

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

## Meeting #15 Notes

January 18, 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.
- 2. Follow-up Discussion on Draft Ordinance of Non-Conforming Uses & Structures**

Karen Brindley: PowerPoint presentation shown.

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

#### **GPAC Comment:**

- Still concerned about 18 month time limit. If property loses its legal non-conforming status, it becomes unusable. There doesn't seem to be any legal reasons – more non-legal opinions she has stated.
- If a building sits for more than 18 months – blighted, etc...can a property owner bring in another tenant, but that site no longer functions as industrial, rather as it would function as commercial, is that the time for rezone?

GPAC Response: The zone must comply with the GP. Hoping there is a way the property owners are noticed. These are looked at as pure industrial, but it needs to be looked at for leasable space too.

Staff response: If you want to be technical about the current ordinance, a building abandoned for 12 months, you could force abandonment per the new ordinance which provided the latitude that you don't have right now. We came back with adjustments, where

do you draw the line? How far do you go? The City is trying to work with the property owner – we simply have not seen a lot of abandoned properties.

- This draft doesn't identify the effective date of the ordinance. What if there is an absentee? What over the effective date should take place? Once they are notified and the code goes into effect, maybe there should be a three month permit grace period?

Staff response: Abandonment doesn't go into effect until the building becomes vacant. We don't always know where there is a change in use or abandonment.

- When the clock starts and the property is vacant, if the property is notified that is fine. If there is some way to determine when a property is 100% vacant, but they need to be notified.
- There should be a clause due to the declining economy this should be allowed, especially if it's in a specific area. We shouldn't be concern with what other cities are doing.
- The draft ordinance indicates that the Planning Division will make the decision where abandonment occurs.

Staff response: Staff can't go out and visit every site. It needs to say date in order to determine when abandonment has begun.

- I agree that it needs to set a date.
- How do you know when abandonment occurs? Maybe they have storage that you didn't see.

Staff response: Page 2, Section 20.44.XX defines when a use or structure is legally established:

- Would that include abandonment? It should be added in Ordinance.

Staff response: Yes, we'll look at that. It's a detail.

- Concern that it takes time, maybe weeks. A letter needs to be sent out so that you're on notice that your building is legally vacant.

Staff response: City will not send staff out to determine that.

- Windows broken, lights out could indicate abandonment.

Staff response: Not necessarily, that's why we put it back on the property owner.

- So, if the property becomes abandoned on a date, the clock starts?

Staff response: The City would have to survey on a regular basis.

- This process needs to be more objective and less subjective.

Staff response: In our minds, it needs to be a total vacancy. We don't always know when a tenant leaves a building.

- Can you get a list of properties that didn't pay taxes?

Staff response: Owners will continue to pay their taxes. You might be able to track by business license.

- Neighbors usually call City and Enforcement.
- When they do apply for a business license, send a notice so once this is adopted, put them on notice.
- The business license may be a good idea, but doesn't always agree with the occupancy.

Staff response: We have gone through the big items and need to move forward.

- City Attorney didn't explain why Grand Hotel Agreement won't work.

Staff response: The city generates separate agreements on a case by case basis.

- How much of building can be destroyed? What is the replacement value? Based on just building or also content?

Staff response: Just the building.

- Section last paragraph B. There is no appeal opportunity. Lot size may restrict development, because this is a new territory, it needs to be carefully evaluated.

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

- The City has had an ordinance for a long time. The burden should be on the property owner. Changing the designation reduces the value. One solution: Go with a potential zone which allows light industrial to become Business Park. Potential allows you to change the use at a later date based on market conditions.
- What do we do with projects that are abandoned? Notification is essential. Work together for a solution, notification is not unreasonable for abandonment from 12 to 18 with appeal to City Council that would ease the burden.
- Section 20.440.xx Read section: (Paraphrased) that 50% should be increased to 80%. Everyone should have the ability to preserve and continue their business.
- Does 75% of assessed value mean more than 50%? If I am an owner and area is changing, just keep it as is.
- Has the group study the percentage of land use becoming non-conforming? The floor area ratio renders all property as non-conforming. Seems that an incubator business is not what the city wants, rather go towards a more economic benefit. Why would anyone come here in San Marcos?
- A building owner in non-conforming use, if it burns down and the building is insured to replace that building. I may not be able to replace the building. Basic Question: What if your wrong or what if a non-conforming use that you want provides jobs, but there is no market for the conforming use.
- Agree with previous comment. If you don't have the money to rebuild, what will happen in 20 years?
- My interest is residential. If I have a portion of my home burned, do I have to bring it up to conform with the code? Over a 12 month period, if your home burned, you could spend up to two years fighting insurance.

### **3. Discussion of Preferred Land Use Plan for Study Areas 1, 2 & 3**

The City Consultant presented information regarding the Study Area as it related to the land use alternatives and the analysis process. A quick overview was presented regarding the GPAC & Public Workshops Series 3 with focus on Alternative B, the expressed preference land use alternative. The consultant presented the City Staff/Consultant recommended Land Use Plan and covered the areas where land use designations differ from the GPAC and Public Workshop Series #3 Alternative B (Expressed preference). The presentation concluded by focusing on an exhibit between the GPAC & Workshop #3 Alternatives B (Expressed Preference) versus the City staff/consultant recommended land use and comparing the differences between the two exhibits.

### **GPAC Comments regarding Study Areas 1, 2, & 3**

#### **GPAC Comment:**

- 1-10 now P/I. Why? Is this a school?

Staff response: It is not a school site. This site is occupied by a utility service. We will correct the graphic; this is not intended to be a school site.

- We had extensive discussion for light industrial in this area. Why is it not there?

Staff response: Based on the Series 3 Workshops with strong preference to Alternative B along with the feedback from the GPAC evolved into the GPAC and Public Workshop Series #3 Alternative B (Expressed preference). There is still a lot of light industrial in the area (pointed out on the map).

- We discussed LM over and over. This should reflect GPAC, not public.

Consultant response: There was no strong recommendation from the GPAC.

### **Public Comments regarding Study Areas 1, 2, & 3**

#### **Public comment:**

- Concern with many industrial uses along Descanso that will be changed.
- 1-13 & 1-14 Signet Armormite and Union Tribune concern with possibility to take away large businesses.

Staff response: There have been various inquiries to explore other uses other than industrial.

#### **GPAC Break: 8:10 – 8:20 p.m.**

#### **GPAC Comment:**

- Appreciate MU4 area I-9. These changes are an up zone of the property. As economy improves, redevelopment will resume.
- Can the existing zone be added to matrix to understand change?

Staff response: Yes.

- Can we compare existing density that is changing?

Staff response: We will bring back information.

Staff Consultant: We will take additional comments from the GPAC to finalize the Land Use exhibit.

GPAC Chairman: A request from a GPAC member was to establish a subcommittee to discuss the draft ordinance of the non-conforming structures & uses.

Planning Director: Mr. Chairman, staff will contact interested GPAC members and members of the business community to have a sit-down meeting to discuss their concerns and ideas.

4. **Wrap Up and Adjournment**
5. **Next Meeting: #16, January 24, 2011, 6:00 pm {Preferred Land Use Plan for Consideration Areas and Property Owner Initiated Areas}**