

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
MONDAY, JUNE 1, 2009 - 6:30 PM

CALL TO ORDER

At 6:34 p.m. Chairman Kildoo called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Wedge led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

*PRESENT: COMMISSIONERS: Jacoby, Kildoo, Norris, Schaible,
Vojtecky, Wedge

*Note: Nelson arrived at 6:38 p.m., after roll taken.

ABSENT: None

ALTERNATE COMMISSIONERS IN AUDIENCE: Kritzer-Jabara, Minnery

Also present were: Planning Division Director, Jerry Backoff; Planning
Secretary, Lisa Kiss; Deputy City Engineer, Sassan Haghgoo

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 5/4/09

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CONSENT
CALENDAR AS PRESENTED; SECONDED BY COMMISSIONER
JACOBY AND CARRIED BY A UNANIMOUS VOTE (NELSON NOT
PRESENT TO VOTE).

PUBLIC HEARINGS

2. **Case No:** CUP 87-125 (09M)
Application of: Sam & Andy Hirmez
Request: Conditional Use Permit to allow operation of a convenience store at an existing gas station in the Heart of the City Business Park (SPA-BP) Zone.
Location of Property: 102 E. Carmel Street, more particularly described as: Parcel 1 of Parcel Map No. 16042. Assessor's Parcel No.: 221-110-61.

*(Nelson arrived)

Staff Presentation (Jerry Backoff):

Described request and location of Campus 76 gas station. PowerPoint presentation shown. Tenant improvements to include: Removal of the existing interior of four service bays and convert to convenience store, approximately 2,700 s.f., plus 340 s.f. of mezzanine, remodel storefront entry, retain existing fuel pumps canopy and permit ATM kiosk. Site plan & elevations shown. Existing gas station was previously approved in 1989. Applicant purchased in 2006 and has been working with City to correct violations. Heart of City (HOC) Specific Plan designates property as Business Park, however, it's considered a legal non-conforming use and was approved just before HOC was adopted. Convenience store will replace the existing service bays no longer being used and will be more compatible with hotel across street. Building footprint is not being expanded. Discussed architecture/brick veneer. Roof equipment shall be screened from view. Estimate an increase of 60 ADT's. Fair share contribution required towards City-installed signal at Twin Oaks Valley (TOV) Road & Carmel. Parking is adequate. Site improvements required: Addition of plant material where needed. Repair of damaged monument sign. Removal/screening of roof mounted dish antenna. Repair/replacement of damaged driveway entries. (Part of CUP violation that applicant has been working on). Discussed changes/clarification in 6/1/09 memorandum that was distributed earlier to commissioners. Staff recommends conditional approval with the changes.

PUBLIC TESTIMONY

Schaible: Inquired if this is the same owner?

Backoff: Applicant is current owner.

Schabile: Asked about violations?

Backoff: In 2007, there was dying or dead landscape material. Two large openings in back of station, caused by a vehicle accident, were repaired but not

as clean as City would like to see. Signage improvements. Old lighting fixture not consistent has now been changed to original. There may have been other minor items.

Jacoby: Asked how roof equipment can be hidden?

Backoff: Extension of parapet or architectural screen.

Nelson: Asked if current owner corrected violations?

Backoff: Applicant to discuss. Some issues were inherited.

PUBLIC TESTIMONY:

Jason Simmons, representative for applicant: Applicant purchased three years ago. Intention was to improve property. Landscaping was cleaned up. Wanted to apply for CUP early on but was given violations that needed to be corrected first. Have worked with Staff to correct many. Gas stations are no longer operating service bays. Lingering violations will be corrected during construction project. Modification will improve amenities to residents and deli will provide some sales tax to City. The pop outs will add to the architectural features. Brick veneer is 30 years old and hard to match exactly. Concern with one condition relating to Healy tank. Tank to be installed nearest TOV Rd., off to the side of building. Staff has asked for brick veneer/masonry block enclosure. Applicant requests ability to construct steel stud frame with brick veneer, which will look like a brick wall. It's just as secure but less expensive. Staff wants uniform requirements throughout City but each project is different.

Norris: Asked if there's any protection around tank?

Simmons: Sits below grade along TOV Rd., with 10'-15' wall above it.

Backoff: Pointed out location of Healy tank.

Simmons: Steel stud construction is easy to repair. Tank is from a State-approved manufacturer.

Schaible: Inquired about outdoor seating area? Trellis?

Simmons: To be discussed with staff. Likely include bench, an umbrella, tables & chairs on top of pavers.

Nelson: Asked if there would be a Subway or Taco shop inside?

Simmons: No, convenience store with deli.

Nelson: Beer & wine license?

Simmons: No. They could apply for one.

Nelson: Inquired about tank?

Simmons: Tank is a new requirement and is not there now.

Nelson: Asked if steel stud construction is much cheaper?

Simmons: Quite a bit less expensive plus the extra expense of adding brick veneer. Most are stucco. This is the only all brick building in city.

Vojtecky: Asked if bricks could be stained?

