



# Agenda

## MEETING OF THE PLANNING COMMISSION

**MONDAY, May 4, 2015, 6:30 PM**  
Regular Planning Commission Meeting

**City Council Chambers**  
**1 Civic Center Drive**  
**San Marcos, CA 92069**

**Cell Phones:** As a courtesy to others, please silence your cell phone or pager during the meeting and engage in conversations outside the Council Chambers.

**Americans with Disabilities Act:** If you need special assistance to participate in this meeting, please contact the City Clerk at (760) 744-1050, ext. 3145. Notification 48 hours in advance will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Assisted listening devices are available for the hearing impaired. Please see the Secretary if you wish to use this device.

**Public Comment:** Please complete a "Request to Speak" form located at the entrance of the Council Chambers in order to address the Planning Commission on any agenda item. Comments are limited to three minutes, unless you have registered your organization with the City Clerk. If you wish to speak on an item not on the agenda, you may do so under "Oral Communications." Any member of the public may address the Commission on items on the Consent Calendar. Please complete a "Request to Speak" form as noted above and indicate which item number you wish to address.

**Meeting Schedule:** Regular Planning Commission meetings are generally held on the first Monday of each month at 6:30 pm in the Council Chambers. The Agenda's are posted on the City website at: [www.san-marcos.net](http://www.san-marcos.net).

**Agendas:** Agenda packets are available for public inspection 72 hours prior to scheduled meetings at the Counter / Development Services Department located on the first floor of City Hall, 1 Civic Center Drive, San Marcos, during normal business hours. Any agenda-related writings or documents provided to a majority of the Planning Commission after distribution of the agenda packet are available for public inspection at the same time at the Counter / Development Services Department located on the first floor of City Hall, 1 Civic Center Drive, San Marcos, during normal business hours.

**Oral and Written Communications:** Persons wishing to speak on a matter not on the agenda may be heard at this time; however, no action will be taken until placed on a future agenda. Speakers are limited to three minutes. Please complete a "Request to Speak" form and place in basket provided.

### **AGENDA**

**CALL TO ORDER – 6:30 PM**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

### **ORAL COMMUNICATIONS**

Speakers are limited to three minutes. Please complete a "Request to Speak" form and place in basket provided.

---

**CONSENT CALENDAR**

**1. APPROVAL OF MINUTES – March 16, 2015**

**PUBLIC HEARINGS**

**2. Case No: P14-0055: CUP 14-017**

**Application of:** Dan Settle, dba: Angel Paws Pet Aftercare

**Request:** Conditional Use Permit to allow the operation of an existing pet cremation facility within an industrial park in the Industrial/Business Park (I/BP) Transitional Zone.

**Location of Property:** 120 N. Pacific Street, Suite C-4, more particularly described as: Unit C-4 and Undivided Interest per Doc. 98-746760 of Lot 3 of Block 103, Rancho Los Vallecitos de San Marcos. Assessor's Parcel No.: 219-116-03-15.

**Staff Recommendation:** Conditional approval

**Planning Commission Action:** \_\_\_\_\_

**PLANNING DIRECTOR COMMENTS**

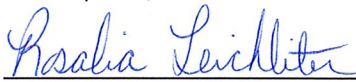
**PLANNING COMMISSIONERS COMMENTS**

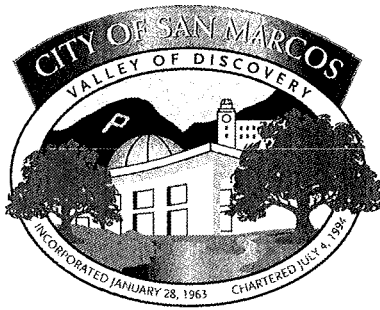
**ADJOURNMENT**

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO   ) ss.  
CITY OF SAN MARCOS     )

I, Rosalia Leichter, Office Specialist III of the Planning Commission of the City of San Marcos, hereby certify that I caused the posting of this agenda in the glass display case at the north entrance of City Hall on April 23, 2015, prior to 5:30 p.m.

Date: April 23, 2015

  
\_\_\_\_\_  
Rosalia Leichter, Office Specialist III



# MINUTES

## Special Meeting of the Planning Commission

**MONDAY, March 16, 2015**

City Council Chambers

1 Civic Center Drive, San Marcos, CA 92069

### CALL TO ORDER

At 6:31 p.m. Planning Division Director Backoff called the meeting to order.

### PLEDGE OF ALLEGIANCE

Commissioner Kildoo led the Pledge of Allegiance to the Flag.

### SEATING OF NEW COMMISSIONERS

Backoff: Introduced the new/re-appointed commissioners selected by City Council last December and asked them to be seated at dais: Eric Flodine, Carl Maas & Rod Jones. Indicated that the re-appointed Commissioner's were all regular members and are again regular members for a two-year term. Bill Jacoby was an alternate and was re-appointed as alternate for a two-year term.

### ELECTION OF CHAIRPERSON

Commissioner Flodine, (2014 Chair): Nominations opened for Chairperson.

Commissioner Pennock: Nominated Eric Flodine. Commissioner Norris seconded the Nomination. No other Nominations were made. *NEW 2015 CHAIR: Eric Flodine.*

### ELECTION OF VICE-CHAIRPERSON

Chairman Flodine: Nominations opened for Vice-Chairperson.

Commissioner Maas: Nominated Steve Kildoo. Commissioner Jacoby: Nominated Rod Jones.

ELECTRONIC VOTE: Commissioner Kildoo: AYES - 5, NOES - 2. *NEW 2015 VICE-CHAIR: Steve Kildoo.*

### ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JACOBY, JONES, KILDOO, MAAS, NORRIS, PENNOCK

ALTERNATE COMMISSIONERS IN AUDIENCE: None

ABSENT: MINNERY, SCHAIBLE

Also present were: Planning Division Director, Jerry Backoff; Associate Planner, Norm Pedersen; Principal Civil Engineer, Peter Kuey; Deputy City Attorney, Avneet Sidhu; Office Specialist III, Lisa Kiss

AGENDA ITEM

#



### **ORAL AND WRITTEN COMMUNICATIONS**

None.

### **CONSENT CALENDAR**

1. APPROVAL OF MINUTES, 12/15/14

#### **Action:**

COMMISSIONER KILDOO MOVED TO APPROVE CONSENT CALENDAR AS PRESENTED; SECONDED BY COMMISSIONER NORRIS AND CARRIED BY A UNANIMOUS VOTE.

### **PUBLIC HEARINGS**

2. **Case No:** P14-0027: SP 14-004, TSM 14-005, ND 15-001

**Application of:** The Orlando Company

**Request:** A request for review of a Specific Plan (SP) and Tentative Subdivision Map (TSM) to allow for a 19-lot single-family subdivision on a 4.90-acre property in the Specific Plan Area (SPA) Zone. The project also includes adoption of a Mitigated Negative Declaration (the environmental review document).

**Location of Property:** West side of N. Twin Oaks Valley Road, between Windy Way and Legacy Drive, more particularly described as: Lot 5, Block 49 of Map 806, Rancho Los Vallecitos de San Marcos. Assessor's Parcel No.: 218-110-05.

#### **Staff Presentation (Norm Pedersen):**

Described request and location. PowerPoint presentation shown. Lots sizes range from 6,105 s.f. to 11,880 s.f. Includes private street, constructed to public design standards, with access to N. Twin Oaks Valley (TOV) Rd. Site was previously developed with a single-family home which was demolished in 2012. Aerial photo & site plan shown. Property is zoned Specific Plan Area (SPA). General Plan (GP) designation is SPA, Very Low Density (2.1 to 4.0 du/ac). Project proposes 3.9 dwelling units per acre. Discussed surrounding uses. Proposing 19 lots with landscaping along property frontage, and bio retention basins for water quality purposes. GP requires approval of a SP including a landscape buffer along southern boundary next to Light Industrial uses. SP establishes development criteria. Two architecture types: Craftsman and Old World, with varied floor & roof plans and architectural enhancements. Estimated to generate 190 ADT's. From N. TOV Road, it's right-in and right-out only. Discussed BMPs. Basins will be landscaped including street trees along N. TOV Rd. Discussed Biological Resources. Property is mapped as Valley and Foothill Grassland, with 4.12 acres of non-native grassland (NNG) on site. Considered sensitive as it provides potential foraging habitat for raptors. Project is conditioned to mitigate for impacts to NNG. Thread-leaved brodiaea is considered threatened and there's potential for the plant to occur on site, but can only be detected during flowering season. Mature trees on site may provide potential nesting for songbirds & raptors. Additional surveys will be required prior to disturbance of site. Discussed Cultural Survey. All ground-disturbing work will be required to be monitored by an archaeologist and Native American observer. Noise study indicated traffic from N. TOV Rd. may impact exterior noise levels of Lots 1 & 19. Sound walls will be required to be installed on eastern property line of those lots to reduce noise levels to 60 dB. No noise impacts by light Industrial park. Discussed placement of HVAC units. Public workshop was conducted 12/10/14 and attended by four neighbors. Main issue of concern was access. Vehicles going north must make a U-



turn at Legacy Drive. Discussed comments received from neighbors. 1). Glare from street light. One street light at end of street will be shielded downward. 2). Project will block views. It's zoned SFR and City does not have a private view preservation ordinance. 3). 20' high retaining wall/slope at SW corner will be too high. There's already an existing grade difference of 17'. Grading will be balanced by moving soil from northern half to southern half, so grade will be raised about 3 feet within SW area. City's Grading Ordinance allows for retaining walls & slopes up to 20' in height. 4). Street "A" Gradient should be lowered. 5.5% grade is within allowance of Urban Street Design Criteria. 5). View from future 2-story into adjacent 1-story. Builder has option of building all 1 or 2-story or combination thereof. It's unknown which lots will have what floor plans and that would be reviewed during grading plan process. Project will add trees within rear yards of Lots 9-11. 6). Landscape buffer on west. Per GP, landscape buffer is only required on southern boundary, however, they'll install trees along western property line on each residential lot. 7). Removal of mature trees. 10 mature trees and 5 palms will be replaced by 94 trees. Pointed out changes in Resolutions as noted in handouts to Commission. Staff Memo 3/16/15: Correction needed for SP, showed lot size below minimum. Staff Memo 3/12/15: Change to 36-inch box trees. Staff recommends approval to City Council of SP, TSM and adoption of MND 15-001 with revisions as noted.

Angela Yon, Orlando Co., Applicant: PowerPoint presentation shown. Indicated most information was covered by staff. Property has been in the owner's family for over 50 years. They've taken pride in finding a subdivision that works for the community. They first approached City with a storage facility, then a much higher density development. They worked with staff to find what would work best for the area. Landscape concept plan shown. Average lot size is 8,055 s.f. They anticipate 2-story homes, ranging from 2,500-3,500 s.f., but that will be determined at a later date.

Kildoo: Asked the time frame?

Yon: Goal is to move quickly. Indicated they have interested parties.

