

## CITY OF ESCONDIDO

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

January 27, 2015

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

**Commissioners present:** Jeffery Weber, Chairman; Bob McQuead, Vice-chairman; Guy Winton, Commissioner; Ed Hale, Commissioner; Gregory Johns, Commissioner; and James Spann, Commissioner.

**Commissioners absent:** One position vacant.

**Staff present:** Bill Martin, Deputy Planning Director; Owen Tunnell, Principal Engineer; Jay Paul, Associate Planner; Gary McCarthy, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

#### **MINUTES:**

Moved by Commissioner Spann, seconded by Commissioner Winton, to approve the minutes of the January 13, 2015, meeting. Motion carried unanimously. (6-0)

**WRITTEN COMMUNICATIONS** – Yes.

**FUTURE NEIGHBORHOOD MEETINGS** – None.

**ORAL COMMUNICATIONS** – None.

#### **PUBLIC HEARINGS:**

1. **ANNEXATION; TENTATIVE SUBDIVISION MAP; PRELIMINARY, MASTER AND PRECISE DEVELOPMENT PLAN; PRE-ZONE; GRADING EXEMPTIONS; SPECIFIC ALIGNMENT PLAN AND FINAL ENVIRONMENTAL IMPACT REPORT – SUB 13-0002, PHG 13-0017; ENV 13-0006:**

REQUEST: The proposed “Oak Creek” project includes a Tentative Subdivision Map for 65 single-family residential lots on a 37.59-acre property in conjunction with an annexation of the development site and three additional parcels from the County of San Diego to the City of Escondido. The proposed project would

prezone the residential development site to Planned Development – Residential 1.75 (1.75 dwelling units/acre) while the remaining annexation area on the eastern side of Miller Avenue would be prezoned RE-20 (Residential Estates – 20,000 SF minimum lot size). A Preliminary, Master and Precise Development Plan has been included for the development site to implement residential lot clustering, establish development standards, and provide architectural and landscape design. Proposed residential lot sizes range from approximately 10,000 SF to 22,500 SF with the average residential lot size being 12,585 SF. Approximately 13.93 acres of open space would be provided to preserve sensitive habitat in existing creek and pond areas and off-set the reduction in residential lot sizes as required by the Escondido General Plan. Access to the proposed development would be provided via a gated, private street extending from Felicita Road near the southern boundary of the project site across from Felicita Park. Additional emergency access to Hamilton Lane would be provided from the ends of two cul-de-sacs within the project. Proposed grading would include slightly elevating a portion of the site to ensure all of the proposed home sites are above the 100-year flood inundation area as well as the construction of several bioretention/detention basins to manage the flow of storm water exiting the site. Two Grading Exemptions are requested for a 2:1 cut slope up to 35 feet high and a 2:1 fill slope up to 17 feet high. The project also proposes a Specific Alignment Plan for both Felicita Road and Hamilton Lane which would establish modified pavement widths and improvements for both of these streets in conjunction with a traffic calming plan for the portion of Felicita Road that generally extends from Hamilton Lane south to Clarence Lane. The proposal also includes certifying the Final Environmental Impact Report prepared for the project.

**LOCATION:** The approximately 43.73-acre project area is located within the unincorporated area of San Diego County and is contiguous to the City's boundary at the intersection of Felicita Road and Hamilton Lane. The proposed residential development site within the project area (37.59-acres) is generally bounded on the north by Hamilton Lane, the west and south by Felicita Road, and the east by Miller Avenue. The remainder of the proposed annexation area is located on the eastern side of Miller Avenue and both sides of Hamilton Lane and includes two vacant parcels not proposed for development and the Chalice Unitarian Universalist Congregation property (2324 Miller Avenue).

Bill Martin, Deputy Planning Director, referenced the staff report and noted staff issues were the appropriateness of proposed annexation and prezones, the appropriateness of the proposed residential clustering design for the planned development and the single point of residential access into the development, whether the introduction of additional impervious surfaces in the area would increase the potential for downstream flooding on Felicita Creek, whether future residents in the proposed development would be exposed to groundwater or soil

vapor contamination associated with the nearby Chatham Brothers Barrel Yard site, whether the proposed tree restoration program adequately compensates for the removal of mature trees on the site, and the appropriateness of the proposed Grading Exemptions. Staff recommended the Planning Commission Approve the proposed Annexation, Tentative Subdivision Map, Preliminary, Master and Precise Development Plan, Pre-Zone, Grading Exemptions and Specific Alignment Plan; and recommend the City Council certify the Final Environmental Impact Report based on the following: 1) The applicant first approached the City approximately two years ago with a planned development proposal that was consistent with both the County and City General Plan designations for the site. Annexation is required because the development proposal requires sewer service and the City does not extend sewer service outside of its boundary. The Escondido General Plan designation for the proposed annexation area is Estate II, which allows up to two dwelling units per acre. The project area on the western side of Miller Avenue where a clustered, planned residential development is proposed would be rezoned PD-R 1.75 (Planned Development – Residential 1.75 dwelling units per acre) to reflect the density of the proposed development. The remainder of the annexation area on the eastern side of Miller Avenue consisting of two vacant parcels of land and the Chalice Unitarian Universalist Congregation property would be rezoned RE-20 (Residential Estates – 20,000 SF minimum lot size), which is a standard residential zone consistent with the Estate II designation for both minimum lot size and density. The zoning established by the rezones would become effective upon approval and recordation of the proposed annexation. Staff feels both of the proposed rezones are appropriate and consistent with the Estate II designation of the General Plan; 2) 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 on-site drainage courses and biological resources. While some area residents have expressed opposition to the proposal for a single private street access extending into the project site from Felicita Road, the applicant's proposal meets public safety needs by providing emergency access to Hamilton Lane at the end of two on-site cul-de-sacs. In addition, the Traffic Impact Analysis prepared for the development indicates the proposed development with a single point of primary access would not result in a significant impact to Felicita Road or any other roadway segments or intersections; 3) Detailed calculations have been identified throughout the Drainage Study and Water Quality Technical Report prepared for the project resulting in the implementation of five on-site detention basins and the selection of a maximum 50% impervious factor for the proposed residential pad areas to maintain the peak flow rates at or below existing conditions. Mitigation Measure Hydro-2 and conditions of approval have been crafted to manage the impervious factor. By using on-site detention to reduce peak flow rates discharging from the project to equal or less than pre-project conditions, and by maintaining existing drainage patterns through the site, the project would not

result in adverse impacts to downstream drainage facilities and/or properties; 4) The potential environmental and human health risks posed by the Chatham Brothers Barrel Yard located approximately 0.3 mile northwest of the project site relate to hazardous substances in groundwater and volatilization of hazardous substances from the groundwater into soil vapor migrating upward. Both of these categories of risks have been adequately investigated and analyzed by the applicant under the oversight of the California Department of Toxic Substances Control (DTSC). Neither groundwater nor soil vapor on the project site are impacted at levels exceeding applicable human health-protective regulatory standards, with one exception regarding soil vapor – at a location outside the development footprint; 5) Approximately 247 mature trees would be removed during construction of the proposed development. A tree preservation plan to be implemented through Mitigation Measure Bio-6 includes replacement of impacted trees with 453 landscape area tree plantings (minimum 24”-box size), as well as a minimum of 1,500 to 2,000 native tree plantings in the preserved woodlands/riparian areas. The anticipated result is a significant increase in the number of trees over existing conditions and provision for the next generation of oaks and riparian willow, cottonwood, and sycamore trees; and 6) The applicant is proposing two Grading Exemptions including a 35-foot high cut slope to create residential pads and a 17-foot high combination cut/fill slope necessary for one of the proposed detention basins. Staff feels the proposed exemptions would be appropriate given the screening that will occur from the installation of landscaping on the slopes combined with limited view opportunities from off-site residences.

Vice-chairman McQuead and Mr. Martin discussed the proposed parking for the project's 6-bedroom homes.

Commissioner Johns asked if staff was aware of the source of the onsite contamination, noting his concern for onsite contamination reoccurring. Mr. Martin replied in the negative and noted that staff did not anticipate onsite contamination reoccurring following construction of the proposed residential development.

Commissioner Winton and Mr. Martin discussed the project's proposed tree replacement program along Felicita.

Chairman Weber asked whether the flag lots would be red striped. Mr. Martin stated that only one lot would be required to provide a fire turn-around, noting that all fire lane signage and striping would be subject to the fire department's discretion.

**Jason Han, New Urban West**, referenced the background history for New Urban West. He stated that they had conducted over 50 meetings with the

neighbors, held 3 public meetings, went door-to-door to over 130 homes, sent out mailings, and had over 150 cards in support of the project. He noted that the main concerns revolved around cleaning up the trash, keeping the duck pond, restoring the creek, creating safer streets, retaining the existing Felicita Road alignment, embracing the rustic and historic nature of the area, and being good stewards of the land. He stated that they would create over a mile of sidewalks on Felicita, Hamilton and Miller, install crosswalks to provide better linkage from the neighbors to Felicita Park, install a roundabout for traffic calming, and create bike lanes on Felicita. He indicated that one-third of the property would be designated open space as well as only constructing 65 homes which was 40% less than the County's General Plan allowance. Mr. Han noted that they would plant over 400 trees and retain over 700 existing trees. He indicated that they would bring back the duck pond and crossing, enhance downstream flow and water quality, and improve known deficiencies in the current City and County storm-drain network. He presented a video of neighbors in favor of the project. He then asked the Commission to recommend approval to City Council.

**Peter Epstine, Escondido, President of Friends of Oak Creek**, provided the Commission with over 150 written communications in favor of the project. He asked the audience members to stand who were in favor of the project (whereupon the majority of the audience stood). He stated that he was in favor of the project.

**Eva Salazar, Escondido, Member of Escondido Neighbors United**, stated she had written a comment letter for the Draft EIR outlining a number of issues associated with the project. She expressed concern with noise and dust associated with the construction, feeling that the response in the Draft EIR was unresponsive. She stated that she had requested information about the noise levels and types of equipment that would be used, noting her neighbor received said information and she did not. She indicated that the County had asked for an Air Impact Analysis, noting that the response was that this was not required in the City. She asked that this be looked into. She asked that the Final EIR not be certified. She also felt the 12-day period for reviewing the Final EIR was inappropriate.

**Brian Fe Hen, Escondido**, stated that he supported Escondido Neighbors United. He noted that he was a 10-year plus environmental professional and a law student. He stated that a development with impervious surfaces was never a way to improve water quality, noting that it collects and transport pollutants to the surface waters. He expressed concern with the project adding to the contamination of Felicita Creek. He felt the subject project was not fulfilling a need and suggested using the project as a restoration site. He also did not feel the project's HOA could maintain the BMPs.

**Rorie Johnston, President and CEO of the Escondido Chamber of Commerce**, noted that they had provided a letter in support of the Oak Creek project. She stated that the project would provide needed, well-planned housing. She indicated that they felt the City's standards would ensure a quality development.

**Carin McWhorter, Escondido**, was in favor of the project. She stated that the project would restore Felicita Creek and the duck pond, create traffic calming in the area, and provide needed sidewalks.

**Sam McWhorter, Escondido**, was in favor of the project. He stated that the project would improve the walkability of the area.

**Larry Knudsen, Escondido**, was in favor of the project. He stated that the project would clean up the area and provide trash collection and needed sewer and water services.

**Marge Rassel, Escondido**, was in favor of the project, feeling it would help with lighting, reduce the transient levels, add trees and vegetation, and be an overall great project.

**Don Darrock, Escondido**, noted that he lived in Brookside, which is a New Urban West development in northern Escondido. He stated that New Urban West created quality projects with many amenities to the neighborhood and the community. He stated that the representatives of New Urban West were always available to answer any questions, noting he was in favor of the project.

**Fred Progner, Escondido**, expressed his concern with erosion issues after the Witch Creek fires and the subject project exacerbating these issues along Felicita Creek. He stated that he was opposed to a gated project and felt it would be incompatible with Felicita Park and the area. He felt the project would add traffic in the area and create congestion. He also felt the proposed gates for the project would be subject to graffiti.

**Laura Hunter, Escondido, Escondido Neighbors United**, felt the time allotted to speak on this item was too limited, given the volume of the 3,600-page Final EIR, not including the staff report. She stated that Escondido Neighbors United worked hard to protect the environment of the rural and natural communities. She then referenced their letter, noting they had multiple objections to the project. She stated that they felt the project was too dense, would be incompatible with the area, and impact natural resources and wildlife. She suggested creating habitat buffers of 100 feet or more as requested by Fish and Game. She stated that Escondido Neighbors United felt the HOA could not

enforce mitigation measures. She stated that the project did not address contamination issues, noting her view that the maps were conflicting and showed groundwater contamination under the subject property. She asked that the developer consider the plan they had submitted. In conclusion, she asked that the Commission deny staff's recommendation.

**Andrea Seavy, Escondido, Escondido Chamber of Citizens**, was opposed to the project due to feeling it would change the rural character of the area, create additional traffic, and impact circulation at the I-15 off-ramps.

**Lucy Khorrey, Escondido**, was opposed to the project. She noted that she wanted to give her time to someone with more expertise.

**Delores McQuiston, Escondido**, was opposed to the project. She noted that she wanted to give her time to someone with more expertise.

**Ron Forster, Escondido, Escondido Neighbors United**, was opposed to the project due to the density of the proposed project. He stated that they had provided an alternative, which reduced the amount of pavement, gates, number of lots, and impacts. He noted that New Urban West had not even purchased the property yet. He also felt the project would be out of character for the area.

**Carl Skaja, Escondido**, was in favor of the project, feeling New Urban West created quality projects and left the area they built better than it was.

**Bill Durney, Escondido**, was in favor of the project, noting they created quality projects. He stated that as a local business owner the project would bring income into the City. As a Transportation Commissioner, he felt the project would create traffic calming and bike lanes, and as a School Board member there would be no issues with additional students.

**Kathy Daniels, Escondido**, was in favor of the project. She felt the project would be consistent with the other upscale projects in the area and enhance the area.

**David Shibley, Escondido**, stated that he was in favor of annexing the subject property into the City, feeling it would help create consistency with the City's boundaries. He was in favor of bringing more upscale housing into the City. He stated that the project would also provide needed multi-generational housing. Chairman Weber noted that he had received an opposition slip from Pamela Stahl.

Chairman Weber read the following names into the record of those present who were in favor of the project: Clifford Aelbook, Adam Browning, Arlene Shuster,

Bob Shuster, Mike O'Malley, Randy Bailey, George Beitner, Philip Stevens, Karl Gailey, George Weir, Joann Epstine, Rosa Ruiz, Richard Aeling, Kitty Aeling, Brian Melonakos, Mona Durney, Dennis Snyder, Diane Snyder, Mark Baker, Jerry Carter, Kathleen Melonakos, Charles Rassel, Dick Daniels, Larry Hurt, Nancy Hurt, Robert Nelson, Michele Nelson, Deborah Coon, Nancy Bowen, Andrea Stout, Linda Thomas, Connie Criss, Anthony Criss, Richard McEachern, Margot McEachern, Cathryn Poirieir, Cathleen Knudsen, Lynn Judson, Priscilla Bozarth, Cindy Cochran, John Lane, and Henriette Lane.

Commissioner Spann expressed his enthusiasm with New Urban West creating first class developments. He stated that the project would provide safe bike routes, future multi-generational housing, and create traffic calming for the area.

Commissioner Winton felt the project would provide safer pedestrian and bicycle access to Felicita Park and the duck pond. He stated that as a civil engineer he had reviewed the EIR carefully. He referenced Mr. Progner's property and noted that the proposed project was only 42 acres out of more than 2,600 acres that drained to this property, noting his view that there would be very little difference before or after the subject project even without the project's storm water management. He stated that he was in favor of the proposed private roads for many reasons. He was in favor of the project.

Commissioner Hale stated that he was impressed with staff and the consultant addressing many items and concerns during the EIR process. He disagreed with the comments regarding the EIR not being adequately examined. He was in favor of the project.

Commissioner Johns asked Mr. Han if he could equate the financial break even to the amount of homes being sold. Mr. Han stated that they appreciated and took into account the individuals opposed to the project. He stated the project would meet all of their needs as well as the needs of the City and County.

Vice-chairman McQuead felt the process for the project was appropriate. He stated that he had expected more homes than proposed. He was in favor of the project.

Chairman Weber felt the project would create a better situation for downstream residents. He was in favor of the project.

**ACTION:**

Moved by Commissioner Hale, seconded by Chairman Weber, to approve staff's recommendation. Motion carried unanimously. (6-0)

## **2. CONDITIONAL USE PERMIT – PHG 14-0021:**

REQUEST: The proposed project involves a Conditional Use Permit (CUP) for a phased master development plan for Escondido United Reformed Church to include the construction of a new, two-story approximately 12,243 SF sanctuary building to accommodate up to 578 fixed seats on the main floor and 202 fixed seats on the upper story mezzanine/balcony with up to 170 non-fixed seating for a maximum capacity of up to 950 seats; reconfigure the existing parking lot; convert the existing 5,320 SF sanctuary building into a multi-purpose social hall with an new attached 578 SF kitchen/prep building; demolish the existing social hall building and construct a new 5,250 SF two-story building to accommodate a nursery, multi-purpose room, bathrooms and classrooms for Sunday school and other associated activities; and construct an enclosed 1,835 SF central Atrium/Narthex between the buildings. The final phase would include a new two-story freestanding multi-purpose building. This would require a future modification to the CUP. The proposal also includes the adoption of the environmental determination (Negative Declaration ENV 14-0011) prepared for the project.

LOCATION: Generally is located on the southeastern corner of North Broadway and Vista Avenue in the City of Escondido, County of San Diego, addressed as 1864 N. Broadway (APN 227-010-61).

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were whether all of the components of the phased Master Development Plan are appropriate for the site, and whether the project would have any adverse visual, noise and compatibility impacts to surrounding residential uses, and whether sufficient parking is provided to accommodate the range of anticipated 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; and 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 exceeds the code requirement for the most intensive use, as well as the operation of several of the most intensive uses; appropriate drop-off area(s) are provided 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.

Chairman Weber and staff discussed Page 9 and 13 of the staff report with regard to the proposed roof ridgeline elevations.

Vice-chairman McQuead questioned whether the street entrance was based on engineering decisions. Mr. Paul replied in the affirmative. He noted that the current location provided better stacking and was approved by fire department.

Vice-chairman McQuead suggested moving the driveway further to the north, feeling it would create a more obvious route and allow for more parking. He also felt the building design was missing an overall theme that was cohesive with the other existing structures.

Commissioner Winton felt the design should contain more design elements commonly associated with a church.

Commissioner Johns felt the design could contain more architectural aspects resembling a church. He suggested incorporating the vertical green stripe elements on the existing sanctuary into the new building.

Commissioner Spann suggested incorporating the vertical stripes into the new building. He also stated that he liked the rooflines.

Commissioner Hale felt the design was simple elegance, feeling the design was consistent with the individuals who attend the subject church. He concurred with keeping the vertical stripes consistent with the new building. He also expressed concern with moving the driveway entrance on Broadway closer to the intersection.

Mr. Namdari noted that one of the reasons for proposing the driveway location where shown on the plan was based on not creating any conflicts with the intersection.

Commissioner Hale restated his concern with moving the driveway closer to the intersection, feeling the subject location was appropriate.

Chairman Weber asked what the age of the existing building was. A member from the audience stated that it was built in 1959.

Chairman Weber felt the proposed and existing buildings were not cohesive, suggesting integrating architectural elements into the new building. He stated that he did not have issues with the scale of the project.

Commissioner Winton and Mr. Paul discussed the height limits for the subject property. Commissioner Winton felt revising the slope of the sanctuary roof might help tie the buildings in together better.

**Brent Cooper, Applicant, Escondido**, noted that once approved they would move forward with fundraising and potentially bring on a different architect. He also stated that some of the board members were the same as ones for the Meadowbrook development across the street.

Commissioner Hale asked if the architect was the same one that did the facility on the Westminster campus. Mr. Cooper replied in the negative.

**ACTION:**

Moved by Commissioner Winton, seconded by Commissioner Hale, to approve staff's recommendation. Motion carried unanimously. (6-0)

**ORAL COMMUNATIONS:** None.

**PLANNING COMMISSIONERS:** None.

**ADJOURNMENT:**

Chairman Weber adjourned the meeting at 9:18 p.m. The next meeting was scheduled for February 10, 2015, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

*Bill Martin*

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Bill Martin, Secretary to the Escondido  
Planning Commission

*Ty Paulson*

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Ty Paulson, Minutes Clerk