

MINUTES
PLANNING COMMISSION PUBLIC WORKSHOP
Comprehensive Update to the Zoning Ordinance
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, JULY 23, 2012 - 6:30 PM

CALL TO ORDER

At 6:33 p.m. Chairman Nelson called the meeting to order.

Nelson: Reminded audience that meeting is a Public Workshop and not a Public Hearing.

PLEDGE OF ALLEGIANCE

Commissioner Kildoo led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, MINNERY, NELSON, SCHABILE, WEDGE

ABSENT: NORRIS.

Also present were: Planning Division Director, Jerry Backoff; Principal Planner, Karen Brindley; Deputy City Attorney, Avneet Sidhu; AECOM Consultants, Nicholle Wright & Yara Fisher; Office Specialist III, Lisa Kiss;

ORAL AND WRITTEN COMMUNICATIONS

None.

COMPREHENSIVE UPDATE TO THE ZONING ORDINANCE -

Backoff: Indicated that the meeting is both a Planning Commission and Public Workshop and staff is looking for input. Introduced consultants Yara Fisher and Nicholle Wright of AECOM and Project Manager, Karen Brindley. The document has been posted on City website since 7/18 and staff sent out advance copies of the Industrial and Transitional sections to the Industrial stakeholders of the City in mid June. There was a lot of debate, concern, comments and questions from them during the General Plan Update. Staff knew this was a high priority and wanted to receive early comments. The EDC established a sub-committee of about 20 people, who have provided input during the process. Staff has met with them twice. There have been requests for additional review time. Staff is trying to adhere to Council's schedule. Staff will recommend that after Council adoption, there be a one-year review, to test and identify any issues that may be problematic. It would give the

stakeholders and public time to test the ordinance and indicate where changes may need to be made. Area's to be discussed include: Upcoming Schedule, Document Organization, Broad Revisions, New/Revised/Eliminated Zones, Overview of Articles, Zone/Chapter Detailed Discussion. Discussed schedule: 7/18 - Comment and Review Period opened, preceded by initial review of Industrial/Transitional sections, Release of Public Screencheck Draft Zoning Ordinance, 7/23 - PC Workshop, 7/31 - Comment & Review Period Closes, 8/9 - Release of Public Review Draft Zoning Ordinance and Zoning Map, 8/23 - PC Hearing on Draft, and 9/11- City Council Hearing on Draft Ordinance.

Nicholle Wright, AECOM: PowerPoint shown. Will discuss document organization and give broad overviews. The entire document was laid out to make it simpler, easy to read, well-organized and much more streamlined. It's more user-friendly with common sense groupings, putting zones together, grouping land uses, locating standards where you think they would be instead of buried in chapters. Used more common language, limited legalese wherever possible, simplified development standards, avoided repetition and there's liberal use of graphics. Discussed Document Organization and six Articles: #1 - General Zoning Provisions (purpose, authority and how to use), #2 – Zones (includes all of your zones), #3 - General Development Standards (includes all of your general development standards, which apply in general to all zones, i.e., lot averaging, heights, how to measure those, etc.), #4 - Specific Use Standards (any use that can be permitted in any zone, condensed into one location), #5 - Zoning Administration, (permits, applications, how to do public hearings and notices, variances, appeals and administrative processes), #6 – Definitions (outlines exactly what all the terms mean in the document). Discussed Broad Revisions: Land use categories have been simplified and grouped together. They are ordered the same way in every single zone. There's one layout. If you see it in Commercial, you'll see it the same place in Industrial and Residential. It's very understandable. All land uses identified in the land use tables are also identified in the Parking Ordinance. Created chapters to easily find standards and tried to eliminate redundancies. General Plan Consistency is a key issue in updating Ordinance. Some zones were eliminated: C-1 was replaced with "SR" Senior Residential. Commercial Manufacturing is now Industrial. Freeway Commercial is now C - Commercial. Single Family R-1-6 has been condensed with R-1-7.5. If you build SFR at lot size smaller than R-1-7.5, you'd use Planned Residential Development (PRD). Others eliminated: Design Zone Overlay (always went through Planning Commission, used when less development in City, now an internal process), Solid Waste Management Zone (landfill gone, now open space), Satellite Dish Antenna Ordinance (outdated), Hazardous Waste Management Plan (simplified and included in Chapter 20.300, which addresses compliance with Federal, State Regional and County standards). Some zones were renamed to match consistency with the adopted GP land use classifications: Estate Residential was E-1-20, now "R-1-20," Light Industrial was LM, now "LI," Industrial M zone, now "I," Industrial M2 zone, now "I2," other zone names remain consistent. Discussed new zones added to match the goals, policies and visions of General Plan: Mixed Use Zones (focused along Rancho Santa Fe and San Marcos Blvd). Transitional Zones (allow transition from Industrial to future planned uses). Public Institutional Zone (includes standards and land use permissions for schools, universities, parks and provides and protects for open space), Airport Overlay Zone (consistent with McClellan Palomar Airport Land Use Compatibility Plan). Sustainability (Electric/Alternative fueling stations and recycling facilities). Renewable Energy (solar and wind systems). Many items have been brought into compliance with State and Federal law: Emergency shelters are allowed by right in the Industrial Zone, Transitional housing is allowed by right in the multi-family, R-3-6 & R-3-10 zones, Reasonable accommodations chapter provides for persons with disabilities seeking access

to housing. The Conditional Use Permit (CUP) process has been simplified: Eliminated the Minor CUP process and now have a two-tiered permit process. Director's Permit, does not go to public hearing or Planning Commission. It's administratively reviewed and decided by the Planning Director. It can be waived and go on to the Planning Commission. The Major CUP, renamed to just Conditional Use Permit, will always go to a Planning Commission hearing. Discussed Article #3 - General Development Standards: Planned Residential Development (cluster and smaller lot developments in R-1 zones), Site Planning & General Development, Walls and Fences, Nonconforming Ordinance. Article #4 - Specific Use Standards: Uses include ATM, Auto sales, child care facilities, drive through services, home occupations, outdoor dining, mini storage, etc. Other items organized: Second Units and Accessory Structures (size of units, parking requirements, etc.). Animals: Updated and simplified, includes a user-friendly table. (Reduced number of animals allowed in a SFR, except dogs/cats not modified, allow up to 5 hens in SFR). Condo conversion updated and streamlined. New chapters include: Auto Services (fueling, gas stations, alternative fuels, repair, car wash, fleet fueling), Bars, Alcohol-Service & Entertainment (implements CUP standards), Refuse and Recycling Facilities (outdoor storage and design standards), Special Events & Temporary Uses (streamlined, consistent with existing standards). Article #5 - Zoning Administration (streamlined, tables and flowcharts added, making it easier for the city and public to understand the process). Permits & Applications (clarification of the review and decision making responsibilities, CEQA review standards codified and clarified, concurrent processing of permits is required). Noticing and Public Hearings streamlined but maintains local and State standards, Appeals and Revocations maintained consistency but is simplified. Revised Permit Types (two-tier, CUP's go through Planning Commission and Director's Permit are noticed but no hearing unless Director decides it is needed).

Nelson: Asked if cell towers are addressed?

Wright: They're under Telecommunications Facilities. Standards are maintained, but slightly streamlined. There's a strict ordinance already.

Nelson: Asked about flowcharts and links on line?

Backoff: Zoning Ordinance will be on City website once complete.

Nelson: Inquired if applications can be completed on line?

Backoff: Ultimately, will need to work through with IT.