Flodine: Inquired if the trees shown in rear yards are home builder installed?

Yon: Yes.

Jacoby: Asked if 3-car garage is needed for the larger homes?

Yon: Possibly.

Backoff: SP can be a variation.

Jacoby: Commented that he has some concerns about drainage. Asked if Chesapeake Court homes drain toward site?

Yon: There are brow ditches that collect runoff and direct to storm water systems, both existing and proposed.



### **OPEN PUBLIC HEARING**

Kelly Crews, Resident: (Picture shown on overhead - pointed out her house). Should have a reasonable expectation to have a view. Doesn't think it's fair that a 2-story can be built behind her on a built-up pad. They have a brow ditch behind their property line and a landscape buffer. Would love to keep the current trees plus ask them to provide a buffer and additional trees. Understands they have a right to develop.

Flodine: Asked where picture was taken from?

Crews: In the center of their rear yard. Would like a buffer and not to lose her view. They're building up the pads, not taking them down. Indicated she's also concerned about traffic and lighting.

Flodine: Understand and appreciate concerns. It's an infill property and there will be visual impacts. City doesn't have View Protection Ordinance. Asked staff if there's any in the City?

Pedersen: Not for private views.

### **CLOSE PUBLIC HEARING**

Kildoo: TSM resolution, page 6, condition #16, asked that a requirement be added for parking in the garage as part of the CC&R's. It minimizes overcrowding on the street.

Norris: Inquired about condition #20 on page 7, Maintenance of private road. Asked if City has a standard or set maintenance program? What's expected? Will there be on-going maintenance?

Kuey: City expects language will be put into CC&R's. HOA will maintain Street "A."

Norris: Asked if they'll need to budget for sealing, etc?

Kuey: Yes, staff will look for language addressing maintenance and facilities when CC&R's are reviewed.

Norris: Infrastructure also?

Kuey: If private, HOA will maintain facilities.

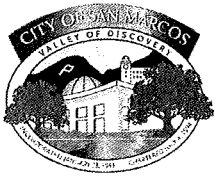
Norris: Wants to make sure it's spelled out for the homeowners.

Pennock: Inquired about the public sidewalks along N. TOV Rd.?

Kuey: City will maintain frontage along TOV Road and will replace if needed for ADA compliance.

Kildoo: Inquired about condition #7 on page 16, Mandatory water reduction. Asked how they can achieve 20% reduction? What are the requirements to the builder? Landscape?





Backoff: Indicated they'd need to do a water budget to show how much water is utilized, then demonstrate the reduction.

Kildoo: Is uncomfortable with the vagueness of it. Most internal plumbing is low flow & water efficient now. What else is left besides landscape? Asked how else they can achieve it?

Backoff: Building green code would reduce down combined with drought tolerant plants and water irrigation. They'll have to prove 20% reduction when they come in for building permit.

Kildoo: Commented that he's fine with the requirement but he'd like the builder to have guidelines to work from so they're not left with ambiguous goal. Asked Chair for more details at a future meeting.

Flodine: Agreed.

Norris: Asked what the 20% reduction is based on? What's the baseline?

Kildoo: Everything has been low-flow for past 10 years.

Backoff: It's a building code requirement. Staff can come back with an answer.

Norris: It doesn't say based on previous code.

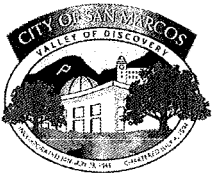
**Action (ONE MOTION):**

COMMISSIONER KILDOO MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL OF SP 14-004 AS SET FORTH IN RESOLUTION PC 15-4460 WITH MODIFICATIONS AS PER STAFF MEMO/ERRATA DATED 3/16/15; and TSM 14-005 AS SET FORTH IN RESOLUTION PC 15-4461 WITH MODIFICATIONS AS PER STAFF MEMO'S/ERRATA DATED 3/12/15 & 3/16/15, and (PAGE 6) #L. 16. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the Home Owners Association (HOA) maintenance responsibilities, **a requirement for garage space to remain unobstructed in order to allow for vehicle parking restrictions**, fuel modification maintenance, water . . . ; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES:	COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, JACOBY, NORRIS, PENNOCK
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

Kiss: Vote confirmed as 7-0 as shown on PC's display.

Flodine: Motion included Errata's and the requirement for parking vehicles in garages to be added to the CC&R's.



3. **Case No:** P14-0006: CUP 14-002

**Application of:** North County Supply

**Request:** Modification of a Conditional Use Permit for an existing building material storage and sales yard for masonry and landscaping materials in the Industrial (I) Zone.

**Location of Property:** 1450 Descanso Avenue, more particularly described as: Parcels B & C of Parcel Map No. 21219 and the southeasterly 100.00 feet of the northwesterly 220.00 feet of the southwesterly 200.00 feet of Lot 4 in Block 102 of Rancho Los Vallecitos de San Marcos, Map 806. Assessor's Parcel No.: 219-122-11-00, 219-122-12-00.

**Staff Presentation (Norm Pedersen):**

Described request and location. PowerPoint presentation shown. Modification of CUP would allow for a reduction in building space & reconfiguration of the project boundaries for an existing building materials storage and sales yard for masonry & landscaping materials. NC Supply currently occupies 1450 Descanso Ave., and adjacent 66,927 s.f. storage yard. CUP was previously approved in '09 along with storage yard to the west for Brazilian Granite. TPM/Final Map was recently approved to subdivide the property into three parcels. Brazilian Granite plans to purchase 1450 Descanso and occupy the front building and half of the rear warehouse building. NC Supply will lease and occupy the remaining half of the rear building and continue to operate adjacent storage yard to the east. The modification would allow them to operate under their own CUP. Aerial and site plans shown. Zoned and designated Industrial per GP. Discussed TPM. Parcels B & C will continue to be leased by NC Supply. Discussed operational standards. Best Management Practices (BMPs) must be implemented. Discussed CUP violations by both companies. Several have been resolved. Items needing corrections (most within 30 days of approval) include: Install landscaping & screen fence along property frontage, install trash enclosure, sidewalk improvements for ADA where needed, and removal of a modular trailer. Discussed two Staff Memo's handed out to Commissioners. Project relies on previous MND 09-783. Staff recommends approval.

**OPEN PUBLIC HEARING**

Norris: Stated he has a problem with condition #15 on page 6, requiring use of water on gravel/dust. The state has a water issue and he's really opposed to using it on gravel. Asked if there's any other way it can be done? Stage 3 restrictions were just discussed at the PC Academy he attended. Condition mentions paving if dust can't be controlled. The cost of water may eventually equal that.

Flodine: Excellent point. Asked staff to look into and see if there's other cost-effective ways?

Jones: Paving is a big expense. Asked how much and how often water is needed? How is it monitored? What are expectations? If there's enough gravel, there may not be much dust.

Jacoby: Commented that landscaping is a requirement that uses water.

Norris: Native plants don't require much water once established. Inquired if they could use reclaimed water?





Jason Simmons, Applicant's Representative: Business has been operating for 5 years. Dust hasn't been an issue up to this point and they haven't had to water. If more activity took place, maybe down the road it might be necessary. Staff added the condition as a precaution.

Backoff: Suggested it could be worded differently and staff could edit. He also let the Commission know that the City has had discussions with another party for a different use at the site and this use may go away.

Norris: Suggested, "Dust will be controlled by means other than potable water."

Simmons: Add, "where possible."

Pennock: Thought the gravel would be a natural barrier.

Simmons: Yes, gravel keeps the dust down.

Kildoo: Agreed the Commission should think about water use in the future. A potential change in usage can take this issue away. Doesn't think Commission needs to go any further than what Norris suggested. Feels the mix of uses is compatible.

Flodine: Commented that he doesn't want to make this one the guinea pig. It should be applicable to all. It should be a standard City condition that has been worked out.

Norris: Indicated he'd like to take out "be kept watered."

Commission continued to discuss alternative language.

Backoff: Ultimately VWD will decide this.

Jones: Asked if they're solving a problem that doesn't exist? They aren't using water now. Suggested letting staff revise and in the future eliminate water as dust control. Water may be the only control for some projects. Construction sites use water.

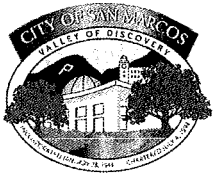
Commission continued to discuss alternative language.

Simmons: Indicated the applicant would probably be okay looking at all other alternatives first. Water is expensive for them. Suggested they might be able to use reclaimed first?

Sidhu: Suggested language, "Gravel surfaces of the storage yard shall be maintained to reduce dust generation during operations. If dust control cannot be maintained with daily sweeping or other method as approved by the City, then the site shall be watered with non-potable water if possible. . . ."

Norris: Indicated he's better with this and feels the City should be working on something.

Backoff: Okay with staff.



Simmons: He's been told that a proposal is coming forward in next 30 days for a shooting range on Parcel C, and maybe B, which would reconfigure the driveway and landscaping. They'd like to delay the landscape and asphalt requirement beyond the first 30 days. If the shooting range is not submitted or is denied, then they'd immediately install the landscaping and asphalt band.

Flodine: Asked if that was a requirement in the original CUP and if they've been operating five years without it?

Backoff: Yes.

Flodine: Doesn't mind giving a longer time but doesn't like tying it to another submittal.

Jacoby: Asked how much time they'd need?

Simmons: 6 months?

Backoff: 6 months is reasonable for processing.

Simmons: Requested additional language in case they are right at 6 months, "and at the discretion of the Planning Division Director."

Backoff: Only as long as there is an on-going application for alternative use.

Simmons: Agreed.

Kildoo: Page 3, condition #3, 180 days.

Sidhu: Suggested language, "Within 180 days, so long as an application for change in use is submitted, with extensions at the discretion of the Planning Division Director."

Flodine: Asked why they're tying permit to someone else's application?

Backoff: As long as pending means it's been submitted.

Norris: Asked if condition #15 can add: "Potable water will not be used as means of dust control"?

Simmons: Commented that he's concerned with their other projects & precedent setting.

Flodine: This specifically says "storage yard."

Norris/Sidhu: Continued to discuss.

Backoff: Condition #4 is related to driveway and will also need edits.

Jacoby: Commented that the neighbor's storage yard can use water but this one can't.



Kildoo: If state goes to Stage 3, problem is solved.

### **CLOSE PUBLIC HEARING**

#### **Action:**

COMMISSIONER NORRIS MOVED TO APPROVE CUP 14-002 AS SET FORTH IN RESOLUTION PC 15-4462; WITH MODIFICATIONS AS PER STAFF MEMO'S/ERRATA DATED 3/12/15 and 3/16/15; and (Page 3) condition #C. 3. Within thirty (30) days of approval of this Conditional Use Permit, **(or 6 months/180 days, so long as an application for change in use is submitted and pending, with extensions at the discretion of the Planning Division Director)**, all landscaping and fencing shall be installed . . . ; (Page 3) condition #C. 4. Within thirty (30) days of approval of this Conditional Use Permit, **(or 6 months/180 days, so long as an application for change in use is submitted and pending, with extensions at the discretion of the Planning Division Director)**, the applicant shall install an asphalt driveway between the driveway apron and the gate . . . ; (Page 6) condition #E. 15. Gravel surfaces of the storage yard shall be ~~kept watered maintained~~ to reduce dust generation during operations ~~or other method as approved by the City.~~ **without the use of water to the greatest extent possible. If watering is necessary for dust control, then non-potable water shall be used.** If dust control cannot be maintained, **by non-potable watering or other methods as approved by the City**, then the site shall be paved and kept in a dust free state with daily sweeping. This will require the preparation of a Water Quality Control Plan in compliance with the latest Regional Permit subject to approval by the City. The applicant shall submit the proposed plan and Storm Water Management Plan to the City for review and approval prior to issuance of building permit.; **SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:**

Norris: Condition E. 15. "Potable water will not be used as a source of dust control."

AYES:	COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, JACOBY, NORRIS, PENNOCK
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

Kiss: AV Control Panel display not working. Vote confirmed as 7-0 as shown on PC's display.

#### **4. Case No: P14-0007: CUP 14-003**

**Application of:** Brazilian Exotic Granite

**Request:** Modification of a Conditional Use Permit for an existing building material storage and sales yard for granite slabs in the Industrial (I) Zone.

**Location of Property:** 1450 Descanso Avenue & 135 N. Pacific Street, more particularly described as: Parcel A of Parcel Map No. 21219 and Parcel 1 of Parcel Map No. 5936 and the southeasterly 100.00 feet of the northwesterly 220.00 feet of the 200.00 feet of Lot 4 in Block 102 of Rancho Los Vallecitos de San Marcos, Map 806. Assessor's Parcel No.: 219-122-11-00, 219-122-12-00, and 219-122-21-00.

#### **Staff Presentation (Norm Pedersen):**



Described request and location. PowerPoint presentation shown. Request would establish a new CUP, allow expansion onto 1450 Descanso Avenue property, includes current 2,500 s.f. office/warehouse at 135 N. Pacific Street, and continuation of storage yard at the corner of Descanso & Pacific. Adjacent 29,729 s.f. paved storage yard for granite slabs. Use of storage yard was previously approved in '09 under CUP 08-782 along with North County Supply. TPM/Final Map (TPM 13-001) was recently approved to subdivide the property into 3 parcels. Brazilian Granite plans to purchase 1450 Descanso Avenue & Parcel A where its storage yard is located. They'll lease other half of rear building to NC Supply. Aerial photo & site plan shown. Landscaping will be installed along frontage. Zoned and designated Industrial. The modification of original CUP is a requirement of TPM. It didn't include 1450 Descanso Avenue which is a separate property. Parcels B & C will continue to be leased by NC Supply. Parcel map shown. Discussed operational standards. Slab fabrication (cutting or sanding) is prohibited unless applicant obtains all applicable permits. Discussed violations that have been resolved. Outstanding items include: Install landscaping & screen fencing, install trash enclosure, and removal of a modular building from NC Supply storage yard, all within 30 days of approval; and sidewalk improvements for ADA where needed. Project relies on previously approved ND 09-783. One item on Staff Memo/handout dated 3/12/15 just deleted M., a repeat condition. Staff recommends approval.

#### **OPEN PUBLIC HEARING**

Jason Simmons, Applicant Representative: Thanked staff. Indicated they're okay with conditions and that there is sales tax to the City.

Jacoby: Asked where the cutting is done?

Simmons: Another location.

#### **CLOSE PUBLIC HEARING**

#### **Action:**

COMMISSIONER KILDOO MOVED TO APPROVE CUP 14-003 AS SET FORTH IN RESOLUTION PC 15-4463; WITH MODIFICATION AS PER STAFF MEMO/ERRATA DATED 3/12/15; SECONDED BY COMMISSIONER NORRIS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES:	COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, JACOBY, NORRIS, PENNOCK
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

Kiss: AV Control Panel display not working. Vote confirmed as 7-0 as shown on PC's display.

#### **PLANNING DIRECTOR COMMENTS**

Backoff: Congratulated re-appointed Commissioner's. Earlier in the month, he attended the Planning Commissioner's Academy with Eric, Rod & Kevin. They plan on discussing items covered at the next meeting. A link to the PowerPoint materials was provided via e-mail and more may be available later.



Discussed an e-mail that was forwarded to PC's regarding the new SkyZone trampoline business. They have a Director's Permit and staff is working with the operator to resolve the parking issues. A parking demand analysis was done prior to approval. The business is very popular here and the operator has started a valet system and agreed to pay for signs for adjacent merchants to limit parking in their spaces. They're also working with adjacent property who will likely allow parking at their site. The furniture stores have had a big increase in business since SkyZone opened so they are happy about it.

#### **PLANNING COMMISSIONERS COMMENTS**

Maas: Asked if City will start requiring LED lighting?

Backoff: It's been in past resolutions. Engineering is requiring it now.

Maas: Inquired about the grading between Grand and Bent?

Backoff: It's the start of the Creek District. The Opportune project is along the future Creekside Drive and the EastGate project on the north may start in summer.

#### **ADJOURNMENT**

At 8:10 p.m. Chairman Flodine adjourned the meeting.

---

ERIC FLODINE, CHAIRMAN  
CITY OF SAN MARCOS

**ATTEST:**

---

LISA KISS, OFFICE SPECIALIST III  
SAN MARCOS PLANNING COMMISSION



# AGENDA REPORT

## Meeting of the San Marcos Planning Commission

MEETING DATE: May 4, 2015  
SUBJECT: Dan Settle, dba: Angel Paws Pet Aftercare. Pet Cremation Facility  
CASE: P14-0055/CUP 14-017

---

### Recommendation

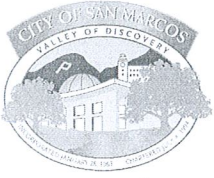
Conditionally approve a Conditional Use Permit to allow the on-going operation of an existing pet cremation facility within an industrial park. The project is Categorically Exempt pursuant to the California Environmentally Quality Act (CEQA).

### Introduction

The existing pet cremation facility is located within a 1,600 square-foot suite within the Pioneer Industrial Condominium Park. The operation was originally approved under Conditional Use Permit (CUP 05-662) by the Planning Commission in 2005. Subsequently, the original CUP expired, and therefore the proposal requests a new CUP to allow for the facility to continue to operate at its current location. No expansion of the facility is proposed. The business is changing its name from Friends Forever, under the original CUP, to Angel Paws Pet Aftercare.

### Discussion

The site is zoned Industrial/Business Park (I/BP) which is a transitional zone, and designated "Business Park" per the General Plan. The properties to the west are designated as "Business Park"; to the north is "Low Medium Density Residential"; to the east is "Industrial"; and to the south is State Route 78. In 2005 when the original CUP was approved, crematories were an allowable use within the Industrial (I) Zone with approval of a Major Conditional Use Permit. Under the new Zoning Ordinance (adopted in 2012), a crematory is no longer an identified use within any zone. Therefore, the existing pet cremation facility is considered an existing legal non-conforming use since the CUP has expired. In accordance with SMMC Section 20.205.030C (Unlisted or Similar Compatible Uses), the Planning Division Director has the authority to determine whether a land use may be permitted within a zone and whether a CUP would be required. This determination is based on making the following findings: Its similarity in character and activity to permitted land uses; Its compatibility with the purpose and intent of the zone; Its similarity of traffic, noise, light, and odor impacts to permitted land uses; It will not be a nuisance to



or hinder the full development of existing uses; and It will be consistent with the General Plan. Therefore, in order to allow the existing pet cremation facility to continue to operate on site, it has been determined that the approval of a Major CUP will be required. As with the original CUP approval, the new CUP is conditioned with certain operational standards to insure the compatibility of the pet cremation facility with the surrounding land uses. Over the past 10 years, the on-going operation of the facility has been a compatible use with the office, manufacturing, and warehouse businesses in Pioneer Industrial Park. No comments from the public have been received and no code enforcement actions have occurred regarding the business operation, except for a Notice of Violation issued in July 2014 to the operator to obtain a City Business License. The operator has now obtained a City Business License.

The pet cremation facility has operated at the subject site since 2005 when the original CUP was approved. Under conditions set forth in the original CUP, operation of the facility is limited to the cremation of common household pets, including but not limited to dogs, cats, and birds. Cremation of horses or other large animals is prohibited. Deceased pets are primarily picked up by the operator from veterinary hospitals and household customers. All operations of the facility occur within the building including the unloading of deceased animals. All animals are stored in freezers until cremated, and specialized furnace equipment is used for the cremation process which does not emit odors or smoke. The operator has a valid Air Pollution Control District Permit for the furnace equipment. The resolution for the new CUP carries over these same requirements regarding the operational standards. The business is allocated four (4) parking spaces which provide parking for the 2 to 3 employees of the facility and occasional customer visits. Customer visits are made on an appointment-only basis for the drop-off of deceased pets, pick-up of cremated remains, or viewing of the cremation process.

---

**Attachment(s)**

Adopting Resolution

- A- Vicinity Map
- B- Requested Entitlement
- C- Site & Project Characteristics

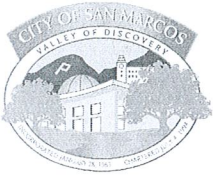
Prepared by:

Norm Pedersen  
Associate Planner

Reviewed by:

Karen Brindley  
Principal Planner





Approved/Submitted by:

A handwritten signature in blue ink, which appears to read "Jerry Backoff", is written over a horizontal line.

