

DRAFT

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CALIFORNIA
TUESDAY, SEPTEMBER 6, 2011 - 6:30 PM

CALL TO ORDER

At 6:31 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, Minnery, Nelson, Norris,
Schaible, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: Jones, Maas

ABSENT: None.

Also present were: Planning Division Director, Jerry Backoff; Assistant Planner,
Art Pinon; Principal Civil Engineer, Peter Kuey; Planning Secretary, Lisa Kiss;
Deputy City Attorney, Avneet Sidhu;

ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 6/6/11 & 7/7/11 (Workshop)

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CONSENT CALENDAR AS
PRESENTED; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY
A UNANIMOUS VOTE.

AGENDA ITEM
1

PUBLIC HEARINGS

2. **Case No:** CUP 02-529 (11R)
Application of: Valley Bible Church
Request: Renewal of a Major Conditional Use Permit for the continued operation of a church.
Location of Property: 1609 Capalina, more particularly described as: Parcels 2, 3 & 4 of Tract 14929, in the City of San Marcos, County of San Diego, State of California. Assessor's Parcel No.: 219-116-20, 21 & 22.

Staff Presentation (Art Pinon):

Described request and location. PowerPoint presentation shown. The existing 3.77-acre commercial center contains 4 parcels with two buildings and approximately 286 shared parking spaces. The project currently occupies 19,833 s.f., one of the two buildings onsite. Operating since '02, CUP expired in '07. Applicant submitted a renewal request in 2011, which will enable them to sell the property with active entitlements to another church. Previously annexed into CFD's. Floor plan shown. Church requires 99 parking spaces, which is 5 spaces short. Staff reviewed hours of operation and parking on site has been determined to be adequate. No complaints have been received regarding parking. There was a code enforcement issue regarding noise. At the time, the rear door was kept open. It has since been closed and there have been no further complaints. During staff's site inspection, the following was observed: Four storage containers on site, a basketball hoop and painting of the asphalt indicating outdoor recreational activities. The applicant addressed the violations and removed all outdoor activities. All activities shall take place inside the building with the exception of periodic outdoor special events, which shall be permitted on the grass area at the north end for limited times. The schedule is to be provided and reviewed/approved by the Planning Division Director. Staff recommends conditional approval for a 5-year term. Applicant is present and in agreement with conditions.

Nelson: Asked why storage containers had to be removed?

Pinon: Indicated it's a Commercial zoned property with no outdoor containers allowed.

Jacoby: Assume special events weren't previously covered by CUP?

Pinon: Correct.

Jacoby: Inquired if the other tenants should give their okay?

Pinon: Events occur on the north end of property away from tenants. It should not be an issue for them.

OPEN PUBLIC HEARING

David Koss, Applicant: Indicated he's available for questions.

Kildoo: Commented that a new tenant or church must understand and comply with the conditions.

Koss: Indicated they are targeting churches, but are open to any purchaser. It makes sense for a church to come in as they wouldn't need to do any T.I.'s.

Kildoo: Would like to see Valley Bible Church stay in the City.

Nelson: Asked if school would be affected if sold?

Koss: No, the school is a separate property and there are no plans to change it. The church outgrew the property.

CLOSE PUBLIC HEARING

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CUP 02-529 (11R) AS SET FORTH IN RESOLUTION PC 11-4236 WITH MODIFICATION AS PER MEMO: C. 4. . . .

Outdoor special events (i.e., picnics, **outdoor grilling**, Easter Egg Hunt, etc.) will be permitted on the grass area at the north end of the building on an occasional basis for a limited time period during daytime hours on weekends and holidays. ~~Outdoor cooking is not allowed.~~ Prior to commencement of any special event, the applicant . . .

SECONDED BY COMMISSIONER NORRIS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

3. **Case No:** CUP 11-844 / ND 11-813

Application of: Del Taco, LLC

Request: To construct a 2,452 square foot restaurant with a drive thru.

Location of Property: Northwest corner of Rancho Santa Fe Road & San Marcos Blvd., more particularly described as: Parcel 4 of Parcel Map No. 9761, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on March 6, 1980, as file No. 80-077806 of Official Records. Assessor's Parcel No.: 221-023-12.

Kildoo: Item continued to 10/3/11.

4. **Case No:** CUP 11-857 / ND 11-812

Application of: Venture Point Development

Request: A Conditional Use Permit to allow for indoor/outdoor entertainment activities (limited to dancing, live music, disc jockey and karaoke), and special events (such as car shows, farmers market, art/crafts shows, music performances) at an existing 13.9-acre commercial center ("Restaurant Row") in the Commercial

(C) Zone. The proposal would also allow for the option of a future banquet hall within an existing 6,006 square-foot suite.

Location of Property: 1020-1080 W. San Marcos Boulevard, more particularly described as: Parcels 1, 2, 3 and 4 of Parcel Map 17325 as recorded in the San Diego County Recorder's Office. Assessor's Parcel No.: 219-200-30, 31, 45 & 46.

Staff Presentation (Jerry Backoff):

Described request and location. PowerPoint presentation shown. Indicated it's a "master" Conditional Use Permit to establish a framework to allow indoor/outdoor entertainment and special events at Old California Restaurant Row (OCRR). Operational standards will ensure entertainment events are not impactive on adjacent properties. Project area (A-E) shown. Applicant wishes to transform area into a family-oriented destination and community gathering place. Discussed project matrix and outdoor events: Includes holiday functions, school, cultural and community events, farmers market, car shows, dance recitals, nightclub, banquets, etc. Currently, a special permit would be needed for each event. Nightclubs limited to Acapulco and Sublime Pizza and would allow dancing. Capacity ranges from 100-1000 people. Events would be limited to occur only in one area at a time. Shall not exceed 1,000 for Area A. Sublime Pizza could potentially be used in the future as a banquet hall. Discussed parking: Currently have 1,160 spaces. 909 spaces are required. Parking study concluded average parking demand at the site today is 489. Swap meets, flea markets and concerts would be prohibited. Events larger than 350 would require a traffic management plan. Must comply with ABC regulations and license obligations. Staff recommends conditional approval for a 3-year term.

Kildoo: Commented that he didn't notice any day or time restrictions.

Backoff: Hours are in the matrix. They're pretty much open throughout week.

OPEN PUBLIC HEARING

John Clement, VenturePoint Development, Applicant: Thanked City staff for establishing a mutually beneficial arrangement.

Nelson: Asked about catering/banquet hall and whether it would also be an active restaurant?

Clement: No, but there is a shortage of banquet facilities in the City. If you're categorized as a banquet facility, you're able to bring in your own food and beverages. We were originally seeking that, but then we were approached by Sublime Pizza, so it's off the table today. CUP allows a banquet facility at only one site. It's either one or the other. If the space becomes vacant again, it could be an option.

Bob Eubanks, Old California Restaurant Row: We wish to recreate the energy that Restaurant Row first brought to the City in the 70's when his father opened OCRR. It brought people from all over North County. Since that time, other areas have evolved. Hope to bring that back by involving schools and the community. Very grateful City has worked with OCRR to make this happen.

Vera Eubanks, Old California Restaurant Row: Thanked everyone for the effort. Believe this will be of interest to community and help OCRR.

Story Monforte, current tenant/Cocina Del Charro: Excited about it being a social hub for the community.

Nelson: Asked why outdoor concerts are not allowed?

Backoff: Concern about crowd control. Permit shall be reviewed every 6 months and could be re-evaluated later.

Nelson: Woods House and Walnut Grove Park has had outdoor concerts, with about 200 people showing up. Suggested they may want to add concerts later.

CLOSE PUBLIC HEARING

Nelson: Commented that a banquet facility would be great for the area, where all restaurant tenants could use it. Asked what happens with one master CUP, if there's a bad tenant?

Backoff: Indicated it could jeopardize the permit. City feels the approach could work especially having one owner and management company. If there are problems, would have to be re-evaluated.

Kildoo: Pointed out that some nights, especially Friday, there are challenges to finding parking. There could be potential parking issues if someone is using the largest facility. Feel staff should monitor parking on certain days to not impact restaurants.

Jacoby: Asked why the staff memo doesn't just say, "limited to 1,000"?

Backoff: There are no events exceeding 1,000. If this were a one-time special event, contracting with Sheriff would be one of the standard conditions.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CUP 11-857 AS SET FORTH IN RESOLUTION PC 11-4243 WITH MODIFICATION AS PER MEMO: D. 11. For events in excess of 1,000 people, the applicant shall contract with the San Diego County Sheriff's Department for traffic control and security services.; SECONDED BY COMMISSIONER MINNERY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

PLANNING DIRECTOR COMMENTS

Backoff: Advised group that the University District Rock Crusher CUP, which recently had a workshop, is tentatively scheduled for November Planning Commission. The environmental document will be available to Commissioners for early review. Staff will begin briefing the Commission regarding the status of the General Plan Update starting in October.

Kildoo: Asked for update on Palomar Station?

Backoff: Council approved Substantial Conformance finding. There's a new developer of the project. Changes include more units, less retail square footage and project design orientation. Environmental didn't change. It's consistent with original approval. They're proceeding with habitat permits with the agencies, which may take 9 months. Submitted on behalf of the project for potential infill grant money, awarded \$700,000, for the pedestrian bridge from Sprinter to Palomar College.

Kildoo: Asked about Creek District?

Backoff: Continuing to make progress. ACOE should be making a determination on what they consider to be the "least impactive alternative." They've looked at 10-11 alternatives. Working with RWQCB and the new executive director fully endorses the project. Hope to have permits by end of year. If elevated by EPA, permits could get delayed.

PLANNING COMMISSIONERS COMMENTS

Wedge: Stated she had a relative in town from TX and they commented on how pretty San Marcos is.

ADJOURNMENT

At 7:23 p.m. Commissioner Kildoo adjourned the meeting.

Steve Kildoo, Chairman
SAN MARCOS PLANNING COMMISSION

ATTEST:

Lisa Kiss, Secretary
SAN MARCOS PLANNING COMMISSION