

PLANNING COMMISSION

Agenda Item No.: G.2
Date: October 23, 2012

CASE NUMBER: PHG 10-0021

APPLICANT: Faith Harbor Church

LOCATION: 442 and 444 S. Escondido Boulevard (APNs 233-150-20, -21 and -22)

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A Conditional Use Permit to operate a church and related religious and social activities within an existing commercial/office building within the Downtown Specific Plan Area.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: SPA 9 (Downtown Specific Planning Area)

ZONING: SP (Southern Gateway District)

BACKGROUND/SUMMARY OF ISSUES: Faith Harbor Church has been using an existing office building to conduct a variety of church and related activities over the past several years. The subject site is located within the Gateway District of the Downtown Specific Plan Area, and a Conditional Use Permit is required to operate a church within this commercial zone. The buildings previously contained a bank (Wells Fargo and North County Bank) and a variety of office uses. The property contains two separate two-story office buildings under a single roof with a central landscaped courtyard/atrium. The church has modified the first-floor interior of one of the buildings to conduct their main assembly/services and the first-floor of the other building is used for a variety of office, recreation, small meeting and counseling-type functions. The church also operates a food pantry (San Diego Dream Center Food Pantry) where they distribute pre-packaged food and groceries generally to families with children, seniors and the disabled two days a week. The parking lot area also would be used for various outdoor community functions on a limited bases. It is anticipated that use of the previously vacant building(s) as a church would be an interim use of the buildings until such time as the property is redeveloped.

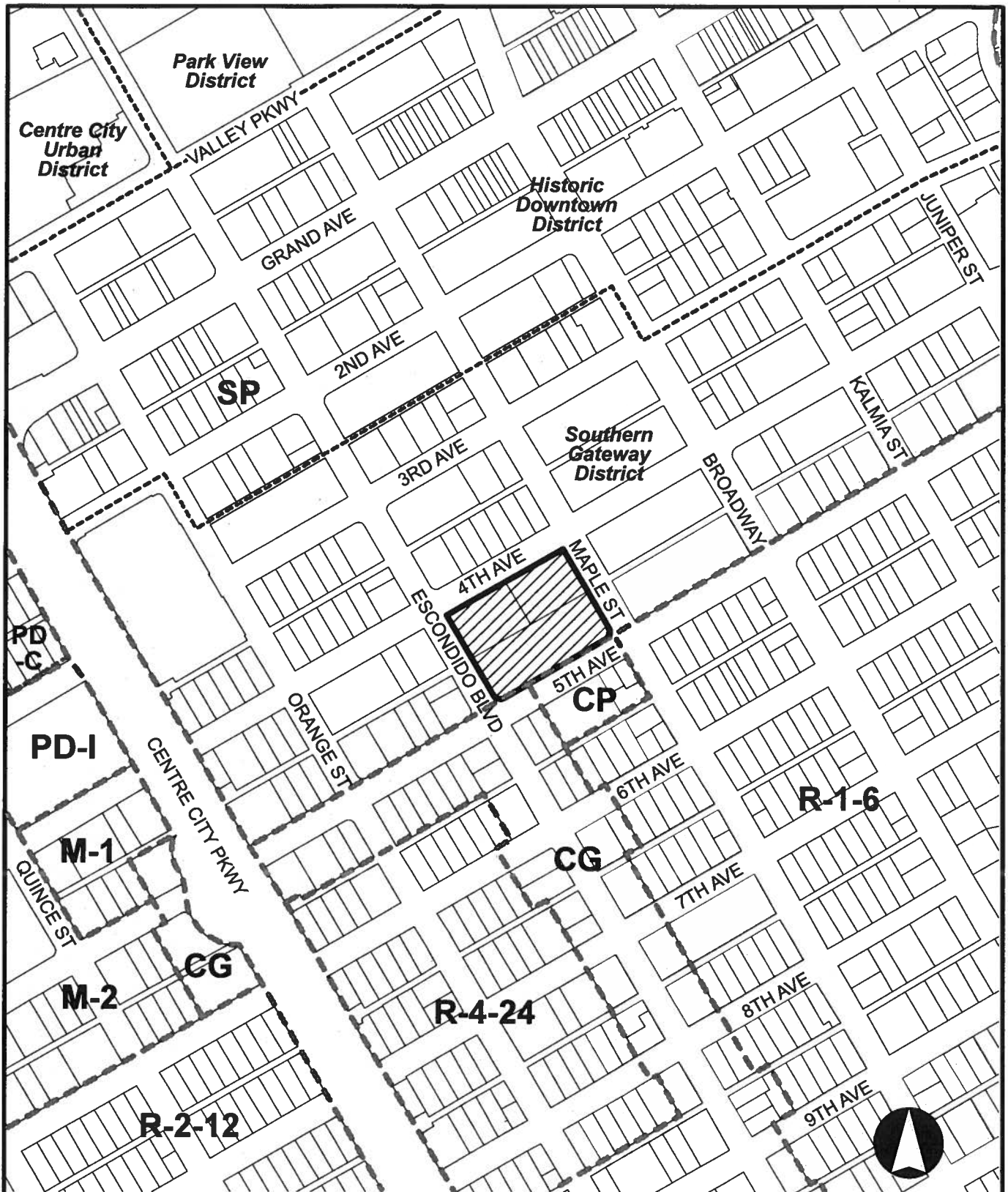
1. Whether the site is suitable to accommodate church and related activities, and compatibility with the surrounding neighborhood.

REASON FOR STAFF RECOMMENDATION:

1. Staff feels the existing site is appropriate to support a church and related functions since the buildings are large enough to accommodate the range of assembly and office/meeting type uses associated with the church. Church related functions typically are during off-peak hours that would have limited impacts to the surrounding neighborhood. The site has sufficient parking to accommodate a wide range of activities on the site.

Respectfully Submitted,


Jay Paul
Associate Planner

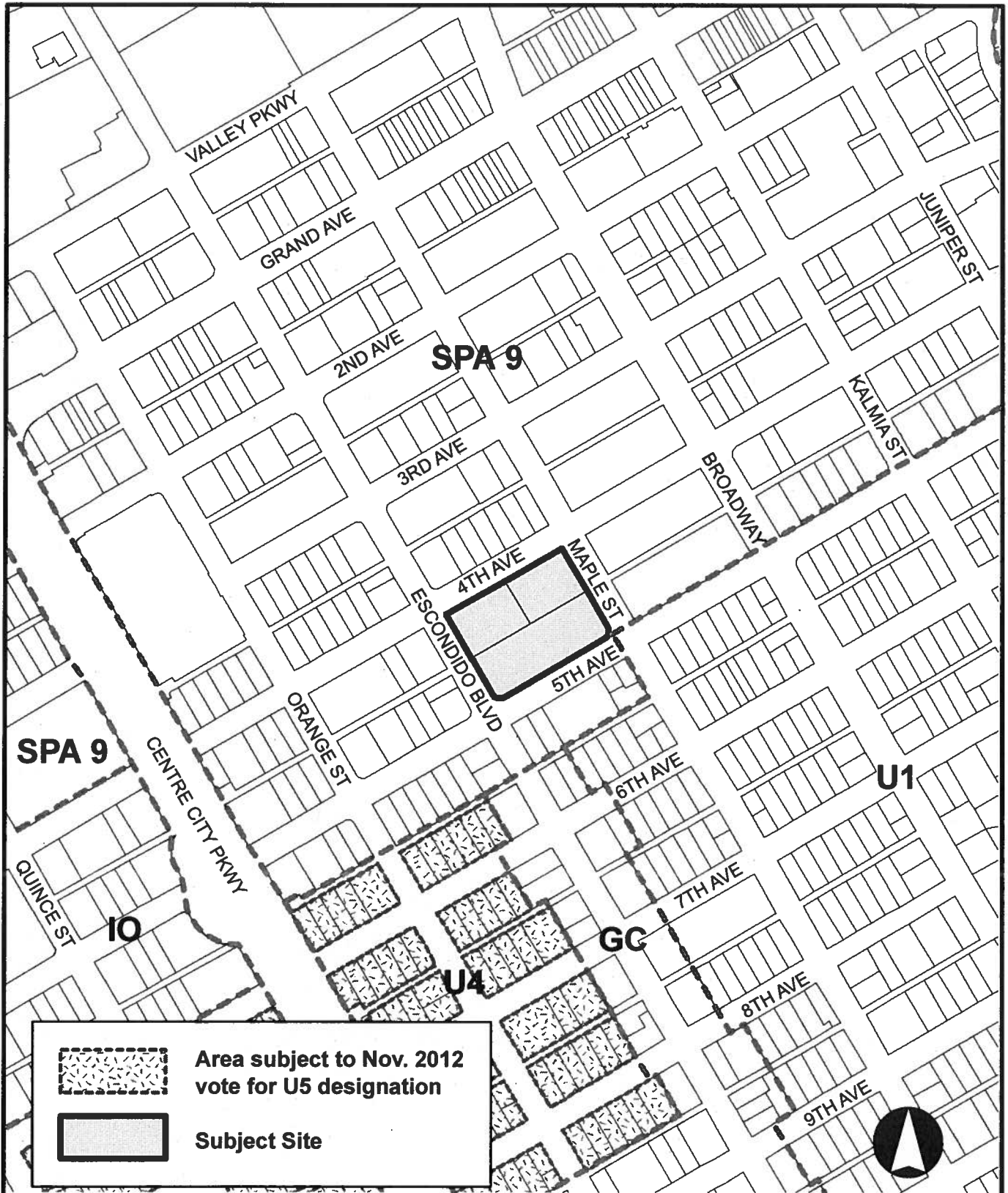


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**PROPOSED PROJECT
PHG 10-0021**



LOCATION/ZONING



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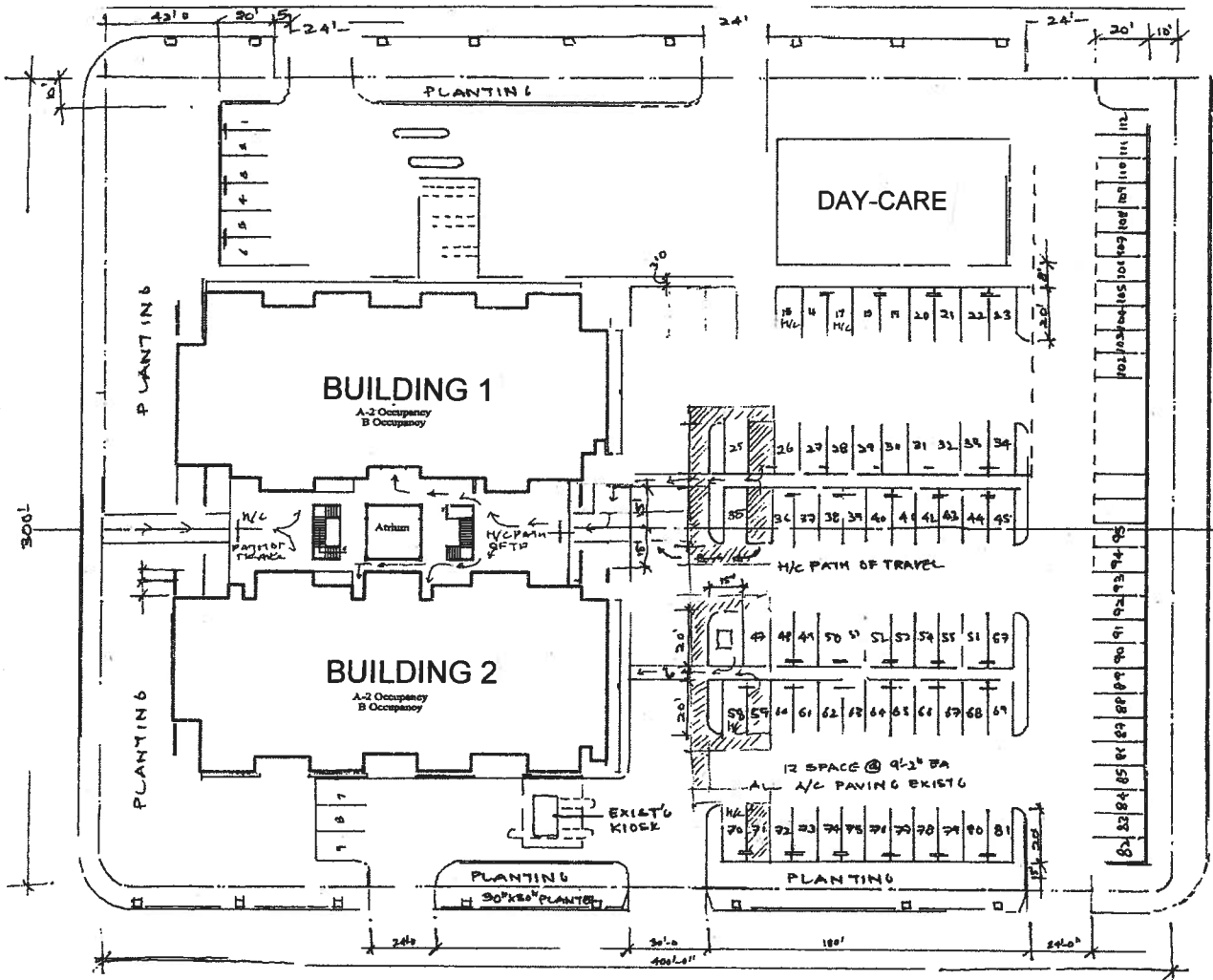
**PROPOSED PROJECT
PHG 10-0021**




4TH AVE

ESCONDIDO BLVD

MAPLE ST



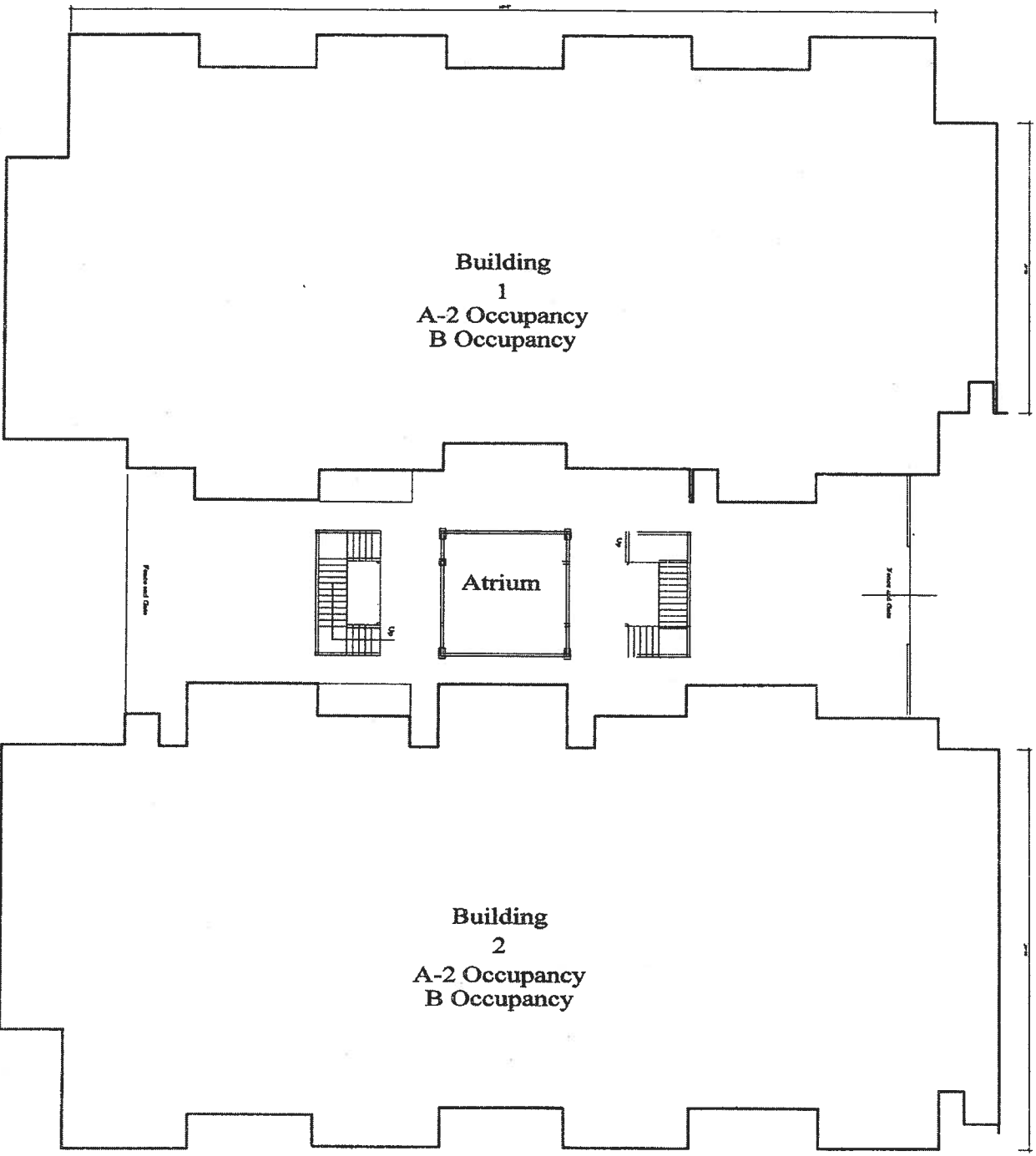
5TH AVE

SITE PLAN BUILDING USE CHANGE 
 NO ADDITIONAL SQUARE FOOTAGE
 NO CHANGE TO EXIST'G SLOPE FOR SITE DRAINAGE

**PROPOSED PROJECT
 PHG 10-0021**



SITE PLAN

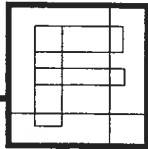


Building
1
A-2 Occupancy
B Occupancy

Atrium

Building
2
A-2 Occupancy
B Occupancy

**PROPOSED PROJECT
PHG 10-0021**

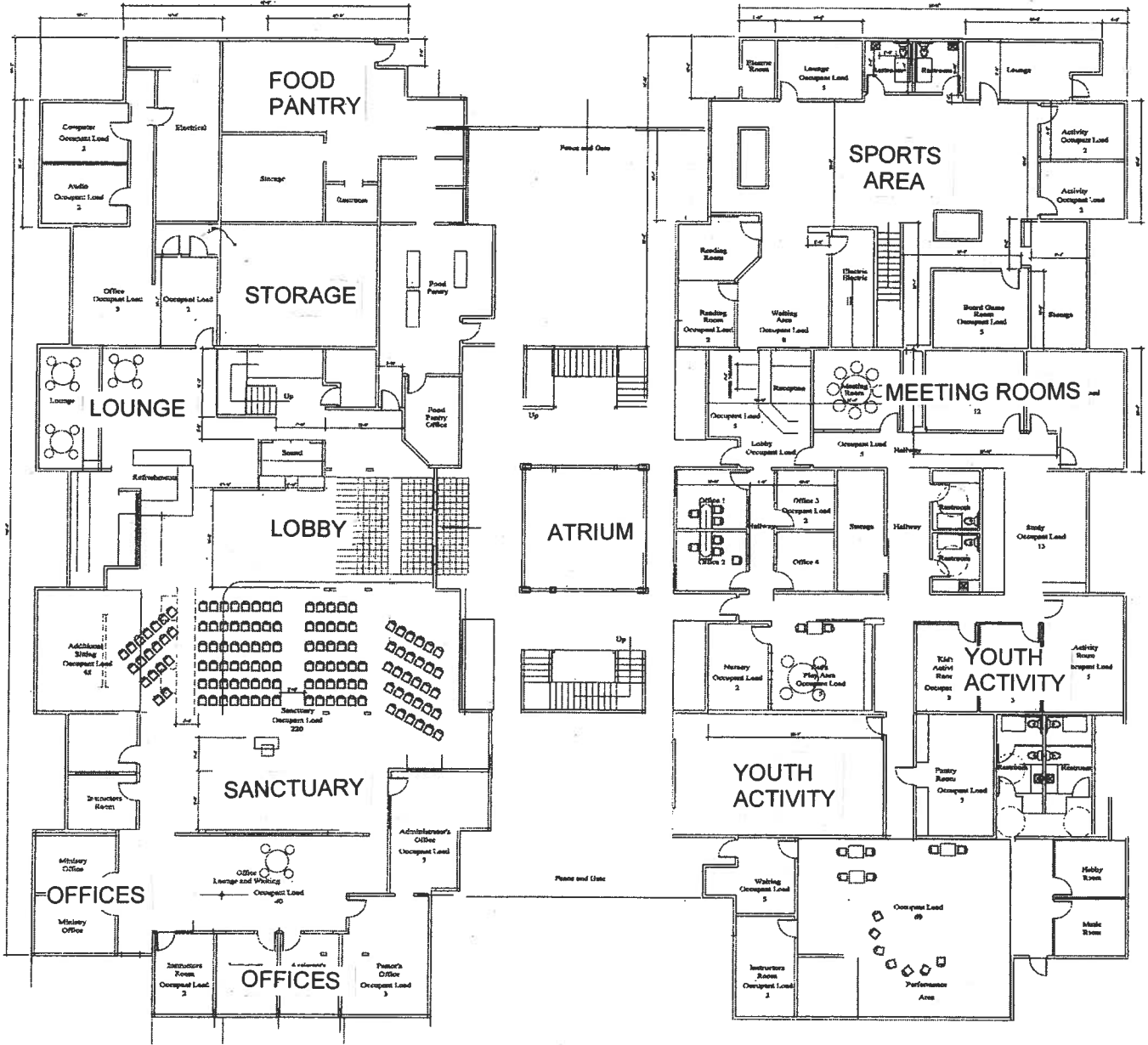


FLOOR PLAN

PARKING

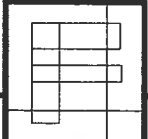
BUILDING 1

BUILDING 2



FIRST FLOOR PLAN

**PROPOSED PROJECT
PHG 10-0021**



FLOOR PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: SP (Specific Planning Area) A used auto dealership is located west of the site across 4th Avenue. There also are four single-family homes to the northeast across 4th Avenue. The front of the homes orient towards the project site and parking lot of the facility. On-street parking along 4th Avenue is not restricted.

SOUTH: CP and CG zoning (Commercial Professional and General Commercial) Commercial offices and limited residential uses are located south of the site across 5th Avenue. Residential homes also are located to the southeast of the site and parking lot for the facility. On-street parking along 5th Avenue is not restricted.

EAST: SP (Specific Planning Area) Central Elementary School is located east of the site across Maple Street. On-street parking along Maple Street is not restricted,

WEST: SP (Specific Planning Area) A variety of commercial/office uses are located west of the site across Escondido Boulevard. On-street parking along Escondido Boulevard is restricted within the vicinity of the project.

B. ENVIRONMENTAL STATUS

1. In accordance with the California Environmental Quality Act (CEQA) Section 15301, "Existing Facilities" the request is exempt from environmental review.
2. In staff's opinion, the project would not have a significant impact to the environment and no significant environmental issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

C. AVAILABILITY OF PUBLIC SERVICES

1. **Effect on Police Service** -- The Police Department expressed no concern regarding their ability to serve the site.
2. **Effect on Fire Service** -- The Fire Department expressed no concern regarding their ability to serve the site. The site is served by Fire Station No. 1. The project will be required to incorporate appropriate fire safety measures to include items such as fire extinguishers and fire alarm systems as part of the required building permits for the facility.
3. **Traffic** -- The project site fronts onto four streets (4th Avenue, Maple Street, 5th Avenue and Escondido Boulevard). Escondido Boulevard and 5th Avenue are classified as Collector Roads (84' R-O-W). Access is provided from multiple driveways along 4th Avenue and 5th Avenue. Parking along 4th Avenue, 5th Avenue and Maple Street is not restricted. The Engineering Division indicated the vehicle trips generated by the church are not anticipated to result in any adverse impacts to the adjacent street segments or intersections since the streets would continue to operate at acceptable levels and the bulk of the traffic is generated during non-peak hours and on the weekends. The Engineering Division has included conditions that the property owner upgrade current ADA access ramps at certain intersections and repair any damaged sidewalks around the project frontages in order to adequately serve the pedestrian public that would be served by this project.
4. **Utilities** -- City sewer and water mains with sufficient capacity to serve the project are available in the adjoining streets or easement. The Engineering Department concluded the project would not materially degrade the level-of-service of the public sewer and water system.
5. **Drainage** -- There are no significant drainage courses on or adjacent to the project site. Runoff from the project would be directed to the adjoining public street or other drainage facility. The Engineering Department concluded the project would not materially degrade level-of-service of the existing or downstream drainage facilities.

D. CONFORMANCE WITH CITY POLICY

General Plan

The proposed CUP modification is consistent with the goals and policies of the General Plan since churches, schools and related religious activities are conditionally permitted within the Downtown Specific Plan Area, subject to the issuance of a Conditional Use Permit. The proposed use of the site as a church would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities.

Whether the site is suitable to accommodate church and related activities, and compatibility with the surrounding neighborhood.

Faith Harbor Church has submitted a request to continue to use a former commercial/office building for their church and church-related activities. The request is in response to a code enforcement action regarding use of the site since a Conditional Use Permit is required to operate a church within this commercial zone. The church has been allowed to continue their operation while the use permit is being processed, but also has been required to address certain code issues regarding ongoing property maintenance. The Code Enforcement Division and Planning Division have not received any previous complaints regarding the current operational components of the facility, other than ongoing property maintenance issues. The Pastor feels that previous and potential issues regarding transient activities at the site and other inappropriate activities that might occur are greatly diminished by the presence of a viable church use on the site. Although, he also indicated since the church is still relatively small, but growing, they do not maintain personnel at the facility on a day-to-day basis to monitor all activities that might occur on the property.

A Master and Precise Development Plan previously was approved to demolish the existing buildings on the property and develop a mix-used residential/commercial project on the site. However, the development permit is due to expire this year. The applicant feels the church is a good use of the building as an interim use until such time as the property is redeveloped in accordance with the Downtown Specific Plan. Staff also feels the building is suitable for assembly type uses and for the range of uses provided by Faith Harbor Church since the interior space can easily be converted to assembly type uses, and also functions well for office, meeting spaces and indoor recreational needs of the parishioners. The orientation of the building entrances and interior courtyard also help to avoid any potential noise or compatibility issues with adjacent residential uses. The majority of the activities at the site also are conducted during off-peak hours or the weekends, which also helps to reduce any potential compatibility or traffic related issues with adjacent business and Central Elementary School located to the south across Maple Street.

Public Input

Staff received a letter (attached) from a nearby property owner expressing concern regarding the ongoing maintenance of the facility, insufficient security lighting and security for on-site transient activity. The Downtown Business Association (DBA) has indicated support for the use of the existing office buildings as a church facility. However, they expressed concerns regarding the operation of a food-type kitchen that might not be compatible with the goals of the downtown area. Maintenance of the building, grounds and landscaping has been an on-going code enforcement issue for the site since the former bank and other offices uses vacated the buildings in anticipation of the site being redeveloped as a mixed-use project. The church has been the only tenant since that time, and the Church's Pastor (Robert Granger) indicated they have tried to respond to past code requests to address specific issues such as graffiti, trash, landscape maintenance, loitering and recreational vehicles parking on the site. However, the Pastor indicated that since they only lease the site, their small congregation has limited resources and maintenance is provided by church members to the best of their ability. The Pastor also indicated they are reluctant to commit significant capital resources into the building and grounds because they do not own the property and the owner has future plans to redevelop the site. Staff feels that ongoing maintenance is both the responsibility of the property owner and the church, and the project has been conditioned to provide the appropriate level of building and property maintenance prior to the issuance/final of any required building permits and certificate/change of occupancy for the continued use of the site.

Parking - The greatest peak demand for the site most likely would occur on Sundays when the church could operate at full capacity. Each building operating at full capacity at the same time would require up to 103 parking spaces. There are 114 on-site spaces, which is more than adequate to accommodate the proposed uses at the site. Although there is more than sufficient on-site spaces, the project conditions would limit the scheduling of concurrent activities to ensure adequate on-site parking. On-street parking also is available along the 4th Avenue, 5th Avenue and Maple Street to accommodate any potential overflow parking needs, but is not counted towards meeting the required parking.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The approximately 2.75-acre site is comprised of three parcels and is developed with a two-story office building(s) and separate single-story building that was constructed in the 1920s. The site contains a paved parking lot and is surrounded on all sides by public streets. Ornamental landscaping is provided along all the project frontages, as well as sidewalks. Access is provided from existing driveways along 4th Avenue and 5th Avenue.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 2.75 acres (3 parcels)
2. Existing Buildings 1 and 2 26,300 SF
 - Building 1 (10,500 SF 1st Floor, 2,650 SF 2nd Floor)
 - Building 2 (10,500 SF 1st Floor, 2,650 SF 2nd Floor)
 - Day Care Bldg.: 2,750 SF

3. Description of Church Activities

Typical Daily and Weekly Activates:

Services	Sunday	10:00 a.m. – 12:00 p.m. 1:30 p.m. p 3:00 –p.m.	General Service Alternate Language Service
	Wed.	7:00 p.m. – 8:30 p.m.	Midweek Service
Other Functions:	Thurs.	6:30 p.m. – 8:00 p.m. 6:30 p.m. – 8:00 p.m.	Youth Group Night\ Women's Meeting
	Sat.	10:00 a.m. – 11:30 a.m. 3:30 p.m. – 4:30 –p.m.	Adopt-A-Block community outreach Prayer Meetings

^s
Food Pantry: Mon. and Fri. 10:00 a.m. – 11:30 a.m.

Outdoor Functions: Typically conducted on a limited basis, to include community fair/block party type events. Requires a separate Temporary Use Permit for each event to be issued by the City.

Note: These are typical hours, but days and hours may vary depending on need and demand

4. Parking: 109 required at max operation of church functions and existing day-care facility.
 - Existing 114 striped spaces
 - Required Church: 103 spaces if all uses functioning at same time (Sanctuary spaces/services requires a min. of 42 parking spaces. The balance of uses, such as office, meeting rooms, recreational and performance areas, generates the remaining parking requirement).
 - Required Day-Care: 6

Note: On-street parking currently allowed along 5th Street, 4th Street and Maple Street.

5. Signage: All signage subject to Sign Ordinance and Commercial Standards.

D. RELATED CASES:

TR 958
2007-03-PD

Tentative Subdivision Map, Specific Plan Amendment, Master and Precise Development Plan for a 133-unit mixed-use residential development with 10,010 SF of commercial/office space and a parking garage on the 2.74-acre property. The project was approved by the City Council on September 12, 2007. The project also includes a Development Agreement with a 5-year term, which is scheduled to expire in 2012.

2000-20-CUP

Conditional Use Permit to operate a day-care facility for up to 48 children within a 2,750 SF building.

EXHIBIT "A"

FINDINGS OF FACT PHG 10-0021

Conditional Use Permit

1. Granting this Conditional Use Permit to use the existing commercial building(s) and site for church services and related religious and social service type activities is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for area in which it is located because the buildings were developed for commercial/office type uses and can be converted to assembly uses. The orientation of the buildings and interior courtyard spaces would not create any noise or compatibility impacts to adjacent uses, especially residential uses. The site contains an appropriate amount of paved parking spaces to meet the peak demand anticipated for the facility. The office, social and meeting type uses would be consistent with the underlying commercial zoning and permitted uses of the building, as provided for in the Downtown Specific Plan (Gateway District). The use of the commercial/office building would not result in any adverse traffic impacts to the surrounding street and intersections, since peak trips generally would be during off-peak hours and Sundays.
2. The proposed CUP is consistent with the goals and policies of the General Plan since churches, schools and related religious activities are conditionally permitted within the Downtown Specific Planning Area. General Plan goals and policies allow for the construction of compatible uses provided effective measures are integrated into the design to adequately mitigate potential impacts to the surrounding neighborhood. The proposed use of the existing site and buildings for a range of religious and social-type activities would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities.
3. This proposal is in response to services required by the community since youth, educational and social programs provide services for the community and religious activities to the church members. The Church would continue to provide educational, social and recreational alternatives/choice tailored to the goals and needs of the congregation and community, while helping to reducing the demand on other similar services throughout the community.
4. In accordance with CEQA Section 15301, Class 1, "Existing Facilities" the request is exempt from environmental review. The proposed project would not result in any adverse impacts to the environment and no mitigation measures are required.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 10-0023

General

1. All construction and any site improvements shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Department, Building Division, and Fire Department. Appropriate building permits shall be submitted for the proposed interior improvements, perimeter lighting, change of occupancy, and shall address any required access, occupancy, egress, ADA and fire safety requirements.
2. Appropriate fire access and ADA compliant paths of travel shall be provided to the facility from the parking areas and public way, as required by the Fire Department, Engineering Division and Building Division. This shall be indicated on final site plans and building plans.
3. 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.
4. All uses, hours of operation, and activities related to the daycare/preschool operation shall be consistent with the Details of Request and conditions of approval contained within this report, as determined by the Community Development Director. A separate Temporary Use Permit is required for each outdoor/parking lot special event.
5. The facility shall not schedule concurrent activities and/or use of all the buildings at the same time that would create a peak parking demand that could potentially exceed the amount of parking available on site.
6. As indicated on the plans and staff report details of request, a minimum of 114 striped parking spaces shall be provided and maintained in conjunction with this development. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) 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.
7. All two-way drive aisles shall be provided between parking spaces, unless specifically noted on the plans and approved by the City. Any gates shall provide appropriate access into parking areas, and also allow appropriate fire access, to the satisfaction of the Fire Department.
8. All on-site parking spaces shall be made available for peak events, unless otherwise approved by the City.
9. The upper floors of the buildings shall not be utilized for any office, classroom, and/or meeting type spaces unless specifically approved by the Building Division due to the lack of elevators.
10. 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.

11. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75). An outdoor lighting plan shall be submitted with the building permits. Appropriate shielding shall be incorporate into outdoor lighting fixtures. The existing parking lot lighting shall be repaired and be fully operational. Appropriate security lighting shall be installed around the perimeter of the site, including any exterior alcove type areas. This shall be noted on the building plans
12. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
13. The subject property (building, parking and landscaping) shall be kept in a neat and orderly manner.
14. This CUP shall become null and void unless utilized within twelve (12) months of the effective date of approval.
15. 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 the facility or non-compliance with the Conditions of Approval.
16. An inspection by the Planning Division will be required prior to operation of the project. 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.
17. 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 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 specified 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.

Landscaping

1. All landscaping shall be permanently maintained in a flourishing manner. Existing landscape areas in disrepair shall be rehabilitated and cleaned, as may be necessary. All irrigation shall be maintained in fully operational condition. The required landscaped areas shall be free of all foreign matter, weeds, trash, and plant material not approved as part of the landscape plan. Any missing landscaping, including street trees, shall be replaced with an appropriate species at min. 15 gallon. Any area with overgrown landscaping that could result in potential security concerns (generally obscured/hiding area) shall be trimmed and cleaned appropriately.

Engineering Division

1. The project owner shall remove and replace all damaged sidewalks and curb & gutters along project frontages on Escondido Blvd. Maple Street, 4th and 5th Ave., to the satisfaction of Director of Engineering, prior to issuance of Certificate of Occupancy/Change of Occupancy permits.
2. The project owner shall modify existing driveways to comply with ADA requirements to the satisfaction of the Director of Engineering, prior to issuance of Certificate of occupancy.

3. The project owner shall replace existing frontage curb ramps on Maple Street (2 ramps) and Escondido Blvd. (2 ramps) with new ADA compliance ramps to the satisfaction of the Director of Engineering, prior to issuance of Certificate of occupancy.
4. The project owner shall replace any missing trees in the existing tree wells along the property frontage on Escondido Blvd., to the satisfaction of Planning Director, prior to issuance of Certificate of Occupancy/Change of Occupancy Permits.



CITY OF ESCONDIDO
 PLANNING DIVISION
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 (760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Deputy County Clerk
 P.O. Box 121750
 San Diego, CA 92112-1750

From: City of Escondido
 201 North Broadway
 Escondido, CA 92025

Project Title/Case No.: PHG 10-0021 (Faith Harbor Church)

Project Location - Specific: 442 and 444 S. Escondido Boulevard (APNs 233-150-20, -21 and -22)

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: A Conditional Use Permit to operate a church and related religious and social activities within an existing commercial/office building within the Downtown Specific Plan Area.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project

Name Robert Granger -Pastor (Faith Harbor Church) Telephone (760) 432-9003
 Address 444 S. Escondido Blvd, Escondido, CA 92025


Private entity School district Local public agency State agency Other special district

Exempt Status: Categorical Exemption. Section 15301, "Existing Facilities."

Reasons why project is exempt:

1. In staff's opinion, the request does not have the potential for causing a significant effect on the environment since the church facility will utilize an existing office/commercial building(s) with sufficient parking to service the peak demand at the facility. No issues remain unresolved through compliance with code requirements, required county, state and federal standards and permits.
2. The site is in an area where all public services and facilities are available to allow for the proposed use.
3. The project site is not in an area that is environmentally sensitive.
4. The project would not create any significant increase in vehicle trips, nor impact vehicular circulation on or around the site. Appropriate parking is provided on the site to accommodate all uses. The project would not generate any significant noise impacts to adjacent uses through the project design and compliance with the project Conditions of Approval. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas.

Lead Agency Contact Person: Jay Paul, Planning Division **Area Code/Telephone/Extension** (760) 839-4537

Signature:  October 4, 2012
 Jay Paul, Associate Planner Date

Signed by Lead Agency Date received for filing at OPR: N/A

Dear Sir:

This letter is in response to the Notice of Public Hearing for the conditional use permit PHG 10-0021:

This permit should NOT be issued for the utilization of another building located 422 South Escondido Blvd.

I am a property owner in the area in question and have had problems with the exterior maintenance and up keep of the church and the church grounds. The people operating this church do not have the personal, equipment or maintenance services needed to maintain another building, regardless of its use.

I have written two letters to this church's Pastor asking that these maintenance issues be addressed with little effect. The landscape up keep has gotten and is getting so bad that I will have to contact Code Enforcement AGAIN to address these issues.

I have watched this building and property degrade since this church group took control some 20 months ago.

This may not be the time nor place to list the issues with this property but as the notice states, I would like to make these points part of the record.

#1 There is little or no lighting in the main parking lot.

#2 The landscape throughout the property is overgrown and has a heavy layer of vegetation debris and mixed trash.

#3 Exterior alcoves and niches are unlighted and are often used as a place of refuge by street people who come to the church for food hand outs twice a week.

In closing, allowing this church to operate another building, without addressing the existing code violations is not prudent.

Raymond Bialk
222 W. 6th Ave.
Escondido, CA 92025

