

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. CALL TO ORDER: 7:00 p.m.
- B. FLAG SALUTE
- C. ROLL CALL:
- D. MINUTES: [12/13/16](#)

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

**Electronic Media:** Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and may be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

**Availability of supplemental materials after agenda posting:** any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

**The Planning Division is the coordinating division for the Planning Commission.  
For information, call (760) 839-4671.**

**E. WRITTEN COMMUNICATIONS:**

"Under State law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda."

**1. Future Neighborhood Meetings**

**F. ORAL COMMUNICATIONS:**

"Under State law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

**G. PUBLIC HEARINGS:**

**Please try to limit your testimony to 2-5 minutes.**

**1. VARIANCE FOR REDUCTION OF WALL SETBACKS WITHIN LEXINGTON SUBDIVISION – PHG 16-0016:**

REQUEST: A Variance to reduce the side yard setback for walls on certain corner lots within the previously-approved Lexington subdivision (SUB 14-0002). The Variance would allow placement of a 6'-tall block wall along the side property line adjacent to the street (i.e., a 0' setback) on Lots 13, 29, 31, 38, and 40. Development standards for corner lots in the R-1 zone typically require fences of this height to maintain a minimum 10' setback on the side adjacent to the street. Approval of the Variance would maximize yard size for these lots, and would give the developer more flexibility in siting homes. A 5'-wide, HOA-maintained landscaping strip would be planted on the outside of each affected wall (within the street right-of-way) for aesthetic purposes. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 13.97-acre Lexington subdivision is shown on Final Map No. 16153, recorded at County of San Diego on December 7, 2016. The development is bordered by Vista Avenue to the south, North Ash Street to the east, and an unimproved, unnamed street to the west. Lehner Avenue bisects the development and a narrow remainder lot connects the development to Stanley Avenue to the north. The Variance specifically affects Lots 13, 29, 31, 38, and 40, as shown on the Final Map. These lots range in size from 10,100 SF to 10,188 SF. Lot 38 is located at the perimeter of the development (at the main Lehner Avenue entrance), while the other four lots are located within the interior.

ENVIRONMENTAL STATUS: The project is exempt from CEQA, in conformance with Section 15305(a), Minor Alterations in Land Use Limitations.

APPLICANT: KB Homes

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

**H. CURRENT BUSINESS:**

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

**I. ORAL COMMUNICATIONS:**

"Under State law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

**J. PLANNING COMMISSIONERS**

**K. ADJOURNMENT**

**CITY OF ESCONDIDO**

**MINUTES OF THE REGULAR MEETING OF THE  
ESCONDIDO PLANNING COMMISSION**

**December 13, 2016**

The meeting of the Escondido Planning Commission Meeting 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; Don Romo, Commissioner; James Spann Commissioner; and Stan Weiler, Commissioner; (One position vacant).

**Commissioners absent:** Michael Cohen, Commissioner.

**Staff present:** Bill Martin, Director of Community Development; Mike Strong, Assistant Planning Director; Adam Finestone, Principal Planner; Chris McKinney, Utilities Director; Jay Paul, Associate Planner; Ann Dolmage, Associate Planner; Owen Tunnell, Principal Engineer; Adam Phillips, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

**MINUTES:**

Moved by Vice-chairman McQuead, seconded by Commissioner Spann, to approve the minutes of the September 27, 2016, meeting. Motion carried. Ayes: Spann, Romo, Weber, and Weiler. Noes: None. Abstained: McQuead. (4-0-1)

**WRITTEN COMMUNICATIONS** – Received.

**FUTURE NEIGHBORHOOD MEETINGS** – None.

**ORAL COMMUNICATIONS:**

**Ms. C. Mitchell, Escondido**, questioned why the City was not investing funds into repairing the Lake Dixon dam, noting her concern with it not being repaired before a major earthquake.

## **PUBLIC HEARINGS:**

### **1. CONDITIONAL USE PERMIT – PHG 16-0014; ENV 16-0009:**

REQUEST: The project involves a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) designed to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF) for agricultural uses. Utility projects, including processing, storage, and distribution facilities for water are permitted uses within commercial zones, subject to the approval of a Conditional Use Permit. The proposed MF/RO would utilize membrane filtration [i.e., microfiltration (MF) or ultrafiltration (UF) membranes] and reverse osmosis (RO) technologies sized for a total production capacity of 2.0 million gallons per day (mgd) with the ability to accommodate the installation of future equipment to provide an additional 1.0 mgd of production capacity. The proposed project would consist of two buildings, both with a maximum height of approximately 31'. The MF/RO Process Building (21,729 SF) would house the MF/RO equipment, pumps, electrical rooms, control rooms, and meeting rooms. The Chemical Building (14,115 SF) would house the transfer pumps and accommodate the storage of chemicals used in treatment process. The project also includes several above ground storage tanks with a maximum height of 30' (300,000 gal influent tank, 160,000 gal inter-process tank, and 820,000 gal product storage tank), and a 1,500 kW emergency backup generator, as well as various above and below ground pipes and support infrastructure.

The perimeter of the site would be secured by a combination of new, six-foot-high masonry walls and decorative wrought iron fencing. Access would be provided via two driveways on E. Washington Avenue. A limited number of employees would visit the site for daily inspections (as needed), monthly routine facility maintenance, and delivery and removal of chemicals.

PROPERTY SIZE AND LOCATION: The 4.5-acre project site is located on the southeastern corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue (APN 230-141-01-00).

Adam Finestone, Principal Planner, and Chris McKinney, Utilities Director, referenced the staff report and noted key staff issues were 1) whether the proposed facility would have any adverse visual, noise, and/or compatibility impacts to surrounding uses; 2) whether the project site was an appropriate location for the facility; and 3) if there are other possible solutions to the City's wastewater outfall capacity limitation, and why the MF/RO project is the most appropriate option. In relation to these key issues, staff recommended approval

based on the following: 1) The site is bounded on two sides by Circulation Element roadways, and on a third by the Escondido Creek Flood Control Channel. The buildings have been designed and located to address potential visual and compatibility impacts to surrounding uses, with appropriate setbacks from adjacent residential properties. The majority of the MF/RO equipment and systems would be housed inside of buildings designed with commercial facades in order to blend in with the existing neighborhood, and to reduce equipment noise levels. Perimeter landscape planters and new six-foot-high masonry block walls would be installed to provide additional screening, separation and noise attenuation where necessary. The project design and conditions of approval contained herein will help ensure compatibility of the proposed project with adjacent properties; 2) Construction of the MF/RO at the subject site would avoid the need to construct additional recycled water infrastructure, specifically pipelines to carry recycled water and brine to/from the MF/RO. The shortest, technically feasible path through the City for recycled water mains for agricultural reuse is along the Escondido Creek Flood Control Channel. Additional costs would be incurred by placing the MF/RO away from the channel due to requirements for construction of additional pipelines. Additionally, the subject property is currently owned by the Utilities Department, which will also assist in reducing project costs; 3) The subject property is immediately adjacent to the channel, and is located in the General Commercial (CG) zone. The CG zone allows public utility uses, subject to approval of a Conditional Use Permit (CUP). The property is bounded on three sides by either the Escondido Creek Flood Control Channel or Circulation Element roadways, and is sufficiently large enough to accommodate the proposed MF/RO. For these reasons, staff believes that the project site is an appropriate location for the MF/RO; and 4) The MF/RO is one of two possible solutions to the City's wastewater outfall capacity issue. It would address the issue by decreasing the capacity demand placed on the outfall pipeline. The other option would be to replace the existing wastewater outfall pipeline with a larger one in order to increase the capacity. The MF/RO is the appropriate option because it is more affordable, can be completed in a shorter timeframe, and is more sensitive to environmental concerns.

Adam Finestone, Principal Planner, also indicated that the application proposal included the adoption of the environmental determination. An Initial Study/Mitigated Negative Declaration was prepared for the project and all project impacts studied were found to be less than significant or would be reduced to a less than significant level. Staff concluded that the Mitigated Negative Declaration was adequate for this project at this location.

Prior to receiving public testimony, Vice-chairman McQuead asked if the gravel areas, which were half the site, were intended for future expansion. Mr. McKinney replied in the affirmative.

Commissioner Spann asked if the proposed plant was basically the same plant that was proposed for the Washington site. Mr. McKinney replied the affirmative.

Commissioner Spann asked if the pipe that carried the water from the HAARF to the subject plant and then up to the Hogback Station was in place. Mr. McKinney replied in the affirmative as well as noting that the pipe extended to Citrus.

Commissioner Spann and staff discussed the demand for recycled water.

Commissioner Weiler asked who prepared and ultimately approved the hazardous materials business plan. He also asked whether the chemical delivery travel routes were part of the business plan. Mr. McKinney noted that the owner/operator would prepare and approve the plan along with the County. He also noted that the travel routes were part of the business plan.

Commissioner Weiler and staff discussed the proposed noise levels for the site, which were lower than the ambient noise levels in the area.

Discussion ensued regarding a clarification of where the screening walls, fencing and landscaping were proposed for the property in question.

Commissioner Romo and staff discussed the operations for the site.

Discussion ensued regarding a clarification of the height of the tanks on site.

**Stacey Clark Weber, Escondido**, stated that she lived near the subject site. She suggested re-evaluating the Reveal the Creek plans, feeling that a better use for the site would be a park and/or a shared space for retail apartments with an entrance and exit coming off of Ash and Washington.

**Erik Larson, Carlsbad, Executive Director for the San Diego County Farm Bureau**, stated they were in favor of the project. He noted that agricultural was a large part of the community and was being threatened by the price of water. He stated that the City was being challenged about its outfall capacity. He indicated that the subject project would provide the opportunity to take care of wastewater and at the same time provide affordable water to agriculture. He noted that the subject property was correctly zoned, had existing piping for the need, and mitigated all impacts. He also expressed his concern with the farmers having to wait for recycled water and losing their farms.

**Kelly Weber, Escondido**, was opposed to the project, feeling the property could be used for a better use. He also expressed his concern with the aesthetics of the project.

**Colleen MacKennon, Escondido**, was opposed to the project. She stated that subject property was in the heart of the Escondido, noting there were schools, residences, churches, businesses and a residential care facility in close proximity. She felt a better use for the property would be affordable housing, noting the area was depressed and needed something that would enhance the area. She also expressed her concern with the amount of crime in the subject area and suggested that if the project was approved that security be addressed.

**Carey Algaze, San Diego, representing Pacifica Senior Living Community**, stated that their primary concern was for the health and safety of their senior residents, which related to the health and hazard component of the subject project. She noted that they housed independent, assisted, and soon to be memory care residents who would be adversely impacted by the project. She stated they were concerned with the chemicals that would be used onsite and the impacts they would have on the sensitive receptors of the residents. She asked that the Commission request a full assessment of the chemicals being used on the site and require the Hazardous Business Plan be completed so public and decision maker review could occur prior to a decision being made.

**Russell Nakaoka, Escondido, Manager of The Springs of Escondido**, noted that he was appearing on behalf of himself and The Springs of Escondido. He stated he was opposed to the project at the subject location. He expressed his concern for the 100 plus residents at his facility ranging from 57 to 101 years old. He felt they would be impacted by the unfamiliarity of the construction and buildings on the site. He noted that the west facing units of his property would be within ten feet of the subject property and would have views of the facility. He indicated that the subject project would not provide any benefit to the surrounding neighbors. He asked that the project be built in another location.

**Geraldine Teutsch, Escondido**, noted that she lived at The Springs of Escondido. She was opposed to the project. She stated that most of the residents in her facility would have to consider moving, noting change was very hard for the residents at her facility to handle.

**David Dryden, Escondido**, noted that he lived at The Springs of Escondido. He stated that he was speaking on behalf of the Spring's residents, surrounding neighbors, and future residents. He indicated that the subject site was being targeted as an industrial site. He expressed his concern with the illustrations not being consistent, questioning what the site would look like when finished. He felt

the proposed use would be inappropriate for the site, noting this was the core of the neighborhood. He also questioned whether there were customers who would use the sites product. In conclusion, he asked that the poor of the community not suffer because the rich did not want it in their neighborhood.

**Alfred Roebuck, Escondido**, was opposed to the project. He expressed his concern with not knowing the site would become an industrial site with chemical storage. He felt the proposed facility was not appropriate for the site since it was not residential or commercial.

**Norman Maxwell, Escondido**, noted he was a resident of The Springs of Escondido. He felt the project would have tremendous impacts on the surrounding residents, noting his concern with the City staff report indicating that there would be no significant impacts. He felt the proposed facility was not appropriate for the site because the area was residential and light commercial. He expressed his concern with the potential noise, dust and dirt during construction of the site, which would be harmful to the lifestyle of the surrounding residents. He felt the equipment needed to operate the site would disrupt the traffic in the area. He expressed concern with the City Engineer indicating that the project would take over ten years to construct and the residents being impacted during this time. He also noted that property values in the area would be reduced.

**Steve Dickson, Escondido**, was opposed to the project due to economics, moral, and ethical issues. He stated that the Escondido Creek plan could attract hundreds of thousands of visitors and generate millions of dollars. He noted that the Escondido Creek Conservancy showed the subject property as a top design site to transform the Escondido Creek into a thriving recreational attraction for the residents and visitors, noting this could make Escondido a destination City. He suggested utilizing half of the property for the Escondido Creek Plan and the other for mixed use. He felt commercial property was more valuable than industrial, noting that utilizing the subject property for commercial/recreational would enhance property values, bring more money to the City, and enhance lifestyles for the residents. In conclusion, he felt it was inappropriate to put an industrial use on the subject property.

**Patricia Borchmann, Escondido**, noted that most of the audience was opposed to the project. She stated that the subject project was proposed at another location where the surrounding property owners were also opposed and denied due to being incompatible with the area. She felt the same findings would apply to the subject property along with challenging the adequacy of the mitigated negative declaration to fully disclose the full intent of the site.

**Arthur Devine, Escondido**, questioned who proposed the subject project in the residential heart of City. He felt the property could be used for a library, fairgrounds for the farmers market, or something that would benefit the residents. He asked why the subject project could not be put adjacently west of the Hale facility or to use Lake Hodges as a reservoir, which was unsuitable for drinking water. He also expressed his concern with the loss of the Vineyard. In conclusion, he felt there were better places for the subject facility. He also stated that he was in favor of Item 2 on the agenda.

**Marshall Byer, Escondido**, was in favor of the project. He stated that he lived at The Springs of Escondido and faced the subject lot, noting that it currently was being used to park heavy equipment and building materials. He felt the project would have little impacts to the area as well as The Springs of Escondido, noting that there were a total of 20 apartments that would face the site, which meant that 80 percent would not be visually impacted by the site. He felt that if the project was denied, the property would continue to be used as a building material site which he felt was more impactful.

**Ms. C. Mitchell, Escondido**, expressed her concern with any amount of noise impacting the quality of life for residents. She expressed her concern with the City selling itself as a retirement community and then proposing the subject facility next to a retirement development. She felt the subject facility should be located near the agricultural farmers such as in the San Pasqual Valley or Lake Hodges. She expressed her concern with the chemicals impacting the seniors and residents in the area.

**Consuela Martinez, Escondido**, stated she was opposed to the project at the subject location due to being the urban core. She also felt more individuals would have attended the neighborhood meeting held at The Springs of Escondido if the notice would have been distributed to more than 500 feet of the project's property. She recommended finding a more suitable location.

**Randal Roberts, Escondido**, noted that he was part of the opposition to the proposed third location for the subject facility. He stated that he was a former certified wastewater facility operator with a family history in water systems. He noted that he supported the goals of the project but did not support the location due to being near residential as well as a residential care facility. He felt the full intent of the project was not being presented. He stated that the previous plant was denied due to public safety concerns, being inconsistent with the General Plan, conflicting with zoning ordinances and CUP requirements, and being incompatible with the neighborhood. He asked that the Commission consider another location.

**Chris Nova, Escondido**, was opposed to the project. She felt there was a lack of information related to the Negative Declaration, feeling the City needed to delay the project until all of the information was available. She felt environmental justice was at issue according to the EPA with regard to the environmental health hazards and equal decision making of the process. She questioned whether the project would promote a higher sense of community. She felt the project would be inconsistent with the area. She then asked how the City would protect the residents against the toxins, increased traffic, and address long-term impacts on the water supply.

**Barbara Takahara, President of the Cedarbrook Neighborhood**, stated they were opposed to the project. She expressed her concern with the written material about the project not being available in Spanish. She then submitted a petition with 103 signatures from the neighbors who opposed the project. She noted that during the last 15 years the creek was becoming a place of peace and harmony. She asked that the City not develop the property as industrial.

**Carol Rea, Escondido**, felt the question for the commissioners was whether they would like to live near the subject facility. She questioned what type of visual impacts the project would have on the Escondido Creek and its future plans. She also expressed concern with what would occur on the site in the future.

**Don Green, Escondido**, stated that he was not opposed to the fact that the project needed to be built but was opposed to the proposed location being in a residential and commercial area. He felt the project was not in line with the City's General Plan with regard to taking employment land away. He indicated that CEQA Law 21002 stated that a public agency must not approve a project if feasible alternatives exist, which he felt did. He requested the Commission deny the CUP, reject the MND, and request a full EIR.

**Everett Delano, Escondido, representing The Springs of Escondido**, stated that the question was whether the project was appropriate for the site, noting his view that it was inappropriate for the site. He felt the subject site had the same, if not more, issues than the previous site that was denied. He indicated that the project did not respect the residential neighborhood, commercial and the Escondido Creek. He felt the project was an affront to environmental justice to the extent that it directly impacted low-income and communities of color. He stated that the proposed facility would be inconsistent with the uses and goals for the GC zone. Mr. Delano noted that the project was not based on sound principles of land use, noting that the project would not help revitalize the area, caused deterioration of boarding land uses, and had detrimental impacts to community and neighborhood plans. He then referenced the Escondido Creek Plan, noting a park or mixed-use project would be more appropriate.

**Edward Grangetto, Escondido, Co-Founder for Escondido Growers for Agricultural Preservation, (EGAP)**, noted that their organization was dedicated to the preservation of the agricultural heritage for Escondido citizens. He then provided a brief summary for the goals of EGAP. He noted that their purpose was to create a self-sustaining grower district that used recycled water as their primary water source. He stated that EGAP would provide an option to the City to avoid a potential construction cost of \$450 million and an additional \$500 million to increase the size of its outfall pipe for treated wastewater to the ocean. He stated that EGAP supported the plant at the proposed location, noting their view that it would address wastewater issues, improve the appearance of the site, reduce vagrancy, and free up one gallon of potable water for every gallon of recycled water. He also noted that they were expecting recycled water in 2015 and could be waiting until 2019. He asked that the Commission approve the project.

Vice-chairman McQuead requested information about the other site near the HARRF. Mr. McKinney noted that the site near HARRF did not have adequate space due to future process expansion.

Vice-chairman McQuead asked if the previous site location was residential. Mr. Finestone replied in the affirmative. He also noted the use was allowed under a CUP.

Vice-chairman McQuead asked if vandalism was prevalent at the site. Mr. Finestone noted that he was unaware of vandalism but noted according to the public there was criminal activity occurring on the site.

Commissioner Weiler asked staff to comment on the locations considered as well as why the site could not be located closer to the growers.

Mr. McKinney stated that the three primary factors when considering a location from a utilities perspective was acquisition costs, suitability of the space and the location relative to the source water and ultimate disposition of the water. He indicated that the growers were the potential customers for the subject facility but locating the site near the growers would add enormous costs to future drinking water reuse. He noted that locating the site near Lake Hodges would be too far from agricultural users. The sites considered included the site across from the HARRF, a site near Washington and El Norte Parkway, and a site adjacent to Mountain View Park. He noted that the subject site was located centrally and minimized the future costs for piping.

Vice-chairman McQuead stated that the subject site was where the water department existed in the past, noting that the use was not new to the location. He

indicated that the buildings would be 250 feet away from the east property line. He felt it would be appropriate to use half of the property as a park, given the amount of time to build out the site.

Commissioner Spann asked if the tanks and buildings could be lowered. Mr. McKinney noted that the tanks could not be lowered due to the depth of the ground water. He also noted that the buildings could be lowered at a significant cost.

Commissioner Spann concurred with Vice-chairman McQuead comment regarding using half of the property as a park or something that would help enhance the creek.

Commissioner Romo suggested locating the buildings and pushing them more toward the street if a park was being considered for the site. Mr. McKinney noted the property was owned by the utilities fund and would have to be compensated for the land if used for parkland. Commissioner Romo felt the amount saved by keeping the facility in the subject location outweighed the amount it would cost to sell off a piece of the property. He felt the location was the best site for the facility but felt some additional mitigation was needed to be a better neighbor to screen the industrial use.

Vice-chairman McQuead stated that he was not suggesting selling a portion of the property but allowing a portion of the property to be used as a community use. Mr. McKinney asked if the suggestion was to find a community use for the unused portion of the property until at a later time expansion was needed. Vice-chairman McQuead replied in the affirmative.

Chairman Weber noted that the Escondido Creek along with the subject plan were conceptual plans. He noted that the subject property had always been a storage/water utilities yard, noting his view that the site had some limitations, which prevented it from being developed in the past. He felt the facility was a necessary component for the greater good of the development of the City. He stated that the plant at the Escondido Country Estates had operated for years safely without any issues that he was aware of. He did not feel there would be any visual, safety, or noise impacts from the subject project.

Chairman Weber motion to approve staff's recommendation. The motion included a condition that the Utility Department do their utmost to make a presentable view from surrounding neighbors.

Vice-chairman McQuead asked if the motion pertained to only the view from surrounding neighbors. Chairman Weber noted that Utility Department was prohibited from using funds to construct and maintain a park.

Vice-chairman McQuead asked staff if there was a mechanism that would allow another department to construct a park on the site. Attorney Phillips noted that there would have to be an appraisal of the property and the Utility Department would have to be reimbursed for the property. Mr. McKinney noted that even a temporary use would have to be funded by the General Fund.

Commissioner Weiler suggested that staff explore utilizing a portion of the property for landscaping and a possible park versus making this a condition.

**ACTION:**

Moved by Chairman Weber, seconded by Commissioner Weiler, to approve staff's recommendation. The motion included a recommendation to City Council that they request the Utility Department to be the best good neighbor with regard to screening and views from surrounding neighbors. Motion carried unanimously. (5-0)

Chairman Weber recessed the meeting at 9:05 p.m. and reconvened the meeting at 9:12 p.m.

**2. CONDITIONAL USE PERMIT – PHG 16-0015:**

REQUEST: The project involves a Conditional Use Permit for the installation of two Combined Heat and Power (CHP) units and associated biogas conditioning equipment at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF). The units (one generating 800 kW and one generating 400 kW, for a total production capacity of 1,200 kW) would use biogas for combustion that is produced from three (3) existing sludge digesters at the HARRF. Currently, the biogas produced by the digesters is being flared at the facility. Energy and heat produced by the project would be used to offset the utility power demand and heating needs for the HARRF. The generators would operate 24 hours per day. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Approximately 20 acres, on the northwest side of S. Hale Avenue, north of Avenida Del Diablo, addressed as 1521 S. Hale Avenue (APN 235-051-01 and 235-051-02).

Adam Finestone, Principal Planner, referenced the staff report and noted staff issues were whether the proposed generators are consistent with the standards for electric generating facilities, and whether adequate screening would be

provided for the proposed generators. Staff recommended approval based on the following: 1) The proposed generators are consistent with the standards for electric generating facilities since it meets the requirements of the Noise Ordinance and the Environmental Quality Regulations requirements for emissions; 2) adequate screening would be provided for the proposed generators and gas conditioning system. No adverse visual impacts would occur, since the equipment would be screened from view by the existing surrounding structures within the HARRF facility; and 3) The proposed project helps reduce the City's contributions to greenhouse gas emissions, which helps advance environmental initiatives including air quality and climate protection.

Vice-chairman McQuead asked if the burning flare was visible. Mr. McKinney noted that the flare was very difficult to see.

Chairman Weber referenced the last paragraph on Page 1 of the staff report and asked if the operating cost would be offset. Mr. McKinney replied in the affirmative. The risk to the project was the potential for downtime, noting this was the importance for coordinating maintenance.

Commissioner Spann felt the energy used to burn the flare was a waste of a resource. Mr. McKinney concurred.

**Arthur Devine, Escondido**, stated that he respected the contractor and was in favor of the project. He asked if the proposed system went to the second depth degree and operated at a 500/600 degree temperature that was essential or just burning the digester gas.

**ACTION:**

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

**3. MASTER AND PRECISE DEVELOPMENT PLAN; ZONE CHANGE – PHG 16-0012; ENV 16-0008:**

REQUEST: The project is a Master Precise Development Plan along with a Zone Change for an industrial development, bioretention areas, two access driveways, and parking on 5.76 acres. There are two proposed development options considered as part of this application. Option A would consist of one 98,500-square-foot industrial building with 197 parking spaces. Option B would consist of three industrial buildings (Buildings A, B, and C) with a total square footage of

86,010 square feet with 234 parking spaces. Under both project Option A and Option B, project grading would include approximately 18,000 cubic yards of import to raise the elevation of the site above the 100-year flood elevations. The project would also include landscaping within proposed parking areas, walkways, and along the project perimeter. The total maximum height of all industrial structure(s) would not exceed 38 feet in height. A rezone would be required to change the zoning from existing single-family residential (R-1-7) to Planned Development Industrial (PD-I) to be consistent with the General Plan land use designation of Light Industrial (LI). The proposal also includes the adoption of the environmental determination prepared for the project.

**PROPERTY SIZE AND LOCATION:** The 5.76-acre project site is generally located west of Interstate 15 and south of State Route 78, at the eastern terminus of Enterprise Street and south and east of Harmony Grove Road. The project site address is 1925 Harmony Grove Road.

Michael Strong, Assistant Planning Director, referenced the staff report and noted staff issues were the appropriateness of the proposed Planned Development-Industrial zoning designation, and whether the proposed Planned Industrial project is compatible with adjacent industrial and residential development. Staff recommended approval based on the following: 1) The General Plan land-use designation for the project site is Light Industrial (LI), and the proposed industrial project and corresponding Planned Development Industrial zoning (PD-I) would be consistent with this land-use designation. The industrial development provisions (Zoning Code Article 26) encourage the planned development process for industrial park type development. The project would be subject to the Industrial Park (IP) land-use provisions and list of allowed uses as part of the Master Plan details and project conditions. The Industrial Park zoning provisions and corresponding Planned Development-Industrial zoning is appropriate for the subject site due to the adjacent Specific Plan and Industrial Park zoning to the west and south. The proposed PD-I designation ensures compatibility with the quality of the surrounding industrial development and limits the site to lower intensity industrial and office type uses to avoid potential conflicts with nearby residential development; and 2) The proposed project would be consistent with the General Plan industrial land-use goal of providing “a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community.” Staff believes the overall site design, building setbacks, landscaping and building architecture create a well-integrated and high quality planned industrial development that is compatible with other industrial park development throughout the area.

Chairman Weber and staff discussed the proposed street improvements associated with the project.

Commissioner Romo and staff discussed the proposed street striping for Harmony Grove and Hale.

**Scott Merry, Escondido**, noted that the proposed widening included full improvements along Harmony Grove. He also asked that the Commission approve their request for a third monument identifier sign on the corner of the property.

Commissioner Weiler and staff discussed the code requirements for signage.

Vice-chairman McQuead and Commissioner Weiler felt the third sign was appropriate with staff review.

Chairman Weber felt allowing the third sign was setting a precedent.

#### **ACTION:**

Moved by Vice-chairman McQuead, seconded by Commissioner Weiler, to approve staff's recommendation. The motion included allowing a third monument sign, limited to identifying the industrial center and not a particular tenant. Motion carried. Ayes: Spann, McQuead, Romo, Weiler. Noes: Weber. (4-1)

#### **CURRENT BUSINESS:**

1. **A Precise Development Plan (PHG 16-0017)** for the removal of an existing 9,904-SF retail building at the southeast point of the Del Norte Plaza shopping center, to be replaced with a new 2,200-SF Starbucks restaurant.

Location: 302 W. El Norte Parkway

Ann Dolmage, Associate Planner, reference the staff report and noted staff issues were the compatibility of the proposed building design with the overall design of Del Norte Plaza shopping center, consistency of the proposed signs with the approved sign program for the shopping center and the City's sign ordinance, the potential for project-related traffic impacts on the streets surrounding the project site, adequacy of the shopping center's parking supply for the proposed use, and adequacy of the proposed drive-through lane in terms of location and vehicle capacity.

Staff recommended approval based on the following:

(1) The project as proposed will comply with all applicable development standards of the subject zone, including parking, lot coverage, and setbacks, and will be required to comply with all applicable Building and Fire codes through the standard plan checking process.

The proposed project design is compatible with the surrounding types of use and structures. Although there are some contextual differences in the proposed design from what is present today, the proposed colors, materials and architectural features are well-coordinated and complementary to the site and its surroundings and would enhance the appearance of the commercial center and the neighborhood.

(2) A comprehensive master sign program was approved for Del Norte Plaza in 1984, with modifications in later years that affected the center's monument signs and three large pylon signs. The Starbucks project proposes several new wall signs (both text and logo), directional signs, and menu board signs to identify the business and its products and enhance wayfinding for the drive-through.

Staff believes the proposed signs would be consistent with the comprehensive sign program, and the logo signs proposed for all four building elevations would be in proportion to the size of the building. The proposed signage relates well to the physical appearance of the subject building and is uniform in scale and proportion to the rest of the commercial center. The colors and materials of the signs relate well to each other and to the exterior appearance of the buildings. A more detailed discussion on project signage is included in the Analysis section of this staff report.

(3) The applicant has provided a traffic generation analysis that estimates that the 9,904-SF building to be demolished generates 1,188 average daily trips (ADTs), with 48 trips in the morning peak hour and 118 in the evening peak hour. In contrast, the proposed Starbucks would generate 1,138 ADTs, with 80 in the morning peak hour and 80 in the evening peak hour.

Therefore, the new Starbucks would generate a larger number of morning peak-hour trips than currently experienced at this site, but fewer evening peak-hour trips, and fewer trips overall. Since the City's ADT thresholds are not triggered by this project, a full traffic impact analysis has not been prepared, and the Engineering Services Department has concurred that the above information is sufficient to determine that the project will not significantly impact traffic in the area.

(4) Under the original Master Development Plan, Del Norte Plaza was proposed to have an ultimate buildout of 230,920 SF. The minimum parking requirement was

set at 1,155 spaces, per the Zoning Code's standard of one space per 200 SF for shopping centers. Per the Precise Development Plan for El Pollo Loco, the center has a current size of 223,341 SF and a parking supply of 1,202 spaces, and therefore exceeds its original parking requirement by 47 spaces. (If a new parking requirement were to be calculated based on the current actual square footage, the center would be responsible for only 1,116 spaces, giving it an even larger surplus of 86 spaces.)

The proposed project would remove a 9,904-SF building and replace it with a 2,200-SF building and 350-SF patio, reducing the overall floor area of the center. At the same time, the project would result in a net gain of two parking spaces for the center (11 would be removed, but 13 would be constructed), bringing the total supply to 1,204. Therefore, no parking-related issues are expected to result from this project. A more detailed parking analysis is included later in this staff report.

(5) The Starbucks drive-through pick-up window would be located on the building's east side, adjacent to Centre City Parkway. The queue would wrap around the south end of the building and then in a northwest direction, toward the shopping center driveway closest to the El Norte/Centre City intersection. The order screen would be located at approximately the midway point in the queue.

The drive-through lane has been designed to accommodate up to 13 vehicles between its starting point and the pick-up window, as shown on the site plan provided by the applicant. The Engineering Services Department has reviewed this stacking capacity and determined it to be sufficient for the use.

Conditions of approval have also been proposed to minimize the light impacts from the proposed menu boards and vehicles waiting in the drive-through on the surrounding roads, and to ensure that the project conforms to Zoning Code Article 35 (the Outdoor Lighting Ordinance). Ann Dolmage, Associate Planner, noted a correction in the staff report on Condition No. 6.

Vice-chairman McQuead asked if they could explore some security lighting in the vehicle cue. Ms. Dolmage noted she would visit this with the applicant.

Commissioner Weiler asked if staff was satisfied with potential stacking issues. Mr. Tunnell noted that staff was satisfied that the design and management would mitigate stacking issues.

**ACTION:**

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

**ORAL COMMUNATIONS:** None.

**PLANNING COMMISSIONERS:** No comments.

**ADJOURNMENT:**

Chairman Weber adjourned the meeting at 10:01 p.m. The next meeting was scheduled for January 10, 2017, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

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Bill Martin, Secretary to the Escondido  
Planning Commission

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Ty Paulson, Minutes Clerk

DRAFT

## PLANNING COMMISSION

Agenda Item No.: G.1

Date: January 24, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: PHG 16-0016 – Variance to Reduce Setbacks for Walls on Corner Lots in Lexington Residential Development

APPLICANT: KB Home of California

STAFF RECOMMENDATION:

Approve the proposed Variance.

PROJECT DESCRIPTION:

A request for a Variance to modify the setback requirement for side yard walls on five residential corner lots (Lots 13, 29, 31, 38, and 40) within the Lexington subdivision, previously approved under SUB 14-0002. For each of the five affected lots, the request is to reduce the side yard setback to allow placement of a six-foot-tall block wall along the side property line adjacent to the street (i.e., a zero-foot wall setback). The R-1 development standards typically require a ten-foot setback from this property line for walls of this height. Approval of the request would permit the construction of homes with usable size yards and privacy fences that, when considered together, are reasonably consistent in character with other homes in the vicinity and same zone. A landscaping strip five feet in width would be planted on the outside of each affected wall, within the street right-of-way, for aesthetic purposes.

LOCATION:

The Lexington subdivision is bordered by Vista Avenue to the south, North Ash Street to the east, and an unimproved, unnamed street to the west. Lehner Avenue bisects the development and a narrow, HOA-maintained remainder lot (located within County jurisdiction) connects the development to Stanley Avenue to the north. Prior to recordation of the Final Map, the site occupied four lots (APNs 224-130-07, -08, -12 and -13) and was addressed as 510, 522 and 615 Lehner Avenue and 814 Vista Avenue. The City has not yet been advised by the County of San Diego of the APNs for the new lots, but addresses have been assigned by the City. Addresses for the five lots covered under the Variance are listed in the Supplemental Details of Request, later in this report.

**ENVIRONMENTAL REVIEW:**

The proposal is exempt from the California Environmental Quality Act in accordance with CEQA Section 15305(a), Minor Alterations in Land Use Limitations (minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel).

**BACKGROUND:**

On April 22, 2015, City Council approved SUB 14-0002, a Tentative Subdivision Map for the Lexington residential development, to consist of 40 single-family lots and three open space lots. The development site was located within the County of San Diego at the time, but had already been rezoned R-1-10 (Single Family Residential; minimum lot size of 10,000 SF). Annexation of the site was approved by LAFCO and finalized on January 7, 2016, and the Final Map was recorded on December 7, 2016 (Map No. 16153).

For most lots within the R-1 zone, solid fencing is restricted to a height of three feet within the required front setback area, and a height of six feet anywhere else on the lot. On corner lots, however, the three-foot height limit applies not only within the front setback, but to the side setback adjacent to the street. Any deviations from this standard require approval of a Variance from the Planning Commission.

The Lexington developer has submitted landscape plans to the City, which include details about proposed fences and walls. As part of the proposal, five corner lots (Lots 13, 29, 31, 38, and 40) would each have a six-foot-tall slump block wall along the side property line adjacent to the street, with a zero-foot setback. Because these walls would not conform to the setback requirements described in the previous paragraph, a Variance is necessary.

**DISCUSSION:**

Residential lots in the Lexington development are located along Lehner Avenue as well as three cul-de-sacs taking access from Lehner (Bridle Place, Saddle Place, and Stirrup Way) and a fourth cul-de-sac taking access from Ash (Spur Court). The five lots included within this Variance request are located at the intersection of Lehner and Stirrup (Lots 13 and 40), Lehner and Bridle (Lot 29), and Lehner and Saddle (Lots 31 and 38). It is important to note that four of the five lots are located entirely within the internal limits of the subdivision. While the fifth lot (Lot 38) is located at the development's Lehner entrance, the street side yard wall on this lot would face other lots within the same development, and would not be directly visible from surrounding properties.

The developer has proposed a variety of fencing plans throughout the subdivision, most of which does not require Variance approval. A six-foot-tall, slump-block perimeter wall would be constructed around the outer boundary of the subdivision to minimize street noise for residents. This perimeter wall occupies the street side yard setback of Lots 1 and 10, but does not require a Variance since it was made a condition of approval for the project (as recommended by Planning Commission at the March 24, 2015 hearing and passed by City Council at the April 22, 2015 hearing). Tubular steel and slump block fences/walls, ranging from five and a half feet to six feet in height, would be installed around the full boundary of each of the three open-space lots; staff has determined that this fencing does not require a Variance since these lots will remain undeveloped (aside from the installation of storm water management facilities). Finally, all non-corner residential lots in this subdivision will have solid vinyl or block fencing up to six feet in height within side and rear setback areas, but no Variance is necessary since R-1 zoning standards allow this for non-corner lots. Lots 13, 29, 31, 38, and 40 are the only lots subject to Variance approval, and the Variance would be limited in scope to the walls within the street-adjacent side yards.

The developer has indicated that the strict application of the zoning code would deprive the aforementioned lots of a usable side yard. The proposed Variance is necessary to give each of these corner lots a yard comparable in size to the yards on non-corner lots within the same development, which is also a privilege enjoyed by other residential properties in the surrounding area. Additionally, homeowners would not be able to build a privacy fence or wall that protects their property within the limits of the fence/wall height restrictions. (The rights to exclusion and privacy are fundamental and recognized rights of holders of title to property.) The developer also states that a five-foot-wide, HOA-maintained landscaping strip on the outside of each affected wall (within the right-of-way) will enhance aesthetics, while being less expensive and easier to maintain than a wider strip. No further street widening is anticipated for the streets within the subdivision, so this right-of-way area will remain landscaped with water efficient landscaping. The landscape width in the proposed Variance areas is consistent with what could reasonably be supported as part of a similar residential planned development proposal.

There are practical difficulties in complying with specific elements of the Zoning Code on this site, and the proposed Variance request is reasonable. By granting the Variance, the properties would be able to provide a side yard in a similar fashion to others in the immediate vicinity and within the surrounding neighborhood. The alternative is to either build a house with virtually no side yard, or build a much smaller house that may alter the character of the development proposal, which may indirectly impact the surrounding neighborhood. Therefore, staff supports the proposed Variance.

PUBLIC INPUT:

City staff mailed 195 public notices to all property owners within 500 feet of the project site. Additionally, large signs have been posted on the site to notify local residents of the applicant's proposal and the hearing date. On January 11th, a neighbor at 511 Stanley Avenue contacted staff by phone to express concern that the walls proposed under this Variance would impact the remainder lot adjacent to his property. Staff clarified the scope of the Variance request and informed the community member that no walls are proposed for this remainder lot under this project. On January 17th, the developer informed staff that another neighbor (at 703 Lehner Avenue) had contacted the developer to express concern with the subdivision's perimeter wall, which abuts his property on two sides. The subdivision's perimeter wall is not within the scope of this Variance and was previously required as a condition of approval for SUB 14-0002. No other comments about this project have been received.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ann Dolmage". The signature is written in a cursive, flowing style.

