



City of Escondido Zoning Administrator

MEETING AGENDA AND RECORD OF ACTIONS

201 North Broadway
City Hall – Parkview Conference Room

**May 6, 2019
3:00 p.m.**

A. Call to Order:

Zoning Administrator:

Staff Present:

B. Agenda items:

1. **PHG 18-0048 (Continued from April 25, 2019):** Minor Conditional Use Permit for the operation of 14 arcade game machines in a new 944 square foot game room within an existing, 7,091 square foot restaurant building for Shakey’s Pizza Restaurant. The proposal also includes the adoption of the environmental determination for the project.

Location: 355 N. Escondido Blvd
Applicant: Steve Rawlings for Shakey’s Pizza
Planner: Jasmin Perunovich

DECISION OF THE ZONING ADMINISTRATOR:

- ___ Approved, as set to form
- ___ Conditionally approved with the attached modifications
- ___ Denied
- ___ Continued to: ___ Date Certain (_____) ___ Date Unknown
- ___ Referred to Planning Commission

C. Adjournment:

I certify that these actions were taken at the Zoning Administrator meeting on _____

Zoning Administrator

Witness

ZONING ADMINISTRATOR

CASE NUMBER: PHG 18-0048

APPLICANT: Steve Rawlings, Rawlings Consulting

PROJECT LOCATION: On the west side of N. Escondido Blvd. and north of W. Valley Pkwy., addressed as 355 N. Escondido Blvd. (APN: 229-332-28)

REQUEST: Minor Conditional Use Permit for the operation of 14 arcade game machines in a new 944 square foot game room within an existing, 7,091 square foot restaurant building for Shakey's Pizza Restaurant. The proposal also includes the adoption of the environmental determination for the project.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: SPA (Specific Planning Area 9)

ZONING: S-P (Downtown Specific Plan, Centre City Urban District)

BACKGROUND/PROJECT DESCRIPTION:

The applicant has submitted a request for a Minor Conditional Use Permit for the operation of approximately 14 arcade game machines in a 944 square foot game room within a new restaurant (Shakey's Pizza). The restaurant will be located in an existing, vacant, 7,091 square foot restaurant building, previously occupied by a Sizzler Restaurant, in the Plaza Civic Center commercial center. The building is currently being renovated and no additional square footage is proposed. All arcade game operations would be conducted entirely within the building.

ENVIRONMENTAL STATUS:

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

REASON FOR STAFF RECOMMENDATION:

The new use is not anticipated to have any adverse impacts on the surrounding properties since it is located within an existing commercial center and surrounded by a variety of commercial uses. The proposed arcade is an accessory use associated with a full-service restaurant and the Police Department have no concerns related to the arcade use. Conditions of approval have been included with the draft resolution to prevent potential impacts on neighboring businesses.

Respectfully submitted,

Jasmin Perunovich

Jasmin Perunovich
Assistant Planner I

EXHIBIT "A"
FINDINGS OF FACT
PHG 18-0048

Conditional Use Permit

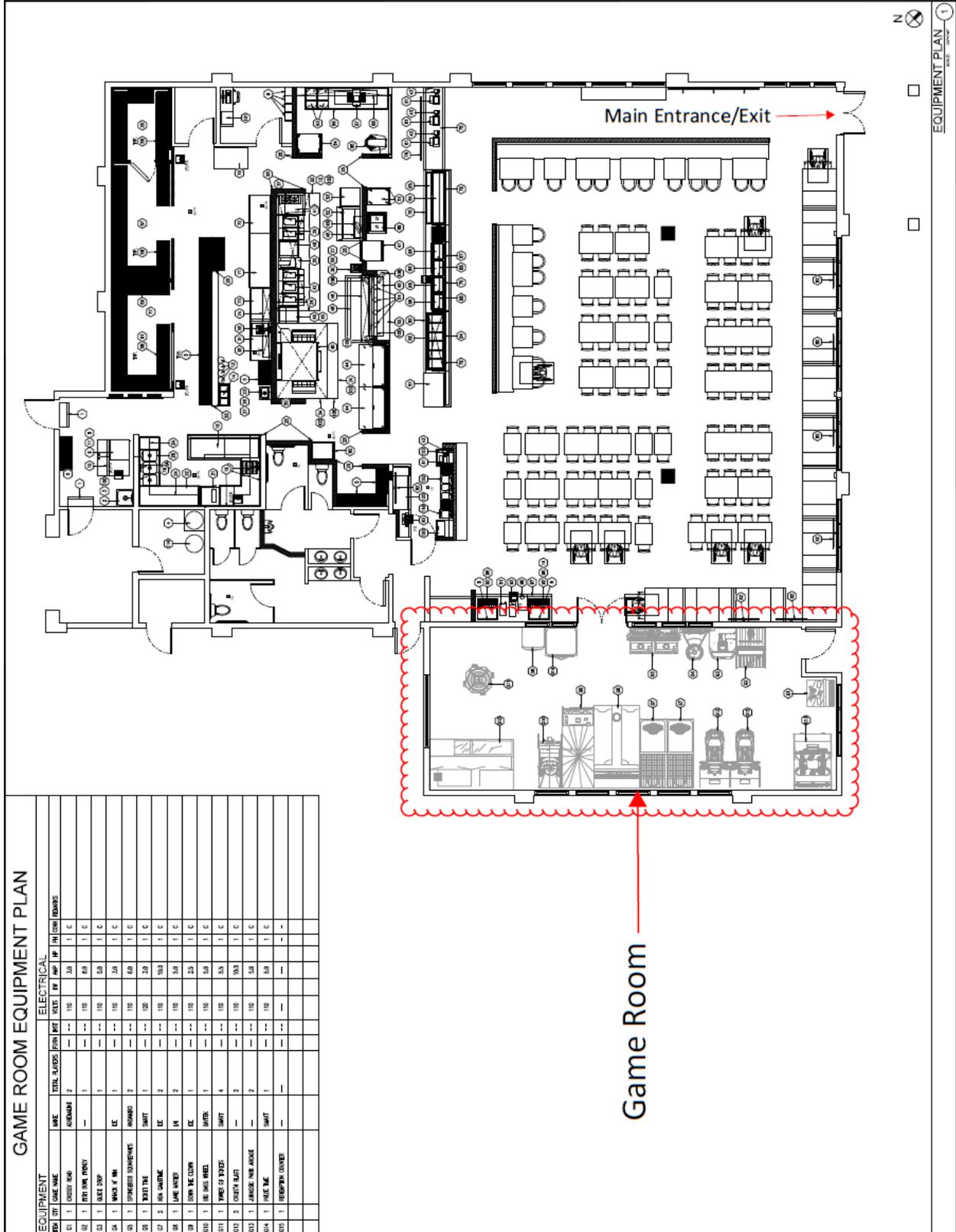
1. The Conditional Use Permit would provide a service desirable for the community in the form of a recreational activity.
2. The proposed use would not cause a deterioration of bordering land uses or create special problems in the area. The site has been developed for a restaurant use and no building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

EXHIBIT “B”
CONDITIONS OF APPROVAL
PHG 18-0048

1. This Conditional Use Permit shall become null and void if not utilized within twelve months of the effective date of approval.
2. All previous conditions of 89-31-PPL, and any subsequent modifications, shall remain in effect unless expressly modified herein.
3. The arcade use approved by this Conditional Use Permit shall be an accessory use to a full-service restaurant only.
4. This Conditional Use Permit is for 14 arcade game machines. Any request to increase the number of arcade game machines shall be made in writing to the Director of Community Development, who may approve or disapprove said request subsequent to consultation with the Police Department. In no case shall more than 20 arcade game machines be provided without consideration by the Zoning Administrator or Planning Commission at a notices public hearing.
5. The arcade game room hours of operation shall be the same as the restaurant’s hours of operation: Sunday-Thursday 11 a.m. to 10 p.m., and Friday and Saturday: 11 a.m. to 11 p.m. Any request to modify said hours of operation shall be made in writing to the Director of Community Development, who may approve or disapprove said request subsequent to consultation with the Police Department.
6. An Alcoholic Beverage License shall be obtained from the Department of Alcoholic Beverage Control (ABC) prior to the sale of any alcoholic beverages on the premises.
7. No alcoholic beverages shall be allowed in the arcade game room.
8. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
9. Appropriate fire access and ADA compliant paths of travel shall be maintained, as may be required by the Fire Department and Building Division.
10. All existing landscaping required as part of previous approvals for the site (89-31-PPL) shall be permanently maintained in a flourishing manner. All existing irrigation shall be maintained in fully operational condition. Any missing or damaged plant materials or irrigation shall be replaced. The required landscape areas shall be free of all foreign matter and weeds.
11. All outdoor lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75).

12. No signage is approved as part of this permit. All proposed signage shall conform to the Escondido Sign Ordinance (Ord. 92-47) and the Plaza Civic Center Comprehensive Sign Program. Separate sign permits will be required for project signage.
13. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08), to the satisfaction of the Planning Division.
14. Building plans, prepared by a licensed design professional, must be submitted for this project and must comply with the building and fire codes in effect at the time of building plan submittal.
15. The holder of the Conditional Use Permit shall make the premises available for inspection by City staff during operating hours, and shall provide such business records, licenses, and other materials necessary to evidence compliance with these conditions of approval.
16. The legal description attached to this report as Exhibit "D" 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.
17. This item may be referred back to the Zoning Administrator for review and possible revocation or modification at a noticed public hearing upon receipt of nuisance complaints and/or non-compliance with the conditions of approval.
18. 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 shall remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a check payable to the "San Diego County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

 <p>GARY WANG ARCHITECTURE & INTERIOR DESIGN 1000 S. GARDEN AVENUE, SUITE 100 GARDEN CITY, CA 92345 TEL: (951) 646-8888 FAX: (951) 646-8889</p>	 <p>SMILEY'S SPORTS BAR & GRILL 2025 N. DEWENING BLVD. ESCROW, CA 92625</p>		<p>PROJECT NUMBER: _____ SHEET NO.: _____ DATE: _____</p>	<p>PROJECT NAME: _____ CLIENT: _____ ARCHITECT: _____ CONTRACT NO.: _____ SHEET NO.: _____</p>	<p>EQUIPMENT TO BE INSTALLED IN GAME ROOM EQUIPMENT SCHEDULE</p>	<p>K-1.00</p>
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GAME ROOM EQUIPMENT PLAN

EQUIPMENT	ELECTRICAL									
	QTY	MAKE	MODEL	WATT	VOLTS	PHASE	TYPE	WIRE SIZE	TERMINALS	REMARKS
01	1	GENCO	1000	1000	120	1	1	12	1	1
02	1	GENCO	1000	1000	120	1	1	12	1	1
03	1	GENCO	1000	1000	120	1	1	12	1	1
04	1	GENCO	1000	1000	120	1	1	12	1	1
05	1	GENCO	1000	1000	120	1	1	12	1	1
06	1	GENCO	1000	1000	120	1	1	12	1	1
07	1	GENCO	1000	1000	120	1	1	12	1	1
08	1	GENCO	1000	1000	120	1	1	12	1	1
09	1	GENCO	1000	1000	120	1	1	12	1	1
10	1	GENCO	1000	1000	120	1	1	12	1	1
11	1	GENCO	1000	1000	120	1	1	12	1	1
12	1	GENCO	1000	1000	120	1	1	12	1	1
13	1	GENCO	1000	1000	120	1	1	12	1	1
14	1	GENCO	1000	1000	120	1	1	12	1	1
15	1	GENCO	1000	1000	120	1	1	12	1	1
16	1	GENCO	1000	1000	120	1	1	12	1	1
17	1	GENCO	1000	1000	120	1	1	12	1	1
18	1	GENCO	1000	1000	120	1	1	12	1	1
19	1	GENCO	1000	1000	120	1	1	12	1	1
20	1	GENCO	1000	1000	120	1	1	12	1	1
21	1	GENCO	1000	1000	120	1	1	12	1	1
22	1	GENCO	1000	1000	120	1	1	12	1	1
23	1	GENCO	1000	1000	120	1	1	12	1	1
24	1	GENCO	1000	1000	120	1	1	12	1	1
25	1	GENCO	1000	1000	120	1	1	12	1	1
26	1	GENCO	1000	1000	120	1	1	12	1	1
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35	1	GENCO	1000	1000	120	1	1	12	1	1
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71	1	GENCO	1000	1000	120	1	1	12	1	1
72	1	GENCO	1000	1000	120	1	1	12	1	1
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80	1	GENCO	1000	1000	120	1	1	12	1	1
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82	1	GENCO	1000	1000	120	1	1	12	1	1
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87	1	GENCO	1000	1000	120	1	1	12	1	1
88	1	GENCO	1000	1000	120	1	1	12	1	1
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91	1	GENCO	1000	1000	120	1	1	12	1	1
92	1	GENCO	1000	1000	120	1	1	12	1	1
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96	1	GENCO	1000	1000	120	1	1	12	1	1
97	1	GENCO	1000	1000	120	1	1	12	1	1
98	1	GENCO	1000	1000	120	1	1	12	1	1
99	1	GENCO	1000	1000	120	1	1	12	1	1
100	1	GENCO	1000	1000	120	1	1	12	1	1

EXHIBIT "D"
LEGAL DESCRIPTION
PHG 18-0048

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOTS 1 TO 3 INCLUSIVE, OF ESCONDIDO TRACT NO. 118, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5702, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 1, 1966.

PARCEL 2:

THAT PORTION OF LOT 4 OF ESCONDIDO TRACT NO. 118, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5702, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 1, 1966, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4 OF SAID ESCONDIDO TRACT NO. 118, SAID CORNER BEING IN THE EASTERLY LINE OF STATE HIGHWAY XI-SD-77-ESD RIGHT OF WAY; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 4 NORTH 66°42'10" EAST 66.00 FEET; THENCE SOUTH 23°17'50" EAST 4.00 FEET; THENCE NORTH 66°42'10" EAST 38.00 FEET; THENCE NORTH 23°17'50" WEST 4.00 FEET; THENCE NORTH 66°42'10" EAST, 86.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 66°42'10" EAST 39.00 FEET; THENCE SOUTH 23°17'50" EAST 4.00 FEET; THENCE SOUTH 66°42'10" WEST 39.00 FEET TO THE TRUE POINT OF BEGINNING.

APN: 229-332-28-00