



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall - Parkview Room
May 2, 2024
2:00 p.m.

A. Call to Order:

Zoning Administrator: Veronica Morones, City Planner

Staff Present:

Public Present:

B. Agenda Item:

1. [PL23-0284 Minor Conditional Use Permit](#)

REQUEST: A Minor Conditional Use Permit (MCUP) to allow for the operation of a tow yard with impound lot on a developed industrial property, zoned General Industrial (M-2). The proposed project also includes new landscaping, parking restriping, and solid fencing at the rear of the property.

Location: 1558 Sterling Court (APN: 232-460-08-00)

Applicant: Basil Yousef (Crossroadz Towing)/Jason Greminger (CCI Connect)

Planner: Melissa DiMarzo, Assistant Planner II

ENVIRONMENTAL STATUS: The project is exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities), as the project is a request to utilize a pre-existing lot and structure to carry out impound/towing operations.

DECISION OF THE ZONING ADMINISTRATOR:

- Approved, as set to form
- Conditionally approved with the attached modifications
- Denied
- Continued to: ___ Date Certain (_____) ___ Date Unknown
- Referred to Planning Commission

C. Adjournment:

I certify that these actions were taken at the Zoning Administrator meeting on May 2, 2024.

Zoning Administrator

Witness

Decisions of the Zoning Administrator may be appealed to the Planning Commission pursuant to Zoning Code Section 33-1303

ZONING ADMINISTRATOR

CASE NUMBER: PL23-0284

APPLICANT: Basil Yousef (Crossroadz Towing)
Jason Greminger (CCI Connect)

PROJECT LOCATION: On the north side of Sterling Court, south of Mission Road, west of Superior Street, east of Venture Street, addressed as 1558 Sterling Court (APN: 232-460-08-00).

REQUEST: A Minor Conditional Use Permit (MCUP) to allow for the operation of a tow yard with impound lot on a developed industrial property, zoned General Industrial (M-2). The proposed project also includes new landscaping, parking restriping, and solid fencing at the rear of the property.

**STAFF
RECOMMENDATION:** Approval

**GENERAL PLAN
DESIGNATION:** GI (General Industrial)

ZONING: M-2 (General Industrial)

BACKGROUND/PROJECT DESCRIPTION:

The proposed project consists of repurposing a developed 0.26-acre lot with an existing 4,000 square-foot industrial building in the General Industrial zone (M-2). Prior to the proposed use, the property was most recently used for office and warehousing/storage purposes. The project site is located within a developed industrial area of the City, and is surrounded by industrially zoned properties to the east, west, and south, and the Sprinter rail line to the north. Surrounding uses include general contractor uses to the west and south, and automotive services to the east.

Crossroadz Towing (applicant) requests to utilize the project site for the purposes of storing towed vehicles for auto insurance companies and law enforcement impound. The storage would be short-term (approximately 48 hours) and would include vehicles involved in an accident, vehicle breakdown, and/or seizures. Intended clients include insurance companies and police departments. The proposed use would store no more than 14 vehicles at one time (as depicted

on the project-specific parking diagram in attachment 2) located at the rear of the property within a fenced and secured area. The proposed use would operate seven tow trucks which would be stored generally within the rear side yard on site. The proposed use's operating hours would occur from 7 a.m. to 6 p.m. Tuesday through Friday and 24 hours a day on Saturdays, Sundays, and Mondays. The proposed operation would maintain two employees with one on call 24 hours a day, seven days a week. One parking space is required for each employee on the largest shift. The project site maintains four spaces available, which would allow for up to 4 total employees on the largest shift.

Article 26, section 33-564 (Land uses) permits for tow yards and accompanying storage within the General Industrial zone subject to additional regulations identified within Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code. Additional miscellaneous use restrictions include a requirement for additional upgraded fencing for the purposes of security and screening of the storage portion of the lot. The proposed project would comply with the upgraded fencing requirement. Additionally, the applicant proposes to enhance the project site through improved landscaping within the front setback (adjacent Sterling Court), and restriping of the existing parking lot area. The proposed project would not result in any changes to the existing building on site, which the applicant intends to use for ancillary office purposes.

The proposed project complies with the requirements of Article 26 (Industrial Zones) and Article 57 (Miscellaneous Use Restrictions) as proposed and with the conditions of approval included in this report. The proposed project is a use that conforms with the intent of the General Industrial zone in that it is an allowed use in the M-2 zone. Further, the proposed project would be compatible with the surrounding uses which are uses permitted within the General Industrial zone. The proposed project adheres to General Plan Industrial Land Use Policy 10.7 in that the scale and number of required improvements are in line with the scope of the proposed project and those that ensure public health and safety, such as adequate screening and securing of the outdoor vehicle storage area through repaired and new screening fencing.

ENVIRONMENTAL STATUS:

The project is exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities), as the project is a request to utilize a pre-existing lot and structure to carry out impound/towing operations.

REASONS FOR RECOMMENDATION:

1. All of the requirements of CEQA have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15301 (Existing Facilities).
2. The project is consistent with land use policies that support industrial uses within the General Industrial zone. Granting the Minor Conditional Use Permit to allow for the operation of an

Zoning Administrator
May 2, 2024
PL23-0284

impound lot/tow yard will not result in any conflicts with surrounding land uses, utilities, traffic/circulation or public facilities. No physical changes are proposed to the existing industrial building. Sufficient parking is provided for employees of the tow yard and clients, as well as the tow vehicle utilized for the business. Therefore, staff recommends approval of the Minor Conditional Use Permit.

Respectfully submitted,

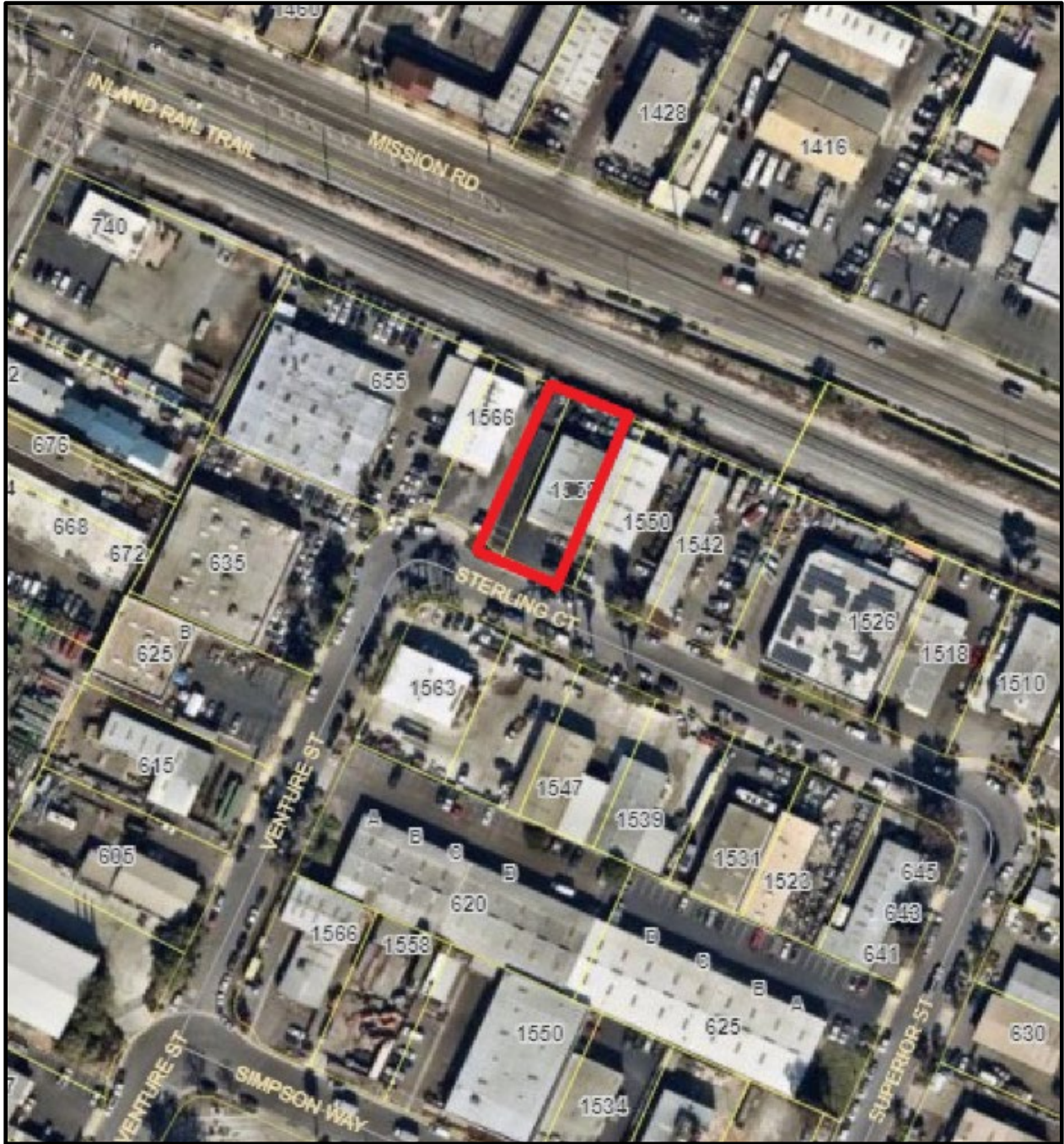
Melissa DiMarzo

Melissa DiMarzo
Assistant Planner II

ATTACHMENTS:

1. Project Location and Site Photographs
2. Site Plan, Landscape Plan, and Parking Diagram
3. Zoning Administrator Resolution No. 2024-07, including exhibits A, B, C, and D
4. Notice of Exemption

ATTACHMENT 1 – PROJECT LOCATION AND SITE PHOTOGRAPHS
PL23-0284



APN: 232-460-08-00



Figure 1 Looking toward building from the street.



Figure 4 Building facade.



Figure 2 Looking toward the street from the back of the building.

