



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall – Parkview Conference Room
May 15, 2025
4:00 p.m.

A. Call to Order: _____

Zoning Administrator: Veronica Morones, City Planner

Staff Present: _____

Public Present: _____

B. Agenda items:

1. PL23-0209 – Modification to Conditional Use Permit

REQUEST: Approval of a modification to Conditional Use Permit for an existing daycare and 4th through 8th grade school (79-25-CUP) to allow for the expansion of the current school operation to include Transitional Kindergarten (TK) through 8th grade and increase the number of students from 234 to 260 students, and from 12 to 17 staff, and the addition of two pygmy/miniature goats to the property as part of the school curriculum. The property consists of a 14,100 square-foot school with two modular classrooms and an 845 square-foot gazebo. The request includes conversion of the existing gazebo into a barn as a part of the project. The zoning for the property is R-1-6 and the General Plan designation is Urban I.

Location: 1816 Oak Hill Drive (APN: 231-070-41-00)
Applicant: Bill Hoffman, Hoffman Planning Associates
Planner: Melissa DiMarzo, Assistant Planner II

ENVIRONMENTAL STATUS: This project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures).

DECISION OF THE ZONING ADMINISTRATOR:

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

2. PL24-0266 – Minor Conditional Use Permit

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



City of Escondido Zoning Administrator

REQUEST: Approve a Minor Conditional Use Permit for a Swimming School and Pool use, consisting of a 2,670 square-foot indoor pool inside a 10,020 square foot suite of an existing 25,137 square-foot commercial building, located within a 22.7-acre multi-tenant commercial center. The site is zoned Planned Development – Commercial (PD-C) and has a General Plan land use designation of Planned Commercial (PC).

Location: 1580 W. Valley Parkway (APN: 235-071-63-00)
Applicant: Ertiol Koci, DXU Architects
Planner: Robert Barry, Senior Planner

ENVIRONMENTAL STATUS: This project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15301 (Existing Facilities).

DECISION OF THE ZONING ADMINISTRATOR:

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

C. Adjournment: _____

I certify that these actions were taken at the Zoning Administrator meeting on May 15, 2025.

Zoning Administrator

Witness

ZONING ADMINISTRATOR

CASE NUMBER: PL23-0209

APPLICANT: Bill Hofman, Hofman Planning Associates

PROJECT LOCATION: On the north side of Oak Hill Drive to the east of Highland Place, south of East Grand Avenue and west of South Midway Drive addressed as 1816 Oak Hill Drive (APN: 231-070-41-00).

REQUEST: Approval of a modification to Conditional Use Permit for an existing daycare and 4th through 8th grade school (79-25-CUP) to allow for the expansion of the current school operation to include Transitional Kindergarten (TK) through 8th grade and increase the number of students from 234 to 260 students, and from 12 to 17 staff, and the addition of two pygmy/miniature goats to the property as a part of the school curriculum. The property consists of a 14,100 square-foot school with two modular classrooms and an 845 square-foot gazebo. The request includes conversion of the existing gazebo into a barn as a part of the project. The zoning for the property is R-1-6 and the General Plan designation is Urban I.

**STAFF
RECOMMENDATION:** Approval

**GENERAL PLAN
DESIGNATION:** U1 (Urban I)

ZONING: R-1-6 (Single-Family Residential)

BACKGROUND/PROJECT DESCRIPTION:

Per Article 61, Division 1, Section 33-1202(C)(8), a modification to an existing major Conditional Use Permit that otherwise meets the criteria under sections 33-1202(c)(1)-(7) can be heard by the Zoning Administrator. Further, pursuant to Article 61, Section 33-1201(b), the Director of Development Services is authorized to determine that a conditionally permitted use qualifies for processing as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request, which includes the

modification of an existing major conditional use permit that otherwise meets the criteria under sections 33-1202(c)(1)-(7).

The project site is located within the General Plan's Urban I residential area of the Escondido "valley floor", which accommodates single family detached homes on smaller lots. The subject property is R-1 (Single-Family Residential) zoned (Attachment 1), which permits primary and secondary schools subject to the approval of a Conditional Use Permit (CUP). The project site is 2.98 acres and consists of two classroom buildings, approximately 6,600 square-feet and an approximately 7,500 square-foot school building. The site consists of two 1,440 square-foot modular classrooms, and an 845 square-foot gazebo constructed in about 2021 (started as a code case C21-0227, plans approved under B22-0187 however, permit was not issued and the application has since expired). The gazebo is now part of the scope of work for this project and will be renovated as a barn to house the on-site animals. The project site is surrounded by multi-family residential uses to the north, a public elementary school use to the east, and single-family residential uses to the south and west of the property.

The original Conditional Use Permit for the site involving school uses in conjunction with the previously permitted church (65-50-CU), 76-49-CU, permitted Light & Life Christian School to operate a private elementary school serving a maximum of 125 students in grades 4th through 8th on the property in the 4,910 square-foot church building with large covered patio areas. In 1979, a modification to this permit was filed under 79-25-CU requesting the addition of a new building of 3,916 square-feet with 4 classrooms and large covered patio areas, 120 additional students to the current enrollment of 114 for a total of 234 students. Staff included four additional teachers, 2 aides, and one secretary with a part-time maintenance employee for a total of 12 staff members. The request was approved on April 10, 1979, resulting in the approval for 234 students in grades 4th through 8th school. In 1997, a modification request was filed under 97-13-CUP for the addition of a 960 square-foot modular classroom for the instruction of 20 students. No modifications to enrollment numbers were approved at this time and all prior conditions related to enrollment remained in effect. On November 6, 2020, Element Education, now the operators of the school, applied for a Business Recovery Temporary Use Permit to replace 2 modular classrooms with 2 new modulares under PL20-0657. This permit was approved by the Director on a temporary basis, which would expire with the revocation of the Business Recovery Ordinance at the end of the declared state of emergency for the COVID pandemic. On March 12, 2021, the applicant applied for a Minor Plot Plan under PL21-0138 to make the aforementioned temporary use permanent for the two (2) modular classrooms, which was approved on May 18, 2021, with the understanding that any expansion in enrollment would require a modification to the existing Conditional Use Permit for the site.

On May 26, 2023, the applicant filed the present request for a modification to the Conditional Use Permit to expand the existing operation to include Transitional Kindergarten (TK) through 8th grade with a maximum enrollment of 260 students, increase staff from 12 to 17, and include the addition of two pygmy/miniature goats on site as part of the school's curriculum. The schedule for staff

and students in Transitional Kindergarten (TK) to 8th grade will be Monday through Friday from 8:00 a.m. – 4:00 p.m. It should be noted that students are not on campus on Fridays.

As part of the proposal to house animals, the applicant has provided a caretaking schedule for the animals on campus (existing 4-6 chickens and the proposed pygmy/miniature goats) A staff member will remain on-call at all hours should an emergency arise.

ANALYSIS:

1. General Plan Conformance:

The subject property is designated as Urban I per the City's General Plan. This land use designation consists mainly of single-family uses on smaller lots. The urban characteristics of this land use designation include community services and neighborhood parks within walking distance of local residents. The subject site is surrounded by residential properties to the north, west and south along with an elementary school directly east of the property. The school operation provides an additional educational service to the surrounding community within walking distance.

In addition, the proposed project aligns with the Community Health and Services Goals and Policies, "Schools and Education Policy 5.1 encourages school districts' efforts to accommodate sufficient teacher to student ratios with student attendance calculated on traditional school schedules. The proposal would increase student count by 26 while also increasing staffing from 12 to 17 providing a ratio of about 1 staff member per 15 students.

2. Zoning Code Conformance:

The project complies with all applicable zoning regulations, including school uses and animal caretaking. Per Article 57 Section 33-1103, a permit for a school use may be granted provided that an off-street area for loading and unloading is designated on site, and all required parking is provided on site. Per Article 39, required parking for grade schools, elementary and junior high schools is one space per employee. The previous CUP required a minimum of 10 spaces, which are provided. The proposed modification includes an increase from 12 to 17 staff, for which designated spaces are to be provided on-site as shown on the proposed site plan. On-site circulation is provided via a one-way entry on the east side and one-way exit on the west. The loading/unloading zone is located at the north end of the existing classroom buildings on site.

Requests for housing of animals including pygmy/miniature goats in residential zones are regulated by Article 57 (Miscellaneous Use Restrictions) per Article 6 (Residential Zones), and Article 9 (Animal Overlay (AO) Zone) per the Permitted Accessory Uses and Structures Table 33-95 of Article 6. Per these provisions, the animal must have the following, an enclosure, manure disposal bin and location regulated to maintain sanitary conditions and prevent adverse impacts to the adjacent residential properties. As proposed, the goats would be housed in a stable with the existing chickens in a separate

area as well as a grazing area outside the stable surrounded by 4 foot high split-rail wood fencing. The manure would be transported daily to compost bins 30 feet away from the nearest adjacent property lines.

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 section 15303 (New Construction or Conversion of Small Structures) as described further in the Findings of Fact, attached as Exhibit “B” to Resolution No. 2025-05 (Attachment 2) and the CEQA Notice of Exemption (Attachment 3).

PUBLIC COMMENT:

To date, one (1) public comment in opposition has been received regarding traffic and parking concerns. A copy of this comment is included under Attachment 5 to this report.

REASONS FOR RECOMMENDATION:

Staff recommends approval of the modification to the current CUP for the expansion of TK-8th grade and addition of two pygmy goats determined by the use adherence of the requirements within the zoning code Chapter 33 of the municipal code, including Article 61 Division 1 Conditional Use Permit findings, Article 6 (Residential Zones) Tables 33-94 and 33-95 for zoning allowances, Article 57 (Miscellaneous Use Restrictions) Section 33-1103 for schools, and Article 9 Section 33-144 and 145 for animal enclosures and requirements. All prior conditions not otherwise modified by this request shall remain in full force and effect.

Ingress and egress on and off the site will be accommodated via the existing driveway access at the east side of the property. Parking for the school requires a total of 17 parking spaces per Article 39 of the zoning code, one parking space per staff person which is accommodated via adequate loading and unloading or pick-up and drop-off zones on the property per the provided site plan.

The project would not have a significant traffic impact on the surrounding streets and intersections as all maneuvering will be on-site. The pick-up/drop-off area would occur on-site at the north side of the building and not on public streets or rights-of-way. Therefore, the impacts along the main corridor would be minimal. Staff determined the proposed use qualifies as a “Locally-Serving Public Facility” and is not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis.

Zoning Administrator
May 15, 2025
PL23-0209

The goats would be housed in the manner prescribed by Article 9 of the Zoning Code and all requirements for waste disposal would be met by the proposed schedule and agreed upon conditions of approval.

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

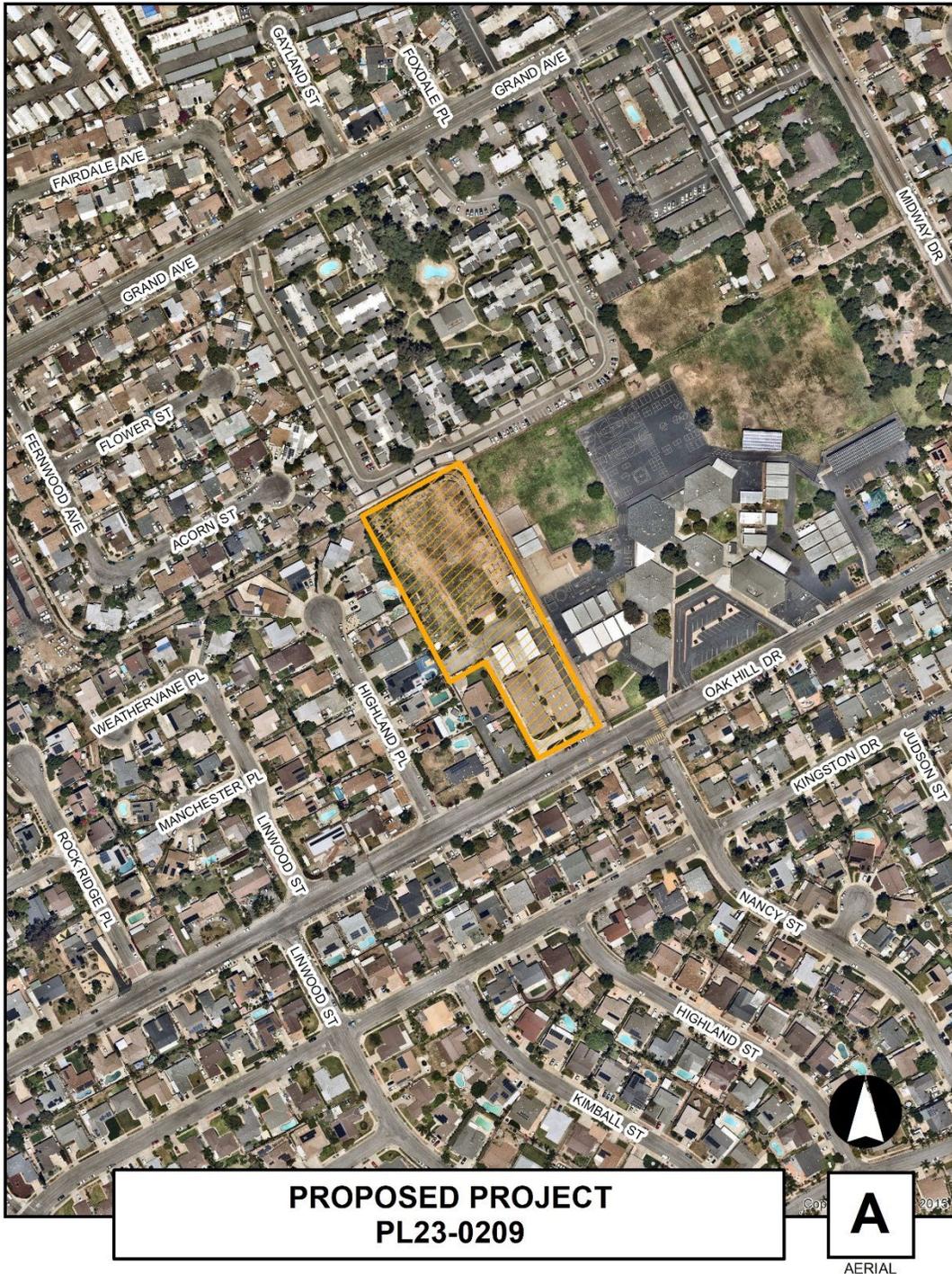
Respectfully submitted,

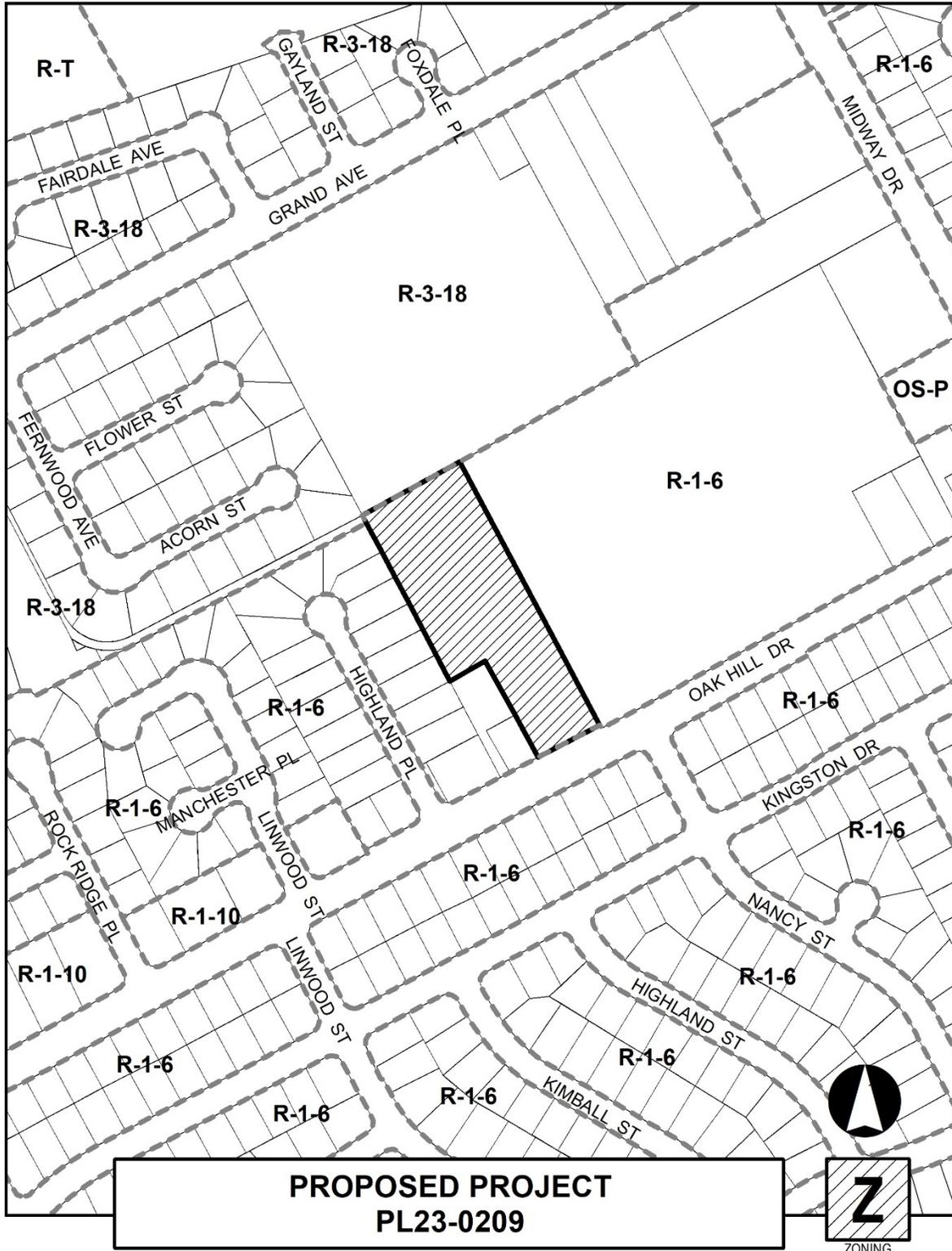
Melissa DiMarzo

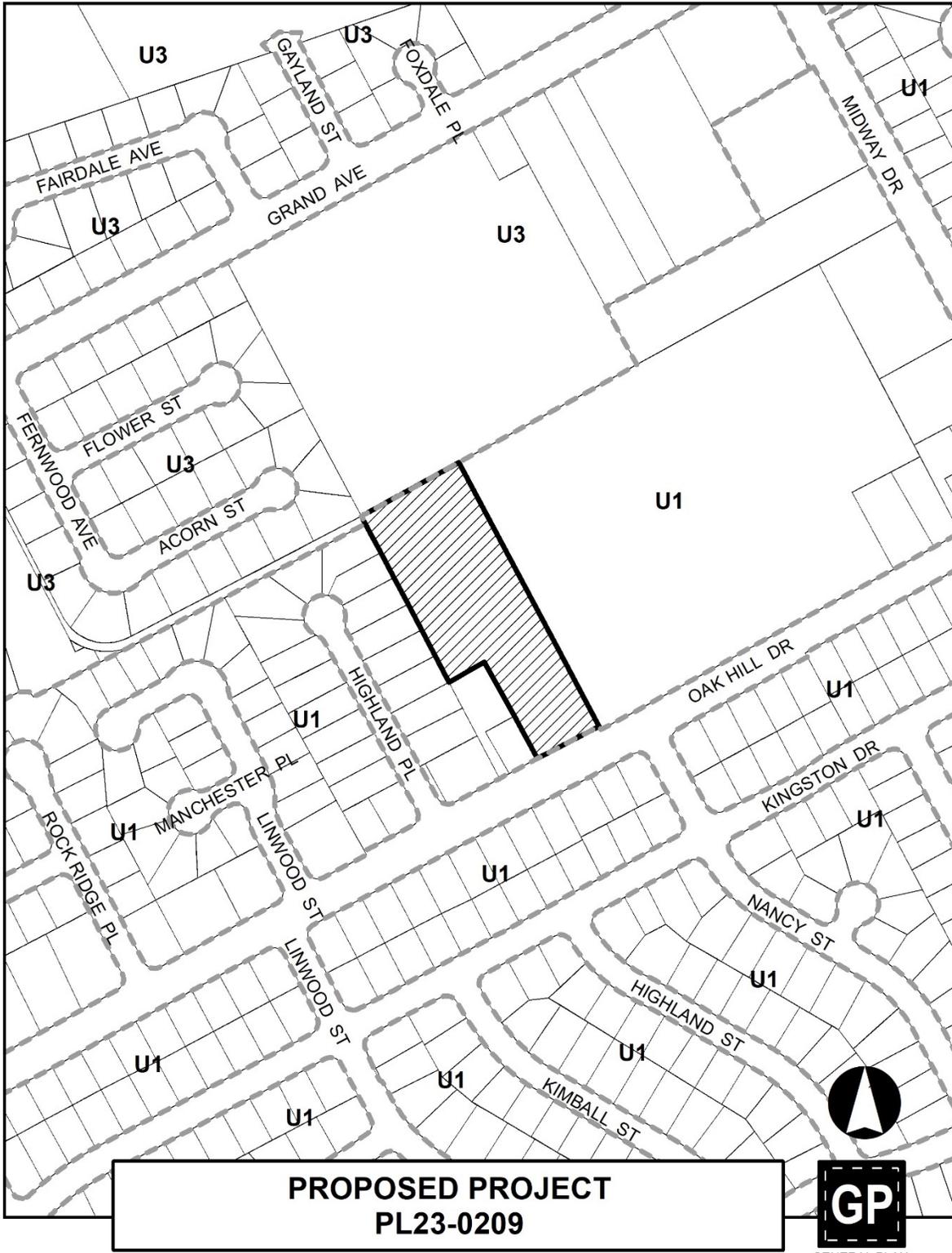
ATTACHMENTS:

1. Project Location, Zoning and General Plan Land Use Maps
2. Project Plans and Schedule, Traffic Control Plan
3. Draft Zoning Administrator Resolution No. 2025-05 and Exhibits A, B, C and D
4. CEQA Notice of Exemption
5. Public Comment

ATTACHMENT 1
PROJECT LOCATION, ZONING AND GENERAL PLAN LAND USE







Zoning Administrator
May 15, 2025
PL23-0209

ATTACHMENT 2
PROJECT PLANS AND SCHEDULE, TRAFFIC CONTROL PLAN
PL23-0209

The Architectural Drawings are copyright-protected. If you would like to view these drawings, please contact the project planner, Melissa DiMarzo at 760-839-4531, or via email at Melissa.DiMarzo@escondido.gov.

TRAFFIC CONTROL PLAN

PL23-0209



ATTACHMENT 3

PL23-0209

Zoning Administrator

Hearing Date: May 15, 2025

Effective Date: May 28, 2025

RESOLUTION NO. 2025-05

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO A CONDITIONAL USE PERMIT (76-49-CUP) FOR THE OPERATION OF A TK – EIGHTH GRADE SCHOOL WITH 260 CHILDREN AND 17 STAFF, AND THE ADDITION OF TWO PYGMY/MINIATURE GOATS AND BARN IN THE R-1 ZONE (SINGLE-FAMILY RESIDENTIAL).

APPLICANT: Bill Hofman, Hofman Planning Associates

CASE NO: PL23-0209

WHEREAS, the Planning Commission conditionally approved Conditional Use Permit 76-49-CU to permit the operation of a 4th through 8th grade school at an existing church facility originally permitted under 65-50-CU.

WHEREAS, Article 61, Division 1, Section 33-1202(C)(8) permits for previously approved Major Conditional Use Permits to be modified by the Zoning Administrator when such requests do not involve the construction of a new building or other substantial structural improvements on the project site provided the use does not involve the use of hazardous substances.

WHEREAS, the Zoning Administrator of the City of Escondido did, on May 15, 2025, hold a public hearing to consider a request for a Minor Conditional Use Permit for the modification of a Conditional Use Permit to expand the operation of a 4th through 8th grade school to include a transitional kindergarten (TK) through eighth grade school for up to 260 children from 234 children, from 12 to 17 staff, and the addition of 2 pygmy/miniature goats and 6 chickens housed within a newly renovated barn (“Project”). The existing educational facility would continue to occupy an existing school facility on a 2.98-acre property in the Single-Family Residential (R-1) Zone. The project site is addressed as 1816 Oak Hill Drive (APN: 231-070-41-00).

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 May 15, 2025, 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 (Article 61, Division 6, Section 33-1300) 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 and concerns regarding the matter; and

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 Modification to the 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 36 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 the Development Services Departments. The project is also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval as applicable.

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 15th day of May, 2025.

VERONICA MORONES
Zoning Administrator/City Planner

ANNIE WARD
Witness

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

EXHIBIT "A"

PLANNING CASE NO. PL23-0209

LEGAL DESCRIPTION

For APN/Parcel ID(s): [231-070-41-00](#)

THE SOUTHWESTERLY 240 FEET, EXCEPTING THE SOUTHEASTERLY 245 FEET OF THE SOUTHWESTERLY 80 FEET THEREOF, OF LOT 3 IN BLOCK 185 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 723](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, ALSO EXCEPTING THEREFROM THE SOUTHEASTERLY 9.00 FEET AS GRANTED TO THE CITY OF ESCONDIDO, BY DEED RECORDED JANUARY 10, 1966 AS FILE NO. [5039 OF OFFICIAL RECORDS](#).

EXHIBIT "B"

PLANNING CASE NO. PL23-0209

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 section 15303 (New Construction or Conversion of Small Structures). The proposed Project meets all applicable conditions, as further described below:
 - a. A primary and secondary school facility is a permitted use within the R-1 (Single-Family Residential) zone subject to the issuance of a Conditional Use Permit and adherence to the City of Escondido Municipal Code. The project involves an expansion of the existing operation consisting of a day care and 4th through 8th grade school to a TK-8th grade educational use, with the addition of minor accessory structures, where a change in grade-level, staffing, and the addition of two pygmy goats and 6 chickens is being proposed. The modification in use does not include any modifications to on-site circulation or transportation. 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.
 - 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 Municipal Code and General Plan policies. 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 May 15, 2025 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 have 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 Findings:

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

The proposed primary and secondary educational use is permitted, subject to a conditional use permit (CUP) when proposed within the R-1 Single-Family Residential zone, subject to compliance with the requirements of the Escondido Municipal Code. Granting the modification to the existing Conditional Use Permit (79-25-CU) would provide a service to the community in the form of a primary and secondary school within close proximity to residential neighborhoods. The educational facility would be within walking distance to neighborhood residents and in close proximity to public transit. As currently permitted, the subject use would increase the existing number of students by 26 and staff by 5, and continue to operate in a similar manner.

Further, the addition of two pygmy goats to the school curriculum would enhance the educational experience provided to students. The requests for housing of animals including pygmy/miniature goats in residential zones are regulated by Article 57 (Miscellaneous Use Restrictions) per Article 6 (Residential Zones), and Article 9 (Animal Overlay (AO) Zone) per the Permitted Accessory Uses and Structures Table 33-95 of Article 6. Per these provisions, the animal must have the following: an enclosure, manure disposal bin and location regulated to maintain sanitary conditions and prevent adverse impacts to the adjacent residential properties. 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 Project site is located in an area surrounded by a variety of residential and school uses. The proposed use would be conducted within an existing commercial building and proposed accessory structure 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 with no impact to the public right-of-way. The barn/pasture area is located in a designated area as depicted, on the northern side of the existing classroom structures, and the classrooms are as approved by the originally issued Conditional Use Permit and Plot Plan for the site.

The project would not have a traffic impact on the surrounding streets and intersections as the one-way driveway extends approximately 250 feet to the rear of the school facility

permitting queueing of roughly 13 vehicles. The pick-up/drop-off area would occur on-site at the north side of the building and not on public streets or rights-of-way. Staff determined that the project is a “Small Project” and not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis for the increase. A small project 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 project site is located within the R-1 (Single-Family Residential) zone (Attachment 1), which permits primary and secondary schools subject to the approval of a Conditional Use Permit (CUP). Similarly, the housing and keeping of certain animals is also permitted in residential zones as regulated by Article 57 (Miscellaneous Use Restrictions) per Article 6 (Residential Zones), and Article 9 (Animal Overlay (AO) Zone) per the Permitted Accessory Uses and Structures Table 33-95 of Article 6. The scope of work has been reviewed and analyzed per the municipal code and found to be compliant and consistent with the General Plan and Municipal Code.

The 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.

EXHIBIT “C”
PLANNING CASE NO. PL23-0209
PROJECT PLANS

These Architectural Drawings are copyright-protected. If you would like to view these drawings, please contact the project planner, Melissa DiMarzo at 760-839-4531, or via email at Melissa.DiMarzo@escondido.gov.

EXHIBIT "D"

PLANNING CASE NO. PL23-0209

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on May 26, 2023, and the Project drawings consisting of a Site Plan designated as conditionally approved on **May 15, 2025**, 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.

The lead agency is subject to filing the environmental determination prepared for the Project on the Office of Planning and Research (OPR) State Clearinghouse website per SB 69, and PRC 21152.

- 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 17 parking spaces shall be provided at all times for school use. 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.

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 TK-8th grade school shall be 260 children and 17 staff. Any request to increase the maximum allowable capacity will require further communication with the Planning Division as to any modification to the CUP.
2. The maximum number of persons including children and staff in the buildings at any given time shall be subject to Building and Fire Codes, as approved by the Building Division and Fire Department.
3. The school facility hours of operation shall be limited to 8:00 a.m. to 4:00 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.
4. The pick-up/drop-off area shall occur on-site at the north side 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.
5. The property owner shall be responsible for maintaining the fence and gates around the perimeter of the property and designated playground areas.
6. A valid City of Escondido Business License shall be maintained at all times, and shall specify the maximum capacity of 260 children served at the facility, as approved by this CUP.
7. The number of children authorized for enrollment shall not exceed 260 children, as approved by this CUP.

- 8.** All parking spaces shall be striped for visibility in the manner required by City standards and as provided in Section C.1 above.
- 9.** Prior to Business License approval, photos of all required parking lot striping, painting and paving shall be submitted to the Planning Division.
- 10.** The school shall provide at least one staff member to assist with directing traffic during morning drop-off and afternoon pick-up. No drop offs/pickups shall occur within the public right-of-way. A traffic control plan shall be submitted to the Planning Division prior to operation under this CUP.
- 11.** Applicant shall provide proof of permits for the cargo container, trash enclosure and barn structures prior to operating under the permit approved by this Modification to the Conditional Use Permit. In the event that any of these structures are found to be unpermitted, the Applicant shall apply for the proper permits from the Building Division. Cargo containers are subject to both a Planning review process as well as a building permit process.
- 12.** The eastern driveway entry shall be paved as indicated on the plans and existing vegetation pruned to accommodate the widening of the entry.
- 13.** Signage and directional arrows shall be added to indicate one-way entry, one-way exit, and circulation.
- 14.** The applicant shall maintain the caretaking schedule for the animals as proposed and shall designate a contact for emergencies. This information shall be provided to all adjacent residents.
- 15.** The pygmy goats and hens are to remain inside the secured barn/stable when unsupervised.
- 16.** The 4-foot split rail fencing shall be installed around the pasture area prior to obtaining the pygmy goats.
- 17.** Two pygmy goats are authorized through the approval of this permit application in addition to the up to 6 hens permitted by right. Any additional animals proposed are subject to all applicable regulations of Article 6 for animals in residential zones.
- 18.** All prior conditions issued under 76-49-CU, 79-25-CU, and 97-13-CUP not otherwise modified herein shall remain in full force and effect.



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

Notice of Exemption

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

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

Project Title/Case No: MODIFICATION TO A CONDITIONAL USE PERMIT – PL23-0209

Project Location - Specific: On the north side of Oak Hill Drive to the east of Highland Place, south of East Grand Avenue and west of South Midway Drive addressed as 1816 Oak Hill Drive (APN: 231-070-41-00).

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

Description of Project: Approval of a modification to Conditional Use Permit for an existing daycare and 4th through 8th grade school (79-25-CUP) to allow for the expansion of the current school operation to include Transitional Kindergarten (TK) through 8th grade and increase the number of students from 234 to 260 students, and from 12 to 17 staff, and the addition of two pygmy/miniature goats to the property as a part of the school curriculum. The property consists of a 14,100 square-foot school with two modular classrooms and an 845 square-foot gazebo. The request includes conversion of the existing gazebo into a barn as a part of the project. The zoning for the property is R-1-6 and the General Plan designation is Urban I.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Bill Hofman, Hofman Planning Associates

Address: 5900 Pasteur Court 200A, Carlsbad, CA 92008

Telephone: (760) 692-4100

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 project involves a change in use of an existing commercial buildings from day care and 4th through 8th grade school to a TK-8th grade educational use, with the addition of minor accessory structures, where a change in grade-level and the addition of two pygmy goats is being proposed. The modification in use does not include any modifications to on-site circulation or transportation. 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.

Lead Agency Contact Person:

Area Code/Telephone/Extension: 760-839-4531

Signature: _____
Melissa DiMarzo
Assistant Planner II

_____ Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

ATTACHMENT 5

Submitted on Friday, May 2, 2025 - 10:54am

Submitted by user: Visitor

Submitted values are:

Board or Commission for Public Comment Zoning Administrator

Email

Council Meeting Date 05/15/2025

Item # PL23-0209

Subject Modification to a Conditional Use Permit

Position In Opposition

First and Last Name Sarah Higgins

Are you an Escondido Resident? Yes

Comments

We are concerned that no additional parking spaces will be added with the increase in staff and students. Oak Hill Drive traffic is already congested with school staff and parent parking. Adding staff and students will exacerbate both traffic congestion and parking issues. We would be in favor of the planned expansion of the school operation if a parking lot on school property would be added. Thank you.

ZONING ADMINISTRATOR

CASE NUMBER: PL24-0266

APPLICANT: Ertiol Koci, DXU Architects

PROJECT LOCATION: 1580 W. Valley Parkway (APN: 235-071-63-00)

REQUEST: Approve a Minor Conditional Use Permit for a Swimming School and Pool use, consisting of a 2,670 square-foot indoor pool inside a 10,020 square foot suite of an existing 25,137 square-foot commercial building, located within a 22.7-acre multi-tenant commercial center. The site is zoned Planned Development – Commercial (PD-C) and has a General Plan land use designation of Planned Commercial (PC).

**STAFF
RECOMMENDATION:** Approval

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

ZONING: PD-C (Planned Development - Commercial)

BACKGROUND/PROJECT DESCRIPTION:

The project site has a General Plan land use designation of Planned Commercial (PC), which allows for a variety of commercial activities within a unified planned commercial center. The Land Use and Community Form Element of the General Plan identifies the project site as Planned Commercial Area No. 3 – West Valley Parkway / Ninth Avenue.

The project site is zoned as Planned Development – Commercial (PD-C) and includes a Mixed-Use Overlay. Allowed uses in the PD-C zone correspond with the General Commercial (GC) use designation. The proposed Minor CUP would be consistent with the General Plan and the PD-C zoning designation as the GC land use matrix (Table 33-332) allows swimming schools and pools as a conditionally permitted principal use [subject to a Minor CUP] pursuant to Article 61, Section 33-1200 et seq. The Minor CUP request is subject to review and determination by the Zoning

Administrator pursuant to Article 61, Division 1, Sections 33-1202(c) and Division 9, Section 33-1319.

The project site is within a 22.7-acre multi-tenant commercial center built in 1995, located at the southwest corner of W. Valley Parkway and W. 9th Avenue. The commercial center is developed with 5 buildings totaling 243,051 square feet of commercial retail: (1) anchor tenant, (1) multi-tenant building with three individual suites, and (3) individual retailers. The adopted Master Development Plan for the commercial center (92-36-PD/CZ) specifies permitted uses to be the same as the General Commercial (GC) land use designation, which accommodates a wide variety of retail and service activities.

The proposed "swimming school and pool" use would be located within the multi-tenant building on the southwest side of the commercial center. The applicant is proposing to renovate and occupy the 25,137 square foot suite at the west end of the building, addressed as 1580 W. Valley Pkwy. The suite has been divided into two commercial spaces: a 15,117 square foot space currently occupied by a Big Lots retail store; and a 10,020 square foot space on the western edge of the building that would be occupied by the proposed swimming school and pool. The proposed project does not involve any expansion to the existing structure or commercial uses. The project will consist of minor interior and exterior alterations and the proposed use would conduct all activities indoors.

The applicant, Ertiol Koci, DXU Architects, is requesting approval of a Minor Conditional Use Permit to operate a "swimming school and pool" for children between the ages of 6-months to 12 years old. Big Blue Swim School is a swim-lesson provider with a staff of three managers and 25 full-time hourly swim instructors. Swimming school operations would be permitted from 7:30 a.m. to 10:30 p.m. Monday through Friday, and 7:00 a.m. to 7:00 p.m. on Saturday and Sunday. Swim lessons are scheduled for 30-minutes with total lessons per day ranging from 9 to 15 and total students from 144 to 297 daily. General swimming school operations would provide 20 swim instructors per 72 students, for an average of 3.6 students per instructor. Peak operating session would be on Saturdays from 9 am to 12 pm. During this timeframe there will be 6 half-hour swim classes with approximately 32 children per class, and 16-20 staff members including instructors and management. At all times 50% or more of the staff including all swim associates, regional managers, general managers, assistant managers and pool deck support staff will have a Shallow Water Lifeguarding certification or more advanced certification. Within 90 days of completing training all swim associates will be required to obtain certification in CPR with rescue breathing.

Tenant improvements for the swimming school include an entry vestibule, lobby/reception area, office, a new four-foot (4') deep, 2,670 sf interior swimming pool, restrooms, changing rooms, showers, staff area, pool equipment room, and storage areas. A glass partition wall would separate the pool area from the lobby/reception area. The pool and deck area would be enclosed and secured from the lobby area with latching and insulated storefront doors. Parents or guardians would check in the students and either accompany them into the pool or sit in the waiting area. No student drop-off or unaccompanied students would be allowed. The pool area

maximum occupancy would be 104 bathers (at all times) and the pool would only be used for swimming lessons and not for recreational activities.

Primary ingress/egress to the site is available along the northside of West Valley Parkway to provide two points of entry and exit for patrons of the commercial center. The center is surrounded by commercial uses and a middle-school to the north and east, with multi-family residential uses and a mobile home park on the south side of West Valley Parkway, and single-family residential uses on the south and west sides. The Master Development Plan for the commercial center specifies a shared parking ratio of 1:232 sf for major commercial tenants and provides a total of 1,060 off-street parking spaces. The 10,020 sf commercial suite to be occupied by the swimming school and pool would require approximately 43 parking spaces at the 1:232 sf ratio. Due to the subject site's reciprocal parking agreement, the project would adequately meet the parking requirements of the Planned Development.

ANALYSIS:

1. General Plan Conformance:

The project site has a General Plan land use designation of Planned Commercial (PC), which allows for a variety of commercial activities within a unified planned commercial center. The Land Use and Community Form Element of the General Plan identifies the project site as located within Planned Commercial Area No. 3 – West Valley Parkway / Ninth Avenue. The adopted Master Development Plan for the commercial center specifies permitted uses to be the same as the General Commercial (CG) designation, which accommodates a wide variety of retail and service activities. The proposed Minor CUP would be consistent with the General Plan as the General Commercial (CG) designation allows swimming schools and pools as a conditionally permitted principal use [subject to a Minor CUP pursuant to Article 61, Section 33-1200 et seq].

2. Zoning Code Conformance:

The project site is within the Planned Development – Commercial (PD-C) zone and includes a Mixed-Use Overlay. Allowed uses in the PD-C zone correspond with the General Commercial (GC) General Plan designation, which permits swimming school and pool uses with the approval of a minor CUP subject to Article 61, Division 1, Section 33-1202(c)(1) of the Escondido Zoning Code. The minor CUP request is subject to review and determination by the Zoning Administrator pursuant to Article 61, Division 1, Sections 33-1202(c) and Division 9, Section 33-1319.

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 15301 (Existing Facilities) as described further in the Findings of Fact, attached as Exhibit "B" to Resolution No. 2025-06 (Attachment 2) and the CEQA Notice of Exemption (Attachment 3).

Zoning Administrator
May 15, 2025
PL24-0266

REASONS FOR RECOMMENDATION:

Staff recommends approval of the Minor CUP for the swimming school and pool as the uses adhere to the requirements of the municipal code. The project site retains two points of ingress/egress for appropriate access and on-site circulation and there is adequate parking provided. The project site is located within an existing multi-tenant commercial shopping center with a total of 1,060 shared parking spaces. The swimming school and pool use is not anticipated to have any adverse impacts on the surrounding properties since it is located entirely within an existing commercial building that was originally approved and constructed for commercial retail services. The new use is compatible with the surrounding commercial uses within the center and the proposed use would conduct all activities indoors. Conditions of approval have been included with the draft resolution to address areas of concern, and ensure compliance with all regulations with the Escondido Zoning Code.

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

Respectfully submitted,

Robert Barry

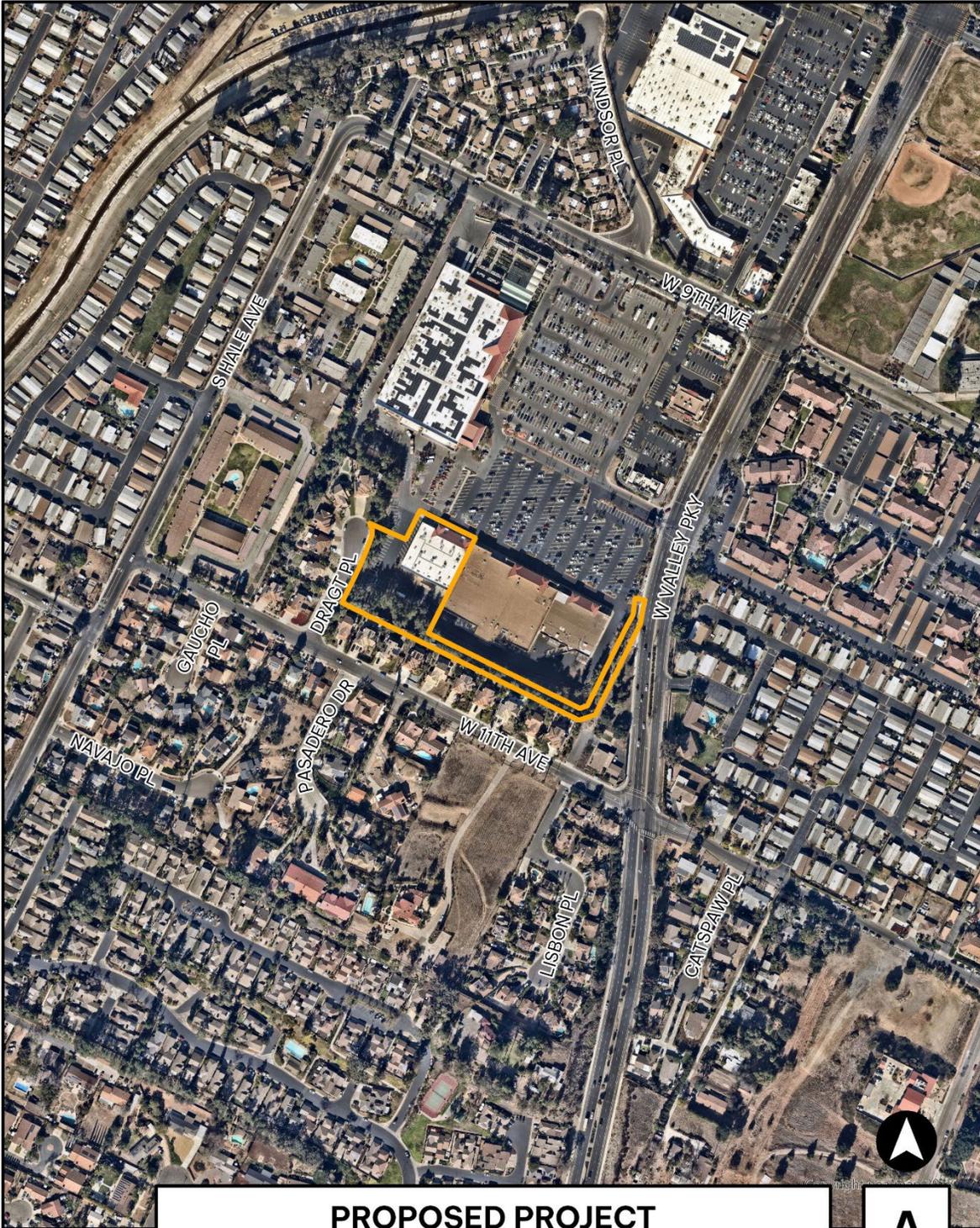
Robert Barry, AICP
Senior Planner

ATTACHMENTS:

1. Project Location, Zoning and General Plan Land Use Maps
2. Draft Zoning Administrator Resolution No. 2025-06, Including Exhibits A, B, C and D
3. CEQA Notice of Exemption

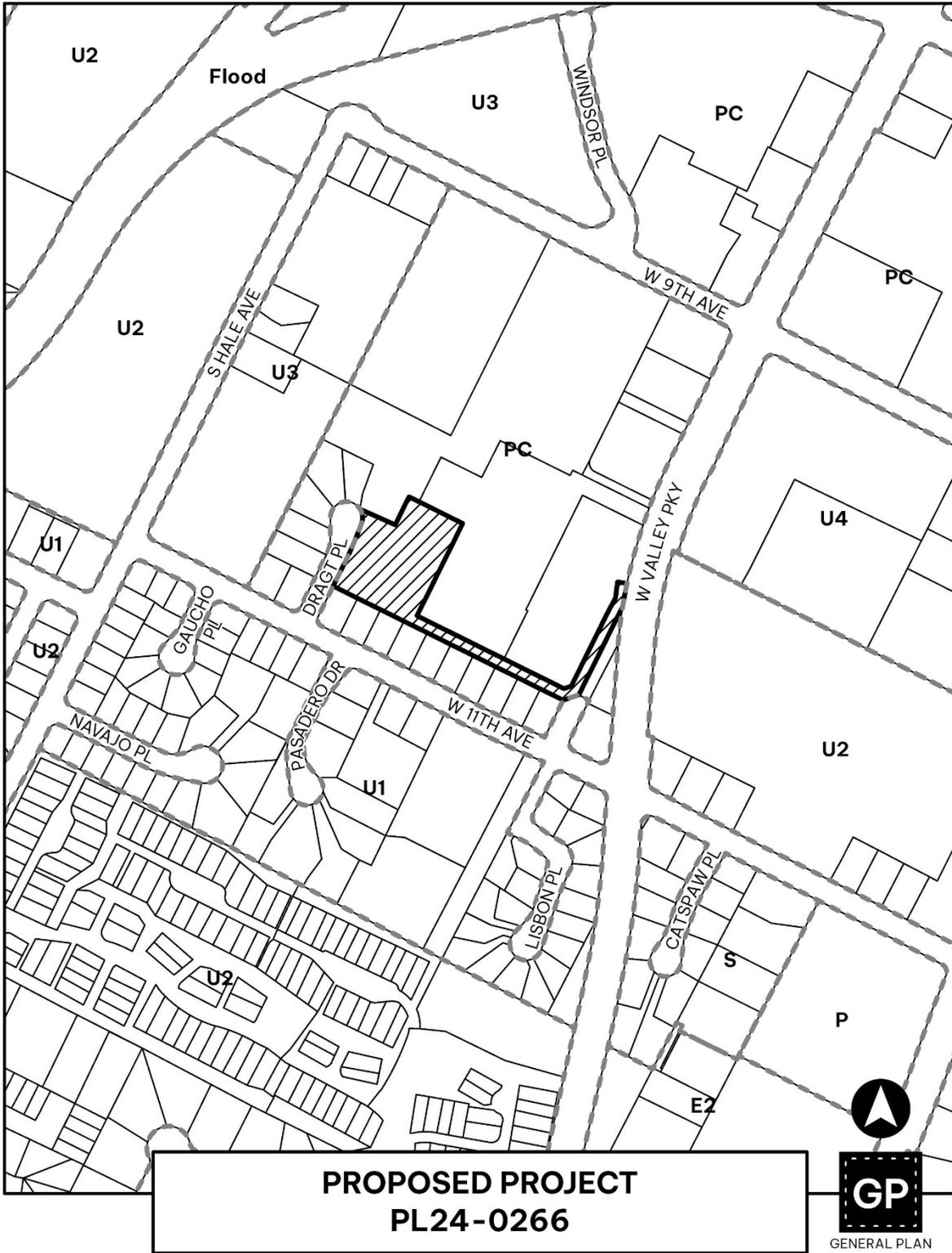
ATTACHMENT 1

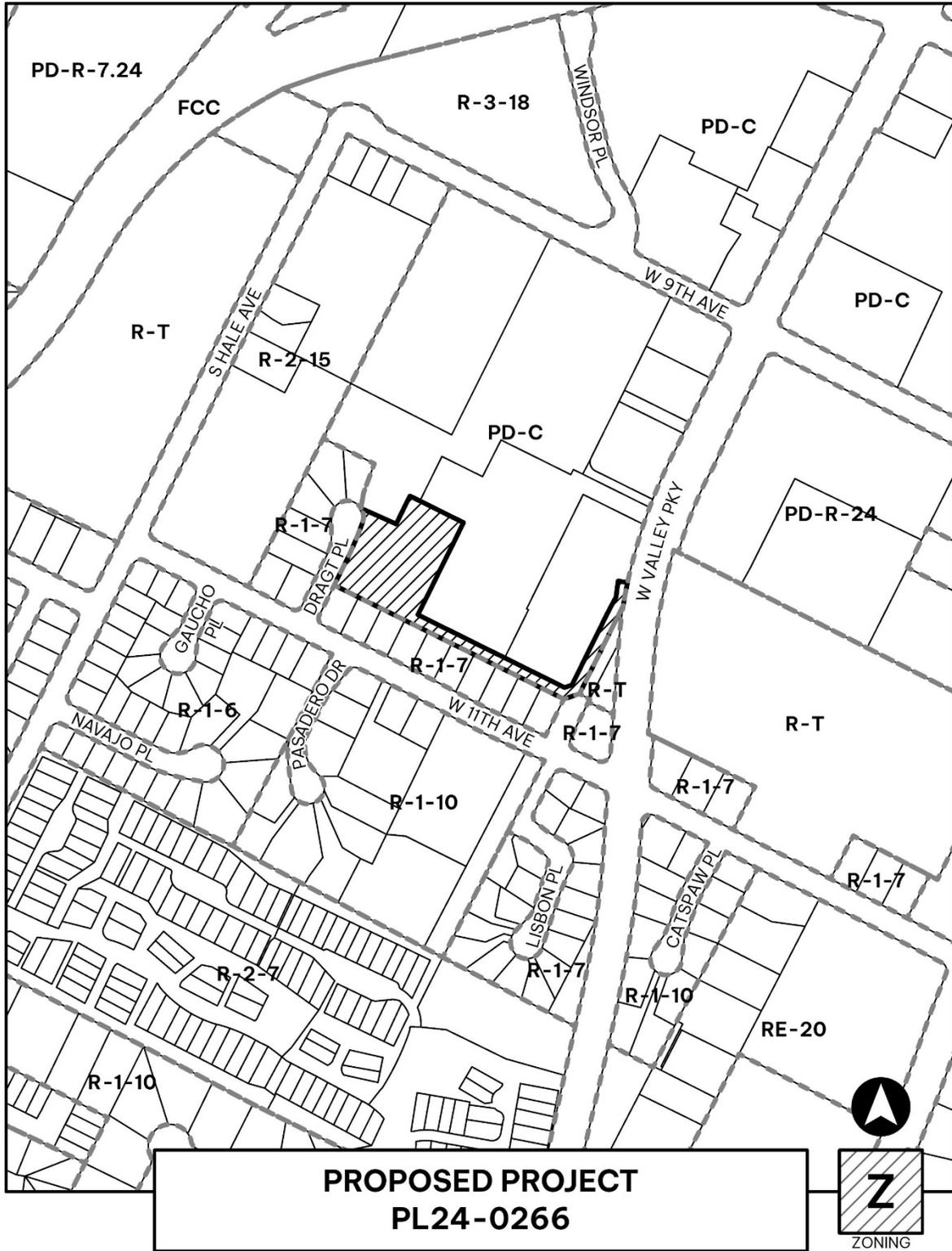
Zoning Administrator
May 15, 2025
PL24-0266



**PROPOSED PROJECT
PL24-0266**

A
AERIAL





ATTACHMENT 2
PL24-0266

Zoning Administrator

Hearing Date: May 15, 2025

Effective Date: May 28, 2025

RESOLUTION NO. 2025-06

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MINOR CONDITIONAL USE PERMIT
FOR A SWIM SCHOOL AND POOL USE IN THE PD-
C ZONE.

APPLICANT: Ertiol Koci, DXU Architects

CASE NO: PL24-0266

WHEREAS, the Zoning Administrator of the City of Escondido did, on May 15, 2025 hold a public hearing to consider a request for a Minor Conditional Use Permit for a Swimming School and Pool use, consisting of a 2,670-square foot (sf) pool inside of a 10,020-sf commercial suite, located within an existing 25,137-sf commercial building on the west side of a 22.7-acre multi-tenant commercial center. The use will conduct all activities indoors.

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 May 15, 2025, 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 pursuant to Chapter 33, Article 61, Division 6 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.

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 15301 ("Existing Facilities"). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects and no further environmental review is required.
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 36 months of the date of this approval,

Zoning Administrator
May 15, 2025
PL24-0266

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 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 15th day of May, 2025.

VERONICA MORONES
Zoning Administrator/City Planner

Annie Ward
Witness

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

Zoning Administrator
May 15, 2025
PL24-0266

EXHIBIT "A"
PLANNING CASE NO. PL24-0266
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:

PARCEL A

LOT 6 OF ESCONDIDO TRACT 785, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 13149, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 20, 1994.

PARCEL B:

NON-EXCLUSIVE EASEMENTS FOR INGRESS AND EGRESS FOR VEHICULAR AND PEDESTRIAN TRAFFIC, VEHICULAR PARKING, INSTALLATION AND MAINTENANCE OF SIGNS AND INCIDENTAL PURPOSES, FOR THE ENJOYMENT, COMFORT AND CONVENIENCE OF CUSTOMERS, INVITEES, LICENSEES, TENANTS AND EMPLOYEES OF ALL BUSINESS, OCCUPANTS AND OWNERS OF THE BUILDINGS AND OR LAND, OVER AND THROUGH THE COMMON AREA, TOGETHER WITH A NONEXCLUSIVE AND PERPETUAL RIGHT AND EASEMENT TO INSTALL, MAINTAIN, REPAIR, REMOVE AND REPLACE COMMON UTILITY FACILITIES WITHIN AND UPON THE COMMON AREA OF THE SHOPPING CENTER, AS CONVEYED, SET FORTH AND DESCRIBED IN THAT CERTAIN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT DATED APRIL 8, 1994, EXECUTED BY AND BETWEEN HOME DEPOT U.S.A., INC., ALBERTSON'S, INC. AND DRAGTS, RECORDED APRIL 8, 1994 AS INSTRUMENT NO. 1994-0430063 OFFICIAL RECORDS, AS AMENDED AND RESTATED BY THAT CERTAIN INSTRUMENT RECORDED MAY 3, 1995 AS INSTRUMENT NO. 1995-0186762 OFFICIAL RECORDS, SAN DIEGO COUNTY RECORDS.

APN: 235-071-63-00

EXHIBIT “B”
PLANNING CASE NO. PL24-0266
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 Section 15301 (Existing Facilities). The proposed Project meets all applicable conditions, as further described below:
 - a. The Project is consistent with the applicable PC (Planned Commercial) General Plan land use designation and the Planned Development - Commercial (PD-C) zoning designation. Swimming school and pool use is permitted within the PD-C zone, subject to the approval of a Minor Conditional Use Permit. The project site is located inside of a 10,020-sf suite of an existing 23,137-sf commercial building in a multi-tenant commercial center. No expansion of the existing building or commercial uses is proposed. The Project will consist of minor interior and exterior alterations and the proposed use would conduct all activities indoors. 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 15301(a).
 - 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 Municipal Code and General Plan policies. 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 May 15, 2025 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 Findings (Escondido Zoning Code Section 33-1203):

The Zoning Administrator has reviewed the record, including the applicable CEQA findings, and makes the following findings for a Minor 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.*

The approval of this Minor Conditional Use Permit is granted upon sound principles of land use in that the use is proposed entirely within an existing commercial building located within a multi-tenant commercial center, which fronts on West Valley Parkway and is located in Planned Commercial Area No. 3 – West Valley Parkway / Ninth Avenue in the Land Use and Community Form Element of the General Plan. The Project is consistent with the applicable Planned Commercial (PC) General Plan land use designation and the Planned Development - Commercial (PD-C) zoning designation. Swimming school and pool use is permitted within the PD-C zone, subject to the approval of a minor Conditional Use Permit. The project site is located inside a 10,020-sf suite of an existing 25,137-sf commercial building in a multi-tenant commercial center. No expansion of the existing building or commercial uses is proposed. The Project will consist of minor interior and exterior alterations and the proposed use would conduct all activities indoors. The project site is located in a developed area of the city where all necessary public services and facilities are available on site. The proposed use will provide swimming lessons for children ages 6-months to 12-years within an existing commercial center occupied by home improvement, grocery, and pharmacy retail tenants. Therefore, existing conditions of the project site and adjacent commercial tenants make the proposed use a reasonable land use in this location.

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.*

Primary ingress/egress to the site is available along the northside of West Valley Parkway to provide two points of entry and exit for patrons of the commercial center. The center is surrounded by commercial uses and a middle-school to the north and east, with multi-family residential uses and a mobile home park on the south side of West Valley Parkway,

and single-family residential uses on the south and west sides. The Master Development Plan for the commercial center (92-36-PD CZ) specifies a shared parking ratio of 1:232 sf for major commercial tenants and provides a total of 1,060 off-street parking spaces. The 10,020-sf commercial suite to be occupied by the swimming school and pool would require approximately 43 parking spaces at the 1:232 sf ratio. Therefore, existing conditions of the project site make the proposed use a reasonable land use in this location.

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 located.*

The project site is located within Planned Commercial Area No. 3 – West Valley Parkway / Ninth Avenue as designated in the Land Use and Community Form Element of the General Plan. The proposed swimming school and pool use is conditionally permitted within the PD-C zone, subject to compliance with the requirements of the Escondido Municipal Code. The proposed use is located entirely inside an existing commercial building within an established planned commercial center and meets the development and performance requirements of Article 16 and Article 61. Therefore, existing conditions of the project site and local area make the proposed use a reasonable land use in this location.

This Minor Conditional Use Permit was reviewed by Staff and determined, based on the conditions outlined under Exhibit “D” and project scope described within this staff report, is compatible with the surrounding properties. The 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.

Zoning Administrator
May 15, 2025
PL24-0266

EXHIBIT "C"
PLANNING CASE NO. PL24-0266
PROJECT PLANS

These Architectural Drawings are copyright-protected. If you would like to view these drawings, please contact the project planner, Robert Barry at 760-839-4537, or via email at Robert.Barry@Escondido.gov

EXHIBIT “D”

PLANNING CASE NO. PL24-0266

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on September 13, 2024 and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Pool Layout, and Interior Elevations, received on September 18, 2024; all designated as approved on May 15, 2025, 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 24 months 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.

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 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.

C. Parking and Loading/Unloading.

1. The Master Development Plan for the commercial center (92-36-PD CZ) specifies a shared parking ratio of 1:232 sf for major commercial tenants and provides a total of 1,060 off-street parking spaces. The 10,020-sf commercial suite to be occupied by the swimming school and pool requires approximately 43 parking spaces at the 1:232 sf ratio. Said parking spaces provided by the Property owner and Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.

E. Specific Planning Division Conditions:

1. This Minor Conditional Use Permit allows for operation of a Swimming School and Pool in the 1580 West Valley Parkway building only as described in the May 15, 2025 Zoning Administrator staff report. No other activities are permitted by this approval.
2. This project shall adhere to all applicable development standards for a Swimming School and Pool use in the Planned Development – Commercial (PD-C) zone and corresponding with the General Commercial (CG) land use designation as set forth in Article 16 and Article 61 of the Escondido Zoning Code.
3. The hours of operation for the facility shall be limited to 7:30 a.m. to 10:30 p.m., Monday thru Friday; and, 7:00 a.m. to 7:00 p.m. on Saturdays and Sundays.
4. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
5. A valid City of Escondido Business License shall be maintained at all times.
6. 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.
7. The Applicant shall provide the Planning Division with revised plan sets for this Permit record prior to building plan submittal.
8. 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.
9. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.

F. Specific Fire Department Conditions:

1. All storage shall comply with the CA Fire Code and will require an annual Fire & Life Safety Inspection by the Escondido Fire Department.

F. Specific Building Division Conditions:

Zoning Administrator

May 15, 2025

PL24-0266

1. The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check 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 plan check 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.

**ATTACHMENT 3
DRAFT NOTICE OF EXEMPTION
PROJECT NO. PL24-0266**



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: Minor Conditional Use Permit (PL24-0266)

Project Location - Specific: On the north side of W. Valley Parkway, between 9th Avenue and 11th Avenue, addressed as 1580 W. Valley Parkway, Escondido CA 92029 (APN: 235-071-63-00).

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

Description of Project: Approval for a Minor Conditional Use Permit for the operation of a swimming school and pool within an existing commercial building. The site is zoned Planned Development – Commercial (PD-C) and has a General Plan land use designation of Planned Commercial (PC).

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Ertiol Koci

Address: 149 Standard St., El Segundo, CA 90245

Telephone: 267-230-8152

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

Exempt Status:

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

Reasons why project is exempt:

- The project is consistent with the City of Escondido Zoning Code and General Plan, and no variances are required. The subject parcel is located within a developed area of the City, which has all services, public utilities, and access available on site.
- The request is for operation of a swimming school and pool within an existing commercial building, and does not propose expansion to the existing building or existing use. Approval of the project would not result in any significant effects relating to traffic, air quality, or water quality.
- The site has been completely developed, and has no value as habitat for endangered, threatened, or rare species. The proposed development would not have the potential to cause an adverse impact on the environment and is not subject to further CEQA review.
- 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 commercial shopping center and all proposed changes would occur within the interior of the existing structure on site. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources, because the proposed project would be located on a previously disturbed area of the project site. The project area is not environmentally sensitive as it is the interior of an existing structure.

Lead Agency Contact Person: Robert Barry

Area Code/Telephone/Extension: 760 839-4537

Signature: _____

Robert Barry
Senior Planner

_____ Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant