

CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7:00 p.m.
- B. **SELECTION OF CHAIR and VICE-CHAIR:**
- C. **FLAG SALUTE**
- D. **ROLL CALL:**
- E. **MINUTES:** 06/23/20

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

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

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

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

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

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

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

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

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

Pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the 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".

F. WRITTEN COMMUNICATIONS:

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

1. Future Neighborhood Meetings

G. ORAL COMMUNICATIONS:

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

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

H. PUBLIC HEARINGS:

Please try to limit your testimony to 3 minutes.

1. CONDITIONAL USE PERMIT – PHG 19-0058:

REQUEST: A Conditional Use Permit (CUP) for the demolition of the former Coco's restaurant and construction of a new 3,881 S.F. Raising Canes drive-through restaurant with 505 S.F. of outdoor dining area. Street improvements are proposed across the project frontage to provide a westbound transition lane into the project. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The proposed drive-through restaurant would be located within an approximately 0.95-acre parcel towards the northeastern corner of W. Valley Parkway and Lambar Street, west of Interstate 15, east of Auto Park Way, addressed as 1280 W. Valley Parkway (APN 232-141-45).

ENVIRONMENTAL STATUS: The project is Categorically Exempt in conformance with California Environmental Quality Act (CEQA) Guidelines Section 15332, "In-Fill Development Projects."

APPLICANT: John Pollock for Raising Canes Restaurant

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

I. CURRENT BUSINESS:

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

J. ORAL COMMUNICATIONS:

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

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

K. PLANNING COMMISSIONERS

L. ADJOURNMENT

CITY OF ESCONDIDO

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

June 23, 2020

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

Commissioners present: James Spann, Chairman; Don Romo, Vice-Chair; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner and Stan Weiler, Commissioner.

Commissioners absent: None. One vacancy.

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

MINUTES:

Moved by Commissioner Garcia, seconded by Commissioner Cohen to approve the Action Minutes of the May 26, 2020 Planning Commission meeting. Motion carried unanimously (6-0-0; One vacancy).

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 20-0001:

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

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

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

PUBLIC SPEAKERS (SUBMITTED PUBLIC WRITTEN COMMENTS)

Carol Rea, submitted comments in opposition to the project.

Maria (no last name given), submitted comments in favor of the project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Commissioner Weiler, seconded by Commissioner Cohen approve. Motion carried unanimously 6-0-0 (one vacancy).

CURRENT BUSINESS: - None

ORAL COMMUNICATIONS: None

PLANNING COMMISSIONERS:

Stan Weiler thanked the City for sending him to the League of Cities Conference. Don Romo thanked the City for the experience of serving on the Planning Commission.

Mike Cohen thanked the staff and Commissioners and announced he is moving.

ADJOURNMENT: Chairman Spann adjourned the meeting at 7:20 p.m. The next regularly scheduled Planning Commission meeting will be held on Tuesday, July 14, 2020 in the City Council Chambers via video conference, 201 North Broadway Escondido, California.

Mike Strong, Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

PROJECT NUMBER / NAME: PHG 19-0058 (Conditional Use Permit)

REQUEST: A Conditional Use Permit (“CUP”) for the demolition of the former Coco’s restaurant and the construction of a new 3,881-square-foot Raising Cane’s drive-through restaurant with 505-square-foot of outdoor dining area. Street improvements are proposed across the project frontage to provide a westbound transition lane into the project. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: 1280 W. Valley Parkway

APPLICANT: John Pollock, P. E

APN / APNS: 232-141-45

PRIMARY REPRESENTATIVE: Same

GENERAL PLAN / ZONING: CG (General Commercial)

DISCRETIONARY ACTIONS REQUESTED: Conditional Use Permit

PROJECT PLANNER: Darren Parker, Associate Planner, dparker@escondido.org

CEQA RECOMMENDATION: Categorically exempt in conformance with CEQA Guidelines section 15332, “In-Fill Development Projects.”

STAFF RECOMMENDATION: Recommend approval, as conditioned

REQUESTED ACTION: Approve Planning Commission Resolution No. 2020-08

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Mike Strong, Community Development Director

A. BACKGROUND:

The applicant has submitted a request for a Conditional Use Permit in order to construct a 3,881-square-foot Raising Cane's drive-through establishment at 1280 W. Valley Parkway. The subject site was originally constructed as a dine-in Coco's restaurant; however, the existing restaurant has been abandoned the past few years. The proposed project includes the demolition of the former Coco's restaurant and construction of a new drive-through restaurant with outdoor dining area. There are two (2) proposed site-development options considered as part of this application. Option A would consist of creating a dedicated right turn pocket within the California Department of Transportation ("Caltrans") right-of-way. Option B would consist of a street improvement starting outside of the Caltrans right-of-way. Under both project Option A and Option B, the proposed drive-through facility has been designed to conform to the current zoning requirements (Section 33-341, commercial drive-through facility requirements). The site will also be reconfigured to include a revised parking lot configuration to accommodate the new drive-through lane, new landscaping, the installation of menu boards, and a new trash enclosure.

Eating establishments are permitted uses within the Commercial General (CG) zone, but auto oriented businesses (drive-throughs) require the approval of a discretionary Conditional Use Permit pursuant to Article 16 (Commercial Zones). Section 33-341 of the Zoning Code also contains specific standards for the development of a drive-through operation, to include minimum aisle width, vehicle stacking, and screening.

B. PROJECT ANALYSIS:

1. Conditional Use Permit

The requested CUP would allow for the demolition of the former Coco's restaurant building and the construction of a 3,881 S.F. Raising Canes drive-through restaurant with 505 S.F. of outdoor patio area. The proposed drive-through has been designed to conform to the zoning requirements (Section 33-341, commercial drive-through facility requirements), which recommend site design and building design guidelines be utilized in the review and consideration of new drive-through projects, including minimum dimensions for aisle width; vehicle stacking to provide a minimum of six (6) vehicles behind the speaker and appropriate overflow from the stacking aisle; and screening from public streets by means of heavy landscaping and decorative walls. In order to accommodate the proposed drive-through lane and provide appropriate screening, a low retaining/screen wall would be installed along W. Valley Parkway and abutting the Caltrans right-of-way. A solid fence/wall would be installed along the entire length of the eastern boundary in conformance with Caltrans fencing standard guidelines. A new trash enclosure would be installed to conform to current storm water quality requirements and State recycling regulations. The existing pole sign along W. Valley Parkway would be removed to accommodate the proposed drive-through aisle.

The proposed use is not anticipated to generate adverse noise, traffic, or other impacts that would be detrimental to adjacent properties or uses. Building mass, architecture style, and landscaping

are designed to be compatible with the commercial development in the surrounding area. The completion of the project would result in a new building, one that is in scale with the site and the surrounding vicinity. The proposed building meets all the of the development standards for the subject zone. Primary access to the site will continue to be provided from W. Valley Parkway and access for the new drive-through lane would be provided from Lambar Street, which is an internal circulation driveway for the larger commercial complex. A new westbound transition lane into the project will be provided to help with the flow of traffic from the west and east along W. Valley Parkway. The applicant's proposal is unique in that it includes two (2) potential site development scenarios described as Option A and Option B.:

- Option-A includes the widening of West Valley Parkway to create a dedicated right turn pocket for Lambar Street starting within the Caltrans' right-of-way to the east and sweeping into and yielding to the through lanes on Lambar Street, including left turns from Valley Parkway. The dedicated right turn pocket shall be delineated and trapped off with an island in a configuration and with a combination of median curbing and/or striping to the satisfaction of Caltrans, the City Fire Marshal, and the City Engineer.
- Option-B includes a right turn transition starting at the Caltrans right-of-way, sweeping into, and forming a second in-bound merge lane on Lambar Street, which shall end and merge prior to the proposed Raising Canes driveway entrance off Lambar Street. This transition and creation of a second in-bound lane on Lambar Street shall be designed in a configuration and with a combination of median curbing and/or striping to the satisfaction of the City Fire Marshal and City Engineer.

The applicant's preference (as described to staff) is to construct Option A. The applicant is currently negotiating with Caltrans to obtain an encroachment permit to make the improvements within the Caltrans right-of-way. Option B is being presented as an alternative in the event the encroachment request is delayed or denied. Access and parking for both options is similar. Under both Option A and Option B, sufficient stacking area is provided to ensure that the drive-through will function without impairing on-site or off-site circulation. Adequate on-site parking is available. The landscape plans provide a variety of existing and/or proposed trees, shrubs and groundcovers that will enhance the site and provide adequate screening of the parking lot area, the drive-through facilities and the new trash enclosure. Staff believes the proposed drive-through business, regardless of which option is implemented, would be compatible with the surrounding commercial uses and appropriate for the site, and therefore recommends approval of the proposed CUP. Conditions of approval have been proposed to ensure that the proposed uses is compatible with the surrounding uses.

C. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: One (1) parcel, 0.95-acres (41,485 SF)
2. Building Size: 3,881 SF (single-story)

- | | | |
|------------------------|---|---|
| 3. Outdoor Patio Area: | Approximately 505 SF | |
| 4. Parking Spaces: | <u>Provided</u>
26 total | <u>Required</u>
21 total
Twenty (20) parking spaces plus one (1) for each one hundred (100) SF of gross floor area over four thousand (4,000) SF. |
| 5. Landscaping: | New ornamental landscaping to be provided in accordance with the city's landscaping ordinance | |
| 6. Trash: | A new covered masonry block trash enclosure would be provided to accommodate the facility. | |
| 7. Signage: | All building/wall signage subject to conformance with the Article 66 (Sign Code). The existing pole sign to be removed. | |
| 8. Fencing/Screening: | New decorative screen wall to be installed along the southern side of the proposed drive aisle. A solid fence/wall would be installed along the entire length of the eastern boundary in conformance with Caltrans fencing standard guidelines. | |

D. ENVIRONMENTAL STATUS:

The project is categorically exempt pursuant to CEQA Guidelines section 15332, which covers in-fill development. The project, as proposed, is consistent with the applicable General Plan land-use designation of GC and the Commercial General (CG) zoning designation. The project qualifies for the "In-fill" exemption because: the project is located on a site of no more than five acres substantially surrounded by urban uses; 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.

E. CONCLUSIONS:

The Planning Commission is the authorized agency for reviewing and granting discretionary approvals related to the Conditional Use Permit. The Planning Commission is being asked to consider the Conditional Use Permit for the development of the proposed drive-through facility. The project as proposed would not have a significant effect on the environment, as designed and

PHG 19-0058
July 14, 2020
Planning Commission

conditioned. The location, size, design, and operating characteristics of the proposed project will not be incompatible with, adversely affect, or will not be materially detrimental to adjacent land uses as discussed in the above sections of the staff report. Therefore, the site is suitable for the type and intensity of use. Staff recommends the Planning Commission approve Planning Case PHG 19-0058, inclusive of site design Option A and Option B, based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No 2020-08 (Attachment 2).

