

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
MONDAY, OCTOBER 1, 2012 - 6:30 PM

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CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Jones led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jones, Kildoo, Maas, Nelson, Norris, Schaible, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: Flodine

ABSENT: Minnery

Also present were: Planning Division Director, Jerry Backoff; Principal Planner, Karen Brindley; Office Specialist III, Lisa Kiss; Deputy City Attorney, Avneet Sidhu

ORAL AND WRITTEN COMMUNICATIONS

None.

Nelson: Announced that Item #4, North County Wine Co. has been continued to 11/5/12.

**CONSENT CALENDAR**

1. APPROVAL OF MINUTES, 9/13/12

Action:

COMMISSIONER KILDOO MOVED TO APPROVE CONSENT CALENDAR  
ITEM #1 AS PRESENTED; SECONDED BY COMMISSIONER NORRIS AND  
CARRIED BY A UNANIMOUS VOTE.

2. SAN MARCOS UNIFIED SCHOOL DISTRICT – Construction of Administrative Buildings(s) “Warehouse and/or Maintenance Facilities” @ Twin Oaks Annex

Backoff: The school district intends to utilize a site near Twin Oaks Elementary School for a warehouse/maintenance facility. By Government Code, City's required to review and report back to the district consistency with the General Plan. Staff added a provision that it must be compatible with the surrounding community character and building materials. They don't have an exact design at this time.

Kildoo: Asked if Commission must approve? Confused why there is a resolution.

Backoff: Yes, State law says City/Commission must respond to the school district within 40 days and if they don't, it is deemed approved.

Nelson: Inquired if it should be moved to a hearing or stay on Consent?

Sidhu: Consent.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CONSENT CALENDAR ITEM #2 AS PRESENTED AND SET FORTH IN RESOLUTION PC 12-4277; SECONDED BY COMMISSIONER SCHABLE AND CARRIED BY A UNANIMOUS VOTE.

3. CITY OF SAN MARCOS, UPDATE TO ZONING ORDINANCE -  
TA 12-63/R 12-147, Errata Changes Referred Back by City Council

Brindley: In August, the Planning Commission made a recommendation to the City Council on the Draft Zoning Ordinance and Zoning Map. At the 9/25/12 City Council hearing, Council introduced a motion to adopt it. Between the time of the Commission and Council hearings, staff met with individual stakeholders regarding some comments made at the Planning Commission hearing. As a result, staff made some additional recommendations, new errata changes, to City Council. The City Attorney advised, under Government Code Section 65857, that the City Council would need to refer those matters back to Planning Commission to be heard first before any action could be taken on them. The additional errata changes include:

1. Chapter 20.215, Residential. Recommendation to allow for a reduction of separation between tot lots if site design warrants it. The standard as it was written required minimum 120 foot separation; however, some sites may not be able to accommodate that.
2. Chapter 20.225, Mixed Use. Recommend that minimum FAR in the MU1 be modified from 1.25 to 1.0, with the ability to reduce down to .85 if there's a demonstrated hardship. Staff met with an individual that had a development proposal on a highly constrained site.
3. Chapter 20.245, Mobile Home. Staff added a minimum requirement of a 3,300 s.f. space. It's an existing standard in the current Ordinance and was left out of the updated Ordinance.

4. Chapter 20.300, Site Planning & General Development. There was public testimony regarding the standards for encroachments and concern that they were eliminated. They have not been eliminated. They were removed from a table format and reinserted in text form. For ease of reference, staff is recommending they be consolidated into Chapter 20.300, rather than in the individual zone chapters.
5. Chapter 20.320, Signs on Private Property. Staff modified the definition of a free standing sign to eliminate the reference to a pole sign. It was confusing because pole signs are defined separately. Example of free-standing sign is a monument sign or something similar.
6. Chapter 20.340, Off Street parking. There was public testimony and a request for staff to re-evaluate the standards for a one bedroom and studio unit. Staff looked at the standards County-wide and concluded the revision is reasonable. Made recommendation to modify Studio to one space per unit and one bedroom to 1.5 spaces per unit. There was a standard that would allow for on-street parking to count towards a multi-family parking obligation. The intent was to allow on-street parking space internal to that development, however, as it was written, it could be construed to allow parking to occur on public streets. Staff recommends the provision be deleted. Within an ownership or condo project, there's a requirement that one space shall be a garage unit and is consistent with existing standard.
7. Chapter 20.405, Adult entertainment. Staff recommends additional clarification added to the location criteria. There's a space requirement, to be at least 750 feet from a residential zone. Mixed-use was not listed and should be since it includes residential components. Clarification was added that a commercial shopping center developed with a SP, but not zoned C will be considered a permitted location. It excludes Creek and University Districts.
8. Chapter 20.600, Definitions chapter. There were a few definitions left out that need to be completed.
9. Chapter, 20.545, Appeal and Revocation. As part of the Council motion, request was made for modification to the Appeals chapter. If the City Council grants the original permit, and it's up for revocation, it must go back to City Council for final action.

Kildoo: Inquired about mixed-use minimum FAR and why so low?

Backoff: Staff spoke to a property owner of a site on Rancho Santa Fe Road and the automotive use. It's an extremely narrow site, approved for low density retail. They came up with a three-story project that would work, with ground floor retail and residential above. However, it could not meet minimum FAR. There's not enough depth for on-street parking. City reduced it because there may also be other constrained properties.

Kildoo: Commented that he's fine with it as long as City makes exceptions only on rare occasions for those oddball lot sizes that have compelling reasons. Asked for definition of a pole sign?

Brindley: A pole, projecting above grade, with a sign at the top that is not surrounded by any type of structure.

Kildoo: Asked if being defined separate from monument signs and others?

Brindley: Yes, there's a separate definition for pole signs already included, but upon review of the definition of a freestanding sign, that wasn't caught and there was a duplication of reference.

Nelson: CLOSE OUT CONSENT CALENDAR

Kildoo: Prefers to hear speaker before vote.

Sidhu: It's not required, but is okay.

### PUBLIC TESTIMONY

Michael Hunsaker, resident: 1). Appreciate the movement towards better parking, but still don't think it will be adequate considering the density and number of cars there will be in Creek & University Districts. 2). Commented that any decision by an employee of the City should be appealable to City Council. An employee doesn't have authority to make corrections to obvious problems. It should be appealable to someone who does have authority. There's a question of interpretation. It needs to be resolved at a legislative level. The Zoning Ordinance is complex. If you look at all the additions and Errata's, it's even more so. How do you bring to Council's attention whether something needs to be changed? Appeals don't occur very frequently. Sacramento is indicating they'll be taking more control of zoning and land uses. Citizens should be allowed to appeal to the local level in case Sacramento's high-level central opinions conflict with what localities need. Requests a clearer statement somewhere that any conflicts with interpretation and any decision made should be appealable.

Wedge: Believe it says that. (Read aloud).

Backoff: Clarified that this particular errata change was explicit to Council. Typically, CUP's are approved by Planning Commission. There's an Appeal section in the Zoning Ordinance and any decision, even Administrative, can be appealed to Planning Commission and up to City Council. That was clearly identified to the Council. Mr. Hunsaker's other concern regarding parking standards in the Creek and University Districts are not regulated by this code because they are Specific Plan areas. They have own standards. This code is multi-family developments that are zoned multi-family areas.

Kildoo: Indicated he served on the Creek Task Force and there was an unbelievable amount of time, energy and science that was brought forth on setting those parking standards. They were based on studies, practical and real experience on setting standards on high density mixed-use. It's not the same as traditional, commercial, retail and residential. There was real data to back it up and he would stand behind those standards.

Brindley: In response to Mr. Hunsaker's comment regarding correcting problems to Ordinance. Council's motion requires that staff bring back any corrections within a one-year period of final adoption. This includes concerns raised by public, development community and staff, anything perceived as problematic.

Nelson: Asked when the one year starts?

Backoff: After second reading.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CONSENT CALENDAR ITEM #3 / TA 12-63 AS PRESENTED AND SET FORTH IN RESOLUTION PC 12-4318; SECONDED BY COMMISSIONER KILDOO AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES: COMMISSIONERS: JONES, KILDOO, MAAS, NELSON,  
NORRIS, SCHAIBLE, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

## **PUBLIC HEARINGS**

4. **Case No:** CUP 12-892

**Application of:** North County Wine Company

**Request:** A Conditional Use Permit to allow for a 420 s.f. outdoor patio expansion to accommodate live entertainment (1 to 3 musicians playing jazz, blues or soft rock) at an existing wine bar/shop in the San Marcos Creek Specific Plan Area.

**Location of Property:** 1099 W. San Marcos Blvd., more particularly described as: Lot 3, Block 73 of Map 806, Rancho

Item continued to 11/5/12.

### PLANNING DIRECTOR COMMENTS

None.

### PLANNING COMMISSIONERS COMMENTS

Kildoo: Commented that he's been getting a lot of requests for Creek presentations. There appears to be a renewed interest.

Nelson: Asked for an update.

Backoff: Approved a fairly large project along eastern end of the creek, from Grand Ave. to Bent Ave., on what would be Creekside Drive. Also worked on north half of that block on a project not yet approved. Those two projects are in limbo because of the

redevelopment changes. There's another project proposed on the west end near Arco. Staff's been working on it for a few years. There are some issues but it could be the first one started because it's not related to redevelopment. Assume they have the money to go forward or they wouldn't be processing. Have also had other developers contact City. If something happens negatively on redevelopment and status of the two projects, there are others interested. City is moving forward with Phase I infrastructure which includes widening of Discovery, flood wall and raising pads from Grand Avenue along Creekside Drive. Improvement plans will go out to bid soon. Have two grants for the design of the two bridges at Via Vera Cruz and Bent. Once approved by Caltrans, they'll get grant money to build them. It's a long process and slower than anticipated.

Wedge: Asked about timeline?

Backoff: Subject to market and economy.

Nelson: Inquired what happens if redevelopment doesn't come back? Would it sit vacant with infrastructure?

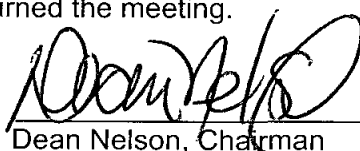
Backoff: City is not expecting redevelopment to come back. One project that is approved had redevelopment money into it for a few years. It is being challenged by the state in terms of cutoff date. The lawsuit challenge didn't prevail. There are other discussions going on at a state level with what happens to these properties. If forced to sale as an asset, it can still be developed by someone else.

Jones: Asked if developer got alternative financing?

Backoff: Always a possibility. They did talk about going back into tax credits, but will need more assistance.

#### ADJOURNMENT

At 7:01 p.m. Chairman Nelson adjourned the meeting.

A handwritten signature in black ink, appearing to read "Dean Nelson", is written over a horizontal line.

Dean Nelson, Chairman  
SAN MARCOS PLANNING COMMISSION

ATTEST:

A handwritten signature in black ink, appearing to read "Lisa Kiss", is written over a horizontal line.

Lisa Kiss, Office Specialist III  
SAN MARCOS PLANNING COMMISSION