

CITY OF ESCONDIDO

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

September 24, 2013

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; Darol Caster, Commissioner; Gregory Johns, Commissioner; James Spann, Commissioner; and Merle Watson, Commissioner.

Commissioners absent: Guy Winton, Commissioner.

Staff present: Bill Martin, Principal Planner; Jay Petrek, Principal Planner, Kristina Owens, Associate Planner; Owen Tunnell, Principal Engineer; Gary McCarthy, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Watson, seconded by Commissioner McQuead, to approve the minutes of the August 13, 2013, meeting. Motion carried unanimously. (6-0)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

Taken out of order.

CURRENT BUSINESS:

- 1. Design Review for a proposed new monument sign (ADM 13-0110) for Shell gas station up to 11'-8" high and 43 SF in size.**

Bill Martin, Principal Planner, referenced the staff report and noted staff recommended approval of the new freestanding sign proposed for the Shell gas station located on the northwestern corner of the intersection of El Norte Parkway

and Seven Oakes Road. The proposed sign would be 11'-8" high with a total sign area of 43 SF.

Commissioner McQuead asked if the reason for the change in signage was to accommodate LEDs for the gas pricing. Mr. Martin replied in the affirmative.

Discussion ensued regarding a clarification of the exact location for the signage.

Commissioner Spann asked if the intent was to replace the sign in the same location. Mr. Martin replied in the affirmative.

Eddie Vidales, Westminster, applicant stated that the new sign would be located in the same location and would include LEDs.

ACTION:

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

PUBLIC HEARINGS:

1. AMENDMENT TO THE ZONING CODE – AZ 13-0006:

REQUEST: An Amendment to the Zoning Code to establish Article 27 involving an Emergency Shelter Overlay to allow emergency shelters as a permitted use within a 74-acre portion of the Light Industrial (M-1) zone, and to establish appropriate development standards, including amending Article 39 regarding parking requirements.

PROPERTY SIZE AND LOCATION: Approximately 74 acres generally located on the northern and western sides of Country Club Drive, north of Hill Valley Drive.

Jay Petrek, Principal Planner, referenced the staff report and noted staff recommended approval based on the following: 1) The proposed amendment implements the Housing Element and was in compliance with the Housing Element, the General Plan and State law Senate Bill 2; 2) The proposed Homeless Shelter Overlay map was included and approved in the Housing Element of the General Plan; and 3) The proposed Overlay area was appropriate for emergency shelters since it was accessible to transit, public services and supportive services.

Commissioner Caster asked what would occur if the identified sites were already occupied. Mr. Petrek noted that the law only required an area to be identified and there was no obligation for any property owner to lease or sell to a shelter operator.

Commissioner Caster asked if additional shelters could be added to an area if the unsheltered population demand was met. Mr. Petrek noted that the Commission could recommend a cap.

Commissioner Johns asked if an owner was under any obligation to rent to a shelter. Mr. Petrek replied in the negative.

Commissioner Spann asked if there was any cost to the taxpayers for the shelters. Mr. Petrek replied in the negative.

Commissioner Spann asked if the shelter requirements were based on the amount of homeless. Mr. Petrek replied in the positive, which has been identified as 172 homeless persons.

Commissioner Spann disagreed with the States' definition of an emergency shelter.

Chairman Weber asked whether any other zoning designations were considered. Mr. Petrek replied in the negative, noting that City Council had been appraised of the proposed location during the review of the Housing Element. He also indicated that the other areas could be considered even if the subject overlay was adopted.

Commissioner McQuead asked whether the Police Department had reviewed the plan. Mr. Petrek replied in the affirmative.

Commissioner McQuead questioned whether the property owners in the subject area could form an association so as not to comply with the proposed amendment. Mr. Petrek replied that there were no laws preventing such an association.

Commissioner Caster questioned whether taking no action would result in a situation where the shelters would still be allowed to occupy the subject area without conditions. Mr. Petrek replied in the affirmative.

John Freeberg, Escondido, representing Progress Place and Freeberg Construction, read his letter dated September 24, 2013 into the record (Available at the Planning Department). He stated that they were opposed to the proposed amendment to the Zoning Code. He expressed concern about the late notice he received about the meeting. He noted that their business consisted of heavy trucking activities and he was concerned for the safety of any children that would be at the shelters. He also expressed concern with ongoing issues of theft and vandalism, feeling this would increase with the inclusion of shelters.

Kelly Speg, Escondido, expressed her concern with the adverse elements associated with individuals at shelters suffering from mental illness, drug and alcohol abuse and impacting workers and residents in the area. She felt the City needed to look at other locations, noting her view that the industrial area was not an appropriate location. She felt the key issues were funding, safety, and security.

Andrew McSparron, Escondido, stated that he was representing himself, his family, and Eden Valley for Responsible Development. He felt the City was trying to alleviate its homeless problem by relocating the homeless individuals to the City's outer boundary. He expressed his concern with the potential for adverse effects to residents in the area associated with individuals at shelters suffering from mental illness and drug and alcohol abuse. He suggested the area bounded by Andreasen and Hale, and Industrial and Simpson was more suitable area for shelters, noting no residential neighborhoods were in that area.

Don Grant, Escondido, Industrial Broker, was opposed to staff's recommendation. He felt allowing shelters in the industrial area was inappropriate and would deter businesses from locating in the area. He also felt shelters should be located closer to City services.

William Fones, Escondido, was opposed to staff's recommendation. He felt concentrating the shelters in one area would promote crime and adversely impact the senior citizens in the area. He asked that the City consider other locations.

Lloyd Sherk, San Marcos, was opposed to staff's recommendation. He was concerned for the residents in the area being adversely impacted by homeless individuals sleeping in vehicles and the adverse aspects associated with loitering. He asked that the City find alternate locations away from the residents.

Jackie Kinkel, San Marcos, Casitas De Amigos, expressed concern for the senior citizens in the area that would be impacted by the adverse aspects associated with shelters and homeless individuals. She asked that the City find alternate locations away from the residents.

Barbara Jordan, San Marcos, stated the Board of Directors representing Casitas De Amigos Home Owners Association was concerned with the statement in the proposal defining the project as a year round shelter for the homeless with minimal services. She questioned why only one area was being proposed and felt the City needed to consider alternative locations that were closer to public services. She stated that no consideration was given to the area having a high population of senior citizens, feeling other locations should have been considered.

Magdalena Lara, San Marcos, was opposed to staff's recommendation. She expressed concern with the adverse elements associated with shelters potentially creating safety issues for the residents. She asked that the City consider other locations.

Mark Baker, Escondido, noted that he owned the property located at 2160 and 2180 Myers Avenue. He disagreed with the staff report indicating that the proposed amendment was in compliance with the Housing Element, the General Plan, and State law, feeling there were other areas that were better suited to meet these requirements. He felt the proposed shelters should be located near the Interfaith Services Center where most of the services needed by these individuals were available. He also stated that his office was located two blocks away from Interfaith Services.

Craig Jones, Escondido, Interfaith Community Services, was in favor of staff's recommendation but expressed concerns regarding the standards for emergency shelters. He noted that many of the concerns of others at the meeting were related to unsheltered persons. He stated unsheltered homeless individuals were the most vulnerable to criminal activity on the streets, noting that providing shelters with proper staffing would reduce crime. He felt that the City's Fair Share of homeless was 222 persons versus 172 individuals. He expressed concern with the requirement regarding the maximum capacity of 50 beds and the 300-foot separation required between operations which would discourage the amount of facilities needed to provide shelter. He also asked that the parking requirement be revisited due to feeling it was excessive.

Kevin Haas, Escondido, representing Robert Haas at 2864 Progress Place, stated that he was concerned with shelters increasing crime, reducing property values, creating a need for increased police presence, and creating a need for City services.

Mary Lindquist, San Marcos, expressed her view that the exemption rule for CEQA had not been followed with regard to the public notice and information being available for the public. She questioned whether a discrimination suit could be filed if all of the property owners elected not to rent to a shelter entity. She expressed concern for the safety of the senior citizens in the area being impacted by transients and homeless individuals. She noted that the homeowner associations in San Marcos near the subject sites were not aware of the City's proposal, feeling the City needed to receive input from these associations.

Mary Sampere, San Marcos, stated that she had been accosted by homeless individuals constantly while staying at the Comfort Inn, noting her concern with this element being proposed in the location where she would eventually be living.

Victor Roberts, Escondido, noted that they owned property on Progress Place. He expressed concern with the proposal indicating that the use was not compatible with the M-1 zoning. He felt staff should have talked to the Nordahl Industrial Park Association, noting that the proposed overlay was inappropriate. He requested that the Commission visit the proposed area. He also felt the City should consider Commercial General zoning as well as other areas for this use.

Michael Hall, Escondido, Erickson Hall Construction, concurred with the previous speakers opposed to the amendment. He stated that he volunteered at the San Diego Rescue Mission, noting his view that the proposed high concentration of shelters in the subject area would create major issues and was irresponsible to the business owners and residents in the area.

Dave Erickson, Escondido, Erickson Hall Construction, felt it was inappropriate to concentrate the homeless in one area that had very few resources. He felt that the area near Interfaith would be more appropriate.

Commissioner Johns asked what the typical draw radius was for shelters. Mr. Jones, Interfaith, indicated that the population using Interfaith was local Escondido homeless individuals within the community.

Commissioner Johns asked if shelters were currently permitted in the M-1 zone. Mr. Petrek noted that they were allowed in the M1 zone with a CUP when adjacent to General Commercial zones and within 500 feet of transit.

Commissioner Watson asked if the shelters would provide food. Mr. Petrek stated that this information would be provided by the shelter provider, noting this was not a requirement by the City.

Commissioner McQuead asked if churches participated in emergency shelters. Mr. Petrek replied in the affirmative in cases where it was permitted as part of the CUP for the church.

Commissioner Caster stated that the subject area was designated last December for emergency shelters as part of the Housing Element, noting not approving it would mean the shelters could still be established, but with no regulations. Mr. Petrek stated that the subject area met State requirements.

Commissioner Caster felt other areas should be considered.

Commissioner McQuead suggested moving forward with establishing a moratorium for the subject area until further studies had been conducted regarding other suitable zones. Mr. Petrek noted that the State's deadline to designate a shelter overlay was this December.

Commissioner McQuead was opposed to the proposed location, feeling other areas needed to be considered due to proximity to residential areas and possibly impacting property values. He also stated that he was in favor of looking at the General Commercial zone.

Commissioner Spann was opposed to concentrating shelters in one area. He questioned what the difference was for approving the location or not approving the location. Mr. Petrek explained that approving the amendment established guidelines and standards. Not approving the amendment provided no guidelines or standards beyond the minimum threshold of the State.

Chairman Weber asked if this item would go before City Council. Mr. Petrek replied in the affirmative. He then provided an overview of the noticing requirements.

Chairman Weber was opposed to concentrating shelters in the subject location. He stated that he supported staff's recommendation on an interim basis due to feeling regulations were needed. He did not feel shelters were appropriate for the M-1 zone.

ACTION:

Moved by Commissioner Caster, seconded by Commissioner Watson, to approve staff's recommendation with the direction to evaluate other areas in the community for establishing the Emergency Shelter Overlay that are closer to appropriate services, and to remove the subject area from the Overlay once another area or areas were designated. Motion carried. Ayes: Johns, McQuead, Weber, Watson, and Caster. Noes: Spann. (5-1)

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: None.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 8:55 p.m. The next meeting was scheduled for October 22, 2013, 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