

CITY OF ESCONDIDO

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

October 25, 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: Jack Campbell, Vice-chairman; Guy Winton, Commissioner; Darol Caster, Chairman; and Jeffery Weber, Commissioner; Bob McQuead, Commissioner; Edward Lehman, Commissioner; and Don Yerkes, Commissioner.

Commissioners absent: None.

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

MINUTES:

Moved by Commissioner Weber, seconded by Commissioner Winton, to approve the minutes of the October 11, 2011, meeting. Motion carried. Ayes: Campbell, Winton, Yerkes, Caster, Weber, and McQuead. Noes: None. Abstained: Lehman. (6-0-1)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. VARIANCE – PHG 11-0022:

REQUEST: A request for a Variance from the Zoning Code to allow the storage of emergency utility equipment for SDG&E (such as isolators, transformers, conductors etc.) to extend above the eight-foot fence height to a maximum of 14 feet, in the M-1 zone.

PROPERTY SIZE AND LOCATION: Approximately 4.09 acres on the north side of Mission Road, just east of Auto Park Way, addressed as 1700 Mission Road.

Rozanne Cherry, Principal Planner, referenced the staff report and noted staff's issues were whether the storage of equipment that exceeds the height of the screening fence would be detrimental to adjacent properties, and is appropriate for the circumstances. Staff recommended approval based on the following: 1) The adjacent parcels are developed with industrial uses including a commercial fueling station with outdoor storage in the rear to the west and a metal supply store with outdoor storage in the rear to the east, which would not be impacted by SDG&E storing equipment up to 14' high on the subject site since the higher equipment would be located more than 80' from Mission Road, adjacent to other outdoor storage businesses and parking areas. The request would be appropriate in that the stored equipment was needed for emergency situations in the region and the location would reduce the transportation time required to deliver equipment and materials where needed.

ACTION:

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

2. CONDITIONAL USE PERMIT – PHG 11-0032:

REQUEST: A Conditional Use Permit to allow amplified entertainment and dancing at a site previously used as a restaurant (formerly Truly Yours Restaurant). A full-service restaurant use would be reestablished as part of the project. The exterior of the building would be remodeled to include a fenced, outdoor patio area along the eastern side of the building.

LOCATION: On the southern side of East Valley Parkway, east of Midway Drive, addressed as 2045 E. Valley Parkway (APN 231-092-06).

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were whether the change to allow amplified entertainment and dancing within a restaurant would create problems in the surrounding neighborhood. Staff recommended approval based on the following: 1) Staff felt the request to allow amplified music and dancing would not create problems for neighboring properties because conditions have been developed in consultation with the Police Department to allow the restaurant to offer entertainment while incorporating appropriate conditions to address Police Department and High School District concerns. These conditions include a cessation of entertainment

by 12:00 A.M./Midnight; a prohibition on outside promoters; a requirement to keep the kitchen open and serving food during all hours of operation; no ‘happy hour’ type promotions; and a requirement to provide an increased 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; and 2) Appropriate on-site parking would be provided to serve the restaurant use and expanded outdoor seating area. No additional parking is required by the Zoning Code to allow amplified entertainment and dancing in the restaurant.

Commissioner Lehman and staff discussed potential staging operations.

Commissioner Lehman asked if instruments would be allowed to be played outdoors in the staging areas.

Commissioner Campbell asked how the parking was determined. Mr. Paul noted that the parking was calculated based on the amount of floor area devoted to public assembly.

Commissioner Campbell and staff discussed the possibility of overflow parking.

Commissioner Winton asked whether seating was proposed for the dance floor area. He also asked how many barstools were proposed.

Commissioner Yerkes asked if music could be piped out to the patio area. Mr. Paul replied in the negative.

Chairman Caster asked if the patio area had a bar. Mr. Paul replied in the affirmative.

Commissioner Winton asked if the Police Department expressed any concern regarding underage participation at the facility. Mr. Paul replied in the negative. He then provided an overview of the proposed security.

Commissioner Campbell questioned how the music would be mitigated so as not to intrude into the patio area when the patio door was open. Mr. Paul noted that the patio area had a barrier and backed into the parking area.

Commissioner Campbell asked if the project had parking lot loitering conditions. Mr. Paul replied in the affirmative.

Commissioner McQuead questioned whether the outdoor patio area barrier was high enough to mitigate noise.

Joe Troutman, Applicant, provided a brief history of his background. He indicated that he wanted to be a good neighbor, noting his venue would be geared towards families and students. He stated that they were working with sound engineers so as to mitigate any sound issues. He noted that he personally beat a snare drum approximately six feet off of the property and measured the sound and found the decibel levels to be minimal. He indicated that they would not allow any instruments to be played outside the premises. Mr. Troutman noted that they had hired the head of security for Westfield Shopping Mall to be in charge of their security. He stated that they would use a colored wrist band system and permanent markers to identify minors as well as having an ID scanner. He also stated that they were looking at utilizing a breathalyzer for minors entering the facility as an extra precaution. He noted that his venue would provide an opportunity for bringing in some great acts to the City. He stated that he stayed away from music genres that tended to attract trouble.

Chairman Caster asked if the servers would depend on the bracelet to identify whether a person was over 21. Mr. Troutman noted that the server would depend on the bracelet, hand stamp, and identification.

Chairman Caster questioned how assembly of patrons would be controlled in the patio area. Mr. Troutman stated he would have an employee on the patio working the outdoor bar. He also stated that he did not feel the surrounding residential areas would be impacted by noise.

Commissioner Winton asked Mr. Troutman how they would evict someone loitering in the parking area. Mr. Troutman stated that they would have signage stating no loitering. He also stated that they would have security ask the patron to leave and if said patron did not leave then they would call authorities.

Commissioner Winton asked if the police had the right to remove the loiterers. Mr. Troutman replied in the affirmative.

Susan Gaskell, Escondido, stated that she was in favor of the proposed project. She noted that she had visited the site and met the chef and the owner who was a long-time Escondido citizen. She stated that Mr. Troutman was very honest and enthusiastic and would make a quality project.

Ralph Graves, Escondido, expressed concern with SANDAG projecting 795 average daily trips that would be generated by the proposed project. He was concerned with patrons leaving the subject facility and making a left turn onto Valley Parkway, which was illegal and unsafe. He felt patrons would make u-turns at the adjacent mobile home park entrance. He was also concerned with amplified heavy metal music impacting the nearby residential areas.

Don Greene, Escondido, expressed concern with the project adding to the traffic and noise already impacting the area. He was concerned with patio area not having adequate barriers for sound mitigation and not having enough security. He expressed concern with the project not having adequate parking and security as well as being concerned with patrons jaywalking across Valley Parkway. He felt patrons would make u-turns at the adjacent mobile home park.

Brian Howard, Escondido, expressed concern with the project creating noise, traffic, and parking issues. He stated that high density housing was within 1/8th of a mile of the facility. He was concerned with the facility operating late in the evenings. He felt property values would be impacted by the proposed project. He also was concerned with the potential distribution of drugs at the site.

Priscilla Cordova, Escondido, expressed concern with the project creating noise, traffic, and parking issues. She also noted concern with patrons consuming alcohol and driving.

Arturo Cordova, Escondido, expressed his concern with the speeds on Valley Parkway and the subject project creating additional traffic leaving the establishment and impacting people in the area. He did not feel the Police Department had time to monitor the subject establishment. He was also concerned with mixing music and alcohol in an area that was residential.

Joy Roberts, Escondido, was opposed to the project. She was concerned for the safety of the students in the area due to the facility serving alcohol. She also expressed concern with the project creating noise, traffic, and parking issues.

Ted Banks, Escondido, stated that he was in favor of the project feeling it would be good for the community.

Belinda Simonini, Carlsbad, noted that Mr. Troutman offered his services to young adults in the community and provided opportunities to up and coming musicians. She felt he would be a good neighbor, noting she had visited his other venues which did not have any issues.

Steve Tsemetzin, Valley Center, noted he was the owner/operator of the previous Truly Yours Restaurant, noting they had never had an issue in the past with their ABC license. He stated that he had asked his new tenant to make sure and be a good neighbor to the surrounding residents, noting his view that he would be a good neighbor.

Don Cheek, Escondido, noted he had been hired to be the chef for the subject establishment. He stated that they intended on hiring quality staff for a quality

restaurant. He indicated that local businessmen were directly associated with the project and had an interest to make it succeed. He also elaborated that they were targeting families for their clientele.

Commissioner Campbell asked Mr. Cheek if patrons would have to pay a cover charge to eat in the restaurant. Mr. Cheek stated that there would be no cover charge for the restaurant.

Carlos LaGrange, Escondido, noted he was a co-owner of the subject restaurant. He stated that the facility was made of masonry which mitigated noise. He noted that they had an understanding with AmVets that they could use their parking as overflow parking. He indicated that Mr. Troutman was trying to create a place for young adults as well as creating a place for music venues.

Britney Delapaz, Escondido, stated that East Valley Parkway was already inundated with noise, noting the subject venue would be in a closed facility which she did not feel would impact any surrounding residents. She stated that jaywalking occurred on a daily basis in the subject area. She also indicated that the subject venue would create jobs.

Jordan LaGrange, Escondido, felt the subject venue would provide a place for the younger adults to go to in Escondido.

Sean Siemer, Menifee, was in favor of the project. He stated that Mr. Troutman was in a good guy. He also stated that his venues were family oriented.

Ted Banks, Vista, was in favor of the project feeling it would be positive for the community.

Commissioner Campbell and Mr. Troutman discussed the types of music being proposed for the subject project. Mr. Troutman noted that some types of music lent itself to issues, noting he would not be allowing certain types of music at his establishment.

Commissioner Campbell asked Mr. Troutman if he would be amenable to raising the patio barrier to six feet. Mr. Troutman replied in the affirmative but noted he did not feel this was necessary.

Commissioner Campbell asked Mr. Troutman if he would object to having a condition added requiring a shared use agreement with AmVets for parking. Mr. Troutman stated that he had discussions with AmVets who agreed his patrons could use their parking during the evening hours when the store was closed, but were not amenable to a signed parking agreement due to insurance issues.

Commissioner Winton expressed concern with the patio door being open and creating issues with noise.

Kyle Martin, Escondido, felt the subject establishment would be a great place for younger adults to go share and enjoy music.

Larry Peterson, Vista, stated that he had visited Mr. Troutman's previous establishments which welcomed families and had no issues.

Michael Wilson, Escondido, felt the subject facility would be a great place for young adults to go.

David Wouston, Perris, felt the subject facility would be a great place for young adults and families. He also felt it would help keep kids out of trouble.

Danny Nelson, Escondido, noted that Mr. Troutman's shows did not attract trouble due to the types of performers he booked.

Commissioner Campbell and Mr. Tunnell discussed potential measures for preventing jaywalking on Valley Parkway.

Commissioner McQuead was in favor of the subject request based on the testimony given.

Commissioner Weber was in favor of the subject request, noting the project was heavily conditioned. He stated that the CUP could be revoked if it did not adhere to the conditions.

Commissioner Winton felt the subject project could be a great asset to the community. He expressed concern with the patio door being open for extended periods of time.

Commissioner Yerkes was in favor of the project.

Chairman Caster felt the outdoor patio bar created a situation where patrons would congregate, noting his concern for potential noise issues. He suggested eliminating the bar in the patio area as well as raising the barrier in the bar area to six feet.

Commissioner Weber noted that sound systems were designed to focus the music to confined areas, feeling noise would not be an issue.

ACTION:

Moved by Commissioner Lehman, seconded by Commissioner Weber, to approve staff's recommendation. The motion included directing staff to re-examine the potential noise reduction measures for the outdoor patio area. Motion carried unanimously. (7-0)

3. CONDITIONAL USE PERMIT – PHG 11-0011:

REQUEST: A modification to a previously approved Conditional Use Permit (2005-40-CUP) to remove the six existing 4'-7" wireless panel antennas located on an approximately 37'-5" high wireless communication facility designed to resemble a tree, and install twelve new 6'-4" panel antennas. Additional support radio equipment also would be incorporated into the simulated tree and within the existing masonry equipment enclosure area. The existing simulated tree is located in the center of the Emmanuel Faith Church parking lot across the street from the main church complex.

LOCATION: On the southwestern corner of Felicita Avenue and Encino Drive, addressed as 1725 Encino Drive and 639 E. Felicita Avenue (APN 237-020-46 and -58).

Commissioner McQuead stated he would be abstaining from this item because he was a member of the church.

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were whether the twelve new panel antennas can be appropriately integrated into the existing faux tree. Staff recommended approval based on the following: 1) The proposed project would be consistent with the Communication Antennas Ordinance since the antenna panels would be located onto an existing simulated tree that was designed to accommodate wireless facilities and is a stealthy design that blends in with the surrounding environment. The additional antennas would not create a visual impact due to the facilities location within the center of a large parking lot that is buffered from adjacent residential development by extensive landscaping, and the facility is in conformance with the height requirements for the residential zone. Additional support equipment would be placed within an existing building that is screened from public view and the facility would be in conformance with FCC emission standards; and 2) Staff felt the proposed facility would not result in potential health hazards to nearby residents since the Radio Frequency (RF) study prepared for the proposed

project indicates the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) standards.

Monica Moretta, AT&T, noted that the modification was needed to upgrade the antennas to 4G service.

Discussion ensued regarding a clarification of the size of the antennas.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner Weber, to approve staff's recommendation. Motion carried. Ayes: Winton, Weber, Campbell, Lehman, Caster, and Yerkes. Noes: None. Abstained: McQuead. (6-0-1)

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS:

A question was asked regarding the date for the next discussion of the status of the athletic field lights at Calvin Christian High School. A comment was made that the parking requirements for churches should be reevaluated.

ADJOURNMENT:

Chairman Caster adjourned the meeting at 9:09 p.m. The next meeting was scheduled for November 22, 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