



STAFF REPORT

December 06, 2023
File Number 0810-20

SUBJECT

PL22-0603/PL23-0239/PL22-0604 – A REQUEST FOR A ZONE MAP AMENDMENT, ZONE TEXT AMENDMENT, AND MAJOR PLOT PLAN FOR GOAL LINE BATTERY STORAGE UTILITY

DEPARTMENT

Development Services Department, Planning Division

RECOMMENDATION

Request that the City Council conduct a public hearing on the development proposal and take action on the recommendation of City staff and the Planning Commission, which recommend the City Council:

- 1) Adopt Resolution No. 2023-160, approving a Major Plot Plan Permit for construction of a lithium-ion battery storage utility, and adoption of a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program prepared for the Project, and make certain Findings of Fact in conformance with the California Environmental Quality Act (CEQA).
- 2) Introduce Ordinance No. 2023-16, approving a Zone Map Amendment to amend the zoning designation for the subject property from Planned Development – Industrial (PD-I) to General Industrial (M-2).
- 3) Introduce Ordinance No. 2023-17, approving a Zone Text Amendment to amend the Escondido Zoning Code to allow for an increase fence height on a case-by-cases basis for industrial and commercial zoned properties through issuance of an Administrative Adjustment Permit

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Interim Director of Development Services)

Presenter: Ivan Flores, AICP, Senior Planner

FISCAL ANALYSIS

The applicant will be responsible for payment of Development Impact Fees prior to issuance of building permits.



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PROJECT DESCRIPTION

Onward Energy (“Applicant”) requests approval of the following entitlements: a Zone Map Amendment to rezone the subject property from Planned Development – Industrial (PD-I) to General Industrial (M-2); a Zone Text Amendment to amend the Escondido Zoning Code to allow for an increase in fence height for commercial and industrial zoned properties subject to an Administrative Adjustment Permit, unless the request is associated with a discretionary action; and a Major Plot Plan for the development of a lithium-ion battery storage utility (“Project”).

A detailed Project description can be found in the October 24, 2023 Planning Commission staff report (Attachment “1”).

LOCATION

The Project is located on the south side of Tulip Street, between Hale Avenue and West Valley Parkway and is addressed at 555 N. Tulip Street (Assessor’s Parcel No.: 232-131-25-00).

ANALYSIS

The Project includes a Zone Map Amendment to rezone the subject property from PD-I to M-2 to facilitate the construction of a lithium-ion battery storage utility and ancillary improvements, such as fences and walls, landscaping, improvements to onsite circulation, and demolition of existing buildings and structures. As discussed above, and in the Planning Commission staff report dated October 24, 2023, the rezone of the subject property would make it consistent with the GI General Plan Land Use designation, and is appropriate for the site given the surrounding zoning designations of Light Industrial (M-1) and General Industrial (M-2). Additionally, the Project includes a Zone Text Amendment (ZTA) to allow for an increase in fence height for commercial and industrial zoned properties through the Administrative Adjustment Permit process. The ZTA would allow for property owners in the commercial and industrial zones to increase their fence height from 8’-0” to 10’-0” and 12’-0”, respectively. This would require a Notice of Intended Decision, and would allow surrounding property owners to appeal the decision of the Director of Development Services to the Planning Commission. Under the ZTA, if an Administrative Adjustment request is associated with a discretionary action, the request would be reviewed by the appropriate hearing body on the discretionary action. The Major Plot Plan is required for uses allowed by-right, and “utilities” are allowed by-right in the M-2 zoning district. Typically, a Major Plot Plan would be reviewed and approved by the Director of Development Services; however, pursuant to the Escondido Zoning Code, the Plot Plan is elevated due to accompanying legislative actions that require City Council review and approval.

A complete analysis of the various actions before City Council may be found in the attached Planning Commission staff report (Attachment “1”).



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PLANNING COMMISSION ACTION

The Planning Commission considered the Project at its October 24, 2023 meeting, and the staff report is included as Attachment “1.” The Planning Commission voted 5 – 1 – 1 recommending approval of the Project to the City Council. Planning Commission received no public comments for the Project. During the public hearing, several Planning Commissioners voiced the following concerns:

1. The rezone of the site from Planned Development Industrial (PD-I) to General Industrial (M-2) is inappropriate.

City staff response: The site has a General Plan Land Use designation of General Industrial (GI) which supports a wide range of industrial uses. The PD-I zoning district was adopted to facilitate the development of the Ice-O-Plex and the natural gas facility. The existing zoning district is not currently outlined in the City’s adopted 2012 General Plan, and is not identified in the Escondido Zoning Code creating an inconsistency. Due to the closure of the Ice-o-Plex, the Applicant proposes to rezone the subject property to ensure consistency between the General Plan Land Use designation and the Escondido Zoning Code. The rezoning of the property would allow for redevelopment to a use that would complement the existing natural gas facility and align with the existing land use designation.

2. The Applicant not specifying a battery unit during the entitlement process.

City staff response: As discussed in the Planning Commission staff report, the Applicant provided an analysis of potential battery manufactures that may be selected (Attachment “4” of the Planning Commission staff report). Regardless of the battery manufacturer the Applicant selects, the chosen model would be designed, constructed, and operated pursuant to the California Fire Code (CFD). The City of Escondido Fire Department conditioned the Project (Condition of Approval No. G.1) to require the Applicant to select a battery manufacturer that complies with the National Fire Protection Association 855 (2023) and Chapter 12 of the CFD. Further, the Applicant is responsible for obtaining a Hazardous Material Business Plan from the County of San Diego’s Department of Environmental Health which requires review and approval by the City of Escondido Fire Department, prior to issuance of a building permit. Therefore, the Project has been conditioned to ensure no impacts to the public health, safety, and welfare will occur.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (“CEQA”) applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. CEQA Guidelines Section 15367 states that a lead agency, in this case, the City of Escondido, is the agency that has the principal responsibility for carrying out or approving a project and is responsible for compliance with CEQA. As lead agency, the City must complete an environmental review to determine if implementation of the Project



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would result in significant adverse environmental impacts. In compliance with CEQA, an Initial Study (“IS”) was prepared to assist in making that determination. Based on the nature and scope of the Project and the evaluation contained in the IS environmental checklist, the City concludes that a Mitigated Negative Declaration (“MND”) is the appropriate level of analysis for the Project.

As provided in CEQA Statute Section 21064.5, and stated in CEQA Guidelines section 15070, an MND can be prepared when “(a) the initial study shows that there is not substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) the initial study identifies potentially significant effects, but (1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.” The MND prepared for the Project identified potentially significant impacts in the areas of Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. However, through incorporation of mitigation measures, the impacts can be reduced to a less-than-significant level.

A Draft IS/MND was released for a 30-day public review period from July 13, 2023 to August 14, 2023. No comment letters were received during the public review period. The Final IS/MND identifies no new environmental impacts which have not been addressed through the aforementioned mitigation measures. The Final IS/MND is included as Exhibit “C” to the City Council Resolution No. 2023-160.

CONCLUSION AND RECOMMENDATION

The Project proposes construction of a lithium-ion battery storage utility that is compatible with the existing surrounding uses and makes efficient use of the property. The Project is located in an area that consists of heavy industrial uses; is separated from commercial uses to the south by the existing flood channel; and is not located near residential uses as the nearest residential use is located approximately 900-feet to the south. The proposed use would complement the existing natural gas facility, demolish a vacant building, and redevelop a partially inactive site (former Ice-o-Plex area). The redevelopment of the site would introduce new landscaping and screening for the proposed use, and would make better use of the site than currently exist.

Based on the analysis contained in this staff report, in addition to the October 24, 2023 Planning Commission report, staff recommends that the City Council adopt the Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program prepared, and approve the Project as conditioned.

RESOLUTIONS

- a. Resolution No. 2023-160



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- b. Resolution No. 2023-160 with Exhibits A - F

ORDINANCES

- c. Ordinance No. 2023-16
- d. Ordinance No. 2023-16 with Exhibits A - C
- e. Ordinance No. 2023-17
- f. Ordinance No. 2023-17 with Exhibit A - C

ATTACHMENTS

- a. Attachment "1" – October 24, 2023, Planning Commission staff report