

Valley Center Community Planning Group

Preliminary Minutes of the February 10, 2014 Meeting

Chair: Oliver Smith; Vice Chair: Ann Quinley; Secretary: Steve Hutchison

7:00 pm at the Valley Center Community Hall; 28246 Lilac Road, Valley Center CA 92082

A=Absent/Abstain BOS=Board of Supervisors PDS=Department of Planning & Development Services DPW=Department of Public Works DRB=Valley Center Design Review Board N=Nay P=Present R=Recuse SC=Subcommittee TBD=To Be Determined VCCPG=Valley Center Community Planning Group Y=Yea

Forwarded to Members: 19 February 2014

Approved:

A		Call to Order and Roll Call by Seat #:								7:04 PM				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	H U T C H I S O N		G L A V I N I C	B R I T S C H	F R A N C K	Q U I N L E Y	V I C K	B O U L O S	N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F		L A V E N T U R E
	P		P	P	P	P	P	P	P	P	P	P		P

Notes: Britsch arrives 7.08pm

Quorum Established: 11 present

B Pledge of Allegiance

C Approval of Minutes:

Motion: Move to approve the minutes of January 13, 2014 and January 22, 2014

Maker/Second: Hutchison/Glavinic

Carries/Fails: 10-0-1 (Y-N-A) Voice Boulos abstains as she was not a member last month

D Public Communication/Open Forum:

Juan Macias, audience, asks about the South Village SC and any plans for alleviating heavy traffic volumes. He asks how to initiate his candidacy for one of the vacancies on VCCPG. He is directed to speak with Hans Britsch, chair of the Nominating SC.

E Action Items [VCCPG advisory vote may be taken on the following items]:

E1

Discussion and Possible vote following a presentation by Kevin Johnston on County Staff Compromise Proposal to amend VC Community Plan (for 2015 bi-annual General Plan Cleanup Item) to allow potential Commercial Land Use Designation and Zoning re Abe Boulos one-acre parcel at 28522 Valley Center Road (southwest corner of VC and Canyon Roads); and APNs 127-222-10, 12, 13, 16, 17 on Nelson Way and APNs 185-12-13 and 185-123-05 Norwood Trust 2.4 acres and Harvest Farms 11.81 acres at Anthony Road (Rudolf). Backup documents can be found at:

<http://www.sdcounty.ca.gov/pds/advance/2013GPBiAnnualClnUp.html>;

<http://www.sdcounty.ca.gov/pds/generalplan.html>

<http://www.sdcounty.ca.gov/pds/zoning/index.html>

Discussion: Jeana Boulos and Norwood-Johnson recuse themselves owing to their ownership connections to properties included in the proposed exception compromise. Kevin Johnston, County staff, presents and passes out descriptive and map materials to consider [Attached]. Jackson asks for clarification on the exception process. Johnston addresses the proposed Community Plan exception language and the issue of Abe Boulos' particular request to regain the previous General Commercial Land Use Designation and C-34 Zoning for an exception to the General Plan. He says he won't recount the history of Boulos' property. He notes that if there is support for the exception compromise drafted by County staff that includes Boulos' property, it would go forward to the Planning Commission and Board of Supervisors as part of the 2015 GP Clean-up. But, Johnston states the proposal is a compromise to the 400 signatures on the Boulos petition, since it is contrary to the Valley Center Community Plan. Johnston defines strip commercial as it applies to Boulos' property. He cites Commercial Policies -1, 5, and 8. He explains the legal arguments for possible exceptions as proposed. Jackson asks if exceptions could be applied to specific parcels rather than be described in more general terms. Johnston says that the language is specific in limiting inclusion in the exception compromise to properties zoned commercial in 2010, without identifying specific parcels by parcel

number. Rudolf indicates County Counsel has probably advised that if the specific parcels potentially affected were listed, it would highlight probable illegal "spot-zoning."

Johnston describes the Nelson Way properties potentially affected, and states the current owners would not take advantage of the compromise language, if approved, since they requested and obtained Industrial designation as part of the General Plan [GP] Update.. He moves on to the Norwood parcel, explaining its historic split zoning, 1.5-acres commercial zone, .9-acres A70, and states that the compromise language would not allow commercial on the remainder of the parcel.

Johnston returns to the Boulos property maps. Smith cites the June 2013 and April 2012 VCCPG minutes, which he points out contain contradictory less-than 8 [non-majority] votes concerning the commercial designation for the Boulos' property. Thus, Smith says VCCPG has no position on this issue. Glavinic asks how many more times VCCPG will hear this issue. Johnston states that staff must report to the Planning Commission and Board that the community vote was divided, even though 8 votes were not attained for either approval or denial. Smith attempts to clarify that the VCCPG has no position on this issue. There is some discussion about the stance of the VCCPG on this issue. There is additional discussion over the RC/C-4 designation for Boulos' property on the map exhibit. Rudolf requests that County staff correct the exhibit statements to show the Boulos request is for C-4 Rural Commercial Land Use Designation (not SR-2 as shown) and C-34 Zoning (not just "commercial" as shown). Johnston explains the other maps presented in the materials including fire severity, flood plain, agriculture, and the habitat evaluation model. But he wants to address the exception language first. He acknowledges the community's interest in completing the process of making a more comprehensive change to the VC Community Plan. He suggests the possible process for making those changes. Glavinic asks about when the county will deal with the loss of new road 3 because of Lilac Ranch becoming a Mitigation Bank/Open Space Preserve. Johnston doesn't have specific information presently.

Jackson attempts a recapitulation of the discussion so far. Johnston says the County will propose the Boulos property as part of the 2015 General Plan Cleanup, if this language is approved. Jackson asks why some affected property owners will get an exception and others won't. Johnston says the County is willing to include in the referral exceptions the properties zoned commercial in 2010 because it can be done simply. Jackson questions why this isn't true for other affected properties. Rudolf says Johnston told the CPU Committee that all the properties would have to make their own application for a General Plan or zoning amendment. Johnston says he did not. Hutchison asks about the efficacy of the commercial policies- 1, 5, & 8, proposed to be amended, if the County is so willing to also add exceptions that will effectively favor specific properties and exclude others. Are the policies real policies or merely suggestions that can be easily modified? Jackson asks again about how the exception language is specific.

Martha Bozulich, audience, speaks in favor of the exception for Boulos. She says such an exception would complement the neighboring strip mall. Abe Boulos, property owner, speaks in support of the exception. He cites the BOS vote on the General Plan and that he was unaware of the land use change until after the vote. He was referred to VCCPG by County staff. He cites votes in the Community Plan Update SC and VCCPG. He claims community support. He says he is not planning a strip mall. If the exception is not granted, he claims he will lose his investment in the property. He refers to a petition of community signatures he collected in support of his exception request. John Yaeger, audience, speaks in support of Boulos and his requested exception.

Rudolf presents the SC report (Attached) and identifies himself as the lone dissenter on the motion to approve the exception language. He recounts the history of Boulos' property designation and how it came to be SR-2. He notes the other properties designated SR-2 with RC zoning near Lilac Rd. and VC Rd. and north of Boulos' property. He discusses how Harvest Farms received building permit approval prior to the approval of the new General Plan, so current buildings are a "lawful nonconforming use" that is now unlimited as to time or destruction other than voluntary abandonment. He says in the present General Plan, Valley Center has 180-acres of commercial property in excess of what is needed for eventual build-out. He says that it is news tonight that the County states that support by VCCPG will allow for county-paid General Plan and/or zoning

amendments for the Boulos parcel as part of the 2015 GP /Zoning Cleanup. Rudolf lauds Boulos' contributions to the community, but encourages a no vote on the exception language. Jeana Boulos, speaking from the audience, defends the request for the exception for the specific property. She agrees with the concepts within the community plan, but doesn't think it fair that the designation was changed for Boulos' property. Johnston says its not news tonight that Boulos' property could be included. Jackson asks Johnston if exceptions apply to zoning or general plan designation or both. Johnston says both. It applies to a limited set of properties. Jackson asks why County would be processing one property and not others that qualify, for a general plan or zone change. Johnston explains the logic and process of such a change. He states at this point it is not firm, but appears that staff would probably not be able to recommend a General Plan change to C-4 Rural Commercial and C-34 Zoning, but more likely would recommend retaining SR-2, like all surrounding parcels, with RC Zoning (rural commercial, with the commercial use auxiliary to the primary residential use). Boulos says it is not an exception. It is a correction. He cites the process he endured to make the change. He asks for support. Jeana Boulos adds that Boulos has been consistent in his attempt to revert to commercial designation. He again cites community support.

Norwood-Johnson asks if nonconforming use could be removed if the property is sold. Johnston says no, but adds that there are limitations on alterations and repairs to such a property. Glavinic cites the issue of fairness when someone buys property as commercial, it shouldn't be taken away. Johnston further clarifies why the Boulos property can be done so simply as part of the cleanup.

Smith moves for a vote on supporting Boulos' property designation change to C-34. Rudolf notes that such a vote is not possible because it is not on the agenda. Johnston says policies must be changed first for such an exception to be granted. Smith disagrees and doesn't want to allow the process to drag on. Johnston discusses the need for a lawful approach. Norwood-Johnson expresses her support for Smith's assertion. Smith defends his position to take action tonight. Smith wants County to return with a specific action to approve Boulos' request.

Motion: Move to support the County staff proposed policy changes to the Valley Center Community Plan and recommend their approval by the VCCPG. [proposed changes appended below]

Maker/Second: Rudolf [on behalf of the CPU Subcommittee]/Glavinic	Carries/Fails: 8-2-0 [Y-N-A]: Voice; Rudolf and Hutchison dissent. Boulos and Norwood-Johnson recuse because of personal interest in subject properties
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Discussion [Continued]: Smith moves for an immediate vote on supporting Boulos' property land use designation and zoning change to regain C-34, because the change from it was unfair and it would require Boulos to wait until 2015 to obtain relief. Rudolf objects that such a vote is not possible because it is not on the agenda. Johnston says only the proposed policy changes were on the agenda, and policies must be changed first for such an exception to be granted. Smith disagrees and doesn't want to allow the process to drag on. Johnston discusses the need for a lawful approach. Norwood-Johnson expresses her support for Smith's assertion. Smith defends his position to take action tonight, and insists that the Board of Supervisors can do anything it wants to, and the community should support this. Several members concur that only the proposed policy changes are on the agenda, no other action can be taken. Alternatively, Smith wants the County to return at the next VCCPG meeting with a specific action to approve Boulos' request. Johnston says he is doubtful staff can analyze and make a recommendation that quickly.

Motion: Move to support the exception that would allow the Boulos property to revert to the commercial designation C-34

Maker/Second: Smith/ Glavinic	Carries/Fails: Motion withdrawn
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E2	Discussion and possible vote on county staff proposal POD 13-014 Property Zoning Cleanup 2013: Sotoodeh parcel APN 1290400500 change from S88 Specific Plan (part of Lilac Ranch) to A70; and Norwood 1.5-acres APN 1851221300 at Anthony Road from A70 to C40 [as previously recommended by VCCPG]. Staff report for Planning Commission 2/21/2014 found at: http://www.sdcounty.ca.gov/pds/advance/zoningcleanup13.html . (Rudolf)
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Discussion: Norwood-Johnson recuses because of her interest in one of the subject properties. Rudolf reviews

the proposal and Community Plan SC report [attached].	
Motion: Move to approve the County staff recommendation as submitted.	
Maker/Second: Rudolf [on behalf of the CPU Subcommittee]/Quinley	Carries/Fails: 10-0-2 [Y-N-A] Voice; Rudolf abstains and Norwood-Johnson recuses because of her interest in one of the subject properties
E3	Discussion and possible vote on Verizon, Aquacate Cell Phone tower project, PDS 2013-MUP-13-022, Owner is Brad Diskin at 15202 Aquacate Lane; Applicant is Verizon Wireless and contact person is Margie Sullivan, Agent for Verizon Wireless at 760-613-3488 or Margie.sullivan@plancorninc.com . Verizon Wireless is proposing to install 12 antennas, 21 remote radio units, and 1 microwave dish antenna inside a new 35' faux water tank. The equipment necessary to operate the facility will be located in a proposed 12' x 22' concrete block building on a new concrete pad. Installation of an emergency generator will be placed inside a new concrete block wall enclosure. (Norwood),
Discussion: Consideration is postponed until a later meeting	
E4	Discussion and possible vote on item from the Mobility Sub-committee involving measures to ease congestion and delay along Fruitvale Road adjacent to Valley Center Elementary Lower and Upper Schools including a flashing beacon, improved signage, edge stripping with possible hash marks and red curbs 20 feet on both sides of school parking lot exit. (Jackson)
Discussion: Jackson presents. He reports that VCCPG was asked to review and make recommendations on a proposal by County staff, California Highway Patrol and Valley Center-Pauma Unified School District [VCPUSD] concerning a congestion and safety problem related to parent and school bus drop-off and pickup of students at the Primary School on Fruitvale Rd. The Mobility SC did a review and while not objecting to the proposals made by the consortium of agencies, planned to recommend an alternative solution to the VCCPG. Before that could be accomplished, Jackson says the VCPUSD will make changes to solve the traffic congestion and safety problem by having buses unload on Fruitvale in front of the school and having parents drop off students in the parking lot. That solution is largely similar to what the SC was going to recommend. SC report attached.	
Motion: Move to support the changes proposed by the school district.	
Maker/Second: Jackson/Laventure	Carries/Fails: 12-0-0 [Y-N-A]: Voice
F	Group Business
F1	Welcome to new member Jeana Boulos, BOS approval on January 28, 2014.(Smith)
Discussion: Smith acknowledges the addition of Jeana Boulos to the VCCPG, and extends a warm welcome to her.	
F2	Introduction of candidates for open seats on the VCCPG (Brisch)
Discussion: Britsch announces that we must continue waiting on BOS confirmation of Miller.	
F3	Discussion and vote on proposal from the Tribal Liaison subcommittee to add a seventh member, Rich Wood. (Glavinic)
Discussion: Glavinic introduces Rich Wood. Glavinic cites the advantage of a seventh member on the SC to eliminate the possibility of tie votes. Rudolf asks about the extent of Wood's involvement with the tribes. Wood says he has no previous experience, but he was interested in filling the position to make an odd number on the SC. Glavinic notes receiving a new environmental analysis for the hotel and casino enlargement being undertaken by the Rincon Tribe. Rudolf asks if it addresses comments already made. Glavinic says, while the report is several hundred pages and he is still in the process of reviewing it, the only previous comment addressed that he has noticed, so far, relates to emergency evacuation. And, the tribe declines to address that issue.	
Motion: Move to approve Rich Wood for membership to tribal liaison SC	
Maker/Second: Glavinic/ Laventure	Carries/Fails: 12-0-0 [Y-N-A]: Voice

F4	Comments by Rich Rudolf about Records Destruction guidelines as part of our Local Rules (Rudolf)	
Discussion: Rudolf facetiously cites the groundswell of interest for a records destruction policy by VCCPG. He checked with the County staff about similar policies in other planning areas or at the County, and discovered that apparently there is presently no work completed or being done on guidelines for a records destruction policy. So, he is not going to pursue creation of one at this time.		
F5	Conflict of Interest eDisclosure for San Diego County (Smith)	
Discussion: Smith says eDisclosure for disclosing conflicts of interest only applies to appointed sponsor groups, not elected planning groups. VCCPG members will continue to file form 700 with to Lisa Fitzpatrick and the BOS.		
F6	Approval of reimbursement for cost of Post Office Box Rental for 2014=\$86.00. (Quinley)	
Discussion: Smith reports the out-of-pocket expenditure by Quinley for the rental of a VCCPG Post Office Box for 2014 as \$86.00. He cites the need for reimbursement.		
Motion: Move to approve reimbursement of \$86.00 to Ann Quinley for the rental of a VCCPG Post Office Box for the year 2014.		
Maker/Second: Laventure/Glavinic		Carries/Fails 12-0-0 [Y-N-A] Voice
F7	Discussion of the San Diego Center for Civic Engagement Great Neighborhood Challenge with a \$5,000 grant potential. Information at: http://www.sdfoundation.org/SanDiegoCenterforCivicEngagement/TheGreatNeighborhoodChallenge/About.aspx (Smith)	
Discussion: Smith reports. He describes the grant program and purpose. He says VCCPG qualifies under the terms of the grant. He reports that Jackson suggested buying video projectors. Smith spoke to Joe Farace, County staff, about this grant and the need for a fiscal sponsor in order to apply. The County is historically VCCPG's fiscal sponsor. Farace says the request is reasonable. Smith asks the group for other suggestions. Rudolf asks that we request two projectors, one for the library and one for community hall. He also suggests requesting a separate item to cover the costs of a website either for VCCPG or all planning groups. Glavinic says the Valley Center Parks and Recreation District [P&R] has hired a local entity to manage their website for about \$25 per month and it might work well for VCCPG. Smith notes the reluctance of the County to have individual websites for planning, preferring instead to have all information available on the County website.		
Smith notes the non-functioning speed signs on Valley Center Road and says the reason given for the outage is that they are being recalibrated. Vic asks about information sent out to members about the Lilac Plaza project [corner of Valley Center Road and Lilac Rd.]. He says the South Village SC will undertake the review of that project. He notes that a complete package may be available for review in next couple of months. Smith asks about progress on the church project in the North Village. Franck says they are dealing with some issues presently and it may be June before it is ready for presentation. Smith announces the tour of Sol Orchard for Wednesday, 12 February 2014 at 12 N. Tour will be conducted outside the fence.		
Motion: Move to request a grant for two projectors plus security mounting and installation, one for P&R and one for the VC Library		
Maker/Second: Smith/Norwood-Johnson		Carries/Fails: 11-0-0 [Y-N-A] Voice; Quinley departs @ 8.55pm before vote on this item.
F8	Next regular meeting scheduled for 10 March 2014	
G	Motion to Adjourn:	9.10pm
	Maker/Second: Smith/Hutchison	Carries/Fails: 11-0-0 [Y-N-A] Voice
Subcommittees of the Valley Center Community Planning Group		
a)	Mobility – Mark Jackson	
b)	Community Plan Update – Richard Rudolf, Chair	
c)	Nominations – Hans Britsch, Chair	
d)	Northern Village – Ann Quinley, Chair	
e)	Parks & Recreation –LaVonne Norwood Johnson, Chair	

f)	Southern Village – Jon Vick, Chair
g)	Tribal Liaison – Larry Glavinic, Chair
h)	Website – Oliver Smith, Chair
i)	Lilac Hills Ranch – Steve Hutchison, Chair
j)	Solar – Oliver Smith, Chair

