

FALLBROOK COMMUNITY PLANNING GROUP
And
DESIGN REVIEW BOARD

Regular Meeting

Monday 15 June 2020, 7:00 PM, ONLINE: www.zoom.us. See log-in information below

Approved Minutes

Chairman Jack Wood called the meeting to order at 7:00 PM.

Twelve (12) members were present: Chairman Jack Wood, Vice-chairs Eileen Delaney and Roy Moosa, Jerry Kalman, Lee DeMeo, Mark Mervich, Stephani Baxter, Michele McCaffery, Steve Brown, Jim Loge, William O'Connor and Kim Murphy. Victoria Stover and Karel Hanson were excused.

NOTES:

In keeping with San Diego County Board of Supervisors Guidelines, the Fallbrook Community Planning Group conducted the June committee and full Planning Group meetings using the online meeting site: Zoom.

Due to the passing of Chairman Jim Russell, seat # 2 is open on the Fallbrook Community Planning Group. Interested individuals should contact the chair (see below) to receive an application.

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 and Non-voting item.**
 - A. **Joan Schooley inquired about the status of the request by Fallbrook Public Utility District for the latent powers ruling with LAFCO; and Lee DeMeo's wife, Jennifer, who is on the FPUD board reported that the application has been submitted to LAFCO.**
 - B. **Chair Jack Wood announced that the date for filing for the odd numbered seats on the Planning Group begins July 13 and ends August 7. There will be some filing rules changed for the coming elections, and once those changes are published he will present them to the Planning Group.**
 - C. **Chair Jack Wood indicated he has been in touch with Live Oak School/the Elementary School District about a resumption of meetings there and while no decision has been rendered yet because of uncertainty over the course of the Corona Virus the earliest possible date is for the August 17 meeting. The school district is anxious for the Planning Group to continue to use their facilities and will let him know when the school re-opens.**
 - D. **Vice Chair Delaney reported that Supervisor Desmond's Re-vite Committee is working with the County Planning and Development Staff on a variety of issues, and the staff is helping streamline many processes for applicants that help local businesses apply for permits during the pandemic.**

2. Approval of the minutes for the meeting of 18 May 2020. **Voting Item.**

Bill O'Connor moved to approve the minutes and the motion passed with Kim Murphy abstaining.

3. Community update on the proposed Special Events Ordinance. This proposal is in the final stages of receiving community input by the County's Traffic Engineering Department. Highlights of the new ordinance are as follows:
- Submittal Deadlines: 30 day submittal deadline for events that can self-certify there will be no environmental impacts via the environmental questionnaire.
 - Signed Plans: previously approved plans can continue to be used (grandfather clause) without requiring a new stamp from an engineer.
 - Event Promotion: the County will not impose any limitation of event promotion timing.
 - Trained Staff: the County will not require that each event staff require traffic control training; just one supervisory member of the event team.
 - Costs: The County will present the analysis of staff costs to the Board of Supervisors for final decision on fees and funding for applicant

Additional details on the wording of the ordinance, the environmental report and FAQ are available at a special website hosted by the County:

DPWSpecialEvent.Permit@sdcountry.ca.gov. County Planner Kenton Jones, Kenton.jones@sdcountry.ca.gov, 858-694-3843. **Community input. Voting item. (5/21)**

County Planners Murali Pasamurthi and Kenton Jones discussed the status of the ordinance.

Mr. Pasamurthi noted that work on the ordinance, which was created in the early 1980's, has been in process for the past 1.5 years. Through a series of County meetings, the staff will be presenting a draft to the Board of Supervisors for approval with community input. He said that the objective has been to balance the rules with community interests. Over the years the emergence of for-profit organizations starting to take over the roads such as for bike events and 5/10Ks have affected local communities with traffic problems, etc. The County has sought to modify the ordinance to assure a good balance between community interests and the onset of special events. The recent draft of the ordinance represents community input since meetings have been held to review the new version of that ordinance. He noted that many organizations, like those hosting the Avocado Festival, will not have to resubmit a traffic control plan because of their prior successes in that area. He also noted that the agency permitting process has been streamlined. He said Fire Department input and approval is critical and so is that of the police agency providing traffic control. He said it is also important for applicants to demonstrate they have proper insurance indemnifying the County in case of a mishap. Other permits are the burden of the applicant. There are many areas where applicants are also asked to self-certify, especially in areas where there are no CEQA impacts. Re fees, there are costs at the County to process and issue permits. He said the Board policy requires them to be cost neutral. In November 2020, the staff has to report to the Board and share with them what it costs taxpayers to process permits and then seek from the Board any remaining

options on ways to handle these costs. He listed a few of those options, one of which is that non-profits have their fees waived and for-profits pay the fees.

