

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Regular Meeting – April 30, 2010**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:04 a.m., recessed at 10:31 a.m., reconvened at 10:54 a.m., recessed at 12:41 p.m., reconvened at 1:14 p.m. and adjourned at 3:38 p.m.

**A. ROLL CALL**

**Commissioners Present:** Beck, Brooks, Day, Norby, Pallinger (out at 2:00 p.m.), Riess, Woods

**Commissioners Absent:** None

**Advisors Present:** Ortiz, Lantis (DPW); Harron, Mehnert, Mead (OCC)

**Staff Present:** Baca, Gibson, Giffen, Grunow, Hingtgen, Hofreiter, Murphy, Muto, Ramaiya, Real, Sibbet, Schneider, Steinhoff, Switzer, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of March 12 and April 2, 2010**

**Action:**

Approve the Minutes of March 12 and April 2, 2010.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 0 - None

**C. Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

**D. Announcement of Handout Materials Related to Today's Agenda Items**

**Administrative:**

- E. **Requests for Continuance:** Item 7 (TM 5236RPL<sup>5</sup>/S09-009)
- F. **Formation of Consent Calendar:** Items 3 (TM 5482RPL<sup>3</sup>), 5 (P79-134W<sup>2</sup>), and 6 (P09-017)

G. **Director's Report:**

None.

**POD 08-012, Agenda Item 1:****1. Tiered Wineries, Zoning Ordinance Amendment POD 08-012, Countywide**

Proposed amendment to the San Diego County Zoning Ordinance to introduce a new winery classification and revise the regulations for two existing winery classifications. The amendment would introduce the "Packing and Processing: Small Winery" Use Type, which would be allowed subject to limitations and with an approved Administrative Permit in the A70 (Limited Agriculture) and the A72 (General Agriculture) Use Regulations. The amendment would also revise the existing regulations for "Packing and Processing: Wholesale Limited Winery" and "Packing and Processing: Boutique Winery" Use Typed to allow these uses by right and subject to specified standards and limitations in the A70 and A72 Zones. The Wholesale Limited Winery is currently allowed by right and the Boutique Winery is currently allowed with an approved Administrative Permit. Organizational changes will locate the standards and limitations for Wholesale Limited, Boutique and Small Wineries in one section of the Zoning Ordinance.

**Staff Presentation:** Schneider

**Proponents: 28; Opponents: 7**

The Planning Commission is provided a detailed presentation of the proposed Ordinance amendments, during which Staff explains the proposed amendment introduces or modifies four winery classifications: Wholesale Limited, Boutique, Small Winery and Winery. The proposed winery classification system was developed by staff and stakeholder participation, including input from existing winery operators and the Ramona Valley Winery Association. The overall approach was to streamline and clarify the approval process for the operation of wineries and provide regulatory tiers that correspond to the different major phases in the growth of a winery. Smaller scale winery operations producing less than 12,000 gallons a year would be permitted by right with specific limitations, while larger scale operation would be subject to discretionary review.

Concerns discussed today center around private road safety and liability, and the extent of certain provisions of the proposed ordinance, such as prohibition of on site food preparation, special events and signage. Commissioner Norby believes some of the proposed restrictions are severe. He believes operators should not be required to wait a year if they can prove they are growing grapes. Commissioner

**POD 08-012, Agenda Item 1:**

Riess voices concern that the proposed amendments almost encourage increased traffic on the private roads by which many vineyards/wineries are accessed. Chairman Beck voices the same concerns and questions whether a road maintenance agreement between the property owners is feasible. Commissioner Riess questions the imposition of mitigation measures for use of non-public roads, and recommends that a licensed traffic engineer evaluate and prepare a report on traffic impacts. Commissioner Woods informs Staff he is supportive of allowing signage up to 32-square feet in size on roads with speeds higher than 40 miles per hour.

Members of the audience opposed to the proposed amendments insist that the increased environmental impacts resulting from allowing by-right facilities will be significant, and voice concern about potential impacts on groundwater supplies. They do not believe the draft EIR adequately addresses issues related to legal and financial liability related to private roads, or potential impacts on public health, safety or private property. In addition, many are concerned about the impact of winery visitors driving on rural roads after wine tastings or special events. Other audience members opposed to the recommendations believe private road maintenance agreements should be required.

Those supportive of the proposed amendments urge the Planning Commission to remove the requirement that boutique wineries operate as wholesale limited wineries for at least one year. They believe enforcement of such a recommendation will be financially devastating to many operators. Also of concern are restrictions regarding on-site food preparation, special events, and signage. Speakers point out that they are only requesting the ancillary uses associate with winery operations. Other speakers recommend that the Ordinance require winery operators to participate in the Licensee Education on Alcohol and Drugs (LEAD) training classes, as a reminder of the responsibilities and/or impacts associated with selling or serving alcoholic beverages.

With respect to signage, Staff informs the Planning Commission that signs in agricultural areas are only allowed for farm stands, but boutique wineries were added. With respect to food, sale and consumption of pre-packaged or catered food is allowed onsite, and Staff is communicating with DEH representatives regarding standards and definitions. Restaurants are not allowed, nor are preparation of food. Special events are permitted in two of the four winery classifications, and events for 500 or more people also require a Permit from the Sheriff's Department.

**POD 08-012, Agenda Item 1:**

Commissioner Norby voices concern that tasting rooms will be allowed on parcels less than five acres in size. With respect to food preparation, he recommends that it be restricted to operations of 20 acres or more, that boutique wineries be allowed on parcels at least five acres in size, and that operations less than five acres in size be allowed via administrative approval.

Commissioner Day commends Staff's efforts with respect to the proposed recommendations, but believes some of the language should be clarified, particularly where it addressed food preparation, and amplified sound. He is comfortable that issues pertaining to access via private roads can be resolved. Commissioner Day concurs with Commissioner Norby's belief that Staff's recommendations are a bit too restrictive, and voices his opposition to requiring the one-year waiting period. Commissioner Day would also not support including requiring operators to participate in LEAD classes.

Commissioner Brooks believes a formula can be developed to simplify the process of determining an operation's onsite growth. Staff concurs, and discusses the possibility of meeting with winery professionals to establish a standard calculation.

**Action:** Woods - Norby

Recommend that the Board of Supervisors:

1. Adopt the Findings provided by Staff, and adopt an Ordinance amendment the Zoning Ordinance to amend existing and introduce new winery packing and processing use types (POD 08-012);
2. Allow signage up to 32 square feet in size on roads with speed limits of 40 mph;
3. Allow boutique wineries allowed by right on parcels of at least four acres in size;
4. Allow on-site food preparation and special events with an approved Administrative Permit for wineries with a minimum 20 acres parcel size;
5. Clarify on-site food preparation as defined in state code is prohibited with the exception of the slicing of breads and cheeses and all applicable DEH permit requirement apply; and

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6. Direct Staff to staff to re-examine the liability and safety issue related to private roads and if possible to include a tool/mechanism in the ordinance to address private road concerns.

Directed staff to address any potential General Plan inconsistencies prior to bringing this item forward to the Board of Supervisors.

**Discussion of the Action:**

Commissioner Pallinger believes concerns regarding food preparation have been somewhat exaggerated, and Commissioner Riess agrees. He recommends that operators obtain the necessary Permits for food preparation, and that food sales amount to no more than 30% of the operator's sales or 30% of the receipts. Commissioner Day believes concerns regarding traffic impacts have been adequately addressed, and he does not support allowing boutique wineries by right on parcels less than four acres in size.

Chairman Beck does not believe he can make some of the Findings necessary to recommend adoption of the Ordinance, and is uncomfortable with leaving concerns regarding use of private roads unresolved. Chairman Beck also believes allowing some of the recommendations, such as those pertaining to allowing special events and food preparation without Permits on parcels greater than 20 acres in size, could greatly compound the impacts of the Ordinance. He also hopes his fellow Commissioners consider including recommendations regarding participation in the LEAD Program in the Ordinance.

Ayes: 5 - Brooks, Day, Norby, Pallinger, Woods  
Noes: 2 - Beck, Riess  
Abstain: 0 - None  
Absent: 0 - None

**Action:** Woods - Brooks

Recommend that Staff prepare a letter to the Board of Supervisors expressing the Planning Commission's interest in requiring winery operators to participate in the LEAD program.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 0 - None

POD 08-002, Agenda Item 2:2. Density Bonus Program, Zoning Ordinance Amendment, POD 08-002, Countywide

Proposed amendments to the San Diego County Zoning Ordinance to amend provisions related to the County density bonus program and an amendment to the Regional Land Use Element of the General Plan to amend Policy 3.6 related to density exceptions for projects that comply with density bonus programs, and to repeal Policy 3.8 related to density bonuses for mobilehome parks.

The majority of the proposed amendments will ensure that the County's provisions are consistent with State law, as well as specify program requirements. Staff also proposes continuation of a local density bonus program that encourages housing for low-income seniors. By including this local program in the Zoning Ordinance, Board Policy I-79 (Housing Affordable to Elderly Households) is no longer necessary and will be repealed. Existing Regional Land Use Element Policy 3.6 (Low and Moderate Income Elderly Housing) allows an approved density bonus for affordable senior housing to exceed the density assigned by the General Plan. This General Plan amendment renames the policy to "Density Exception for Affordable or Senior Housing" and applies to all components of the County's density bonus program.

It is proposed that the existing density bonus program for mobilehome parks be discontinued because the new County program includes mobilehome parks under the same eligibility requirements as other types of housing. As such, Board Policy I-102 (Guidelines for Meeting the Socio-Economic Benefit Provisions of the Regional Land Use Element Policy 3.8) and Regional Land Use Element Policy 3.8 (Mobilehome Park Development Density Bonus Program) are no longer needed. Both Policies will be repealed and amendments to the Zoning Ordinance will remove references to them.

Staff Presentation: Switzer

Proponents: 0; Opponents: 1

POD 08-002, Agenda Item 2:

Discussion:

Staff's recommendations clarify how density bonus is determined, and attempt to reduce land use impacts resulting from implementation of the Density Bonus program. The County currently has three density bonus options:

1. The Density Bonus program for low-cost housing or market-rate senior housing: Proposed program reflects state law and allows density bonuses by right if the development meets State criteria. Bonus increases can range from 5% to 35% of the proposed development.
2. The Senior Affordable Housing program: This program is not required by the State of California, but by Board of Supervisors Policy I-79, and currently allows up to a 150% density bonus. The proposed program reduces the bonus to a maximum of 50%, and still requires a Use Permit. Staff's recommendation will allow elimination of Policy I-79.
3. The Mobilehome Park program: This program is not required by the State of California, but allows a density bonus of up to eight dwelling units per acre. The revised State density bonus program, addressed in Option 1, applies to mobilehome parks as it does to other residential development so this program is not needed.

To track density bonus projects, Staff proposes issuing a density bonus permit. Bonus calculations are based on the number of units that would be realized after taking into account all applicable regulations. To ensure integrity of the program, developers are required to provide proof of actual savings for any requested incentives, and to designate those bonus units as affordable housing for 30 years. All environmental impacts must be assessed under CEQA, and if it is determined that the bonus units will result in significant and unmitigable impacts, it is possible approval of overriding considerations will be required (though overriding considerations usually have to do more with provisions being made for health and safety).

The Valle de Oro Community Planning Group chairman is greatly concerned about the State's mandates and how they could impact Community Plans and residents' quality of life. He insists that Use Permits must be provided to adequately review potential impacts, and that the decision must be appealable to the Board of Supervisors. The Planning Group chairman also recommends that development or expansion of mobilehome parks must also require Use Permits. Staff explains that deletion of the Use Permit requirements for a density bonus are mandated by the

POD 08-002, Agenda Item 2:

State. Although a density bonus must be by right, it will be linked to land development projects. Of course, those projects require Use Permits.

**Action:** Norby - Riess

Recommend that the Board of Supervisors:

1. Find that the general Plan amendment of Regional land Use Policy 3.6 and the proposed Zoning Ordinance amendment, with the exception of the County Affordable Senior Housing Program, are not subject to California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15060(c)(1);
2. Find that the County Affordable Senior Housing Program of the proposed Zoning Ordinance amendment, the repeal of Regional land Use Element Policy 3.8, and the repeal of Board Policies I-79 and I-102 are exempt from CEQA under CEQA Guidelines Section 15061(b)(3);
3. Adopt the Resolution approving General Plan Amendment (GPA) 09-003, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan;
4. Adopt the Form of Ordinance amending the Zoning Ordinance related to density bonuses as an incentive to provide affordable housing; and

Repeal Board Policies I-79 and I-102.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 0 - None

**TM 5482RPL<sup>3</sup>, Agenda Item 3:**

**3. Frances Knoll Tentative Map, (TM) 5482RPL<sup>3</sup>, Valle de Oro Community Plan Area**

**Proposed Tentative Map to allow subdivision of 3.90 acres into 5 residential lots. The project site, which is located along Hillsdale Road in the Valle de Oro Planning Area, would be served by sewer and imported water from the Otay Municipal Water District.**

**Staff Presentation:** Smith

**Proponents:** 1; **Opponents:** 0

This Item is approved on consent.

**Action:** Riess - Day:

Adopt the Resolution approving TM5482RPL<sup>3</sup>, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

**TM 5545, Agenda Item 4:****4. Pauma Estates, Tentative Map (TM) 5545, Pala-Pauma Community Plan Area**

Proposed subdivision of 22 acres into 16 residential lots and one open space lot. The project is located off Cole Grade Road at 32979 Temet Drive in the Pala-Pauma Community Plan Area. The site is within the Country Towns category. The majority of the site (approximately 15 acres) is designated (5) Residential, allowing 4.3 dwelling units per acre with RS-4 (Single Family Residential), and zoning specifying a minimum lot size of 10,000 square feet. The remaining seven acres are designated as (24) Impact Sensitive with A-70 (Limited Agricultural) zoning specifying a minimum lot size of 4-acres. The applicant plans on retaining the existing single-family residence with detached garage located on the steepest portion of the property in the southeast corner of the site. Access to the would be provided by Temet Drive, which would be improved to meet the County's public road standards. The project would be served by public sewer to be provided by Pauma Valley Community Services District (CSD). Potable water will be provided by Rancho Pauma Mutual Water Company. The majority of the site is relatively flat and would require minimal grading.

**Staff Presentation:** Hofreiter

**Proponents:** 7; **Opponents:** 0

**Discussion:**

Staff provides a brief overview of the project, and explains that the fire marshal has determined the improvements to on- and off-site roads will allow for adequate evacuation. In response to Chairman Beck's inquiry, Staff also explains that the biological open space lot will be revegetated and managed in perpetuity as habitat for the Arroyo toad. In addition, the applicant is required to monitor the revegetated area for five years, and provide those reports to Staff. Chairman Beck requests that the applicant also provide the reports to the regional monitoring program representatives.

**Action:** Day - Riess

1. Approve Tentative Map 5545 and impose the conditions and requirements set forth in the Resolution of Approval;

TM 5545, Agenda Item 4:

2. Adopt the Mitigated Negative Declaration dated November 12, 2009; and
3. Adopt the Statement of Reasons to permit the proposed use and extinguish access to mineral resources of statewide significance as required by Sections 2762 and 2763 of the California Surface Mining and Reclamation Act.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 0 - None

P79-134W<sup>2</sup>, Agenda Item 5:

5. Moody Creek Farms Commercial Equestrian Facility, Major Use Permit Modification, P79-134W<sup>2</sup>, Bonsall Community Plan Area

Proposed Major Use Permit Modification to allow expansion of the footprint of an existing public stable operation (equestrian facility), and to consolidate three previously approved Use Permits. The proposed expansion will allow inclusion of all of the existing structures associated with the operations of the equestrian facility under one footprint. The Modification would also simplify and clarify the administrative record for the facility by governing the entire equestrian facility under a single Use Permit. No construction or grading is proposed. The subject property is located at 31257 Via Maria Elena in the Bonsall Community Plan Area.

Staff Presentation: Griffith

Proponents: 4; Opponents: 0

This Item is approved on consent.

Grant Major Use Permit Modification P79-134W<sup>2</sup>, and make the Findings and imposes the requirements and Conditions as set forth in the Form of Decision.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

P09-017, Agenda Item 6:

6. Circle "R" Ranch Wireless Telecommunications Facility, Major Use Permit, P09-017, Valley Center Community Plan Area

Proposed Major Use Permit to allow construction and operation of an unmanned wireless telecommunication facility at 30330 Circle R Lane in the Valley Center Community Plan Area. The project consists of mounting 15 panel antennas and one microwave dish antenna to a proposed 45' tall faux broadleaf tree and associated equipment. The project is subject to the 1.3 Estate Development Area (EDA) General Plan Regional Category, the (17) Estate Residential General Plan Land Use Designation, and is zoned A70 (Limited Agricultural).

Staff Presentation: Lubich

Proponents: 0; Opponents: 0

This Item is approved on consent.

Action: Riess - Day

Grant Major Use Permit P09-017, and make the Findings and impose the requirements and Conditions as set forth in the Form of Decision.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 0 - None

TM 5236RPL<sup>5</sup>, S09-009, Agenda Item 7:

7. Pine Creek Ranch, Tentative Map (TM) 5236RPL<sup>5</sup> and Site Plan S09-009, Central Mountain Subregional Plan Area (Pine Valley)

Proposed Tentative Map and Site Plan to allow subdivision of 111.6 acres into four lots. Two of the proposed lots would be developed with single-family residences, one would retain an existing single-family residence and equestrian facility, and one lot would be granted to the Pine Valley Mutual Water Company (MWC) for use as a well site. The project would be served by onsite septic systems and imported water from the Pine Valley Mutual Water Company. The project site is located off of Pine Creek Road and Old Highway 80 in the Central Mountain Subregional Plan Area.

Staff Presentation: Slovick

Proponents: 1; Opponents: 0

The applicant has requested postponement of this hearing, due to scheduling conflicts.

Action: Day - Riess

Continue consideration of TM 5236RPL<sup>5</sup>/S09-009 to the meeting of May 14, 2010.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 0 - None

**TPM 20958, Agenda Item 8:****8. Theresa McKenna Appeal of the Director's Decision, Tentative Parcel Map (TPM) 20958, Jamul Dulzura Community Plan Area**

The Department has determined that the proposed project does not provide sufficient mitigation to satisfy the Modification Section of the Consolidated Fire Code (SEC. 96.1.APP.104.8.). The Director of Planning and Land Use issued a Final Notice of Disapproval of TPM 20958 on February 11, 2010 and the applicant has appealed that decision. Proposed is the subdivision of 16 acres into two parcels. The only access to the property exceeds the maximum dead-end road distance of 1,320 feet to the nearest public road pursuant to Section 96.1.503 of the County Fire Code. The distance to the property is 2,765 feet and 4,742 feet to the furthest proposed driveway opening. The project site is located at 13990 Jamacha Hills Road, east of the Steele Canyon Golf Course in the Jamul Dulzura Community Planning Group Area. The site is subject to the Estate Development Area (EDA) General Plan Regional Category, and has Land Use Designations of Estate (17) and Multiple Rural Use (18).

**Staff Presentation:** Sibbet, Grunow

**Proponents:** 10; **Opponents:** 0

**Discussion:**

Following an overview of the proposed project and the applicant's appeal, comments from the Jamul-Dulzura Community Planning Group chairman, and the applicant, Staff reiterates the reasons for denying this TPM: the property is located in a very high-fire severity area and development of the site would pose significant safety risks. Staff maintains that adequate ingress and egress is necessary and must be provided. Several meetings were held with the applicant in an effort to locate a viable access route but none was found, and there are no provisions for a waiver of the requirement for secondary access. In addition, the applicant's fire protection plan refers to a secondary access route that does not exist. Staff is sympathetic to the applicant's position, and acknowledges it was a mistake years ago to accept fire protection plans prepared by applicants.

The Jamul-Dulzura Community Planning Group supports the project, and the Group's chairman maintains that the project would provide a means to improve the road, which has design problems that are not likely to be corrected by the County or other developers. The Group chairman further explains that there are not enough

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TIF contributions to fund the necessary road improvements. He believes the applicant is providing reasonably proportionate improvements and, as other development occurs, additional improvements can be made by other property owners.

The applicant insists that 40 other projects have been approved in this area over the years, and only one property owner was required to provide road improvements. Staff clarifies that the proposed project is the only project that has been proposed since the 1999 adoption of current road standards, which require 24-foot wide road. The applicant insists that she was misled by Staff throughout the review process and has no more funds to provide the requested mitigation or improvements. She also informs the Planning Commission that the San Miguel fire district representatives identified her property as a staging area for two fire apparatus during fire emergencies. The applicant states she is required to provide a 100-foot limited building zone around her property, and is she is willing to clear brush along Alta Road as further mitigation. Staff clarifies that 100-foot clearing around structures is a standard requirement. Staff also clarifies that the chief of the fire district denied this project at one time and, if the project is sent back to Staff, the request for modification of the Consolidated Fire Code is going back to the fire chief. Staff also cautions the Planning Commissioners this proposed two-lot split is not suitable for consideration as a shelter-in-place area.

Commissioner Day supports granting this appeal. He believes the requested improvements pose a hardship on the applicant, and the proposed project will improve the health, safety and welfare of neighborhood residents.

**Action** Day - Woods

Grant the appeal. Staff is to conduct the necessary studies and return to the Planning Commission with the appropriate Form of Decision.

**Discussion of the Action:**

Staff reminds the Planning Commission that the applicant must still obtain approval of a Modification from the local fire authority, and a waiver of private road standards from the Department of Public Works. Findings must be made, including those pertaining to mitigation in lieu of compliance, though the applicant has proposed to defer all mitigation improvements. Staff is unwilling to support finding that all mitigation has been provided, and insists that provision of the improvements cannot be waived. Commissioner Day disagrees. He is of the opinion that the proposed

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project complies with the intent of the fire code because the proposal will enhance community health, life and fire safety. He points out that the applicant received a letter containing recommended mitigation measures from the local fire district. Commissioner Norby is unwilling to support granting this appeal if the applicant cannot meet the necessary requirements, and he is concerned that approval of the Motion will result in the applicant incurring additional expense. Commissioner Norby also makes it known that he will not support the applicant being treated unfairly, if it is determined that the applicant was misled.

Commissioner Brooks recommends that, if it is determined the applicant could have been informed at any given point in time the lot split was not feasible, all fees collected beyond that point in time are to be utilized to fund the requested mitigation. Commissioner Day concurs with Commissioner Brooks' recommendation and directs that it be included in the Motion, However, County Counsel reiterates that the necessary findings cannot be made. He explains that the application can be referred back to Staff for further processing. The applicant must still (1) obtain an approved Modification of the dead-end road distance requirements from the local fire authority; (2) obtain a waiver of the private road standards from the Department of Public Works representatives; and (3) complete the CEQA process.

Chairman Beck reminds those in attendance that the rationale behind the Consolidated Fire Code standards, the requirements for secondary access, and the high standards associated with alternative methodologies such as shelter-in-place are a result of the losses to life and property during the 2003 and 2007 wildfires. He is concerned that, if the Planning Commission creates a mechanism that will allow the applicant's project to proceed without meeting the requirements and providing the requested mitigation, a precedent will be set which will someday result in catastrophic losses again.

**Substitute Action:** Norby - Beck

Deny the appeal and uphold the Director's Decision. To the extent possible, the applicant's funds are to be refunded to her.

**Discussion of the Substitute Action:**

Chairman Beck announces he seconded the Motion for discussion purposes. Commissioner Day reiterates his support of Commissioner Brooks' recommendation. Staff clarifies that the vast majority of the applicant's expenses were incurred following Staff's letter to her in 2007 that withdrew the approval of the fire

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protection plan. If the applicant has insists on proceeding, there will be additional fees charged if she continues to process the application.

Ayes: 1 - Norby  
Noes: 5 - Beck, Brooks, Day, Riess, Woods  
Abstain: 0 - None  
Absent: 1 - Pallinger

**The Substitute Action fails.**

**Discussion:**

Commissioner Riess believes the Homeowners Association should be responsible for the road improvements. Staff explains that there is no Homeowners Association that will take responsibility. There is a PRD board comprised of homeowners, whose members were contacted and found to be unwilling to cooperate. Staff also informs the Planning Commission that the applicant intends to sell the property if the lot split is approved and defer improvements onto a future property owner.

**Action:** Day - Woods

Grant the appeal and remand the application back to Staff for continued processing. The Director is to investigate the possibility of refunding some of the applicant's fees.

Ayes: 4 - Brooks, Day, Riess, Woods  
Noes: 2 - Beck, Norby  
Abstain: 0 - None  
Absent: 1 - Pallinger

**Administrative:**

**H. Report on actions of Planning Commission's Subcommittees:**

No reports were provided.

**I. Results from Board of Supervisors' Hearing(s) (Gibson):**

No report was provided.

**J. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):**

Commissioner Day will represent the Planning Commission at the May 19, 2010 Board of Supervisors meeting.

**K. Discussion of correspondence received by Planning Commission:**

There was none.

**L. Scheduled Meetings:**

May 14, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 28, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 11, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 25, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 9, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 23, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 6, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 20, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 10, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 24, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 8, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

Administrative:

October 22, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 3, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 17, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at p.m. to 9:00 a.m. on , 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.