

CITY OF ESCONDIDO**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION****December 8, 2015**

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Weber in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Jeffery Weber, Chairman; Bob McQuead, Vice-chairman; Ed Hale, Commissioner; James Spann, Commissioner; Don Romo, Commissioner; and Gregory Johns, Commissioner. (One position vacant).

Commissioners absent: None.

Staff present: Bill Martin, Assistant Planning Director; Jay Paul, Associate Planner; Gary McCarthy, Senior Deputy City Attorney; Owen Tunnell, Principal Engineer; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Vice-chairman McQuead, seconded by Commissioner Spann, to approve the minutes of the November 10, 2015 meeting. Motion carried. Ayes: Hale, Spann, Romo, McQuead, and Johns. Noes: None. Abstained: Weber. (5-0-1)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:**1. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 15-0033:**

REQUEST: A Modification to the Conditional Use Permit for John Paul the Great Catholic University (City File No. PHG 13-0005) to expand various school operations into two separate properties/buildings within the downtown area including a 5,500 SF, two-story building (former bank) and a 30,000 SF building (former H Johnson furniture store). The University also is requesting an increase in the number of students up to 1,200 from the originally approved 300. The project

includes an approximately 124 SF addition to the two-story former bank building, as well as interior and exterior improvements to the former H Johnson building and parking areas. An approximately 14,000 SF off-site parking lot located on the southern side of 2nd Avenue (adjacent to City Municipal Parking Lot No. 2) would be improved and restriped to provide additional parking for the University. The proposal also includes the adoption of the environmental determination (Notice of Exemption) prepared for the project.

PROPERTY LOCATION: 155 and 200 W. Grand Avenue, 131 S. Broadway (APNs 229-412-05 and -06; 233-062-01 and -10) and a parking lot on the southern side of West 2nd Avenue (APN 233-072-06).

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were whether the proposed expansion would be compatible with surrounding businesses throughout the Historic Downtown District, and whether there was sufficient parking to support the expansion of the University. Staff recommended approval based on the following: 1) Staff believed that expansion of the existing University would be compatible with the variety of commercial uses throughout the Downtown area because the proposed educational use of the buildings would be consistent with the goals and policies of the Economic Prosperity Element of the General Plan, to strengthen workforce qualifications by expanding opportunities for educational and job training facilities. The Downtown vision embraces a dynamic, attractive, economically vital city center with a balance of uses providing a social, cultural, economic, and residential focus that foster an "18-hour" atmosphere. The proposed university, with its resident student base nearby, would provide this balance through occupancy of historically vacant and/or underutilized buildings while providing spin-off activities for other businesses throughout the area during the day, evening and weekend hours. The intensity of the use also would not be any greater than the range of commercial, retail, restaurant and offices uses that otherwise might be permitted; and 2) Although the University is located within the Downtown Parking District 1 which does not require on-site parking, the university would provide more than sufficient on- and off-site parking areas throughout the downtown area for the students and faculty. Operation of the existing University has not had an adverse impact to parking throughout the downtown area. Mr. Paul noted the staff recommendation included deleting the proposed Planning Condition No. 13 on Page 25 of the staff report.

Discussion ensued regarding the reason for removing Condition No. 13.

Derry Connolly, Founder of John Paul the Great Catholic University, provided some background history for the university. He stated that their original plan was to provide for 1200 students, which is what they were striving toward. He noted that he was available to answer questions.

Commissioner Johns asked Mr. Connolly what percentage of students would be on campus at any one time out of the 1200 students. Mr. Connolly estimated approximately 25% of the 1200 students would be on campus at any one time.

Kevin Meziere, Vice President of Real Estate for John Paul the Great Catholic University, noted he was available for questions.

Commissioner Spann stated that he was in favor of staff's recommendation.

Vice-chairman McQuead suggested adding a lighting concept to the exterior of the former H Johnson building and exploring sun control measures for the southern side. He also indicated that he liked the continued use of the existing brick exterior.

ACTION:

Moved by Commissioner Hale, seconded by Vice-chairman McQuead, to approve staff's recommendation. The motion included removing Planning Condition No. 13. Motion carried unanimously. (6-0)

2. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 15-0035:

REQUEST: A proposed Modification to a Conditional Use Permit to expand The Classical Academy's middle school campus (currently occupying three buildings at 237 W. Washington Avenue and 144 and 146 Woodward Avenue) into a portion of an existing building addressed as 235 W. Washington Avenue. This building has two stories and a total floor area of 6,350 SF. The proposed school expansion would occupy a 2,340-SF area in the rear of the building, on the ground floor only. The space to be occupied currently contains three equal-sized, adjoining office suites, two small restrooms, and two small storage rooms. The applicant would reconfigure interior walls to convert the three offices into one large classroom area and to create a hallway between the classroom and the restrooms/storage rooms. Both restrooms would be unisex and ADA-accessible. No exterior changes to the building are proposed and the school is not planning to increase its enrollment or staffing levels in conjunction with this project. Since no on-site parking is currently provided for two commercial businesses already using the remaining portion of the building's ground floor, the project would include a joint-use parking agreement between The Classical Academy and the owner of 235 W. Washington, to allow those businesses to utilize up to eight parking spaces on Classical Academy's property. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The lot containing the building to be remodeled is 0.26 acres and is addressed as 235 West Washington Avenue.

Vice-chairman McQuead recused himself from Item 2. Commissioner McQuead left the meeting at this time.

Bill Martin, Assistant Planning Director, referenced the staff report and noted staff issues were whether the project site was an appropriate location for the proposed campus expansion, whether sufficient parking could be provided for the school, and whether sufficient parking could be provided for the commercial uses that would share the 235 West Washington Avenue with the school. Staff recommended approval based on the following: 1) The project site was located within the Park View District of the Downtown Specific Plan Area. Primary and secondary schools are allowed in this district with approval of a Conditional Use Permit. The building at 235 West Washington was currently partially occupied by commercial businesses, including a mailbox and tax preparation center (Suite A) and jewelry sales/repair shop (Suite B). The school would occupy a space in the rear portion of the building, on the ground floor only, and will not interfere with the existing commercial uses (or vice versa). The project had been designed to include a two-hour fire barrier wall between the existing commercial occupancies and the proposed educational occupancy; 2) The applicant's Woodward Avenue campus was used for a high school starting in 2006, and ending in 2014 when the high school students were moved to a new facility at the former North County Times complex on Pennsylvania Avenue. During these years, the Woodward Avenue campus was required to conform to the relatively restrictive high school parking standards, which required one space per employee plus one space for every three students. The applicant satisfied this requirement by providing some parking on the school campus and providing the remainder via a joint-use parking agreement with the neighboring North County Church of Christ, which allowed them to use first 30, then 40, then 47 of the church's parking spaces on weekdays. Since 2014, the Woodward Avenue campus had been used solely as a middle school, which is required to provide only one space per staff or faculty member. Since the school has a staff of 18 people, the parking requirement is 18 spaces, and 21 spaces are provided on-site; and 3) The commercial uses already occupying 235 West Washington are required to have at least eight parking spaces of their own, per a required parking ratio of one space per 250 square feet of floor area for general retail uses. This was in addition to any parking spaces required for the school uses at this address. At this time, there was no designated parking on the 235 West Washington lot that conformed to City standards for parking space dimensions or backup areas. The project had therefore been conditioned to require Classical Academy to enter into a joint-use parking agreement with the owner of 235 West Washington, to allow the owner to use up to eight parking spaces on Classical Academy's property for his or her commercial tenants and customers. In

turn, Classical Academy still has a joint-use parking agreement with North County Church of Christ to use up to 47 of the church's parking spaces, which will prevent any parking shortages on the Classical Academy site related to the new joint-use parking agreement with the owner of 235 West Washington Avenue.

Discussion ensued regarding a clarification of ways to utilize all of the parking available on the site.

Commissioner Hale expressed his concern with the site plan not utilizing all of the parking.

Commissioner Romo questioned whether there was a way to block off the parking lots between Buildings 237 and 235 as outlined on the staff report in order to accommodate outdoor student usage. Mr. Martin replied in the affirmative.

Commissioner Hale referenced Condition No. 12 and expressed his view that additional time should be allotted for utilization. He then asked if the parking agreements would be recorded.

Cameron Curry, Executive Director for Classical Academy, stated that the parking agreements would be recorded.

Commissioner Hale and Mr. Curry discussed the amount of employees at Classical Academy as well as the class hours.

Commissioner Hale asked if the current parking was enough without overflowing into the City's parking lot. Mr. Curry replied in the affirmative. Mr. Martin noted that the school had worked with the City on safe crossing measures for the students.

Commissioner Romo asked Mr. Curry if he would be in favor of blocking off the parking lots between Buildings 237 and 235. Mr. Curry replied in the affirmative.

Chairman Weber asked Mr. Curry if the 12-month time frame was adequate to get the process started. Mr. Curry replied in the affirmative, noting they planned on beginning the process as soon as they received approval.

Chairman Weber noted that the Fire Department was the entity that recommended the gate between the two parking areas.

ACTION:

Moved by Chairman Weber, seconded by Commissioner Spann, to approve staff's recommendation. The motion included directing staff to review closing off through traffic between buildings 235 and 237. Motion carried. Ayes: Spann, Johns, Weber, Romo, and Hale. Noes: None. (McQuead absent from vote). (5-0)

3. AMENDMENT TO THE ZONING CODE – AZ 15-0004:

REQUEST: A proposed amendment to Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code to explicitly prohibit the cultivation and delivery of medical marijuana, and maintain the prohibition of medical marijuana dispensaries in the City of Escondido.

PROPERTY SIZE AND LOCATION: Citywide

Bill Martin, Assistant Planning Director, referenced the staff report and noted that staff recommended approval of the amendment to Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code to explicitly prohibit the cultivation and delivery of medical cannabis (marijuana), and maintain the prohibition of medical marijuana dispensaries in the City of Escondido based on the following: 1) The California Medical Association has reported that lucrative clinics with salaried physicians have provided medical cannabis recommendations for potentially undocumented medical conditions and California's approach to medical cannabis has in some cases virtually decriminalized recreational use and has led to excesses. Escondido Police Detectives have reported that most gang members they contact possess medical marijuana cards; 2) Despite the City's ban on medical marijuana dispensaries, the City has experienced repeat attempts to avoid the ban usually involving either an "invitation only" business or a web based delivery service. Both business models have proved difficult to police because of the underground nature of the businesses and the City's current lack of regulations regarding medical marijuana delivery services; and 3) The proposed amendments maintain the status quo and more importantly retain local control over the cultivation, distribution, and delivery of medical cannabis. The City's ability to retain local control over cultivation requires action prior to March 1, 2016. If the City Council ultimately desires a less restrictive policy, so long as local control is maintained, the Council could modify the policy at a later date. Staff believes maintaining the status quo best protects public safety as the regulations for medical marijuana continue to evolve.

Chairman Weber asked Mr. McCarthy to comment on the amendment. Mr. McCarthy provided some background history about the amendment and noted

that the subject language was being adopted by most jurisdictions throughout the State.

Chairman Weber asked if the City would still maintain the regulation not to allow any dispensaries. Mr. Martin replied in the affirmative.

Commissioner Romo asked if his understanding was correct that no deliveries, dispensaries, or cultivation would be allowed in Escondido with the proposed amendment. Mr. Martin replied in the affirmative. Mr. McCarthy stated that there were illegally operating dispensaries operating in Escondido at this time.

Carlos Bonilla, Escondido, expressed his view that there should be some middle ground between the State and City's regulation for dispensaries.

Commissioner Hale and Mr. McCarthy discussed the goals of the new laws for dispensaries.

Commissioner Hale expressed his view that as a former law enforcement officer there was no such thing as medical marijuana. He felt the main goal of the proposed code amendment was to protect the City's rights.

ACTION:

Moved by Commissioner Spann, seconded by Commissioner Hale, to approve staff's recommendation. Motion carried unanimously (5-0).

CURRENT BUSINESS: None.

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 7:59 p.m. The next meeting was scheduled for January 12, 2015, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commission

Ty Paulson, Minutes Clerk