

# MINUTES

## Regular Meeting of the Planning Commission

**MONDAY, NOVEMBER 06, 2023**

City Council Chambers

1 Civic Center Drive, San Marcos, CA 92069

### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Commissioner Crain led the Pledge of Allegiance to the Flag.

### ROLL CALL

The Secretary called the roll:

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

ALTERNATE COMMISSIONERS IN AUDIENCE: SAULSBERRY

ABSENT COMMISSIONERS: NONE

Also present were: Planning Division Director Joe Farace; Senior Planner Sean del Solar, Principal Civil Engineer Kyrenne Chua, Deputy City Attorney Punam Prahalad; Senior Office Specialist Gina Jackson

### ORAL AND WRITTEN COMMUNICATIONS

None

### CONSENT CALENDAR

#### **1. APPROVAL OF MINUTES, 10/02/2023**

#### **Action:**

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

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

### **INFORMATIONAL ITEM**

#### **2. City of San Marcos Affordable Housing Programs Update**

**Silvia Solis Daniels, Housing and Neighborhood Services Manager:** gave staff presentation.

**Planning Commissioners discussions included:** Threshold for development and percentage developer needs to put in for Affordable Housing; how can we meet the percentage; encourage developers to build Affordable Housing in other areas of the city; rentals or ownership; deed restrictions; property maintenance guidelines; length of time of deed restrictions.

**Staff response:** The current threshold is 15% of the total unit makeup must be Affordable or pay the in-lieu fee. We are working on the fee study to see where we can get the funding to make that difference up. We are working with Affordable Housing developers who are interested in building in other areas of the city. All the properties are rentals. Depends on the market rate. We need to investigate this to give an answer. 55 years is the State law, when the State and County are involved then it increases to 99 years.

### **PUBLIC HEARING**

**Note: An Errata was introduced to the Commission regarding updates (typos/corrections) made to Resolution PC23-5077, Resolution PC23-5078, and Resolution PC23-5079.**

**Note: A letter from Withers Bergman dated 11/3/23 was also introduced to the Commission regarding Responses to Comments to the Initial Study/Mitigated Negative Declaration for the Restaurant Row Project SP22-0004, Environmental Document No. ND23-011.**

#### **3. Project No: ND23-011, SO22-0004, GPA22-0002, R22-0002, TSM22-0003, SDP22-0006, SDP23-0004**

**Request:** A Specific Plan (SDP22-0004), General Plan Amendment (GPA22-0002), Rezone (R22-0002), Site Development Plans (SDP22-0004 & SDP23-0006) and a Vesting Tentative Subdivision Map (TSM22-0003) to remap a 10.5-acre portion of an existing commercial center (Old California Restaurant Row) with three (3) lots containing, up to 202 residential and 30 commercial airspace condominium units, and dedicate a 1.1-acre public park site, right-of-way, and public access easements.

**Environmental Determination:** A Mitigated Negative Declaration (ND23-001 / SCH No. 2023080476) was prepared for the project, pursuant to the California Environmental Quality Act (CEQA).

**Location of Property:** 1020-1080 W. San Marcos Boulevard. APNs: 219-200-45-00, 219-020-31-00, and

219-200-30-00.

**Senior Planner Sean del Solar:** gave staff presentation.

**Alex Plishner, Lennar Homes (applicant):** gave the applicant presentation.

**PUBLIC COMMENTS:**

**Steve Kildoo, resident of San Marcos:** spoke in favor of the project.

**Frances Donnelly, resident of San Marcos:** Safety concerns with remote access to the garages and street access, and no back door with units not having access door to garages. Requesting a document presented to buyers regarding limited access to the garages.

**Tanis Brown, with San Marcos Historical Society:** thanked Lennar for their attention to the history of San Marcos.

**Andre Taylor, advocate for skate parks:** spoke in favor of the proposed skate park for this project and how important it is to the youths.

**Mike Spilky, with Location Matters:** spoke about what their company does and how they are working with Lennar to bring restaurants to their development.

**Story Monforte with Cocina Del Charro restaurant:** spoke about the proposed parking for the new development and the parking spaces that will be eliminated for the restaurant's use. Would like to keep the parking available from the easement. Will support the project if the parking issue is resolved.

**John Butler with Fish House Vera Cruz restaurant:** spoke about parking issues with the proposed new development and indicated the City is taking away the restaurant's easement and purchased parking right agreement if the project is approved.

**Steve Wilson, the attorney representing Fish House Vera Cruz restaurant:** spoke about difficulties working with Lennar on the parking issues from the proposed project and that the reduced parking is not adequate for the restaurant.

**Planning Commissioners discussions included:** Amazing project, concerned with landmark locations with regards to parking; project has a lot of great features; concerns with infringing on two long time facilities regarding the parking; architecture design is not what expected; paseo connection to other projects; proposed parking availability for restaurants facing San Marcos Blvd.; no Affordable Housing; available EV chargers; garages for the single bedrooms; projected number of employees for new restaurants; projected number of new restaurants; employee parking; add spaces on the east and west side



of the park by eliminating a pickle ball court or reducing the park size; four residential front yards 25 feet from a trash bin. Managing of residential parking; design guideline for San Marcos Blvd.; not comfortable with a possible lawsuit against the city regarding the parking; easement for the proposed Sear's site. Security measures for the residents and for patrons to the park; adding additional parking on Via Vera Cruz; concerns with no fencing around the skate park.

**Applicant response:** Paseo will connect to the proposed development on the Sears property, the park, and future surrounding developments. We will pay the fee in lieu of building Affordable Housing. We had constraints to work around for the design. A homeowner's association will manage the resident parking. The city's design team did want the pickle ball courts fenced. We've had discussions with the parties for over 3 years regarding the parking and we are close to a solution with Cocina del Charro. We are also working with Fish House Vera Cruz and have a solution to tighten up the park area to increase the parking by adding 15 more stalls.

**Steve Cook, applicant representative response:** EV is following the Building Code. The 2 bedrooms will have a garage and there will be 9 assigned bays which is not included in the 100 spaces open to the public. We did the parking analysis, and there will be parking between the two commercial spaces. Employee parking was included in the parking analysis, which are within the 100 open spaces.

**Staff response:** The Climate Action Plan is 5% for EV parking and does comply with the Building Code. The project will provide a total of 25 EV charging stations, of which 21 are located in the residential areas, and 4 located in the open parking spaces. There will be an east west connection. The Sears project site will provide access to the movie theatre, and there will be connections to the sidewalks and pedestrian access to the park. There will be a change to the street with landscape medians. The Sears site adjacent to the project site will have a connection to that local access. Transition to the local access lane begins at the Buffalo Wild Wings site will have an appropriate length to allow merging in and out of the site. The public park will close at dusk and the pickle ball courts will be fenced and locked when closed. The city does have a Ranger that patrols the parks in the evening and has authority to conduct enforcement. There is a condition written that the space for the park will be given to the city. Lighting will illuminate the sidewalk. There is no lighting for the park. In the presentation we gave an option to add 15 additional parking spaces. The original requirement was for 100 parking spaces and the applicant came up with the option to add the 15-parking spaces. The design allows for this option if Fish House comes to an agreement with the applicant.

**Mike Spilky with Location Matters:** Most of these restaurants will be fast casual which is limited service sit down restaurant. There will be 6 restaurants under 3000 square feet, but I do not know where there are going to park, nor provide how many employees there will be.

## CLOSED PUBLIC COMMENTS

### Action:

COMMISSIONER FLODINE MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL, RESOLUTION PC23-5074 (SP22-0004), RESOLUTION PC23-5075 (GPA22-0002), RESOLUTION PC23-5076 (R22-0002), RESOLUTION PC23-5077 WITH THE ERRATA SHEET (TSM22-0003), RESOLUTION PC23-5078 WITH THE

ERRATA SHEET (SDP22-0006), RESOLUTION PC23-5079 WITH THE ERRATA (SDP23-0004) AND ADOPT ND23-011; AND SECONDED BY COMMISSIONER NUTTALL. CARRIED BY A ROLL CALL VOTE.

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

**COMMISSIONERS DID NOT VOTE FOR THE PROJECT FOR THE FOLLOWING REASONS:** No Affordable Housing for the size of the project, not having a parking resolution with Fish House Vera Cruz and Cocina del Charro before it came to Planning Commission, the city should get involved to produce more parking spaces, needed more time to look over this project.

**PLANNING DIRECTOR COMMENTS:** October 24<sup>th</sup> City Council meeting heard the Pico project and approved 5-0, and addressed the security lighting issue. The Marcos project was also approved 5-0 and agreed to increase the landscaping along Grand Avenue and approved no glass windows in the garages. December 4<sup>th</sup> will be the next Planning Commission meeting, and this concludes my comments.

**PLANNING COMMISSIONER COMMENTS:** Chair Carroll thanked everyone for all of their work on presenting and discussing the OCRR project.

#### **ADJOURNMENT**

At 9:54 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