



ATTACHMENT E

Public Comments on Stakeholder DRAFT Sections

AGENDA ITEM NO. 2

Kiss, Lisa

From: Don Grant [dgrant@breb.com]
Sent: Friday, July 06, 2012 4:23 PM
To: Brindley, Karen
Cc: Scott Brusseau; Stephen Bieri; rgittings@hilltopgroupinc.com; jim@cciconnect.com; Jim Hernandez; Marianne Hoover; Chris Williams; pmichael@mcdonaldgroup.net; Jeff; Ken Dubs, Sr.; Mike Erwin; Charles Zahl; Dean Tilton; rico@pinamontirentals.com; ann@lightfootpg.com; Williams, Harry; pete@marconproducts.com; mellosue@pacbell.net
Subject: Proposed industrial zoning
Attachments: Comments on Draft Zoning Ordinance 6-27-12.doc; ZoningOrdCommentFinal612.doc; Response to Zoning Reg.pdf; San Marcos Ind Zone Comments.doc; City of San Marcos comments.doc

Karen:

As part of the San Marcos Economic Development Committee, 19 major industrial property owners met to discuss the proposed changes to the industrial zoning. With the information provided, the lack of a redline, specific zoning map and references to other sections not yet drafted, the enclosed questions and comments are presented to you with the hope this would encourage further dialogue and input from the community before adoption. We realize that the council is anxious to complete this by September, but we feel it is important to be thorough with something that will be in effect for the next 20 years.

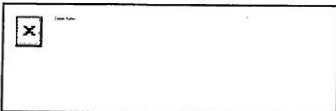
If you have any questions, please feel free to give me a call.

San Marcos Economic Development Committee

Don Grant
Subcommittee chairman

Don Grant, CCIM, SIOR
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July 6, 2012

Ms. Karen Brindley
Planning Department
City of San Marcos
Email Transmission.

Dear Karen,

RE: Comments on Draft Zoning Regulations.

I see several things I like in this draft ordinance. Thank you for your efforts. If I had the time, I would point out the good changes that you have made, but this submittal is already long. Also, thank you for extending the time period for comment.

My key concern is the absence of a harmonization between the old and new regulations. Unless there is clarity in this issue, stakeholders will distrust this effort.

Philosophical Critique 1: I was hoping to see a more comprehensive adaptation of Form-Based guidelines to the Industrial Zones. Many of the distinctions between types of business, as they are allowed in one zone but not in another, are unnecessary. Stringent categorization will seldom help but almost always hinder the economic progress of the city. Form based thinking would work much better. Key assessment categories would include a) social acceptability, b) environmental concerns like noise, odors, vibration, and c) parking. Most times, parking is and should be the key issue. With this thinking in place, the allowed uses could be expanded. The industrial zones are essentially graded in terms their "up-scaleness" and restrictiveness. B-P being the most upscale, therefore the most restrictive. But, with the form-based approach, anything that is allowed in the B-P should be allowed in L-I and I zones. Anything allowed in L-I should also be allowed in the I zone. (I have omitted I-2 because of its limited acreage. Also, the I-2 zone should be kept as-is for its special categories of uses.)

Philosophical Critique 2: The use of the Directors Permit has the initial sound and feel of a quick check of the necessary criteria as related to the applicant's use and the quick issuance of a business license. In fact, from an applicant's point of view, a DP might as well be a CUP. Furthermore, the process continues to get more ponderous and more expensive and more suppressing of new business as the days pass. The following remarks apply mostly to applicants who are tenants. The smaller the tenant, the worse the curse.

1. The landlord typically does not receive more rent from business requiring a DP/CUP than he does from a business that does not require one. Therefore, the costs of

compliance with the conditions of approval will inevitably fall on the applicant. These costs include:

- a. Building code upgrades, ADA etc. Such upgrades are not required when a business license is obtained by a non-DP/CUP business. This is not new business friendly. (If the city's liability exposures for ADA infractions require a formal assessment because the city is giving discretionary approval, this is another reason why a discretionary permit should only be required in the most limited number of cases.)
 - b. The cost of required CFDs, annexation and yearly costs. The CFDs last forever; the tenancy may last only months. Such annexations are not required when a business license is obtained by a non-DP/CUP business. This is not new business friendly.
 - c. Now a storm water runoff assessment is required. Storm water upgrades are not required when a business license is obtained by a non-DP/CUP business. This is not new business friendly. To repeat, no one but the applicant will ultimately pay for these added costs. The landlord will either not accept the tenancy or insulate himself from the costs through several means. Not New Business friendly.
2. The DP process takes too long. And it is expensive. For a small business, \$2,500-\$4,000 is a serious expense added to his business expenses and business risk. But the loss of months that a permit takes often equates to an even larger cost.
- a. Rent on the subject property is often being paid during the application period.
 - b. Business is often being lost during the delay.
 - c. Employees are often dormant.

Truth be told, the application cost is the least obnoxious of all these listed issues. If an applicant could apply for a DP, get a decision within (say) 7 days, avoid the formal scrutiny and costs listed above, and then pay the full fee on the day he is given his business license, San Marcos would become a New Business friendly city. (If the decision by the Planning Department is NO, the applicant can still choose to pay application fee and apply for a CUP)

With the above concerns and wishes in mind, I make the following comments. Starting at the top of Table 20.225-2:

	Included Uses	Comment and Suggestion
1	Automotive Fueling Stations	If this is allowed in L-I, with a CUP, it should be allowed in I zone also with a CUP.

2	Automobile Wholesale	If this is allowed in L-I by right, it should be allowed in I zone, perhaps with a DP
3	Commercial Recreation, Indoor	This use should definitely be allowed in I zone also, with a DP. The industrial zone is the best-catch all zone for the recreational user (tall clear heights, etc.) The volleyball company on La Mirada comes to mind. Also, indoor shooting ranges, paintball, gymnastics, rock climbing, etc.
4	Merchandise Sales (4 categories)	Could not find a description of "Merchandise Sales." Again, I am concerned that the I zone is unnecessarily hindered by a DP requirement in the second and third category and not allowed at all in 4 th category.
5	Restaurant, Sit down	As it is allowed in L-I, it should be allowed in I zone.
6	Outdoor dining seating	This should be allowed in I-zone also. Such things add to a positive work environment
7	Medical Services- Doctor's office	Should be allowed in L-I because L-I already allows professional offices. 5/1000 parking should be required. Chiropractors, Dentists, Acupuncture, etc. are a good fit in L-I if there is enough parking. (Not in I zone, in this case.)
8	Production of Experimental Products.	Should instead read: " <u>Production of Experimental Products which constitute or cause an excessive health risk.</u> " Such a use should require at least a DP in <u>any and all</u> zones.
9	Research and Development And R & D Fabrication and Light Manufacturing.	<ol style="list-style-type: none"> 1. These categories should not be separated because their functions are inseparable. 2. <u>Both should be allowed by right in the I zone.</u> This is a machine based category mostly, except for possibly medical research. R and D prototype development would naturally seek out I zoned as well as L-I properties. Often, these companies are attempting to be on the cutting edge of their markets. Good things can happen for them and thus for their community. Their choices of location should not be unnecessarily restricted.
10	Construction offices and Services	This should be permitted in I-2 also, particularly if associated with outside storage.
11	Machine Repair Shops	Should be allowed in L-I zone as they are now.

	<u>New categories needed.</u>	The distinction between retail and wholesale is ever more blurred.
12	Web Sales.	Should be allowed by right in all Industrial zones. These type of businesses are often forklift oriented and they need warehouse type property. If the preponderance of sales is wholesale and/or web based, a business license should be issued.
13	Hardware, Plumbing and Paint Supply Etc.	L-I and I zones. These uses are often forklift oriented. Many such businesses serve the contractors as their main clientele and serve homeowners secondarily.
	<u>Old Categories.</u> Some important categories appear to be omitted. Here are just some samples that were allowed in some form before, but possibly not in the new regulations.	Perhaps your new categories include all the old categories, but it is impossible to know. <u>A harmonization of old to new is very necessary.</u>
14	Auctions, Indoor	
15	Bakeries	
16	Blueprinting, Printing (not newspapers) Lithography (Bookbinding also)	
17	Building Material Storage and Sales Yard.	A very important category that should be allowing in the I-zone with DP/CUP.
18	Child Care Centers	My suggestion: All zones except I-2, DP. Only ancillary in I-2.
19	Etc. Etc.	

	Design Standard Problems.	(I am trusting the architectural and construction people to review the development standards in depth. However, the following items jumped out at me.)
20	10% landscaping rather than the typical 8% requirement.	<p>This is the wrong direction for the following reasons.</p> <ol style="list-style-type: none"> 1. The absolute necessity of water conservation. Even with California Friendly plantings, the new requirement will cause a 20% increase in water usage. 2. The necessity to make the Industrial Districts as efficient as possible. Every unnecessary loss of site efficiency causes the loss of potential economic productivity from the site for its lifetime. 3. Also, it is imperative that on-site storm water runoff mitigation areas be included in the required minimum landscape area.
21	Any new development standards that reduce site efficiency.	<p>The necessity is to make the Industrial Districts as efficient as possible. Every unnecessary loss of site efficiency causes the loss of potential economic productivity from the site. The only important reason to further reduce site efficiencies is safety. It is my impression that fire access has always been a key factor in site design in San Marcos. I am skeptical that any more site efficiency loss is necessary unless required by the State of California.</p>
22	Limitations of driveways	<p>Larger properties that will be truck-served should be allowed to have at least 2 entrances for these reasons:</p> <ol style="list-style-type: none"> 1. Site Safety: Maneuverings of vehicles on site. The limitation of road access points is assumed to be road safety. There is an on-site safety concern also. The less vehicle backing, the safer the environment. A "drive around building" is the safest type. 2. Site Efficiency: For long term economic vitality, the necessity is to make the Industrial Districts as efficient as possible. Every unnecessary loss of site efficiency causes the loss of potential economic productivity from the site. Without 2 access points, a drive around building requires the further reduction of the building footprint to allow truck traffic to return to the single access point, site efficiency has been unnecessarily reduced.

*Doors Unlimited
Timberline Moulding Company
1303-1316 Armorlite Drive
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June 28, 2012*

*City of San Marcos
City Council and Staff
1 Civic Center Drive
San Marcos, California*

These are a partial list of my comments to the proposed Zoning Ordinance.

Since we have not been granted an extension of time to respond to your proposed Zoning Ordinance, there are many items that need further study.

The most pertinent are the following, however brief, and honestly require an in-depth response, which is not possible, without an extension, so here are responses to areas that require further study, changes, and explanations.

They are as follows:

TRANSITIONAL ZONES

20.235.020 B-Permitted Development Activities. Build out to the full extent of the Initial Zone standards is permitted. **However with parameters for build out under Initial Zone Ordinances will be impeded growth and inhibit expansion of existing businesses as they are stricter and have changed.**

**Define “Initial Zone Standards” and “Initial Zone Ordinances”
Does this mean that there will be further Zone Standards and further Zone Ordinances, and if so – by what means will they be derived ?**

20.235.020 C: Timing of Transition. 1. Replaced with an operation that is not consistent with the existing developed industrial use or the permitted uses of the Initial Zone
Can the owner be notified so they can correct the situation? What if the property is a rental and a different type of business moves in?

D: Rezoning Required: Submittal of an application to rezone the property/parcel to the Future Zone.

Is there a cost for this process? What will the application entail? How long will the process take?

20.235.030: Transitional Zoning Districts Defined, A. Applicable Regulations. 1. Initial Zone Regulation.

Zoning regulations applicable to the existing developed industrial use prior to the adoption of this Zoning Ordinance shall not be applicable to the ongoing operation and maintenance of the Initial Zone uses within Transitional Zones.

If the uses were developed under earlier zoning regulations how can they be regulated with a newer requirement? Can the previous regulations need to be included as newer ones are more restrictive.

20.235.040 Transitional Use Regulations, A. Activities associated with the ongoing operation of an industrial use, as provided for by this Chapter, shall be an allowable conforming use under the identified Initial Zone regardless of the permit requirements identified for the applicable use in the Initial Zone permitted uses table.

Does this mean that a permit will not be required to continue with the operation? But what if there is a change.

20.235.04, B. Permit Requirements. Where an industrial use is not allowed use under the Initial Zone, consistent with Section 20.235.040(A), these activities shall require a CUP subject to the standards and process of chapter 20.500.

However a CUP will be required for expansion, renovation if use is not allowed in Initial Zone? The CUP requirement will inhibit and control the existence of businesses that need to grow and be too costly. This requirement does not support the business climate of San Marcos with a conducive setting for the continuation of existing developed industrial uses. CUP requirement should be eliminated. What is chapter 20.500, permits & applications? It is difficult to comment without seeing chapter 20.500.

20.235.04, D. New Future Zone Primary Uses. **What will rezoning to the Future Zone entail? This should be a minimal amount of paper work to complete.**

Section 20.235.050 DEVELOPMENT STANDARDS FOR ESTABLISHED USES/BUSINESSES

A. This section does not allow existing businesses the opportunity to grow and expand easily as there will be additional requirements under the Initial Zone Ordinances which are more restrictive than previous

requirements. Growth and expansion should be tied to the previous Zone Ordinances, setbacks and such. Not conducive to business growth.

CHAPTER 20.225 INDUSTRIAL ZONING DISTRICTS

1. Merge Business Park with Office or L-I definitions.

Section 20.225.040, Allowable Industrial Uses and permit Requirements

Table 20.225-1

Please give time frames for the permits, cost and requirements.

TABLE 20.225-2: Overall, please loosen up requirements and permits so it is not too restrictive to inhibit growth in San Marcos.

RESIDENTIAL USES:

Adult Day Care, Emergency Shelters & Transitional Housing should be Permitted under L-I.

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES:

Allow all these uses in L-I & I zoning with Directors Permit. It is already proven to be compatible.

GENERAL RETAIL USES:

Auto sales, new, used and wholesale: allow in L-I & I under same conditions with a Directors Permit?

Catering, Food Truck: change to Permitted under LI Zoning

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Merchandise Sales, New Retail, Used/pawn, Change to 500-100,000 sq. ft.: change to Directors Permit so economy can dictate development.

Outdoor dining/seating, Parking Facility, Restaurant, Sit-Down, Take-Out: Change to Directors Permit or Permit for L-I, I & BP.

OFFICE PROFESSIONAL & BUSINESS SUPPORT

Financial Institutions: Change to Directors Permit for L-I & I.

All Offices, Government, Production, Research, R & D, Technical Labs and such: Change to Permitted for I.

Tattoo: Change to Permitted or DP for LI & I.

INDUSTRIAL DISTRICT PERMITTED USES

Machine Shops: Change to Permitted for LI

Self Storage: change to DP for LI & I .

Outdoor Storage: Change to Permitted for I and DP for LI. This is important for the sustainability of San Marcos.

Requiring a small business to obtain a CUP will be cost prohibitive and be detrimental to property owners of incubator suites. This will not provide a conducive setting for the continuation of existing Mom & Pop industrial uses to thrive.

TABLE 20.225-3

This table has changes from the current requirements. Please do not increase setbacks, landscaping requirements, change lot size or building requirements. Too much restriction and requirements will impede the growth of San Marcos.

OPERATION & DEVELOPMENT STANDARDS: Please loosen up requirements so the community can create the organic flow that the City is looking for. Developers will be at the mercy of the Director's Review which will be subjective.

Reference is made to chapters that we do not have access to. We need to see these chapters to be able to give an accurate assessment.

20.225.06, G, Unless the storage premises are entirely enclosed by decorative fences/ and/or walls as stipulated in Section 20.325 (Walls & Fences). What is Section 20.325?

20.225.06, H: Outdoor Storage: Operational standards of Section 20.400xxx What is Section 20.400xxx?

20.225.07, E-2. Driveways City of San Marcos Street Design Criteria - What is this criteria?

20.225-07, E-3. Loading Areas: Refers to section 20.400 xx, What is this Section??

ZONING DEFINITIONS, Chapter 20.700:

F. Industrial, Manufacturing & Processing Uses. Contractors offices & Services. Any office space or building operated for use by a contractor of any type which includes storage of vehicles, equipment or materials based on operational standards of Chapter 20.400.

What is 20.400? Outside storage of equipment & non-hazardous materials should be allowed.

I-2 Zone is not apparent on the Land Use Plan map we were provided. This is important to know as it relates to a towing yard, RV storage or comparable use which I presume would be covered under "Outdoor Storage".

A general comment – Since the General Plan and the Zoning must agree – since the General Plan was previously approved, without the Zoning Ordinance in place, it is obvious that a definite clarification be made as to which has priority – when there are differences, which there obviously will be.

There are a number of questions that must be answered and the Zoning Ordinance corrected, so that there are no problems in the future.

Thank you very much for your consideration to the above, and again I request that you allow us a brief extension to comment properly. At the very least, this is a small portion of the issues that need clarification.

Sincerely

*Susan M. Wait, owner
Doors Unlimited
Timberline Moulding Company*

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What is 20.400? Outside storage of equipment & non hazardous materials should be allowed.

The following are comments on the stakeholder draft sections of the industrial zoning regulations.

Chapter 20.225 - Industrial Zoning Districts.

Overall Comment - Zone Designation Names and Location

Please verify that the new zone names correlate to the old zones as follows:

CURRENT ZONE	PROPOSED NEW ZONE
BP	BP
L-M	L-I
M	I
M-2	I-2

Also, please confirm that the correlating zone will be applied to properties consistent with the current boundaries (e.g. properties in the Industrial land use designation, that are zoned M-2 will now be zoned I-2).

If that is NOT the intent, then the zones and mapping must be available and reviewed together to determine any additional issues that could arise from changes in zoning designations.

Comments by Section Number

20.225.010 Purpose of Chapter

C. This section adds as a purpose to minimize the impact of industrial activities on adjacent commercial uses (in addition to residential). It is not clear why this is necessary or appropriate. There are commercial uses allowed WITHIN the various industrial zones, the development and operational standards appear to provide adequate limitations on impacts, and this addition sets up the potential to place additional burdens on industrial land uses in favor of commercial uses.

20.225.020 Purpose of Industrial Zoning Districts

C. **Industrial (I) Zone** description changed the general categories of uses to be accommodated and deletes the term "storage". Perhaps this is covered by "warehousing", but is there a reason it is deleted?

D. **Industrial 2 (I-2) Zone** deleted reference to Research and Development. This seems unnecessary, and is also addressed later in comments on the use table.

20.225.040 Allowable Industrial Uses and Permit Requirements

C. Additional Use Regulations - These are not yet completed - they will need to be reviewed to fully understand any effect on the industrial zones.

Table 20.225-2 - Industrial District Permitted Uses

General Comment - several uses are allowed in more restrictive zones - and there does not seem to be a reason not to also allow in a less restrictive zone. Uses noted below include suggested revisions to the chart:

LAND USE	COMMENT/REVISION
Adult Day Care	Why is this a permitted use only in I zone? Add to L-I and BP? Perhaps with DP or CUP?
Child Care Centers	This use is deleted from the chart, and currently is allowed with DP. Is this being addressed in a different section of the new zoning ordinance? If not, this use should be accommodated in these zones with appropriate review (DP or CUP)
Conference/Convention Centers	Allow with CUP in L-I also (in addition to BP)
Automobile, Sales Wholesale	Why not allow in I and I-2, perhaps with DP or CUP?
Catering, Food Truck	Add as a permitted use in I-2 (in addition to I)
Merchandise Sales, New Retail >100,000 sf.	This use is an intense commercial use and is inappropriate in the BP district - and not consistent with the stated purposes for R&D/testing, professional offices and compatible light industrial activities. A retail use of this scale should be located within a commercial designation.
Parking Facility, Enclosed Freestanding	Allow with CUP in I and I-2 (in addition to L-I and BP)
Research and Development	Currently permitted use in the M zone - should continue to be permitted use in the I zone (in addition to L-I and BP)
R&D Fabrication and Light Manufacturing	This is a new use category - should be permitted in I and I-2 (in addition to L-I and BP) since manufacturing is a component of the use
Personal Services, Health/Athletic Club	Add as a DP use in L-I (in addition to BP). Seems like could have similar use and location characteristics as retail sales <30,000 sf which is allowed as DP in L-1.
Construction Offices and Services	Currently permitted use in M-2 zone - should continue to be permitted use in I-2 zone (in addition to L-I and I zones)
Outdoor Storage	Currently CUP use in the M zone - should continue to be allowed use in the I zone with CUP.

Table 20.225-3 Development Standards

Building Height. Currently the height limit in the M and M-2 is 35 feet. The new standards show an increase to 45 feet for the I zone, but leave the I-2 as 35 feet. Seems that these should be changed consistently.

Street Frontage/PL. The current front setback in M and M-2 is 10 feet and changed to 20 feet. Why is this necessary?

Setback from **property line adjacent to any R zone** is changed for I-2 zone from 20 to 25 feet. Why is this necessary?

Building Separation is a new development standard, and requires 10 feet for the L-I, and 20 feet for the BP, I and I-2 zones. An interior property line is allowed to be zero (0) feet in the L-I, I and I-2 zones. A building separation requirement should not be needed in zoning, as long as structures comply with building code requirements, and certainly should not be more restrictive in the I and I-2 zones than in the L-I zone.

20.225.050.C. Industrial Development Lot Area. This section notes that the (new) lot widths apply to all "new development and subdivision of land." This is a helpful clarification, but it would be even stronger if it was stated that "Lots existing prior to the adoption of this ordinance may have lesser width of 50 feet in effect at the time of their creation."

20.225.060 Operational Standards

F. Indoor Manufacturing. While this is generally consistent with the existing regulations, there is no provision for allow any outdoor work. Recommend that allow for CUP process to evaluate any such special considerations.

H. Outdoor Storage - the site coverage and operational standards should be consistent with the current regulations - but the language in this section will need to be reviewed when drafts are available to verify this.

Chapter 20.235 - Transitional Zones

I reviewed the general structure of this section, and it appears to be consistent with the representations made to maintain the ability to function under current regulations. Individual property owners within these areas should look at the list of specific permitted uses within the Initial Zone to determine whether they are allowed by right (permitted) or would be required to get a CUP for their specific use. I think that the requirement for a rezone to effectuate the Future Zone is a good procedural protection for the transitional areas.

Chapter 20.700 - Definitions

page 1 - Typo under Adult Day Care - underlined title says ""Dar"

page 10 Use listed as Contract Offices and Services. This title needs to be clarified and made consistent within the document. On the use chart (page 20.225-5) this is listed as "Construction Offices and Services". [The current zoning ordinance uses both terms "Contract Construction Offices and Services"].

Also, the definition of Contract Office and Services specifically restricts the storage of equipment and materials to be within enclosed buildings. Why wouldn't the criteria for outdoor storage apply to this use as it would to any other?

1. The BP zone really doesn't address industrial users. Why not allow any "Industrial, Manufacturing & Processing Uses" described in the table on the top of page 20.225-5 including "...Dry Cleaning or Laundry, Plants, Moving Company, Parcel Delivery Service..." in the BP zone provided they meet all the other criteria?
2. As Dean Tilton said this morning, in turn, why not allow "...Production of Experimental Products, Research and Development, R&D Fabrication and Light Manufacturing and Technical/Scientific/Medical Laboratories, incidental uses..." in all other industrial zones.
3. Page 20.225-1, Section 20.225.020, Paragraph B, states "... and compatible light industrial activities affiliated with research and development/ testing." On page 20.225-5, Table 20.225-2, Manufacturing and Assembly requires a DP to be in that zone. On the bottom of page 20.225-5, Note 3 states "fabrication and light manufacturing may be permitted only when they are related to the research and development activities, limited to electronics and high-tech products" This is too restrictive and subjective.
4. Why not allow any "Industrial, Manufacturing & Processing Uses" described in the table on the top of page 20.225-5 including "...Dry Cleaning or Laundry, Plants, Moving Company, Parcel Delivery Service..." in any industrial zone provided they meet all the other criteria?
5. Why not allow ATM machines in any industrial zone?
6. Page 20.225-4, Table 20.225-2, the B-P Zone is geared for "New Retail Merchandise Sales greater than 100,000 SF" and general office and medical office not to industrial users.
7. Karen implied that the current regulations for outside storage in LM, M and M-2 zones will not change. I would like to see that specifically addressed.
8. In the I and I-2 zones, the minimum lot size has increased from 6,000 SF to 10,000 SF in the I and I-2 zones and the front yard setback has increased from 10' to 20'.
9. The landscaping requirement has increased in all the zones from 8% to 10%.
10. The loading door/docks and truck parking setbacks are new requirements, which I think will be difficult to achieve on a lot of 20,000 SF or less.
11. Page 20.225-5, Table 20.225-2; why not allow "Construction Offices and Services in the I-2 zone?
12. Page 20.225-6, Table 20.225-3, The draft general plan shows a FAR for B-P zoning of 1.2 and the proposed zoning shows a FAR of 1.5, which is correct?
13. Page 20.225-6, Table 20.225-3, the interior parking setbacks are too restrictive for lot sizes of 20,000 SF or less.
14. Page 20.225-7, Paragraph B states that all developments have to have site plan review. Please put a time limit to respond.
15. Please put a time limit for DP Approval.
16. Page 20.225-8, Paragraph A refers to the wrong Table.
17. Page 20.225-8, Table 20.225-5, Refuse receptacle areas 10' from PL is too restrictive with a lot size of 20,000 SF or less.

18. Page 20.225-10, Paragraphs D2 and D4 are confusing "...100% usage of tilt-up concrete shall not be permitted..." and "...100% glass on exterior walls shall be discouraged and subject to Design Review." I thought that was already required.
19. Page 20.225-12, Section 20.225.080, Paragraph A, "... shall be permitted within the street frontage setback..." What about allowing the same in the other zones?
20. Page 20.225-13, Section 20.225.090, Paragraph A, "...Square and rectangular building floor plans and design shall be avoided." Too restrictive.
21. Page 20.225-14, Paragraph B, "...Tilt-up concrete with texture and colors is allowed subject to a maximum coverage of 50% of the materials used on the elevations visible from the public right-of-way." What should the other 50% be?
22. We need more specific language regarding truck parking, other vehicle parking and storage of materials associated with the business.

JRH

ARCHITECT/ C-12356
GENERAL CONTRACTOR B-419574

**City of San Marcos
City Council and Staff
1 Civic Center Drive
San Marcos, California**

This is a list of my comments to the proposed Zoning Ordinance.

I understand that there will be a Planning Commission Workshop before that first reading to the Planning Commission. I will be attending to see how the many comments from the community have been addressed.

They are as follows:

TRANSITIONAL ZONES (TZ)

20.235.020

D: Rezoning Required: Submittal of an application to rezone the property/parcel to the Future Zone.

This cost should be less than a standard rezone application as most of the work has been completed with the approval of the General Plan.

Likewise the time line on this approval should be no longer than 45 days.

20.235.030: Transitional Zoning Districts Defined, A. Applicable Regulations. 1. Initial Zone Regulation.

Zoning regulations applicable to the existing developed industrial use prior to the adoption of this Zoning Ordinance shall not be applicable to the ongoing operation and maintenance of the Initial Zone uses within Transitional Zones.

We need to insure that any expansion of the existing use that conflicts with the new ord. is not applicable to these TZ .

20.235.04, D. New Future Zone Primary Uses. **See comment under 20.235.020 D: Rezoning Required:**

CHAPTER 20.225 INDUSTRIAL ZONING DISTRICTS

RESIDENTIAL USES:

Add child care facilities as permitted in all but BP w/ DP

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES:

- 1. Need to change the last part of the definition to just say the public or member and guests.**
- 2. Under College add a 3. And add trade schools**

GENERAL RETAIL USES:

Auto sales, new, used and wholesale: allow in L-I & I under same conditions with a Directors Permit?

Catering, Food Truck: They should be permitted in any zone with a special permit requirement.

Commercial Recreation, Indoor: This need to be redefined to separate Bowling alleys and that type of indoor recreation from Laser tag and ice/ roller rinks and then these types should be allowed in all but the I 2 zoning

Merchandise Sales, New Retail, Used/pawn, Add construction material under this heading take out the SF identification and permit it in all I zoned with a DP

Outdoor dining/seating, Restaurant, Sit-Down, and Take-Out: Change to Permitted for L-I, I & BP.

Parking Facility, DP for L-I & I

OFFICE PROFESSIONAL & BUSINESS SUPPORT

Financial Institutions: Change to Directors Permit for L-I & I.

Medical & Urgent care Change to permitted in all but I 2

Doctors' Offices permitted in L I

All Offices, Government, Production, Research, R & D, Technical & Medical Labs and such: Change to Permitted for L I & I.

Tattoo: Change to Permitted or DP for LI & I.

INDUSTRIAL DISTRICT PERMITTED USES

Boat Building; Change to permitted in L I

Construction offices & Services ; Add construction material under this heading, permitted in all but BP zone

Machine Shops: Change to Permitted for LI

Self Storage: change to DP for LI & I.

Outdoor Storage: Change to Permitted for I and DP for LI. This is important for the sustainability of San Marcos.

Water treatment ... Change to permitted w/ CUP in all zones

OPERATION & DEVELOPMENT STANDARDS Table 20.225- 3: See my attached mark ups on these standards

Parking:

1. Need to see Sect. 20.310 and Table 20.310.1 (not included)

Landscaping:

1. Not included need to review

**20.225.060, OPERATION STANDARDS
Table 20.225-5**

Refuse; should be in line with parking set back as they are traditional set in a parking space

20.225.060, G, Unless the storage premises are entirely enclosed by decorative fences/ and/or walls as stipulated in Section 20.325 (Walls & Fences). Where is Section 20.325?

20.225.060, H: Outdoor Storage: Operational standards of Section 20.400xxx Where is Section 20.400xxx?

20.225.070, E-2. Driveways City of San Marcos Street Design Criteria – Where is this criteria?

20.225-070, E-3. Loading Areas: Refers to section 20.400 xx, Where is this Section

20.225.080: B-P Zone Development Standards

A. Street Frontage Setback; This area should be included in the landscape % requirement.

20.225.100: B-P Amenity Space Standards

B. These Common amenity space should be part of the landscape required area

Sincerely



James R. Hernandez

San Marcos Municipal Code Title 20 – Zoning Ordinance

Industrial Zones

- B. **Industrial Land Uses.** Table 20.225-2 identifies the permitted land uses required permit types in all Industrial zones. Industrial uses are intended to be the primary permitted use, supplemented by light-industrial and business support uses complementary to active industrial activities.
- C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this Chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.225-2, refer to the referenced sections for additional operational standards and regulations applicable to the use.
- D. **Multiple uses on a single site.** Where a proposed project includes multiple land uses, and Table 20.225-2 require different land use permits for some of the uses, the project shall be authorized through the approval of the permit requiring the highest level of review.
- E. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the zone.

**Table 20.225-2
Industrial District Permitted Uses**

Land Use	IL-1	IRP	IL	IL-2	Additional Use Regulation
Residential Uses					
Adult Day Care	EP	EP	P	---	20.400.XXX
Caretaker Unit	P	---	P	P	Note I
Emergency Shelters	EP	---	P	---	20.XXX.XXX
Transitional Housing	---	---	P	---	20.XXX.XXX
Recreation, Education & Public Assembly Uses					
Club	DP	DP	CUP	CUP	20.XXX.XXX
College, Nontraditional Campus Setting <i>TRADE SCHOOLS</i>	EP	DP	EP	---	20.XX.XXX; DP required for new buildings and land use renewals; CUP required for new land use establishment in an existing building.
College, Traditional Campus	EP	EP	EP	---	20.XXX.XXX
Conference / Convention Centers	---	CUP	---	---	
Museum, Library or Gallery	DP	DP	---	---	
Places of Assembly	DP	DP	DP	---	20.XX.XXX; DP required when proposed location is within existing buildings and/or is a land use renewal; CUP required if new building being proposed.
General Retail Uses					
ATM, interior to building / vestibule	---	P	---	---	
ATM, freestanding exterior / exterior wall	---	P	---	---	
Automotive, Fueling Stations	EP	EP	EP	---	20.405
Automotive, Rentals	DP	DP	DP	DP	20.XXX.XXX
Automobile, Sales New	EP	EP	CUP	---	
Automobile, Sales Used	EP	EP	CUP	---	

San Marcos Municipal Code Title 20 – Zoning Ordinance

Industrial Zones

**Table 20.225-2
Industrial District Permitted Uses**

Use	20.11	20.12	20.13	20.14	Additional Use Regulation
Automobile, Sales Wholesale	P	---	DP	EDP	20.XX.XXX
Catering	P	---	P	P	20.XX.XXX
Catering, Food Truck	SP	CP	P	SP	20.XX.XXX
Commercial Artist/ Production Studios	P	DP	P	P	
Commercial Recreation, Indoor	SP	SP	SP	SP	
Dry Cleaning or Laundry, Plant	DP	---	P	P	
Employee Services	A	A	A	A	
Funeral Homes and Mortuaries	CUP	---	CUP	---	
Lodging, Hotels	EDP	DP	DP	---	
Merchandise Sales, New Retail	EDP	DP	DP	---	20.XXX.XXX
Merchandise Sales, Showrooms	P	---	DP	---	20.XXX.XXX
Merchandise Sales, Used/Pawn	EDP	---	EDP	---	
Moving Company	P	---	P	P	20.XXX.XXX
Parcel Delivery Service	P	---	P	P	20.XXX.XXX
Outdoor dining/seating	P	P	---	---	20.XX.XXX
Parking Facility, Enclosed Freestanding	CUP	CUP	---	---	
Restaurant, Sit-Down	DP	A	---	---	
Restaurant, Take-Out	P	A	P	---	
Office, Professional and Business Support Services					
Financial Institutions	---	P	---	---	20.XXX.XXX
Medical, Hospital	CUP	CUP	CUP	---	
Medical, Urgent Care	SP	CP	SP	---	
Medical Services-Doctor's office	SP	P	SP	---	
Offices; Corporate, Administrative, Business, ≤5,000 s.f.	P	P	-DP	DP	20.XXX.XXX
Offices; Corporate, Administrative, Business, ≥5,000 s.f.	P	P	CUP	CUP	
Offices; Government	P	P	CUP	CUP	
Production of Experimental Products	DP	P	DP	DP	20.XXX.XXX
Research and Development	P	P	SP	SP	20.XXX.XXX
R&D Fabrication and Light Manufacturing	P	P	SP	SP	20.XXX.XXX
Technical/Scientific/Medical Laboratories, incidental uses	P	P	SP	SP	20.XXX.XXX
Services					
Animal Sales and Services	DP	---	DP	SP	
Automotive Services, Repair	DP	---	DP	DP	20.XXX.XXX
Automotive Services, Washing / Detailing	SP	CUP	SP	SP	20.XXX.XXX
Dry Cleaning or Laundry, Agency	P	P	---	---	20.XXX.XXX
Equipment Rental Yards	---	---	SP	P	20.XXX.XXX
Personal Services, General	DP	DP	---	---	
Personal Services, Health / Athletic Club	EDP	DP	---	---	20.XXX.XXX
Tattoo / Body Modification	EDP	---	---	---	Prohibited in all Zones

San Marcos Municipal Code Title 20 – Zoning Ordinance

Industrial Zones

**Table 20.225-2
Industrial District Permitted Uses**

Land Use	IL1	B-P	I	IL2	Additional Use Regulations
Industrial, Manufacturing & Processing Uses					20.400.060
Boat Building	SP	---	P	P	
Furniture and Carpentry	P	---	P	P	20.XXX.XXX
Commercial Bakeries	P	---	P	P	Including associated thrift shop outlets
Construction Offices & Services	P	SP	P	SP	20.XXX.XXX
Food Processing	P	---	P	P	Note 2
Fueling Station; Fleets	CUP	---	CUP	CUP	
Industrial Design and Services	P	P*	P	P	*Limited to on-site support
Machine Repair Shops	SDP	---	P	P	
Manufacturing and Assembly	P	DP*	P	P	Note 3
Microbrewery / Tasting Room	P	SP	P	P	
Newspaper Printing	---	---	P	P	
Self Storage	CUP	---	SDP	SDP	20.XXX.XXX
Storage Facilities	DP	---	P	P	20.XXX.XXX
Warehousing, Indoor	P	A	P	P	20.XXX.XXX
Outdoor Storage	---	---	SDP	P	20.XXX.XXX
Water Treatment and Filtering Services	SDP	SDP	DP	DP	
Wholesale, Processing and Distribution	P	---	P	P	20.XXX.XXX
Recycling Facilities					20.410
Small Collection Facility	DP	---	DP	P	
Large Collection Facility	DP	---	CUP	P	
Small Processing Facility	---	---	CUP	DP	
Large Processing Facility	---	---	CUP	CUP	
Reverse Vending	A	A	A	A	
Transportation, Communication & Utility Uses					20.XX
Antenna or Communication Facility	P	P	P	P	20.XXX.XXX
Parking; Fleets	A	---	A	A	20.XXX.XXX
Transportation Dispatch, Fleet Usage	---	---	CUP	DP	20.XXX.XXX
Transportation Dispatch Only	P	---	P	P	20.XXX.XXX

Notes:

1. Permitted accessory use in conjunction with a primary use on the same industrial zone parcel. Unit shall be continuously occupied exclusively by a superintendent or a caretaker and their immediate family; the unit shall be consistent with the development standards and setback of the R-3 zone, provide 1 paved and covered off-street parking space and shall not be located within a required setback.
2. The compounding, processing, packaging or treatment of food is permitted by right, except fish, lard, meat, pickles, sauerkraut, or vinegar; these uses shall be subject to Conditional Use Permit restrictions.
3. In the B-P zone, fabrication and light manufacturing may be permitted only when they are related to the research and development activities, limited to electronics and high-tech products.

San Marcos Municipal Code Title 20 – Zoning Ordinance

Industrial Zones

Section 20.225.050 Industrial Zone General Development Standards

- A. **Development Standard Compliance.** The design, construction or establishment of all new and existing land uses, development of structures and site improvements in Industrial zones shall conform to the regulations of Table 20.225-3. Principal and accessory structure shall meet the same development standards unless otherwise modified by this Zoning Ordinance.

**Table 20.225-3
Industrial Zone Development Standards**

Development Standard	IL	B-P	I	IS	Additional Standards
Minimum Lot Requirements					20.340.030
Lot Area (square feet)	20,000	1 Acre	10,000	10,000	20.100
Lot Width	100'	--	80'	80'	
FAR	0.6	1.5	0.5	0.5	20.230.060
Site Coverage	--	55% net max	--	--	
Maximum Height					20.340.040
Building Height	60'	35' or up to 60' with setback modification	45'	35'	20.225.070(B)
Architectural Features	60'	65'	45'	35'	
Minimum Setbacks					20.340.030
Street Frontage PL					Note 1
Buildings/Structures	15'	25'	20'	20'	20.210.030(B) and (C)
General Parking	10'	10'	10'	10'	
Truck/Bus Parking	30'	40'	30'	30'	20.XXX.XXX
Loading Doors/Docks	20'	45'	20'	20'	
Interior PL	0'	10'	0'	0'	
Parking	3'	10'	3'	3'	
PL Adjacent to any R zone	15'	30'	10'	15'	20.225.050(D)
Alley PL					
Loading doors/docks adjacent to R Zone	45'	45'	45'	60'	
Highway 78 PL	30'	15'	30'	30'	
Building Separation	30'	20'	30'	30'	
Parking					
Requirements	Section 20.310 and Table 20.310-1				20.310
Landscape					
Requirements	8% net	20% net	8% net	8% net	20.230.062; 20.350
Walls and Fencing	6' minimum height; 12' maximum height				20.225.070

Notes:

* B-P development shall be subject to the development standards of Table 20.225-2, Table 20.225-3, section 20.225 and Chapter 20.280 of this Zoning Ordinance.

1. Applies to all street frontages, primary and corner-side street setbacks. 2. All Standards are minimums unless otherwise noted
3. Setbacks shall be measured from back of right-of-way
4. PL=Property Line