MEETING AGENDA
201 North Broadway
City Hall - Parkview Room
July 27, 2023
1:00 p.m.

A. Call to Order:

Zoning Administrator: Adam Finestone, City Planner

Staff Present:

Public Present:

B. Agenda item:

1. Plot Plan Permit (Hotel Conversion Permit) & Minor Conditional Use Permit - PL21-0459/PL23-0233

REQUEST: A request for a Plot Plan Permit (Hotel Conversion Permit) and Minor Conditional Use Permit to convert an existing 14-unit motel into 14 residential units. Approval of a Plot Plan Permit and Minor Conditional Use Permit is required for the conversion of hotels/motels into residential units in accordance with Article 63 (Transient Lodging Facilities) of the Escondido Zoning Code, and the land use table of the South Centre City Specific Plan, respectively.

Location: 1350 S. Escondido Boulevard (APN: 236-180-17-00)
Applicant: Tre Architecture, Allan Teta
Planner: Ivan Flores, Associate Planner

ENVIRONMENTAL STATUS: The Project is categorically exempt, on separate and independent bases, pursuant to California Environmental Quality Act (CEQA) Guidelines section 15301 (Existing Facilities) and 15332 (In-Fill Development).

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 July 27, 2023.

_________________________________  _________________________________
Zoning Administrator      Witness

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

Rev. 03/06/18
CASE NUMBER: PL21-0459/PL23-0233

APPLICANT: Tre Architecture (Allan Teta)

PROJECT LOCATION: On the east side of Escondido Boulevard, south of West 13th Avenue, north of West 15th Avenue, and addressed at 1350 S. Escondido Blvd.

REQUEST: A Hotel Conversion Permit (Plot Plan Permit) and Minor Conditional Use Permit for the conversion of a 14-bed motel to 14 single-room-occupancy (SRO) units

STAFF RECOMMENDATION: Approve, subject to Conditions

GENERAL PLAN DESIGNATION: Specific Plan Area (SP)

ZONING: S-P (Escondido Boulevard District – Mixed-Use Overlay of the South Centre City Specific Plan (SCCSP))

BACKGROUND/PROJECT DESCRIPTION: On November 03, 2021, the applicant, Allan Teta, submitted on behalf of the property owner, Brian Rogers, a Hotel Conversion Permit (Plot Plan Permit) and Minor Conditional Use permit application for the conversion of an existing motel into 14 single room occupancy (SRO) units (“Project”). The conversion of existing motels is permitted by Section 33-1348 of Article 63 (Transient Lodging Facilities), and is a conditionally permitted use within the Escondido Boulevard District – Mixed-Use Overlay of the SCCSP.

ANALYSIS:

General Plan Conformance

The Project is located within the S. Escondido Blvd/Centre City Pkwy Target Area of the City’s 2012 General Plan. The target area has several objectives and policies that encourage housing within the area such as promoting a wide range of housing opportunities. The Project is the conversion of an existing underutilized motel to single room occupancy units that would provide additional housing for the community at an affordable price point.
Zoning Code and Specific Plan Conformance

The Project is located within the Escondido Boulevard District – Mixed-Use Overlay of the SCCSP. The conversion of existing hotels and motels to multiple-family residential uses is permitted in the Mixed-Use Overlay subject to a Minor Conditional Use Permit as indicated on the land use matrix. Additionally, hotel conversions are subject to Article 63 (Transient Lodging Facilities) of the Escondido Zoning Code (EZC) which requires a hotel conversion permit (Plot Plan Permit) for conversions to residential uses.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>No greater than the amount of existing guest rooms</td>
<td>14</td>
</tr>
<tr>
<td>Unit Size</td>
<td>Minimum of 150 sq. ft. and no more than 400 sq. ft.; average unit size &lt; 345 sq. ft.</td>
<td>Average unit size: 309 sq. ft.</td>
</tr>
<tr>
<td>Common Open Space</td>
<td>Furnishings</td>
<td>Benches in new landscaped area</td>
</tr>
<tr>
<td>Laundry Facilities</td>
<td>2 washers and 2 dryers</td>
<td>2 washers and 2 dryers in a common area</td>
</tr>
<tr>
<td>Cooking Facilities</td>
<td>Within units or a common cooking facility on site</td>
<td>Within each unit</td>
</tr>
<tr>
<td>Amount of Common Open Space</td>
<td>50 sq. ft. for each unit = 700 sq. ft.</td>
<td>700 sq. ft.</td>
</tr>
<tr>
<td>Off-street parking</td>
<td>1 space for each market rate SRO/multifamily unit; .125 guest parking for every 8 units</td>
<td>20 spaces</td>
</tr>
</tbody>
</table>

Demand Analysis

Section 33-1348 of Article 63 (Transient Lodging Facilities) requires the preparation of a demand analysis and mitigation, if appropriate, for other changes of the use for a purpose other than transient lodging operations, in accordance with Section 33-1125 of Article 57 (Miscellaneous Use Restrictions). According to City records, under previous ownership, the property was illegally converted to residential units without the benefit of a permit. The property’s last business license was obtained in 2011, and subsequent business licenses have been denied due to the illegal conversion. It is unlikely that the City collected transient occupancy tax (TOT) over the last decade which would serve as the basis for the demand analysis relative to the loss of tax revenue. The intent of the demand analysis is to understand the impact of the loss tax revenue due to the displacement of tax generating uses. In this case, an analysis of the Project relative to revenue loss would be inaccurate due to the non-collection
of TOT. Furthermore, Section 33-1125 limits the scope of the review for a demand analysis when modifications are made to existing facilities.

Based on the Regional Housing Needs Assessment (RHNA), the City is responsible for its “fair share” of the regions projected housing needs. For the years 2021-2029, the City is responsible for the provision of 9,607 units. An analysis of the Project relative to the demand for housing in the City is appropriate. The conversion of the motels to residential units would allow for the City to provide more housing, and consequently would increase the tax base relative to sales and use tax collected from the new residents; furthermore, the Project would not displace a use that generates tax revenue due to the non-collection of TOT over the last decade; and finally, the proposed change in use does not require mitigation measures related to economic impacts of a non-tax or non-job-producing use.

ENVIRONMENTAL STATUS:

The California Environmental Quality Act (“CEQA”) Guideline’s list classes of discretionary projects that have been determined not to have a significant effect on the environment and as a result are exempt from further review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects) as described further in the Findings of Fact, attached as Exhibit “B” to Zoning Administrator Resolution No. 2023-05.

REASONS FOR RECOMMENDATION:

1. All of the requirements of CEQA have been met because it was found that the Project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15332, “In-Fill Development Projects.” The Project qualifies for the “In-Fill Development Projects” exemption because it is located in an area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species; approval of the project, as conditioned, would not result in any significant effects on the environment; the site is connected to City sewer and water services and can adequately be served by all required utilities and public services; and, is located on a parcel less than 5-acres in size and is substantially surrounded by urban uses on all sides (refer to Attachment 2).

2. The Project is consistent with Land Use Policies that support the conversion of existing underutilized hotels/motels to residential uses that increase the housing stock within the City of Escondido. The granting of the Minor Conditional Use Permit and Hotel Conversion Permit will not result in any conflicts with surrounding land uses and would not materially degrade the level-of-service on adjacent streets, utilities or public facilities.
3. The Project complies with the requirements of Article 63 of the Escondido Zoning Code which encourages the reuse of hotels/motels to residential uses.

Respectfully submitted,

[Signature]

Ivan Flores, AICP
Associate Planner

ATTACHMENTS:

1. Project Location, Zoning, and General Plan Land Use Maps
2. CEQA Notice of Exemption
3. Zoning Administrator Resolution No. 2023-05, including Exhibit A, B, C, and D
ATTACHMENT 1

Project Location, General Plan, and Zoning

PROPOSED PROJECT
PL 21-0459
Notice of Exemption

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

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

Project Title/Case No: Escondido Palms Motel Single Room Occupancy Conversion / PL21-0459/PL23-0233

Project Location - Specific: The subject site is located on the east side of South Escondido Boulevard, bounded by West 13th Avenue to the north and West 15th Avenue to the South, and is addressed at 1350 S. Escondido Blvd.

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

Description of Project: The applicant requests a Hotel Conversion Permit (Plot Plan Permit) and a Minor Conditional Use Permit to convert a legally established 14-bed motel into 14 multi-family residential units ("Project"). The conversion of hotel/motels are permitted by Article 63 (Transient Lodging Facilities) of the Escondido Zoning Code, and as a conditionally permitted use within the Escondido Boulevard District – Mixed Use Overlay of the South Centre City Specific Plan. The Project includes landscaping and provision of outdoor amenities, and does not include new construction.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Brian Rogers
Address: PO Box 7316, Rancho Santa Fe, CA 92067  Telephone: 702-429-3985

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

Exempt Status: The project is categorically exempt pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects).

Reasons why project is exempt: The Project is located on a developed .58 acres site, and is consistent with the underlying General Plan land use designation, and the applicable zoning designation and regulations. The Project site is located in an urbanized area within the City of Escondido, and is substantially surrounded by commercial and residential uses. The Project site is improved with an existing motel and does not contain habitat for endangered, rare or threatened species.

Lead Agency Contact Person: Ivan Flores, AICP  Area Code/Telephone/Extension: 760-839-4529

Signature: ___________________________________________ Date: ____________________________
Ivan Flores, AICP  Associate Planner

☒ Signed by Lead Agency  Date received for filing at OPR:
☐ Signed by Applicant
ATTACHMENT 3

Zoning Administrator
Hearing Date:  July 27, 2023
Effective Date:  August 08, 2023

RESOLUTION NO.  2023-05

A RESOLUTION OF THE ZONING ADMINISTRATOR OF
THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A
MINOR CONDITIONAL USE PERMIT AND HOTEL
CONVERSION PERMIT (PLOT PLAN PERMIT) FOR
CONVERSION OF A MOTEL TO MULTI FAMILY
RESIDENTIAL UNITS

APPLICANT: Tre Architecture (Allan Teta)

CASE NO:  PL21-0459/PL23-0233

WHEREAS, Tre Architecture ("Applicant"), filed a land use development application,
Planning Case No. PL21-0459/PL23-0233 ("Application"), constituting a request for a Minor
Conditional Use Permit and a Hotel Conversion Permit (Plot Plan Permit), on a .58-acre site located
on the east side of South Escondido Boulevard, south of West 13th Avenue, north of West 15th
Avenue, addressed at 1350 S. Escondido Blvd. (APN: 236-180-17-00);

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

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at
or before the public hearing, including, without limitation, written information, and the staff report
dated July 27, 2023, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning
Code and applicable State law; and
WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines sections 15061 and 15062; and

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

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

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

1. That the above recitations are true and correct.

2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects which are cannot be mitigated.

3. That, considering the Findings of Fact attached to this resolution as Exhibit “B,” and applicable law, the Zoning Administrator hereby approves said Minor Conditional Use Permit and Hotel Conversion Permit, subject to the Conditions of Approval attached as Exhibit “C” hereto, as depicted on the Project Plans attached as Exhibit “D”, hereto.

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 12 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

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

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.
PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 27th of July, 2023.

Adam Finestone, AICP
Zoning Administrator, City of Escondido

WITNESS

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

Legal Description

The Land referred to herein below is situated in the City of Escondido, County of San Diego, State of California, and is described as follows:

THE SOUTHEASTERLY 130 FEET OF LOTS 15 AND 16 IN BLOCK 218 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 SAN DIEGO COUNTY, JULY 10, 1886.

For conveyancing purposes only: APN 236-180-17-00
EXHIBIT “B”

PLANNING CASE NOS. PL21-0459/PL23-0233

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.

2. All of the requirements of CEQA have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15332, “In-Fill Development Projects.” The Project qualifies for the “In-Fill Development Projects” exemption because the project is less than 5-acres in size, and is surrounded by urban uses. Further, the Project located in area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species; approval of the project, as conditioned, would not result in any significant effects on the environment; and the site is connected to City sewer and water services and can adequately be served by all required utilities and public services.

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

3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the July 27, 2023, Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

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 July 13, 2023. In addition, notices were sent to owners and occupants within 500 feet of the project site. A public notice was also posted at the project site, on the City’s website, and posted at City Hall.

Conditional Use Permit Findings (Escondido Zoning Code Section 33-1203)

The Zoning Administrator has reviewed the record, including applicable CEQA findings, and makes the followings for a Conditional use Permit, Plot Plan Permit, Hotel Conversion Permit, and Demand Analysis:
1. A conditional use permit should be granted upon sound principles of land use and in response to services required by the community.

The Project involves the conversion of an existing motel to single room occupancy units, and does not include the expansion of existing structures on-site. As discussed in the staff report, the Project is consistent with General Plan policies that encourage the provision of housing in this area. The Project would help the City meet its Regional House Needs Allocation (RHNA) by improving an underutilized property to be used as multi-family units.

2. A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.

The Conditional Use Permit will not cause deterioration of bordering land uses or create special problems for the area in which it is located because it located in area that encourages the provision of housing in this area. The Property is bordered by multi-family residential uses and commercial uses.

3. A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.

The Conditional Use Permit would provide additional housing opportunities for the neighborhood plan area in which it is located.

Plot Plan Permit Findings (Escondido Zoning Code Section 33-1315)

4. That the use is a permitted use in the zone in which it is located.

The Project is located within the Escondido Boulevard Mixed-Use Overlay District of the South Centre City Specific Plan (SCCSP). The conversion of hotels/motel to a multi-family use is a conditionally permitted use in the Escondido Boulevard Mixed-Use Overlay District.

5. That the plot plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

The Project has been conditioned to meet the standards of the use and zone. No exterior modifications are proposed to the buildings and will be used as-is.

6. That the plot plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare

The Plot Plan is granted and is subject to additional conditions as deemed necessary to preserve the public health, safety, and general welfare. The Project site will be improved to accommodate the conversion to multi-family uses.

Hotel Conversion Findings (Escondido Zoning Code Section 11-1348)

7. The hotel or motel proposed for conversion was legally constructed and is currently a legal or legally nonconforming use
The Escondido Palms Motel was legally constructed in 1948, and is currently a legal conforming use as motels are permitted within the Escondido Boulevard Mixed-Use Overlay district of the South Centre City Specific Plan.

8. The project represents successful implementation of this section

The Project conforms to all the requirements of the Hotel Conversion section as outlined in the Escondido Zoning Code. The Project does not include an increase in units and is consistent with the development standards for conversions of hotels/motels into residential units. The Project successfully implements the Hotel Conversion Ordinance by fulfilling its intent to revitalize underutilized motels through the conversion into residential units.

Demand Analysis (Escondido Zoning Code Section 33-1125)

9. The economic impact of the project to the city, including, but not limited to, a demonstrated positive fiscal benefit to the city;

The Project includes the conversion of an underutilized motel to 14 multi-family residential units. The subject property has not had a valid business license since 2011, and consequently has not paid the Transient Occupancy Tax (TOT) over the last decade. The conversion of the motel would result in additional housing stock, and would locate new residents to a commercial area of the City. The new residents will patronize the businesses in the area, and contribute to the sales and use tax base.

10. The extent to which the proposed project avoids the displacement of uses that would generate tax revenue for the city in preferred locations;

The Project will convert an underutilized 14-bed motel to 14 multi-family residential units. As discussed in the staff report, the property has not had a valid business license and has not generated tax revenue for the City. The conversion into residential units will add additional residents to a major commercial corridor of the City, and would displace a use that no longer generates revenue for the City.

11. Any proposed mitigation measures that would reduce the economic impacts of a non-tax or non-job-producing use or uses.

Based on the Project description and intended use of the site, no mitigation measures are required to reduce the economic impacts of a non-tax or non-job-producing use. The Project’s new residents will contribute to the generation of sales and tax use for the City.
EXHIBIT “C”

PLANNING CASE PL21-0459/PL23-0233

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **November 03, 2021**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on **July 27, 2023**, and shall not be altered without express authorization by the Development Service Department.

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

A. General:

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

2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall expire 36 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If **not** filed as concurrent with a Tentative Map or Planned Development application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and 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 Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as
necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

   a. The operation and use of the subject property shall be consistent with the Project Description and 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 a permit has been issued, the Applicant may request Permit modifications. “Minor” modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

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


   a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.

   b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Development Services.

7. Availability of Permit Conditions.

   a. Prior to issuance of a business license, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.
b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

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

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

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

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

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

11. Costs of Municipal Services. In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with the special tax levy adopted annually by the City Council based on the project density, unless another amount is approved by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District (“CFD”) or the establishment of another lawful funding mechanism reasonably acceptable to the City (“Public Services
Funding Agreement”). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager’s designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City’s issuance of any permit for the Project.

12. Public Art Partnership Program. All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

13. Clerk Recording.

a. Exemption. If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk’s Office requires a documentary handling fee of $50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the “County Clerk” in the amount of $50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency’s decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

b. For more information on filing fees, please refer to the County Clerk’s Office and/or the California Code of Regulations, Title 14, Section 753.5.

14. 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.

15. 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.

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

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or

b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or

c. The use as presently conducted creates or constitutes a nuisance.

17. Indemnification, Hold Harmless, Duty to Defend.

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

b. The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant’s obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

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

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

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.

4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.

5. **Noise.** All Project generated noise shall conform to the City’s Noise Ordinance (Ordinance 90-08).

6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.

8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.

9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.

10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.

11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.

13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

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

16. **Phasing.** A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

C. **Parking and Loading/Unloading.**

1. A minimum of 20 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.

2. Parking for disabled persons shall be provided (including “Van Accessible” spaces) in full compliance with the State Building Code.

3. In accordance with the California Green Building Standard Code, at least eight percent of the total number of required spaces shall be designated for clean air vehicles (CAV), and
shall be shown on the revised site plan to the satisfaction of the Planning and Building divisions.

4. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. 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.

2. 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.

3. 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.

4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

5. 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.

6. Landscaping Plans. 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.

   a. A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department 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.) 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.

b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.

c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.

e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast-growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

E. Specific Planning Division Conditions:

1. Prior to issuance of a business license, the applicant shall be responsible for installing the additional common area amenities as shown on the approved site plan.

F. Specific Fire Department Conditions:

1. All underground fire lines, fire sprinkler, and fire alarms plans shall be deferred submittals to Escondido Fire.

2. FDC/PIV’s shall be in approved locations and within 40 feet of a fire hydrant.

3. Minimum hydrant fire flow is 1500 GPM at 20 PSI.

G. Specific Utilities Department Conditions:

WATER SUPPLY
1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main. Existing fire hydrants shall meet current City of Escondido standards.

2. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.

3. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines shall be shown for reference and review on the various final engineering plan sets.

4. All on-site water lines and backflow prevention devices beyond the City water meter or DCA shall be considered a private water system. The Property Owner(s) and/or Home Owners Association shall be responsible for all maintenance of these water lines and appurtenances.

5. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or on private drive areas.

6. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.

7. There shall be no permanent structures located within the City’s Public utility Easements.

8. Improvement plans for all proposed water mains shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.

9. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.

10. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public water meter.

11. Any water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
12. Any fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.

13. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.

14. Proposed Detector Check Assembly (DCA) shall be installed per City of Escondido Standard Drawing W-7-E. The location and size of the DCA shall be shown on the record drawing of the 12” public water main W-1578. DCA size and location record drawing plan shall be submitted to the Utilities Engineer for review and approval.

**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.

2. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.

3. Any sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
PROPERTY LINE 200.00'
PROPERTY LINE 130.00'
EXISTING FIRE HYDRANT 6" VCP 3270 1953
12" PVC WATER PER W-1578
1-1/2" WATER LATERAL PER W-1578
EXISTING 1" WATER METER, 1-1/2" SERVICE PER W-1578
NEW BACKFLOW
NEW FDC, DCA
EXISTING 4" SEWER LATERAL TO REMAIN
NOTES:
EXISTING SEWER LATER TO REMAIN
EXISTING WATER METER TO REMAIN
PROVIDE NEW NFPA 13R FIRE SYSTEM WITH ALARMS
NEW FDC, DCA
ALL UNIT EGRESS FROM DOORS DIRECTLY TO EXTERIOR
ALL UNITS TO HAVE CLEAR ACCESS TO EGRESS.