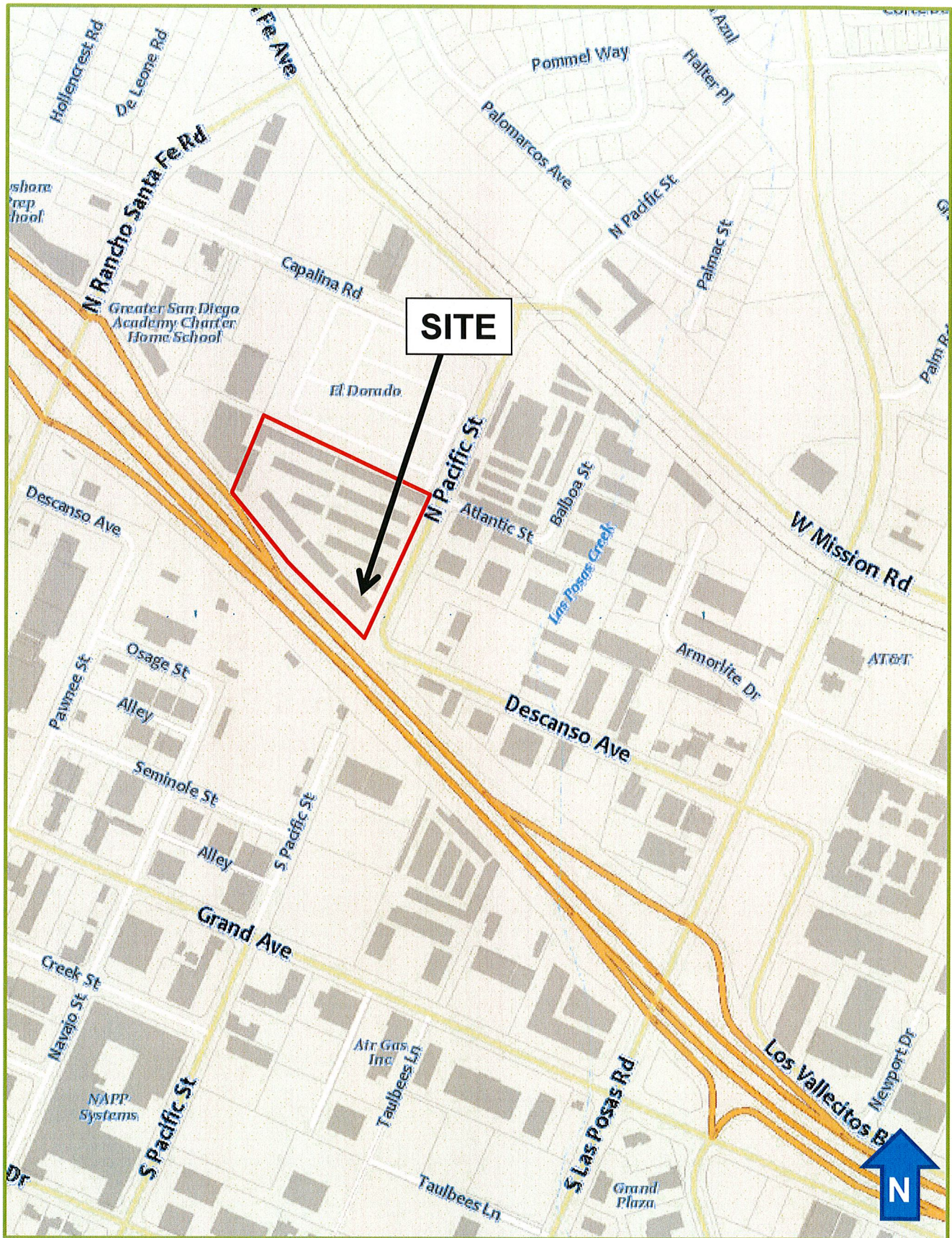
Jerry Backoff  
Planning Division Director

AGENDA ITEM NO. 2



ATTACHMENT A  
Vicinity Map





## VICINITY MAP

AGENDA ITEM  
# 2



# Aerial Photo







## ATTACHMENT B

### Requested Entitlements

- A Conditional Use Permit to allow for the operation of an existing pet cremation facility within an industrial park in the Industrial/Business Park (I/BP) Transitional Zone.



**ATTACHMENT C**  
**Site & Project Characteristics**

<u>Property</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
Subject	Industrial Park	Transitional (I/BP)	Business Park
North	Mobile Home Park	Mobile Home Park (R-MHP)	Low Medium Density Residential
South	State Route 78		
East	Building Materials Yard	Industrial (I)	Industrial
West	Commercial Retail	Business Park (BP)	Business Park
Flood Hazard Zone	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
Resource Conserv. Area	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
Sewers	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no		
Septic	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
Water	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no		
Gen. Plan Conformance	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no		
Land Use Compatibility	<input checked="" type="checkbox"/> yes* <input type="checkbox"/> no		

\* with approval of CUP.

RESOLUTION PC 15-4469

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A CONDITIONAL USE PERMIT  
TO ALLOW THE OPERATION OF AN EXISTING PET  
CREMATION FACILITY WITHIN AN INDUSTRIAL PARK IN  
THE INDUSTRIAL/BUSINESS PARK (I/BP) TRANSITIONAL  
ZONE

CUP 14-017  
P14-0055  
Dan Settle  
dba: Angel Paws Pet Aftercare

WHEREAS, on November 5, 2014 an application was received from Dan Settle requesting a Conditional Use Permit to allow the continued operation of an existing pet cremation facility within an industrial park located at 120 N. Pacific Street, Suite C-4, in the Industrial/Business Park (I/BP) Transitional Zone, more particularly described as:

Unit C-4 & Undivided Interest, Per Doc. 98-746760 of Lot 3 of Block 103, Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Number: 219-116-03-15.

WHEREAS, on July 5, 2005, the Planning Commission originally approved the Major Conditional Use Permit (CUP 05-662) to allow for the operation of the pet cremation facility within the Industrial (I) Zone, and subsequently expired; and

WHEREAS, on November 13, 2012, the City Council approved a General Plan land use and zone change of the subject property from Industrial (M) Zone to Industrial/Business Park (I/BP) Transitional Zone; and

WHEREAS, the subject property has already been annexed into the City's Community Facilities Districts (CFD 98-01, Police; CFD 2001-01, Fire & Paramedic; and CFD 98-02, Lighting, Landscape, & Street Maintenance); and

WHEREAS, the Development Services Department did study said request and does recommend approval of requested use; and

WHEREAS, the required public hearing held on May 4, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City of San Marcos did find the project Categorically Exempt (EX 15-008)



pursuant to Section 15301 Class 1, in that this is an existing facility with no expansion, of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The granting of the Conditional Use Permit, as conditioned, will not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that the on-going operation of the facility is conducted entirely within the building, the exhaust generated by the facility is filtered to be smokeless and odorless and regulated under an Air Pollution Control District Permit, and the temporary storage of frozen animal corpses is conducted in strict conformance with Division 12, Title 16 of the California Code of Regulations insuring clean and sanitary facilities and operations. In addition, adequate parking is provided on site for employees and customers by appointment, and the applicant proposes no expansion of the facility.
2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan and the purpose and intent of the Industrial/Business Park (I/BP) Transitional Zone in that the on-going operation of the facility helps achieve a balanced distribution and compatible mix of land uses to meet the present and future needs of residents and the business community (Goal LU-1) and maintains a supportive business climate and a healthy, sustainable economy creating additional employment opportunities (Goal LU-6).
3. The pet cremation facility, as conditioned by this Conditional Use Permit, is similar in character and activity to permitted land uses of the Industrial/Business Park (I/BP) Transitional Zone; is compatible with the purpose and intent of said zone; has similar traffic, noise, light, and odor impacts as a listed permitted use of said zone; will not be a nuisance to or hinder the full development of existing uses; is consistent with the General Plan in accordance with SMMC Section 20.205.030C (Unlisted or Similar Compatible Use); and is a continuing operation of a non-conforming use which was originally approved by CUP 05-662.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit is approved per the submitted site and floor plans (1,600 square foot suite), and subject to compliance with the conditions of approval of this Resolution PC 15-4469.
- C. Reliance on this Conditional Use Permit is subject to the following operational standards:
  1. Hours of business operation shall be limited from 9:00 a.m. to 5:00 p.m. daily. The

cremation furnace may remain in operation until 10:00 p.m. provided that any noise does not affect surrounding businesses and properties.

2. Cremation shall be limited to common household pets only. Cremation of horses or other large animals is prohibited.
3. All activities shall be conducted within the enclosed building. All unloading activity of deceased animals shall occur inside the building. Storage of deceased animals shall be kept in a freezer(s) within the building.
4. The roll-up door shall be closed or a partition installed to obscure view into the suite during business hours of operation.
5. Animals to be cremated shall be picked up from veterinary hospitals and household customers primarily by the operator. Cremated pet remains shall be disposed off-site, mailed to the customer, or delivered by the operator. Household customers may drop-off deceased pets, pick up remains, or view the cremation process on site by appointment only.
6. The cremation furnace shall emit smokeless and odorless exhaust vapor per the San Diego Air Pollution Quality Control District regulations.
7. The applicant shall maintain a San Diego Air Pollution Control District Permit for the cremation furnace.
8. The cremation facility shall comply with all applicable City Building and Fire Codes, and the California Health and Safety Code.
9. The applicant/operator shall maintain all relevant permits, and abide by all regulations imposed by local, state, or federal environmental agencies.
10. Owners may view their deceased pet by appointment only in order to ensure adequate parking in the four (4) available parking spaces.
11. All equipment shall be properly maintained.
12. The applicant/operator shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
13. The facility shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
14. Use of the site shall be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as

will not detrimentally affect adjoining properties and uses.

15. The applicant/operator shall maintain a City of San Marcos Business License.
  16. A separate permit shall be required for any signage. Signage must comply with the approved Comprehensive Sign Program.
  17. The project must comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other regional standards for the protection of storm water quality.
  18. Non-stormwater discharge into the City's MS4 system is prohibited during construction, operation, or maintenance, in accordance with SMMC 14.15.
  19. Building address shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
- D. Any change of occupancy, new construction, alteration, improvement, or modification to the existing building requires the issuance of a building permit and compliance with the Municipal Code requirements of the latest adopted California Building Code.
- E. Prior to issuance of any building permits, the following conditions shall be complied with:
1. The facility shall be designed in conformance with the latest standards adopted by the State of California in the California Building Code (CBC), Part 2, Title 24, and California Code of Regulations.
  2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
  3. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
  4. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
  5. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.

6. At the time of permit issuance the applicant/developer for the proposed discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
  7. Any proposed roof top mechanical equipment shall be screened from offsite locations, onsite parking areas, and onsite common areas and shall be demonstrated as such on plans.
  8. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of building permit.
  9. All improvements shall comply with the latest adopted California Fire Code and San Marcos Fire Code Ordinance.
  10. Tenants are required to obtain written permission from the building owner, or owner's agent, prior to obtaining a building permit from the city. Per San Marcos Municipal Code Chapter 17.08.030 Section 105.10, the tenant must obtain written permission from the building or property owner that the applicant is authorized to proceed with the proposed construction.
- F. During construction, the following conditions shall be complied with:
1. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on the premises during the hours of 7:00 AM to 6:00 PM, Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS, and the issuance of citations as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
  2. The owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation, and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
- G. Prior to occupancy, the following conditions shall be complied with:
1. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City

departments and other agencies before requesting a Certificate of Occupancy (“C of O”) from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

- H. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- I. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval. If the Planning Division determines that compliance is not being achieved, then a public hearing shall be scheduled for possible use permit modification or revocation.
- J. Any future expansion to the pet cremation facility shall require a modification to CUP 14-017. The Conditional Use Permit application must be submitted for review and approval by the Development Services Department prior to the issuance of any building permits.
- K. This Conditional Use Permit shall expire on May 4, 2020. Any request for permit extension shall be applied for by the permittee no later than 120 days prior to the expiration date.
- L. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
- M. To the extent permitted by law, the Developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Developer or its contractors, subcontractors, agents, employees or other persons acting on Developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 4<sup>th</sup> day of May, 2015, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

---

Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

---

Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION