

CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7:00 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** [05/26/20](#)

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

Electronic Media: Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and may be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

Availability of supplemental materials after agenda posting: any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

The Planning Division is the coordinating division for the Planning Commission.
For information, call (760) 839-4671.

Pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Planning Commission and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link <https://www.escondido.org/public-comment-form.aspx>. Council Chambers will be closed, no public allowed.

Public Comment: To submit comments in writing, please do so at the following link: <https://www.escondido.org/public-comment-form.aspx>. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write "Read Out Loud" in the subject line. All comments received from the public will be made a part of the record of the meeting. The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online at the following link: <https://www.escondido.org/> and click on the graphic showing "live stream - meeting in progress".

E. WRITTEN COMMUNICATIONS:

"Under State law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda."

1. Future Neighborhood Meetings

F. ORAL COMMUNICATIONS:

"Under State law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

G. PUBLIC HEARINGS:

Please try to limit your testimony to 3 minutes.

1. [MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 20-0001:](#)

REQUEST: The proposed project is a Modification to a Conditional Use Permit to expand an existing parking lot at the Classical Academy high school campus onto two new parcels. Currently, this parking lot contains 92 parking spaces. The project would demolish two existing single-family homes on adjacent parcels and expand the parking lot onto those parcels. This action would add a net of 42 parking spaces, resulting in 134 spaces for this parking lot. The school has 107 additional spaces in other lots (not included in this project), and therefore would have a total of 241 spaces upon project completion. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The existing parking lot is approximately 0.77 acres in size and is located at the northeast corner of East Pennsylvania Avenue and North Waverly Place (APNs 229-362-01 through 229-362-05). The expansion would add the parcels addressed as 250 East Pennsylvania (229-362-06) and 258 East Pennsylvania (229-362-07) to the parking lot, increasing it to approximately 1.08 acres, and extending it eastward to North Juniper Street.

ENVIRONMENTAL STATUS: The project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15311(b), which includes small parking lots as an example of a minor structure accessory to (or appurtenant to) existing commercial, industrial, or institutional facilities, and as a separate and independent basis, the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332, in-fill development projects meeting specified criteria. Further, the project does not meet any of the exceptions listed in CEQA Guidelines section 15300.2.

APPLICANT: The Classical Academy

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

H. CURRENT BUSINESS:

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

I. ORAL COMMUNICATIONS:

"Under State law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

J. PLANNING COMMISSIONERS

K. ADJOURNMENT

CITY OF ESCONDIDO

**ACTION MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION
Video Conference**

May 26, 2020

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Spann, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: James Spann, Chairman; Don Romo, Vice-Chair; Joe Garcia, Commissioner; James McNair, Commissioner arrived late at 7:28 p.m.; Michael Cohen, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: None. One vacancy.

Staff present: Mike Strong, Director of Community Development; Kurt Whitman, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Darren Parker, Associate Planner; Ann Dolmage, Associate Planner and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Cohen, seconded by Chairman Spann to approve the Action Minutes of the February 25, 2020 Planning Commission meeting. Motion carried unanimously (5-0-0; Commissioner McNair arrived at 7:28 p.m. and was absent for the vote; One vacancy).

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. DOWNTOWN SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT – PHG19-0001 and PHG19-0002:

REQUEST: An Amendment to the Downtown Specific Plan to allow weddings and receptions as a Conditionally Permitted Use within the Southern Gateway District (SG), which currently prohibits this type of use; and a Conditional Use Permit to conduct weddings and receptions in the rear-yard of a historic property (Wohlford-Ting House), at 209 E. 4th Avenue. The proposed Specific Plan Amendment enables the review and consideration of the site development plan application and would authorize future development of weddings and wedding receptions within the Southern Gateway (SG) District of the Downtown Specific Plan area with issuance of a Conditional Use Permit. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The proposed Downtown Specific Plan Amendment (SPA) would change the use allowance matrix of the Southern Gateway (SG) District. The proposed wedding venue and reception would be located within an approximately 0.48-acre parcel on the southeast side of Kalmia Street and Fourth Avenue, addressed as 209 E. 4th Avenue (APN 233-182-05 and -06).

ENVIRONMENTAL STATUS: Categorical exemption in conformance with CEQA Guidelines section 15332, "In-Fill Development Projects."

PUBLIC SPEAKERS (SUBMITTED PUBLIC WRITTEN COMMENTS)

Dirk Reschly, submitted comments in opposition to the project.

Margaret Reschly, submitted comments in opposition to the project.

James Preston, submitted comments in opposition to the project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Commissioner Weiler, seconded by Commissioner Cohen to recommend approval to City Council. Motion carried unanimously 6-0 (one vacancy).

2. ZONING CODE AMENDMENT – AZ 20-0003:

REQUEST: An amendment to the City of Escondido Zoning Code to modify the types and sizes of signage allowed at car wash facilities. The amendment would allow up to one digital menu board sign, up to 24 square feet in size and six (6) feet in height, as well as one pay station, for each vehicle lane at a car wash entrance. The amendment would also allow car wash facilities to install on-site directional signs exceeding two (2) square feet in area and/or three (3) feet in height, with Zoning Administrator approval of a Comprehensive Sign Program. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Categorically exempt under CEQA Guidelines section 15311, "Accessory Structures."

PUBLIC SPEAKERS

None

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Commissioner Cohen, seconded by Commissioner Garcia to recommend approval to City Council. 5-0 (Commissioner Weiler recused himself; 1 vacancy).

CURRENT BUSINESS: - None

ORAL COMMUNICATIONS: - None

PLANNING COMMISSIONERS:

ADJOURNMENT: Chairman Spann adjourned the meeting at 7:43 p.m. The June 9, 2020 meeting was cancelled. The next regularly scheduled Planning Commission meeting will be held on Tuesday, June 25, 2020 in the City Council Chambers, 201 North Broadway Escondido, California.

Mike Strong, Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

DRAFT



PLANNING COMMISSION

Agenda Item No.: G.1
Date: June 23, 2020

PROJECT NUMBER / NAME: PHG 20-0001 / Classical Academy Parking Lot Expansion

REQUEST: A Modification to a Conditional Use Permit to expand an existing parking lot at the Classical Academy high school campus onto two new parcels. The parcels that will accommodate the expansion are currently occupied by single-family homes, which will be demolished. The expansion will increase the number of spaces in this lot from 92 to 134, and the total number of spaces for the school from 199 to 241 (a net increase of 42 spaces). The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: 250 and 258 East Pennsylvania Avenue

APPLICANT: Russell Grant, The Classical Academies

APN / APNS: 229-362-06 and 229-362-07

PRIMARY REPRESENTATIVE: Same

GENERAL PLAN / ZONING: SPA 9 / SP

DISCRETIONARY ACTIONS REQUESTED: Modification to a Conditional Use Permit

PREVIOUS ACTIONS: None

PROJECT PLANNER: Ann Dolmage, Associate Planner
adolmage@escondido.org

CEQA RECOMMENDATION: Categorically exempt (CEQA Guidelines Sections 15311(b) and 15332)

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2020-07

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Mike Strong, Community Development Director

BACKGROUND:

Classical Academy, a public charter school, operates several facilities throughout northern San Diego County. Four of these facilities are located in Escondido. They include an elementary school (grades TK through 8) on Bear Valley Parkway, a middle school (grades 7 and 8) on Woodward Avenue, and two high school campuses (a personalized learning campus on Woodward Avenue and a main campus on East Pennsylvania Avenue, both for grades 9 through 12).

The high school campus on Pennsylvania was established under Conditional Use Permit (CUP) PHG 12-0023, approved on March 26, 2013. The heart of this campus (including classrooms, offices, and 73 parking spaces) is located within the block bordered by Pennsylvania, North Juniper Street, East Valley Parkway, and North Kalmia Street. This block is identified in the CUP as Subarea C. A 34-space satellite parking lot is located at the northwest corner of Pennsylvania and North Waverly Place (Subarea A), and a 92-space satellite lot is located on the north side of Pennsylvania, between Waverly and Juniper (Subarea B). Combined, these three subareas supply a total of 199 parking spaces for the school.

The proposed project affects the 92-space satellite parking lot in Subarea B. Currently, this parking lot occupies five parcels with APNs 229-362-01 through 229-362-05 (approximately 0.80 acres total). The proposed project would extend this parking lot onto two adjacent parcels that are also owned by Classical Academy, addressed as 250 and 258 East Pennsylvania (APNs 229-362-06 and 229-362-07), increasing the total size of this parking lot to approximately 1.12 acres.

As proposed, the expansion would increase the number of spaces in the Subarea B parking lot by a net of 42, resulting in 134 spaces in that subarea, and 241 spaces for the campus as a whole. To accommodate this number of spaces while observing minimum required setbacks and landscape screening requirements (discussed further later in this report), the applicant has proposed a ten (10)-foot-wide vacation of right of way along the Juniper frontage. Late in the review process, Engineering discovered that this proposed vacation would reduce the width of the Juniper right of way below the minimum 80 to 84 feet required for a Future Collector Road, as described in the City of Escondido General Plan. The applicant will therefore be required to eliminate the vacation on any grading plans, improvement plans, or construction plans submitted to the City after approval of the CUP. Upon elimination of the vacation, all parking shall continue to observe minimum required setbacks.

PROJECT ANALYSIS:

1. General Plan / Zoning

The General Plan land use designation for the subject property is SPA 9 (Specific Plan Area #9) and the zoning classification is SP (Specific Plan). The Downtown Specific Plan has established permissible land uses, development standards, and design guidelines for lands within SPA 9.

The Downtown Specific Plan divides the plan area into seven (7) districts. The Classical Academy high school campus and its satellite lots are located within the Creekside Neighborhood District. Secondary schools (and their appurtenant structures or facilities, such as parking lots) are a conditional use within this district.

2. Parking Requirements

The original CUP for this school, PHG 12-0023, established an attendance of 700 students and an overall parking requirement of 190 spaces for the school, including one (1) space per staff member (50 spaces total) and one (1) space for every five (5) students (140 spaces total). This was a departure from standard parking requirements in the City of Escondido Zoning Code, which call for one (1) space for every three (3) students. Under the standard requirement, the school would have been required to provide 283 parking spaces (50 for staff and 233 for students). The Planning Commission approved the reduction based on multiple justifications, including a staggered school schedule that would reduce the student population on campus at any given time; the fact that a substantial portion of the student body was expected to carpool, walk, bike, and/or take public transportation to school; and a finding in the project's Traffic Impact Analysis that Escondido's high school parking requirements are/were higher than four of five other jurisdictions surveyed.

The project would add 42 spaces to the 199 spaces already provided, resulting in 241 spaces total, for a surplus of 51 spaces over the quantity required by PHG 12-0023.

3. Site Design and Access

Access into the existing parking lot is available via a driveway on Pennsylvania, and this would continue to be the case upon project completion. No access into the parking lot exists from Waverly or Juniper, or from Sherman Place (the 20-foot-wide alley running along the north side of the project site), nor is any new access proposed from these streets. However, the project proposes a two (2)-foot dedication along the rear property lines of the two (2) parcels to be added to the parking lot, to widen the alley to 22 feet in this area (a dedication already exists along the rear property lines of 229-362-01 through 229-362-05). The entrance to this alley on the Juniper side would also be upgraded to conform to the City's Standard Drawing 5-G-E, with a minimum 24-foot throat width.

The Creekside Neighborhood District of the Downtown Specific Plan requires surface parking to maintain a minimum five (5)-foot setback from all property lines. With the proposed vacation of right of way along Juniper, the setbacks for the proposed parking lot expansion would exceed ten (10) feet on all sides. As described above, the vacation will be eliminated on all post-approval plan submittals (including grading, public improvement, landscape, and construction, as applicable) so that Juniper can maintain a right of way width that conforms to General Plan

requirements. Reconfiguration of the parking lot will therefore be required to maintain the minimum five (5)-foot setback.

An existing bioretention area near the Pennsylvania frontage (between the existing parking lot and the expansion area) would remain under this project and would continue to accommodate stormwater runoff from the existing lot. The expanded portion of the parking lot would use pervious concrete over crushed aggregate for stormwater management. A condition of approval has been included to require the applicant to maintain this pervious surface to County of San Diego Green Streets standards, and to replace it with an alternate stormwater treatment system in the event it fails to function as designed.

4. Landscaping and Fencing

Landscape standards for off-street parking are located in Article 62 (Water Efficient Landscape Regulations) of the City of Escondido Zoning Code. The applicant has provided a conceptual landscape plan proposing a mix of trees and shrubs for all unpaved areas within the parking lot extension, including tree wells, terminal islands, and setback areas. The project has been conditioned to require a formal landscape plan submittal in conjunction with the project's grading plan submittal. This landscape plan submittal shall show that street trees will be provided at a minimum ratio of one (1) tree per 30 feet of frontage, and enough shrubbery will be planted along frontages to adequately screen the parking area from the public streets. Additionally, all plantings in the parking lot extension shall coordinate with plantings in the existing portion of the parking lot to the extent possible, for a unified appearance. Finally, based on a recommendation from the staff design review team, a condition has been included to add a paved walkway at the southeast corner of the site, between the parking lot and the sidewalk at the northwest corner of Pennsylvania and Juniper. This walkway will help parking lot users walk from their vehicles to the corner and onward to the school, without trampling any landscaping or having to exit via the driveway.

For both the existing parking lot and the two parcels proposed to be added to it, chain-link fencing currently extends along the Sherman Place frontage (the north side) of the property. Along the existing parking lot, this fencing is relatively new and in good condition, and the applicant intends to keep it. Along the two additional parcels (250 and 258 East Pennsylvania), the fencing is older, in poorer condition, and does not match the newer fencing in color or appearance. Additionally, the parcel at 258 East Pennsylvania has a block wall at the rear property line and chain link along the Juniper frontage. The project has been conditioned to require the removal of this older chain link fencing and block wall. The formal landscape plan submittal shall identify any proposed replacement fencing, and all fencing on the site (proposed or existing) shall be consistent in appearance, and shall conform to the minimum setbacks of the Downtown Specific Plan.

5. Demolition of Single-Family Residences

Two single-family dwellings, built in the 1940s, would be demolished as a result of this project.

Article 40 (Historical Resources) of the Zoning Code requires a Certificate of Appropriateness (CoA) for any alteration to a resource listed on the local historic register, or located within a historical overlay district. Depending on the type and degree of work to be conducted, approval for the work may come from Planning staff, the Historic Preservation Commission, Planning Commission, or City Council. Alterations to resources not located within a historical overlay district, but included in the Escondido Historic Sites Survey, are subject to review by Planning staff to ensure alterations do not preclude future listing on the local register. Neither of the homes to be demolished are located on the local register, are located within a historical overlay district, or were included in the historic sites survey. Therefore, the project does not require a CoA under the provisions of Article 40.

The Downtown Specific Plan requires a CoA for minor alterations to structures within the plan area, regardless of historic status. For major projects requiring a CUP, the CUP fulfills the same purpose as the CoA. For demolition of structures, the Downtown Specific Plan does not require review by the Historic Preservation Commission unless the structure to be demolished is on the local register. As noted in the previous paragraph, neither of the two homes to be removed by this project is on the local register.

The two structures to be removed by this project are not historical resources pursuant to the California Environmental Quality Act (CEQA), as they do not meet the criteria for historical resources as listed in section 15064.5(a) of the CEQA Guidelines, or the definition for historical resources cited in Public Resources Code section 5020.1(j). The structures are not listed in the California Register of Historical Resources, are not listed on the local register, and have not otherwise been determined by the City to be historically significant (they are not associated with historic events or persons important to our past, do not embody distinctive construction characteristics or high artistic value, and do not yield important historical information).

ENVIRONMENTAL STATUS:

The proposed Modification to a CUP is categorically exempt from CEQA, pursuant to CEQA Guidelines section 15311(b), which identifies small parking lots as an example of a minor structure accessory to (or appurtenant to) existing commercial, industrial, or institutional facilities.

As a separate and independent basis, the project is also categorically exempt pursuant to CEQA Guidelines section 15332, which covers infill development when the project meets certain criteria. The proposed project qualifies for this exemption because it is located within the limits of the City of Escondido; is consistent with the City's General Plan, Downtown Specific Plan, and Zoning Code (as discussed in the "Project Analysis" section of this report); will not exceed five (5) acres (the expansion will increase the size of the parking lot by 0.32 acres, and the total campus size

after project implementation will be about 4.19 acres); is surrounded by urban uses; has no value for sensitive species; would not create significant environmental impacts (the expansion is intended to serve the school's existing population), and can be served by utilities and public services.

Per section 15300.2(f) of the CEQA Guidelines, a categorical exemption cannot be applied to a project when the project causes a substantial adverse impact to a historical resource. As described above, the two residences to be demolished by the project do not meet the criteria or definition for historical resources as contained in section 15064.5(a) of the CEQA Guidelines and section 5020.1(j) of the Public Resources Code. Therefore, no exceptions are triggered to the above categorical exemptions.

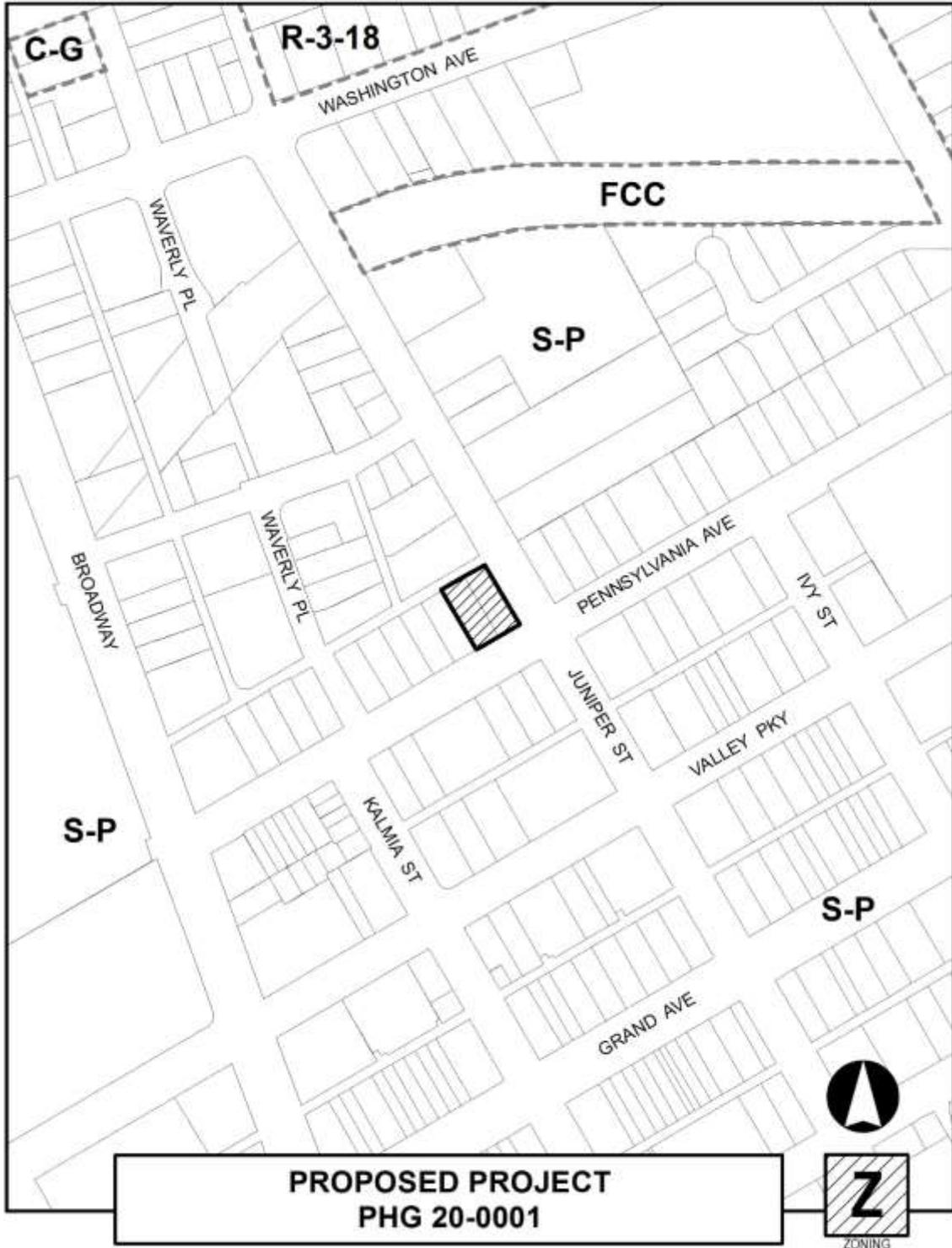
CONCLUSIONS:

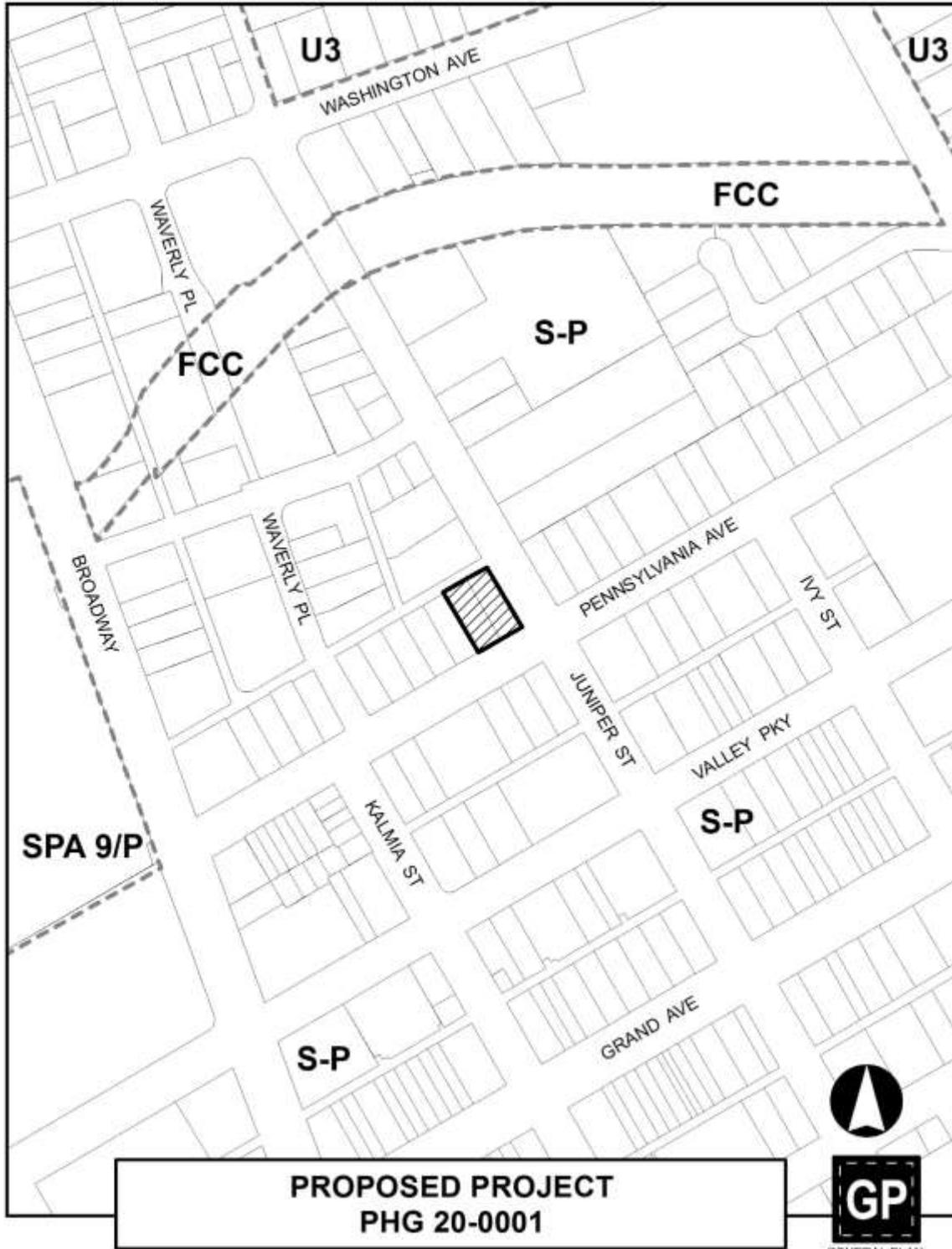
As the Planning Commission was the authorized body to review and approve the original CUP for the Classical Academy high school campus, it is also the authorized body to review and approve this modification. The Planning Commission's decision is final unless appealed to the City Council. The proposed project is consistent with the General Plan and Downtown Specific Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. The location, size, design, and operating characteristics of the proposed project will not be incompatible with or will adversely affect or will be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use or development which is proposed. Staff recommends that the Planning Commission approve Planning Case No. PHG 20-0001, based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2020-07 (Attachment 2).

ATTACHMENTS:

1. Location, General Plan, and Aerial Map
2. Draft Planning Commission Resolution No. 2020-07

ATTACHMENT 1







ATTACHMENT 2

Planning Commission

Hearing Date: June 23, 2020

Effective Date: July 6, 2020

PLANNING COMMISSION RESOLUTION NO. 2020-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING PARKING LOT FOR THE CLASSICAL ACADEMY HIGH SCHOOL ONTO TWO PARCELS ADDRESSED AS 250 AND 258 EAST PENNSYLVANIA AVENUE, TO PROVIDE 42 ADDITIONAL PARKING SPACES FOR THE SCHOOL

APPLICANT: Russell Grant, The Classical Academy

CASE NOS: PHG 20-0001

WHEREAS, Russell Grant of The Classical Academy (herein after referred to as “Applicant”), filed a land use development application (Planning Case No. PHG 20-0001), constituting a request for a Modification to a Conditional Use Permit to expand an existing parking lot for the Academy’s high school campus. The existing parking lot occupies five parcels on the northeast corner of East Pennsylvania Avenue and Waverly Place (APNs 229-362-01 through 229-362-05, totaling approximately 0.80 acres), and contains 92 parking spaces. Two adjacent parcels (APNs 229-362-06 and 229-362-07, totaling approximately 0.32 acres) would be added to the parking lot, increasing the number of spaces in this lot to 134, and the total parking supply for the school from 199 to 241 spaces; 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; and

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, secondary schools are conditionally permitted uses within the Creekside Neighborhood District of the Downtown Specific Plan, subject to the approval of a Conditional Use Permit. The Applicant obtained Conditional Use Permit PHG 12-0023 for the high school campus, and this project is a Modification to that Conditional Use Permit; and

WHEREAS, pursuant to CEQA and CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements.

WHEREAS, the Planning Commission of the City of Escondido did, on June 23, 2020, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated June 23, 2020, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, said public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido:

1. That the above recitations are true and correct.

2. Public Resources Code Section 21084 requires the CEQA Guidelines to include a list of classes of projects which have been determined *not* to have a significant effect on the environment and which shall be exempt from the provisions of CEQA. The Planning Commission, in its independent judgement, has determined the project to qualify for a categorical exemption under Section 15311(b) of the CEQA Guidelines, for a small parking lot accessory to an existing institutional use, and an exemption under Section 15332 of the CEQA Guidelines, for infill development meeting certain criteria. The Planning Commission has further determined that no exception listed in CEQA Guidelines Section 15300.2 applies to either of these exemptions.

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The application to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "D" is hereby **approved** by the Planning Commission. This Planning Commission expressly declares that it would not have approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent

owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines Section 15062.

6. Said plan is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein. This Project is conditionally approved as set forth on the application and Project drawings, all designated as approved by the Planning Commission, and shall not be altered without the express authorization by the Planning Division. Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. 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 Public Works Departments. The Applicant 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. It is the City's intent that the costs representing future development's share of public facilities and capital

improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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 Government Code Section 66020.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 23rd day of June, 2020, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

Decision may be appealed to City Council
pursuant to Zoning Code Section 33-1303

EXHIBIT “A”

LEGAL DESCRIPTION

PLANNING CASE NO. PHG 20-0001

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT 14 IN BLOCK 9 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 336](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JULY 10, 1886.

PARCEL 2:

LOT 15 IN BLOCK 9 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 336](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY JULY 10, 1886.

[APN: 229-362-06-00, 229-362-07-00](#)

EXHIBIT “C”

FACTORS TO BE CONSIDERED/FINDINGS OF FACT

PLANNING CASE NO. PHG 20-0001

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act or CEQA (Public Resources Code Section 21000 et. seq.) and its implementing regulations, the State CEQA Guidelines (Article 14 of the California Code of Regulations, Section 15000 et. seq.), the City of Escondido is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment per the Class 11 and Class 32 CEQA Exemptions (Sections 15311(a) and 15332 of the CEQA Guidelines, respectively). The proposed project qualifies for the Class 11 CEQA Exemption because it is a small parking lot that is an accessory to an existing institutional use. The project also qualifies for a Class 32 CEQA Exemption because it is located within the limits of the City of Escondido; is consistent with the City’s General Plan, Downtown Specific Plan, and Zoning Code; will not exceed five (5) acres; is surrounded by urban uses; has no value for endangered, rare, or threatened species; would not create significant impacts to traffic, noise, air quality, or water quality; and can be served by utilities and public services.
3. An exception to the Class 11 and Class 32 CEQA Exemptions is not triggered due to impacts to a historical resource (as described in Section 15300.2(f) of the CEQA Guidelines), since the two residences to be demolished by the project do not meet the criteria or definition for a historical resource as contained in section 15064.5(a) of the CEQA Guidelines and section 5020.1(j) of the Public Resources Code.

Public Notice and Outreach:

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the local newspaper on June 11, 2020. In addition, forty-eight (48) notices were sent to owners and occupants within 500 feet of the project site. A public notice was also provided at the on the project site, on the City’s website, and posted at City Hall and City Library.

Conditional Use Permit Findings

1. Granting the Modification to a Conditional Use Permit for an expansion to an existing parking lot at the Classical Academy high school campus is based upon sound principles of land use and in response to services required by the community. Secondary schools are a conditionally permitted use within the Creekside Neighborhood District of the Downtown Specific Plan, and the campus was originally established under Conditional Use Permit # PHG 12-0023. The project has been reviewed by Planning staff for consistency with the City of Escondido General Plan, Downtown Specific Plan, and Zoning Code. All proposed development standards meet or exceed the requirements of those documents. The project has undergone design review to ensure an attractive product that follows the design guidelines in the Downtown Specific Plan and is compatible with the appearance of nearby residential neighborhoods. The project has also undergone review from other City departments, including Fire, Engineering, Environmental Programs, and Engineering, to ensure compatibility with their codes and policies, and conditions of approval have been applied where needed. The original Conditional Use Permit for this school established a minimum parking requirement of 190 spaces, and the school currently exceeds this minimum with a supply of 199 spaces. Implementation of the project will increase the number of spaces to 241, for an even larger surplus above the minimum requirement.
2. The project will not cause deterioration of bordering land uses or create special problems for the area in which it is located. The proposed site is adequate in size and shape to accommodate the proposed parking spaces, landscaping, stormwater facilities, and other development features prescribed by Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area. Landscape screening will be provided along the East Pennsylvania, North Juniper, and Sherman Place frontages for visual screening of the parking lot. Access to the parking lot will continue to be from an existing driveway on East Pennsylvania Avenue after the expansion; no new access points are proposed. The project will improve the Sherman Place alley entrance from Juniper Street, which will benefit the residents in the apartment building and single-family homes to the north of the project site, who use this alley to access their residences. The project is not anticipated to cause impacts to traffic or noise, and has been conditioned to require all outdoor lighting to conform to the Outdoor Lighting Ordinance.
3. The project has been considered in relationship to its effect on the community or neighborhood plan for the area in which it will be located. The project has undergone staff design review and has been reviewed for consistency with the City of Escondido General Plan, Downtown Specific Plan, and Zoning Code. The proposed use at the location requested will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; and will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance.

EXHIBIT “D”
CONDITIONS OF APPROVAL
PLANNING CASE NO. PHG 20-0001

This Project is conditionally approved as set forth on the application received by the City of Escondido on **January 8, 2020**, and the Project drawings consisting of Site Plans, Civil Sheets/Grading, and Landscape Plans, all designated as approved on **June 23, 2020**, and which shall not be altered without express authorization by the Community Development Department.

For the purpose of these conditions, the term “Applicant” shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

A. General:

1. **Acceptance of Permit.** Should the applicant fail 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 Permit shall automatically expire after one (1) year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code or Zoning Code.

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 Community Development, 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. Three (3) copies of the final Approved Plan set shall be submitted to the Planning Division for certification. 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/or use of the subject property shall be consistent with the Details of Request, 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 the Permit has been issued, the applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development 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 Community Development 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 Community Development.

7. Availability of Permit Conditions.

- a. The applicant shall make a copy of the terms and 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 are 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 Community Development. 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 Community Development Department.
- 11. Public Partnership Program.** All requirements of the Public 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 \$50.00 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 \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

- 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 Community Development 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. The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the applicant or owner's business or from any activity, work or thing done, permitted or suffered by applicant or owner or its sublessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or owner's part to be performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by the City in such action(s), including reasonable attorney's fees.

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, and California Building Code; and the requirements of the Planning Department, Director of Community Development, Building Official, 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.
- 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. 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.
4. **Signage.** All proposed signage associated with the Project must comply with the City of Escondido Sign Ordinance (Ord. 92-47 and amendments) for the underlying zone, the Downtown Specific Plan, and any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The applicant shall submit with any sign permit application a list or graphic of all signs to be removed and retained, along with any new signage proposed. This shall include the square footage of each sign, and dimensions of each sign.
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 No. 2014-20).
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition to maintain clean, safe, and efficient appearances. This shall include paving, signs, lighting, landscaping, and any other features or facilities.
8. **Anti-Graffiti.** The applicant shall remove all graffiti from the site 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. **Parking and Loading/Unloading.**
 - a. As established by Conditional Use Permit PHG 12-0023, the Classical Academy high school campus shall maintain an overall parking supply of no fewer than 190 parking spaces. All parking spaces 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. With most projects there is a minimum parking requirement.

- b. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the California Building Code.
- c. 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.

11. 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.

- a. 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.
- b. 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.
- c. 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.
- d. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
- e. 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.

12. 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.

13. Trash Enclosures. Appropriate trash enclosure(s) or other approved trash system 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.

14. 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.

15. 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.

C. Landscaping Plans:

1. Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
2. A final landscape and irrigation plan shall be submitted if meeting any of the criteria listed under Section 33-1323 of the Zoning Code (except where superseded by the State of California's 2015 Update to the Model Water Efficient Landscape Ordinance). Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. 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 for fencing and walls.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, 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.
3. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) are to be provided prior to final occupancy.
4. 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.

5. 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 Community Development.
6. 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 Community Development 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.

D. Specific Planning Conditions:

1. All conditions of approval required for Conditional Use Permit # PHG 12-0023 shall remain in effect, unless specially authorized or superseded by this permit.
2. A lot tie agreement, in a form established and provided by the City, shall be recorded for all seven lots to be occupied by this parking lot (the five lots already occupied, plus the two to be occupied under this project), prior to issuance of any building permits.
3. Per the vegetation replacement standards in Section 33-1052 of the City of Escondido Zoning Code, all mature trees removed by the project shall be replaced in the landscape design at a 1:1 ratio, while protected trees shall be replaced at a 2:1 ratio. All trees to be removed by the project or to remain on site, regardless of species, shall be identified on the formal landscape plan submittal.
4. Species selected for landscaping within the parking lot expansion shall match species planted in the existing, pre-extension lot, to the extent possible.
5. Street trees shall be planted at a minimum ratio of one (1) tree per 30 feet of project frontage, along the East Pennsylvania Avenue, North Juniper Street, and Sherman Place frontages. Sufficient shrubbery shall also be planted along these frontages to screen the parking lot from public streets.
6. The existing chain link fencing and block wall on the properties addressed as 250 and 258 East Pennsylvania (APNs 229-362-06 and 229-362-07) shall be removed. Any new fencing or walls proposed in conjunction with this project shall be shown on the landscape plans and shall substantially match or coordinate with existing fencing on APNs 229-362-01 through 229-362-05. All fencing or walls provided in conjunction with this parking lot,

regardless of location, shall conform to minimum setbacks described in the Downtown Specific Plan.

7. A walkway shall be added to the project between the southeast corner of the parking lot and the sidewalk at the northwest corner of East Pennsylvania Avenue and North Juniper Street. This walkway shall be included on the grading, landscape, public improvement, and construction plans (as applicable).

F. Fire Department Conditions

1. Notify the Fire Department prior to demolition of the two residences at 250 and 258 East Pennsylvania.

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. A certified plot plan showing a five (5)-foot setback from the existing North Juniper Street right-of-way shall be submitted with the first final engineering submittal.
2. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
3. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
4. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
5. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate)

bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

6. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to the approval of any building permit.
7. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
8. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
9. The engineer shall submit to the Planning Department a copy of the Plot Plan as presented to the Zoning Administrator. The Plot Plan will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Plot Plan and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. The project will be required to improve the alley access driveway off North Juniper Street to a City Standard G-5-E with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the right-of-way line to the satisfaction of the City Engineer.
2. All on-site driveways, and parking areas will be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director.
3. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
4. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.

5. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
6. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.

GRADING and SITE IMPROVEMENTS

1. A site grading, drainage, and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or work necessary to construct the project and/or the required improvements.
4. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.
5. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
7. All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.
8. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer.

2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
3. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts of the building shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
4. The project owner shall be responsible for design and construction of all permeable surfaces proposed for the project to the specifications of the version of the County of San Diego Green Streets manual approved by the county at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H2O loading.
5. The project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The project owner will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system or will be required to transition the project to a priority storm water development project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.

WATER SUPPLY

1. All water services, detector check assemblies, and other water appurtenances shall be designed and installed at locations required and approved by the Director of Utilities. All new water main locations and sizing shall be to the satisfaction of the City Engineer and, in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.

3. All on-site water lines and backflow prevention devices not in public easements or the City's Right of Way shall be considered a private water system. The Property Owner will be solely responsible for all maintenance of these water lines and facilities.
4. No trees or deep rooted plants shall be planted within 10-feet of any water service.
5. Relocated fire hydrants shall meet City of Escondido standards.

SEWER

1. 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.
2. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
3. There shall be no permanent structures located within the City's Public Utilities Easements.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the first submittal of the grading plan for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
2. The developer shall dedicate a two (2) foot public utility easement along N. Juniper Street.
3. The developer shall dedicate two (2) feet of right-of-way along the Alley bringing the total width of the alley on the side adjoining the project to twenty-two (22) feet.

Material necessary for processing an easement shall include: a current grant deed or title report, a legal description and plat of the easement signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final public documents.

FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer. The cash security will also cover any street improvements required to be completed shown on the grading plan.
2. The Developer shall be required to pay all development fees of the City then in effect, and in such amounts as may be required, at the time when building permits are issued.

MISCELLANEOUS REQUIREMENTS / SURVEYING AND MONUMENTATION

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded. If all record property corners of record are found at the completion of the project, they shall be flagged in the field for inspection and no corner record or record of survey will be required.
2. A current preliminary title report shall be submitted with the grading plans.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. All new dry utilities to serve the project shall be constructed underground. The Developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.