

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Regular Meeting – December 17, 2010**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:07 a.m., recessed at 10:08 a.m., reconvened at 10:24 a.m. and adjourned at 2:44 p.m.

**A. ROLL CALL**

**Commissioners Present:** Brooks, Day, Norby, Pallinger, Riess, Woods

**Commissioners Absent:** Beck

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

**Staff Present:** Citrano, Gibson, Griffith, Grunow, Muto, Ramaiya, Real, Rowan, Sibbet, Slovick, Wright, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of November 19, 2010**

**Action:** Woods - Riess

Approve the Minutes of November 19, 2010.

Ayes: 6 - Brooks, Day, Norby, Pallinger, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 1 - Beck

**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.

Charlene Ayers voices concern that today's hearing on Item 5, PAA 09-007, was not properly noticed. On August 6, 2010, the Planning Commission postponed making a decision on this PAA to await action by the Board of Supervisors on the draft General Plan Update. Mrs. Ayers believes the applicant's November 19, 2010 request that the Planning Commission docket PAA 09-007 for consideration should have resulted in the Planning Commission first scheduling a date to reconsider their August 6, 2010 action. County Counsel has determined that today's hearing meets Brown Act noticing requirements (72 hours prior to meetings/hearings), and Commissioner Day verifies through Staff that notices were posted and distributed at least 10 days prior to today's hearing.

**Administrative:**

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

**E. Requests for Continuance:** None

**F. Formation of Consent Calendar:** Items 1 (TM 5565/P10-017), 2 TM 5502/AD 10/042, 3 (P84-007W<sup>2</sup>) and 4 (TM 5410RA)

**G. Director's Report:**

None.

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TM 5565 and P10-017, Agenda Item 1:

1. Cielo Village Condo Conversion Tentative Map TM 5565 and Major Use Permit P10-017; San Dieguito Community Plan Area

Proposed Tentative Map (TM 5565) condominium conversion and Major Use Permit (P10-017). The project would allow subdivision of a 21.46-acre existing commercial/office complex (Cielo Plaza) into six lots. Five of the parcels will be further subdivided into commercial air-space condominium units. The remaining parcel will encompass all existing open space and common areas including parking areas and utility easements. No physical changes or alterations to the site or existing buildings are proposed as a part of the Tentative Map and Major Use Permit. Cielo Plaza was developed pursuant to Site Plan S01-062 (approved on June 21, 2005 by the Director of Planning and Land Use) as required by the Specific Plan for Rancho Cielo. The site is subject to the Estate Development Area (EDA) General Plan Regional Category and the (17) Estate Residential Land Use Designation. Zoning for the site is General Commercial C36; 29. The project site is located at the intersection of Calle Ambiente and Del Dios Highway in the San Dieguito Community Plan Area.

Staff Presentation: Wright

Proponents: 1; Opponents: 0

This request is approved on consent.

Action: Riess - Woods

1. Adopt the Environmental Findings;
2. Adopt the Resolution approving Tentative Map 5565; and
3. Grant Major Use Permit P10-017, and impose the requirements and conditions set forth in the Major Use Permit Form of Decision.

Ayes: 6 - Brooks, Day, Norby, Pallinger, Riess, Woods  
 Noes: 0 - None  
 Abstain: 0 - None  
 Absent: 1 - Beck

TM 5502 and AD 10-042, Agenda Item 2:

2. Baldwin Tentative Map TM 5502 and Administrative Permit AD 10-042. Fallbrook Community Plan Area

Requested Tentative Map (TM 5502) and Administrative Permit (AD 10-042), which will allow subdivision of 31.9 acres into 14 residential lots ranging from 1.01 acres to 7.22 acres in size. The project site is located 300 feet west of De Luz Road in the Fallbrook Community Plan Area. The applicant proposes lot area averaging pursuant to Section 4230 of the Zoning Ordinance. Approximately 12 acres is proposed to be preserved in permanent open space. The project site is subject to the (17) Estate Residential Land Use Designation, and is zoned A70 Limited Agricultural Use Regulations.

Staff Presentation: Slovick

Proponents: 3; Opponents: 0

This request is approved on consent.

Action: Riess - Woods

Adopt the environmental findings;

Grant Administrative Permit AD 10-042 and impose the requirements and conditions set forth in the Administrative Permit Form of Decision; and

Adopt the Resolution approving Tentative Map 5502RPL<sup>2</sup>, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego regularions.

Ayes:	6 -	Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Beck

P84-007W<sup>2</sup>, Agenda Item 3:

3. Camp Stevens Campground and Conference Center Major Use Permit Modification P84-007W<sup>2</sup>, Julian Community Plan Area

Proposed Modification of an existing to the Major Use Permit for an existing campground and conference center. Proposed is the construction of updated structures for older and/or fire-lost structures; alterations to previously approved, but not yet constructed buildings; and one additional building. The project includes a minor revision to the boundary of the development bubble to include all fire fuel management zones within the development bubble. The swap would result in a zero net change to the development bubble. The site is subject to the Rural Development Area (RDA) General Plan Regional Category and the (18) Multiple Rural Use Land Use Designation. Zoning for the site is A70 (Limited Agricultural). The project site is located at 1108 Banner Road in the Julian Community Plan Area.

Staff Presentation: Griffith

Proponents: 2; Opponents: 0

This request is approved on consent.

Action: Riess - Woods

1. Adopt the environmental findings; and
2. Grant Major Use Permit Modification P84-007W<sup>2</sup>, and make the findings and impose the requirements and conditions as set forth in the Form of Decision.

Ayes:	6 -	Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Beck

TM 5410RA, Agenda Item 4:

4. Marquart Tentative Map Resolution Amendment TM 5410RA, Bonsall Community Plan Area

Proposed Tentative Map Resolution Amendment (TM 5410RA), which will allow revision of several Tentative Map Conditions of Approval. The Planning Commission approved this nine-lot residential subdivision on a 44.2-acre site on September 21, 2007. The site is located at 8724 West Lilac Road, just east of Interstate 15 in the Bonsall Community Planning Area. The proposed Resolution Amendments will minimize the road improvement requirements along the project's frontage on West Lilac Road, to switch the requirement for a Public Road District (PRD) to a Road Maintenance Agreement; delete references to detention basins since none are proposed; and revise the timing of the grading plan requirement from prior to Final Map to prior to building permit because the lots will be individually sold.

Staff Presentation: Sibbet

Proponents: 1; Opponents: 0

This request is approved on consent.

Action: Riess - Woods

Adopt the Preliminary Notice of the Decision approving an amendment to Tentative Map 5410.

Ayes:	6 -	Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Beck

**PAA 09-007, Agenda Item 5:**

5. **Accretive Plan Amendment Authorization (PAA) 09-007, Valley Center Community Plan Area** (continued from March 5, June 12, and March 5, 2010).

Requested Plan Amendment Authorization (PAA 09-007), pursuant to Board of Supervisors Policy I-63, to allow the filing of a General Plan Amendment application for development of a master planned community within the Valley Center Community Plan Area. The proposed development would consist of a maximum of 1,746 dwelling units, a school, a neighborhood-serving commercial village center with retail uses, and an active park. The PAA includes a change in the General Plan Land Use Designation from (17) Estate Residential to (21) Specific Plan Area, with an overall density of 4.3 dwelling units per gross acre, a change in the regional category from 1.3 Estate Development Area (EDA) to 1.1 Current Urban Development Area (CUDA), an amendment to the Circulation Element to include Road 3A and an amendment to the Valley Center Community Plan to include a description of the proposed Specific Plan Area. The request for a PAA was previously denied by the Director of DPLU because the proposal would not be consistent with the existing General Plan or the proposed General Plan Update.

**Staff Presentation:** Slovick

**Proponents:** 52; **Opponents:** 40

The audience is informed that today's hearing will be focused on unresolved issues raised by the Planning Commissioners during their August 6, 2010 hearing: water, wastewater, and impacts on traffic and schools. Staff provides a brief history of the project, and an analysis of the letter recently submitted by the applicant in response to those issues. Staff finds the letter to be very general in nature, with no qualitative analysis of demand projections, capacity or the infrastructure necessary to serve the project. Staff remains of the opinion that the project is not consistent with the existing or proposed General Plan, the Land Use Element and the Valley Center Community Plan. Staff reminds the Planning Commissioners that the applicant will be required to treat and reuse all onsite wastewater, construct a potable water and recycled water distribution system, as well as a recycled water treatment plant and provide for wet weather storage, but has provided no cost and/or feasibility analysis.

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With respect to impacts to existing schools, the applicant has informed Valley Center/Pauma Valley Unified School District representatives that he will provide a K-8 school onsite if acceptable to the School District but at this time, the School District representatives neither support nor oppose the requested PAA. School District representatives have indicated that they are not eligible for State of California school construction funds due to the existence of a vacant elementary school in the District. Thus, funding for the school proposed by the applicant would be required via either a general obligation bond, a Mellow-Roos community facilities bond, or additional developer fees.

Staff has determined that information submitted by the applicant pertaining to traffic impacts is inaccurate because it relies on assumptions that are not consistent with the Planning Commission's General Plan recommendations for Valley Center. The applicant's information assumes densities in the Valley Center villages that are lower than the densities recommended by the Planning Commission, and identifies Road 3A and a portion of Road 3 as four-lane major roads. Staff believes Highway 395, Lilac Road and Interstate 15 will be heavily impacted by the proposed development, and the applicant's information indicates that portions of Road 3, and segments of Old Highway 395 and Interstate 15 would approach LOS "F". In summary, Staff disagrees with the applicant's claim that the proposed development will improve traffic circulation in the community; Staff has determined that levels of service near the project site would actually worsen.

Staff also believes approval of this project will result in the development of an isolated area of urban development in this community, which would be inconsistent with the existing and future General Plan, the Valley Center Community Plan and other County policies and planning principles. Staff points out that the project site is currently surrounded by two-acre zoning, whereas the applicant proposes more than four dwelling units per acre.

The chairman of the Valley Center Community Planning Group urges the Planning Commission to deny this PAA, and the Group supports Staff's determination that the information recently submitted by the applicant is questionable. The Planning Group is greatly concerned about the proposed densities, traffic circulation, impacts on the character of this rural community, and the potential threat of Emminent Domain. Other project opponents concur with the Planning Group, and also voice considerable concern about the proposed Road 3A. They suggest that the applicant investigate alternate project designs to eliminate destruction of existing homes, properties, businesses and



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habitat. Project opponents point out that the proposed development lacks secondary access and adequate road infrastructure, and will negatively impact property values. They also believe the project will result in increased fire hazards, and they urge the Planning Commission to direct the applicant to realign the proposed roads, reduce the number of proposed units, and address impacts that detract from the character of the community.

The applicant's representative disagrees with Staff's assessments of the information recently provided, and reminds the Commission that the applicant is merely requesting the opportunity to continue the application process and provide the reports and studies that will determine the feasibility of the project. Approval of the PAA will allow preparation of more comprehensive and detailed analysis of potential project impacts and benefits. The applicant has committed to ensuring that the project will not require any increase in water usage than is currently used today. In addition, the applicant will shoulder responsibility for ensuring sewer service for the development. He is committed to providing recycled water infrastructure for the development and surrounding properties, preserving 200 to 300 acres of agricultural land, and ensuring that recycled water is available for use throughout the development and within the district. He also assures the Planning Commission that there will be no need for imported water. The applicant will fund construction of a new school and will work with school district representatives to provide the necessary transportation between offsite schools and the project site.

Other project supporters urge approval of the applicant's request and elimination of the County's PAA process. The Planning Commission is reminded that the emergency evacuation plan has identified four new traffic circulation bottlenecks, that AB 32 may make villages unnecessary, and that traffic reports confirm road failures throughout San Diego County. They believe the proposed development will create jobs, additional property taxes and vastly improve the community's failing road system.

