

## PLANNING COMMISSION

Agenda Item No.: **G.3**  
Date: **May 24, 2011**

TO: Planning Commission

FROM: Planning Staff

SUBJECT: PHG 11-0003 - Modification to a Commercial Planned Development to Amend the List of Permitted Uses

### STAFF RECOMMENDATION:

Approve the proposed modification to the Master Development Plan for the Sports Authority shopping center (87-03-PD).

### PROJECT DESCRIPTION:

A modification to the Master Development Plan for the Sports Authority shopping center (87-03-PD) to amend the list of permitted uses to allow medical and dental offices which currently are not permitted in this commercial center. No construction or physical changes to the site are proposed as part of this application.

### LOCATION:

The 11.25-acre site is located on the western side of West Valley Parkway, between Auto Park Way and Ninth Avenue, addressed as 1346 – 1358 West Valley Parkway.

### ENVIRONMENTAL REVIEW:

The proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301 (Existing Facilities). A Notice of Exemption was issued on May 17, 2011.

### BACKGROUND:

The existing commercial center is located at the entry to the Escondido Auto Park and was originally constructed in 1988 with Home Depot as the major tenant. The center also includes several in-line tenant shops attached to the major tenant building as well as three single-tenant and multi-tenant commercial pad buildings.

In the early 1990's, Home Depot moved into a larger building located in a new commercial center across Ninth Avenue to the south. The former Home Depot building was ultimately divided up and now serves three sub-major tenants including Sports Authority, Staples and BevMo. Ownership in the shopping center has also changed from a single owner to two owners. WGA EVC, Inc. owns the sub-major tenant building and the majority of parking spaces in the center. Escondido Valley Center 02, LLC owns all the in-line tenant spaces and pad buildings. Although ownership and tenants have changed over the years, permitted uses within the commercial center are still regulated by the original Master Plan 87-03-PD.

Last year the leasing agent representing the owner of the in-line tenant shops signed a lease with a local dentist to open a dental office in the shopping center. The dentist submitted building plans into the Building Division for tenant improvements to convert the space into a dental office. The Planning Division notified the Building Division that the plans could not be approved because dental offices were specifically listed in the Master Plan under "Uses Not Permitted." Litigation commenced between the dentist and the owner of the in-line shops regarding the terms of the lease. The Planning Division notified both parties that a modification to the Master Plan to amend the list of permitted uses would be required if either party wanted to pursue allowing dental offices in the commercial center. On February 7, 2011, the owner of the in-line tenant shops (Escondido Valley Center 02, LLC) submitted a request for a modification to allow medical and dental offices within the commercial center. The other property owner has also signed the application because the list of permitted uses covers the entire shopping center.

#### DISCUSSION:

At the time the commercial planned development was approved in 1987, conditions were included that specified the type of businesses allowed in the shopping center were to be consistent with the uses permitted in the CG (General Commercial) zone, except as further restricted by an attached exhibit. Exhibit 1 (attached) defined examples of auto-related uses that were and were not permitted within the shopping center, as well as office uses that were and were not permitted within the shopping center. Among the uses that specifically were listed as "Uses Not Permitted" were "Doctor's Offices," "Medical Offices," and "Dental Offices."

A total of 31 office-related uses were specifically excluded from the commercial planned development because they were determined to be professional uses wherein no physical product was involved or sold. The desire to allow some offices where products are sold led to the allowance of travel agencies and real estate offices, while offices that provided services like law offices and stock

May 24, 2011

brokerages were prohibited. However, that distinction is somewhat unclear based on a review of the types of uses that are listed on the "Permitted" and "Not Permitted" lists. For example, mortgage company sales offices are permitted while mortgage company administrative offices are banned. Optometrists are permitted, but there is a prohibition on doctor's offices. The staff report prepared at the time the project was approved did not provide any analysis or reasons for allowing some office uses while not allowing others.

Medical and dental offices are prohibited in other commercial planned developments such as La Terraza, but that is generally due to the higher parking requirement for medical/dental versus administrative and professional offices. Parking for typical office uses is required at a ratio of 1 space per 300 SF. Medical and dental uses require 1 parking space per 200 SF. Office complexes constructed with parking at the 1:300 parking ratio therefore cannot accommodate medical or dental uses. Another potential reason why medical and dental uses may be banned in some commercial planned developments is that many were constructed in the 1980's during a period when there was a desire to maintain a strong medical district concentrated around Palomar Hospital.

At the time the commercial planned development was approved for the shopping center, the parking standard was established at 1 parking space per 200 SF, which is the same as the Zoning Code parking standard for medical/dental uses and shopping centers larger than three acres in size. This ratio is based on the overall amount of floor area in the shopping center and establishes the required number of parking spaces regardless whether an individual business would typically require more or less parking. Adding medical and dental uses as permitted uses would have no effect on the parking standard and would not require the addition of new parking spaces. Parking would still be based on the overall amount of floor area.

Staff supports the applicant's request to modify the Master Plan to add medical and dental as permitted uses in the commercial center. Medical and dental offices are now frequently located outside the Hospital Professional zone within established commercial areas. The future relocation of Palomar Hospital to the western side of the city could accelerate this pattern. Similarly, parking would not be affected by including these proposed uses because the Master Plan parking ratio is based on floor area and not individual uses.

Respectfully submitted.

Bill Martin  
Principal Planner

## SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

### **A. SUPPLEMENTAL DETAILS OF REQUEST**

1. Property Size: 11.25 acres
2. Building Size: 136,990 SF of total building area
3. Number of Businesses: The four buildings on the site are currently divided into 22 tenant spaces.
4. Parking: 668 parking spaces are provided for the shopping center where the Master Plan requires 659 spaces based on a 1:200 ratio for all uses (required parking also includes 7,790 SF of storage area in the Staples calculated at 1:600). No additional parking or change to parking standards would be needed to allow medical and dental uses.
5. List of Permitted Uses: **Delete** Doctor's Offices, Medical Offices and Dental Offices from "Uses Not Permitted."  
  
**Add** Medical Offices and Dental Offices to "Permitted Uses."

**FINDINGS OF FACT  
PHG 11-0003  
EXHIBIT "A"**

Master Plan

1. Granting the modification to the List of Permitted Uses in the Master Development Plan to allow medical and dental offices in the commercial planned development would be in conformance with the City's General Plan land-use designation of Planned Commercial, which permits a wide variety of commercial uses (including offices) within the master planned commercial centers. The proposed project would be in conformance with General Plan Economic Policies (page II-23) which encourage economic activities that are clean and nonpolluting to expand or locate in Escondido; provide additional employment opportunities; reduce the need for Escondido residents to commute out of the area; maintain the City's fiscal stability; and are aesthetically superior. The proposed modification would not diminish the Quality-of-Life Standards of the General Plan as the proposal would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services are provided to the site.
2. The proposed location of the commercial shopping center is well integrated with its surroundings and the proposal to permit medical and dental offices in the shopping center would not result in a substantial alteration of the present or planned land use since the property is occupied by many commercial businesses that would not be affected by the proposed change.
3. The commercial center is adequately served by existing public facilities since sewer and water service is available from existing mains in the adjacent streets or easements, and the proposal would not adversely impact these facilities nor require significant upgrades to the existing infrastructure.
4. The overall design of the shopping center is conducive to medical and dental offices with convenient parking located in front of the tenant spaces and produces an attractive, efficient and stable environment for shopping or working. The design of the project would be unchanged and would remain consistent with the previously approved Master Plan. The proposal has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and would not result in a negative impact to adjacent neighborhood for the reasons stated above and detailed in the Planning Commission staff report.

PHG 11-0003  
May 24, 2011

5. The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15301, "Existing Facilities" and a Notice of Exemption was prepared for the proposed project. In staff's opinion, the request does not have the potential for causing a significant effect on the environment due to the continued conformance with the commercial zoning designation and standards established for the site.

**CONDITIONS OF APPROVAL  
PHG 11-0003  
EXHIBIT "B"**

**Planning Division Conditions**

1. All conditions of the previous Master and Precise Development Plan 87-03-PD for the Sports Authority shopping center (old Home Depot site) and any subsequent modifications shall remain in full force and effect unless specifically modified herein.
2. This modification to the Master Development Plan 87-03-PD for the Sports Authority shopping center is limited to the following change to the Use Restrictions (Exhibit 1):
  - Delete** Doctor's Offices, Medical Offices and Dental Offices from "Uses Not Permitted."
  - Add** Medical Offices and Dental Offices to "Permitted Uses."
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. 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.