

FALLBROOK COMMUNITY PLANNING GROUP
And
DESIGN REVIEW BOARD

Regular Meeting

Monday 18 September, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook

Approved Minutes

Chairman Jim Russell called the meeting to order at 7:00PM.

Thirteen (13) members were present: Lee DeMeo, Eileen Delaney, Ron Miller, Jack Wood, Jim Russell, Jerry Kalman, Donna Gebhart, Roy Moosa, Jim Loge, Bill O'Connor, William Leach, Rich Billburg and Karel Hanson. Anne Burdick and Ike Perez were excused.

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion, & Non-voting item.

Jean Dooley introduced two exchange students visiting the United States, one each from Germany and Indonesia

2. Approval of the minutes for the meetings of 21 August 2017. Voting Item.

William O'Connor moved to approve the minutes, which were approved unanimously.

3. MUP17-013 Request for a Major Use Permit for a 14 guest Group Care Home on the 2.26 acres located at 3875 Peony Drive, APN 107-310-19. Owner Nancy & Thomas Rabuchin, 760-822-3800. Applicant and contact person Charles Heincy, 760-644-4833, charles@cchdesigngroup.com. County planner Denise Russell, 858-694-2019, Denise.russell@sdcounty.ca.gov. **Land Use Committee.** Community input. Voting item. (8/15)

Charles Heincy, project engineer for the applicant, recapped the scope of the project, describing the property as being a 6300-square-foot two-story home with five bedrooms, on 2.26 acres zoned SR2 with an A70 designator. The applicant wants a Major Use Permit that would allow increasing the patient count from six to a maximum of 16 patients. Those patients, in drug and alcohol rehab programs, would be on premises for 30 to 60. He said none of the patients are allowed to have cars on the premises, only staff members. Family are requested not to visit the premises during the patient's stay. Cited by Mr. Heincy was a parking arrangement consisting of four spaces within the attached garage and a proposed additional of five spaces behind the electronic gates for staff and service providers, which have been requested to use smaller vehicles (following an incident with an 18-wheeler food delivery rig) and the fact that staff are the only other persons allowed to have vehicles on premises, which, he said, represents two in the daytime and two at night. Staff consists of a maximum of four in the day shift and two at night. He also reported that there is no signage on the property. Further, the applicant is following required County procedures leading to permits to expand the septic system (2500-gallon tank and expanding leach and reserve lines to 1129 lineal feet). He said there will be no alteration of the drainage and that all work on

the septic, leach lines and reserve area will satisfy County regulations. Mr. Heincy indicated that the design of the home is in keeping with that of the surrounding community. He also said (and depicted with pictures) distances from neighboring homes, which will minimize visual problems, noise and smoke carry.

Land Use Committee Chair Jack Wood reported that members of the Committee conducted a site tour at 3875 Peony, viewing the property from the street and met with neighbors there. Several of the neighbors acquainted the Land Use Committee members with the various issues pertaining to the property's expansion from the current allowed six patients to the maximum allowed 16 through granting of a Major Use Permit. Mr. Wood said that the applicant invited the Committee to tour the facility but he said that because that was not in the purview of the Land Use Committee he declined.

During the regular meeting of the Land Use Committee at the Palomares House, Mr. Wood reminded that, "while we all know this is an emotional issue, the Committee and those attending are reminded that our evaluation must adhere to whether the proposed property conforms to Zoning Ordinance, Section 7358 of San Diego County." He cited at the Committee meeting the prior Tuesday and for the full Planning Group audiences Sept. 19 Section 7358 requirements and determinations regarding each provision that the location, size, design and operating characteristics of the proposed use *will be* compatible with adjacent uses, residents, buildings, or structures with consideration given to:

- a) Harmony in scale, bulk, coverage and density -- "*It does not*" (his statements in italics).
- b) Availability of public facilities, services and utilities – "*It does not. The closest public medical facilities and services are, at best 4.5 miles from Fallbrook, which does not have a hospital, or 12-16 miles to Temecula or Escondido.*"
- c) The harmful effect, if any, upon desirable neighborhood character – "*This a high-end estate residential neighborhood and this facility will have an imminent, harmful effect on the neighborhood.*"
- d) Generation of traffic and capacity and physical character of surrounding streets – "*This property is located on a private road and is maintained by residential road agreement. The roadway cannot accommodate large delivery trucks and the increased traffic. The offer by the applicant to trim shrubs near the property at the intersection of Citrus and Peony is wholly inadequate for the increased traffic and lines of sight.*"
- e) Suitability of the site for the type and intensity of use or development for which is proposed – "*Definitely is not suitable. This is a low occupant residential area with two to four residents per dwelling. Allowing 14 residents plus nine staff per shift far exceeds anything remotely close to this neighborhood.*"
 - a. Any other relevant impact of proposed use – "*We must consider safety as a relevant impact. This is not a lock down facility and residents are dependent on drugs and alcohol. They can and will be able to roam the neighborhood putting all at risk for unlawful activities. The unincorporated area called Fallbrook is 55 square miles with approximately 57,000 residents. Law enforcement is provided by San Diego Sheriff's Department. The Fallbrook station covers 109 square miles and has, at best, four deputies on duty to cover that area, which includes*"

Fallbrook, Bonsall, Rainbow and DeLuz. You can imagine the response time to an incident.”

He said that based on the six points of consideration that the Land Use Committee voted unanimously to deny the request for a Major Use Permit and he proposed a motion of denial for this application.

In opening the floor for community input, Chair Jim Russell asked participants to remove emotion from their statements, indicating that the Fallbrook Community Planning Group will make its decision based on logic and facts. He added that the facility as currently operated is allowed by the State of California (operation of this kind of facility with a maximum of six patients) and that to increase the patient load up to 16 does require (and is allowed by the state) to go before the County for a Major Use Permit, which is the reason the project as defined is on the Fallbrook Community Planning Group agenda for September.

Several residents of the area made a series of presentations, chaired by Steve Fox (bikerfox@sbcglobal.net), seven were formal presentations supported by PowerPoint and three were ad hoc. Mr. Fox stated that Orange County has 333 facilities such as this throughout that county (all within 20 miles of each other) and these result in numerous medical emergencies, some from overdoses.

Linda Renee Davis, a resident and owner of a rehab facility in Temecula on De Portola, contrasted the one near her in Fallbrook and the one in Temecula's Wine Country. She noted that the area in Temecula is compatible with this kind of use as it is a smoke-free facility, ADA compliant, on ten acres, on a busy street with good traffic access, has plenty of parking and no public vision from the street. The one in Fallbrook is not private or secluded, is not ADA compliant and there is smoke that drifts toward her property on Citrus. She said it is the wrong location for six patients and would be worse for 16 patients. Ms. David also said she is concerned about personal safety.

Julia deVries, a neighbor and licensed realtor, expressed concern for a reduction in property values because of this kind of facility. She was concerned that future buyers would not receive proper disclosures for the presence of a six patient facility, as currently exists. She estimated property value reductions of eight to 17 percent with adjacent homes suffering the most losses. She also noted that with a loss of property values there would also be a drop in property taxes and some residents might be forced to sell their homes at a loss.

Tina Andruss lives across the street from the current facility and cited parking problems and delivery issues, particularly along Peony Dr. She noted that sometimes there are deliveries made from vehicles parked on Peony and they reduce visibility along the roadway. She said that some deliveries are made at early morning hours and when vehicles back up to turn around or leave the premises there is a beeping noise. Another consequence of the delivery process is fumes from exhaust while they idle and noise associated with the deliveries, per se.

Miguel Gasca questioned the adequacy of the permits and water services available to the property. He said he is a neighbor and affiliated with the Rainbow Municipal Water District and cited drainage problems from the Peony problem downhill toward his. He also questioned the capacity of the area water supply to handle the increase in people on the property as well as the capability of the proposed septic system to handle the loads projected. He cited alleged code violations on the property pertaining to septic installations and work done before the granting of permits.

