



MINUTES

Regular Meeting of the Planning Commission

MONDAY, November 2, 2015

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

CALL TO ORDER

At 6:30 p.m. Chairman Flodine called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Pennock led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JACOBY (Alternate), JONES, KILDOO, MAAS, NORRIS, PENNOCK

ALTERNATE COMMISSIONERS IN AUDIENCE: SCHABILE

ABSENT: MINNERY

Also present were: Planning Manager, Karen Brindley; Associate Planner, Susan Vandrew Rodriguez; Deputy City Attorney, Avneet Sidhu; Office Specialist III, Lisa Kiss

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 9/9/15

Action:

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



PUBLIC HEARINGS

2. Case No: P15-0028: CUP 15-004, EX 15-029

Application of: Jason Dunn Jr., on behalf of Pompeii Room d.b.a. Club Tropics

Request: A Conditional Use Permit to allow the continued operation of an adult nightclub that includes live entertainment and dancing in a Specific Plan Area Zone within the Richland Neighborhood.

Location of Property: 740 Nordahl Road, Suite 125, more particularly described as: Parcel A (EXST) of Map 14527 per Doc. 86-483204 filed in the office of the County Recorder of San Diego County, October 24, 1986. Assessor's Parcel No.: 228-120-47.

Staff Presentation (Susan Vandrew Rodriguez):

Request is for a renewal of an existing Conditional Use Permit. PowerPoint presentation shown. Located in the San Marcos Plaza Shopping Center, a Specific Plan Area zone. A CUP is required in accordance with the operation of a nightclub in the SPA zone. Discussed background. Original CUP was issued in 1988, with 8 renewals/modifications since. Early on, the business converted from 18+ to 21+. Operates Monday - Sunday from 9 pm – 2 am, with a Type 48 liquor license issued by ABC. There are 210 parking spaces and maximum occupancy is 330. Floor plan shown. Music genre changed from Hip Hop to Latin in 2005, and no complaints were received since 2014. During the current processing, staff was contacted by two Eaves Apartment residents regarding noise complaints. The City commissioned a Noise study and it concluded the noise from Club Tropics did not violate City's municipal code. Discussed the study and results. Measurements were taken from three locations (pointed out). Most spikes in noise were from passerby traffic. Applicant will continue to monitor noise. Two multi-agency (Sheriff, Fire Dept. & Code Enforcement), inspections were conducted, May 8 and June 5, during operational hours. Minor violations were found during the first inspection and corrected by the second inspection. Applicant must maintain a \$5,000 deposit for a Code Enforcement Account. They must also provide a Safety & Security Plan and alcohol server and security guard training documents. Insurance documents with the City as additional insured must be provided yearly. Applicant accepts the conditions as recommended. Staff recommends approval to include Categorical Exemption Section 15301 and the modifications as identified in Staff Memo dated & distributed on 10/30/15.

OPEN PUBLIC HEARING

No speakers.

CLOSE PUBLIC HEARING

Norris: Commented that it appears they were out of compliance for a year and this was the second time? Asked if there are penalties?

Vandrew: They submitted the application, and through the inspections it was determined the nature of the violations was not a public safety or health issue, so the City allowed them to continue to operate during the processing of CUP. The City needed documentation items. Asked if he was inquiring about prior year(s)?



Norris: CUP expired March 5th, and then the renewal was submitted in April. That's one violation. Then, from 2013 to 2014, lack of patrol seems like a safety violation.

Vandrew: During the time they were put into Code Enforcement, they paid a fee ('13-'14). It was resolved and case closed. They had some staff turnover and confusion on site regarding how often they check on the parking lot, etc. It was a matter of information. During second inspection, it was no longer an issue.

Maas: Inquired if they reimbursed staff time?

Vandrew: They paid out of pocket at that time, rather than pull the funds out of the deposit. Staff also added language regarding coverage of attorney fees. Deposit account is up to date.

Action:

COMMISSIONER KILDOO MOVED TO APPROVE CUP 15-004 AS SET FORTH IN RESOLUTION PC 15-4496; WITH MODIFICATIONS AS PER STAFF MEMO/HANDOUT DATED 10/30/15, SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

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

PLANNING MANAGER COMMENTS

Brindley: Reminded Commissioner's that some of their terms are expiring at the end of December, and to contact City Clerk's office if they're interesting in reapplying.

PLANNING COMMISSIONERS COMMENTS

None.

ADJOURNMENT

At 6:52 p.m. Commissioner Flodine adjourned the meeting.

ERIC FLODINE, CHAIRMAN
CITY OF SAN MARCOS

ATTEST:

LISA KISS, OFFICE SPECIALIST III
SAN MARCOS PLANNING COMMISSION