

# City of San Marcos General Plan Advisory Committee (GPAC)

## Meeting #13 Notes

January 4, 2011  
6:00 PM

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY WILL MAKE EVERY REASONABLE ATTEMPT TO ACCOMMODATE ANY ATTENDEE OR PARTICIPANT AT THIS MEETING NEEDING SPECIAL ASSISTANCE BEYOND WHAT IS NORMALLY PROVIDED. PLEASE CONTACT THE PLANNING DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT AT (760) 744-1050 AT LEAST 48 HOURS PRIOR TO THIS MEETING TO INFORM US OF YOUR PARTICULAR NEEDS AND TO DETERMINE IF ACCOMMODATION IS FEASIBLE. PLEASE ADVISE US AT THE TIME YOU CALL IF SPECIAL ASSISTANCE IS REQUIRED TO ATTEND OR PARTICIPATE IN MEETINGS ON A REGULAR BASIS.

Start Time: 6:00 PM  
SAN MARCOS CIVIC CENTER (COMMUNITY SERVICES "MAIN HALL")  
3 Civic Center Drive, San Marcos, CA

### GPAC ITEMS:

1. **Welcome (6:00 pm)**  
Chairman Winn called the meeting to order and requested that staff proceed with the presentation regarding Non-ZConforming Uses and Structures.
2. **Discuss Recommended Non-Conforming Uses and Structure Regulations**  
A Power Point presentation was provided by Karen Brindley. Following the presentation, there were questions raised by the GPAC.

### GPAC Comments regarding Non-Conforming Uses and Structure Regulations

**GPAC Comment:** Does the definition of "public enemy" include vandalism?

**Staff Response:** "public enemy" is defined as government of the foreign country that is at war with the United States, vandalism would not be considered an act by a public enemy.

**GPAC Comment:** Under the draft ordinance regarding Non-Conforming Uses and Structures is there an option for appeal?

**Staff Response:** Yes, if you did not agree with the Planning Directors decision you could appeal it to the Planning Commission, if you did not agree with the Planning Commission decision, you could appeal it to City Council which has the final decision.

**GPAC Comment:** The proposed percentages seem unusual?

**Staff Response:** Based on staff's research, these percentages are not unusual; rather allow more flexibility than most jurisdictions.

**GPAC Comment:** What if you increase the volume w/out changing footprint.

**Staff Response:** No comment given.

**GPAC Comment:** Seems that there is more reliance to have the Planning Director decide on each circumstance.

Staff Response: It is intended to allow discretionary action to evaluate all circumstances.

**GPAC Comment:** When will the proposed language be available?

Staff Response: It will be posted on the City's web page prior to the next GPAC meeting.

**GPAC Comment:** If you don't change the zoning for the property and significantly change the business structure, the suggestion is that Ordinance should give you more flexibility. The suggestion was to change the findings and increase the expansion from 5% to 15%.

Staff Response: No comment given.

**GPAC Comment:** The draft of this Ordinance does not seem business friendly for the following reason: a) Concerned with how this will affect the smaller business after the time frame is set. b) There should be a public notice sent out to all affected property owners. c.) Abandonment of a property for 12 months seems to be a short time. d.) What if there is a partial vacancy, does that mean that abandonment applies? e.) In the Grand Triangle agreement, there was an allowance for 24 month...this ordinance should allow for 36 months. f.) The City should give due warning to all property owners.

**GPAC Comment:** The length of time for abandonment of 12 months seems short; it should be at least 24 months. Not in support of a 6 month extension pending Planning Director approval.

**GPAC Comment:** Structures that are damaged must be assessed for their value. What if the market is down like we are experiencing today?

Staff Response: The value of the structure is not based on market value; it is based on a building valuation regarding building construction replacement cost.

**GPAC Comment:** How do you police properties that have a non-confirming building or use?

Staff Response: Normally we don't.

**GPAC Comment:** Can you give an example of a worst case changing from a conforming to a legal non-confirming structure or use?

**GPAC Comment:** Not comfortable with the percentages that were presented.

**GPAC Comment:** Aren't we asking for a grandfather clause? We need to keep this business friendly.

**GPAC Comment:** Concerned with the timeframe of consideration, concerned that intentions are not loose enough. What if someone is actively marketing the property and they just miss the time frame?

### **Public Comments regarding Non-Conforming Uses and Structure Regulations**

- There is no mention for "grandfather clause", can we create an irrevocable ordinance or something, so we can keep it business friendly. The public needs an ordinance with a friendlier format.
- What if you move an interior wall or an exterior wall, what defines an alteration to the building?

- What is the order of magnitude? How many non-conforming building area there today? What about after the General Plan update, how many nonconforming structures or uses will there be at that point?
- If you have a building with multiple suites and some are vacant suites but you are actively trying to fill those spaces, how does this ordinance address this condition?
- If property is being actively marketed, it should remain as nonconforming until changed.
- 15% restriction doesn't seem sufficient. This is too restrictive.
- 5% is too small.

**3. Wrap Up and Adjournment**

**4. Next Meeting: #15, January 18, 2011, 6:00 pm {Preferred Land Use Plan}**