



# City of Escondido Zoning Administrator

## MEETING AGENDA

201 North Broadway  
City Hall - Parkview Room  
**November 10, 2022**  
3:30 p.m.

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

Zoning Administrator: Adam Finestone, City Planner

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

Public Present: \_\_\_\_\_

B. Agenda item:

**1. CONDITIONAL USE PERMIT – CASE NO. PL 22-0409:**

A Minor Conditional Use Permit to modify the minimum parking requirements for a multi-tenant commercial property in the Downtown Specific Plan. The request is subject to approval of a conditional use permit in accordance with section 33-764 of the Escondido Zoning Code.

Location: 401 E Grand Avenue (Assessor Parcel Number: 229-462-20-00)

Applicant: Andrew Crocker (T7 Architecture)

Planner: Ivan Flores, Associate Planner

Environmental Status: Categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities)

**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

**2. VARIANCE – CASE NO. PL 22-0533:**

A Variance to allow a 6-foot-high decorative tube metal fence within front- and street-side setbacks for a religious and educational facility within the R-1-10 (single-family residential, 10,000 square foot minimum lot size) zone.

Location: 1864 N Broadway (Assessor’s Parcel Numbers: 227-010-61-00 and 227-010-36-00)

Applicant: Escondido United Reformed Church (Brent Cooper)

Planner: Jay Paul, Senior Planner

Environmental Status: Categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations).

**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

**3. MODIFICATION TO A PRECISE PLAN – CASE NO. PL 22-0390:**

Precise Development Plan modification for an existing gas station and carwash facility to demolish 2,450 square feet of existing service bays and install 14 self-service vacuum bays.

Location: 1400 Auto Park Way (Assessor’s Parcel Number: 232-542-10-00)

Applicant: Mossy Auto Group

Planner: Jay Paul, Senior Planner

Environmental Status: Categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures).

**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 November 10, 2022.

---

Zoning Administrator

---

Witness

## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PL22-0409

**APPLICANT:** Andrew Crocker (T7Architecture)

**PROJECT LOCATION:** 401 East Grand Avenue (Assessor Parcel Number: 229-462-20-00)

**REQUEST:** A request for a Minor Conditional Use Permit to modify the minimum parking requirements for a multi-tenant commercial property in the Downtown Specific Plan. The request is subject to approval of a conditional use permit in accordance with section 33-764 of the Escondido Zoning Code.

**STAFF RECOMMENDATION:** Approve, subject to conditions

**GENERAL PLAN DESIGNATION:** Specific Plan Area 9 (SPA: Downtown Specific Plan)

**ZONING:** Specific Plan (S-P)

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

The site was developed with an office building and associated on-site improvements under 87-469-PPL which was approved on January 25, 1973. The original permit included approval of 11 off-street parking spaces, and the 11 spaces will be maintained. Alterations have been made to the building as approved under PL21-0433. The alterations included changes to the façade such as new paint, exterior lighting upgrades, and the replacement of exterior doors on the south façade.

In accordance with the Section 33-764(b), the applicant has requested a modification of required off-street parking outlined in Article 39. The building is currently partially occupied by a salon ("Blush & Silk"); however, the applicant anticipates new tenants, potentially including restaurants, to occupy the remaining suites within the building. The applicant has provided a parking study that analyzes the anticipated demand for parking resulting from potential uses on the site, and an analysis of availability of off-site parking located in the public right-of-way. Based on the existing and anticipated uses, 64 off-street parking spaces would be required. The 11 existing spaces that will be maintained equate to approximately 17% of that total. The applicant has requested for a Minor Conditional Use Permit to allow for a reduction in required onsite parking below 75% of the number of spaces required by Section 33-765.


**ENVIRONMENTAL STATUS:**

The California Environmental Quality Act ("CEQA") Guidelines list classes of discretionary projects that have been determined not to have a significant effect on the environment and as a result are exempt from further review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities) as described further in the Findings of Fact, attached as Exhibit "B" to Zoning Administrator Resolution No. 2022-10, which itself is included with this staff report as Attachment 2.

**REASON FOR STAFF RECOMMENDATION:**

1. The applicant has provided a parking study to justify the reduction of required off-street parking. Based on the parking study, 64 off-street parking spaces would be provided for the existing and proposed uses. The project's parking supply, including off-site spaces, is assumed to be the 11 off-street spaces, and on-street parking spaces within 1/8-mile of the subject site (660 feet). 254 spaces are within the 1/8-mile site and it is anticipated that surrounding uses including, but not limited to insurance services, music stores, self-care services, and as well as restaurants and/or bar would compete for those 254 off-street parking spaces. The existing with project parking demand is 161 spaces during lunch time (11:00 AM – 1:00 PM) resulting in 93 spaces remaining for use. The project could provide 11 off-street parking spaces and the remaining 53 required spaces can be met with additional 93 on-street parking spaces during peak lunch time.
2. As conditioned, City staff believes that the on-street parking within 1/8-mile of the project site can accommodate the projected off-street parking requirements. The project is located directly across from Vehicle Parking District No. 1 as identified in the City's Downtown Specific Plan (DSP) The project would not require any off-street parking if it was located across the street from the subject property. The project would comply with the intent of the Vehicle Parking Districts given its proximity to District No. 1. The DSP has several policies that support walkability in the downtown area, and the re-use of existing buildings for new uses, such as restaurants that support a vibrant downtown. The granting of the Minor Conditional Use Permit will not result in any conflicts with surrounding land uses.

Respectfully submitted,

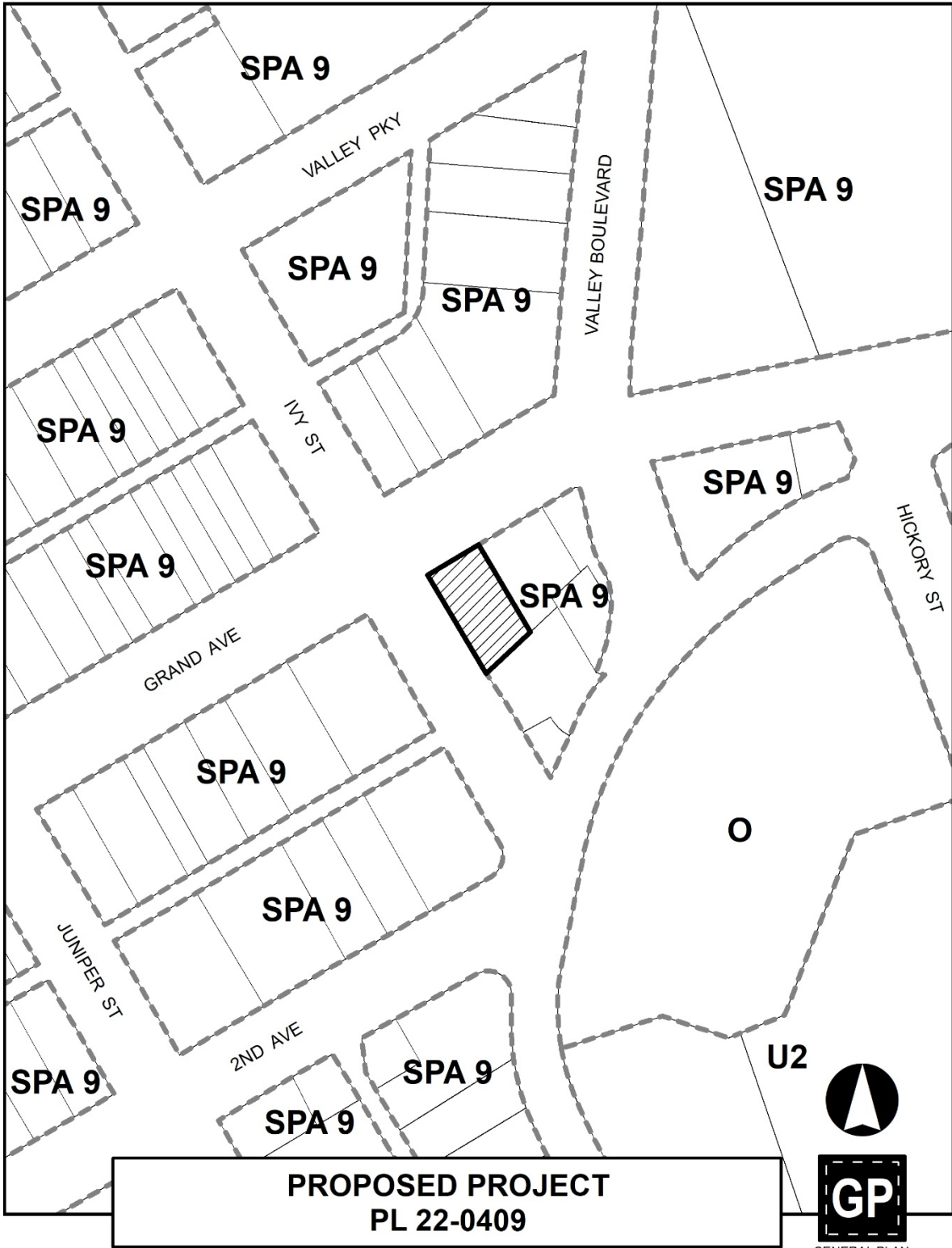


Ivan Flores  
Associate Planner

**ATTACHMENTS:**

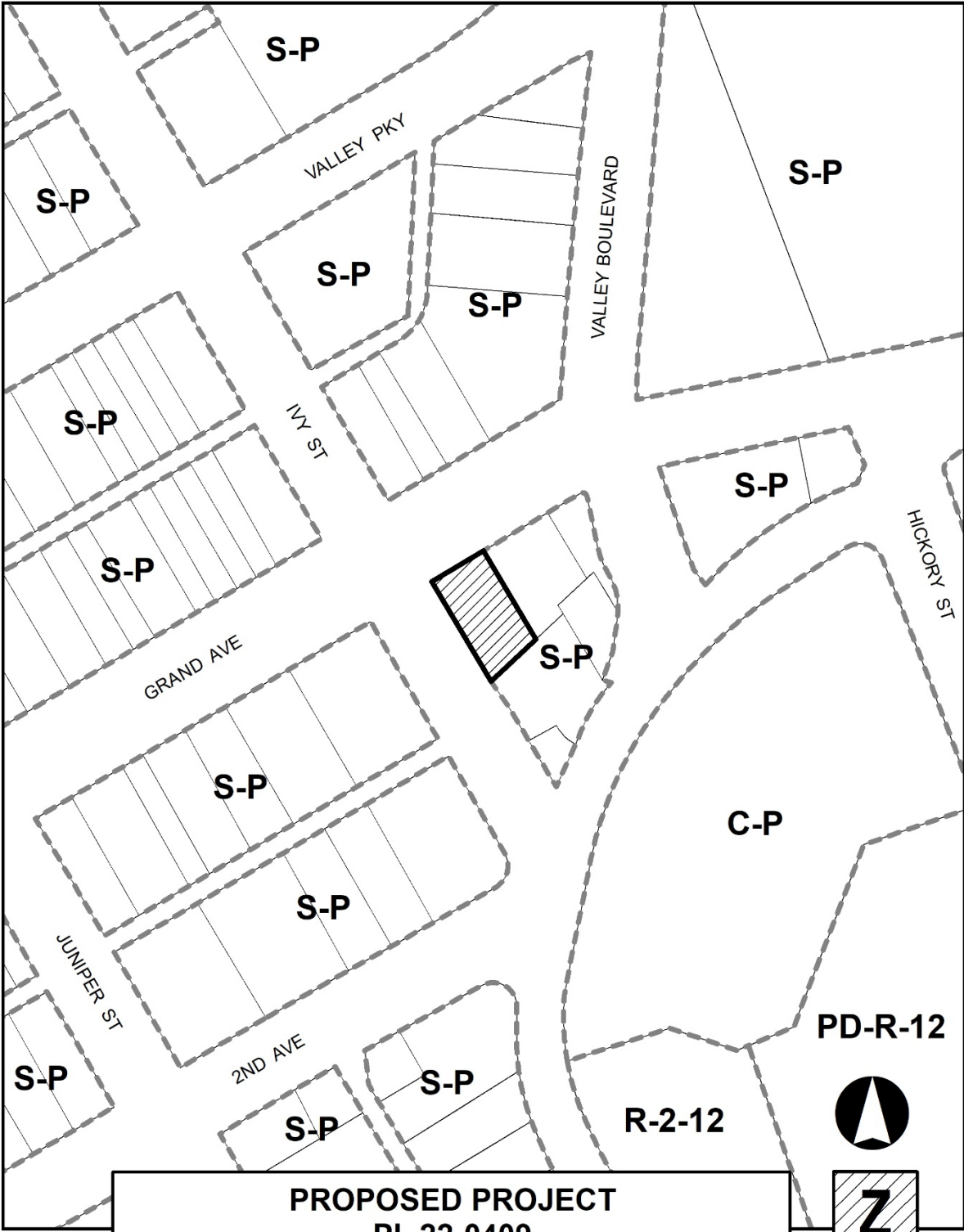
1. Project Location, Zoning, and General Plan Land Use Maps
2. Zoning Administrator Resolution No. 2022-10, Including Exhibits A, B, C, and D
3. CEQA Notice of Exemption

ATTACHMENT 1



PROPOSED PROJECT  
PL 22-0409





**PROPOSED PROJECT**  
**PL 22-0409**







**PROPOSED PROJECT  
PL 22-0409**

©op **A** 2015  
AERIAL

ATTACHMENT 2

Zoning Administrator

Hearing Date: November 10, 2022

Effective Date: November 22, 2022

RESOLUTION NO. 2022-10

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MINOR CONDITIONAL USE PERMIT FOR AN OFF-STREET PARKING MODIFICATION AT 401 EAST GRAND AVENUE IN THE HISTORIC DOWNTOWN DISTRICT OF THE DOWNTOWN SPECIFIC PLAN

APPLICANT: Andrew Crocker (T7Architecture)

CASE NO: PL22-0409

WHEREAS, the Zoning Administrator of the City of Escondido did, on November 10, 2022, hold a public hearing to consider a request for a Minor Conditional Use Permit to modify the off-street parking requirements as required by Article 39 of the Escondido Zoning Code (“Project”) on a property addressed as 401 East Grand Avenue, more particularly described in Exhibit “A,” and all persons desiring to speak did so; 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, November 10, 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 in conformance with CEQA Guidelines sections 15061 and 15062; and

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

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

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

1. That the above recitations are true and correct.
2. That the Project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 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 which are cannot be mitigated.
3. That, considering the Findings of Fact attached hereto as Exhibit "B," and applicable law, the Zoning Administrator hereby approves Planning Case No. PL22-0409, subject to the Conditions of Approval attached as Exhibit "C" hereto, and as depicted on the Project plans attached as Exhibit "D" hereto and on file with the Planning Division.
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 10<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
ADAM FINESTONE, Zoning Administrator  
City of Escondido

\_\_\_\_\_  
WITNESS

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

## EXHIBIT "A"

### Legal Description

For [APN/Parcel ID\(s\): 229-462-20-00](#)

---

LOTS 25 AND 26 AND THE WESTERLY ONE-HALF OF LOT 24 IN BLOCK N IN ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE [MAP THEREOF NO. 336](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886.

ALSO ALL OF THE ALLEY IN SAID BLOCK N, VACATED, LYING SOUTHWESTERLY OF THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THE WESTERLY HALF OF LOT 24 HEREINABOVE DESCRIBED.

## EXHIBIT "B"

### FACTORS TO BE CONSIDERED / FINDINGS OF FACT

#### **Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the Project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of CEQA have been met because it was found that the Project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15301, "Existing Facilities." The Project qualifies for the "Existing Facilities" exemption because it is located in area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species; approval of the Project, as conditioned, would not result in any significant effects on the environment; and the site is connected to City sewer and water services and can adequately be served by all required utilities and public services.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to, materials and evidence submitted by the applicant and other interested parties, and input provided by other City departments and public agencies. 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 (Escondido Zoning Code Section 33-1203)**

The Zoning Administrator has reviewed the record, including applicable CEQA findings, and makes the following findings for a Conditional Use Permit:

1. The Project is located at 401 East Grand Avenue within the Historic Downtown District (HD) of the Downtown Specific Plan (SPA 9). The Project request a modification to the the off-street parking requirements outlined in Article 39 of the Escondido Zoning Code. The Project site is only able to provide 11 off-street parking spaces, which severely limits the types of uses allowed on the property thus diminishing the array of services that can be provided to the community.

The granting of the Conditional Use Permit will expand the type of uses allowed at this site that can further enhance the economic viability of the downtown area.

2. The Project site is located at the edge of the Downtown Specific Plan (DSP). The site is surrounded by non-residential uses the north, east, and west; a residential use exist to the south of the site. This area of the specific plan is primarily occupied by commercial uses that are expected in a downtown area. The granting of the conditional use permit will allow for a range of uses that activate the area by increasing pedestrian activity along the frontages of the building. The parking study demonstrates that there is sufficient on-street parking in the general vicinity of the Project, and no conflict with surrounding land uses is anticipated.
3. The Project is located across the street from Vehicle Parking District No. 1. The purpose of the parking districts in the Downtown Specific Plan is to encourage the retention of existing business, and facilitating new or expanding businesses who are located in area with sufficient on-street parking. The Project would not require off-street parking if it were located across Ivy Street, and was within Vehicle Parking District No. 1. The granting of the Minor Conditional Use Permit would fulfill the intent of the vehicle parking districts, and would satisfy smart parking policies identified in the DSP.
4. The Project is located within the Historic Downtown (HD) District of the Downtown Specific Plan (DSP). The DSP has numerous policies that support the reuse of existing spaces to revitalize the downtown area. Additionally, a strategic goal of the DSP is to encourage pedesatrian-oriented, ground-floor, and residential uses on Grand Avenue. The site is located at the intersection of Grand and Ivy Avenue, and the granting of the CUP will allow for the establishment of restaurant uses. The granting of the CUP is appropriate given the nature of downtown areas, and the anticipated use of the site.



## Exhibit “C”

### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **August 01, 2022**, 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 **November 10, 2022**, and shall not be altered without express authorization by the Development Service Department.

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

#### A. General:

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

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

**3. Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

**4. Conformance to Approved Plans.**

- a. The operation and use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

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

**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 Development Services.

**7. Availability of Permit Conditions.**

- a. Prior to business license 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 Development Services.
- b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

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

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

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

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

Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Development Services Department.

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

**11. 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.

**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 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.

**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 Development Services for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

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

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

**16. 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 Development Services, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

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

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

At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every

license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a



clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

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

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

**14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential Projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential Projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction Projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential Projects or portions thereof, or Section 5.408.1.4 for non-residential Projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

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

replacement equipment has been evaluated using the California Emissions Estimator Model (“CalEEMod”) or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary Project-generated functional equivalencies in the diesel PM emissions level are achieved.

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

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

1. A minimum of 11 off-street parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including “Van Accessible” spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.

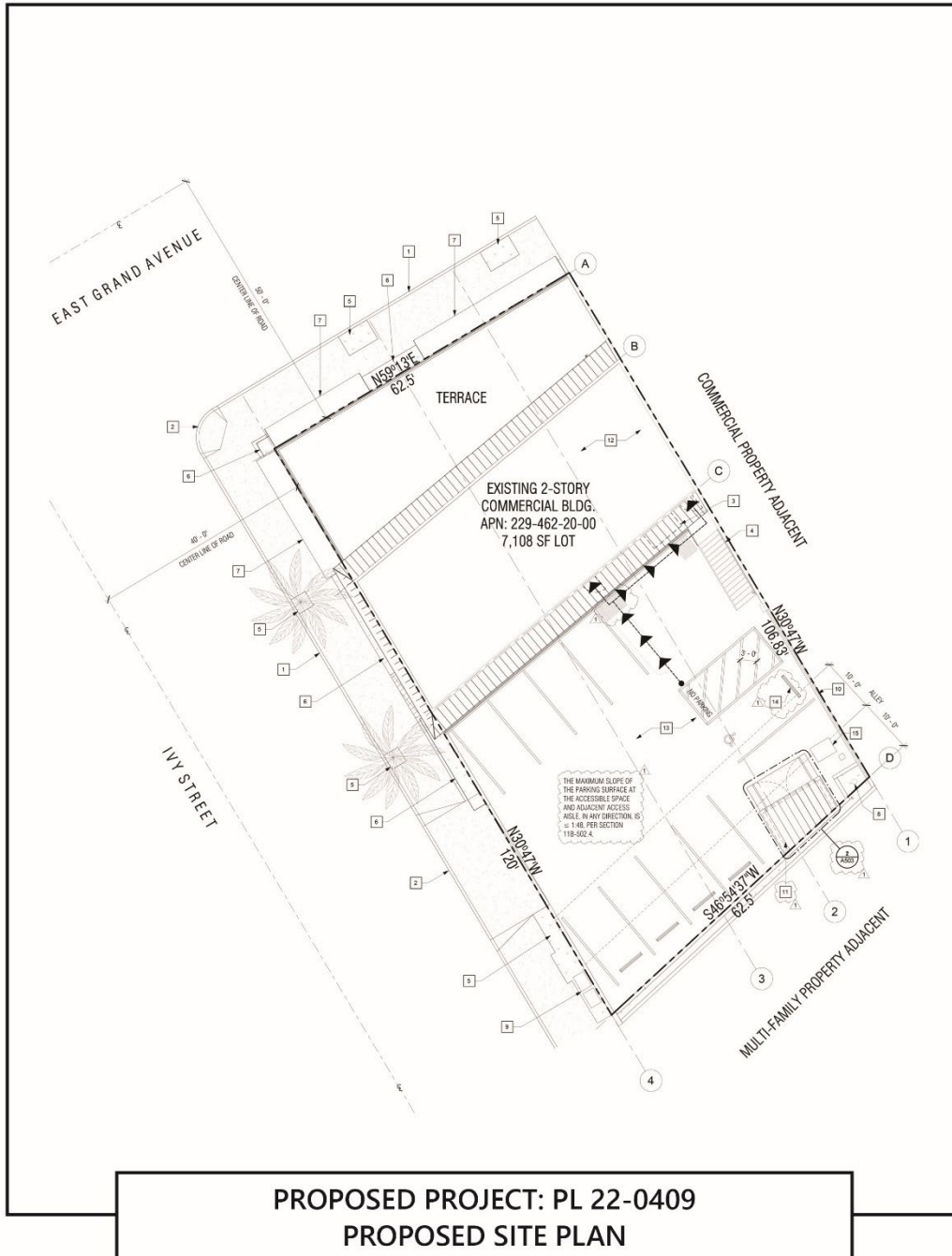
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning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

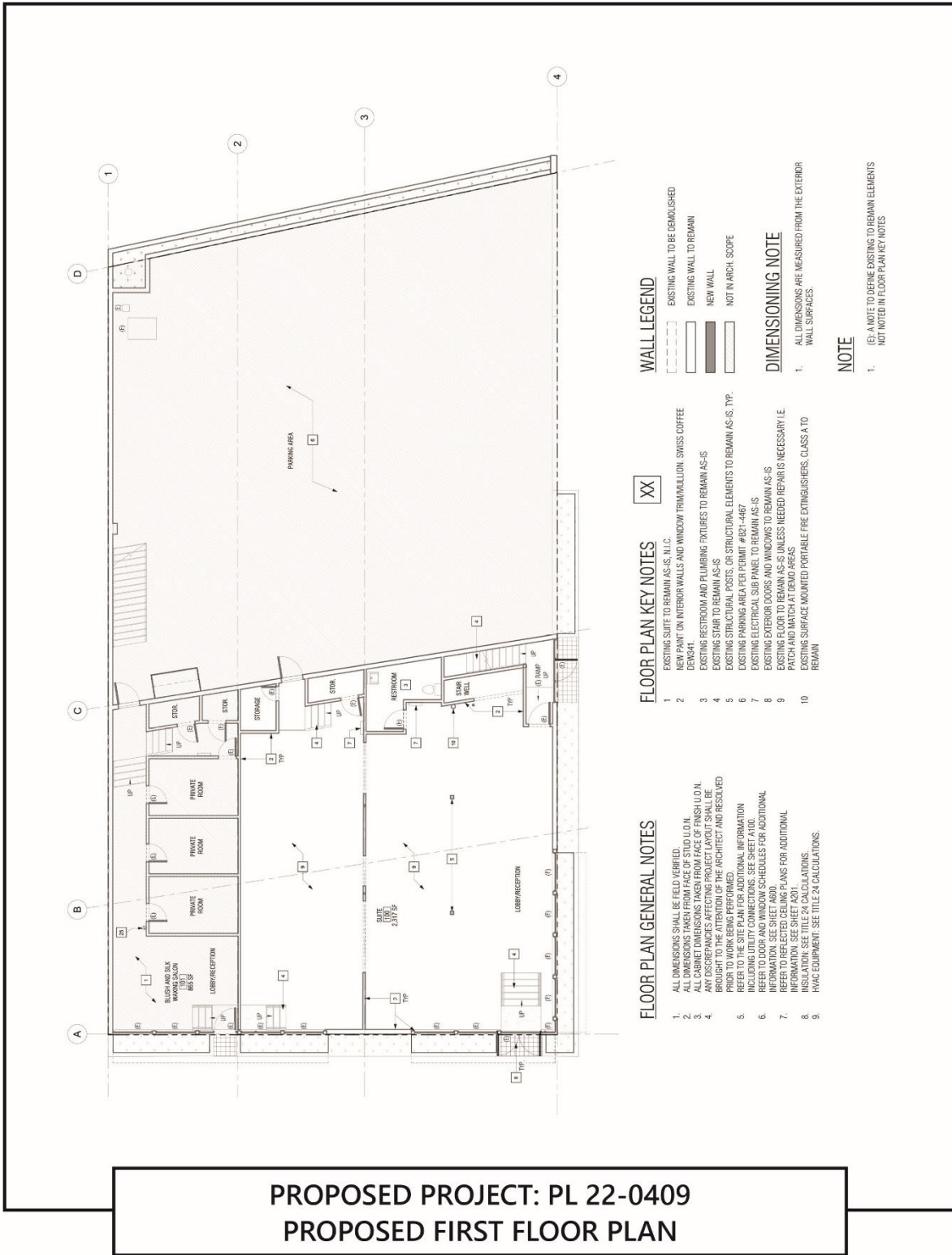
Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

- d.** Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.
- e.** New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

# Exhibit "D"

## Project Plans





**PROPOSED PROJECT: PL 22-0409**  
**PROPOSED FIRST FLOOR PLAN**

**FLOOR PLAN GENERAL NOTES**

1. ALL DIMENSIONS SHALL BE FIELD VERIFIED.
2. ALL DIMENSIONS TAKEN FROM FACE OF STUDION.
3. ALL CABINET DIMENSIONS TAKEN FROM FACE OF FINISH U.O.N.
4. ANY DISCREPANCIES AFFECTING PROJECT LAYOUT SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND RESOLVED PRIOR TO WORK BEING PERFORMED.
5. REFER TO ALL RELEVANT CONTRACT DOCUMENTS FOR ADDITIONAL INFORMATION INCLUDING UTILITY CONNECTIONS. SEE SHEET A100.
6. REFER TO DOOR AND WINDOW SCHEDULES FOR ADDITIONAL INFORMATION. SEE SHEET A800.
7. REFER TO REFLECTED CEILING PLANS FOR ADDITIONAL INFORMATION. SEE SHEET A201.
8. REFER TO MECHANICAL PLANS FOR ADDITIONAL INFORMATION. SEE SHEET A200.
9. HVAC EQUIPMENT. SEE TITLE 24 CALCULATIONS.

**FLOOR PLAN KEY NOTES**

1. EXISTING SUITE TO REMAIN AS-IS, N.I.C.
2. NEW PAINT ON INTERIOR WALLS AND WINDOW TRIM/MULLION, SWISS COFFEE DEXY41.
3. EXISTING RESTROOM AND PLUMBING - FIXTURES TO REMAIN AS-IS.
4. EXISTING STAIR TO REMAIN AS-IS.
5. EXISTING STRUCTURAL POSTS, OR STRUCTURAL ELEMENTS TO REMAIN AS-IS, TYP.
6. EXISTING PARKING AREA PER PERMIT # 621-4467.
7. EXISTING ELECTRICAL SUB PANEL TO REMAIN AS-IS.
8. EXISTING EXTERIOR DOORS AND WINDOWS TO REMAIN AS-IS.
9. EXISTING FLOOR TO REMAIN AS-IS UNLESS NEEDED REPAIR IS NECESSARY I.E. REMAIN.
10. EXISTING SURFACE MOUNTED PORTABLE FIRE EXTINGUISHERS, CLASS A TO REMAIN.

**WALL LEGEND**

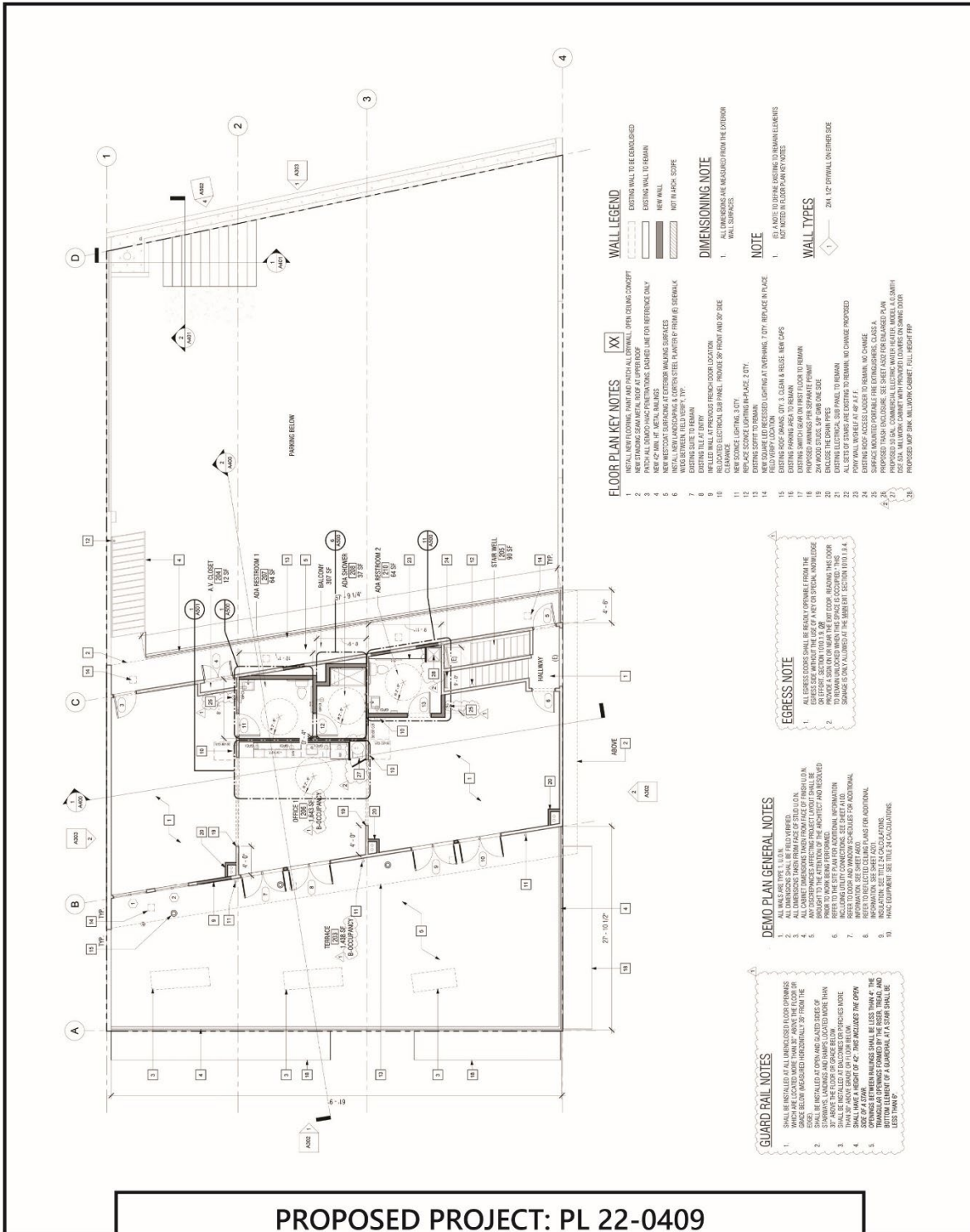
- EXISTING WALL TO BE DEMOLISHED
- EXISTING WALL TO REMAIN
- NEW WALL
- NOT IN ARCH. SCOPE

**DIMENSIONING NOTE**

1. ALL DIMENSIONS ARE MEASURED FROM THE EXTERIOR WALL SURFACES.

**NOTE**

1. (S), A NOTE TO DEFINE EXISTING TO REMAIN ELEMENTS NOT NOTED IN FLOOR PLAN KEY NOTES



**FLOOR PLAN KEY NOTES**

1. INSTALL NEW FLOORING, PART AND PATCH ALL DRYWALL, OPEN CEILING CONCEPT
2. FINISH ALL EXISTING WALLS TO REMAIN
3. FINISH ALL NEW WALLS TO REMAIN
4. NEW 42" MIN. HT. METAL RAILINGS
5. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
6. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
7. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
8. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
9. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
10. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
11. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
12. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
13. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
14. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
15. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
16. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
17. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
18. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
19. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
20. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
21. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
22. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
23. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
24. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
25. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
26. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
27. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
28. NEW MEDIUM-DENSITY FIBER (MDF) DOORS

**WALL LEGEND**

- EXISTING WALL TO BE DEMOLISHED
- EXISTING WALL TO REMAIN
- NEW WALL
- NOT IN ARCH. SCOPE

**DIMENSIONING NOTE**

1. ALL DIMENSIONS ARE MEASURED FROM THE EXTERIOR WALL SURFACE.

**NOTE**

1. (S) INDICATES TO BE REMOVED TO REMAIN ELEMENTS NOT NOTED IN FLOOR PLAN KEY NOTES.

**WALL TYPES**

- 2x4 1/2" DRYWALL ON OTHER SIDE

**FLOOR PLAN KEY NOTES**

1. INSTALL NEW FLOORING, PART AND PATCH ALL DRYWALL, OPEN CEILING CONCEPT
2. FINISH ALL EXISTING WALLS TO REMAIN
3. FINISH ALL NEW WALLS TO REMAIN
4. NEW 42" MIN. HT. METAL RAILINGS
5. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
6. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
7. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
8. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
9. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
10. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
11. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
12. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
13. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
14. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
15. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
16. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
17. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
18. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
19. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
20. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
21. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
22. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
23. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
24. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
25. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
26. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
27. NEW MEDIUM-DENSITY FIBER (MDF) DOORS
28. NEW MEDIUM-DENSITY FIBER (MDF) DOORS

**EGRESS NOTE**

1. ALL EGRESS DOORS SHALL BE REWORKED FROM THE EXISTING DOOR TO THE NEW DOOR. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
2. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
3. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
4. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
5. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
6. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
7. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
8. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
9. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.
10. PROVIDE A SIGN ON OR NEAR THE DOOR BEARING THE DOOR NUMBER AND THE ROOM NUMBER.

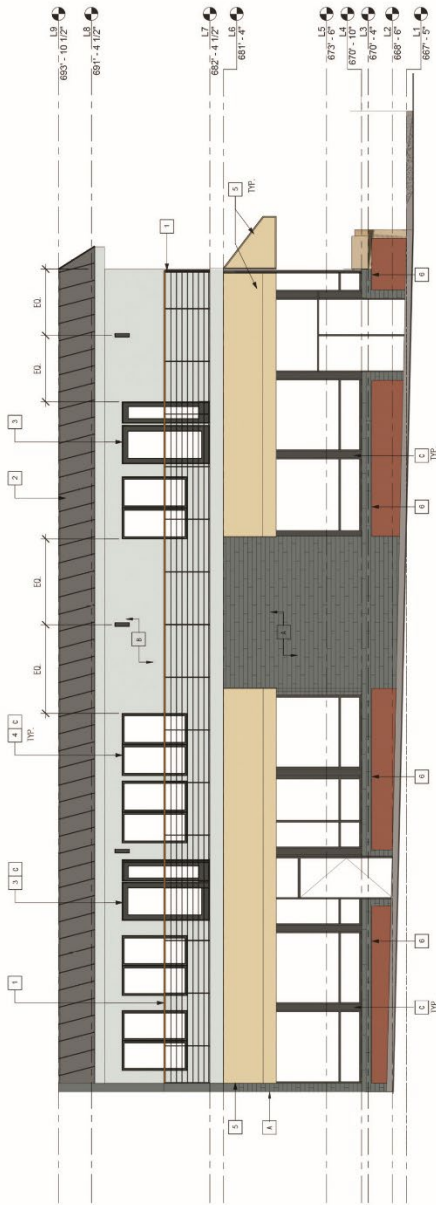
**DEMO PLAN GENERAL NOTES**

1. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
2. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
3. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
4. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
5. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
6. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
7. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
8. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
9. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.
10. ALL DIMENSIONS SHALL BE FIELD DIMENSIONS.

**GUARD RAIL NOTES**

1. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
2. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
3. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
4. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
5. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
6. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
7. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
8. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
9. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.
10. SHALL BE INSTALLED IN ALL UNDEVELOPED FLOOR EGRESS AREAS.

**PROPOSED PROJECT: PL 22-0409**  
**PROPOSED SECOND FLOOR PLAN**



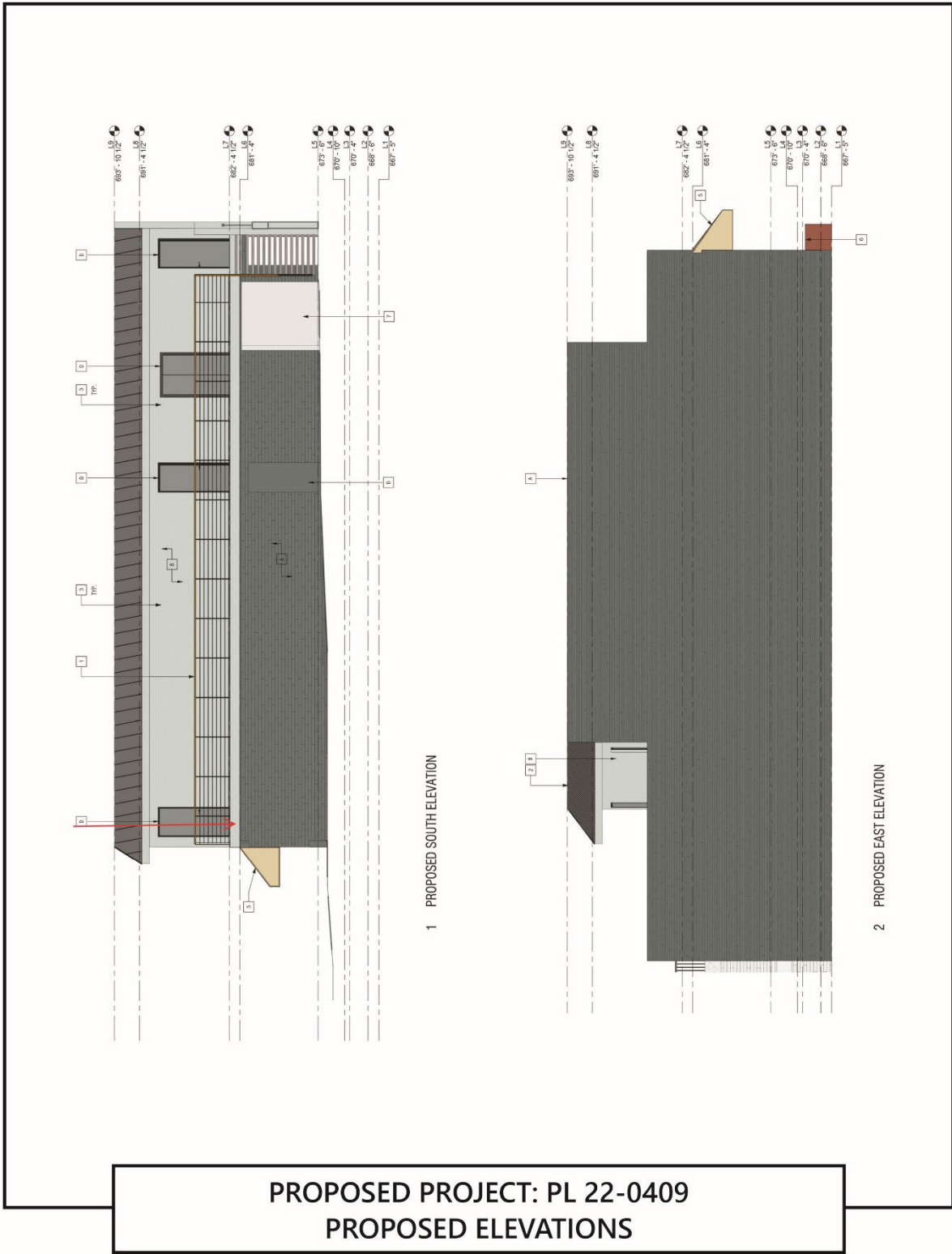
1 PROPOSED NORTH ELEVATION

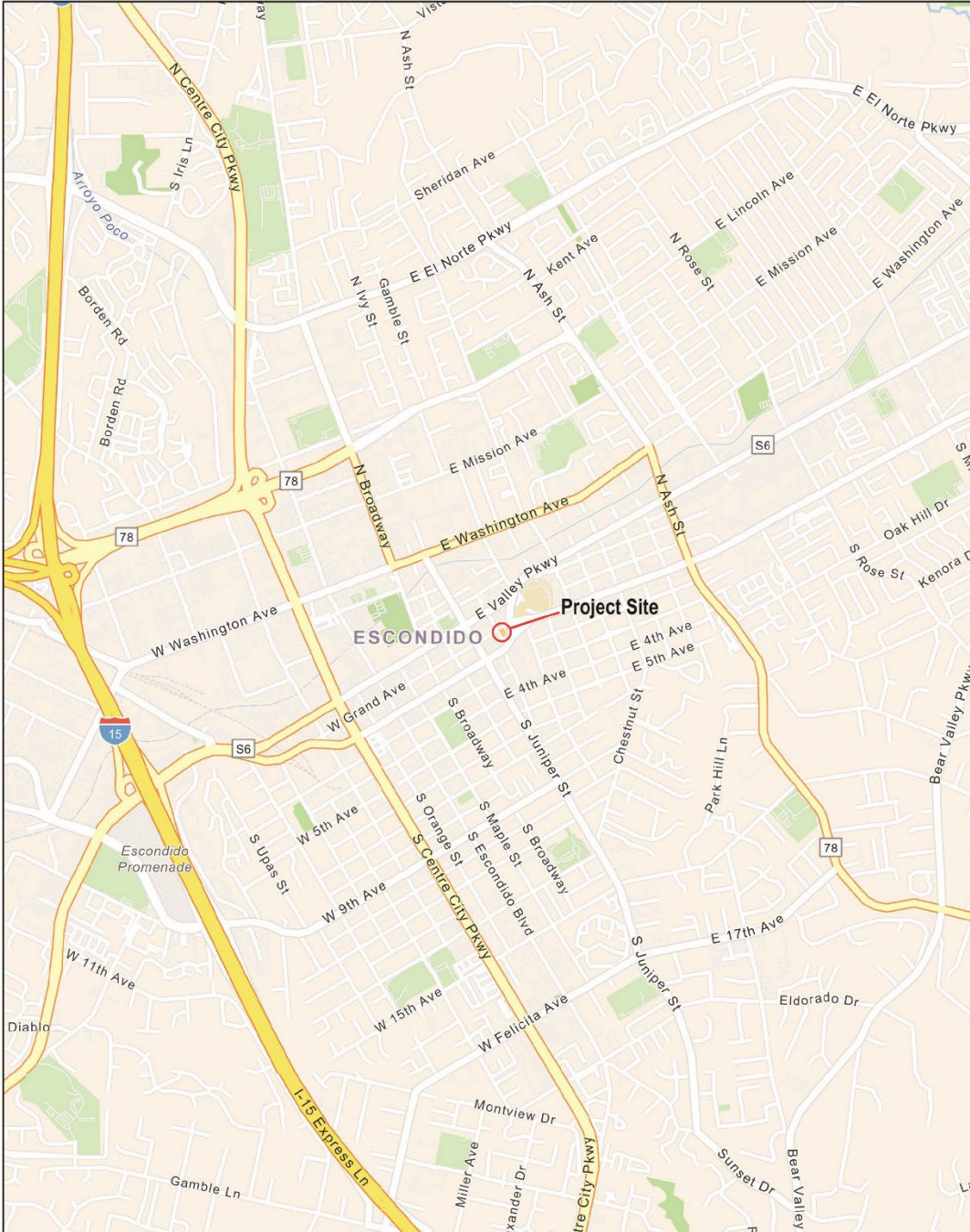


2 PROPOSED WEST ELEVATION

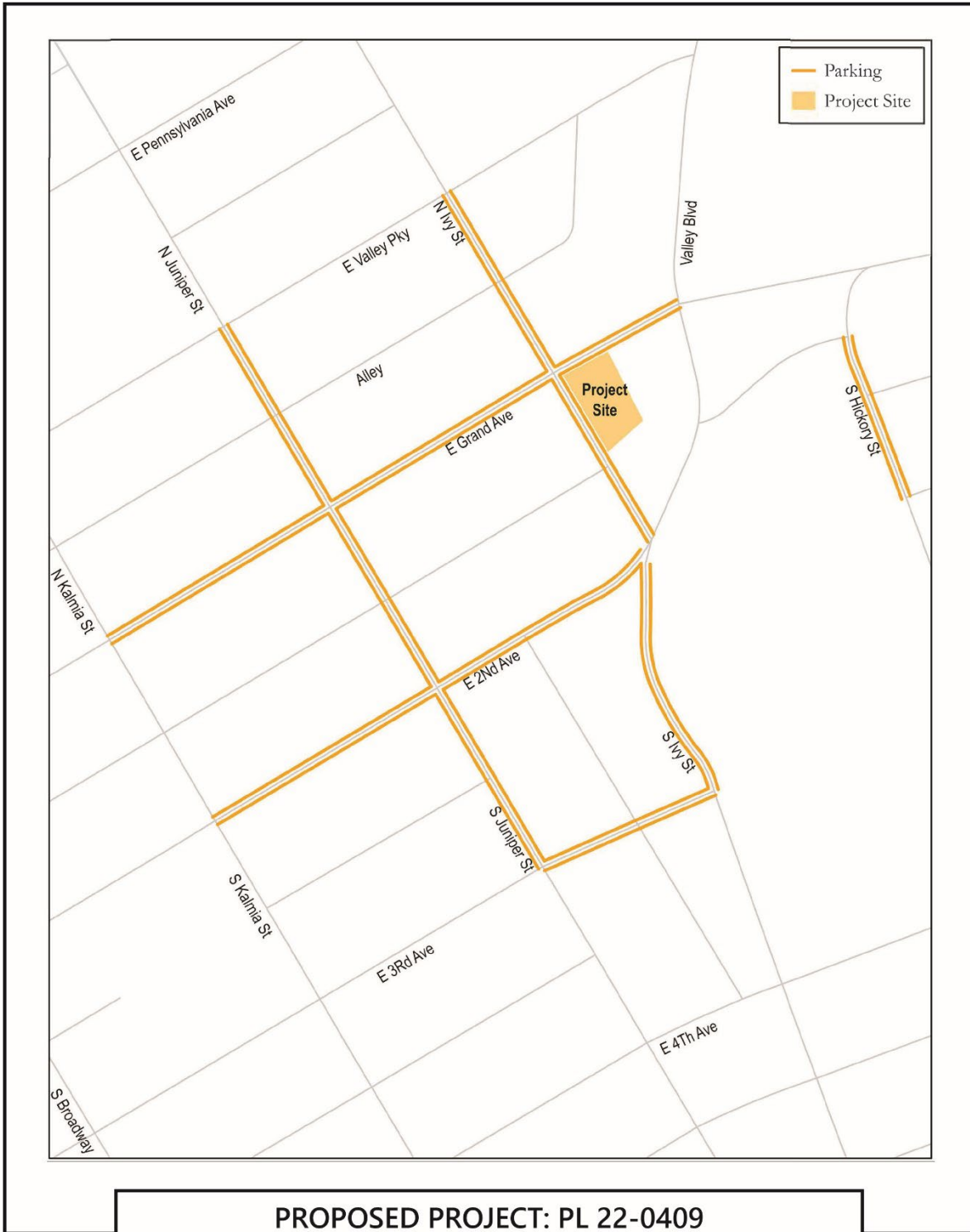
PROPOSED PROJECT: PL 22-0409  
 PROPOSED ELEVATIONS







**PROPOSED PROJECT: PL 22-0409**  
**PROJECT REGIONAL LOCATION**



**PROPOSED PROJECT: PL 22-0409  
ON-STREET PARKING WITHIN 1/8-MILE**

**Table 1 - Existing Parking Supply and Demand**

Roadway Segment	Supply		11AM-1PM		6PM-8PM	
	Demand	% Occupied	Demand	% Occupied	Demand	% Occupied
E Grand Ave, from N Kalmia St to S Juniper St	North Side	11	7	64%	10	91%
	South Side	20	20	100%	20	100%
E Grand Ave, from S Juniper St to N Ivy St	North Side	15	9	60%	7	47%
	South Side	14	7	50%	5	36%
E Grand Ave, from S Ivy St to E 2nd Ave	North Side	7	4	57%	0	0%
	South Side	4	0	0%	0	0%
E 2nd Ave, from S Kalmia St to S Juniper St	North Side	10	6	60%	6	60%
	South Side	7	5	71%	1	14%
E 2nd Ave, from S Juniper St to S Ivy St	North Side	9	6	67%	7	78%
	South Side	7	2	29%	3	43%
E 3rd Ave, from S Juniper St to S Ivy St	North Side	11	0	0%	0	0%
	South Side	9	1	11%	0	0%
S Juniper St, from E Valley Pkwy to E Grand Ave	West Side			Closed		
	East Side					
S Juniper St, from E Grand Ave to E 2nd Ave	West Side	5	4	80%	5	100%
	East Side	6	6	100%	3	50%
S Juniper St, from E 2nd Ave to E 3rd Ave	West Side	6	3	50%	1	17%
	East Side	10	3	30%	1	10%
N Ivy St, from E Valley Pkwy to E Grand Ave	West Side	10	3	30%	1	10%
	East Side	9	8	89%	3	33%
S Ivy St, from E Grand Ave to E 2nd Ave	West Side	18	3	17%	1	6%
	East Side	14	5	36%	1	7%
S Ivy St, from E 2nd Ave to E 3rd Ave	West Side	15	0	0%	0	0%
	East Side	15	0	0%	0	0%
S Hickory St, from E Grand Ave to E 2nd Ave	West Side	9	1	11%	3	33%
	East Side	13	5	38%	5	38%
<b>Total</b>	<b>254</b>	<b>105</b>	<b>41%</b>	<b>83</b>	<b>33%</b>	

Source: CR Associates (2022)

**PROPOSED PROJECT: PL 22-0409  
EXISTING PARKING SUPPLY AND DEMAND TABLE**

Table 2 - Existing with Project Parking Supply and Demand

Roadway Segment	Supply	11AM-1PM			6PM-8PM				
		Existing Demand	Project Demand	Total Demand	% Occupied	Existing Demand	Project Demand	Total Demand	% Occupied
E Grand Ave, from N Kalmia St to S Juniper St	11	7	0	7	64%	10	0	10	91%
E Grand Ave, from S Juniper St to N Ivy St	15	9	0	9	60%	7	0	7	47%
E Grand Ave, from S Ivy St to E 2nd Ave	7	4	3	7	100%	0	0	0	0%
E 2nd Ave, from S Kalmia St to S Juniper St	10	6	0	6	60%	6	0	6	60%
E 2nd Ave, from S Juniper St to S Ivy St	9	6	0	6	67%	7	0	7	78%
E 3rd Ave, from S Juniper St to S Ivy St	11	0	0	0	0%	0	0	0	0%
S Juniper St, from E Valley Pkwy to E Grand Ave	9	1	0	1	11%	0	0	0	0%
S Juniper St, from E Grand Ave to E 2nd Ave	5	4	0	4	80%	5	0	5	100%
S Juniper St, from E 2nd Ave to E 3rd Ave	6	3	0	3	50%	1	0	1	17%
N Ivy St, from E Valley Pkwy to E Grand Ave	10	3	0	3	30%	1	0	1	10%
S Ivy St, from E Grand Ave to E 2nd Ave	18	3	15	18	100%	1	17	18	100%
S Ivy St, from E 2nd Ave to E 3rd Ave	14	5	9	14	100%	1	13	14	100%
S Hickory St, from E Grand Ave to E 2nd Ave	15	0	0	0	0%	0	0	0	0%
S Hickory St, from E Grand Ave to E 2nd Ave	9	1	0	1	11%	3	0	3	33%
S Hickory St, from E Grand Ave to E 2nd Ave	13	5	0	5	38%	5	0	5	38%
<b>Total</b>	<b>254</b>	<b>105</b>	<b>38</b>	<b>146</b>	<b>57%</b>	<b>83</b>	<b>38</b>	<b>121</b>	<b>48%</b>

Source: CR Associates (2022)

**PROPOSED PROJECT: PL 22-0409**  
**EXISTING WITH PROJECT PARKING SUPPLY AND DEMAND TABLE**

ATTACHMENT 3



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
760-839-4671

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: Modification of Off-Street Parking Requirements/PL22-0409

Project Location - Specific: The subject site is a .16 acre developed parcel located at the southeast corner of South Ivy Street and East Grand Avenue, addressed as 401 East Grand Avenue (APN: 229-462-20-00)

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

Description of Project:

A request for a Minor Conditional Use Permit to modify the minimum parking requirements for a multi-tenant commercial property in the Downtown Specific Plan. The request is subject to approval of a conditional use permit in accordance with section 33-764 of the Escondido Zoning Code.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Andrew Crocker (T7architecture)

Address: 646 Valley Avenue, Suite C2, Solana Beach, CA 92075
Telephone: 858-345-1295

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 modify the off-street parking requirements of Article 39 of the City's zoning code. The Project does not include the physical expansion of an existing building located on the site. This exemption is appropriate for the Project due to negligible expansion of the existing or former use. The Project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and the Project is in an area where it is no environmentally sensitive.

Lead Agency Contact Person:

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

Signature: Ivan Flores
Associate Planner

November 11, 2022

Signed by Lead Agency
Signed by Applicant

Date received for filing at OPR:

## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PL 22-0533

**APPLICANT:** Escondido United Reformed Church (Brent Cooper)

**PROJECT LOCATION:** 1864 N. Broadway (Assessor's Parcel No. 227-010-61-00 and 227-010-36-00)

**REQUEST:** Variance to allow a 6-foot-high decorative tube metal fence within front- and street-side setbacks for a religious and educational facility within the R-1-10 (single-family residential, 10,000 square foot minimum lot size) zone.

**STAFF RECOMMENDATION:** Approve

**GENERAL PLAN DESIGNATION:** Suburban (S)

**ZONING:** R-1-10 Single-Family Residential, 10,000 square foot minimum lot size

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

The Escondido United Reformed Church campus and adjacent affiliated school are located on a 9.07-acre site on the southeastern corner of N. Broadway and Vista Avenue. Escondido United Reformed Church original was established at the Broadway site in 1962 under the County's jurisdiction. The church annexed to the City of Escondido in 1973. The church complex has expanded over the years to its current configuration. The adjacent elementary school was constructed in 1967 under the County's jurisdiction and has a shared parking arrangement with the church. The Calvin Christian High School north of the church site (across Vista Avenue) also has a joint parking arrangement with the church.

The church is proposing to install a decorative tube metal 6-foot-high security fence around the parking lot and adjacent school turf area to include gates at both driveway entrances to prevent non-authorized after hour access to the site. The portion of the new decorative metal fencing along the school frontage on Vista Avenue would replace existing 6-foot-high chain link fencing in this area. The subject site is located within the R-1 zone, which limits the height of fencing within the front- and street-side setback to a maximum of 42 inches. A 42-inch fence would not provide the necessary security based on the use of the site, and locating the fencing to conform

to the minimum setback requirements would place the fence into the existing parking lot spaces. Therefore, a Variance is requested to allow this 6-foot-high fence to encroach into the setback.

**ENVIRONMENTAL REVIEW:**

The proposed Variance is categorically exempt from environmental review pursuant to CEQA Guidelines sections 15305, "Minor Alterations in Land Use Limitations" (specifically subsection (a), which covers set back variances not resulting in the creation of any new parcel); and 15303, "New Construction or Conversion of Small Structures" (specifically subsection (e), which covers accessory or appurtenant structures such as fences).

**REASON FOR STAFF RECOMMENDATION:**

Staff recommends approval of a Variance to allow a 6-foot-high fence within the front- and street-side setback area of the church and school site. The fence will provide security for a religious facility and school that is conditionally permitted, and that is currently experiencing trespassing and other unwanted activities as expressed by the project applicant. Installation of the fence would not cause harm to public health, safety, or welfare, or adversely affect the City of Escondido General Plan. The fencing also would be similar to other security fencing provided for public and private churches and schools throughout the City. A full explanation of the justification for supporting this Variance is included in the Findings of Fact, attached to this staff report as Exhibit B to Zoning Administrator Resolution No. 2022-11.

Respectfully submitted,



Jay Paul  
Senior Planner

**ATTACHMENTS:**

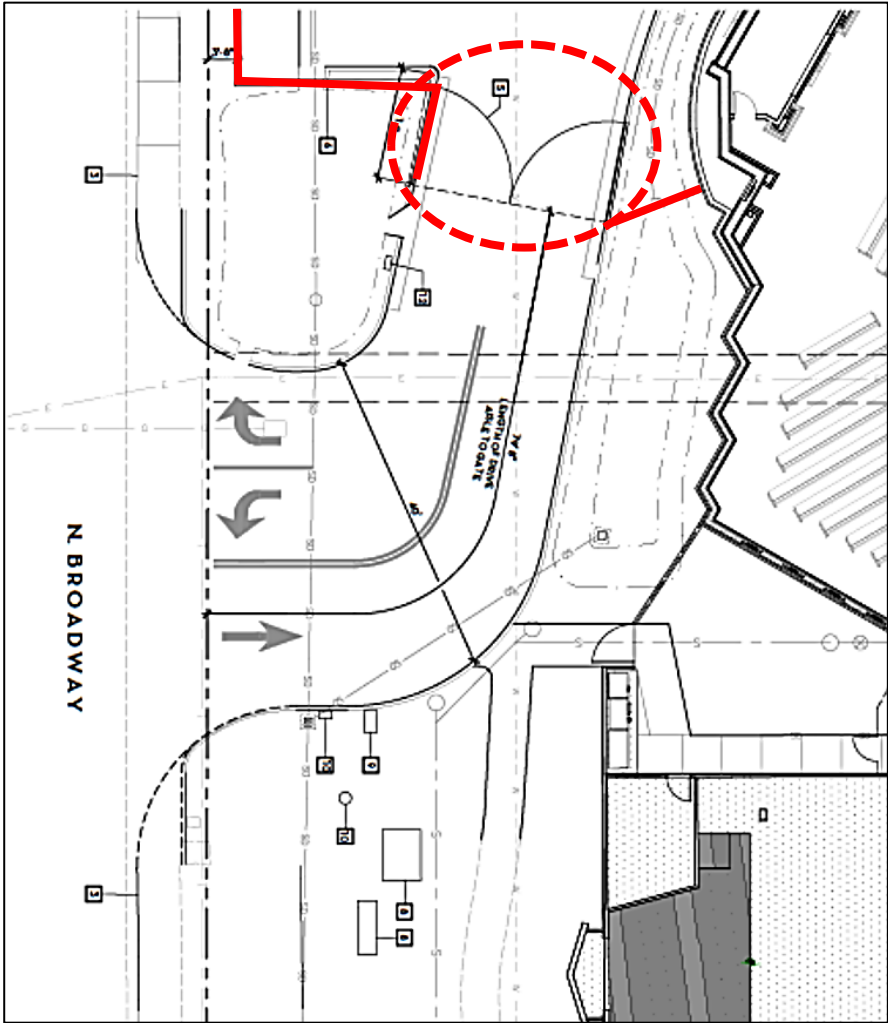
1. Project Location/Aerial Map
2. Project Plans
3. CEQA Notice of Exemption
4. Zoning Administrator Resolution No. 2022-11, including Exhibits A through D



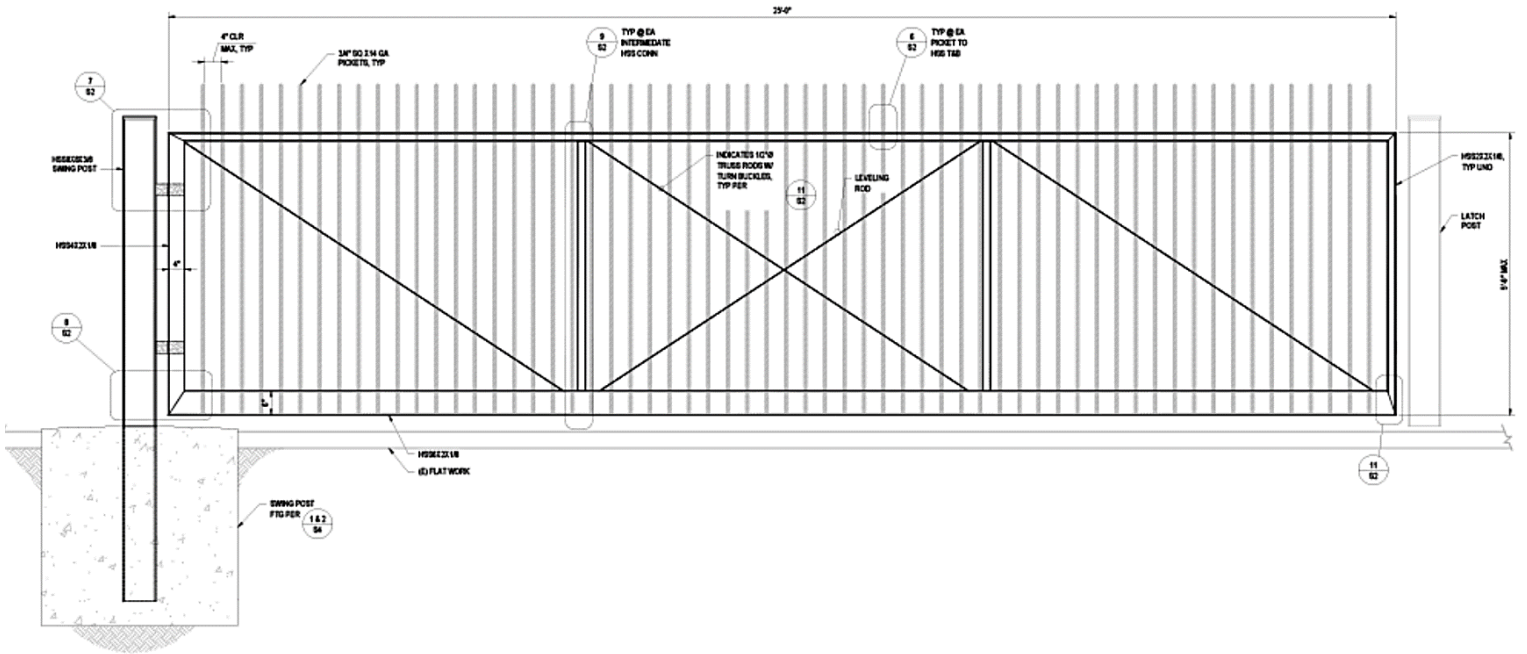
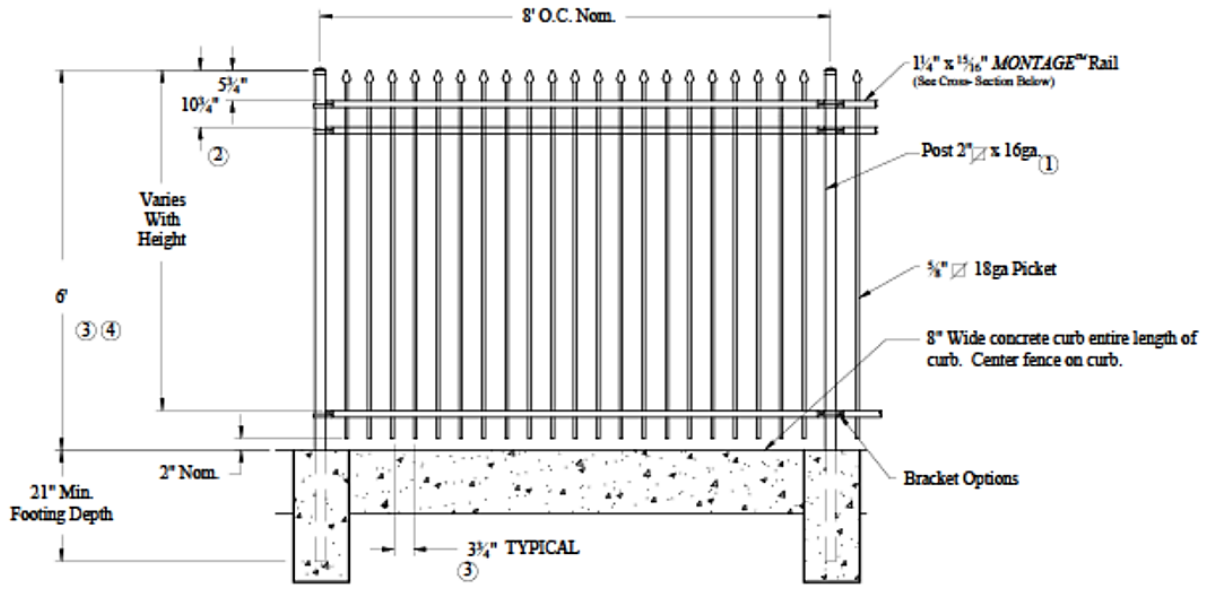
ATTACHMENT 1







**Entry Gate Detail (Broadway Access Gate)**



ATTACHMENT 3



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

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

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

Project Title/Case No.: Escondido United Reformed Church Fence/PL22-0533

Project Location - Specific: 1864 N. Broadway (Assessor's Parcel Nos. 227-010-61-00 and 227-010-36-00)

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

Description of Project: Variance to allow a 6-foot-high decorative tube metal fencing within front- and street-side setbacks of a religious and educational facility within the R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) zone.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Brent Cooper Telephone: (619) 921-2849

Address: 10590 Coyote Hill Glen, Escondido, CA 92026

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

Exempt Status: The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15305, "Minor Alterations in Land Use Limitations" (specifically subsection (a), which covers set back variances not resulting in the creation of any new parcel); and 15303, "New Construction or Conversion of Small Structures" (specifically subsection (e), which covers accessory or appurtenant structures such as fences).

Reasons why project is exempt:

The Variance request only involves a minor encroachment into the front- and street-side setback to allow a metal tube-like fence (accessory structure) up to 6 feet in height. Granting of such variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such zone or vicinity in which the property is located. The subject site is located on relatively flat land (less than 5 percent slope) and would not result in a change in land use or density.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature Jay Paul, Senior Planner

10-19-2022 Date

Signed by Lead Agency Date received for filing at OPR: N/A

ATTACHMENT 4

Zoning Administrator

Hearing Date: November 10, 2022

Effective Date: November 22, 2022

RESOLUTION NO. 2022-11

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A VARIANCE FOR A 6-FOOT-HIGH  
FENCE IN THE FRONT- AND STREET-SIDE  
SETBACKS OF A RELIGIOUS AND EDUCATIONAL  
FACILITY

APPLICANT: Escondido United Reformed Church

CASE NO: PL 22-0533

WHEREAS, the Zoning Administrator of the City of Escondido did, on November 10, 2022, hold a public hearing to consider a request for a Variance for a 6-foot-high decorative tube metal fence within the required front- and street-side setback area, on property addressed as 1864 N. Broadway, (Assessor's Parcel Numbers 227-010-61-00 and 227-010-36-00), more particularly described in Exhibit "A," and all persons desiring to speak did so.

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 November 10, 2022, which along with its attachments is incorporated herein by this reference.

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

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act and a Notice of Exemption was prepared for the project in conformance with CEQA sections 15303, and 15305; and

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

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

1. That the above recitations are true and correct.
2. That the 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 associated with the Variance.
3. That, considering the Findings of Fact attached as Exhibit "B," and applicable law, the Zoning Administrator hereby approves the Variance for the fence subject to the Conditions of Approval attached as Exhibit "C," and as shown on the plans attached as Exhibit "D."
4. That the approval for the Variance for the fence shall automatically become null and void unless the project 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 10th day of November, 2022.

---

Adam Finestone, Zoning Administrator  
City of Escondido

---

WITNESS

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

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**Variance**

**PL 22-0533**

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

THE WESTERLY 330 FEET OF THE SOUTHERLY 300 FEET OF LOT 1 IN BLOCK 422 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. [723](#), BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892.

ALSO THE WEST HALF OF LOT 1 IN BLOCK 422 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. [723](#), BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, EXCEPTING THEREFROM THE SOUTHERLY 300 FEET THEREOF AND THE EASTERLY 345 FEET THEREOF.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF ESCONDIDO IN DEED RECORDED MAY 08, 1980 AS INSTRUMENT NO. [80-154353](#) OF OFFICIAL RECORDS.

ALSO A PORTION OF THE NORTHERLY 80 FEET OF THE WESTERLY 635.00 FEET OF LOT 2, BLOCK 422 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. [723](#), BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT THENCE ALONG THE NORTHERLY LINE OF SAID LOT NORTH 82°17'33" EAST, 270.04 FEET; THENCE LEAVING SAID LINE SOUTH 56°10'49" WEST, 69.26 FEET TO A TANGENT 125.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE 73.67 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°46'04"; THENCE SOUTH 82°17'33" WEST TO A POINT ON THE WESTERLY LINE OF SAID LOT; THENCE NORTH 07°41'19" WEST, 80.00 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.

(AS DESCRIBED IN THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED JUNE 24, 1991 AS INSTRUMENT NO. [91-0305426](#) OF OFFICIAL RECORDS OF SAN DIEGO COUNTY)

**EXHIBIT “B”**  
**FINDINGS OF FACT**

Escondido United Reformed Church Variance

PL22-0533

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, as separate and independent bases, pursuant to CEQA Guidelines sections 15305, “Minor Alterations in Land Use Limitations” (specifically subsection (a), which covers set back variances not resulting in the creation of any new parcel); and 15303, “New Construction or Conversion of Small Structures” (specifically subsection (e), which covers accessory or appurtenant structures such as fences).
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the November 10, 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.

Variance Request

All decisions granting or denying Variances shall be made in accordance with Section 33-1224 of the Escondido Zoning Code (Findings for Variances). The proposed Project has been reviewed by the Zoning Administrator, who concludes and finds, based on the analysis of the project described in the November 10, 2022, Zoning Administrator staff report, that:

- a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity. The Project site is in the R-1-10 zone, which requires a minimum lot size of 10,000 square feet. The parcels in the vicinity of the project site are developed with a mix of large institutional (public and private schools), larger multi-family residential and residential care facilities, and traditional single-family residential lots. These larger institutional parcels are secured with a variety of fencing, including fencing along the property boundary and street frontages. The project site is 9.07 acres and is developed with a religious facility, parking lot, and adjacent affiliated school. As a place of assembly and education, the campus is required to provide more parking than would be required for a single-family residence. The project applicant has noted the facility and parking lot is experiencing trespassing and other unauthorized activities, especially after hours of operation and late at night. Placing the security fence outside of the front setback area would cause it to encroach

into the existing parking lot and require reconfiguration of the parking lot that would affect the ability to provide necessary parking.

- b. Granting of such variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such zone or vicinity in which the property is located. The Variance request would allow a 6-foot-high fence in the front-yard and street-side setbacks around the parking lot of the Escondido United Reformed Church and school complex. The fence would not encroach upon, or block access to, any neighboring properties. The proposed fencing materials (decorative tube metal) are consistent with fencing installed at other institutional uses. The proposed fencing design and location has been reviewed by various City departments, including Building, Engineering and Fire. The intersection of N. Broadway and Vista Avenue is signalized. No issues with sight distance at the facility's driveway were identified by Engineering.
- c. The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone or vicinity. The Escondido United Reformed Church is a religious facility that operates under an approved Conditional Use Permit, and has security concerns not necessarily shared by the single-family residential parcels throughout the area. The Variance allows the site to be secured with a 6-foot-high fence around the existing parking lot. Without the Variance, the Church and school would need to forego any effective security fencing around the street frontages of the site, limit the fence to 3.5 feet within the front- and street-side setback area, or relocate the fence to the front- and street-side setback line. The first two options would not provide an adequate deterrent against trespassing. The third option would require the parking lot to be reconfigured to avoid impediments to existing parking spaces and traffic flow, because the front- and street-side setback line is situated through sections of the parking lot. Reconfiguration of the parking lot also is not feasible as a portion of the required spaces to support the church and adjacent school would be eliminated. Therefore, requiring the Church to place the security fence at the front- and street side setback would adversely impact the current security needs of the facility.
- d. Granting of the Variance will not adversely affect the comprehensive General Plan. Certain non-residential uses, including churches, are allowed in residential zones per Residential Development Policies 3.1 and 3.2 of the City of Escondido General Plan. Police Services Policy 3.7 promotes the use of security features in development projects to enhance property safety and reduce crime. Approval of the request would not conflict with any other aspect of the City of Escondido Zoning Code.

## EXHIBIT “C”

### PLANNING CASE NO. PL 22-0533

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **October 5, 2022**, and the Project drawings consisting of site plans, project details, all designated as recommended for approval on **November 10, 2022**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term “Applicant” shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** Should the Applicant fail 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.** The Permit shall be deemed expired within 12 months of the Zoning Administrator approval (effective date) 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. **Conformance to Approved Plans.**
  - a. The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
  - b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
  - c. Once a permit has been issued, the Applicant may request Permit modifications. “Minor” modifications may be granted if found by the Director of Development Services to be in

substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to any Grading Exemptions for the slope up to an additional one foot in height, and modifications to retaining wall heights, lot lines/lot configuration. 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.

4. **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.
5. **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.
6. **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 Development Services, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the

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

**3. 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.

**C. Landscaping:** The property owner or owners' association 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.

**D. Specific Planning Division Conditions:**

1. The facilities shall be subject to all conditions/terms of previous land-use approvals, except as specifically modified by this Variance.
2. The parkway and parking lot landscaping N. Broadway and Vista Avenue (on both sides of the security fencing) shall be rehabilitated to include appropriate street trees, shrubs and groundcover. Appropriate sight distance shall be provided at the driveways. A landscape plan shall be submitted to the Planning Division for review and approval prior to the issuance of the building plans for the new gates. Existing irrigation shall be modified accordingly to properly serve the landscape areas. This requirement can be noted on the landscape plan.
3. The vehicular access gates shall remain open during general business/operational hours for the religions/education facility.
4. Appropriate Knox/box type devices shall be incorporated into the gate design, as may be required by the Fire Department.

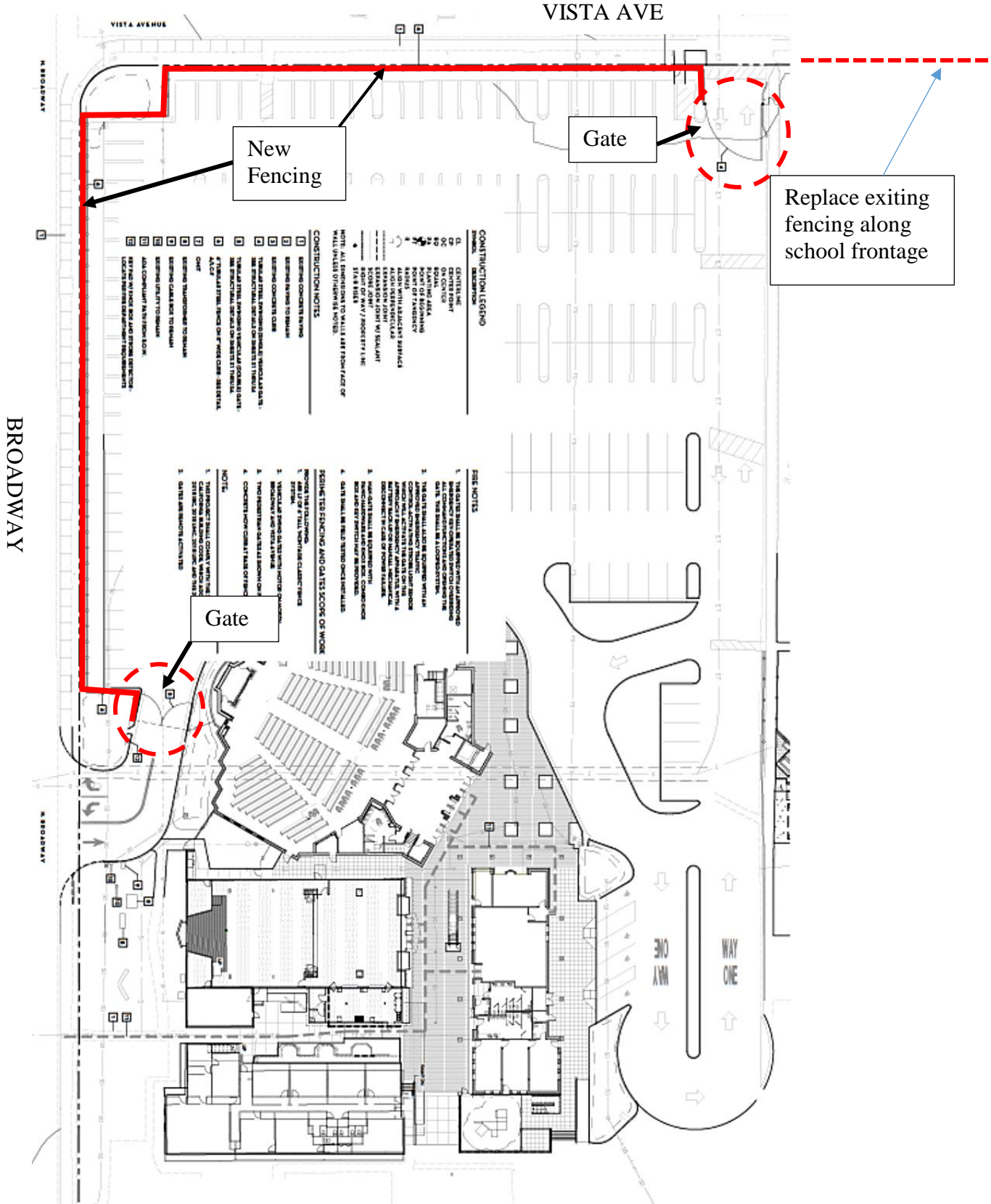
**E. Specific Building Division Conditions:**

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



# EXHIBIT "D"

## Plans - PL22-0533



New Fencing

Gate

Replace exiting fencing along school frontage

**CONSTRUCTION LEGEND**

SYMBOL	DESCRIPTION
CL	CENTERLINE
OC	ON CENTER
RS	ROAD SIDE
PT	POINT OF BEGINNING
PT	POINT OF TERMINATION
AS	ALIGNED WITH ADJACENT SERVICE
ES	EXTENSION POINT
ES	EXTENSION POINT WITH SLOPE
ES	EXTENSION POINT WITH SLOPE AND CURVE
ES	EXTENSION POINT WITH SLOPE AND CURVE AND POINT OF BEGINNING
ES	EXTENSION POINT WITH SLOPE AND CURVE AND POINT OF TERMINATION
ES	EXTENSION POINT WITH SLOPE AND CURVE AND POINT OF BEGINNING AND POINT OF TERMINATION
ES	EXTENSION POINT WITH SLOPE AND CURVE AND POINT OF BEGINNING AND POINT OF TERMINATION AND POINT OF BEGINNING AND POINT OF TERMINATION

**CONSTRUCTION NOTES**

1. ALL DIMENSIONS TO WALLS ARE FROM FACE OF WALL UNLESS OTHERWISE NOTED.
2. SEE GENERAL NOTES FOR FENCE CONSTRUCTION.
3. SEE GENERAL NOTES FOR GATE CONSTRUCTION.
4. SEE GENERAL NOTES FOR SIGN CONSTRUCTION.
5. SEE GENERAL NOTES FOR LIGHTING CONSTRUCTION.
6. SEE GENERAL NOTES FOR LANDSCAPE CONSTRUCTION.
7. SEE GENERAL NOTES FOR UTILITY CONSTRUCTION.
8. SEE GENERAL NOTES FOR PAVING CONSTRUCTION.
9. SEE GENERAL NOTES FOR CURB CONSTRUCTION.
10. SEE GENERAL NOTES FOR SIDEWALK CONSTRUCTION.
11. SEE GENERAL NOTES FOR DRIVEWAY CONSTRUCTION.
12. SEE GENERAL NOTES FOR DRIVEWAY CURB CONSTRUCTION.
13. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CONSTRUCTION.
14. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB CONSTRUCTION.
15. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK CONSTRUCTION.
16. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY CONSTRUCTION.
17. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.
18. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.
19. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.
20. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.

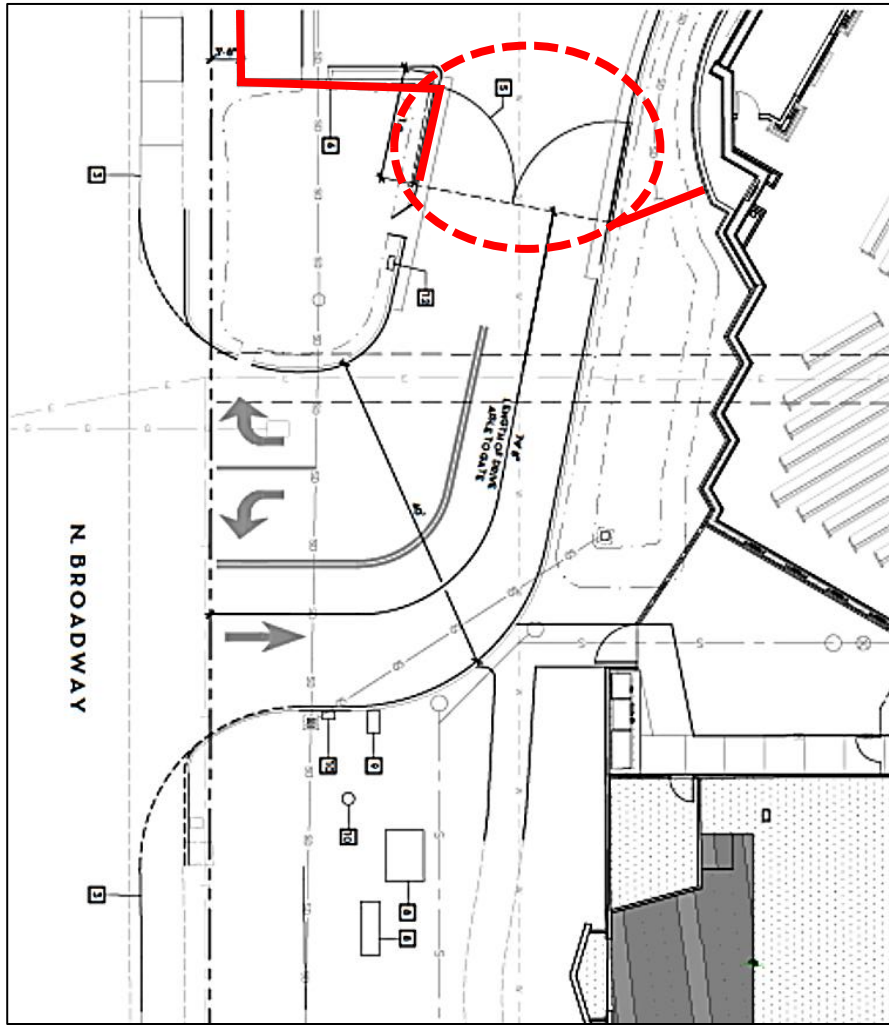
**FENCE NOTES**

1. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
2. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
3. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
4. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
5. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
6. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
7. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
8. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
9. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
10. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
11. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
12. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
13. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
14. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
15. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
16. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
17. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
18. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
19. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.
20. THE GATE SHALL BE SCREWED WITH ALL APPROVED ALL COMPONENTS INCLUDING CHAINS AND BOLTS. THE GATE SHALL BE LOCKED WITH A LOCK.

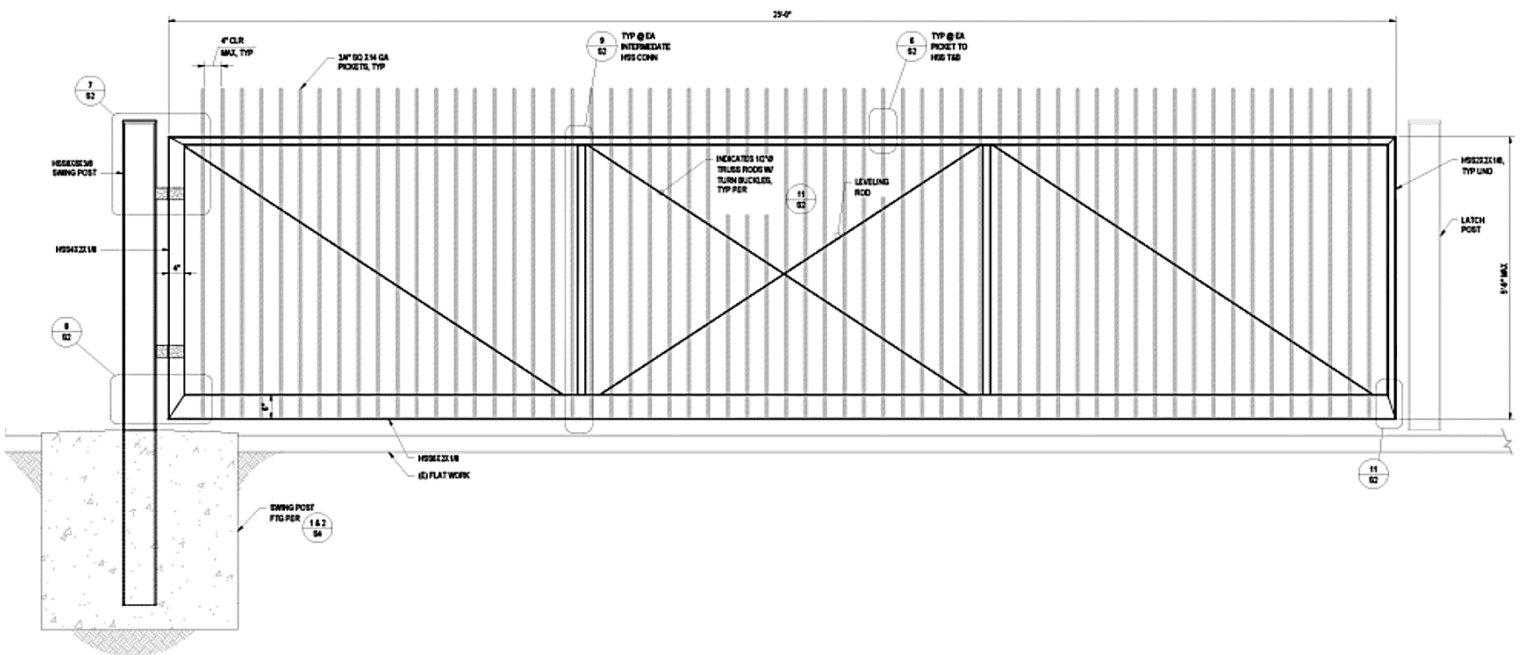
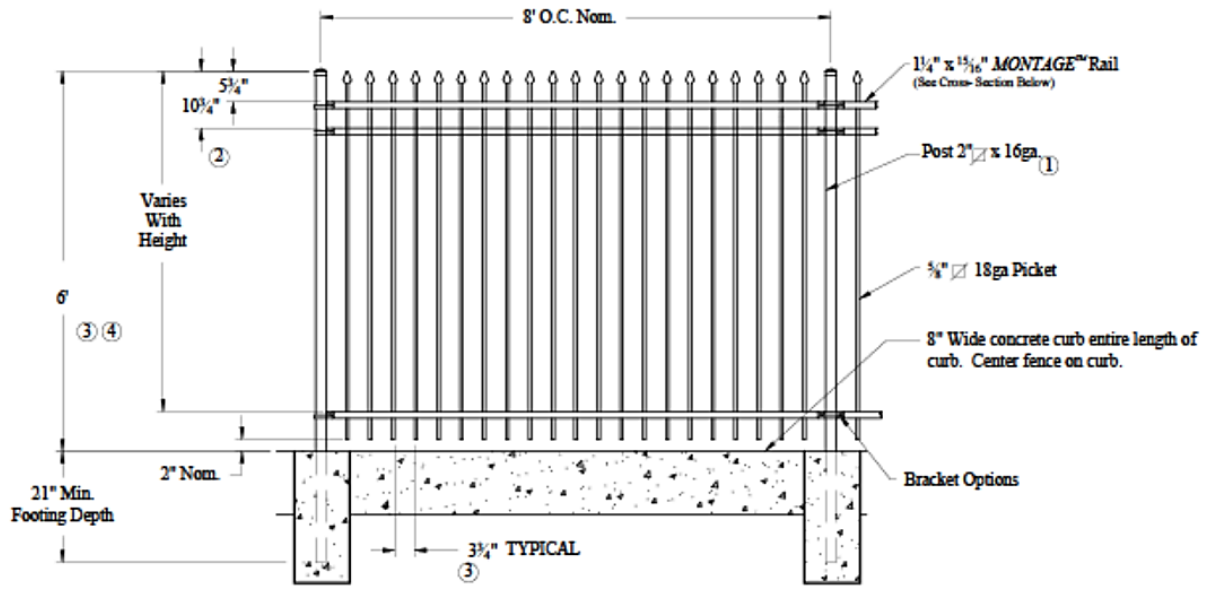
Gate

**CONSTRUCTION NOTES**

1. ALL DIMENSIONS TO WALLS ARE FROM FACE OF WALL UNLESS OTHERWISE NOTED.
2. SEE GENERAL NOTES FOR FENCE CONSTRUCTION.
3. SEE GENERAL NOTES FOR GATE CONSTRUCTION.
4. SEE GENERAL NOTES FOR SIGN CONSTRUCTION.
5. SEE GENERAL NOTES FOR LIGHTING CONSTRUCTION.
6. SEE GENERAL NOTES FOR LANDSCAPE CONSTRUCTION.
7. SEE GENERAL NOTES FOR UTILITY CONSTRUCTION.
8. SEE GENERAL NOTES FOR PAVING CONSTRUCTION.
9. SEE GENERAL NOTES FOR CURB CONSTRUCTION.
10. SEE GENERAL NOTES FOR SIDEWALK CONSTRUCTION.
11. SEE GENERAL NOTES FOR DRIVEWAY CONSTRUCTION.
12. SEE GENERAL NOTES FOR DRIVEWAY CURB CONSTRUCTION.
13. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CONSTRUCTION.
14. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB CONSTRUCTION.
15. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK CONSTRUCTION.
16. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY CONSTRUCTION.
17. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.
18. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.
19. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.
20. SEE GENERAL NOTES FOR DRIVEWAY SIDEWALK CURB AND SIDEWALK AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY AND DRIVEWAY CONSTRUCTION.



**Entry Gate Detail (Broadway Access Gate)**



## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PL 22-0390

**APPLICANT:** Mossy Auto Group

**PROJECT LOCATION:** 1400 Auto Park Way (Assessor Parcel No. 232-542-10-00)

**REQUEST:** Precise Development Plan modification for an existing gas station and carwash facility to demolish 2,450 square feet of existing service bays and install 14 self-service vacuum bays .

**STAFF RECOMMENDATION:** Approve

**GENERAL PLAN DESIGNATION:** Planned Commercial (PC)

**ZONING:** Planned Development-Commercial (PD-C)

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

The existing gasoline station/carwash facility is located within the Escondido Auto Park Planned Development that permits a range of auto-related sales, service and support facilities. A Precise Development Plan was approved in 1988 (City File No. 88-29-PD) for the development of a 13,320 square foot full-service carwash facility, mini lube and tune and gasoline station on the 1.08-acre property.

The project applicant (Mossy Auto Group) has recently acquired the property and plans to convert the full-service carwash facility into a self-service carwash facility, while retaining the gasoline station and convenience store. The project would remove the auto service bays and install up to 14 self-service vacuum stations with canopies, along with a small mechanical equipment room to support the vacuum system. On-site parking and circulation would include some minor modifications to enhance flow-through traffic around the gasoline pump aisles. The open roof over the wash bay would be modified to include a new roof to restrict rain water from entering the wash building. The recessed entry (approximately 114 square feet) into the convenience store would be enclosed to increase cooler space, and a new entry provided into the facility. A new trash enclosure also would be constructed in accordance with the City's storm water requirements.

**ENVIRONMENTAL REVIEW:**

The proposed modification to the Precise Development Plan is categorically exempt from environmental review pursuant to CEQA Guidelines sections 15301, "Existing Facilities," and 15303, "New Construction or Conversion of Small Structures."

**REASON FOR STAFF RECOMMENDATION:**

Staff recommends approval of a modification to the Precise Development Plan. A Precise Development Plan (City File No. 88-29-PD) was previously approved for development of a gasoline station/carwash, auto service and convenience store on the property. The proposed modifications to the site are consistent with the goals and policies of the Escondido General Plan and with the Escondido Auto Park Master Plan. A full explanation of the justification for supporting this Variance is included in the Findings of Fact, attached to this staff report as Exhibit B to Resolution No. 2022-12.

Respectfully submitted,



Jay Paul  
Senior Planner

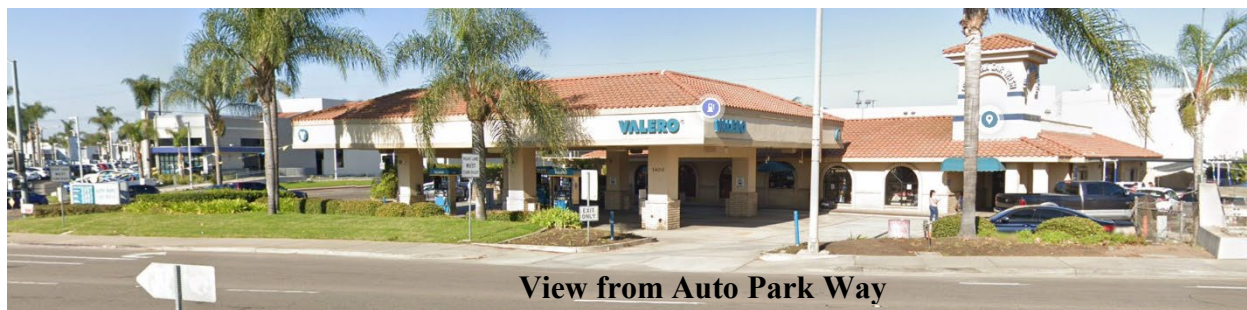
**ATTACHMENTS:**

1. Project Location/Aerial Map/Photos
2. Project Plans
3. CEQA Notice of Exemption
4. Zoning Administrator Resolution No. 2022-12, including Exhibits A through D

**ATTACHMENT 1**

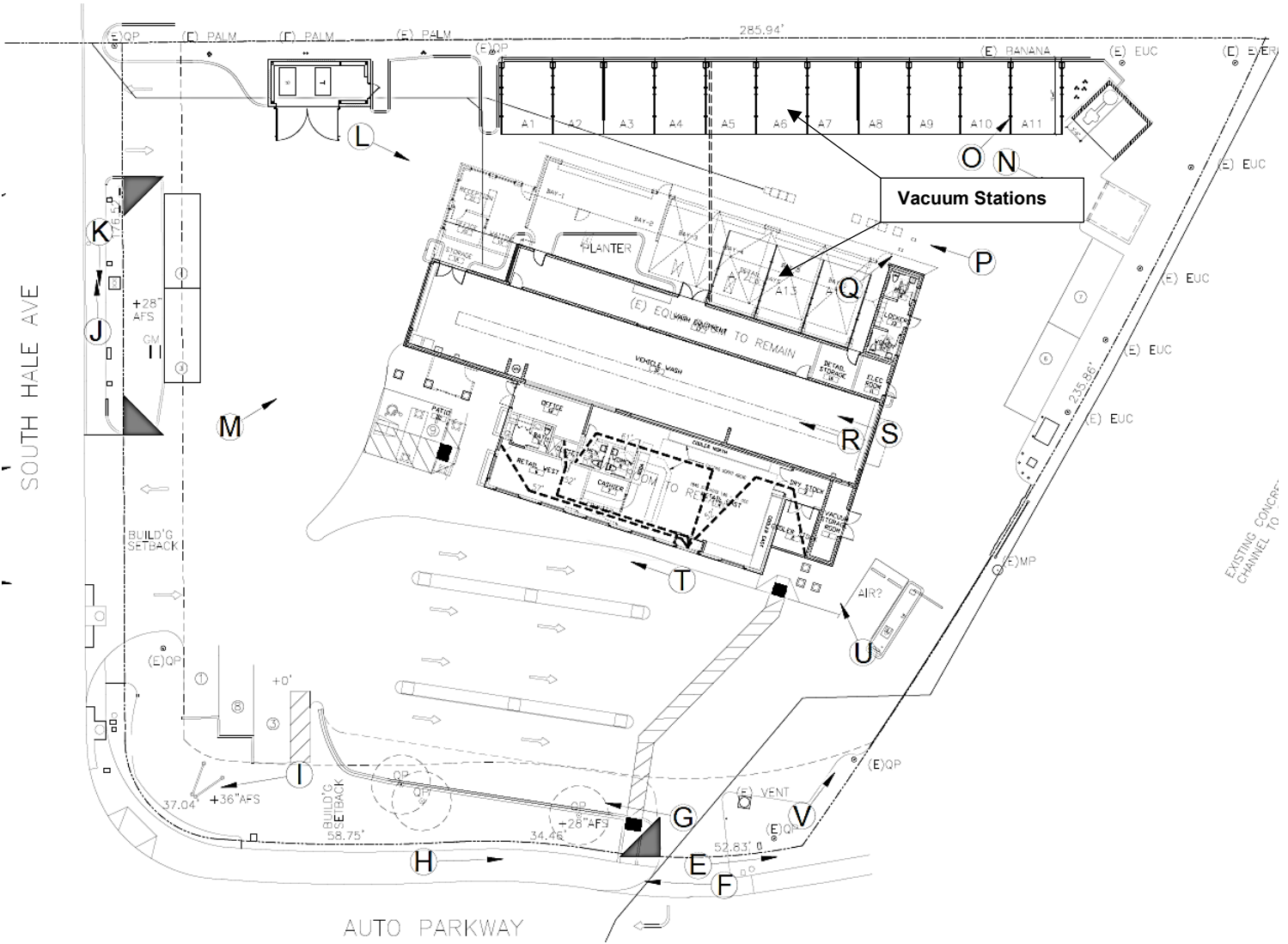


**View from Hale**



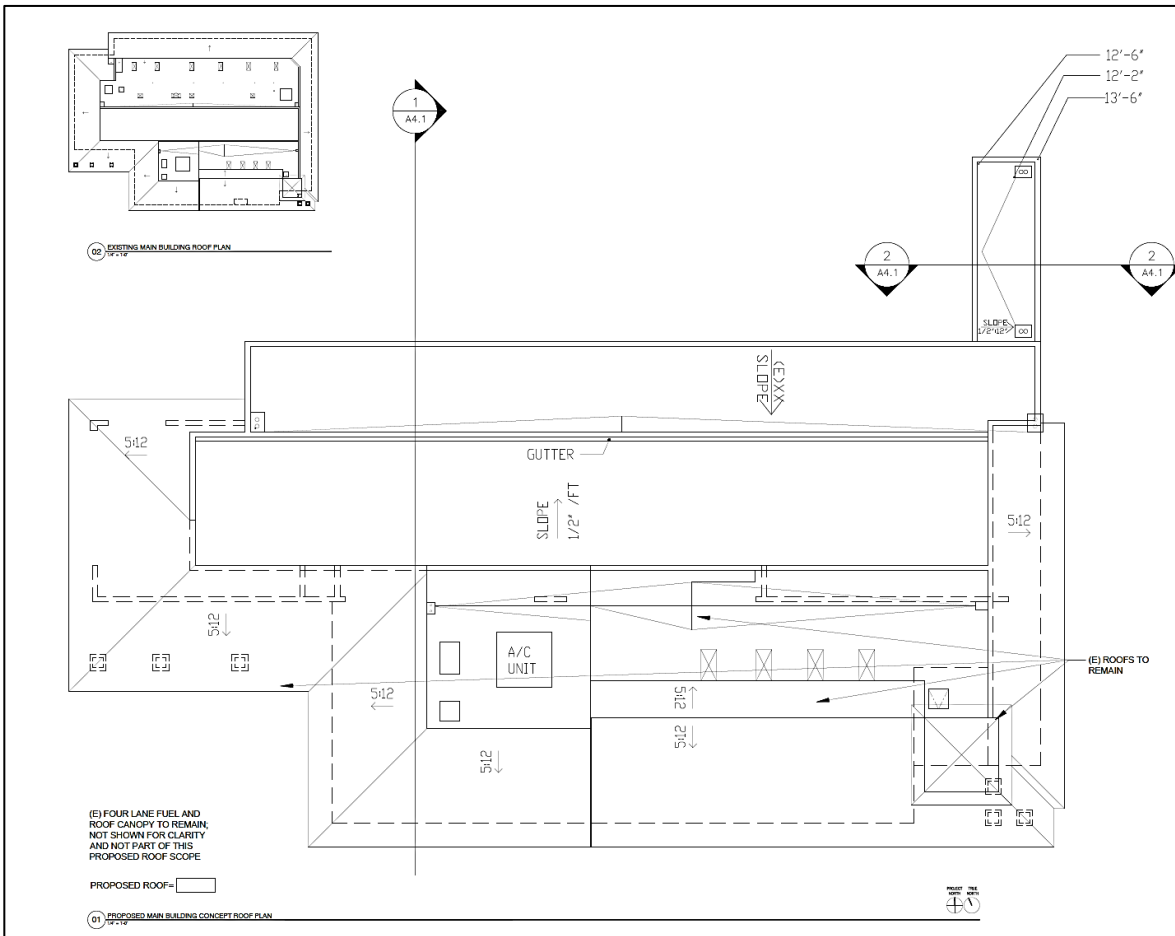
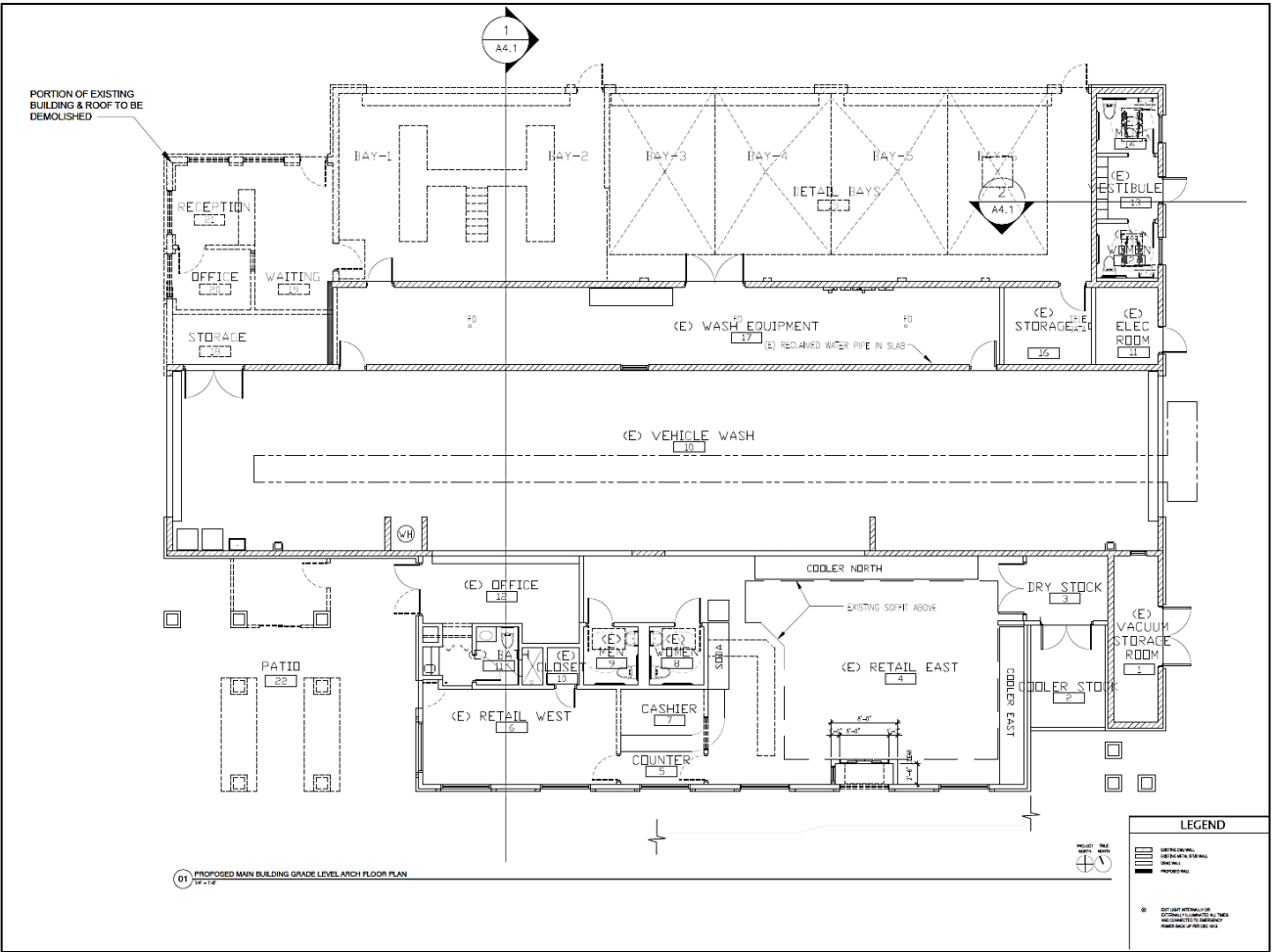
**View from Auto Park Way**

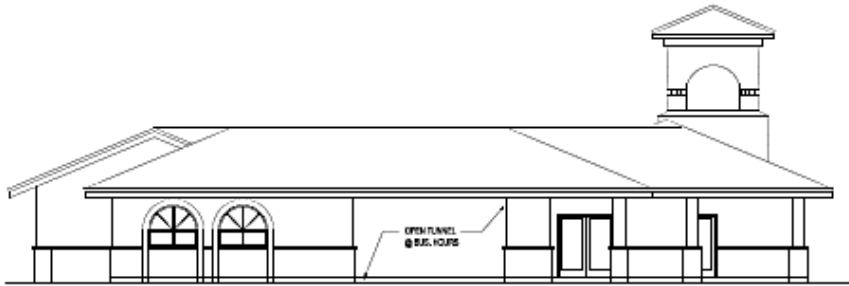





**New Project Design with vacuum stations**

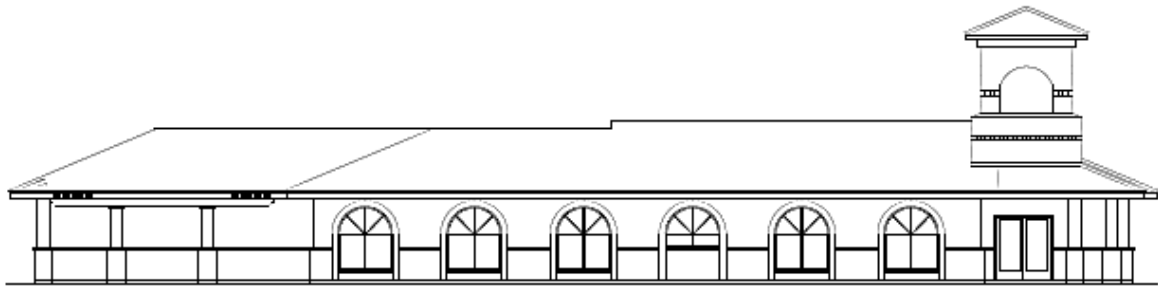







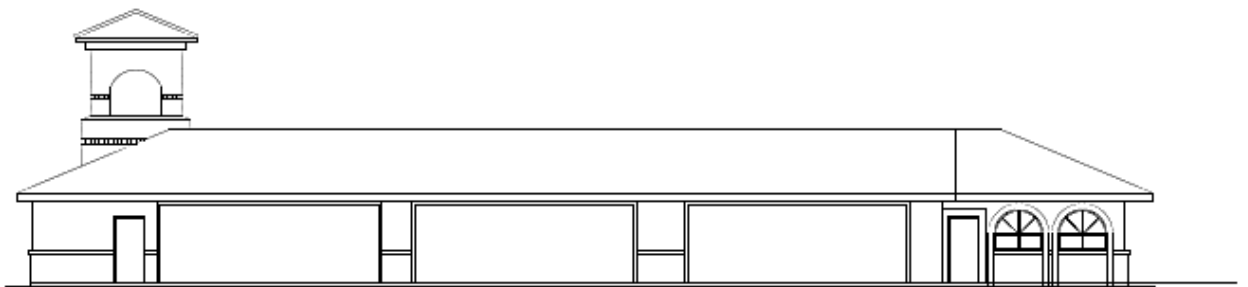
EXISTING MAIN BUILDING WEST EXTERIOR ELEVATION

SCALE: 1/8"=1'-0"   
0 5 10 20




EXISTING MAIN BUILDING SOUTH EXTERIOR ELEVATION

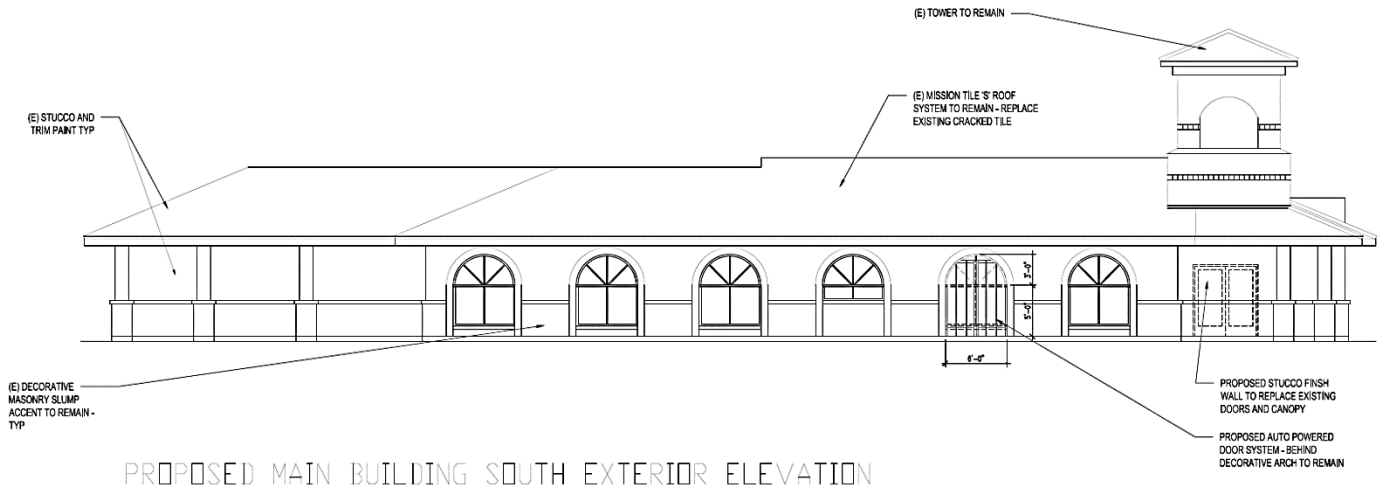
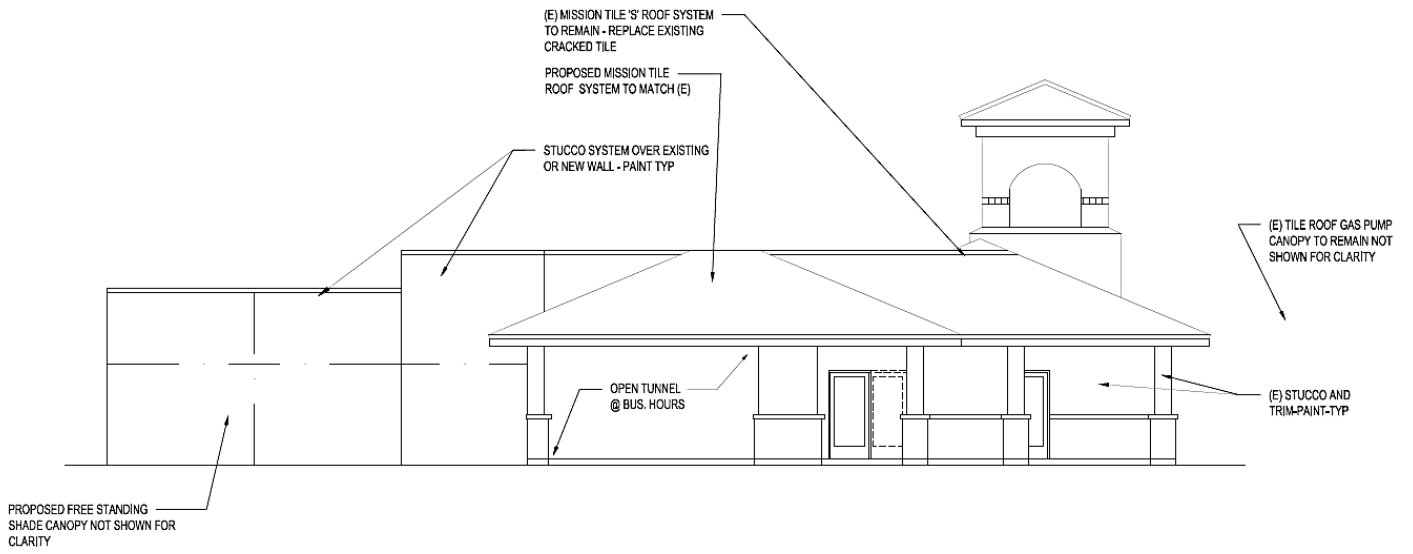
SCALE: 1/8"=1'-0"   
0 5 10 20



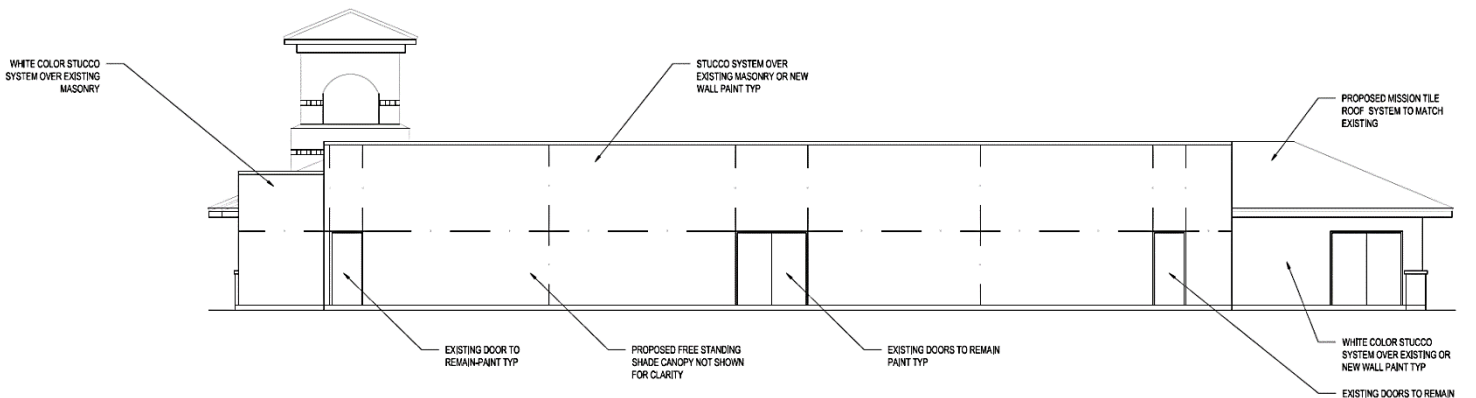
EXISTING MAIN BUILDING NORTH EXTERIOR ELEVATION

SCALE: 1/8"=1'-0"   
0 5 10 20

## Existing Building Elevations



PROPOSED MAIN BUILDING SOUTH EXTERIOR ELEVATION

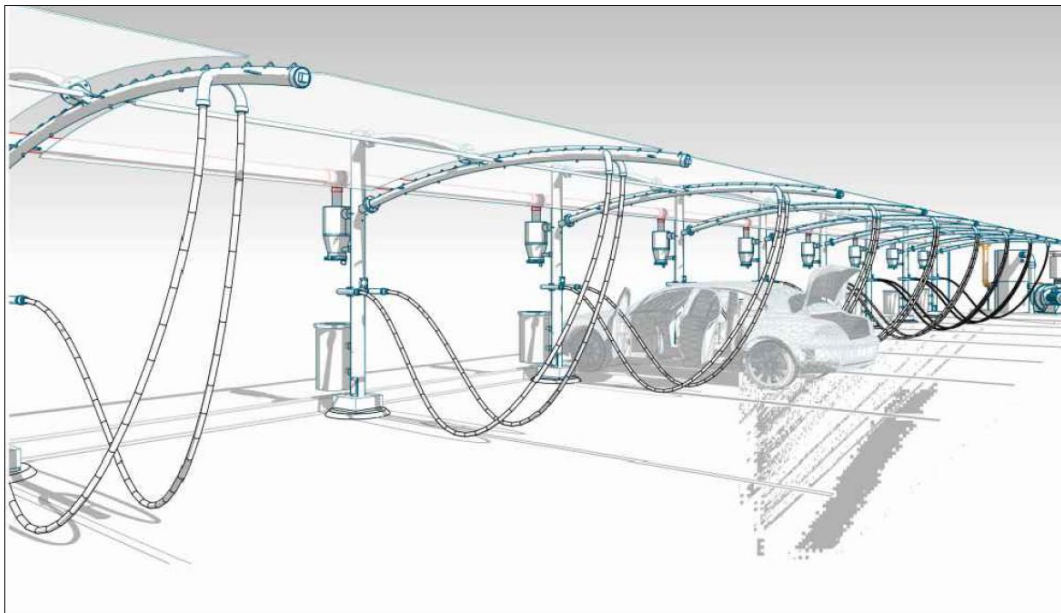


Proposed New Elevations

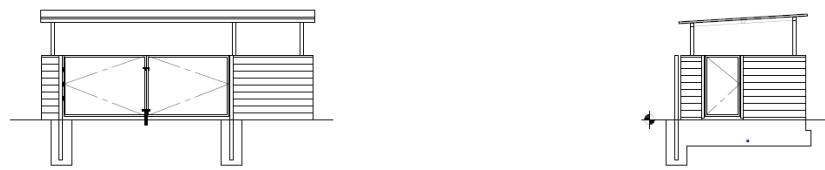


PROPOSED VACUUM STATION SHADE CANOPY - COLOR TBD

PROPOSED SUN SHADE VACCUM BAY EXAMPLE



PROPOSED SUN SHADE VACCUM BAY EXAMPLE



Proposed Trash Enclosure



ATTACHMENT 3



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

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

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

Project Title/Case No.: Mossy Auto Group carwash/gas station / PL22-0390

Project Location - Specific: 1400 Auto Park Way (Assessor's Parcel No. 232-542-10-00)

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

Description of Project: Precise Development Plan modification for an existing gas station and carwash facility to demolish 2,450 square feet of existing service bays and install 14 self-service vacuum bays.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Mossy Auto Group (Darrold Davis rep., CCBG Architects) Telephone: (858) 654-2850

Address: 4625 Brinell Street, San Diego, CA 92111

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

Exempt Status: The proposed modification to the Precise Development Plan is categorically exempt from environmental review pursuant to CEQA Guidelines sections 15301, "Existing Facilities," and 15303, "New Construction or Conversion of Small Structures."

Reasons why project is exempt:

- 1. The project involves minor modifications to an existing gasoline station/carwash and convenience store. The originally approved Master Development Plan allows for these uses. All vehicular traffic generated by the project will be accommodated safely and without causing undue congestion upon adjoining streets.
2. The project is located within a developed commercial area within an urban area of the City. The project site has no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature JP Paul

Jay Paul, Senior Planner

10-19-2022

Date

Signed by Lead Agency

Date received for filing at OPR: N/A

ATTACHMENT 4

Zoning Administrator

Hearing Date: November 10, 2022

Effective Date: November 22, 2022

RESOLUTION NO. 2022-12

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO A PRECISE DEVELOPMENT PLAN TO INSTALL 14 VACUUM STATIONS AND RELATED MODIFICATIONS AT A GAS STATION/CARWASH FACILITY AND CONVENIENCE STORE WITHIN THE ESCONDIDO AUTO PARK

APPLICANT: Mossy Auto Group

CASE NO: PL 22-0390

WHEREAS, the Zoning Administrator of the City of Escondido did, on November 10, 2022, hold a public meeting to consider a request for a modification to a Precise Development Plan for a gasoline station/carwash and convenience store ("Project") located on 1.08 acres addressed as 1400 Auto Park Way, (Assessor's Parcel Number 232-542-10-00), more particularly described in Exhibit "A," and all persons desiring to speak did so; and

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public meeting, including, without limitation, written information, and the staff report dated November 10, 2022, which along with its attachments is incorporated herein by this reference.

WHEREAS, the notice of the Zoning Administrator meeting was posted as required by the Escondido Zoning Code and applicable State law.

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act and that a Notice of Exemption was prepared for the project in conformance with CEQA sections 15301, "Existing Facilities," and 15303, "New Construction."

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

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

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

1. That the above recitations are true and correct.
2. That the 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 associated with the modification to the Precise Development Plan.
3. That, considering the Findings of Fact attached as Exhibit "B," and applicable law, the Zoning Administrator hereby approves the modification to the Precise Development Plan Modification (Planning Case No. PL22-0390), subject to the Conditions of Approval attached as Exhibit "C," and as depicted on the Project plans attached as Exhibit "D," and on file with the Planning Division.
4. That this approval shall automatically become null and void unless the project 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 10th day of November, 2022.

---

Adam Finestone  
Zoning Administrator,  
City of Escondido

---

WITNESS

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

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
Precise Plan Modification  
PL 22-0390**

Lot 19 of Escondido Tract No. 477, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 10083, filed in the Office of the County Recorder of San Diego County on May 4, 1981.

## **EXHIBIT “B”**

### **FINDINGS OF FACT**

#### Precise Development Plan Modification

PL22-0390

#### 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, as separate and independent bases, pursuant to CEQA Guidelines section 15301, “Existing Facilities” because the project is fully developed as a gasoline station/carwash and convenience store; and CEQA Guidelines section 15303, “New Construction or Conversion of Small Structures” because the project involves the installation of 14 new vacuum pump station and canopies on the existing carwash site.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the November 10, 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.

#### Precise Development Plan

1. The General Plan land-use designation for the 1.08-acre site is Planned Commercial and the property is located within the Escondido Auto Park Planned Development. (Planned Commercial #9). A Precise Development Plan (City File No. 88-29-PD) was previously approved for development of a gasoline station/carwash, auto service and convenience store on the property. The location of the existing gasoline station/carwash and convenience store, and proposed modifications to the design are consistent with the goals and policies of the Escondido General Plan and with any other applicable plans or policies. The proposed modifications to the site would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets and intersections or public facilities, create excessive noise or compatibility impacts, and adequate on-site parking, circulation and public services could be provided to the site.
2. The approval of the proposed Precise Development Plan Modification would be based on sound principles of land use and the project is well-integrated with the surrounding auto park related uses, industrial and commercial development. The site was previously developed and

would not require extensive grading or destruction of desirable natural features. The proposed modifications to the site would not be visually obstructive or disharmonious with surrounding properties or uses.

3. The proposed Precise Development Plan Modification would not cause deterioration of bordering land uses and the site is physically suitable for the proposed development because the site was approved for and developed with a gasoline station/carwash, service facility and convenience store in conformance with the Escondido Auto Park Master Plan. The proposed modification to the site would allow for additional accessory uses/facilities to continue to support the gasoline station/carwash and convenience store operations.
4. The proposed location and design would allow the business establishment to be adequately serviced by existing public facilities because the site is an infill property in a developed area of the City and already is already connected to existing public utilities.
5. The project design is consistent with the design criteria previously approved with the Master Development and Precise Plan.
6. The uses proposed have a beneficial effect not obtainable under existing zoning regulations and the Planned Development process is required to facilitate development of the project in accordance with the General Plan Land-Use designation of Planned Commercial and Guiding Principles for the Auto Park Commercial Area #9. The subject site is zoned Planned Development-Commercial (PD-C) and Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in the siting of buildings and design that enhances the appearance and usability of the project. It has been demonstrated that the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability. The overall development will continue to provide an attractive and efficient and stable commercial development.

## EXHIBIT “C”

### PLANNING CASE NO. PL 22-0390

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **July 7, 2022**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as recommended for approval on **November 10, 2022**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term “Applicant” shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** Should the Applicant fail 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.** The Permit shall automatically expire after two years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of

approval. 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/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to any Grading Exemptions for the slope up to an additional one foot in height, and modifications to retaining wall heights, lot lines/lot configuration. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

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

**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 Development Services.

**7. Availability of Permit Conditions.**

- a. Prior to issuance of Building Permits, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.

b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

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

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

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

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

**11. 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.

**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 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.

**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. Enforcement.** If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, the City of Escondido shall have the right to deny or withhold subsequent permit approvals or permit inspections that are derived from the application entitlements herein granted; issue stop work orders; pursue abatement orders, penalties, or other administrative remedies as set forth in state and local laws; or institute and prosecute litigation to compel compliance with said conditions or seek damages for their violation. The applicant/developer shall be notified in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

**16. 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 Development Services, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of the 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.** 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. **Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green

Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

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

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

1. As shown on the plans, the Project shall provide seven on-site parking spaces exclusive of the parking areas at the vacuum stations. The parking areas for the vacuum stations also shall be considered general parking spaces for the facility. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. 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 owners' association 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 Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
  - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
  - c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

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

**E. Specific Planning Division Conditions:**

1. The subject site shall be subject to all requirements and conditions of previously approved Master and Precise Development Plans, except as specifically approved/modified pursuant to this Permit.
2. The final landscape plan shall incorporate appropriate landscaping along the modified landscape planter along Auto Park Way to include shrubs to screen the pump island and street trees. The new trash enclosure shall incorporate appropriate materials to soften the views of the enclosure, especially along the Hale Avenue frontage.

**F. Specific Building Division Conditions:**

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

**G. Specific Engineering Conditions of Approval:**

**GENERAL**

1. The location of all existing on-site and adjacent utilities and drainage 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 any necessary improvement plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
2. There shall be no grading or permanent structures within the public utility easement.

# EXHIBIT "D"

## Plans - PL22-0390

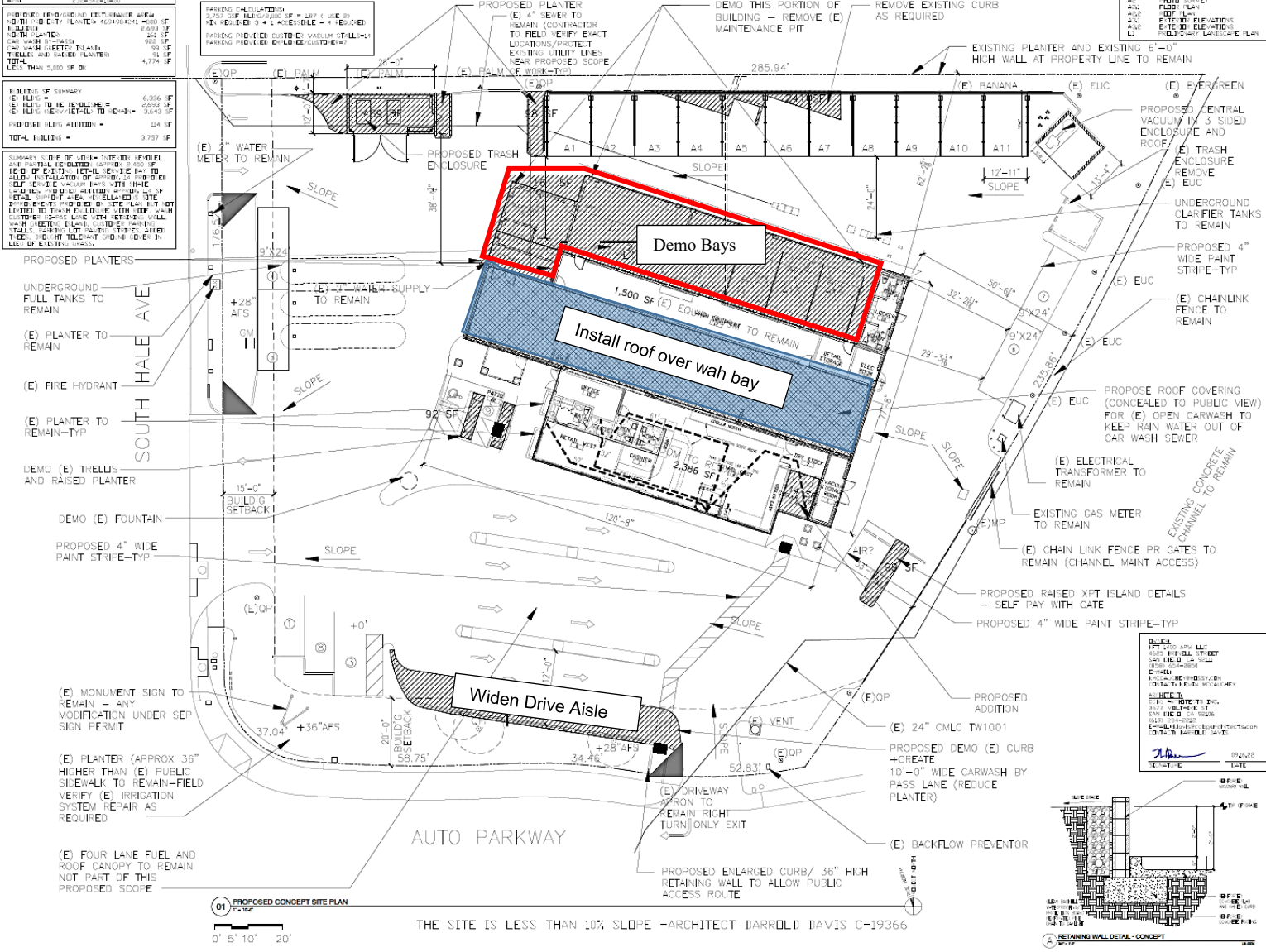
PROJECT ADDRESS: 2400 AUTO PARKWAY ENCINO, CA 90099
DATE: 03/24/2020
PROJECT INFORMATION:
PROPOSED VERTICAL REFERENCE AREA
10' TO 10' 6" ELEVATION: 4,000 SF
10' TO 10' 1" ELEVATION: 6,000 SF
10' TO 10' 0" ELEVATION: 2,000 SF
CAR WASH: 10' x 20' = 200 SF
TRELLIS AND RAISED PLANTER: 92 SF
TOTAL: 5,000 SF OF
LESS THAN 5,000 SF OF:
5' TO 5' 6" ELEVATION: 4,336 SF
5' TO 5' 1" ELEVATION: 2,000 SF
5' TO 5' 0" ELEVATION: 2,000 SF
PROPOSED FLOOR AREA: 44 SF
TOTAL BUILDING: 9,797 SF
SUMMARY: SIDE OF ROAD INTERSECTION
AND TRAFFIC CONTROL: 1,000 SF
10' TO 10' 6" ELEVATION: 4,000 SF
10' TO 10' 1" ELEVATION: 6,000 SF
10' TO 10' 0" ELEVATION: 2,000 SF
CAR WASH: 10' x 20' = 200 SF
TRELLIS AND RAISED PLANTER: 92 SF
TOTAL: 5,000 SF OF
LESS THAN 5,000 SF OF:
5' TO 5' 6" ELEVATION: 4,336 SF
5' TO 5' 1" ELEVATION: 2,000 SF
5' TO 5' 0" ELEVATION: 2,000 SF
PROPOSED FLOOR AREA: 44 SF
TOTAL BUILDING: 9,797 SF

GENERAL NOTE:  
1) CALL DIG ALERT PRIOR TO EXCAVATION 1-800-422-4133

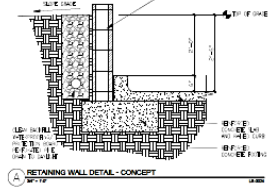
PAVEMENT CALCULATION:  
3,000 SF @ 4.000 SF = 12,000 LBS  
4" REINFORCED 7" 4" 4" REINFORCED = 4" REINFORCED  
PAVEMENT PROVIDED: 10,000 LBS  
PAVEMENT PROVIDED: 10,000 LBS

PRELIMINARY PLAN

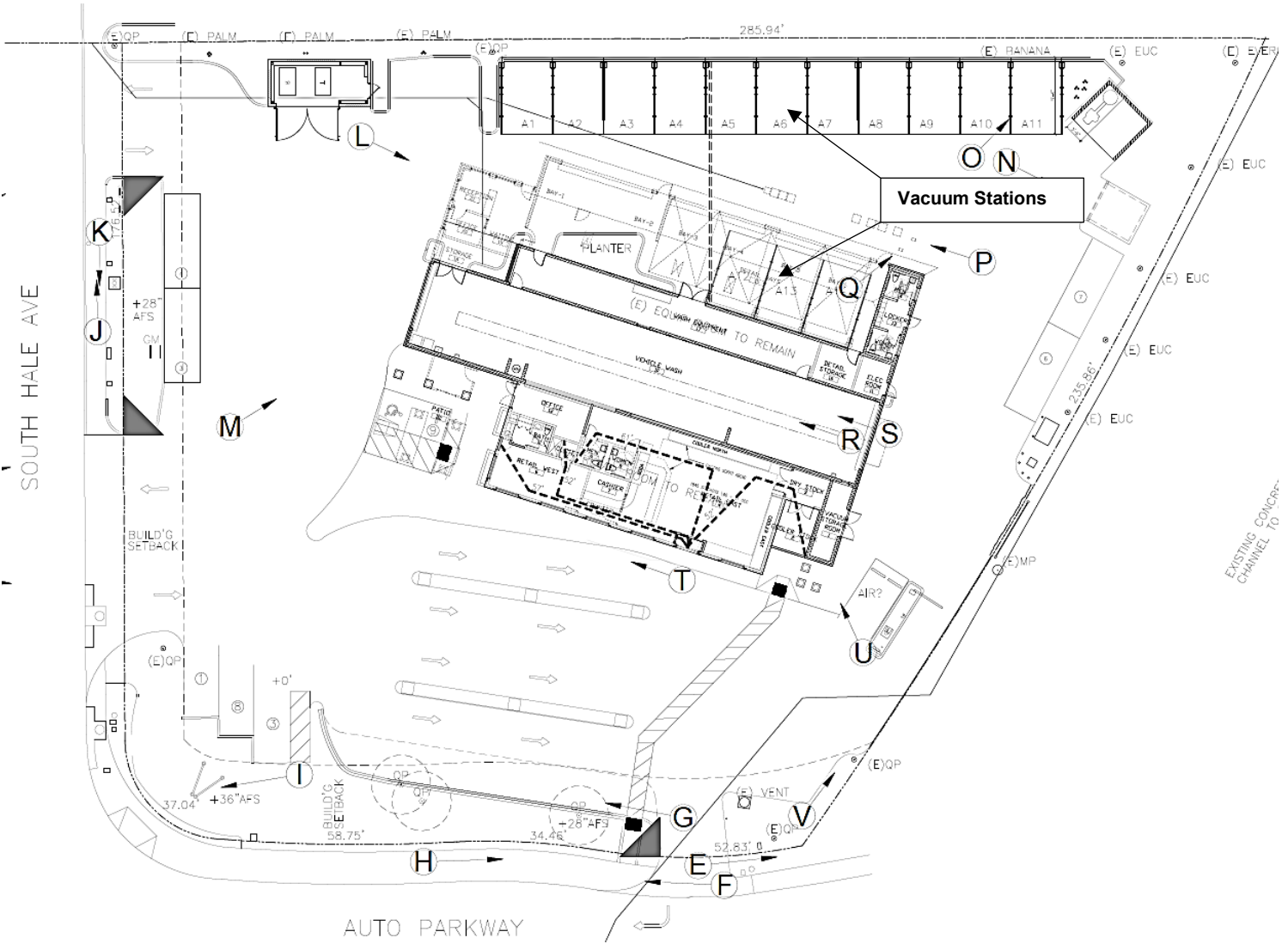
SHEET INDEX:	
NO.	TITLE
01	PROPOSED CONCEPT SITE PLAN
02	PROPOSED FLOOR PLAN
03	PROPOSED ELEVATIONS
04	PROPOSED ELEVATIONS
05	PROPOSED ELEVATIONS
06	PROPOSED ELEVATIONS
07	PROPOSED ELEVATIONS
08	PROPOSED ELEVATIONS
09	PROPOSED ELEVATIONS
10	PROPOSED ELEVATIONS
11	PROPOSED ELEVATIONS
12	PROPOSED ELEVATIONS
13	PROPOSED ELEVATIONS
14	PROPOSED ELEVATIONS
15	PROPOSED ELEVATIONS
16	PROPOSED ELEVATIONS
17	PROPOSED ELEVATIONS
18	PROPOSED ELEVATIONS
19	PROPOSED ELEVATIONS
20	PROPOSED ELEVATIONS
21	PROPOSED ELEVATIONS
22	PROPOSED ELEVATIONS
23	PROPOSED ELEVATIONS
24	PROPOSED ELEVATIONS
25	PROPOSED ELEVATIONS
26	PROPOSED ELEVATIONS
27	PROPOSED ELEVATIONS
28	PROPOSED ELEVATIONS
29	PROPOSED ELEVATIONS
30	PROPOSED ELEVATIONS
31	PROPOSED ELEVATIONS
32	PROPOSED ELEVATIONS
33	PROPOSED ELEVATIONS
34	PROPOSED ELEVATIONS
35	PROPOSED ELEVATIONS
36	PROPOSED ELEVATIONS
37	PROPOSED ELEVATIONS
38	PROPOSED ELEVATIONS
39	PROPOSED ELEVATIONS
40	PROPOSED ELEVATIONS
41	PROPOSED ELEVATIONS
42	PROPOSED ELEVATIONS
43	PROPOSED ELEVATIONS
44	PROPOSED ELEVATIONS
45	PROPOSED ELEVATIONS
46	PROPOSED ELEVATIONS
47	PROPOSED ELEVATIONS
48	PROPOSED ELEVATIONS
49	PROPOSED ELEVATIONS
50	PROPOSED ELEVATIONS
51	PROPOSED ELEVATIONS
52	PROPOSED ELEVATIONS
53	PROPOSED ELEVATIONS
54	PROPOSED ELEVATIONS
55	PROPOSED ELEVATIONS
56	PROPOSED ELEVATIONS
57	PROPOSED ELEVATIONS
58	PROPOSED ELEVATIONS
59	PROPOSED ELEVATIONS
60	PROPOSED ELEVATIONS
61	PROPOSED ELEVATIONS
62	PROPOSED ELEVATIONS
63	PROPOSED ELEVATIONS
64	PROPOSED ELEVATIONS
65	PROPOSED ELEVATIONS
66	PROPOSED ELEVATIONS
67	PROPOSED ELEVATIONS
68	PROPOSED ELEVATIONS
69	PROPOSED ELEVATIONS
70	PROPOSED ELEVATIONS
71	PROPOSED ELEVATIONS
72	PROPOSED ELEVATIONS
73	PROPOSED ELEVATIONS
74	PROPOSED ELEVATIONS
75	PROPOSED ELEVATIONS
76	PROPOSED ELEVATIONS
77	PROPOSED ELEVATIONS
78	PROPOSED ELEVATIONS
79	PROPOSED ELEVATIONS
80	PROPOSED ELEVATIONS
81	PROPOSED ELEVATIONS
82	PROPOSED ELEVATIONS
83	PROPOSED ELEVATIONS
84	PROPOSED ELEVATIONS
85	PROPOSED ELEVATIONS
86	PROPOSED ELEVATIONS
87	PROPOSED ELEVATIONS
88	PROPOSED ELEVATIONS
89	PROPOSED ELEVATIONS
90	PROPOSED ELEVATIONS
91	PROPOSED ELEVATIONS
92	PROPOSED ELEVATIONS
93	PROPOSED ELEVATIONS
94	PROPOSED ELEVATIONS
95	PROPOSED ELEVATIONS
96	PROPOSED ELEVATIONS
97	PROPOSED ELEVATIONS
98	PROPOSED ELEVATIONS
99	PROPOSED ELEVATIONS
100	PROPOSED ELEVATIONS



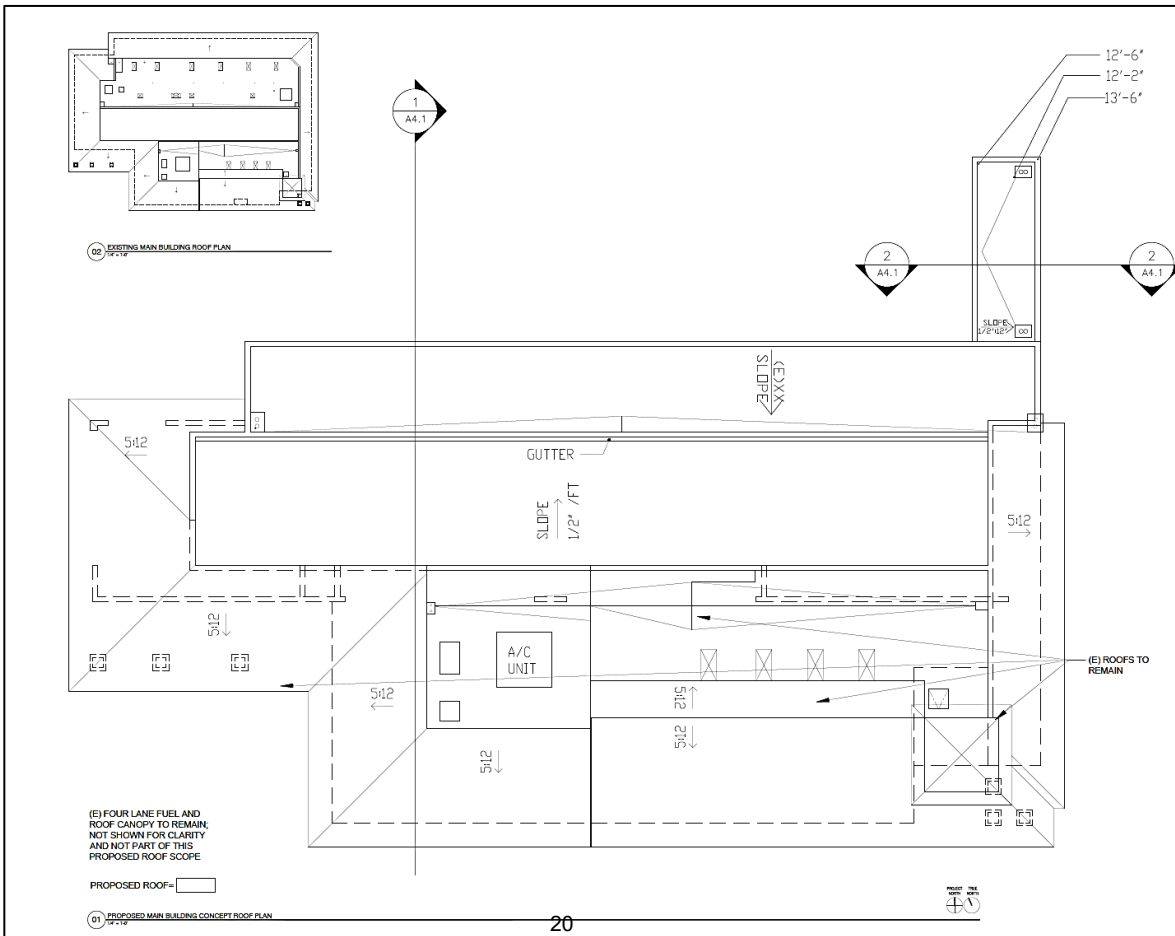
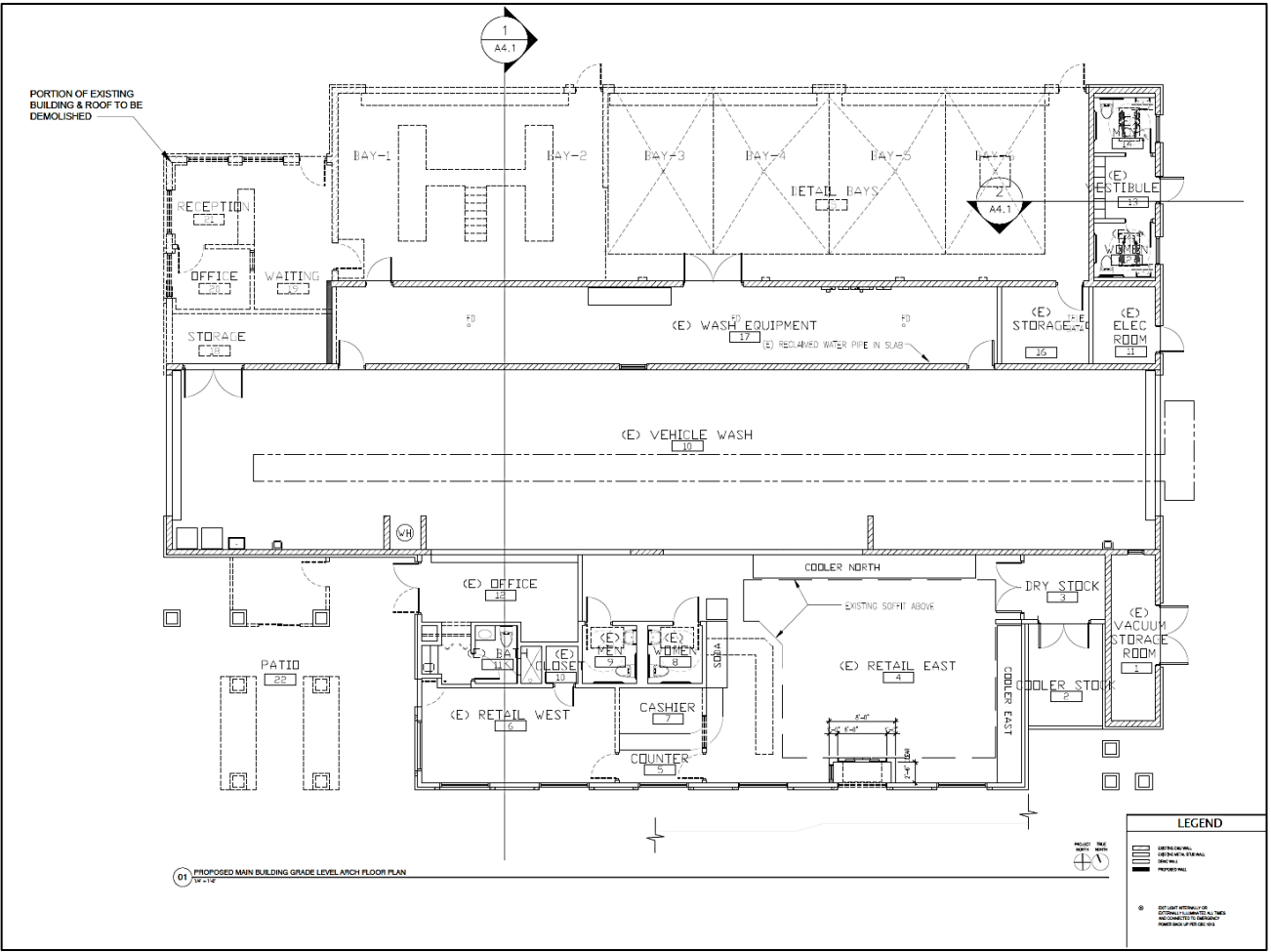
THE SITE IS LESS THAN 10% SLOPE - ARCHITECT DARROLD DAVIS C-19366

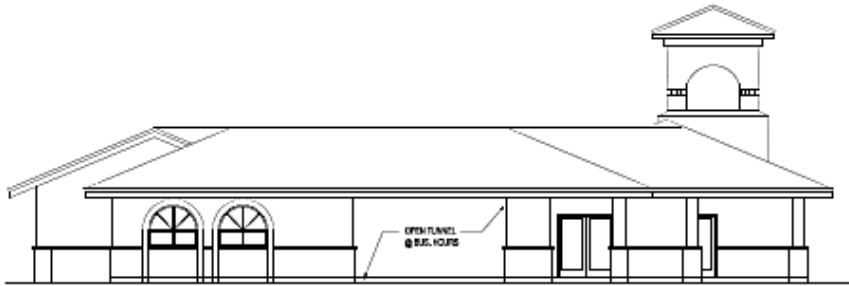







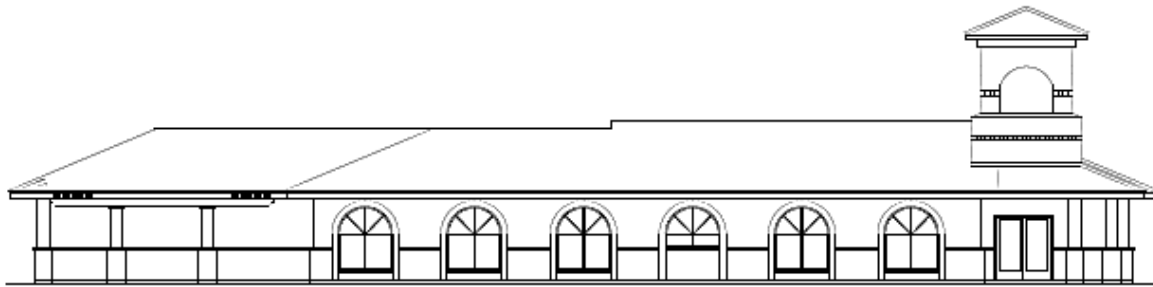
**New Project Design with vacuum stations**






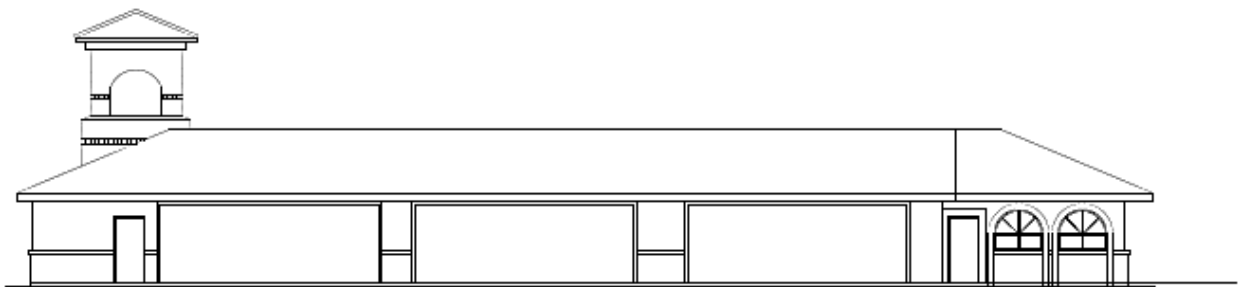
EXISTING MAIN BUILDING WEST EXTERIOR ELEVATION

SCALE: 1/8"=1'-0"   
 0 5 10 20




EXISTING MAIN BUILDING SOUTH EXTERIOR ELEVATION

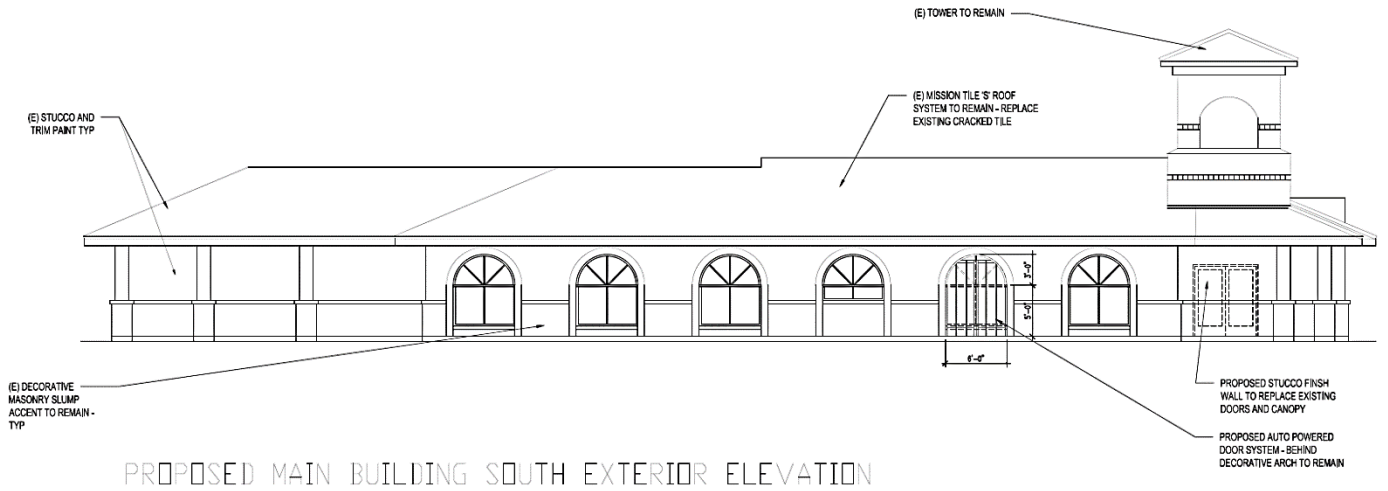
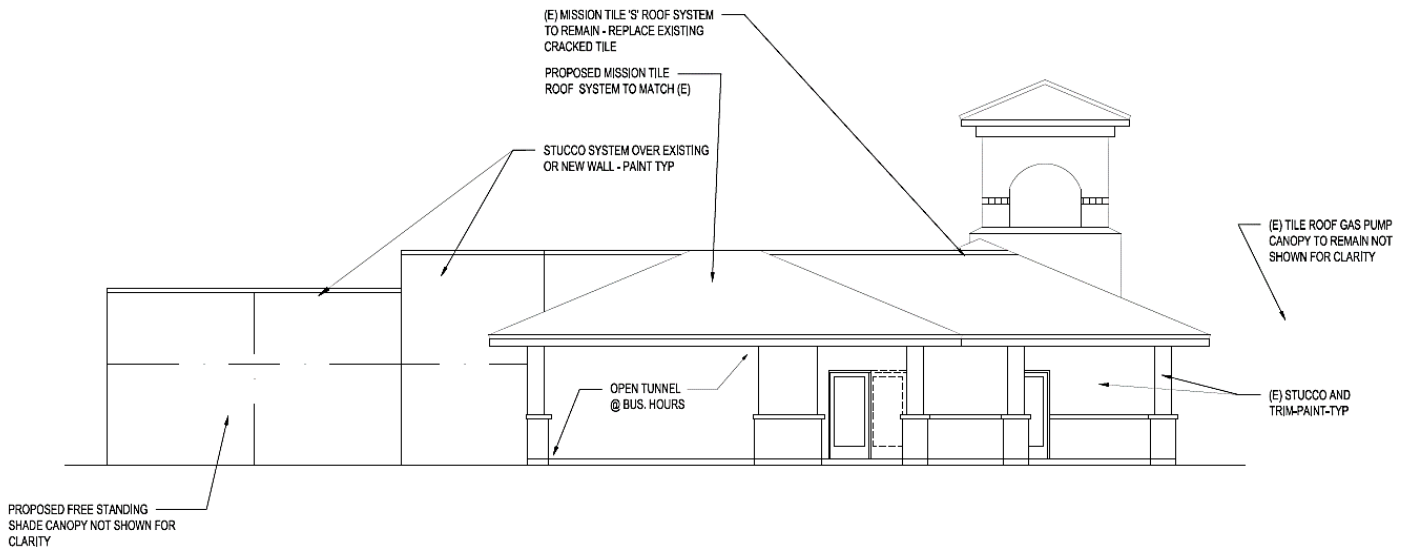
SCALE: 1/8"=1'-0"   
 0 5 10 20



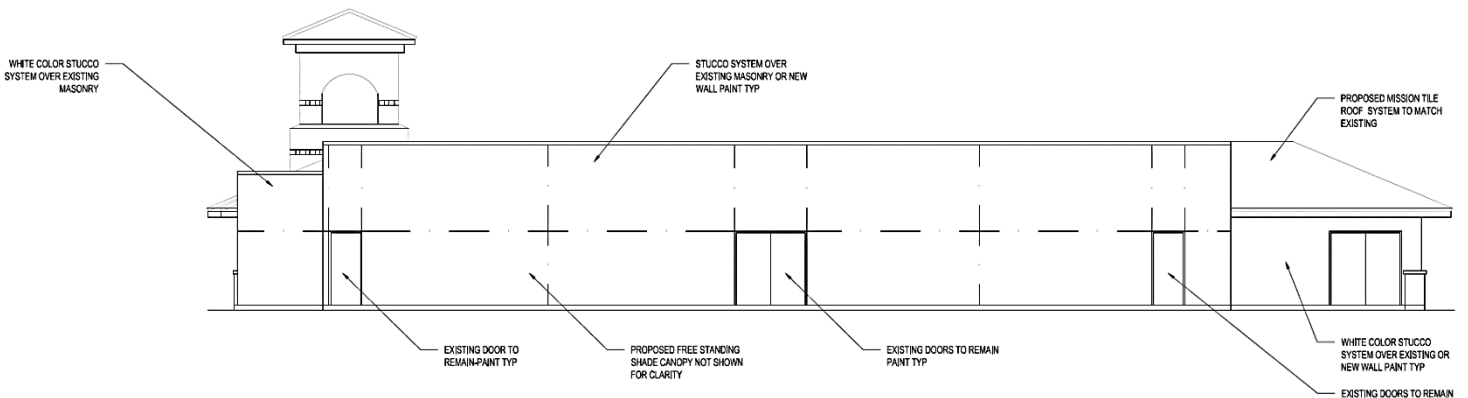
EXISTING MAIN BUILDING NORTH EXTERIOR ELEVATION

SCALE: 1/8"=1'-0"   
 0 5 10 20

## Existing Building Elevations



PROPOSED MAIN BUILDING SOUTH EXTERIOR ELEVATION

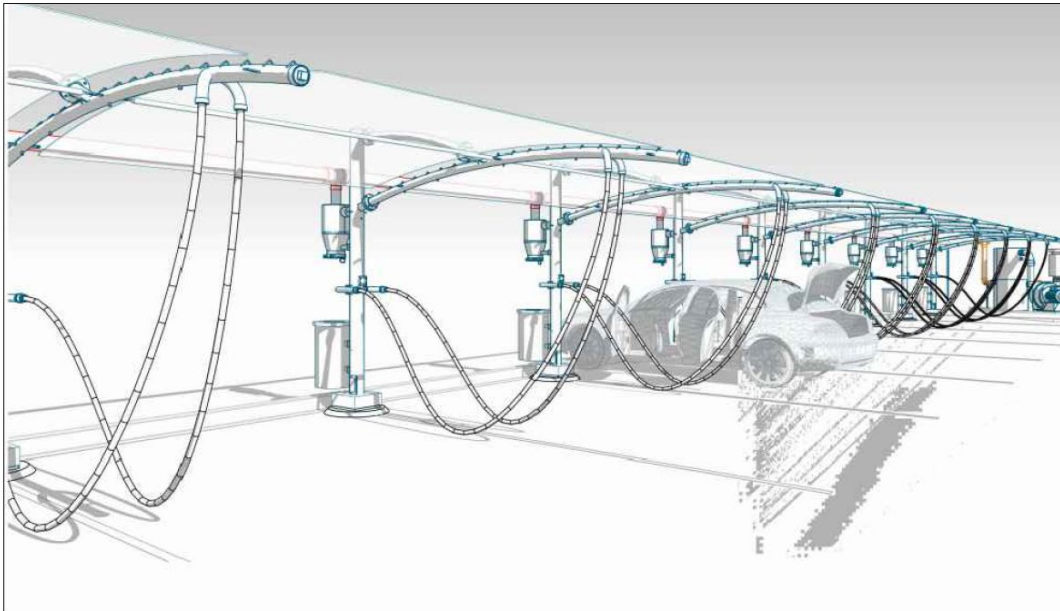


Proposed New Elevations

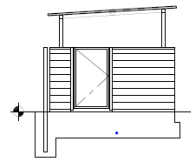
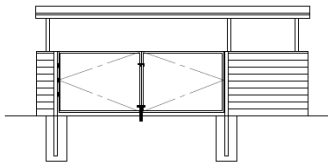


PROPOSED VACUUM STATION SHADE CANOPY - COLOR TBD

PROPOSED SUN SHADE VACCUM BAY EXAMPLE



PROPOSED SUN SHADE VACCUM BAY EXAMPLE



Proposed Trash Enclosure

