



CITY OF ESCONDIDO

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

November 28, 2017

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; Don Romo, Vice-chairman; 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; Adam Finestone, Principal Planner, Jay Paul, Senior Planner; Homi Namdari, Assistant City Engineer; Owen Tunnell, Principal Engineer; Ann Dolmage, Associate Planner; Adam Phillips, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Spann, seconded by Commissioner Weiler, to approve the minutes of the November 14, 2017, meeting. Motion carried. Ayes: Cohen Weiler, Spann, and Garcia. Noes: None. Abstained: Weber, McNair, and Romo. (4-0-3)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:



1. **TENTATIVE SUBDIVISION MAP EXTENSION AND REVISION, MASTER DEVELOPMENT PLAN, DEVELOPMENT AGREEMENT, PREZONE, AND ANNEXATION – SUB 17-0007:**

REQUEST: The project request includes the following components:

- 1) Extension of a Tentative Subdivision Map for a residential development containing 34 single-family lots, originally approved as Tract 916 on April 5, 2006, and revised as Tract 916-R on April 9, 2008;
- 2) Revision of the Tentative Subdivision Map to add a 12.5'-wide open space easement along the rear property line of certain residential lots, and to modify conditions of approval regarding fencing materials and residence heights;
- 3) A Master Development Plan to allow lot clustering and reduction of lot sizes below the 20,000 SF required for the Estate II designation of the General Plan, to replace the Master Development Plan that was approved with Tract 916 but has since expired;
- 4) A Development Agreement for contributions toward improvements to address infrastructure deficiencies in the North Broadway Region of Influence, to replace the Development Agreement that was approved with Tract 916 but has since expired;
- 5) Annexation of the residential development site into the City of Escondido;
- 6) Prezone of 632 and 644 North Avenue to RE-20, and annexation of these two properties, as well as 714 North Avenue (previously zoned to RE-20), into the City of Escondido; and
- 7) The adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The residential development site is located on the north side of North Avenue, between Laurashawn Lane and Kaywood Drive, and is comprised of two lots totaling 17.2 acres (224-153-19 and 224-153-20). The three properties to be annexed along with the development site are also located on the north side of North Avenue, and are addressed as 632 North Avenue (0.23 acre), 644 North Avenue (0.29 acre), and 714 North Avenue (0.23 acre).

Ann Dolmage, Associate Planner, referenced the staff report and noted staff issues were whether the 12.5'-wide open space easement, as shown on the Revised Tentative Map, is an acceptable measure to prevent project-related impacts to the septic systems on Laurashawn Lane properties, whether the project's proposed development standards, including allowing a mixture of one-story and two-story

homes on the west side of the development, would be appropriate, and whether the project's CEQA obligation could be satisfied with an Addendum to the Mitigated Negative Declaration previously certified for Tract 916.

Staff recommended approval based on the following:

1) The potential impact of the project on nearby septic systems has been a long-standing concern of residents on Laurashawn Lane. The original project attempted to address this concern by imposing a condition that required the developer to repair any systems damaged by the project at the developer's cost or, if repairs were infeasible, to connect affected properties to public sewer at the developer's cost. The condition stated that a majority opinion of the City Engineer, County Environmental Health Department, and a forensic engineer would determine whether project activities were responsible for the failure of these septic systems. As discussed above, LAFCO required revision of this condition of approval prior to finalizing the annexation, and City Council declined to revise the condition, leaving the applicant unable to complete the annexation or the remainder of the project. The applicant is now proposing to amend the condition of approval about septic repair from the project, and has proposed to provide a 12.5'-wide open space buffer along the rear property line of Lots 1-6, Lots 19-30, and the east and north sides of Lot 34, to prohibit development in this area. This buffer is intended as an extra measure of protection for the neighbors, since the applicant has also provided a letter from Geocon, a geotechnical engineer, which states their professional opinion that grading in the North Avenue Estates development site will not cause or contribute to failure of septic systems on adjoining properties. A copy of this letter and the documentation that supports it is attached to this staff report;

2) The original project proposed a minimum front setback of 20 feet, a minimum side setback of 15 feet combined for both sides, and a minimum rear setback of 20 feet for all residential lots. It also included a condition requiring all new homes adjacent to existing residences on Laurashawn Lane (excluding Lot 34, at the far north end of the development) to be limited to one story and 17 feet in height, to address concerns by Laurashawn neighbors that taller homes would block views from their properties and disrupt privacy. Under the current proposal, the applicant has requested to allow two-story homes up to 27 feet in height on up to eight of the properties between Lots 20 and 33. The remaining six lots between 20 and 33 would still be limited to a height of one story and 17 feet. As a concession for allowing two-story homes on lots that had previously prohibited them, the applicant has proposed to require any two-story elements to be located at least 40 feet from a rear property line. This 40' rear setback exceeds requirements for any residential zone in the City of Escondido (minimums range from 5' to 20' depending on the zone, and no residential zones prohibit two-story structures). The applicant has also proposed a minimum front setback of 15' for all residential lots (a 5' reduction

from what was originally approved), with the reasoning that a smaller front setback will give the developer more flexibility in constructing homes farther from rear property lines. The applicant is not proposing to change the side setback that was previously approved. The Supplemental Details of Request section later in this staff report compares previously-approved development standards to standards proposed under the current project request; and

3) A Mitigated Negative Declaration (MND) was prepared for the original subdivision project and identified potential impacts to biological resources, cultural resources, and hazards and hazardous materials. Mitigation measures were proposed to reduce those impacts to a less than significant level. Before the project went to public hearing in March of 2006, the MND was amended to add language to the noise, air quality, and traffic sections of the document, in response to comments from the County of San Diego. Because the amended document did not identify any new or increased impacts requiring mitigation, and the original mitigation measures did not need to be revised, the document was not recirculated for public review. The applicant is now proposing to revise the Tentative Subdivision Map to include the 12.5'-wide open space buffer, and is proposing to change some conditions of approval and development standards that were included as part of the original Planned Development. The applicant has obtained updated aesthetics, greenhouse gas, traffic, hydrology, and soils information for the project, and determined that project revisions will not create any new impacts that were not identified in the original Amended MND, nor will they worsen any impacts that were identified. Therefore, an Addendum to the Amended Mitigated Negative Declaration has been submitted and is proposed for adoption as part of the project.

Commissioner McNair and staff discussed the proposed elevation of the retaining walls and fencing for the northern lots of the project as well as the role of the homeowner association with regard to maintaining landscaped buffer areas.

Chairman Weber asked if the General Plan clustering policy required that all lots abut an open space area. Mr. Strong answered in the negative.

Mark Olszanski, Escondido, expressed his concern with his property historically having drainage and water runoff issues as well as having issues with the existing culvert diverting water onto his property. He noted that he had spent thousands of dollars trying to remedy the drainage issues on his property. He noted that he would be in favor of the project if it could mitigate the drainage issues in the area and clean up the subject property from the trash being dumped on the site.

Mr. Namdari provided an overview of the proposed drainage plans for the project.

Kathy Jones, Escondido, expressed her concern with the area having drainage and groundwater issues, noting her concern with the project impacting the existing septic systems in the area. She expressed concern with the City stating that the drainage issues would be mitigated without taking on any liability and passing this on to the new homeowners of the subject project.

Jeanette Hickenbottom, Escondido, expressed her concern with the septic systems in the area being impacted by the subject project, noting the area was inundated with drainage issues. She asked who would maintain the buffer zones between the project and her fence. She was concerned with removing the Eucalyptus trees on the subject property impacting the wildlife. She also expressed her concern with any proposed street lighting impacting the rural atmosphere of the area. She was opposed to the project.

Darwin Bree, Escondido, expressed his concern with the density of the project and the heights of the structures. He was concerned with the average daily trips the project would generate and the project's impacts on the biosphere. He also expressed concern with the project overlooking onto existing properties.

Rodney Jones, Escondido, noted that Laursahawn Lane used to be a blue line creek, noting that the area had always had major drainage issues. He expressed his concern with the cumulative impacts of the developments occurring in the area, noting that over 755 new homes were slated north of Sheridan Avenue. He felt that this constituted a major shift in the ecology and infrastructure, which would have a significant impact on the environment, greenhouse gases, traffic, and loss of open space. He asked that a new EIR be done taking into account the cumulative impacts of future developments.

Terri Vidals, Vice-President of the Brookside HOA, Escondido, noted that she was representing Brookside. She expressed their concern with the drainage from the subject project flowing into an area that was maintained by Brookside. She requested that if the subject development planned on directing any of their flow into an area that Brookside maintained, that the project be conditioned to offset the costs of said maintenance.

David Ferguson, Escondido, Representing North Avenue Estates, noted the owners of the project and civil and geotechnical engineers were present to answer questions. He stated that the reason the previous project failed was due to LAFCO changing a condition that if any septic system failed for any reason the City was responsible to pay for said system to be hooked into the sewer system. He noted that the project proposed citywide drainage improvements that would benefit the entire region. He also indicated that the project met all of the clustering policy requirements.

Robert D'Amaro, Engineer of Record for the project, provided an overview of the proposed drainage plans. He stated that all of the water that ran through the adjacent properties would continue on their original course. He stated that the water on the subject site currently ran onto North Avenue and ended up in the Reidy Creek facility, which would continue the same except through onsite drainage structures. He also indicated that the project would be in compliance with State and local regulations for storm water treatment.

Commissioner Weiler asked what the impacts would be downstream from the project's retention basin. Mr. D'Amaro provided an overview of the retention basin functions and noted that there would be no difference in the amount of water flowing downstream.

Rod Mikesell, Geoengineer for the project, provided an overview of the testing completed with regard to impacts on existing septic systems. He noted that the tests were conclusive in that no septic seepage was occurring from the existing septic systems onto the subject property. He indicated that the remedial grading proposed for the project should not have any impacts on the seepage flow. He then provided an overview of the geological conditions on the site and noted that they found no groundwater levels on the site, noting grading of the site should not impact groundwater flow from the neighboring properties to the west.

Chairman Weber noted that the date for the test pits was conducted in November of 2016, questioning whether the data was valid given the drought conditions during this time period. Mr. Mikesell noted that the purpose of the test pits was to evaluate the septic systems in the area, noting that the ground water flow would be the same regardless of amount of flow. He also reiterated that the proposed grading should not impact or cause a dam of water that would flow in the opposite direction that it currently flowed.

Commissioner Romo asked if the grading "should not" or "would not cause" issues. Mr. Mikesell noted that there were no absolutes in geoengineering. He stated that in their opinion it should not cause any rise in ground water conditions.

Chairman Weber asked if a conventional septic system today would work on the subject property. Mr. Mikesell stated that he did not have this information. He also indicated that the area had dense native bedrock, noting this could be a reason for septic system issues in the area.

Commissioner Spann asked how deep the wells were in the area or would have to be successful. Mr. Mikesell noted that he did not have this information.



Commissioner Weiler asked if the inclusion of impervious surfaces that the project would create would decrease the amount of water that would hit the bedrock. Mr. Mikesell replied in the affirmative.

Casey Johnson, North Avenue Estates, Encinitas, noted that the reason for requesting the revision to the condition requiring single-story homes on the western portion of the property was due to marketability and due to being able to create a better balanced street scene. He then asked for approval from the Commission.

Chairman Weber asked if any elevations or architecture was available for the subject project. Mr. Johnson replied in the negative.

Chairman Weber asked if the 36-foot wide street would accommodate parking on both sides of the street and through traffic. Mr. Namdari replied in the affirmative.

Mr. Ferguson noted that a Precise Plan would have to be approved which would include elevations and architecture before the project could go forward.



Robert Szolomayer, Escondido, expressed concern with the common area not being maintained and creating a place for transients, feeling this needed to be addressed. He referenced an aerial map that he was in possession of showing an approximate 12-foot difference in the easterly property line, noting that this needed to be rectified. He wanted to be assured that enough drainage structure would be provided to handle the water volumes. He also felt it would make sense to retain water onsite and repurpose it. He then asked if the project proposed masonry walls.

Ms. Dolmage noted that while the original 2006 project had a condition of approval that could be interpreted to allow open materials such as tubular steel or wrought iron for the full height of fencing between the development site and neighboring properties, the body of the staff report for the 2006 project indicated that fencing between the new lots and the adjoining properties should be masonry up to 6 feet and anything above that should be an open material. The current project would install vinyl fencing between individual lots as well as along the boundary of the 12.5' open space easement.



Brianna Rick, Escondido, noted that the neighbors were mainly concerned with being assured that the project would be sound and wanting someone to be liable if issues arose in the future. She then asked who would pay for annexation for residents on Laurashawn Lane. Chairman Weber noted that the homeowner would be responsible for any fees associated with annexing into the City.

Commissioner Weiler felt the project was in compliance with the General Plan and would help drainage in the area.

Commissioner Spann noted that the reason for the area being developed was due to the amount of open land north of Sheridan. He also felt the project would help drainage in the area. He stated that he supported the project.

Commissioner Romo felt the project fit within the zoning.

Commissioner Garcia felt clarification was needed with regard to who would be liable for drainage and septic issues in the future.

Chairman Weber felt the project should be conditioned to single-story along the western boundary. He felt the storm water concerns would be mitigated. He expressed concern with the pad elevations, height of the structures, and setbacks, especially along the western boundary. He stated that he could not support the project without 20-foot front yard setbacks, which would allow two vehicles to park in the driveway.

Commissioner Spann asked Chairman Weber if he would be in favor of the project if it were conditioned to single story along Laurashawn Lane and that 20-foot setbacks be provide for the front yard.

Commissioner Weiler asked for a clarification of the proposed front yard setback.

Ms. Dolmage noted the garage had a 20-foot setback and the residence would have a 15-foot setback while still maintaining the rear setbacks. Chairman Weber redacted his comments regarding the setbacks.

ACTION:

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

Chairman Weber recessed the meeting at 8:28 pm and reconvened the meeting at 8:32 pm.

**2. MODIFICATION TO A MASTER AND PRECISE DEVELOPMENT PLAN
- PHG 17-0020:**

REQUEST: A modification to two previously approved Master and Precise Development Plans (City File Nos. PHG16-0012 "Escondido Innovative Center, and PHG15-0042 "Victory Industrial Park) to consolidate both planned industrial

projects into one comprehensive project. The proposed modification includes the development of a single, 212,088 SF industrial/warehouse building on approximately 11.04 acres of industrial-zoned land. The project includes 220 surface parking spaces, up to 26 truck loading docks, 14 trailer truck stalls, landscaping, on- and off-site infrastructure improvements and grading, and storm water-drainage improvements. Grading permits previously were issued for each separate project site in conformance with the approved grading plan for each project, and rough grading for each site has begun. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The project site encompasses two parcels totaling approximately 11.04 acres generally located at the southeastern corner of Harmony Grove Road and Enterprise Street, addressed as 1995 and 2002 Harmony Grove Road (APNs 235-050-15 and -58).

Jay Paul, Senior Planner, referenced the staff report and noted staff issues were whether the proposed project, as revised, was compatible with adjacent industrial and residential development, and whether the proposed changes would result in new significant impacts beyond those already identified in the previously adopted environmental documents. Staff recommended approval based on the following: 1) 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 would not result in any adverse impacts to adjacent residential properties, and is compatible with other industrial park development throughout the area. The project also is similar in design quality to what was already approved via PHG15-0042 in 2016 and PHG16-0012 in 2017; and 2) City staff evaluated the revised project and adopted 2016 IS/MND in light of the standards for subsequent environmental review pursuant to Section 15162 of the CEQA guidelines. Accordingly, and after careful review and consideration, a decision was made by the City of Escondido not to prepare a subsequent Mitigated Negative Declaration. To support this decision, an Addendum to the adopted 2016 IS/MND has been prepared. The Addendum demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the original environmental documents remain substantively unchanged by the revised project description; and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the 2016 IS/MND.

Chairman Weber and staff discussed the hours of operation for the facility as well as the proposed parking area for the loading zone. General hours of operation were from 6:00 am to 6:00 pm.

Commissioner Romo felt the project should be conditioned for the hours of operation to reduce the impacts to the residents in the area.

Chairman Weber asked if any of the tenant's products would require refrigeration. Mr. Paul replied in the negative and noted that product was geared towards cleaning products.

Scott Merry, Escondido, Badiee Development, noted that the tenant would be a Fortune 500 tenant. He stated that they were told that the typical hours of operation would be Monday through Friday from 6:00 am to 6:00 pm. He noted that they were conditioned so that delivery vehicles had to idle 5 minutes or less, noting they were in full conformance with the City's noise ordinance. He then requested approval from the Commission.

Commissioner McNair asked if any hazardous materials would be stored on site. Mr. Merry replied in the negative.

Chairman Weber asked that the motion include a recommendation for the hours of operations.

Discussion ensued regarding establishing the hours of operation so as to minimize impacts to surrounding residences.

John Couvillion, Badiee Development, asked that the hours of operation remain flexibility. He also stated that they were able to maintain noise levels at the boundaries of the property.

Chairman Weber asked Mr. Couvillion if he would be in favor of limiting the hours of operation to 6:00 am to 10:00 pm. Although Mr. Couvillion expressed this being a potential approach, he expressed some concern with limiting the hours of operation, noting there could be instances where some deliveries occurred after hours. He then suggested limiting deliveries to the south after normal business hours, noting that there were fewer residences in this area.

Discussion ensued regarding a clarification of the code enforcement complaint process.

Chairman Weber asked if the operations would run 24 hours a day. Mr. Couvillion noted that majority of operations were from 6:00 am to 6:00 pm.

ACTION:

Moved by Commissioner Romo, seconded by Commissioner Cohen, to approve staff's recommendation. The motion included directing the applicant to develop an operational plan to the satisfaction of the Community Development Director to

minimize traffic and noise impacts during evening hours. Motion carried unanimously. (7-0)

3. ZONING CODE ADMENDMENT AND CONDITIONAL USE PERMIT – AZ 17-0003 and PHG 17-0009:

REQUEST: An amendment to Articles 1 and 26 of the Escondido Zoning Code to establish a five (5) year pilot program allowing non-industrial incubator uses as conditional uses within the M-1 (Light Industrial) and M-2 (General Industrial) zones, and a Conditional Use Permit to allow a cryotherapy business as an incubator use within an existing 5,642 SF multi-tenant industrial building located in the M-1 (Light Industrial) zone. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The proposed Zoning Code Amendment (ZCA) would affect M-1 and M-2 zoned properties citywide. The proposed cryotherapy business would be located within an approximately 2.24-acre industrial complex on the south side of Simpson Way, between Venture Street and State Place, addressed as 1553 Simpson Way (APN 232-440-39).

Adam Finestone, Principal Planner, referenced the staff report and noted staff issues were appropriateness of the proposed ZCA to allow incubator uses within the industrial zones (M-1 and M-2), whether the subject industrial site is appropriate for the proposed incubator use, and whether the operation would impact adjacent uses. Staff recommended approval based on the following: 1) incubator uses within the M-1 and M-2 zones will provide flexibility in the use and arrangement of existing industrial space by accommodating opportunities for existing industrial users to maximize the use and efficiency of their space without changing the underlying industrial nature of the industrial building or complex; 2) promote creativity and innovation by encouraging new businesses of an experimental, non-industrial nature, that will help transform ideas into successful commercial products or local business ventures; 3) provide additional employment opportunities within the City of Escondido and thus strengthen the local economy; and 4) Staff felt the subject site was appropriate for a cryotherapy business because conditions of approval would be applied which would address any potential impacts the business may have on other adjacent businesses and adjacent properties.

Commissioner Romo asked how long the applicant had been in business. Mr. Finestone noted that the code enforcement action occurred approximately 9 months prior.

Chairman Weber and staff discussed Page 15, sub-paragraph 3 of the staff report.

Commissioner Weiler and staff discussed the hours of operation.

Commissioner Cohen felt the hours of operation would limit the proposed type of business. Discussion ensued regarding limiting the hours of operation. City staff indicated that the criterion established by the proposed draft ordinance amendment is to ensure that any ancillary use of the property is appropriately controlled and supports the primary uses on site.

Commissioner McNair asked if the CUP would be retroactive. Mr. Strong replied in the negative.

ACTION:

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

CURRENT BUSINESS ITEMS: None.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS:

Commissioner Romo and Mr. Strong discussed Green Street opportunities.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 9:24 p.m. The next meeting was scheduled for January 9, 2018, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.



Mike Strong, Secretary to the Planning
Commission



Ty Paulson, Minutes Clerk