

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7:00 p.m.
- B. **FLAG SALUTE**
- C. **ROLL CALL:**
- D. **MINUTES:** [10/24/17](#)

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. ZONING CODE AMENDMENT – AZ 17-0004:**

REQUEST: Amendment to Article 40 of the Escondido Zoning Code (Historic Resources) to reduce the required number of Historic Preservation Commissioners from nine (9) to seven (7). The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

APPLICANT: City of Escondido

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."

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**J. PLANNING COMMISSIONERS**

**K. ADJOURNMENT**

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

**October 24, 2017**

The meeting of the Escondido Planning Commission Meeting was called to order at 6:00 p.m. by Chairman Weber, in the City Council Chambers, 201 North Broadway, Escondido, California.

**Commissioners present:** Jeffery Weber, Chairman; Stan Weiler, Commissioner; James Spann; Commissioner; Don Romo, Vice-chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; and James McNair, Commissioner.

**Commissioners absent:** None.

**Staff present:** Bill Martin, Director of Community Development; Mike Strong, Assistant Planning Director; Owen Tunnell, Principal Engineer; Kristin Blackson, Contract Planner; Adam Phillips, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

**MINUTES:**

Moved by Commissioner Spann seconded by Commissioner McNair, to approve the minutes of the October 10, 2017, meeting. Motion carried. Ayes: Weber, Weiler, Spann, Romo, Garcia and McNair. Noes: None. Abstained: Cohen. (6-1)

**WRITTEN COMMUNICATIONS** – Received. Assistant Planning Director Strong stated that substantial amounts of public input were received regarding Public Hearing Item G.1. Any correspondences not previously shared with the Commission were done so at this time.

**FUTURE NEIGHBORHOOD MEETINGS** – Received.

**ORAL COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

1. **SPECIFIC PLAN, GENERAL PLAN AMENDMENT, REZONE, TENTATIVE SUBDIVISION MAP, SPECIFIC ALIGNMENT PLAN, DEVELOPMENT AGREEMENT, AND FINAL ENVIRONMENTAL IMPACT REPORT – SUB 16-0009; PHG 16-0018; ENV 16-0010:**

REQUEST: The proposed project involves a series of actions to implement The Villages – Escondido Country Club Specific Plan project, which includes a total of 380 residential homes at 3.5 dwelling units per acre; approximately 48.9 acres of permanent open space with active greenbelts; 3.5 acres of parks; and recreational, social, and community amenities in a Village Center. A General Plan Amendment is proposed to change the existing Urban I (up to 5.5 units per acre) General Plan designation on the 109.3-acre site to Specific Planning Area #14 to facilitate the specific plan process for the implementation of new development standards for the site. A companion rezone is proposed to change the existing zoning from R-1-7 (Single-Family Residential, 7,000 SF minimum lot size) to SP (Specific Plan). A proposed tentative subdivision map provides 191 single-family lots and 31 condominium lots with 189 detached and attached condominium units for a total of 380 dwelling units in the proposed development. The Project also proposes a Specific Alignment Plan (SAP) to improve Country Club Lane from Golden Circle Drive to Nutmeg Street with traffic calming features to reduce speeds along the corridor and enhance active transportation. The SAP features two proposed roundabouts, at the Golden Circle Drive and La Brea Street intersections. The applicant is also requesting the approval of a Development Agreement to extend the life of the project entitlements and receive specific fee credits. The proposal also includes the adoption of the environmental determination prepared for the Project.

PROPERTY SIZE AND LOCATION: The approximately 109.3-acre project site is located in the northwest portion of the City, along both sides of West Country Club Lane, addressed as 1800 West Country Club Lane.

Mike Strong, Assistant Planning Director, and Kristin Blackson, Contract Planner; referenced the staff report and noted staff issues were the adequacy of the Final EIR, whether the development capacity of the Project site has been reduced by prior density transfers to surrounding developments, appropriateness of the proposed residential clustering design; and compatibility of the proposed site design within the Escondido Country Club (ECC) community context. Staff recommended approval for the following reasons:

1. A Draft EIR, State Clearinghouse House (SCH) No. No. 2017011060 (City Log No. ENV 16-0010), was issued in accordance with applicable local and State laws to address potential environmental effects associated with the proposed Project. The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with the California Environmental Quality Act (CEQA), the City duly investigated each comment and prepared written responses describing the disposition of significant environmental issues raised. Responses to comments received on the Draft EIR have been incorporated into the Final EIR. As reflected in the Final EIR, Mitigation Measures required under

CEQA were developed to reduce the potential for adverse effects with respect to air quality, biological resources, cultural resources, greenhouse gas (GHG) emissions, hazards/hazardous materials, noise, and transportation/traffic. In determining whether the proposed Project has a significant effect on the environment, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b). A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed Project, which the City has adopted or made a condition of approval of the proposed Project. The Final EIR concludes all potentially significant impacts would be mitigated to less than significant levels with the exception of one traffic-related impact, which would remain significant and unavoidable. The Project would result in a significant unavoidable long-term cumulative traffic impact at the I-15 southbound on-ramp at El Norte Parkway. Although mitigation is proposed to reduce this impact, it is considered a significant unavoidable impact even with the identified mitigation improvements because the improvements are located within the jurisdiction and responsibility of the California Department of Transportation (Caltrans), and neither the applicant nor the City of Escondido can ensure that Caltrans will permit the improvement to be made. Nonetheless, the proposed mitigation improvements are considered feasible to implement, and both the applicant and City will continue to coordinate with Caltrans to complete the mitigation improvements should the Project be approved. If Caltrans subsequently concurs and authorizes such improvements, this would eliminate the identified significant impact at the referenced on-ramp. For the reasons stated herein and elsewhere in this staff report, City staff recommends that the Planning Commission forward a recommendation to the Council to certify the EIR and adopt the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Reporting Program (MMRP).

2. Several months after the Project was submitted for City review, the Escondido Country Club Homeowners (ECCHO) prepared a "White Paper," dated January 26, 2017 (attached to this report), setting forth their position regarding the history of development in the area and the planning principals that have been applied in the past. The paper establishes a position that previous development in the Country Club area benefited from a density transfer from the open space provided by the golf course leaving a much lower residual density for any future development on the project site. The White Paper references, and includes as an exhibit, a City of Escondido report prepared in 2014 in response to an initiative measure for a residential development proposed by the property owner. The White Paper notes the City report provides a thorough recap of the development history in the Country Club area, "but does not explain the principal of density transfers

or bonuses resulting from the 'pledge' of open space provided by the golf course." The paper provides an example of five subdivisions where it is suggested that density bonuses were granted to these projects in recognition that the residential lots could be smaller because they had the benefit of adjoining the open space provided by the golf course. An exhibit depicting this point appears to indicate the allowable density for those subdivisions was an average R-1-7 density of 3.6 dwelling units per acre. Any higher density in one of these identified subdivisions would be considered an increase or bonus density granted or transferred from the open space provided by the golf course. The document concludes that pledged or transferred density received by past development projects results in a remaining maximum yield of 158 dwelling units on the project site.

While two of the listed subdivisions in the White Paper were developed under the R-1 zoning that existed prior to the implementation of R-1-7 zoning in 1966, the point can still be examined. Development density is a function of the General Plan, not zoning designations. For example, the current General Plan designation on the project site is Urban I, which allows a density of up to 5.5 dwelling units per acre. The existing R-1-7 zoning allows a minimum lot size of 7,000 square feet, but has no density allowance or other relation to allowable density beyond the number of 7,000 square foot lots that could fit within one acre. That may have been how allowable density and yield were calculated in the pre-General Plan era. The White Paper asserts that the R-1-7 zoning allows an average (and maximum) density of 3.6 dwelling units per acre. How this average density number was calculated, and why that number would also be the maximum density allowance, is not explained and is not supported by either the Escondido General Plan or the Escondido Zoning Code. The exhibit cannot be relied upon as proof that additional density was provided or transferred from the golf course to surrounding developments.

ECCHO's position that density was "pledged" over years from the golf course to surrounding development in return for smaller lot sizes and other exceptions like reduced setbacks is an interesting concept. Staff reports and resolutions from the time provide limited justification for the exceptions that were granted except for proximity to recreational facilities and the golf course. Similarly, there were no density calculations provided at the time that would have indicated the volume of density that presumably was transferred from the golf course. While proximity to the open area afforded by the golf course may have led to the granting of reduced lot sizes and other exceptions, there is no legal documentation that proves out the concept that a transfer of density occurred.

What can be determined is that a Special Use Permit granted by the Escondido Planning Commission in 1963 authorized the construction of a golf course on the site. The approval document (PC Resolution No. 389) included a condition specifying that a recorded document was to permanently reserve the golf course area as open space. A Declaration of Restrictions was recorded approximately four months later that carried out the provision of the open space condition as it related to the golf course. A subsequent approval for redesign of the residential development (Golden Circle Unit II) led to a subsequent Declaration of Restrictions recorded on July 31, 1964. This declaration included a provision noting the declarant was the owner of all property covered by the previous declaration and that "said prior declaration is hereby cancelled and rescinded in toto and this declaration is intended to replace the prior Declaration in full as though the latter does not exist." This substitute Declaration did not contain any language reserving the golf course as open space. This occurred despite the City's acknowledgement that Golden Circle Unit II was "predominated by below minimally sized lots" due specifically to the fact that "the central recreation area and golf course compensated for these small lots." Subsequent development approvals in the area likewise had no open space dedication requirements for the golf course. It appears there were no further efforts and there are no known legal documents that preserve any part of the former Country Club and golf course as permanent open space. This combined with the absence of formal documentation related to the concept of density transfers from the former golf course has led staff to determine the subject property retains its full density allowance provided by the Escondido General Plan.

The Project location and proposed density is consistent with the General Plan because the General Plan Land Use designation allows residential uses on the Project site. The proposed Specific Plan density of 3.47 units per acre allows the same (or less) density of development as the General Plan Land Use designation, which is Residential Urban 1 – up to 5.5 dwelling units per acre.

3. The clustering design for the proposed development would not increase the overall density of the site, but would allow for reduced lot sizes, larger open space lots, and preservation of the in-site natural drainage courses and biological resources. The same number of homes is clustered on a smaller portion of the total available land. Approximately 44.7 percent of the Project site is preserved as open space or recreational area. The remaining land, which would have been allocated to individual home sites, is now converted into protected passive and active open space areas and shared by the residents of the subdivision and the entire community. This also helps transition new development into existing neighborhoods, and create a

sense of buffering, which many were accustomed with the former golf course as a greenspace and recreational amenity.

4. The Project site is privately owned land consisting primarily of an abandoned 18-hole golf course. The surrounding residential development consists of single-family detached residences on a variety of lot sizes, attached single-family residences (duplexes) of several different densities, and several common-interest developments. These existing homes and associated properties would be located in close proximity to the proposed development and/or infrastructure improvements on the Project site. As proposed by the Project applicant, the Specific Plan would consist of new zoning standards and design guidelines. As a result of the proposed clustered development pattern, the Project would provide a landscaped privacy buffer of approximately 50 feet to 200 feet between existing homes and new residences. The landscape buffer includes trees and landscaping densely arranged to separate and buffer the surrounding neighborhoods. Furthermore, within each residential Village, there would be a balanced combination of residential housing types on a range of lot sizes. In addition, 15 percent of all of the homes would be single-story. Altogether, these standards promote a variety of roof lines and sight-line articulation, and the three (3) distinct architectural styles within each individual Village would add to diverse character form. This helps ensure that new development is of high quality, compatible, and can fit in to the existing community character context.

Mr. Strong requested revisions to Exhibit B in the staff report and changes to the Final EIR and MMRP to correct clerical errors.

Commissioner Weiler recused himself from this item and left the dais.

Commissioner Garcia noted that he had been requested to meet with Mike Slater and Bob Crowe.

Chairman Weber asked if the project would be graded in phases. Mr. Strong replied in the affirmative.

Commissioner Garcia and staff discussed the proposed setbacks and if the proposed Specific Plan had similar side yard setbacks to the R-1-7 Zone. Mr. Strong stated that both zoning districts similarly require a minimum side yard setback of five feet.

Commissioner Garcia asked if blasting was expected. Mr. Strong replied in the affirmative. Mr. Strong also stated that the any blasting activity would be subject

to mitigation measures and the Escondido Zoning Code, which regulates blasting activities.

Commissioner Garcia and Mr. Martin discussed the density transfer issue raised by some community members. Mr. Martin noted there was no evidence documenting any transfer of density from the golf course to an adjacent development.

Commissioner Romo and staff discussed the ADTs for Country Club Lane and the traffic calming measures as well as the status of the El Norte Parkway onramp in relation to the project.

**Jonathan Frankel, New Urban West**, thanked staff for their help with the project and urged the Commission to adopt staff's recommendation. He then provided an overview of New Urban West and the history for the subject property. He stated that the community outreach included meeting with over 350 residents at 40 kitchen table meetings, a 2-day open house with over 700 residents in attendance, and going door to door to over 1900 homes. He noted that most of the residents commented that New Urban West was on the right track. He indicated that they were contacted by a property owner, which led to multiple community meetings that grew in number and eventually formed ROCC (Renew our County Club). He stated that they felt the outreach process and extensive environmental review by City staff and experts led to the creation of the proposed solution that would benefit the community and remove the current property owner. He elaborated that the project would mitigate all of the environmental impacts, provided over 49 acres of open space and recreational and social amenities, and provided millions of dollars to road improvements and local schools. Mr. Frankel asked the individuals in support of the project to stand and then submitted 462 support cards and additional letters of support. He then played a video outlining the concerns and support for the project from individuals who lived in the Escondido Country Club community.

**Bob Crowe, Escondido**, was opposed to the project. He felt the project would be incompatible with the existing community, noting it proposed two-story multi-family units next to single-family homes. He expressed his concern with not receiving a response from staff when asking for design elevations from the perspective homes, noting his concern with visual impacts. He stated that the net profit for the project would be approximately \$80 million. He asked that the Commission deny the project and request a plan that was compatible with the General Plan and R-1-7 zone.

**Patricia Hunter, Escondido**, was opposed to the project. She expressed concern with the mix of dwellings changing from 392 with 78 condominiums to 380 with 188 condominiums during the draft and final EIR. She stated that New Urban West

had assured her no condominiums were proposed during the community talks. She then presented pictures of the homes on Portola Avenue and a New Urban West project in Harmony Grove, feeling that a 5-foot setback with 35-foot-high dwellings would be inappropriate. She also felt the project would create parking issues and also stated that the community would not support a community facilities district.

**Jerry Swadley, Escondido**, asked that the Commission vote no on the project. He indicated that the EIR stated that the alternate development plan was environmentally superior to the Villages Specific Plan. He noted that a plan in 2014 by the public was defeated for a similar high-density development. He felt the EIR was severely flawed, citing a two-page letter from the law firm of Delano and Delano which showed a draft conceptual master plan where every item in the EIR was not being provided. He was opposed to the proposed assessment district and asked that the Commission vote no on the project.

**Flo Nystrom, Escondido**, was in favor of the project. She felt the project would mitigate traffic, drainage, and illicit activities occurring in the area. She also felt the project would create safer conditions for the children and neighborhood.

**Vivian Holland, Escondido**, noted that she resided in the Barcelona Complex. She provided a video and slide presentation outlining concerns with drainage from the Country Club area onto their property. She expressed concern with the density of the project increasing the amount of impermeable surface area, thus reducing the amount of open land on-site where storm water could be absorbed. She disagreed with the EIR's statements that drainage would be insignificant. She was opposed to the proposed zone change and variances and asked that the property remain R-1-7.

**Bonnie Goldstein, Escondido**, was in favor of the project. She expressed her concern with the existing condition of the golf course and asked that the Commission approve the project.

**Bill Westlake, Escondido**, was in favor of the project. He felt the project would bring new families, which would renew the energy in the community. He was in favor of the project's amenities. He was concerned with the existing clubhouse attracting graffiti, vandalism, and transients. He noted that the development would bring additional property taxes, development fees, and traffic mitigation measures. He asked that the Commission approve the project.

**Denise Miner, Escondido**, was in favor of the project. She expressed her concern with the riffraff in the area and traffic, feeling New Urban West would rectify the issues in the area.

**Rorie Johnson, speaking on behalf of the Board of Directors for the Escondido Chamber of Commerce**, provided a letter of comment on the project. She noted that they supported well-planned housing developments that would meet the demands for current and future residents and employers. She also stated that they were confident that the City's development standards would ensure a quality development.

**Sarah Valenzuela, Escondido**, was in favor of the project. She felt the project would create a safer neighborhood for her and her children. She asked that the Commission approve the project.

**Lena Bishop, Escondido**, was concerned that the project would reduce her property value, and create additional noise and traffic on Country Club Lane. She also stated that the current conditions in the area created stress for her.

**Everett DeLano, Escondido**, did not feel enough time was provided to review the plans for the project. He felt the project was inconsistent with the General Plan, Municipal Code, Proposition S requirements, and the R-1-7 zoning. He referenced Section 6-484 and 17.122 of the Municipal Code, noting concern with allowing the site to go into disrepair and using the existing condition of it as an objective or incentive to approve the subject project. He then referenced Page 2 of the staff report and noted that the fact that the existing homes in the area were developed looking out onto a golf course could not be ignored and needed to be considered before taking action. He felt a reduced density alternative could meet all of the project's objectives.

**Kirk Effinger, Escondido**, was in favor of the project. He felt the project represented a compromise and was less dense than allowed for the zoning. He was in favor of the proposed infrastructure improvements and amenities the developed proposed. He expressed concern with the ECCHO group being opposed to another proposal that was 150 homes less than what was being proposed. He was also concerned with the legal fees and delays associated with lawsuits about the subject property. He felt the project would help the shortfall of housing and asked that the Commission approve the project.

**Dylan Valenzuela, Escondido**, concurred with the previous speaker and noted he was in favor of the project. He felt the project would be respectful of the area and would create a safer environment for his family.

**Mike Slater, Escondido, President of the ECCHO Group**, asked if the EIR and staff report was prepared by staff or by a consultant and whether the City Manager participated in finalizing staff's recommendation. He felt there was a significant bias towards New Urban West when reading the EIR, Specific Plan, and staff report. He asked who would build and maintain the amenities. He expressed his

concern with all of the amenities being taken care of after project approval and recordation of the final map through a community facilities district. He felt the community was entitled to know what the applicant's full plans were. He stated that they had prepared a white paper explaining the history of why the residential development consisted of what exists today, noting that the original golf course development was done prior to the Subdivision Map Act of 1972. They felt the property owners, especially those on the golf course, had rights that were being ignored. ECCHO urged the Commission to reject the project and deem the EIR inadequate and consider a project that was consistent with the General Plan and R-1-7 zoning.

**Scott Tippett, Escondido**, expressed concern with the issue before the Commission tearing their neighborhood apart and expressed his desire to build a better future for their families and Escondido.

**Teri Argabright, Escondido**, expressed her concern with the area being dilapidated. She stated that she was an engineer and read the entire EIR. She felt the detail and work that New Urban West put into the EIR met all of the City's requirements. She asked that the Commission approve the project.

**Triny Finsterbusch, Escondido**, was in favor of the project. She expressed her concern with being afraid to walk down the street in her area.

**Tracie Bailey, Escondido**, was in favor of the project. She felt the project would incorporate the needs of the community as well as feeling that New Urban West developed a plan that would meet the community's desires. She asked that the Commission approve the project.

**Allan Gray, Escondido**, was not against the project but was not in favor of the proposed density. He then referenced the traffic conditions and asked why nothing was mentioned about Firestone Drive with regard to traffic mitigation measures, feeling this needed to be addressed.

**Hoodean Vafaei, Escondido**, noted that he was speaking on behalf of him and his wife. He stated that a large portion of Escondido's citizens and the residents were in support of the project. He felt the project would increase property values, mitigate traffic issues, and create a safe neighborhood. He asked that the Commission approve the project.

**Mitchell Bailey, Escondido**, was in favor of the project. He noted that representatives of New Urban West were up front with them. He expressed his concern with the condition of the former golf course, feeling the project would create a safe neighborhood for his children.

**Luis Nevarez, Escondido**, was in favor of the project. He felt the project would create a great neighborhood with walkable areas.

**Rick Elkin, Escondido**, expressed his view that other plans were available, noting that Proposition H was defeated by a margin of 2:1. He stated that he had worked on hundreds of large developments. He felt the development should be done right versus being done fast, noting the subject property was once the centerpiece of the community. Additionally, he noted that this was an infill project in the middle of a settled and prestigious community and was the last parcel to a General Plan initiated 50 years in the past. He felt the City should demand that any development in the subject area adhere to the R-1-7 zoning. He noted that the vetting process had only been taking place for one year and asked that the Commission not make a decision until it was the right decision.

**Mike Russo, Escondido**, was opposed to the project. He felt the project was too dense and lacked resources. He did not feel the project would provide employment opportunities. He stated that the area was not within walking distance to any schools and had limited transit opportunities. He expressed his concern with traffic conditions on North Nutmeg Street, from El Norte Parkway to Country Club Lane, noting traffic enforcement was non-existent. He also expressed concern with the plan to widen the street in the area of Memory Lane and North Nutmeg, feeling this was the most dangerous intersection in the area. He questioned why this was not addressed in the EIR or by staff and asked the Commission to ask staff to address this issue.

**Mike Finsterbusch, Escondido**, was in favor of the project. He felt there was a legally defensible path forward. He stated that he was surrounded on three sides by two-story houses. He felt the proposed project would work for the community and asked the Commission to approve the project.

**Kelly Puogil, Escondido**, noted that her residence was located in close proximity to the defunct golf utility facility, noting her support for the project. She felt the development would create a safer environment, provide open space and landscaping with reasonably priced homes.

**Karen Mottoneu, Escondido**, was in favor of the project. She felt the project would increase property values. She also felt the project would bring more youth and jobs to the City.

**Mike Sennella, Escondido**, was in favor of the project. He noted that he lived in a condominium in the area, noting the attached condo units in the project were similar.

**Ronald Newlin, Escondido**, stated he was not opposed to development but was opposed to the proposed density. He expressed his view that the previous master plan should have been one that the City and its planners could rely on and that if any changes were needed that they be infrequent and only for compelling reasons for the public. He felt changes to the General Plan invalidated the zoning for the residents in the subject area. He asked that no special consideration be provided to the developer and that the property remain R-1-7.

**Norma Chaves, Escondido**, was in favor of the project. She stated that the neighbors in the area felt unsafe which impacted everyone in the community. She felt the project would help heal and create a safe community.

**Gary Erickson, Escondido**, strongly objected to the public review time for 2,200 pages of documents. He requested that this item be continued in order to allow more time to prepare remarks. He felt the project would have adverse visual impacts to existing residences along the golf course looking out onto the proposed development with fencing and 30- to 35-foot high duplex units with minimal setbacks. He then shined a flashlight to the top of Council Chambers indicating that the height of the proposed units would be higher. He asked that the Commission review the other messages he had sent to them with specific emphasis on the Subject Line PC and PC11 before voting on the subject matter. He also noted that the community had voted no on Proposition H, feeling a better solution should be looked into.

**Brian Fieldman, Escondido**, was opposed to the project. He expressed his concern with the closing of the golf course. He felt the solution was mediation between the residents and the developer. He disagreed with the EIR indicating that 17 of the 18 issues had been mitigated, noting his view that the aesthetics had not been mitigated.

**Miles Grimes, Escondido**, was in favor of the project. He stated that the ROCC group was very diverse sampling of residents and were in favor of the project. He asked that the Commission approve the project.

**Mike Anet, Escondido**, referenced the access points for the area in question, noting his concern with the area being heavily congested with traffic, especially in the area of El Norte Parkway and I-15. He did not feel the project would mitigate the traffic in the area.

**Jeff Frey, Escondido**, was opposed to the project. He felt the zoning should remain R-1-7; feeling the impact to the quality of life of the residents would be adversely impacted. He noted that the General Plan was adopted in 2012 and questioned what had changed so much that it should be revised. He also noted

that the citizens of Escondido had voted and won twice against developments that were not what was best for the citizens.

**Suzanne Southwell, Escondido**, was opposed to the project. She was concerned with the density of the project adding to the traffic and congestion in the area, especially on Nutmeg Street. She expressed concern with the stacking of vehicles on El Norte Parkway from Nutmeg Street during the morning hours and noted her view that adding a fourth lane was not possible. She felt the proposed traffic plan was unacceptable, noting that the pollution and noise generated by said traffic had not been taken into consideration. She asked that the number of housing units be reduced along with requiring more single-story homes.

**Danis Carter, Escondido**, was opposed to the project. He expressed his concern with the existing traffic volumes in the area and the project adding to said traffic volumes and pollution. He felt the EIR aesthetics section was biased towards the developer, feeling the rows of two-story homes would not blend with the existing neighborhood. He referenced Key View No. 7 as outlined in the report, noting that it would adversely change the character of the existing development. He felt reducing the project to 150 single-family homes would be more acceptable and aesthetically pleasing.

**Scott Schmidt, Escondido**, was in favor of the project, feeling it would create a better neighborhood.

**Brad Mattoneri, Escondido**, was in favor of the project. He felt the project would revitalize the neighborhood and bring the neighborhood together.

**Patsy Grant, Escondido**, expressed her concern with the excessive traffic volumes in the area. She expressed concern with being assessed for the amenities without it being exclusive to the residents. She questioned how the assessment would work. She was opposed to the project, feeling a better project could be developed.

**Brian Monson, Escondido**, was opposed to the project. He felt the project would create additional traffic and congestion. He was also opposed to the project due to wanting to honor the voice of the people's decision on Proposition H and retaining the General Plan designation of R-1-7

**Audience Member Gina, Escondido**, expressed her concern with the construction of the project proposing blasting. She was also concerned with increasing traffic in the area and the high speeds of said traffic. She felt a better project could be created.

**Timothy Dutton, Escondido**, noted that he rented in the area. He felt there were better options that the Commission could look at.

**Karen Carter, Escondido**, asked that the Commission notice how many blue and green shirts were left in the audience.

The Chair formally closed the Public Hearing portion of this item and asked commission members to deliberate.

Commissioner Romo noted he had lived in Escondido for 47 years and had observed the changes to the area in question. He stated that he had studied all of the project materials and would have a hard time not supporting it.

Commissioner Spann felt the project proposed amenities and infrastructure improvements that would increase property values and mitigate traffic issues. He stated that he was in favor of the project.

Commissioner McNair assured the public that he had read the EIR, written communications, and the staff report. He felt the project would mitigate storm water runoff. He was in favor of the mixed density component including the inclusion of the condo units. He noted his feeling that the EIR was adequately prepared. He stated the plan was acceptable and he was in support of the project.

Commissioner Cohen assured the public that he had read all of the material on the project. He felt the project would mitigate traffic, enhance safety in the community and beautify the area. He was in support of the project.

Commissioner Garcia expressed his sorrow for the division of the community on this subject. He felt the project proposed great amenities, but expressed his concern with number of homes proposed in the project. He questioned whether the proposed development was the best for the community. He stated he was opposed to the project.

Chairman Weber noted that he lived in the subject area and traveled the roads daily. He felt overall the project was appropriate. He concurred with some of the comments regarding Nutmeg Street having serious traffic issues, feeling traffic calming was needed in this area. He felt views from inside of the development needed additional landscape screening and architectural softening features. He also noted the Commission could not revisit the General Plan density. He stated he was in support of the project.

Ty Paulson, Minutes Clerk, noted that he received 60 additional slips opposed to the project and 59 additional slips in favor of the project. Those people indicated they wanted to register their position but did not need to address the commission.

**ACTION:**

Moved by Commissioner Spann, seconded by Commissioner Cohen, to approve staff's recommendation. The motion included incorporating revisions to exhibit B of the staff report, as findings of the Commissions; and changes to the Final EIR and MMRP to correct clerical errors as outlined in the staff report. Motion carried. Ayes: Weber, Spann, Cohen, McNair, and Romo. Noes: Garcia. Recused: Weiler. (5-1-1)

**ORAL COMMUNATIONS:** None.

**PLANNING COMMISSIONERS:** No discussion.

**ADJOURNMENT:**

Chairman Weber adjourned the meeting at 8:59 p.m. The next meeting was scheduled for November 14, 2017, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

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Mike Strong, Secretary to the Planning  
Commission

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Ty Paulson, Minutes Clerk

## PLANNING COMMISSION

Agenda Item No.: G.1  
Date: November 14, 2017

**CASE NUMBER:** AZ 17-0004  
**APPLICANT:** City of Escondido  
**LOCATION:** Citywide  
**TYPE OF PROJECT:** Zoning Code Amendment

**PROJECT DESCRIPTION:** A proposed amendment to Article 40 (Historical Resources) of the Escondido Zoning Code to change the number of members on the Historic Preservation Commission from nine (9) to seven (7).

**BACKGROUND/SUMMARY OF ISSUES:** Article 40, Section 33-791, of the Escondido Zoning Code establishes an historic preservation commission (HPC), which acts as an advisory body to the City Council and Planning Commission on all matters relating to the identification, protection, retention, and preservation of historical sites and areas within the city. Said code section also identifies the composition of the HPC, and states that the commission shall include nine (9) members. Since 2005, the HPC has only had seven (7) members. The proposed Zoning Code amendment would change the number of commissioners to reflect the current status and membership of the commission.

**REASONS FOR STAFF RECOMMENDATION:** Staff recommends approval of the proposed Resolution, recommending that the City Council adopt the amendment to Article 40 of the Escondido Zoning Code for the following reasons:

1. The HPC has been operating as a seven (7) member commission for 12 years. The proposed amendment would rectify the existing discrepancy between the actual number of HPC members and the number required in the Escondido Zoning Code.
2. The past 12 years have demonstrated that the de facto reduction from nine (9) to seven (7) members has not adversely affected the HPC's ability to carry out the functions assigned to it by the Escondido Zoning Code.
3. There has been difficulty in the past in attracting nine (9) interested and qualified individuals to serve on the HPC.

Respectfully Submitted,



Adam Finestone, AICP  
Principal Planner

## **ENVIRONMENTAL STATUS:**

The proposed zoning code amendment is exempt from CEQA, pursuant to Section 15061 (b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Zoning Code amendment would not, in and of itself, result in development or any other material change to the environment. Therefore, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed zoning code amendment does not have the potential for causing a significant effect on the environment and is not subject to CEQA review.

## **ZONING CODE AMENDMENT ANALYSIS:**

For more than a decade, the HPC has been comprised of seven (7) members even though the zoning code currently requires nine (9). The existing discrepancy was recently identified by the City Clerk's office as they prepare for commissioner recruitment in January.

In 2008, the zoning code was amended to address the discrepancy by changing the HPC membership requirement to seven members (City Council Ordinance No. 2008-14, adopted May 14, 2008), however, a subsequent amendment changed the requirement back to nine members (City Council Ordinance No. 2008-16, adopted July 16, 2008) two months later. The second code amendment was intended to address unrelated portions of Article 40, however, the ordinance approving said amendment included the full text of Article 40. Due to the timeline required for preparation of a code amendment, and considering the short duration of time between the two amendments, it is believed that the source of the text of Article 40 that was used for the second code amendment did not reflect the changes made by the first code amendment. Since the second code amendment included the full text of Article 40, it unintentionally overwrote the changes made by the first code amendment. This has been deemed by staff to be a clerical error. The proposed Zoning Code amendment would have no impact on the current status of the HPC and their roster size.

The HPC reviewed the proposed amendment at their October 19, 2017 meeting. They were not aware that the Zoning Code currently calls for nine (9) members, and did not identify any concerns with formally reducing to the membership to seven (7) members since it would remain business as usual for the Commission. They recommended approval of the amendment by 6-0 vote (Danskin absent).

**EXHIBIT “A”**  
**FACTORS TO BE CONSIDERED**  
**AZ 17-0004**

**Zoning Code Amendment**

1. The public health, safety, and welfare would not be adversely affected by the proposed zoning code amendment because the role of the Historic Preservation Commission (HPC) will remain the same. Based on experience over the last 12 years, the HPC has been just as effective in carrying out its role with seven (7) members as it had been prior to that with nine (9) members.
2. The proposed Zoning Code amendment would be consistent with the goals and policies of the General Plan because the HPC can assist in the implementation of policies to reach goals related to historic and cultural resources with seven (7) members as effectively as it could with nine (9) members, as previously demonstrated.
3. The proposed Zoning Code amendment does not conflict with any specific plan.

**EXHIBIT “B”**  
**PROPOSED CHANGE TO THE ZONING CODE**  
**AZ 17-0004**

Amend the Article 40, Section 33-791(b)(1) to read as specified below. Subsections of Section 33-791(b)(1) shall remain as currently codified.

*The HPC shall be comprised of ~~nine (9)~~ seven (7) individuals from the community who represent a variety of perspectives related to historical preservation and which shall include the following:*



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: Fish & Wildlife Notices  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101  
MS: A-33

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

**Project Title/Case No.:** Zoning Code Amendment / AZ 17-0004

**Project Applicant:** City of Escondido

**Project Location - Specific:** Citywide

**Project Location - City:** Escondido

**Project Location - County:** San Diego

**Description of Nature, Purpose and Beneficiaries of Project:**

Amendment to Article 40 (Historical Resources) of the Escondido Zoning Code to modify the number of members required to serve on the Historic Preservation Commission from nine to seven.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:** Adam Finestone, City of Escondido

Telephone: (760) 839-6203

Address: 201 N. Broadway, Escondido, CA 92025

Private entity     School district     Local public agency     State agency     Other special district

**Exempt Status:**

Exemption. CEQA Section 15061(b)(3) "General Rule".

**Reasons why project is exempt:**

1. The proposed zoning code amendment consists of a text change and does not involve any physical modifications or lead to any physical improvements.
2. In staff's opinion, the proposed code amendments would have no impact on fish and wildlife resources, sensitive species or habitat, or affect any cultural or historic resources, since there is no physical development project associated with the code change.

**Lead Agency Contact Person:** Adam Finestone, AICP

Area Code/Telephone/Extension (760) 839-6203  
Email: afinestone@escondido.org

Signature: \_\_\_\_\_  
Adam Finestone, Principal Planner

\_\_\_\_\_  
Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant