



City of Escondido Zoning Administrator

MEETING AGENDA AND RECORD OF ACTION

201 North Broadway
City Hall – Parkview Conference Room
August 1, 2024
2 p.m.

A. Call to Order: 2:02 pm

Zoning Administrator: Veronica Morones, City Planner

Staff Present: Veronica Morones, Alex Rangel, Bernadette Bjork, Jasmin P

B. Agenda items:

1. **PL22-0525 – Conditional Use Permit Modification**

REQUEST: A Modification to a previously approved Conditional Use Permit for an existing grade school serving 66 students of grades kindergarten through eighth, and 5 staff, to increase enrollment up to 75 students and allow for the school to serve transitional kindergarten through eighth grade on a 4.81-acre parcel located on North Broadway. The site is zoned Single-Family Residential (R-1) and has a General Plan Land Use designation of Suburban (S).

PROPERTY LOCATION: North of Bahia Lane, east of north Broadway, south of Brava Place, and west of Paradise Street, addressed as 1800 North Broadway (APN: 227-680-47-00).

Applicant: Bill Hofman, Hofman Planning Associates
Planner: Melissa DiMarzo, Assistant Planner II

DECISION OF THE ZONING ADMINISTRATOR:

- Approved, as set to form
- Conditionally approved with the attached modifications
- Denied
- Continued to: X Date Certain (Aug 15, 2024) _____ Date Unknown
- Referred to Planning Commission

2. **PL22-0526 – Conditional Use Permit Modification**

REQUEST: A Modification to a previously approved Conditional Use Permit for an existing preschool/daycare serving 160 children, and 13 staff, to operate as a school serving grades transitional kindergarten through eighth grade located on a 0.99-acre parcel with existing educational facilities. The site is zoned Residential Estate (RE) and has a General Plan land use designation of Estate II (E2)

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



City of Escondido Zoning Administrator

PROPERTY LOCATION: On the east side of Bear Valley Parkway, south of Alamo Lane, west of Foothill Street, on the north side of Mary Lane, addressed as 3751 Mary Lane (APN: 239-330-85-00).

Applicant: Bill Hofman, Hofman Planning Associates
Planner: Melissa DiMarzo, Assistant Planner II

DECISION OF THE ZONING ADMINISTRATOR:

- Approved, as set to form
- Conditionally approved with the attached modifications
- Denied
- Continued to: X Date Certain (8-15-24) _____ Date Unknown
- Referred to Planning Commission

3. PL23-0301 – Conditional Use Permit Modification

REQUEST: A modification to a previously approved Conditional Use Permit for an existing preschool and childcare center to increase the number of children permitted at the facility from 70 to a maximum of 208 children (ages 6 weeks to 12 years old) and 20 staff members, within a 6.94-acre shopping center on East Valley Parkway. Hours of operation would be from 6 a.m. to 6 p.m., Monday through Friday. The facility currently occupies 4,690 square feet of the existing 10,500 square foot commercial building. The request includes an expansion into the adjacent 5,810 square foot vacant suites, and the removal of 15 parking spaces adjacent to the building for the expansion of the fenced outdoor playground on the east and south sides of the building to accommodate the additional children. The existing parking lot circulation for loading and unloading at the front of the building for student drop-off and pick-up would remain the same. The site is zoned General Commercial (C-G) and has a General Plan land use designation of General Commercial (GC), and is located within the boundaries of the East Valley Parkway Area Plan.

PROPERTY LOCATION: On the south side of E. Valley Pkwy., and west side of N. Citrus Ave., addressed as 2355 E. Valley Pkwy, Suites A through H. (APN: 231-092-36-00).

Applicant: Jenni Grawvunder, Children’s Choice Academy
Planner: Jasmin Perunovich, Assistant Planner II

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

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City of Escondido Zoning Administrator

4. PL24-0117 – Minor Conditional Use Permit

REQUEST: A Minor Conditional Use Permit to allow for a General Automotive Repair use within an existing building on an approximately 0.5-acre site. The General Automotive Repair use would allow for vehicle collision repair services, and include the installation of a vehicle paint booth within the existing building. The site is zoned Light-Industrial (M-1) and has a General Plan land use designation of Light Industrial (LI).

PROPERTY LOCATION: On the west side of Metcalf St., between State Highway 78 to the north and West Mission Ave. to the south, addressed as 837 Metcalf St. (APN: 228-220-71-00).

Applicant: Alin Alyadako, Elite Collision SD
Planner: Alex Rangel, Assistant Planner I

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

5. PL24-0100 – Local Register Designation

REQUEST: Designate a single-family residence at 546 E. 6th Ave. as a locally significant historic resource, and place it on the City of Escondido's Local Register of Historic Places

PROPERTY LOCATION: On the northern side of E. 6th Avenue, between S. Hickory St. and S. Grape St. addressed as 546 E. 6th Ave. (APNs: 233-291-14-00 & 233-291-15-00).

Applicant: Rodney L. George & Denise A. Lincoln
Planner: Alex Rangel, Assistant Planner I

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

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



City of Escondido
Zoning Administrator

C. Adjournment: 2:30 pm

I certify that these actions were taken at the Zoning Administrator meeting on May 2, 2024.

Zoning Administrator

Witness

ATTACHMENT

MODIFIED CONDITIONS OF APPROVAL

EXHIBIT "D"

PLANNING CASE NO. PL23-0301

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on August 25, 2023, and the Project drawings consisting of Site Plans, Floor Plans, Sections and Architectural Elevations, all designated as approved on **August 1, 2024**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, 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 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 and 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 40 parking spaces shall be provided at all times for the facility. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. 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 number of children permitted under this Conditional Use Permit for the daycare and preschool facility shall be for 208 children and 20 staff. Any request to increase the maximum allowable capacity will require a modification to the CUP.
2. The daycare and preschool facility may provide care for infants and children ranging in ages six weeks, up to twelve years old. The number of children within various age categories shall be determined based on the State license issued for the facility.
3. The maximum number of children and staff physically permitted within the building shall be subject to Building and Fire Codes, as approved by the Building Division and Fire Department. In the event the Building and Fire Codes permit for more than 208 children and 20 staff, this Conditional Use Permit shall govern and limit accordingly, unless a subsequent amendment to this Permit is approved by the City.
4. The daycare facility hours of operation shall be limited to 6 a.m. to 6 p.m., Monday through Friday. Any request to modify said hours of operation shall be made in writing to the Director of Development Services, who may approve or disapprove said request.
5. The current staggered recreation schedule, approved by Community Care Licensing Division on July 26, 2023, shall remain in place, in which a waiver was granted to allow a maximum of 14 infants, 42 preschool children and 16 school age children to share the playground on a scheduled basis. The daycare operator shall require all staff be notified of such restriction upon hiring and ensure staff comply with such requirement.
6. All outdoor play or recreation activity shall be supervised at all times by adult employees to ensure that activities are confined to the areas identified on the plans attached as Exhibit "C" to Zoning Administrator Resolution No. 2024-11. 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.

7. The pick-up/drop-off area shall occur on-site at the front 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.
8. Prior to Building Permit issuance, the applicant shall provide an on-site circulation plan for ingress/egress to the site with one-way in and out for pick-up/drop-off to the Planning Division with adequate information depicting conformance with the requirements of Condition No. E.7.

A minimum of one staff person, at applicant's or owner's expense, shall be available on-site to monitor and assist at drop off and pick up points during peak hours, 6 a.m. to 6:30 a.m. and 5:30 p.m. to 6 p.m.

9. Fire lanes shall remain clear and unobstructed at all times.
10. Prior to Building Permit issuance, the applicant shall provide to the satisfaction of the Planning Division, adequate information regarding the six-foot-high fence and gate that shall fully enclose the outdoor play areas. Such fencing shall be designed with decorative features, to the satisfaction of the Director of Development Services, and shall be installed around the entire outdoor playground area.
11. The applicant shall be responsible for maintaining the fence and gates around the perimeter of the childcare center free of debris, vandalism.
12. The existing landscaping around the existing trash enclosure, located at the southeast corner of the playground area, shall remain. 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.
13. A valid City of Escondido Business License shall be maintained at all times, and shall specify the maximum capacity of 208 children served at the facility, as approved by this CUP and the Department of Social Services Community Care Licensing Division.
14. A Community Care License, for the daycare and preschool facility, shall be obtained from the Department of Social Services, Community Care Licensing Division, and a copy provided to the Planning Division. The number of children authorized by the license shall not exceed 208 children, as approved by this CUP.

15. The staggered recreation schedule, approved by the Department of Social Services, Community Care Licensing Division on July 26, 2023, shall remain in place, in which a waiver was granted to allow a maximum of 14 infants, 42 preschool children and 16 school age children to share the playground on a scheduled basis. This waiver shall be included on the new Community Care License for the facility.
16. 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.
17. Building plans, prepared by a licensed design professional, shall be submitted for this project and shall comply with the building and fire codes in effect at the time of building plan submittal.
18. Prior to building plan submittal, the plans shall be revised to address the following:

Sheet A-2, Parking Calculation:
 - a. Remove Bldg. 2365 (Dutch Brothers) = 950 SF from the parking calculation.
 - b. Revise the total center building SF area to 79,939 SF.
 - c. Revise required number of spaces to 399.
 - d. Include the number of Existing parking spaces: 422.
 - e. Revise the wording to "407 spaces provided."
 - f. Remove wording "43 spots proposed (after 15 spots are removed for playground expansion)."
19. Sheet A-2.1, Enlarged Site Plan: Include the word "Existing" with the Trash Dumpster and adjacent landscaping. Prior to building plan submittal, a revised Traffic Scoping Agreement shall be submitted to Traffic Engineering. The Traffic Scoping Agreement shall be revised to address the following:
 - a. Page 1, Project Description, Building Square Footage: Revise this to 5,810 sf (only the addition).
 - b. Page 1, Project Trip Generation, Net New Daily Trips: SANDAG trip generation guide shows 80 trips/day for every 1000 sf. $80 \times 5.8 = 464$. Use 464 instead of 750.
 - c. Submit an ADA path of travel map.
20. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
21. **The Zoning Administrator approved on August 1, 2024 with the following additional condition:**

The Applicant to work with Planning Division staff to provide an updated playground schedule that ensures no overlap when children are outside for more than the proposed 45 minutes, to the satisfaction of the Development Director or their designee

F. Specific Building Division Conditions:

1. The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plancheck processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The International Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). Commercial and Multi-residential construction must also contain details and notes to show compliance with State disabled accessibility mandates. These comments are preliminary only. A comprehensive plancheck will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

G. Specific Fire Department Conditions:

1. Fire underground line plans, Fire sprinkler plans and fire alarm plans shall be a deferred submittals to the Escondido Fire Department.
2. FDC shall be an approved location.
3. An updated Community Care Licensing application (850 form) shall be submitted to the Escondido Fire Department prior to Final of this project.

H. Specific Utilities Division Conditions:

WATER

1. The final locations and sizing of all required, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer per Escondido Design Standards and Drawings W-7-E.
2. Fire suppression and sprinkler systems beyond the detector check assemblies are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines within the right-of-way or within public utility easements shall be shown for reference and review on the various final engineering plan sets. Private fire suppression lines may not run parallel within the public right-of-way or within public utility easements. The property owner shall be responsible for all maintenance of these fire suppression and sprinkler systems.

3. A reduced pressure detector check assembly (RPDA) is required for the project and shall be located just inside the property line. Existing detector check assemblies shall meet current City of Escondido standards.
4. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines shall be shown for reference and review on the various final engineering plan sets.
5. All on-site water lines and backflow prevention devices beyond the City water meter or DCA shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
6. A minimum 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings (W-1-E). Water meters and backflow prevention devices shall not be installed within a driveway apron or on private drive areas. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
7. Any water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
8. Any fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.

SEWER

1. A minimum 6" sewer lateral is required to serve this project. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
2. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
3. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.
4. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vector trucks for maintenance.

5. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.
6. Private water and sewer laterals shall be located outside of public utility easements.