



MINUTES

Regular Meeting of the Planning Commission

MONDAY JUNE 17, 2019

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

CALL TO ORDER

At 6:35 p.m. Planning Commission Vice Chair Flodine called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Oleksy led the Pledge of Allegiance to the Flag.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: MATTHEWS, OLEKSY, FLODINE, MUSGROVE,

ALTERNATE COMMISSIONERS IN AUDIENCE: NONE

ABSENT: MINNERY, NORRIS, CARROLL, CRAIN, NUTTALL

Also present were: Planning Manager Joe Farace; Deputy City Attorney, Avneet Sidhu; Associate Planner Sean del Solar; Associate Planner Susan Vandrew Rodriguez; Senior Civil Engineer, Lewis Clapp; Senior Office Specialist Gina Henderson

ORAL AND WRITTEN COMMUNICATIONS

None

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 06/03/19

Action:

COMMISSIONER MATTHEWS MOVED TO APPROVE CONSENT CALENDAR ITEM #1 AS PRESENTED; SECONDED BY COMMISSIONER OLEKSY. MOTION CARRIED BY THE FOLLOWING VOICE VOTE.

AYES: COMMISSIONERS: MATTHEWS, OLEKSY, FLODINE,
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: MINNERY, NORRIS, CARROLL, CRAIN, NUTTALL
ABSTAIN: COMMISSIONERS: MUSGROVE

PUBLIC HEARINGS

2. Project No: TSM 18-0004

Applicant: The McDonald Group

Request: A Tentative Subdivision Map (TSM) to subdivide a single parcel into two (2) new lots and create eighty-two (82) residential and five (5) commercial condominium units for an already approved but not yet constructed mixed-use development (SDP17-0006) consisting of eighty-two (82) residential units and 5,500 square feet of commercial floor area.

Environmental Determination: Categorically Exemption (EX 19-007) pursuant to Section 15332, Class 32 (In-Filled Development Projects) of the California Environmental Quality Act (CEQA).

Location of Property: 1100 W. San Marcos Blvd., more particularly described as the easterly 200 feet of lot 2 in block 77 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895, excepting therefrom, the northerly 50 feet.

Assessor's Parcel Number: 219-200-47-00

Sean del Solar, Associate Planner: Presented staff report and PowerPoint presentation to approve a Tentative Subdivision Map (TSM) to allow the subdivision of an existing 2.8 acre parcel into two (2) lots with a total of up to eighty-two (82) residential and five (5) commercial condominium units and adopt a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA), Sections 15332 (Class 32: In-Fill Development Project). On September 20, 2018, the San Marcos Development Advisory Committee administratively approved Site Development Plan (SDP) 17-0006 to allow the redevelopment of the former site of the Sears, Roebuck and Company retail store at 1100 W. San Marcos Boulevard with an eighty-two (82) residential unit and 5,500 square foot commercial mixed use development in accordance with the Mixed Use 1 (MU-1) zone. At the time of processing the SDP, the applicant was working with a buyer/developer for the project that intended to develop the site as rental units. Subsequent to the approval of the SDP, the applicant filed this request for a tentative subdivision map (TSM) to develop the approved project as condominium units. Since the project has not yet been constructed, a Conditional Use Permit (CUP) for a "Condo Conversion" is not required. The Tentative Subdivision Map (TSM) being requested would create two (2) lots with a total of eighty-two (82) residential and five (5) commercial

condominium units. Fifty-six (56) of the proposed residential condominium units would be located on "Lot 1", in the form of "townhomes." The remaining twenty-six (26) residential and five (5) commercial condominium units would be located on "Lot 2," in the mixed use building adjacent to W. San Marcos Boulevard. The applicant has indicated that the purpose of the two (2) lot subdivision is to allow for the sale of Lot 1 (with 56 of the townhomes) separate from Lot 2, which may be needed for financing purposes. The TSM has been conditioned so that the mixed use building adjacent to San Marcos Boulevard (Lot 2) is constructed concurrent with the other buildings on Lot 1 to ensure that the site develops as a mixed-use project and that the required shared facilities on Lot 2 (i.e., parking, recreational, etc.) are provided in accordance with the provisions of the SDP. The presentation also showed an aerial view of the location and where the proposed project will be placed (i.e., buildings, walkways, etc.).

Planning Commissioner discussions included: Define what commercial condominium is; would the commercial owners be able to resell just their space; are there any interested parties for that commercial space; is there anticipation that this project would be a more desirable location on the north side of San Marcos Boulevard.

Lewis Clapp, Senior Civil Engineer: Indicated that a commercial condominium is similar to residential and they are able to sell the airspace and the use is for commercial purposes rather than residential. It's essentially allowing the airspace to be sold for commercial purposes rather than residential. Commercial owners will be able to sell their airspace just like a residential condominium. They can sell off the airspace, not own the underline lot.

Mike McDonald, Applicant: At this time no serious interests have been received. California Row has become a large food and entertainment location based on the existing tenants and giving the nature of this relatively small square footage of retail, my guess is that it will be more mom and pop type use and not anymore food and beverage use.

PUBLIC COMMENTS

Marlene Walder, resident of San Marcos: Referred to the aerial map location of the proposed project, indicating there were two entrances to the property, now there will only be one entrance. Is that entrance 40 feet across for fire department access and are more condos being built. Concerns about the easement linking the two properties not being the same level, and the path going through the condos are pedestrians able to look into resident's patios and homes, or are the patios enclosed.

Sean del Solar, Associate Planner: Addressed Ms. Walder's questions, indicating that more condos are being built and that there is a main driveway for the project that runs through the site and passes through the building onto San Marcos Boulevard. There is also a back street entrance that will serve the site as well as other commercial offices. There is a grade difference between the project site and the movie theater site. It's approximately five feet higher than the movie theater site. There will be a courtyard and a ramp to provide access through any existing ADA ramp providing access to the movie theater ticket office. Regarding the condos, there is a patio space around the front door that is a common courtyard space. The



vertical clearance on the driveway is 11 feet high and meets the fire code requirements. The width we believe is 24 feet, Fire Department did review the plans and this meets the fire code requirements for fire access. The larger equipment would access the site from the rear of the property.

CLOSED PUBLIC HEARING

Planning Commissioner discussions included: The access way to north south from San Marcos Boulevard to Linda Vista will be dedicated or remain a private easement; glad that this property will become condo units, changing from the original concept of becoming rentals.

Sean del Solar, Associate Planner: Addressed the Planner Commissioners questions regarding the access way that the driveway and alley will remain private.

Action:

COMMISSIONER MUSGROVE MOVED TO APPROVE RESOLUTION NO. PC 19-4767, Project TSM18-0004 AND SECONDED BY COMMISSIONER OLEKSY. MOTION CARRIED BY A UNANIMOUS ELECTRONIC VOTE.

AYES:	COMMISSIONERS: MATTHEWS, OLEKSY, FLODINE, MUSGROVE,
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: MINNERY, NORRIS, CARROLL, CRAIN, NUTTALL
ABSTAIN:	COMMISSIONERS: NONE

3. Project No: CUP 18-0009

Applicant: Jason Dunn Jr.

Request: The Planning Commission will review a request for a Conditional Use Permit to allow the continued operation of an adult nightclub with live entertainment and dancing located within 7,518 square feet of a 49,469 square foot retail commercial center in the Specific Plan Area (SPA) zone.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA), the City of San Marcos did find the project Categorically Exempt (EX 19-012) pursuant to Section 15301 Class 1 of the California Code of Regulations (CCR), in that this is an existing facility with no expansion.

Location of Property: The project site is located at 740 Nordahl Road, Suite 125, more particularly described as PAR A* (EX ST) of Map 14572 Per Doc. 86-483204 filed in the Office of the County Recorder of San Diego County, October 24, 1986.

Assessor's Parcel Number: 228-120-47-00

Susan Vandrew Rodriguez, Associate Planner: Presented Staff Report and PowerPoint presentation to recommend conditional approval of a Conditional Use Permit to allow the continued operation of an adult nightclub, 21 and over, as well as live entertainment and dancing. Club Tropics is operated within 7,518 square feet of a 49,469 square foot building in the Plaza San Marcos Commercial Center. The site has 210



parking spaces on 3.67 acres. The Club is located in the northeast corner of the center with a floor plan consisting of a dance floor, chairs and tables to serve patrons. Operational live entertainment consists of playing Latin music by either a live band or disc jockey. Persons under the age of 21 are prohibited on site. There is no kitchen/restaurant service provided as part of the nightclub. Zoning Ordinance Chapter 20.425 regulates the operation of bars, alcohol service, and entertainment land uses within the City to ensure that the establishment and operation of the land use will not constitute a public nuisance. To this end, the Chapter requires that all land uses with onsite alcohol sales and/or live entertainment shall be required to obtain a Director or Conditional Use Permit depending upon the requirements of the applicable zone. The project site is located in the Plaza San Marcos Commercial Center within the Norman-Hutchinson Specific Plan Area (SPA). The SPA uses the Commercial Zoning Chapter for regulation of commercial land uses with the SPA zone. As such, a Conditional Use Permit ("CUP") is the required level of entitlement type in accordance with Chapter 20.425 for the operation of a nightclub in the SPA zone. The SPA zone allows for various uses and Club Tropics is regulated as a commercial use. Surrounding properties to the northeast and west are also zoned SPA. The uses include a multi-family residential apartment complex ("Eaves") northwest of Nordahl Road and Center Drive, and commercial to the northeast and southwest. Additionally, single-family residential (R-1-10) uses are located to the southeast. As Club Tropics hours of operation are Monday-Sunday, 9:00 a.m. to 2:00 a.m., the nightclub is subject to nighttime noise level limits. The maximum occupancy load is 330 people. The nighttime operation secures a City approved safety plan, maintain Liability Insurance with the City as Additional Insured, and maintain a \$5000 Code Enforcement account. The operation is also conditioned to keep the rear doors closed at all times, and to monitor the operational noise levels to confirm that the operation does not exceed 55 dBA at the property line and 50 dBA to the single-family residential outdoor living areas to the east during overnight hours, as specified in the Zoning Ordinance Section 20.300.070(E).

Planning Commissioner discussions included: Any past security issues that Commissioners should be aware of; Resolution page 11, item 26 indicates the all use of the nightclub must seize at 1:30 a.m. but that last call is at 1:45 a.m., how is last call after the time the nightclub use is supposed to stop.

Susan Vandrew Rodriguez, Associate Planner: Indicated there have been no past security issues during the renewal process of the application. Clarified that all nightclub use shall seize at 1:30 a.m. and that last call shall occur at this time and alcohol service shall be completely seized at 1:45 a.m.

Nanette Cole, Applicant's sister: I help my brother run the nightclub. We turn the lights on at 1:30 a.m. and that's when we stop serving alcohol, then at 1:45 a.m. we are getting everyone on their way and at 2 a.m. everyone is out of the club.

PUBLIC COMMENTS

None

CLOSED PUBLIC HEARING

No comments or discussions from the Planning Commissioners



Action:

COMMISSIONER OLEKSY MOVED TO APPROVE RESOLUTION NO. PC 19-4790, Project CUP 18-0009, and CATEGORICALLY EXEMPT EX 19-012 AND SECONDED BY COMMISSIONER MUSGROVE. MOTION CARRIED BY A UNANIMOUS ELETRONIC VOTE.

AYES: COMMISSIONERS: MATTHEWS, OLEKSY, FLODINE, MUSGROVE,
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: MINNERY, NORRIS, CARROLL, CRAIN, NUTTALL
ABSTAIN: COMMISSIONERS: NONE

PLANNING MANAGER COMMENTS

Planning Manager, Joe Farace informed the Commissioners that the Mission 24 project brought to them on June 3rd is scheduled for the City Council Meeting on July 9th and we'll update you on the outcome. The July 1st Planning Commission Meeting is cancelled and there is one item scheduled for the July 15th Planning Commission Meeting, which is an adult residential care facility in the University Commons Old Creek Ranch area. That is all I have for tonight.

PLANNING COMMISSIONERS COMMENTS

None

ADJOURNMENT

At 7:05 p.m. Vice Chairman Flodine adjourned the meeting.

KEVIN NORRIS, CHAIRMAN
CITY OF SAN MARCOS PLANNING COMMISSION

ATTEST:

GINA HENDERSON, SENIOR OFFICE SPECIALIST
CITY OF SAN MARCOS PLANNING COMMISSION