Ann Dolmage  
Associate Planner

PD-R 1.65

RE-20

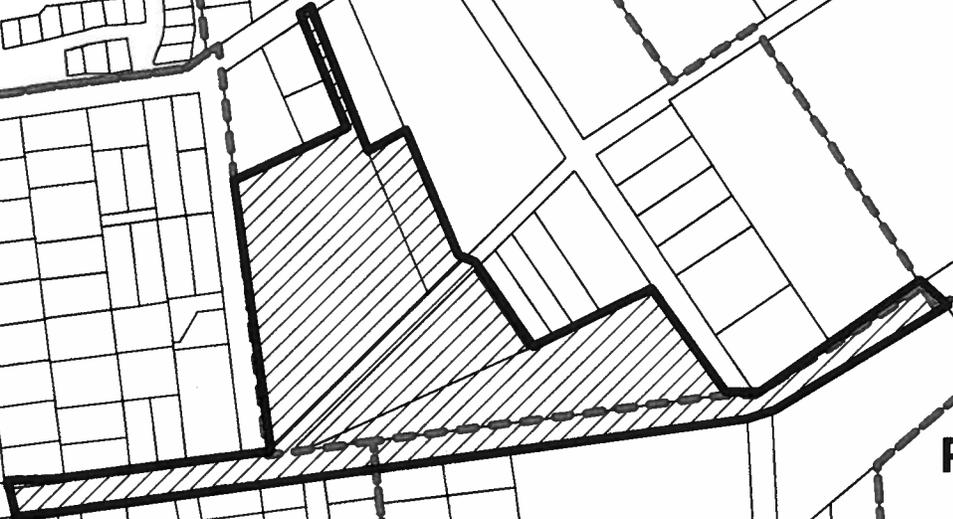
PD-R 5.5

RT

R-1-10

PD-R 5.5

PD-R 5.27



PZ RE-40

PZ RE-20

R-1-10

RE-210

PZ RA-5

R-1-15

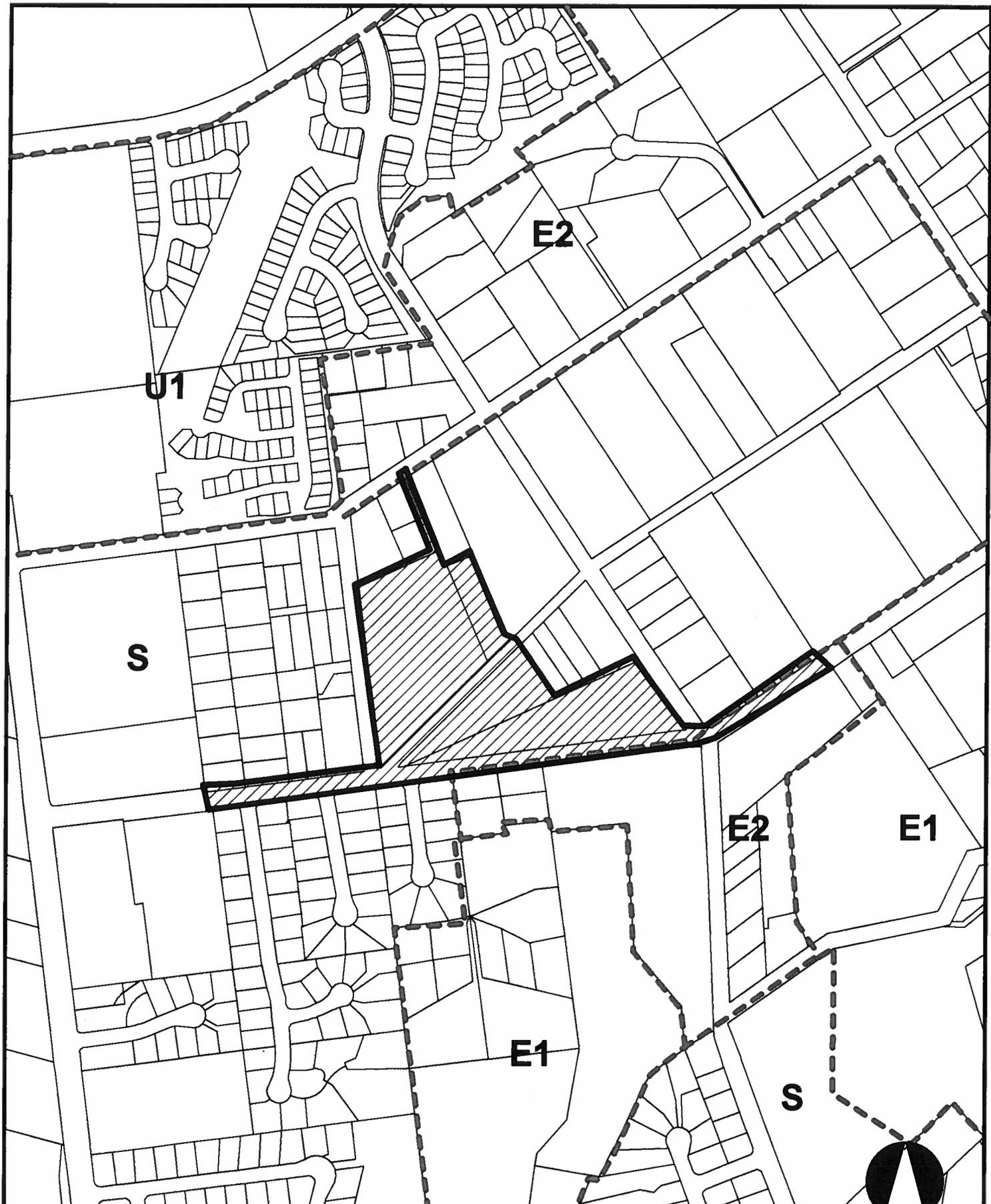
R-1-10

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LOCATION/ZONING

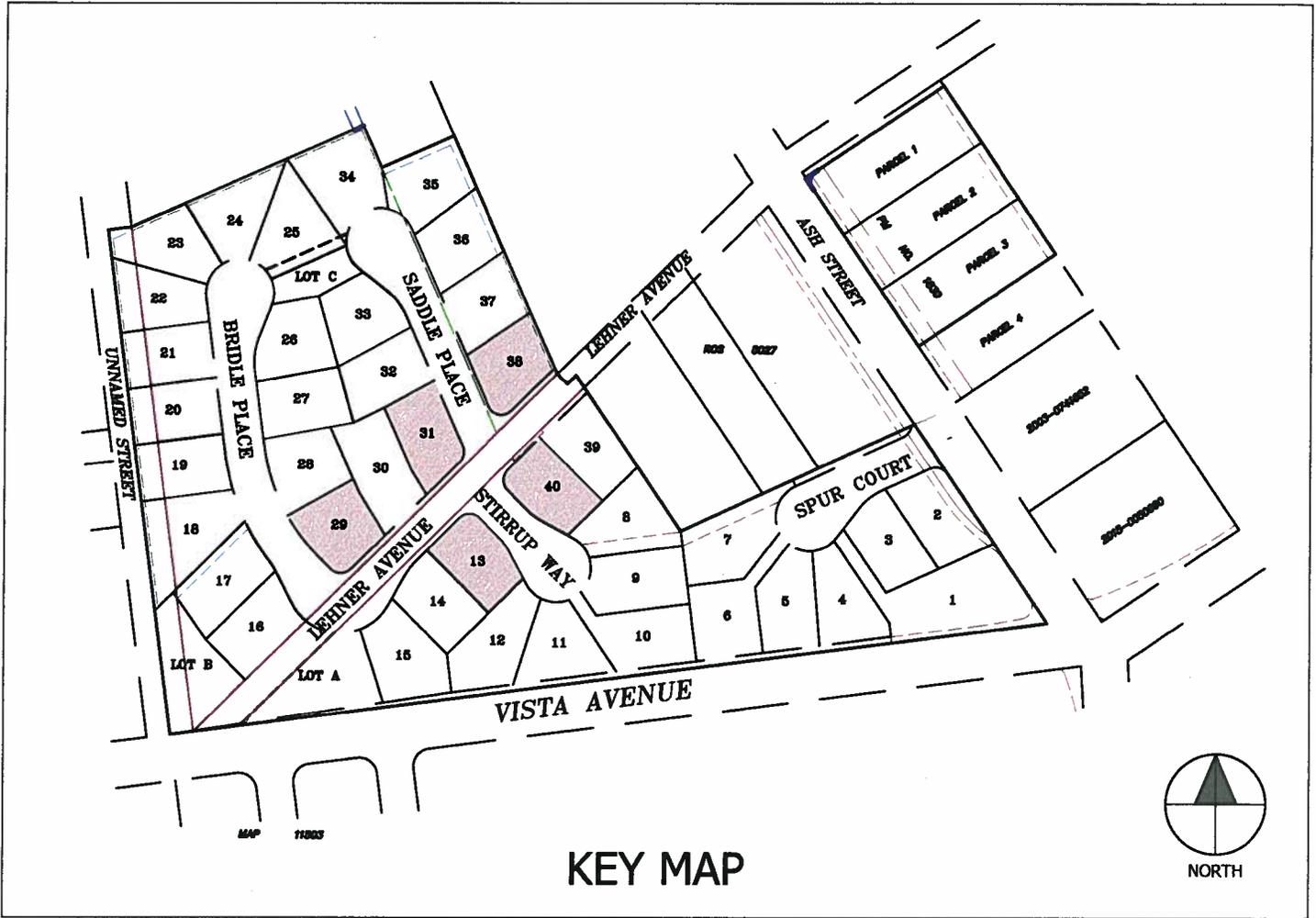
**PROPOSED PROJECT**  
**PHG 16-0016**



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**PROPOSED PROJECT  
PHG 16-0016**





**PREPARED BY:**

WEILAND DESIGN GROUP, INC.  
 5575 LAKE PARK WAY SUITE 211  
 LA MESA CA, 91942

CONTACT: JOHN O'MALLEY, ASLA  
 PHONE: (619) 742-0209  
 EMAIL: JOMALLEY@W-D-G.COM

**PREPARED FOR:**

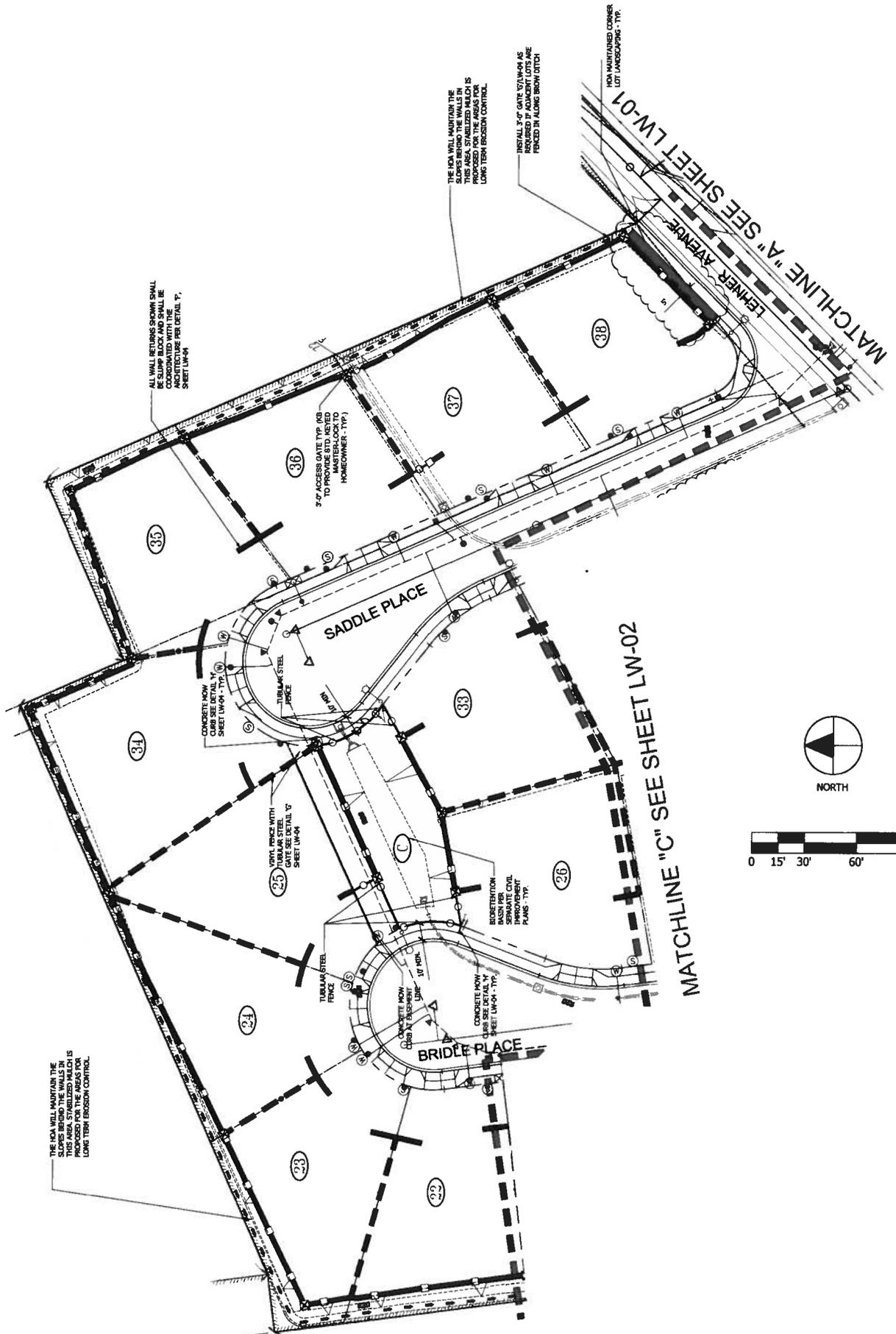
KB HOME SOUTHERN CALIFORNIA DIVISION  
 9915 MIRA MESA BLVD, SUITE 100  
 SAN DIEGO, CA 92591

CONTACT: ERIC JOHNSTON  
 PHONE: (858) 877-4289  
 EMAIL: EJOHNSTON@KBHOME.COM

**PROPOSED PROJECT  
 PHG 16-0016**

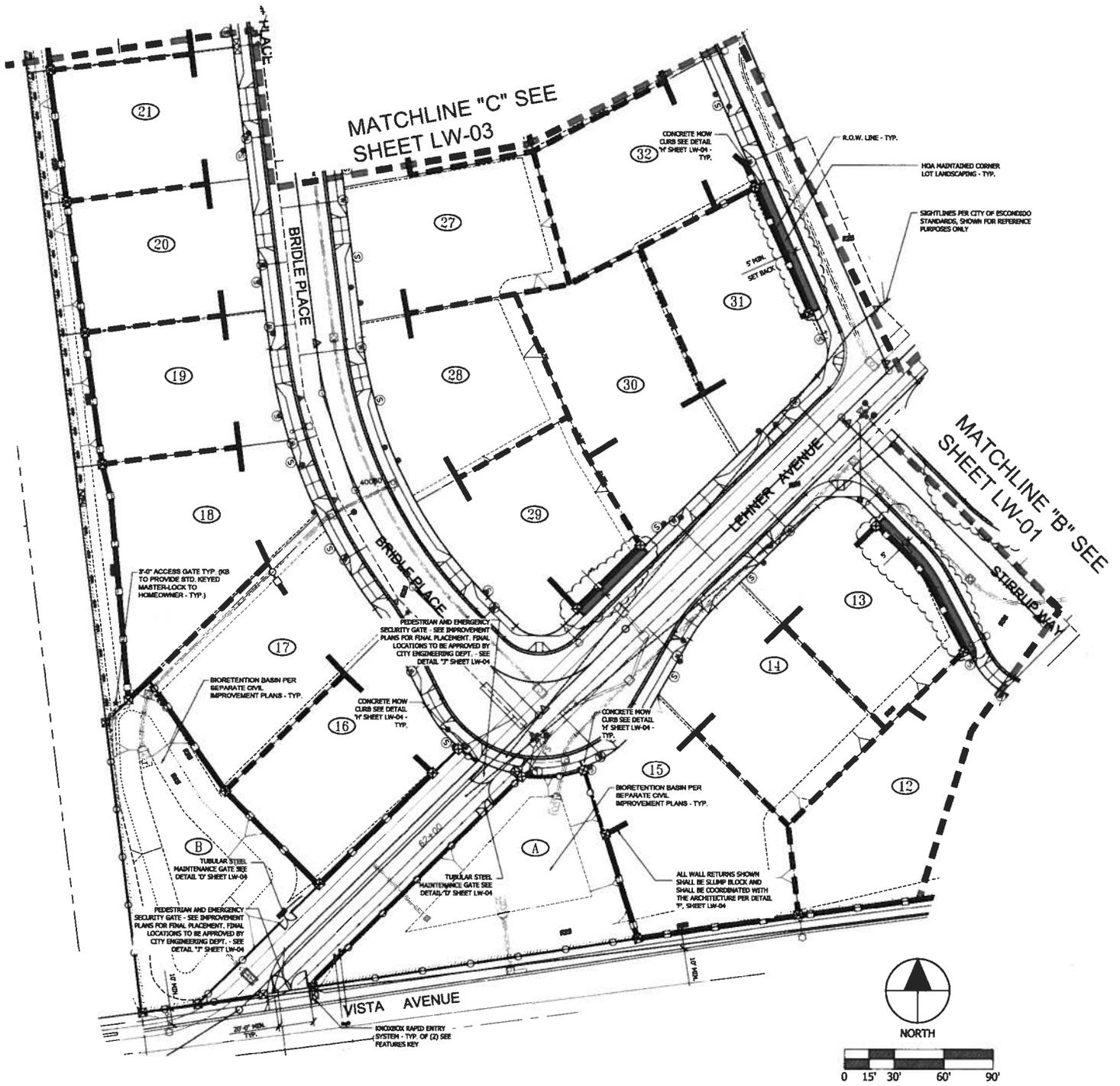


KEY MAP



**PROPOSED PROJECT  
PHG 16-0016**



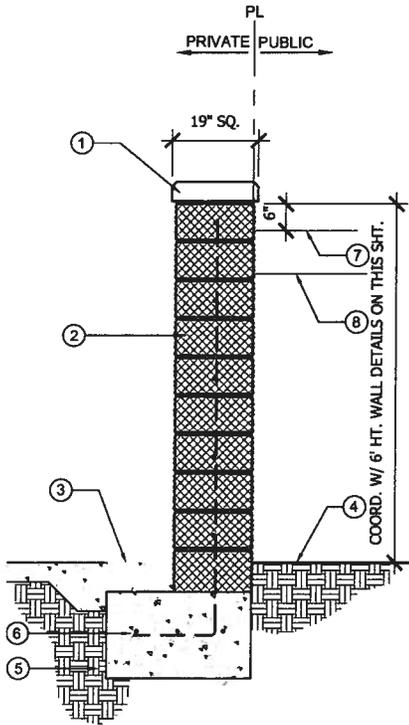


**PROPOSED PROJECT  
PHG 16-0016**





# A SLUMP BLOCK PILASTER



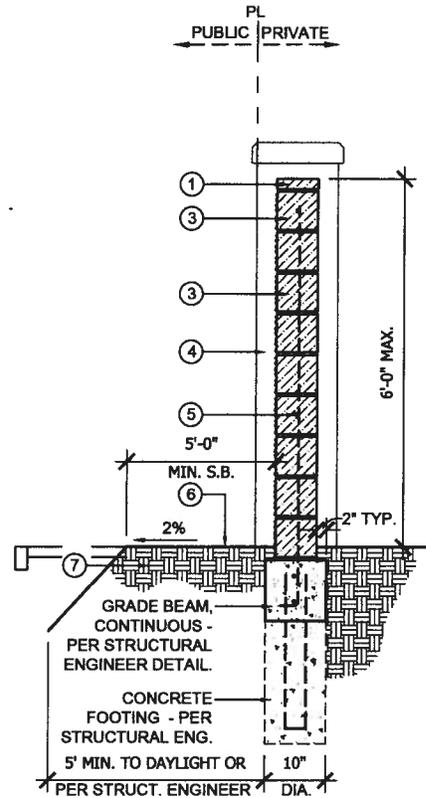
**LEGEND:**

- ① COLUMN CAP - 19" SQ X 4" W/CHAMFER TOP - TAN AVAILABLE AT ORCO.
- ② 16 x 8 x 16 SLUMP BLOCK PILASTER. COLOR TO BE 'TAN'.
- ③ FINISH SURFACE OF PAVING WHERE OCCURS
- ④ FINISH GRADE - WHERE OCCURS
- ⑤ 90% COMPACTED SUBGRADE
- ⑥ CONCRETE FOOTING AND REBAR FINAL DESIGN PER STRUCTURAL ENGINEER DETAIL.
- ⑦ BLOCK WALL WHERE OCCURS - SEE PLANS FOR LOCATIONS.
- ⑧ TUBULAR STEEL FENCE WHERE OCCURS - SEE PLANS FOR LOCATIONS.

**ADDITIONAL NOTES:**

- 1 - REFER TO STRUCTURAL ENGINEER DETAIL SHEET FOR ACTUAL SIZE OF CONCRETE FOOTING, SIZE AND SPACING OF REINFORCING STEEL.
- 2 - BLOCK & CAPS AVAIL. FROM ORCO BLOCK (714) 637-8594. GROUT FILL CELLS PER STRUCTURAL DETAILS.
- 3 - APPLY GRAFIGONE VVP-10 ANTI-GRAFFITI COATING TO ALL (PUBLICLY VISIBLE) STUCCO AND MASONRY SURFACES AVAIL. FROM GRAFIGONE INC., (800) 560-8900.
- 4 - SEE IMPORTANT WALL NOTE BELOW FOR ADDITIONAL INFORMATION

# B 2-SIDED SLUMPBLOCK WALL

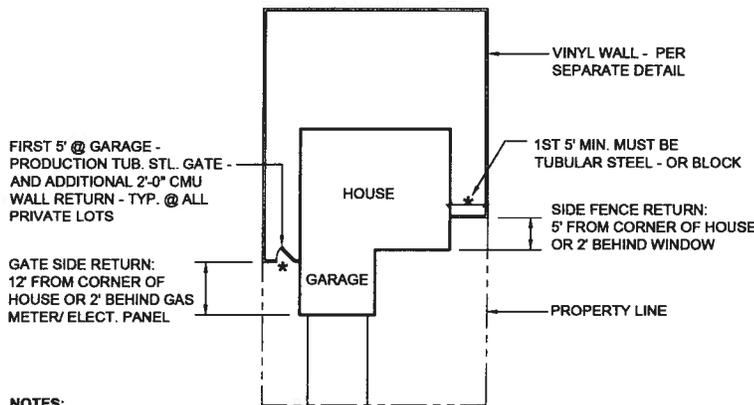


**LEGEND:**

- ① 2" THICK TAN SLUMP CAP (2"x6"x16")
- ② NOT USED
- ③ 6 x 8 x 16 SLUMP BLOCK FIELD (2 SIDE) - COLOR TO BE 'TAN',
- ④ TAN SLUMP BLOCK PILASTER -WHERE OCCURS, SEE PLANS FOR LOCATIONS.
- ⑤ CONCRETE REINFORCING PER STRUCTURAL ENGINEER DETAIL - SEE NOTE BELOW.
- ⑥ FINISH GRADE
- ⑦ COMPACTED SUBGRADE PER SOILS REPORT
- ⑧ CITY SIDE WALK AND CURB/GUTTER

**ADDITIONAL NOTES:**

- 1 - REFER TO STRUCTURAL ENGINEER DETAIL SHEET FOR ACTUAL SIZE OF CONCRETE FOOTING, SIZE AND SPACING OF REINFORCING STEEL.
- 2 - BLOCK & CAPS AVAIL. FROM ORCO BLOCK (714) 637-8594. GROUT FILL CELLS PER STRUCTURAL DETAILS.
- 3 - APPLY GRAFIGONE VVP-10 ANTI-GRAFFITI COATING TO ALL (PUBLICLY VISIBLE) STUCCO AND MASONRY SURFACES AVAIL. FROM GRAFIGONE INC., (800) 560-8900.
- 4 - SEE IMPORTANT WALL NOTE BELOW FOR ADDITIONAL INFORMATION



**NOTES:**

- 1. COORDINATE ALL GATE/FENCE RETURNS WITH OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO INSTALLATION
  - 2. GATE RETURNS SHALL BE LOCATED MINIMUM OF 3' IN FRONT OF SIDE MAN-DOOR @ GARAGE
  - 3. AT NO TIME SHALL THE FENCE RETURN BE LOCATED AT A WINDOW OR VENT LOCATION
  - 4. ALL RETURNS AND GATE INSTALLATIONS SHALL BE LOCATED THE SAME FOR EACH PRODUCT TYPE
- \* FIRE DEPT. NOTE ALL FENCE MATERIAL 5' FROM STRUCTURE SHALL BE NON-COMBUSTIBLE. TUBULAR STEEL SHALL BE INSTALLED, FOR FENCE PANELS AND 3' GATE / 2' CMU WALL RETURN

# C FENCE RETURN LOCATIONS

PROPOSED PROJECT  
PHG 16-0016

D

## SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

1. Subdivision Details: SUB 14-0002 (approved 4/22/15; Map No. 16153 recorded 12/7/16)  
  
40 residential lots, ranging from 10,000 to 19,474 SF  
  
3 open space lots (A-C), ranging from 5,280 to 20,593 SF
2. Lots Affected by Variance: Lot 13 (617 Lehner Avenue) – 10,100-SF lot with 3,367-SF residence  
  
Lot 29 (502 Bridle Place) – 10,003-SF lot with 3,784-SF residence  
  
Lot 31 (618 Lehner Avenue) – 10,003-SF lot with 3,233-SF residence  
  
Lot 38 (504 Saddle Place) – 10,188-SF lot with 3,935-SF residence  
  
Lot 40 (625 Lehner Avenue) – 10,032-SF lot with 3,496-SF residence
3. Minimum R-1 Setbacks: Non-Corner Lots  
Front: 15'  
Sides: 5' one side; 10' other side  
Rear: 20'  
6'-tall fences/walls allowed anywhere on lot except front setback area  
  
Corner Lots  
Front: 15'  
Sides: 5' interior side; 10' street side  
Rear: 20'  
6'-tall fences/walls allowed anywhere on lot except front or street-adjacent side setback area
4. Variance Details: Reduction of the street-adjacent side yard setback from 10' to 0', to allow a 6'-tall slump block wall along the property line.

Residences, accessory structures, and all other fencing/walls on the affected lots would still be subject to regular R-1 development standards.

**5. Landscaping:**

A 5'-wide landscaped area on the street side of the wall would be provided for all walls subject to the setback variance. This landscaping would be maintained by the HOA.

**EXHIBIT "A"**  
**FINDINGS OF FACT**  
**PHG 16-0016**

1. There are unusual circumstances applicable to the property, which do not generally apply to other properties in the R-1-10 zone. The five lots affected by the Variance range in size from 10,003 to 10,188 SF. Building permit applications have been submitted for these lots, for construction of residences ranging from 3,233 to 3,835 SF (inclusive of garages, porches, and balconies). Most of the remaining 35 residential lots within this subdivision are comparable in size to the five lots covered under the Variance; residences will be similarly sized as well. The relatively large size of the proposed homes and small size of the approved lots make it difficult, if not impossible, for corner lots to observe a 10-foot setback for side yard walls while maintaining adequate separation between the walls and the residences. Granting the Variance would be appropriate because the proposed wall locations are not out of character when compared to other single-family residential neighborhoods in the area, and adequate landscaping can still be provided.
2. Granting the Variance would not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the area. The Variance to reduce wall setbacks for five of the 40 residential lots within the development is appropriate because adequate sight distance can be maintained for vehicles exiting the development's streets. (The walls would be placed a sufficient distance from corners and outside of any front yard setback areas.) Additionally, an appropriate amount of landscaping (five feet) can be maintained between the proposed walls and the public sidewalk to maintain the aesthetic appeal of the neighborhood.
3. Granting the Variance will not constitute a special privilege for the subject site, as it will allow for privacy and security for the project residents in a manner consistent with the surrounding neighborhood. Furthermore, the properties would be able to provide a usable side yard in a similar fashion to others in the immediate development site and with other properties in the vicinity regulated by similar zoning.
4. Granting the Variance would not adversely affect the General Plan, since the development is consistent with General Plan standards and policies and the Variance would not be materially detrimental to the purposes of the General Plan or otherwise conflict with the objectives of any City plan or policy. Approval of the request would not conflict with any other aspect of the City of Escondido Zoning Code.

5. The Variance proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15303 (New Construction or Conversion of Small Structures) and a Notice of Exemption was prepared for the proposed project. In staff's opinion, the request does not have the potential for causing a significant effect on the environment.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**PHG 16-0016**

**Planning Division Conditions**

1. All conditions of the previously approved Subdivision Map (SUB 14-0002) for the Lexington project shall remain in full force and effect unless specifically modified herein.
2. The Variance shall not change the uses or activities that are permissible within the R-1 zone. The Variance shall not authorize or legalize any public or private nuisance.
3. All side yard setback walls on the five lots included within this Variance shall have a maximum height of six feet and be constructed of slump block or other decorative masonry material satisfactory to the Planning Division. Pilasters may extend slightly higher than the wall height as shown on the plans.
4. An anti-graffiti coating shall be applied to the exterior (street side) surface of the walls as indicated on the plans.
5. All material and workmanship and shall comply with the requirements of the Building Code.
6. All walls and landscaping covered under this Variance shall be maintained per the provisions of the final Declaration of Covenants, Conditions, and Restrictions (CC&Rs) for the development.
7. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
8. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of

limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: James Scott
P.O. Box 121750
San Diego, CA 92101-1750

From: City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: PHG 16-0016 (Wall Variance at Lexington Residential Development)

Project Location - Specific: Prior to subdivision, the development site was addressed as 510, 522, & 615 Lehner Avenue and 814 Vista Avenue (APNs: 224-130-07, -08, -12, and -13). Final Map No. 16153 subdivided this site into 40 residential lots and three open space lots. This Variance affects Lots 13, 29, 31, 38, and 40 as shown on that map. Addresses for these five lots are 617 Lehner Avenue, 502 Bridle Place, 618 Lehner Avenue, 504 Saddle Place, and 625 Lehner Avenue, respectively. The City of Escondido has not yet been advised of the APNs for the new lots.

Project Location - City: Escondido Project Location - County: San Diego

Description of Project: A Variance to modify the setback requirement for street side yard walls on five residential corner lots (Lots 13, 29, 31, 38, and 40) within the Lexington subdivision, which was approved under City of Escondido Project No. SUB14-0002 and recorded with the County of San Diego as Final Map No. 16153 on December 7, 2016. For each of the five affected lots, the Variance would allow placement of a 6'-tall block wall along the side property line adjacent to the street (i.e., a 0' wall setback). The R-1 development standards typically require a 10' setback from this property line for walls of this height. Approval of the Variance would create larger yards for the future owners of these lots, and would give the developer more flexibility in siting homes. A 5'-wide landscaping strip would be planted on the outside of each affected lot (within the street right-of-way) for aesthetic purposes.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Eric Johnston, KB Home of California Telephone: (858) 877-4289
Address: 9915 Mira Mesa Boulevard #100, San Diego, CA, 92131

[X] Private entity [ ] School district [ ] Local public agency [ ] State agency [ ] Other special district

Exempt Status: The project qualifies as a Categorical Exemption under Section 15305(a), "Minor Alterations in Land Use Limitations".

Reasons why project is exempt:

- 1. The proposed Variance is a minor alteration in land use limitations because it would modify the required setbacks for certain walls on corner lots within a previously-approved subdivision.
2. The project would not result in the creation of any new parcels.
3. The project would not be visually obtrusive or disharmonious with surrounding areas, since landscaping would be installed between the affected walls and the street for aesthetic purposes.
4. The project would not negatively affect traffic, since the proposed wall placement would not create or worsen any line-of-sight issues on streets within the development.

Lead Agency Contact Person: Ann Dolmage Area Code/Telephone/Extension (760) 839-4548

Signature: Ann Dolmage, Associate Planner Date

[X] Signed by Lead Agency Date received for filing at OPR:
[ ] Signed by Applicant