

CITY OF ESCONDIDO**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION****May 8, 2018**

The meeting of the Escondido Planning Commission Meeting was called to order at 7:00 p.m. by Chairman Spann, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: James Spann, Chairman; Don Romo, Vice-chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; Mark Watson, 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; Darren Parker, Associate Planner; Owen Tunnell, Assistant City Engineer; Adam Phillips, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner McNair, to approve the minutes of the April 24, 2018, meeting as amended by Chairman Spann to correct the list of those commissioners sworn in to office. Motion carried. Ayes: Garcia, McNair, Spann, Romo, Watson, and Weiler. Noes: None. Abstained: Cohen. (6-0-1)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS:

Chairman Spann provided a proclamation to Jeffrey Weber for his public service to the City of Escondido.

Bill Martin, Community Services Director, thanked Jeffrey Weber for his services to the City.

PUBLIC HEARINGS:

Item 2 taken out of order.

2. ZONING CODE AMENDMENT – AZ 18-0004:

REQUEST: Amendment to the Escondido Zoning Code to change the number of menu boards allowed for drive-through restaurants. Current citywide sign regulations allow up to two (2) freestanding menu board signs for each drive-through business. The proposed Zoning Code Amendment would increase the maximum number of menu board signs allowed to accommodate businesses that feature more than one stacking lane. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

Adam Finestone, Principal Planner, 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 Article 66 of the Zoning Code, for the following reasons:

- The proposed amendment would update sign regulations to accommodate drive-through restaurants constructed with multiple drive-through lanes.
- Allowing two (2) boards per stacking lane helps promote and achieve appropriate site development of drive-through facilities. Allowing a preview board and an order board for each stacking lane will further one of the purposes of providing multiple stacking lanes by reducing the likelihood that queuing vehicles would spill out on public streets and major parking lot aisles.

Commissioner Watson asked if the proposed sign would utilize fixed graphics. Mr. Finestone replied in the affirmative.

Commissioner Cohen and staff discussed the proposed access for the project.

ACTION:

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

1. **APPEAL OF ADMINISTRATIVE DECISION – PHG 18-0008:**

REQUEST: An appeal of Administrative Decision Per Article 40, Section 33-803 of the Escondido Zoning Code, for the non-emergency demolition of a skating rink building constructed in 1950 and remodeled in 1959. Demolition of the building has been requested in conjunction with a Plot Plan application to construct a carwash facility on the property. In accordance with City policy, the existing building was evaluated to determine if the building constitutes a significant historic resource. The assessment concluded that the subject building does not qualify under any criterion for nomination to the California Register of Historical Resources/National Register of Historical Places, and is not eligible for listing on the Local Register of Historical Places. Therefore, the Planning Division concluded that the non-emergency demolition permit could be considered at a staff level. Gary and Christine Stang (Skate World) is appealing the administrative decision to the Planning Commission. The subject site is located within the CG (Commercial General) zone, and within the GC (General Commercial) General Plan designation. The scope of the hearing only includes the procedure and findings for obtaining a non-emergency demolition permit.

PROPERTY SIZE AND LOCATION: The subject site is located on the east side of N. Broadway, just north of Mission Avenue and south of Lincoln Avenue, addressed as 862 N. Broadway, (APN: 229-130-49)

Mike Strong, Assistant Planning Director, noted that the item was an appeal of an administrative decision that a determination was made that the subject building and site were not historically significant in the review of a demolition permit. This limits the scope of the public hearing. He stated that the Commission was not considering the demolition permit, the future use of the site, the proposed plot plan application for a carwash facility at the site, or the interim ordinance for a moratorium on all carwash primary uses or future uses for the site.

Darren Parker, Associate Planner, referenced the staff report and noted staff issues were whether the existing structure or subject site was historically significant and whether the property may contain historical resources even if they haven't previously been identified. Staff recommended upholding the administrative decision due to the following:

- The scope of the public hearing only includes the procedure and findings for obtaining a non-emergency demolition permit. Article 40, Section 33-803 of the Escondido Zoning Code allows for the issuance of a non-emergency demolition permit if the structure is not considered Historically

significant. There were no procedural violations that justifies further proceedings.

- The existing structure is not historically significant concluded by an historical assessment that was completed on April 7, 2017 by Brian Smith and Associates and in accordance with CEQA and Section 33-803 of Article 40 (Historical Resources) of the Escondido Zoning Code.

Commissioner Watson asked if the request included the review of the historical report to determine if it was accurate in its findings. Mr. Strong replied in the affirmative.

Chairman Spann noted that he had received 20 speaker slips in favor of the appeal who did not want to speak.

Christina Stang, Operations Manager at Skateworld San Diego, noted that they filed the appeal to stop the demolition of the only single-span structure in San Diego County, and to protect the childhood memories of hundreds of individuals. She then asked the audience who were in favor of the appeal to stand (whereby the majority of the audience stood). She noted that the Commission had received over 30 letters in support of the appeal. She expressed concern with the historical report potentially being bias due to being done a party who was hired by the owner of the subject property. She asked that they be allowed to hire their own historian to vet the exterior and interior so as to receive an unbiased evaluation of the property. She noted that the skating surface at the subject site was still in good shape in 2013. She stated that they had created a Facebook Page that had over 1,500 people trying to save the site. She asked that the Commission help save the Ups-N-Downs.

Geoff Barry, Attorney for Skateworld, felt the historical report had the potential to be bias because it was done by the developer's historian. He felt that any report of similar nature was subjective based on personal opinions of the author. He stated that the developer's historian identified 2 out of 7 elements to determine the sites historical significance, noting his view that only one more was needed to classify it as historical. He stated that the author of the historical report found that the building could qualify for the City's Historical Register but then disqualified it. Mr. Barry asked that any decision be delayed for 45 days to allow Skateworld's historians to vet the developer's report and provide further information on the potential historical significance of the subject property. He indicated that the 45-day delay should not be prejudicial to the developer since the moratorium had already been imposed. He felt this allowed both parties time to present additional evidence.

Gary Stang, Owner/Operator of Skateworld, noted that he had operated Skateworld for over 43 years. He stated that they catered to schools, private events, fundraisers, and had been a magnet to draw people to Linda Vista. He indicated that they were the only roller skating facility in San Diego, noting they received numerous calls from North County residents asking when they were going to open in North County. He elaborated that skating rinks provided drug and alcohol free, affordable family entertainment that helped keep kids off the street. He also felt that they could create a viable business using the subject site.

Commissioner Weiler asked Mr. Stang how long he had been in negotiations with the subject property owner. Mr. Stang noted that they had their broker contact the property owner who indicated the facility was being demolished and a carwash was being put in.

Commissioner McNair stated that the letter from Skateworld indicated that they made contact with the owner back in 2013, questioning whether any negotiations had occurred during the last five years. Mr. Stang noted that he had not had any discussions with the property owner. Christina Stang commented that they had visited the property in 2013 and opened discussions with the property's broker to no avail.

Commissioner McNair asked Mr. Stang whether they felt the subject property could be a viable roller skating business if the moratorium was given and the building was not demolished. Mr. Stang stated that he would like the opportunity to open negotiations with the property owner.

Robert Reed, Escondido, noted that his mother and father skated at Ups-N-Downs along with his siblings. He felt a skating facility would help bring back affordable family entertainment to the community and help with the City's economic plan to make Escondido a destination city. He also noted that the closest skating facility was located in San Diego.

Jodene Reid, Escondido, was in favor of the appeal.

Teri Fowles, Escondido, noted she had skated at Ups-N-Downs since she was a child along with her children. She stated that Escondido had a large skating community. She indicated that she used to drop off and pick up kids at Ups-N-Downs, noting it provided a safe environment and kept kids off the street. She was in favor of saving the single span building, feeling it was historical in nature and could ultimately be a viable business under the right management.

Brett Stang, San Diego, noted that in 2013 they visited the subject property and tried to negotiate with the property owner to no avail due to the property owner

wanting to wait to see if a large vehicle corporation was interested in the property. He stated that they were very interested in leasing the property. He felt Escondido had a need for a skating facility. He elaborated that they were in favor of the appeal to continue this item for 45 days.

April Hanna, Escondido, noted she was an avid roller skater, noting that skating helped both physically and mentally. She stated that she had met numerous individuals while working at UPS who had frequented Ups-N-Downs. She expressed her desire to see the property become a masterpiece for the City as a skating rink, feeling the City needed a place for passionate skaters.

John Hall, Encinitas, thanked the City for hearing the public and thanked the Stang family for their interest. He noted that he was a former professional roller derby skater, skating coordinator, and trained many actors and actresses how to skate. He stated he used to be part of a skating rink in an area that had gang activity. He noted that they were able to convert gang members into working citizens and get many of them off the street. He elaborated that he was a security guard for Skateworld and had never seen gang activity. He noted that skating facilities provided drug and alcohol free family entertainment at a reasonable price. He felt that a skating facility was needed in North County.

Aaron McCann, Escondido, felt the subject facility had historical significance. He noted he had looked at the subject property in the past to create a viable skating rink to no avail. He questioned whether the property owner was now willing to negotiate since they were willing to sell the property.

Alexi Ohre, Oceanside, noted that she had multiple birthday parties at Ups-N-Downs. She felt the historical report did not encapsulate the historical significance of this facility to the community. She noted that she was a roller derby skater, noting this type of facility as well as heavily sought after. She also stated that they used to hold afterschool programs at Ups-N-Downs for at risk teens, noting this type of facility was needed.

Jennifer Dolge, Escondido, stated that she was on a roller derby team and skated at Ups-N-Downs until 2010. She stated that North County had two adult youth roller derby teams, noting that North County needed a skating facility. She felt that reopening the skating rink would help the youth and families of Escondido.

Stephanie McCann, Escondido, noted that the closest skating facility was in San Diego, noting her view that Escondido did not have many activities. She asked that the subject facility not be demolished; noting there were thousands of memories associated with the facility, which she felt should be considered in the historical report.

Tara Mallis, Escondido, stated that the memories and cultural significance attached to the subject property needed to be factored into the historical report. She indicated that it was clear from the Facebook Page and from the amount of people at this hearing that Ups-N-Downs was a critical part of Escondido's history.

Alyssa and Serenity McCann, Escondido, expressed their enthusiasm with actively participating in roller derby at Skate World.

Robert Bleuer, Escondido, noted that he has lived in Escondido his whole life and was concerned with the loss of family entertainment establishments such as the bowling alley and miniature golf facility. He felt saving Ups-N-Downs would be the first step to help make Escondido a family city. He stated that he worked with at risk children, expressing his concern that there was nowhere in the City for kids to be entertained or interact with other kids in a safe environment at a reasonable cost. He also encouraged the City to restore the Ritz Movie Theatre on Grand Avenue.

Mr. Hall noted that Beau Humphries wanted to speak on behalf of the armed forces in favor of the appeal.

Marian Sedio, Valley Center, stated that she used to bring foster kids from a boys ranch in Valley Center to Ups-N-Downs, noting it was very therapeutic to them. She also felt Ups-N-Downs had helped keep kids off the street.

Commissioner Watson asked Mr. Barry if he had an example of bias in the historian's report. Mr. Barry stated that he was suggesting that the bias was due to the historian was hired by the developer.

Commissioner Watson asked Mr. Barry if he was aware of any other examples that would qualify the property as historically significant. Mr. Barry noted that the report had identified two out of the seven elements that would qualify it as historic.

Commissioner Watson asked Mr. Barry if they were prepared to commission a historical report. Mr. Barry replied in the affirmative.

Kristina Halleox, Escondido, expressed her passion with roller derby and quad roller skating. She stated that they were requesting time to show the historical significance of the property.

Chairman Spann asked staff to reiterate and clarify the scope of the public hearing and what specifically was to be considered by the Commission.

Mr. Strong noted that the item before the Commission was to contemplate whether the site was historically significant and whether the property contained historic resources.

Commissioner Weiler asked if the Commission was only considering whether the facility was a historic resource. Mr. Strong further clarified the matter of the appeal was based on a notice received by the appellant about an intended decision based on the procedure and findings for the issuance of a non-emergency demolition permit. The basis of that decision being on the historical status of the site.

Commissioner Weiler asked if staff's view was that the property did not meet the threshold to be considered a historic site. Mr. Strong replied the affirmative based on the evidence included in the historical assessment and in consideration of all evidence of record to date. Mr. Strong also noted that the subject site is not listed on any registry or local survey of historical buildings.

Commissioner Weiler asked if the appellant could appeal the decision of the Planning Commission to the City Council. Mr. Strong replied in the affirmative.

Commissioner Weiler asked when the Historic Preservation Commission would become involved. Mr. Strong noted that the Historic Preservation would only become involved if the property was determined to be historic.

Commissioner Garcia noted that he was torn between the property owner rights and the passion and desire to retain the facility by the public. He also questioned whether there was enough interest today to make it a viable business.

Commissioner Weiler noted that he skated at Ups-N-Downs and would like to see it reopen. He sympathized with the passion to reopen the facility and also with the property owner. He stated that the question before the Commission was whether the site was historic, noting to date studies had shown that the facility did not meet the criteria as a historic structure.

Vice-chairman Romo expressed his concern with the subjectivity resting on both parties, noting that the issue with the skating facility was that the value did not appear to work for the proposed business.

Chairman Spann noted that roller skating was a wonderful past time. He did not feel the subject facility could generate the type of revenue needed to keep it viable. He also stated that he concurred with the historical report.

Commissioner McNair did not feel memories made a site historic.

ACTION:

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

Chair Spann adjourned the meeting at 8:30 pm and reconvened the meeting at 8:34 pm.

1. Informational presentation on the Climate Action Plan Update (PHG 18-0009), and summary of anticipated outreach events and activities.

Mike Strong, Assistant Planning Director, referenced the staff report and provided a presentation on climate action planning and the anticipated approach to updating the City's Climate Action Plan. No action was required at this time except to provide direction to staff as appropriate.

Commissioner Weiler asked that the Commission be informed of any future workshops or community meetings. Mr. Strong indicated that the Commission would receive regular updates on the work program, including public outreach activities.

Vice-chair Romo and Mr. Strong discussed the threshold goals.

Commissioner Watson and Mr. Strong discussed the penalties and rewards for jurisdictions meeting their threshold goals.

Commissioner Watson felt some of the 2050 goals appeared to be significant.

Marian Sedio, Valley Center, noted that she wanted to be part of the proposed process and stated that she appreciated the work being done by City staff. She also asked that the process be open and transparent.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chair Spann adjourned the meeting at 9:09 p.m. The next meeting was scheduled for June 12, 2018, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.



for _____
Mike Strong, Secretary to the Planning
Commission



Ty Paulson, Minutes Clerk