



Office of County Counsel
MEMORANDUM

Date: November 9, 2005
To: Board of Supervisors
From: Alan L. Seltzer, Chief Assistant County Counsel
Re: Facilitation Meeting For Appeal On "Preserve At San Marcos" Project

On September 21, 2005, a facilitation meeting was held in the above referenced appeal. The meeting participants included appellant San Marcos Foothill Coalition (SMFC), represented by Mark Holmgren, Mark De La Garza and Mark Chytilo; appellant Small Wilderness Area Preserve (SWAP) represented by Maria Gordon, Linda Krop and Alicia Roessler; and the applicant, Bermant Development Corp., represented by Jeff Bermant, Laurel Perez Kenneth Bley. June Pujo and Peter Imhof, from P&D, and Mary Ann Slutzky, Senior Deputy County Counsel, also attended.

On September 21, the parties agreed that discussions would be held confidential and that any report to your Board would be approved by all parties to the appeal. After a thorough discussion, the parties agreed that Board hearing of this appeal should be set for November 15, 2005, and, after additional private discussions between the parties, a second facilitation meeting would occur.

On November 3, 2005, the facilitation meeting participants reconvened (Mr. De La Garza did not attend, Brian Trautwein attended). The parties focused on alternative project configurations that would preserve the "Terrace," and contiguous open space in that area. A number of concepts were discussed that would allow the applicant to develop the "Meadow" portion of the project while modification of the "Terrace" portion of the map and development plan could be pursued. Due to the complexities of these concepts, no consensus recommendation to resolve these appeals was achieved, and the parties acknowledged that exhaustion of the appellate process and Board action on the project is necessary. However, the parties agreed that conditions allowing for phased development would be helpful, and the parties supported staff's proposed modifications to Condition 1 and 90 as reflected on pages 28 and 29 of the staff report.