

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
MONDAY, AUGUST 2, 2004 - 6:30 PM

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1. CALL TO ORDER

At 6:30 p.m. Chairperson Nelson called the meeting to order.

2. PLEDGE OF ALLEGIANCE

Commissioner Abbey led the Pledge of Allegiance to the Flag.

3. ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Abbey, Burns, Nelson, Schaible, Skovgard.

ABSENT: COMMISSIONERS: Blacklock, Decena, Hernandez

ALTERNATE COMMISSIONERS IN THE AUDIENCE: None

Also present were Planning Director, Jerry Backoff; City Engineer, Sassan Haghgoo; Planning Secretary, Lisa Kiss; City Attorney, Helen Peak

4. ORAL AND WRITTEN COMMUNICATIONS.

None.

CONSENT CALENDAR

5. Minutes. COMMISSIONER BURNS MOVED TO APPROVE CONSENT CALENDAR AS PRESENTED; SECONDED BY ABBEY, AND CARRIED BY A UNANIMOUS VOTE.

PUBLIC HEARINGS

6. **Case No:** TSM 408 (04TE)  
**Application of:** Farouk Kubba / KB Home (San Marcos Highlands)  
**Request:** A Request for an extension for a 230 lot single-family subdivision on 224 acres.

**Location of Property:** Between the north terminus of Las Posas Road and Buena Creek Road, more particularly described as a portion of Sections 34 & 35, Township 11 South, Range 3 West, San Bernardino Meridian. Assessors Parcel No. 184-101-14, 15 (NAP), 18; 184-240-02, 13, 14, 15; 184-241-01, 02; 182-110-02, 03; 182-111-01.

Staff Presentation: Described request and location. Current Specific Plan and Tentative Subdivision Map was approved by City Council in 2002. Request is to extend the TSM for two years. Staff is recommending approval for one year. Since 2002, applicant has submitted applications to LAFCO and Resource Protection agencies. The request tonight is whether to approve the time extension and is not being asked to reconsider or readopt previous project or its findings. Commission must make the finding that the design improvement and public facility phasing is consistent with General Plan, Specific Plan and City Code relative to major subdivisions and applicant is pursuing all actions required to obtain final map approval. Staff feels the above findings have been met. There is no evidence to support new information, project changes or that further CEQA analysis is needed, in light of the existing, certified SEIR. Extension request is reasonable given the continuing, on-going work with wildlife agencies. Presentation turned over to City Attorney, Helen Peak, to indicate the focus of the hearing based on the letter from the applicant to attorney.

Peak: We received a letter from Luce Forward. Jeff Chine, attorney for applicant who is here in audience has attached as Attachment "E." Involves 1980 case in City of Santa Monica did confirm that discretion in a case such as this is limited to issue of whether or not the map is to be given additional time. Time extension is what is before you today. You cannot impose additional and/or subsequently enacted requirements. It is clear that your discretion is limited to time extension. You can take into consideration factors that the public may testify to, but map extension is what is being decided tonight. Environmental documentation is not to be open, conditions of approval are not open.

Skovgard: What basis are we to determine whether the map is extended?

Peak: Under that provision of the Subdivision Map Act it is discretionary with the agency. No specific requirements set forth. Consider that applicant has diligently processed and has run out of time. Resource agencies are on occasion difficult to come to agreement with. If you didn't vote for the project in the first place, you may or may not wish to vote to extend the map. There are any number of considerations. I would caution you not to make a decision based on your preference of having additional conditions or additional environmental review performed. We are dealing with an approved map with approved environmental documentation.

Nelson: Let's try to stay focused on the extension. We're willing to hear everyone's testimony but let's try not to repeat the same things. There are certain things we cannot open up, such as environmental. We are limited in our scope as indicated by the City Attorney, but will go forward and listen to everyone's opinion.

Public Testimony:

David Shepherd (representing KB Homes), 12235 El Camino Real, Suite 100, San Diego, CA 92130. The issue here is time. Why we are asking for more time: In Aug. '99, Mr. Kubba began discussions with resource agencies. From there and into Jan. '01 we had pre-application meeting with Army Corp of Engineers. Numerous site visits, etc., were held from Feb. '01 to Aug. '01 with the resource agencies. Dec. '02 once tentative map approved by City, discussions became more serious with the resource agencies. Individual permit application submitted in Dec. '02. By Feb. '03 we received direction from Army Corp of Engineers. In June '03, ACE requested a letter with environmental assessments, etc. Delays started occurring in June '03 as Army Corp, as well as KB, had staff changes. June '03 until Nov. '03 not much activity. Numerous attempts to schedule meetings, phone calls and e-mails sent with little or no response. Late Nov. '03 we received a letter asking for cumulative impacts analysis. Reviewed and met with agency in Jan. '04. Had an all agency meeting where they requested additional information, resulting in another environmental study and update of our application. New application was submitted in June '04. Now waiting for a response from them and have not heard anything. We are just asking for more time to continue with the process.

Skovgard: When was the application for the extension made and with whom?

Shepherd: Filed in April with City of San Marcos.

Nelson: Do the agencies have a clause on how long they'll work on a map? Do they ever ask for extensions?

Shepherd: Once they formally initiate Section 7 consultations, there are a number of deadlines they have to respond to. We've been told it's a 135 day process.

Nelson: What happens if you don't come to a conclusion in the 135 days?

Shepherd: I'm not an attorney so I'm not sure. I believe you end up in court or it's a denial or you continue to push it.

Tom Kumver, 1602 Siddall Dr., Vista, CA 92084. Live in unincorporated area. Requesting that extension be denied. 60% of this project is in unincorporated area. City of San Marcos did not use County rules which have lower density. If County rules are used, the dwellings would be dramatically reduced to 12-24 homes.

Nelson: We should be focusing on the extension.

Kumver: It should be denied because it doesn't follow County rules. Let them resubmit a new plan that addresses this issue.

Gary Hill, 3777 Robinhood Lane, Vista, CA 92084. My property borders this project. We have a 5 acre equestrian facility. This commission voted to deny the project the last time and it's a good reason to deny the extension today. Wants to point out the College Area Community Plan and read several goals. The first goal says growth should occur as to the needs and wishes of the citizens of the entire area. I've not heard any citizens support for this project. Number two, the area should be rural residential. This is a cluster development and is not rural. Another goal identifies compatible nearby uses. Having dense packed, small lot development backed up to equestrian facilities is not compatible. This generates conflict. Normally a clustered development is built to preserve open space and with good planning is buffered by open space. In this case the dwelling units are to the north and clustered next to Robinhood Ranch area. This is poor planning from the start. There should be a buffer zone for wildlife and compatibility. The City will have complaints and county will have complaints also. Same reasons for denial exists today.

Henry L. Palmer, 682 Olive St., San Marcos, CA 92069. Has the Tentative Subdivision Map expired yet?

Backoff: There is 60 or 90 days beyond the expiration date.

Palmer: Do you normally use the 90 days or do you normally submit it ahead of time? It looks like no real urgency for extension.

Backoff: There is potential for appeals so we want to make sure those are taken care of before the expiration date.

Peak: Clarified, it's a 60 day extension.

Palmer: I'm looking for the date that you're going to extend from. On what date would we be here again next year?

Nelson: It depends on the action here tonight. Either way, I'm assuming it would be appealed.

Backoff: City attorney indicated 60 day. Action need to be taken by September 9, 2004.

Palmer: The project contains more habitat and open space than any other project in the City of San Marcos in terms of percentage. Merely submitting an application to Fish and Game or LAFCO is not evidence of diligence. They should ask them what they need to do to comply with the law. Agencies will write out what is required and it may be totally different than what you see here. You can't count on the schedule LAFCO will use. They rejected equestrian center as absurd and the City may have a credibility issue there. This project is not essential to what is already built. Requesting that you do not approve this at all. When the various agencies are done with it, it won't look anything like this. Wait until they are done. I've never been associated with a business that didn't have a schedule of expected events. We should see a milestone chart presented along with this report.

Gil Jemmott, PO Box 455, SM, CA 92079. (Twin Oaks Valley Community Sponsor Group). What is this project? Project impacts the county residents much more than city residents. High density has already been mentioned. Two years ago, Planning Commission members expressed concerns regarding impacts of this project and inadequacies of the SEIR. Wildlife agency wrote a 4 page letter explaining problems with City's response to their comments re: DSEIR. Sponsor group wrote a letter re: inadequate and misunderstandings. Others did the same but no changes were made to the DSEIR. It was approved as SEIR. Slow negotiations shouldn't be surprising since State and Federal Wildlife agencies objected and lack of changes made since. Last month, Gabe Castano's horse and dog facility were rejected by LAFCO with a unanimous vote. Objections were a poorly done EIR, project too dense and impactful on the surrounding community. We believe LAFCO will vote the same for this project. Since we can't change the project or environmental documents, we request that you confirm the votes that this board made and reject the time extension.

Farouk Kubba, 2345 Newport Blvd., Costa Mesa, CA (Applicant). Would like to speak afterwards if questions.

John Nabors, 1591 Archer Rd., San Marcos, CA (Diversified Projects, Inc.). Will speak only if necessary.

Sandra Farrell, 1900 Esplendido Ave., Vista, CA 92084. (Representing Friends of Hedionda Creek). Lived in area since 1961. Want to preserve headwaters of creek and restore degraded areas south of Santa Fe. Two years ago this commission did not approve this project. If you had all the data here tonight that you had then, I don't think you would approve this project. It was not a good project two years ago and is still isn't now. (Distributed to commissioners: Packet and letter from EPA which went to LAFCO two years ago. Pictures shown on big screen). Santa Fe Hills and Robinhood Ranch are both unique neighborhoods. One issue is Las Posas Rd. This project has taken so long because it is a bad project. Army Corp has accused the piece meal of Las Posas Road. As a condition of this project, the developer has to show an alternate alignment to Buena Creek. We don't know

how this impacts the community. That document should be revealed and should be part of this package. If there's a project here it shouldn't be this one. Do not extend the map until you have all the information and facts in front of you, and the proper time to review it.

Skovgard: You submitted a letter to the Planning Commission and in that you refer to a tentative parcel map number 616 that came up in the last few months?

Farrell: I received a notice that it would change from map 408 to a new parcel map, 616, which would add an additional 61.2 acres. It seemed to modify and provide open space. Susan Vandrew said it needed to be added to the project to comply with the "Map Act." It would be a change in condition and project boundary and under CEQA, I'm not sure how you can do this without public process.

Skovgard: Did you get answers to those questions?

Farrell: Supposed to have a meeting with Mr. Kubba, Mr. Nabors and the City, but at the last minute they decided to withdraw that portion of the map and this was a couple weeks ago. I never did find out what that was about.

Backoff: This is a legal lot issue. The entire property including additional 61 acres was shown on the approved Tentative Subdivision Map but not reflected on the adopted Specific Plan boundaries. Tried to rectify the boundary discrepancy via a Financial Map to create legal lots consistent with the adopted Specific Plan boundaries. Typically done as "Not a part" approach allowed under the "Map Act," however, they could not do two "Not a parts" on the same project. Part of the delay from April was whether the Parcel Map was needed at this time. It was determined that it was not needed at this time.

Skovgard: Why were they thinking they would need it?

Backoff: The applicant will have to figure out if they want to acquire it as part of open space mitigation property, which they don't know at this point if that's what it would be, and it is not needed. Steps were a little out of course. They don't need to establish lot line at this point in time until they figure out if they are going to purchase the property for open space or not.

Farrell: If not using for open space and they try to include it with this project, then under CEQA you have a different project.

Peak: That application has been withdrawn and is not before you this evening.

Mary Clarke, 1529 El Paseo Dr., San Marcos. (Friends of Hediona Creek). Trying to protect creek. Highlands project sits between two of the largest open spaces remaining in our area. (Showed pictures on screen). Project is located in a "pinch

point” corridor. I’m working on habitat conservation program, which the City is a participant in. Trying to preserve corridors between open space areas. The creek runs through it and wildlife depend on it. The northern area, Planning Area 1, bisects the corridor. Extension of Las Posas will keep wildlife from reaching the wetlands. 48-inch culvert is not sufficient for wildlife, including the mule deer, to cross this area. Wildlife would be forced to use roads. Need corridor along north side of property running east to west that would provide access and a buffer zone. Working with Carlsbad Watershed Network to protect wetlands in the area. Trying to find a buyer for wetlands. Mr. Kubba said four years ago he’d be willing to sell it for conservation and I’ve been trying to find someone ever since and I’m still trying.

Mary Borevitz, 912 Cassou Rd., San Marcos, CA 92069. Would like to add that I saw former commissioner Cindy Wedge and we spoke about wildlife corridor and no density transition. Those were her concerns two years ago. Please deny project as was done before.

Lynn Vollgraff, 1671 Robinhood Rd. Vista, CA 92084. The project was extended approximately 4 years ago. Original project had buffer zone and larger acre lots. Asking that you reject this and come up with something more reasonable.

James Vollgraff, 1671 Robinhood Rd., Vista, CA 92084. There are reasons why applicant is having trouble completing the process. It didn’t pass two years ago. It’s a poorly conceived project. No reason to have more time for a project that is doomed from the start. Please deny.

Lisa Holley, 1903 Esplendido, Vista, CA 92084. Request that extension not be approved. The project has not improved over the years. It does not have the support of the larger community. People consistently show up. Strong feelings about this project. Please deny extension.

Eleanor Filkins, 2253 Country Creek Rd., San Marcos, CA 92069 (The Friends of Twin Oaks Valley). I was appalled when I first learned of this project and the number of cars coming on Buena Creek Rd. Pollution into the valley, with inversion layer holding in pollution, will cause more illness for residents. Elderly with heart conditions and those with allergies will become worse. Please deny.

Nelson: Is Buena Creek part of project?

Backoff: It is not part of the project now. Circulation element calls for it.

Sandi Lord, 1901 Esplendido Ave., Vista, CA 92084. My property abuts project. We purchased in 1986. Shortly after we moved in, we received an invitation to a planning commission meeting about this project. We are tired, and this should not be extended. Every time it’s extended it becomes more dense. These are little tiny houses on tenth of an acre lots all clustered near one of these ponds, that the

wildlife relies on, down and not far from our property line. There will be little kids in a tot lot with a pond in it. We want this project to be over. Applicant should be held to the same standards as anyone else and made to obey rules of property that they own. If some of it is in the county they should build to county standards. We live in a rural area. We understand they can develop their property but not to this extent. This will undermine the whole nature of this part of our life. Sincerely request denial.

Jeff Chine, 600 W. Broadway, #2600, San Diego, CA 92101, (Attorney representing applicant). Both Backoff and Peak expressed what the issue is tonight, and what is not the issue tonight. You are a bit like a judge or jury tonight. 98% of the things you've heard was before you several years ago – concerns with compatibility, design, environmental. Through due process, City Council chose to approve the project and certify the EIR. Those decisions have been made. The extension of time is the issue tonight. Mr. Shepherd spoke of trying to deal with wildlife agencies and get their attention. There is a similar project that has been going on for maybe a decade, the MHCP. City of San Marcos has been trying to come to agreement with wildlife agencies over their subarea plan for years.

Backoff: About 3-4 years.

Chine: It is quite an adventure to deal with these agencies. Federal government is quite a powerful negotiating body. They simply don't return our phone calls. We have been stonewalled. We are trying to address their issues. Staff is recommending the extension and I urge you to follow their recommendation. City Council believes it is a good project. We would like to bring this to fruition.

Burns: You mentioned we can't talk about findings or design issues.

Chine: As your city attorney mentioned, there are limitations on the elements you may consider this evening. You can't reconsider the original findings. Subdivision issues not open to discussion.

Burns: Reading about findings in the Staff Report. Sounds like we can make findings regarding design improvements.

Peak: You are reading that correctly but you are not required or able to. Factor you may use is the fact that applicant is pursuing the other necessary entitlements in order to bring project to fruition. If you agreed with the map in the first place, you may wish to extend. If you didn't, you may wish not to extend. You may still wish to recognize the map and the fact that it has been approved and vote to extend. Extend or not, those are your limitations.

Skovgard: We haven't been given much documentation.

Chine: Staff Report as well as testimony and submittals by applicant document the efforts of the applicant to come to conclusion with wildlife agencies over the last two years. I am in agreement with Staff. There is ample evidence in front of you.

Skovgard: They've reviewed those documents, but we haven't and we have to make the decision and pass our advice on to the City Council. Do you have anything we can look over? Is Las Posas Road changing? What agencies have you gotten permitted from? What are the reasons for delay besides they aren't available for talking? Have they pointed out anything that needs to be done?

Chine: No request for change to the application. We are not amending the map.

Skovgard: Have any agencies required change to map? Have you gotten any approvals by any of the agencies? Are they all delayed?

Shepherd: Want to clarify our submittal date, it was April 29 or 30. We received draft streambed alteration agreement (1602) from Fish & Game. Didn't execute agreement because we had a meeting in late January with all the agencies - EPA, Fish & Game, Fish & Wildlife, Army Corp and Regional Water Control Board. Had a conference call today with Water Board and they asked for additional information, exhibits showing water flow calculations. Staff person is going on family leave until September and expects to have something issued by then. Fish & Game streambed alteration agreement is in the process right now. The holdup is the Section 7 consultation with Army Corp. They requested additional information and we had to update our habitat surveys in the spring. Submitted amended application that was six months of additional work and analysis. No formal permits have been received. A draft streambed alteration agreement was received but we didn't want to execute it at a date when the other permits were not finished. There is a timeline to this agreement. It only remains in force until such action occurs.

Skovgard: Do they suggest any changes?

Shepherd: No, they have not. Again, we have not gotten a formal reply, so it's hard to say whether they will or won't. It's been more of a request for additional information.

Skovgard: I just think we should have had this in our packet. We don't have a lot of information to show due diligence.

Nelson: You think they should prove their point of due diligence.

Skovgard: Yes.

Schaible: Is there any reason why a developer would want to drag his feet and make process last longer than it needs to?

Shephard: None whatsoever.

Schaible: I don't think we need any documentation. They are working as hard and fast as they can given the public agencies they have to go through.

Skovgard: Of course I assume they don't want to delay it. I'm concerned what is creating the delays? Why isn't it conforming? Will there be potential changes? Has there been a request for cumulative impact on Las Posas extension?

Shepherd: Yes, we performed that analysis and it's part of what took so long for the last six months. The request formally came in late November. We communicated that it wasn't necessary but it came back in January that it was. We submitted analysis to the agencies in June.

Skovgard: This is what I mean. Some of this information that may have created changes that we should be privy to. Will it change the SEIR? Is it still compatible?

Shepherd: That analysis concluded no change in SEIR. We've exercised our due diligence to the fullest extent capable. Usually tentative maps are routine. We just want to move forward and prove that we've responded to the agencies questions. Until they analyze the submittal we won't know.

Backoff: Until agencies make their decision, we won't know what the changes are. We can decide then if additional EIR is needed or if changes to map are needed.

John Nabors: Working on project since 1998 for Mr. Kubba and KB Home. This is a rather standard process to extend map. Discussed items that have been accomplished: Parcel map done to redefine school boundary. There were two fire districts, two school districts, two water districts, city and county. Met with both water districts and it took 15 months. They did hydraulic analysis between two different systems. Settled on district boundaries for new map. Project will have two water districts. It took a great deal of time. Negotiated with Vista and San Marcos schools. Spent 18 months with superintendents to determine school boundaries. Fire district didn't want to give up any land or create detachment fee and San Marcos had 98%. We agreed to move lot line down to their boundary. This took another 8-10 months for Vista Fire meeting. We have accomplished a lot. We did parcel map to codify boundary. What is not done is LAFCO. LAFCO decided they wanted us to do agency permits first. I can assure you there is absolutely no benefit for us to stop. We have gone through 3-4 people at each agency. It's not normal for us to justify how diligent we've been.

Nelson: End of testimony. Want to point out letters received today from Ken Darling and William & Dorothy Taylor opposing project. Copies of letter available for the record.

PUBLIC INPUT WAS TERMINATED.

Nelson: Comments or questions of staff.

Schaible: What we're looking at voting on is an extension of an already approved project. We are not basing this on the merits of the project but on the diligence of the applicant. Is this right?

Peak: Yes, that is correct.

Skovgard: I support the former Planning Commission decision. I don't believe it is compatible for the area. It's right in the middle of the corridor. I think it is sprawl and detrimental to our watershed. There are ways to rework it but it can't work as it is. I believe it will have problems all the way through LAFCO. Don't believe SEIR or the project should have been approved the last time.

Nelson: I originally voted against the project so in my heart I can't vote for the extension.

Action:

COMMISSIONER SKOVGARD MOVED TO **DENY** THE REQUEST FOR THE APPLICATION TSM 408 (04TE); SECONDED BY COMMISSIONER BURNS AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

AYES: COMMISSIONERS: ABBEY, BURNS, SKOVGARD, NELSON.

NOES: COMMISSIONERS: SCHAIBLE

ABSENT: COMMISSIONERS: BLACKLOCK, DECENA, HERNANDEZ

7. **Case No:** TSM 449 / MFSDP 04-40 / CUP 04-632 / ND 04-699

**Application of:** Richland Villas, LLC

**Request:** The proposed project consists of a request for a Multi-Family Site Development Plan, Conditional Use Permit, and Tentative Subdivision Map to allow the construction of a ten (10) unit attached condominium complex. Primary access will be provided by a single driveway off of Richland Road. The proposed project is proposing a total of twenty (20) spaces for residents (1 garage space and one open space per unit), plus six (6) guest spaces.

**Location of Property:** East side of Richland Road, more particularly described as the northeast 225 feet of the northeast 135 feet of Lot 2, Block 23 of Map No. 806, in the City of San Marcos, County of San Diego. Assessors Parcel No. 220-233-12.

Staff Presentation: Described request and location. Infill site, .60 acres just east of Mission Road surrounded by Mission Park Apts./Condos, residential and new high school. Will provide 10 units. Sufficient parking and recreational area. Consistent with General Plan and multi-family standards. Requires right turn land/signal at Woodland Parkway/Mission Road intersection and get PFF credits for their share beyond fair share. Consistent with Cities housing element. Recommend approval.

Nelson: Regarding the parking, is it 3 spaces per unit? What is size of tot lot?

Backoff: One guest per three. Tot lot is not broken down. Ordinance requires 400 s.f.

Abbey: Reference on page 5, front setback landscaped with grass that can serve as active recreation area, what is that? Would children play on this?

Backoff: Not designed for this but could happen.

Abbey: If children see grass they will play on it. This would be hazardous along Richland Road.

Backoff: Tot lot is in back with structure equipment.

Public Testimony:

Edwin Laser, 7638 Mar Ave., La Jolla, CA 92037. (Applicant). Tot lot area is 1,325 s.f. Additional play area on north side is 971 s.f. Will respond to any questions you may have.

Nelson: They are turning Mission Park Apts. to condos. Is there a fence near parking? Are you tearing this down?

Laser: On the east side, our property line is a couple feet inside the existing wooden fence. We will provide a new fence as requested in conditions along all three boundaries. We would like to negotiate with Mission Park because parts of the fence are adequate and are on the property line. With Staff approval, we'd like to retain existing fence where in good shape.

Nelson: Can they park on Richland Road?

Sassan: Yes, on one side along project frontage.

Backoff: They provide on-site parking to meet code and do not rely on off-street parking.

Laser: Project provides additional parking over and above requirement. We have six guest spaces.

Kristal Kritzer, 312 Dolores Ct., San Marcos, CA 92069. Will be the main neighbor next to the project. We are completely satisfied with landscape buffers and feel it is highly appropriate project for the neighborhood.

#### TERMINATE PUBLIC HEARING

Nelson: Jerry, can we make sure the fence matches all the way around.

Backoff: We haven't discussed fencing design on the north side yet. It may be hard to match if you retain parts of it. We will try to achieve harmonious plan. Mission Park is responsible for theirs.

#### Action:

COMMISSIONER BURNS MOVED TO RECOMMEND **APPROVAL** TO THE CITY COUNCIL OF TSM 449 SET FORTH IN RESOLUTION PC 04-3764 WITH THE FOLLOWING MODIFICATIONS TO CONDITION N 11, ". . . FOR THE COST OF *ACQUISITION* DESIGN AND CONSTRUCTION . . . ," AND SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

AYES: COMMISSIONERS: ABBEY, BURNS, SCHAIBLE, SKOVBGARD, NELSON.

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: BLACKLOCK, DECENA, HERNANDEZ

COMMISSIONER BURNS MOVED TO RECOMMEND **APPROVAL** TO THE CITY COUNCIL OF MFSDP 04-40 AS SET FORTH IN RESOLUTION PC 04-3766 AND SECONDED BY COMMISSIONER SCHAIBLE AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

AYES: COMMISSIONERS: ABBEY, BURNS, SCHAIBLE, SKOVBGARD, NELSON.

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: BLACKLOCK, DECENA, HERNANDEZ

#### 8. **PLANNING DIVISION DIRECTOR COMMENTS**

Next month there will be a presentation on the parks update. There is another Planning Commission Hearing on 8/16 and Meadowlark Canyon is on the agenda.

9. **PLANNING COMMISSIONERS**

Nelson: Regarding the Gelman project. In the check cashing store, can they put in a cell phone store?

Backoff: That would be normal retail.

Burns: Any guidelines on condo conversions?

Backoff: Tentative Map and CUP are needed. Mission Park Apartments were approved as condos originally. They only need to follow normal state notification requirements. They are in the process of doing this. Racquet Club Apartments have talked about condo conversions. There is a question there whether they can meet current building codes.

Burns: Carlsbad has rule that if built as apartments you cannot convert to condos for 50 years. Never heard of anything like this.

Backoff: Nothing like that here.

Nelson: How do they get rid of tenants? What if part of the low cost housing element?

Backoff: They are noticed and it's regulated through the state. If it's established for affordable housing we have a long-term agreement that doesn't allow them to do this.

Skovgard: Why wasn't there a sidewalk next to the new high school?

Backoff: My guess would be that the school district decided not to put one in. Probably to discourage students from going that way.

Sassan: We wanted to make the street as uninviting as possible for the sake of the residents along Richland and to reduce kids from going there.

Nelson: Now they will trample the plants. Access for staff is on that side.

10. **ADJOURNMENT**

At 8:15 p.m. Commissioner Nelson adjourned the meeting.

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Dean Nelson, Chairman  
SAN MARCOS PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Secretary  
SAN MARCOS PLANNING COMMISSION