Enrique Mar reported on traffic build-up along the road system at and around the property, citing there are 13 impact points in the area where traffic problems can occur. Adding more traffic because of the increased patient and staff load will exacerbate the traffic safety issues in the area. He also forecast a slowdown in the response times for emergency vehicles coming into the area,

Merilee Breeding a resident on Vista del Pacifico, which feeds onto Citrus and Peony, commented on the inappropriateness of a commercial facility in an area that is largely residential and agricultural. She was concerned about the ability of patients coming and going in the area, jeopardizing personal safety of residents. She was concerned that most would be out of area residents with no personal regard for the local quality of the community there.

The three ad hoc presentations focused on the septic system and permitting process for that property: added traffic loads in the area and the impact on Wilt Road, in particular, with concern for what school buses might encounter with diminished road integrity; adverse effects if there is a fire or other emergency requiring evacuation; and the effects on nearby residents of second hand smoke. That last speaker questioned what other areas in San Diego County are experiencing with similar facilities, and what the outcomes are for rehabbed patients.

Mr. Heincy's responses included clarification for the septic installation process as it is being done to San Diego County code and the appropriate permitting process, and that the traffic increase will be minimal and not as extreme as stated by residents. He said that the 18-wheeler was a one-time incident and will not be repeated. He confirmed that the operators are treating the facility as a residence in keeping with the neighborhood and other than the permits for bathrooms, etc. being requested that the operator will keep the neighborhood character of the residence.

The Fallbrook Community Planning Group questions included: those pertaining to the size of staff because various numbers were given, to which Mr. Heincy said there will be six, four in the daytime and two at night; another input indicated the staff load would be eight during the day and three at night; whether or not the property is completely fenced or not (it is not); whether or not the property can be declared a no-smoking facility a la the one in Temecula; and how the Peony property became a rehab facility in the first place.

Land Use Committee Chair Jack Wood moved to deny the application for a Major Use Permit for all the reasons cited in his opening statement regarding non-compliance with Section 7358. The motion to deny was approved unanimously.

4. STP94-009W1 Request for a modification to an existing Site Plan on the property at 1205 South Main Avenue (APN 104-342-1400 and 1500) to remove the central gas canopy, mini market, carwash equipment room, and trash enclosure then add a new 1,170sf mini-market adjacent to car wash structure, new dual dumpster trash enclosure, new 88sf storage room, new 88sf public restroom and additional parking stalls totaling 8 (3 also serve as vacuum stations.) Owner Wisam Salem, 519-244-5726, wsalem@cwgcpa.com. Contact person Michael Carlola, 858-578-2950 x 2, mike@schussclarkbrandon.com. Continued at the 15 August and 19 December 2016 and the 21 August 2017 FCPG meetings. **Design Review Committee.** Community input. Voting item. (7/31)

Lee DeMeo recused himself from consideration of this project because of a personal connection with the applicant.

Jeff Brandon represented the applicant. Design Review Chair Eileen Delaney reported the committee had no problem with the additional square footage added to the project's signs; however, even with the applicant reducing the total square footage of the signage, it still exceeded the maximum allowed by nearly double. The Committee agreed to allow the monument signs to be 4 ft 8 inches in height, instead of the maximum of 4 ft. The Committee also agreed to allow the total square footage of all signage to exceed the maximum; however, the committee felt that in return for this the applicant should remove the non-conforming 16-foot pylon sign and replace it with another monument sign that the Committee would also agree to be allowed at 4 ft 8 inches in height. The applicant was also asked to remove the signage on a propane tank and to allow the shrubbery and other landscaping elements to grow to their potential. The applicant agreed to the changes. Ms. Delaney moved to approve the project as presented at the full Fallbrook Community Planning Group meeting. The proposal was approved by those present with Mr. DeMeo not voting.

The meeting was adjourned at 9:06PM.

Respectfully Submitted, Jerry Kalman, Secretary

NOTE: The Planning Group occasionally has openings on its **Land Use** (Jack Wood 760-731-3193), **Circulation** (Anne Burdick 760-728-7828), **Parks & Recreation** (Donna Gebhart 760-731-9441), **Public Facilities** (Roy Moosa 760-723-1181) and **Design Review** (Eileen Delaney 760-518-8888) Committees for non-elected citizens. Interested persons please contact the Chairman. This is a preliminary agenda. If any changes are made, a final agenda will be posted at the North County Fire District, 315 E. Ivy Street, Fallbrook, at least 72 hours prior to the meeting.

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