Correspondence Received for the January meeting

- 1) Property Zoning Clean Up 2013; POD 13-014; List of draft property specific zoning changes that include various changes to property specific zoning to implement and maintain consistency with the General Plan Update. The items include property owner requests, oversights, omissions, error and split zoning revisions. (Rudolf)
- 2) Weston Towne Center at Cole Grace and Valley Center Roads. PDS2013-STP 13-029; Owner is Weston Valley Center LLC at 310-473-0040 and herb@herbschaffer.com; Contact person is James Chagala at 760-751-2691 and Planning@chagala.com. The project is a potential GPA, Specific Plan area for a mixed use town center. Approximately 83 acres of the Weston Town Center would be used for residential development at an average density of 7.10 dwelling units per acre. 529 residential units are planned and 10@ are proposed as duplex residences while 476 would be in single family. About 17 acres of open space, park and/or trail areas are proposed. Main access to the commercial portion would be from Indian Creek Road off Valley Center Road. The project may be served by a sewage recycling plant proposed by Valley View Properties and operated by VCMWD. Included for review are an EIR proposal and a plan for placement of buildings in the commercial center. (Quinley)
- 3) Wright Second Dwelling Unit at 12471 Mirar de Valle Rd. PDS2014-AD-14-005. Owners are Craig and Julie Wright at 253-431-1237; Project Engineer is Pat Taylor as asuram1@yahoo.com or 619-532-3159. The project is to convert the existing main house garage into a home entertainment room and to construct a new detached second dwelling unit with a 2-car garage. The proposed new second dwelling unit will be used to house elderly parents who have become ill. The new dwelling unit living area is 888sq.ft which is 35% of the main house living area. The project included only finish grading with far less than 200 cubic yards of cut and fill. Existing drainage patterns remain unchanged. The project is on septic. (LaVenture)
- 4) Administrative permit for an oversized structure for the McGuire Game/Hobby Room at 31121 Stardust Lane PDS2014-AD-14-006. The project involves the construction of a 2 story, 2014 square foot structure on a 2.5 acre property. The structure will honor all building setback limits and comply with all zoning regulations and building codes. Owner is Dave McGuire at dave@mcguireconsulting.com; Contact person is Dough Pedersen at doug@idasd.com. (Britsch)
- 5) Valley Center-Pauma Unified School District Environmental Impact Report for a District Sports Field Project. Comments must be received by March 17, 2014 and should be directed to Julie Macy Kimball, Chief Business Officer VCPUSD at 28751 Cole Grade Road, Valley Center 92082 or email comments to Kimball.ju@vcpusd.org. The project proposes a multi-use turn sports field in the southeastern quadrant of Cole Grade Road and VC School Road on a 1.9 acre site. (Rudolf)

Attachments – Item E-1:

Kevin Johnston

E-1

Proposed Exception Language for Valley Center Community Plan Policies 1, 5, and 8

Current Valley Center Community Plan Policies – Inconsistency Issues

- Commercial Policy 1: "Prohibit strip commercial development by containing commercial uses in the Cole Grade Road and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area."

A change to a commercial Land Use designation or commercial zoning would be inconsistent with this policy because the property being considered for a change (APN 185-143-16 – Boulas) is outside of the two Village areas noted in the policy. Commercial development on the property would fit a generally accepted definition of strip commercial because the property is not located near the intersection of major roads and a commercial establishment and associated parking would have direct road access.

- Commercial Policy 5: "Future development shall be planned so that strip commercial development will be avoided."

See staff rationale for Policy 1.

- Commercial Policy 8: "Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan."

See staff rationale for Policy 1.

Possible Exception Language Additions to Policies (for CPG Consideration)

Commercial Policy 1: Prohibit strip commercial development by containing commercial uses in the Cole Grade Road and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Commercial Policy 5: Future development shall be planned so that strip commercial development will be avoided. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

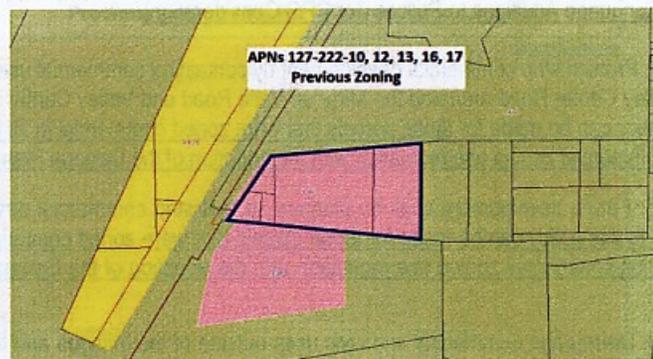
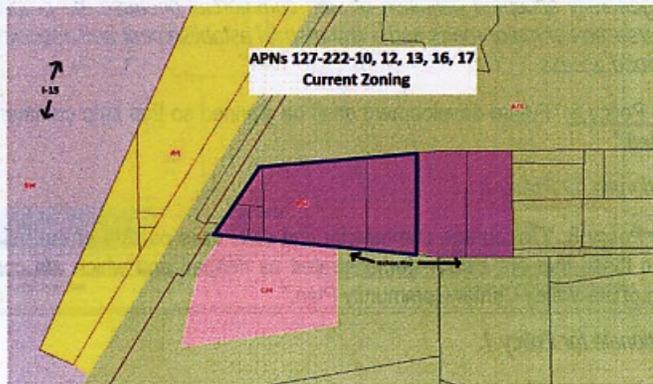
Commercial Policy 8: Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

See the following pages for maps/information on parcels these exceptions would apply to.

Valley Center Properties Zoned Commercial in 2010 and Rezoned to Non-Commercial Zoning in 2011

APNs 127-222-10, 12, 13, 16, 17 (outlined in blue on maps)

- Owner: Nelson Way Corporation
- Current General Plan designation: Medium Impact Industrial (I-2); current zoning: M52 (Limited Impact Industrial)
- 2010 General Plan designation: General Commercial; 2010 zoning: C40 (Rural Commercial)



Staff note: the ownership group for these parcels requested Industrial zoning and General Plan designations during the General Plan Update process, which reflects the current uses on these parcels.

APNs 185-122-13 and 185-123-05 (outlined in blue on maps)

- 185-122-13 – Owner: Norwood Trust; size: 2.4 acres (approximately 1.5 acres of the parcel was zoned C40 in 2010)
 - (of the 1.5-acre area previously zoned commercial) Current General Plan designation: Semi-Rural 2 (SR-2); current zoning: A70 (Limited Agriculture)
 - (of the 1.5-acre area) Previous General Plan designation: Estate Residential (1du/2,4ac); previous zoning: C40 (Rural Commercial)
- 185-123-05 – Owner: Harvest Farms Villages, LLC; size: 11.81 acres (approximately 6.4 acres of the parcel was zoned C40 in 2010)
 - (of the 6.4-acre area previously zoned commercial) Current General Plan designation: Semi-Rural 2 (SR-2); current zoning: A70 (Limited Agriculture)
 - (of the 6.4-acre area) Previous General Plan designation: Estate Residential (1du/2,4ac); previous zoning: C40 (Rural Commercial)



See the following pages for analysis of the Boulos property – APN 185-143-16. This 1.06-acre parcel has a current General Plan designation of SR-2, with RR zoning. The previous General Plan designation was General Commercial, and the previous zoning was C34 (General Commercial/Residential).

LAND USE CLEAN-UP

VC101

Proposed Change: Semi-Rural-2 to Rural Commercial

Basis for Change: Initially a CPG Recommended Change

Community Recommendation	Divided ¹
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Property Description

Property Owner:

Ibrahim & Ibtissam Boulos and Aly Family Trust

Property Size:

1 parcel (1 acre)

Study Area Size:

None

Location/Description:

At the intersection of Canyon Rd. and Valley Center Rd.; inside the County Water Authority boundary

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep Slope (Greater than 25%)
- ◐ Floodplain
- Wetlands
- ◐ Sensitive Habitat
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>		
Scenario	Designation	DU's
Existing General Plan	Semi-Rural 2 (SR-2)	1
Requested Change	Rural Commercial (C-4) <i>C-34</i>	2 ²
GP Update Analyzed	C-4 and SR-2	2

<i>Zoning</i>	
Scenario	Designation
Existing	RR
Requested	Commercial zoning

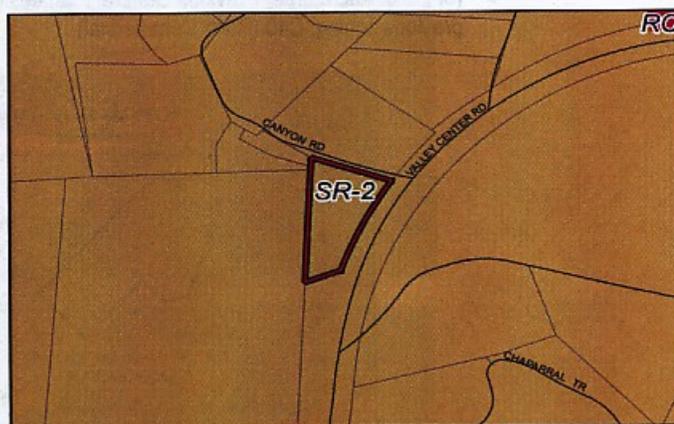
Note:

¹ Valley Center CPG Minutes of June 10, 2013 and April 9, 2012 (attached)

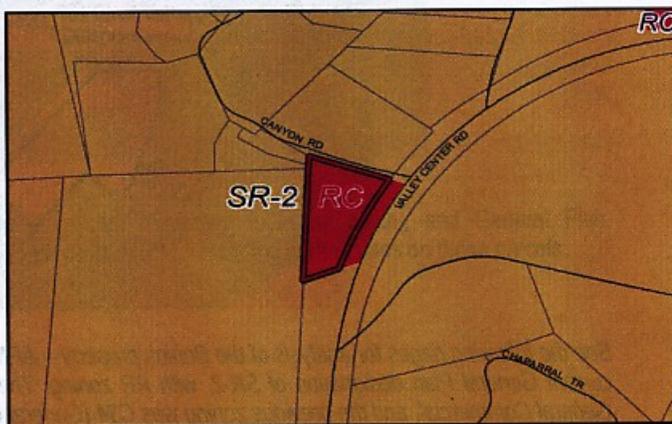
² The C-4 General Plan designation has a maximum associated residential density of two units per acre; however, commercial zoning in this designation can restrict properties to a lower density for consistency with surrounding properties.



Aerial Photo



General Plan



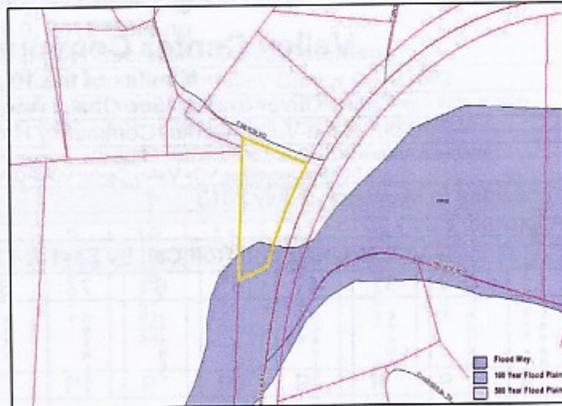
Requested Change

LAND USE CLEAN-UP

VC101



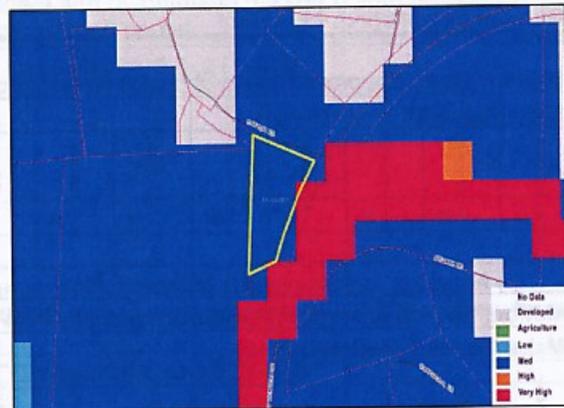
Fire Hazard Severity Zones



Floodplain



Agricultural Lands



Habitat Evaluation Model

Context

The request is to change the designation of this one acre parcel from Semi-Rural 2 to Rural Commercial. The parcel is on Valley Center road, just south of the northern Village.

General Plan Consistency

This request is not included in the staff recommended Land Use Map changes due to inconsistency issues with Commercial Policies 1, 5, and 8 in the Valley Center Community Plan. See the attached explanation of these policy inconsistencies.

APN

1851431600

LAND USE CLEAN-UP

Valley Center Community Planning Group Minutes

Valley Center Community Planning Group Minutes of the 10 June, 2013 Meeting

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7:00 pm at the Valley Center Community Hall; 28246 Lilac Road, Valley Center CA 92082

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Approved: 8 July 2013

A		Call to Order and Roll Call by Seat #:								7:05 PM				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L A V E N T U R E	H U T C H I S O N	E V A N S	G L A V I N I C	B R I T S C H	F R A N C K	O U I N L E Y	V I C K		N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F	B O B D A V I S	B R E T D A V I S
A	P	A	P	P	P	P	A		P	P	P	P	P	P

Notes:

Quorum Established: 11 present

Motion: Move to approve change of Boulos property from RR to C32

Maker/Second: Smith/Glavinic

Carries/Fails: 4-7-0 [Y-N-A]

L A V E N T U R E	H U T C H I S O N	E V A N S	G L A V I N I C	B R I T S C H	F R A N C K	O U I N L E Y	V I C K		N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F	B O B D A V I S	B R E T D A V I S
	N		Y	N	N	N			Y	Y	N	N	N	Y

Motion: Move to reject change of Boulos property from RR to C32

Maker/Second: Rudolf/Quinley

Carries/Fails: 7-4-0 [Y-N-A]

L A V E N T U R E	H U T C H I S O N	E V A N S	G L A V I N I C	B R I T S C H	F R A N C K	O U I N L E Y	V I C K		N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F	B O B D A V I S	B R E T D A V I S
	Y		N	Y	Y	Y			N	N	Y	Y	Y	N

LAND USE CLEAN-UP

Valley Center Community Planning Group

Minutes of the April 9, 2012 Meeting

Chair: Oliver Smith; Vice Chair: Ann Quinley; Secretary: Steve Hutchison

7:00 pm at the Valley Center Community Hall; 28246 Lilac Road, Valley Center CA 92082

A=Absent/Abstain A/I=Agenda Item BOS=Board of Supervisors DPLU=Department of Planning and Land Use IAW=In Accordance With N=No

P=Present R=Recuse SC=Subcommittee TBD=To Be Determined VCCPG=Valley Center Community Planning Group Y=Yes

Forwarded to Members: 1 May 2012

Approved: 7 May 2012

1. Call to Order and Roll Call by Seat #:										7: 05 PM				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A N D E R S O N	H U T C H I S O N	H O F L E R	G L A V I N I C	B R I T S C H	F R A N C K	Q U I N L E Y	V I C K	L E W I S	N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F	D A V I S	B A C H M A N
P	P	A	P	P	P	P	P	P	P	P	P	P	P	A

Notes: Bachman excused; Lewis arrives 7.15pm

Quorum Established: 12 present

Motion: Move to accept Subcommittee report [appended] and recommend the DPLU staff meet with Mr. Boulos to discuss available alternatives for his Canyon Road parcel.

Maker/Second: Rudolf/Anderson										Carries/Fails 5-8- 2 [Y-N-A]				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A N D E R S O N	H U T C H I S O N	H O F L E R	G L A V I N I C	B R I T S C H	F R A N C K	Q U I N L E Y	V I C K	L E W I S	N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F	D A V I S	B A C H M A N
Y	Y	A	N	Y	N	N	Y	N	N	N	N	Y	N	A

Notes: Hofler and Bachman absent

Motion: Move to Support Boulos in retaining commercial designation of some type, but no more intensive than C34, such as office/professional, with the issue coming back to VCCPG for review from DPLU

Maker/Second: Glavinic/Davis										Carries/Fails: 10-3-2 [Y-N-A]				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A N D E R S O N	H U T C H I S O N	H O F L E R	G L A V I N I C	B R I T S C H	F R A N C K	Q U I N L E Y	V I C K	L E W I S	N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F	D A V I S	B A C H M A N
N	N	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	A

LAND USE CLEAN-UP

Valley Center Community Plan Policies – Inconsistency Issues with the VC101 Request

Commercial Policy 1: Prohibit strip commercial development by containing commercial uses in the Cole Grade Road and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area.

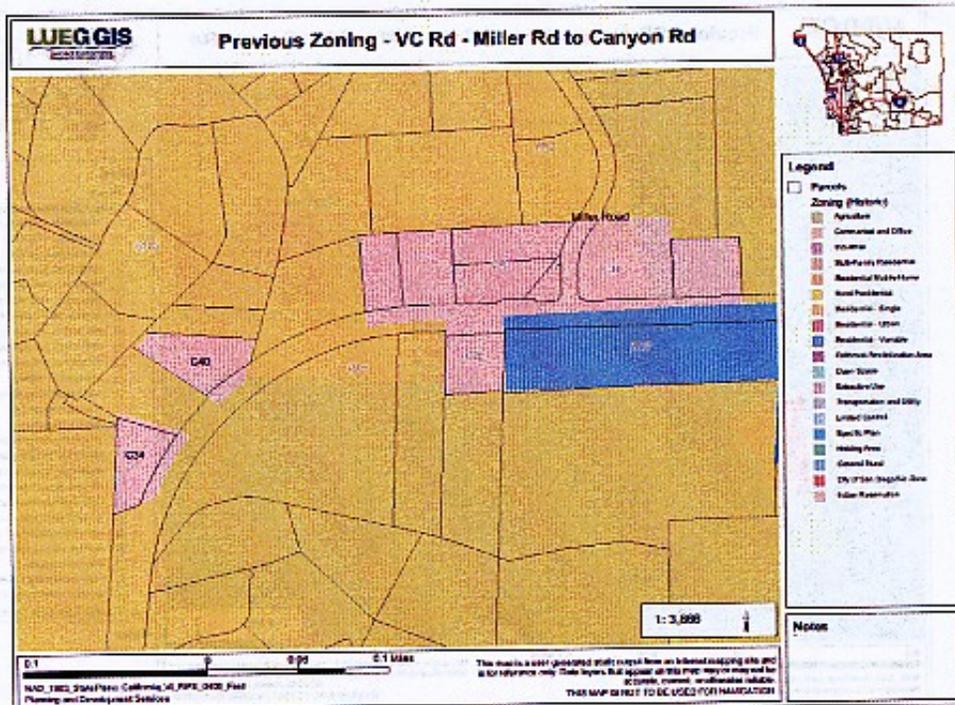
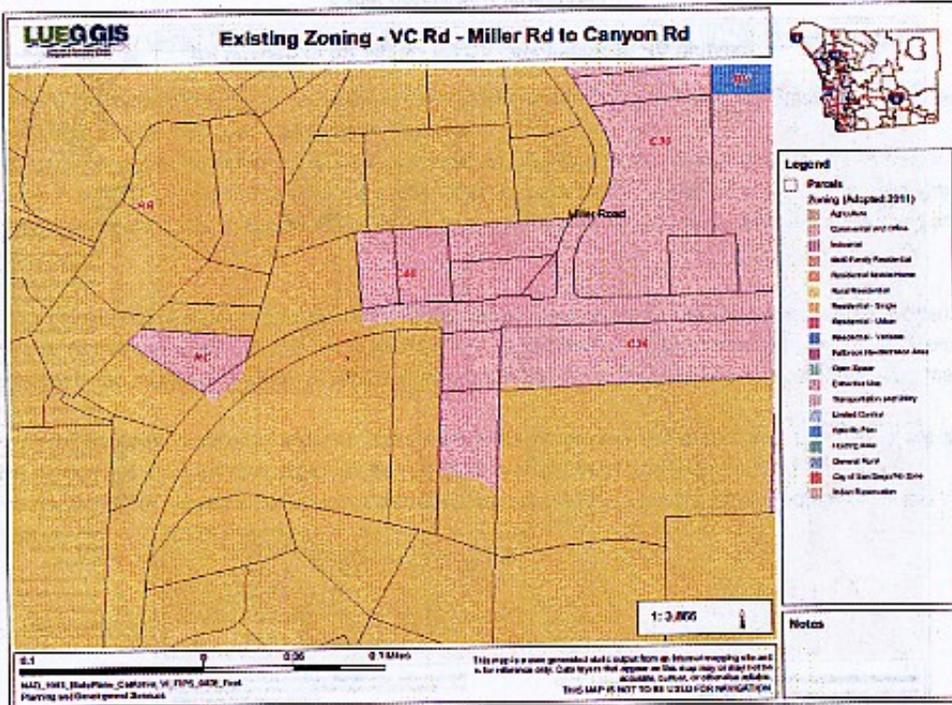
The VC101 request is not consistent with this policy because the subject property is located outside of the two Valley Center Village areas noted above. In addition, commercial development on the subject property would constitute strip commercial development because the property is not at the intersection of two major roads and a commercial establishment and associated parking area would have direct road access.

Commercial Policy 5: Future commercial development shall be planned so that strip commercial development will be avoided.

As discussed above, commercial development on the subject property would constitute strip commercial development the property is not at the intersection of two major roads and a commercial establishment and associated parking area would have direct road access.

Commercial Policy 8: Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan.

As discussed above, the VC101 request is not consistent with this policy because the property is located outside of the two Valley Center Village areas.



Item E-1:

E-1

To: VCCPG

From: CPU Subcommittee

Re: Recommendation to VCCPG for 2/10/2014, Presentation by Kevin Johnston on County staff Compromise Proposal to amend VC Community Plan (for 2015 bi-annual General Plan Cleanup Item) to allow potential Commercial Land Use Designation and Zoning re Abe Boulos one-acre parcel at 28522 Valley Center Road (southwest corner of VC and Canyon Roads); and APNs 127-222-10, 12, 13, 16, 17 on Nelson Way and APNs 185-12-13 and 185-123-05 Norwood Trust 2.4 acres and Harvest Farms 11.81 acres at Anthony Road (Proposal and explanatory maps sent separately); other backup found at <http://www.sdcounty.ca.gov/pds/advance/2013GPBiAnnualClnUp.html>; County of San Diego General Plan documents, maps, and community plans <http://www.sdcounty.ca.gov/pds/generalplan.html> County of San Diego Zoning Ordinance <http://www.sdcounty.ca.gov/pds/zoning/index.html>

Date: February 10, 2014

Request:

County staff proposes changes to the Valley Center Community Plan, which, if recommended for approval, would not affect any current Land Use Designations or Zoning. Instead, the proposed changes would go forward as part of the 2015 bi-annual General Plan Cleanup. If then adopted by the Board of Supervisors, affected parcel owners would still have to apply for and obtain Planning Group, Planning Commission, and potentially Board of Supervisors, approval of a General Plan Amendment and/or a Zone change, utilizing the "Exception" language.

The staff-proposed changes are:

Commercial Policy 1: Prohibit strip commercial development by containing commercial uses in the Cole Grade Road and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Commercial Policy 5: Future development shall be planned so that strip commercial development will be avoided. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Commercial Policy 8: Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan. Exceptions to

this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Staff states that the reason they are bringing the proposed changes for our recommendation was the community support for the Boulos parcel change shown by approximately 400 signatures on a petition. Because of the breadth of the “exceptions” language, other parcels, including Nelson Way and part of Harvest Farms could ultimately be affected. Kevin Johnston clarified that the “exceptions” language, if finally approved, would not allow future changes to the portions of the Norwood and Harvest Farms parcels that were not zoned Commercial in 2010.

Committee Recommendation:

Support the proposed policy changes to the Valley Center Community Plan and recommend their approval by the Valley Center Community Planning Group. Approved 5-1-1 (Rudolf opposed, Jeana Boulos recused, 2 members absent).¹

Discussion

The VCCPG has previously voted on the Boulos 1-acre parcel (March 2009 and March and June 2010), recommending SR-2 General Plan Designation and A70 Zoning, approved by the Planning Commission and Board of Supervisors for General Plan Land Use Designation SR2 and Zoning A70. We voted on April 9, 2012 (10-3-0, with 2 absences) to: Support Boulos in retaining commercial designation of some type, but no more intensive than C34, such as Office/Professional, with the issue to return to the VCCPG for review from DPLU².

On June 10, 2013 we had two votes, both short of the required 8 votes for action: A motion to support change of the Boulos Property from RR to C32 (failed 4-7-0, with 3 absences and a vacancy); and To reject change of the Boulos property from RR to C32 (failed 7-4-0).

Kevin Johnston will make the staff presentation at our 2/10/14 meeting. Exhibits considered by the CPU Committee will be sent separately.

Respectfully submitted,

Chairperson Rich Rudolf

¹ Proposed CPU Minutes for 1/21/14 meeting are Attachment 1 hereto.

² The CPU Committee Report dated April 9, 2012 on which the April 2012 vote was based is Attachment 2 hereto, for a more complete history.

Attachment 1

Valley Center Community Planning Group
Community Plan Update Subcommittee
January 21, 2014; 6:00 PM; Library Community Room
Proposed Minutes

Submitted to members: January 26, 2014; Approved by members: xxxx xx,
2014

1. Call to order and attendance: Rich Rudolf, Lael Montgomery, Andy Washburn, Dave Anderson, Erik Laventure, Hans Britsch, Michael Karp, Jeana Boulos and Dennis Sullivan.

Chair Rich Rudolf called the meeting to order at 6:10 pm.

Roll was called: Members present: Rich Rudolf, Lael Montgomery, Andy Washburn, Erik Laventure, Hans Britsch, Jeana Boulos, and Dennis Sullivan. Members absent: Dave Anderson and Michael Karp (excused). Quorum established: 7 members.

Members of the Community present: Michael Jabro, LaVonne Norwood, Abe Boulos, Steve Verdugo and Suzy Thomas; Kevin Johnston, county PDS Department.

2. Approval of Minutes of 8/2/2012 Community Plan Update Subcommittee Meeting.

Motion to approve the proposed minutes as submitted made by Lael Montgomery and seconded by Andy Washburn. Approved 5-0-2 (Laventure and Boulos abstaining).

3. Recommendation to VCCPG for 2/10/2014, Presentation by Kevin Johnston on County staff Compromise Proposal to amend VC Community Plan (for 2015 bi-annual General Plan Cleanup Item) to allow potential Commercial Land Use Designation and Zoning re Abe Boulos one-acre parcel at 28522 Valley Center Road (southwest corner of VC and Canyon Roads); and APNs 127-222-10, 12, 13, 16, 17 on Nelson Way and APNs 185-12-13 and 185-123-05 Norwood Trust 2.4 acres and Harvest Farms 11.81 acres at Anthony Road.

Jeana Boulos recused herself during the presentation and discussion, as she is the daughter of the owner of one of the parcels potentially impacted by the proposed exceptions.

Mr. Johnston explained the reason for the proposed changes was the community support for the Boulos parcel change shown by approximately 400 signatures on a petition. He clarified that the proposed changes, if recommended for approval, would not affect any current Land Use Designations or Zoning, but would go forward as part of the 2015 bi-annual General Plan Cleanup. If then adopted by the Board of Supervisors, affected parcel owners would still have to apply for and obtain Planning Group, Planning Commission, and potentially Board of Supervisors, approval of a General Plan Amendment and/or a Zone change, utilizing the "Exception" language. He clarified that the "exceptions" language would not allow future changes to the portions of the Norwood and Harvest Farms parcels that were not zoned Commercial in 2010.

He presented the following possible exception language to inconsistent policies in the current Community Plan:

- Commercial Policy 1: Prohibit strip commercial development by containing commercial uses in the Cole Grade Road and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.
- Commercial Policy 5: Future development shall be planned so that strip commercial development will be avoided. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.
- Commercial Policy 8: Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Mr. Boulos made it clear he was not interested in a compromise that would provide him with less than the C-34 zoning that was on his one-acre parcel when he bought it in 2007. Mr. Johnston stated it was unlikely that staff could support a Land Use Designation from SR-2 to C-4 Rural Commercial (which would potentially allow C-36 zoning). After considerable discussion from members of the subcommittee and the community members, the following motion was made by Andy Washburn and seconded by Erik Laventure:

Support the proposed policy changes to the Valley Center Community Plan and recommend their approval by the Valley Center Community Planning Group. Approved 5-1-1 (Rudolf opposed, Boulos recused).

- 
4. Recommendation to VCCPG for 2/10/2014 on county staff proposal POD 13-014 Property Zoning Cleanup 2013: Sotoodeh parcel APN 1290400500 change from S88 Specific Plan (part of Lilac Ranch) to A70; and Norwood 1.5-acres APN 1851221300 at Anthony Road from A70 to C40 [as previously recommended by VCCPG].

