



# City of Escondido Zoning Administrator

## MEETING AGENDA AND RECORD OF ACTIONS

201 North Broadway  
City Hall – Parkview Room  
**May 12, 2022**  
12:00 p.m.

A. Call to Order: \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_

Staff Present: \_\_\_\_\_

B. Agenda item:

1. **MINOR CONDITIONAL USE PERMIT – CASE NO. PL 21-0537:**

A Minor Conditional Use Permit to revise an existing Conditional Use Permit for an assisted living facility to allow for the establishment of a Type 41 license from the Department of Alcoholic Beverage Control. The Type 41 license authorizes the sale of beer and wine for on-site and off-site consumption. This type of license must be associated with a bona fide eating place. The servicing of alcohol is limited to 6 a.m. to 10 p.m. daily.

Location: The project site is bounded by W 12<sup>th</sup> Avenue to the north, S Redwood Terrace to the east, W 13<sup>th</sup> Avenue to the south, and Tulip Street to the west, and is addressed as 710 W 13<sup>th</sup> Avenue (APN: 236-073-01-11).

Applicant: Steve Rawlings (Rawlings Consulting), on behalf of HumanGood SoCal  
Planner: Ivan Flores

**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 May 12, 2022.

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Witness

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

## **ZONING ADMINISTRATOR**

- CASE NUMBER:** PL 21-0537
- APPLICANT:** Steve Rawlings (Rawlings Consulting), on behalf of Human Good SoCal
- PROJECT LOCATION:** 710 W. 13<sup>th</sup> Avenue (APN: 236-073-01-00)
- REQUEST:** A Minor Conditional Use Permit to modify an existing conditional use permit for an assisted living facility to allow for the establishment of a Type 41 license from the Department of Alcoholic Beverage Control. The Type 41 license authorizes the sale of beer and wine for on-site and off-site consumption. This type of license must be associated with a bona fide eating place.
- STAFF RECOMMENDATION:** Conditional approval
- GENERAL PLAN DESIGNATION:** Urban II
- ZONING:** Light Multiple Residential (R-2-8)

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

The applicant, Rawlings Consulting, on behalf of Human Good SoCal, is proposing to modify an existing conditional use permit for an assisted living facility located at 710 W. 13<sup>th</sup> Avenue. The proposal would allow the applicant to establish a Type 41 license. The subject site is located within the Urban II General Plan designation, and is within the Light Multiple Residential (R-2-8).

The property was granted a conditional use permit on April 24, 1973 for the operation of a residential and nursing care facility. Over the last 49 years, the use has adapted to the growing needs of the community by expanding the facility to accommodate a senior apartment complex, construction of an eldercare facility, and more recently the incorporation of 12 single family dwellings located on separate lots along Redwood Street and 12<sup>th</sup> Avenue.

Pursuant to Escondido Zoning Code (EZC) Section 33-1202 (8), a minor conditional use permit may be used for a request involving a modification to an existing major conditional use permit. The current request is for a modification to an existing conditional use permit to allow for the

establishment of a California Department of Alcoholic Beverage Control (“ABC”) Type 41 license in an existing dining area located on the subject site. The Type 41 license allows for the sale of beer and wine for on-site consumption. This type of license is typical for restaurants that serve alcohol. According to an operational statement provided by the applicant, the license will be associated with a dining facility that is located within the existing senior community. The dining area will operate on a 24-hour basis; however, the alcohol will only be available from 6 a.m. to 10 p.m. A condition of approval has been incorporated to ensure that alcohol service will be consistent with the operational statement. Additionally, the applicant will be required to comply with all conditions imposed on the license by ABC.

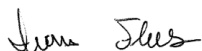
**ENVIRONMENTAL STATUS:**

The proposed project is exempt from review in conformance with section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

**REASON FOR STAFF RECOMMENDATION:**

1. The proposed establishment of the ABC Type 41 license will be located within an existing dining area that services a senior living community. The modification to the existing conditional use permit is permitted subject to the approval of a Minor Conditional Use Permit. The proposed Type 41 license would be consistent with the intent of the dining area, and would provide an additional amenity to the residents at the facility.
2. Staff believes that the establishment of the Type 41 license will not be detrimental to the public safety, and would not cause any conflicts with the existing and surrounding land uses.

Respectfully submitted,



Ivan Flores  
Associate Planner

**ATTACHMENTS:**

1. Project Location Map
2. Draft Zoning Administrator Resolution No. 2022-02, Including Exhibits A, B, C, and D
3. CEQA Notice of Exemption

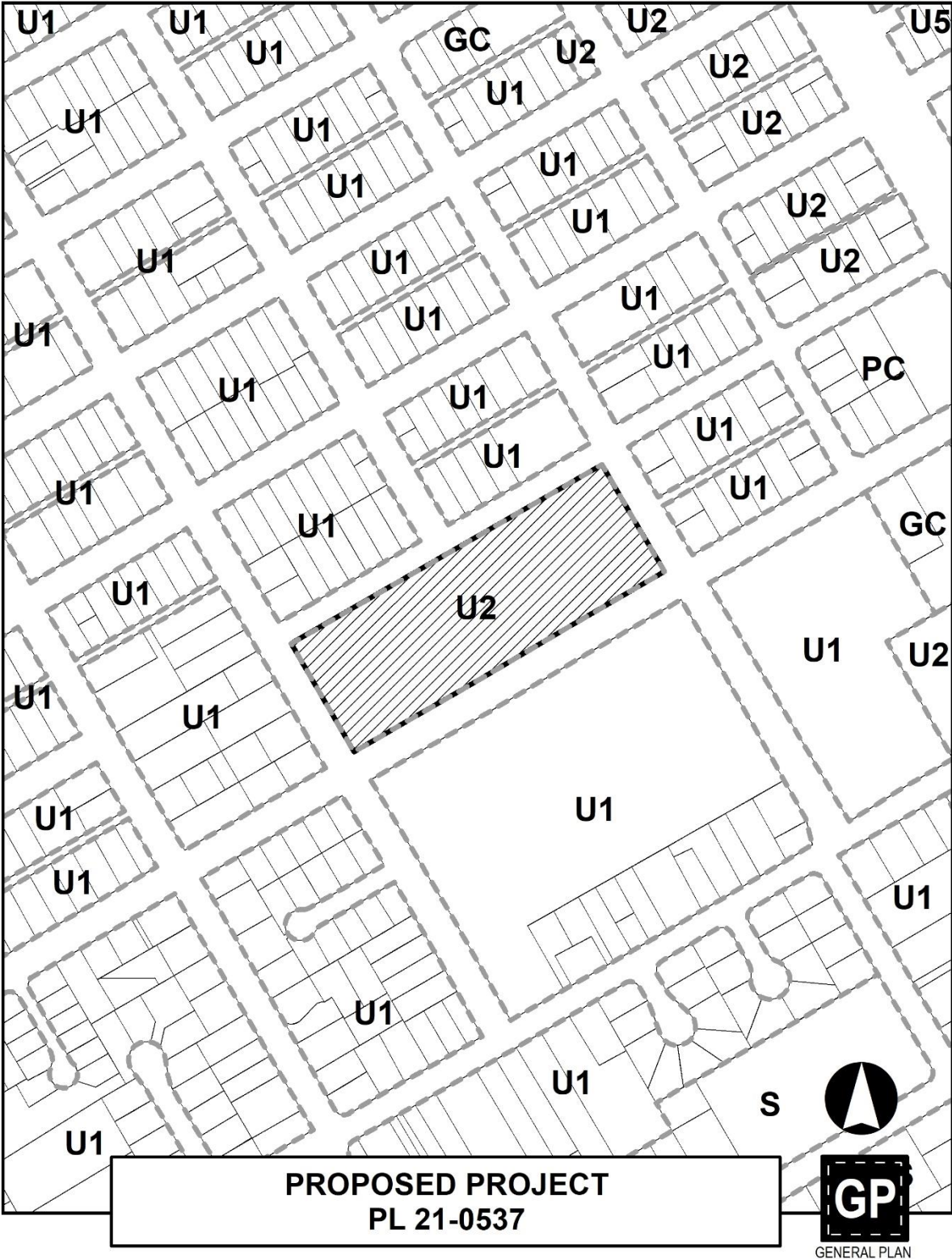
ATTACHMENT 1

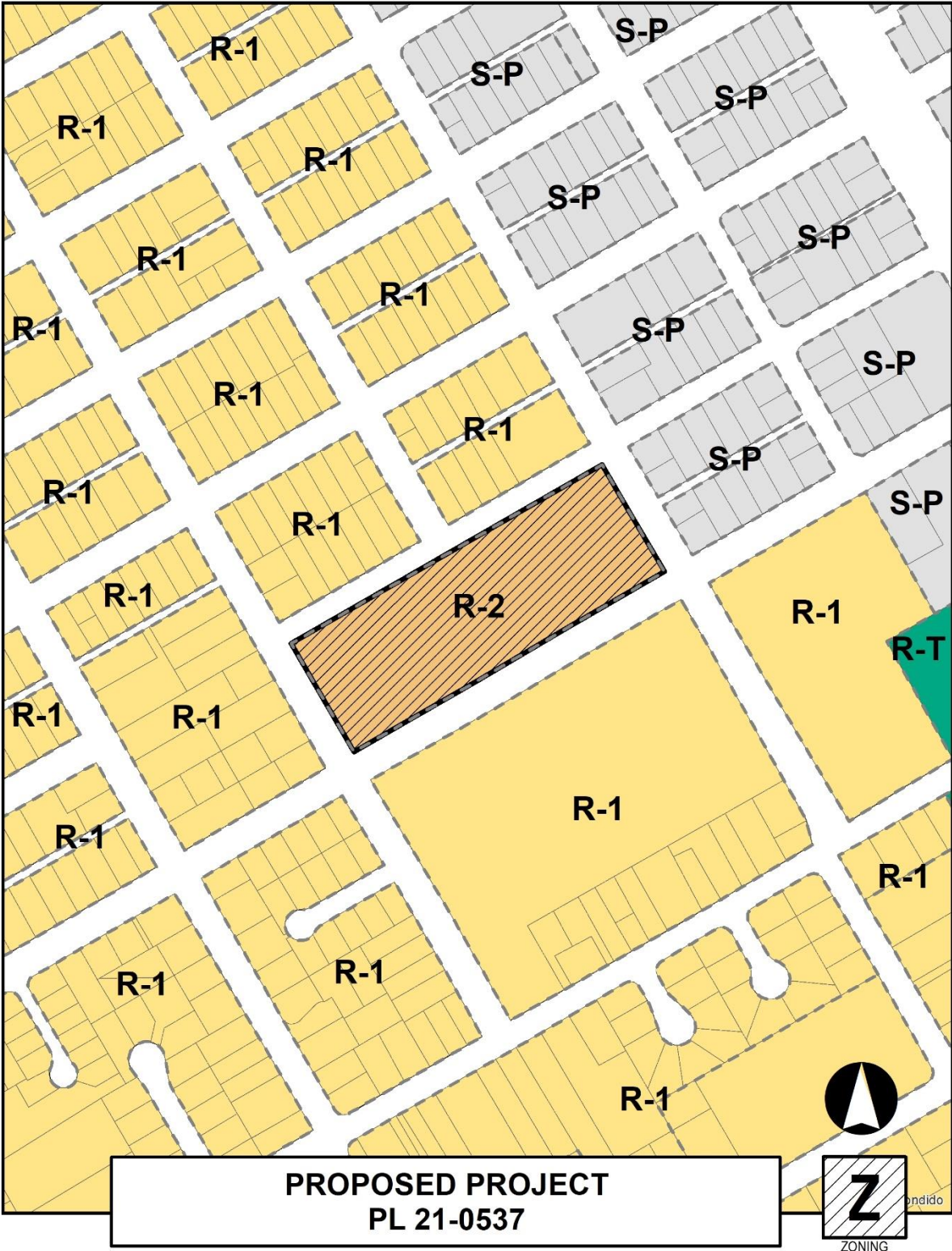


**PROPOSED PROJECT  
PL 21-0537**

**A**

AERIAL





Street View Photo #1



**PROPOSED PROJECT: PL 21-0537  
STREET VIEW PHOTO #1**

Street View Photo #2



**PROPOSED PROJECT: PL 21-0537  
STREET VIEW PHOTO #2**



**ATTACHMENT 2  
PL21-0537**

Zoning Administrator

Hearing Date: May 12, 2022

Effective Date: May 23, 2022

RESOLUTION NO. 2022-03

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MINOR CONDITIONAL USE PERMIT  
TO ESTABLISH AN ABC TYPE 41 LICENSE AT AN  
EXISTING ASSISTED LIVING FACILITY

APPLICANT: Rawlings Consulting (HumanGood Social)

CASE NO: PL 21-0537

WHEREAS, the Zoning Administrator of the City of Escondido did, on May 12, 2022, hold a public hearing to consider a request for a Minor Conditional Use Permit to modify an existing conditional use permit to allow the establishment of a California Department of Alcoholic Beverage Control Type 41 license to be associated with a dining area at an existing assisted living facility.

WHEREAS, the subject site is located at 710 W. 13th Avenue (APN: 236-073-01-00), more particularly described in Exhibit "A," within the Urban II General Plan land use designation and the Light Multiple Residential (R-2-8) zoning district ; and

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written information, and the staff report dated May 12, 2022, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared for the project in conformance with CEQA Section 15301, "Existing Facilities"; and

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

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

1. That the above recitations are true and correct.
2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 ("Existing Facilities"). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects.
3. That, considering the Findings of Fact attached to the staff report as Exhibit "B" and applicable law, the Zoning Administrator hereby approves said Minor Conditional Use Permit (PL 21-0537), subject to the Conditions of Approval attached as Exhibit "C," and as depicted in Exhibit "D."
4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 12 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

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

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

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the  
City of Escondido, California, at a regular meeting held on the 12<sup>th</sup> day of May, 2022

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Adam Finestone, AICP  
Zoning Administrator,  
City of Escondido

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WITNESS  
Alexander Rangel,  
Minutes Clerk

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

## EXHIBIT "A"

### PLANNING CASE NO. PL21-0537

#### LEGAL DESCRIPTION

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

LOTS 1 TO 8 INCLUSIVE, OF BLOCK 210 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. [336](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886.

APN: 236-073-01

## **EXHIBIT “B”**

### **PLANNING CASE NO. PL21-0537**

#### **FINDINGS OF FACT**

##### **Environmental Determination:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15301, “Existing Facilities,.” because it represents a negligible expansion of the existing use, and meets applicable conditions, as further described below:
  - a. The project is consistent with the applicable urban II General Plan land use designation and the Light Multiple Residential (R-2-8) district. No variances are required.
  - b. The project involves only minor changes to the operational characteristics of an existing use.
  - c. The subject parcel is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the May 12, 2022, Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

##### **Conditional Use Permit:**

1. All decisions granting or denying Minor Conditional Use Permits shall be made in accordance with Section 33-1203 of the Escondido Zoning Code (Findings for Conditional Use Permits).

The revision of the existing conditional use permit has been reviewed and the Zoning Administrator concludes and finds, based on the analysis of the project described in the May 12, 2022 Zoning Administrator's Staff Report, that:

*(a) A conditional use permit should be granted upon sound principles of land use and in response to services required by the community.*

The project is a modification to existing conditions of approval for an established assisted and residential living facility to allow for the establishment of a Type 41 license from the Department of Alcohol and Beverage Control. The proposed use is a desired amenity for residents who live in senior living communities. It is a convenient option for those who would like to enjoy an alcoholic beverage with their meals, whereas otherwise they would have to drive elsewhere to purchase alcohol and would only be able to consume it in their private rooms.

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

The facility has not created public health, safety, or welfare issues in the area based on current operations, and the operator has not experienced such issues in any of its other locations that serve alcohol. Conditions of approval will ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible, and security measures will be established to prevent issues from arising.

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

The General Plan encourages dining options, and the experience at the Redwood Terrace dining room will be enhanced by the availability of alcohol. Furthermore, there would be minimal effect on the community or neighborhood plan for the area because issuance of the Type 41 license is not expected to increase the number of residents or guests to the facility.

## EXHIBIT “C”

### PLANNING CASE NOS. PL21-0537

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on September 22, 2021, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on **May 12, 2022**, and shall not be altered without express authorization by the Community Development Department.

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

#### A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall expire 36 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map or Planned Development application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized



agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

3. **Certification.** The Director of 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 the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.
4. **Conformance to Approved Plans.**
  - a. The operation and use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
  - b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
  - c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of 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 on Use.** Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.
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 are submitted to the Building Division for plan check processing.

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

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

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

10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of 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.

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

**11. Community Facility District or Funding Mechanism.** The Applicant shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding to be determined by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District (“CFD”) or the establishment of another lawful funding mechanism reasonably acceptable to the City (“Public Services Funding Agreement”). The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager’s designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City’s issuance of any permit for the Project.

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

**13. Clerk Recording.**

**a. Exemption.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk’s Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the “County Clerk” in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal

challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

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

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

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

16. **Revocation, Suspension, Modification.** At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of 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.

17. **Indemnification, Hold Harmless, Duty to Defend.**

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

against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

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

**B. Construction, Maintenance, and Operation Obligations:**

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

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

free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.

8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
14. **Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.



**15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Community Development that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

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

1. The required minimum number of existing parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The stripping shall be drawn on the plans or a note shall be included indicating double-stripping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
  - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
  - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.

- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of 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.

## **7. Specific Planning Division Conditions:**

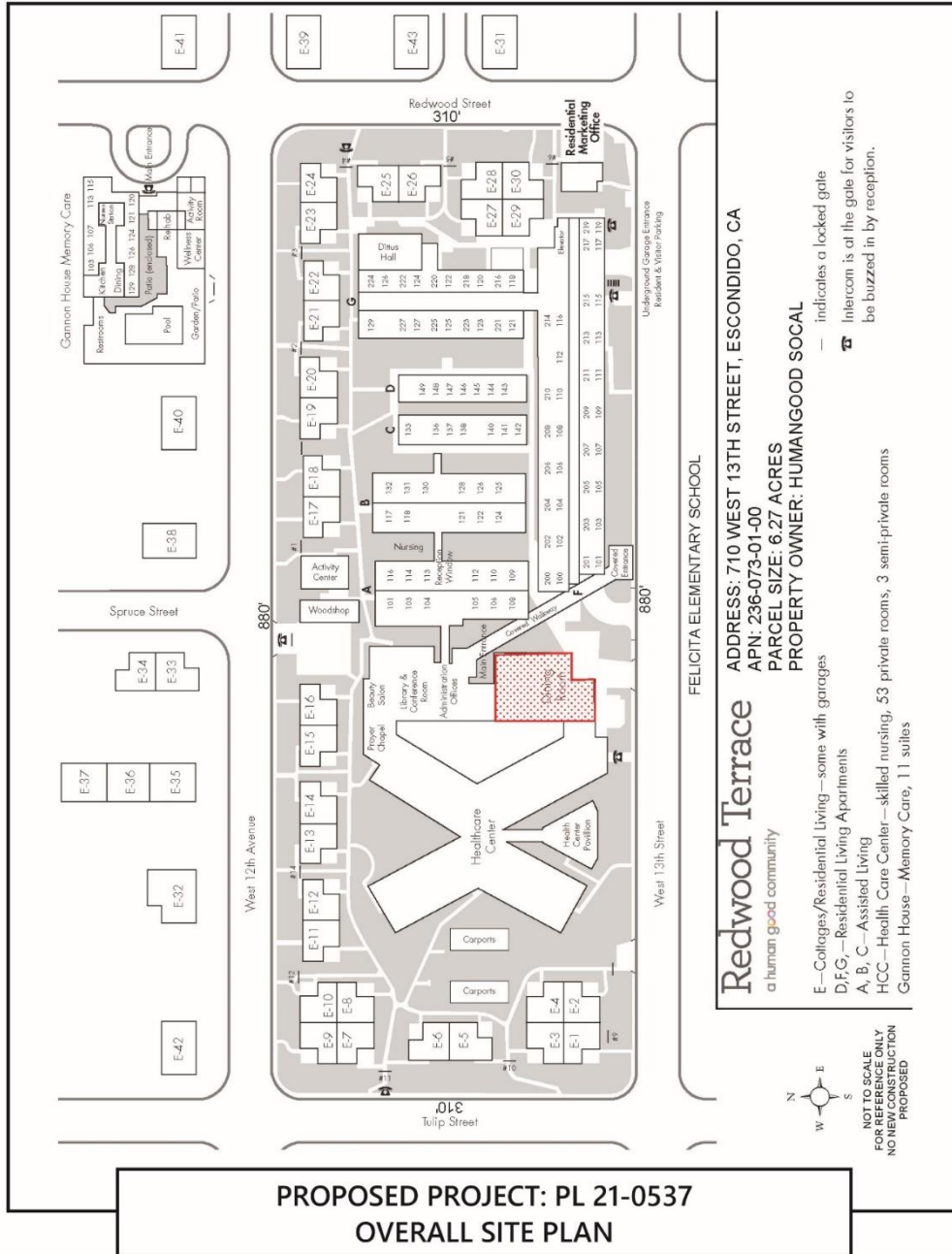
1. Minor modifications to the conditions and operational details may be approved by the Director of Community Development and/or Police Chief without requiring a modification to the use permit, as determined by the Director of Community Development.
2. The applicant shall be responsible for undergoing and completing responsible beverage service (RBS) training class for employees who serve alcohol.
3. The serving of alcohol is limited to no earlier than 6:00 AM to 10:00 PM.
  - a. Any request to modify said hours of operations shall be made in writing to the Director of Community Development, who may approve or disapprove of said request subsequent to consultation with the Police Department and the California Department of Alcoholic Beverage Control.
4. An Alcoholic Beverage License shall be obtained, or a modification of an existing license shall be approved, from the Department of Alcoholic Beverage Control (ABC) prior to any alcohol online sales and delivery services. The licensee shall comply with all conditions set

forth in the premise license issued through the Department of Alcoholic Beverage Control and Police Department.

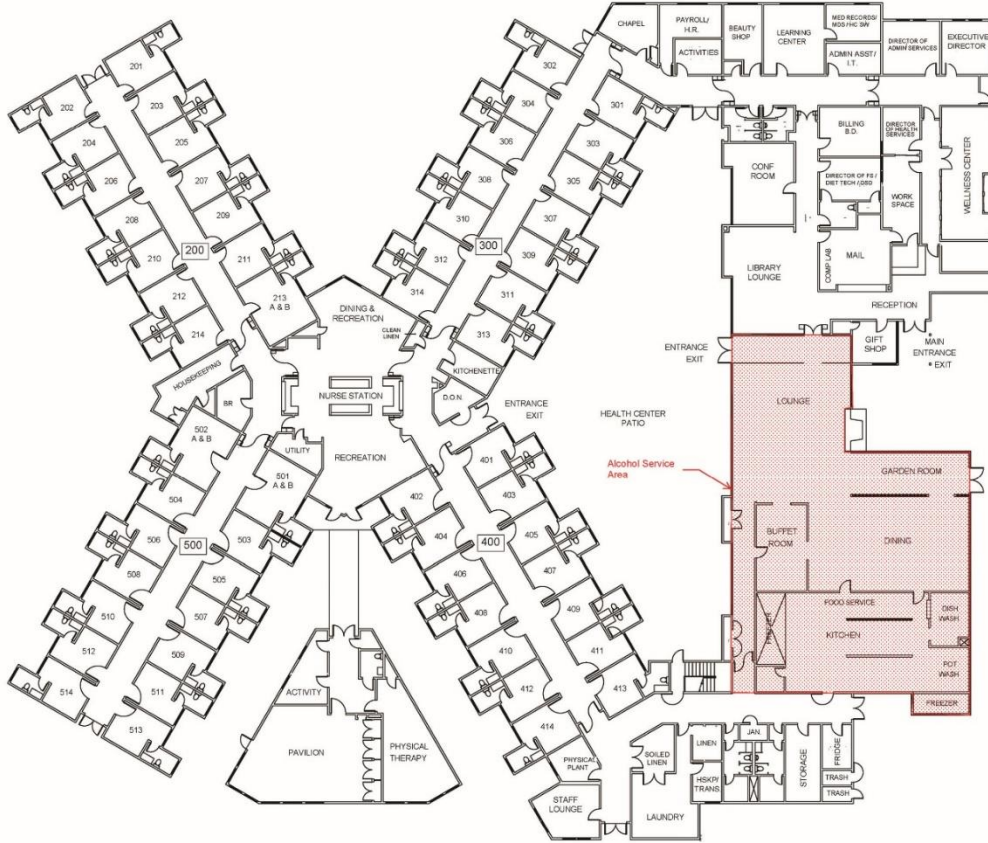
# EXHIBIT "D"

## PLANNING CASE NO. PL21-0537

### PROJECT PLANS



REDWOOD TERRACE - 710 W. 13TH AVENUE



NO NEW CONSTRUCTION PROPOSED.

 FLOOR PLAN

**PROPOSED PROJECT: PL 21-0537**  
**FLOOR PLAN**



# ATTACHMENT 3

CITY OF ESCONDIDO  
PLANNING DIVISION  
201 NORTH BROADWAY  
ESCONDIDO, CA 92025-2798

## Notice of Exemption

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

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

**Project Title/Case No:** Minor Conditional Use Permit (PL21-0537)

**Project Location - Specific:** The project is bounded by W 12<sup>th</sup> Avenue to the north, W 13<sup>th</sup> Avenue to the south, S Redwood Street to the east, and S Tulip Street the west, address as 710 W 13<sup>th</sup> Avenue (APN: 236-073-01-00).

**Project Location - City:** Escondido

**Project Location - County:** San Diego

**Description of Project:** A Minor Conditional Use Permit to modify an existing conditional use permit for an assisted living facility to allow for the establishment of a Type 41 license from the Department of Alcoholic Beverage Control. The Type 41 license authorizes the sale of beer and wine for on-site and off-site consumption. This type of license must be associated with a bona fide eating place.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Steve Rawlings (Rawlings Consulting)

Address: 26023 Jefferson Avenue, Suite D

Telephone: (951) 667-5152

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

**Exempt Status:** The project is categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities).

**Reasons why project is exempt:** The project is a request to revise an existing conditional use permit for an assisted living facility. This exemption applies to the permitting, leasing, licensing, or minor alteration of existing public or private structures, involving negligible or no expansion of existing or former use. The proposed revision would permit the establishment of a Type 41 license from the Department of Alcoholic Beverage Control. The Type 41 license would be associated with an existing dining area, with time limitations on the serving of alcohol. The proposed use would be consistent with the existing use, and would not constitute an expansion of it.

**Lead Agency Contact Person:**

Area Code/Telephone/Extension: 760-839-4529

Signature: \_\_\_\_\_  
Ivan Flores  
Associate Planner

\_\_\_\_\_  
Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant