

CITY OF ESCONDIDO

MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

December 11, 2012

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

Commissioners present: James Spann, Commissioner; Merle Watson, Commissioner; Bob McQuead, Vice-chairman; Gregory Johns, Commissioner; and Darol Caster, Commissioner.

Commissioners absent: Guy Winton, Commissioner; and Jeffery Weber, Chairman.

Staff present: Bill Martin, Principal Planner; Jay Paul, Associate Planner; Homi Namdari, Assistant City Engineer; Gary McCarthy, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Caster, seconded by Commissioner Spann, to approve the minutes of the November 27, 2012 meeting. Motion carried unanimously. (5-0)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. **CONDITIONAL USE PERMIT – PHG 10-0021 (Continued from October 23, 2012):**

REQUEST: A Conditional Use Permit to allow a church (Faith Harbor Church) to utilize an existing commercial site/buildings for a range of religious, counseling and social services. The church would occupy both buildings that formerly were used as a bank and office space.

PROPERTY LOCATION: 422 and 444 S. Escondido Boulevard.

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were whether the applicant had the ability and/or intends to fulfill the project conditions of approval, and whether the site was appropriate to accommodate the proposed project and is consistent with the goals and vision of the Downtown Specific Plan and General Plan. Staff recommended denial based on the following: 1) Staff felt there were other suitable commercial locations throughout Escondido and within the Downtown Specific Plan Area that could potentially serve the needs of the Church without burdening the applicant with the necessary property upgrades to support the proposed uses. The Church also had not demonstrated the ability to adequately maintain such a large site and indicated they may not be able and/or willing to complete the necessary improvements to support the change of occupancy and use permit. The owner also had not provided much needed upgrades to the site's infrastructure and building to support the current use of the site and the proposed change of occupancy to an assembly type use; and 2) Staff felt the existing site was not appropriate to support the proposed project and since it is not in conformance with the previously approved Master and Precise Development Plan for the site to redevelop the site with a mixed-use commercial/residential development. The proposed project also was not consistent with the overall strategic goals of the Downtown Specific Plan to revitalize the area with the development of business and professional offices and services, and higher density residential development that would help to promote a vibrant and exciting Downtown environment.

Gary McCarthy, Senior Deputy City Attorney, provided a brief overview of the federal law, Religious Land Use and Institutionalized Persons Act (RLUIPA) with regard to treating secular and non-secular uses alike. He recommended treating the subject use the same as a secular assembly use.

Commissioner Caster noted that he could not remember this federal law (RLUIPA) being cited in the past when a church was proposing to occupy a commercial location in Escondido. Mr. McCarthy stated that he did not know why this had not come up in the past, and that staff had indicated a brief primer would be helpful before the Commission debated the issue. Mr. Martin noted that he was unaware of any time staff had recommended denial of a church proposal under a CUP.

Commissioner Caster questioned whether the City would pursue the landlord to take care of the maintenance issues if the property was not leased. Mr. Paul replied in the affirmative.

Commissioner Caster asked what the property owner's position was. Mr. Paul noted that the representative of the property owner indicated that having a church group lease the site was better than leaving the site vacant.

Commissioner Caster expressed support for a City of San Marcos policy regarding time limits and reviewing CUPs after seven years. Mr. McCarthy noted that the CUP was a vested right once granted unless it was abandoned.

Discussion ensued regarding a clarification of the CUP guidelines for abandoned uses and changes in ownership.

Commissioner Johns asked if the subject church would need to vacate the property if the CUP was not granted. Mr. Paul replied in the affirmative.

Commissioner Johns asked if it had been difficult to get the property owner to maintain the property without a tenant. Mr. Paul replied in the affirmative.

Commissioner Johns asked if the CUP blocked any future plans for fulfillment of the General Plan. Mr. Paul replied in the negative, noting the applicant had indicated the subject use was an interim use, which technically could last indefinitely. He also stated that the applicant and owner felt some use of the site was better than no use of the site. He also noted that if the Commission approved the CUP then conditions would have to be met before occupancy.

Commissioner Johns and Mr. McCarthy discussed speculative risks to the City if a CUP was issued.

Vice-chairman McQuead and Mr. Paul discussed the in-lieu features for the fire sprinklers with regard to occupancy.

Robert Granger, Escondido, Pastor of Faith Harbor Church, noted that they conducted two services a week, noting that the Sunday service had approximately 120 patrons with the Wednesday service having approximately 40 patrons. He stated that they held occasional meetings during the week with smaller groups along with conducting two food pantry distribution events for Feeding America whereby they were used strictly as a distribution point. He stated that they had spent considerable time and resources to convert the facility to meet the needs of the church as well as planning to address the maintenance of the building and landscaping if the CUP was granted. He elaborated that there was a mutual interest to make the property both visually appealing and functional, noting they were prepared to proceed with fixing up the balance of the building and maintain the landscaping to acceptable standards.

Commissioner Caster asked Mr. Granger if they were financially capable of completing the conditions in the staff report. Mr. Granger noted that he had not seen the conditions, but that they would do their best to meet the conditions.

Commissioner Caster asked if the terms of the lease required the tenant to take care of all of the costs. Mr. Granger noted they had not had anything specifically imposed upon them. He noted that they had improved the landscaping, taken care of the transient issues, and began painting the structure.

Commissioner Caster asked Mr. Granger if they were responsible for keeping the parking lot in good repair. Mr. Granger noted that this had not been discussed yet. Commissioner Caster asked Mr. Granger how much they had invested in the property. Mr. Granger noted that they had invested approximately \$15,000 to \$20,000.

Dick Daniels, Escondido, member of the congregation, noted that they were on a month-to-month lease, noting this gave the property owner maximum flexibility. He stated that he was in favor of the ultimate development of the property to a high density mixed use as previously approved, noting that in the interim the subject use helped maintain the property. He stated that the church provided a necessary and custodial use for the property since it was not vacant. He elaborated that they would work with staff regarding the proposed conditions, noting that the first step was to obtain the approval of the CUP.

Vice-chairman McQuead asked Mr. Daniels if they could continue using the property while the conditions were being worked through. Mr. Daniels replied in the affirmative.

Vice-chairman McQuead asked why the congregation stayed at a site that was on a month-to-month lease. Mr. Daniels noted that they understood their situation but felt it met their current needs.

Commissioner Watson noted that the only protest was the lack of landscaping and maintenance, feeling this would not be difficult to take care of.

Commissioner Spann expressed concern with vacant buildings being a burden, feeling it was better to have a building occupied.

Commissioner Caster felt the church had the biggest risk due to being on a month-to-month lease, feeling it was better to have the building occupied.

ACTION:

Moved by Commissioner Caster, seconded by Commissioner Spann, to approve Conditional Use Permit – PHG 10-0021. Motion carried unanimously. (5-0)

2. ANNEXATION, PREZONE AND SPHERE OF INFLUENCE AMENDMENT – PHG 11-0036:

REQUEST: The City of Escondido is proposing to annex three parcels currently within the unincorporated area of San Diego County in order to facilitate construction, operation and maintenance of the planned extension of Citracado Parkway. One of the parcels is owned by the City of Escondido and the other two are under private ownership. The proposal also includes an amendment to the City's Sphere of Influence and a Prezone for all three properties to the City's SP (Specific Plan) zone. The proposed SP Zone would implement the current Escondido General Plan land use designation of Specific Planning Area No. 8 that envisions a high quality business park, encouraging clean research and development, medical office and industrial park uses to expand Escondido's employment base.

Annexation of the subject properties to the City of Escondido would require concurrent detachments from: the San Marcos Fire Protection District; County Service Area (CSA) No. 107 (Elfin Forest/Harmony Grove Volunteer Fire Department); and CSA No. 135 (San Diego Regional Communications System). The detachments are required because the City would assume those service responsibilities following the proposed annexation. As the project involves LAFCO approval of more than one jurisdictional change, the LAFCO action would be termed a reorganization to the City of Escondido. The proposed reorganization would avoid the need for a joint jurisdictional and long-term maintenance agreement between the County and City for the operation and maintenance of Citracado Parkway.

PROPERTY SIZE AND LOCATION: The total area of the proposed annexation is approximately 30.06 acres. The three parcels included in the proposed annexation area are located south and east of Harmony Grove Road (APNs 235-040-05; -15 and -50), with the two private properties addressed as 2207 and 2327 Harmony Grove Road.

Bill Martin, Principal Planner, referenced the staff report and noted staff's main issue was whether the proposal was in conformance with the Escondido General Plan. Staff recommended approval based on the following: 1) Staff felt the proposal conforms to the Escondido General Plan annexation policies that are

intended to guide development to meet present and future needs, achieve a vibrant community, and enhance the character of Escondido. The extension of Citracado Parkway through the proposed annexation area would complete a critical link in the General Plan Circulation Element that enhances access to regional medical facilities and accommodates increased traffic generated from anticipated residential and industrial/commercial growth in the area. The proposed annexation/reorganization would avoid the potential need for a joint jurisdictional operation and maintenance agreement between the County and the City for Citracado Parkway; and 2) Staff felt the proposed Prezone designation of PZ-SP (Prezone – Specific Plan) would be appropriate because the underlying Escondido General Plan designation also is Specific Plan (SPA #8 - ERTC (Harmony Grove) Specific Planning Area). The proposed Specific Plan zoning would ensure that future redevelopment of parcels in the project area is consistent with the SPA #8 designation of the Escondido General Plan that envisions a high quality business park, encouraging clean research and development, medical office and industrial park uses to expand Escondido's employment base, increase median incomes and improve the jobs/housing balance.

Commissioner Johns and Mr. Martin discussed the written communications received on this item.

Amy Molenaar, Elfin Forest Harmony Grove Town Council, stated they were opposed to the annexation of the three parcels within Harmony Grove and development with an industrial or commercial design, feeling it could cause significant adverse impacts to the rural equestrian community and prevent the realization of the residents' vision as outlined in the County approved community plan. She stated that the negative impacts included encouragement of sprawl development, loss of open space, fragmentation of the community, and safety hazards from truck and commuter traffic. She indicated that their residents successfully petitioned LAFCO to remove the subject parcels from the sphere of influence specifically to limit urban encroachment. She stated that their community plan outlined coordination with LAFCO to respect the boundaries of the unincorporated community and discourage any portion to be annexed to adjacent cities. She elaborated that in order to support the annexation they requested that the City consider how to preserve the historic Harmony Grove community character and retain rural property values while accommodating limited annexation for industrial incursion with this being identified and included in the annexation pre-zone documents; and provide a plan for buffer zones between adjacent future industrial and commercial uses which would be included in the annexation pre-zone documents. She stated that the buffer zones should be structural as well as visual. Ms. Molenaar requested that multi-use trails and sidewalks be continued for the entire length of Citracado as well as continued recognition and support for the Elfin

Forest Harmony Grove Community Plan. She also asked that the City seek the San Dieguito Planning Group and the Elfin Forest Harmony Grove Town Council for approval and advice regarding their buffer zone.

Vice-chairman McQuead asked Ms. Molenaar what the process would be for interacting together. Ms. Molenaar noted that they would be open to providing input.

Vice-chairman McQuead asked Ms. Molenaar if any discussion had occurred regarding solutions for the buffer zone. Ms. Molenaar replied in the negative but noted they wanted to keep the trees as a natural buffer.

Vice-chairman McQuead asked Ms. Molenaar if she had spoken with Bill Martin regarding the subject requests. Ms. Molenaar replied in the negative.

Mr. Martin noted that staff hoped to improve the relationship with the Harmony Grove Town Council. He expressed concern with the suggestion that the City consent to obtain approval from the San Dieguito Planning Group and the Elfin Forest Harmony Grove Town Council for annexation and development proposals in Specific Planning Area No. 8. He noted that staff would rather have these groups brought in at the beginning of the development process to facilitate the incorporation of measures and buffers that minimize impacts to the adjacent rural residential community.

Commissioner Caster referenced Item 2 in the letter from Ms. Molenaar (buffer zones) and asked if this was discussed in the General Plan. Mr. Martin replied in the affirmative and noted that each development proposal would need to have a specific plan, which would address the General Plan requirements for “edge” buffers in Specific Planning Area No. 8.

Discussion ensued regarding potential trails and sidewalks along Citracado.

Commissioner Johns asked if the conditions cited in the letter from Ms. Molenaar impacted the Commission’s approval of staff’s recommendation. Mr. Martin replied in the negative. He noted that staff would discuss the listed issues with the Harmony Grove representatives, and that this item would go before the City Council and ultimately before LAFCO where Harmony Grove had a strong voice in the process.

ACTION:

Moved by Commissioner Watson, seconded by Commissioner Caster, to approve staff’s recommendation. Motion carried unanimously. (5-0)

CURRENT BUSINESS: None.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Vice-chairman McQuead adjourned the meeting at 8:22 p.m. The next meeting was scheduled for January 8, 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