Commissioner Norby agrees with Staff's determination that the PAA is not consistent with the existing or future General Plan. He is convinced that the proposed road system cannot be constructed without the use of Eminent Domain to obtain land. Commissioner Norby notes that the project as designed will be very heavily automobile-oriented, but the likelihood of Highway 395 being constructed within the next 25-50 years is not very high. Commissioner Norby will not support approval of the PAA. Commissioner Riess agrees with Staff's assessment of the information recently provided by the applicant regarding water

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and wastewater, as well as impacts to traffic and local schools. He does not believe the project as proposed is feasible, and is not confident that the proposed road improvements will ultimately alleviate traffic circulation.

Commissioners Woods and Day remain convinced that the applicant must redesign the proposed project to reduce density and eliminate impacts to private properties and the existing cactus farm. Commissioner Woods reminds the applicant that the issues discussed today must be firmly resolved, as does project access and egress, emergency evacuation, and so many other important issues must meet the requirements of CEQA. Commissioner Day advises the applicant to eliminate Road 3A. He states he could not support the project as it is currently proposed, but reiterates that the applicant is merely requesting permission to continue the application process. The applicant is well aware of the risks involved in proceeding.

Commissioner Day clarifies that the intent of his August 6, 2010 Motion was not to defer action on the applicant's request indefinitely. He had hoped the Board of Supervisors would have made preliminary decisions on the draft General Plan by late November-early December, but it is now apparent deliberations and discussions will require many, many months. Commissioner Day expresses his lack of support for PAAs, as he has in the past, and again advises Staff that the policy should be eliminated. He assures those in attendance that the Board of Supervisors has never exercised Eminent Domain for a private development. My concern was the GPU and it's apparent that it will take many, many months for the BoS to get through it. It's the applicant's burden to bear. He's well aware of what his chances are. Commissioner Pallinger concurs with Commissioners Woods and Day.

**Action:** Day - Pallinger

Approve the request to initiate Plan Amendment Authorization (PAA) 09-007.

**Discussion of the Action:**

Commissioner Riess voices doubt that the project could ever be developed, and great reservations about the applicant's or any other property owner's ability to fund construction of Road 3A. Commissioner Pallinger is in agreement with Commissioner Riess, but believes the applicant should be allowed to continue with the application process if he so chooses. He believes the project will provide great economic benefit to the County if it is ever approved.

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Chairman Brooks informs those in attendance that the Board of Supervisors was urged, many years ago, to consider a GPU to address the need for a town center or clustered development that would not impact agricultural uses, residences or private property near this location many years ago. He is reassured by the applicant's confirmation that any project proposal will not impact the cactus farm, but cautions that he is not implying approval of the project in any way.

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

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**Administrative:**

**G. Report on actions of Planning Commission’s Subcommittees:**

No reports were provided.

**H. Results from Board of Supervisor Hearing(s):**

At their December 8, 2010 meeting, the Board of Supervisors considered and approved the Peppertree Park project (TM 4713RPL<sup>6</sup>R, approved by the Planning Commission on December 18, 2009), during which the applicant withdrew his request to postpone improvements to the existing bridge. The Board of Supervisors also completed the public testimony portion of their hearings on the draft General Plan, and will commence with discussions and deliberations on February 9, 2011.

**I. Upcoming Board of Supervisors Agenda Items and Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):**

Commissioner Pallinger will represent the Planning Commission at the January 12, 2011 Board of Supervisors meeting.

**J. Discussion of correspondence received by the Planning Commission:**

None.

**K. Scheduled Meetings:**

January 7, 2011	Meeting Cancelled
January 21, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 4, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 25, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 11, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 25, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 15, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 29, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room

May 20, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 3, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 24, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 8, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 22, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 12, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 26, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 9, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 23, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 7, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 21, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 4, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 18, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 2, 2011	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 16, 2011	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 2:44 p.m. to 9:00 a.m. on January 21, 2011 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.