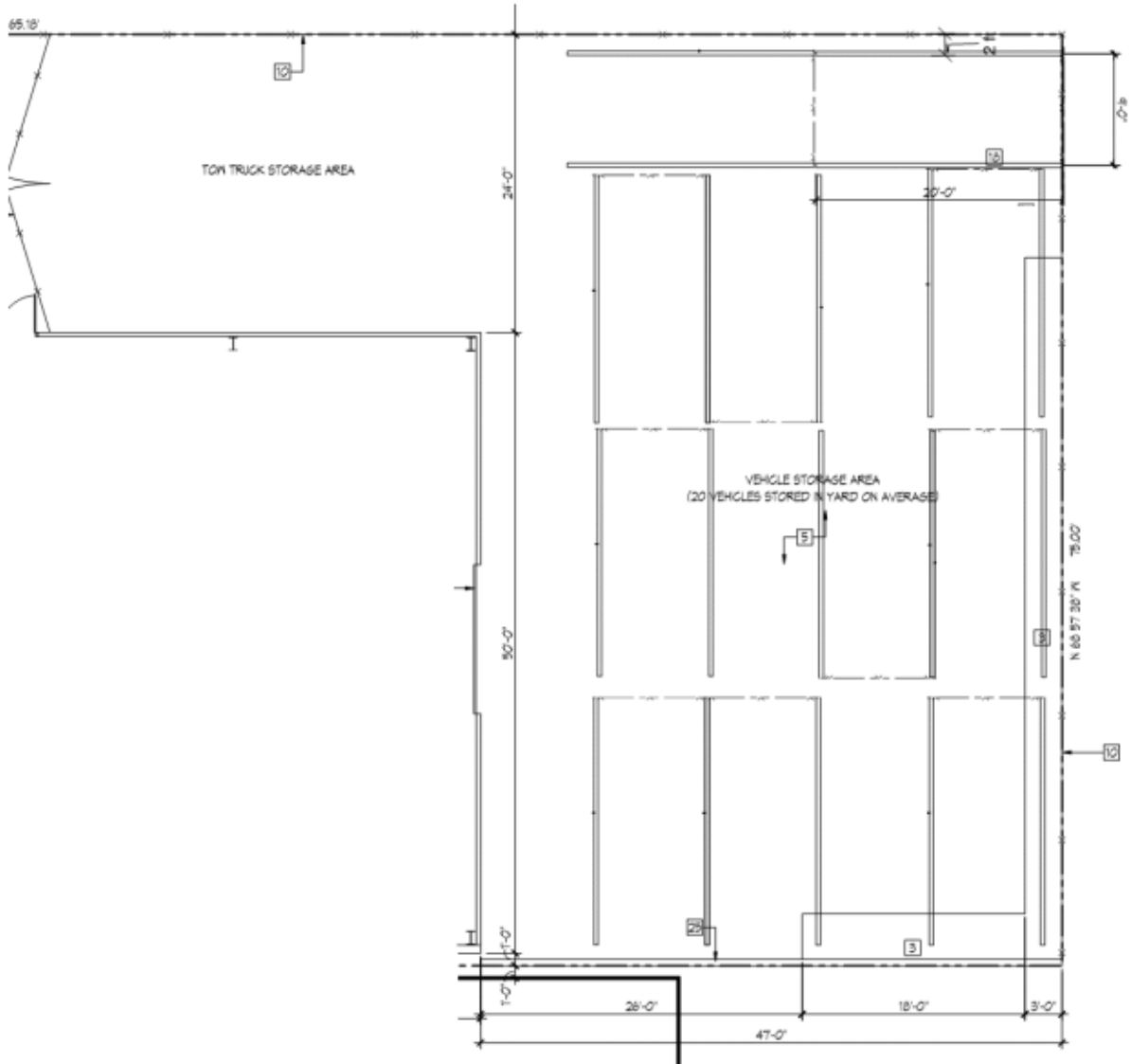


Figure 5 Looking toward rear yard at side of bldg.



Figure 3 Looking at the rear yard.

ATTACHMENT 2 – SITE PLAN, LANDSCAPE PLAN AND PARKING DIAGRAM
PL23-0284



PARKING DIAGRAM

Zoning Administrator
May 2, 2024
PL23-0284

The Architectural and Landscape Drawings are copyright-protected. If you would like to view these drawings, please contact the project planner, Melissa DiMarzo at 760-839-4531, or via email at Melissa.DiMarzo@escondido.gov.

ATTACHMENT 3

PL23-0284

Zoning Administrator

Hearing Date: May 2, 2024

Effective Date: May 14, 2024

RESOLUTION NO. 2024-07

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MINOR CONDITIONAL USE PERMIT
FOR A TOW YARD AND IMPOUND LOT ON A
DEVELOPED INDUSTRIAL PROPERTY

APPLICANT: Basil Yousef (Crossroadz Towing)

Jason Greminger (CCI Connect)

CASE NO: PL23-0284

WHEREAS, the Zoning Administrator of the City of Escondido did, on May 2, 2024, hold a public hearing to consider a request for a Minor Conditional Use Permit (MCUP) to allow for the operation of a tow yard and impound lot on a developed industrial property; and

WHEREAS, the subject property is all that real property described in Exhibit "A", which is attached hereto and made a part hereof by this reference as though fully set forth herein ("Property"); and

WHEREAS, evidence was submitted to, and considered by, the Zoning Administrator at or before the public hearing, including, without limitation, written

information, plans, application materials, and the staff report dated May 2, 2024, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code (Chapter 33, Article 61, Division 6 - §33 -1300) and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines section 15301 (Existing Facilities); and

WHEREAS, a staff report was presented discussing the issues in the matter; and

WHEREAS, Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Administrator of the City of Escondido:

1. That the above recitations are true and correct.
2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects.

3. That, considering the Findings of Fact attached as Exhibit "B" hereto, and applicable law, the Zoning Administrator hereby approves said Minor Conditional Use Permit (PL23-0284) as depicted on the project plans included as Exhibit "C," and subject to the Conditions of Approval attached as Exhibit "D."

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 24 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Engineering Services Departments. The project also is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

Zoning Administrator
May 2, 2024
PL23-0284

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the
City of Escondido, California, at a regular meeting held on the 2nd day of May, 2024.

VERONICA MORONES
Zoning Administrator

Witness

Note: This action may be appealed to Planning Commission
pursuant to Zoning Code Section 33-1303

Zoning Administrator
May 2, 2024
PL23-0284

EXHIBIT "A"

PLANNING CASE NO. PL23-0284

LEGAL DESCRIPTION

LOT 8 OF ESCONDIDO TRACT NO. 289, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 8493, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 17, 1977.

EXHIBIT “B”

PLANNING CASE NO. PL23-0284

FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (CEQA), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15301 (Existing Facilities) because such categorical exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed Project entails a change of use with minor site modifications to an existing facility previously developed with paved parking area, circulation, and general office building within a General Industrial zone. The proposed use would result in a negligible expansion of the former industrial use which utilized the site for ancillary office and associated business vehicle parking for a solar contracting business. The site would continue to utilize the on-site parking and site circulation for automotive vehicles and ancillary fleet vehicles and continue to use the existing structure as developed for administrative office uses.

The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.

