



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall - Parkview Room
December 20, 2023
1:00 p.m.

A. Call to Order:

Zoning Administrator: Veronica Morones, City Planner

Staff Present:

Public Present:

B. Agenda Item:

1. [PL23-0333 Minor Conditional Use Permit](#)

REQUEST: A request for a Minor Conditional Use Permit (“MCUP”) for the operation of an adult daycare program facility for up to 60 developmentally disabled adults (ages 18 and above).

Location: 351 E. Pennsylvania Ave. (APN: 229-392-23-00)

Applicant: Sarai Marcelin, AVID Behavioral Day Program

Planner: Jasmin Perunovich, Assistant Planner II

ENVIRONMENTAL STATUS: The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) as described further in the Findings of Fact, attached as Exhibit “B” to Resolution No. 2023-11 (Attachment 2).

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. [PL22-0596 Grading Exemption and Plot Plan](#)

REQUEST: A request for approval of a Grading Exemption and Plot Plan for a project at 2200 Auto Park Way.

Location: 2200 Auto Park Way (APNs: 232-530-14-00), formerly addressed at 2200 Vineyard Avenue

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

Applicant: George Simental
Planner: Jay Paul, Senior Planner

ENVIRONMENTAL STATUS: The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15301 (Existing Facilities) and 15303 (New Construction) as described further in the Findings of Fact, attached as Exhibit "B" to Zoning Administrator Resolution No. 2023-20.

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 December 20, 2023.

Zoning Administrator

Witness

ZONING ADMINISTRATOR

CASE NUMBER:	PL23-0333
APPLICANT:	Sarai Marcelin, AVID Behavioral Day Program
PROJECT LOCATION:	351 E. Pennsylvania Ave. (APN: 229-392-23-00)
REQUEST:	A request for a Minor Conditional Use Permit (“MCUP”) for the operation of an adult daycare program facility for up to 60 developmentally disabled adults (ages 18 and above).
STAFF RECOMMENDATION:	Approval
GENERAL PLAN DESIGNATION:	SPA (Specific Plan Area #9)
ZONING:	S-P (Downtown Specific Plan, Creekside Neighborhood District)

BACKGROUND/PROJECT DESCRIPTION:

The project site is located within the Creekside Neighborhood District of the Downtown Specific Plan (Attachment 1). A variety of commercial, retail, support and service uses are permitted or conditionally permitted in the district. The Downtown Specific Plan permits for daycare facilities within the Creekside Neighborhood District subject to the approval of a Conditional Use Permit.

The existing 10,000 square foot, one-story commercial building on the 0.31-acre property was originally constructed in 1973. A total of 11 existing parking spaces are provided on site behind the building. An auto parts and accessory store previously occupied the building.

The applicant, AVID Behavioral Day Program, proposes to convert and occupy the existing building from a retail use to an adult daycare program facility. AVID Behavioral Day Program assists and trains developmentally disabled adults with the vocational and social skills to enable them to be as independent as possible in the community. The applicant proposes to operate the facility from 8 a.m. to 2 p.m., Monday through Friday with up to four staff employees. The applicant proposes a maximum capacity of up to 60 developmentally disabled adults (ages 18 and above).

The proposed project entails building and site modifications in order to accommodate the new daycare use. Such changes involve the removal of two, existing roll-up garage doors at the rear of the building and replacement with new CMU wall and a new window; construction of a new trash enclosure; restriping of on-site parking spaces to include a loading and unloading area at

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the rear of the lot for student drop-off and pick-up; and refurbishment of existing landscape planters at the front of the building.

ENVIRONMENTAL STATUS:

California Environmental Quality Act (“CEQA”) Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) as described further in the Findings of Fact, attached as Exhibit “B” to Resolution No. 2023-11 (Attachment 2).

REASON FOR STAFF RECOMMENDATION:

Staff recommends approval of the MCUP for the daycare facility. The proposed rear building façade enhances the appearance of the building and is architecturally compatible with adjacent buildings in the surrounding area. There is sufficient parking and an adequate drop-off and pick-up area on the project site. The facility requires a total of 10 parking spaces (per Article 39 of the Escondido Zoning Code). Preschool, day nurseries, and/or child care centers require one parking space per staff person during the shift with the maximum number of employees, plus one space for each 10 individuals, with adequate provisions for loading and unloading or pick-up and drop-off zones. The proposed project was reviewed by the City’s Staff Development Committee, which includes but is not limited to review by the Escondido Fire Department and traffic engineering staff.

There will be no noise conflict with the surrounding commercial and residential uses. The day program activities are conducted indoors with the exception of off-site planned outdoor activities or special outings in the community. There is no outdoor playground or recreation area on site and the facility will be closed in the evenings and on weekends. The indoor noise levels are subject to the City of Escondido’s applicable noise limits at all surrounding property lines.

The project would not have a significant traffic impact on the surrounding streets and intersections. No buses are used for transportation to and from the site, only small vehicles and/or vans. The project meets the Transportation Impact Analysis Guidelines Appendix D: Screening Criteria and Threshold Evidence. Staff determined the proposed use qualifies as a “Locally-Serving Public (Day Care) Facility” and is not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis. Similar to the previous locally serving retail use, a locally serving public facility would redistribute trips and would not create new trips.

Therefore, staff recommends the Zoning Administrator approve the project as conditioned.

Respectfully submitted,

Jasmin Perunovich

Zoning Administrator
December 20, 2023
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Jasmin Perunovich
Assistant Planner II

ATTACHMENTS:

1. Project Location, Zoning and General Plan Land Use Maps, Photos
2. Draft Zoning Administrator Resolution No. 2023-11, Including Exhibits A, B, C and D
3. CEQA Notice of Exemption

ATTACHMENT 1

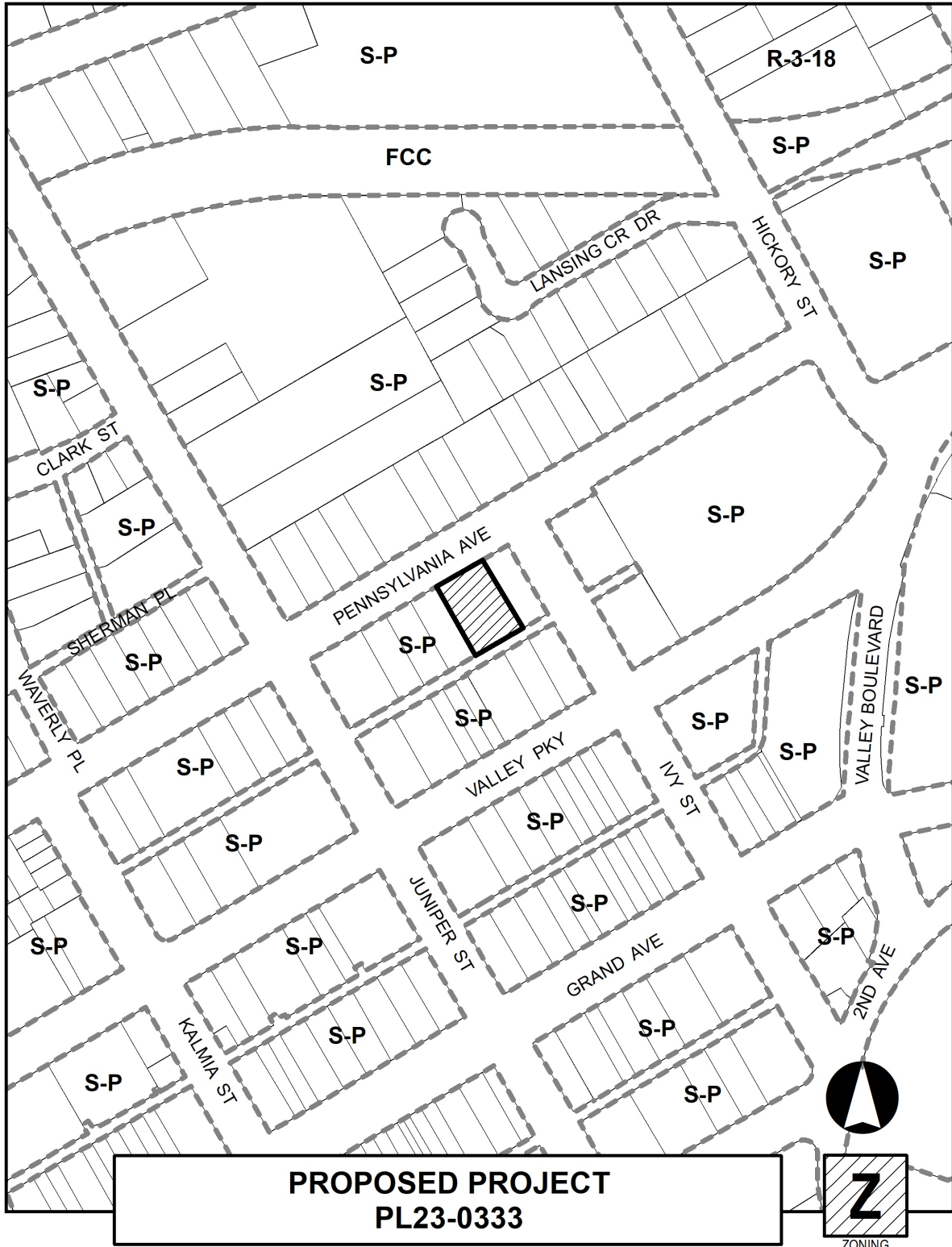


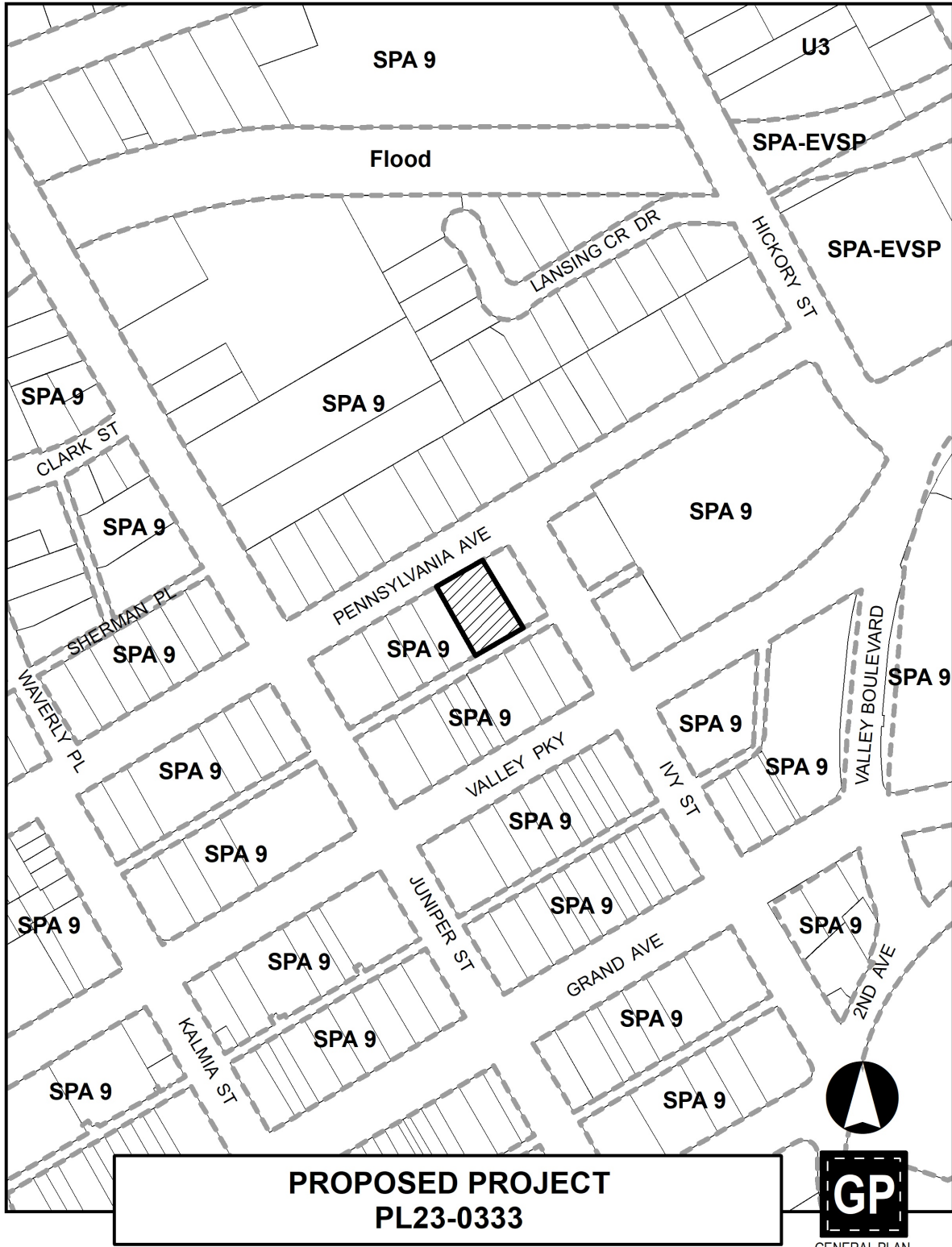
**PROPOSED PROJECT
PL23-0333**

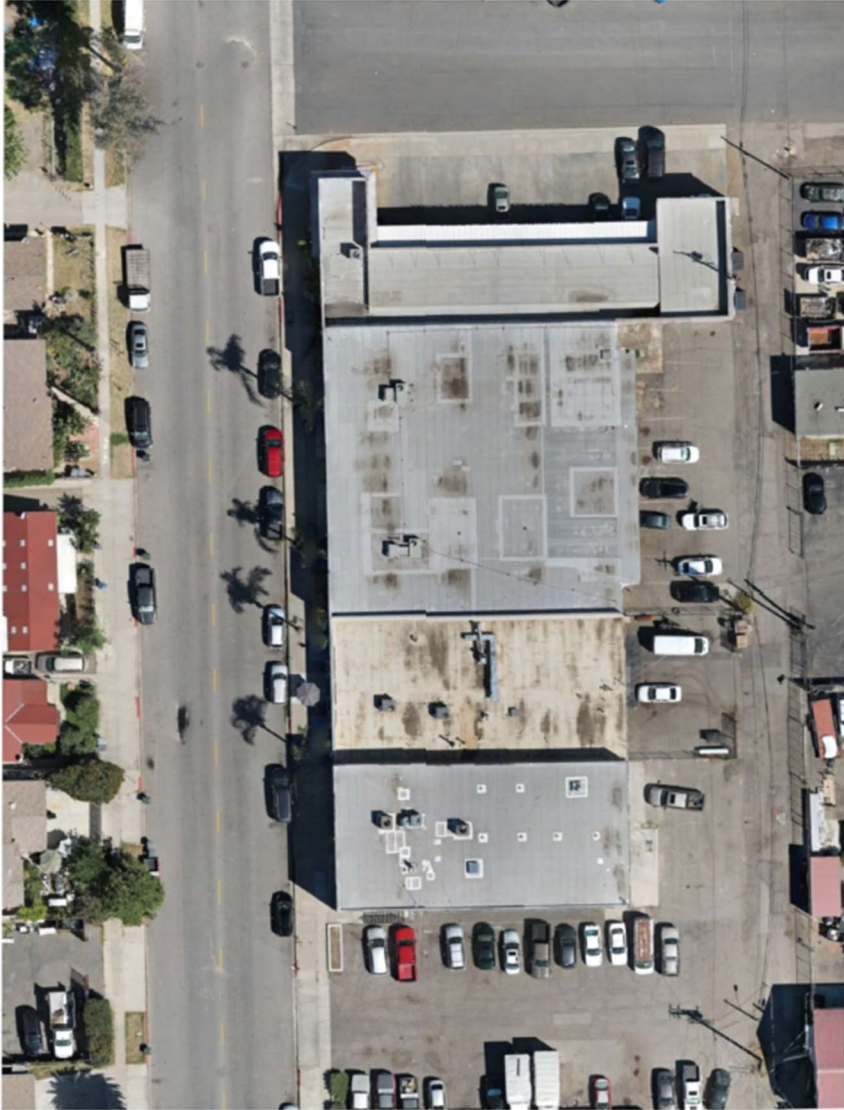


A

AERIAL





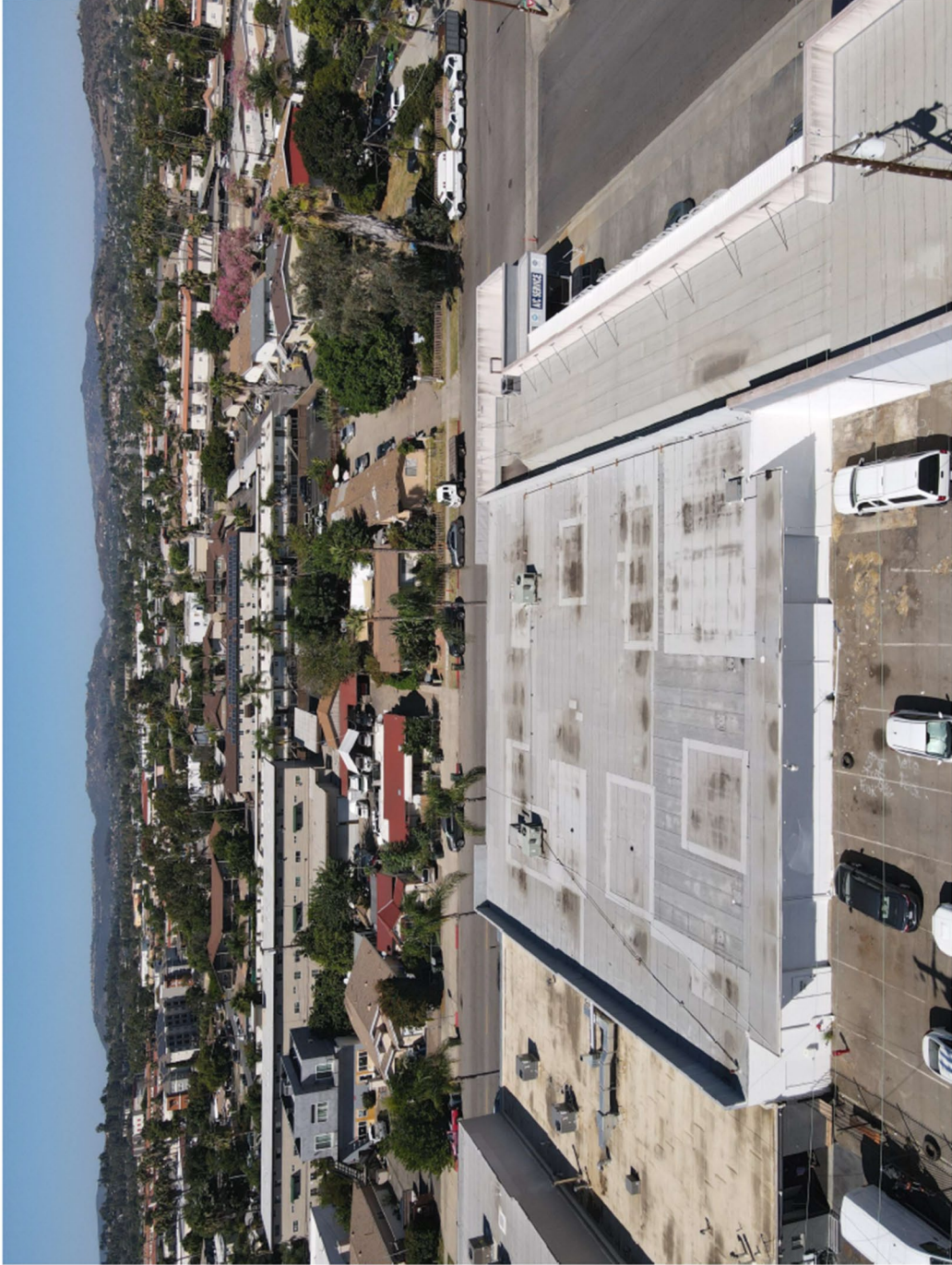


NORTH

ARIAL TOP VIEW



FRONT VIEW OF BUILDING



BACK VIEW OF BUILDING



FRONT SIDE



FRONT SIDE



SOUTH SIDE – BACK ENTRANCE / ROLL UP DOOR (TO BE REMOVED AND AN EXTERIOR STOREFRONT WINDOW TO BE PROVIDED INSIDE OPENING)



SOUTH SIDE – EXISTING ROLL UP DOOR (TO BE REMOVED AND WALL FILLED IN)

ATTACHMENT 2
PL23-0333

Zoning Administrator

Hearing Date: December 20, 2023

Effective Date: January 2, 2024

RESOLUTION NO. 2023-11

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MINOR CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ADULT DAYCARE PROGRAM FACILITY FOR UP TO 60 DEVELOPMENTALLY DISABLED ADULTS (AGES 18 AND ABOVE) IN THE S-P ZONE.

APPLICANT: Sarai Marcelin, AVID Behavioral Day Program

CASE NO: PL23-0333

WHEREAS, the Zoning Administrator of the City of Escondido did, on December 20, 2023, hold a public hearing to consider a request for a Minor Conditional Use Permit for the operation of an adult daycare program facility for up to 60 developmentally disabled adults (ages 18 and above). The facility would occupy an existing 10,000 square-foot commercial building on an 0.31-acre property in the Creekside Neighborhood District of the Downtown Specific Plan. The request includes the removal of two, existing roll-up garage doors at the rear of the building and replacement with new CMU wall and a new window; construction of a new trash enclosure; restriping of on-site parking spaces to include a loading and unloading area at the rear of the lot for student drop-off and pick-up; and refurbishment of existing landscape planters at the front of the building. The project site is addressed as 351 E. Pennsylvania Avenue (APN: 229-392-23-00).

WHEREAS, the subject property is all that real property described in Exhibit “A”, which is attached hereto and made a part hereof by this reference as though fully set forth herein (“Property”); 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 December 20, 2023, 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 15303 (New Construction or Conversion of Small Structures). 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 cannot be mitigated.

3. That, considering the Findings of Fact attached as Exhibit "B" hereto, and applicable law, the Zoning Administrator hereby approves said Minor Conditional Use Permit as depicted on the project plans included as Exhibit "C," and subject to the Conditions of Approval attached as Exhibit "D."

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 12 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

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

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

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PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 20th day of December, 2023.

VERONICA MORONES
Zoning Administrator

ANNIE WARD
Witness

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

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EXHIBIT "A"
PLANNING CASE NO. PL23-0333
LEGAL DESCRIPTION

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

LOTS 18 AND 19, IN BLOCK 17, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JULY 10, 1886.

APN: 229-392-23-00

EXHIBIT “B”

PLANNING CASE NO. PL23-0333

FINDINGS OF FACT

Environmental Determination:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures). The proposed Project meets all applicable conditions, as further described below:
 - a. A daycare facility is an allowed use within the Specific Plan Area 9 of the General Plan. The project conforms with the applicable zoning standards of the Creekside Neighborhood District of the Downtown Specific Plan. The project involves a change in occupancy of an existing commercial building, not exceeding 10,000 square feet in floor area, from a retail use to a daycare facility, where minor modifications are made to the exterior of the structure and not involving the use of significant amounts of hazardous substances. The project includes construction of an accessory trash enclosure and ancillary parking lot modifications. The project site is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive. The project thus adheres to the criteria of CEQA Guidelines section 15303(c) and (e).
 - b. Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed project is consistent with the General Plan policies which were addressed in the General Plan Final EIR. There are no unusual circumstances surrounding the proposed project that would result in a reasonable possibility of a significant effect on the environment in that the area of impact is already disturbed and improved with an existing, permitted building and parking lot, and all improvements would be required to comply with local and state laws. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources, because the locations of the proposed improvements would be located within an area of the City previously disturbed and developed. The project area is not environmentally sensitive.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the December 20, 2023 Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been

satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Conditional Use Permit:

1. *A Conditional Use Permit should be granted upon sound principles of land use and in response to services required by the community.*

Granting the Conditional Use Permit would provide a needed service to the community in the form of a daycare program facility in close proximity to residential neighborhoods. The proposed use is conditionally permitted within the Downtown Specific Plan's Creekside Neighborhood District, subject to compliance with the requirements of the Escondido Municipal Code. The proposed project, as conditioned, would comply with such requirements.

2. *A Conditional Use Permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.*

The Conditional Use Permit would not cause a deterioration of bordering land uses or create special problems for the area in which it is located because the use would be conducted within an existing commercial building with no outdoor playground or recreation area. The project site can reasonably accommodate the use because there is sufficient parking and adequate drop-off and pick-up area provided on site.

The facility would not create adverse noise or traffic impacts since the day program activities are conducted indoors with the exception of off-site planned outdoor activities or special outings in the community. There is no outdoor playground or recreation area on site and the facility will be closed in the evenings and on weekends. The indoor noise levels would be subject to the City of Escondido's Noise Ordinance. The project would not have a significant traffic impact on the surrounding streets and intersections. No buses are used for transportation to and from the site, only small vehicles and/or vans. The project meets the Transportation Impact Analysis Guidelines Appendix D: Screening Criteria and Threshold Evidence. Staff determined that the project is a "Locally-Serving Public (Day Care) Facility" and not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis. Similar to the previous locally serving retail use, a locally serving public facility would redistribute trips and would not create new trips.

3. *A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.*

The proposed Conditional Use Permit has been considered in relationship to its effect on the community or neighborhood plan for the area in which it is located and it has been determined to be compatible with the surrounding properties and General Plan policies. The Downtown Specific Plan supports daycare facilities through the Conditional Use Permit process and the operations are regulated by the State of California Department of Social Services. The

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proposed project would not diminish the quality of life standards of the General Plan because the Project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided on site.

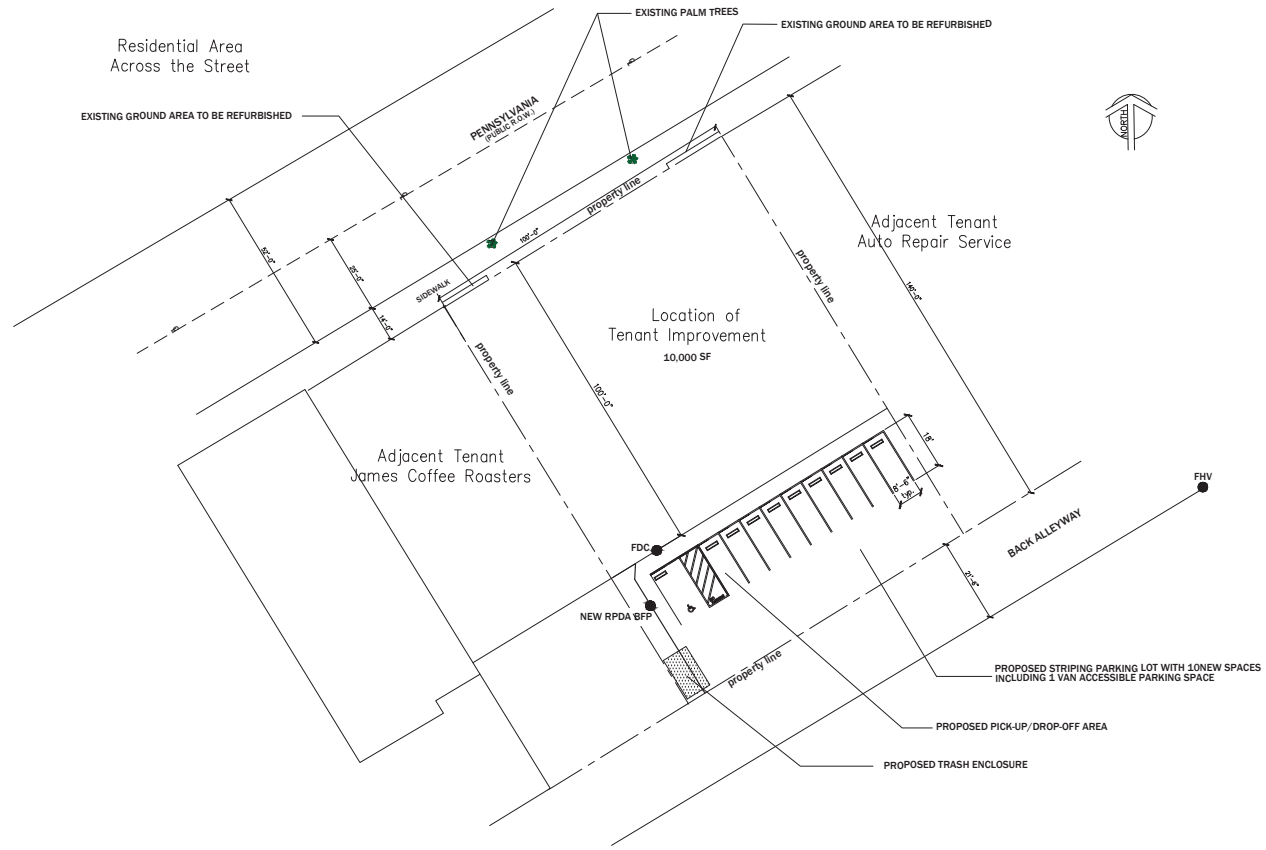
Granting the Conditional Use Permit would provide a needed service to the community in the form of a daycare program facility in close proximity to residential neighborhoods. The proposed use is conditionally permitted within the Downtown Specific Plan's Creekside Neighborhood District, subject to compliance with the requirements of the Escondido Municipal Code. The proposed project, as conditioned, would comply with such requirements.

GREEN BUILDING CODE REQUIREMENTS

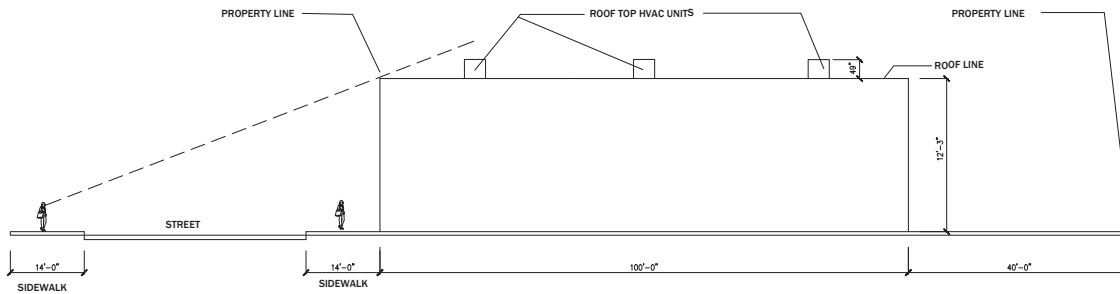
- SITE DEVELOPMENT**
Projects which disturb less than one acre of land shall prevent the pollution of storm water runoff from the construction activities through one or more of the following measures (Section 5.106.1).
a. Best Management Practice (BMP) Prevent the loss of soil through wind or water erosion and sediment control and good housekeeping BMP. See Section 5.106.1.2 for specifics
b. Local ordinances
- LIGHT POLLUTION REDUCTION**
Exterior light pollution must comply with CGC section 5.106.8
- WASTE CONSERVATION AND RECYCLING**
Waste Management. The Contractor must submit to the Engineering Department or other Agency that regulates construction waste management a Waste Management Plan that outlines the items listed in CGC Section 5.408.1.1.
Recycling. A minimum of 65% of construction waste is to be recycled. CGC 5.408.1. Documentation shall be provided to the enforcing agency which demonstrates compliance CGC Section 5.408.1.4.
A identified, readily accessible area shall be provided that services the entire building for collecting recycling, such as paper, cardboard, glass, plastics, metals, etc. CGC Section 5.410.1.
Recycling areas are provided at trash enclosures.
- POLLUTANT CONTROL**
Pollutant Control. During Construction, ends of duct openings are to be sealed, and mechanical equipment is to be covered. CGC 5.504.3.
Note on the plans that VOC's must comply with the limitations listed in Section 5.504.4 and Tables 4.504.1, 5.504.4.1, 5.504.4.3, and 5.504.4.5 for: Adhesives, Sealants, Paints and Coatings, Carpet and Composition Wood Products CGC 5.504.4.
Mechanically ventilated buildings shall provided regularly occupied areas with air filtration media for outside and return air that provides at least a Minimum Efficiency Reporting Value (MERV) of MERV 8 filters shall be installed prior to occupancy. CGC Section 5.504.5.3.
Where outdoor areas are provided for smoking, such areas are prohibited within 25' of building entries, windows and outdoor air intakes. Signage shall be posted to inform occupants of the prohibitions. CGC Section 5.504.7.
Smoking is prohibited within 25 feet of building entries. A separate smoking are has been provided.
- ENVIRONMENTAL CONTROL**
Acoustical Comfort. The wall and floor assemblies separating tenant spaces (and tenant spaces from public spaces) shall have an STC of at least 40. CGC Section 5.507.4.3.
This Tenant Improvement is located outside of the 65 CNEL noise contour.
Outdoor Air Quality. Installation of HVAC, refrigeration and fire suppression systems will not contain OFC's or Halons, per CGC 5.508.1.
- WATER CONSERVATION PLUMBING/FIXTURE AND FITTINGS**
The maximum fixture flow rates are as:

FIXTURE TYPE	MAXIMUM FLOW RATE
water closets	1.28 gallons/flush
urinals (wall mounted)	0.125 gallons/flush
urinals (floor mounted)	0.5 gallons/flush
Lavatory faucets— nonresidential	0.5 gpm@60psi
metering faucets	0.2 gallons/cycle and selfclosing
- WATER RESISTANCE AND MOISTURE MANAGEMENT**
A non-absorbent wall and floor finish to be provided within a least 2' perpendicular around the entry.
Entry ways to building to be protected per CAL Green 5.407.2.2.1

PROPOSED SITE PLAN



ROOF MOUNTED EQUIPMENT - VISIBILITY CLEARANCES



REVISIONS

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

SPACE PLANNING
ARCHITECTURAL DESIGN
**A V E S I N T
D E S I G N**
LISA B. AMENT
ESCONDIDO
810
PENNYSYLVANIA
AVENUE
ESCONDIDO
94027
www.avdesign.com

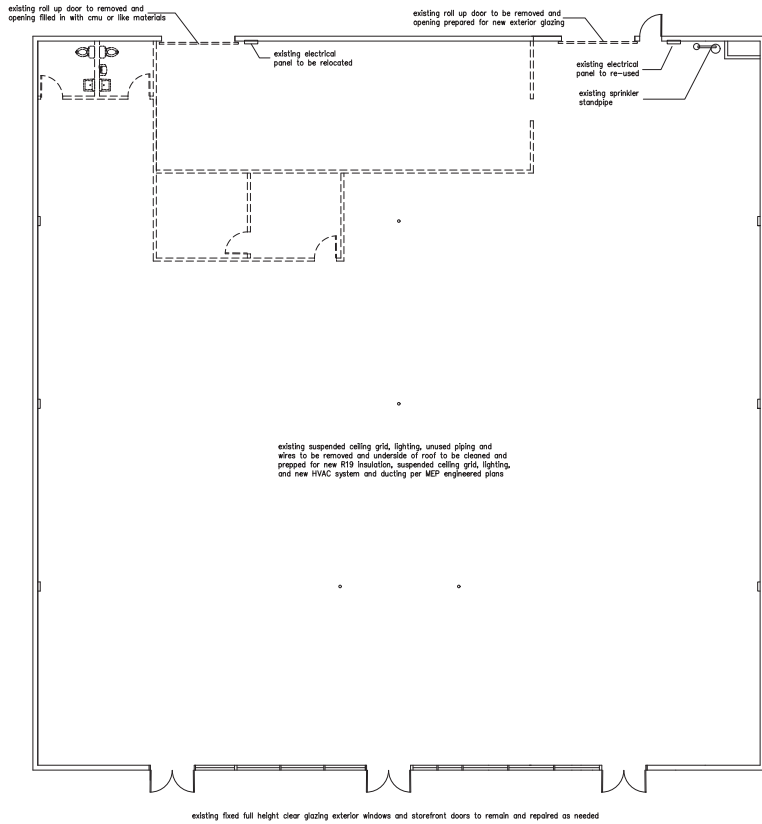
John Arent
ad

SHEET TITLE
**Site Plan, Green Codes,
and Visibility to Roof Equipment**
AVID
351 E. Pennsylvania Ave.
Escondido, California
CONTINUATION TO VERIFY ALL DIMENSIONS, CONDITIONS, ETC. PERTAINING
TO THE PROJECT AT THE SITE. BE SURE TO CROSS-CHECK WITH THE PROJECT.

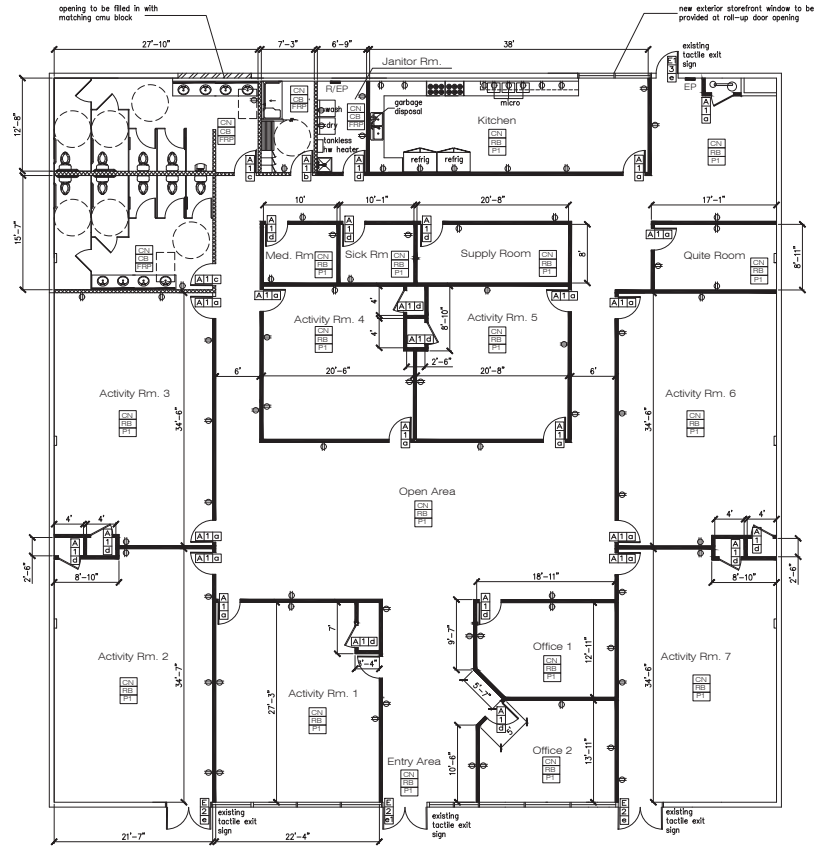
APPROVED BY:
DATE APPROVED:
DRAWN BY: **LBA**
SCALE:
ISSUE DATE: **Oct. 11, 2023**

PROJ. NO.: **2023--**
SHEET NO.:
TS2
2 OF 6 SHEETS

DEMOLITION FLOOR PLAN



CONSTRUCTION FLOOR PLAN



DOOR SCHEDULE

- DOOR TYPE - BUILDING STANDARD**
- A 3'-0" x 7'-0" NON RATED S.C. PAINT GRADE DOOR
 - E 3'-0" x 7'-0" EXISTING EXTERIOR STOREFRONT DOOR
 - D 3'-0" x 7'-0" EXISTING EXTERIOR DOOR
- FRAME TYPE - STANDARD**
- 1 NON-RATED METAL FRAME ASSEMBLY
 - 2 EXISTING EXTERIOR STOREFRONT DOOR FRAMING
 - 3 EXISTING EXTERIOR DOOR FRAMING
- HARDWARE TYPE - AS NOTED**
- a INTERIOR LEVER PASSAGE LATCHSET HARDWARE
 - b INTERIOR LEVER PASSAGE PRIVACY LOCKSET HARDWARE WITH CLOSER
 - c INTERIOR LEVER PASSAGE LATCHSET HARDWARE WITH CLOSER
 - d INTERIOR LEVER STOREROOM LOCKSET HARDWARE
 - e PANIC EXIT ONLY HARDWARE WITH AUDIBLE ALARM
- DOOR HARDWARE NOTES:**
- ALL HARDWARE TO BE OF LEVER-TYPE OPERATION TO COMPLY W/1-24.
 - PROVIDE WALL STOP FOR ALL DOORS.
 - DOORS IN THE EGRESS SYSTEM TO BE OPERABLE FROM THE INSIDE W/ OUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. (See 1003.3.1.6)
 - TIMELY FRAMES: STANDARD STEEL FRAMES FOR 4" & 5" WALLS. PROVIDE TA-S TRIM.
 - EVERY REQ. EXIT DOORWAY SHALL NOT BE LESS THAN 3' WIDTH AND 6'-8" HIGH. EXIT DOORS SHALL BE CAPABLE OF OPENING AT LEAST 90 DEGREES AND PROVIDE NOT LESS THAN 32" CLEAR WIDTH.

FINISH SCHEDULE

- FLOORING MATERIAL
 - BASE MATERIAL
 - WALL FINISH
- P1 General Paint and Door Paint
Manu: Dunn Edwards
- CN Existing Concrete to be cleaned and provided with a epoxy coating
- OB 4" Ceramic Tile Cove Base
- RB 4" Rubber Cove Base
- FRP FRP - 60" AFF with P1 above (semi-gloss finish)

Note: Manual roller shades to be provided at all exterior windows

PLUMBING AND FIXTURE NOTES

- Restrooms:**
- Toilet to be floor mounted, flush tank/power assist, Kohler Highline 1.28 gpf K-3999 O.F.L.C. Seat
 - Urinal - American Standard, Washbrook Flowise, manual operated flush valve.
 - Lavatory - Drop In - Kohler Memoirs K-2337-8
 - Lavatory Faucet - Kohler Simplex 1.2 gpm K-27390-4
 - Accessible Shower - Barrier Free Architecturals #SS26333A79FB.V2. Grab bars, folding seat, lever handle, mixing valves, spray wand and accessories to be provided in addition to shower unit.
- Janitors Rooms:**
- Restrooms to be provided with the following accessories - full length mirror with framing, toilet tissue dispenser, paper towel dispensers, grab bars, and toilet seat cover dispenser
 - Janitors Room to be provided with a floor mounted janitors sink/faucet, electric washer and dryer hook ups, and a electric large capacity instant tankless hot water heater.
- Break Room:**
- Double bowl deep stainless steel sink - Advanced Tabco SS-2-4521-12 with Elkay Faucet LK406HA10L2
 - A garbage disposal to be provided for double sink.
 - (2) 6 burner electric stove/oven combo - Royal RRE-6. Ventless hood to be provided.

- EXISTING PARTITION AND/OR EXISTING STRUCTURE TO REMAIN
- EXISTING PARTITION AND/OR EXISTING STRUCTURE TO BE REMOVED
- INTERIOR PARTITION WITH HARD LID CEILING
- INTERIOR PARTITION TO 6" ABOVE SUSPENDED CEILING and or HARD LID CEILING - REF. CEILING PLAN
- EXISTING CMU DEMISING PARTITION TO BE FURRED OUT FOR PLUMBING
- FIRE EXTINGUISHER
- ELECTRICAL PANEL
- RELOCATED ELECTRICAL PANEL
- DUPLEX ELECTRICAL OUTLET AT 18" AFF U.N.O.

REVISIONS



DESIGN

LIBA B. AVENET
ESCONDIDO, CALIFORNIA
31027

LIBA B. AVENET
ESCONDIDO, CALIFORNIA
31027



Demolition and Construction
Floor Plan and Schedules
AVID

351 E. Pennsylvania Ave.
Escondido, California

CONTRACTOR TO VERIFY ALL DIMENSIONS, CONDITIONS, ETC. PERTAINING TO THE PROJECT AT THE SITE, BEFORE PROCEEDING WITH THE PROJECT.

APPROVED BY:

DATE APPROVED:

DRAWN BY: LBA

SCALE: 1/8" = 1'-0" U.N.O.

ISSUE DATE: Aug. 2, 2023

PROJ. NO: 2023--

SHEET NO:

A1

4 OF 6 SHEETS

EXHIBIT “D”

PLANNING CASE NO. PL23-0333

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on August 28, 2023, and the Project drawings consisting of Site Plans, Floor Plans, Sections and Architectural Elevations; all designated as approved on **December 20, 2023**, 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.** 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 building permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of 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 environmental determination prepared for the Project is a categorical exemption. The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines

section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

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

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.

C. Parking and Loading/Unloading.

1. A minimum of 10 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. In accordance with the California Green Building Standard Code, at least eight percent of the total number of required spaces shall be designated for clean air vehicles (CAV), and shall be shown on the revised site plan to the satisfaction of the Planning and Building divisions.
4. 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.

E. Specific Planning Division Conditions:

1. The maximum capacity for the adult day program facility shall be for 60 developmentally disabled adults. Any request to increase the maximum allowable capacity will require a modification to the CUP.
2. The maximum number of developmentally disabled adults and staff in the building shall be subject to Building and Fire Codes, as approved by the Building Division and Fire Department.
3. The daycare program facility hours of operation shall be limited to 8:00 a.m. to 2:00 p.m., Monday through Friday. Changes to the hours of operation must be approved, in writing, by the Director of Development Services.
4. There is no outdoor playground or recreation area permitted on site. Any noise complaints shall be immediately addressed by the supervising adult(s). Devices capable of emitting loud noises, such as whistles or small bullhorns, shall be used for safety purposes only and shall be subject to the City's noise ordinance.
5. Only small vehicles or vans shall be used to transport clients to and from the facility. No buses shall be used for transportation to and from the site with exception of compliance with state laws.
6. The client pick-up/drop-off area shall occur on-site at the rear of the building. This area shall be marked with painted curb and/or signage. No pick-up/drop-off shall occur on public streets or rights-of-way.
7. Fire lanes shall remain clear and unobstructed at all times.
8. The two landscaped planters in front of the north side of the building shall be planted with water conserving plant materials that are native to the San Diego region or are adapted to a hot dry summer/cool winter climate. Landscaping 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.
9. Trash enclosure details shall be included with the building plan submittal. 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.
10. A valid City of Escondido Business License shall be maintained at all times, and shall specify the maximum capacity of developmentally disabled adults served at the facility, as

approved by this CUP and the Department of Social Services Community Care Licensing Division.

11. A Community Care License, from the Department of Social Services, Community Care Licensing Division, for the adult day program facility shall be obtained and a copy provided to the Planning Division. The number of children authorized by the license shall not exceed that approved by this CUP.
12. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering Services, and Building Divisions have been completed.
13. The Applicant or Applicant's Representative shall ensure the building plans include an existing and proposed south (rear) elevation drawing with the building plan submittal for review. Proposed elevations shall comply with all City requirements, including relevant design guidelines.
14. Building plans, prepared by a licensed design professional, must be submitted for this project and must comply with the building and fire codes in effect at the time of building plan submittal.
15. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.

F. Specific Utilities Division Conditions:

1. The items listed below shall be shown on the building plan submittal:
 - a. Call out that the proposed RPDA through a note on plans is to be installed per City of Escondido standard drawing W-7-E. The RPDA is to be located just inside the PL. Revise the location of the proposed trash enclosure to accommodate the required RPDA location.
 - b. Combine utilities shown on Sheet 26 and Sheet 8.
 - c. Show all existing water and sewer mains in the alley and in Pennsylvania Ave.
 - d. A 6-inch sewer lateral shall be shown on plan, in compliance with City of Escondido Standard S-2-E.



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: AVID Behavioral Day Program / PL23-0333

Project Location - Specific:

On the south side of E. Pennsylvania Ave., between N. Juniper St. and N. Ivy St., addressed as 351 E. Pennsylvania Ave. (APN: 229-392-23-00)

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

Description of Project:

A Minor Conditional Use Permit for the operation of an adult daycare program facility for up to 60 developmentally disabled adults (ages 18 and above). Hours of operation would be from 8 a.m. to 2 p.m., Monday through Friday. The facility would occupy an existing 10,000 square foot commercial building in the Creekside Neighborhood District of the Downtown Specific Plan. The request includes the removal of two, existing roll-up garage doors at the rear of the building and replacement with new CMU wall and window, as well as new trash enclosure and parking space striping to include a loading and unloading area at the rear of the lot for student drop-off and pick-up.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Sarai Marcelin, AVID Behavioral Day Program

Address: 562 W. Grand Ave., Escondido, CA 92025

Telephone: 760-691-9622

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

Exempt Status:

The project is categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures).

Reasons why project is exempt:

The proposed project qualifies for a categorical exemption pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures) meeting all applicable conditions, as further described below.

1. A daycare facility is an allowed use within the Specific Plan Area 9 of the General Plan. The project conforms with the applicable zoning standards of the Creekside Neighborhood District of the Downtown Specific Plan. The project involves a change in occupancy in an existing commercial building, not exceeding 10,000 square feet in floor area, from a retail use to a daycare facility, where minor modifications are made to the exterior of the structure and not involving the use of significant amounts of hazardous substances. The project includes construction of an accessory trash enclosure and ancillary parking lot modifications. The project site is located in a developed area of the city where all necessary public services and facilities are available on site and the

surrounding area is not environmentally sensitive. The project thus adheres to the criteria of CEQA Guidelines section 15303(c) and (e).

2. Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed project is consistent with the General Plan policies which were addressed in the General Plan Final EIR. There are no unusual circumstances surrounding the proposed project that would result in a reasonable possibility of a significant effect on the environment in that the area of impact is already disturbed and improved with an existing, permitted building and parking lot, and all improvements would be required to comply with local and state laws. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources, because the locations of the proposed improvements would be located within an area of the City previously disturbed and developed. The project area is not environmentally sensitive.

Lead Agency Contact Person:

Area Code/Telephone/Extension: 760-839-4552

Signature:  _____
Jasmin Perunovich
Assistant Planner II

_____ 12/15/23
Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

ZONING ADMINISTRATOR

CASE NUMBER: PL22-0596

APPLICANT: George Simental

PROJECT LOCATION: 2200 Auto Park Way (Assessor's Parcel Number: 232-530-14-00), formerly addressed at 2200 Vineyard Ave.

REQUEST: Grading Exemption and Plot Plan

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: General Industrial (GI)

ZONING: Light Industrial (M-1)

BACKGROUND/PROJECT DESCRIPTION:

The project site is located on the northeast corner of the Auto Park Way and State Place intersection. The site is developed with two buildings (18,060 square feet and 7,380 square feet) and currently supports several auto repair operations. The buildings were originally constructed to support a variety of auto-related uses with individual bays and roll-up doors. The larger building contains two small office suites, an upper mezzanine level for storage, and nine individual drive-through bays with front and rear roll-up doors that can accommodate up to four vehicle lifts. The smaller building contains a small office space and 16 two-vehicle lift bays and one single vehicle lift bay. The site currently can provide up to 100 parking spaces where a minimum of 96 parking spaces are required by the previous Plot Plan approval for the site (Case No. PPL87-1418). The Applicant proposes to expand vehicle storage on site within the north and east areas of the 2.35-acre industrial zoned property ("Project").

The Project entails replacing the existing manufactured slopes along the north and east boundaries of the site with retaining walls up to 21 feet in height to accommodate the additional 15,245 square feet of outdoor storage area for vehicle storage/staging. Fill slopes that exceed the Grading Ordinance (Article 55, section 33-1066) design standards of ten feet in height require consideration and decision by the Zoning Administrator. Specifically, fill slopes proposed within 50-feet of the property line may exceed 10-feet in height subject to Zoning Administrator review of a grading exemption.

The proposed Project's approximately 21-foot retaining walls would be located approximately one foot from the property line. The proposed retaining walls would use a decorative type of geogrid wall. The new storage area would be surfaced with a permeable material such as gravel to avoid potential storm water design and treatment issues. The north facing wall would incorporate

decorative elements (either plantable cells or decorative blocks/pattern) because it would be visible from adjacent views (State Place). The removal of mature trees, including one oak tree, will require replacement and the project has been conditioned accordingly. Further, sufficient on-site parking can be provided for the vehicle repair uses as proposed.

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 sections 15301 (Existing Facilities) and 15303 (New Construction) as described further in the Findings of Fact, attached as Exhibit “B” to Zoning Administrator Resolution No. 2023-20.

REASON FOR STAFF RECOMMENDATION:

1. 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 sections 15301, “Existing Facilities” and 15303 (New Construction). The Project qualifies for the “exemption because it involves minor alteration of existing private facilities, topographical features and construction of limited new structures (retaining walls), involving negligible or expansion of an existing use. The Project site is located in an 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. (Attachment 2).
2. The project is consistent with land use policies that support industrial and commercial/repair uses within the light industrial zone. Granting the Plot Plan to expand the outdoor storage area will not result in any conflicts with surrounding land uses and would not materially degrade the level-of-service on adjacent streets, utilities or public facilities. The design of the retaining walls would not have an adverse impact on adjacent industrial uses nor impact existing views as it would entail decorative components where visible from public view.
3. The Project site provides sufficient on-site parking spaces to accommodate the proposed auto-repair uses.

Respectfully submitted,

J Paul

Jay Paul
Senior Planner

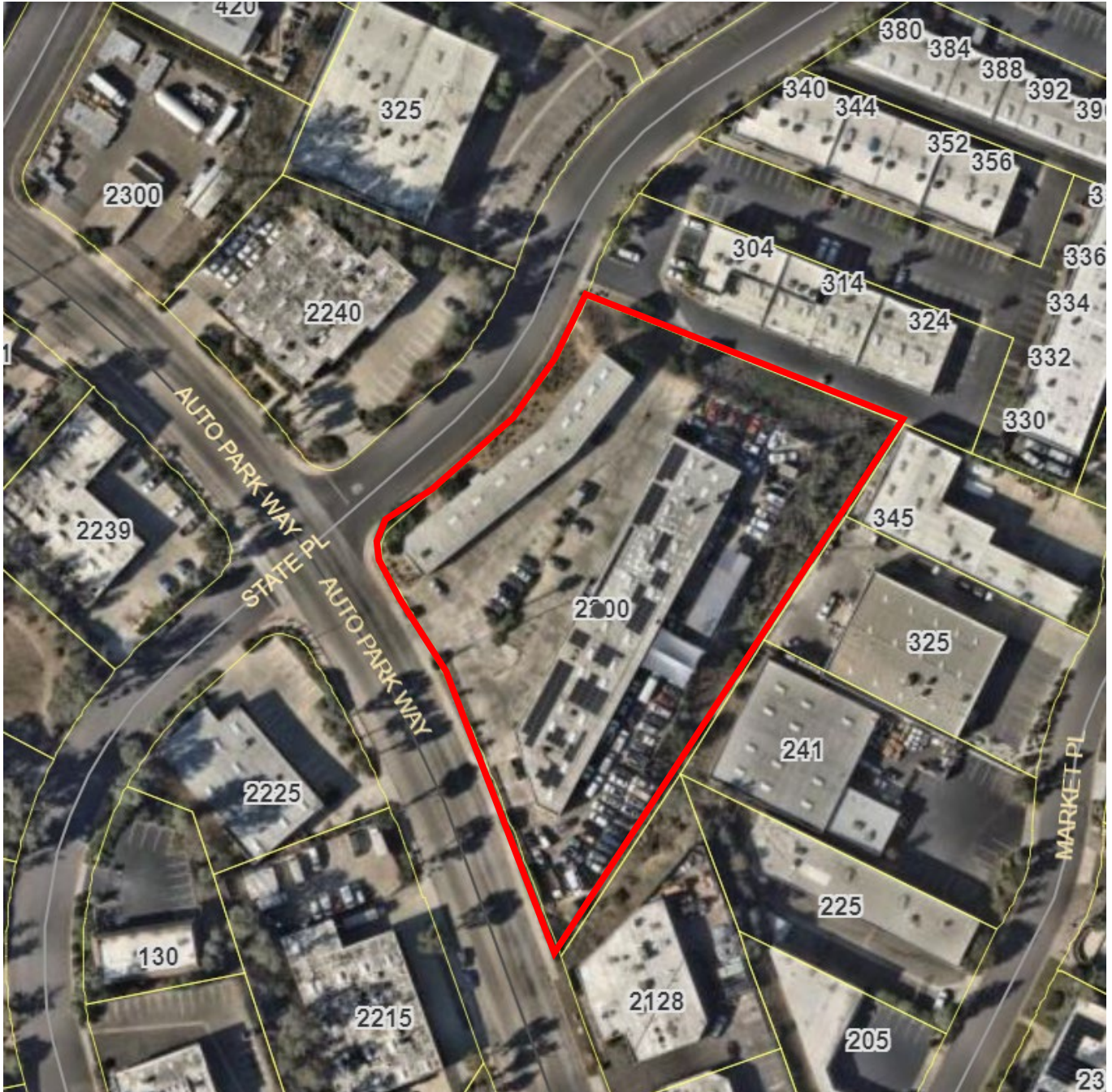
ATTACHMENTS:

1. Project Location
2. CEQA Notice of Exemption
3. Zoning Administrator Resolution No. 2023-20, Including Exhibits A, B, C, and D

ATTACHMENT 1

Project Location

2200 Auto Park Way
APN 232-530-14-00



ATTACHMENT 2



**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: PL22-0596

Project Location - Specific: The project site is located on the northeast corner of Auto Park Way and State Place, addressed at 2200 Auto Park Way (APN: 232-530-14-00)

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

Description of Project: A Plot Plan to expand the outdoor vehicle parking/storage area for an auto repair facility along with a Grading Exemption for retaining walls along the north and east property lines up to 21 feet in height.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: George Simental
Address: 2200 Auto Park Way, Escondido, Ca 92029
Telephone: 760-741-7565

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

Exempt Status: The Project is categorically exempt pursuant to CEQA Guidelines sections 15301 ("Existing Facilities") and 15303 (New Construction).

Reasons why project is exempt. The Project does not include the physical expansion of the building. The Project qualifies for the exemption because it involves minor alteration of existing private facilities, topographical features and construction of limited new structures (retaining walls), involving negligible or expansion of an existing use. The Project site is located in an area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species or potential of supporting environmentally sensitive habitat; 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.

Lead Agency Contact Person: _____ **Area Code/Telephone/Extension:** 760-839-4544

Signature *J Paul* _____ **Date:** December 20, 2023 _____

Jay Paul, Senior Planner

Signed by Lead Agency Date received for filing at OPR:
 Signed by Applicant

**ATTACHMENT 3
PL22-0596**

Zoning Administrator

Hearing Date: December 20, 2023

Effective Date: January 2, 2023

RESOLUTION NO. 2023-20

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A GRADING EXEMPTION AND PLOT
PLAN FOR A PROJECT AT 2200 AUTO PARK WAY

APPLICANT: George Simental

CASE NO: PL22-0596

WHEREAS, the Zoning Administrator of the City of Escondido did, on December 20, 2023, hold a public hearing to consider a request for a Grading Exemption for retaining walls up to 21 feet in height and a Plot Plan to expand the outdoor vehicle storage area on an approximately 2.35-acre site ("Project") located on the northeast corner of Auto Park Way and State Place, addressed at 2200 Auto Park Way (formerly 2200 Vineyard Avenue), (Assessor's Parcel Number 232-530-14-00), and more particularly described in Exhibit "A" and incorporated by this reference as though fully set forth herein ("Property"); 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, December 20, 2023, 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 15301 “Existing Facilities” and 15303 “New Construction”; and

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

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

1. That the above recitations are true and correct.

2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities) and 15303 (New Construction). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects.

3. That, considering the Findings of Fact attached as Exhibit “B” hereto, and applicable law, the Zoning Administrator hereby approves Planning Case No. PL22-0596, subject to the Conditions of Approval attached as Exhibit "C" hereto, and as depicted in the Project Plans attached as Exhibit “D” hereto.

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 24 months of the effective date of 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 the

Development Services Department. 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 20th day of December 2023.

VERONICA MORONES
Zoning Administrator

Annie Ward
WITNESS

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

EXHIBIT "A"

PLANNING CASE NO. PL22-0596

LEGAL DESCRIPTION

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

All that portion of Lot 14 of Escondido Tract No. 415, according to Map No. 09801 filed in the offices of the County Recorder of San Diego County, September 19, 1980.

APN 232-530-14-00

EXHIBIT “B”

PLANNING CASE NO. PL22-0596

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 sections 15301, “Existing Facilities” and 15303 “New Construction”. The Project qualifies for the exemption because it involves minor alteration of existing private facilities, topographical features and construction of limited new structures (retaining walls), involving negligible or expansion of an existing use. Further, the Project is located in an area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species or potential of supporting environmentally sensitive habitat; 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 the December 20, 2023, 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.

Plot Plan Determinations

The Zoning Administrator has reviewed the record, including applicable CEQA findings, and makes the following findings for a Plot Plan:

1. The Project site is located within the Light Industrial (M-1) zone. Auto repair is a permitted use in the Light Industrial Zone, and accessory outdoor storage is permitted pursuant to section 33-571 (Accessory outdoor storage requirements).
2. The plot plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards.
3. The plot plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare.

Grading Exemption Determinations

1. The Project includes a request for a Grading Exemption for proposed retaining walls up to 21 feet in height along the north and east property boundaries. The retaining walls would be designed in accordance with current building code and grading design requirements, which will ensure the stability of the surrounding topography. The walls and corresponding fill material are necessary to support the proposed outdoor storage areas for the auto repair facility. The overall height and location of the proposed walls would not create any adverse visual impacts or block adjacent views. The north facing wall, that is visible from the adjacent street, would include a decorative design to soften the mass and scale of the wall. Mature trees removed would be replaced on-site along the north facing slope and street frontage along State Place in compliance with City requirements.

EXHIBIT "C"

PLANNING CASE NO. PL22-0596

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on November 21, 2022, and the Project drawings consisting of Site Plans and Civil Plans; all designated as approved on December 20, 2023, 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.** The Permit shall automatically expire after two years from the effective 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 grading and/or building permit has not been obtained or work has been discontinued in the reliance of that 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 their 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 or their designee.

7. Availability of Permit Conditions.

- a.** Prior to building permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services or their designee.
- 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 or their designee. 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.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal

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

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

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 or their designee 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 Divisions. 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 indicated on the plans, the Applicant shall provide a minimum of 96 stripped on-site parking spaces, including ADA compliant spaces in conformance with the code requirements. On-site parking spaces 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; 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 or adjacent property, shall be replaced/repared and landscaping/irrigation brought into compliance with current standards 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 within the street/public right-of-way shall be installed and maintained by the property owner or Management Company.
7. **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. Detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal. 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, to the satisfaction of the Director of Development Services. The sealant shall be a type satisfactory to the Director of Development Services or their designee.
- e. New or retrofitted trash enclosure 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 or their designee 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.

E. Specific Planning Division Conditions:

1. All previous conditions of approval and permits associated with the Project site (Case No. PPL 87-1418) shall apply to this permit, unless specifically modified by this Plot Plan and Grading Exemption and the approved plans.
2. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning and Building Divisions, Fire Department and Engineering Services Division have been completed.
3. The plans submitted for building or grading permit(s) shall include notes or details containing the necessary work involved in complying with these Project conditions.
4. If the Project will be required to obtain a demolition permit for the required modifications and enhancements, and shall comply with construction waste management requirements.
5. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
6. The north retaining wall shall incorporate either of the following in the final design. The final design shall be approved by the Director of Development Services prior to the issuance of grading/building permits for the walls.

- Landscape cells at appropriate intervals (no less than every 5th row) along its height, to include appropriate landscape and irrigation; or
 - Alternative colored blocks to create a decorative pattern, and include vines (including appropriate irrigation) at the base on the wall, if the final design permits landscaping.
7. The proposed chain-link fence to be placed on top of the retaining walls (along the outdoor storage area) shall include appropriate vinyl or redwood type slats to provide screening of the outdoor vehicle storage areas. This shall be noted on the final civil/building plans.
 8. Trees shall be installed (min. 15 gallon) to replace mature trees removed along the north slope. At least 2 coast live oak trees (min. 15 gallon) shall be installed along the slope/right-of-way fronting State Place. The final number of trees to be installed shall be based on the amount of area available to accommodate the tree species selected, to the satisfaction of the Director of Development Services.

F. ENGINEERING CONDITIONS OF APPROVAL:

GENERAL

1. The applicant shall provide the City Engineer with a Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. The developer shall be responsible to acquire adequate off-site land, easements or rights-of-way in order to construct required improvements.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.

ON-SITE IMPROVEMENTS

1. All on-site failing sections of asphalt driveway and concrete gutter must be repaired and/or replaced to the satisfaction of the City Engineer.
2. All on-site roads, driveways, and parking areas shall be private. Any new parking areas shall have a top surface of gravel at least 4 inches thick to the satisfaction of the City Engineer.
3. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.

GRADING

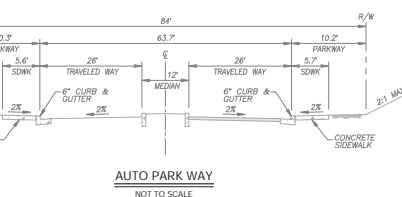
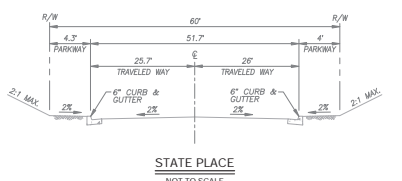
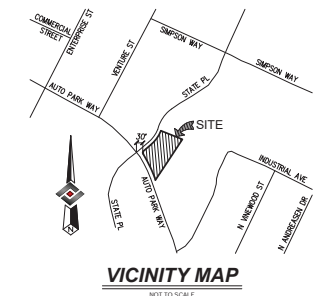
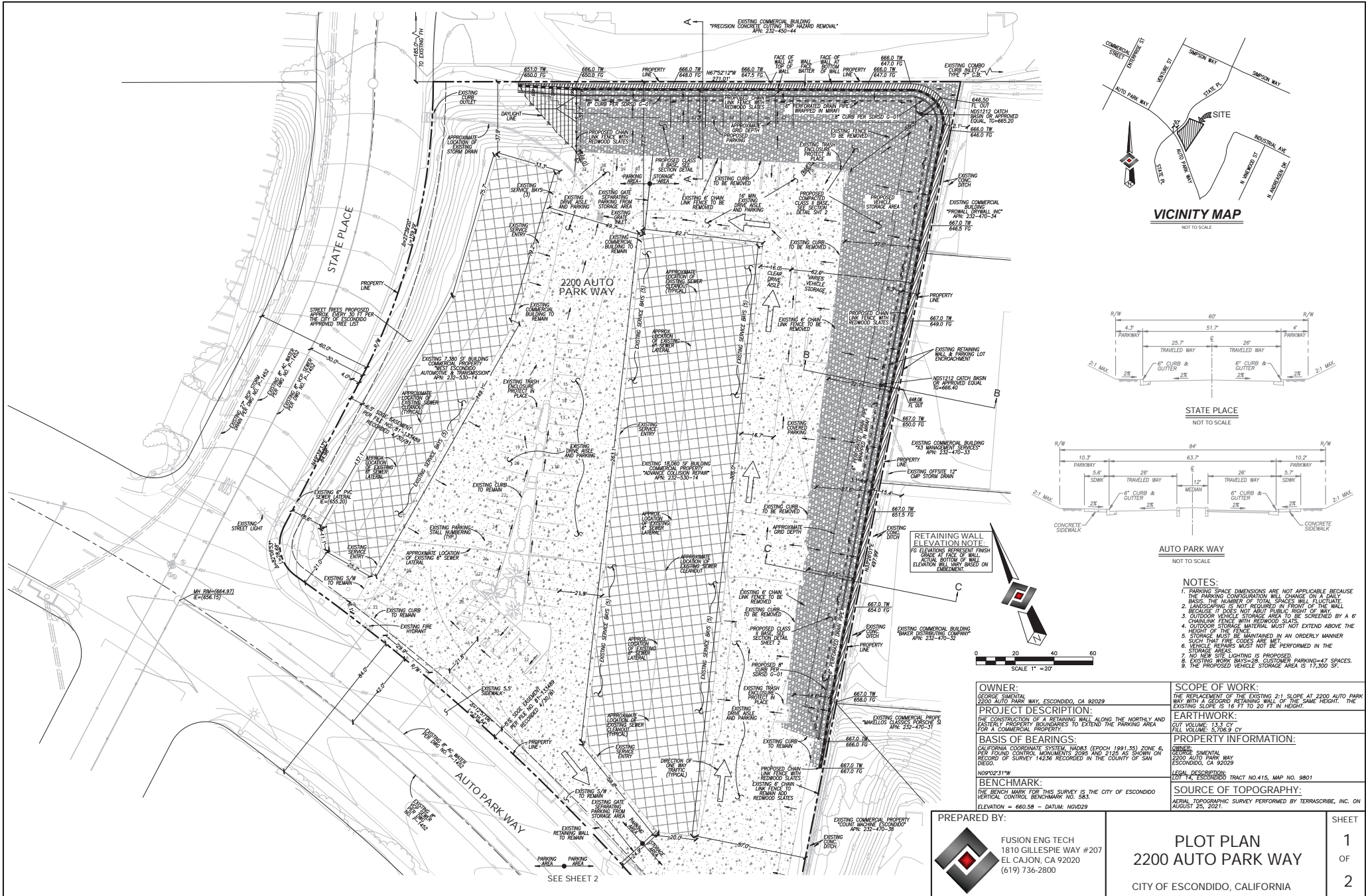
1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a digital copy of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations. The report shall include all design assumptions and a fully designed retaining wall system by a registered Engineer.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
4. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
5. The developer will be required to obtain permission from adjoining property owners for any off-site grading, slopes or drainage easements as necessary to construct the project and/or the required improvements.
6. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer.
7. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the property owner.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin or other measure if needed shall be submitted and approved as part of the grading plan check.
4. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.

5. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H20 loading.
6. The project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third-party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The project owner will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious system with an alternate method of storm water treatment system or will be required to transition the project to a priority storm water development project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.

EXHIBIT "D"
PLANNING CASE NO. PL22-0596
PROJECT PLANS



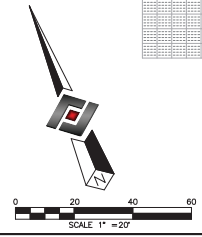
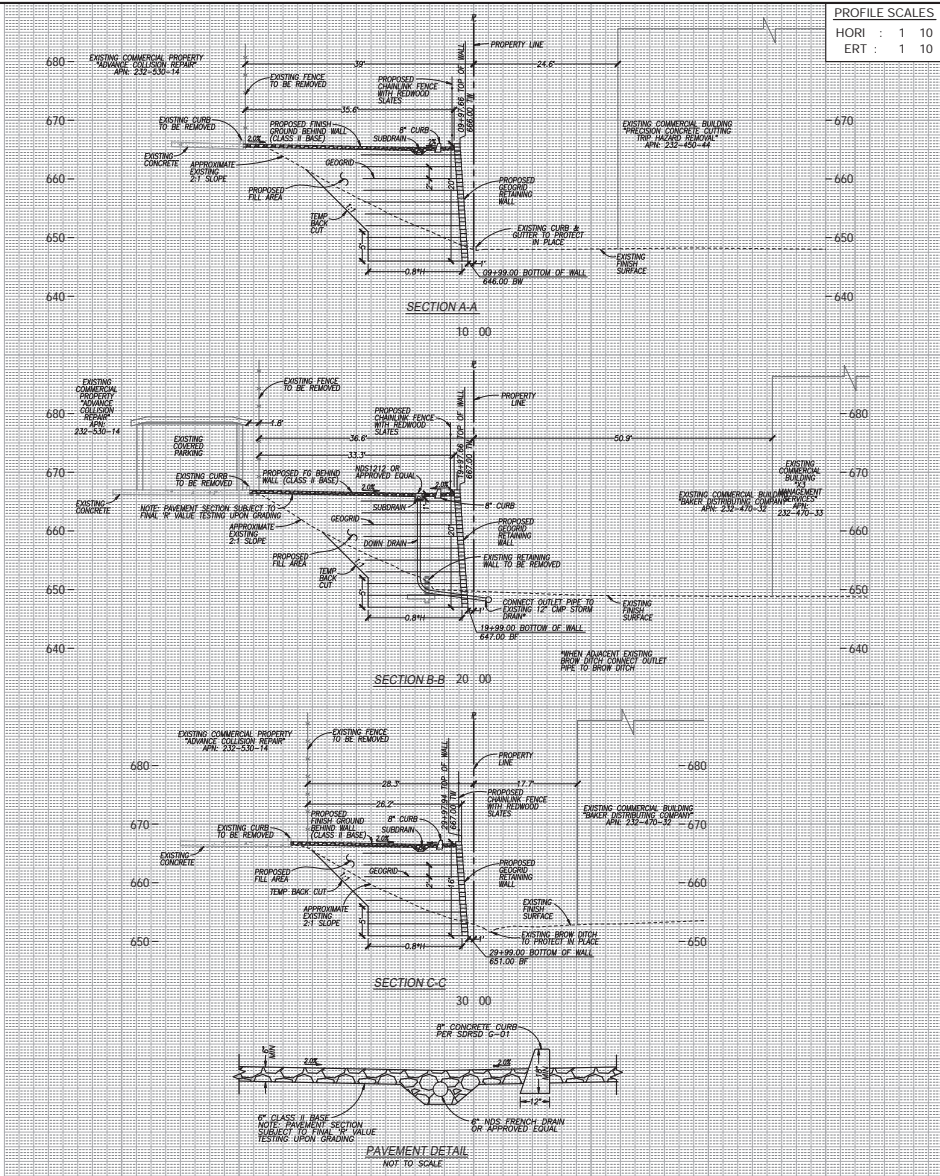
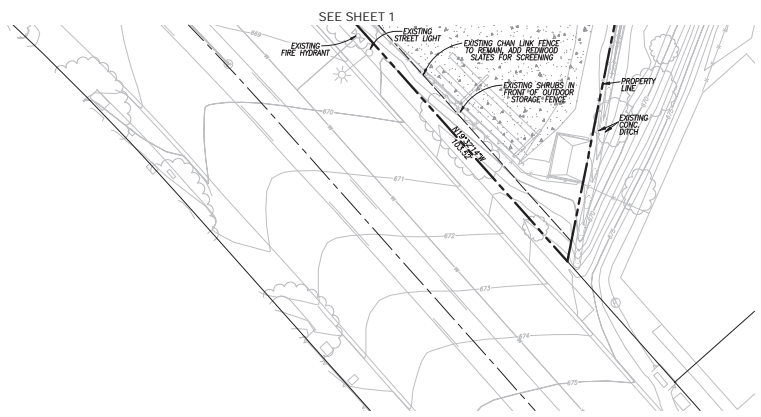
RETAINING WALL ELEVATION NOTE:
 ELEVATIONS REPRESENT FINISH GRADE ON FACE OF WALL. ACTUAL BOTTOM OF WALL ELEVATION WILL VARY BASED ON EMBANKMENT.


- NOTES:**
1. PARKING SPACE DIMENSIONS ARE NOT APPLICABLE BECAUSE THE PARKING CONFIGURATION WILL CHANGE ON A DAILY BASIS. THE NUMBER OF TOTAL SPACES WILL FLUCTUATE.
 2. LANDSCAPING IS NOT REQUIRED IN FRONT OF THE WALL BECAUSE IT DOES NOT ABUT PUBLIC RIGHT OF WAY.
 3. OUTDOOR VEHICLE STORAGE AREAS TO BE SCREENED BY A 6\"/>

<p>OWNER: GEORGE SEMENTAL 2200 AUTO PARK WAY, ESCONDIDO, CA 92029</p> <p>PROJECT DESCRIPTION: THE CONSTRUCTION OF A RETAINING WALL ALONG THE NORTHERLY AND EASTERLY PROPERTY BOUNDARIES TO EXTEND THE PARKING AREA FOR A COMMERCIAL PROPERTY.</p> <p>BASIS OF BEARINGS: CALIFORNIA COORDINATE SYSTEM, NAD83 (EPOCH 1991.35) ZONE 8, PER FOUND CONTROL MONUMENTS 2095 AND 2125 AS SHOWN ON RECORD OF SURVEY 14236 RECORDED IN THE COUNTY OF SAN DIEGO.</p> <p>BENCHMARK: THE BENCH MARK FOR THIS SURVEY IS THE CITY OF ESCONDIDO VERTICAL CONTROL BENCHMARK N14. ELEVATION = 660.58 - DATUM: NVD29</p>	<p>SCOPE OF WORK: THE REPLACEMENT OF THE EXISTING 2:1 SLOPE AT 2200 AUTO PARK WAY WITH A GEORED RETAINING WALL OF THE SAME HEIGHT. THE EXISTING SLOPE IS 16 FT TO 20 FT IN HEIGHT.</p> <p>EARTHWORK: CUT VOLUME: 13.5 CY FILL VOLUME: 5,706.9 CY</p> <p>PROPERTY INFORMATION: GEORGE SEMENTAL 2200 AUTO PARK WAY ESCONDIDO, CA 92029</p> <p>LEGAL DESCRIPTION: TRACT 14, ESCONDIDO TRACT NO.415, MAP NO. 9801</p> <p>SOURCE OF TOPOGRAPHY: AERIAL PHOTOGRAPHIC SURVEY PERFORMED BY TERRASORBE, INC. ON AUGUST 25, 2021.</p>
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<p>PREPARED BY:</p>  <p>FUSION ENG TECH 1810 GILLESPIE WAY #207 EL CAJON, CA 92020 (619) 736-2800</p>	<p>PLOT PLAN 2200 AUTO PARK WAY</p> <p>CITY OF ESCONDIDO, CALIFORNIA</p>	<p>SHEET 1 OF 2</p>
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PROFILE SCALES
 HORI : 1 10
 VERT : 1 10



PREPARED BY:  FUSION ENG TECH 1810 GILLESPIE WAY #207 EL CAJON, CA 92020 (619) 736-2800	PLOT PLAN 2200 AUTO PARK WAY CITY OF ESCONDIDO, CALIFORNIA		SHEET 2
			OF 2