Simmons: Brick veneer (1/4 inch thick) comes pre-stained/colorized. Grout could be stained. Would have to be sand-blasted.

Vojtecky: Could then stain to match.

Simmons: Might be possible. Contractors didn't mention as an option

Backoff: New condition has option of matching.

Vojtecky: Steel stud is better and easier to repair.

Nelson: Inquired if all violations are handled?

Simmons: 90% taken care of. Ready to spend money, improve property and start immediately.

Jacoby: Timing?

Simmons: Ready to submit as soon as possible.

Vojtecky: Asked if fees are necessary for a remodel?

Backoff: Many typical new construction fees have been eliminated, including school fees and PFF. VWD fees have been left in.

TERMINATE PUBLIC TESTIMONY/CLOSE HEARING

Nelson: Asked if staff is okay with steel stud wall?

Backoff: Have not discussed with Fire. Not sure if it is a safety issue. Trying to be consistent throughout City.

Kildoo: Is material in tank explosive?

Simmons: Not sure, but believe there's a potential when dealing with gases. State doesn't require a masonry block or cover.

Norris: Typically they want bollards in front.

Simmons: Yes, could add.

Schaible: Asked if additional parking is required when there's outdoor seating?

Backoff: Not considered a sit down restaurant. Used mostly for employee breaks.

Nelson: Conversion is a logical use. It's hard to work on any cars these days.

Wedge: Have no problem with change on Healy enclosure, but staff must check out.

Kildoo: Suggest adding to condition to say approved with steel stud brick façade subject to approval by Fire Marshal.

Backoff: Or, subject to meeting safety criteria.

Vojtecky: Asked how to ensure that maintenance issues are taken care of?

Simmons: Applicant is committed to keeping property looking good. Wanted to apply for CUP three years ago but City said no, not until violation items were taken care of. Took time to get pre-approvals, etc. Driveways were replaced with new pavers but the large gas trucks wore them down. Now replacing with concrete pavers. Signs have been driven into. Conditions allow City to enforce.

Nelson: Asked how many cars have ended up on property?

Simmons: Five.

Action:

COMMISSIONER JACOBY MOVED TO APPROVE CUP 87-125 (09M)
AS SET FORTH IN RESOLUTION PC 09-4094 WITH MODIFICATIONS:
AS PER MEMORANDUM DATED 6/1/09; AND C.1.f. . . . screened from
view by a **steel stud frame construction masonry enclosure with brick**

veneer, meeting safety criteria as approved by the City, which shall match the brick siding and metal gate of the existing trash enclosure.
SECONDED BY COMMISSIONER NELSON AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

AYES: COMMISSIONERS: KILDOO, JACOBY, NELSON,
NORRIS, SCHAIBLE, VOJTECKY, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

PLANNING DIRECTOR COMMENTS

Backoff: The EIR for University District should be complete in June and will be distributed to Commissioners.

PLANNING COMMISSIONERS COMMENTS

Kildoo: Inquired if any measureable progress on agency permits for Creek District?

Backoff: Some progress. Trying to get over the hurdle of purpose and need statement. Some at agency don't like the word "downtown," because they feel it puts them in position where you couldn't put project anywhere else. Attempting to re-word it. Anticipate some changes. City looking at possibility to fund someone at Army Corp of Engineers to work $\frac{3}{4}$ of the time dedicated to Creek project and other City projects. Trying to overcome EPA concerns. There are some RWQCB issues as well.

Wedge: What didn't they like?

Backoff: Too specific in wording of project purpose and need. Revised, took out "downtown" and put in other language. Agency likes more broad statements. They'd like to reduce development area and wetland impacts. City wants it to feel like a downtown. Project needs to be a certain size to work and pay for infrastructure, bridges, flood control, etc. Must minimize impacts but be economically feasible.

Vojtecky: Suggested calling it Hometown?

Wedge: Like Creek District.

Kildoo: Assume wording change will talk more of it as a district and component of the City, rather than a critical downtown component.

Backoff: They're willing to say its "mixed use." You could do mixed use anywhere and put same 80 net acres anywhere. For this area, you'd have to do strip commercial, which doesn't make sense for the environment or creek. You don't want piecemeal strip commercial that will impact wetlands. You're not preserving the channel and enhancing it.

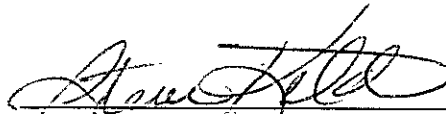
Kildoo: All items discussed during the creek process but it's not resonating with agencies.

Nelson: Job security for them. 20 projects vs. one.

Backoff: If everyone with legal property comes forward to do something, you would not get the unified, enhanced riparian corridors with buffers intact. Agency looks at it as a development instead of a Master Plan. City is not developing. City wants to do backbone infrastructure with everyone else building into that. You'd get piecemeal development if everyone with less than an acre who doesn't need a permit wants to do something. Optimistic that City will get through the process.

ADJOURNMENT

At 7:18 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairperson
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION