

FALLBROOK COMMUNITY PLANNING GROUP
And
DESIGN REVIEW BOARD

Regular Meeting

Monday 21 October 2019, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook

Approved Minutes

The October meeting of the Fallbrook Community Planning Group was called to order at 7:00 PM by Vice Chairman Jack Wood.

Ten (10) members were present: Vice-Chairs Jack Wood and Roy Moosa, Jerry Kalman, Lee DeMeo, Eileen Delaney, Steve Brown, Mark Mervich, Jim Loge, William O'Connor and Kim Murphy. Chairman Jim Russell, Karel Hanson and Victoria Stover 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.

Vice Chair Jim Wood reported that there is an opening on the Fallbrook Community Planning Group for a seat (#14) due to the resignation of Guy R. Howard. He said the vacancy notice has been posted and had an application for the appointment available for interested applicants. He also reported the latest news on Chairman Jim Russell's condition, stating he was still in the hospital in La Jolla and that the Chair had eye surgery last week.

2. Approval of the minutes for the meeting of 16 September 2019. Voting item.

Bill O'Connor moved to approve the minutes as presented and the motion carried unanimously.

3. Presentation by Supervisor Jim Desmond and County staff on Form-Based Code. The supervisor has heard many requests from the community regarding changes to the regulations of the downtown area, many of which can be achieved through a Form-Based Code update. The purpose is to solely present the idea to the group to see if this is something the community would like to pursue. Contact person, Marisol Edrozo, 619-531-5515, Marisol.Edrozo@sdcounty.ca.gov. Community input. Non-voting item.

District 5 Supervisor Jim Desmond started the presentation about Form-Based Code indicating it is a way for communities like Fallbrook (and before us Ramona and Alpine) to blend design guidelines with zoning. He said the initiative is an outgrowth of the Revitalization Committee effort he started earlier this year (two meetings have been held in Fallbrook) to bring County services to Fallbrook to get things done, especially anything outside the purview of the Planning Group. He said his office put in a request for money to look at Form-Based Code for Fallbrook. They set aside \$900,000 for this fiscal year's planning effort for Form-Based Code.

Eric Lardy, chief, advanced planning for the County and a specialist in Form-Based Code, described the concept. It is different he said from traditional zoning that looks at use and set-backs and individual parcels. Form-Based Code looks at the entire Village area and determines what kind of design guidelines the community wants, what kind of relationship between the streets, street amenities desired. Fallbrook already has specific zoning codes (VR). He said after 15 years it is time to revisit those to see what things are working and those that are not; and then what are opportunities and constraints within the zoning ordinance and design guidelines. The outcome would be scoping that out and designing it into the regulations for Fallbrook. An initial step would be to bring in a County consultant to work with the Planning Group and other community members in Fallbrook to look at the General Plan developed in 2011 and update it when/where needed. Mr. Lardy indicated the current zoning maps are available online.

Kim Murphy advocated expanding multi-use designations in the downtown area of Fallbrook to embrace some of these issues and make them work for the community.

Eileen Delaney said that going forward there would be an effort consisting of community workshops under the Supervisor's Revitalization Sub-Committees and have joint meetings with the Planning Group and other members of the community to come up with a plan. Once there is a plan, bring it back to the full Planning Group for changes and improvements.

Eric Lardy said that process has worked well in other communities.

Bill O'Connor commented about those instances where state-mandated decisions take some powers of the local Planning Groups to deal with issues. He also cited similar moves by SANDAG and other agencies to take away from what "we can do." He hoped the process outlined by Eric Lardy would give rural areas a little more certainty in dealing with these issues.

Eric Lardy said one of the intents of Form-Based Code is more certainty. He said that right now existing zoning codes are old zoning codes that were adopted in the 1970s. These Form-Based Codes have more certainty on what exactly can go on a parcel and some things are predefined. Form-Based Codes incorporate design guidelines and that zoning into one regulatory document. He said he wants the Planning Group and all community groups involved in every step along the way in developing the Form-Based Codes for this community.

Eileen Delany said Form-Based Codes are geared off what it is that the community wants. It simplifies the process.

Eric Lardy explained that Form-Based Codes would probably cover the downtown (Village) area but probably not the entire community planning area. There would still be a need for existing zoning regulations for other parts of the community that require use permits, etc.

Lee DeMeo asked if the intention is to create a more integrated set of design guidelines and zoning.

Eric Lardy said yes, that is the intent for Form-Based Codes to provide more regulatory backing to those design guidelines.

Lee DeMeo said that it appears that the bottom line is for Fallbrook to determine the Form-Based Codes for the community, and then that is what the community would apply as the downtown area is redeveloped.

Jack Wood noted that the General Plan update in 2011 was an arduous process. He wondered if the Form-Based Codes for Fallbrook would be included in the General Plan.

Eric Lardy said it would depend on what the community wants. Certain items he thought might require a General Plan update to implement. He noted that when Form-Based Codes were implemented in Ramona there was no General Plan update, and the codes were incorporated consistent with the General Plan.

Lila MacDonald said that it's important to realize what we want for Fallbrook because if it takes five years because we should start now to decide to be what we want to be when we grow up rather than wait for the County or some other community to tell us what we should look like.

Roy Moosa asked about what has changed in Ramona when they adopted Form-Based Codes.

Eric Lardy said Ramona adopted their plan in 2014 and the County made a couple of edits last year. He said that the County has seen some projects that have come forward since adopting Form-Based Codes and that the County will continue to make refinements to them.

Lee DeMeo asked who adopts the Form-Based Codes, Planning Groups or the Board of Supervisors.

Eric Lardy explained that community groups in Ramona made recommendations to the Board of Supervisors who then adopted Form-Based Codes for that community.

Lee DeMeo followed up and wanted to know how Fallbrook gets what Fallbrook wants in Form-Based Codes affecting this community.

Supervisor Desmond said that there needs to be some flexibility to the Form-Based Codes, so what may be called for in the code might be available close to the applicant's request.

Eric Lardy said the Form-Based Code is adopted as an amendment to the zoning code. He said they want to come to a place where the County and the community work together to create Form-Based Codes to recommend something to the Board.

Supervisor Desmond said the County wants champions in the community for this. He does not want someone in City Hall telling the community what to do.

Lee DeMeo and Eileen Delaney were concerned that after going through the process of developing Form-Based Codes for the community that they may not get enacted as recommended.

Supervisor Desmond responded that communities have got to have a vision for the future and how to adjust for change and plan. He said there has to be some flexibility, but it's best if requests for change come from the community.

Jack Wood said that the Planning Group is flexible and willing to work with the County to develop Form-Based Codes and present Fallbrook's desires.

Eric Lardy indicated the next step would be to schedule local meetings which are funded.

Eileen Delaney is set to schedule the meetings as part of the Revitalization effort.

4. Presentation by County Planner Koutoufidis, Nicholas, 858-495-5329, Nicholas.Koutoufidis@sdcounty.ca.gov on ZAP19-001 a minor use permit for the Fluence Fallbrook Energy Storage System (BESS) proposed address: 1405 East Mission Road, APN: 105-410-19-00 by AES would help SDG&E meet their energy storage mandate while also providing local area capacity for electrical system reliability and flexibility. AES and SDG&E have already entered into an agreement for SDG&E to purchase the system from AES once operational. As part of the California Public Utility Commission's (CPUC's) energy and environmental policies for the electricity sector, which mandate that SDG&E must procure and maintain a minimum amount of electric power capacity, Community input. Non-voting item. (9/21)

The project was approved by the FCPG on 18 Feb 2019 with the following recommendations (NOTE -- replies by Nicholas Koutoufidis and/or inquiries by the Planning Group and amended in bold type):

1. The County should, after reviewing the application and the considerations of the Fallbrook Community Planning Group and community considerations, determine whether or not the applicant should be requesting a Major Use Permit or Minor Use Permit;
AES/Fluence is approved for a Minor Use Permit because it is zoned Industrial.
2. The applicant and County should assess the impact of the facility on the Lavender Hill Charter School a short distance from the project site;

The two schools are half a mile from the battery storage units and after an offsite hazard analysis it was determined the maximum hazard zone is 30 feet from the batteries. That analysis is out for review and will eventually be online.

3. The approval by the Fallbrook Community Planning Group is for the project as presented and future decisions will be based on signage, landscaping and other design considerations;

Fluence/AES is working with the fire department and spacing of landscaping along one edge, only, to make sure the landscaping doesn't create a fire hazard but shields the site from the residences.

4. The Planning Group requires a reclamation plan for decayed batteries as they near the end of their useful life;

The permit is limited to 35 years and also has a hazardous materials plan for when the batteries are nearing the end of their life they will be required to remove or replace the battery or they will have to come back before the Planning Group for a modification to extend the time for the permit. DEH monitors the operation of the storage facility.

5. The Planning Group requests information pertaining to the traffic anticipated at the site over a month;

There is only going to be two trips a month for repairs and maintenance; however, during construction there will be more than that.

Dauren Kilish, in answer to a question asked by Bill O'Connor about technology changes affecting newer and better batteries, said the project is designed to accommodate additional batteries, so once one degrades there is empty space in the racks to take on newer devices. The older ones stay there and operate at a lower level.

6. The parties (Arnold Raskin, Fluence/AES and SDG&E) should work together to facilitate access to the adjacent parcel.

Arnold Raskin, owner of an adjacent parcel that is zoned industrial, inquired why the developers of the project have not talked to him after the February meeting. He said there is no accessibility to his parcel because of this project. He says he has no way to develop his parcel.

Dauren Kalish said there is an agreement with one of the other parties (parcel #44) for access and the signed agreement is in escrow.

Nicholas Koutoufidis said, from the County's standpoint, the applicants are not required to provide access to his parcel because this project has its own private

access and not doing a subdivision. If AES/Fluence was doing a subdivision they would have been required to put in a major road to the parcels.

Dauren Kalish indicated the only way to grant access would be through parcel 19, which is an environmentally sensitive area, which is not practical.

Arnold Raskin said that this prevents him from developing his 25 acre-parcel, which is zoned industrial by the County. He asserted, by using AES/Fluence to purchase and develop the parcel and then acquire the result, SDG&E is by-passing the zoning and ordinances to require public hearings on this project. He said he is not against the project, just how they are developing it and how SDG&E is handling it.

In response to Lee DeMeo's question why the developers cannot provide access, Dauren Kalish said that the project where the batteries, etc. are located is surrounded by a fence so they cannot provide any access through that area and the area that is open is through the oak trees (environmentally sensitive area). He said there is no easy solution to granting access.

Kelly Fitzgerald, a project manager from SDG&E, stated that the utility has gone through the CPUC and has received approvals from the Commission. She said the way it was handled is the build-out is then transferred by contract to SDG&E at completion. She said this is a competitive-bid situation, the first time it has been used by the utility. Also, they tried several times through emails to contact Mr. Raskin from the PR Manager. Through that office SDG&E has extended several invitations to Mr. Raskin to work out solutions.

Lee DeMeo, Bill O'Connor and Jack Wood encouraged the parties to continue to try to communicate with each other regarding accessibility.

5. Pursuant to Board Policy F-26: Utilization of Park Lands Dedication Ordinance Fees and a Sponsor Group to identify community recommendations for use of PLDO funds
The Department of Parks and Recreation (DPR) is seeking input from the Fallbrook community on the Park Lands Dedication Ordinance (PLDO) and Recreation Programming priorities for the Fallbrook Local Park Planning Area (LPPA). The Department of Parks and Recreation requests that the Fallbrook Community Planning Group recommend projects eligible for PLDO funding for 2019-2020. The most recent PLDO Priority Project List received from your group as of 9/17/18 is:
 1. Acquire park lands;
 2. Upgrade Live Oak Park with ADA exercise equipment;
 3. Additional bikeways and hiking pathways;
 4. Multi-use facilities including hiking/biking pathways and team sports courts, fields, etc. Additionally a list of recreational programming.

Fallbrook's current list is:

1. Soccer facilities;

2. Skateboard facilities;
3. Hiking/Biking pathways in the community;
4. Basketball and Volleyball courts.

County planner Marcus Lubich, Senior Park Project Manager, 858-966-1348, Marcus.Lubich@sdcountry.ca.gov. **Parks and Recreation Committee**. Community input. Voting item. (8/29)

Eileen Delaney reported Marcus Lubich is not able to attend this meeting. She noted that at the Parks and Recreation subcommittee the lists were discussed at a community workshop. The first part of the meeting entailed participating agencies and organizations getting acquainted. She said one project was discussed, a proposed pathway/trail along Stage Coach Rd., which is heavily used by kids to and from the high school. They might be able to get funding for the pathway from DPW, and it would be difficult to get funding for a trail from Parks and Recreation. She said the committee will re-agenda the project for next month.

Eileen Delaney moved to continue the project and the motion passed unanimously.

After the motion carried there was additional discussion regarding pathways and trails in the community:

Jack Wood noted that this is an ongoing situation in Fallbrook in that the community is always looking for different avenues for funding for parks, recreation, paths, etc. He said that the most difficult thing is that many roads were laid out as old grove roads and many do not have rights-of-pay and to get pathways and trails requires getting easements on private properties. He said it is an ongoing process and the Planning Group will continue to pursue remedies.

Bill O'Connor said the problem is funding, and hoped that at least one project could be done.

Eileen Delaney said the first step is to find out from DPW (instead of Parks and Recreation) if there is an easement along Stage Coach. If there is an easement there is a possibility of getting a pathway and at that point the community can then ask for budget money for that.

Jim Loge cited a letter that outlines priorities on the Trails and Pathways map of Fallbrook and the reasons (Stage Coach was listed as first from Mission to Mission because of the use of the roadway by cross country running kids from the high school).

6. Request for a B-designator waiver of a site plan for signage and remodel for The Kentucky Fried Chicken at 1077 South Mission Road, 104-390-11-00. The application for KFC has two parts: One is for signage with Tim Seaman, tim@championpermits.com, 619-993-8846, as the applicant; and the second is for the color scheme with

joe.honn@davacoinc.com, Joe.honn@[davacoinc.com](mailto:joe.honn@davacoinc.com), 630-441-0963, as the applicant. County planner Chloe Hird, Chloe.hird@sdcounty.ca.gov, 858-495-5201. **Design Review Committee.** Community input. Voting item. (9/3)

Joe Honn presented the project after making corrections requested by Design Review in September. Those changes included reducing sign sizes and making some signs generic, replacing others to remove KFC branding elements on them. The signs will consist of one set of KFC letters, one 6'x4' face of "The Colonel" logo and the monument sign at the property will only be refaced. The drive thru signs will be generic. The second element is that the color scheme would be gray and white with red awnings/shutters.

Eileen Delaney moved to approve the two elements of the project as presented and the motion was passed unanimously.

7. Request for approval of traffic calming bulb-outs on Main Ave. (phase 1). Project initiated by Supervisor Desmond's Revitalization Programs Infrastructure Subcommittee (presented last month for information only). Contact: Lila MacDonald. Fallbrook Chamber of Commerce. Community Input. 760.728.5845, lila.macdonald@fallbrookchamberofcommerce.org. **Circulation Committee.** Community input. Voting item. (9/16)

Lila MacDonald presented updated renderings showing the bulb-outs proposed for two intersections (Elder and Ivy) along Main Ave. She noted that the local Fire Department was asked for input to determine if bulb-outs might hinder a response call and she was told they would not. The Circulation Committee approved the project and encouraged Ms. MacDonald to take it to the County for approval.

Roy Moosa and Eileen Delaney recused themselves as they were members of Supervisor Desmond's revitalization committee that brought forth this recommendation. Roy Moosa also owns property on Main Ave.

Bill O'Connor moved to approve the project as presented and the motion passed unanimously.

8. AD19-024 Request for an administrative permit for an animal raising project to raise up to 15 alpacas on the 2.5 acres located at 1104 Arroyo Pacifica, APN 105-310-30. Also to hold classes for up to 3 hours on the alpacas one Saturday a month for up to eight children ages 5 to 14 with adults. Owner and point of contact Anita Caole, 760-212-2146, n2alpacas@gmail.com. County Planner Lauren Yzaguirre, 858-495-5362, lauren.yzaguirre@sdcounty.ca.gov. **Land Use Committee.** Community input. Voting item. (9/27)

Anita Caole presented her plans to reduce her large animal content to 15 alpacas on her property and use them for demonstration projects for 4H students on weekends and to continue to breed the animals for yarn, etc. The project site was the subject of a visit by the Land Use Committee in the week prior to her presentation before the

Planning Group. During her discussion with the Land Use Committee she expressed a willingness to reduce the “herd” to ten animals.

Several homeowners (some of their names could not be heard or recorded and are cited here in an approximate way, thus we apologize for misspelling those names), none of which knew of the Land Use Committee meeting in the area surrounding Ms. Caole’s property appeared and all cited problems at their properties associated with flies and odors from the alpacas’ dung. Most of them said that the number of animals was excessive and contributed to these offending problems. Others cited the unsightly presence of a large dumpster the applicant used to handle dung until picked up by trash collectors. Aside from the oft mentioned complaint about flies and odor here are some of the other neighbor and/or friend comments (pro and con):

Cheri Cornachione – no objection to the animals or 4H project, but flies and odor excessive

Lisa Wilson --- visited property Monday and experienced no flies or odor

Glenn Johnson – alpacas are noisy when they mate

Darlene Seale – can’t open windows because of smell and flies; applicant’s business affects others’ businesses in the area; can’t sell home because of flies and bugs, nor have BBQs; property values hurt

Neil Friedlander – wind drives odors and flies northeast toward his and others’ properties; dumpster with dung offensive; inappropriate to use 4H to justify operation

Michele Rocheleau – traffic in cul de sac is a nuisance

Kelly Thomas – Ms. Caole was helpful in curing her alpacas’ sick animals

Lisa Friedlander – why after two years in residence with alpacas is she applying now for 4H exemption

Karen Eddy – dumpster is unsightly

Mr. and Mrs. Jones – odor and flies (complaint via letter to Planning Group, in absentia)

Per the item above, some neighbors have filed repeated complaints with code enforcement and numerous letters in protest are on file with the County Planner.

Input from the Planning Group:

Eileen Delaney said she feels those in the area first have property rights in situations like this. The ag profile for A70 areas like this is a max of two large animals per acre (five for Ms. Caole) and that is what area can support; and that the plusses for a 4H project should be balanced against the needs of the property rights of neighbors.

Steve Brown agreed with Eileen Delaney.

Roy Moosa said that when on site tour he couldn’t see magnitude of problem voiced by neighbors. However, since that tour a letter was received from one of the neighbors and, based on the numerous complaints made at this meeting, he could not approve the applicant's request since it seems to negatively impact so many.

Bill O’Connor was concerned about the unsightly dumpster at the property and was interested in maintaining a focus on code compliance and the regulations.

Bill O'Connor moved to deny the applicants request to have a herd as large as 15 animals, stating she should comply with the ordinance allowing two large animals per acre (five total for the property). The motion was approved unanimously.

9. OCEAN BREEZE - PDS2016-TM-5615, PDS2016-MUP-16-012, PDS2016-MUP-16-013 a proposed development of the 1387.28 acres at 5820 West Lilac Road, Bonsall, CA for 396 residential lots and a privately owned and operated equestrian facility. Plus possible traffic calming at the Monserate Mobil Home Park. County planner Bronwyn Brown, (858) 495-5516, Bronwyn.Brown@sdcounty.ca.gov. Contact person Pete Fagrell, 760-533-7261, pfagrell@sbcglobal.net. **Circulation Committee.** Community input. Voting item (9/27)

Note: This item was moved up after item 5 for discussion.

Bronwyn Brown recapped planning elements for the Ocean Breeze project. Because all but two of the 1387 acres are in the jurisdiction of the Bonsall Sponsor Group, this report will only deal with issues pertaining to that two-acre portion of the project. The primary issue before the Fallbrook Community Planning Group was traffic circulation in and around the area, particularly with regard to issues along 395, CA 76 and Dulin Rd. She said the County is in a 45-day review period looking for input and recommendations regarding the project and from the Fallbrook Community Planning Group the traffic issues that pertain to the two-acre portion of the Ocean Breeze development.

Damon Davis provided highlights from the traffic study, citing the 20 different intersections and road segments affected by the project and that five (intersections involving Dulin Rd., 395, Lake Circle and CA 76) were in the Planning Group jurisdiction. He described the five intersections and said that there were no direct impacts to the road segments in the Planning Group's area. It was noted that there are 14 estate homes toward the eastern end of the Ocean Breezes area. They will also have daily egress/ingress totaling 12 AM and 14 PM trips through the area into and out of the Rancho Monserate Mobile Home Park. He said that all residents would have emergency egress granted by the Fire Department along the extension of Dulin Rd. out of the project through a pair of gates opened during an emergency.

Bronwyn Brown said the applicant has worked with the Rancho Monserate HOA to resolve concerns about the need for traffic calming through the mobile home park. There is concern that many of the residents are seniors and those in golf carts or strolling along Dulin Rd. might be affected and/or harmed during traffic incidents.

In answer to a question posed by Kim Murphy, Pete Magrell stated there is no developer at the moment. The project is being proposed by the owner of the property and after filing they will sell to a developer.

Jack Wood reminded all that the primary concern for the Planning Group pertains to traffic. He stated that it is the intent of the Palling Group to go on record and have calming devices on Dulin Rd. inside the mobile home park to protect residents there.

He also noted that at the eastern edge of the San Luis Rey River Park there will be a park and recreational area accessed from Dulin Rd. and through the mobile home park. He wanted that addressed in the presentation and the traffic study. He said the 14 estate lots would generate 168 trips per day through the mobile home park each day, and that's 168 more cars going through there than now. Add to that all the additional traffic when the park gets developed and it is going to become quite busy.

Bronwyn Brown said they have alerted Parks and Recreation and DPW of the Planning Group's concern for safety. She noted that Dulin Rd. is a public road and there is no regulatory mechanism to stand on.

Pete Fagrell stated there is no way to know which way the 14 estate lot residents will go for their 168 trips. They could use other access/egress points in the area.

Roy Moosa reported that the Circulation Committee met and discussed the traffic issues, citing in particular the concern for the 390 homes from going through the mobile home park. Though the 14 estate homes would generate 100+ trips per day and that is still more than the mobile home park experiences now. Currently, he said the residents tend to cross the street wherever they want to and the concern to retrain them is a major issue. He wants to avoid a problem rather than address it when someone gets hit. He wanted some sort of a commitment on the part of the project to install some form of a calming device and the committee wasn't specific as to what kind it should be, but rather left that to Ocean Breeze and the complex.

Pete Fagrell said they did meet with Rancho Monserate and did commit to installing some form of traffic calming device. He said there are a number of different traffic calming devices that can be installed. There are today raised cross-walks, he said, and those could work in the mobile home park and they offered to the HOA to install those in one location.

Roy Moosa made a motion to approve as presented with a recommendation to install traffic calming devices in the Rancho Monserate Mobile Home Park and the motion passed unanimously.

10. Request for a B-designator waiver of a site plan for signage for The Union Bank at 1678 Mission Road. Contact person, Karl Henning, khenning@matthewssign.com. County planner Regan Watt, regan.watt@sdcountyca.gov. **Design Review Committee**. Community input. Voting item. (9/28)

Karl Henning presented plans for Union Bank to refresh the façade and signage of the building. The sign frames will remain the same. They will be refaced with updated colors and logos.

Eileen Delaney moved to approve the project as presented and the motion was approved unanimously.

The meeting was adjourned at 9:47PM.

Respectfully Submitted, Jerry Kalman, Secretary