This is separate piece of the aforementioned 2013 General Plan Clean-up. Mr. Rudolf explained that county planner Carl Stiehl advised that the Sotoodeh 20-acre parcel was a portion of the former Lilac Ranch property, which needed to be relieved of its requirement for a Specific Plan (since the ranch is now a Mitigation Bank/Preserve, with Land Use Designation Open Space); and the recommendation for 1.5 acres of the Norwood 2.4 acres parcel was already approved by the VCCPG. The following motion was made by Lael Montgomery and seconded by Erik Laventure:

Approve the recommendation as submitted. Approved 6-0-1 (Rudolf abstained).

5. Open Forum. No items.
6. Adjourn. Meeting ended at 7:36 pm.

Respectfully Submitted,
Dennis Sullivan, Secretary

Attachment 2

To: VCCPG
From: GPU Subcommittee
Re: Recommendation on Boulos Parcel (Not a Property-Specific post-GPU Board Referral)
Date: April 9, 2012

Recommendation:

Accept this Report and Recommend the DPLU staff meet with Mr. Boulos to discuss available alternatives for his Canyon Road Parcel.

Discussion:

On March 12 you accepted and approved all the GPU Committee's recommendations for DPLU regarding Property-Specific referrals following Board of Supervisors adoption of the new General Plan. Mr. Boulos' triangular parcel at the southwest corner of Valley Center and Canyon Roads was not one of those referrals, but the VCCPG referred its changed designation from Commercial to Residential to the GPU Committee for review and recommendation. The Committee at its 4/5/12 meeting, 6-0-0, approved the above recommendation. All members were present except Lael Montgomery, Andy Washburn and Bob Davis.

In 2005-6 the planning group continued planning the north and south villages, and worked with staff on the concept of "Village Limit Lines" to prevent village-intensity development outside the villages, and eliminate the Valley Center Road "strip commercial" which had developed over time, despite its prohibition in the then Community Plan. The Planning Group did not want the two villages to ultimately merge into one large blob. By late 2010 the Planning Commission recommended a Land Use Map to the Board eliminating all the strip commercial along Valley Center Road and Lilac Road, confining the village intensity to the historic north and south villages. The north village was to terminate generally on the west side of Portino's restaurant. However, the Boulos parcel was inadvertently left as commercial on the Planning Commission recommended Map, but ultimately redesignated, like all its eastern neighbors, to Residential, on the final Board approved new General Plan Map.

Mr. Boulos purchased the property on 9/15/2006, midway through the GPU planning process, and after the county had taken more than half of the

original parcel from the nursery business then operating, leaving 1.2 acres. He attempted to have his parcel included in the Board post-GPU referrals, but staff advised that the VCCPG wanted to eliminate strip commercial on VC Road. He hopes to build a pre-school for one of his daughters to operate. According to Mr. Boulos, he attempted to obtain percolation test results through Wynn Engineering in 2007 and 2008, without success. He states he will need additional acreage for parking and septic, but has not initiated discussions with neighboring parcel owners. He states he received no notices from the county regarding potential redesignation as Residential, after his purchase. During the Board's hearings on property-specific requests after GP adoption, staff advised him to seek approval from the planning group for his parcel. He was asked to bring the "disclosure statement" from the real estate transaction to the GPU Committee meeting, but did not.

The committee considered the following options: Recommend the Boulos parcel be redesignated Commercial, as it was when purchased; Recommend redesignation as Commercial all parcels along the Valley Center Road strip west of Miller road; Recommend against redesignation; or Recommend staff give Mr. Boulos the same opportunity the other commercial parcels along VC Road had, to discuss options to commercial designation. The committee feels there are significant impediments to potential commercial development under current circumstances, and there may be other options available that would allow the requested use without reintroducing strip commercial.

CONCLUSION

As recommended in March, the Planning Group should recommend no changes at this time to the Land Use Designations approved by the Board when it adopted the new General Plan. Other alternatives may emerge from staff discussions with Mr. Boulos that will allow him to proceed with his plans.

Respectfully submitted,

Rich Rudolf
Chairperson
GPU Subcommittee

Item E-2:

E-2

To: VCCPG
From: CPU Subcommittee
Re: Recommendation to VCCPG for 2/10/2014 on county staff proposal
POD 13-014 Property Zoning Cleanup 2013: Sotoodeh parcel APN
1290400500 change from S88 Specific Plan (part of Lilac Ranch) to A70;
and Norwood 1.5-acres APN 1851221300 at Anthony Road from A70 to
C40 [as previously recommended by VCCPG] (staff report for Planning
Commission 2/21/2014 found at
<http://www.sdcounty.ca.gov/pds/advance/zoningcleanup13.html>).
Date: February 10, 2014

Request:

County staff proposes changes to the zoning on two parcels in Valley Center as part of the zoning portion of the 2013 General Plan Cleanup. The approximately 20-acre Sotoodeh parcel was formerly part of the Lilac Ranch, The proposed change is from S88 to A70, consistent with its surroundings. The second item is the 1.5-acres of the Norwood 2.4-acre parcel off Lilac Road near Anthony Road. The proposed change is from A70 as changed with the August 2011 adoption of the new General Plan, to its former C40 commercial zoning.

Committee Recommendation:

Approve the recommendation as submitted. Approved 6-0-1 (Rudolf abstained).¹

Discussion

The VCCPG has previously voted on this property (March 2009 and March and June 2010), approved by the Planning Commission and Board of Supervisors for General Plan Land Use Designation SR2 and Zoning A70. In October 2012 we considered two Property-Specific Requests Norwood Trust and Tilden [formerly Parsons Realty].² The VCCPG voted 12-1-1 (Rudolf No, Norwood-Johnson Abstaining) to restore the split C40/A70 Zoning in place prior to the GP Update.

¹ Proposed CPU Minutes for 1/21/14 meeting are Attachment 1 hereto.

² The 10/15/2012 CPU Report for Norwood on which the Planning action was based is Attachment 2 hereto, for more complete history.

At that time staff had not decided whether those items were eligible for processing as part of the zoning portion of the 2013 General Plan Clean-up. The Norwood 1.5-acre formerly C-40 portion of their 2.4-acre split-zoned parcel was presented by Mr. Chagala as being eligible for reinstatement as commercial, under the second portion of zone code section 2070, which had just been adopted by the Board of Supervisors. (See section 2070 b and section 2072, attached to the 10/15/12 CPU Committee Report. Carl Stiehl, PDS staff now advises that the 1.5-acre portion has been determined eligible, and meets the requirements of section 2070 a (rather than b). The Zone Code Compatibility Matrix shows C-40 zone as compatible in Land Use Designation SR-2 under "Special Circumstances," meeting that requirement.

Respectfully submitted,

Rich Rudolf
Chairperson

Attachment 1

**Valley Center Community Planning Group
Community Plan Update Subcommittee**

January 21, 2014; 6:00 PM; Library Community Room

Proposed Minutes

Submitted to members: January 26, 2014; Approved by members: xxxx xx,
2014

1. Call to order and attendance: Rich Rudolf, Lael Montgomery, Andy Washburn, Dave Anderson, Erik Laventure, Hans Britsch, Michael Karp, Jeana Boulos and Dennis Sullivan.

Chair Rich Rudolf called the meeting to order at 6:10 pm.

Roll was called: Members present: Rich Rudolf, Lael Montgomery, Andy Washburn, Erik Laventure, Hans Britsch, Jeana Boulos, and Dennis Sullivan. Members absent: Dave Anderson and Michael Karp (excused). Quorum established: 7 members.

Members of the Community present: Michael Jabro, LaVonne Norwood, Abe Boulos, Steve Verdugo and Suzy Thomas; Kevin Johnston, county PDS Department.

2. Approval of Minutes of 8/2/2012 Community Plan Update Subcommittee Meeting.

Motion to approve the proposed minutes as submitted made by Lael Montgomery and seconded by Andy Washburn. Approved 5-0-2 (Laventure and Boulos abstaining).

3. Recommendation to VCCPG for 2/10/2014, Presentation by Kevin Johnston on County staff Compromise Proposal to amend VC Community Plan (for 2015 bi-annual General Plan Cleanup Item) to allow potential Commercial Land Use Designation and Zoning re Abe Boulos one-acre parcel at 28522 Valley Center Road (southwest corner of VC and Canyon Roads); and APNs 127-222-10, 12, 13, 16, 17 on Nelson Way and APNs 185-12-13 and 185-123-05 Norwood Trust 2.4 acres and Harvest Farms 11.81 acres at Anthony Road.

Jeana Boulos recused herself during the presentation and discussion, as she is the daughter of the owner of one of the parcels potentially impacted by the proposed exceptions.

Mr. Johnston explained the reason for the proposed changes was the community support for the Boulos parcel change shown by approximately 400 signatures on a petition. He clarified that the proposed changes, if recommended for approval, would not affect any current Land Use Designations or Zoning, but would go forward as part of the 2015 bi-annual General Plan Cleanup. If then adopted by the Board of Supervisors, affected parcel owners would still have to apply for and obtain Planning Group, Planning Commission, and potentially Board of Supervisors, approval of a General Plan Amendment and/or a Zone change, utilizing the "Exception" language. He clarified that the "exceptions" language would not allow future changes to the portions of the Norwood and Harvest Farms parcels that were not zoned Commercial in 2010.

He presented the following possible exception language to inconsistent policies in the current Community Plan:

Commercial Policy 1: Prohibit strip commercial development by containing commercial uses in the Cole Grade Road and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Commercial Policy 5: Future development shall be planned so that strip commercial development will be avoided. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Commercial Policy 8: Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan. Exceptions to this policy can be made for those parcels that were zoned commercial in 2010, and were Rezoned to a non-commercial zoning use regulation with the adoption of the General Plan Update in 2011.

Mr. Boulos made it clear he was not interested in a compromise that would provide him with less than the C-34 zoning that was on his one-acre parcel when he bought it in 2007. Mr. Johnston stated it was unlikely that staff could support a Land Use Designation from SR-2 to C-4 Rural Commercial (which would potentially allow C-36 zoning). After considerable discussion from members of the subcommittee and the community members, the following motion was made by Andy Washburn and seconded by Erik Laventure:

Support the proposed policy changes to the Valley Center Community Plan and recommend their approval by the Valley Center Community Planning Group. Approved 5-1-1 (Rudolf opposed, Jeana Boulos recused).

4. Recommendation to VCCPG for 2/10/2014 on county staff proposal POD 13-014 Property Zoning Cleanup 2013: Sotoodeh parcel APN 1290400500 change from S88 Specific Plan (part of Lilac Ranch) to



A70; and Norwood 1.5-acres APN 1851221300 at Anthony Road from A70 to C40 [as previously recommended by VCCPG].

This is separate piece of the aforementioned 2013 General Plan Clean-up. Mr. Rudolf explained that county planner Carl Stiehl advised that the Sotoodeh 20-acre parcel was a portion of the former Lilac Ranch property, which needed to be relieved of its requirement for a Specific Plan (since the ranch is now a Mitigation Bank/Preserve, with Land Use Designation Open Space); and the recommendation for 1.5 acres of the Norwood 2.4 acres parcel was already approved by the VCCPG. The following motion was made by Lael Montgomery and seconded by Erik Laventure:

Approve the recommendation as submitted. Approved 6-0-1 (Rudolf abstained).

5. Open Forum. No items.
6. Adjourn. Meeting ended at 7:36 pm.

Respectfully Submitted,
Dennis Sullivan, Secretary

Attachment 2

To: VCCPG
From: CPU Subcommittee
Re: Recommendation on Property-Specific GP Clean-up Request—
Norwood Trust parcel 29010 Lilac Road
Date: October 15, 2012

Request:

The Norwood's request, through Mr. Chagala, is to change the zoning on their 4-acre property from A-70 residential to commercial C-40. The request is complicated by its procedural argument that a General Plan Amendment is not necessary to change the designated use on this property from residential to commercial. The request is further complicated by our Community Plan and its history, as well as this property's use history *and* the recent construction of what is a non-conforming use on adjacent property, also designated residential. These issues are discussed below.

Recommendation:

Affirm the Community Plan by recommending denial of the request to Rezone the Norwood Trust parcel from A70 to C40 or to mixed C40/A70.

The subcommittee voted to recommend denial of the requested zone change (vote: 5-2-0, Montgomery and Sullivan, no). The subcommittee's recommendation is consistent with the Planning Group's previous votes on this property (March 2009 and March and June 2010), approved by the Planning Commission and Board of Supervisors for General Plan Land Use Designation SR2 and Zoning A70.

Discussion

The Zone Change Request:

Change zoning on the Norwood 4-acre parcel from A-70 residential to commercial C-40. The current General Plan Designation is SR-2 SEMI-

RURAL RESIDENTIAL with GP compatible zoning of A-70. The previous GP designation for this property was ESTATE RESIDENTIAL with split zoning; A-70 on the northern portion and C-40 on the southern portion³.

Mr. Chagala is arguing that development intensification through re-zoning is justified by the "Special Circumstances" provisions of County Ordinance 10217 (N.S.) adopted by the Board on July 25, 2012 (copy of sections 6 and 7 thereof Attached). This ordinance states that a Use Regulation otherwise inconsistent with the GP compatibility matrix (which commercial on this property is) can be deemed compatible if the property satisfies certain criteria (required Findings).

1. Commercial zoning is compatible with the community plan;
2. Commercial zoning is consistent with the majority of Land Use Designations that border the property;
3. Commercial zoning is compatible with the surrounding land uses, with consideration given to: density or intensity of potential uses; availability of public facilities, services and utilities; harmony with the neighborhood character; capacity and character of surrounding streets; and other relevant impact of the potential use.
4. The Director determines, after considering the General Plan and the VC Community Plan, that a General Plan Amendment to a Commercial Land Use Designation (to make Commercial Zoning consistent without being a special circumstance) is infeasible;
5. The property owner has submitted a study that shows either: there is a demonstrated need for the proposed potential commercial use AND there is insufficient land zoned Commercial in the Valley Center Planning Area AND change to Commercial would not result in a scarcity of A70 within the Planning Area; OR the site characteristics make it impossible to implement A70, giving consideration to lot configuration, size, topography, drainage, adjacent land use, access, traffic congestion, noise, air pollution or other factors affecting health, safety or welfare. This study must be reviewed by the Director and submitted as part of the other required rezone findings.

Applicable Criteria and Reasons for Recommendation:

The VCCPG consistently supported inclusion of an "Equity Mechanism" as part of the GP Update, to ameliorate situations just like this. The Board chose not to do so. They perhaps intended Ordinance #10217 on which Mr. Chagala relies for the Tiltens, instead of a GP Amendment, as another way for some property owners to retain what they had under the old GP.

³ A requirement of the new General Plan process was to eliminate split zoning and to make GP designations and zoning consistently compatible.

The CPU Committee was not aware of the ordinance until Mr. Chagala read parts of it to us during the committee meeting (it was then introduced, but not yet adopted by the Board). We considered the ordinance criteria in recommending denial.

Findings #1 &2: Commercial zoning on part or the entire 4-acre parcel would be inconsistent with the community plan, and ALL (not just the majority) of the Land Use Designations that border the property.

In this regard, County staff has advised that the expansion and new construction of Harvest Farms is considered a lawful non-conforming use. This property was also re-designated SR2/A70 in the new GP. The Harvest Farms commercial expansion building permit was issued in July 2010 under the old General Plan. (They had one year to obtain their first inspection to keep the permit active, and must obtain subsequent inspections each 6 months thereafter, to keep the permit active.)

Finding #3: Expanding commercial uses on the Norwood property would bring incompatible density or intensity of potential uses, would be out of harmony with the residential neighborhood character (except for its lawful non-conforming use neighbor to the south), and exacerbate the lack of capacity and be inconsistent with the character of Lilac Road.

Further, residential neighbors have previously expressed concern that the Harvest Farms expansion would include a gas station, which they do not want and think is unnecessary and inappropriate at this location. Expanding commercial acreage for the Norwood parcel or any part of it would allow them or a purchaser from them (such as their southerly neighbor) to add a gas station as of right. (The current adjacent 2010 building permit cannot be changed to add a gas station without a General Plan Amendment and corresponding zone change.)

Finding #4: The only required finding that might be made is that a General Plan Amendment to the Norwood property would probably be “infeasible” because of the entire structure of the new General Plan.

Finding #5: The applicants have not submitted the required study for the final finding. The overabundance of commercially designated property in the VC Planning Area indicates the “insufficiently zoned property” alternative could not be met. There appear to be no physical constraints on the 4-acres

that would prevent ultimate residential use. In the meantime the property, like other commercial properties changed to residential use as part of the General Plan, would continue as a lawful nonconforming use. The businesses currently in place can continue indefinitely.

General Plan and Community Plan Incompatibility

As we were reminded during our recent review of the proposed changes to Board Policy I-1, the duty of a Community Planning Group is to evaluate projects "...based on their consistency with the adopted community...plan." (I-1, page 15)

Our current "Interim Community Plan," adopted as part of the General Plan by the Board of Supervisors in August 2011, discourages commercial outside the north and south villages. This provision of our Community Plan, in place for more than 30 years, since 1979, and was re-affirmed in innumerable local public meetings during the recent update. As a result, the VCCPG has voted consistently to focus all commercial and industrial uses in the north and south villages. The community's intention is to ensure that our village nodes will be economically viable and function as our community's vibrant hubs.

The Property:

The Norwood Family Trust property (parcel #185□123□13) is north of and adjacent to parcel #185□123□05, the Harvest Farms Village, currently under construction. Prior to Board adoption of the new General Plan in August 2011 the parcel was GP Land Use Designation (17) Estate Residential, with split zoning on the approximately 4-acre parcel, A70 on the northern portion and C40 on the southern portion.

Under the new General Plan it is designated SR2, an equivalent designation to the former plan's Estate Residential, with all 4 acres zoned A70 (Limited Agriculture), the same as all formerly commercial properties along Lilac Road at Anthony Road (including Harvest Farms).

The property was purchased by John and Bernice Norwood in 1984, and contains their family business, Armor Fabrication and Fence, as well as Automotive Specialists, Marci Carr's Music, Hay Debi and other businesses, in the southern portion.

Processing History:

In 2005 and 2006 Mr. Norwood and his representative Jim Chagala communicated with county staff member Bob Citrano regarding their desire to intensify zoning on the entire 4-acre parcel to be all commercial, as part of GP 2020. At that time they were advised that zoning changes were not anticipated to be a part of GP2020. After the Planning Commission approval of the General Plan Map and then companion zoning changes in April 2010, Mr. Chagala complained to Mr. Citrano about the proposed changes to SR2 and A70.

Mr. Citrano responded that the General Plan Update was a long process with many changes over a period of twelve years. He did not recall what was said during the conversation with Mr. Norwood back in 2006, but did recall that the Commercial/Industrial phase of the plan was completed in 2005 and did not address zoning. However, management changed in 2007-8 and a zoning consistency review was conducted in 2009.

During this zoning consistency review, staff coordinated with the Valley Center Community Planning Group (VCCPG), which, in accord with the consensus in innumerable widely-attended local public meetings, proposed removing Commercial zoning from properties located outside the two Village areas. After consideration of the VCCPG's recommendation, staff notified the Norwood trust in May 2010 that the C40 Rural Commercial zoning located within a Semi Rural Residential 2 (SR-2) designated area was recommended to be changed to A70 Limited Agriculture zoning to be consistent with the surrounding zoning and land use designation.⁴

Mr. Citrano said that this notification was sent prior to the Planning Commission and Board of Supervisors hearings on this issue; but the Norwoods did not testify or raise concerns at these hearings. The property owner had the opportunity to attend the Valley Center Planning Group meeting, Planning Commission hearing and the Board of Supervisors meeting to discuss this item.

After further contact from Mr. Chagala in May 2012, Mr. Citrano

⁴ At its 6/28/10 meeting the VCCPG recommended approval of the staff recommendation to fix the staff error of not previously deleting commercial on Lilac at Anthony, to finally change the zoning along Lilac at Anthony Road from C-40 to A70.

recommended that the Norwoods ask the VCCPG if it changed its view, and would support a rezone on the formerly commercial split zoned-commercial portion only.

Part of the Board action adopting the new GP and implementing zoning was to require staff to return with "General Plan Cleanup" items in two years (August 2013). Mr. Chagala believes that this property is eligible for consideration as part of the August 2013 "General Plan Cleanup." Staff has yet to confirm that this zoning issue can be addressed in a GP cleanup.

Nevertheless, out of courtesy to Mr. Chagala and his clients, the CPU committee heard the request on this and two other parcels. Kevin Johnston, then heading the GP Cleanup, advised the CPU Committee on the day of its meeting that the unresolved issue with all 3 requests is the VC Community Plan Commercial Policy 8 which discourages commercial outside the villages. The Cleanup General Plan Amendment is being processed through an EIR addendum; therefore, only limited environmental analysis will be performed.

At the CPU August 2 meeting Mr. Chagala approved delay of presentation of the committee's action to the VCCPG September meeting. The CPU Chair was later advised that none of the properties were eligible for inclusion in the August 2013 cleanup, so the items were not placed on the VCCPG September Agenda as originally agreed. Mr. Chagala was informed, and apparently sought intervention from Supervisor Horn, resulting in a Board Inquiry to staff.

Mr. Citrano's most recent advice to the VCCPG Chair (9/19/12) is still ambiguous: "Staff met with Jim Chagala last week concerning the subject property owners' request to make zoning changes as part of the 2013 General Plan Clean-up. Staff has agreed to evaluate these requests to determine if they are appropriate for the Clean-up and if the requested zones would be consistent with the adopted land use designations. ..."

He recognizes that failure to determine whether these changes are appropriate to include in a GP Clean-up continues to create confusion about whether or not to ask for a Planning Group recommendation at this time. On the one hand, it is desirable for the VCCPG to make a recommendation early in the process so that staff recommendations will be informed by community concerns. On the other hand, staff's decisions about the procedural issues

may well eliminate the question.

He concluded: "If desired, the VCCPG recommendation could be framed to be contingent on staff's determination that the proposed zoning change is consistent with the land use designation."

The meaning of "Non-Conforming Use"

In general, substantial alterations in the nature of the business, new equipment that is not a replacement but a subterfuge to expand the use of the property, or a new structure, amount to illegal expansion or extension. These types of actions will result in the loss of the nonconforming use status and the closing of the business. For example, if the corner grocery builds an addition to house a restaurant, that would be a significant change. If, however, the grocery updates its refrigeration equipment, that would not be an illegal change.

If a nonconforming use structure is destroyed or partially destroyed by fire or similar occurrences, zoning ordinances generally provide that if it is destroyed beyond a certain percentage, it cannot be rebuilt. Usually the owner loses the right to rebuild if 50 percent or more of the structure is damaged.

If a business stops operating at the nonconforming use site, zoning ordinances generally classify this as a discontinuance and revoke the nonconforming use status. The owner of the business must intend to abandon the use. Discontinuance due to repairs, acts of war or nature, government controls, foreclosure, condemnation, or injunctions are not regarded as manifesting intent to abandon the nonconforming use status if the situation is beyond the business owner's control.

The county's ordinance used to prohibit rebuilding if a structure was damaged to the extent that reconstruction cost exceed 75% of the Building Official's estimate of replacement cost prior to damage. It now allows rebuilding regardless of the amount of damage, so the use can continue as before, forever.

CONCLUSION

Our mandate as a Community Planning Group is to make recommendations based on conformance with the Community Plan. The subcommittee carefully considered the Norwood's arguments relying on the new ordinance and believes that the "special circumstances" that are necessary for special treatment cannot be met.

Whatever we vote today will set a precedent. Should that precedent be to recommend to decision-makers to dismantle the Community Plan piece by piece? If we vote to undermine the Community Plan in this special circumstance, there are more special circumstances in the pipeline, and there could be a hundred others. If we ourselves fail to respect and remind decision makers of our Community Plan – who will?

Respectfully submitted,

Rich Rudolf
Chairperson
CPU Committee

Attachment

Section 6. Section 2070, SPECIAL CIRCUMSTANCES, of the Zoning Ordinance is added to read as follows:

2070 SPECIAL CIRCUMSTANCES.

A Use Regulation as indicated by the symbol (o) is a Use Regulation which may be applied in special circumstances with a corresponding Land Use Designation and shall meet one of the following:

- a. The existing Use Regulation was in effect prior to the adoption of the current Land Use Designation; or
- b. The property or area meets the findings in Section 2072 below.

Section 7. Section 2072, SPECIAL CIRCUMSTANCES REGULATIONS, of the Zoning Ordinance is added to read as follows:

2072 SPECIAL CIRCUMSTANCES REGULATIONS.

The following findings shall be met in order to find that a Use Regulation is consistent under Special Circumstances with the compatibility matrix, Section 2050:

- a. The Use Regulation is consistent with the applicable community plan.
- b. The Use Regulation is consistent with, or applied under special circumstances in, the majority of Land Use Designations that border the subject parcel(s).
- c. The Use Regulation is compatible with the surrounding land uses, with consideration given to:
 1. Density or intensity of potential uses;
 2. Availability of public facilities, services and utilities;
 3. Harmony with the neighborhood character;
 4. Capacity and character of surrounding streets; and
 5. Any other relevant impact of the potential use.
- d. A General Plan Amendment to an appropriate Land Use Designation that would allow for the Use Regulation to be consistent and therefore not a special circumstance, is infeasible as determined by the Director after consideration of the General Plan and applicable Community Plan.
- e. Additionally, a study shall be submitted by the applicant that the proposed Use Regulation meets at least one of the following:
 1. There is a demonstrated need for the potential uses of the proposed Use Regulation and there is insufficient land suitably zoned in the Community Planning

Area to meet the demonstrated need. Additionally, the application of the proposed Use Regulation would not result in a scarcity of the existing Use Regulation within the community planning area or;

2. The site characteristics make it physically impossible to implement uses allowed with the existing Use Regulation. Such constraints may include, but are not limited to lot configuration, lot size, topography, drainage, adjacent land use, access, traffic congestion, noise, air pollution or other factors affecting health, safety or welfare.

The study submitted subject to e.1 or e.2 shall be reviewed by the Director and included as part of the rezone findings for consideration.

Section 8. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

Item E-4:

E-4

February 6, 2014

To: Oliver Smith; Ann Quinley; VCCPG Members

From: VCCPG Mobility Subcommittee

Subject: Valley Center/Pauma Unified School District (VCPUSD) request for Fruitvale Road/Lower & Upper Elementary School traffic modifications to Fruitvale road

The Mobility Subcommittee reviewed VCPUSD's request to the County for the following modifications to Fruitvale Road:

Mobility Subcommittee Analysis and Recommendations

In the opinion of the VCCPG Mobility Subcommittee the primary causal factor for the traffic safety issues cited by VCPUSD is the lack of a "drop off/pick up loop" for automobile traffic. VCPUSD bus traffic conflicts for drop off/pick up in the school parking lot, leaving automobile drivers no alternative than to use Fruitvale Road as their "drop off/pick up loop."

The VCPUSD has confirmed that it agrees with the Mobility Subcommittee's assessment and intends to remedy the primary causal factor by using the existing bus "drop off/pick up loop" within the parking lot for automotive traffic. School buses will drop off/pick up on Fruitvale Road in front of the School to avoid conflicts with automotive traffic.

In order to enhance the safety of both automobile and bus traffic and passengers, the VCPUSD has requested four changes to Fruitvale Road from the County:

VCPUSD Request:

1. Feasibility for a flashing yellow beacon for west bound traffic on Fruitvale Road in advance of the schools indicating a 25 MPH Zone during school arrival and dismissal times.
2. Improve, replace, or place signage on both the north and south side of Fruitvale (east and west bound traffic) indicating: No U Turns (E/W Bound), No Stopping (W Bound) and Bus Loading Zone only (450 feet-as marked) in front of the Primary School for students to unload/load buses without the presence of automobiles.
3. Feasibility of edge-striping with possible hash marks along the eastbound lane to make the lane appear narrower and encourage reduced speeds.
4. Red curbs 20 feet on both sides of the school parking lot exit to prohibit cars from parking near the exit.

The Mobility Subcommittee agrees that the four proposed changes to Fruitvale Road are complimentary safety measures to the primary changes to bus and automotive traffic and endorses their implementation.

Sincerely,

Mark Jackson
Chair, Valley Center Planning Group Mobility Subcommittee