Kenton Jones indicated that on the subject of who runs traffic control for events the ordinance will ask for a licensed traffic control contractor if it can be done. If not, then it is possible to use a local volunteer such as a retired sheriff's deputy who would be at least the one person with that kind of knowledge on the traffic control team. There is a personal certification process for that person.

Jack Wood added that there is a substantial Volunteer Sheriff's group in Fallbrook, and one of the members is a retired military officer who is excellent in logistics and who puts together detailed plans for traffic control. In addition there is always an active duty sworn officer assigned to each project. Further, the Fallbrook team is online with the sheriff's comm center.

Roy Moosa said the biggest issue is the fees non-profits have to pay for services, fees that might be beyond their budgets, which could cause them to cancel their events. He said there appears to be no distinction between non-profit and for-profit organizations. Most non-profits hold events to benefit the community and a lot of the rules and regulations in the ordinance are going to prohibit these events for occurring or reduce that number drastically. He advocated use of various community representatives who are willing to go through the ordinance with the County line-by-line so when it is presented to the community it will be more acceptable to those communities; that means, he said, that the people who this affects the most should be involved in drafting the final ordinance.

Eileen Delaney, in response to the Moosa-suggestions, said there have been several meetings by involved community people with the County staff on the ordinance and progress on the revised ordinance has come a long way. She acknowledged that the cost factor has to be presented to the Board of Supervisors to treat non-profits differently than for-profit applicants. She advocated that if a motion is made that the Board find a way to cover non-profit organizations' costs through other funding means.

Mr. Pasamurthi agreed with Ms. Delaney's suggestion.

Lee DeMeo recalled from an earlier presentation that if the original draft of the ordinance costs' were enacted only one or two of the non-profits of the one hundred or so here would survive. He suggested a limit on the costs for the non-profits.

Mr. Pasamurthi said the presentation to the Board is what it is costing the taxpayer today in terms of what it costs to process permits. Then it is up to the Board of Supervisors to give direction to the staff on how to recover those costs. He said that for the past 15 years it has been no cost to the applicant. He indicated the Board may well ask the County to continue the same process. He suggested the Planning Group make a motion and put it in the minutes and he will then present that recommendation to the Board of Supervisors. He said that other Planning and Sponsor groups have the same comments.

Kim Murphy asked about exemptions, and inquired if a wedding at a private home would be exempt.

Kenton Jones said unplanned social events like that are exempt.

Roy Moosa agreed with the motion but indicated that the proposed process has complicated the entire CEP filing process; and that it used to be a one-stop process with one person dealing with the other County functions on behalf of the applicant. With the revised ordinance there are several people to deal with. These are hidden costs, he said, with additional labor for the non-profit organization to put on an event, labor done by volunteers who are not getting paid. That would require volunteers to put in even more time.

Kim Murphy asked why the process is focused on both non-profits and for-profits. If originally intended to apply to the for-profits, why was the non-profit sector included?

Murali Pasamurthi replied that there was a law-suit in the city of San Diego regarding CEQA. Because of that every agency in the region has to look at where the propensity there is for similar situations. He noted there were over 188 events in the County last year, which meant there were 188 loopholes that could have exposed taxpayers. He said this is more than an issue pertaining to for-profits and non-profits but also to ensure there is a clear, definable CEQA permit. The intent is to keep the taxpayer from being exposed to frivolous lawsuits, and also comply with CEQA.

Kim Murphy asked about the County's response to timelines for submission. How quick is the turn-around?

Mr. Pasamurthi cited as an example that Ms. Delaney and Lila MacDonald (Fallbrook Chamber of Commerce CEO) worked together last week and offered to deliver a traffic control plan, which could have cost \$6000. It was submitted at no cost to the applicant and the County has delivered back to Ms. MacDonald a response with a few questions she needs to answer. She will have a permit before the end of the week. He said that there is a burden on the applicant to submit a complete application. The expectation that the County is going to hold hands and walk someone through it all is not possible.

Eileen Delaney moved to approve the Special Events Ordinance with the request DPW pass along to the Board of Supervisors that this should continue to be free of charge to non-profit organizations and that the Board of Supervisors find a way to get funding from different sources. Further, fees applied to for-profits should be applied on a different cost scale. She advocated individual members send letters to Supervisor Desmond as well as other supervisors of their perspectives on costs associated with the fees. The motion by Ms. Delaney was approved unanimously.

Jack Wood asked for clarification about receiving notice when the ordinance is to be presented to the Board of Supervisors for Planning Group comment and Mr. Pasamurthi assured him the planning and sponsor groups would have that opportunity.

4. Presentation by the San Diego County staff on Senate Bill 743. Upon receipt of the proposed measure, Chair Jack Wood asked the County for additional input on how it affects Fallbrook. The County replied: “This bill will impact how projects are studied under The California Environmental Quality Act (CEQA). It will only impact projects that have a discretionary action, such as a site plan or subdivision. Existing buildings/residents are not impacted, neither will be projects with just a building permit. The bill requires a change away from the traditional analysis to use Vehicle Miles Traveled (VMT). While bike paths and trails are desirable for safety and other reasons, they do nothing to decrease our auto traffic for shopping, etc. The VMT is generally higher in the Unincorporated County and trails, bike paths, etc. may not be able to mitigate to 15% below. Projects will have to study where they are proposed, the VMT in the area, and conduct analysis.”

Mr. Wood then asked: “For many Fallbrook residents, the main shopping (other than groceries) is in Temecula, Escondido, San Marcos or Vista. How does that effect VMT calculations in Fallbrook?”

The response was: “The County generally used the SANDAG Model, which does account for where commercial shopping is completed in the region as well as commute patterns. The County has worked with a consultant to also add commuting coming from Temecula into the calculations. This is part of the reason why VMT in the unincorporated County is higher than within the Cities and region as a whole.” Responses and presentation/discussion is with County Planner Eric Lardy, eric.lardy@sdcounty.ca.gov, 858-495-5334. **Community input. Voting item. (5/20)**

County Planner Eric Lardy and Jacob Armstrong presented an update on the status of compliance with SB743, in the process explaining the differences between the former measure of vehicular activity (Level of Service) and the new Vehicle Miles Traveled (VMT) analysis. He noted that the new approach goes into effect July 1, 2020. He said that the change requires compliance with CEQA requirements. It was noted that the new measure only applies to studying discretionary projects that require a site plan or subdivision map.

At the June 26 meeting of the Board of Supervisors, the proposal on how to measure vehicular traffic will be presented. The intent on the part of the state legislature is reduction in greenhouse gas emissions, encourage infill development and support transportation networks for all users. The traffic study change is only for CEQA projects, he reiterated, and there are many projects VMT will not pertain to (ministerial projects, fences, etc.) and those will not be affected. If a project is already exempt from CEQA, it wouldn't have to be considered, nor would a project with less than 110 daily trips. There were other project types he mentioned that were also not covered by SB743, particularly those in VMT-efficient areas.

He said the recommendation for VMT analysis are projects with 15 percent below the regional VMT would not have a significant impact. And those projects would not be exposed to mitigation requirements under CEQA, but if a project was at or above average VMT they would need to study impact and either mitigate or conduct an EIR.

The County staff has prepared a series of maps for studying the regional impact of SB743 requirements and where there are VMT efficient areas within the unincorporated portions of the County. There are three options he presented for Fallbrook (A, B and C), each with different designated VMT efficient areas, as well as lower levels of VMT because they are more rural and further from the central business district where most shopping and/or jobs are located. The main focus of the presentation was on options B and C because they pertained more to unincorporated areas with an emphasis on applicability to Fallbrook. He stressed the recommendation by County staff is a scenario that focuses on the unincorporated areas.

Several analytical tools were presented that described how the staff reached several conclusions, which brought about the requirement to move away from Level of Service toward VMT. He said VMT reduction efforts are difficult in the unincorporated portions of the county because of the lower density, greater distances to shopping, etc. The staff set the stage and described a baseline in Phase One and will return to the Board later in the year with what he called Phase Two that will look in detail in how the staff will develop programs and fee structures to help projects mitigate impacts. Among the studies are analysis of impact on transportation analysis fees. Another part of the analysis will be on effects of the VMT on the General Plan and the mobility element.

In further discussion on the three options for Fallbrook, it was determined that Option B was most applicable to this community. (Note to Planning Group members: The three mapped options were included in the monthly packets.)

Chair Jack Wood noted that the original package for local analysis was 224 pages. He noted that SB743 is a way for the state to force communities to focus development on higher density areas. He questioned how it affects areas like Fallbrook's General Plan because it emphasizes two-acre zoning and the subsequent limited prospect for future development in the rural areas.

Eric Lardy didn't think it would have significant impact on the semi-rural areas. And it certainly would not apply to someone building a home on one of those lots or a smaller subdivision in these areas. He said the biggest kind of impact would be on medium-sized projects (about 20 units), and they would probably have some challenges in mitigation and/or creation of an EIR.

Eileen Delaney thought Option B would be best for this area. She asked how the shift to VMT would affect road maintenance and refurbishment.

Mr. Lardy said the same process as currently used would apply because that's related to the condition of the road.

She asked about projects in the pipeline now, particularly those without permits. Would they be subject to the new or older requirements on July 1?

He responded that it depended on where the project application is, where their CEQA document is. If they've already filed an EIR, they could continue with Level of Service.

She followed up with how VMT is calculated and how it would change traffic studies.

Jacob Armstrong responded that the VMT is based on origin/destination of trips using census data. There are also traffic analysis zones in the models. As far as traffic studies, there will be some changes in analysis, one using the CEQA analysis and the other using local mobility. An applicant will then be scrutinized using both techniques. Some projects might use one or the other screening process and some both. The scoping letter will determine which approach will be used for the applicant.

Kim Murphy noted many in the yellow zones are less mobile than what the map suggests.

Lee DeMeo explained residents in that area have to drive greater distances when on the move. He then added the law is made for a problem that doesn't exist and is more trouble than it's worth. He added that when we do see a 20-unit project, the developer will have to mitigate traffic issues, pay fees to do that, rather than put in a higher density property.

Mr. Lardy said that the yellow zones are higher average distance for trips. He also said that it will potentially add costs to a medium sized project with either higher fees or adding to the density of the project. If not able to mitigate, the only option is an EIR. He said smaller projects might have more of a problem with this in higher VMT areas. He said the guidelines implemented following the shift will make the process better for developers.

Steve Brown asked if the data is based on theoretical or actual data.

Mr. Lardy replied it is based on existing residences and current year, not on future projections. It is based on models with some level of estimation but a lot of actual data.

Roy Moosa asked about the specific effect if building in Fallbrook today or ten years ago.

Eric Lardy replied that it depends on where in the area the building project would occur. If in the denser VMT efficient village, it would have minimal CEQA study effect but in lighter dense areas it might have more of a challenge and cost to develop it. The additional cost would be based on study results, which could also require an EIR and/or the mitigation for road services.

Mr. Moosa thought that this could reduce the amount of housing in a state that is trying to encourage housing because of the additional cost to build that house.

Mr. Lardy agreed that in the case of Fallbrook it was probably going to increase the cost. There are other parts of the state where it will make it easier.

Lee DeMeo asked if meeting the CEQA requirements might mean deviations from the General Plan to increase density.

Eric Lardy said General Plans are still subject to current requirements, but it is too be determined.

Eileen Delaney asked about the staff's preference to Option B and if it is based on ease to process and less costly versus Option C?

Eric Lardy replied that that was not the case and that the staff looked at other options versus where Fallbrook's village and other western communities are. Option B seemed to fit growth plans while Option C was more appropriate for remote villages in the eastern county. He didn't see those communities having huge development pressures.

Lee DeMeo asked: which option makes less change for what we'll see over the years in Fallbrook?

Mr. Lardy replied all three options will be different for Fallbrook. Option A will be most different. Option B would probably be better, though all would be challenging.

Bill O'Connor asked if the area along I-15 (Horse Creek Ranch) is an area where the county is looking for increased development.

Jack Wood replied those are already on the books and permitted. There is no further development envisioned for that area.

Eric Lardy said he thought all projects in Horse Creek Ranch had certified EIRs. If they started to change things, then they might have to refile another VMT under SB743.

Eileen Delaney moved to accept Option B and the motion was approved unanimously.

5. Discussion of the proposed park on East Fallbrook Street, between Golden and Morro rds. The Department of Parks and Recreation (DPR) recently acquired that 6.8-acre site to provide new active recreation opportunities for residents of all ages, interests and abilities. DPR staff will be reaching out to the Fallbrook community this summer through a series of Facebook Live events and online surveys to learn about recreation hopes and desires for the new park. Community preferences will guide the development of park concept plans to review with residents in late summer 2020. **Parks and Recreation Committee. Community input. Voting item. (5/22)**

Stephanie Kopplin and Nina Pisano reported on results from the community meeting May 27 about development preferences for the 6.8 acre site along East Fallbrook St. that was acquired in March for more than \$1 million from Zebu Construction. The community survey generated 476 responses, 438 from Fallbrook residences. Among the requests for active recreation amenities were: a skate "element" (park), multi-use pads, picnic areas, playground equipment, nature play areas and multi-purpose fields, in order of preference. There were also requests for a splash pad and pump track. Concerns were

for safety and noise, lighting, security, etc. There was also concern about safe pedestrian access along Fallbrook St. Ms. Koppelin indicated the next steps are to conclude the synthesizing of feedback (which includes input from this meeting) and develop a draft concept design in early summer of this year. Another public meeting to review the preliminary plans is envisioned for mid-summer of this year, followed by a late summer presentation of more concept designs. It was thought that environmental review and construction documents would be ready to put the project out for bid in late spring of 2021. Construction would follow into the winter of 2021. She indicated there is still a lot of room for community input.

Jim Loge reported that there was not a quorum for the Parks and Recreation Committee meeting in June but those that were in attendance added additional preferences for the park, itself, as well as listed some concerns. One concern was about where the money to develop and maintain the park would come from, as well as where road improvements in the area would also come from (from park development funds or somewhere else). They also expressed that the order of projects for the park were in line with the committee's expectation. He said there is some question as to how the park profile would be broken up. He also wanted to know about fencing, especially along Fallbrook St. And there is the need to hear more about parking and access from the surrounding streets.

Ms. Koppelin said there is \$2 million available for design and environmental review and \$600K for the skate park. That would represent \$2.6 million for the project.

Nina Pisano said that typically the budget is for the park itself, however it will include some funds for road access, curb cuts, circulation of parking, etc. Sometimes Parks and Recreation will fund traffic calming, but it will depend on what the traffic study reveals. That will depend on how cooperation occurs with DPW.

Ms. Koppelin indicated the exact layout of the park is still TBD, including the placement of buffers between amenities and the community.

Jack Wood indicated the parcel was originally approved for a small housing development. In the process, Golden Rd. needed to be altered, and that requirement might still be considered to correct a line-of-site issue. He also said that residences in the area are outspoken about location of the skate park away from neighbors.

Ms. Koppelin said she heard the same. She also indicated access would either be from Fallbrook St, or Morro Rd., or a combination of the two. The traffic study will provide more input. As for the skate park, that is still TBD. She also said it will be closed at night.

Roy Moosa asked about the skate park and availability of CSA 81 funds for the park.

Ms. Koppelin responded that the \$600,000 was set aside, but it was unclear.

Stephani Baxter explained how the funding buckets will work and wanted to be sure that there was appropriate visibility for each, including the use of CSA 81 funds, etc.

Ms. Koppelin said they would try to prepare a full budget statement at the next meeting of the committee. She indicated there was the \$1.2 million for land acquisition and that was spent. The other funds will be commented upon and listed before the next community meeting.

Joan Schooley, a neighbor, said she has been a residence of the area for 20 years and she likes the rural nature of her area. Ms. Schooley wants to be sure the park fits with that aspect of the community in light of all the activity projected for the park. She wanted it to be of benefit to the senior community.

Another neighbor wanted there to be more consideration of the overlap with the park amenities near the Senior Center. She also expressed concern over the skate park and associated safety issues.

Stephanie Koppelin responded that she will add as an objective natural habitats in the site to help make sure the park serves all elements in the community. Re the skate park, she said the park is part of the safety reasons for having those elements within the park.

Jack Wood noted that if the housing development was originally approved, it would have added 17 homes to the area, which wouldn't have been as nature-friendly as the park is.

Bill O'Connor commented that the skate park is not necessarily appropriate for that location.

Jim Loge moved to continue the project to another meeting when more details about the project are available. The motion was approved unanimously.

6. Presentation of qualifications for seat #2 on the Fallbrook Community Planning Group by Jeniene Domercq. **Voting item. (5/25)**

Following Ms. Domercq's presentation Vice Chair Delaney moved to approve the application to fill set #2 by the applicant and it was approved unanimously.

The meeting was adjourned at: 9:09 PM

Respectfully Submitted, Jerry Kalman, Secretary