Respectfully Submitted,

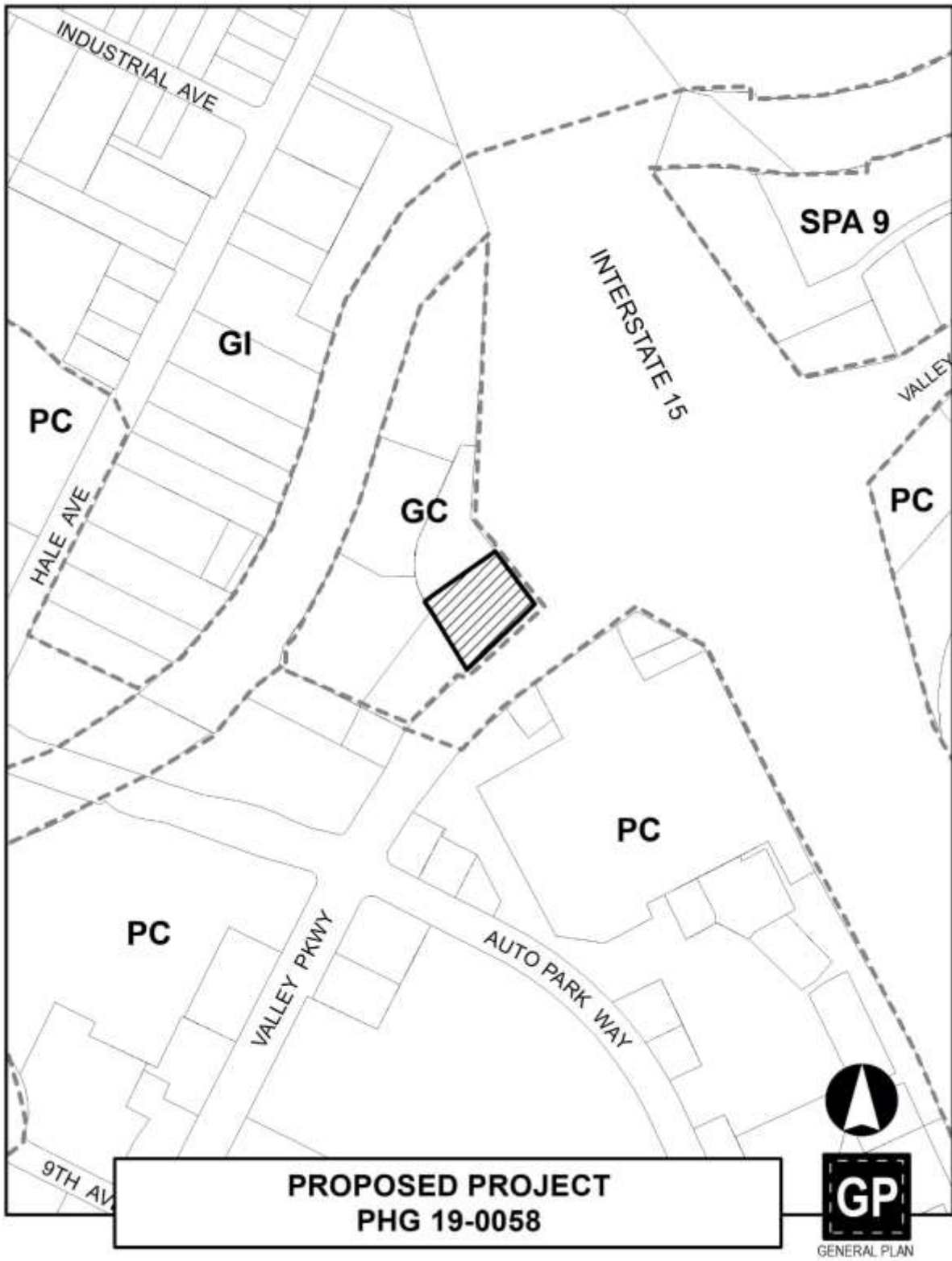
Darren Parker

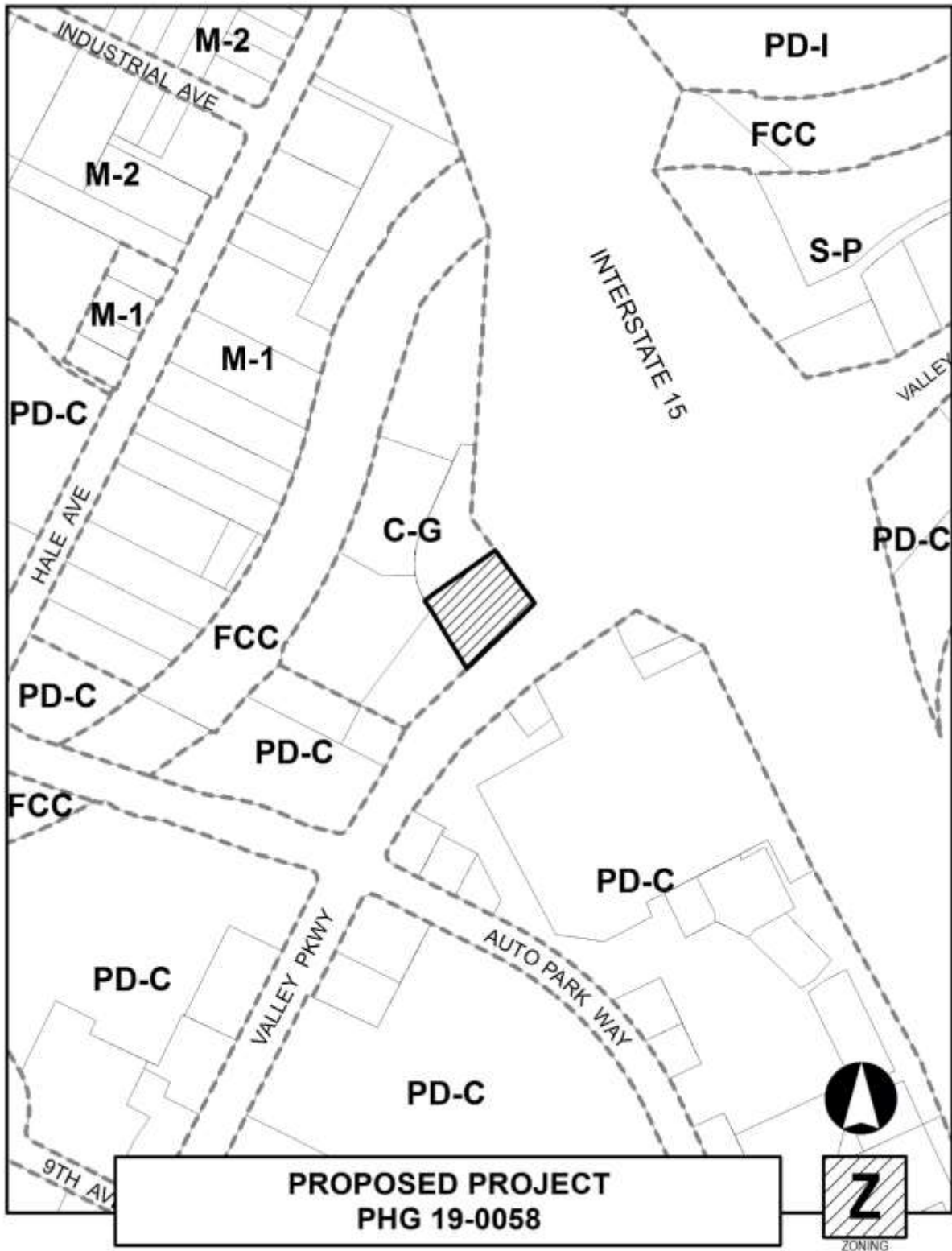
Darren Parker
Associate Planner

Attachments:

1. Location and General Plan Maps
2. Planning Commission Resolution No. 2020-08

Attachment "1"

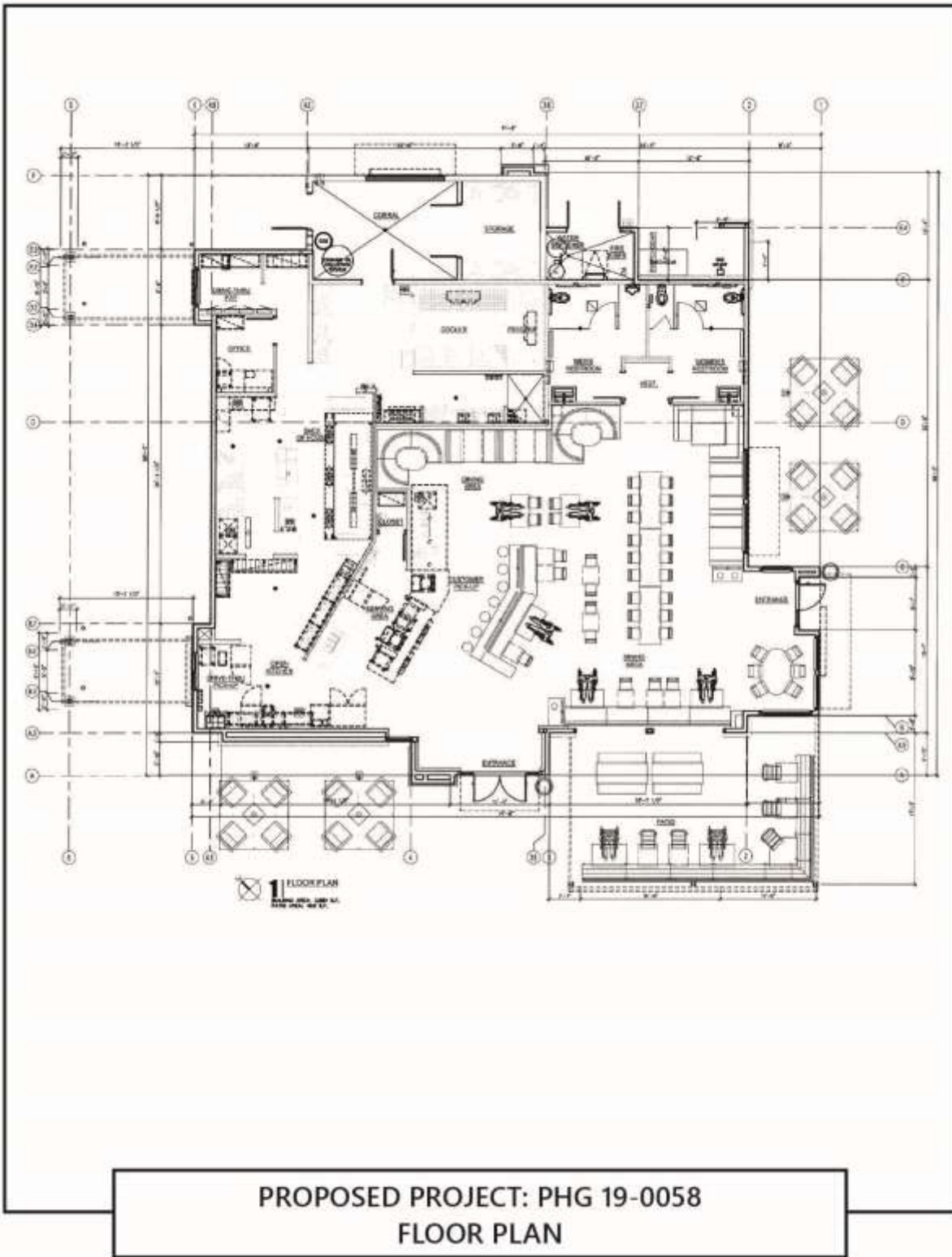




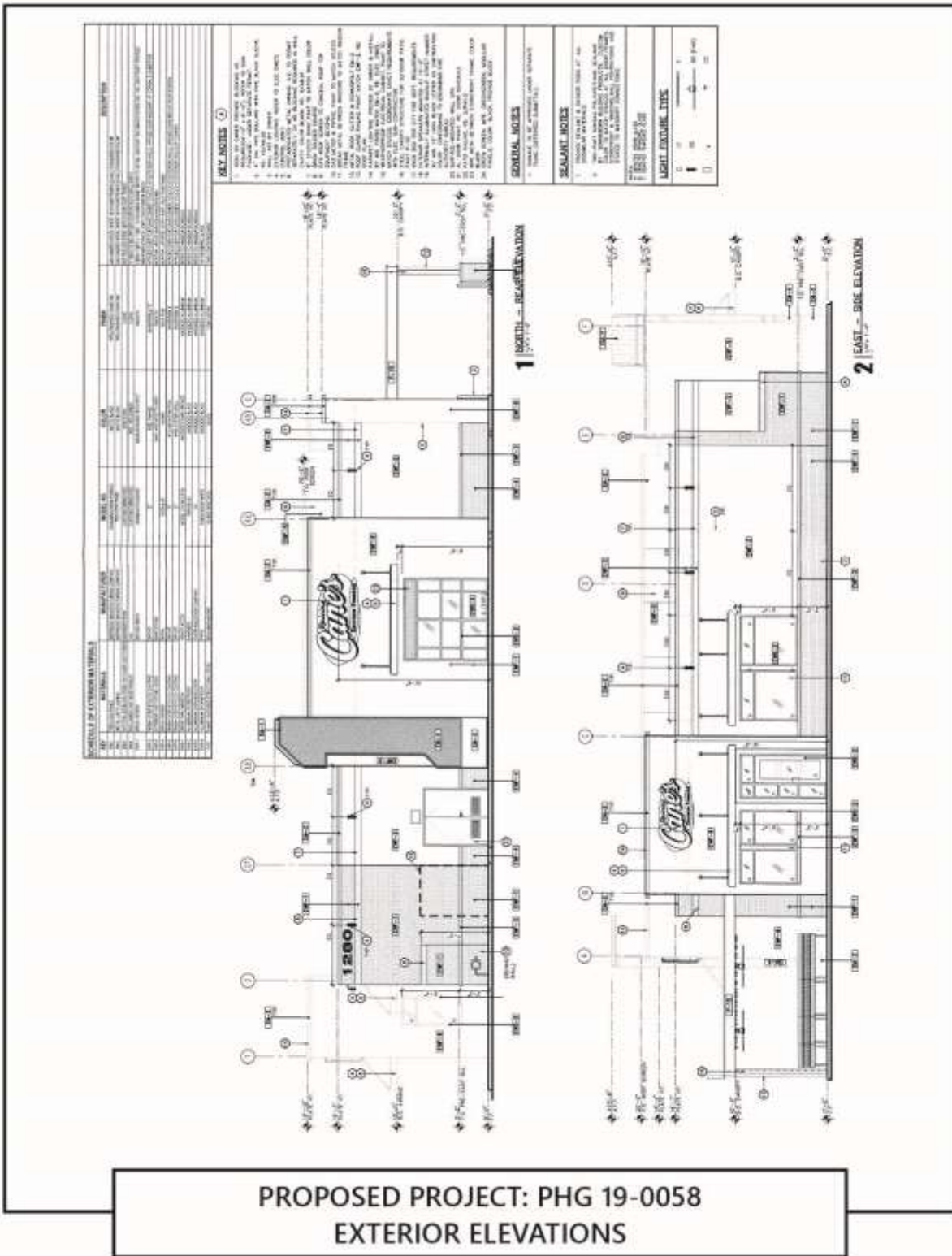


**PROPOSED PROJECT
PHG 19-0058**

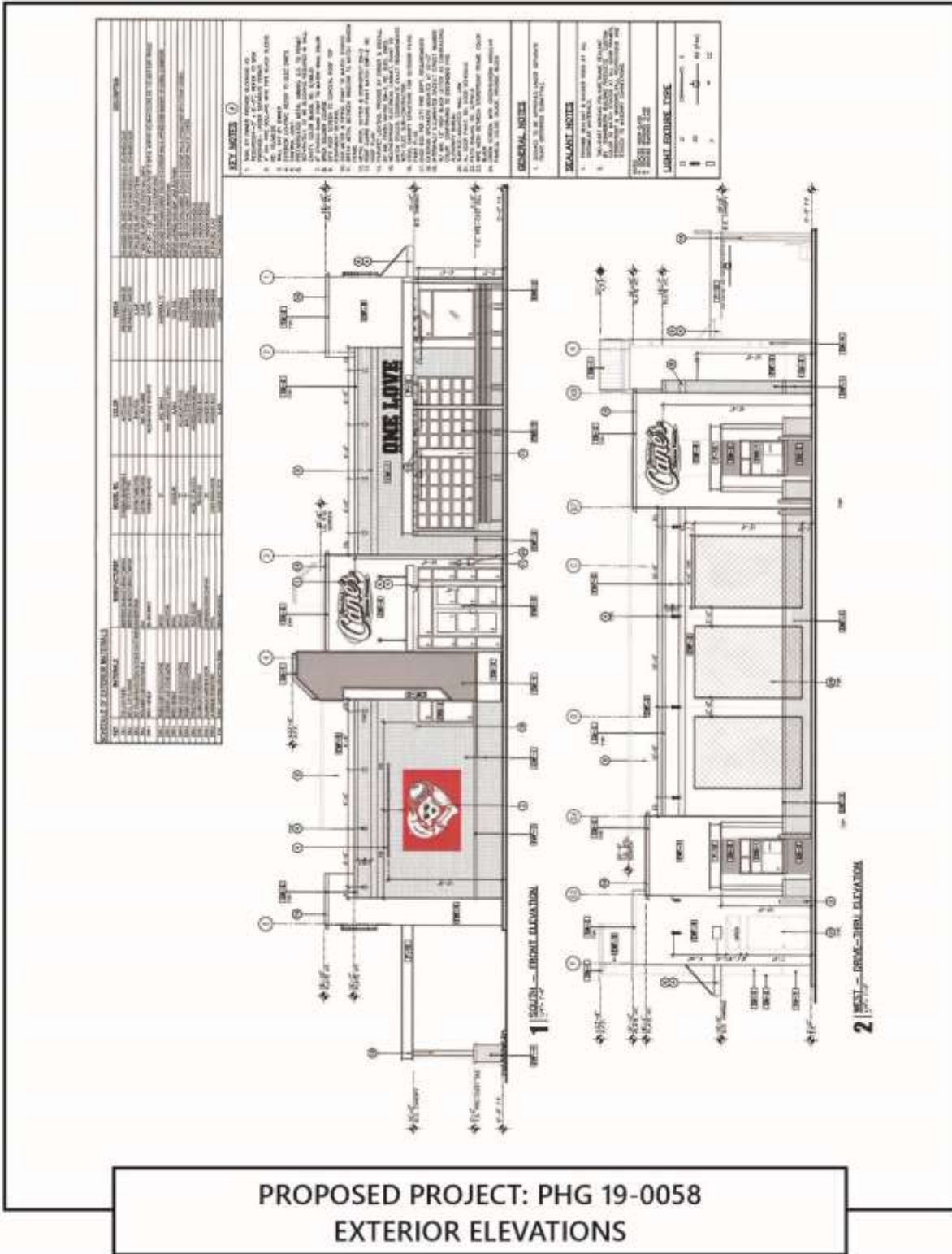
A
AERIAL



PROPOSED PROJECT: PHG 19-0058
FLOOR PLAN



PROPOSED PROJECT: PHG 19-0058
 EXTERIOR ELEVATIONS



PROPOSED PROJECT: PHG 19-0058
 EXTERIOR ELEVATIONS

RAC517 - ESCONDIDO, CA

FRONT ENTRY ELEVATION
SCALE 1/8" = 1'-0"

REAR ELEVATION
SCALE 1/8" = 1'-0"

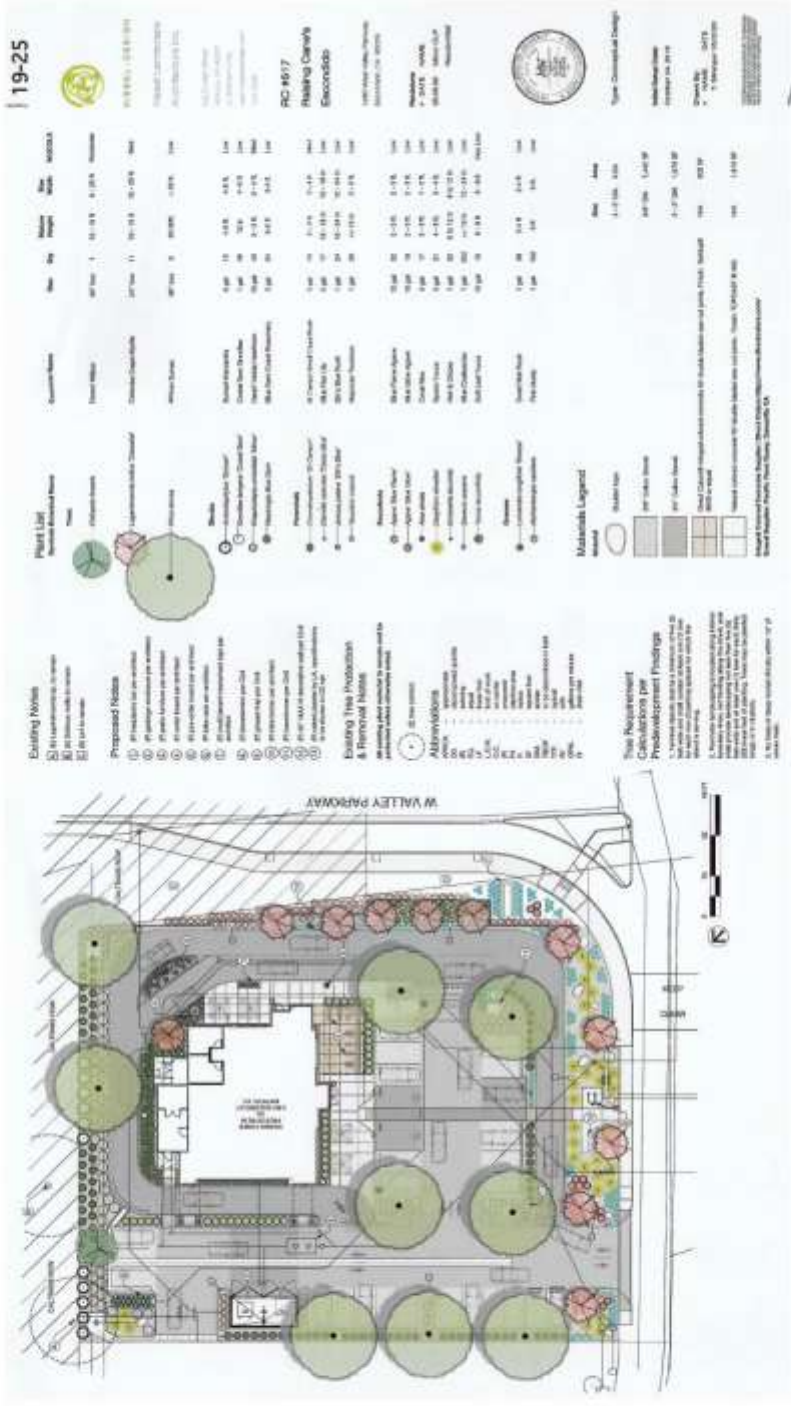
RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"

LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0"

MATERIAL FINISHES

- EMF1** - POLYURETHANE W/ ANTI-GRAB GRANULES. MATCH FINISHES TO EXISTING. MATCH FINISHES TO EXISTING.
- EMF2** - POLYURETHANE W/ ANTI-GRAB GRANULES. MATCH FINISHES TO EXISTING. MATCH FINISHES TO EXISTING.
- EMF3** - POLYURETHANE W/ ANTI-GRAB GRANULES. MATCH FINISHES TO EXISTING. MATCH FINISHES TO EXISTING.
- EMF4** - POLYURETHANE W/ ANTI-GRAB GRANULES. MATCH FINISHES TO EXISTING. MATCH FINISHES TO EXISTING.
- EMF5** - POLYURETHANE W/ ANTI-GRAB GRANULES. MATCH FINISHES TO EXISTING. MATCH FINISHES TO EXISTING.
- EMF6** - POLYURETHANE W/ ANTI-GRAB GRANULES. MATCH FINISHES TO EXISTING. MATCH FINISHES TO EXISTING.
- EMF7** - POLYURETHANE W/ ANTI-GRAB GRANULES. MATCH FINISHES TO EXISTING. MATCH FINISHES TO EXISTING.

PROPOSED PROJECT: PHG 19-0058
MATERIAL FINISHES



**PROPOSED PROJECT: PHG 19-0058
LANDSCAPE PLAN**

ATTACHMENT 2

Planning Commission
Hearing Date: July 14, 2020
Effective Date: July 25, 2020

PLANNING COMMISSION RESOLUTION NO. 2020-08

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
RECOMMENDING APPROVAL OF A CONDITIONAL
USE PERMIT FOR A DRIVE-THROUGH FACILITY
WITHIN THE CG ZONE

APPLICANT: John Pollock

CASE NO: PHG 19-0058

WHEREAS, John Pollock (herein after referred to as "Applicant"), filed a land use development application (Planning Case No PHG19-0058) with the City of Escondido constituting a request for a Conditional Use Permit (CUP) to allow the construction of a new 3,881-square-foot Raising Canes drive-through restaurant with 505-square-foot of outdoor dining area, on approximately 0.95-acre parcel in the Commercial General (CG) Zone. The subject property generally is located on the northeast corner of the intersection of West Valley Parkway and Lambar Street, addressed as 1280 W. Valley Parkway; and

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

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the

applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and California Environmental Quality Act (“CEQA”) (Public Resources Code section 21000 et seq.); and

WHEREAS, the applicant’s proposal is unique in that it includes two (2) potential site-development scenarios described as Option A and Option B, as referenced in the July 14, 2020 Planning Commission staff report. Option A would consist of creating a dedicated right turn pocket within the California Department of Transportation (“Caltrans”) right-of-way. Option B would consist of street improvements starting outside of the Caltrans right-of-way; and

WHEREAS, drive-through restaurants are conditionally permitted uses within the Commercial General (CG) Zone, subject to the approval of a Conditional Use Permit, in accordance with Section 33-341, commercial drive-through facility requirements of the Escondido Zoning Code; and

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

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project as depicted on the plan set shown in Exhibit “C,” which is attached hereto and made a part hereof by this reference as though fully set forth herein. Said request includes two (2) proposed site-development options reviewed considered as part of the application; and

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

WHEREAS, the Planning Commission of the City of Escondido did, on July 14, 2020 hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated July 14, 2020, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. That the above recitations are true and correct.
2. Public Resources Code section 21084 requires the CEQA Guidelines to

include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from the provisions of CEQA. The Planning Commission, in its independent judgment, has determined the Conditional Use Permit to qualify for the “In-fill Development Projects” categorical exemption under CEQA Guidelines section 15332. The project qualifies for the “In-fill” exemption because; the project is located on a site of no more than five-acres substantially surrounded by urban uses; 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.

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

4. The Planning Commission hereby approves the CUP application, to use the subject property for said purpose specified above and as described in the July 14, 2020 Planning Commission staff report, subject to each and all of the conditions hereinafter set forth in Exhibit “D”. The land use application includes two (2) site-development options as provided in Exhibit “C.” This Planning Commission expressly declares that it would not have made this recommendation for this land use development

application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. The two alternative options in Exhibit “C” are mutually exclusive. The applicant is conferred the right to pursue only one of the site-development options.

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

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

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The

Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14th day of July, 2020, by the following vote, to wit:

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

Chairman
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

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

EXHIBIT "A"

LEGAL DESCRIPTION PLANNING CASE NO. PHG19-0058

Parcel A:

Parcel 6 of Parcel Map No. 9341, in the City of Escondido, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County, November 2, 1979.

Parcel B:

An easement for ingress and egress and general utilities over that portion of Parcel 1 of Parcel Map No. 9341, in the City of Escondido, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County, November 2, 1979, designated and delineated on said Map as "Private Road and Public Utility Easement", not to exceed the current use for ingress and egress by Type, frequency and duration.

APN: 232-141-45-00



**EXHIBIT “B”
FINDINGS OF FACT
PHG 19-0058**

Environmental Determination(s):

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations Section 15000 et. seq., the City of Escondido is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption in CEQA Guidelines section 15332, “In-fill Development Projects.” The project qualifies for the “In-fill” exemption because; the project is located on a site of no more than five-acres substantially surrounded by urban uses; 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.
3. An exception to the Class 11 and Class 32 CEQA Exemption is not triggered due to impacts to a historical resource (as described in Section 15300.2(f) of the CEQA Guidelines), since the existing restaurant to be demolished by the project do not meet the criteria or definition for a historical resource as contained in section 15064.5(a) of the CEQA Guidelines and section 5020.1 (j) of the Public Resources Code.

Conditional Use Permit (CUP):

1. Granting the CUP for the proposed drive-through establishment is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses, or create special problems for the area in which it is located because the use would be constructed within an existing commercial area within the Commercial General Zone (CG). The proposed drive-through lane has been designed to conform to the zoning requirements (Sections 33-341 of the Escondido Zoning Code) that recommends site design and building design guidelines be utilized in the review and consideration of new drive-through projects, which includes minimum dimensions for aisle width; vehicle staking to provide a minimum of six (6) vehicles behind the speaker and appropriate overflow from the stacking aisle; provide significant screening from the public streets by means of heavy landscaping and decorative walls. In order to accommodate the proposed drive-through lane and provide appropriate screening, a low retaining/screen wall would be installed along the existing landscape area fronting on W Valley Parkway. Appropriate access, on-site circulation and parking would be provided. Conditions of Approval would be applied to ensure that the drive-through establishment does not disrupt the current commercial uses and activities on site.

2. 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 polices.
3. The public health, safety and welfare would not be adversely affected by the proposed CUP because the drive-through business would be regulated by the conditions of approval and certain design standards and other permit related criteria, which encompasses new specific conditions or standards.

EXHIBIT "C"



RAC517 - ESCONDIDO, CA

**PROPOSED PROJECT: PHG 19-0058
 MATERIAL FINISHES**

FRONT ENTRY ELEVATION
 SCALE: 1/8" = 1'-0"

FRONT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"

REAR ELEVATION
 SCALE: 1/8" = 1'-0"

REAR SIDE ELEVATION
 SCALE: 1/8" = 1'-0"

MATERIAL FINISHES

- EM1**: LIGHT GREY STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM2**: DARK GREY STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM3**: DARK GREY STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM4**: RED STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM5**: LIGHT BROWN STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM6**: LIGHT BROWN STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM7**: LIGHT BROWN STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM8**: LIGHT BROWN STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM9**: LIGHT BROWN STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING
- EM10**: LIGHT BROWN STONE TILE, 12" SQUARE, MATCH FINISHES TO EXISTING

Cane's
 RESTAURANT

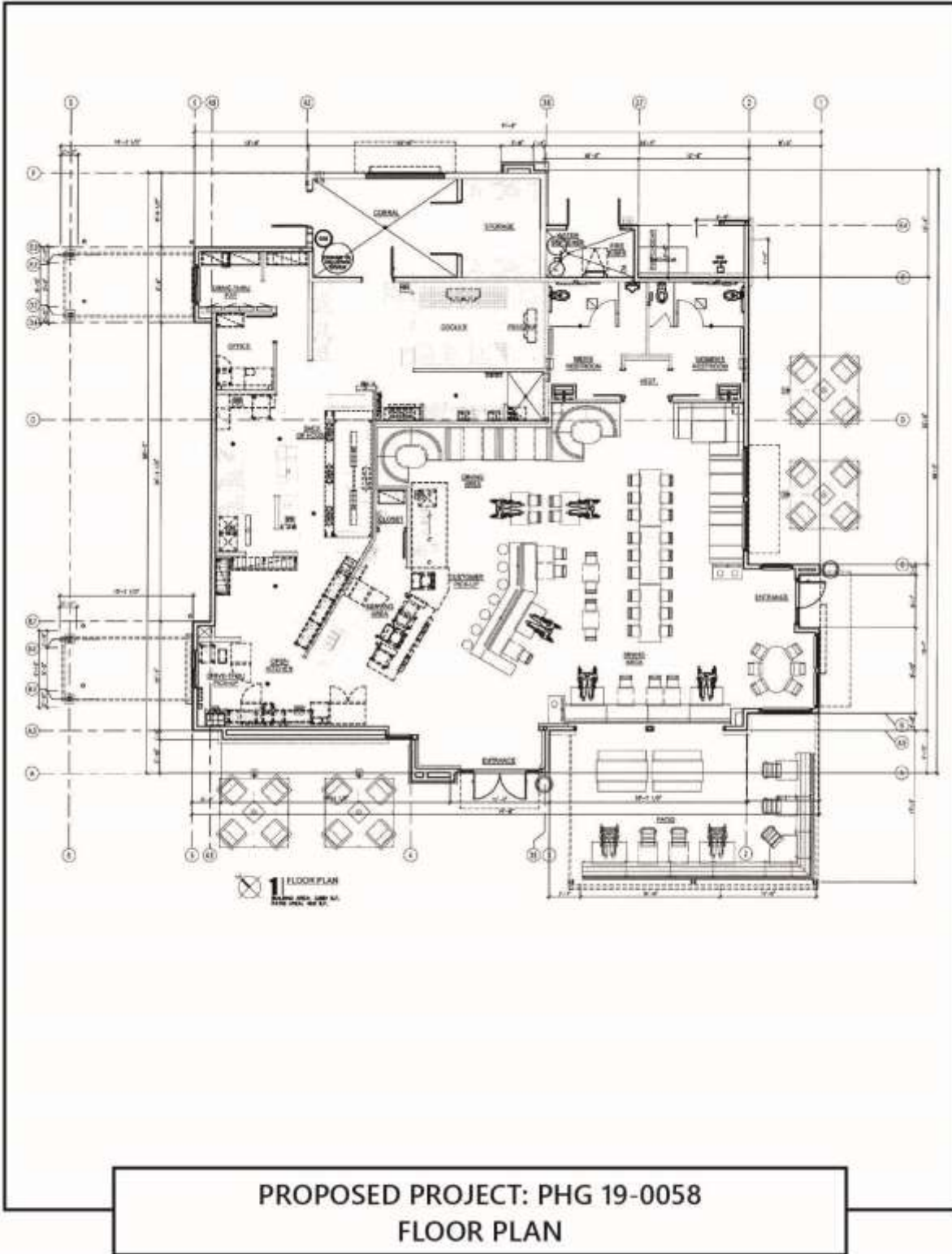


EXHIBIT “D”
CONDITIONS OF APPROVAL
Planning Case No. PHG 19-0058

Nothing in this permit shall relieve the Applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. **This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.**

Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

A. GENERAL:

1. **Acceptance of Permit.** Should the applicant fail to file a timely and valid appeal of this Permit with the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall automatically expire after two (2) years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code or Zoning Code. The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
3. **Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with final action on the Project. This includes amending the Project drawing as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Said Plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the project.

4. Conformance to Approved Plans.

- a. The operation and/or use of the subject property shall be consistent with the Details of Request, designated with the Approval 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 Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

5. Limitations of Use. Prior to any use of the Project site pursuant to this Permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Director.

6. Certificate of Occupancy.

- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Community Development.

7. Availability of Permit Conditions.

- a. Prior to building permit issuance, 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 Community Development.
- 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 is submitted to the Building Division for the plan check processing.

8. Right of Entry. The holder of this Permit shall make the premises available for inspection by City staff during construction or opening 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 Community Development. Through plan check processing, the applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.

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

12. **Clerk Recording.**

- a. **Exemption;** 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, a check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the 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.

13. **Legal Description Adequacy.** The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.

14. Application Accuracy. The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The applicant may be liable for any costs associated with rescission of such permits.

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

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

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates or constitutes a nuisance.

16. Indemnification. The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damage, cost and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, cause of action, liabilities, cost and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sub lessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death, or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the applicant or owner's business or from any activity, work or thing done, permitted or suffered by the applicant or owner or its sub lessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or ones part to performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or

proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney fees.

B. Construction, Maintenance, and Operation Obligations;

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulation or to obtain permits from other agencies

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 undergrounded.
4. **Signage.** All proposed signage associated with the Project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) for the underlying zone, and any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed. This shall include the square footage of each sign, and dimension of each sign.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
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.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 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. Parking and Loading/Unloading.**
 - a.** A minimum of twenty-one (21) parking spaces shall be provided on site as discussed in the staff report to the satisfaction of the City Engineer and Director of Community Development. Parking for disabled persons shall be provided in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking spaces shall remain available for operable vehicles and shall not be used for inoperable vehicles or general storage.
 - b.** Staff event parking shall be clearly marked on site and to the satisfaction of the Planning Division.

- c. Parking for disabled persons shall be provided (including “Van Accessible “space) in full compliance with the State Building Code.

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

- a. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
- b. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or Management Company.
- c. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
- d. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
- e. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.

16. 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 Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal if 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 Community Development.
- 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 Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

17. Specific Planning Conditions.

- a. The Conditional Use Permit may be referred back to the Planning Commission for review and possible revocation or modification at a noticed public hearing upon receipt of nuisance complaints regarding performance of the operation of the facility and/or non-compliance with the conditions of approval.
- b. Landscaping 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.
- c. All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- d. Any new walls shall incorporate decorative materials or finishes, and shall be indicated on the building plans. The new screen wall along the frontage of the property shall include pilasters at appropriate intervals and the wall shall be constructed of decorative block or finish to compatible with the architecture and materials used throughout the building.

- e. Any new fences shall incorporate decorative materials and finishes, and shall be indicated on the buildings. The required solid fence along the entire eastern property lines shall be in conformance with Caltrans guidelines for fencing.
- f. The project involves two (2) options or site development possibilities, which are mutually exclusive. Option A consists of a site design that involves improvements within the Caltrans right-of-way. Said improvements associated with Option A require a Caltrans Encroachment Permit application submittal to the appropriate District Encroachment Permits Office having jurisdictional authority over the proposed encroachment. Should the applicant pursue Option A, no City permit shall be issued or granted until the approval or certification required by the District Encroachment Permits Office has been obtained or has otherwise been waived by Caltrans.
- g. The drive-through lane has been designed to store near-maximum queue between its starting point and pick-up window. The drive-thru vehicle stacking lane shall not spill out onto public streets. The applicant shall ensure the sale of products or provision of services to occupants in vehicles is operationally efficient, via the following actions:
 - 1. 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.
 - 2. 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.
 - 3. The business shall be prepared to, and assign staff as necessary to take orders further up the drive-thru lane to relieve over stacking.
 - 4. 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.

BUILDING

- 1. Approval and subsequent development is subject to all conditions and requirements of the California Building Code and Building Division.

FIRE

- 1. Show the locations of existing and new fire hydrants on the building plans.
- 2. Provide constriction type and clarify if fire sprinklers and alarms are currently installed on the building plans

3. Fire alarms will be required to shown on the building plans.
4. Clarify the total occupancy load and occupancy type on the building plans.

**ENGINEERING CONDITIONS OF APPROVAL
PHG19-0058 1280 W. Valley Parkway**

GENERAL

1. A revised plot plan shall be submitted to, and certified by, the Planning Division prior to the first final engineering submittal. A certified copy of the Revised Plot Plan shall be included in the first plan check submittal to the Engineering Department. The revised plot plan shall include either Lambar St. Traffic Mitigation Option-A or Lambar St. Traffic Mitigation Option-B (as defined in the Street Improvements section) to clarify the final design.
2. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
3. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
4. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
5. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
6. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to the approval of any building permit.
7. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate

these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.

8. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. Frontage street improvements shall be constructed on W. Valley Parkway to Prime Arterial Standards in accordance with the design standards and the requirements of the City Engineer. The developer shall submit final engineering for one of the following Lambar Street Traffic Mitigation options:

Option-A shall include the widening West Valley Parkway to create a dedicated right turn pocket for Lambar Street starting within the Caltrans' right-of-way to the east and sweeping into and yielding to the through lanes on Lambar Street, including left turns from Valley Parkway. The dedicated right turn pocket shall be delineated and trapped off with an island in a configuration and with a combination of median curbing and/or striping to the satisfaction of Caltrans, the City Fire Marshal, and City Engineer.

Option-B shall include a right turn transition starting at the Caltrans right-of-way, sweeping into, and forming a second in-bound merge lane on Lambar Street, which shall end and merge prior to the proposed Raising Canes driveway entrance off Lambar Street. This transition and creation of a second in-bound lane on Lambar Street shall be designed in a configuration and with a combination of median curbing and/or striping to the satisfaction of the City Fire Marshal, and City Engineer.

2. For any proposed work in Caltrans right of way the developer will be required to provided clear communication from Caltrans in the form of a letter or email stating that the proposed design has been reviewed and conditionally approved. Such communication shall be provided prior to submitting final engineering plans for Grading and Public Improvements that include Option-A.
3. The radius of the dedicated right turn pocket or transition a sweep shall be maintained between forty (40) and fifty (50) feet in order to assist with vehicle speed reduction prior to merging with the through lanes on Lambar Street.
4. The proposed pedestrian ramp location shall be determined during final engineering and be located in a location to the satisfaction of the City Engineer.
5. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of 24 feet.
6. For any proposed work in Caltrans right of way the developer will be required to provided clear communication from Caltrans in the form of a letter or email stating that the proposed design has been reviewed and conditionally approved. Such communication shall be provided prior to submitting final engineering plans for Grading and Public Improvements that include Option-A.

7. An encroachment permit shall be obtained from Caltrans for all work within the Caltrans right-of-way or any work that requires Caltrans approval when working in or near their right-of-way.
8. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760-839-4644 to arrange for the Encroachment Permit and inspections, and note on the plans.
9. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided as needed for adequate sight distance and subject to approval of the City Engineer.
10. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The signing and striping plan shall show removal of existing u-turns from W. Valley Parkway east bound left turn lane at Lambar Street. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
11. The developer will be required to provide a detailed detour and traffic control plan for all construction within the existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. The traffic control plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
12. The developer shall be required to replace existing streetlights at the intersection of W. Valley Parkway and Lambar Street with an LED Street light in accordance with Escondido Standard Drawing No. E-1-E. The existing streetlight shall be relocated to the satisfaction of the City Engineer.
13. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.
14. The project owner shall remove and replace all damaged sidewalks and curb and gutters along project frontages on W. Valley Parkway to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.
15. The project owner shall modify existing driveways to comply with ADA requirements to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.
16. The project owner shall replace existing frontage curb ramps on W. Valley Parkway with new ADA compliance ramps to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.

GRADING and SITE IMPROVEMENTS

1. A site grading, drainage, and erosion control plan by a Registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The project shall conform with the City of Escondido's Storm Water Management Requirements. Both Construction BMPs and Permanent Treatment BMPs shall be provided for the project. The site grading and erosion control plan will not be forwarded from the Building Department, but shall be submitted separately to the Engineering Department.

2. Erosion control, including riprap, interim sloping planting, gravel bags, 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 development of the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 5 1/2" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC
4. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
5. The trash enclosure area shall be constructed or modified to comply with storm water quality management requirement to the satisfaction of the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
7. After approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760-839-4664 to arrange for the Encroachment Permit and inspections.
8. All blasting operations performed in connection with the improvements of the project shall comply with the City of Escondido Blasting Operations Ordinance.
9. The developer shall be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
10. The developer shall be responsible for the recycling all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other locations approved by the Director of Engineering Services.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall

be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.

3. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention basins within or along the perimeter of the parking and driveway area as the primary method of storm water treatment and hydro-modification compliance. The landscape plans shall reflect these areas of storm water treatment.
4. All on-site storm drains, detention basins, and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
5. 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.
6. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. Fire hydrant(s) together with an adequate water supply shall be installed at location(s) approved by the Fire Marshal. If a fire hydrant is required on private property, a minimum 8" looped public main shall be required to the location of the proposed fire hydrant to the satisfaction of the Utilities Engineer.
2. Any public water main loops or extensions required to provide adequate water service and/or fire protection for this proposed project shall be constructed in accordance with the City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
3. A Public Utility Easement shall be granted to the City of Escondido for any proposed public waterlines on private property. The easement shall include all fire hydrants, water meters and other public water appurtenances. The minimum easement width for public mains shall be 20 feet, or the full width of the private easement road, whichever is greater.
4. All water services, detector check assemblies, and other water appurtenances shall be designed and installed at locations approved by the Utilities Engineer.
5. Water meters and backflow prevention devices shall not be installed within a driveway apron or private drive areas. Backflow prevention devices shall be installed directly behind the public meter.
6. Fire sprinkler systems shall be served by a DCA that meets current City of Escondido standards.

7. Existing hydrants used to provide fire protection shall meet current City of Escondido standards.
8. No trees or deep-rooted plants shall be planted within 10-feet of any water main or water service.
9. All water services to be abandoned shall be abandoned at the water main per the satisfaction of the Utilities Engineer.
10. All water services to be reconnected shall be new from the water main to the public water meter.

SEWER

1. A private 6" minimum PVC sewer lateral with a standard clean-out within 18" of the public utilities easement/sewer easement/right-of-way shall be constructed for the proposed project. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform Plumbing Code. The sewer laterals shall be included in the improvement & grading plans and bonding quantities.
2. 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.
3. 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.

LANDSCAPE

4. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the first submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees.
5. Permanent landscaping shall be installed along the project and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by the property owner.

EASEMENTS AND DEDICATIONS

1. Necessary public utility easements (for sewer and water) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly. The initial submittal of the plat and legal for the public utility easement shall include the required City easement processing fee in effect at the time of the submittal.

REPAYMENTS AND FEES / 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 to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive of abandoned project. Any moneys

used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up 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, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.

2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

MISCELLANEOUS REQUIREMENTS / SURVEYING AND MONUMENTATION

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

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the property boundary or along fronting streets shall be relocated underground as required by the City's 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 they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation, and undergrounding with SDG&E, AT&T, and Cox Communications.