

CASE NUMBER: PHG 09-0015

APPLICANT: Humberto Martinez

LOCATION: On the eastern side of Orange Street, western side of Escondido Boulevard, northern side of Third Avenue, and southern side of a public alley, addressed as 330 West Third Avenue.

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A request for a Conditional Use Permit to allow group meetings associated with Alcoholics Anonymous within a 775 SF tenant space in an existing commercial center. No modifications to the buildings, increase in floor area, or changes to the site plan are proposed.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: SPA 9 Downtown Specific Plan
Tier 1-Central subarea

ZONING: SP (Specific Plan), Southern Gateway District of the Interim Downtown Specific Plan

BACKGROUND/SUMMARY OF ISSUES: An existing commercial center is located on property bound by Third Avenue, Orange Street and Escondido Boulevard. The center consists of three multi-tenant buildings ranging in size from 6,480 SF to 8,458 SF and shared parking.

“Grupo Paz en el Llano de Alcoholicos Anonimos” is an Alcoholics Anonymous group serving mostly Latino members. They recently began conducting group meetings in the evenings within a 775 SF office suite in Building “C” of the center. The suite consists of a restroom, folding chairs, cabinets, some tables and a podium. The group also has allowed a related group, “Grupos de Familia Alanon,” which serves family members of alcoholics, to use the space for their meetings in the evenings.

Although they are permitted by right in many commercial zones, social, professional, youth, political, civic, charitable, and other similar groups that conduct group or membership meetings on the premises require a Conditional Use Permit in all districts within the Interim Downtown Specific Plan. The center is located within the Southern Gateway District of the Interim Downtown Specific Plan.

Staff feels that the issues are as follow:

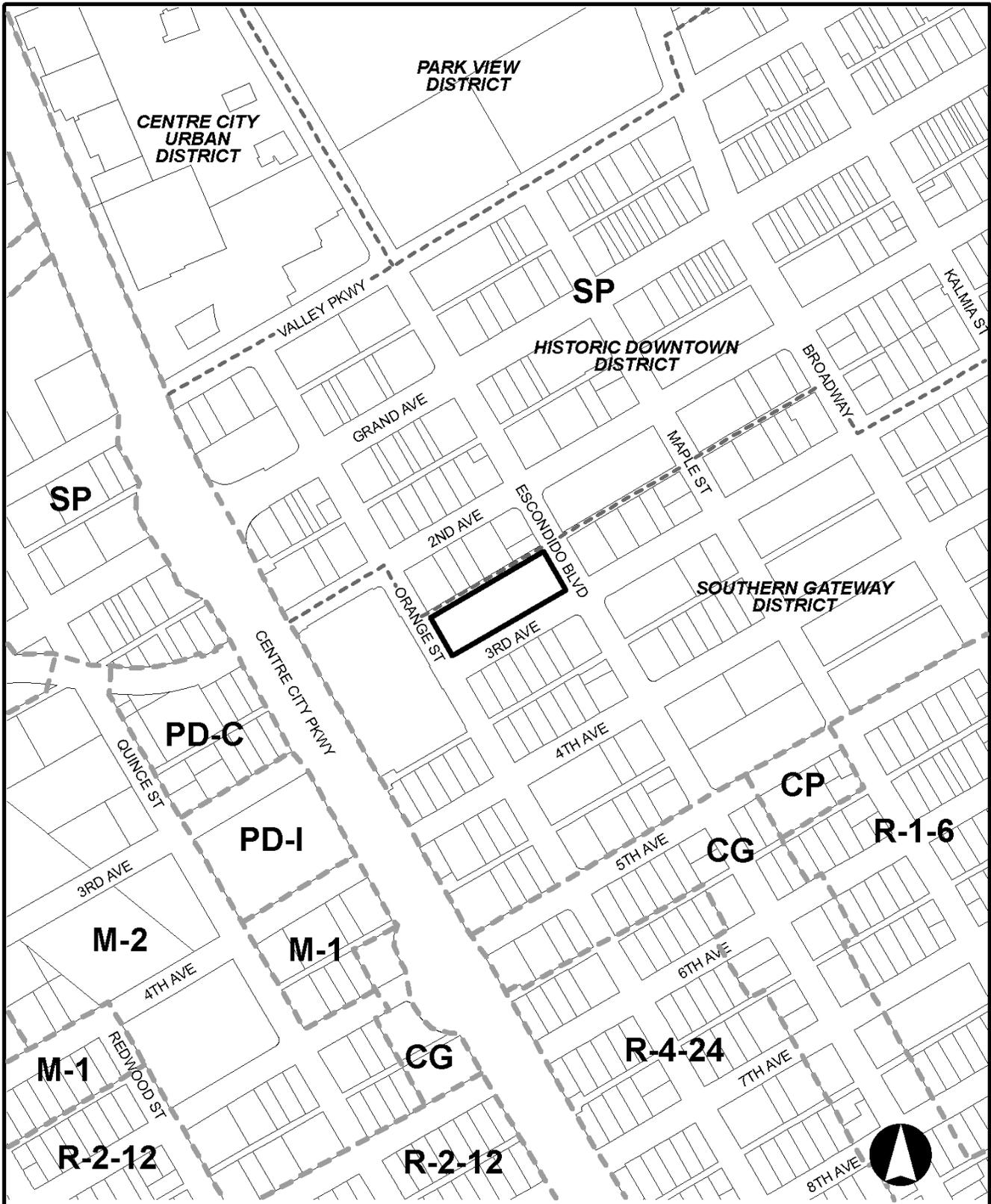
1. The suitability of the commercial site for an organization’s group meetings.
2. Whether there is adequate parking for the proposed group meetings.

REASONS FOR STAFF RECOMMENDATION:

1. The site is suitable for social group meetings, since the suite is located within a commercial center and the center is surrounded mostly by other commercial uses. In addition, the center was developed for office and retail uses, and the proposed meeting hours are generally the opposite of the hours of operation of other businesses in the center. There have been no complaints from other tenants in the center and the number of meeting attendees would be limited to no more than 49 at a time.
2. There is adequate on-site parking available to accommodate the group meetings and all existing uses, according to the most recent tenant update from the property landlord.

Respectfully submitted,

Kristina Owens
Assistant Planner II

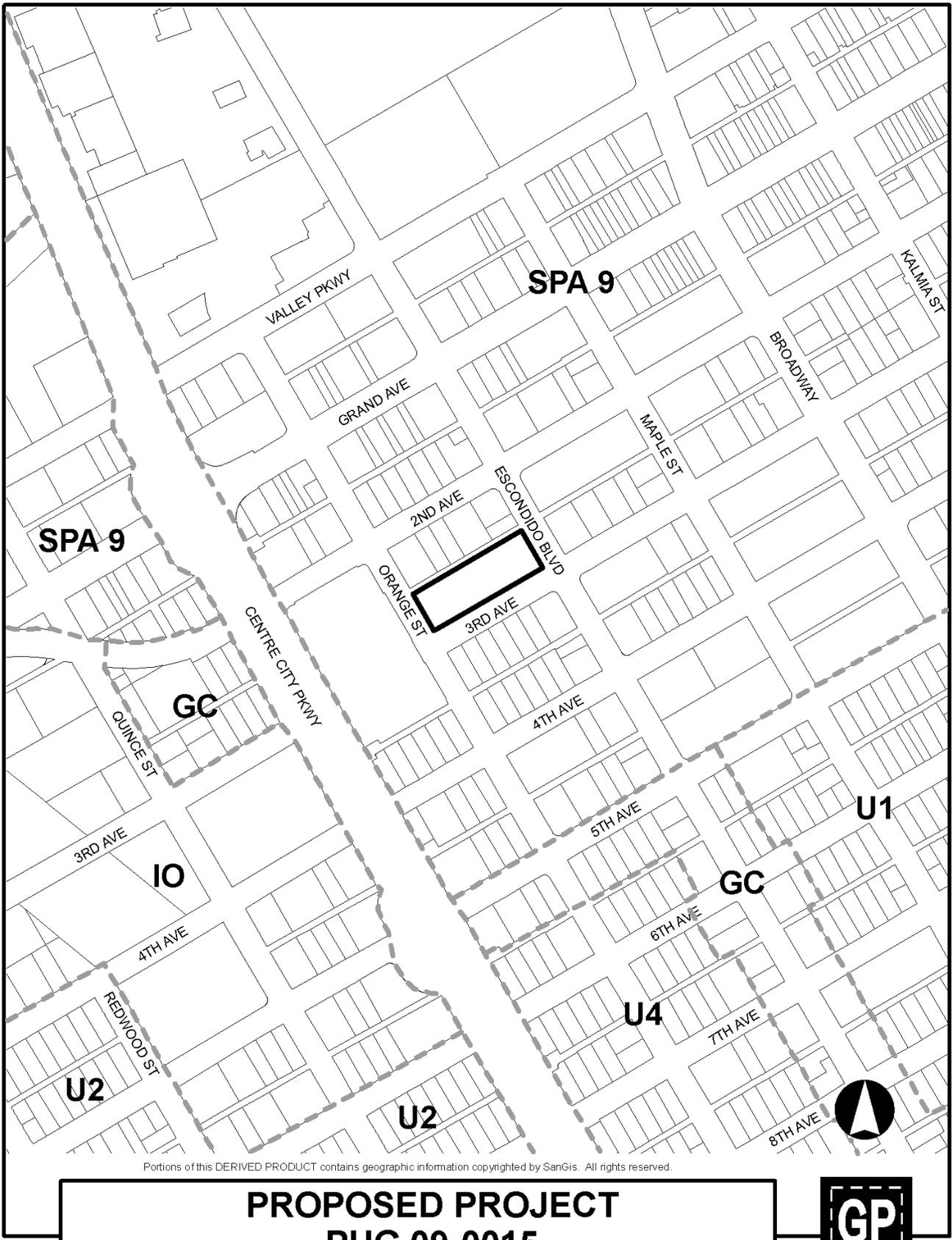


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**PROPOSED PROJECT
PHG 09-0015**



LOCATION/ZONING



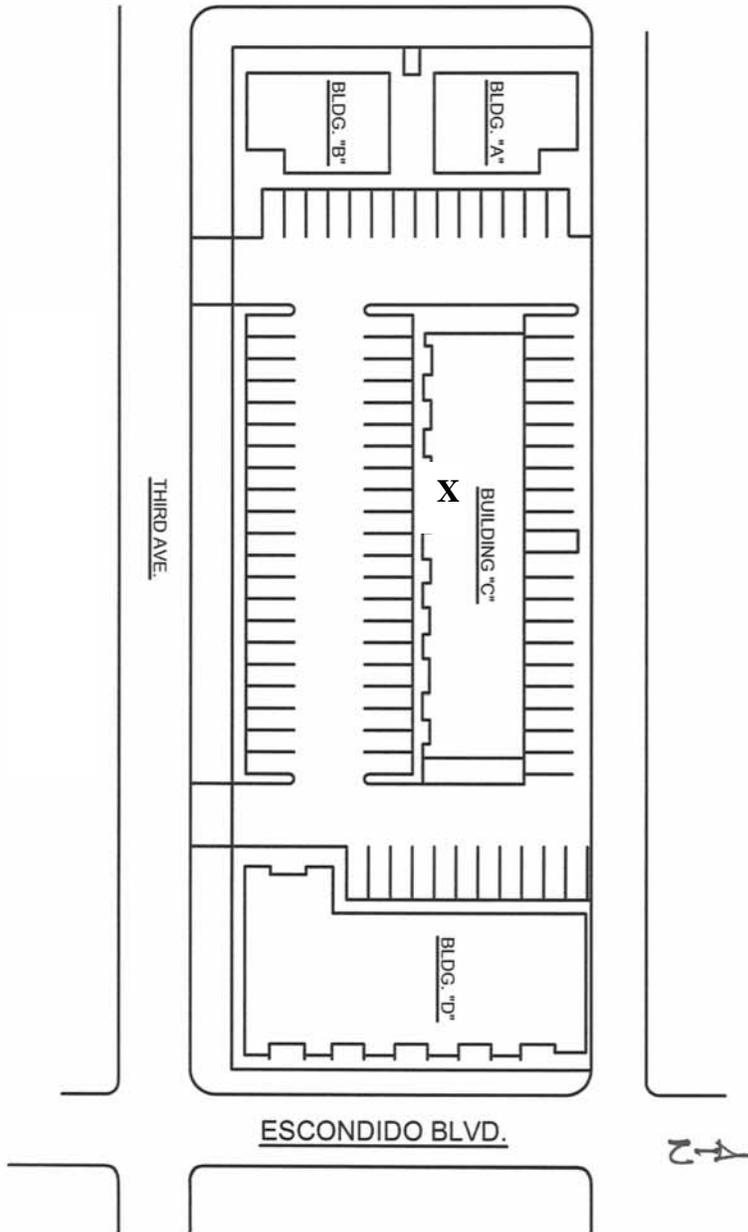
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**PROPOSED PROJECT
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GENERAL PLAN

ORANGE STREET



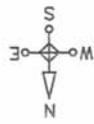
ESCONDIDO BLVD.



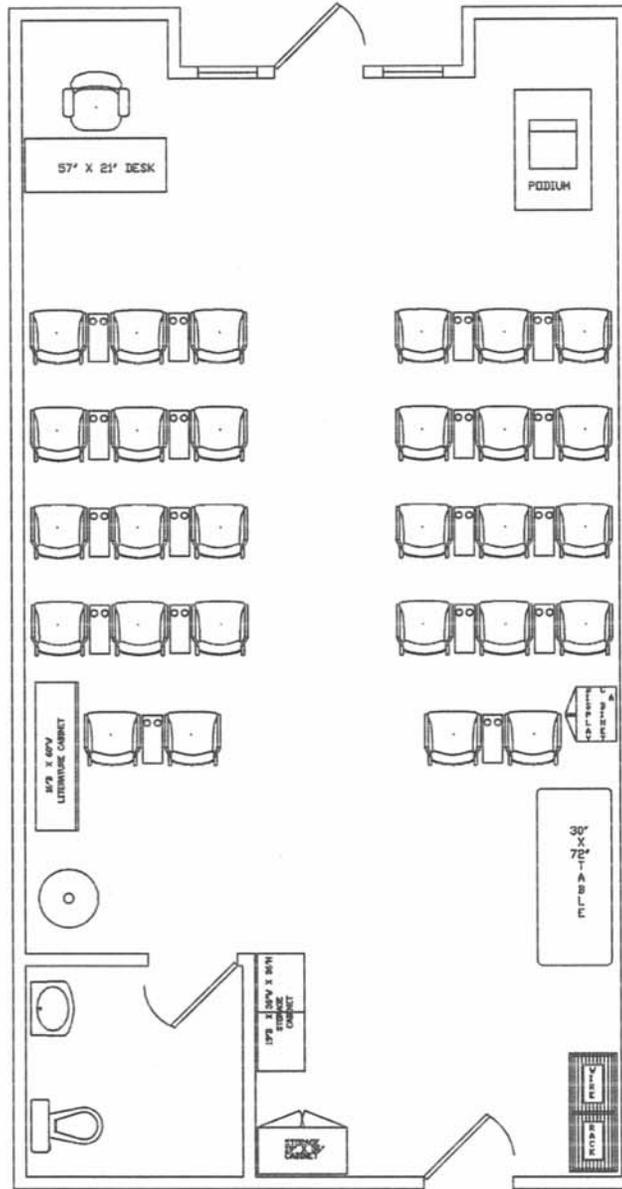
**PROPOSED PROJECT
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SITE PLAN

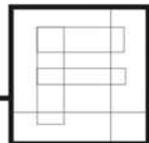


FRONT ENTRANCE



REAR DOOR

PROPOSED PROJECT PHG 09-0015



FLOOR PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH– SP (Historic Downtown District of the Interim Downtown Specific Plan) zoning/ Existing commercial businesses are located to the north of the site, both across the alley and north of Second Avenue.

SOUTH– SP (Southern Gateway District of the Interim Downtown Specific Plan) zoning/ Existing commercial businesses and single-family and two-family residences on lots of approximately 7,000 SF size, are located to the south of the site, across Third Avenue.

EAST - SP (Historic Downtown and Southern Gateway Districts of the Interim Downtown Specific Plan) zoning/ Existing commercial businesses are located to the east of the site, across Escondido Boulevard.

WEST - SP (Southern Gateway District of the Interim Downtown Specific Plan) zoning/ Attached multi-family residential units and vacant property zoned for the remainder of the residential development are located to the west of the site, across Orange Street.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has expressed no concern regarding their ability to continue to provide service to the site.
2. Effect on Fire Service – The site is served by Fire Station No. 1 at 310 North Quince Street, which is within the response time mandated by the General Plan. The use of a suite for group meetings would not contribute to an increase in demand for fire services. Comments received from the Escondido Fire Department indicate that they would impose no additional conditions as long as the maximum occupancy is 49 people. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. Traffic – The project site fronts on Escondido Boulevard, which is classified as a Collector (84' r.o.w.) in the City's General Plan Circulation Element; Third Avenue and Orange Avenue, which are unclassified commercial streets; and a public alley. The proposed Conditional Use Permit would not add any Average Daily Trips (ADTs) to the surrounding roadways, since the commercial center is existing and was developed with a mix of commercial, retail and office uses. The Engineering Division has indicated that all traffic could be accommodated on the surrounding streets and that the project does not materially degrade the levels of service on the adjacent streets.
4. Utilities – City sewer and water mains with sufficient capacity to serve the project are existing and available within the adjoining street or easement. The project does not materially degrade the levels of service of the public sewer and water systems.
5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project does not materially degrade the levels of service of the existing drainage facilities, since it involves no physical changes to the site or buildings.

C. ENVIRONMENTAL STATUS

1. A Notice of Exemption was issued on July 13, 2009, in accordance CEQA Section 15301, Class 1, "Existing Facilities."
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The General Plan land use designation on the site is Specific Planning Area #9, which allows for a wide variety of commercial, residential, and mixed-uses through implementation of the Downtown Specific Plan. The proposed Conditional Use Permit would be consistent with the General Plan, since group and membership meeting facilities are permitted in the Southern Gateway District of the Interim Downtown Specific Plan with a Conditional Use Permit, and the use is compatible with surrounding uses.

The Suitability of the Commercial Site for an Organization's Group Meetings

Grupo Paz en el Llano de Alcoholicos Anonimos currently offers group Alcoholicos Anonymous meetings four nights per week from approximately 7:00 to 8:30 p.m. Their attendees are mostly Hispanic males, but they are open to anyone wanting to attend. At times they have referrals of men or women from the courts, specifically due to the bilingual nature of the group. Grupo Paz currently does not have plans to hold meetings during daytime hours. However, they are requesting the ability to have meetings during the day and on weekends in case the need arises in the future. They allow a similar group of families and friends of alcoholics to use the suite also four nights per week from 5:00 p.m. to 6:30 p.m. The applicant is not anticipating additional groups using the space, although similar groups would be able to hold meetings there provided they meet the provisions of this Conditional Use Permit.

The majority of the uses currently located in the commercial center are offices, with the exception of a medical use, a hair salon and a postal store. Most of the businesses have regular business hours of operation and are closed in the evenings and on weekends. According to the landlord the group has not caused problems in the center and there have been no complaints from other tenants in the few months since they have been located there. The leader of the group indicates that their attendance averages 15 to 20 people, with a maximum of 40-49 people attending when there are a lot of referrals or when there is a special event. The associated Alanon group using the suite has a smaller average attendance. The Building Code limits the maximum occupancy of the suite to 49 people at a time, without additional improvement requirements. The CUP would be conditioned for a maximum of 49 attendees at any time. Meetings would be held entirely indoors. Since there is no apparent parking conflict or reason to limit the hours of operation of the meetings, the proposed allowable hours would be Monday through Sunday, from 7:00 a.m. to 9:00 p.m. to include the times they may desire to hold meetings in the future.

Whether There is Adequate Parking for the Proposed Group Meetings

When the commercial center was constructed in 1980, two of the buildings were considered offices and one of the buildings was considered retail. Using a ratio of 1 space per 300 SF of floor area for the office space and 1 space per 250 SF of floor area for the retail area, a total of 81 parking spaces were required for the anticipated mix of uses in the center and 81 total parking spaces were provided.

A tenant parking update was provided by the landlord with the current application and shows the current tenant mix. The total parking requirement for all other tenants in the center is 72 parking spaces. The Escondido Zoning Code requires places of assembly to have one parking space for every 100 SF of assembly area with no fixed seating. The subject 775 SF suite would require 8 parking spaces ($775 \text{ SF} \div 100$). The total parking requirement for all tenants, including the subject meeting room, is 80 parking spaces, where 81 spaces are existing. Since the majority of meetings would be held after normal business hours, there would be excess parking spaces in the remainder of the center available for the group members when additional parking spaces are needed. It is anticipated that adequate parking spaces also would be available if the meeting hours were expanded in the future. At various times during the day several on-site parking spaces were observed to be available. In addition, street parking is available on Orange Street, 3rd Avenue and Escondido Boulevard. Due to the number of office uses in the center, it is anticipated that adequate parking spaces also would be available for meetings during weekend hours.

Staff feels the proposed Conditional Use Permit is appropriate, since the site can accommodate the size of the proposed meetings, all off-street parking requirements can be met, on-street parking is available, and there would be few times when all businesses would have overlapping hours of operation.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The 1.29-acre site is fairly level and has been previously developed with a commercial center, including paved access drives and parking, and three buildings. Two buildings are single-story and one building is two stories in height. Direct driveway access to the site exists from Third Avenue and the alley. There is no native vegetation on the site. Vegetation on the site consists of mature trees and ornamental landscaping.

B. SUPPLEMENTAL DETAILS OF REQUEST

- 1. Property Size: 1.29 acres
- 2. Building Size: "A" & "B" 8,458 SF, 2-story
"C" 6,480 SF, 1-story
"D" 7,783 SF, 1-story
- 3. Suite Size: 775 SF
- 4. Hours of Meetings: Monday - Sunday, 7:00 a.m. - 9:00 p.m. proposed
- 5. Number of Group Members: 15-20 per session on average
40-49 maximum for special sessions
- 6. Landscaping: The commercial center is landscaped. No landscaping would be impacted by the proposed Conditional Use Permit.

C. CODE COMPLIANCE ANALYSIS:

	<u>Required</u>	<u>Provided</u>
1. Parking:	18,496 SF @ 1 space/300 SF= 61.65 (office)	
	1,362 SF @ 1 space/250 SF= 5.44 (retail)	
	600 SF @ 1 space/200 SF= 3.0 (medical)	
	1,362 SF @ 1 space/600 SF= 2.27 (salon)	
	Proposed Meetings = <u>8 (assembly)</u>	
	Total for site 80 spaces	81 existing spaces

**FINDINGS OF FACT
PHG 09-0015
EXHIBIT "A"**

Conditional Use Permit

1. Granting the proposed Conditional Use Permit would be based upon sound principles of land use and in response to services required by the community since the meeting room would be located within a commercial center and surrounded by compatible commercial uses. Adequate off-street parking spaces are provided to serve all existing and proposed uses and the tenant space would meet all requirements of the Zoning, Building and Fire Codes.
2. The proposed use would not cause a deterioration of bordering land uses or create special problems in the area in which it is located since the site is mostly surrounded by compatible commercial uses, adequate parking would be provided to serve all uses on the site, and the number of people attending meetings would be limited to 49. There have been no complaints from surrounding neighbors or other tenants in the center and the meeting room would be in conformance with all requirements of the Building Division and Fire Department.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood and has been determined to be compatible with the surrounding properties. The meeting room would be located within an existing commercial center and the suite is surrounded by other compatible commercial uses. Also, there has been no record of any problems or complaints from users of the site to the City or the landlord.

**CONDITIONS OF APPROVAL
PHG 09-0015
EXHIBIT "B"**

Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
4. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
5. No signage is approved as part of this permit. All proposed signage shall comply with the requirements of the Interim Downtown Specific Plan. A separate sign permit shall be required prior to the installation of any signs.
6. As proposed, a minimum of 81 striped parking spaces shall be provided in conjunction with the commercial center. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards.
7. Parking for disabled persons shall be provided (including "Van Accessible" spaces and access aisle) in full compliance with chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
8. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
9. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
10. This CUP shall become null and void unless utilized within twelve months of the effective date of this approval.
11. The details, including uses, type of activities, hours of operation, and the design of the project shall be in substantial conformance with the plans/exhibits and details in the staff report, to the satisfaction of the Planning Division.
12. This Conditional Use Permit is for the meetings of social, professional and youth organizations, including political, veterans, civic, labor, charitable, and similar organizations.
13. Group meetings are permitted within this suite seven days a week, between the hours of 7:00 a.m. and 9:00 p.m.
14. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding performance of the operation of the facility and/or non-compliance with the conditions of project approval.

15. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure, to the satisfaction of the Planning and Engineering Services Divisions.
16. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.

Landscape Conditions

1. All existing vegetation required as part of previous project approvals, shall be maintained in a flourishing manner and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All existing irrigation shall be maintained in fully operational condition.

Fire Department Conditions

1. A sign shall be posted within the tenant space indicating that the maximum occupancy is 49 persons, to the satisfaction of the Building Division and Fire Department.

Building Division Conditions

1. The occupant load of the tenant space shall not exceed 49 at any time for meeting use.