

PLANNING COMMISSION

Agenda Item No.: _____
Date: March 23, 2010

CASE NUMBER: PHG 09-0049

APPLICANT: Petar and Marija Banovic

LOCATION: An approximately 13,939 SF parcel generally located on the eastern side of Avocado Avenue, between Lincoln Avenue and Borden Road, addressed as 1080 Avocado Avenue (APN 228-340-19).

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A request for a Conditional Use Permit to expand an existing six-bed residential care facility in the R-1-8 zone (Single-family Residential – 8,000 SF minimum lot size) to a 12-bed residential care facility. The proposed expansion would involve adding approximately 900 SF of floor area to the rear of the residence to provide four additional bedrooms and four additional bathrooms. Two new parking spaces would be provided in front of the residence adjacent to the existing garage.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: Urban II (up to 12 dwelling units per acre)

ZONING: R-1-8 (Single-family Residential – 8,000 SF minimum lot size)

BACKGROUND/SUMMARY OF ISSUES: The applicants purchased the existing residence in September of 2006 and renovated the interior and exterior of the residence with the intention of acquiring a license for a six-bed Residential Care Facility for the Elderly (RCFE). A RCFE provides care, supervision and assistance with activities of daily living, such as bathing and grooming for elderly residents. A six-bed RCFE license was issued by the Community Care Licensing Division of the County of San Diego in November of 2007; and the first clients moved into the facility in February of 2008. State law exempts residential care facilities with six beds or fewer from any additional zoning regulations exceeding those that would apply to a single-family residence. Facilities with more than six beds are subject to the Conditional Use Permit process.

The applicants are now requesting a Conditional Use Permit to expand their six-bed facility to a 12-bed facility. The expansion would be accomplished by adding 900 SF of floor area to the rear of the single-story residence to provide four additional bedrooms and four bathrooms. A total of nine bedrooms would be available to clients including three double occupancy, and six single occupancy rooms. At least one caregiver would be on the premises at all times and an additional bedroom would be available for use by caregivers.

Staff has identified the following issue:

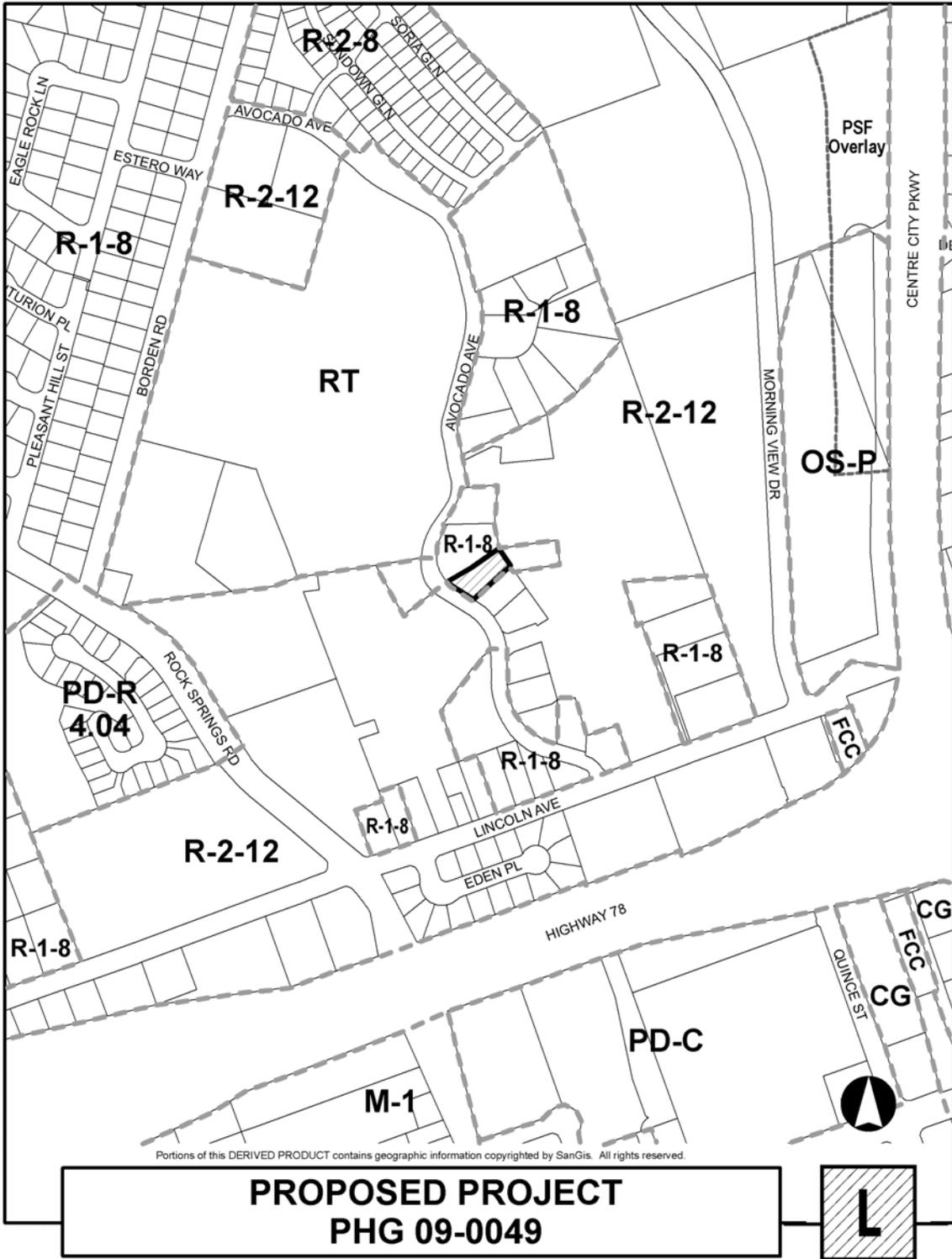
1. Whether the proposed increase in building size and the number of residents is compatible with the surrounding residential neighborhood.

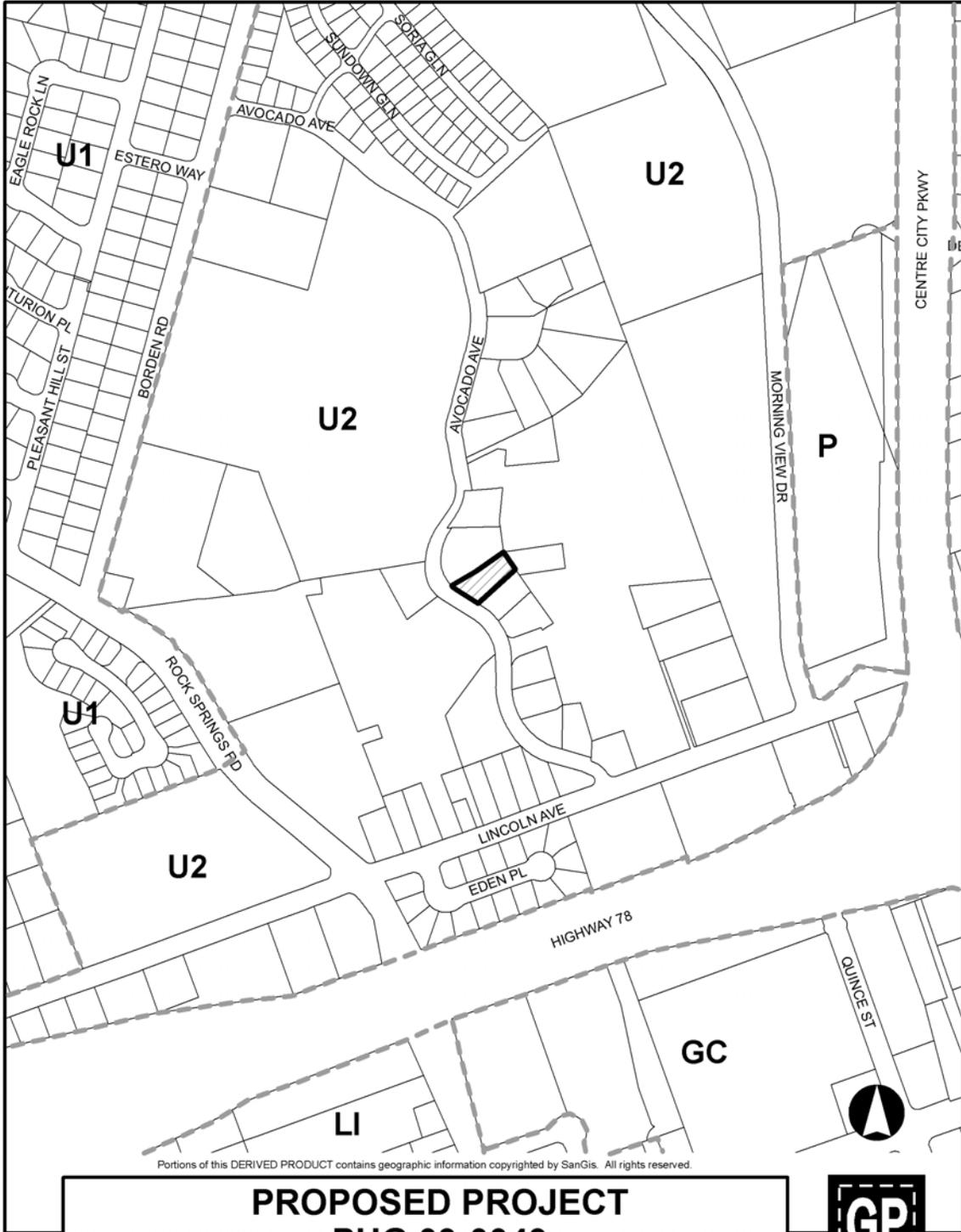
REASONS FOR STAFF RECOMMENDATION:

1. Staff feels the proposed building expansion and increase in the number of residents is consistent with General Plan goals to provide housing for special needs households including the elderly. The facility allows residents to live in a residential environment rather than an institutional setting. Staff feels the proposed addition of 900 SF to the residence and the increase to 12 residents can be reasonably accommodated on the site since the property is of adequate size and adequate parking can be provided. The expanded care facility and additional residents would not create significant noise or parking impacts, nor deteriorate service levels on adjacent streets.

Respectfully submitted,

Bill Martin
Principal Planner

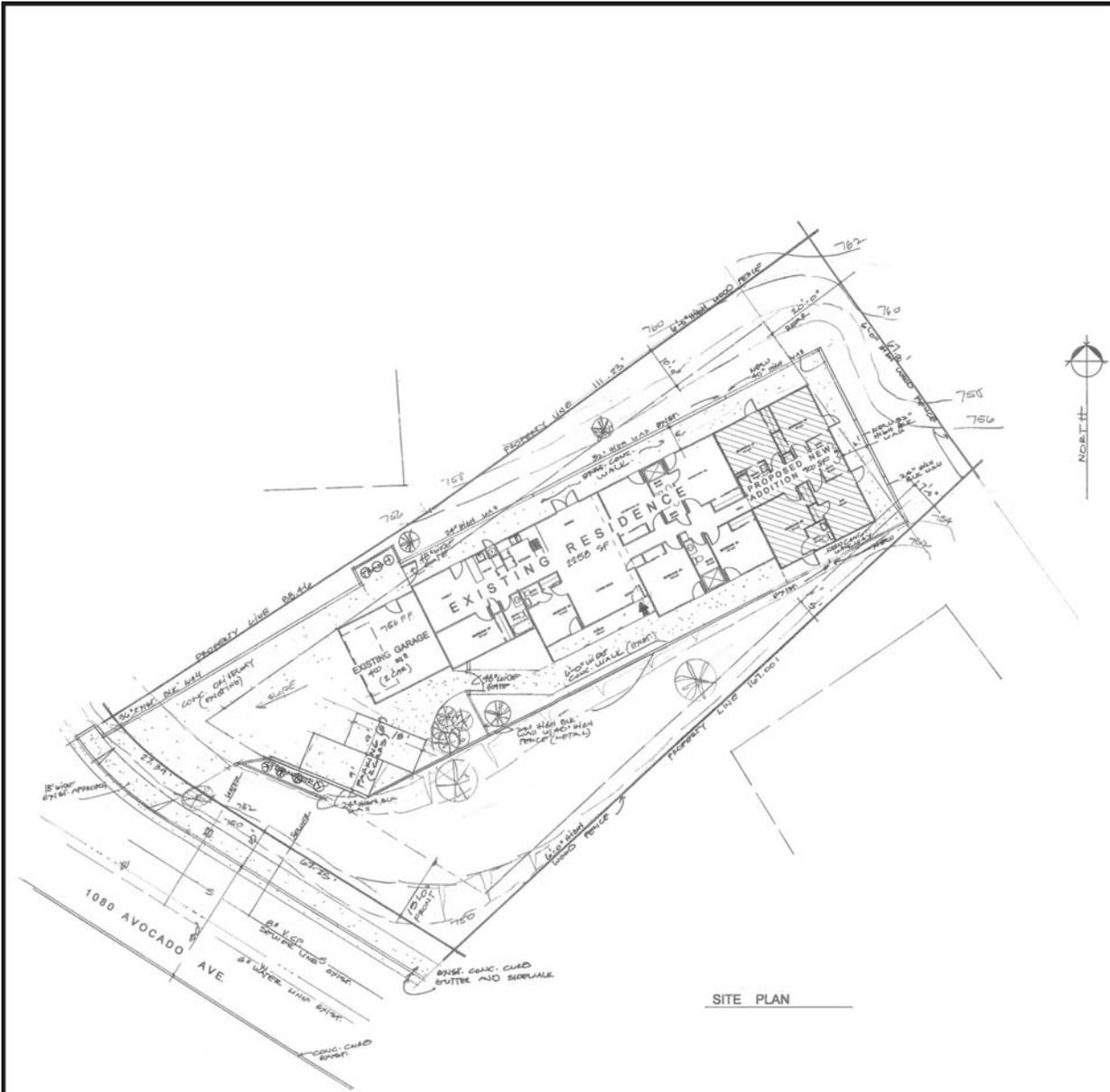




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**PROPOSED PROJECT
PHG 09-0049**



