

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10

Date: January 11, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: Master Development Plan Modification to amend the List of Permitted Uses for the Centre City Village/Urbana Mixed-Use Development (PHG 11-0037)

ECONOMIC DEVELOPMENT SUBCOMMITTEE RECOMMENDATION:

The Economic Development Subcommittee approved a request for expedited processing of the proposed amendment to the Master Development Plan on November 29, 2011. In conformance with Article 69 of the Escondido Zoning Code (Business Enhancement Zone) incentives, Planning Commission consideration is not required when the subcommittee approves a BEZ incentive that authorizes a project to be exempt from review by the Planning Commission.

STAFF RECOMMENDATION:

It is requested that Council adopt Ordinance No. 2012-01 to amend the Master Development Plan for the commercial component of the mixed-used development.

LOCATION:

The subject site is located on the southeastern corner of Escondido Boulevard and Citracado Parkway, addressed as 2500 South Escondido Boulevard (APN 238-152-21).

FISCAL ANALYSIS:

None.

PROJECT DESCRIPTION:

A modification to the Master Development Plan for the Centre City Village/Urbana mixed-use development to amend the list of permitted uses for the commercial component of the project to allow a health club-gymnasium and other appropriate uses otherwise permitted in the South Escondido Boulevard Neighborhood Plan to be located within the existing commercial buildings. The project includes a request to use the two commercial buildings (approximately 9,838 SF) on the site for a fitness-health club. As part of the original approval of the Master and Precise Development Plan, a list of permitted and conditionally permitted uses was adopted for the commercial component of the project, which includes a variety of commercial, retail, office and restaurant type uses. However, a health club-fitness type facility is not included on the list of allowable uses, but is a permitted use

elsewhere within the South Escondido Boulevard Commercial Corridor. Therefore, in order to accommodate the proposed use, a modification to the Master Plan is necessary to amend the list of allowable uses. The proposed amendment also includes additional language that would allow the Director of Community Development to approved uses not specifically allowed on the approved list of uses for the commercial buildings provided they are consistent with the goals and policies of the South Escondido Boulevard Neighborhood Plan, are compatible with the adjacent residential mixed-use development and can provide sufficient parking.

BACKGROUND:

A Zone Change, Planned Development, Tentative Subdivision Map and Business Enhancement Zone Incentives originally were approved by the City Council in 2004, and amended in 2005 for the development of the mixed-use development. The project consists of 62 multi-story townhome units and 10,000 SF of commercial space. A BEZ request also was approved to allow up to 22 on-street parking spaces to count towards the required parking for the commercial space, along with a 15% reduction of the required parking spaces for the commercial uses. Specific development fee and other financial incentives also were approved. The entire project has been constructed and all of the residential units occupied. However, the commercial buildings are vacant and never have been occupied.

GENERAL PLAN ANALYSIS:

The site is located within the General Commercial designation of the General Plan, which permits a wide variety of commercial, retail and service uses. The site also is located within the South Escondido Boulevard (SEB) corridor. The Area Plan for the SEB corridor allows mixed-use commercial and residential projects within a planned development. The proposed amendment to the Master Development Plan is consistent with the General Plan designation and policies because a fitness facility is an allowed use within the SEB Area Plan.

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration was adopted for the approved project (City Log No. ER 2004-06) in conformance with the California Environmental Quality Act (CEQA). The proposed amendment to the Master Development Plan is exempt from additional environmental review in conformance with CEQA Section 15301, Class 1, "Existing Facilities." The proposed amendment to the list of approved uses would not result in any potential impacts to the environment.

PUBLIC COMMENT:

Staff has not received any comments from the public expressing concerns regarding the proposed modification to the Master Development Plan.

DISCUSSION:

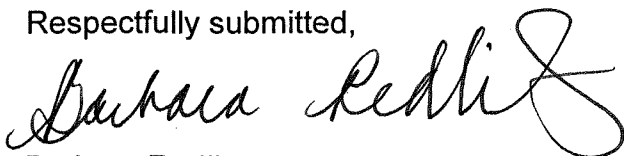
The project owner has submitted a request to modify the Master Development Plan for the project to accommodate a tenant that would utilize two of the vacant commercial buildings on the site as a fitness club-gymnasium. No exterior modifications to the buildings are proposed, except for allowed wall signage. The buildings originally were intended to be used for a variety of commercial, office and retail type uses, including a restaurant with outdoor seating within the smaller, single-story building.

However, the commercial buildings have not had a tenant since construction of the project. The larger, two-story building (approx. 8,426 SF) would include exercise areas, reception and office space, bathrooms and locker rooms. The smaller single-story building (approx. 1,374 SF) would be used as a separate exercise room. Staff feels adding a fitness facility to the list of permitted uses for the site is appropriate since the building can reasonably accommodate the proposed use; a fitness facility is an allowed use within the South Escondido Boulevard Corridor; a fitness facility would not be out of character with the currently allowed uses of the building; and the operation would not result in any potential noise or compatibility issues with the adjacent residential uses. Appropriate on-site parking also would be provided. The hours of operation of the facility would be subject to the limitations placed on the other allowed commercial uses of the site (7:00 a.m. to 10:00 p.m., on weekdays and 7:00 a.m. to 11:00 p.m. on weekends).

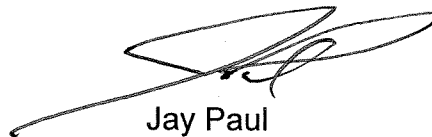
A list of allowed and conditionally allowed uses were adopted for the commercial component of the project; this list is similar, but more restrictive than the list of allowed and conditionally allowed uses of the South Escondido Boulevard Neighborhood Plan in order to ensure compatibility with the adjacent residential component of the project and appropriate parking. Uses otherwise allowed in the South Escondido Boulevard Neighborhood Plan, but not listed as allowed uses on the subject site include; automotive and equipment trade, repair, rental and services; thrift shops; employment and government services; laundries; and charitable, social and fraternal organizations/services. While the applicant has a prospective tenant for the commercial space (the fitness facility), he also requested that the permitted use list be broadened to allow flexibility for future commercial uses of the buildings that may be compatible with the adjacent residential uses, thereby eliminating the need to continually amend the plan. Staff has included language that would allow the Director of Community Development to permit certain uses provided they were compatible with the adjacent residential developments; are consistent with the goals and policies of the South Escondido Boulevard Neighborhood Plan and General Plan; and do not create additional parking demand as may be limited by the original project Conditions of Approval.

Parking - The adopted Conditions of Approval for the commercial buildings include limitations on specific uses due to the number of parking spaces available on-site and along the project frontage. The Master Plan limits the square footage of certain commercial uses within the two buildings that would generate a higher parking demand (such as restaurants) in order to ensure appropriate parking. Specific parking incentives were originally approved for this project to allow a 15% reduction in required on-site commercial parking and also to allow up to 22 on-street parking spaces to be used toward the commercial parking requirements. A proposed fitness facility-gym requires one parking space for every 200 SF of recreational floor area, which would require 35 parking spaces, plus an additional two spaces for the vacant 200 SF kiosk building. There are 40 on-site parking spaces dedicated for the commercial buildings. The fitness use would not need to take advantage of the BEZ 15% parking reduction or on-street spaces to meet the required parking, although the on-street spaces would be available to serve the project.

Respectfully submitted,



Barbara Redlitz
Director of Community Development



Jay Paul
Associate Planner

EXHIBIT "A"

FACTORS TO BE CONSIDERED PHG 11-0037

Master Plan Modification

1. Granting the modification to the List of Permitted Uses in the Master Development Plan to allow health club-gymnasium and other appropriate uses would be in conformance with the City's General Plan land-use designation of General Commercial, which permits a wide variety of commercial, office, restaurant and retail uses within master planned commercial developments. 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 buildings are well integrated with its surroundings and the proposal to permit additional commercial uses at the site would not result in a substantial alteration of the present or planned land use since the commercial project allows for a variety of commercial, business, and retail type businesses/activities that would not be affected by the proposed change and would be compatible with the adjacent residential uses.
3. The commercial area 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 proposed modification to the Master Development Plan would have a beneficial effect by providing services requested by city residents and the business community. The overall design of the commercial component of the mixed-use development is conducive to a health-club facility with convenient parking located in front of the subject buildings and produces an attractive, efficient and stable environment for commercial activities 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 the adjacent neighborhood for the reasons stated above and detailed in the City Council report.
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.

EXHIBIT "B"

PERMITTED USES (Centre-City Village/Urbana Mixed Use Development) from 2004-14-CZ/PD/BEZ, Tract 873

The following uses are permitted in the Centre City Village Mixed-Use Development:

4923	Travel arranging service (office only)
5230	Paint, glass and wallpaper
5251	Hardware stores
5256	Swimming pool supplies
5300	General Merchandise (retail)
5410-5460	Food (retail)
5491-5495	Retail trade – Food NEC
5497	Food catering (food preparation and delivery of food)
5499	Other retail trade – food NEC
5600	Apparel and accessories
5700	Furniture, home furnishings and equipment
5810	Restaurants/Eating Places with or without incidental sale of alcohol (not permitted in 1 st floor tower offices, catering space or 5,600 SF retail space).
5815	Specialized food sales from pushcart facilities on private property
5910	Drug and Proprietary
5931	Antiques
5940	Books, stationary, art and hobby supplies
5950	Sporting goods, bicycles and toys
5970	Jewelry
5990	Miscellaneous retail trade, NEC
6100	Finance, insurance and real estate services
6220	Photographic services
6230	Beauty and barber services
6311	Advertising services
6340	Dwelling and other business services (office only)
6392	Messenger service
6393	Detective and protective services
6399	Other business services NEC (office only)
6420	Electrical appliance repair and services
6496	Locksmiths and key shops
6511	Physicians' offices and services (not including medical clinic)
6512	Dental offices and services
6519	Other medical and health services NEC
6520	Legal services
6530	Engineering, architectural and planning services
6590	Professional services NEC
6600	General construction services (office only)
6810	Nursery, primary and secondary education
6930	Business, professional and labor organizations and services
6950	Political, civic and veterans organizations
6960	Non-profit membership organizations
7113	Art galleries

The following uses shall require a Conditional Use Permit and are subject to Section 33-1203 of Zoning Code Article 61:

4753	Communication antennas pursuant to Article 34
5820	Drinking places – Alcoholic beverages, (includes bars or taverns, does not include restaurants selling alcoholic beverages)

Exhibit "C"

**Proposed additional language
Permitted Uses
(Centre-City Village/Urbana Mixed Use Development)
PHG 11-0037**

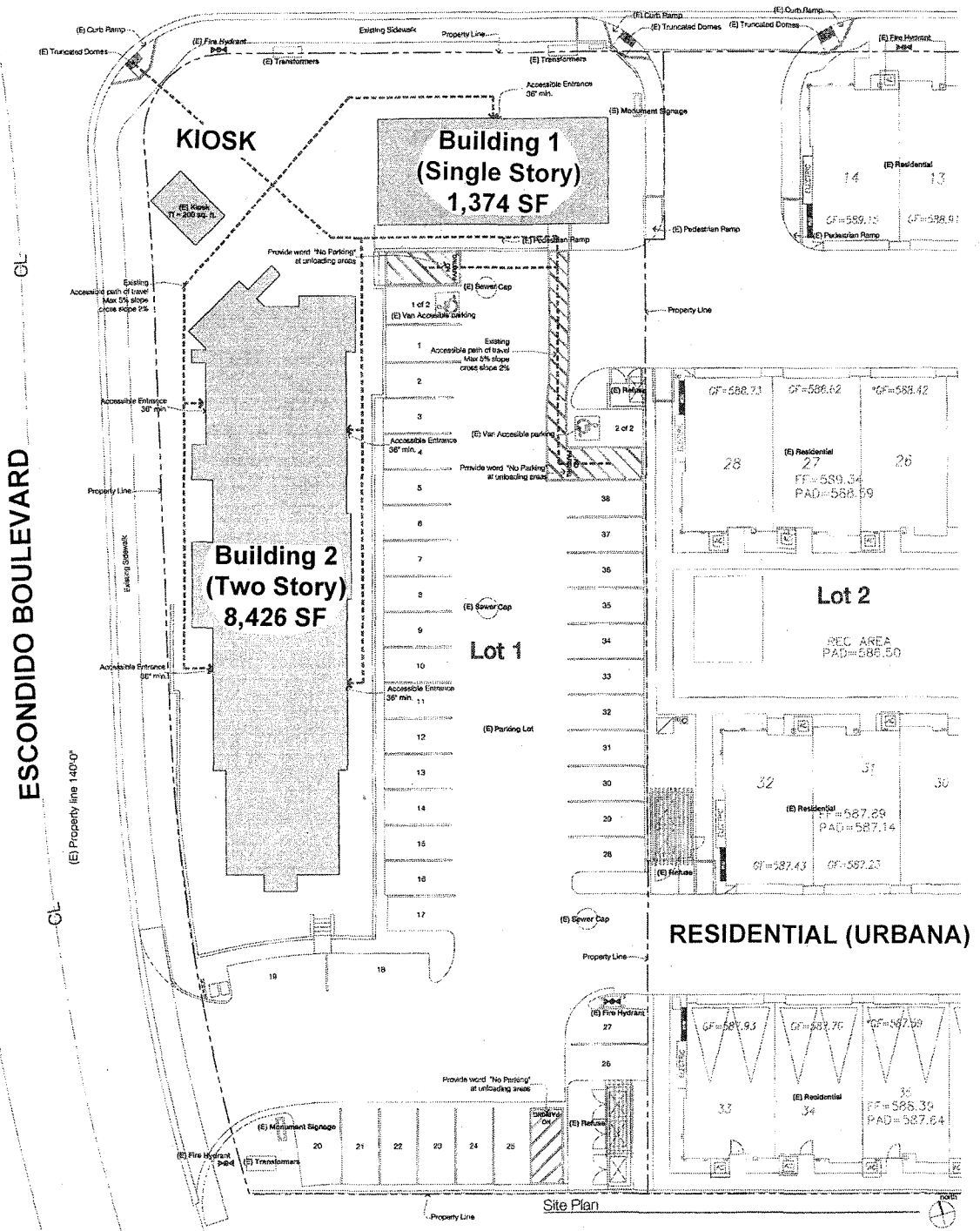
The following uses are added to the list of permitted uses:

7425 Gym, athletic club, and similar type uses

The following language is added to the list of permitted uses:

The Director of Community Development may approve a use or require a Conditional Use Permit for a proposed use not specifically listed as a permitted use which is found to be consistent with the intent and purpose of the commercial component of the project, the South Escondido Boulevard Neighborhood Plan and General Plan. A proposed use must be similar to the list of permitted uses, and not more detrimental to the zone or the overall mixed-use project (especially the residential component of the project) than those uses listed as permitted uses, or require additional parking as limited by the adopted Conditions of Approval, or result in incompatible noise, intensity or operational impacts.

CITRACADO PARKWAY

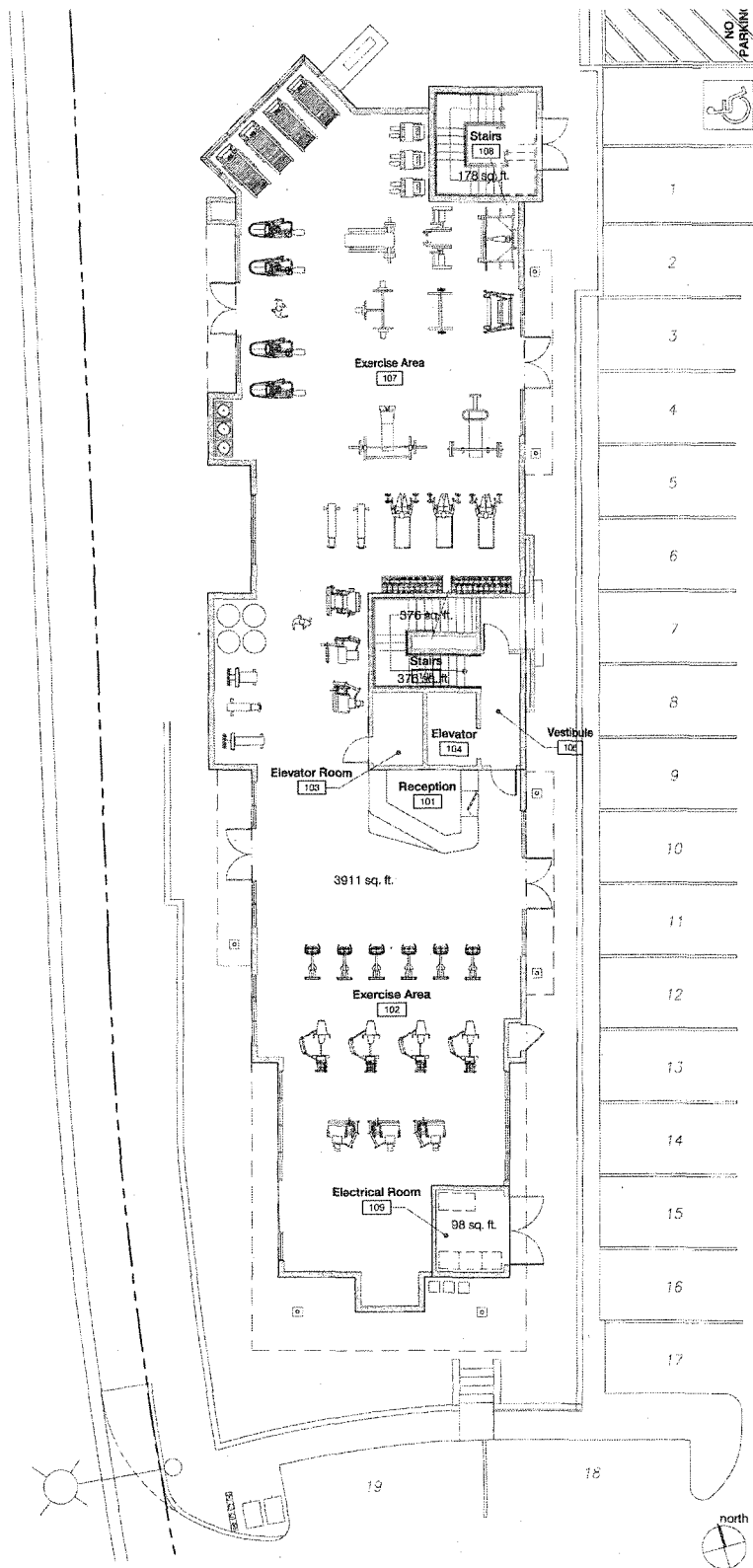


PROPOSED PROJECT

PHG 11-0037

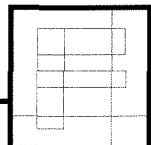


SITE PLAN

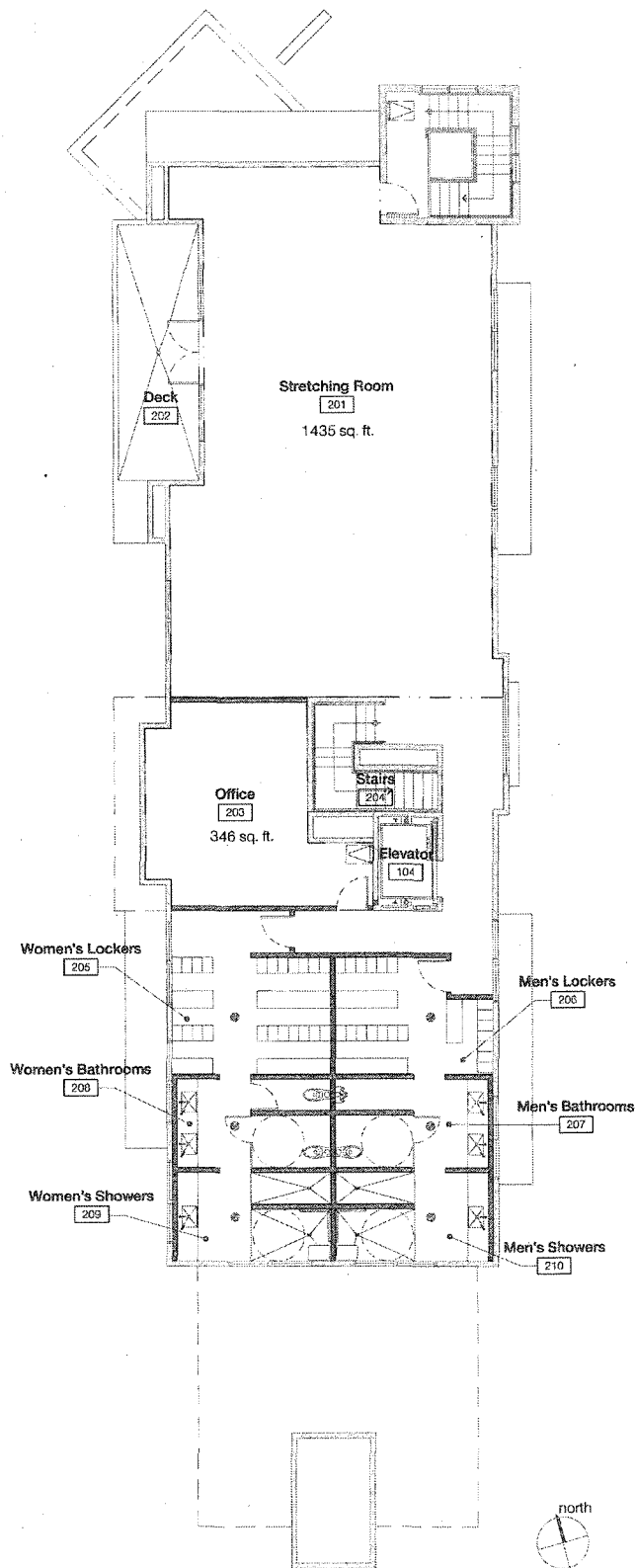


Building 2 - First Floor Plan

PROPOSED PROJECT
PHG 11-0037

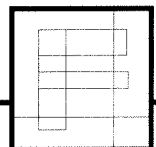


FLOOR PLAN

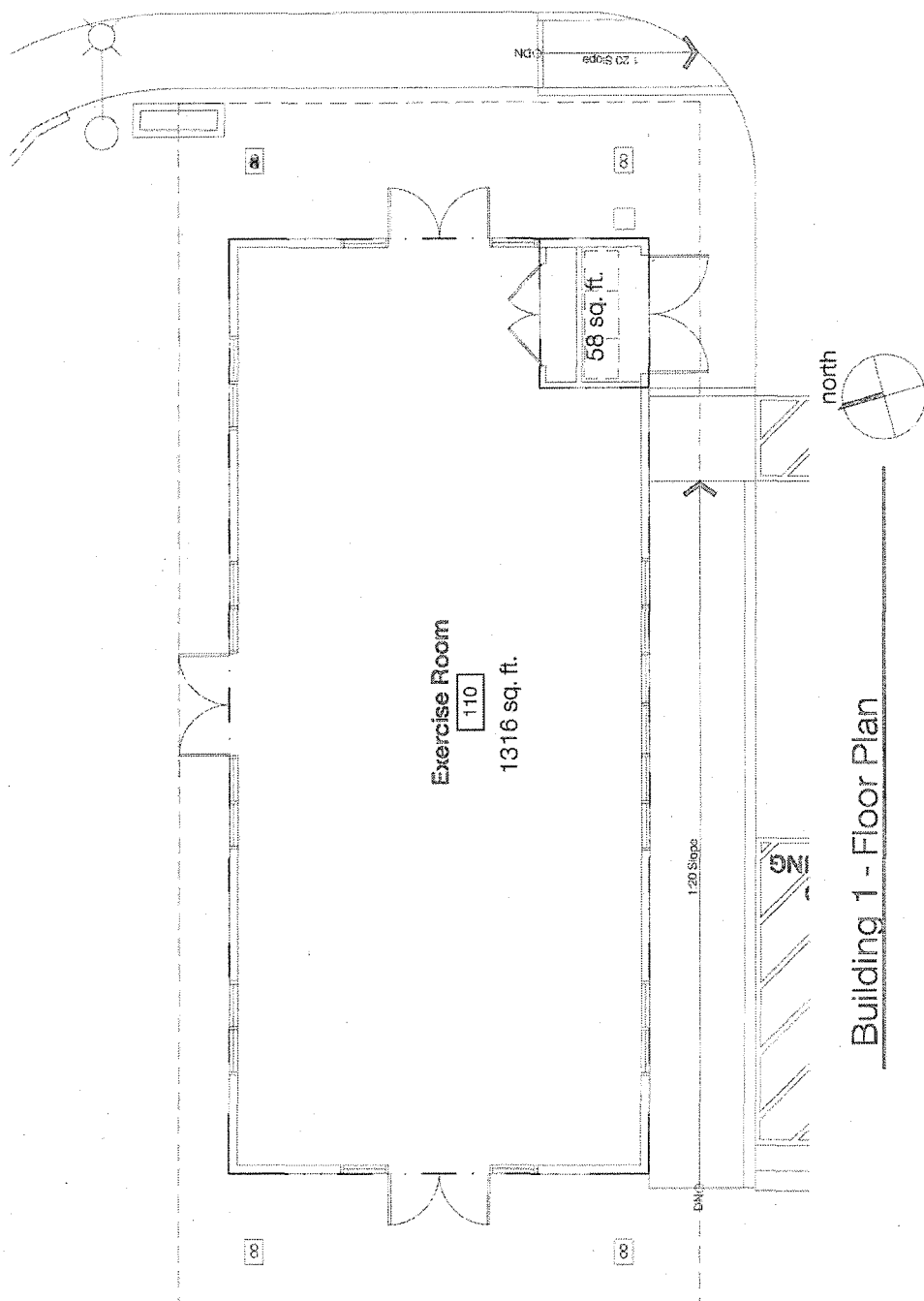


Building 2 - Second Floor Plan

**PROPOSED PROJECT
PHG 11-0037**

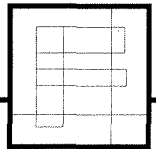


FLOOR PLAN



Building 1 - Floor Plan

PROPOSED PROJECT
PHG 11-0037



FLOOR PLAN



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.: Master Plan Modification City File No. PHG 11-0037

Project Location - Specific: The subject site is located on the southeastern corner of Escondido Boulevard and Citracado Parkway, addressed as 2500 South Escondido Boulevard (APN 238-152-21).

