

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
MONDAY, FEBRUARY 4, 2013 - 6:30 PM

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At 6:30 p.m. Planning Division Director Backoff called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the Pledge of Allegiance to the Flag.

SEATING OF NEW COMMISSIONERS

Backoff: Introduced new/re-appointed commissioners and asked them to be seated at dais. Re-appointed as regular members for a two-year term: Carl Maas, Rod Jones and Eric Flodine (Rod & Eric were alternates). New alternates are James Chinn and Steve Kildoo. James (who replaced Flodine) for a one-year term, is absent tonight due to his mother's illness, and Steve (for a two-year term) was a regular.

ELECTION OF CHAIRPERSON

Nelson: Nominations opened for chairperson.

Maas: Motion made to nominate Dean Nelson. Carried by a unanimous vote (with Nelson abstaining).

NEW CHAIR: Dean Nelson.

ELECTION OF VICE-CHAIRPERSON

Nelson: Nominations opened for vice chair.

Nelson: Motion made to nominate Bruce Minnery. Jones seconded the Motion made by Nelson to nominate Minnery and carried by a unanimous vote.

NEW VICE-CHAIR: Bruce Minnery.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JONES, MAAS, MINNERY, NELSON, NORRIS, SCHABIE

ALTERNATE COMMISSIONERS IN AUDIENCE: KILDOO

ABSENT: CHINN.

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Also present were: Planning Division Director, Jerry Backoff; Assistant Planner, Art Pinon; Office Specialist III, Lisa Kiss; Deputy City Attorney, Jim Lough

ORAL AND WRITTEN COMMUNICATIONS

None.

**CONSENT CALENDAR**

1. APPROVAL OF MINUTES, 1/7/13

Action:

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

**PUBLIC HEARINGS**

2. **Case No:** CUP 04-651 (11R)

**Application of:** John Morally

**Request:** Conditional Use Permit renewal to allow for the continued operation of a pawn service and vehicle sales showroom within an existing 2,350 square foot commercial condominium space.

**Location of Property:** 250 S. Pacific Street, Suite 108, more particularly described as: Unit 108, of Condominium Map, Pacific Street Retail Office and Warehouse per doc 07-0087485, Parcel 1, Parcel Map 20164 in the City of San Marcos, County of San Diego, State of California, as filed in the office of the County Recorder of San Diego on December 8, 2006. Assessor's Parcel No.: 219-083-10-09.

Staff Presentation (Art Pinon):

Described request and location. PowerPoint presentation shown. Aerial photo shown. 1.13 acre Industrial zoned site, 22,207 s.f. commercial building with 10 condo suites. Originally approved in '05 to allow: Specialty vehicle sales showroom, jewelry exchange, wine tasting/wine cellar store & 7,713 s.f. of warehouse space. In '06, applicant requested approval to pawn items and was found to be in substantial conformance with original CUP. The wine tasting/wine cellar store never commenced and the jewelry exchange was sold to another operator. Pawn service and vehicles sales are secondary to primary function as a real estate office. It does not operate as a traditional pawn shop in that services are by appointment only and there's no display area for pawned items. If in default, item is sold offsite, online or by appt. only. Floor plan shown. Vehicles, one or two at a time, are inside rear warehouse with sales taking place in the office and by appointment only. Upstairs mezzanine is vacant and won't be used. Parking is adequate. All vehicles must be stored and displayed inside building. No repairs of vehicles. No portion shall be used as merchandise sales showroom. Staff recommends approval for 5 years. Applicant is in agreement with conditions. One correction made on page one, start date was '05.

Norris: Inquired about condition C.5.b., storage of vehicles not permitted. Can they keep them overnight?

Pinon: No, only personal storage of vehicles. Okay to keep overnight if the vehicle is for sale.

Backoff: Didn't want it to become a garage for vehicles.

Maas: Considered inventory as opposed to storage.

Flodine: Inquired about condition C.5.f., and why sales are limited to passenger vehicles. Asked why they couldn't sell motor homes?

Nelson: There's a motor home that lives there.

Pinon: Applicant isn't proposing to sell any motor homes or large vehicles and they may not fit in the warehouse.

Flodine: Asked if City gets tax benefits from vehicle sales?

Backoff: Yes, if allowed by state and sales are recorded at this location.

#### OPEN PUBLIC HEARING

Jason Simmons, representing applicant: Here to answer questions.

Schaible: Asked if there are connecting doors between the suites?

