

CITY OF ESCONDIDO**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION****June 27, 2017**

The meeting of the Escondido Planning Commission Meeting was called to order at 7:01 p.m. by Chairman Weber, in the City Council Chambers, 201 North Broadway, Escondido, California.

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

Commissioners absent: None.

Staff present: Bill Martin, Director of Community Development; Mike Strong, Assistant Planning 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 Commissioner Spann seconded by Commissioner McNair, to approve the minutes of the April 25, 2017, meeting. Motion carried unanimously. (7-0)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: None.

PUBLIC HEARINGS:**1. CONDITIONAL USE PERMIT – PHG 14-0021(R):**

REQUEST: A modification to a previously approved Conditional Use Permit and multi-phased master plan for Escondido United Reformed Church. Proposed modifications include the following:

- Increase the size of the proposed new two-story, approximately 46-foot-high Sanctuary Building from 12,243 SF to 14,770 SF. The request includes modifications to certain areas of the architecture and exterior materials. The capacity of the facility would remain the same with up to 950 seats.

- Increase the size of the proposed 30-foot-high, two-story multi-purpose/classroom building from 5,250 SF to 7,301 SF. The request includes modifications to certain areas of the architecture and exterior materials. The roof also has been redesigned and include an equipment well that projects approximately one to two feet above the roof. The project includes removal of the existing 4,900 SF single-story social hall/classroom building
- Elimination of the proposed enclosed 1,835 SF central Atrium/Narthex.
- Elimination of the new 5,000 SF, two-story freestanding Multi-Purpose Building that was to be constructed at a later phase.

The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 4.36-acre property generally is located on the southeastern corner of North Broadway and Vista Avenue, addressed as 1864 N. Broadway (APN 227-010-61).

Jay Paul, Associate Planner, referenced the staff report and noted that staff issues were whether the proposed modifications to the project and components of the phased Master Development Plan are appropriate for the site, and whether the project would have any adverse visual, noise or compatibility impacts to surrounding residential uses. Staff recommended approval based on the following: 1) The 4.36-acre church property has sufficient area to accommodate all of the proposed phases, including on- and off-site parking, drop-off area, and setbacks from residential uses. The buildings have been designed and located to address any potential visual, noise or compatibility impacts to surrounding uses. The proposed increase in building area would not impact the levels of service on the adjacent street segments or intersections; 2) The joint use of parking between the Church, Calvin Elementary School and High School is appropriate and adequate for all of the uses proposed because the hours of operation for the school and church activities would not conflict. The number of spaces provided through the shared parking arrangement exceeds the zoning code requirement, and could accommodate the operation of several of the most intensive uses. The site has been configured to provide appropriate drop-off area(s) for the operation of the elementary school, and the majority of the parking is readily accessible to all of the buildings. Conditions of approval regulating concurrent activities would ensure that adequate onsite parking is available. Overflow parking is available to accommodate any large event and on-street parking also is available along the project frontage; 3) The project as proposed will comply with all applicable development standards. The proposed project's design is well coordinated with what has been previously approved, which was previously found to be compatible with the surrounding types of land uses and structures. Staff also recommended the removal of Condition No. 16 as outlined in the staff report.

Commissioner Romo and staff discussed the height of the parapets with the focus being on the potential visual impacts of the roof equipment.

Commissioner Weiler expressed his concern with the new design not including the front windows. He and Chairman Weber concurred with Commissioner Romo's concern regarding the parapet height being adequate to hide the roof equipment.

ACTION:

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

2. CONDITIONAL USE PERMIT – PHG 15-0041:

REQUEST: A Conditional Use Permit to modify the first floor of an existing gas station building, and to add a second floor to the building. The existing one-story building is 2,281-SF in size and is occupied by a mini-market and an auto service area. Three roll-up doors leading into the auto service portion of the building would be removed and replaced with storefront glass panels to match existing windows on the structure. An interior wall separating the existing market space from the auto service area would be removed to create a larger market display area with a new walk-in freezer and living units. A second story approximately 1,510-SF in size would be added to the building and would contain offices, a conference room, and an employee kitchen. Sufficient parking and landscaping would be provided on the site to accommodate the proposed use. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 0.53-acre project site is located on the northeast corner of North Midway Drive and East Valley Parkway, and is addressed as 2004 East Valley Parkway (APN 231-021-44).

Ann Dolmage, Associate Planner, referenced the staff report and noted that staff issues were whether the proposed building expansion was appropriate for the site, and whether sufficient parking would be provided to accommodate the range of anticipated uses. Staff recommended approval based on the following: 1) The 0.53-acre project site is zoned General Commercial (CG) and is covered under the East Valley Parkway Area Plan. The site is part of a larger shopping center that includes Valley Max Supermarket, a 99 Cents Only store, the Assistance League thrift shop, and several smaller commercial businesses, all of which share the CG zoning designation. The site has been used as a gas station for several decades, and food sales have been associated with this use since the mid-80s, so the proposed expansion of the mini-market on the first floor will intensify a use that

already exists and is permitted by the underlying zoning designation. The new second floor will add office, conference, kitchen, and bathroom facilities to the site, but these facilities will support the existing gas station use, since they are intended to be used by station management and employees. Although the offices will be accessory to the primary use on-site, offices are also a permitted use on this property per the Zoning Code and East Valley Parkway Area Plan; and 2) The proposal calls for 2,281 square feet of retail space within the existing ground floor of the building, and 1,510 square feet of office, conference, and kitchen space within a new second floor. Based on overall square footage, the retail portion of the building would require nine parking spaces (at a ratio of one space per 250 square feet) while the office portion would require five spaces (at a ratio of one space per 300 square feet), for a total of 14 spaces (rounded down). Based on the utility and functionality of the space, the upstairs restrooms and stairway landing have been subtracted from the overall square footage, in order to reduce the parking requirement to 13 spaces, which can be accommodated on the site while conforming to standards for minimum dimensions, backup room, etc. In staff's judgment, the parking provisions provided on-site are adequate for the proposed project.

Commissioner Romo and staff discussed the height of the canopy.

Chairman Weber noted that he had discussed the removal of square footage from the building with staff. He then asked if the downstairs bathroom was ADA compliant. Ms. Dolmage stated that the applicant had a building permit in process and the Building Division would require ADA compliance.

Commissioner Romo asked if the facility sold alcohol. Ms. Dolmage replied in the negative.

Commissioner Weiler questioned whether the applicant would have to come back to the Commission if they wanted to sell alcohol in the future. Mr. Strong replied in the affirmative, noting this would require a modification to the CUP.

Commissioner Garcia expressed concern with the disabled parking space being used by individuals utilizing the air and water equipment due to being in close proximity to each other. He also questioned whether the parking space west of the disabled parking space would be removed. Ms. Dolmage noted that her understanding was that the disabled parking space would remain in the same location and the one to the west would be removed.

Commissioner Garcia felt the architecture of the first floor should be upgraded to match the architecture of the second floor. Ms. Dolmage noted that the Commission could condition the project as such.

Charif Badrani, San Marcos, Owner of Valley Max, stated that he was representing the shopping center. He noted that the shopping center had CC&Rs. He stated that the gas station was using the property and driveway from Rom Kim who owned the 99 Cents Only Store. He indicated that the shopping center and the gas station shared the driveways and common areas. He stated that he was opposed to the proposed second story, feeling this should be discussed between the various landlords of the shopping center. He also expressed concern with just receiving the public notice and requested the City to send an inspector to the site.

Commissioner Weiler asked if the CC&Rs had height restrictions or required approval of a majority of the property before modifications were made. Mr. Badrini replied in the affirmative but noted he would need look into this.

Chairman Weber asked if the CC&Rs included the subject property and the shopping center. Mr. Badrini replied in the affirmative. He also reiterated that the gas station was using Mr. Kim's driveway located on Valley Parkway and Midway.

Ron Kim, Carlsbad, stated that he had just received notice. He indicated that the gas station was licensed as a gas station but was mainly being used as a service station. He was opposed to allowing a second story. He felt the gas station resembled a temporary facility, feeling it was not aesthetically pleasing. He stated that everyone in the shopping center was opposed to the request, noting that the second story would detract from the skyline.

Commissioner Garcia asked Mr. Kim if the gas station was a temporary building. Mr. Kim felt the building looked like a temporary building.

Osama Alkasabi, Escondido, noted that he had visited Mr. Kim and Mr. Badrini twice. He clarified Mr. Kim's remarks to state that his testimony indicated that he had access to the plans on June 15th. He stated that the CC&Rs restricted certain properties, noting that the person reviewing the permit would have knowledge of this. He elaborated that his business was not competing with the shopping center's businesses. He stated that he had an alcohol license and gave it up for the safety of the customers. He felt it would be unfair to allow the shopping center to have a height of over 30 feet when he was only requesting 22 feet. Mr. Alkasabi noted that they would be relocating the air and water equipment and adjusting the parking according to staff's recommendations. He stated that he could use the argument that Mr. Kim's customers were actually using the gas station's driveway. He also elaborated that the project would not expand the footprint of the building.

Chairman Weber asked Mr. Alkasabi if there was a reciprocal access easement over the subject property and the shopping center's driveways. Mr. Alkasabi stated that he did not have this information. He also felt there were no rights to view, noting that the area was commercial.



Commissioner Weiler asked Mr. Alkasabi if he was willing to move the air and water equipment. Mr. Alkasabi replied in the affirmative.

Commissioner Spann did not feel the uses of the gas station would be in competition with the uses of the shopping center. He felt the gas station was an added benefit to the property. He also did not feel the height being requested was inappropriate.

Commissioner Weiler felt the project would be an improvement to the area and benefit to the other businesses in the area. Commissioner Cohen concurred.

Commissioner Garcia and Mr. Phillips discussed the role of the Commission with regard to enforcing private CC&Rs.

Chairman Weber expressed his concern with the compatibility and economics of the project. He was concerned with whether the bathroom on the bottom floor would be ADA compliant. He questioned the intended use of the project's conference room, as the proposed parking would be inadequate to handle any type of large meeting in this space.



Mr. Alkasabi objected from the audience with regard to not being able to address Chairman Weber's concerns.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Cohen, to approve staff's recommendation. The motion included a condition to require the removal or relocation of the air pump and water equipment, and that the architecture of first floor be consistent with the architecture of the second floor. Motion carried. Ayes: Spann, Garcia, McNair, Romo, Cohen, and Weiler. Noes: Weber. (6-1)

3. ZONING CODE AMENDMENT – AZ 16-0007:

REQUEST: Amendments to the Escondido Zoning Code (EZC) to bring City regulations of second dwelling units (now called accessory dwelling units) into compliance with recent State law changes. A majority of the proposed changes are focused to Article 70 of the EZC; however, additional EZC amendments are necessary elsewhere to help maintain internal consistency between various code sections. No development project is proposed.



Accessory dwelling unit regulation has been previously reviewed and considered by the Planning Commission. The Planning Commission opened the Public Hearing on February, 14, 2017, which was continued to March 14, 2017 to allow for more discussion and to better understanding how jurisdictions could administer compliance with recent changes in State law. An ad-hoc Planning Commission Subcommittee was later formed by the City Council of Escondido to discuss policy options that can be used to strengthen and clarify local accessory dwelling unit regulations. This subcommittee has completed their study. The findings of the subcommittee will be transmitted to entire Planning Commission for their review and consideration at the June 27, 2017 Public Hearing. The Planning Commission will be asked to provide a recommendation to the City Council.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted that staff recommended approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Articles 6, 39, 65, and 70 of the Zoning Code, and a technical change to Section 33-1474(d)(1) for the following reasons: 1) The proposed amendments to Article 70 of the Zoning Code address recent changes in State law and provide use and development standards to implement relevant State law requirements; 2) Proposed amendments to other code sections help maintain internal consistency between various code sections. They are ancillary to the focused amendments to Article 70 (i.e. they are minor and technical in nature); and 3) It is the intent of State law that any Accessory Dwelling Unit Ordinance ordinances adopted by local agencies are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized. The proposed amendments would help facilitate Accessory Dwelling Unit construction for homeowners to meet current and future housing needs.

Chairman Weber referenced Page 10, Item (a)3, feeling there would be nothing that would prohibit someone from coming in later after the accessory structure was built and asking for second dwelling permit. Mr. Strong concurred and noted that currently the City would have to monitor the effectiveness of the current regulations and consider working on clean up items to fix any deficiencies.

Gwen Field, San Marcos, noted that she was pleased to see the response to the ADA laws. She and Mr. Strong then discussed the reason why the storage went from 80 cubic SF to 160 cubic SF. Ms. Field felt the second dwelling unit square footage was too small, feeling an additional line item should be added to allow more square footage for properties over three-quarters of an acre.

Commissioner Weiler thanked staff and the subcommittee for coming to a good compromise with regard to adhering to the State's laws and protecting the community. Commissioner Garcia and Chairman Weber concurred.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner McNair, to approve staff's recommendation. Motion carried unanimously.

Mr. Martin noted that City Council would be hearing this item on July 17.

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 8:22 p.m. The next meeting was scheduled for July 11, 2017, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.



Mike Strong, Secretary to the Escondido
Planning Commission



Ty Paulson, Minutes Clerk