



# City of Escondido Zoning Administrator

## MEETING AGENDA

201 North Broadway  
City Hall – Council Chambers  
Video Conference

**July 14, 2020**

8:00 p.m.

(or as soon as possible thereafter)

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 Zoning Administrator 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**”.

A. Call to Order:

B. Agenda items:

**1. [MINOR CONDITIONAL USE PERMIT – PHG 18-0050:](#)**

REQUEST: A Minor Conditional Use Permit for a drive-thru coffee facility in an existing commercial building. The project would reduce the size of the building from 1,056 square feet to 560 square feet, and would provide various site modifications to accommodate the drive-thru lane operation. Specifically, the project would expand the parking lot and add a drive-thru lane, and install menu boards, a trash enclosure and landscaping. The proposal also includes the adoption of the environmental determination prepared for the project.

Location: The subject site is approximately 13,860 SF in size and is located on the north side of E. Valley Parkway between N. Midway Drive and N. Rose Street, addressed as 1906 E. Valley Parkway (APN 231-332-15-00).

Applicant: Patrick Kellet, Black Rock Coffee  
Planner: Paul Bingham

**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:

## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PHG 18-0050

**APPLICANT:** Patrick Kellett – Black Rock Coffee

**PROJECT LOCATION:** On the north side of East Valley Parkway between North Rose Street and North Midway Drive, addressed as 1906 East Valley Parkway (APN 231-332-15-00)

**REQUEST:** A Minor Conditional Use Permit for a drive-thru coffee facility in an existing commercial building. The project would reduce the size of the building from 1,197 square feet to 590 square feet, and would provide various site modifications to accommodate the drive-thru lane operation. Specifically, the project would expand the parking lot and add a drive-thru lane, and install menu boards, a trash enclosure and landscaping. Additionally, the Minor Conditional Use Permit would allow a 75% reduction in the number of parking spaces typically required for a drive-thru restaurant. The proposal also includes the adoption of the environmental determination prepared for the project.

**STAFF RECOMMENDATION:** Conditional Approval

**GENERAL PLAN DESIGNATION:** GC (General Commercial)

**ZONING:** CG (General Commercial)

### **BACKGROUND/PROJECT DESCRIPTION:**

The applicant has submitted a request for a Minor Conditional Use Permit for a drive-thru coffee facility in an existing commercial building. The applicant proposes to reduce the existing primary commercial building built in 1964 by 51%, from 1,197 square feet to 590 square feet to accommodate the drive-thru window. Site modifications would include the demolition of an existing garage at the rear of the property, paving of a parking area, the installation of a drive-thru lane that will allow on-site stacking of at least ten vehicles, construction of a trash enclosure, fencing, a menu board, and additional landscaping. In addition to the drive-thru window, a walk-up service window and 298 square foot patio seating area would be provided. No indoor seating is proposed. The parking area would only contain five spaces, so the Minor Conditional Use

Permit would also allow this 75% reduction in the number of required parking spaces required by Section 33-765 of the Escondido Zoning Code (from 20 spaces down to five spaces).

### **ENVIRONMENTAL STATUS:**

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

### **REASONS FOR STAFF RECOMMENDATION:**

#### Establishing the drive-thru:

The establishment of a drive-thru coffee facility is not anticipated to have any adverse impacts on the surrounding properties since it has been designed to allow sufficient queuing and stacking of vehicles on the subject site and the extension of the existing driveway to facilitate the safe entry and exit of vehicles from East Valley Parkway. A Trip Generation Analysis was conducted by Chen Ryan Associates and concluded that the trips generated by this proposal were not sufficient to require a full Traffic Impact Analysis. There are no adjacent residential uses, and the design of the site and proposed conditions of approval included with the draft resolution would address potential impacts to adjacent properties and the surrounding neighborhood.

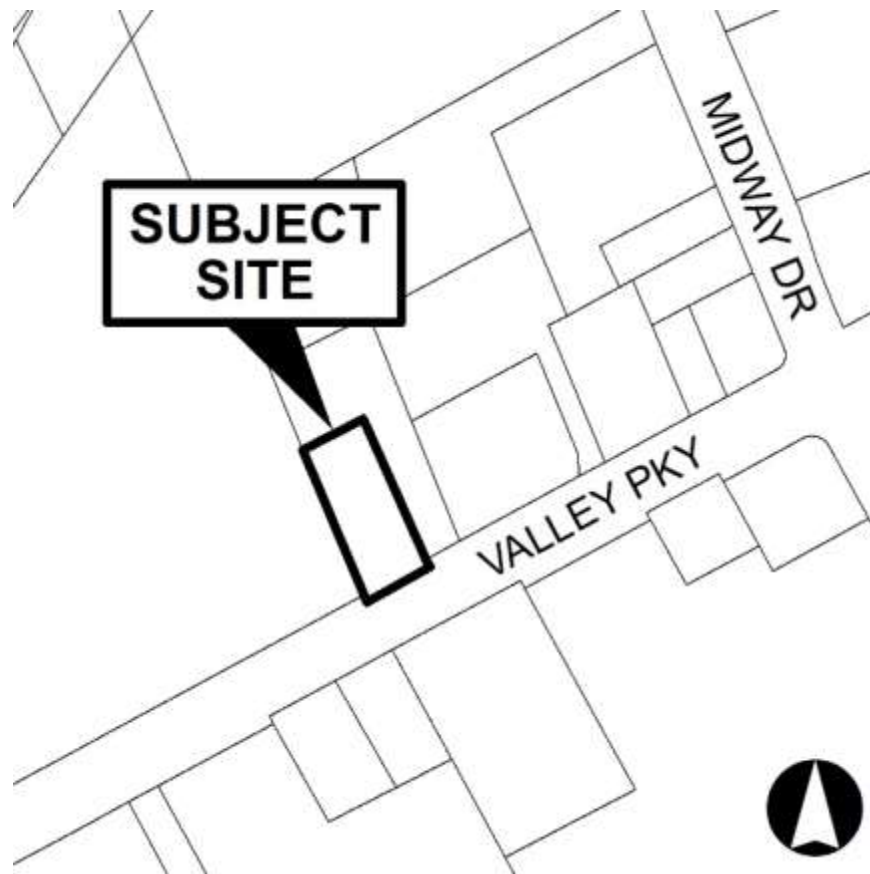
#### Reduction in required parking:

Per Art 39, Sec. 33-765, of the Escondido Zoning Code, all drive-thru restaurants up to 4000 SF in size are required to have 20 parking spaces. This facility will only be 590 square feet in size and does not include any indoor seating. If the facility did not contain a drive-thru lane, the Zoning Code's "product specialty" designation would only require three parking spaces. The outdoor seating area is less than 300 square feet and does not require any additional parking per Article 39. It is proposed to have five spaces as well as sufficient on-site drive aisle stacking for at least ten vehicles behind the menu board. Additionally, coffee facilities of this size, operated by both this applicant and other companies, tend to provide service to a majority of their customers through the drive-thru lane since there is no indoor seating. At this location, it is also anticipated that a significant percentage of its business will be from walk-up customers from the charter high school next door. Because of the diminutive size and nature of the facility, staff believes that there will be sufficient onsite parking to serve the facility. The Conditions of Approval also include measures to address possibly parking concerns that may arise in the future.

Respectfully submitted,

*Paul K. Bingham*

Paul K. Bingham  
Assistant Planner II



**EXHIBIT “A”**  
**LEGAL DESCRIPTION**  
**PHG 18-0050**

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

THE WESTERLY 70 FEET OF THE SOUTHERLY 198 FEET OF LOT 4 IN BLOCK 178 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 349 AND RESURVEY MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

APN: 231-332-15-00

**EXHIBIT “B”**  
**FINDINGS OF FACT**  
**PHG 18-0050**

**Conditional Use Permit**

1. The Conditional Use Permit would provide a drive-thru service desirable for the community.
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 with an existing commercial business since 1964 and the building is to be reduced in size by 51%. The drive-thru operation will be conducted entirely within the 0.42 acre site. It is anticipated that the majority of the facility's sales will occur at the drive-thru window. The proposed parking lot with five spaces would be an expansion of existing the parking lot, and the drive aisle will have adequate stacking for at least 10 vehicles behind the menu board and an additional three vehicles between the menu board and the drive-thru window.
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 18-0050**

**GENERAL**

1. This Conditional Use Permit shall become null and void if not utilized within twelve months of the effective date of approval.
2. The project must comply with all applicable construction Storm Water Best Management Practices (BMPs).
3. The project shall install a covered trash enclosure in conformance with current City guidelines.
4. 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.
5. A valid City of Escondido Business License shall be maintained at all times.
6. Appropriate fire access and ADA compliant paths of travel shall be maintained, as may be required by the Fire Department and Building Division.
7. No signage is approved as part of this permit. All proposed signage shall conform to the Escondido Sign Ordinance (Ord. 92-47). Separate sign permits will be required for exterior project signage.
8. All project-generated noise shall comply with the City’s Noise Ordinance (Ord. 90-08), to the satisfaction of the Planning Division.
9. There shall be no grading or permanent structures within the public utility easements.
10. 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.
11. 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.



### DRIVE-THRU

1. The drive-through lane shall accommodate a minimum of ten (10) vehicles behind the menu/order board. The drive-thru vehicle stacking lane shall not spill out onto public streets.
2. This conditional approval is for a “grab and go” coffee facility with peak period operations during the morning and evening hours. A queuing analysis for the facility will be required if the facility is occupied by a business restaurant with different peak period operations, or if operations differ from that envisioned under this proposal.
3. The applicant or project proponent shall ensure the sale of products or provision of services to occupants in vehicles is operationally efficient, via the following actions:
  - a. The applicant or project proponent shall observe and, if needed, study the queues in terms of waiting-time length, average waiting time, and other factors to help understand and enhance the service system, maintenance activities, and/or shop-floor control activities.
  - b. If requested by the Director of the Engineering Services Department, the applicant or project proponent shall document efforts to reduce peak-period wait-length; and otherwise ensure that the number of vehicles in line for service does not increase beyond the stated stacking capacity of the drive-through.
  - c. The business shall be prepared to, and assign staff as necessary to take orders further up the drive-thru lane to relieve overstacking.

### PARKING

1. Parking lot circulation and fire lanes shall remain clear and unobstructed at all times.
2. One van-accessible parking space must be provided and an accessible path of travel maintained from the parking space to the walk-up service window, building entrance and the public right-of-way.
3. The van accessible aisle must be 8 feet in width for the full length of the aisle.
4. Five on-site parking spaces shall be provided with this project, inclusive of the van-accessible space identified above.
5. All standard parking spaces are to conform to the standards in Article 39 of the Escondido Zoning Code, and shall be 18' in length and 8.5' in width and double striped.

## LANDSCAPING

1. A Landscape Documentation Package shall be prepared for the project by, or under the supervision of, a licensed design professional and shall conform to Article 62 of the Escondido Zoning Code, and to the California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO). The plans shall indicate any existing trees or landscaping that is to remain as well as new landscape areas.
2. All existing and proposed landscaping shall be permanently maintained in a flourishing manner. Any landscaping that is removed shall be replaced and noted on the site plan to the satisfaction of the Planning Division.
3. All areas in this proposed development, which are not used for structures, parking, driveways, approved storage, or walkways, shall be landscaped.
4. The landscape plan shall be revised to reflect the required revisions to the site plan. It shall also show all locations of fire hydrants, transformers, utility boxes, driveways, utility easements and other easements of record.
5. Trees located within six-feet of pavement shall be provided with root barriers.
6. Three street trees shall be required along the project frontage and shall be shown on the landscape plan. The minimum tree size shall be 15-gallon, six feet tall planted, and have a tree trunk caliper of at least two inches. The precise location and species of trees shall be consistent with City's current street tree list. Existing trees may be counted as street trees if their variety, location, and size meet minimum requirements and they are identified on the landscape plan. Street trees should be located behind the ultimate right-of-way line.
7. Required front, side, and rear yard setbacks shall be landscaped with trees, shrubs, and groundcover, and shown on the final landscape plans to the satisfaction of the Planning Department. Plant selection shall be low-water, drought tolerant species.
8. Additional landscaping shall be added and vines shall be grown onto walls and fences to soften their appearance to the satisfaction of the Planning Division.
9. Add condition regarding landscaping around trash enclosure based on guidelines.
10. The revised site plan and/or landscape plan shall incorporate measures to the satisfaction of the Planning Division, which screen peripheral views of the drive-thru aisle and parking areas from adjacent streets and alleys. Possible screening measures may include a combination of screen walls, fencing, or landscaping in connection with berming.
11. All required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner prior to occupancy. The required landscape areas shall be free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All permanent irrigation shall be maintained in fully operational condition.

12. The installation of the landscaping and irrigation shall be inspected by the project design professional 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.
13. No trees or deep rooted bushes are allowed within fifteen feet of the sewer main.

#### **OTHER**

1. 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.
2. 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.

#### **ENGINEERING CONDITIONS OF APPROVAL**

##### **GENERAL**

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

#### IMPROVEMENTS

1. The project's access drive shall be constructed as an alley-type driveway apron per standard drawing G-5-E with a minimum throat width of 24-feet and a driveway apron with a 4-feet minimum ADA path of travel maintained near the R/W line to the satisfaction of the City Engineer. The design of the project's access driveway shall accommodate Escondido Charter High School's driveway located east of the site. The Developer shall coordinate installation of the project's access driveway with Escondido Charter High School.

2. The project's access drive and unloading area shall be adequately illuminated from the project building structure to the satisfaction of the City Engineer and Building Official. This lighting shall be maintained by the property owner.
3. 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.
4. 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.
5. 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.
6. 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.
7. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.

#### SITE GRADING

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.

#### SITE 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.

#### UTILITIES

1. A private 6-inch minimum (PVC) sewer lateral with a standard clean-out within 18-inches of the Public Utilities Easement or right-of-way shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye fitting or Inserta-Tee. 8-inches in diameter sewer laterals shall be connected to the public sewer at a manhole.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. 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.
4. 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.
5. All sewer lateral(s) and grease traps shall be considered a private sewer system. The Property Owner will be responsible for all maintenance of the sewer lateral(s) and system to the sewer main.
6. There shall be no permanent structures located within the City's Public Utilities Easements.

7. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.
8. A Grease trap if required for the restaurant component of the project shall be installed at an approved location to the satisfaction of the Director of Utilities.

#### LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second 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.

#### DEDICATIONS

1. All existing and proposed easements, both private and public, affecting subject property shall be shown and labeled on the site's Grading and Improvement plans
2. The developer shall dedicate eleven (11) feet of right-of -way along E. Valley Parkway to the City of Escondido to bring the roadway to a Major Rd. classification as indicated on the City's Circulation Plan.
3. The Developer is responsible for making the arrangements quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading plans and Building Permits. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading plans and Building Permits. Building permits will not be issued for lots in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

*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 documents.*

#### CASH SECURITY AND 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 at the time, and in such amounts as may prevail when building permits are issued.

#### MISCELLANEOUS SURVEYING AND MONUMENTATION REQUIREMENTS

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.

#### 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.
3. 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.



# EXHIBIT "D" PROJECT PLANS PHG 18-0050

