Applicant: Justisia.

Nelson: Asked if other tenants are okay with reciprocal parking?

Vandrew: Yes. The three parcels are owned by one property owner.

Nelson: Birth Choice & Herbalife have been there a long time. Asked if cited for not having a CUP?

Vandrew: Yes, activities have been evaluated by City staff which requires a CUP. It's possible when they were first operating they weren't conducting all of those activities.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 10-831 AS SET FORTH IN RESOLUTION PC 11-4222 WITH MODIFICATION: Correct spelling: Iglesia Sol De Justicia **Justisia**; SECONDED BY COMMISSIONER NELSON AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

3. **Case No:** CUP 10-839 / SP 89-18 (10M) / ND 11-808

Application of: JP Morgan Chase

Request: A Conditional Use Permit and Specific Plan Modification to allow for the construction of a drive-thru bank within the San Elijo Hills Specific Plan Area (SPA).

Location of Property: South side of San Elijo Road in Albertson's commercial center, more particularly described as: Lot 10 of San Marcos Tract No. 400, Phase 1, Unit No. 34, of Map No. 15432. Assessor's Parcel No.: 223-820-10.

Staff Presentation (Norm Pedersen):

Described request and location. PowerPoint presentation shown. Construction would be on a previously graded pad near Albertson's. Proposes a 4,264 s.f. building and drive thru on its own 0.62 acre lot, new landscaping and reconfiguration of some parking spaces. Site plan shown. Specific Plan does not allow for drive-thru's, thus Amendment needed. Amendment is limited to subject property only, no other drive thru's allowed in the Town Center. Bank would be built instead of the retail building that was previously approved. Discussed architecture and elevations. Estimated ADT's at 853. Shall contribute toward cumulative and city-wide SR-78 traffic impacts and participate in the new planned Congestion Management CFD. Existing driveways along San Elijo and Elfin Forest Roads shall be used. Proposes 18 parking spaces. One e-mail was received regarding current traffic flow. Staff responded: There are no new driveways, primary access is provided by existing signalized driveway into Albertson's center. City is monitoring and adjusting traffic signal timing and Sheriff's Dept. is enforcing speed limit. Staff recommends approval to City Council. Pointed out change in wording in the CUP resolution on page 9: #J. 5. Automatic fire extinguishing **may be** required . . . The reason for the change is the sprinklers may not be required if applicant can show there is adequate fire flow from existing fire hydrant in Albertson's parking lot.

Wedge: Asked how bank adds to SR-78 impacts?

Pedersen: City is requiring this for all new development/projects being processed now in order to try to address cumulative impacts to SR-78. City is starting a new CFD for traffic congestion for an intra-city shuttle system. All projects are contributing.

Wedge: Maybe say all new projects are required to contribute to shuttle rather than cumulative effects on SR-78.

Backoff: A traffic congestion CFD is being formulated City-wide.

Wedge: Understand the CFD, traffic congestion and need for a shuttle.

Schaible: Asked if retail is out of the picture now?

Pedersen: Yes, bank replaces previously approved retail building.

Nelson: It was approved at one time for 9,000 s.f.? Are no other buildings allowed now?

Backoff: The bank will be the sole building on-site.

Pedersen: Commented that the drive thru aisle takes up room on-site.

Nelson: Agreed with Commissioner Wedge's comments.

Kildoo: Commented that a street just south of the pad, possibly Dandelion, is private. Homeowners are complaining about requirement to maintain street and the trucks that are using it to go to Albertsons. They'll become more aggravated with additional traffic to bank. How does City deal with a private street that has become a public street?

Backoff: It's a private driveway that serves both the condos and Albertson's. They share maintenance responsibility. Properly line splits the middle of the driveway. City discussed with San Elijo. Will ask Albertson's to voluntarily drive out the same way in; however, there is nothing that precludes them from using the joint drive aisle. There is nothing in terms of this application that can be placed on the proposed application to ensure better maintenance or fewer trucks.

Kildoo: Not blaming Chase Bank, but their application can aggravate the problem. Would like to see a solution. Homeowner's may not be aware of shared responsibility. Road is damaged due to large trucks going to Albertson's.

Wedge: Asked how a private road ended up at the front of a grocery store?

Kildoo: You would not assume it's an access point, but some people find it more convenient. Trucks off load then exit through there. The road is not built to City road standards. Albertson's shares 50%. The condo owners may think they own it all. This is new information and may help.

Wedge: Suggested speed bumps would stop trucks from using it.

Backoff: Interim approach is to discuss situation with Albertson's store manager.

Kildoo: Suggested it might be helpful if Chase got in touch with Albertson's.

OPEN PUBLIC HEARING

Reco Prianto, Engineer: Available to answer site flow questions, etc.

Nelson: Asked what he thinks of the trucks?

Prianto: Feels this is a huge improvement to the site. Original design was a 2-story, which had the top story access from parking lot and bottom from the private road. That's been eliminated and a nice landscaped slope added.

Nelson: Asked if Chase is purchasing property?

Lou Mitchell, Vice President, JP Morgan Chase: Yes.

Nelson: Inquired what kind of market study is done?

Mitchell: Chase's Real Estate Department handles market studies. It's a comprehensive plan and looks at distances from other banks, including Chase, population, ages and amount of businesses in area.

Wedge: And, how much money the adjacent population has?

Mitchell: Yes.

Nelson: Commented that he's amazed banks are still being built because so many people bank on line now.

Mitchell: Also looking for deposits & new checking accounts. Bank likes to have a drive thru. It helps the young communities who have children.

Nelson: Asked if the Albertson's has a bank inside?

Mitchell: Don't believe so. There's no Chase Bank in this Albertson store, but Chase is involved with the in-store banks at Albertson's at other San Diego County locations.

Nelson: Would Wells Fargo be allowed to go in an Albertson's later if they wanted to?

Backoff: City doesn't regulate banks inside stores.

Schaible: Asked if a bank building this size really generates 853 ADT's?

Mitchell: Agreed that it does seem a little high. Indicated he is on the construction side. Don't have a total number but could get it for you.

Backoff: Indicated that SANDAG bank trip generation numbers were used based on actual bank locations.

CLOSE PUBLIC HEARING

Nelson: Asked about sign program?

Backoff: Signs have to be consistent with San Elijo Hills Specific Plan.

Mitchell: Sign package is being put together and will be submitted shortly. There's a Master Sign Program in San Elijo Hills.

Jacoby: Asked if they'd be similar to Bressie Ranch Chase branch?

Mitchell: Yes, but slightly bigger.

Backoff: Signs will be wall signs and a monument sign.

Lough: Reminded Commissioner's of modification to CUP resolution, page 9, #J. 5.

Action:

COMMISSIONER JACOBY MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF SP 89-18 (10M) AS SET FORTH IN RESOLUTION PC 11-4225; SECONDED BY COMMISSIONER MINNERY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

Nelson: Asked if City has ever allowed a commercial building to not have sprinklers if they're close to a fire hydrant?

Backoff: Don't typically require sprinklers for retail buildings less than 5,000 s.f., but that assumes there's enough fire flow.

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER WEDGE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF CUP 10-839 AS SET FORTH IN RESOLUTION PC 11-4224 WITH MODIFICATION: J.5. An automatic fire extinguishing **may** be required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the National Fire Protection Association standards.; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

PLANNING DIRECTOR COMMENTS

Backoff: Reminded Commissioner's of the second May meeting scheduled for 5/16. It's a CUP renewal for a methane extraction plant at the closed landfill. They want to retrofit by end of month. Had a few inquiries, staff responded, renewal results in less emissions. They generate electricity with the gas extraction.

PLANNING COMMISSIONERS COMMENTS

Kildoo: Indicated he would miss the 5/16 meeting, his first absence in two years.

ADJOURNMENT

At 7:22 p.m. Commissioner Kildoo adjourned the meeting.

Steve Kildoo, Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:

Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION

MINUTES
SPECIAL PLANNING COMMISSION MEETING/TOUR
Methane Recovery & Conversion to Energy Facility
1615 San Elijo Road
SAN MARCOS, CALIFORNIA
MONDAY, MAY 16, 2011 - 4:00 PM

CALL TO ORDER

At 4:00 p.m. Vice-Chairman Schaible called the meeting to order.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jacoby, Jones, Minnery, Norris, Schaible, Wedge

ABSENT: Kildoo, Maas, Nelson

Also present were: Planning Division Director, Jerry Backoff; Planning Secretary, Lisa Kiss; Deputy City Attorney, Avneet Sidhu; FORTISTAR Methane Group Project Manager, Matt Nourof, P.E. and other FORTISTAR staff.

ORAL AND WRITTEN COMMUNICATIONS/PUBLIC COMMENT

None. (No public in attendance).

MEETING/TOUR

The group toured the Methane Recovery & Conversion to Energy Facility relating to:

1. **Case No:** CUP 88-22 (10M)

Application of: San Marcos Energy LLC

Request: A Conditional Use Permit to continue to operate a gas to energy conversion facility and to replace the turbine equipment with gas equipment.

Location of Property: 1615 San Elijo Road, more particularly described as: A portion of Section 33, Township 12 South Range 3 West, Bernardino Base and Meridian; County of San Diego. Assessor's Parcel No.: 223-080-36 & 223-082-07.

Matt Nourof took the group through the facility and control room describing the process and how the equipment works.

ADJOURNMENT

At 4:35 p.m. Commissioner Schaible adjourned the meeting/tour to the City Council Chambers at 6:30 pm.

Jim Schaible, Vice-Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:

Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION

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CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, MAY 16, 2011 - 6:30 PM

CALL TO ORDER

At 6:30 p.m. Vice-Chairman Schaible reconvened the meeting from the plant tour.

PLEDGE OF ALLEGIANCE

Commissioner Wedge led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jacoby, Jones, Maas, Minnery, Norris, Schaible, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: None.

ABSENT: Kildoo, Nelson

Also present were: Planning Division Director, Jerry Backoff; Associate Planner, Susan Vandrew Rodriguez; Principal Civil Engineer, Peter Kuey; Planning Secretary, Lisa Kiss; Deputy City Attorney, Avneet Sidhu

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. **Case No:** CUP 88-22 (10M)
Application of: San Marcos Energy LLC
Request: A Conditional Use Permit to continue to operate a gas to energy conversion facility and to replace the turbine equipment with gas equipment.
Location of Property: 1615 San Elijo Road, more particularly described as: A portion of Section 33, Township 12 South Range 3 West, Bernardino Base and

Meridian; County of San Diego. Assessor's Parcel No.: 223-080-36 & 223-082-07.

Staff Presentation (Susan Vandrew Rodriguez):

Described request and location. PowerPoint presentation shown. CUP Modification to replace turbine with two gas engines and continue operation of a methane to energy conversion facility. Landfill stopped trash receipt in 1997, planted native vegetation in 2006 and formally closed in 2007. Northwest of site is a vacant industrial building previously used by landfill operation and adjacent to applicant's site is the County Flare to burn excess methane gas for the closed landfill. Site & floor plan shown. Staff provided an overview of questions raised by an adjacent resident which included noise level and air pollution. Applicant provided documentation, including a noise analysis that shows 25 dBA to nearest receptor and air pollution resulting in lower emissions with the new equipment. Currently have an existing APCD permit with no violations. A new APCD permit is required which requires initial/annual testing and a maintenance log. They're also subject to compliance with SWRCB and County of San Diego Department of Environmental Health. Staff recommends approval.

Schaible: Clarification on reso. C.1.c.: Believe intent on plan is to show that LLC "is separate" from County equipment? Okay to add word?

Vandrew: Yes.

Schabile: Asked applicant if they had questions or wanted to speak?

OPEN PUBLIC HEARING

Norris: Inquired if turbines are louder?

Matt Nourrot, P.E., Fortistar Methane Group/Applicant: Turbines and engines have similar noise levels; however, the current gas compression equipment has been replaced by a blower system which will be quieter.

Norris: Asked if power is tied into San Elijo Hills?

Nourrot: Replied that the power from plant goes into a distribution system to SDG&E to dispense as they wish.

Norris: Curious if San Elijo could benefit from green power?

Nourrot: Not sure, you'd need to get clearance from SDG&E.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 88-22 (10M) AS SET FORTH IN RESOLUTION PC 11-4228; SECONDED BY COMMISSIONER WEDGE

Backoff: Clarified motion that includes earlier edit by Commissioner Jacoby.

Jacoby: Yes, amend to include C.1.c. change.

Wedge: Seconded to include modification.

Action:

. . . PC 11-4228 WITH MODIFICATION: C.1.c. The site plan shall indicate the San Marcos Energy LLC facility equipment **is separate** from any on-site County of San Diego flares and equipment.; SECONDED BY COMMISSIONER WEDGE AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

AYES: COMMISSIONERS: JACOBY, JONES, MAAS, MINNERY,
NORRIS, SCHAIBLE, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

PLANNING DIRECTOR COMMENTS

None.

PLANNING COMMISSIONERS COMMENTS

Jacoby: Asked why no minutes from last meeting?

Backoff: Indicated this was a special meeting and they'll be included in the next meeting's packet.

ADJOURNMENT

At 6:44 p.m. Commissioner Schaible adjourned the meeting.

Jim Schaible, Vice-Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:

Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION