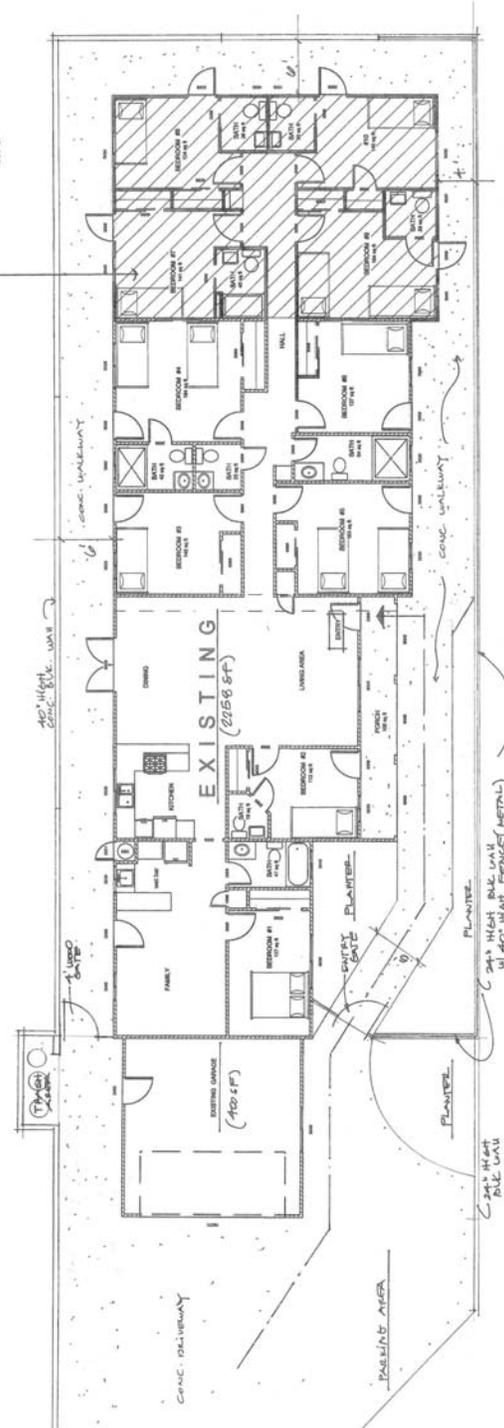


**PROPOSED PROJECT
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SITE PLAN

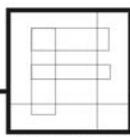
PROPOSED NEW
 ADDITION
 900 SF



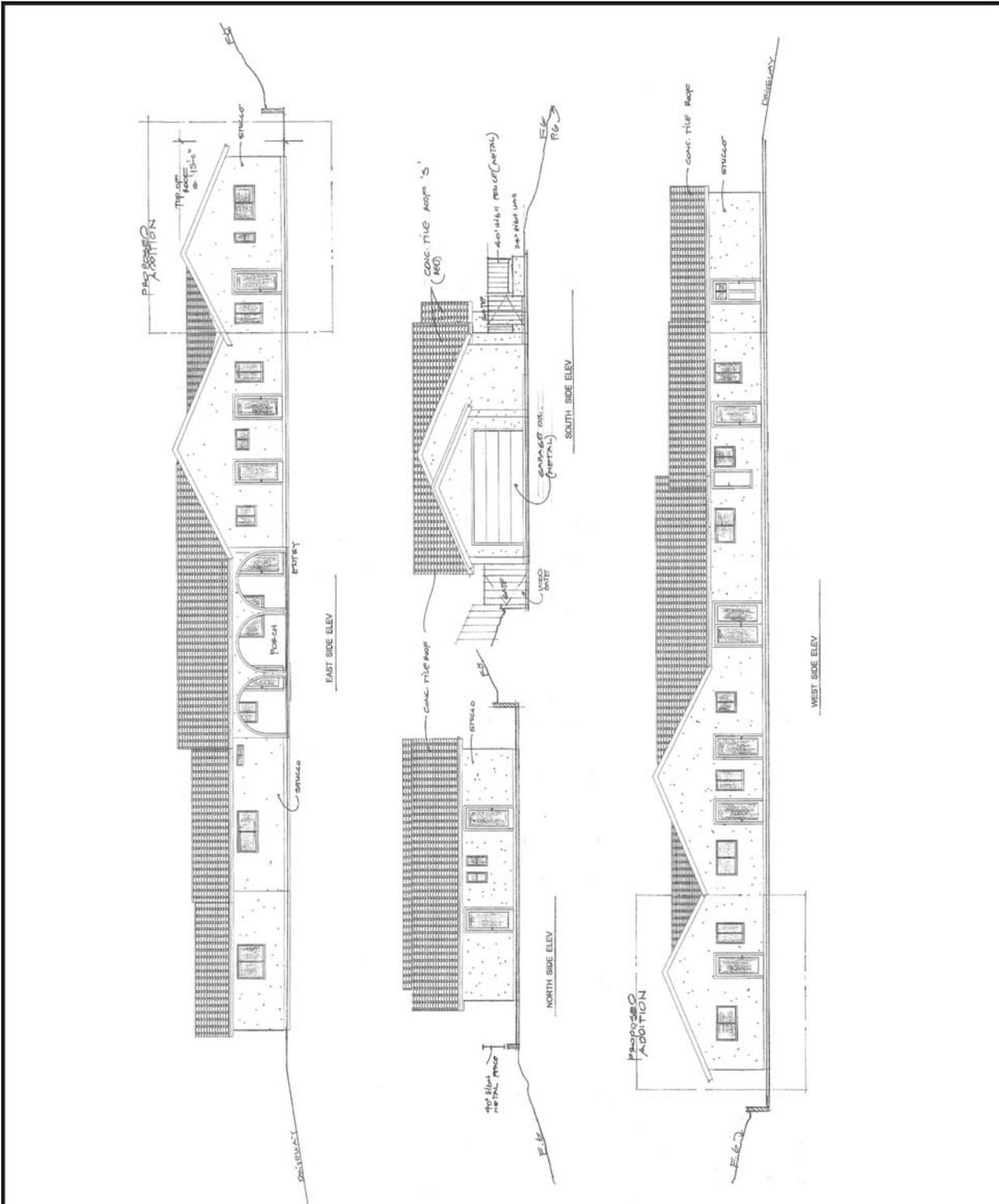
EXISTING RESIDENCE:
 6 BEDROOMS
 5 BATH ROOMS
 PROPOSED ADDITION:
 4 - BEDROOMS
 4 - BATH ROOMS

FLOOR PLAN

**PROPOSED PROJECT
 PHG 09-0049**

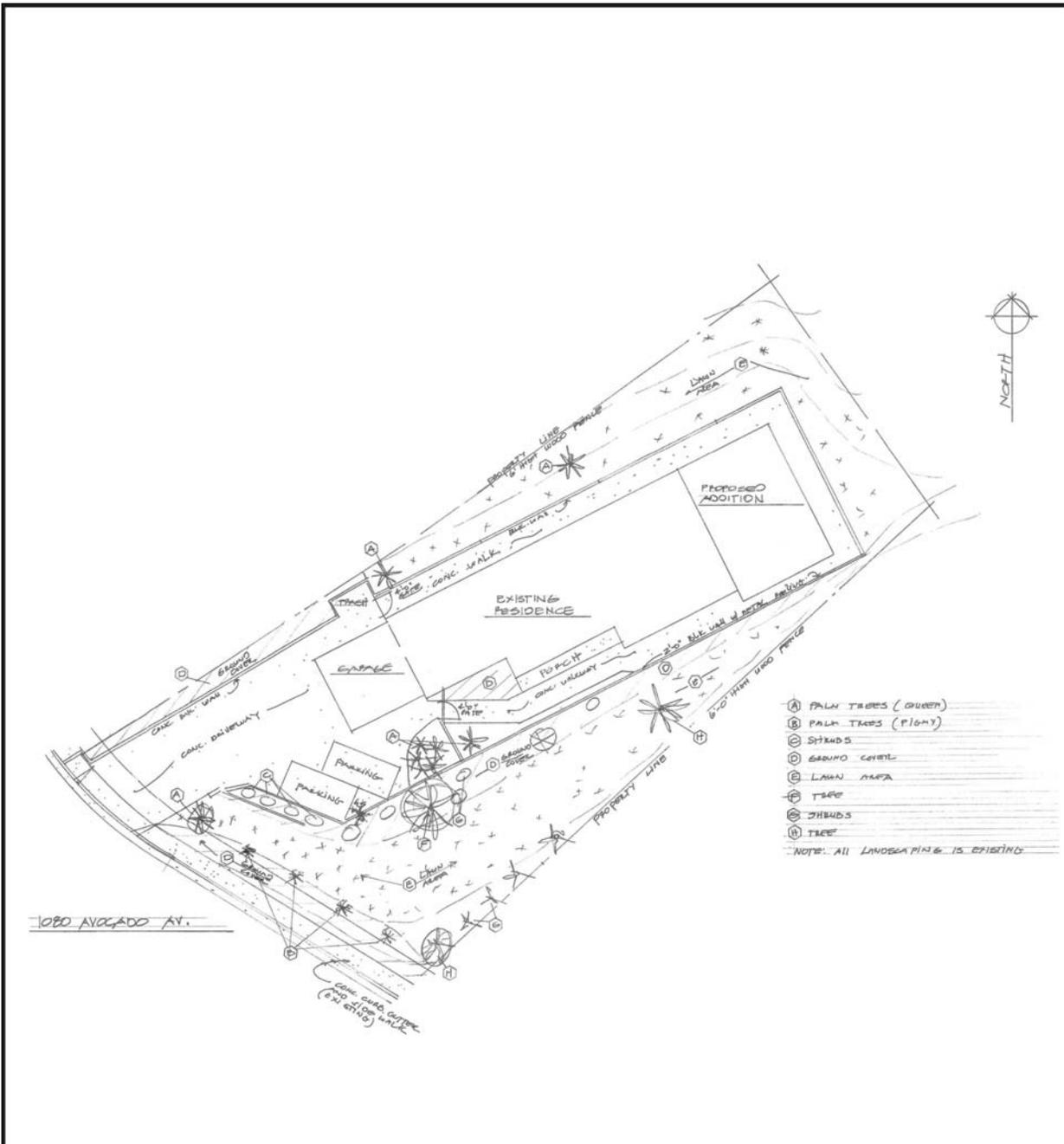


FLOOR PLAN



**PROPOSED PROJECT
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EXISTING LANDSCAPE PLAN

**PROPOSED PROJECT
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LANDSCAPE PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - R-1-8 (Single-family Residential – 8,000 SF minimum lot size) zoning/ Single-family residence on a 0.60-acre lot.

SOUTH - R-2-12 (Light Multiple Residential – up to 12 dwelling units per acre) zoning/ Single-family residence on a lot approximately 13,000 SF in size.

EAST - R-1-8 zoning/ Single-family residence on a lot approximately 15,000 SF in size.

WEST - R-1-8 and R-2-12 zoning/ Across Avocado Avenue is a single-family residence on a lot approximately 20,000 SF in size and an open space area associated with a 83-unit condominium development.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. Effect on Fire Service – The site is served by Fire Station No. 1 (310 North Quince Street), which is within the seven and one-half minute response time specified for urbanized areas in the General Plan. Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that fire sprinklers will be required for the building. 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 takes access from Avocado Avenue, which is an un-classified residential street. Based on SANDAG's traffic generation rates for the San Diego region, the project would generate approximately 2.5 trips per bed, or approximately 15 ADT for the proposed six-bed expansion, which is well within the capacity of the surrounding streets. According to the Engineering Division, 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 available within the adjoining street or easement. The project does not materially degrade the levels of service of the public sewer and water system.
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.

C. ENVIRONMENTAL STATUS

1. The project is exempt from environmental review in conformance with Section 15301 "Existing Facilities" of the California Environmental Quality Act (CEQA). A Notice of Exemption was issued on March 11, 2010."
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 Urban II which allows up to 12 dwelling units per acre. The requested Conditional Use Permit is consistent with the Urban II designation of the General Plan since residential care facilities are customarily permitted by Conditional Use Permit when conditioned to observe the underlying zone and related ordinance restrictions, and when compatible with surrounding properties.

Whether the Proposed Increase in Building Size and the Number of Residents is Compatible with the Surrounding Residential Neighborhood

The applicant is proposing to increase the capacity of an existing single-story residential care facility from six residents to 12 residents by adding four bedrooms to the existing six-bedroom home. Staff has toured the facility and noted that it is well-maintained and that the six existing residents occupy five bedrooms, while the other bedroom is used by caregivers. The proposed expansion would involve adding 900 SF to the rear of the residence to provide the four new bedrooms and bathrooms. A total of nine bedrooms would be available to clients including three double occupancy, and six single occupancy rooms. The single-story addition has been designed to match the existing home and would meet all setback requirements and development standards for the R-1-8 zone. On March 11, 2010, the Design Review Board voted unanimously to approve the design and materials for the proposed building addition.

The residential care facility is bordered by single-family residential homes. An existing six-foot high wood fence along the northern, eastern and southern boundaries provides privacy and security for the facility. Views into the backyard area of the facility where the building expansion is proposed are fairly limited with the exception of the two-story residence directly to the east. This two-story home is set back approximately 30-40 feet from the property line and will have views of the proposed building addition, particularly from the second story. The residence to the north, although elevated above the site, has a significant amount of landscaping that will block most views of the building addition and the home to the south will have limited views due to its is down slope location and fencing. Although there will be views of the proposed building addition from adjoining properties, the design retains the appearance of a single-family residence. The proposed building addition meets all required R-1-8 standards including setbacks, and has a single story design with materials that match the existing structure. The addition of six new residents would not change the operational characteristics of the facility or significantly increase traffic in the neighborhood. Staff feels the proposed building addition and increase in the number of residents and would therefore be compatible with surrounding properties.

Although none of the residents drive or have a vehicle on the property, the addition of six beds to the facility would require two additional parking spaces for a total requirement of four parking spaces. The property has two covered parking spaces in the attached garage. The applicant is proposing to stripe two additional spaces on a paved area adjacent to the southern side of the garage to provide the required parking. Section 1129B.2 of the California Building Code requires one parking space to have minimum width of 14 feet for accessible parking in parking areas where less than five parking spaces are provided. The site contains enough area to meet the requirement but will likely require some minor modifications to the existing retaining wall adjacent to the open parking area. A condition has been added to require conformance with accessible parking standards.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The site is a hillside residential lot that slopes downward from north to south. Retaining walls up to approximately four feet in height are located on both the northern cut slope area and the southern fill slope area. The site has been completely disturbed by the construction of the existing residence (now utilized as a residential care facility) and associated landscaping. No areas of native vegetation remain on the property.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 13,939 SF
2. Building Size:
 - Existing: 2,258 SF
 - Proposed Addition: 900 SF
 - TOTAL: 3,148 SF + 400 SF garage
3. Hours of Operation: Care is provided 24-hours/day.
4. Number of Employees: 3 employees. One caregiver on duty per shift.
5. Building Colors/Materials: Beige stucco exterior with white wood trim, white vinyl windows, and terra cotta concrete "S" tile roof. Colors and materials for proposed addition will match existing.
6. Number of Bedrooms: Six existing bedrooms including one used by caregivers. Four new bedrooms proposed. Nine resident bedrooms are proposed including three doubles and six singles for 12 residents.
7. Number of Residents: Six (12 proposed)

C. CODE COMPLIANCE ANALYSIS

	<u>Proposed</u>	<u>R-1 Standards</u>
1. Setbacks:		
Front (East):	39 feet (existing)	20 feet (for garage)
Side (North):	13 feet (existing)	10 feet
Side (South):	7 feet (proposed)	5 feet
Rear (West):	20 feet (proposed)	20 feet
2. Parking:	4 spaces (2 in garage and two uncovered) No residents drive or have vehicles.	4 spaces (1 per 3 beds)
3. Building Height:	16.5 feet existing 15 feet for new addition	Maximum 35 feet
4. Lot Coverage:	25.5%	Maximum 40%

**FINDINGS OF FACT
PHG 09-0049
EXHIBIT "A"**

1. Granting the Conditional Use Permit would utilize sound principles of land use in response to services required by the community since the proposed residential care facility would provide needed housing for community residents that have special needs. The General Plan supports the development of residential care facilities through the Conditional Use Permit process. The proposed project would not diminish the quality of life standards of the General Plan since as the project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided to the site.
2. The proposed Conditional Use Permit will not cause a deterioration to bordering land uses or special problems for the area in which the facility is located since adequate setbacks, parking, access, and landscaping areas are provided. The proposed use is residential in nature and operational procedures are regulated by the State of California Department of Social Services.
3. The granting of the Conditional Use Permit has been considered in relationship to its effect on the community plan and has been found to be in conformance with the General Plan and zoning since the use is conditionally permitted in the R-1 zone and the increase in the size of the residential facility is appropriate for the increased number of residents and will be constructed in conformance with all development standards of the R-1 zone.

**CONDITIONS OF APPROVAL
PHG 09-0049
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. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. 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.
5. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. 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.
7. As proposed, two garage spaces and two striped parking spaces shall be provided in conjunction with this development. Striped parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the building plans or a note shall be included on the plans indicating the intent to double-stripe per City standards
8. Parking for disabled persons shall be provided in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code for parking lots with less than five spaces. The open parking area shall be modified as needed to meet these requirements. 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.
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. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the Design Review Board on March 11, 2010, and the exhibits and details in the staff report to the satisfaction of the Planning Division.
11. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code).
12. All new utilities shall be underground.

13. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
14. 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.
15. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
16. This CUP shall become null and void unless utilized within twelve months of the effective date of approval. Utilization shall be defined as the start of grading in reliance upon an approved grading permit, or in the event a grading permit is not required, upon the start of foundation construction in accordance with an approved building permit.
17. All habitable buildings shall be noise-insulated to maintain interior noise levels not exceeding 45 dBA or less.
18. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform to the conceptual grading as shown on the Tentative Map.
19. The operation of this facility shall be in accordance with all applicable state and/or county laws and licensing requirements. A City of Escondido business license shall be maintained at all times.
20. No more than 12 clients may reside in the building at any one time.
21. The premises shall be made available for inspection by City staff during hours of operation and shall provide such records, licenses or other materials necessary to show evidence of compliance with the conditions of this permit.
22. This item may be referred back to the Planning Commission upon recommendation of the Director of Planning and Building 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.
23. The Escondido Fire Department has indicated that sprinklers will be required in the building. All requirements of the Escondido Fire Department shall be met prior to final inspection of the building addition and increasing the capacity to 12 clients.
24. The applicant shall be responsible for implementing all required BMP's during construction to control runoff from the site to the satisfaction of the Engineering Division.
25. All site landscaping shall be maintained and repaired as needed following construction. All vegetation shall be maintained in a flourishing manner and kept free of all foreign matter and weeds. All irrigation shall be maintained in fully operational condition.