3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the May 2, 2024 Staff Report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Conditional Use Permit Determinations:

1. *A Conditional Use Permit should be granted upon sound principles of land use and in response to services required by the community.*

The proposed tow yard and impound lot are conducive and match the surrounding character of the area in that the proposed project would negligibly expand the use operations and site conditions through implementation of new landscaping, repaved site parking, and enhanced fencing are the property boundary. The site is developed consistent to the M-2 zoning standards and is surrounded by other M-2 zoned properties with compatible uses. The proposed use is conditionally permitted per the provisions of Article 26 of the Escondido Zoning Code for Industrial Uses in the General Industrial Zone. Further, the project conforms with the general use restrictions provided in Article 57 (Miscellaneous Use Restrictions) for tow yard storage. The proposed use additionally complies with the specific provisions for fleet and tow yard storage. The proposed tow yard also meets the requirements for parking by providing a minimum of one space per employee on the largest shift.

2. *A Conditional Use Permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.*

The project site and surrounding area is zoned General Industrial (M-2) which permits for “heavy” or “intensive” uses by allowing outdoor storage, heavier equipment, and less restrictive design standards to accommodate these uses. The site is surrounded by other industrial uses, both light and general industrial. There are no residential uses in the adjacent area, and the operations would be adequately screened from public view. Sufficient parking and circulation would be provided on site for the business.

3. *A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.*

The proposed use meets the intent of the industrial zone per the Escondido Zoning Code and the City’s General Plan land use designation. The General Industrial land use is intended to accommodate the need for various types of industrial uses. The use of the subject property as a tow yard will not have an adverse effect on the surrounding neighborhood or uses in that the General Industrial (M-2) zone permits for “heavy” or “intensive” uses by allowing outdoor storage, heavier equipment, and less restrictive design standards to accommodate these uses. The site is surrounded by other industrial uses, both light and general industrial. There are no residential uses in the adjacent area, and the operations will would be adequately screened from public view. Sufficient parking and circulation would be provided on site for the business.

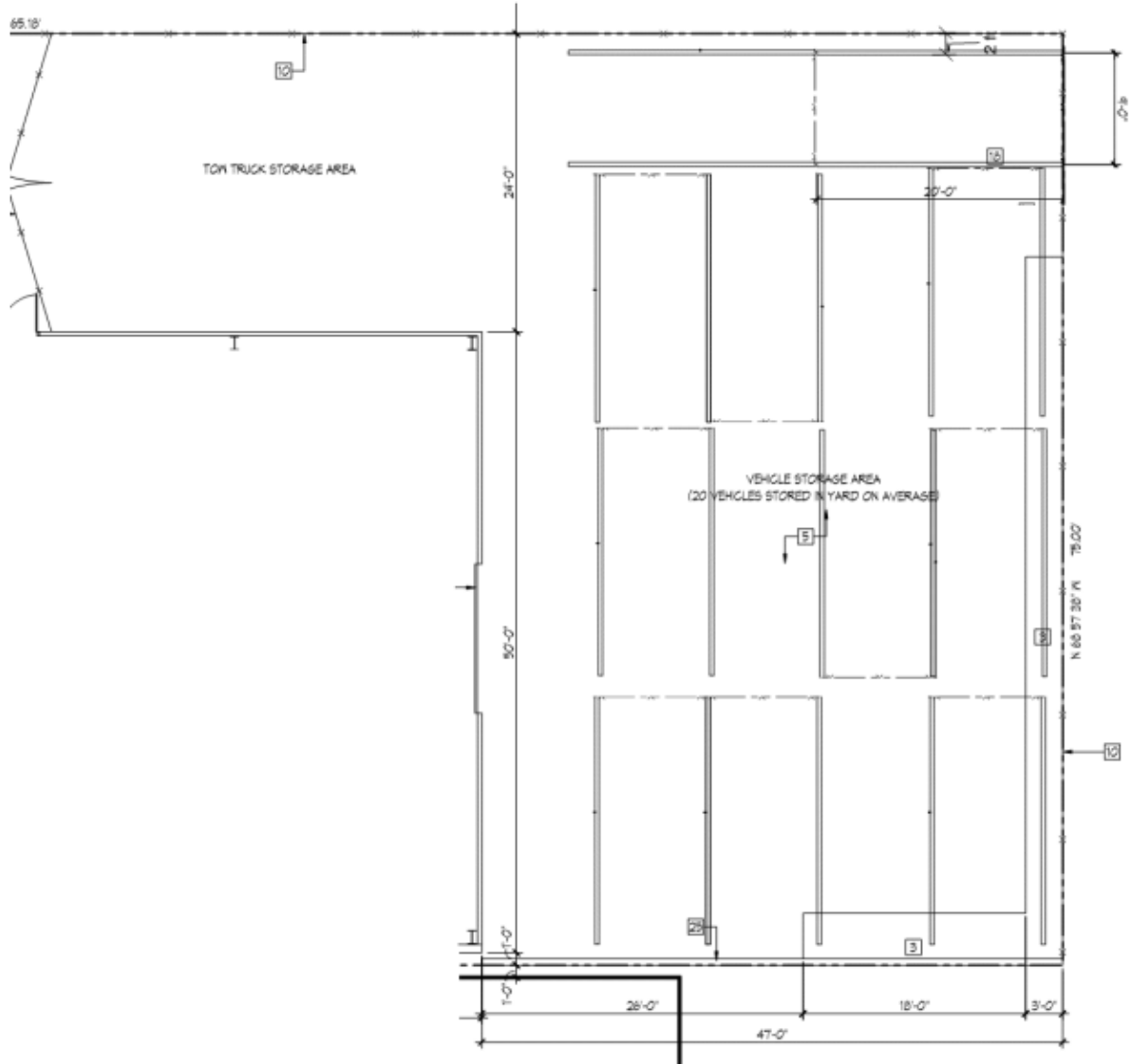
Zoning Administrator
May 2, 2024
PL23-0284

Further, the proposed project adheres to General Plan Industrial Land Use Policy 10.7 in that the scale and number of required improvements are minimal and those that ensure public health and safety, such as adequate screening and securing of the outdoor vehicle storage area through repaired and new screening fencing.

EXHIBIT "C"

PLANNING CASE NO. PL23-0284

PROJECT PLANS



PARKING DIAGRAM

Zoning Administrator
May 2, 2024
PL23-0284

The Architectural and Landscape Drawings are copyright-protected. If you would like to view these drawings, please contact the project planner, Melissa DiMarzo at 760-839-4531, or via email at Melissa.DiMarzo@escondido.gov.

EXHIBIT “D”
PLANNING CASE NO. PL23-0284
CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on July 25, 2023, and the Project drawings consisting of a Site Plan, Floor Plans, and Landscape Plans, received on April 1, 2024; all designated as approved on May 2, 2024, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term “Applicant” shall also include the Project proponent, owner, permittee, and the Applicant’s successors in interest, as may be applicable.

A. General:

- 1. Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a.** Acceptance of the Permit by the Applicant; and
 - b.** Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.

- 2. Permit Expiration.** The rights granted within this Permit shall be utilized within two years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code (Article 33, Division 1, §33-1206), or it shall expire and become null and void.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

- 3. Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any

modifications identified in these conditions of approval. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

- a. The operation and use of the subject property shall be consistent with the Project Description and the staff report dated May 2, 2024, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

5. Limitations on Use. Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.

6. Certificate of Occupancy.

- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Development Services.

7. Availability of Permit Conditions.

- a. Prior to operation, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.

b. The Applicant shall make a copy of the conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

8. Right to Entry. The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.

9. Compliance with Federal, State, and Local Laws. Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. During Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

10. Fees. The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Development Services. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Development Services Department.

Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code.

11. Public Art Partnership Program. All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance.

The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

12. Clerk Recording.

- a. Exemption.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines 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 date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. 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 period will apply.
- b.** For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

13. Legal Description Adequacy. 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.

14. Application Accuracy. The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.

15. Revocation, Suspension, Modification. At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Development Services for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject

property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates or constitutes a nuisance.

16. Indemnification, Hold Harmless, Duty to Defend.

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside

counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

17. Phasing. A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction

traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

B. Construction, Maintenance, and Operation Obligations:

- 1. Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of Development Services, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

- 2. Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

C. Parking and Loading/Unloading.

1. A minimum of two parking spaces shall be provided at all times for employee and operational use. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

D. Landscaping: The property owner or management company assumes all responsibility for maintaining all on-site landscaping; any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.

1. The Applicant shall provide a square footage total for the area proposed for landscape changes to the Planning Division with 10-days of project decision. In the event the total triggers a landscape plan check, Condition of Approval No. D.7 shall apply. If the applicant does not trigger the requirements for a landscape plan check pursuant State law No. D.7 shall not apply.
2. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
3. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
4. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
5. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
6. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.

- 7. Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the final Approved Plan set.
- a.** A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department prior to Business License approval. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
 - b.** Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
 - c.** The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
 - d.** Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.
 - e.** New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast-growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides

approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

E. Specific Planning Division Conditions:

1. Prior to the Planning Division's approval of the use's business license, the Applicant shall provide proof that the towed vehicle storage area perimeter has been fenced using solid block materials per the approved site plan. This shall be done to the satisfaction of the Director of Development Services or their designee.
2. Prior to commencing use operations, the Applicant shall be responsible for repairing all damaged/cracked asphalt on-site, and any and all missing/broken fencing slats on front fencing and/or gates to the satisfaction of the Director of Development Services or their designee.
3. Parking and/or storage of impounded and/or towed vehicles on-site shall not exceed the number of vehicles shown in the project-specific parking diagram at any given time, and shall not exceed a storage on-site that results in nuisance issues.
4. The Applicant shall be responsible for removing vehicles that are stored on-site in excess of the permitted timeframe outlined in the Escondido Zoning Code for tow yard storage uses (Article 57).
5. The Applicant shall be responsible for ensuring all towed vehicles and vehicles used in conjunction with the business are stored in the back lot area of the site, as described within the May 2, 2024 staff report.
6. The Applicant shall ensure all mechanical equipment shall be screened from the public right-of-way to the satisfaction of the Director of Development Services or their designee.
7. The project site shows four available parking stalls outside of the storage area, therefore, for the purposes of staffing, the use operations may allow for additional staffing subject to the limitations imposed by the City's Parking Ordinance (Article 39).
8. The Applicant shall be responsible for maintaining a minimum of 12-feet in clearance at the entrance of the drive aisle to the tow yard vehicle storage area, located west of the existing building, for entrance/exit purposes.
9. This Minor Conditional Use Permit does not allow for any changes to the existing building on site. Any future changes proposed to the existing building shall be subject to future permit requirements as outlined within the Escondido Zoning Code.

F. Specific Environmental Division Conditions:

Disposal and recycling bins shall be stored inside the building per the approved site plan.

G. Specific Utility Division Conditions:

WATER SUPPLY

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the Developer's/Owner's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The property owner shall provide evidence of such arrangements to the satisfaction of the City Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations as directed by the Fire Marshal.

SEWER

1. A private sewer lateral shall be installed from the public main and shall be 6" PVC minimum with a standard clean-out at the property line. Any new sewer laterals shall be installed at right angle to the main in conformance with the Design Standards.
2. All unused and/or abandoned sewer laterals shall be removed or capped at the property line per the Building Department's standards, and shall be noted on the plan to the satisfaction of the Utilities Engineer.
3. Private Sewer laterals shall be located outside of any public utility easements
4. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.

ATTACHMENT 4
NOTICE OF EXEMPTION

PL23-0284



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2738
760-839-4671

Notice of Exemption

To: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Hwy, Room 260
San Diego, CA 92101
MS: A-33

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

Project Title/Case No: Crossroadz Towing/PL23-0284

Project Location - Specific: On the north side of Sterling Court, south of Mission Road, west of Superior Street, east of Venture Street, addressed as 1558 Sterling Court (APN: 232-460-08-00).

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

Description of Project: A Minor Conditional Use Permit (MCUP) to allow for the operation of a tow yard with impound lot on a developed industrial property, zoned M-2 (General Industrial). The proposed project also includes new landscaping, parking restriping, and solid fencing at the rear of the property.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:
Name: Basil Yousef (Crossroadz Towing) /Jason Greminger (CCI)

Address: 160 Industrial St. #200, San Marcos, CA 92078 Telephone: 760-471-2385

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

Exempt Status:

The project is categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities).

Reasons why project is exempt:

The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15301 (Existing Facilities) because such categorical exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. No changes are being proposed to the existing structure and only minor modifications including landscape and fencing are being proposed. Further, no exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project would not result in a cumulative impact and is consistent with the Municipal Code and the General Plan. There are no unusual circumstances that would result in a significant impact on the environment and the area is already improved with a structure and a parking lot. The project area is not environmentally sensitive.

Lead Agency Contact Person: Area Code/Telephone/Extension: 760-839-4531

Signature: Melissa DiMarzo
Melissa DiMarzo
Assistant Planner II

Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant