



City of Escondido Zoning Administrator

MEETING AGENDA AND RECORD OF ACTIONS

201 North Broadway
City Hall – Parkview Conference Room
January 21, 2020

4:00 p.m.

A. Call to Order:

Zoning Administrator:

Staff Present:

B. Agenda items:

1. **MINOR CONDITIONAL USE PERMIT – PHG 19-0059:**

Minor Conditional Use Permit for a virtual reality amusement arcade establishment inside the existing Westfield North County Mall. The 3,365 SF arcade space will consist of eight virtual reality arcade stations and four driving video arcade stations.

Location: 272 E. Via Rancho Parkway
Applicant: Let's Play VR, (Jourdan Browne)
Planner: Jasmin Perunovich

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

Zoning Administrator

Witness

ZONING ADMINISTRATOR

CASE NUMBER: PHG 19-0059

APPLICANT: Let's Play VR (Jourdan Browne)

PROJECT LOCATION: On the north side of E. Via Rancho Parkway, between Interstate 15 and Bear Valley Parkway., addressed as 272 E. Via Rancho Parkway (Westfield North County Mall; APN: 271-030-20-00)

REQUEST: Minor Conditional Use Permit for a virtual reality amusement arcade establishment inside the existing Westfield North County Mall. The 3,365 SF arcade space will consist of eight virtual reality arcade stations and four driving video arcade stations.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: PC (Planned Commercial)

ZONING: PD-C (Planned Development Commercial)

BACKGROUND/PROJECT DESCRIPTION:

The applicant has submitted a request for a Minor Conditional Use Permit for the operation of a virtual reality amusement arcade inside the Westfield North County Mall. The arcade establishment will be located in an existing, vacant, 3,365 square foot tenant suite on the first floor, previously occupied by a retail tenant. The arcade space will consist of eight virtual reality arcade stations, four driving video arcade stations and a lounge/waiting room area. All arcade game operations would be conducted entirely within the tenant space, and there will be no exterior changes to the building.

ENVIRONMENTAL STATUS:

The project is exempt from CEQA, in conformance with Section 15301(a) "Existing Facilities."

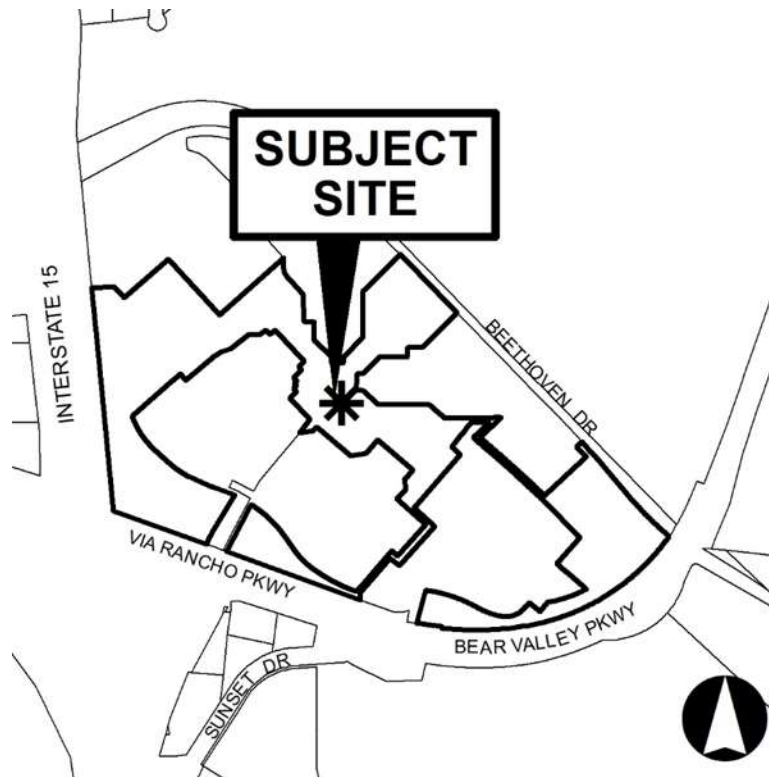
REASON FOR STAFF RECOMMENDATION:

The new use is not anticipated to have any adverse impacts on the surrounding properties since it is located within an existing commercial shopping center and surrounded by a variety of commercial uses. The proposed arcade will provide a recreational activity for the community and the Police Department has no concerns related to the arcade use. Conditions of approval have been included with the draft resolution to address potential impacts on neighboring businesses.

Respectfully submitted,

Jasmin Perunovich

Jasmin Perunovich
Assistant Planner I





VIRTUAL REALITY ARCADE STATION - BUILT EXAMPLE



VR ARCADE STATION - COMPLETELY ASSEMBLED WITH ALL EQUIPMENT

EXHIBIT "A"
LEGAL DESCRIPTION
PHG 19-0059

Parcels 1 through 8 of Escondido Map No. 85-08, in the City of Escondido, County of San Diego, State of California, according to Map No. 14270, filed in the Office of the County Recorder of San Diego County, May 1, 1986.

PARCEL B:

NON-EXCLUSIVE EASEMENTS APPURTENANT TO PARCEL A, INCLUDING BUT NOT LIMITED TO EASEMENTS FOR PEDESTRIAN USES, AUTOMOBILE USE, INGRESS AND EGRESS AND PARKING AND CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE OF UTILITY LINES, STRUCTURAL SUPPORT, CONSTRUCTION AND ENCROACHMENT, FIRE AND SERVICE CORRIDORS AND OTHER INCIDENTAL USES, ALL AS SET FORTH AND ESTABLISHED IN THAT CERTAIN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT (HEREINAFTER REA, DATED NOVEMBER 26, 1986, EXECUTED BY EWH ESCONDIDO ASSOCIATES, L.P., A DELAWARE LIMITED PARTNERSHIP, CARTER HAWLEY HALE STORES, INC., A DELAWARE CORPORATION, SEARS ROEBUCK AND CO., A NEW YORK CORPORATION, J.C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION, NORTSTROM, INC., A WASHINGTON CORPORATION AND ADCOR REALTY CORPORATION, A NEW YORK CORPORATION AND THE MAY DEPARTMENT STORES COMPANY, A NEW YORK CORPORATION, RECORDED NOVEMBER 26, 1986, INSTRUMENT NO. 86-549267, OFFICIAL RECORDS, IN, OVER, AND UPON THOSE CERTAIN PARCELS MORE PARTICULARLY DESCRIBED AS PARCELS 1 THROUGH 6 OF ESCONDIDO MAP NO. 85-08, IN THE CITY OF ESCONDIDIO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP NO. 14270, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 1, 1986, AS SET FORTH IN THE R.E.A., TOGETHER WITH ALL OF THE RIGHTS POWERS AND PRIVILEGES AND BENEFITS UNDER SAID CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT ACCRUING TO EWH ESCONDIDO ASSOCIATES L.P., A DELAWARE LIMITED PARTNERSHIP, ITS SUCCESSORS, LEGAL REPRESENTATIVES AND ASSIGNS.

PARCEL C:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF IMPROVEMENTS, ALL AS MORE PARTICULARLY SET FORTH IN AND SUBJECT TO THE TERMS AND PROVISIONS OF THAT CERTAIN EASEMENT, LICENSE, CONSTRUCTION, AND MAINTENANCE AGREEMENT EXECUTED BY AND BETWEEN EWH ESCONDIDO ASSOCIATES, L.P. AND THE CITY OF ESCONDIDO DATED AS OF MAY 30, 1985 RECORDED JUNE 13, 1985 AS FILE NO. 85-210724 OF OFFICIAL RECORDS AS AMENDED BY FIRST AMENDMENT TO EASEMENTS, LICENSE, CONSTRUCTION AND MAINTENANCE AGREEMENT RECORDED AUGUST 23, 1985 AS FILE NO. 85-307344 OF OFFICIAL RECORDS.

EXHIBIT "B"
FINDINGS OF FACT
PHG 19-0059

Conditional Use Permit

1. The Conditional Use Permit would provide a service desirable for the community in the form of a recreational activity.
2. The proposed use would not cause a deterioration of bordering land uses or create special problems in the area. The site has been developed for a variety of commercial uses and no building expansions are proposed for the property. The amusement arcade game operations will be conducted entirely inside a 3,365 SF tenant space inside the commercial shopping center. There is adequate parking available within the commercial shopping center and all activities would be subject to the requirements of the Noise Ordinance.
3. The project is exempt from environmental review in conformance with CEQA Guidelines, Section 15301 "Existing Facilities." The request does not have the potential for causing significant effect on the environment.
4. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood and it has been determined to be compatible with the surrounding properties and General Plan policies.

EXHIBIT "C"
CONDITIONS OF APPROVAL
PHG 19-0059

1. This Conditional Use Permit shall become null and void if not utilized within twelve months of the effective date of approval.
2. All previous conditions of 80-182-PD, 81-176-PD, and any subsequent modifications, shall remain in effect unless expressly modified herein.
3. This Conditional Use Permit shall be for the arcade use, as described in the January 21, 2020 Zoning Administrator staff report, which is incorporated herein by this reference as though fully set forth herein. No other activities are permitted by this approval.
4. This Conditional Use Permit is for 12 arcade game machines/stations. Any request to increase the number of arcade game machines/stations shall be made in writing to the Director of Community Development, who may approve or disapprove said request subsequent to consultation with the Police Department. In no case shall more than 20 arcade game machines be provided without consideration by the Zoning Administrator or Planning Commission at a noticed public hearing.
5. The arcade game room hours of operation shall be the same as the Westfield North County Mall hours of operation. Any request to modify said hours of operation shall be made in writing to the Director of Community Development, who may approve or disapprove said request subsequent to consultation with the Police Department.
6. No alcoholic beverages shall be allowed at the establishment.
7. Building plans, prepared by a licensed design professional, must be submitted for this project and must comply with the building and fire codes in effect at the time of building plan submittal.
8. A valid City of Escondido Business License shall be maintained at all times, and shall specify the maximum number of arcade machines/stations, as approved by this CUP.
9. Appropriate fire access and ADA compliant paths of travel shall be maintained, as may be required by the Fire Department and Building Division.
10. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
11. No signage is approved as part of this permit. All proposed signage shall conform to the Escondido Sign Ordinance (Ord. 92-47) and the Westfield North County Mall Comprehensive Sign Program. Separate sign permits will be required for project signage that is visible from outside the mall.
12. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08), to the satisfaction of the Planning Division.

13. All existing landscaping required as part of previous CUP approvals, shall be permanently maintained in a flourishing manner. All existing irrigation shall be maintained in fully operational condition. Any missing or damaged plant materials or irrigation shall be replaced. The required landscape areas shall be free of all foreign matter and weeds.
14. The holder of the Conditional Use Permit shall make the premises available for inspection by City staff during normal operating hours, and shall provide such business records, licenses, and other materials necessary to evidence compliance with these conditions of approval.
15. The legal description attached to this report as Exhibit "A" 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.
16. This item may be referred back to the Zoning Administrator for review and possible revocation or modification at a noticed public hearing upon receipt of nuisance complaints and/or non-compliance with the conditions of approval.
17. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a check payable to the "San Diego County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

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