

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
MONDAY, FEBRUARY 4, 2013 - 6:30 PM

---

At 6:30 p.m. Planning Division Director Backoff called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the Pledge of Allegiance to the Flag.

SEATING OF NEW COMMISSIONERS

Backoff: Introduced new/re-appointed commissioners and asked them to be seated at dais. Re-appointed as regular members for a two-year term: Carl Maas, Rod Jones and Eric Flodine (Rod & Eric were alternates). New alternates are James Chinn and Steve Kildoo. James (who replaced Flodine) for a one-year term, is absent tonight due to his mother's illness, and Steve (for a two-year term) was a regular.

ELECTION OF CHAIRPERSON

Nelson: Nominations opened for chairperson.

Maas: Motion made to nominate Dean Nelson. Carried by a unanimous vote (with Nelson abstaining).

NEW CHAIR: Dean Nelson.

ELECTION OF VICE-CHAIRPERSON

Nelson: Nominations opened for vice chair.

Nelson: Motion made to nominate Bruce Minnery. Jones seconded the Motion made by Nelson to nominate Minnery and carried by a unanimous vote.

NEW VICE-CHAIR: Bruce Minnery.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JONES, MAAS, MINNERY, NELSON, NORRIS, SCHABLE

ALTERNATE COMMISSIONERS IN AUDIENCE: KILDOO

ABSENT: CHINN.

Also present were: Planning Division Director, Jerry Backoff; Assistant Planner, Art Pinon; Office Specialist III, Lisa Kiss; Deputy City Attorney, Jim Lough

ORAL AND WRITTEN COMMUNICATIONS

None.

**CONSENT CALENDAR**

1. APPROVAL OF MINUTES, 1/7/13

Action:

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

**PUBLIC HEARINGS**

2. **Case No:** CUP 04-651 (11R)

**Application of:** John Morally

**Request:** Conditional Use Permit renewal to allow for the continued operation of a pawn service and vehicle sales showroom within an existing 2,350 square foot commercial condominium space.

**Location of Property:** 250 S. Pacific Street, Suite 108, more particularly described as: Unit 108, of Condominium Map, Pacific Street Retail Office and Warehouse per doc 07-0087485, Parcel 1, Parcel Map 20164 in the City of San Marcos, County of San Diego, State of California, as filed in the office of the County Recorder of San Diego on December 8, 2006. Assessor's Parcel No.: 219-083-10-09.

Staff Presentation (Art Pinon):

Described request and location. PowerPoint presentation shown. Aerial photo shown. 1.13 acre Industrial zoned site, 22,207 s.f. commercial building with 10 condo suites. Originally approved in '05 to allow: Specialty vehicle sales showroom, jewelry exchange, wine tasting/wine cellar store & 7,713 s.f. of warehouse space. In '06, applicant requested approval to pawn items and was found to be in substantial conformance with original CUP. The wine tasting/wine cellar store never commenced and the jewelry exchange was sold to another operator. Pawn service and vehicles sales are secondary to primary function as a real estate office. It does not operate as a traditional pawn shop in that services are by appointment only and there's no display area for pawned items. If in default, item is sold offsite, online or by appt. only. Floor plan shown. Vehicles, one or two at a time, are inside rear warehouse with sales taking place in the office and by appointment only. Upstairs mezzanine is vacant and won't be used. Parking is adequate. All vehicles must be stored and displayed inside building. No repairs of vehicles. No portion shall be used as merchandise sales showroom. Staff recommends approval for 5 years. Applicant is in agreement with conditions. One correction made on page one, start date was '05.

Norris: Inquired about condition C.5.b., storage of vehicles not permitted. Can they keep them overnight?

Pinon: No, only personal storage of vehicles. Okay to keep overnight if the vehicle is for sale.

Backoff: Didn't want it to become a garage for vehicles.

Maas: Considered inventory as opposed to storage.

Flodine: Inquired about condition C.5.f., and why sales are limited to passenger vehicles. Asked why they couldn't sell motor homes?

Nelson: There's a motor home that lives there.

Pinon: Applicant isn't proposing to sale any motor homes or large vehicles and they may not fit in the warehouse.

Flodine: Asked if City gets tax benefits from vehicle sales?

Backoff: Yes, if allowed by state and sales are recorded at this location.

#### OPEN PUBLIC HEARING

Jason Simmons, representing applicant: Here to answer questions.

Schaible: Asked if there are connecting doors between the suites?

Simmons: Yes, they originally used both suites. Sold adjacent suite and now using one.

Pinon: Door is there but is bolted shut. You can't open it.

Jones: Asked if they have a Dealer's License?

Simmons: Yes.

Jones: Asked if any conflict with a Dealer's License and the way he's configured?

Simmons: No. He's almost like a broker. There aren't a lot of transactions. Anyone can be a dealer as long as you have office space.

Backoff: You need an office and an area to display vehicles.

Jones: Indicated he thought with an auto dealer's license you couldn't have mixed business. Perhaps that has changed now?

Simmons: Believe so.

Minnery: Commented that they are two unique businesses. Asked how many appointments they have?

Simmons: Not even weekly. He deals in high-end cars and loans people money. They may take in expensive art work or a car. He holds it for a certain period of time. There are maybe a dozen appointments a year.

Maas: For both?

Simmons: Vehicles are less. Primary function is real estate. He owns and builds buildings.

Nelson: He has some beautiful cars.

Maas: Asked if the applicant's primary business is in Buena Park? Saw real estate holdings in Orange County.

Simmons: There and Las Vegas. Picks up properties when they're low, tries to develop and flip them.

#### CLOSE PUBLIC HEARING

Action:

COMMISSIONER SCHAIBLE MOVED TO APPROVE CUP 04-651 (11R) AS SET FORTH IN RESOLUTION PC 13-4334 WITH MODIFICATION: 5<sup>th</sup> WHEREAS: WHEREAS, the specialty vehicle sales showroom has been in continual operation at the project site since 2004 ~~2005~~; and; SECONDED BY COMMISSIONER JONES AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

AYES: COMMISSIONERS: FLODINE, JONES, MAAS, MINNERY, NELSON, NORRIS, SCHAIBLE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

#### PLANNING DIRECTOR COMMENTS

Backoff: Commented that he, Kevin and Jim, and Eric for one day, will be attending the Planning Commissioner's Academy in Pasadena at the end of the month. Will report back what they learn. The number of attendees was reduced due to budget limitations.

#### PLANNING COMMISSIONERS COMMENTS

Nelson: Welcomed new regular commissioners.

ADJOURNMENT

At 6:53 p.m. Commissioner Nelson adjourned the meeting.



---

Dean Nelson, Chairman  
SAN MARCOS PLANNING COMMISSION

ATTEST:



---

Lisa Kiss, Office Specialist III  
SAN MARCOS PLANNING COMMISSION