



# MINUTES

## Regular Meeting of the Planning Commission

**TUESDAY, JANUARY 17, 2023**

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

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### **CALL TO ORDER**

At 6:30 p.m. Planning Commission Chair Flodine called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

Commissioner Kim led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

The Secretary called the roll:

PRESENT: COMMISSIONERS: NUTTALL, KIM, NORRIS, FLODINE, CRAIN, CARROLL, RIOS

ALTERNATE COMMISSIONERS IN AUDIENCE: SAULSBERRY

ABSENT COMMISSIONERS: CAVANAUGH

Also present were: Planning Division Director Joe Farace; Sustainability Program Manager Saima Qureshy; Jacqueline Paterno with Lounsberry Ferguson Altona & Peak; Building Official David Yorba; Senior Planner Sean del Solar; Michael Johnston with Telcom Law Firm; Deputy City Attorney Punam Prahalad; Senior Office Specialist Gina Jackson

### **ORAL AND WRITTEN COMMUNICATIONS**

None

### **ELECTION OF CHAIRPERSON**

#### **Action**

COMMISSIONER FLODINE MADE A MOTION TO NOMINATE COMMISSIONER CARROLL AS CHAIRPERSON; SECONDED BY COMMISSIONER NORRIS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: NUTTALL, KIM, NORRIS, FLODINE, CRAIN, RIOS  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: CAVANAUGH  
ABSTAIN: COMMISSIONERS: CARROLL

### **ELECTION OF VICE CHAIRPERSON**

#### **Action**

CHAIR CARROLL MADE A MOTION TO NOMINATE COMMISSIONER RIOS AS VICE CHAIRPERSON; SECONDED BY COMMISSIONER FLODINE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: NUTTALL, KIM, NORRIS, FLODINE, CRAIN, CARROLL, RIOS  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: CAVANAUGH  
ABSTAIN: COMMISSIONERS: RIOS

### **CONSENT CALENDAR**

#### **1. APPROVAL OF MINUTES, 12/5/2022**

#### **Action:**

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

AYES: COMMISSIONERS: NUTTALL, KIM, NORRIS, FLODINE, CRAIN, CARROLL, RIOS  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: CAVANAUGH  
ABSTAIN: COMMISSIONERS: NONE

### **PUBLIC HEARINGS**

#### **2. Project No: TA22-0003 and EX22-044**

**Applicant:** City of San Marcos

**Request:** Municipal Code update for implementing the requirements of AB 1236 to streamline

processing of permit applications for Electric Vehicle Charging Stations.

**Location of Property:** City Wide

**Recommendation:** Staff recommends approval to City Council

**Jacqueline Paterno, Deputy City Attorney with Lounsberry, Ferguson, Altona, & Peak:** gave the presentation.

#### **PUBLIC COMMENTS**

None

#### **CLOSED PUBLIC HEARING**

**Planning Commissioners discussions included:** Simplicity of the checklists; 5% make ready; how does this work with State Law AB 2097; staff funding impact for the streamline process; clarification on a health and safety denial; the review process for installing an EV fast charging station.

**Staff Response:** The checklists should be easy to download and complete. The 5% comes from the Climate Action Plan relating to non-residential projects. The 5% is the total space required for EVs and overlaps with the State Law. If State Law says no parking, then there will not be any EV charging stations. Streamlining efforts are for the Building permits and the checklists cover the required information the City asks for. Staff does not expect any significant staffing impacts with this streamlining process. All contents of the checklist are related to health and safety, following the electrical code. Larger projects cannot be reviewed over the counter and takes 15 business days for first round staff review.

#### **Action:**

COMMISSIONER NORRIS MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL EX22-044 AND RESOLUTION PC 22-5018 FOR TA22-0003; AND SECONDED BY COMMISSIONER CRAIN. MOTION CARRIED BY A ROLL CALL VOTE.

AYES:	COMMISSIONERS: NUTTALL, KIM, NORRIS, CARROLL, RIOS, FLODINE, CRAIN
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: CAVANAUGH
ABSTAIN:	COMMISSIONERS: NONE

#### **3. Project No:** TA19-0002 and EX22-043

**Applicant:** City of San Marcos

**Request:** Text Amendment to modify the Wireless Telecommunications Facilities Ordinance (SMMC Chp. 20.465) and recommend to the City Council adoption of a Policy for the Deployment of Small Wireless Facilities within the Public Rights-of-Way.

**Location of Property:** City Wide

**Recommendation:** Recommend approval to City Council

**Sean del Solar, Senior Planner:** gave the presentation.

**Planning Commissioner discussions included:** Inquiry on who will be covering the extra costs and maintenance; was City staff able to review the letter sent by the Verizon team and were there any revisions made to the ordinance language; installation charges; confirmation of the change; lease charges; will providers use the same pole or install new poles; who incurs charges when a pole needs replacing due to damage.

**Staff response:** Applicants are responsible for the extra costs. To confirm, the changes received from Verizon are reflected on staff's recommendations.

**Michael Johnston, Telecom Law Firm response:** All costs for maintenance are paid by the applicant in the permit process. The only costs to the City is reviewing the application, which is reimbursable through the application fees. Ongoing maintenance costs are the applicant's responsibility after permit issuance. Verizon comments were read and consulted with City Staff. A few changes were made to annual compliance reporting and amount of distance a cabinet can be mounted away from a pole. These changes were made in the attachments presented to you. There are a list of category fees that are permissible to charge, and some that are impermissible to charge. The approach that San Marcos is taking is charging for application and permit fees. There is no rental value when attaching to a City light pole. That subject was addressed in the FCC Small Solar and is preempted by federal law. To align with federal law. The lease is \$270 per pole, per year, however this does not apply in this situation, per the FCC. The policy favors using existing structures to avoid the clutter of many new poles. There will be poles which multiple providers are able to use the same antenna, but provide their own radio unit. The City will have a licensing agreement with the applicants that they must purchase 5 or 6 poles to keep at the maintenance yard and use in case a pole is knocked down and needs replacing.

#### **PUBLIC COMMENTS**

None

#### **CLOSED PUBLIC HEARING**

**Action:**

COMMISSIONER RIOS MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL EX22-043 AND RESOLUTION PC 22-5017 FOR TA19-0002; AND SECONDED BY COMMISSIONER FLODINE. MOTION CARRIED BY A ROLL CALL VOTE.

AYES: COMMISSIONERS: NUTTALL, KIM, NORRIS, CARROLL, RIOS, FLODINE, CRAIN  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: CAVANAUGH  
ABSTAIN: COMMISSIONERS: NONE

**Item #4, staff is asking for the item to be continued to the February 6, 2023 Planning Commission meeting.**

**Action:**

COMMISSIONER CARROLL MADE A MOTION TO CONTINUE ITEM #4 TMP-1831 FOR GPA21-0008 TO THE FEBRUARY 6, 2023 PLANNING COMMISSION MEETING; AND SECONDED BY COMMISSIONER CRAIN. MOTION CARRIED BY A ROLL CALL VOTE.

AYES: COMMISSIONERS: NUTTALL, KIM, NORRIS, CARROLL, RIOS, FLODINE, CRAIN  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: CAVANAUGH  
ABSTAIN: COMMISSIONERS: NONE

**4. Project No:** GPA21-0008, R21-0004, MFSDP21-0002, & ND22-008

**Applicant:** Paul Mayer, Santa Fe Flore LP

**Request:** Request for a Multi-Family Site Development Plan, including a Density Bonus, for construction of a proposed 50-unit residential apartment building and 107 parking spaces on a 2.23 acres. Project includes a General Plan Amendment and Rezone to change the land use and zone of the property from Commercial (C) and Light Industrial (L-I) to Multi-Family Residential (R-3-10).

**Location of Property:** Northwest corner of S. Santa Fe Avenue and N. Las Flores Drive.

**Recommendation:** Recommend approval to City Council

**PLANNING DIVISION DIRECTOR COMMENTS:** Congratulated Chair Carroll and Commissioner Flodine on their reappointments. Also introduced new alternate Planning Commissioner Lionel Saulsberry. Congratulated Chair Carroll on his election to Chairperson and to Commissioner Rios on her appointment to Vice Chairperson. Last week's City Council meeting received the CAP Bi-Annual report. The Montiel

project will be heard at the next City Council meeting. The General Plan Update will also be heard at the City Council meeting February 14<sup>th</sup> .. After Council endorses the map, staff can get started on the CEQA portion of the update. Next Planning Commission meeting will be February 6<sup>th</sup>.

**PLANNING COMMISSIONER COMMENTS:** Chair Carroll thanked the Commission for their votes.

**ADJOURNMENT**

At 7:29 p.m. Chair Carroll adjourned the meeting.



CHRISTOPHER CARROLL, CHAIRPERSON  
CITY OF SAN MARCOS PLANNING COMMISSION

**ATTEST:**



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