

# MINUTES

## Regular Meeting of the Planning Commission

**TUESDAY, September 2, 2014**

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

### CALL TO ORDER

At 6:31 p.m. Chairman Flodine called the meeting to order.

### PLEDGE OF ALLEGIANCE

Commissioner Minnery led the Pledge of Allegiance to the Flag.

### ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JACOBY, JONES, MAAS, MINNERY, NORRIS, PENNOCK

ALTERNATE COMMISSIONERS IN AUDIENCE: SCHABILE

ABSENT: KILDOO.

Also present were: Planning Division Director, Jerry Backoff; Principal Civil Engineer, Peter Kuey; Deputy City Attorney, Avneet Sidhu; Principal Planner, Karen Brindley; Associate Planner, Norm Pedersen; Office Specialist III, Lisa Kiss

### ORAL AND WRITTEN COMMUNICATIONS

None.

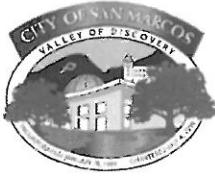
### CONSENT CALENDAR

1. APPROVAL OF MINUTES, 8/4/14

#### Action:

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

AGENDA ITEM  
#



## PUBLIC HEARINGS

Flodine: Announced that Item 3 would go first because the applicant had another commitment to attend.

3. **Case No:** P14-0020: CUP 14-009, ND 14-006

**Application of:** EDCO

**Request:** The proposed project consists of a request for approval of a Conditional Use Permit to allow the installation of a twenty-four (24) hour self-service Compressed Natural Gas ("CNG") fueling station open to the general public and to adopt Mitigated Negative Declaration 14-006 (the environmental review document).

**Location of Property:** 168 S. Las Posas Road, more particularly described as: Portion of Lot 2 in Block 114 of Rancho 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 County Recorder of San Diego County, December 21, 1895. Assessor's Parcel No.: 219-140-14

**Staff Presentation (Karen Brindley):**

Described request and location. PowerPoint presentation shown. Site encompasses 15,600 s.f. of an 11 acre facility on five parcels. Discussed surrounding uses, access and EDCO operations. Site has a General Plan designation of Industrial and is zoned Industrial. A CUP was granted in 1983 to Mashburn Sanitation and has been modified several times over the years. In early 2014, EDCO installed time-fill CNG fueling stations to convert the diesel powered EDCO fleet. Discussed those improvements. It was done to comply with a CA Air Resources Board mandate to convert diesel fleets to cleaner burning fuels. Discussed site plan. Proposed new driveway shown. There will be lighting and security cameras. New landscaping will be installed along frontage. Discussed the two-phase construction. "Automotive Fueling Stations" are not allowed in "I" zone, however, Planning Director determined the use will operate/function similar to a "fleet fueling station," which is allowed with a CUP. Applicant indicated they don't have a customer base yet but expect fleet customers. Discussed Climate Action Plan. Measure T-6-3 indicates City should encourage the development of CNG or alternative fueling stations to support conversion of heavy-duty gas & diesel fuels. Discussed access, internal circulation, screening & relocation of chain link fence/slats. Facility is open 24-hours, so additional fencing & gate will be installed to prevent access to EDCO business. A Hazardous Materials Report was submitted which identified all Fire Codes that must be complied with and the project must be designed to the satisfaction of the Fire Marshal. Staff received a question regarding the Emergency Shutdown panels. (Pointed out location on wall, chain link fence, each dispenser & internal to the site where the piping is). Staff recommends approval of CUP and adoption of Mitigated NegDec. Applicant is present to answer questions.

Jacoby: Asked if the location of the shutoff switch allows someone to bypass an explosion?

Steve South, Applicant, President/CEO of EDCO: There are multiple shutoffs, all of which will take the entire system down. The switch can be reached from any dispenser, the wall or fence. Four are outside plus five inside for a total of nine.

Norris: Commented that UCSD put one in a few years ago. Asked what exists and what they're fueling?



South: Time-fuel station to fuel their trucks overnight. The compressors and skids are there, so they'll be able to tie into the existing and start with two dispensers for public consumption.

Norris: Concerned about usage. Asked if trucks fill at night?

South: Their target customers are fleet, who typically fuel up in off hours. EDCO vehicles fill up in their parking spots. It will be open to the public and those who convert to compressed natural gas. Those are primarily fleets and they fill in the evening.

Norris: Asked how the public will access?

South: Entrance at northern driveway, using a card lock system, open 24-7. They'll accept major credit cards and a number of fleet card users. They have a similar station in Buena Park and the majority use fleet credit cards.

Norris: Asked if there's a number they can call if they don't belong to fleet?

South: Accepts any VISA or Mastercard and a number of fleets. Buena Park accepts 7 different fleet cards.

Norris: 3,600?

South: 3,600 psi. Want to make it convenient, accessible and have them fill quickly.

Flodine: Petroleum gas stations have multiple taxes. Inquired if there's a similar CNG tax where City may benefit?

South: Taxes are limited because users are more on petroleum side. As use increases, there will probably be more taxes to users. There are no users identified now. As the city, state & nation moves away from petroleum, there will be some revenue shortfalls that will lead to taxes on all alternative fuels.

Flodine: Asked if there's a sales tax?

South: There's a tax element associated with the diesel gallon equivalent, but can't recall the specific amount that would revert to the City.

#### **OPEN PUBLIC HEARING**

No speaker slips.

#### **CLOSE PUBLIC HEARING**



**Action:**

COMMISSIONER NORRIS MOVED TO APPROVE CUP 14-009 AS SET FORTH IN RESOLUTION PC 14-4430 WITH MODIFICATIONS AS PER STAFF MEMO/HANDOUT DATED 8/28/14; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES: COMMISSIONERS: FLODINE, JONES, JACOBY, MAAS, MINNERY, NORRIS, PENNOCK

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

**2. Case No:** P14-0013: TSM 14-003, CUP 14-007, ND 14-005

**Application of:** San Marcos 13, LLC

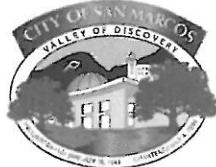
**Request:** A review of a Tentative Subdivision Map for a 14-lot subdivision of a 3.95-acre property, a Conditional Use Permit to allow for lot averaging in the Single-Family Residential (R-1-10) zone and to adopt Mitigated Negative Declaration 14-005 (the environmental review document).

**Location of Property:** Oleander Avenue, west of Smilax Road, more particularly described as: Parcel 3 of Parcel Map No. 14571 and Portion of Lot 9, Block 23 of Map 806 Rancho Las Vallecitos de San Marcos. Assessor's Parcel No.: 217-231-04 and 217-231-05.

**Staff Presentation (Norm Pedersen):**

Described request and location. PowerPoint presentation shown. Property is currently vacant, but was previously developed with a single family home that was demolished in 2004. A private road easement runs along eastern property line and provides access to existing homes on the west side and property to the south. Lot sizes range from 7,531 to 20,269 s.f., with an average of 10,000 s.f. Zoned R-1-10. Per Zoning Ordinance, a minimum of 10,000 s.f. is required, so a CUP is required for lot averaging. General Plan designates as Very Low Density (2.1 to 4.0 dwelling units per acre). Project proposes 3.5 d.u. per acre. Property is surrounded by single family residences except for plant nursery to north. The applicant will not be building the future homes. Architectural elevations will be required to be approved by Planning Division and will be required to have varied floor & roof plans and enhancements. Oleander Avenue will be widened by 18 feet plus sidewalk along property frontage. Street A will be a private street constructed to public design standards. Discussed BMPs. All manufactured slopes will be required to be landscaped. Landscaping will be required along property's western boundary between existing private road & the backyard fencing of Lots 1-6. There are 3.89 acres of non-native grasslands on site. Suitable conditions exist for Thread-Leaved Brodiaea, a threatened perennial plant. A focused survey found none on site, so no mitigation is required. U.S. Fish & Wildlife provided comments which were handed out. The San Luis Rey Band of Mission Indians indicates an archaeological site is located within the vicinity and requested that project include monitoring for potential artifacts during grading. Staff provided a Memo with recommendation for a new condition added to TSM resolution.

**Randy Reinhart, Applicant/Developer:** PowerPoint presentation & photo's shown. The nearby homes are 40 years old with average 6,000 s.f. lots. Discussed the benefits of an infill site. The private street is



to be maintained by HOA. The unsightly power poles will be undergrounded by the development along the frontage and about 100' past their project. Indicated they have concerns with three items: 1). Affordable Housing Fee, R.11. They entered into an agreement with the City (letter provided) and so they're asking for a revision to show \$9,300 per housing unit. 2). Side Yard Setback item has been resolved. 3). Three-foot planter area & 5' Reciprocal Private Drainage Easement along westerly access road easement. They want to stay away from the easement area. They don't want to lose three feet of rear yards to put a planter along 480 yards of easement. They're concerned about liability issues, kids playing in it, damage of sprinkler heads & maintenance costs. There are cars parked on the property now. Concerned cars will park in the planter area and cause damage. The HOA can't police it. The easement is a dirt road. (Pointed out where planter would go). A new, attractive fence will be put up. The view doesn't exist for the current homeowners. They have fences with vines, trees and structures blocking their views. 90% of the area won't see the landscape strip. Asked that the condition be deleted.

Jacoby: Inquired if there was any feedback from those homeowners?

Reinhart: No.

Flodine: Asked staff if they've received any written comments from neighbors?

Pedersen: No.

Minnery: Asked staff what the rationale is for 3-foot landscape area?

Pedersen: To beautify & soften the appearance of that side of the fence.

Backoff: It may not be view obscuring but it adds beautification along an area that may someday get improved. The drainage was on the private lots and staff directed them to move it to the common area so it could be a landscape swale that could also come into drainage and serve a dual purpose, as opposed to just concrete drainage.

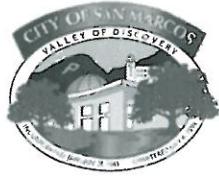
Reinhart: The three easement holders have had it since 1972 and haven't done one thing to beautify it. The project is being asked to reduce rear yard setbacks, HOA must monitor & maintain and be subject to liability. It doesn't seem equitable. Those residents can't see it from their house. It's not that expensive, so that is not the point. It's the liability. He's concerned about vehicles damaging the 3-foot landscape strip.

Jones: Asked if the concrete curb is to outline the landscape?

Pedersen: To contain landscape strip and identify boundary between the landscaping & road easement.

Jones: Commented that he drove over & looked at property. He can't imagine there's any reason to do more to the fence. Cars are parked all over the area. Beautification is not needed, the fence will look better than anything else out there. Someone would have to maintain it forever. It adds irrigation, an expense and liability. Thinks it is unnecessary & not fair to future homeowners.

Flodine: Asked which side of the fence the swale occurs on?



Robert Dintino, Civil Engineer, Excel Engineering: There will be a concrete berm ditch placed about two feet inside property line, just behind the fence. It will only be visible from inside the project.

Flodine: Within each lot?

Dintino: Correct, it's not on the outside of the fence in the 3-foot landscape area.

#### **OPEN PUBLIC HEARING**

No speaker slips.

#### **CLOSE PUBLIC HEARING**

Backoff: Asked Chair to ensure no one from public wants to speak.

Flodine: Asked again if anyone wanted to speak?

#### **OPEN PUBLIC HEARING**

Unidentified man, lives on Wild Horse about 100 yards away: The easement road has a consistent problem with rocks, gravel & debris falling on the asphalt. Asked if there are any improvements planned for the easement? When it rains, mud & debris come down. He wasn't aware that more than one house uses the road. Asked why it isn't paved like a regular road? It gets messy in winter. There are already traffic problems.

Jacoby: Inquired how long problem existed?

Man: 17 years. He thought easement was just for one home. They'll be complaints from the dust being thrown up. It's something to look at in the future.

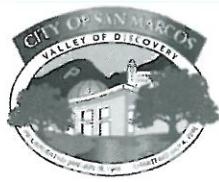
Minnery: Asked if he's addressed this with the City in the past?

Man: No, came to meeting to talk about traffic. Doesn't feel the 14 homes will increase it too much. 95% of traffic isn't from San Marcos. It's miserable to get off side streets & driveways onto Oleander. People are honking; don't respect the stop signs & traffic is backed up. It's terrible when school gets out.

Norris: Asked if a traffic study was done?

Backoff: The frontage to easement will be improved and should take care of some concerns. A traffic study wasn't done because the amount generated by project wasn't considered to be impactful to street. Concern was more related to access and proximity to adjacent intersection. Striping and improvements will be made.

Man: Would be nice to see first part of easement paved. People pass on the right shoulder of Oleander. More police patrol is needed.



Flodine: Asked about street improvements as part of project?

Kuey: Applicant is proposing to pave a portion of the existing easement road which should help in tracking issues brought up. Oleander will be widened. The private road should be maintained by the easement holders in an appropriate manner.

Flodine: There will be a brow ditch around the project so some water going down easement today will be diverted. Suggested he address any issues with the City.

**CLOSE PUBLIC HEARING**

Pennock: Commented that he doesn't see a long term benefit to make them install a 3-foot landscape setback. He likes the project. Homeowners can put landscaping & trees in their own back yard.

Backoff: The condition was to put the drainage area on the west side common area because individual property owners could do something to disrupt or block drainage. It could be vegetated or concrete.

Kuey: If vegetated, the velocities must be slow enough to not cause erosion.

Flodine: Asked if it could be DG or riprap?

Kuey: If velocities are slow enough. The Engineer could decide.

Jones: Commented that he had asked earlier about the purpose for concrete curb, other than containing landscape area, and the answer was "no." Now that's not the case, its part of the drainage system?

Backoff: It's a swale. Don't believe concrete curb is relating to drainage. It's to control people so they don't run into landscape area. If a drainage swale, it could be vegetated.

Jones: A swale inside and out?

Backoff: On the perimeter along the easement. Staff is trying to create drainage so it's not on individual lots because someone may disrupt drainage and cause an issue.

Jones: A landscaped swale?

Backoff: Could do landscape swale or concrete.

Jones: Asked if it would have to be maintained?

Backoff: Yes, but could use materials that are minimal maintenance.

Jones/Backoff: Continued to discuss.



Reinhart: Indicated they meet water quality standards without the 3-foot landscape area. It's not needed to drain the site.

Dintino/Excel Engineering: The 3-foot landscape area would not mean anything towards drainage along the road. All drainage is inside the property. Continued to discuss.

Backoff: The change would be whether you want to allow drainage to be on individual private lots on west side or a more common drainage solution on the other side of the fence.

Jones: Asked staff if they want to move swale outside the property line?

Backoff: Yes, that's what condition calls for.

Reinhart: On west side, drainage is inside the fence. It's consistent with the other property on east side. The same design is in place and it works. He wants to stay away from easement and not impact it.

Pennock: Inquired what type fence will be built?

Reinhart: Not sure, but it will look nice. Perhaps cedar, some projects are using vinyl. Indicated he also did the Bouger Road project.

Flodine: Commented that he doesn't see a need for a landscaped swale, but doesn't agree they can't see it. It would be hard to police and maintain because it's on the other side. Asked if there's a solution that is not landscaped, without live plants and irrigation?

Reinhart: The issue was just recently brought up, and was never proposed to be a drainage area. It was a beautification proposal. The site drains adequately the way it's designed. Those homeowners would lose 3 feet of the rear yard setback and have higher HOA fees. The project is already meeting standards. A concrete berm is an accident waiting to happen. It will be parked on and be a liability issue.

Norris: Asked if they want to put a curb in and fence around property?

Reinhart: They want drainage inside fence.

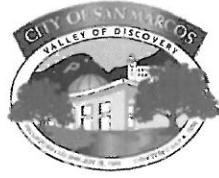
Dintino/Excel: Water will do what it's always done & flow downhill to Oleander.

Flodine: Asked Peter if there's any non-landscape reason for this?

Kuey: Applicant is proposing a swale on south side. There is a need for some type of swale.

Flodine: Continued to discuss.

Kuey: City expects some type of swale around the perimeter of subdivision. It must be able to convey water and be sized by Engineer.



Backoff: It becomes an enforcement issue. A lot of homeowners don't read easements or know what the swale is for and could take the concrete out.

Reinhart: He finds with the smaller subdivisions everyone knows each other and it would probably be reported if someone did something.

Flodine: Doesn't feel a planter is necessary, but, if functioning as any part of the drainage, then they might ask for a revision so it's not landscaped or irrigated.

Reinhart: Fence would go to easement, then work with Engineering to have adequate drainage or swale.

Backoff: Issue is whether swale is inside property. If someone tears it out or landscapes over, you could have a blockage. It could be a real liability & potential enforcement issue.

Maas: Wouldn't they flood their own property? He'd hesitate to fill a ditch that's draining water on his property.

Flodine: If outside, no one would accidentally plant a tree.

Jones: Commented that he has a concrete swale behind his house & outside the property line. All the dirt runs into the swale. It doesn't belong to anyone so no one cleans it. Not sure problem would be solved if putting it outside.

Norris: If placed outside, HOA would clean it.

Reinhart: Suggested language: "Drainage for lots 1-6 shall be reviewed and approved by the City Engineer."

Flodine: Issue is only with Lots 1-6.

Kuey: Language is fine.

Flodine: Discussed applicant's three issues: 1). Okay with change to R.11. as per signed City letter. 2). Applicant indicated this was resolved. Asked if it was in accordance with existing condition?

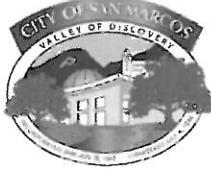
Pedersen: In accordance with Staff Memo reducing it from five to three.

Flodine: 3). Final design of swale along Lots 1-6 to be reviewed and approved by City Engineer.

Backoff: City Engineer is fine.

**Action:**

COMMISSIONER JONES MOVED TO APPROVE TSM 14-003 AS SET FORTH IN RESOLUTION PC 14-4428 WITH MODIFICATIONS AS PER STAFF MEMO'S DISTRIBUTED ON 8/28/14 & 9/2/14, AND WITH MODIFICATIONS TO STAFF MEMO 8/28/14 AS PER PLANNING COMMISSION AND STAFF; AND



AFFORDABLE HOUSING FEE AS AGREED UPON AS PER CITY LETTER DATED 4/10/14: R.11. The applicant/developer shall pay an in-lieu affordable housing fee ~~in effect at the time of building permit issuance~~ of **\$130,200.00** based on an in-lieu fee of **\$9,300.00** per housing unit.; SECONDED BY COMMISSIONER NORRIS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES: COMMISSIONERS: FLODINE, JACOBY, JONES, MAAS, MINNERY, NORRIS, PENNOCK

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

COMMISSIONER JONES MOVED TO APPROVE CUP 14-007 AS SET FORTH IN RESOLUTION PC 14-4429; SECONDED BY COMMISSIONER NORRIS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES: COMMISSIONERS: FLODINE, JACOBY, JONES, MAAS, MINNERY, NORRIS, PENNOCK

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

#### **PLANNING DIRECTOR COMMENTS**

Backoff: Reminded Commissioner's of Ethics Training. Three are due: Minnery, Jacoby and Pennock. They should have received an e-mail from the City with a link to take course on line. It takes two hours and deadline should be indicated.

#### **PLANNING COMMISSIONERS COMMENTS**

None.

#### **ADJOURNMENT**

At 8:01 p.m. Commissioner Flodine adjourned the meeting.

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ERIC FLODINE, CHAIRMAN  
CITY OF SAN MARCOS

**ATTEST:**

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LISA KISS, OFFICE SPECIALIST III  
SAN MARCOS PLANNING COMMISSION