

AGENDA REPORT

Meeting of the San Marcos Planning Commission

MEETING DATE: October 1, 2012
SUBJECT: **CONSENT CALENDAR** – Revisions to the Draft Zoning Ordinance
CASE: TA 12-63/R 12-147

Recommendation

Staff recommends the following Planning Commission actions:

1. Recommend to the City Council the adoption of the errata changes identified in Attachment A

Introduction

On August 23, 2012, the Planning Commission (PC) recommended to the City Council to repeal Title 20 in its entirety and adopt a new Title 20 (City of San Marcos Zoning Ordinance that included an errata attachment), and to also adopt the City of San Marcos Zoning Map amendment by a 7-0 vote. On September 25, 2012, the City Council introduced a motion to adopt the new Title 20 with the PC recommended errata, and to also adopt the updated Zoning Map. The City Council action included referring back the new errata changes to the Draft Zoning Ordinance to the Planning Commission for consideration, as required by the California Government Code.

Discussion

Between the Planning Commission hearing and the City Council hearing, staff further considered public testimony presented at the Planning Commission hearing and met with members of the public to address comments regarding the Draft Zoning Ordinance. As a result of this discussion as well as reviewing additional sections of the Draft Ordinance, staff added to the errata that were presented to the Planning Commission. These new errata changes were discussed at the City Council hearing, however, California Government Code Section 65857 requires that any modification of the proposed Zoning Ordinance that was not previously considered by the Planning Commission during its hearing shall first be referred to the Planning Commission for report and recommendation before the City Council can take action on the new information. The Planning Commission is not required to conduct a public hearing on this matter per the Government Code.



New errata changes include:

- Chapter 20.340 (Off-Street Parking), revised to delete the provision that allowed on-street parking to count towards multifamily parking obligation; added requirement that at least one of the ownership parking spaces shall be in a garage (same as existing standard); the ratio for studio and 1 bedroom units has been revised to 1.0 and 1.5 per unit, respectively.
- Chapter 20.215 (Residential Zones), staff modified the distance separation of tot lots to allow less than 120' separation if the site design warrants it.
- Chapter 20.225 (Mixed Use Zones), modified the minimum FAR in the Mixed Use 1 zone from 1.25 to 1.0, with ability to reduce to .85 FAR upon demonstrated hardship.
- Chapter 20.245 (MHP Zone), staff added the requirement for a minimum 3,300 s.f. size space (which is consistent with existing standard).
- The standards for encroachments will be consolidated into Chapter 20.300 Site Planning and General Development), rather than in the individual zone chapters.
- Chapter 20.320 (Signs on Private Property), staff modified the definition of a freestanding sign to eliminate the reference to a pole sign (pole signs are defined separately).
- Chapter 20.405 (Adult Entertainment), mixed use zones have been added to the list of residential zones; and clarifying language that commercial shopping centers with a specific plan (but excluding the SM Creek District and University District) was added to capture the shopping centers that have been developed as a specific plan but are not zoned "Commercial".
- Chapter 20.600 (Definitions) will be updated to complete terms listed that do not include a definition (such as "family").

In addition to these new changes, the City Council motion included a modification to Section 20.545.060(A), (included in Attachment A), to read: "The City Council shall be the final decision making body for any permits or any approvals that required City Council approval and for appeals of decisions by any lower decision making body." The purpose of the additional language is to clarify the section to ensure the revocation authority rests with the City Council (rather than the Planning Commission) if the Council granted the permit initially. Section 20.545.060(D) was also modified to reflect the Council hearing authority.

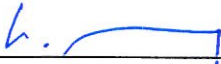


Attachment(s)

Resolution

A - Errata Added After the 8/23/12 Planning Commission Recommendation

Prepared by:



Karen Brindley, Principal Planner

Reviewed by:



Jerry Backoff, Planning Division Director

Approved by:



Charlie Schaffer, Development Services Director



ATTACHMENT A

Errata Added After 8/23/12 Planning Commission Recommendation

(Referred Back to Planning Commission by City Council on 9/25/12)

-
- | | |
|------------------|---|
| 20.215-14 | 20.215.060(C)(2), add new sentence after "...120 feet apart." Tot lot spacing standard may be reduced based on site design characteristics, as determined by the Director. |
| 20.225-6 | Table 20.225-1, Modify minimum density of MU1 from 1.25 to 1.0 with footnote the minimum FAR may be reduced to .85 upon demonstrated hardship |
| 20.245-5 | 20.245.040, add minimum space size shall be 3,300 square feet (excluding interior access drives) |
| 20.320-30 | Modify definition of "freestanding sign" by deleting "and pole sign" at the end of the sentence. |
| 20.340-4 | Update Table 20.340-1, "Additional Use Regulations" column for Multifamily Dwellings to indicate delete "*1 space can be satisfied on-street at the discretion of the Director;"
Add new regulation: 1 garage space shall be provided for condominiums, duplexes, townhomes, patio homes. Apartments shall provide one covered parking space (garage or carport) of the required ratio. See Table 20.340-4 for additional standards. |
| 20.340-4 | Update Table 20.340-1 to revise the parking ratio for one bedroom and studio units to read as follows: "Studio unit: 1 space/unit; 1 Bedroom unit: 1.5 spaces per unit" |
| 20.405-2 | 20.405.040(B)(1), add "mixed use specific plan areas" to list of zones |
| 20.405-3 | 20.405.040(C)(1) add " , or specific plan developed as a shopping center (which excludes San Marcos Creek Specific Plan and University District Specific Plan Areas." at the end of the sentence. |
| 20.600 | Complete definitions that are missing (for example: "family" is listed but does not include a definition).
Consolidate the standards for setback encroachments from individual zone chapters into Chapter 20.300 |
| 20.545-3 | Revise to read (new text in bold): Section 20.545.060 Revocation |
- A. Authority to Revoke Approval. After a public hearing as provided for in Chapter 20.505, the Planning Commission may revoke or modify any permit, Conditional Use Permit, Variance, or other approval granted by the Planning Commission, the City Council, or any administrative officer(s) pursuant to the provisions of this Zoning Ordinance on any one or more of the following grounds:
1. That the permit or other approval was obtained by fraud.
 2. That one or more of the terms or conditions upon which the permit or approval was granted has been violated.
 3. That the use for which the permit was granted is so conducted as to be detrimental to the public health or safety, or as to be a nuisance.

The City council shall be the final decision making body for any permits, or any

AGENDA ITEM NO. _____



approvals that required City Council approval and for appeals of decisions by any lower decision making body.

20.545-4 Revise Section 20.545.060(D) to read (new text in bold):

Planning Commission Decision. After such hearing, the Planning Commission shall render its decision **subject to 20.545.060(A)** and may revoke or modify the permit or approval.

AGENDA ITEM NO. _____

RESOLUTION PC 12-4318

A RESOLUTION OF THE CITY OF SAN MARCOS
PLANNING COMMISSION RECOMMENDING TO THE
CITY COUNCIL MODIFICATIONS TO CHAPTERS 20.215,
20.225, 20.245, 20.300, 20.320, 20.340, 20.405, 20.405,
20.545, 20.600 OF TITLE 20

TA 12-63
City of San Marcos

WHEREAS, the City of San Marcos (City) adopted a comprehensive update of the General Plan in February of 2012, to guide the future of the City by describing guiding themes, goals and policies regulating land use and community design; mobility; conservation and open space; parks, recreation and community health; safety; and noise; and

WHEREAS, the Zoning Ordinance is a citywide implementation tool to regulate the General Plan designated land uses through zoning regulation; and

WHEREAS, the City Council appointed a General Plan Advisory Committee to provide guidance and recommendations on key issues relating to the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance is a citywide regulating document that is consistent with the General Plan implementing Zones to regulate the built form and use of all property in the City to protect the health, safety and welfare of the residents of the City of San Marcos; and

WHEREAS, the Zoning Ordinance is an internally consistent statement of the official zoning policy for the City of San Marcos; and

WHEREAS, the project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and has been found to be a subsequent activity under the General Plan Program FEIR adopted on February 1, 2012 consistent with the required finding of CEQA Guidelines section 15168(c)(2) requiring no new environmental documentation; and

WHEREAS, the Public DRAFT Zoning Ordinance was circulated to the public for their review and comment in two rounds from July 18, 2012 to July 31, 2012 and then released for public review on August 9, 2012; and

WHEREAS, written comments and oral testimony were received on the Stakeholder Draft and Public Screencheck Draft review periods, including those given at the Public Workshop before the Planning Commission; and

WHEREAS, on July 23, 2012, the Planning Commission held a public workshop on the Zoning Ordinance Update and took public testimony, and

WHEREAS, on August 23, 2012 the Planning Commission held a duly noticed public hearing on the Zoning Ordinance, and has considered all written and oral reports of staff and public testimony on the matter, and such other modifications as are reflected in the record of this matter;

WHEREAS, on September 25, 2012, the City Council held a duly noticed public hearing on the Zoning Ordinance, considered all written and oral reports of staff and public testimony on the matter, and introduced Ordinance 2012-1369 (TA 12-63, Title 20 with errata considered by the Planning Commission);

WHEREAS, additional errata changes to Chapters 20.215, 20.225, 20.245, 20.300, 20.320, 20.340, 20.405, 20.545, and 20.600 of Title 20 were introduced at the City Council hearing which were not considered by the Planning Commission on August 23, 2012; and

WHEREAS, in accordance with California Government Code Section 65857, additional recommendations to sections of the Zoning Ordinance not previously considered by the Planning Commission during its hearing shall first be referred to the Planning Commission for report and recommendation before the City Council may approve, modify, or disapprove the additional recommendations;

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. The Public Draft Zoning Ordinance is consistent with the requirements of the California Government Code section 65850 regarding ordinances regulating zoning, and ensures and maintains internal consistency with all the objective, policies, general land uses, programs and actions of all elements of the General Plan.
3. The Public Draft Zoning Ordinance is a subsequent activity under the General Plan Program FEIR adopted on February 1, 2012 in compliance with the provisions of the California Environmental Quality Act (CEQA).

A Program Environmental Impact Report has been prepared for the General Plan that provides a description of potential environmental impacts of the proposed General Plan implementation and recommends mitigation measure to reduce impacts to less than significant level, where feasible. The Program EIR specifically lists the approval of Zoning Ordinance Update as a subsequent project under the Program EIR. An Initial Study was prepared for the Zoning Ordinance update and adoption of the Zoning Map.

4. The proposed Zoning Ordinance would not be detrimental to the public convenience, health, safety, or general welfare of the City.

The Zoning Ordinance will promote the health, safety and welfare of the City through transparent regulation of the built environment consistent with the listed goals and policies of the General Plan.

5. The final Zoning Ordinance will include all errata revisions identified in Exhibit A.
6. The Zoning Map is consistent with and implements the newly adopted General Plan.

BE IT THEREFORE FURTHER RESOLVED that based on the written information provided the public comments received, the staff report regarding the matter, and the findings stated above, the Planning Commission hereby recommends that the City Council take the following action:

1. Adopt the errata changes to Title 20 of the San Marcos Municipal Code as noted in the Errata Revisions, which is attached hereto and incorporated herein as Exhibit A.

The City of San Marcos Zoning Ordinance as amended per Exhibit A, is hereby recommended to the City Council for approval.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 1st day of October, 2012, by the following electronic vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Dean Nelson, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

AGENDA ITEM
3

EXHIBIT A

Errata Added After 8/23/12 Planning Commission Recommendation
(Referred Back to Planning Commission by City Council on 9/25/12)

-
- | | |
|------------------|--|
| 20.215-14 | 20.215.060(C)(2), add new sentence after "... 120 feet apart." Tot lot spacing standard may be reduced based on site design characteristics, as determined by the Director. |
| 20.225-6 | Table 20.225-1, Modify minimum density of MU1 from 1.25 to 1.0 with footnote the minimum FAR may be reduced to .85 upon demonstrated hardship |
| 20.245-5 | 20.245.040, add minimum space size shall be 3,300 square feet (excluding interior access drives) |
| 20.320-30 | Modify definition of "freestanding sign" by deleting "and pole sign" at the end of the sentence. |
| 20.340-4 | Update Table 20.340-1, "Additional Use Regulations" column for Multifamily Dwellings to indicate delete "*1 space can be satisfied on-street at the discretion of the Director;"
Add new regulation: 1 garage space shall be provided for condominiums, duplexes, townhomes, patio homes. Apartments shall provide one covered parking space (garage or carport) of the required ratio. See Table 20.340-4 for additional standards. |
| 20.340-4 | Update Table 20.340-1 to revise the parking ratio for one bedroom and studio units to read as follows: "Studio unit: 1 space/unit; 1 Bedroom unit: 1.5 spaces per unit" |
| 20.405-2 | 20.405.040(B)(1), add "mixed use specific plan areas" to list of zones |
| 20.405-3 | 20.405.040(C)(1) add " , or specific plan developed as a shopping center (which excludes San Marcos Creek Specific Plan and University District Specific Plan Areas." at the end of the sentence. |
| 20.600 | Complete definitions that are missing (for example: "family" is listed but does not include a definition).
Consolidate the standards for setback encroachments from individual zone chapters into Chapter 20.300 |
| 20.545-3 | Revise to read (new text in bold): Section 20.545.060 Revocation
A. Authority to Revoke Approval. After a public hearing as provided for in Chapter 20.505, the Planning Commission may revoke or modify any permit, Conditional Use Permit, Variance, or other approval granted by the Planning Commission, the City Council, or any administrative officer(s) pursuant to the provisions of this Zoning Ordinance on any one or more of the following grounds:
1. That the permit or other approval was obtained by fraud.
2. That one or more of the terms or conditions upon which the permit or approval was granted has been violated.
3. That the use for which the permit was granted is so conducted as to be detrimental to the public health or safety, |
-

or as to be a nuisance.

The City council shall be the final decision making body for any permits, or any approvals that required City Council approval and for appeals of decisions by any lower decision making body.

20.545-4 Revise Section 20.545.060(D) to read **(new text in bold):**
Planning Commission Decision. After such hearing, the Planning Commission shall render its decision **subject to 20.545.060(A)** and may revoke or modify the permit or approval.