Staff Presentation (Karen Brindley):

Next segment will focus on modifications occurring within actual zones. There has been a lot of interaction with Industrial Business community. Staff has met with the EDC subcommittee to discuss public commentary. PowerPoint presentation shown. Chapter 20.235/Transition Zones allow the continuation of industrial uses on designated properties that were changed from industrial zoning to a non-industrial designation per the adopted GP. Discussed table showing Initial Zone Regulation, Transitional and Future Zone. It's completely up to property owner when/if they want to change. If there's a proposal for redevelopment, then a rezone would be required at that time. Discussed Urban Core properties showing Transition zones. Property owners have been notified. Some opted out, and to be zoned as per City Council GP adoption. Industrial users can continue in perpetuity. They can expand or demolish and rebuild

Industrial. (Pointed out existing/future zones). Staff received public comments, evaluated them and took suggestions. Discussed outdoor storage. There's some confusion in the screencheck as to what's allowed in the I2, I and LI zones. Intent is to maintain status quo, allow Building Materials Contractor Storage Yards to retain those by right in I2 zones and to allow with Major CUP in Industrial zone. Indicated staff will do some clean up on this item. Business Park zone standards have been incorporated. Have expanded categories as well as permissions for 32 land uses. Eliminated some land use categories: Child Care Centers, Creameries, Outdoor Manufacturing, Public Utilities and Union Hiring Hall. Discussed consolidation of land use categories. Staff is meeting with EDC subcommittee this week, so there may be changes. In summary, there are revised land use permissions. Increased level of processing for review of two land uses in BP zone: Conference/Convention Centers and Hotels. Removed some restrictions on specific land uses (not limited to deli's). Modified development standards. Received comments regarding setbacks in I & I2 zones. Front yard setback re-evaluated by staff and can be maintained at current standard of 10 feet. Discussed Industrial Land Use Modifications/Subcommittee Meeting - Table 20.230-2. Discussed Mixed Use 1 & 2, combination of residential and Commercial/Office, Mixed Use 3, Non-residential, Commercial/Office, MU4 same, but incorporates BP component and would require a Specific Plan. Discussed changes to Commercial, Office Professional and Senior Residential. Most land uses have been consolidated into broader land use categories. Requires Director's Permit for a non-traditional college. City prohibits tattoo and body modification establishments.

OPEN PUBLIC COMMENT

Jim Hernandez: Inquired about the schedule and if there will be another workshop?

Wedge: (Handed him the schedule).

Hernandez: Comments close on 7/31. Indicated he's just now seeing mixed use. Asked if entire Commercial zone is on website?

Backoff: Yes.

Hernandez: Seven days to review?

Brindley: The screencheck of the entire Zoning Ordinance was released on line 7/18. Once the public comment period ends on 7/31, comments will be evaluated and any changes will be incorporated into the Draft being released on 8/9. That is the document Planning Commission will take forward and review and make a recommendation to City Council.

Backoff: Any comments beyond 8/9 could be proposed in an Errata.

Hernandez: Asked if a limit on roosters?

Brindley: No roosters.

Hernandez: Indicated he was happy about that as neighbor has had them for 20 years.

Hernandez: Asked about a tennis or batting cage club. Not specifically called out.

Brindley: Would fall under "Personal Services/Instructional." That question came up with EDC and staff is currently evaluating. Club vs. places of assembly are very similar.

Hernandez: Asked about commercial bakeries, etc?

Brindley: Commercial bakeries have been retained and included in land use matrix. Boat building has been retained. Carpentry has been expanded. Cabinet shop no longer requires CUP in LI and I.

Hernandez: Asked if colleges are only allowed in one area?

Brindley: Non-traditional, private institutions such as Coleman, w/CUP in LI and DP in BP. Traditional campus would have dormitories and permitted w/Major CUP in BP.

Hernandez: Recommend taking a look at this because of University of Augustine.

Brindley: That's considered non-traditional and is permitted through DP in LI. Non-traditional colleges are also allowed in Commercial and Office Professional through a discretionary review process.

Backoff: Microbrewery is supported in all Industrial Zones.

Wright: They're called Winery and Tasting Rooms and allowed by right in LI, I, I2 and with a DP in BP.

Hernandez: Commented that Stone Brewery would have a problem with the winery label.

Brindley: That will be modified.

Hernandez: Asked if tattoo establishments are permitted anywhere?

Backoff: No.

Hernandez: Believe that's against the constitution. They have to be permitted somewhere.

Backoff: Staff is not aware that state or federal pre-empts City's regulation.

Wright: It's allowed regionally in North County in other cities. It's proposed to be a prohibition for this City.

Nelson: Asked if there's specific reason why? They make a lot of money.

Kildoo: They've become more acceptable.

Backoff: It's a recommendation to the Zoning Ordinance. Understand there are some quality shops, but others may not be. Attraction and compatibility of other land uses. It's the general policy we adopted in the GP.

Nelson: Asked how long should be allowed for review of document?

Hernandez: Recommended another 30 days. He's spent a month on Industrial section. It's a major document that hasn't been changed in 40 years.

Susan Wait: There are some major changes occurring since the last revision. Even the format has changed. Wondering if it's possible to review in the time given? She's concerned about Industrial and Transitional. Would like a little more time. Asked if a redline version is available?

Brindley: It has been completely restructured so it's impossible to provide a redline version. Anticipate that we can identify redline changes between Screencheck and Draft. The Draft will be a redline version.

Backoff: That is why staff put together a "User Guide."

Wait: Commented that she likes the new format and organization. Commended staff, GPAC, EDC and citizens. Dean Tilton wrote an item wondering about web sales. As businesses change, the internet is having more of an impact. Some become totally internet sales. Shouldn't there be a category for this in LI and I zones? Would anyone become non-conforming if they conformed within a zone? Don't think so, it doesn't say so. It says when your zone changes you're allowed to remain in whatever occupation you're in until you decide to change it. It becomes non-conforming at that time when the zoning changes, is that correct?

Backoff: All industrial sites with future land use changes are designated as "Transitional" and can operate as existing zone for as long as necessary, can expand, rebuild and stay Industrial as long as they want. If Commercial and land use change, they'd be considered Non-Conforming. There is a new Non-conforming ordinance as part of this document, worked on and reviewed by GPAC subcommittee and is liberalized. For Industrial that hasn't changed.

Kildoo: Inquired if I own and sell Industrial property, and new owner wants to maintain general usage and zoning, is that possible under Transitional?

Backoff: Yes, if they buy Transitional, I/BP/MU4 or whatever use may be. They can maintain that use as long as they wish. Trigger is when they want to go to new land use. Can be any property owner, current or future.

Nelson: Inquired about web sales?

Brindley: Staff will re-evaluate the comment. It's a form and function of a use that would be permitted within an Industrial zone. Can provide some clarity on it and incorporate it into the code.

Flodine: Suggested web/internet-based be specifically mentioned not just understood so it looks like City is enticing that sort of business.

Michael Hunsaker, resident: Asked where document is on website?

Wright: It's on www.ourcityourfuture.com website. Go to latest update, Public Screencheck Draft ZO, includes User Guide w/Summary of Changes.

Backoff: Also includes Transitional Zone Map.

Brindley: Tonight's presentation is not on there yet, but will upload. There's also a link from City's Homepage that will redirect users to other website.

Hunsaker: Asked about allowance for appeals to City Council. Is it retained?

Backoff: There are appeal provisions for any level of action, including administrative.

Hunsaker: Asked if Residential rezoned on Rancho Santa Fe Road to Mixed Use can retain their use with ability to sell homes to new homeowners?

Brindley: There are several properties along the RSF corridor that are considered non-conforming. Older neighborhoods built before annexed by City. Several are designated office-professional. There is an ability to continue. New owner can retain the residential use. At a time of redevelopment, that would trigger change to new zone. There's grandfathering, if it's single family, non-conforming, they can continue residential in perpetuity.

Hunsaker: Asked about redevelopment and whether that trumps grandfather rights? Road is to be expanded to a 6-lane highway.

Brindley: Typically they'd participate in the redevelopment process.

Hunsaker: Since it would be part of a major redevelopment/road expansion project, eminent domain is greatly simplified. If some are non-conforming, the compensation they'd get is gone. They'd only get the value of bare land, not the business or home compensation that applies to conforming properties. Asked if any protection for them?

Backoff: Those types of actions are based upon appraisals. They look at all aspects, based upon highest and best use, even if different than General Plan.

Hunsaker: The businesses will have to transfer somewhere else. Under eminent domain that isn't necessarily the case, so that is a concern. Parking is a sensitive item in Lake San Marcos. High school is expanding and students are not parking in the lots they've been directed to. The school has not addressed the issue. If City puts in Creekside and there are not proper parking facilities, the problem would become unbearable. It should not be used in any form for justification for making public parking lots because new developments don't have adequate parking. In LA, there are two spaces for apartments. That's reasonable, considering most families have two incomes and two cars. Don't see how a development can be sustainable if not economic. Dumping parking on the rest of the community is not a benefit. Hope this is carefully considered.

Nelson: Commented that his son goes to the high school and they get automated calls all the time about parking situation.

Hunsaker: If only 1.5 parking spaces at Creekside apartments, there will be hundreds of cars. Developers have been allowed to do too little parking spaces. On the complete streets/mixed-use, make sure parking in front has not been eliminated.

Steve Bieri: Commented that he has not read everything yet. Asked if presentation is on line?

Backoff: Will be.

Bieri: Lending institutions are getting stranger. If in a Transition zone and you have Industrial, but designated B-P, and the lender requires a letter of conformance from the City, will they be able to get a letter?

Backoff: Yes, assuming they conform to Industrial zone.

Brindley: City receives requests from lenders for zoning compliance letters. It would be no different in a Transition zone. There's language in the chapter that identifies Industrial use as a conforming use.

Bieri: Asked if any changes to Specific Plan regulations?

Backoff: There's a SP section and it's very similar to what we have today.

Brindley: There are some minor revisions to the SPA chapter. There's a threshold for minimum size standards. Today, code allows for infill development where there's a density threshold. It's been changed slightly. Started with 5 acres, but there's a site just under 5 acres that requires a SP, so there's a tiered process as far as minimum acreage. Allows for less than 5 acre sites adjacent/contiguous to an existing SP or if it's a mixed-use infill SPA there is no minimum acreage.

Bieri: Great change as it used to be 50 acres. Asked if something comes up in 3-4 months that is clearly not correct, will there be a process or would you have to wait for a year?

Backoff: Would depend upon situation. One year would allow time to judge the new regulations.

Bieri: Asked about businesses that may need more outdoor storage. Inquired if there's any way to expand that 25% restriction?

Backoff: That's for L-I, not restricted in Industrial.

Bieri: Asked about clustering and lot size less than 7,500 in SP? Do you not have to deal with it in a PRD?

Brindley: Correct.

Bieri: Commented that the User Guide is very helpful. Asked if there's anything that shows what used to be in one zone and is not now, etc?

Backoff: It would take a lot of time to do a comparative analysis. Most land-use matrix are simple and one or two pages.

Bieri: Asked about an earlier comment that a DP could be waived?

Backoff: The Director can elevate it to a hearing or Planning Commission if it's controversial

Bieri: Asked if there's a list of the 32 new land use categories?

Brindley: No. It's specific to the Industrial zone.

Bieri: Child care centers are eliminated. Asked if they are the same as daycares? It is sometimes nice to have a center in an Industrial area.

Brindley: Child care centers are commercial daycares and have been eliminated for compatibility purposes.

Wright: An Employee Services category has been added. The employer can provide child care, cafeteria or gym in an Industrial zone.

Bieri: Asked if child care center is allowed in commercial?

Wright: Yes.

Bieri: Asked why Senior Residential is in Commercial?

Brindley: Most have been developed in Commercial through a CUP process. Want to have senior-related housing close to commercial services, grocery stores, medical offices and transit. They may not be as mobile.

Bieri: Asked if ear piercings are the same as body modifications?

Backoff: Doesn't relate to jewelry stores or salons.

Brindley: Some beauty salons do permanent makeup. It's considered an ancillary use.

Backoff: Definition Chapter is well defined.

Ron Ashman, Crew Engineering, San Diego: Client is Dale Schreiber who owns properties in City. They participated in GP workshops. Want to go on record to say Schreiber had a specific recommendation he was pursuing. It's a 10-acre site at 943 Barham, between La Moree and Woodland Drive. He desires a skilled nursing and/or assisted living facility. City asked if he'd concur with a MU3 designation, perhaps he could get a CUP to obtain that facility. It is still his desire. Looked at language and it says the uses will be defined through a SP process. Language indicates that anything

that isn't specifically indicated as a use is not allowed. Believe the schedule allows reasonable time for review.

Brindley: Spoke with Mr. Ashman last week regarding MU3 segment. It's not specifically called out to allow for skilled nursing/assisted living. It's staff's intent to modify the language to recognize that the GPAC identified this site for this potential use. Implementation is through a SP.

Backoff: SP is the zoning ordinance for that property.

Marianne Hoover, Hoover & Taylor: Asked about the timeline for a CUP/DP process?

Backoff: They vary. City doesn't always receive all required information. Staff has 30 days to identify if it's a complete or incomplete application. Two months is the goal, but it sometimes takes longer.

Hoover: Appreciates the streamlining. From an owner's standpoint, that length of time is hard on businesses. Properties will end up vacant.

Backoff: City tries to process as fast as possible. There are legal requirements to notify surrounding property owners. Time is needed to circulate to other departments and agencies and receive their comments.

Nelson: Do you have to circulate if it's the same type of use? Vacant 60 days with no income coming in is a burden.

Backoff: It's a workload function.

Wedge: Asked if there is a list available of what is needed?

Backoff: There is a detailed checklist and also an informational meeting (IM) process. Items can be identified during the IM.

Brindley: City offers a free, pre-submittal informational meeting. Staff indicates requirements, any issues that need to be resolved, etc. They aren't required to go through this step. There is a checklist matrix, information/plans are routed and during the 30 day review, staff indicates what is missing. There may be questions or issues along the way.

Wedge: Recommend they go to the free IM.

Brindley: Staff tries to offer explanations to those who may not understand the process.

Minnery: Asked if the checklist is available on line?

Brindley: It's currently on line, under Planning and Applications.

Hoover: Asked if they could eliminate some DP's?

Brindley: City has expanded non-industrial uses in I zones. Added 32 new land use categories. Trying to listen to Industrial community. Have downgraded some CUP processes to further streamline.

Backoff: Staff is working with Engineering and other departments to see what else can be streamlined.

Hoover: Appreciate the efforts.

CLOSE PUBLIC COMMENT

Flodine: Asked about Zoning Map?

Brindley: Release Aug. 9 with Draft Zoning Ordinance.

Wedge: Questions by all were good. Thanked staff for excellent work.

Backoff: Acknowledged Karen and AECOM's efforts – a lot of late nights, weekends and holidays.

Nelson: Would like to have something in place to make a correction before the one-year revision. Suggested a public hearing?

Backoff: There needs to be some time to test it out.

Minnery: Sometimes people just don't want it because it's a change.

Wedge: Feels one year is reasonable. If egregious, perhaps Council can make change?

Maas: Would assume it could take several months for something to come up

Kildoo: Part of the success of this community, besides quality staff and good leadership, is the collaboration that goes on all the time between citizens, commissions, task forces staff and stakeholders. Those running dialogues create better results than any other city in North County. This is one more example of that.

Nelson: Inquired about next meeting?

Backoff: Regular meeting on 8/6, then the Draft Zoning Ordinance meeting on 8/23.

ADJOURNMENT

At 8:27 p.m. Commissioner Nelson adjourned the meeting.



Dean Nelson, Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:

Lisa Kiss

Lisa Kiss, Office Specialist III
SAN MARCOS PLANNING COMMISSION