

CITY OF ESCONDIDO

MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

April 8, 2014

The meeting of the Escondido Planning Commission was called to order at 7:03 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; Gregory Johns, Commissioner; James Spann, Commissioner; Merle Watson, Commissioner and Guy Winton, Commissioner.

Commissioners absent: None.

Staff present: Bill Martin, Principal Planner; Rozanne Cherry, Principal Planner; Owen Tunnell, Principal Engineer; Gary McCarthy, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Winton, seconded by Commissioner McQuead, to approve the minutes of the March 25, 2014, meeting. Motion carried. Ayes: Winton, McQuead, Spann, and Watson. Noes: None. Abstained: Hale, Johns, and Weber. (4-0-3)

SELECTION OF COMMISSIONER TO FILL SHORT (2 YR) TERM

Commissioner Hale volunteered to fill the two-year term.

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT – PHG 14-0008:

REQUEST: A Conditional Use Permit to allow four dogs on an approximately 7,000 SF residential lot in the R-1-6 zone (Single-family Residential – 6,000 SF minimum lot size) where the Escondido Zoning Code would otherwise allow two dogs. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: The property is located on the northern side of Hillward Street where it joins Scott Way, addressed as 620 Hillward Street.

Bill Martin, Principal Planner, referenced the staff report and noted that staff's main issue was the appropriateness of allowing four dogs on the site. Staff recommended approval based on the following: 1) Staff felt the request to increase the number of dogs permitted on the site was appropriate, since the dogs appear to be well-maintained, there was sufficient yard area to reasonably accommodate the dogs, the yard had perimeter fencing, and an indoor area was provided to secure the dogs each night. In addition, residents on all of the adjacent properties had signed forms in support of allowing the applicants to keep four dogs.

Commissioner Watson asked how code enforcement was involved. Mr. Martin noted that code enforcement got involved following an incident that occurred between the applicant and a neighboring family that involved dogs from each household. It was then found out that the applicant had four dogs, which were not allowed in the subject zone.

Commissioner McQuead asked if the CUP ran with the land and ultimately with new owners. Mr. Martin replied in the affirmative, but noted that there was still the ability to revoke the CUP upon complaint.

Commissioner Hale asked if the CUP could have a sunset clause. Mr. Martin noted that the Commission had the ability to add conditions, but not to put a sunset clause on the CUP.

Chris Johnson, Escondido, applicant, asked that the Commission allow her to keep her four dogs. She stated that it would be very difficult to pick two of the dogs to give away if not approved. She elaborated that the dogs were well trained and part of her family. She also noted that upon the loss of two of the dogs they would never have more than two dogs again.

Teresa Nicholl, Escondido, was in favor of staff's recommendation. She stated that the subject dogs were well behaved; noting that she and her children had never had any issues with the dogs. She also stated that the property was well taken care of with no odors that would be associated with having four dogs. She also noted that the incident with the neighboring family was not Ms. Johnson's fault, noting that the neighbor's dogs were left out many times.

Otis Campbell, Escondido, noted that subject dogs were well behaved. He cited an incident that occurred involving the police chasing an individual through the back yards of the subject neighborhood, noting that the only back yard the suspect did not go into was the applicant's yard with the four dogs.

Dale Franks, Escondido, Applicant, noted that they ended up with two extra dogs due to their dog having ten puppies and not being able to give all of them away. He stated that the dogs were registered, vaccinated, and micro-chipped. He indicated that when they found out that they were violation of the Zoning Code he sold his truck to pay for the CUP and anything else needed to keep the dogs. He elaborated that they had no intention to acquire more dogs when the two older dogs passed away. Mr. Franks noted that the incident that occurred with the neighbor was due to the neighbor's dogs not being leashed.

Commissioner Watson felt this was a bad accident waiting to happen if the dogs got out and then hurt someone. He also expressed his concern with the CUP running with the property.

Commissioner Spann noted that he had visited the site and found it to be clean. He then asked if the CUP had an abandonment clause. Mr. Martin replied the CUP would not be valid if it was abandoned for a period of one year.

Commissioner Spann asked if the CUP could be conditioned so that upon the loss of two dogs that the CUP be abandoned. Mr. McCarthy noted that typically the CUP ran with the land. However, given that a CUP was a less than ideal land use process to handle this situation, he felt it would not be a problem to let the CUP expire upon the loss of two dogs if the applicant consented to the condition.

Commissioner Hale asked if a new property owner could terminate the CUP. Mr. McCarthy replied in the affirmative. Commissioner Hale was in favor of requesting a concession from the applicant that the CUP would be terminated upon the loss of two dogs. Commissioner McQuead concurred.

Mr. Franks noted that they had no intention of acquiring any more dogs in the future for the purpose of maintaining a four-dog household. He also stated that they would abandon the CUP voluntarily upon the loss of two of the dogs.

ACTION:

Moved by Commissioner Spann, seconded by Commissioner Johns, to approve staff's recommendation. The motion included conditioning the CUP, as agreed to by the applicant, to expire following the loss of two of the dogs. The motion also included requiring the dog owners to notify the Planning Division upon the loss of the two dogs. Motion carried. Ayes: Spann, Johns, McQuead, Weber, Winton, and Hale. Noes: Watson. (6-1)

2. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 13-0010:

REQUEST: A modification of the Conditional Use Permit for the Meadowbrook Village retirement community to increase the number of semi-independent living units, revise the previously approved mix of unit types and add three standby emergency generators. The project proposes a 3-story apartment building of 66 units (net increase of 54 units) and one 400 kW and two 500 kW standby emergency diesel generators. The proposal also includes the adoption of the environmental documentation prepared for the project.

PROPERTY SIZE AND LOCATION: 25± acres located between N. Iris Lane and N. Broadway, south of Village Road, addressed as 100 Holland Glen.

Rozanne Cherry, Principal Planner, referenced the staff report and noted that staff issues were whether the proposed modification would create traffic or noise impacts, and the appropriateness of the architecture. Staff recommended approval due to the Engineering Division determining that the minor amount of traffic generated by the proposed 54 additional apartments would not significantly impact the traffic in the area. The emergency generators would not create a significant noise impact due to the extensive setbacks proposed, and the noise attenuation provided by the sound reducing generator enclosures within a block wall equipment enclosure, and the perimeter block wall around the community; and 2) the architectural design and proposed materials were well detailed and consistent with the other structures on site. The parking lot was under the building, and would not be visible from adjacent properties or public streets. The building would be of similar height to the existing 3-story windmill commons building and congregate care building.

Commissioner Hale asked if a parking study was done for the subject request. Mrs. Cherry replied in the negative, noting that the parking exceeded the parking requirement.

Dr. Henry Richter, Escondido, noted that the residents of Meadowbrook Village were in favor of staff's recommendation, noting it was a wonderful community. He felt the additional apartment building would finalize the property. He stated that they were in favor of the generator due to feeling it would help during emergencies.

John Selck, Escondido, noted that Meadowbrook Village had amenities that did not create revenue, noting that the developers were public-spirited individuals who created a great community.

Newell Dubail, Escondido, expressed his enthusiasm with the quality of construction the developer put into Meadowbrook Village. He asked that the Commission approve staff's recommendation.

Jack Brouwer, Escondido, asked that the Commission approve staff's recommendation. He stated that the proposed request would help provide more space to accommodate the needs of the community.

Chairman Weber referenced the proximity of the generators to the pool area and asked if special consideration had been given to mitigating the sound for the generators. Mrs. Cherry replied in the affirmative and noted that the 45-decibel level threshold would have to be met at the property line. Chairman Weber felt it would have been beneficial to have a visual scale for the proposed building in relation to the surrounding buildings, but expressed overall support for the proposal.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner Spann, to approve staff's recommendation. Motion carried unanimously. (7-0)

3. CONDITIONAL USE PERMIT – PHG 14-0011:

REQUEST: A Conditional Use Permit to allow the installation, operation, and maintenance of a new Wireless Communication Facility mounted onto a new 71-foot high light pole located next to the baseball field in Jesmond Dene Park. The proposed facility consists of 6 panel antennas and one four foot in diameter microwave dish, along with the construction of an equipment building to house

associated mechanical equipment, electrical cabinets, and a 30 kW emergency backup generator. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: Jesmond Dene Park is located on the southwestern corner of North Broadway and Jesmond Dene Road, addressed as 2401 N. Broadway.

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were whether the design and location of the proposed facility is appropriate for the site and consistent with the Wireless Facility Guidelines, and whether the proposal is consistent with the Zoning Code standards for standby generators. Staff recommended approval based on the following: 1) The proposed wireless facility was consistent with the Communication Antennas Ordinance because the antennas would be located on a new field light that would be similar in design and compatible with other field lights and an existing T-Mobile wireless facility located within the park. The supporting equipment would be located within a newly constructed masonry block building designed to match other accessory buildings located within the park; 2) The proposed 30 kW emergency diesel generator would not create any adverse compatibility, visual, noise, or air-quality impacts because it will be located within an enclosed equipment building within a city park well away from any residential properties or sensitive receptors. The generator is for emergency use only during power outages and typically would be tested only once a month for maintenance purposes generally between the hours of 7:00 am and 5:00 pm; and 3) Staff felt the proposed facility would not result in a potential health hazards to people in the area because the Radio Frequency (RF) study prepared for the proposed project indicates the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) radio frequency emission guidelines. He then referenced a revision to Condition 7d, Page 16 of the staff report with regard to having the ball field lights approved by the Community Services Department.

Discussion ensued regarding clarification of Page 19 with regard to disclaimer from the electrical engineer.

Patricia Borchmann, Escondido, noted that staff had resolved all of her concerns about the new ball field lights.

ACTION:

Moved by Commissioner Watson, seconded by Commissioner Spann, to approve staff's recommendation. Motion carried unanimously. (7-0)

CURRENT BUSINESS: None.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 8:13 p.m. The next meeting was scheduled for April 22, 2014, 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