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

Description of Project: A modification to the Master Development Plan for the Centre City Village/Urbana mixed-use development to amend the list of permitted uses for the commercial component of the project to allow a health club-gymnasium and other appropriate uses otherwise permitted in the South Escondido Boulevard Neighborhood Plan to be located within the existing commercial buildings. The proposed amendment also includes additional language that would allow the Director of Community Development to approved uses not specifically allowed on the approved list of uses for the commercial buildings.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name Gotham Property Group (Edward Kaen) Telephone (619) 814-5715
Address 861 6th Avenue, #310 San Diego, CA 92101

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

Exempt Status: Categorical Exemption. Section 15301, Class 1 (Existing Facilities).

Reasons why project is exempt:

1. The project is located within the South Escondido Boulevard Corridor and the proposal only would amend the list of permitted uses on the site already permitted within the South Escondido Boulevard Neighborhood Plan. The project site has been developed with commercial buildings, parking and landscaping. No physical changes to the site are proposed.
2. The site is in an urban area where all public services and facilities are available to allow for the proposed use.
3. 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 result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas. The site also does not contain any sensitive or protected habitat.

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

Signature:  December 22, 2011
Date

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

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO THE
MASTER DEVELOPMENT PLAN TO AMEND
THE LIST OF PERMITTED USES TO ALLOW
A HEALTH CLUB/GYMNASIUM AND OTHER
APPROPRIATE USES FOR THE
COMMERCIAL COMPONENT OF THE
CENTRE CITY MIXED-USE VILLAGE
(URBANA)

PLANNING CASE NO. PHG 11-0037

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That proper notice of a public hearing has been given and a
public hearing has been held before the City Council on this issue and that the City
Council has considered the proposal, the staff report, the Notice of Exemption, and any
public testimony presented at the hearing.

SECTION 2. That pursuant to the provisions of the Business Enhancement
Zone, Article 69 of the Escondido Zoning Code, the City Council Economic
Development Subcommittee approved a request for expedited processing of the Master
Development Plan on November 29, 2011.

SECTION 3. That the City Council has reviewed the Statement of Exemption
prepared for the project in conformance with CEQA Section 15301, Class 1, "Existing
Facilities," and has determined that all environmental issues associated with the project

have been addressed and no significant environmental impacts will result from approving this modification to the Master Development Plan.

SECTION 4. That upon consideration of the staff report and all public testimony presented at the hearings held to consider the proposed modification, this City Council finds that the proposed modification to the Master Development Plan is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the Factors to be Considered, attached as Exhibit "A," and incorporated by this reference, were made by said Council.

SECTION 6. That the City Council desires at this time and deems it to be in the best public interest to approve the requested modification to the Master Development Plan to amend the list of permitted uses for the commercial component of the Centre City Mixed-Use Village (Urbana) as set forth in Exhibits "B" and "C," which are incorporated by this reference. The subject site generally is located on the southeastern corner of Escondido Boulevard and Citracado Parkway, addressed as 2500 South Escondido Boulevard (APN 238-152-21).

SECTION 7. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

EXHIBIT "A"**FACTORS TO BE CONSIDERED
PHG 11-0037**Master Plan Modification

1. Granting the modification to the List of Permitted Uses in the Master Development Plan to allow health club-gymnasium and other appropriate uses would be in conformance with the City's General Plan land-use designation of General Commercial, which permits a wide variety of commercial, office, restaurant and retail uses within master planned commercial developments. 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 buildings are well integrated with its surroundings and the proposal to permit additional commercial uses at the site would not result in a substantial alteration of the present or planned land use since the commercial project allows for a variety of commercial, business, and retail type businesses/activities that would not be affected by the proposed change and would be compatible with the adjacent residential uses.
3. The commercial area 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 proposed modification to the Master Development Plan would have a beneficial effect by providing services requested by city residents and the business community. The overall design of the commercial component of the mixed-use development is conducive to a health-club facility with convenient parking located in front of the subject buildings and produces an attractive, efficient and stable environment for commercial activities 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 the adjacent neighborhood for the reasons stated above and detailed in the City Council report.
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.

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