

CITY OF ESCONDIDO

MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

March 24, 2009

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

Commissioners present: Barry Newman, Vice-chairman; Edward Lehman, Commissioner; Darol Caster, Chairman; Bob McQuead, Commissioner; Guy Winton, Commissioner; Jeffery Weber, Commissioner; and Jack Campbell, Commissioner.

Commissioners absent: None.

Staff present: Bill Martin, Principal Planner; Barbara Redlitz, Assistant Planning Director; Homi Namdari, Assistant City Engineer; Owen Tunnell, Associate Engineer; Tara Cheever, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Vice-chairman Newman, seconded by Commissioner Lehman, to approve the minutes of the February 24, 2009, meeting. Motion carried. Ayes: Caster, Campbell, Newman, Lehman, McQuead, and Winton. Noes: None. Abstained: Weber. (6-0-1)

WRITTEN COMMUNICATIONS – Received.

NEIGHBORHOOD MEETINGS – None.

CITY COUNCIL UPDATE – None.

ORAL COMMUNICATIONS:

Karl Higgins, Vista, provided some background on his company and noted that they provided plastic manholes as an alternative to concrete manholes. He indicated that his product was financially and environmentally superior to concrete manholes. He asked that the City consider his product.

PUBLIC HEARINGS:

1. TENTATIVE SUBDIVISION MAP, ZONE CHANGE AND GRADING EXEMPTION – TRACT 936; 2005-62-CZ/GE:

REQUEST: Tentative Subdivision Map for 22 single-family residential lots (with one Open Space Lot) with lot sizes ranging from approximately 6,000 SF to 13,066 SF. The two residential structures and various accessory buildings located on the site are proposed to be removed. A Zone Change from RA-5 (Residential Agriculture, 5-acre min. lot size) to R-1-6 (Single-Family Residential, 6,000 SF min. lot size) also is proposed. Grading Exemptions are requested for retaining walls up to 12 feet in height and off-site fill slopes up to approximately 10 feet in height towards the northwestern corner of the site; and fill slopes up to 15 feet in height and combination fill slopes/retaining walls up to 15 feet in height towards the southern area of the site. Off-site grading and fill slopes are proposed along the eastern boundary of the project. Access to the project would be provided by the improvement of an existing panhandle portion of the subject parcel that intersects Harmony Grove Road to the north. Proposed off-site improvements include improvements to Harmony Grove Road across the project frontage and transition improvements along the eastern side of Harmony Grove Road north to the intersection of Enterprise Street; and the extension of utilities within City property and along an existing paved maintenance road located adjacent to the project's eastern boundary and north to Harmony Grove Road.

LOCATION: Approximately 4.87 acres generally located on the southern side of Harmony Grove Road, south of Enterprise Street, east of Pacific Oaks Place, addressed as 2005 Harmony Grove Road (APN 235-050-15).

ACTION:

Moved by Vice-chairman Newman, seconded by Commissioner Campbell, to continue Item 1 to the April 14, 2009, meeting. Motion carried unanimously. (7-0)

2. CONDITIONAL USE PERMIT – PHG 08-0016:

REQUEST: A request for a Conditional Use Permit to convert an existing single-family residence to a child care center in the R-1-10 (Single Family Residential, 10,000 SF min. lot size) zone. The existing residence and garage total approximately 1,505 SF in size. Approximately 876 SF would be added to the structure to accommodate a maximum of 34 children between the ages of 1 and 4 years. The project also would include new outdoor play areas, on-site parking and perimeter block walls.

LOCATION: Approximately 16,190 SF located on the southwestern corner of Bear Valley Parkway and Lion Valley Road, addressed as 2311 Bear Valley Parkway.

ACTION:

Moved by Vice-chairman Newman, seconded by Commissioner Campbell, to continue Item 2 to the April 14, 2009, meeting. Motion carried unanimously. (7-0)

3. CONDITIONAL USE PERMIT – PHG 08-0045 (Continued from 2-24-09):

REQUEST: A request for a Conditional Use Permit to construct a wireless communication facility for Verizon Wireless on the site of the Rincon del Diablo Municipal Water District water tank. The facility would consist of 15 panel antennas mounted on individual 15-foot-high poles. The associated equipment, including an emergency standby generator, would be located within a new, eight-foot high, approximately 555 SF, block wall enclosure.

LOCATION: Approximately 3.62 acres located on the Rincon del Diablo Municipal Water District water reservoir site, south of Johnston Road, west of Willowbrook Street, addressed as 2200 Johnston Road.

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were whether the design and location of the proposed wireless communication facility was appropriate for the site and consistent with the Wireless Facility Guidelines. Staff recommended approval based on the following: 1) The proposed wireless facility would be consistent with the Wireless Facility Guidelines since it would meet the height requirement of the zone and would be integrated into the site. The facility would not create adverse visual impacts to surrounding properties due to its low-profile nature and distance from residential properties; and 2) The proposed facility would not result in a potential health hazard on site and to nearby residents since the Radio Frequency (RF) study prepared for the proposed project indicated the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) standards.

Terri Grisenti, Representing Verizon Wireless, noted concern with Condition No. 15, specifically that a public nuisance was not defined in the City's code. She then read a statement from Verizon into the record (available in Planning Division case file) which objected to Condition No. 15 in so far that this item could be directed back to the Commission upon recommendation of the Director of Community Development upon receipt of a nuisance complaint. She asked that if Condition No. 15 was not modified that a definition of what a public nuisance was be included in the condition. She also stated that Verizon asked that the following language be added to the condition: "This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the CUP should any condition caused or permitted by Verizon Wireless to exist in violation of any provision of this City's code be deemed to constitute a public nuisance per Section 1-14.

Chairman Caster asked Ms. Grisenti if their main point was to have a reference to Section 1-14. Ms. Grisenti replied in the affirmative and noted that it could either be Section 1-14 or a definition of a public nuisance.

Chairman Caster asked what prohibited installing a monopole that resembled a tree. Ms. Grisenti noted that the proposed location did not lend itself to this without blasting for concrete footings.

Chairman Caster questioned why 15 antennas were being requested, noting this was more than the typical request. Ms. Grisenti noted that they had requested the subject number of antennas so as not to come back in the very near future with another request for more antennas.

Chairman Caster and Vice-chairman Newman asked if Condition No. 15 was a condition that was in most applications. Mr. Martin replied in the affirmative. He also noted that staff was comfortable with the determination of a nuisance since this was a public process.

Commissioner Campbell and staff discussed the reason for the last continuation of this item.

ACTION:

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

4. ZONE CODE AMENDMENT - AZ 09-0001 (Continued from 2-24-09):

REQUEST: A request for an amendment to Article 43 of the City's zoning Code pertaining to abandoned service stations. The amendment would require new and used automobile dealerships that convert to another use, or cease operations, to comply with the provisions of Article 43, including the requirement to obtain a conditional use permit.

LOCATION: Citywide

Barbara Redlitz, Assistant Planning Director, referenced the staff report and various alternatives as outlined in the staff report. Staff recommended that the Commission approve Alternative 1 utilizing the CUP process described in the proposed revisions to Article 43 of the Zoning Code as described in the February 24, 2009 ordinance presented to the Planning Commission. This approach was the preferred approach. Due to the unique characteristics of auto dealer sites, it was an appropriate use of the City's police power to address the health and safety issues of the sites and regulate land use based on general welfare standards.

Chairman Caster asked how a permitted use in the CG zone would be determined an incompatible use. Ms. Redlitz noted that the Planning Commission would determine this under the proposed code amendment. Chairman Caster asked if this only applied to gas stations and automobile dealerships. Ms. Redlitz replied in the affirmative.

Commissioner Winton and Ms. Redlitz discussed various scenarios which would both require or not require a Conditional Use Permit.

Commissioner Winton and Ms. Redlitz discussed Section C with regard to what would trigger the site plan process.

Commissioner McQuead asked if a change of use for a site similar to the Budget car site would require a plot plan review in order to justify parking and other items. Ms. Redlitz noted that part of staff's rationale was due to automobile sites having significant parking but not having ways to deal with screening, and landscaping, through the plot plan process.

Commissioner McQuead asked why staff felt the plot plan would take longer than a CUP. Ms. Redlitz noted that the process was similar except that discussions could be longer between staff and the applicant when trying to make the project compatible with surrounding uses.

Commissioner McQuead asked if any discussion had ensued regarding allowing certain percentages of a property to be used for a certain use. Ms. Redlitz replied in the negative.

Commissioner Lehman asked how much renovation of a site would be required if only a portion of the site was used. Ms. Redlitz stated that the intent would be to proportion it as to how much of the site was used.

Commissioner Campbell felt it would be difficult to lease a property without a set of standards. Ms. Redlitz noted that where staff had to apply the code, a CUP allowed for more flexibility.

Commissioner Campbell asked if a subject property could be lot split with today's standards. Ms. Redlitz replied in the affirmative.

Discussion ensued regarding a clarification and difference in terms and financials for a major and minor plot plan.

Avneet Sidhu, representing the property owner of 728 North Escondido Boulevard, noted concern with the lack of standards and criteria. She stated that the proposed amendment regarding property owners who own or owned an automobile dealership would be subject to the CUP process for all 107 of the otherwise permitted uses versus the current 24 uses requiring a CUP. She

stated that it made it difficult to lease or sell a property because there was no way to know what to do with the property. She stated that they felt the current Zoning Code was favorable. She recommended that the Commission choose the plot plan process if the Commission decided to choose one of staff's alternatives.

Terry Jackson, Escondido, noted that the ultimate use for the property located at 728 North Escondido Boulevard would be to develop it into something else because it was no longer suitable for a new car dealership due to its limited size. He stated that they were looking at marketing the property to an adaptive automotive use. He indicated that the subject property was 2.24 acres with 11,000 square feet of office and 12,000 square feet of service bays, noting it would be unlikely that a single tenant would occupy the site. Mr. Jackson noted that they were opposed to the Conditional Use Permit process for the subject property. He stated that it was difficult to market the property without having standards and criteria. He also indicated that the CUP process typically took 120 days.

Commissioner Weber asked Mr. Jackson whether they would rather have the process staff driven through a Plot Plan review or a CUP process. Mr. Jackson noted that his initial reaction would be to favor the Plot Plan review.

Commissioner McQuead asked why staff was concerned with signage. Ms. Redlitz noted that the concern would be that the signage be done comprehensively in order to alleviate any issues with multiple tenant signage.

Commissioner McQuead was in favor of retaining the Plot Plan review process

MOTION:

Moved by Commissioner McQuead, seconded by Commissioner Winton, to deny staff's recommendation and retain the Plot Plan review process.

Chairman Caster asked if the Plot Plan review process was in place currently. Ms. Redlitz noted that it was in place but not in all cases. She stated that if it was the Commission's intent to establish an administrative process for conversion or reuse, then staff would need to develop code language because there could be instances where multiple tenants through a business license could occupy the site without any review of code compliance.

Commissioner Campbell favored the Plot Plan review process versus the CUP process. He also felt the plot plan review would not be necessary for automotive uses.

Vice-chairman Newman stated he would be voting no on the motion, noting his view that the City needed to be very sensitive as to what it would be allowing on major thoroughfares.

Commissioner Campbell felt anything would look better than a vacant lot. Chairman Caster concurred with Vice-chairman Newman, noting he was in favor of Alternative 2 in the staff report which required an administrative review and Plot Plan. He also stated that he was not in favor of the CUP process for this item.

Commissioner McQuead clarified his motion to deny staff's recommendation and move forward with some additional discussion for a plot plan design standards overlay. Chairman Caster questioned whether this gave specific direction to staff. Ms. Redlitz noted that this would allow staff to bring a process to City Council.

Chairman Caster asked if the process would be applied to certain uses. Ms. Redlitz noted that staff would carry forward to City Council any uses the Commission felt it should be applied to.

After discussion Commissioner McQuead revised his motion to deny staff's recommendation.

Commissioner Campbell suggested giving City Council two choices, one to deny staff's recommendation, and the other to suggest allowing some area to stay the same.

Commissioner Weber noted that the areas of most concern were those closely related uses fragmenting into several different uses. He stated that he would not be supporting the current motion. He felt any conversion of the subject property or similar property should have oversight being driven by staff through the Plot Plan process. He also stated that he was opposed to the CUP process.

Commissioner Winton referenced the subject property and felt the City needed to allow an interim use for a limited time. He also felt that guidelines needed to be developed for the Plot Plan review.

Commissioner Lehman felt regulations needed to be set out using the Plot Plan review.

REVISED MOTION:

Commissioner McQuead revised his original motion to deny staff's recommendation. Commissioner Winton concurred with the revised motion and seconded the motion. Motion carried. Ayes: Campbell, McQuead, Winton, and Weber. Noes: Caster, Lehman, and Newman. (4-3)

CURRENT BUSINESS:

1. Selection of a Commissioner to serve on the Traffic and Transportation Task Force.

Commissioner Campbell was nominated to the Traffic and Transportation Task Force.

ORAL COMMUNICATIONS – None.

PLANNING COMMISSIONERS – No discussion.

Vice-chairman Newman noted concern with the action on the Item 4. Commissioner Weber concurred and noted he thought further action would be taken on said item.

ADJOURNMENT:

Chairman Caster adjourned the meeting at 8:39 p.m. The next meeting was scheduled for April 14, 2009 at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commission

Ty Paulson, Minutes Clerk