

## PLANNING COMMISSION

Agenda Item No.: G.2  
Date: September 27, 2011

**CASE NUMBER:** PHG 11-0031  
**APPLICANT:** Gordon Fang  
**LOCATION:** 1851 E. Washington Avenue (APN 231-331-16)  
**TYPE OF PROJECT:** Conditional Use Permit

**PROJECT DESCRIPTION:** A Conditional Use Permit to operate a daycare facility/preschool for up to 22 children at a facility that previously was used as a daycare/preschool center.

**STAFF RECOMMENDATION:** Approval

**GENERAL PLAN DESIGNATION/TIER:** Urban 3/Tier 1- Midway Neighborhood

**ZONING:** R-3-18 (Multi-family residential, up to 18 du/ac)

**BACKGROUND/SUMMARY OF ISSUES:**

A Conditional Use Permit was approved in 1969 to operate a daycare facility at the subject site and later modified in 1974 to accommodate up to 74 children and expand the building area. The child-care facility most recently was operated by St. Clare's Home (Little Angels Learning). St. Clare's ceased operation at the site in 2010 and most of the children were relocated to the Boys and Girls Club in Escondido. The Conditional Use Permit subsequently expired and a new Conditional Use Permit would be required to re-establish a daycare facility exceeding 14 children within the multi-family zone. A new owner has acquired the property and has submitted an application to operate a daycare/preschool facility to accommodate up to 22 children and two staff members. The number of children is limited due to the amount of parking that can be provided to conform to current code requirements.

Staff feels the issues are as follows:

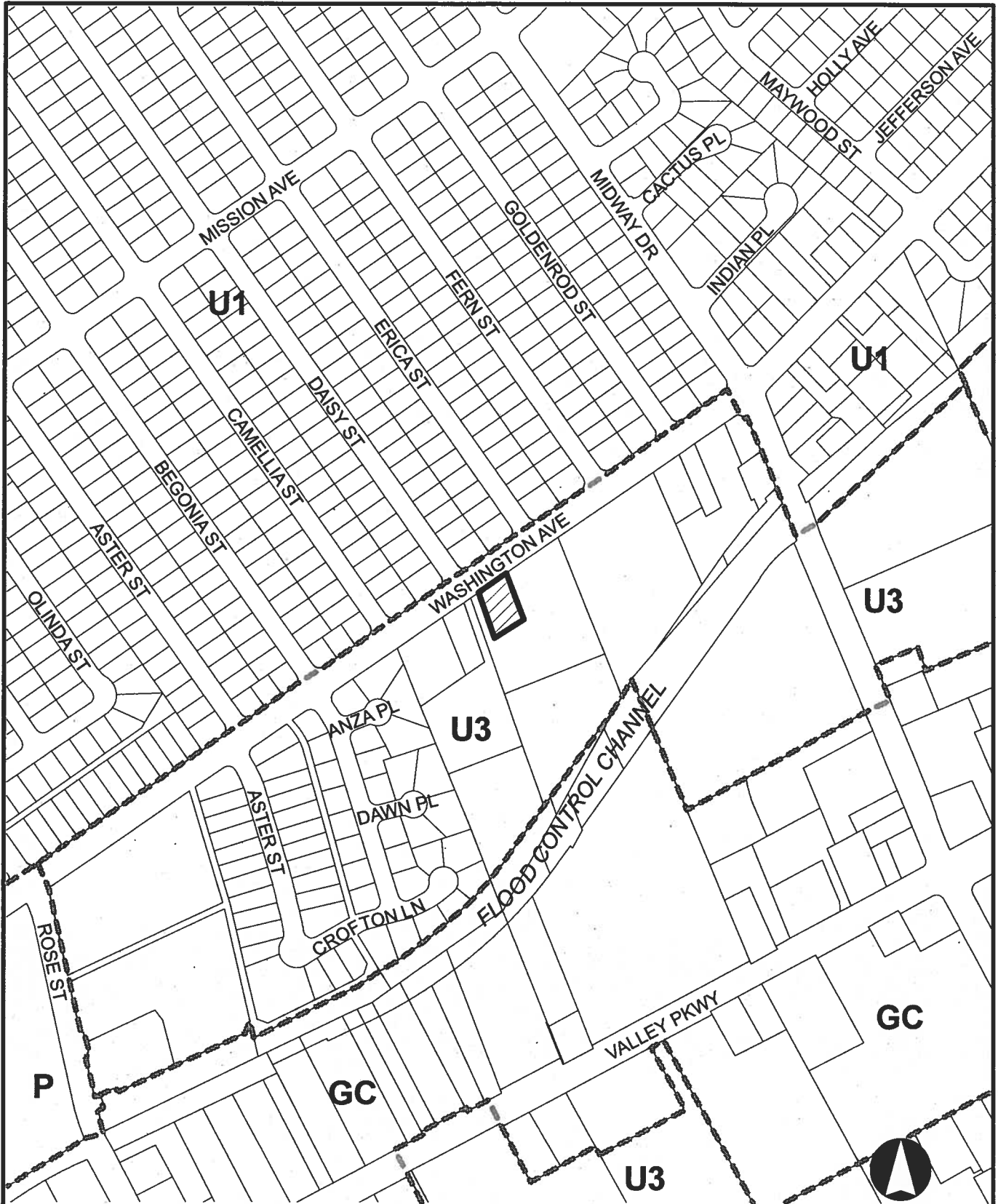
1. The suitability of the site to accommodate the proposed number of children and provide appropriate on-site parking.

**REASON FOR STAFF RECOMMENDATION:**

1. Staff feels the subject site can reasonably accommodate up to 22 children since the existing facility previously was developed and operated as a daycare/preschool for up to 74 children. There is more than sufficient outdoor play area to satisfy the California Department of Social Services Community Care Licensing Division requirement of 75 SF per child. The amount of on-site parking also would be adequate to accommodate the limited number of children and staff proposed. The previous Little Angels facility appeared to operate efficiently and staff is not aware of any know problems.

Respectfully submitted,

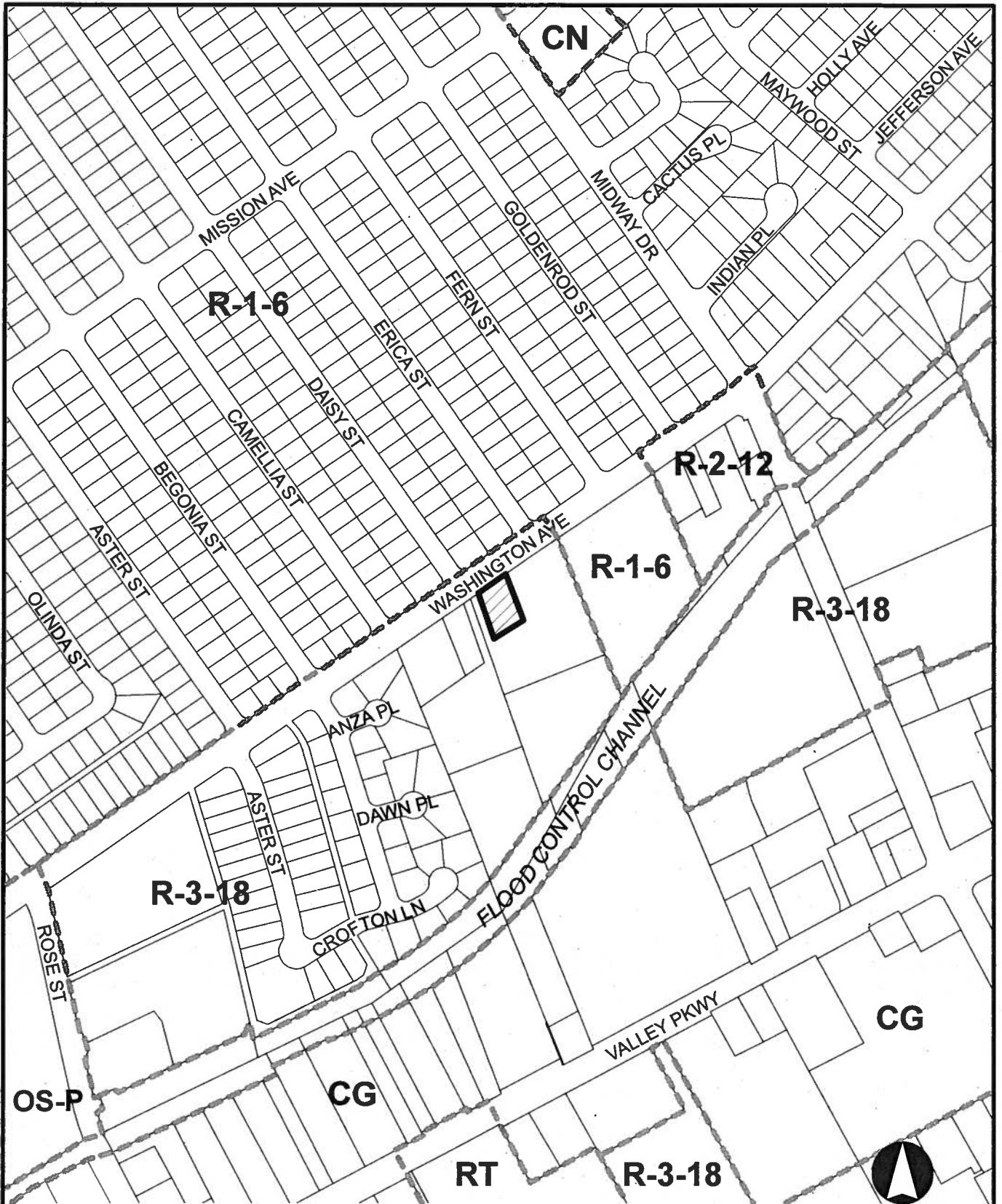
  
Jay Paul  
Associate Planner



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**PROPOSED PROJECT  
PHG 11-0031**





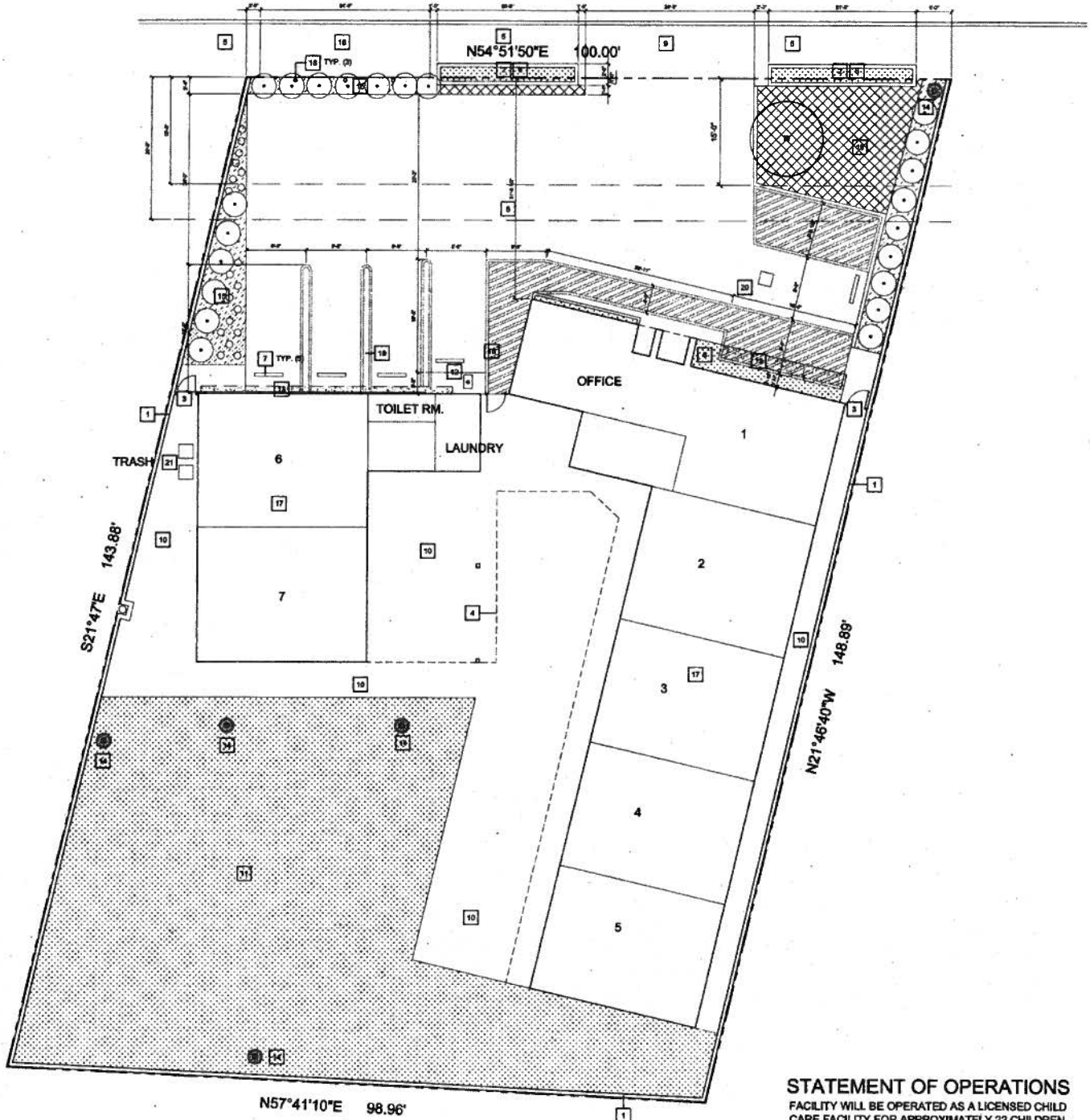
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**PROPOSED PROJECT  
PHG 11-0031**



LOCATION/ZONING

EAST WASHINGTON



NEW SITE PLAN

STATEMENT OF OPERATIONS

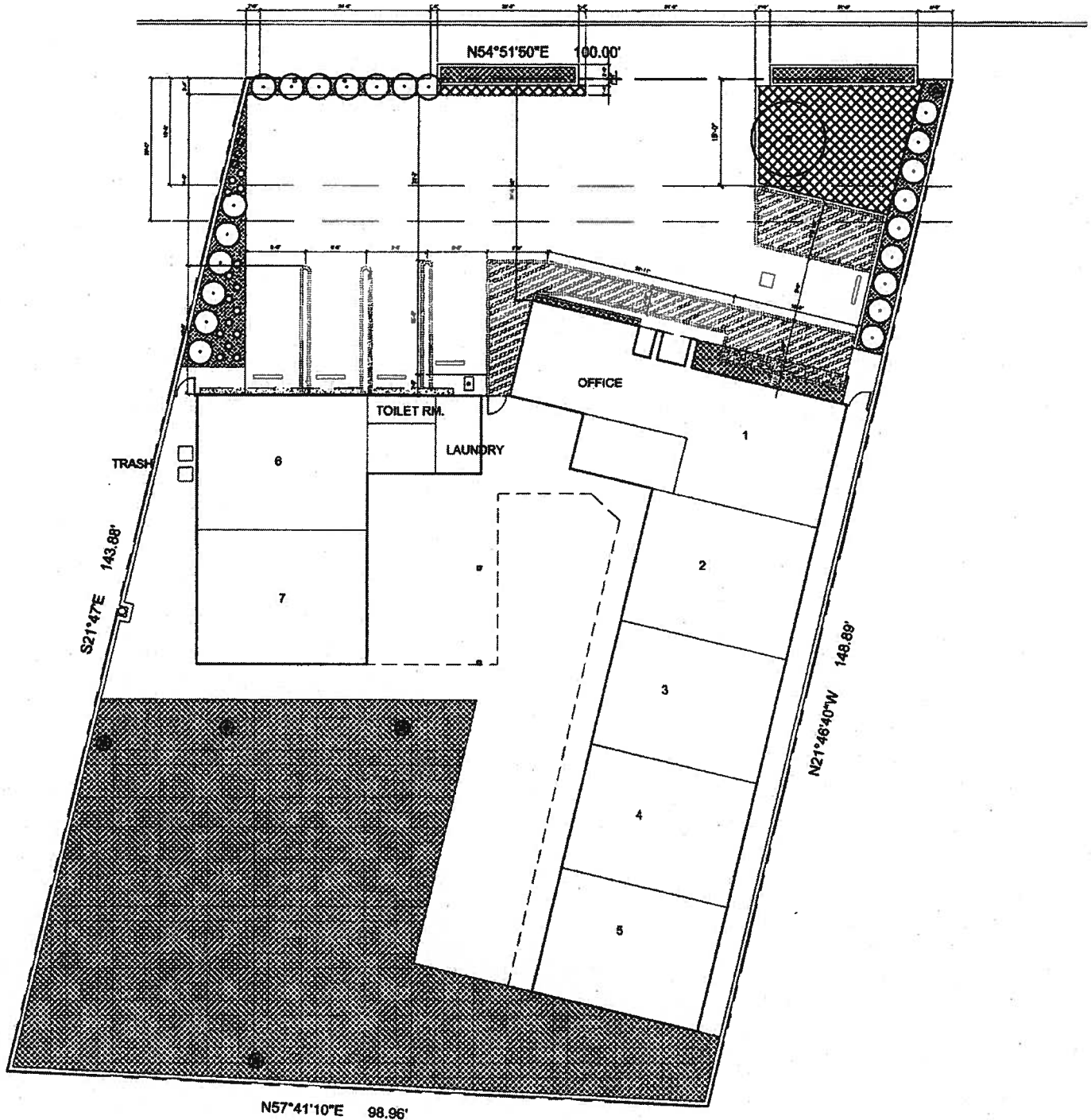
FACILITY WILL BE OPERATED AS A LICENSED CHILD CARE FACILITY FOR APPROXIMATELY 22 CHILDREN. THE FACILITY WILL BE OPERATED FROM 8 A.M. TO 5 P.M. MONDAY THROUGH FRIDAY. THERE WILL BE TWO STAFF.

**PROPOSED PROJECT  
PHG 11-0031**



SITE PLAN

EAST WASHINGTON



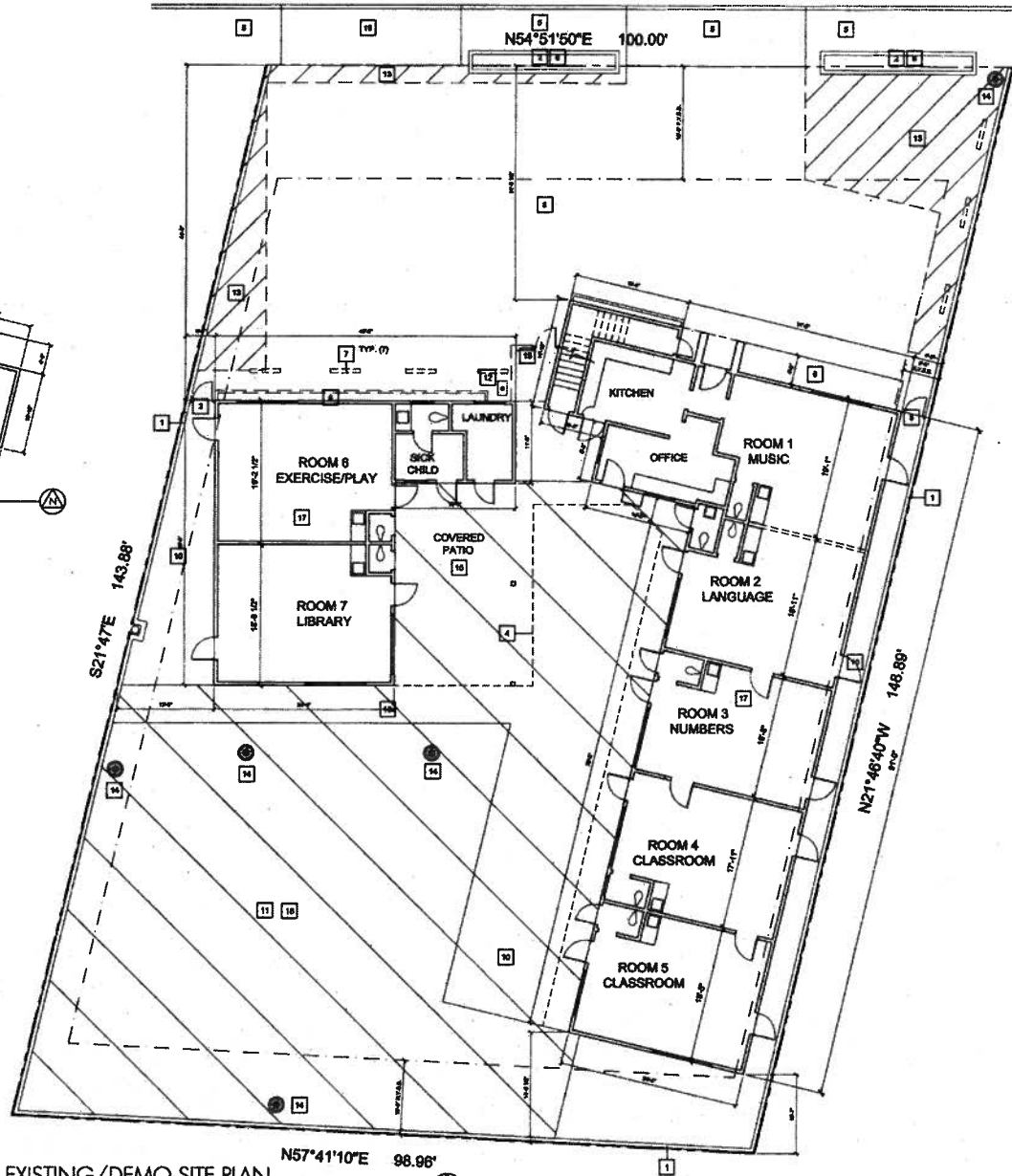
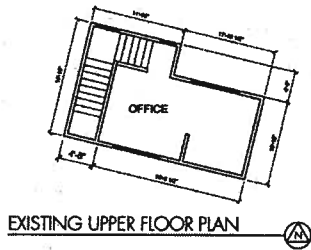
CURRENT PROPOSED SITE PLAN

**PROPOSED PROJECT  
PHG 11-0031**



SITE PLAN

EAST WASHINGTON



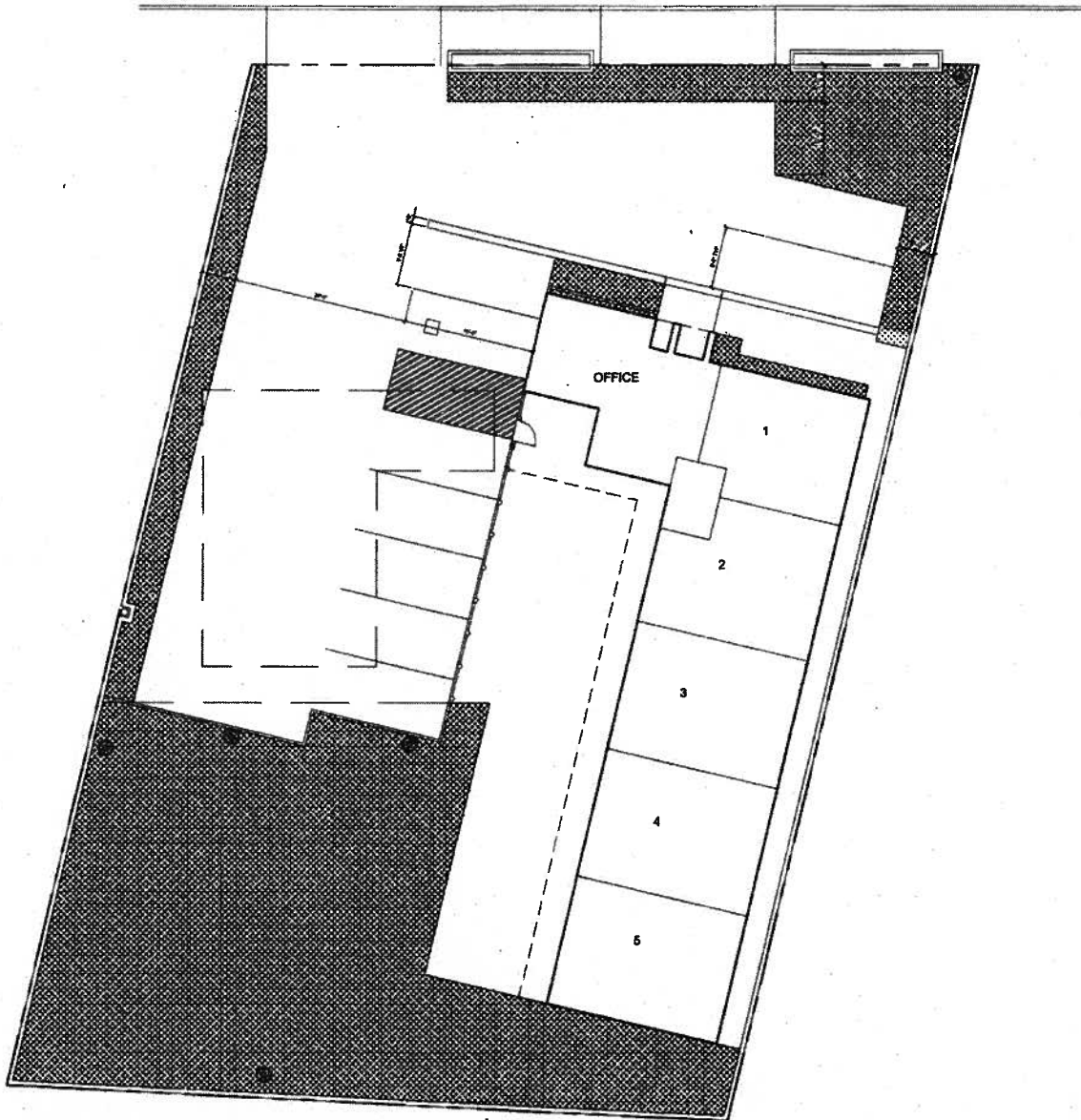
NOTE: THIS DRAWING IS FOR THE PURPOSES OF ESTABLISHING ZONING COMPLIANCE FOR THIS PARTICULAR BUILDING PERMIT APPLICATION AND IS NOT A SURVEY. RELIANCE UPON THIS DRAWING BY ANY PARTY OTHER THAN THE CITY OF ESCONDIDO SHALL BE AT THEIR SOLE RISK.

**PROPOSED PROJECT  
PHG 11-0031**



SITE PLAN

EAST WASHINGTON



PROPOSED FUTURE SITE PLAN (NOT A PART OF THIS APPROVAL)

**PROPOSED PROJECT  
PHG 11-0031**



SITE PLAN

# ANALYSIS

## A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: PD-R-18 and RT zoning (Planned Development - Residential, 18 units per acre and Mobilehome Park) / Single-family homes are located north of the site across Washington Avenue.

SOUTH: R-1-6 (Single-Family Residential, 6,000 SF min. lot size) / An apartment complex and open space/recreation area for the complex is located immediately north of the site. A block wall separates the subject site from the adjacent apartment complex.

EAST: R-1-6 (Single-Family Residential, 6,000 SF min. lot size) / An apartment complex and open space/recreation area for the complex is located immediately north of the site. A block wall separates the subject site from the adjacent apartment complex.

WEST: PD-R 18 zoning (Planned Development - Residential, 18 units per acre) / A multi-story condominium development is located west of the Oak Hill Church property across San Pasqual Valley Road/SR 78.

## 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, no significant 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 has expressed no concerns relative to its ability to provide service to the site. Appropriate fire safety features will need to be installed prior to occupancy of the facility.
3. Traffic – The project site fronts onto and takes direct access from Washington Avenue, which is classified as a Collector Road (84' R-O-W) on the City's Circulation Element. Washington Avenue operates as a four-lane Collector Road, but still maintains some on-street parking. The project applicant proposed to reconfigure the parking layout in front of the building and to close the western driveway to avoid potential vehicle stacking conflicts between the parking area, driveway and street travel lanes. The Engineering Division indicated the proposed project is not anticipated to result in any adverse impacts to the adjacent streets and intersections with the modification of the parking lot and driveway improvements. On-street parking is available along portions of Washington Avenue, but could be removed in the future if the street were restriped to provide a dedicated left turn lane or pockets at intersections.
4. Utilities – City sewer with sufficient capacity to serve the project is available in the adjoining streets or easement. The Utilities Department concluded the project would not materially degrade the level-of-service of the public sewer and water system and no additional upgrades are required to these systems.
5. Drainage – There are no significant drainage courses that would be affected by the project. 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 drainage facilities.

## D. CONFORMANCE WITH CITY POLICY

### General Plan

The proposed CUP is consistent with the goals and policies of the General Plan since schools and related activities are conditionally permitted within residential zones, and previous permits have been approved for the development of the area



for a day-care/preschool. The proposed continued use of the site and the number of children at the day-care/preschool 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.

#### Suitability of the of the Site to Accommodate the Number of Children Requested

The subject site was developed in the late 60s as a daycare facility and the current property owner is proposing to use the site again as a daycare/preschool facility. However, in order to occupy the facility, the site would need to be modified to conform to current parking, ADA and fire code requirements. The original site was developed with eight parking spaces, but these spaces do not meet current design standards, and the Engineering Division indicated the location of the existing parking spaces in relation to the two driveway openings onto Washington Avenue would need to be modified to avoid potential vehicle conflicts from cars that may be backing up and creating a vehicle stacking issue at the driveway. Therefore, the western driveway would be closed and the parking spaces reconfigured. Parking area landscape planters also would be repaired and some new planter areas provided. The California Department of Social Services Community Care Licensing Division requires 75 SF of play area per child for a daycare/preschool facility, which would require a minimum of 1,650 SF of play area. There is approximately 5,160 SF of existing covered and open play area located on the site. The play area is secured from the surrounding properties by a masonry block wall, which also provides sound attenuation to the surrounding uses and from Washington Avenue.

Preschool facilities are required to provide one parking space per employee in addition to appropriate drop-off and pick-up areas. The Zoning Code does have a specific definition of appropriate drop-off and pick-up areas. Therefore, each request is reviewed on a case-by-case basis and the appropriateness of the on-site parking is considered by the Planning Commission. A review of other jurisdictions throughout the County indicated there was no one standard for day-care parking. Most jurisdictions require a minimum of one space per employee, and then an additional number of spaces based on ratio per child ranging from 1 per 5 children up to 1 per ten 10. The project applicant also provided an analysis of a typical parking demand, and also parking standards from several other jurisdictions to support the request to limit the number of children to 22. Staff feels that five parking spaces (one per staff and 1 per 8 children) would be appropriate to accommodate up to two staff members and provide appropriate parking drop-off and pick-up for 22 children. There also are several on-street spaces available along Washington Avenue that could provide overflow parking if necessary, but these do not count toward the required on-site parking

The site consists of two buildings with the larger building containing five separate classrooms (that have interior doors to connect each of the rooms), kitchen facility and office, and a small second story office. The other building contains two classrooms, small utility type room with a bathroom and a laundry room. A preschool facility generally would need one or two classrooms and perhaps some accessory use area(s) to support up to 22 children (1 teacher and 12 children per classroom). However, the applicant is requesting to utilize all seven classrooms as part of their program to provide rooms for specialty learning experiences such as a separate library room, indoor recreation area, music center, language and math, etc. Staff has expressed concern that use of all the classroom spaces may lead to future undocumented expansion of the number of children without the appropriate permits and parking/drop-off facilities. The applicant indicated that appropriate controls are provided through the project conditions of approval, and through State Community Care Licensing and routine inspections. However, if the City felt that it was a significant issue, then he could restrict use of the smaller detached building, but still would like to have the laundry room available. Staff feels that the five existing classroom spaces is more than adequate to provide appropriate program area to serve 22 children, and have conditioned the project to restrict the small building to storage and laundry uses. In addition, the applicant would need to demo the small building in order expand the number of children in order to provide additional parking for the facility. Any programs that would have been located within this building would need to be moved into the larger building area. The applicant has provided a concept plan for potential future expansion, which would require a modification to the permit.

#### **E. PROJECT HISTORY**

- 69-26- CU/V Conditional Use Permit and Variance approved for a child-care facility and reduction in the amount of open space per child from 200 SF to 100 SF.
- 72-26-CU Modification to the use permit to expand the existing child-care facility to allow up to 74 children and approx. 7 teachers/employees. An additional detached building/classrooms also approved.

## SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

### A. PHYSICAL CHARACTERISTICS

The site is relatively flat and developed with two existing buildings, paved parking and driveway(s), perimeter masonry fencing, ornamental landscaping and outdoor play area. The site does not contain any native or sensitive vegetation, or any other sensitive or protected resources.

### B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 14,241 SF
2. Building Size: 3,964 SF total building SF  
     Building 1 2,448 SF first floor area and 314 SF second floor/office area  
     Building 2 1,202 SF
3. No. of Children: 22 (age 2-5)
4. Hours of Operation: Monday–Friday, 7:00 a.m. – 6:00 p.m. The facility provides full and part time schedules.
5. Preschool Employees: 2 full time
6. Parking: 5 spaces proposed on site  
     Req.: On-site One per employee required plus appropriate drop-off/pick-up area
7. Outdoor Recreation Area:  
     Provided: 5,160 SF of open and covered area.  
     Req.: 1,650 SF (min. 75 SF per child)

	<u>Existing</u>	<u>R-3 Requirements</u>
8. Setbacks:		
Front:	31' front of building	15'
Side:	4' min. on both sides (this is a legal non-conforming setback) future demo of the western building would remove the non-conforming setback for this building. Building permits subject to non-conforming evaluation req.	5'
Rear:	10'-7"	10'

**EXHIBIT "A"**  
**FINDINGS OF FACT**  
**PHG 11-0031**

Conditional Use Permit

1. Granting this Conditional Use Permit for the proposed daycare/preschool 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 the area in which it is located since the site was developed for and previously used as a daycare/preschool facility. The site has sufficient area to accommodate the proposed number of children requested. Appropriate on-site parking and drop-off areas would be provided. The project would not create any adverse noise impact to surrounding properties since the preschool would utilize existing approved outdoor recreation areas that are surrounded by a masonry block wall. The project will not diminish the Quality-of-Life Standards of the General Plan as the project would not degrade the levels of service on adjacent street and intersections, and adequate public facilities would be provided (as discussed in the staff report prepared for the project).
2. The proposed CUP is consistent with the goals and policies of the General Plan since daycare facilities, schools and related activities are conditionally permitted within residential zones, and previous permits have been approved for the development of the area as a preschool facility. The Engineering Division indicated the proposed preschool facility would not adversely impact traffic or circulation, utilities or drainage systems. Therefore, the proposed addition 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 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.
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 11-0031**

#### **General**

1. This CUP allows up to 22 children at the facility at any one time. The small, detached building shall be limited to storage and laundry uses.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Department, Building Division, and Fire Department.
3. 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.
4. 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.
5. As proposed, a minimum of five striped parking spaces shall be provided at the facility. 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 indicating 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.
6. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Planning Division.
7. The project applicant/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.
8. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
9. 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.
10. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75).
11. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
12. This CUP shall become null and void unless utilized within twelve months of the effective date of approval.
13. An appropriate area will need to be designated for any trash containers, and must be properly secured and permanently maintained.

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 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 Conditions**

1. All perimeter, internal and parking lot landscaping shall be installed as indicated on the concept landscape plan. All vegetation (including 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 irrigation shall be maintained in fully operational condition.
2. A final landscape and irrigation plan shall be submitted for approval separate from any building plans. A water efficient landscape design shall be used and indicated on the plan. The plan also shall include the outdoor recreation area (including any play equipment, shade structures, etc.). Appropriate building permits will need to be obtained for any accessory structures.
3. Prior to occupancy of the facility, all required landscaping shall be completed, as detailed on the final landscape plans.

**ENGINEERING CONDITIONS OF APPROVAL**  
**1851 E. Washington Avenue PHG11-0031 CUP**  
**Interim Day Care for up to 22 Children**

**STREET IMPROVEMENTS**

1. All site improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the Director of Engineering Services.
2. For the interim use (up to 22 children) the westerly driveway shall be closed with both a curb and border landscaping.
3. The project developer shall be responsible for removal and replacement of all existing damaged public improvements along project frontage to the satisfaction of the Director of Engineering Services.
4. Adequate horizontal sight distance shall be provided at the remaining easterly driveway entrance. Restrictions on curbside parking along Washington may be required at the discretion of the Director of Engineering Services and the City Traffic Engineer.

**GRADING**

1. A site drainage and erosion control plan shall be submitted to and approved by the Engineering Services Department. The project developer shall implement Best Management Practices during all phases of construction in accordance with the approved erosion control plan.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. All proposed paved areas shall drain to landscaping or erosion protected natural vegetation.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.

*A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.*

## **WATER SUPPLY**

1. Fire hydrants and/or fire service lines if required shall be installed at locations approved by the Fire Marshal and adequate public water mains and/or service laterals shall be installed per improvement plans submitted to and approved by the Director of Engineering Services and Director of Utilities.

## **BOUNDARIES and EASEMENTS**

1. All property ownership and leasing boundaries and all easements, both private and public, affecting subject property shall be shown and labeled on the drainage and erosion control plan.
2. A current preliminary title report shall be submitted with the grading/drainage plans.

## **CASH SECURITY AND FEES**

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. The developer will 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.



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: Linda Kesian  
P.O. Box 121750  
San Diego, CA 92112-1750

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

**Project Title/Case No.:** PHG 11-0031

**Project Location – Specific** 1851 E. Washington Avenue (APN 231-331-16)

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

**Description of Project:** A Conditional Use Permit to operate a daycare facility/preschool for up to 22 children at a facility that previously was used as a daycare/preschool center.

**Name of Public Agency Approving Project** City of Escondido

**Name of Person or Agency Carrying Out Project**

Name Gordon Fang Telephone (858) 380-8939

Address 3189 Katherine Drive, Escondido, CA 92027

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 site has been developed and previously used as a daycare facility; the existing facilities could reasonable accommodate the proposed uses; the days and hours of operation would not conflict with any adjacent or nearby land uses; appropriate on- and off-site parking and drop-off areas would be provided; sufficient open space areas are available to serve the age range of the children; the request would not result any significant traffic impacts; and the operational characteristics of the facility limits potential impacts to any adjacent uses.
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. 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:   
Jay Paul, Associate Planner

September 12, 2011  
Date

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