

## Highlands History

Land speculator/investor, Farouk Kubba, has owned the property north of Santa Fe Hills since 1981. Kubba understood that buying the land was a risk. For example, despite the many acres, the steep slopes and constraints leave only a small footprint that is economically feasible to build homes; The land is environmentally sensitive, and contains the headwaters of Agua Hediunda Creek; Finally, a majority of his land is outside of San Marcos, in unincorporated San Diego County land that was (and still is) zoned for much fewer homes. Farouk Kubba hedged his bets for buying this land based on the prospect that San Marcos would eventually annex the land into San Marcos jurisdiction (thus, the land would be subject to the much less restrictive San Marcos zoning rules).

The planning principals of San Marcos City Planners are not in alignment with the County. At the time Kubba purchased the land, the San Marcos City Planners would have allowed up to 300 homes on the property (as opposed to San Diego County only allowing 60-70 homes at the time). Part of the City's rationale for allowing more homes was because more homes will extend Las Posas further north, and more homes will help pay for the future complete extension of Las Posas to Buena Creek Rd. (Note: In later years, San Diego County asked to remove the future extension of Las Posas to Buena Creek Rd., deeming it unnecessary. San Marcos rejected this suggestion and ended up getting their way. This is another example of the difference in planning principals between San Diego County and San Marcos).



Nine years after purchasing the land, in 1990, Kubba completed an Environmental Impact Report for a 275-home development. This was the same year that the very first homes of Santa Fe Hills began construction. According to Farouk Kubba, because the housing market was not doing well in 1990, he chose not to proceed with his project and to wait out the market.

Kubba came back in 2002 with a *Supplemental* Environmental Impact Report and a new project consisting of 230 homes. At this point, most of Santa Fe Hills had been built out. There was much less open space available for wildlife, and the distance between the high-density homes of Santa Fe Hills and rural neighborhoods north of Santa Fe Hills was closing in.

For many of the same reasons the Highlands is objected to today, it was objected to in 2002. The San Diego County Planning department and the EPA rejected the project because of Kubba's plan to build a large number of homes on sensitive, highly constrained, land. The community had the same exact objections, but the community also objected the project because of its relationship to the future extension of Las Posas Rd. Even the San Marcos Planning Commission voted against the project. However, City Council ignored all of the objections, and allowed the project to move forward.

Despite all of the commotion, by 2004 Kubba could not secure all of the development permits. San Marcos City Council approved Kubba's request of a 1-year extension to secure the permits.

### 2002 Point of Reference

*The population of San Marcos was about 62,000, no Grand Plaza, no 78 on/off ramp at Las Posas, and Paloma Elementary student/teacher ratio was 20/1. Rick Gittings was San Marcos City Manager].*

### 2004 Point of Reference

*Population of San Marcos was about 68,000, still no Grand Plaza, Paloma Elementary student/teacher ratio was 22/1. Current San Marcos Mayor, Jim Desmond, started his first term on City Council.*

By 2006, Kubba still had not managed to secure his permits. The City Council hearing to determine whether or not another extension should be granted was overflowing with people in the community who opposed the extension. With **pressure from the public playing a big role**, City Council voted against the extension, 3-2, explaining that Kubba had the necessary time to secure his permits, and “because the developer failed to work with the community on creating an acceptable project.”

Since 2006, Santa Fe Hills has been completely built out, as well as the construction of the 94-home subdivision of Loma Alta (within Santa Fe Hills), and the ~300-home subdivision of Rancho Santalina (just West of Loma Alta). Additionally, Palomar College is expanding to accommodate more students, the 370 Condos of Palomar Station was recently completed (first intersection exiting Santa Fe Hills), and the 368 apartments of Davia Village are expected to start construction late 2014 or 2015 (neighboring Palomar Station to the east). I don't have historical traffic figures, but you can imagine the traffic increase getting in and out of Santa Fe Hills now compared to when Kubba first bought the land in 1981.

The San Marcos Highlands project has been a strongly opposed development project since it was first introduced in 2002. Farouk Kubba consistently submits high density project maps that simply do not fit within the constraints of the land. San Diego County Planning Division, various agencies and hundreds in the community have opposed his high density development maps every time, yet Kubba ignores them. With as many changes that have occurred throughout San Marcos since the Highlands project was first introduced (less open space, overburdened schools, more people, more traffic, smart growth planning), a new sprawling home development in that area makes less sense now than it ever has.

#### 2006 Point of Reference

*The population of San Marcos was now about 72,000, Grand Plaza was in the beginning phase of construction, the 78-on/off ramp at Las Posas was completed, Paloma Elementary student/teacher ratio was 23/1. City councilmember Chris Orlando was on the Planning Commission, and starting his first term on City Council. Jim Desmond was still on City Council. City Manager, Rick Gittings retired this year.*

#### 2012-Today Point of Reference

*In 2012, the San Marcos population was about 87,000 (up 25,000 from 2002). The 2011-12 student/teacher ratio at Paloma was 30/1 (10 more students per teacher since 2002). A 2013 SMUSD letter says that existing school capacity with SMDUD currently is not adequate to meet the student population, with 4,474 more students than it is equipped to handle. According to a 2014 city survey, the #1 concern of 21% of San Marcos citizens is **traffic** (up 10% from the 2009 survey). The City is now focused on a Smart Growth strategy, a growth plan that is supposed to prevent sprawl. Previous City Manager, Rick Gittings, is now a private consultant for Farouk Kubba.*

## Santa Fe Hills Developments in Directly Surrounding the Highlands

There are several traffic generating developments surrounding Santa Fe Hills that I mentioned above. Below I highlight just the developments that are directly next to San Marcos Highlands.

**PO 20-23** – Land directly bordering the San Marcos Highlands project to the west has already been approved for up to 89 homes. No actual project has been submitted for this area, but the man who owns the land, Stephen Bieri, has attended every Highlands workshop. How he proceeds with his 89-home project completely depends on what happens with the San Marcos Highlands project.

**Las Posas Extension** – Extending Las Posas to Buena Creek Rd will enable more sprawl throughout north San Marcos, and will benefit additional land investors, like Farouk Kubba. Previous traffic projections say that this extension will generate at least 14,000 additional car trips down Las Posas, of mostly cut-through traffic.

**PO 8** – Land at the top of the ridgeline above Via Barquero has been approved for up to 25 homes. The City considers this land EXEMPT from the Ridgeline Protection Ordinance.



## Highlands Team

- **Landowner, Farouk Kubba:** Farouk Kubba intends to sell his land to a home developer as soon as he gets a map approved by San Marcos City Council and LAFCO.
- **Consultants Collaborative:** Consultants Collaborative is a firm that helps landowners create housing development maps, acquire permits, and navigate the City to get their home development plans approved.
- **Consultants Collaborative President, Jim Simmons:** Jim is usually the person who talks on behalf of the Project. To explain his role, here is an excerpt from the Consultants Collaborative website: *Mr. Simmons has demonstrated superb negotiating and public presentation skills. He has successfully made complicated and, at times, difficult presentations in local, state, national and international public settings. Successful representation of socially, politically and environmentally sensitive projects has become the hallmark of the firm.*
- **Consultants Collaborative Executives, Jason Simmons and Matt Simmons:** They also sometimes talk on behalf of the project.
- **Private Consultant:** Rick Gittings is a former San Marcos City Manager. Rick Gittings mostly stays under the radar, but he attends all the workshops and meetings. He obviously has a lot of knowledge about City projects, as well as connections with people within the City.

## San Marcos Planning Department (Employees of the City)

During the beginning phase of the project, City Council is not really paying attention. The project is in the hands of the San Marcos Planning Department. The Planning Division is not supposed to pass judgment as to whether the project is good or bad for the city/community, rather their role is to ensure that the project application contains the appropriate studies and permits.

- **Jerry Backoff, Planning Director:** Jerry has been planning director for San Marcos for many years (at least since 2002, when the first Highlands project was submitted). Jerry's job is to determine the best use of the city's land and resources for the planned & approved growth and changes. This includes roads, traffic, land use, zoning, environment, etc. It is not his job to set the direction of the city, rather, to help carry out the direction set forth by the General Plan and City Council.
- **Norm Pederson, Associate Planner:** Norm Pederson is the planner assigned to assist Jerry Backoff with the Highlands project.

## San Marcos Planning Commission (Appointed *Volunteers*)

The Planning Commission is a 7-member panel, appointed by City Council, who evaluate and vote on projects & decisions brought forth by the Planning Department. The Planning Commission basically exists to provide suggestions and opinions on projects prior to it going to City Council for a vote.

Planning Commission hearings are held once a month. The outcomes of their votes are only considered recommendations to City Council, other words, if the Planning Commission votes NO against the Highlands project, it could still continue forward to a vote by City Council.

Planning Commissioners only get \$50-100/meeting, so many consider them *volunteers*. Unlike the Planning Department, Commissioners must actually live in San Marcos.

## San Marcos City Council (Elected Representatives)

City Councilmembers are the legislative branch of the City of San Marcos, they propose and make laws for the city. All Council actions require a YES vote of at least 3 of the 5 Councilmembers. San Marcos City Councilmembers don't get a substantial salary (roughly ~12K, plus perks and benefits), so most Councilmembers have a separate, full time job.

- **Jim Desmond, Mayor:** Jim has been on the San Marcos City Council since 2004. He became Mayor in 2006, ran unopposed in 2010, and will be running for his 3rd and final term (likely unopposed) this November, 2014. After his final term as Mayor, Jim has his eyes set on Bill Horn's job as San Diego County Supervisor, District 5. Jim is one of only two councilmembers who have been part of the San Marcos government since the 2006 Highlands attempt and Las Posas extension debate.
- **Rebecca Jones, Vice Mayor:** Jim Desmond appointed Rebecca Jones to City Council in 2007 to fill a vacated Council seat. Rebecca was then elected in 2008 and again in 2012. Rebecca's term expires in November, 2016.
- **Chris Orlando, Councilmember:** Chris Orlando started off working for the City as Planning Commission vice chair in 2005. Chris was elected into City Council in 2006 and re-elected in 2010. Chris Orlando will be running for his 3rd and final term (likely unopposed) this November, 2014. After this next term, Chris has his eyes set on Jim Desmond's job as Mayor of San Marcos. Chris is the only other councilmember (besides Jim Desmond) who has been part of San Marcos government since the 2006 Highlands attempt and Las Posas extension debate.
- **Kristal Jabara, Councilmember:** Kristal Jabara was elected into her first term on City Council in November 2010. Prior to City Council, Kristal served on the Planning Commission from 2009-2010. Kristal will be running for her second term on City Council (likely unopposed), this November, 2014.
- **Sharon Jenkins, Councilmember:** Sharon was elected into her first term on City Council in November 2012. Prior to City Council, she served on the San Marcos Unified School District board from 1998-2010.

## LAFCO

LAFCO is a government agency that oversees San Diego County land annexations. Because the San Marcos Highlands project map is mostly within unincorporated San Diego County land, zoned 1-home per 10 acres, the only way for the project to get approved is if San Marcos annexes the land into San Marcos jurisdiction. If LAFCO does not approve the annexation, regardless of how San Marcos City Council votes, the Highlands project will not move forward.

Note: In 2013, LAFCO wrote a harsh letter against the Highlands project because the Kubba's team did not perform a new Environmental Impact Report (EIR). This letter from LAFCO is why Kubba decided to start over, and perform a new EIR. (Pretty much every other agency wrote the same type of letter, but LAFCO is the only one they listened to).

# The Project Process / What to Expect / How to Help

## STEP 1: Provide feedback to the City about the proposed San Marcos Highlands project

In the next 1-2 weeks, everybody in Santa Fe Hills will be receiving a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the San Marcos Highlands. The NOP will contain the Highlands project map, description, location, and outline of the various studies that will be performed. Starting from the date of the notice, the general public and any agency/organization has 30 days to review and provide feedback/concerns about various aspects of the project, and the studies they plan to perform. **It is important for the entire community to provide feedback during this 30 day review period.** We will provide you with tips for how best to provide feedback ASAP.

## STEP 2: Workshops?

The City may or may not ask Kubba and his Consultants to hold a public workshop for the project. The purpose of a public workshop is to give the community a chance to learn more about the project, and to provide feedback to Farouk Kubba and his consultants. From Farouk Kubba and his consultant's perspective, workshops are an opportunity to sell the community on the project.

The City may or may not require the Planning Commission to hold a workshop for the project. The purpose of a Planning Commission workshop is to catch the planning commissioners up to speed on the project.

If a workshop does occur, we can use this opportunity to help others throughout the community learn about the project. Because most people agree that the project is NOT a good fit for Santa Fe Hills or San Marcos, the more people who know about it, the more support we'll get in the end.

## STEP 3: Planning Commission Hearing

As explained in the *San Marcos Planning Commission* section above, whether or not the Planning Commission votes YES or NO for the project will not determine the final outcome. If they vote NO, it will help our argument against the project, so we should still work hard to make that happen. **It is important for the Planning Commission to be PACKED with people who oppose to the project.** When we know the date of the hearing, we will let you know and we will need your help getting as many people to the hearing as possible.

## STEP 4: City Council Hearing

Because the current City Councilmembers have no known challengers for the November elections, they will likely feel less pressure to vote what the community wants vs voting to making political allies. However, an overwhelmingly large turnout at this hearing will likely force them to vote NO. This is exactly what defeated the Highlands in 2006, and we can do it again. **THIS IS OUR BEST OPPORUTNTIY TO STOP THE PROJECT AND SAVE SANTA FE HILLS AS WE KNOW IT.** We need your commitment to spread the word about this hearing and to show up with as many friends and relatives as possible.

## STEP 5: LAFCO

We do not want to get to this point, but if City Councils votes in favor of the project, we can still stop it at LAFCO. (Read the description of LAFCO in the above section to understand how.) If the project gets to LAFCO, we will need a HUGE turnout at this meeting.