

4-11-89

Date filed 4-13-89

Effective Date 4-23-89

RESOLUTION NO. 4553

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING NURSING FACILITY TO INCLUDE A 1200 SF TEMPORARY OFFICE BUILDING IN THE R-1-10 ZONE

APPLICANT: THE STICHLER DESIGN GROUP, INC.

CASE NO.: 88-122-CUP

WHEREAS, the Planning Commission of the City of Escondido did, on April 11, 1989, hold a noticed public hearing to consider a request for a modification to a Conditional Use Permit to expand an existing nursing facility to include 1200 SF temporary office building in the R-1-10 zone on property generally located at the intersection of Valley Parkway, Avenida Del Diablo and Del Dios Road addressed as 1817 Avenida Del Diablo, more particularly described in the legal description, attached as Exhibit C.

WHEREAS, the following determinations were made:

1. That a notice was published and mailed as required by the Escondido Zoning Code and applicable State Law.
2. That the application was assessed in conformance with the California Environmental Quality Act and that a Statement of Exemption was issued.
3. That a staff report was presented, discussing the issues in the matter.
4. That a public hearing was held and that all persons desiring to speak did so.


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

1. That the above recitations are true and correct.

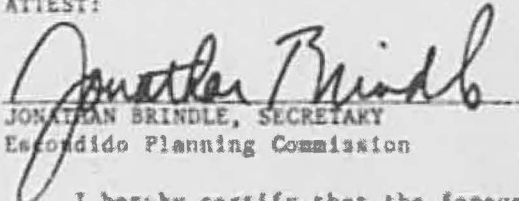
2. That the Planning Commission certifies that it has reviewed and considered the environmental review and determined that it is complete and adequate for this project, and there are no significant environmental effects which are not mitigated.
3. That the Findings of Fact, attached as Exhibit A were made by said Commission.
4. That, considering the Findings and applicable law, the Planning Commission hereby approves said Conditional Use Permit, subject to the Conditions attached as Exhibit B.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 11th day of April, 1989, by the following vote, to wit:


AYES:	COMMISSIONERS:	Tucker, Rady, Bateman, Drake, Connole, Santurro
NOES:	COMMISSIONERS:	None
ABSTAINED:	COMMISSIONERS:	Wier
ABSENT:	COMMISSIONERS:	None

  
 THOMAS TUCKER, CHAIRMAN  
 Escondido Planning Commission

ATTEST:

  
 JONATHAN BRINDLE, SECRETARY  
 Escondido Planning Commission

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

  
 KATHLEEN HEID, CLERK  
 Escondido Planning Commission

FINDINGS OF FACT  
88-122-CUP  
EXHIBIT "A"

1. Approval of the Conditional Use Permit would be in response to services needed by the community and would be based on sound principles of land use, as nursing facilities are generally allowed in residential areas with adequate buffering, and offices are typical accessory uses generally associated with such facilities.
2. Granting this Conditional Use Permit will not cause deterioration of bordering land uses since the proposed building will be located with substantial setbacks and extensive landscaping for immediate screening will be provided.
3. Approving this request as conditioned, would not adversely affect any neighborhood plan, as the building will be removed in three years.

CONDITIONS  
88-122-CUP  
EXHIBIT "B"

Planning

1. The Conditional Use Permit shall be used within one year or it shall be null and void. Extensions may be granted at the discretion of the Planning Commission.
2. The exterior materials, colors, textures, etc., shall be consistent with the Details of Request to the satisfaction of the Planning Department. The exterior of the proposed building shall be painted to match the existing buildings, prior to occupancy.
3. All outside storage shall be screened from public view, in a manner satisfactory to the Planning Department.
4. All lighting shall be arranged so as not to reflect upon adjoining properties or streets. Any new lighting proposed shall conform to Ordinance 86-75, and details shall be provided prior to Building Permit issuance, to the satisfaction of the Planning Department.
5. All mechanical equipment and appurtenances not entirely enclosed within the structure, if placed on the roof structure, shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans, and approved by the Planning Department prior to issuance of building permits.
6. All new utility service shall be underground.
7. No utilities shall be released for any purpose until all requirements of the Fire, Planning, Engineering, and Building Departments have been completed.
8. All requirements of the Public Art Partnership Program, ordinance 86-70, shall be satisfied prior to building permit issuance.
9. Seven (7) copies of the revised site plan reflecting all of the modifications and conditions shall be submitted to the Planning Department and approved prior to issuance of building permits.
10. The design and uses of the project, as well as the hours of operation, shall be restricted as noted in the Details of Request of the staff report.
11. Prior to occupancy, any related development fees shall be paid to the satisfaction of the Building Department.

Landscaping

1. Two (2) copies of detailed landscape and irrigation plans for the proposed building shall be submitted to the Planning Department prior to building permit issuance. These plans shall indicate the proposed landscaping and areas of

existing landscaping to remain in the vicinity of Avenida Del Diablo and Del Dios Highway. A combination of trees and shrubs shall be planted to provide screening of the structure to the satisfaction of the Planning Department.

2. 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 approval.
3. All landscaping shall be permanently maintained in a flourishing manner.
4. Within 18 months of the approval, the applicants shall submit a complete Conditional Use Permit application for the permanent expansion.
5. Prior to building permit issuance bond shall be posted for the removal of the structure. The subject temporary structure shall be removed no later than April 11, 1992 to the satisfaction of the Planning Department and City Attorney's Office. In the event that the permanent facility is completed prior to 4/11/92, the temporary structure must be removed prior to the grant of occupancy of the permanent structure.

#### Engineering

1. All outstanding sewer and water connection fees and monthly sewer service fees shall be paid to the City of Escondido. In lieu of payment of the connection fees, sewer and water connection rights may be turned in to the City. The City Building Department will compute all connection fees. The Management Services Department will compute all monthly sewer service fees.

LEGAL DESCRIPTION  
88-122-CUP  
EXHIBIT "C"

ALL THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND OF LOTS 4 AND 5 IN SECTION 29, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF APPROVED DECEMBER 14, 1885, LYING EASTERLY OF A LINE WHICH IS PARALLEL WITH AND 650.10 FEET EASTERLY AT RIGHT ANGLES TO THE WEST LINE OF THE EAST HALF OF SAID SECTION 29; AND LYING NORTHWESTERLY OF THE CENTER LINE OF A 60.00 FOOT PUBLIC HIGHWAY KNOWN AS ROAD SURVEY NO. 476 AS GRANTED TO THE COUNTY OF SAN DIEGO IN DEED RECORDED IN BOOK 71, PAGE 304 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF A LINE WHICH BEARS SOUTH  $00^{\circ}06'00''$  EAST FROM A POINT ON THE NORTH LINE OF SAID LOT 5 DISTANT THEREON SOUTH  $89^{\circ}26'00''$  WEST 654.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 5.

ALSO EXCEPTING THEREFROM THAT PORTION LYING SOUTHERLY AND SOUTHWESTERLY OF THE FOLLOWING DESCRIBED BOUNDARY:

COMMENCING AT THE INTERSECTION OF A LINE WHICH IS PARALLEL WITH AND 650.10 FEET EASTERLY AT RIGHT ANGLES TO THE WESTERLY LINE OF THE EAST HALF OF SAID SECTION 29 WITH THE CENTER LINE OF SAID ROAD SURVEY NO. 476; THENCE ALONG SAID PARALLEL LINE NORTH  $01^{\circ}46'00''$  EAST 828.41 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH  $89^{\circ}09'30''$  EAST 359.79 FEET; THENCE SOUTH  $59^{\circ}04'10''$  EAST 458.56 FEET TO THE CENTER LINE OF SAID ROAD SURVEY NO. 476.

ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO THE CITY OF ESCONDIDO BY DEED RECORDED JUNE 11, 1973 AS FILE/PAGE NO. 73-157684, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 4 AND 5 OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, APPROVED DECEMBER 14, 1885, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PICTORIAL ESTATES UNIT NO. 2 ACCORDING TO MAP NO. 4516 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 20, 1960; THENCE NORTH  $52^{\circ}25'30''$  EAST ALONG THE NORTHWESTERLY LINE OF DEL DIOS HIGHWAY 509.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH  $37^{\circ}34'30''$  WEST, 1.00 FOOT TO THE INTERSECTION WITH AN 1149.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, AT WHICH POINT A RADIAL OF THE CURVE BEARS SOUTH  $37^{\circ}34'30''$  EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $40^{\circ}16'12''$ , 807.57 FEET; THENCE NORTH  $12^{\circ}9'18''$  EAST 122.01 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 35.70 FEET TO A POINT ON THE SOUTHERLY LINE OF AVENIDA DEL DIABLO; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF AVENIDA DEL DIABLO NORTH  $89^{\circ}53'35''$  EAST 45.29 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $77^{\circ}44'17''$ , 27.14 FEET; THENCE SOUTH  $12^{\circ}9'18''$  WEST, 152.88 FEET TO THE BEGINNING OF A TANGENT 1251.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $7^{\circ}59'45''$  174.58 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL

## LEGAL DESCRIPTION CONTINUED

ANGLE OF  $147^{\circ}43'33''$  128.92 FEET TO A POINT ON THE NORTHWESTERLY LINE OF DEL DIOS HIGHWAY; THENCE ALONG THE NORTHWESTERLY LINE OF DEL DIOS HIGHWAY SOUTH  $52^{\circ}25'30''$  WEST 694.70 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO DEL DIOS WOODS COMPANY BY DEED RECORDED AUGUST 13, 1976 AS FILE/PAGE NO. 76-262441, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOTS 4 AND 5 OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PICTORIAL ESTATES UNIT NO. 2, ACCORDING TO MAP THEREOF NO. 4516, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 20, 1960, BEING A POINT IN THE NORTHWESTERLY LINE OF DEL DIOS HIGHWAY, SHOWN ON SAID MAP NO. 4516; THENCE ALONG SAID NORTHWESTERLY LINE, NORTH  $52^{\circ}25'30''$  EAST 509.08 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN DEED TO THE CITY OF ESCONDIDO, RECORDED JUNE 11, 1973 AS FILE/PAGE NO. 73-157684; THENCE ALONG THE BOUNDARY OF SAID LAND AS FOLLOWS: NORTH  $37^{\circ}34'30''$  WEST 1.00 FOOT TO THE INTERSECTION WITH A 1149.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A RADIAL LINE OF SAID CURVE BEARS SOUTH  $37^{\circ}34'30''$  EAST TO SAID POINT; NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $40^{\circ}16'12''$  A DISTANCE OF 807.57 FEET; NORTH  $12^{\circ}09'18''$  EAST 122.01 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; AND NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE BEING THROUGH A CENTRAL ANGLE OF  $102^{\circ}10'43''$  A DISTANCE OF 33.70 FEET TO A POINT IN THE NORTHERLY LINE OF SAID LOT 5; THENCE ALONG SAID NORTHERLY LINE, NORTH  $89^{\circ}53'35''$  WEST 797.82 FEET (MAP NO. 4516 - NORTH  $89^{\circ}55'00''$  WEST) TO AN INTERSECTION WITH THE NORTHEAST CORNER OF SAID PICTORIAL ESTATES UNIT NO. 2; THENCE ALONG THE EASTERLY LINE OF SAID PICTORIAL ESTATES UNIT NO. 2, SOUTH  $01^{\circ}44'35''$  WEST, (MAP NO. 4516 - SOUTH  $01^{\circ}46'00''$  WEST), 1122.45 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO THE CITY OF ESCONDIDO BY DEED RECORDED NOVEMBER 22, 1983 AS FILE/PAGE NO. 83-424700, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 5 OF FRACTIONAL SECTION 29, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO U.S. GOVERNMENT SURVEY APPROVED DECEMBER 14, 1885, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 5 DISTANT THEREON 654.60 FEET WESTERLY FROM THE NORTHEAST CORNER OF SAID LOT 5, SAID POINT OF BEGINNING BEING ALSO THE NORTHEAST CORNER OF THAT LAND CONVEYED TO R. VICTOR VENBERG BY DEED RECORDED BY THE SAN DIEGO COUNTY RECORDER SEPTEMBER 3, 1964 AS FILE/PAGE NO. 161545; THENCE SOUTH  $89^{\circ}54'35''$  WEST, CONTINUING ALONG SAID NORTH LINE OF SAID LOT 5, BEING ALSO THE SOUTHERLY RIGHT OF WAY LINE OF AVENIDA DEL DIABLO, 66.00 FEET WIDE, 98.19 FEET TO A CURVE FORMED BY A TANGENT 267.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $21^{\circ}33'23''$ , 100.45 FEET TO THE EAST LINE OF SAID VENBERG LAND; THENCE NORTH  $0^{\circ}11'44''$  EAST, ALONG SAID EAST LINE 18.60 FEET TO THE POINT OF BEGINNING.

ATTACHMENT "A"

Environmental Mitigation Implementation  
and Monitoring Program

<u>Task</u>	<u>Responsibility</u>	<u>Timing</u>
1. Submit a landscape and irrigation plan.	Applicant	Prior to grading and building permit issuance
2. Review landscape plan to ensure adequate screening of the temporary structure.	Planning Dept.	Prior to grading and building permit issuance
3. Submit lighting plan.	Applicant	Prior to building permit issuance
4. Review lighting plan to ensure conformance with Lighting Ordinance.	Planning Dept.	Prior to building permit issuance
5. Inspect all required landscaping to ensure conformance with approved plans.	Applicant	Prior to building and grading permit issuance.
6. Submit Conditional Use Permit application for permanent expansion.	Applicant	Prior to 11/90
7. Review Expansion Request	Planning, Building Engineering, Police, Fire and Community Services	Prior to 04/91
8. Remove Temporary Structure and relandscape.	Applicant	Prior to 04/92
9. Inspect to ensure structure has been removed and area has been relandscaped.	Planning Dept.	04/92