

CITY OF ESCONDIDO

MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

June 28, 2011

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: Darol Caster, Chairman; Edward Lehman, Commissioner; Jack Campbell, Vice-chairman; Don Yerkes, Commissioner and Jeffery Weber, Commissioner.

Commissioners absent: Guy Winton, Commissioner; and Bob McQuead, Commissioner.

Staff present: Bill Martin, Principal Planner; Jay Paul, Associate Planner; Owen Tunnell, Associate Engineer; Corrine Neuffer, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Lehman, seconded by Commissioner Weber, to approve the minutes of the June 14, 2011, meeting. Motion carried. Ayes: Caster, Lehman, Campbell, and Weber. Noes: None. Abstained: Yerkes. (4-0-1)

WRITTEN COMMUNICATIONS:

Mr. Martin referenced written communications from the Law Offices of Samuel Blick and David Ferguson of Lounsbery Ferguson Altona & Peak. He noted that Mr. Blick had requested that the Planning Commission schedule a hearing regarding the operations at the Escondido World Marketplace Swap Meet.

Chairman Caster noted he was in favor of discussing this item and asked what the appropriate action would be for the Commission.

Mrs. Neuffer noted that appropriate action would be for the Commission to make a motion to consider placing this item on a future agenda.

ACTION:

Moved by Commissioner Campbell, seconded by Commissioner Lehman, to

agendize an item to discuss whether a hearing date should be established as requested by Samuel Blick to look into the Escondido World Marketplace compliance with the Conditional Use Permit. Motion carried unanimously. (5-0)

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. **ANNEXATION AND PREZONE – PHG 09-0021 & PHG 09-0022:**

REQUEST: The project involves a proposed Prezone and Annexation to the City of Escondido of three properties totaling approximately 3.42 acres. The three lots would also be detached from County Service Area No. 135 and the Rincon Del Diablo Fire Protection District. The 1.04 acre lot addressed as 2950 Bernardo Avenue (APN 238-400-3200) is vacant. The 1.28 acre lot addressed as 1029 Vereda Callada (APN 238-400-1100) is fully developed with a residence and the adjacent 1.1 acre lot directly to the west (APN 238-400-1200) is vacant except for two outbuildings. Prezoning designation for this area will be PZ-RE-40 (Residential Estates, 40,000 SF minimum lot size).

PROPERTY LOCATION: Along the east side of Bernardo Avenue, just south of the intersection of Bernardo Avenue and Vereda Callada, addressed as 2950 Bernardo Avenue (APN 238-400-3200), 1029 Vereda Callada (APN 238-400-1100) and a third unaddressed lot on Bernardo to the west (APN 238-400-1200).

Bill Martin, Principal Planner, requested that this item be continued to the July 26, 2011 meeting.

ACTION:

Moved by Commissioner Weber, seconded by Commissioner Lehman, to approve staff's recommendation to continue Item 1 to the July 26, 2011 meeting. Motion carried unanimously. (5-0)

2. **SPECIFIC PLAN AMENDMENT – AZ 09-0006:**

REQUEST: A request to amend the Interim Downtown Specific Plan consisting of two subitems that would revise the Permitted Use Matrix and eliminate parking requirements in the core downtown area as described below:

Subitem A: A revision to the Permitted Use Matrix (Figure II-2) to refine the land use categories, notations, and permitted uses primarily in the Historic Downtown District, but inclusive of all districts within the specific plan. Proposed changes include, but are not limited to, eliminating the Conditional Use Permit requirement for restaurants that want to offer amplified entertainment and dancing, permitting short-term political campaign offices in all districts, placing additional limitations on off-site sales, call centers, martial arts schools and training facilities, introducing animal services as a permitted use in several districts, revising adult educational facilities from a permitted use to a conditional use in the Historic Downtown District, and implementing a requirement for a solid wall in the Retail Core Area to separate retail and restaurant businesses fronting on Grand Avenue from separate service or office uses occurring in the back of the same building.

Subitem B: An amendment to Section III. (Design Principles, Guidelines and Standards) and Section V. (Land Use Districts) to eliminate on-site parking space requirements for existing, new or expanding non-residential uses within Vehicle Parking District No. 1 and the proposed Vehicle Parking District No. 2. Parking requirements for residential uses would remain unchanged. Vehicle Parking District No. 2 would be created to cover the western extension of the core downtown area and the Mercado District. Existing language discussing parking standards and credits for non-residential uses on properties within the two Vehicle Parking Districts would be deleted. An additional amendment on Page V-6 (Historic Downtown District) would reduce the current requirements for businesses fronting on Grand Avenue in the Retail Core Area to now require a minimum of 25% of the building depth or 25 feet of the front ground-level area for pedestrian oriented active retail/restaurant uses.

PROPERTY SIZE AND LOCATION: The Downtown Specific Plan Area (SPA) encompasses approximately 460 acres extending from I-15 and West Valley Parkway to Palomar hospital, between Washington Avenue and Fifth Avenue.

Bill Martin, Principal Planner, referenced the staff report and noted staff recommended approval based on the following: 1) The Downtown Vision Statement notes that Downtown Escondido is envisioned as a dynamic, attractive, economically vital city center that is entertaining and vibrant with activity occurring throughout the day, evening and weekend hours. The proposed revisions to the Permitted Use Matrix will strengthen the commitment to retail and restaurant uses in the Retail Core Area and lessen restrictions on restaurants that want to offer entertainment in the Downtown Historic and Mercado Districts. Additional changes have been developed in consultation with

the Downtown Business Association to clarify districts where business services, recreation and education facilities are permitted; 2) The Retail Core Area plays an extremely important role in the Downtown Specific Plan because it concentrates the type of unique, pedestrian-oriented, retail uses that draw people to the downtown. Maintaining the integrity of the Retail Core Area is very important to both staff and the Downtown Business Association. The proposed amendment would establish additional guidance and requirements for active retail storefronts, while still allowing uses not otherwise permitted on Grand Avenue to locate in the rear area of a structure; and 3) The city's aggressive downtown parking requirements coupled with the availability of nearly 500 public parking spaces have worked efficiently to ensure that downtown parking impacts are minimized to the extent feasible. On the other hand, there are known examples where the current parking requirements have stopped existing businesses from expanding and new businesses from locating on Grand Avenue. The Downtown Parking Study (Walker, 2006) noted there may be occasional localized parking impacts in one or two of the public lots, but that there is an ample supply of parking not only in the downtown as a whole, but in each of the four downtown sub-areas that were studied. Staff felt the proposed elimination of parking requirements in the downtown core can effectively aid the revitalization of the area as a vibrant retail and entertainment district. The amendment has been structured in a way that parking standards could be reintroduced in the future if the extent of renewed economic activity results in undesirable parking impacts.

Commissioner Weber noted a clarification in the retail requirements.

Commissioner Yerkes and staff discussed the signage requirements.

Commissioner Lehman asked if separate restroom facilities would be required per tenant. Mr. Martin noted the specific plan would not mandate restroom facilities, but would leave that issue to the Building Code and the tenants.

Commissioner Yerkes asked if any existing businesses would be required to upgrade their businesses to conform to the new conditions. Mr. Martin replied in the negative.

Commissioner Lehman and Mr. Martin discussed the proposed parking requirements.

Commissioner Weber referenced the last sentence on Page 6 of the staff report and expressed his view that this created a double standard depending on how the development status was considered. Mr. Martin noted that the thought behind this was to allow negotiation in providing parking spaces as opposed to requiring a project meet a minimum target number, or be denied. The objective was to provide an incentive that would facilitate more development downtown to

help revitalize the area. Commissioner Weber did not feel it was equitable for everyone to relax the parking standards in one area.

Chairman Caster asked if the various downtown groups were in favor of the proposal. Mr. Martin noted that the Mercado representatives asked that they be included in the parking elimination incentive, noting the City Council concurred. He also stated that the DBA was in favor of staff's recommendation.

Chairman Caster expressed concern with the potential for new parking demand resulting in fee parking lots, noting his view that fee lots should be approved through the CUP process as currently required.

Commissioner Lehman and Mr. Martin discussed the location of parking spaces referenced in the 2006 Downtown Parking Study.

Mr. Martin noted that there was a group of property owners downtown that would like to see a parking structure constructed and that the elimination of on-site parking requirements could potentially hasten that process.

ACTION ON SUBITEM A:

Moved by Commissioner Lehman, seconded by Commissioner Yerkes, to approve Subitem A. Motion carried. Ayes: Lehman, Yerkes, Caster, and Weber. Noes: None. Abstained: Campbell. (4-0-1)

MOTION:

Chairman Caster motioned to approve Subitem B with an amendment to require a CUP for full fee parking lots. Commissioner Yerkes seconded the motion.

Mr. Martin noted that the change Chairman Caster was requesting in his motion fell under Subitem A as part of the Permitted Use Matrix.

Commissioner Weber expressed concern that relaxing the parking requirements would hinder future development. Commissioner Lehman concurred.

ACTION TO RESCIND SUBITEM A:

Moved by Commissioner Yerkes, seconded by Commissioner Weber, to rescind the action taken on Subitem A. Motion carried. Ayes: Lehman, Yerkes, Caster, and Weber. Noes: None. Abstained: Campbell. (4-0-1)

FINAL ACTION ON SUBITEM A:

Moved by Chairman Caster, seconded by Commissioner Weber, to approve Subitem A with an amendment to keep private fee parking lots as conditional (not permitted) uses. Motion carried. Ayes: Lehman, Yerkes, Caster, and Weber. Noes: None. Abstained: Campbell. (4-0-1)

ACTION ON MOTION FOR SUBITEM B:

Moved by Chairman Caster, seconded by Commissioner Yerkes, to approve Subitem B. Motion failed. Ayes: Caster, Yerkes. Noes: Lehman, Weber. Abstained: Campbell. (2-2-1)

3. CONDITIONAL USE PERMIT – PHG 11-0004:

REQUEST: A Conditional Use Permit to allow amplified entertainment and dancing up to 12:00 a.m. at Anejos Bar and Grill in a designated area within the existing restaurant.

LOCATION: Anejos Bar and Grill is located within an approximately 4,920 SF suite within the Felicita Plaza commercial center, addressed as 329 W. Felicita Avenue.

Jay Paul, Associate Planner, referenced the staff report and noted staff had not identified any issues with this request. Staff felt the request to allow amplified music and dancing would not create problems for neighboring properties because conditions had been developed in consultation with the Police Department to allow the restaurant to offer entertainment while expressly prohibiting a nightclub-style operation. These conditions include a cessation of entertainment by 12:00 A.M./Midnight, a prohibition on outside promoters and cover charges, a requirement to keep the kitchen open and serving food during all hours of operation, and a requirement to provide a minimum number of security personnel during entertainment hours. In addition, potential noise issues will be minimized by the restaurant staff keeping the music indoors and keeping the doors closed during the hours music/entertainment occurs as required by the conditions of approval.

Robert Maldonado, applicant, Escondido, noted he was available for questions.

ACTION:

Moved by Commissioner Weber, seconded by Commissioner Yerkes, to approve staff's recommendation. Motion carried unanimously. (5-0)

4. CONDITIONAL USE PERMIT – PHG 10-0030:

REQUEST: A Conditional Use Permit to construct a 33-foot-high wireless communication facility designed to resemble a pine tree. The request consists of up to nine panel antennas attached to the upper portion of the faux tree; an approximately 176 SF masonry block equipment enclosure area; and additional site landscaping.

LOCATION: An approximately 16.3-acre parcel generally located east of N. Centre City Parkway, north of Amber Lane, south of Nutmeg Street, addressed as 25005 N. Centre City Parkway (APN 224-240-16).

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were whether the design and location of the proposed facility is appropriate for the site and consistent with the Wireless Facility Guidelines. Staff recommended approval based on the following: 1) The proposed facility would be consistent with the Communication Antennas Ordinance since the antennas would be incorporated into a simulated tree, which is a stealthy design and would be in context with the surrounding open space setting with the installation of additional specimen sized trees. The facility (as conditioned) would be consistent with the Wireless Facility Guidelines since it would not result in any adverse individual or cumulative visual impacts; is located on a large residential site, blended in with the surrounding built environment, and would be in conformance with FCC emission standards; and 2) Staff felt the proposed facility would not result in a potential health hazards on-site or to nearby residents since the Radio Frequency (RF) study prepared for the proposed project indicates the facility would be conditionally compliant within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) standards.

Chairman Caster noted a correction on Page 15, Item E with regard to the referenced type of faux tree. He also stated that the antennas on the same site were losing their color, noting you could see the metal.

Commissioner Weber asked if the subject area had water service. Mr. Paul replied in the negative, noting that the vegetation was irrigated through the use of plastic water tanks.

Paul Hokeness, applicant, San Diego, noted he was available for questions.

Commissioner Weber asked how large the water tank would be. Mr. Hokeness noted that the water tank would be between 500 and 1,000 gallons.

ACTION:

Moved by Commissioner Campbell, seconded by Commissioner Weber, to approve staff's recommendation. Motion carried unanimously. (5-0)

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS:

ADJOURNMENT:

Chairman Caster adjourned the meeting at 8:08 p.m. The next meeting was scheduled for July 12, 2011 at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commissioner

Ty Paulson, Minutes Clerk