Simmons: Yes, they originally used both suites. Sold adjacent suite and now using one.

Pinon: Door is there but is bolted shut. You can't open it.

Jones: Asked if they have a Dealer's License?

Simmons: Yes.

Jones: Asked if any conflict with a Dealer's License and the way he's configured?

Simmons: No. He's almost like a broker. There aren't a lot of transactions. Anyone can be a dealer as long as you have office space.

Backoff: You need an office and an area to display vehicles.

Jones: Indicated he thought with an auto dealer's license you couldn't have mixed business. Perhaps that has changed now?

Simmons: Believe so.

Minnery: Commented that they are two unique businesses. Asked how many appointments they have?

Simmons: Not even weekly. He deals in high-end cars and loans people money. They may take in expensive art work or a car. He holds it for a certain period of time. There are maybe a dozen appointments a year.

Maas: For both?

Simmons: Vehicles are less. Primary function is real estate. He owns and builds buildings.

Nelson: He has some beautiful cars.

Maas: Asked if the applicant's primary business is in Buena Park? Saw real estate holdings in Orange County.

Simmons: There and Las Vegas. Picks up properties when they're low, tries to develop and flip them.

#### CLOSE PUBLIC HEARING

#### Action:

COMMISSIONER SCHAIBLE MOVED TO APPROVE CUP 04-651 (11R) AS SET FORTH IN RESOLUTION PC 13-4334 WITH MODIFICATION: 5<sup>th</sup> WHEREAS: WHEREAS, the specialty vehicle sales showroom has been in continual operation at the project site since 2004 2005; and; SECONDED BY COMMISSIONER JONES AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE;

AYES: COMMISSIONERS: FLODINE, JONES, MAAS, MINNERY, NELSON, NORRIS, SCHAIBLE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

#### PLANNING DIRECTOR COMMENTS

Backoff: Commented that he, Kevin and Jim, and Eric for one day, will be attending the Planning Commissioner's Academy in Pasadena at the end of the month. Will report back what they learn. The number of attendees was reduced due to budget limitations.

#### PLANNING COMMISSIONERS COMMENTS

Nelson: Welcomed new regular commissioners.

ADJOURNMENT

At 6:53 p.m. Commissioner Nelson adjourned the meeting.

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Dean Nelson, Chairman  
SAN MARCOS PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS PLANNING COMMISSION



MINUTES  
PLANNING COMMISSION SPECIAL MEETING/WORKSHOP  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
THURSDAY, FEBRUARY 21, 2013 - 6:30 PM

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CALL TO ORDER

At 6:31 p.m. Chairman Nelson called the special meeting/workshop to order.

ROLL CALL

PRESENT: COMMISSIONERS: FLODINE, JONES, MAAS, MINNERY, NELSON, NORRIS, SCHIAIBLE, KILDOO

ABSENT: CHINN

Also present were: Planning Division Director, Jerry Backoff; Principal Planner, Karen Brindley; Deputy City Attorney, Jim Lough; Office Specialist III, Lisa Kiss

In Audience: Deputy City Engineer, Maryam Babaki; Housing Programs Manager, Harry Williams; Housing Programs Specialist, Beth Nielsen

Backoff: Introduced Project Manager for the City: Karen Brindley; City Consultants: Veronica Tam of Veronica Tam Associates, Project Manager for the Consultant's Team, and Diana Gonzalez with MIG (formerly Hogle-Ireland). Invited public and Commissioners to speak and/or ask questions.

**PUBLIC WORKSHOP**

1. **City of San Marcos – Study Session**  
**Review the 2013-2021 Draft Housing Element Update**

Presentation (Veronica Tam):

PowerPoint presentation shown. The Housing Element is one of seven state-required elements of the General Plan. It requires the review and certification by CA Dept. of Housing & Community Development. The review is extremely stringent and meticulous. It identifies the existing and future local housing needs in the community for 2013-2021. It identifies constraints to housing development and plans for provision of housing based on the Regional Housing Needs Assessment (RHNA). The housing market is very volatile. Periodic updates are required by state law. There's a statutory deadline and it must be adopted by 4/27/13. If later than 120 days, there is a penalty. Staff is working on a tight timeframe. Certification by the state means it complies with state law. If it doesn't comply, it would convert to a 4-year element and need to be updated in another 4 years. Discussed changes in state law since last update: 1. Housing for persons with developmental disabilities, 2. Rezoning & update schedule, 3. Emergency shelters, transitional and supportive housing (completed), 4. Existing and projected extremely low-

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income need, 5. Anti NIMBY and no net loss requirement. Discussed Housing Element content: 1. Needs assessment, 2. Demographic & housing trends, 3. Special needs groups; by law they are: the elderly, disabled, homeless, farm workers, large households (5 or more), single-parent, military and others deemed appropriate for your community (students, if near a college). Discussed constraints: Governmental, Market & Environmental. City does have control over local policies & regulations that it enacts. If those are constraining to housing development, then you're obligated to mitigate to the extent feasible and legally possible. Discussed Resources: Financial & Administrative and Adequate Sites. Housing Plan: Previous Accomplishments, Policies & Programs. State will have 60 days to review and provide comments. City will address comments, and then move on to City Council adoption. Discussed RHNA: City's RHNA is 4,183 units and backdates to 1/1/10, or 2.6% of overall SANDAG region. It's divided into income categories: Very Low is 50% of area medium income, Low is 80%, Moderate is 120%, Above Moderate is beyond 120%. City is responsible to help the region in addressing the needs and share in regional housing needs allocation, not just those generated within San Marcos. RHNA is only a planning goal, not a production goal. There is no obligation for City to build the units. If the market makes it not possible, you don't have to build the units. The only obligation is to make sure your land use policies and zoning provide the capacity for 4,183 units. Discussed AB 2348, "Default Density," 30 du/ac., and how to meet the RHNA. City has credits for approved/built units since 1/1/10. Also looked at proposed development and vacant land in & out of SP areas. City is able to demonstrate that they've already completed quite a bit of construction, have available vacant land and mixed-use sites. Combined, this is more than adequate sites to meet RHNA without changing existing land use policies & land use regulations. (Map shown). Discussed loss of RDA funding, reduced state/federal funding, market conditions. Discussed Goals & Policies (5 categories), and Programs (six categories). Discussed next steps & timeline: Incorporate community and Commission feedback into the Draft Plan. Submit Draft to HCD for 60-day review. Address HCD comments with goal of obtaining substantial compliance, Environmental review (CEQA), Submit revised draft to HCD for certification, then hearings in May or June for City Adoption by 8/27/13. Without state certification compliance status, you're not eligible for state funds.

Backoff: Introduced Housing Programs Manager, Harry Williams and Housing Programs Specialist, Beth Nielsen (in audience). They've assisted with the update and can answer questions regarding programs.

#### OPEN PUBLIC DISCUSSION

Michael Hunsaker: Indicated he was concerned about preserving quality of life for existing residents. We're talking about high density developments, particularly in the Creekside Area. There's a lot of residential and commercial property around and they depend upon adequate parking. There is discussion in the draft of allowances for reduction of parking. The requirement in Ordinance is probably minimal or sketchy. Spillover parking creates chaos, like what has happened during the construction of San Marcos High. High density and reduced parking will create problems. Concerned the draft doesn't include specification for the reduction values. Any developer or contractor will minimize expenses to make money. Prop R says you have to pay for your infrastructure and parking is one of them. If there's any reduction in parking requirements for any structure, you should make sure there's a one-for-one cost relationship between the costs of the space that is lost in order to build space elsewhere.

City had a consultant look at requirements and they said two spaces per apartment period. City's ordinances allow for reductions. If anyone has been to the Traffic Safety Commission meetings, you've heard about apartment buildings parking issues and vehicles spilling over into neighboring areas. Need to eliminate or minimize in lieu parking requirements in high density area's near residential. Builders should pay for true costs. Consultant figured it costs \$20,000 per space. Maybe 20 years ago. That's not true now. Continued to discuss parking, bonds and costs. The cost of parking is expensive for developers but it should not be a cost to the community and tax payers of the City. Also concerned about too many administrative permits, particularly for agriculture and mass developments. Over 35 beds for agricultural use are excessive. Thought minor amount of space should be DP but it's the other way around.

Lisa Mintzkavus, resident & Vistancia HOA board: Want to address parking and concentration of affordable housing. Indicated they have a graffiti problem, trash accumulating in bio area and have had other damage to their property including two break-ins. Expressed concern about Fitzpatrick townhomes project. Residents near her have drawn a correlation between affordable units and problems in their area. Asked how residents can protect their homes and keep values high, when there are affordable units with crime and parking issues nearby?

Nelson: City doesn't try to concentrate affordable projects in specific areas.

Backoff: City tries to distribute affordable housing throughout every community, not just Richmar. Even San Elijo has affordable units. Several years ago in Richmar there were market-rate housing that didn't care about their properties. More recently, the area has transformed and improved. It's being redone by new non-profit developers who manage the properties. The new affordable is different. They've removed undesirables and multiple families living in one unit. They have a regulatory housing agreement with the City and an obligation to protect the project. Their financed through tax credits, which offer more protection. The new residents are being regulated and it's the best protection the City has. The City is rebuilding what has already been there and putting restrictions on it.

Flodine: Commented that he was also concerned about concentration of affordable housing. It has a long stigma of having negativities. Separation is important. Policy 5.4 provides for that. As they build projects, need to be mindful of this policy.

Mintzkavus: Asked about status of Fitzpatrick project?

Backoff: It's an approved multi-family project and could be built as approved. It was market rate but never built due to the economy. City has also had affordable developers inquiring about it. One proposed a project for work-force housing, income restricted, with minor modifications to amenities. Indicated someone contacted staff today. They would have to pursue tax credits through the state. If successful, the City would have a regulatory agreement regarding management of project and income categories.

Mintzkavus: Asked how they can keep aware of it?

Backoff: The last developer was asked by City to hold a workshop.

Mintzkavus: Commented that she attended workshop.

Backoff: If it were to become an affordable project, staff would suggest another workshop. If its market-rate, would be built as approved.

Mintzkavus: Inquired if it already went through environmental?

Backoff: Yes.

Nelson: Asked if any meetings required if built as market rate?

Backoff: Doesn't have to go through hearing. It's already gone through hearing and is approved, but it makes sense to engage community if type of housing changes. Staff would recommend workshop if changing project.

Nelson: Asked if any would be for sale, or just rentals?

Backoff: It's hard to offer for sale affordable and is more difficult now without redevelopment. Most will be rentals because it's too hard to subsidize. Home ownership is difficult for many.

Nelson: Feels there's more pride when you own.

Backoff: City requires new projects set aside maintenance costs to manage and take care of them.

Flodine: Asked to see site map. Wanted to clarify, Coronado Hills and Twin Oaks Valley won't have 30 du/ac densities.

Backoff: Green and blue are higher intensity areas.

Tam: Even in highest densities used, we didn't assume the max density. Assumed average of 75-80% of the maximum. Some may meet max and others may not.

Nelson: Asked why not consider max?

Tam: Need to be careful because of state law that says, "No net loss." Need to be conservative in estimating capacity.

Backoff: Historically haven't met max.

Tam: Don't want to overstate, need it for next cycle of the RHNA.

Nelson: Asked if a City is ever considered "built-out?" What if you want to move to Del Mar and make \$42,000?

Tam: No such thing under state law. If no capacity, you must rezone and upzone.

Backoff: Addressed Mr. Hunsaker's comment: City wants to have adequate parking and not impact other areas. If project is truly an affordable one, there are fewer cars.

Studies have shown it to be less than two spaces and affordable developers have told City they have spaces leftover. Richmar area is 1.7 spaces units per acre. You can make developer put in market-rate parking, but it hurts overall goal of affordable housing. There are market-rate developments near the university that have had issues. They didn't have a Parking Management Plan which is now required. Some condos have two car garages and people move in with four cars. City can't control that. Mixed-use does warrant reduced parking. City addressed those issues when doing Specific Plans for Creek & University Districts. Believe the number Mr. Hunsaker indicated is more related to parking structures not surface level parking space. Not everyone owns cars in affordable projects. We try to take that into consideration; otherwise the state will tell us we're constraining development.

Brindley: Addressed farm worker housing comment: Misunderstanding of what's in the table. The larger size farm worker housing project of up to 36 beds or 12 units requires a Director's Permit. This is a form of a Conditional Use Permit, but is streamlined. There's no public hearing, but has full notification to surrounding properties to allow for public input. If over 36 beds or more than 12 units, a Major CUP is required with Planning Commission approval. It's consistent with state law and how farm worker housing is regulated consistent with permissions of agricultural uses in A1, A2 & A3 zones and reflected in updated Zoning Ordinance.

Nelson: Asked if City has many?

Backoff: In Richmar, off Firebird, done in collaboration with County.

Brindley: 38 units.

CLOSE PUBLIC DISCUSSION

ADJOURNMENT

At 7:27 p.m. Chairman Nelson adjourned the meeting.

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Dean Nelson, Chairman  
SAN MARCOS PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS PLANNING COMMISSION

