

PLANNING COMMISSION

Agenda Item No.: G.2
Date: June 26, 2012

CASE NUMBER: PHG 12-0007

APPLICANT: Gregg Maedo Architects

LOCATION: The 0.8-acre site is located on the western side of Fig Street, between E. Pennsylvania Avenue and E. Grand Avenue, addressed as 201 N. Fig Street.

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A request for a Conditional Use Permit to install a 100 kW emergency standby diesel generator at an existing skilled nursing facility (Palomar Vista Healthcare Center). The proposed generator would replace a smaller emergency generator on the property and would be located adjacent to a detached storage building at the western end of the parking lot. No changes to the building or parking area are proposed.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: O (Office)

ZONING: H-P (Hospital Professional)

BACKGROUND/SUMMARY OF ISSUES: The Palomar Vista Healthcare Center was constructed in 1962 as a convalescent home (Casa Blanca) and has operated as a residential care or skilled nursing facility for the past 50 years. The facility currently has a small emergency generator located adjacent to the building in the northwestern corner of the site. The applicant is proposing to replace the existing generator with a new, larger model that could power the entire facility in the event of a power outage or other emergency. The proposal would install a 100 kW standby generator, equipped with a manufacturer sound enclosure, in the southwestern corner of the property adjacent to the parking lot and a detached storage building.

The Escondido Zoning Code (Sec. 33-1122) requires approval of a Conditional Use Permit for all electric generating facilities (excepting solar) that produce in excess of five kilowatts. Standards have been developed to limit hours of operation for standby generators in non-emergency situations and ensure compliance with the Noise Ordinance.

Staff feels that the issues are as follow:

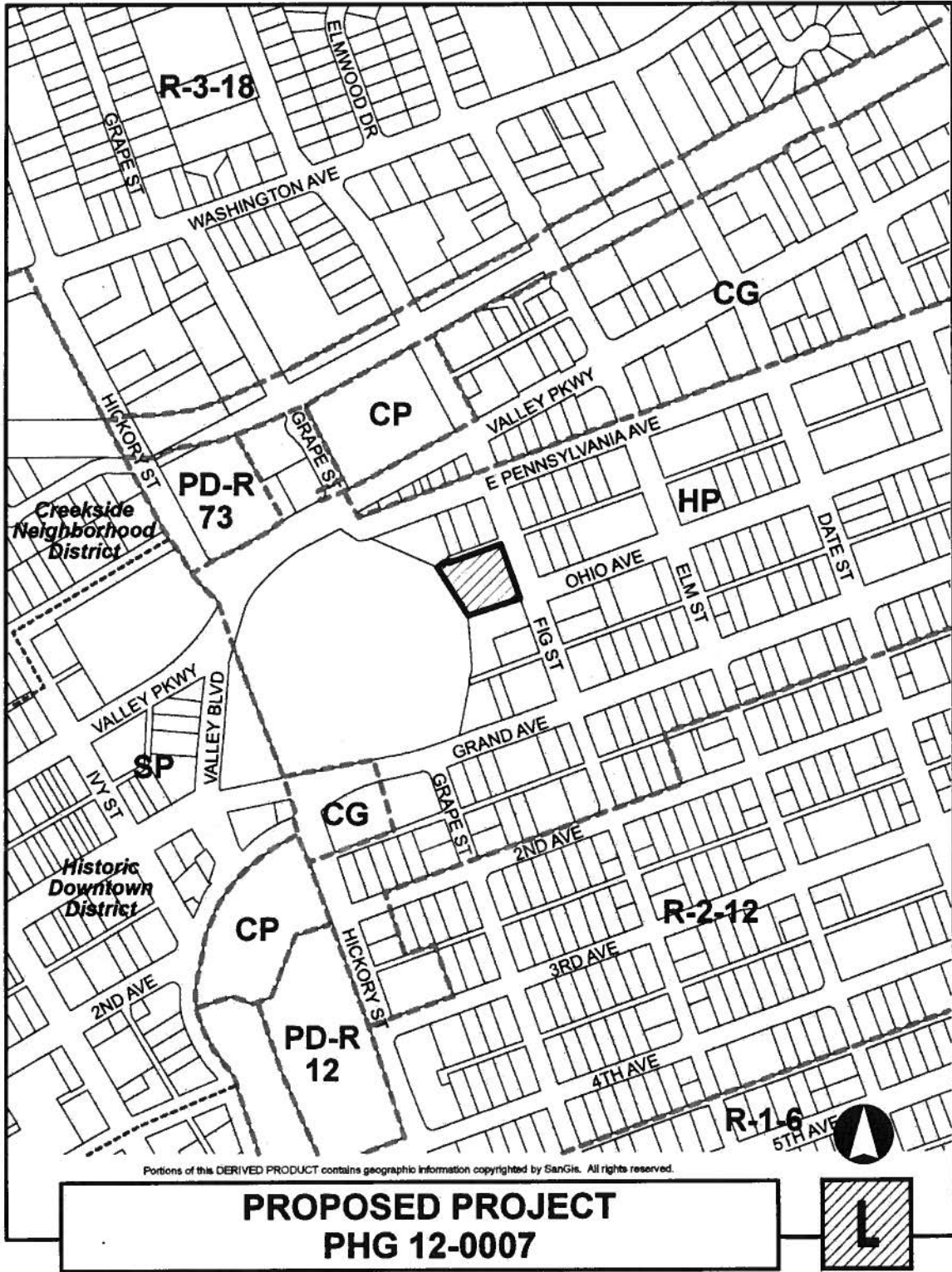
1. Whether the proposal is consistent with Zoning Code standards for standby generators.

REASONS FOR STAFF RECOMMENDATION:

1. The proposed 100 kW emergency backup generator would not create any adverse visual, noise or air-quality impacts since it would be located at the rear of the property and adjacent to existing structures and equipped with appropriate noise attenuation devices and walls to ensure compliance with the city's Noise Ordinance. The generator also would be in conformance with air-quality requirements due to the limited hours of operation.

Respectfully Submitted,

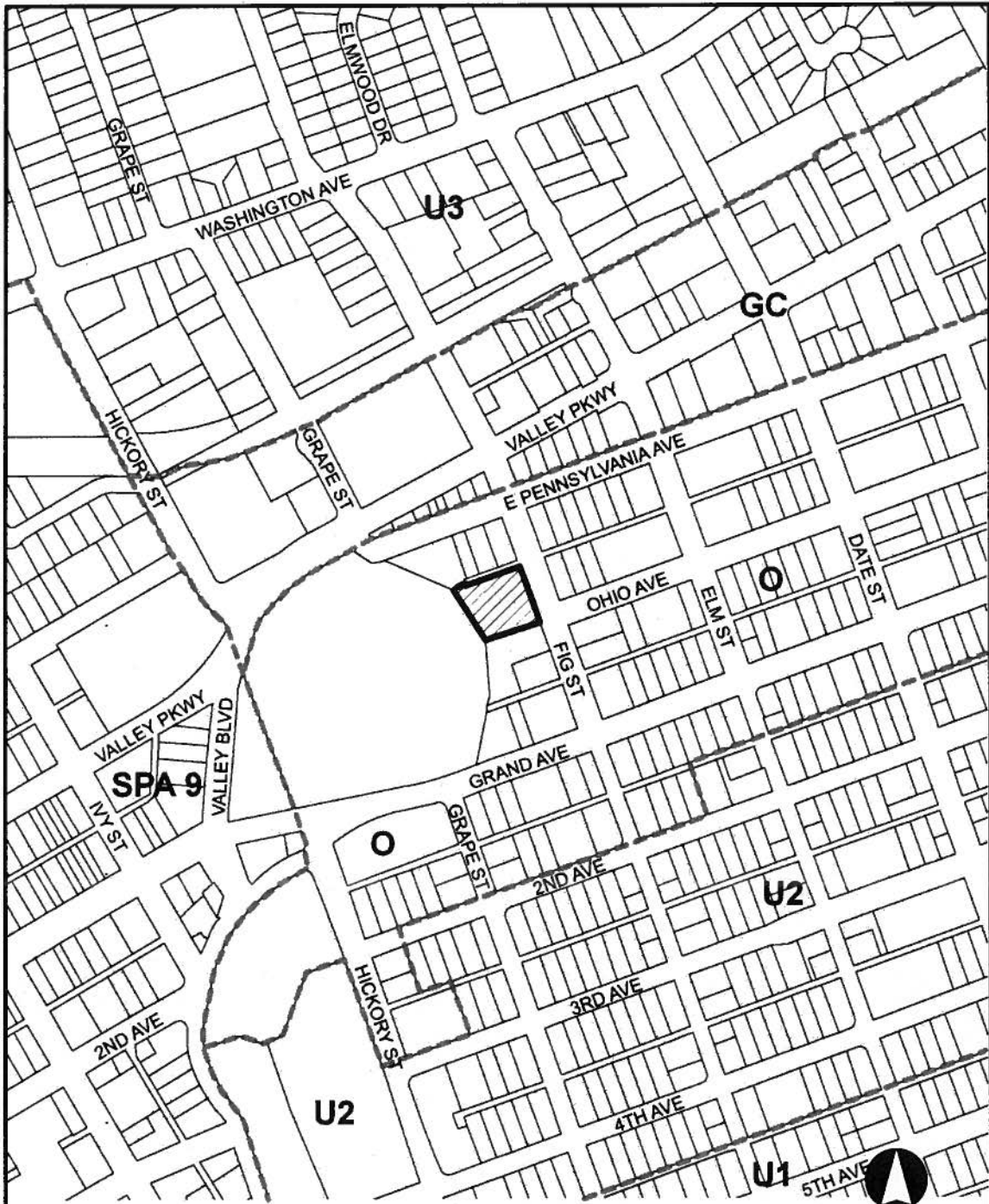

Bill Martin
Principal Planner



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**PROPOSED PROJECT
PHG 12-0007**

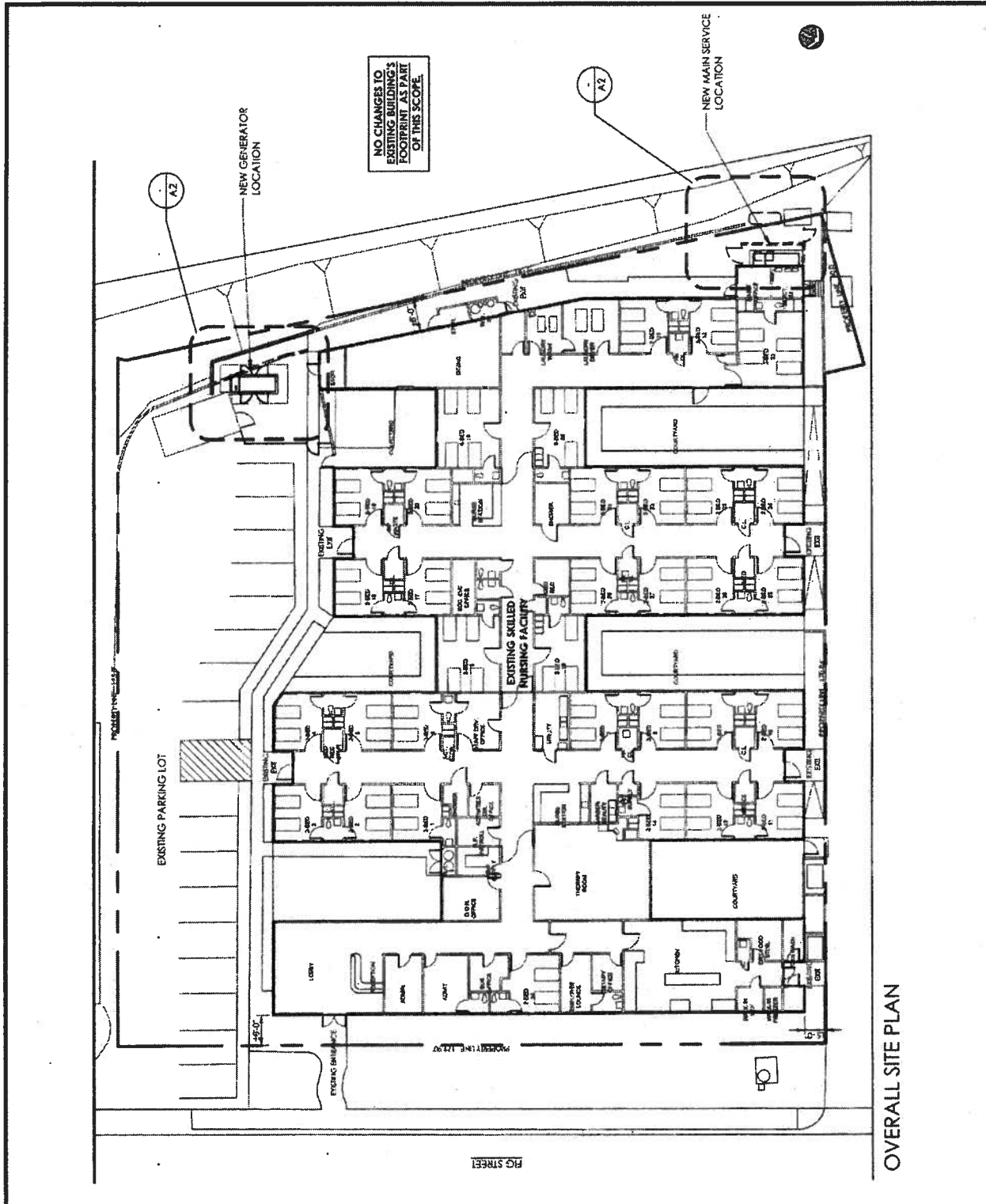




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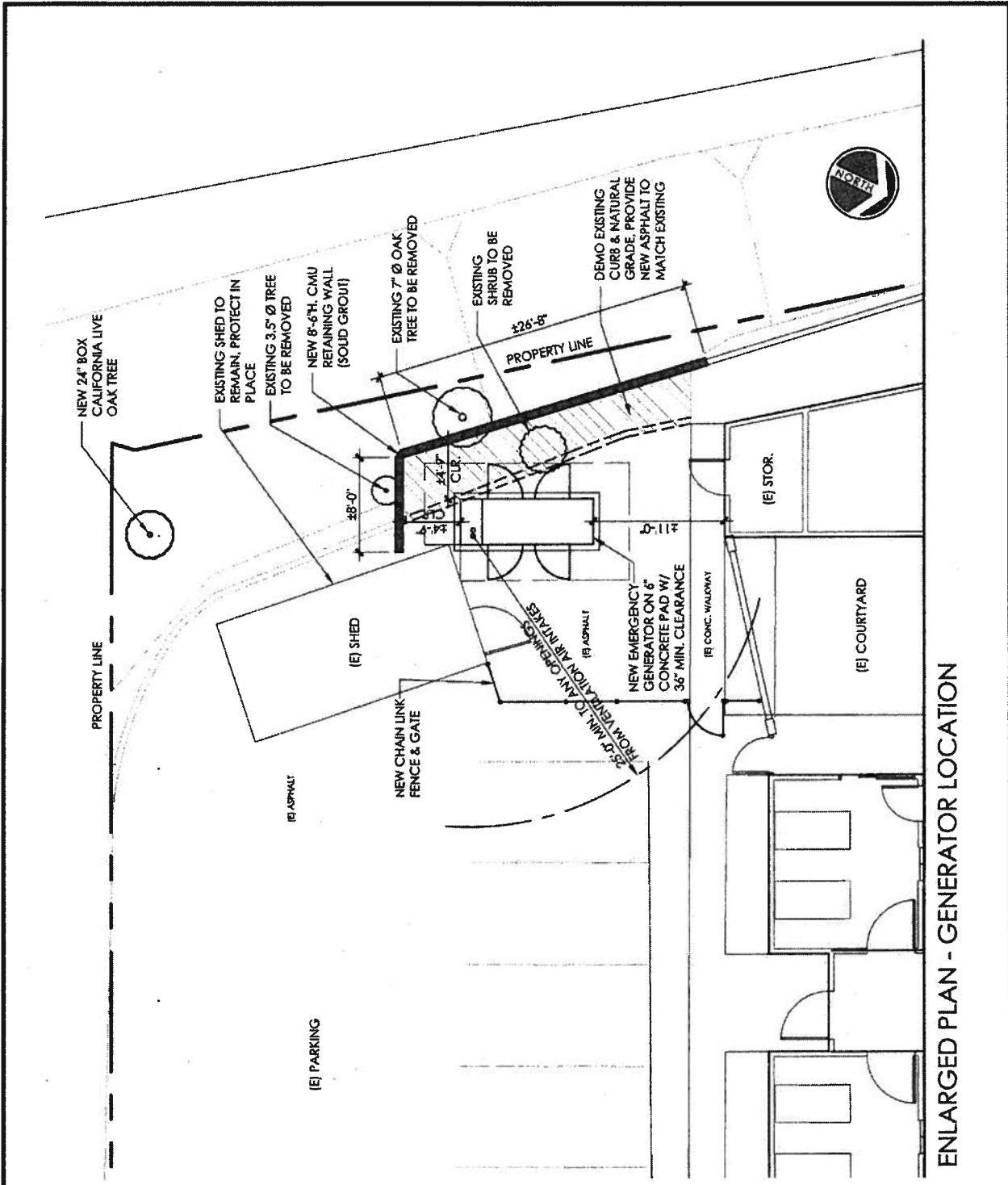
**PROPOSED PROJECT
PHG 12-0007**



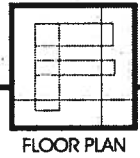


**PROPOSED PROJECT
PHG 12-0007**

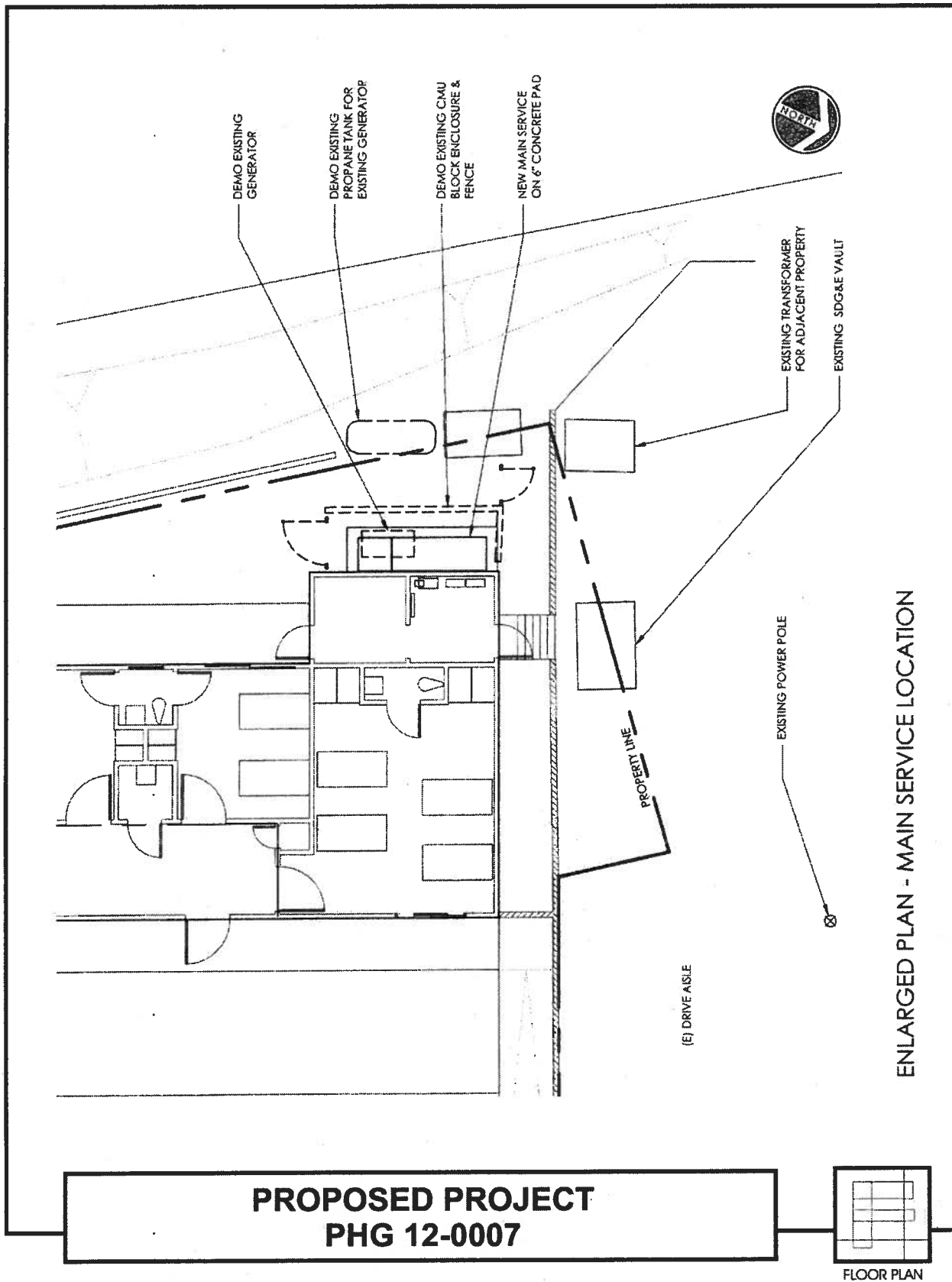




**PROPOSED PROJECT
PHG 12-0007**



ENLARGED PLAN - GENERATOR LOCATION



ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - HP (Hospital Professional) zone/ Across a commercial alley are three office buildings with a variety of medical providers.

SOUTH - HP zone/ South of the parking lot for the facility is an adjacent parking lot and several medical office buildings.

EAST - HP zone/ A residential tri-plex is located across Fig Street from the site.

WEST - HP zone/ A parking lot for Palomar Hospital is located adjacent to the western property line at the top of an approximately 20-foot-high slope.

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. 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 Fig Street, which is classified as a Collector Road (84' r.o.w.) in the Circulation Element of the Escondido General Plan. Fig Street operates at a Level of Service "A" under existing improvement conditions. The proposed project would not generate any additional daily vehicle trips and therefore 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 – 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 proposal is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Section 15302, "Replacement or Reconstruction of Existing Structures or Facilities." A Notice of Exemption was issued on June 21, 2012.
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 Office which allows a variety of activities in an office environment including administrative and professional offices, medical and dental facilities and long-term care facilities.

Consistency with Zoning Code Standards for Standby Generators

The Escondido Zoning Code (Sec. 33-1122) requires a Conditional Use Permit for generators with a production capability of 5 kilowatts (kW) or greater. The proposed 100 kW diesel standby generator would be used to provide backup power during a power disruption or extended outage to maintain basic life safety functions for residents of the skilled nursing facility. The proposed generator would not be operational except during a power failure, although it will be tested once each week for approximately 15 minutes. Except in the case of an emergency, this would result in an expected annual usage of approximately 12 hours. All electric generating systems are required to conform to the noise requirements of the underlying zone, ensure measures are in place to minimize pollutants generated by the equipment, and generally should be compatible with surrounding development.

Noise - Electric generating facilities are required to conform to Noise Ordinance standards. The generator would operate during nighttime hours only under emergency conditions, and as part of the conditions of approval for the project, testing and maintenance of the generator will only be allowed during daytime hours. The Noise Ordinance (Ord. 90-08) specifies daytime limitations of 60 dB for commercial properties and 55 dB for multi-family residential properties. The surrounding properties to the north, south and west are established with medical/commercial office uses, and the property to the east (across Fig Street) is occupied by a multi-family residential building.

The proposed generator would be located in the southwestern area of the site at the toe of an approximately 20-foot high slope that separates the skilled nursing facility from an adjacent parking lot for Palomar Hospital. The generator would be located approximately nine feet from the western property line and 28 feet from the southern property line. An 8.5-foot-high masonry wall placed partially into the toe of the slope would be located around the western and southern sides of the generator to help create a level pad area and minimize noise impacts measured at the nearest property lines.

According to a Noise Impact Analysis for Palomar Vista Healthcare Center Generator, prepared by Eilar Associates, Inc., dated June 7, 2012, the site has a measured ambient noise level of 50 dBA. Specifications provided by the manufacturer indicate noise levels for the proposed Kohler 100 kW generator (with the manufacturer-provided sound and weather enclosure) are estimated to be 68 dBA measured at 23 feet from the unit. The analysis calculates anticipated noise levels with and without the proposed masonry wall in place and incorporates the adjacent shed into the mitigated noise level. The analysis also includes a presumed property line for the western boundary located at the top of the slope since the slope area itself is considered unusable for outdoor uses. Without a wall in place, noise levels created by the proposed generator would exceed the 60 dBA commercial noise regulations at properties to the south (63.8 dBA) and west (63.3 dBA) of the site. The adjacent northern commercial properties and eastern residential properties would be within noise limits without the use of any walls. Daytime noise standards can be maintained on the site with the construction of the 8.5-foot wall proposed by the applicant on the western and southern sides of the generator. The proposed wall would lower noise levels to 57.5 dBA on the southern property line and 59 dBA at the western property line. A condition has been added to require construction of the wall as proposed.

Air Quality - The San Diego Air Pollution Control District limits usage to 52 hours per year when not under emergency conditions. Emissions occur only during emergency situations, and for a very short time, to perform maintenance checks and operator training. Therefore, the proposed generator would not create any adverse emissions due to the limited amount of hours a standby generator typically would be used.

Screening - As mentioned above, the proposed generator would have an 8.5-foot-high wall adjacent to the western and southern sides of the unit. A six-foot high chain link fence placed in the 25-foot distance between the skilled nursing facility and the detached shed would secure the generator from the parking lot and street to the east. Views of the

proposed generator from adjacent properties would be limited due to topography, intervening buildings and distance from the public street. The skilled nursing facility and adjacent slope would screen all views of the unit from the west and north. Views from the south would be primarily screened by the existing shed and the proposed masonry wall. Views from Fig Street and properties to the east would be at a distance of at least 175 feet and could further be minimized by placing slats in the proposed chain link security fence. A condition has been added to require the inclusion of slats within that fence.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The site is generally level and located within the urban core of the city. The site has been completely developed with a one-story, 17,900 SF skilled nursing facility, two storage sheds and a parking lot with 17 spaces. Several large ornamental trees are located in front of the building within a turf and shrub landscape area. A small shed located in the northwestern corner of the site has been placed over the property line and will have to be relocated or removed from the property. No areas of native vegetation exist on the site.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 0.8 acre
2. Building Size: 17,900 SF (sprinklered)
3. Number of Licensed Beds: 74
4. Hours of Operation: 24 hrs./7 days
5. Generator Size:
 - Length: 11.2 feet
 - Width: 3.8 feet
 - Height: 7.2 feet (includes largest subbase fuel tank)
6. Power Output: 100 kW

C. CODE COMPLIANCE ANALYSIS

	<u>Proposed</u>	<u>Required</u>
1. Setbacks:		
Rear (west):	9 feet	10 feet (Appurtenances for utility services may be erected or project into any required yard)
Side (south):	28 feet	5 feet
2. Parking:	17 spaces	25 spaces (1 space per 3 beds)

A July 16, 1974 memorandum in a 1969 Variance file for the site (69-80-V) notes that the City inadvertently created a legal non-conforming parking situation in 1962 when an inspector authorized all of the 23 required parking spaces to be located in the right-of-way. The situation is somewhat better now that 17 parking spaces are located on the site. No changes to the parking area are proposed as part of the project.

**FINDINGS OF FACT
PHG 12-0007
EXHIBIT "A"**

1. Granting the proposed Conditional Use Permit would be based upon sound principles of land use since the site is physically suitable to accommodate the proposed standby generator, parking would not be affected by the proposed equipment and views of the facility would be limited by its location at the rear of the development adjacent to existing structures.
2. The proposed Conditional Use Permit would not cause a deterioration of bordering land uses or create special problems in the area since the generator would conform to Noise Ordinance standards and be visually screened from adjacent streets and properties by existing structures and a proposed wall and fence..
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood plan for the area since the area is already developed with commercial and medical office uses and the proposal would allow uninterrupted medical services at the skilled nursing facility in the event of a power failure.

**CONDITIONS OF APPROVAL
PHG 12-0007
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 by the City, including any applicable City-Wide Facilities fees.
2. All construction and grading regulated by the City shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
4. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
5. The design and materials for the project shall be in substantial conformance with the plans/exhibits and details in the staff report to the satisfaction of the Planning Division.
6. 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.
7. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
8. As proposed, the generator equipment shall include the manufacturer-provided sound and weather enclosure.
9. All testing, maintenance and other non-emergency operation of the generator shall be limited to the hours of 7:00 A.M. to 5:00 P.M.
10. This CUP shall become null and void unless utilized within twelve months of the effective date of approval.
11. As proposed, an 8.5-foot high masonry wall shall be installed as depicted on the project plans to reduce noise levels to acceptable limits as indicated in the Noise Impact Analysis for Palomar Vista Healthcare Center Generator, prepared by Eilar Associates, Inc., dated June 7, 2012.
12. Visual screening of the generator from the parking lot and public street shall be enhanced by placing slats in the proposed chain link security fence.

13. The existing approximately 5'x8' shed in the northwestern corner of the site shall be demolished or relocated off of the property line to another location on the site. The adjacent propane tank shall also be removed in conjunction with the removal of the existing generator in this area.
14. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
15. The generator shall only be used for emergency backup power. All non-emergency use (i.e., testing, maintenance, etc.) shall comply with hourly limits established by APCD.
16. Prior to installation of the emergency generator, the applicant shall secure an "Authority to Construct" permit from the San Diego Air Pollution Control District.



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: Vanessa Esquivel
 P.O. Box 121750
 San Diego, CA 92112-1750

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

Project Title/Case No.: Conditional Use Permit for Emergency Generator – PHG 12-0007

Project Applicant: Gregg Maedo Architects

Project Location - Specific: The 0.8-acre site is located on the western side of Fig Street, between E. Pennsylvania Avenue and E. Grand Avenue, addressed as 201 N. Fig Street.

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project: A request for a Conditional Use Permit to install a 100 kW emergency standby diesel generator at an existing skilled nursing facility (Palomar Vista Healthcare Center). The proposed generator would replace a smaller emergency generator on the property and would be located adjacent to a detached storage building at the western end of the parking lot. No changes to the building or parking area are proposed.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Gladys Makabenta, Gregg Maedo Architects

Telephone: (714) 937-1985

Address: 321 N. Rampart St., Suite 101, Orange, CA 92868

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


Exempt Status:

Categorical Exemption. CEQA Section 15302, "Replacement or Reconstruction of Existing Structures or Facilities".

Reasons why project is exempt:

1. The proposed emergency standby generator would not create any adverse visual, noise or air-quality impacts since it would be located at the rear of the property and adjacent to existing structures and fitted with appropriate noise attenuation devices to ensure compliance with the city's Noise Ordinance. Non-emergency use of the generator would comply with all APCD air-quality requirements.
2. The project will not increase the number of daily vehicle trips to the site, nor impact vehicular circulation on or around the site.
3. In staff's opinion the proposed development would not have the potential to cause an adverse impact on the environment. Therefore, the proposal is not subject to further CEQA review.

Lead Agency Contact Person: Bill Martin, Planning Division Area Code/Telephone/Extension (760) 839-4557

Signature: 
 Bill Martin, Principal Planner

JUNE 21, 2012
 Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant