



CITY of ESCONDIDO

PLANNING COMMISSION MEETING

April 08, 2025 at 7:00 PM

Council Chambers: 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR COMMISSION MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

CHAIR

Stan Weiler

VICE CHAIR

David Barber

COMMISSIONERS

Carrie Mecaro

Barry Speer

Jeff Jester

Dustin Steeve

Marc Correll

MINUTES CLERK

Alex Rangel

HOW TO WATCH

The City of Escondido provides one way to watch a Commission meeting:

In Person



201 N. Broadway, Escondido, CA 92025



CITY of ESCONDIDO

PLANNING COMMISSION

TUESDAY, APRIL 08, 2025

HOW TO PARTICIPATE

The City of Escondido provides two ways to communicate with the Commission during a meeting:

In Person



Fill out Speaker Slip and Submit to City Clerk

In Writing



<https://escondido-ca.municodemeetings.com>

ASSISTANCE PROVIDED

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.





CITY of ESCONDIDO

PLANNING COMMISSION

TUESDAY, APRIL 08, 2025

AGENDA

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) March 25, 2025

WRITTEN COMMUNICATIONS

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

ORAL COMMUNICATIONS

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

PUBLIC HEARINGS

Please limit your testimony to three minutes.

CURRENT BUSINESS

- [2.](#) **C23-1348 / 1004 N. Ash Street Notice and Order Appeal**

REQUEST: A request to overturn the Notice and Order to Abate a Public Nuisance issued for 1004 N. Ash for violations of the Escondido Municipal Code related to a substandard building and unsafe structure on site.

PROPERTY SIZE AND LOCATION: The 0.17-acre site is located on the northeast corner of Ash Street and Lincoln Avenue and is addressed at 1004 N. Ash Street. (Assessor's Parcel Number: 227-355-26-00)

APPELLANT: Zeiler Properties, LLC



CITY of ESCONDIDO

PLANNING COMMISSION

TUESDAY, APRIL 08, 2025

CEQA RECOMMENDATION: Not a "Project" under CEQA pursuant to 15378(b)(3) of the CEQA Guidelines.

STAFF RECOMMENDATION: Approve Planning Commission Resolution No. 2025-05 denying the appeal and upholding the issuance of the Notice and Order to Abate a Public Nuisance.

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

3. **Downtown Specific Plan Retail Corridor Subcommittee**

REQUEST: Status report from the Downtown Specific Plan Retail Corridor Subcommittee.

PROPERTY SIZE AND LOCATION: N/A

APPLICANT: N/A

CEQA RECOMMENDATION: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

STAFF RECOMMENDATION: None.

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

FUTURE AGENDA ITEMS

ORAL COMMUNICATIONS

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

SELECTION OF CHAIR AND VICE-CHAIR

PLANNING COMMISSIONERS REPORT

CITY PLANNER'S REPORT

- 4. Tentative Future Agenda

ADJOURNMENT



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

March 25, 2025 at 7:00 PM

Council Chambers: 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR COMMISSION MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

CHAIR

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HOW TO WATCH

The City of Escondido provides one way to watch the Planning Commission meeting:

In Person



201 N. Broadway, Escondido, CA 92025



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, MARCH 25, 2025

MINUTES

CALL TO ORDER: 7:01 p.m.

FLAG SALUTE: Chair Weiler.

ROLL CALL:

Commissioners Present: Stan Weiler, Chair; David Barber, Vice-Chair; Marc Correll, Commissioner; Jeff Jester, Commissioner; Carrie Mecaro, Commissioner; Barry Speer, Commissioner; and Dustin Steeve, Commissioner.

Commissioner Absent: None.

City Staff Present: Veronica Morones, City Planner; Dare DeLano, Assistant City Attorney; Jason Christman, Engineering Manager; and Alex Rangel, Minutes Clerk.

APPROVAL OF MINUTES:

1. **March 11, 2025 Meeting Minutes.**

Motion: Vice-Chair Barber; Second: Commissioner Correll.

Motion carried (5-0) to approve the minutes.

Ayes: Weiler, Barber, Correll, Mecaro, Steeve.

Nays: None.

Abstain: Jester, Speer.

WRITTEN COMMUNICATIONS:

None.

ORAL COMMUNICATIONS:

None.

PUBLIC HEARINGS:

None.

CURRENT BUSINESS:

2. **Downtown Specific Plan Retail Corridor Subcommittee**

REQUEST: Discussion related to the Downtown Specific Plan, specifically with forming a subcommittee to research and review the existing plan.

PROPERTY SIZE AND LOCATION: N/A



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PLANNING COMMISSION MINUTES

TUESDAY, MARCH 25, 2025

ENVIRONMENTAL STATUS: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

APPLICANT: City of Escondido, Development Services Department

STAFF RECOMMENDATION: Receive and File.

PUBLIC COMMENT:

None.

COMMISSION DISCUSSION:

The commissioners discussed various aspects of the proposed subcommittee. Topics ranged from the expectations of the subcommittee, identified timelines, and potential involvement of external groups and agencies.

COMMISSION ACTION:

Chair Weiler appointed Commissioner Mecaro, Commissioner Speer, and Commissioner Steeve to lead the Downtown Specific Plan Retail Corridor Subcommittee. Chair Weiler directed the Subcommittee to report out at the next regularly scheduled meeting.

3. Planning Commission Minutes Protocol

REQUEST: Discussion related to current protocol regarding Planning Commission minutes and how they are provided to the City Council.

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

APPLICANT: N/A

STAFF RECOMMENDATION: None.

PUBLIC COMMENT:

None.

COMMISSION DISCUSSION:

Commissioner Speer presented a concern regarding the current timeline for providing approved Planning Commission minutes to the City Council for items which would be under their purview for decision following



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, MARCH 25, 2025

the Planning Commission's recommendation. The commissioners discussed the current protocol for approved minutes, and discussed ideas and opportunities pertaining to current commission recordings and voting procedures in an effort to provide more clear information to the City Council of a commissioner's expressed opinions over a project.

COMMISSION ACTION:

None.

4. Conditions of Approval Definitions

REQUEST: Discussion on definitions included within conditions of approval for Conditional Use Permits.

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

APPLICANT: N/A

STAFF RECOMMENDATION: None.

PUBLIC COMMENT:

None.

COMMISSION DISCUSSION:

Commissioner Speer presented a concern that existing definitions within conditional use permits and their conditions of approval may lack clarity, and create confusion regarding policy decisions. The commissioners discussed multiple available options to alleviate this concern, including the application of definitions from the zoning code, general use, and dictionary which could be utilized for language determinations.

COMMISSION ACTION:

None.

FUTURE AGENDA ITEMS:

None.

ORAL COMMUNICATIONS:

None.

PLANNING COMMISSIONERS:



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PLANNING COMMISSION MINUTES

TUESDAY, MARCH 25, 2025

None.

CITY PLANNER'S REPORT:

City Planner Morones provided information for the next regularly scheduled Planning Commission meeting.

ADJOURNMENT

Chair Weiler adjourned the meeting at 7:49 p.m.

Veronica Morones, Secretary to the Escondido
Planning Commission

Alex Rangel, Minutes Clerk



STAFF REPORT

DATE: April 8, 2025

C23-1348 - 1004 N. Ash Street Notice and Order Appeal

PROJECT NUMBER / NAME: C23-1348 / 1004 N. Ash Street Notice and Order Appeal

REQUEST: A request to overturn the Notice and Order to Abate a Public Nuisance issued for 1004 N. Ash for violations of the Escondido Municipal Code related to a substandard building and unsafe structure on site.

PROPERTY SIZE AND LOCATION: The 0.17-acre site is located on the northeast corner of Ash Street and Lincoln Avenue and is addressed at 1004 N. Ash Street. (Assessor’s Parcel Number: 227-355-26-00)

APPELLANT: Zeiler Properties, LLC

GENERAL PLAN / ZONING: R-1-6 / U1

PRIMARY REPRESENTATIVE: Rick Zeiler (Zeiler Properties, LLC)

DISCRETIONARY ACTIONS REQUESTED: Appeal of Notice and Order to Abate a Public Nuisance

PREVIOUS ACTIONS: In 2018, the Planning Division approved ADM18-0088, conceptually approving conversion of a detached garage to an accessory dwelling unit (ADU). Subsequently, the Building Division issued a building permit to convert the 400 SF detached garage into an accessory dwelling unit (B18-1659), consistent with ADM18-0088. In 2022, the Building Division issued a building permit to revert the ADU permitted under B18-1659 to the previous detached garage use, and instead construct an 846 SF detached accessory dwelling unit and 153 SF carport (B22-2187).

In December 2023, the Code Compliance Division issued a Notice of Violation for a code case (C23-1348) for the subject site due to observed violations related to construction, installation, occupancy and maintenance conducted without proper permitting.

On March 5, 2025, the Code Compliance Division issued a Notice and Order to Abate a Public Nuisance for the subject site due to a number of observed technical code violations observed on site, including violations related to unpermitted construction and health and safety violations.

CEQA RECOMMENDATION: Not a “Project” under CEQA pursuant to 15378(b)(3) of the CEQA Guidelines.

STAFF RECOMMENDATION: Approve Planning Commission Resolution No. 2025-05 denying the appeal and upholding the issuance of the Notice and Order to Abate a Public Nuisance.

REQUESTED ACTION: Approve Planning Commission Resolution No. 2025-05

CITY COUNCIL HEARING REQUIRED: YES NO



CITY *of* ESCONDIDO

STAFF REPORT

Item 2.

REPORT APPROVALS:

Assistant City Attorney, Dare DeLano

Veronica Morones, City Planner



CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

Site Information

The subject site is a single-family residential lot originally developed with an existing single-family residence and detached garage. The subject site's zoning is single-family residential (R-1-6) and maintains a land use designation of Urban I (UI). The subject site is located on the northeastern corner of the intersection of Ash Street and E. Lincoln Avenue, wholly surrounded by R-1-6 and UI properties to the north, east, and west, and a R-1-6 and UI property located within a Public Facilities Overlay to the south (refer to Figure 1 – Subject Location below). Surrounding uses include single-family residential uses to the north, east, and west, and a public school (Pioneer Elementary) located to the south across Lincoln Ave.

Figure 1 – Subject Location





CITY of ESCONDIDO

STAFF REPORT

Figure 2 – Subject Site



Code Compliance Issues

On December 14, 2023, the Code Compliance Division issued a Notice of Violation (NOV) for the subject property identifying violations related to Escondido Municipal Code (EMC) Chapter 6 (Buildings and Building Regulations) and the California Building Code for unpermitted construction on site. The NOV stipulated a compliance deadline of January 11, 2024, for abatement purposes. Specifically, the NOV ordered the property owner (Appellant) to submit an application to the City’s Planning Division to obtain required approvals and building permits for the construction and changes made at the property or to obtain a demolition permit from the Building Division to demolish the alterations and return the structure to its last approved use. On February 1, 2024, the Code Compliance Division issued an Administrative Citation for non-compliance with the NOV.

Beginning in February 2024, the Code Compliance Officer (CCO) assigned to the case attempted numerous times to inspect the property to determine the extent of the code violations and whether the property complied with building and safety code requirements. Appellant repeatedly refused consent and most tenants did not respond to the CCO’s requests. On August 8, 2024, the CCO received a complaint that the main house at the Property had possibly been subdivided into two residential units without required permits. On October 8, 2024, the City obtained an inspection warrant from the San Diego County Superior Court authorizing it to conduct an inspection of the site, including the exterior of the property and the interior of the detached ADU, the main dwelling, and the detached garage.



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On March 5, 2025, the Code Compliance Division issued a Notice and Order to Abate a Public Nuisance after City staff inspected the subject site on October 16, 2024, and found violations of the EMC, California Building Code, California Fire Code, and California Health and Safety Code relating to unpermitted construction, including unauthorized separate residential units and the conversion of the garage from storage to residential use, and substandard and unsafe conditions of a building on site. The specific violations observed at the Property are provided under Attachment 1.

The Notice and Order to Abate and associated Notice of Violation, Administrative Citation, inspection warrant and affidavit, and photographs taken during the inspection on October 16, 2024, are provided under Attachment 1 – Code Compliance Documents. Site and floor plans for building permit B22-2187, which show the last approved layout and uses of the property, are provided under Attachment 2 – Building Permit Documents.

SUMMARY OF REQUEST

On March 13, 2025, the Appellant submitted a timely application for Appeal of Administrative Decision to Planning Commission (Attachment 2) for appeal of the March 5, 2025, Notice and Order issued by the City’s Code Compliance Division. Pursuant to EMC Chapter 6 (Buildings and Building Regulations), Article 6-20 (Property Maintenance), Section 6-488(c) (Procedures for abatement of unlawful conditions), whenever the building official or designee has issued abatement of an identified nuisance, such issuance may be appealed to the Planning Commission if filed within 10-calendar days of the service of the notice. A filed appeal must be placed on the next available agenda of the Planning Commission. Per Section 6-488(C)(3), all appeals must be in writing and required fee submitted (current cost set by City Council Resolution No.2024-72 is \$2,880). The appeal must state the decision from which the appeal is taken, and must state the justification for the appeal. All materials submitted as part of the Appellant’s application for appeal are provided under Attachment 3 – Appeal Application.

Should the Planning Commission approve Resolution No. 2025-05 denying the appeal, the Appellant may appeal the Planning Commission’s decision to the City Council.

SUPPLEMENTAL DETAILS OF REQUEST / ANALYSIS

The Appellant contends the items listed on the Notice and Order to Abate are false; however, no supplemental documentation was provided as part of the Appellant’s application substantiating such assertion. The Appellant did not provide evidentiary support for contesting the findings of the Notice and Order to Abate.

EMC Section 1-14 states that any condition caused or permitted to exist in violation of the provisions of the EMC is deemed a public nuisance. EMC Sections 6-13.1 and 6-12.2 mandate that building permits are required for any construction, alteration, improvements, or conversion of buildings or structures and that any failure or refusal to obtain a permit as required by the EMC is prima facie evidence of the fact that a public nuisance exists. Similarly, EMC Section 33-1312 states that any building or structure constructed, altered, converted, or maintained contrary to the Escondido Zoning Code is unlawful and a public nuisance. EMC section 6-10.4 declares that unsafe buildings or structures are a public nuisance and may be abated in accordance with the California Building Code.

EMC Section 6-488(a) mandates that when the building official or designee has inspected a property and has found and determined that conditions constituting a public nuisance exist, the building official shall issue a notice and order and mail a copy by certified mail, postage prepaid, to the landowner and any person occupying the property.



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STAFF REPORT

Item 2.

Section 6-488(a)(1) provides certain information that must be included in a notice and order. Section 6-488 is included as Attachment 4.

City staff inspected the Property on October 16, 2024, and determined, based on their qualifications and experience, that the code violations listed in the Amended Notice and Order to Abate exist on the Property. The Notice and Order to Abate was issued as a result of the inspections by City staff and in compliance with EMC Section 6-488.

FISCAL ANALYSIS

There are no fiscal impacts associated with denial of this appeal.

ENVIRONMENTAL ANALYSIS

The request for appeal, and recommendation to deny such appeal, is not a “Project” under CEQA pursuant to Section 15873(b)(2), as this appeal and the denial of such are administrative activities that would not result in a direct or indirect physical change in the environment.

PUBLIC INPUT

At the time of publishing this staff report, City staff received no public comments associated with this item.

CONCLUSION AND RECOMMENDATION

Based on the evidence contained within this staff report, including the attachments provided, staff recommends the Planning Commission approve Resolution No. 2025-05, denying the appeal and upholding the Building Official’s action in issuing the Notice and Order to Abate a Public Nuisance.

Motion as recommended by City staff: Approve Resolution No. 2025-05

ATTACHMENTS

1. Code Compliance Documents
2. Building Permit Documents
3. Appeal of Administrative Decision to Planning Commission
4. Escondido Municipal Code Section 6-488
5. Draft Planning Commission Resolution No. 2025-05 including Exhibits A and B



March 5, 2025
1004 N. Ash St.
Page 1

Code Compliance Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

**NOTICE AND ORDER
TO ABATE A PUBLIC NUISANCE
(Substandard Building)**

March 5, 2025

**Zeller Properties, LLC
c/o Rick Zeiler
PO Box 27198
San Diego, CA. 92198**

**Unknown Occupants
1004 N. Ash St.
Escondido, CA. 92025**

CASE NUMBER: C23-1348

SUBJECT: 1004 N. Ash St., Escondido, CA 92025

DESCRIPTION: Assessor's Parcel Number 2273552600

Pursuant to the Escondido Municipal Code, a Code Compliance Officer, a Building Inspector, a Fire Inspector/Investigator, and an Environmental Compliance Officer inspected the above referenced property on October 16, 2024. The inspection was in response to a complaint received by the City of Escondido Code Compliance Division. As a result of the inspection, the Building Official for the City of Escondido has determined that a public nuisance, as defined by Escondido Municipal Code (EMC) section 1-14, 33-1312, 6-10.4, and 6-12.2, a substandard building, as defined by California Health and Safety Code (CHSC) section 17920.3, and an unsafe structure, as defined by California Building Code (CBC) 116.1, and California Fire Code (CFC) section 114, is being maintained on this property. Violations of the EMC, CBC, CFC, and CHSC were found on the property.

March 5, 2025
1004 N. Ash St.
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The Following Violations Were Found:

1. The doors between the rooms inside the Accessory Dwelling Unit have been closed off and/or locked, resulting in the subdivision of the Accessory Dwelling Unit into three separate residential units. The Accessory Dwelling Unit must be returned to its last permitted use. **California Government Code § 66323(a)(2); EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1**
2. Egress doors between rooms inside the Accessory Dwelling Unit have been closed off and, locked, eliminating egress. **EMC § 6-10.1; CFC § 1003.6; CHSC § 17920.3(l); CBC § 116.1**
3. Exterior door has been constructed on northeast side of Accessory Dwelling Unit without required permits. **EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1**
4. In the main structure, one door between rooms has been sealed shut, creating a separate residential unit and eliminating egress, and another door is blocked by a bed, eliminating egress. **EMC §§ 6-12, 6-12.2, 6-13.1, 6-10.1; CFC § 1003.6; CHSC § 17920.3(l); CBC §§ 105.1, 114.1, 116.1**
5. Garage has been converted from a storage area to a residential unit without required permits. **EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1; CHSC § 17920.3(n)**
6. No fire extinguishers on site. Fire extinguishers are required every 75 feet and must be serviced annually. **EMC § 6-10.2; CFC §§ 906.1, 906.2, & 906.3; CBC § 116.1; CHSC §§ 17920.3(m)**
7. Smoke detectors not located in every sleeping room and in every egress hallway. **EMC § 6-10.1; CFC § 907.2.11.2; CBC § 116.1**
8. No carbon dioxide detectors in some units of the Accessory Dwelling Unit. **EMC § 6-10.1; CFC §§ 915.1, 915.2; CBC § 116.1**
9. Remove all items stored around water heater and keep 3-feet of clearance. **EMC § 6-10.1; CFC § 305.1; CBC § 116.1; CHSC § 17920.3(h)**
10. Multiple power receptacles in main structure missing covers and exposing wires to the elements. **EMC § 6-10.1; CFC § 603.2.2; CBC § 116.1**

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1004 N. Ash St.
Page 3

11. Water heater installed at main house without required permits. **EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1**
12. Address and unit numbers must be in approved locations and clearly legible from the street. **CFC § 505.1**

AS THE RESPONSIBLE PERSON, OWNER OF RECORD, AND/OR TENANT(S)/OCCUPANT(S) YOU ARE HEREBY ORDERED WITHIN THREE (3) DAYS FROM THE DATE OF THIS NOTICE TO:

1. Install fire extinguishers per fire code.
2. Install smoke detectors in required locations.
3. Install carbon dioxide detectors in required locations.
4. Remove all items stored around water heater.
5. Install covers on exposed power receptacles.
6. Install address and unit numbers in approved locations.

AS THE RESPONSIBLE PERSON, OWNER OF RECORD, AND/OR TENANT(S)/OCCUPANT(S), YOU ARE HEREBY ORDERED WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE TO:

1. Unlock and/or unseal and open up doors and areas of egress in the Accessory Dwelling Unit, obtain a demolition permit from the City of Escondido Building Department to demolish any improvements, and return the structure to its last-approved intended use.
2. Submit an application, plans, and designs to the City of Escondido Building Department to obtain the required permit(s) to legalize the improvements to the garage and main dwelling. Complete all inspections and corrections required to finalize the permit(s). OR obtain a demolition permit, demolish the improvement(s) and/or unlock, unseal, and/or open up doors and areas of egress, and return the structures to their last-approved intended uses.

Please Note: You must bring this or a copy of this notice with you when applying for the required permits. Failure to do so may result in the permits not being issued until the officer handling this case can be reached.

March 5, 2025
1004 N. Ash St.
Page 4

Disposal of material involved in public nuisances shall be carried forth in a legal manner. If you fail to comply with this notice in abating all violations as required, within the time allotted, the Building Official may order the building vacated, secured against trespass, and posted to prevent further occupancy until the work is completed. The Building Official may also proceed to cause the work to be done and charge the costs thereof against the property and/or its owner.

Moreover, reinspection fees may be assessed and/or administrative citations may be issued. The first citation has a mandatory fine of \$100.00, the second citation is \$250.00 and each subsequent citation is \$500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorney's Office for other appropriate legal action. The City may amend this Notice and Order upon discovery of additional violations at the Property.

Any person having any interest or record title in the property may appeal the Building Official's action in issuing this notice to the Planning Commission within ten (10) days of the date of this notice, pursuant to EMC section 6-488. Appeals must be filed with the City Clerk, be in writing, and be accompanied by the established filing fee. The appeal must state the decision from which the appeal is taken, and must contain a concise statement of the reasons for appeal.

IF NO APPEAL IS FILED WITHIN THE TIME PRESCRIBED, THE ACTION OF THE BUILDING OFFICIAL WILL BE FINAL.

This notice will be recorded against the property in the office of the San Diego County Recorder, unless the violations are corrected.

FOR NON-OWNER OCCUPIED DWELLINGS

TAX LIABILITY

California Revenue and Taxation Code, sections 17274 and 24436.5, require that this agency report all substandard rental units which do not comply with the State Housing Law or local codes dealing with health, safety, or building within six (6) months of this notice to the State Franchise Tax Board. If compliance is not met within 6 months of this notice, this agency will report such noncompliance to the State Franchise Tax Board, which will disallow any State Income Tax deductions for interest, depreciation, taxes, or amortization for this (these) dwelling unit(s).

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1004 N. Ash St.
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RELOCATION MAY BE REQUIRED

Pursuant to California Health and Safety Code section 17975, an owner must pay relocation benefits to any tenant who is displaced or subject to displacement from a residential unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered. The local enforcement agency shall determine the eligibility of tenants for benefits and the amount of the benefit.

RETALIATION PROHIBITED

California Civil Code section 1942.5 prohibits a lessor of rental housing from retaliating against a lessee because of the exercise by the lessee of his or her rights under Civil Code section 1940 *et seq.* or because of a lessee's complaint to an enforcement agency as to the tenability of a dwelling. (See California Health and Safety Code section 17980.6).

MAY BE UNLAWFUL FOR LANDLORD TO DEMAND OR COLLECT RENT OR ISSUE NOTICE


Pursuant to California Civil Code section 1942.4(a), a landlord of a dwelling may not demand rent, collect rent, issue a notice of rent increase, or issue a three-day notice to pay rent or quit pursuant to Code of Civil Procedure section 1161(2), if all of the following conditions exist prior to the landlord's demand or notice:

- The dwelling substantially lacks any of the affirmative standard characteristics listed in section 1941.1 or violates section 17920.10 of the Health and Safety Code, or is deemed and declared substandard as set forth in section 17920.3 of the Health and Safety Code because conditions listed in that section exist to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants of the dwelling;
- A public officer or employee who is responsible for the enforcement of any housing law, after inspecting the premises, has notified the landlord or the landlord's agent in writing of his or her obligations to abate the nuisance or repair the substandard conditions; and
- The conditions have existed and have not been abated 35 days beyond the date of service of the notice specified in paragraph (2) and the delay is without good cause, and the conditions were not caused by an act or omission of the tenant or lessee in violation of section 1929 or 1941.2.

March 5, 2025
1004 N. Ash St.
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If you have any questions regarding this case, please contact me at (760) 839-4667 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Sincerely,

Frank Sandoval 
Code Compliance Officer II



City of Escondido NOTICE OF VIOLATION

December 14, 2023

Rick & Sarah Zeiler
P.O. Box 27198
San Diego, CA. 92198

Owner

CASE NUMBER: C23-1348
SUBJECT: 1004 N. Ash St, Unit A, Escondido, CA, 92027-1631
DESCRIPTION: Assessor's Parcel Number 2273552600

Pursuant to the Escondido Municipal Code, a Code Compliance Officer inspected the above referenced property on December 8, 2023. The property was found to be in violation of one or more federal, state, or local code statutes.

The violations noted are as follows:

- 1 Escondido Municipal Code 06-12; 6-12-2;6-13.1; Calif. Building Code 105.1; 114.1
Construction; installation, occupancy and maintenance has been done without permits or approval.
-There is unpermitted construction to unit A.

AS THE OWNER OF RECORD, YOU ARE HEREBY ORDERED WITHIN TWENTY-EIGHT (28) DAYS OF THE DATE OF THIS NOTICE TO:

- 1 Submit plans and designs to the City of Escondido Planning and Building departments. Obtain the required approvals and permit(s) to legalize the improvements. Complete all inspections and corrections required to finalize the permit(s). Or obtain a demolition permit. Demolish the improvement(s) and return the structure to its original intended use.

Compliance Due Date: January 11, 2024.

Please Note: You must bring this or a copy of this notice with you when applying for the required permits. Failure to do so may result in the permits not being issued until the officer handling this case can be reached.

If you fail to comply with this notice in abating all violations as required, within the time allotted, reinspection fees may be assessed and, or you may be issued an administrative citation. The first citation has a mandatory fine of \$100.00, the second citation is \$250.00 and each subsequent citation is \$500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorney's Office for other appropriate legal action.

If you have any questions regarding this case, please contact the undersigned at 760-839-4667 between 8:00 a.m. and 5:00 p.m., Monday through Friday, or email fsandoval@escondido.org.

Sincerely,

FRANK SANDOVAL 
Code Compliance Officer

Delivered By
Regular Mail

Certified Mail

Posting

Personally Delivered



CITY OF ESCONDIDO
Code Enforcement Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4650

AC# 4232

CASE # C23-1348

ADMINISTRATIVE CITATION

(PLEASE SEE INSTRUCTIONS ON BACK OF CITATION)

<u>02/01/2024</u> DATE OF VIOLATION	<u>9:30</u> TIME	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	<u>\$100.00</u> PENALTY AMOUNT
<u>1004 N. ASH ST. UNIT A, ESCONDIDO, CA. 92027</u> ADDRESS OF VIOLATION(S)			
<u>RICK & SARAH ZEILER</u> RESPONSIBLE PERSON OR PROPERTY OWNER OR LESSEE			DATE OF BIRTH
<u>P.O. Box 27198</u> ADDRESS	<u>SAN DIEGO</u> CITY	<u>CA.</u>	<u>92198</u> ZIPCODE

CODE SECTION	DESCRIPTION OF VIOLATION
<u>EMC. 06-12; 6-12-2; 6-13.1</u> <u>CBC. 105.1; 114.1</u>	<u>CONSTRUCTION DONE WITHOUT PERMIT OR APPROVAL.</u>

CORRECTIVE ACTION REQUIRED: APPLY & OBTAIN BUILDING PERMITS FOR IMPROVEMENTS TO UNIT A.

I ACKNOWLEDGE RECEIPT OF THIS NOTICE

PRINTED NAME	SIGNATURE
SERVED BY: U.S. MAIL <input checked="" type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> POSTED ON PROPERTY <input type="checkbox"/>	
ISSUED BY <u>F. SANDOVAL</u> CODE ENFORCEMENT OFFICER	<u>02/01/2024</u> ISSUE DATE



Code Enforcement Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

NOTICE OF INTENT TO ASSESS RE-INSPECTION FEES

February 1, 2024

**Rick & Sarah Zeiler
P.O. Box 27198
San Diego, CA. 92198**

Business Owner

SUBJECT: 1004 N. Ash St, Unit A, Escondido, CA. 92027

CASE NUMBER: C23-1348

A recent review in city records on February 1, 2024, has shown that the violations listed in the notice of violations dated December 14, 2023, have not been corrected as required.


Pursuant the authority of Escondido Municipal Code, Section 6-502(a), a re-inspection fee of \$52.00 may be assessed for all inspections required after the first compliance inspection fails to document the required correction of outstanding violations by the specified deadline.

The property will be re-inspected or a subsequent check in city records will be conducted on February 15, 2024. If the violations have not been corrected by that time, re-inspection fees may be assessed against you for all subsequent inspections.

The assessment of re-inspection fees does not limit the ability of the city to pursue additional remedies, if necessary, up to and including the issuance of administrative citations and, or the initiation of legal proceedings.

Please phone me at (760) 839-4667 so we may discuss these issues and I can explain what is necessary to correct the violations and therefore, avoid the fees.

Sincerely,

Frank Sandoval 
Code Compliance Officer II
City of Escondido

C23-1348

1004 N. Ast St. Escondido, CA. 92027

Case Number

Address

DECLARATION OF SERVICE BY MAIL

I, Frank Sandoval, am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to the action; and I am employed in the County of San Diego, California, in which county the within-mentioned mailing occurred. My business address is 201 North Broadway, Escondido, California 92025. I served the following document(s):

1. City Administrative Citation #4232 (\$100)

2. Notice of Intent to Assess Re- Inspection Fees

by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

Rick & Sarah Zeiler

P.O. Box 27198

San Diego, CA. 92198

I then sealed each envelope and, with the postage thereon fully prepaid, deposited each in the United States mail at Escondido, California, on February 01, 2024.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on:

February 01, 2024

Date

[Signature]

Signature

Frank Sandoval

Typed Name

FILED
Clerk of the Superior Court

OCT - 8 2024

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
NORTH COUNTY DIVISION

In the Matter of the Application for an
Inspection Warrant for the Premises at
1004 N. Ash Street, Escondido, California,
92025; Assessor’s Parcel No. 2273552600.

CASE NO.: 24CU015657N

INSPECTION WARRANT

(Code Civ. Proc. § 1822.50, et seq.)

THE PEOPLE OF THE STATE OF CALIFORNIA TO THE CITY OF ESCONDIDO AND
ITS BUILDING OFFICIAL, FIRE INSPECTOR, ENVIRONMENTAL INSPECTOR,
PLANNING OR ZONING INSPECTOR, AND THEIR AUTHORIZED REPRESENTATIVES:

Upon good cause shown to the Court, you are hereby commanded to conduct an inspection,
as authorized by California Code of Civil Procedure section 1822.50, *et seq.* and Escondido
Municipal Code section 6-9, of the property described as 1004 N. Ash Street, Escondido, California,
92025; Assessor’s Parcel No. 2273552600 (“Property”), for the purpose of investigating violations
of the Escondido Municipal Code, California Building Code, and any other applicable health,
building, fire, safety, plumbing, electrical, or zoning laws on the Property.


Notice shall be given to the owner or occupant of the premises at least 24 hours before this
Warrant is executed. Said inspection shall be made only between the hours of 8:00 a.m. and 6:00
p.m. The inspection shall include the exterior of the Property, including the curtilage around the
front and back of the Property, any accessory structures on the Property, including the existing ADU,

1 except for Units A and C, as well as the interior of all residential units in the main house and garage
2 area. The inspection of the interior will include all rooms on the Property, except those already
3 inspected by the City.

4 The inspection shall be reasonably conducted so as to effect as minimal an intrusion as
5 possible on the normal operations of the Property. The inspection shall include the observation,
6 taking of photographs, taking of video photography, taking samples, and questioning of or
7 conferring with persons present on the Property privately to obtain information bearing on whether
8 violations of the above-listed technical codes exist on the property.

9 This Warrant is effective from the date hereof for a period not to exceed 14 days and it shall
10 be returned to the Judge whose signature is affixed below.

11
12 DATED: 10/8, 2024, at 14:15 a.m./p.m.

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14 
15 JUDGE OF THE SUPERIOR COURT
16 Earl H. Maas III

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1 MICHAEL R. MCGUINNESS, City Attorney/SBN 132646
2 GARY J. MCCARTHY, Assistant City Attorney/SBN 236943
3 BRENNNA C. MILLER, Deputy City Attorney/SBN 355609
4 OFFICE OF THE CITY ATTORNEY
5 201 N. Broadway
6 Escondido, California 92025
7 (760) 839-4608 Tel.
8 (760) 741-7541 Fax
9 brenna.miller@escondido.gov

FILED
Clerk of the Superior Court
OCT - 8 2024

6 Attorneys for City of Escondido

Exempt from filing fees- Gov't Code § 6103

7
8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
9 **NORTH COUNTY DIVISION**

10

11 In the Matter of the Application for an
12 Inspection Warrant for the Premises at
13 1004 N. Ash Street, Escondido, California,
14 92025; Assessor's Parcel No. 2273552600

CASE NO.:

**AFFIDAVIT OF FRANK SANDOVAL IN
SUPPORT OF APPLICATION FOR
INSPECTION WARRANT**

(Code Civ. Proc. § 1822.50, et seq.)

15

16 I, FRANK SANDOVAL, HEREBY AFFIRM AND DECLARE:

17 1. I make this declaration of my own personal knowledge and can testify under oath to the
18 same, except as to those matters I state upon information and belief.

19 2. I am a Code Compliance Officer II employed by the City of Escondido ("City").

20 3. As part of my duties, I document significant events in the City's information management
21 system, Cityworks. Cityworks records are made by and within the scope of employment of a public
22 employee, and are written at or near the time of the act, condition, or event. I routinely manage individual
23 cases and Cityworks entries to ensure the sources of information and method and time of preparation are
24 such as to indicate the trustworthiness of the data entered.

25 4. During the course of my duties, I learned the following information based upon my
26 personal observations, discussions with witnesses, and my personal conversations with Riek Zeiler, an
27 owner of 1004 N. Ash Street, Escondido, California 92025 ("Property").

28 ///

1 5. On October 9, 2023, I was assigned a case regarding possible unpermitted construction on
2 a recently built Accessory Dwelling Unit (“ADU”) at the Property.

3 6. The ADU is located on the Property, which also has a main house and a garage. The main
4 house address is 1004 N. Ash Street. The ADU address, according to approved city plans, is 1004 N. Ash
5 Street, Unit A.

6 7. I spoke with the City’s Building Division and reviewed plans for the ADU. Unit A was
7 permitted and constructed as a single ADU with two bedrooms and a living room. As per the building
8 plans, the ADU was designed with the installation of one entry door on the west wall and a second entry
9 door on the south wall. There was no permit approval for a third entry door. The building permit for the
10 ADU was finalized on or about February 14, 2023.

11 8. On October 26, 2023, I inspected the Property from the outside and observed the number
12 “1004” affixed to the exterior of the ADU. I also observed that the ADU had 3 distinct entry doors labeled
13 “A,” “B,” and “C.” Door A was situated on the west exterior wall, Door B was situated on the south
14 exterior wall, and Door C was situated on the east exterior wall. It appeared to me that the ADU had been
15 divided into three separate units.

16 9. Photographs of my observations are attached hereto as Exhibit 1.

17 10. On December 8, 2023, I revisited the Property. I knocked on Door A and pressed the
18 intercom button. An adult female resident answered the door while a man’s voice came over the intercom,
19 indicating he was at a different location and not the same person who answered the door.

20 11. I introduced myself, handed the resident my business card, explained that I was there to
21 investigate unpermitted construction, and requested to inspect the interior of the unit.

22 12. The person on the intercom continued speaking, but I could not understand him, and the
23 resident informed him that she was handling the situation.

24 13. The resident allowed me to look inside the unit from the doorstep, where I observed a
25 kitchenette, a living room with a bed, a bathroom, and a solid wall separating the unit from the rest of the
26 ADU. The unit appeared to be a studio apartment.

27 14. Photographs of my observations are attached hereto as Exhibit 2.

28 ///

1 15. On December 14, 2023, I issued a Notice of Violation (“NOV”) for violations of
2 Escondido Municipal Code (“EMC”) sections 6-12, 6-12.2, 6-13.1, and California Building Code sections
3 105.1 and 114.1, for unpermitted construction of a building or structure. I mailed the NOV to the property
4 owners, Rick and Sarah Zeiler.

5 16. I am familiar with Mr. Zeiler through my position as a Code Compliance Officer due to
6 several current Code Compliance cases concerning unpermitted construction at other properties in the
7 City.

8 17. I am also familiar with a previous Code Compliance case concerning unpermitted
9 construction in the main residence and the garage at the Property by Mr. Zeiler. In March 2017, based on
10 a complaint of unpermitted construction, a Code Compliance Officer discovered that that Mr. Zeiler had
11 subdivided the main house into two units by closing off a wall and converted the garage into a dwelling
12 unit, including connection of gas and water services, without permits or approvals. After over two years
13 of Code Compliance efforts and the involvement of the Escondido City Attorney’s Office, Mr. Zeiler
14 obtained building permits to return the main house to a single-family dwelling and the garage to its original
15 condition.

16 18. The main house is currently permitted as one single-family residence. The garage was
17 returned to its original condition, except for a toilet and a sink, and is not permitted as a residential unit.

18 19. On December 24, 2023, I received email from Mr. Zeiler accusing me of trespassing. He
19 stated that the City had approved the ADU structure months previously and that there were “no issues.”
20 He said that if I wanted to pursue the case, I should “file with the courts” and mail the documents to his
21 P.O. box. He also threatened that the tenants at the Property would pursue legal action against me.

22 20. On February 1, 2024, no building permit application had been submitted to the City. I
23 issued an Administrative Citation for \$100 and mailed it to Mr. and Mrs. Zeiler. I also mailed them a
24 Notice of Intent to Assess Re-Inspection Fees.

25 21. On February 8, I received a phone call from Mr. Zeiler. He asserted that the ADU had
26 recently passed the City’s final building inspection and denied any unpermitted construction. I informed
27 him that I had reviewed the building plans submitted with the building permit to the Building Division
28 prior to my most recent visit to the Property, during which I observed work done without a permit after

1 the final inspection. I told him that I had observed that the unit marked as Unit A was completely closed
2 off from the rest of the ADU and a third entry/exit door had been installed on the east side of the ADU.

3 22. Mr. Zeiler then admitted that he had the walls closed off and expressed willingness to have
4 them opened up and the doors reinstalled. I requested to schedule an inspection. Mr. Zeiler became irritated
5 when I expressed that I would like to inspect sooner than his proposed inspection date.

6 23. On February 16, 2024, I requested via email to inspect the ADU on March 6, 2024.

7 24. On February 26, 2024, I received a response email from Mr. Zeiler. He said that he met
8 with his tenants, who did not want me to inspect, and had decided that he would not allow me inspect the
9 ADU. He also said he'd "rather have an actual judge tell me that you can access" the ADU and that I was
10 no longer welcome on the Property.

11 25. On March 13, 2024, I mailed a pre-collection letter for the administrative citation to Mr.
12 and Mrs. Zeiler.

13 26. On May 29, 2024, I reviewed city records and found no building permit application on file
14 for the alterations to the ADU.

15 27. On August 8, 2024, I became aware that a City Building Inspector became suspicious
16 during an inspection concerning the ADU building permit that the main house had been again illegally
17 divided into at least two units. No one was present at the ADU so he knocked on the door of the main
18 house and was directed to a different door, indicating there was a separate unit. He knocked on that door
19 but there was no response.

20 28. On September 4, 2024, Code Compliance Officers C. Kneile, M. Madsen, and C. Balan
21 and I visited the Property.

22 29. Officer Kneile and Officer Balan knocked on the door of Unit C. A female resident
23 answered and allowed them into the unit to inspect. The resident stated that there was a locked door
24 installed on the interior wall separating Units B and C, and that the Property owner informed her it was a
25 firewall. She said she does not have a key to the locked door and is unaware of where it leads.

26 30. Photographs are attached hereto as Exhibit 3.

27 31. Officer Madsen knocked on the door of Unit B, but there was no response.

28 ///

1 32. Officer Madsen knocked on the three separate doors of the main house, but there was no
2 response. The main house appears to be subdivided into two or three units.

3 33. Photographs are attached hereto as Exhibit 4.

4 34. Officer Madsen also knocked on the garage side door. It appears the garage is being used
5 as a dwelling. The west side of the garage is enclosed by a wooden fence, which contains a play area for
6 children. It also has an entry door and side window with a portable air conditioning unit installed.

7 35. Photographs are attached hereto as Exhibit 5.

8 36. The City has no record of any permits for the alterations completed in the ADU, a third
9 unit in the main house, or a residential unit in the garage.

10 37. To date, the City has not been inside the main house, garage, or unit B of the ADU on the
11 Property. Neither Mr. nor Mrs. Zeiler has submitted any applications or plans to the City.

12 38. Mr. Zeiler has been very hostile toward me regarding this and other cases, including
13 accusing me of trespassing, yelling at me over the phone and at Escondido City Hall, and filing harassment
14 complaints against me with the City.

15 Executed this 3rd day of October, 2024, at Escondido, California.


16 
17 FRANK SANDOVAL
18 Code Compliance Officer II
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EXHIBIT 1







EXHIBIT 2







12/08/2023 10:29 AM



EXHIBIT 3



09/10/2024 9:32 AM

CR



09/04/2024 9:37 AM

CK







09/04/2024 9:32 AM





09/04/2024



EXHIBIT 4



MEMO



EXHIBIT 5



09/04/2024







MLM

09/04/202





MEM

OCTOBER 16, 2024 INSPECTION PHOTOS











10/16/2024 9:19 AM



10/16/2024 9:23 AM





10/16/2024 9:20 AM



10/16/2024 9:13 AM











ATTACHMENT 2

Item 2.

SOILS:
APPROVED: STRUCTURE WILL BE LOCATED ENTIRELY ON NATIVE UNDISTURBED SOIL.
 City of Escondido: THE BUILDING INSPECTOR SUSPECTS FULL EXPANSIVE SOILS OR ANY GEOLOGIC INSTABILITY BASED UPON OBSERVATION OF THE FOUNDATION EXCAVATION, A SOILS OR GEOLOGICAL REPORT & RESUBMITTAL OF PERMITS TO PLAN CHECK TO VERIFY THAT REPORT RECOMMENDATIONS HAVE BEEN INCORPORATED MAY BE REQUIRED.
 832-2187 - By BERNARDEN on 9/27/2016

DEFERRED SUBMITTAL:
 new PIV-147 RWOC

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING CODES:

- 2019 California Residential Code
- 2019 CALIFORNIA BUILDING CODE
- 2019 California Electrical Code (CEC)..... Part 3, Title 24, CCR
- 2019 California Mechanical Code (CMC)..... (Part 4, Title 24, CCR)
- 2019 California Plumbing Code (CPC)..... (Part 5, Title 24, CCR)
- 2019 California Energy Code..... (Part 6, Title 24, CCR)
- 2019 California Fire Code (CFC)..... (Part 9, Title 24, CCR)
- 2019 California Referenced Standards Code..... (Part 12, Title 24, CCR)

*A MINIMUM OF 65% OF ALL CONSTRUCTION WASTE SHALL BE RECYCLED OR SALVAGED FOR REUSE.

COMPLIANCE WITH THE DOCUMENTATION REQUIREMENTS OF THE 2016 ENERGY EFFICIENCY STANDARD IS NECESSARY FOR THIS PROJECT. REGISTERED, SIGNED, AND DATED COPIES OF THE APPROPRIATE CPFR, CPCR, AND CFSR FORMS SHALL BE MADE AVAILABLE AT NECESSARY INTERVALS FOR BUILDING INSPECTOR REVIEW. FINAL COMPLETED FORMS WILL BE AVAILABLE FOR THE BUILDING OWNER.

a separate building requires its own GAS

A.P.N # 2273553600
 LEGAL DESCRIPTION: 000723 BLK 172*LOT
 1*SELY 60 FT OF SWLY 145 FT OF*
 ADDRESS: 1004 N ASH ST ESCONDIDO, CA 92027
 CONSTRUCTION TYPE: V-B

SCOPE OF WORK:
 1. CONVERT (E) ADU TO STORAGE
 2. NEW ADU
 3. NEW CARPORT
 4. [redacted] new PIV-147 RWOC

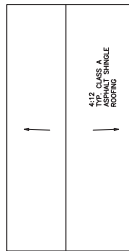
SHEET INDEX

- A1 SITE PLAN/TITLE SHEET
- A2 FLOOR PLANS
- A3 ELEVATIONS
- A4 MANDATORY MEASURES
- T24 TITLE 24 FOR ADU
- S-1 STRUCTURE PLANS
- S-2 STRUCTURE PLANS

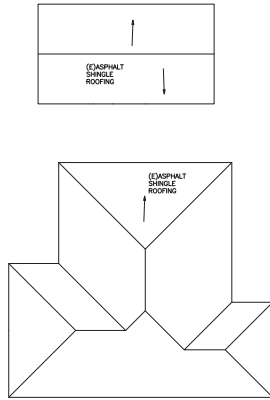
**STORM WATER QUALITY NOTES
 CONSTRUCTION BMP'S**

- NOTES 1-6 BELOW REPRESENT KEY MINIMUM REQUIREMENTS FOR CONSTRUCTION BMP'S:
- SURFICIENT BMP'S MUST BE INSTALLED TO PREVENT SILT MUD OR OTHER CONSTRUCTION DEBRIS FROM BEING TRACKED INTO THE ADJACENT STREET(S) OR STORM WATER CONVEYANCE SYSTEM DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING ANY SUCH DEBRIS THAT MAY BE IN THE STREET AT THE END OF EACH WORK DAY OR AFTER A STORM EVENT THAT CAUSES A BREACH IN THE INSTALLED CONSTRUCTION BMP'S.
 - ALL STOCK PILES OF UNCOMPACTED SOIL AND/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT UNPROTECTED FOR A PERIOD GREATER THAN SEVEN CALENDAR DAYS ARE TO BE PROVIDED WITH EROSION AND SEDIMENT CONTROLS. SUCH SOIL MUST BE PROTECTED EACH DAY WHEN THE PROBABILITY OF RAIN IS 40% OR GREATER.
 - A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS WHICH PROPOSE THE CONSTRUCTION OF ANY CONCRETE IMPROVEMENTS THAT ARE TO BE POURED IN PLACE ON THE SITE.
 - ALL EROSION/ SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED IN WORKING ORDER AT ALL TIMES.
 - ALL SLOPES THAT ARE GREATER OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.
 - THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.

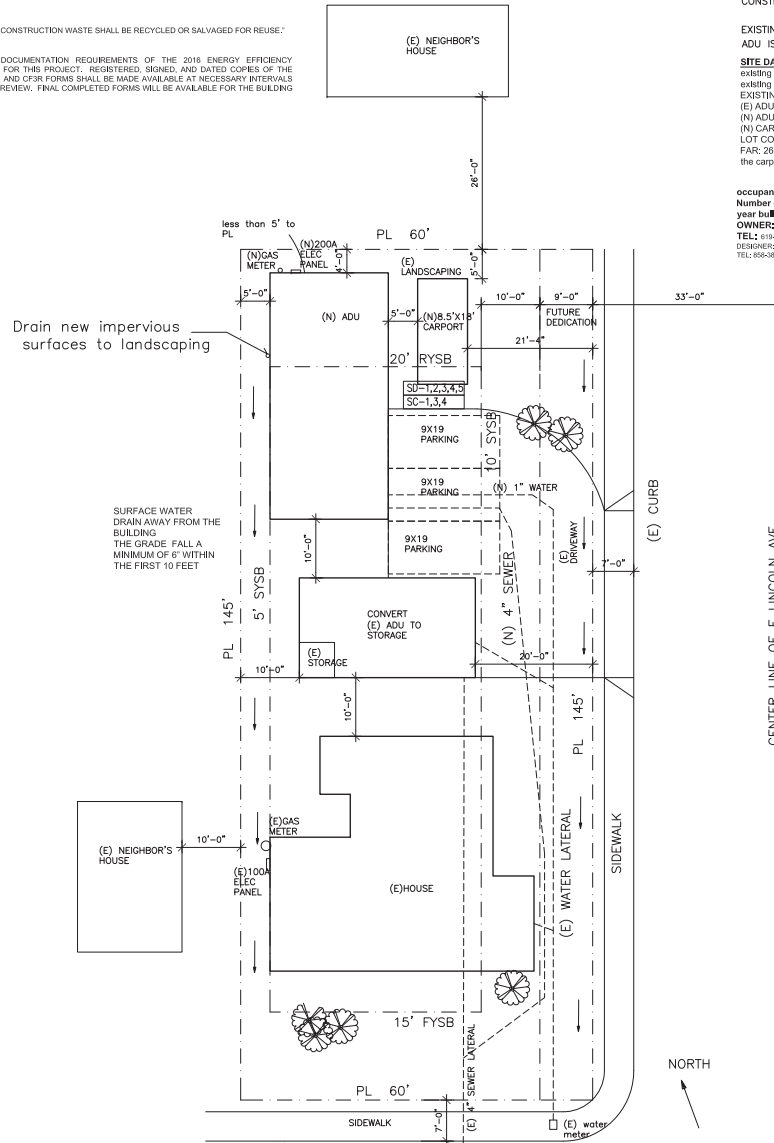
occupancyR-3
 Number of stories:1
 year built of existing house: 1950
 OWNER: RICK ZELER
 TEL: 950-800-4125
 DESIGNER: RAY HUANG
 TEL: 950-800-4125



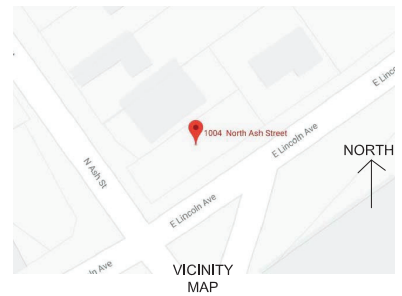
ROOF PLAN
 SCALE: 1"=10'



ROOF PLAN
 SCALE: 1"=10'



SITE PLAN
 SCALE: 1"=10'



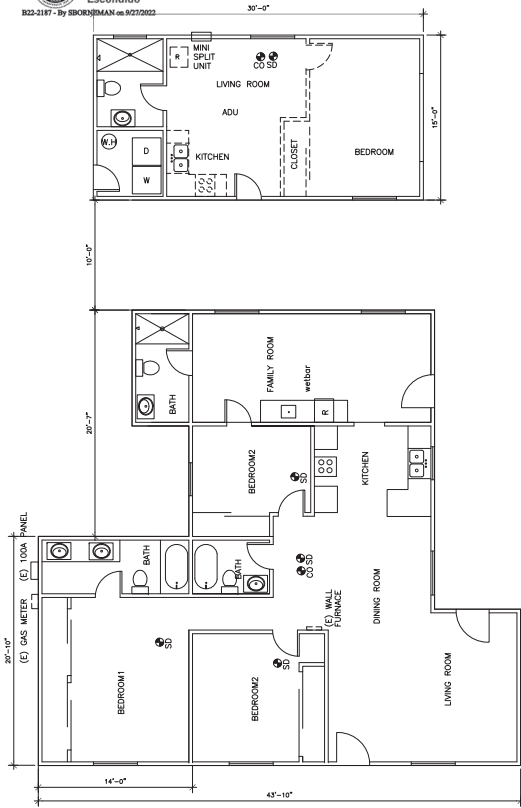
VICINITY MAP

THIS PROJECT IS SERVED BY CITY SEWER
 AS OF JANUARY 1, 2014, SB 407 REQUIRES A BUILDING PERMIT APPLICANT TO REPLACE ALL NONCOMPLIANT PLUMBING FIXTURES IN PROPERTIES BUILT AND AVAILABLE FOR USE ON OR BEFORE JANUARY 1, 1994 WITH WATER CONSERVING PLUMBING FIXTURES AS A CONDITION FOR APPROVAL OF A FINAL BUILDING PERMIT FOR BUILDING ALTERATIONS OR IMPROVEMENTS.

- A.) **STORM WATER DRAINAGE/RETENTION DURING CONSTRUCTION:** NOTE ON THE PLANS: PROJECTS WHICH DISTURB LESS THAN ONE ACRE OF SOIL SHALL MANAGE STORM WATER DRAINAGE DURING CONSTRUCTION BY ONE OF THE FOLLOWING: A. RETENTION BASINS, B. WHERE STORM WATER IS CONVEYED TO A PUBLIC DRAINAGE SYSTEM, WATER SHALL BE FILTERED BY USE OF A BARRIER SYSTEM, WATTLE OR OTHER APPROVED METHOD. CGC 4.106.2
- B.) **GRAZING AND PAVING:** NOTE ON THE PLANS THAT SITE GRAZING OR DRAINAGE SYSTEM WILL MANAGE ALL SURFACE WATER FLOWS TO KEEP WATER FROM ENTERING BUILDING (SWALES, WATER COLLECTION, FRENCH DRAIN, ETC.) CGC 4.106.3 EXCEPTIONS: ADDITIONS NOT ALTERING THE DRAINAGE PATH.
- C.) **RECYCLING:** PRIOR TO PERMIT ISSUANCE, A CONSTRUCTION WASTE MANAGEMENT PLAN IS REQUIRED AT PLAN SUBMITTAL PER CGC SECTION 4.409.2. ATTACH THE PLAN TO THE APPROVED PLANS. NOTE ON THE PLANS: A MINIMUM OF 65% OF ALL CONSTRUCTION WASTE SHALL BE RECYCLED OR SALVAGED FOR REUSE.
- D.) **OPERATION AND MAINTENANCE MANUAL:** NOTE ON THE PLANS THAT THE BUILDER IS TO PROVIDE AN OPERATION MANUAL (CONTAINING INFORMATION FOR MAINTAINING APPLIANCES, ETC.) FOR THE OWNER AT TIME OF FINAL INSPECTION. CGC 4.410.1.
- E.) **POLLUTANT CONTROL:** NOTE ON THE PLANS THAT DURING CONSTRUCTION, ENDS OF DUCT OPENINGS ARE TO BE SEALED, AND MECHANICAL EQUIPMENT IS TO BE COVERED. CGC 4.504.1
- F.) **POLLUTANT CONTROL:** NOTE ON THE PLANS THAT VOC'S MUST COMPLY WITH THE LIMITATION LISTED IN SECTION 4.504.3 AND TABLES 4.504-1, 4.504-2, 4.504-3 AND 4.504-5 FOR ADHESIVES, PAINTS AND COATING, CARPET AND COMPOSITION WOOD PRODUCTS. CGC 4.504.2
- G.) **INTERIOR MOISTURE CONTROL:** NOTE ON THE PLANS THAT THE MOISTURE CONTENT OF WOOD SHALL NOT EXCEED 19% BEFORE IT IS ENCLOSED IN CONSTRUCTION. THE MOISTURE CONTENT NEEDS TO BE CERTIFIED BY ONE OF 3 METHODS SPECIFIED IN SECTION 5.05.3. BUILDING MATERIALS WITH VISIBLE SIGNS OF WATER DAMAGE SHOULD NOT BE USED IN CONSTRUCTION. THE MOISTURE CONTENT MUST BE DETERMINED BY ONE OF THE METHODS LISTED IN CGC 4.505.3.
- H.) **INDOOR AIR QUALITY:** NOTE ON THE PLANS THAT BATHROOM FANS SHALL BE ENERGY STAR RATED, VENTED DIRECTLY TO THE OUTSIDE AND CONTROLLED BY A HUMIDISTAT. CGC 4.506.1.
- I.) **NOTE ON THE PLANS:** PRIOR TO FINAL APPROVAL OF THE BUILDING, THE LICENSED CONTRACTOR, ARCHITECT OR ENGINEER IN RESPONSIBLE CHARGE OF THE OVERALL CONSTRUCTION MUST COMPLETE AND SIGN THE CERTIFICATION CHECKLIST AND THE CERTIFICATION MUST BE GIVEN THE BUILDING OFFICIAL AND FILED WITH THE APPROVED PLANS.

PROJECT TITLE					
REMODEL					
1004 N ASH ST ESCONDIDO, CA 92027					
NO.	REVISIONS	DATE	NO.	REVISIONS	DATE
DRAWING TITLE					
PROJECT DATA/ SITE PLAN					
DESIGNED	RAY HUANG	PROJECT NO.	SCALE	Project Number	
DRAWN	Prod. Team	CHECKED	OC	DRAWING NO.	
DATE	Submittal Date	A-1		OF --	

APPROVED
City of
Escondido
B22-2187 - By SBORUM/MSAN on 9/27/2022

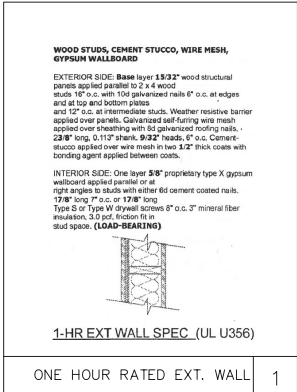
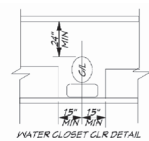


EXISTING FLOOR PLAN
3/16"=1'-0"

PROPOSED ADU FLOOR PLAN
3/16"=1'-0"

WINDOWS U VALUE: 0.3
SHGC: 0.23
RADIANT BARRIER IS REQUIRED FOR NEW ROOF AREA,
RADIANT BARRIER MUST ALSO BE INSTALLED TO COVER ALL GABLE
END WALLS AND OTHER VERTICAL SURFACES IN THE ATTIC

NORTH



ELECTRICAL LEGEND:

- ELECTRICAL OUTLET
- 1/2" HALF-ROUNDED SWITCH
- ⊙ GFCI OUTLET
- ⊕ TELEVISION CABLE OUTLET
- ⊕ TELEPHONE JACK
- ⊕ ETHERNET

WALL LEGEND:

- ▤ EXISTING WALL
- ===== NEW WALL
- REMOVE WALL
- ▨ 1 HR FIRE RATED WALL

WALL LEGEND:

- ▤ FLOORLIGHT
- ▤ SMOKE DETECTOR
- ⊙ CROWN MOLDING
- ⊙ RECESSED LIGHT
- ⊙ JUNCTION BOX
- ⊙ VENT FAN
- ⊙ VENT FAN FOR HIGH EFF. CEILING
- ⊙ CARBON MONOXIDE ALARM

27. AUTOMATIC IRRIGATION SYSTEMS CONTROLLERS INSTALLED AT THE TIME OF FINAL INSPECTION SHALL BE WEATHER-BASE.
28. ALL WATER CLOSETS SHALL HAVE AN EFFECTIVE FLUSH VOLUME OF NOT MORE THAN 1.28 GALLONS PER FLUSH. TANK-TYPE WATER CLOSET SHALL BE CERTIFIED TO THE PERFORMANCE CRITERIA OF THE U.S. EPA WATERSEAL SPECIFICATION FOR TANK-TYPE TOILETS. URINALS SHALL HAVE AN EFFECTIVE FLUSH VOLUME NOT TO EXCEED 0.5 GALLONS PER FLUSH.
29. FAUCETS, RESIDENTIAL LAVATORY FAUCETS SHALL HAVE A MAXIMUM RATE OF 1.2 GALLONS PER MINUTE AT 60 PSI AND A MINIMUM FLOW RATE OF NOT LESS THAN 0.8 GALLONS PER MIN. AT 20 PSI.
30. A PLUMBING FIXTURE CERTIFICATION MUST BE COMPLETED AND SIGNED BY EITHER A LICENSED GENERAL CONTRACTOR, OR A PLUMBING SUBCONTRACTOR, OR THE BUILDING OWNER CERTIFYING THE FLOW RATE OF THE FIXTURES INSTALLED. A COPY OF THE CERTIFICATION CAN BE OBTAINED FROM THE DEVELOPMENT SERVICES DEPARTMENT.
31. JOINTS AND OPENINGS, ANNULAR SPACES AROUND PIPES, ELECTRIC CABLES, CONDUCITS, OR OTHER OPENINGS IN PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST THE PASSAGE OF RODENTS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, CONCRETE MASONRY OR SIMILAR METHOD ACCEPTABLE TO THE ENFORCING AGENCY.
32. A MINIMUM OF 65 PERCENT OF THE CONSTRUCTION WASTE GENERATED AT THE SITE IS DIVERTED TO RECYCLE OR SALVAGE PER SECTION 4.408.1 AND CITY ORDINANCE.
33. BEFORE FINAL INSPECTION, A COMPLETE OPERATION AND MAINTENANCE MANUAL SHALL BE PROVIDED TO THE BUILDING OCCUPANT OR OWNER. CONTRACTOR OR OWNER SHALL SUBMIT AN AFFIDAVIT THAT CONFIRMS THE DELIVERY OF SUCH (SECTION 4.410.1)*. A SAMPLE OF THE MANUAL IS AVAILABLE ON THE HOUSING AND COMMUNITY DEVELOPMENT (HCD) WEB SITE.
34. LIGHTING IN BATHROOMS SHALL HAVE ALL HIGH EFFICACY LUMINAIRE AND AT LEAST ONE LUMINAIRE MUST BE CONTROLLED BY A VACANCY SENSOR.
35. KITCHENS: ALL THE INSTALLED WATTAGE OF LUMINAIRES IN KITCHENS SHALL BE HIGH EFFICACY AND SHALL HAVE A MANUAL ON/OFF IN ADDITION TO A VACANCY SENSOR OR DIMMER. UNDER CABINET LIGHTING SHALL BE SWITCHED SEPARATELY.
36. ALL PLUMBING FIXTURES AND FITTINGS WILL BE WATER CONSERVING AND WILL COMPLY WITH THE 2019 CGSC*
37. PROVIDE LAVATORY FAUCETS WITH A MAXIMUM FLOW OF 1.2 GALLONS PER MINUTE.
38. EXHAUST DUCTS AND DRYER VENTS SHALL BE EQUIPPED WITH BACK DRAFT DAMPERS.
39. EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR FOR EMERGENCY ESCAPE OR RESCUE THAT OPENS DIRECTLY INTO A PUBLIC WAY OR TO A YARD OR COURT THAT OPENS TO A PUBLIC WAY. THE EMERGENCY DOOR OR WINDOW SHALL BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF TOOLS AND SHALL HAVE A MINIMUM NET CLEAR OPENING AREA OF 5.7 SQUARE FEET, 2.0 SQUARE FEET FOR GROUND FLOOR OPENINGS. THE MINIMUM NET CLEAR OPENING HEIGHT SHALL BE 2'0" AND THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE 20". THE BOTTOM OF THE CLEAR OPENING SHALL BE NO MORE THAN 4" MEASURED FROM THE FLOOR.
40. THE CARBON MONOXIDE ALARMS WILL COMPLY WITH CGC SECTION R315.
41. BATHROOM RECEPTACLE OUTLETS SHALL BE SERVED BY AT LEAST ONE 20-AMP BRANCH CIRCUIT. NO OTHER RECEPTACLES MAY BE INSTALLED ON THIS CIRCUIT. MORE THAN TWO BATHROOMS MAY BE SERVED BY THE DEDICATED BRANCH CIRCUIT. EXCEPTION WHERE THE 20-AMP BRANCH CIRCUIT SUPPLIES SINGLE BATHROOM OUTLETS FOR OTHER EQUIPMENT WITHIN THE SAME BATHROOM SHALL BE PERMITTED TO BE SUPPLIED PER 219-232(A), SECTION 210-110(C)3.
42. ALL 125-VOLT, SINGLE PHASE, 15- AND 20-AMP CIRCUITS INSTALLED IN BEDROOMS AND THE GAME ROOM SHALL BE PROTECTED BY AN AFCI-FAULT-CIRCUIT-INTERRUPTER(S), (AF-CI). PLEASE NOTE THE REQUIREMENT ON THE PLANS AND LABEL RECEPTACLES AS REQUIRED WITH AFCI.
43. AN ELECTRICAL CIRCUIT CARD SHALL BE COMPLETED PRIOR TO REQUESTING ROUGH-FRAME ELECTRICAL INSPECTION. (CARD IS AVAILABLE AT THE BUILDING DIVISION CENTER).
44. IN SHOWERS AND TUB-SHOWER COMBINATIONS, CONTROL VALVES MUST BE PRESSURE-BALANCED OR THERMOSTATIC MIXING VALVES. UPC-SEC-605.8.

45. IN SHOWERS AND TUB-SHOWER COMBINATIONS, CONTROL VALVES MUST BE PRESSURE-BALANCED OR THERMOSTATIC MIXING VALVES. 1.8 GPM.
46. NEW WATER CLOSET AND ASSOCIATED FLOWMETER VALVES SHALL USE NO MORE THAN 1.28 GALLONS PER FLUSH AND SHALL MEET PERFORMANCE STANDARDS ESTABLISHED BY ANSI STANDARD A112.19.2
47. IN BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS ALL FIXTURES MUST BE HIGH EFFICACY STYLE OR BE CONTROLLED BY A MANUALLY-ON OCCUPANCY SENSOR.
48. WALL GENERALLY EQUAL TO HIGH EFFICACY STYLE OF HIGH EFFICACY FLUORESCENT LUMINAIRE WITH ELECTRONIC BALLASTS. REGULAR INCANDESCENT, QUARTZ HALOGEN AND HALOGEN MR LAMPS DO NOT COMPLY.
49. ALL KES AND REC. APPROVED FIXTURES SHALL BE ENCLOSED WITHIN WALLS AND FLOORS COVERED WITH TYPE X GIP, BD, OR SIMILAR ASSEMBLIES THAT PROVIDE PROTECTION OF MEMBRANE PENETRATIONS IS NOT REQUIRED.
5. SMOKE ALARM WILL BE INSTALLED ACCORDING TO THE 2019 CGC SECTION R314.
6. CARBON MONOXIDE ALARMS WILL BE INSTALLED ACCORDING TO THE 2019 CGC SECTION 315.
7. TAMPER RESISTANT RECEPTABLES ARE REQUIRED EVERYWHERE IN DWELLING UNITS PER THE 2019 CGC ARTICLE 408.11 TAMPER RESISTANT RECEPTABLES IN DWELLING UNITS.
8. PLUMBING FIXTURES MUST MATCH THE CURRENT 2019 CGC SECTION 402 WATER-CONSERVING FIXTURES AND FITTINGS.
9. NOT USED.
10. DRAIN AND SHOWER FLANS AND WALL ABOVE BATHS WITH PEEKED SHOWER HEADS AND SHOWER COMPONENTS SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL BE FINISHED TO A HEIGHT OF NOT MORE THAN ONE ABOVE THE FIN.
11. PROVIDE BRACKETS FOR ALL SHOWER DOORS. THE MINIMUM BRACKET SIZE SHALL BE 1 1/2" X 3/4" X 1/4". PROVIDE BRACKETS TO BE FINISHED WITH THE SAME FINISH AS THE WALLS TO WHICH THEY ARE ATTACHED.
12. A4 smoke alarm shall be listed in accordance with UL 217 and shall be UL listed for the intended application and shall be labeled for the intended use.
13. Smoke alarm shall be installed in accordance with the manufacturer's instructions and shall be labeled for the intended use.
14. Smoke alarm shall be listed in accordance with UL 217 and shall be UL listed for the intended application and shall be labeled for the intended use.
15. Smoke alarm shall be listed in accordance with UL 217 and shall be UL listed for the intended application and shall be labeled for the intended use.
16. Where more than one carbon monoxide alarm is required to be installed within the dwelling unit, each alarm shall be interconnected to a common circuit and the alarm shall be UL listed for the intended use.
17. Carbon monoxide alarm shall be listed in accordance with UL 2034. Carbon monoxide alarm shall be UL listed for the intended use.
18. Where more than one carbon monoxide alarm is required to be installed within the dwelling unit, each alarm shall be interconnected to a common circuit and the alarm shall be UL listed for the intended use.
19. Smoke alarm shall require that all wiring be removed from the building and be replaced with new wiring.
20. Permanent vacuum breakers shall be included with all new hose bibbs.
21. Provide ultra low flush toilets.
22. Provide 5 air changes per hour for bathroom and laundry room ventilation.
23. EXTEND DUCTWORK W/ R6
24. All Plumbing Fixtures and Fittings will be water conserving and will comply with the 2019 CGSC Sec. 4.303.1
25. PER 2019 CGSC, PLUMBING FIXTURES (WATER CLOSETS AND URINALS) AND FITTINGS (FAUCETS AND SHOWERHEADS) SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE (CPC).
26. PER 2019 GREEN CODE MECHANICAL EXHAUST FANS WHICH EXHAUST DIRECTLY FROM BATHROOMS SHALL COMPLY WITH THE FOLLOWING:
1. FANS SHALL BE ENERGY STAR COMPLIANT AND BE DUCTED TO TERMINATE OUTSIDE THE BUILDING.
2. UNLESS FUNCTIONING AS A COMPONENT OF A WHOLE HOUSE VENTILATION SYSTEM, FANS MUST BE CONTROLLED BY A HUMIDISTAT WHICH SHALL BE READY ACCESSIBLE. HUMIDISTAT CONTROLS SHALL BE CAPABLE OF ADJUSTMENT BETWEEN A RELATIVE HUMIDITY RANGE OF 50 TO 80 PERCENT.*
26. ALL LUMINAIRES SHALL EITHER BE HIGH EFFICACY OR SHALL BE CONTROLLED BY AN OCCUPANCY SENSOR OR DIMMER. CLOSET THAT ARE LESS THAN 70 SQUARE FOOT ARE EXEMPT FROM THIS REQUIREMENTS.
27. OUTDOOR LIGHTING: ALL LUMINAIRES MOUNTED TO THE BUILDING OR TO OTHER BUILDINGS ON THE SAME LOT SHALL BE HIGH EFFICACY LUMINAIRES AND MUST BE CONTROLLED BY A MANUAL ON AND OFF SWITCH, AND CONTROLLED BY ONE OF THESE AUTOMATIC CONTROL TYPES: PHOTOCONTROL AND A MOTION SENSOR, OR ASTRONOMICAL TIME CLOCK, OR ENERGY MANAGEMENT CONTROL SYSTEM (EMCS).
28. WINDOW OPERATION IS NOT PERMISSIBLE METHOD OF PROVIDING BATHROOM EXHAUST FOR HUMANITY CONTROL, 110 CGS

PROJECT TITLE
REMODEL
1004 N ASH ST ESCONDIDO, CA 92027

NO.	REVISIONS	DATE	NO.	REVISIONS	DATE

DRAWING TITLE
FLOOR PLANS

RAY HUANG	DESIGNED	PROJECT NO.
CHECKED	PROJECT TEAM	SCALE
DATE	DRAWING NO.	A-2
Submitter Date	OF --	



CITY OF ESCONDIDO
Planning Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4671
Fax: (760) 839-4313

25 MAR 19 PM 12:38:05
ESCONDIDO CITY CLERK

FOR INTERNAL USE ONLY
Case No.:
Date Submitted:
Project Planner:
Fees Paid:
Receipt No.:
Date Deemed Complete:
Planning Commission Hearing Date:

APPEAL OF ADMINISTRATIVE DECISION TO PLANNING COMMISSION

APPLICANT/CONTACT PERSON/APPELLANT

OWNER (If multiple owners/addresses, attach additional sheets as necessary.)

Name (Print): Zeiler Properties LLC
Address: PO Box 27198
City, State, Zip: SD, CA 92198
Phone: 619 857 0411
Fax:
E-mail: RICK L ZEILERO@SMAIL.COM
Signature: [Signature]
Date: 3/6/25

Name (Print): IC
Address:
City, State, Zip:
Phone:
Fax:
E-mail:
Signature:
Date:
(authorizing applicant to submit application)

Description of Administrative Decision Being Appealed: ALMOST EACH AND EVERY ITEM ON THIS ALLEGED NOTICE AND ORDER TO ABATE IS FALSE! FRANK SANDOVAL IS A LIAR. I HAVE VIDEO, PHOTOS, TESTIMONIALS SHOWING FRANK LIED. HAPPY TO HAVE A "FIELD TRIP" TO THE RESIDENCE TO SHOW ZACK AND THE CITY ALL OF THESE ALLEGATIONS ARE MADE UP! WE ARE SPECIFICALLY APPEALING THE ALLEGED VIOLATIONS ENUMERATED

Related Case No. (if applicable): IN THE MARCH 5, 2025 NOTICE TO ABATE PUBLIC UTILITIES
Site Address: 1004 N. ASH ST.
Assessor Parcel Number:
* WITH APPEAL PROCESS WILL REQUIRE 3 HOURS TIME

Submittal Requirements:

As determined by the Director of Community Development, additional information may be required to make a complete application. This will be determined on a case-by-case basis.

- 1. Completed and signed Appeal Application form (a letter of permission, signed by the owner may be substituted for the owner's signature on the application form)
2. Plat map showing all properties within 500 feet of the subject property with the 500-foot radius drawn (see attached)
3. Typewritten list of all current Assessor Parcel Numbers within the 500-foot radius (see attached)
4. Plans as needed on a case-by-case basis
5. Photographs of the site and the adjacent property, mounted on 8 1/2" x 11" paper and labeled (if applicable)
6. Fees

The Administrative Decision shall be final unless a written appeal to the Planning Commission and fee are filed in accordance with Section 33-1304 of the Zoning Code.

§ 6-488. Procedures for abatement of unlawful conditions.

- (a) Notice and order. Whenever the building official or designee ("building official") has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the building official may use the procedures set forth in this section for the abatement of such nuisance.
- (1) The building official shall issue a notice and order and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. The notice and order shall contain:
- (i) The street address and a legal description sufficient for identification of the property on which the condition exists.
 - (ii) A statement that the building official has determined that a public nuisance is being maintained on the property with a brief description of the conditions which render the property a public nuisance.
 - (iii) An order to complete abatement of described conditions within such time as the building official considers to be reasonable, but in no event shall the total time allowed for abatement be more than 60 days from the date of the notice and order. Provided that, in the event of work required due to fire, earthquake, or any other natural disaster, all appropriate permits shall be obtained and the work shall commence within 60 days from the date of service of the notice and order, and shall be completed within 180 days from the date of service of the notice and order.
 - (iv) A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner.
 - (v) A statement advising that if the required work is not commenced within the time specified, the building official will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and/or assess the costs against the property.
 - (vi) A statement advising any person having any interest or record title in the property of the appeal process provided in this section.
 - (vii) A statement advising that the notice and order will be recorded against the property in the office of the county recorder, unless the violation(s) are corrected.
- (2) The notice and order, and any amended notice and order shall be mailed by certified mail, postage prepaid, to each person as required pursuant to the provisions of subsection (a) of this section at the address as it appears on the last equalized assessment roll of the county or as known to the building official. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The failure of the building official to make or attempt service on any person required in this section to be served shall not invalidate any proceedings hereunder as to any other person duly served. Service by mailing shall be effective on the date of mailing. The failure of any person entitled to receive such notice

shall not affect the validity of any proceedings taken under this article.

- (3) Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.
 - (4) If the violations are not corrected within a reasonable time, the building official shall file in the office of the county recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The building official shall file a new certificate with the county recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the planning commission upon appeal; or whenever the city abates the nuisance and the abatement costs have been paid. Such certificate shall be filed within five working days of the date of completion of such corrections.
- (b) Extension of time to perform work. Upon receipt of a written request from any person required to comply with the order, the building official may grant an extension of time within which to complete said abatement, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official shall have the authority to place reasonable conditions on any such extensions.
- (c) Appeal.
- (1) Any person aggrieved by the action of the building official in issuing a notice and order pursuant to the provisions of this article may appeal to the planning commission within 10 calendar days of service of the notice and order. Notwithstanding section 6-491, if the building official's notice and order states a violation is dangerous to life or property and must be abated within seven calendar days, then the appeal shall be filed with the city manager within five calendar days of service. If no appeal is filed within the time prescribed, the action of the building official will be final.
 - (2) All appeals must be in writing, and must be accompanied by a filing fee, which will be established by resolution of the city council. The appeal must state the decision from which the appeal is taken, and must contain a concise statement of the reasons for the appeal.
 - (3) Appeals must be filed with the city clerk. The filing of an appeal will immediately stay the action proposed in the notice and order, until the planning commission has acted upon the appeal. Violations deemed dangerous to life or property will be promptly resolved by the city manager or designee ("city manager") based upon the written appeal. The city manager's decision shall be final.
 - (4) Within 10 calendar days of the decision of the planning commission, any individual member of the city council may request review of the decision of the planning commission. Such review must be requested in writing, and must be filed with the city clerk. There is no appeal fee payable upon a request for a review by a member of the

city council.

- (5) Planning commission appeals will be placed on the next available agenda. The planning commission, by a majority vote, may approve, modify or disapprove the decision of the building official. The city council by a majority vote may approve, modify or disapprove the decision of the planning commission, by requesting a review pursuant to subsection (c)(4) of this section.

(Ord. No. 85-44, § 1, 7-10-85; Ord. No. 88-28, § 1, 5-18-88; Ord. No. 96-29, § 1, 9-4-96; Ord. No. 98-17, § 1, 9-16-98; Ord. No. 2020-18 §§ 1—7, 8-26-20)

Planning Commission

Hearing Date: April 8, 2025

Effective Date: April 19, 2025

PLANNING COMMISSION RESOLUTION NO. 2025-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
ESCONDIDO, CALIFORNIA, DENYING THE APPEAL OF A NOTICE AND
ORDER TO ABATE A PUBLIC NUISANCE

APPLICANT: Zeiler Properties, LLC

CASE NO: C23-1348

WHEREAS, Zeiler Properties, LLC (“Appellant”), filed an Appeal of Administrative Decision to Planning Commission constituting an appeal of the March 5, 2025 Notice and Order to Abate a Public Nuisance issued by the Code Compliance Division of the Development Services Department, acting as designee of the Building Official (Appeal); and

WHEREAS, the subject property is a 0.17 gross acre site located at 1004 N. Ash Street (APN 227-355-26-00), in the Single Family Residential (R-1-6) Zone, more particularly 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, the Appeal was submitted to, and processed by, the City Clerk’s Office in accordance with the rules and regulations of the Escondido Municipal Code and the applicable procedures and time limits specified by State law, including but not limited to the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”); and

WHEREAS, the Planning Division issued approval of a detached garage conversion to an Accessory Dwelling Unit (ADU) under ADM18-0088 and the Building Division issued building permit B18-1659 for construction of such ADU on the Property in 2018; and

WHEREAS, a request to convert the previously approved and constructed ADU under ADM18-0088/B18-1659 back to a garage/storage use was requested and approved by the City as part of a request to construct a new, detached ADU on the Property (B22-2187) in 2022; and

WHEREAS, on December 8, 2023, a Code Compliance Officer inspected the Property and found the property to be in violation of one or more federal, state, or local code statues and opened code case C23-1348; and

WHEREAS, on December 14, 2023, the Code Compliance Division issued a Notice of Violation with a compliance due date of January 11, 2024, to the property owners of record, Rick and Sarah Zeiler, for the Property, having found the Property to be in violation of one or more federal, state, or local code statues; and

WHEREAS, on August 8, 2024, the Code Compliance Division received a complaint stating that the main house at the Property had possibly been subdivided into separate residential units without required permits;

WHEREAS, on October 8, 2024, after numerous unsuccessful attempts to inspect the Property, the City obtained an inspection warrant from the San Diego County Superior Court authorizing it to inspect the entire Property;

WHEREAS, on October 16, 2024, a Code Compliance Officer, Building Inspector, Fire Inspector/Investigator, and Environmental Compliance Officer inspected the Property pursuant to the inspection warrant, and found the property to be in a state meeting the definition of a public nuisance, as defined by Escondido Municipal Code section 1-14; 33-1312; 6-10.4; and 6-12.2, and meeting the

definition of a substandard building as defined by the California Health and Safety Code section 17920.3, and meeting the definition of an unsafe structure as defined by the California Building and California Fire Codes, sections 113.1 and 114, respectively; and

WHEREAS, on March 5, 2025, the Code Compliance Division issued a Notice and Order to Abate a Public Nuisance as observed and documented by City staff at the October 16, 2024, inspection, as detailed on the Notice and Order to Abate shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, the Development Services Department, including the Planning, Code Compliance, and Building Divisions studied the Appeal, performed necessary investigations, prepared a written report, and hereby recommends denial of the Appeal as detailed in the April 8, 2025, Planning Commission Staff Report which is made a part hereof by this reference as though fully set forth herein; and

WHEREAS, on April 8, 2025, the Planning Commission held a public meeting as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Development Services Department and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Appeal. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Appellant's written appeal dated March 13, 2025, and presentation;
- b. Oral testimony from City staff, interested parties, and the Appellant;
- c. The staff report, dated April 8, 2025, with its attachments as well as City staff's recommendation on the Appeal, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public meeting; and

WHEREAS, the public meeting before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido that:

1. The above recitations are true and correct.
2. The Appeal is not a “Project” under CEQA pursuant to Section 15873(b)(2), as this appeal and the denial of such are administrative activities that would not result in a direct or indirect physical change in the environment.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission hereby denies Appellant’s appeal of the Building Official’s action in issuing a Notice and Order to Abate a Public Nuisance.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 8th day of April, 2025, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

OSCAR ROMERO, Secretary of the
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

ALEX RANGEL, Minutes Clerk
Escondido Planning Commission

Decision may be appealed to City Council
pursuant to Zoning Code Section 33-1303

Exhibit "A"

THE SOUTHEASTERLY 60 FEET OF THE SOUTHWESTERLY 145 FEET OF LOT 1 IN BLOCK 172 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED ON AUGUST 13, 1892 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



March 5, 2025
1004 N. Ash St.
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Code Compliance Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

**NOTICE AND ORDER
TO ABATE A PUBLIC NUISANCE
(Substandard Building)**

March 5, 2025

**Zeller Properties, LLC
c/o Rick Zeiler
PO Box 27198
San Diego, CA. 92198**

**Unknown Occupants
1004 N. Ash St.
Escondido, CA. 92025**

CASE NUMBER: C23-1348

SUBJECT: 1004 N. Ash St., Escondido, CA 92025

DESCRIPTION: Assessor's Parcel Number 2273552600

Pursuant to the Escondido Municipal Code, a Code Compliance Officer, a Building Inspector, a Fire Inspector/Investigator, and an Environmental Compliance Officer inspected the above referenced property on October 16, 2024. The inspection was in response to a complaint received by the City of Escondido Code Compliance Division. As a result of the inspection, the Building Official for the City of Escondido has determined that a public nuisance, as defined by Escondido Municipal Code (EMC) section 1-14, 33-1312, 6-10.4, and 6-12.2, a substandard building, as defined by California Health and Safety Code (CHSC) section 17920.3, and an unsafe structure, as defined by California Building Code (CBC) 116.1, and California Fire Code (CFC) section 114, is being maintained on this property. Violations of the EMC, CBC, CFC, and CHSC were found on the property.

March 5, 2025
1004 N. Ash St.
Page 2

The Following Violations Were Found:

1. The doors between the rooms inside the Accessory Dwelling Unit have been closed off and/or locked, resulting in the subdivision of the Accessory Dwelling Unit into three separate residential units. The Accessory Dwelling Unit must be returned to its last permitted use. **California Government Code § 66323(a)(2); EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1**
2. Egress doors between rooms inside the Accessory Dwelling Unit have been closed off and, locked, eliminating egress. **EMC § 6-10.1; CFC § 1003.6; CHSC § 17920.3(l); CBC § 116.1**
3. Exterior door has been constructed on northeast side of Accessory Dwelling Unit without required permits. **EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1**
4. In the main structure, one door between rooms has been sealed shut, creating a separate residential unit and eliminating egress, and another door is blocked by a bed, eliminating egress. **EMC §§ 6-12, 6-12.2, 6-13.1, 6-10.1; CFC § 1003.6; CHSC § 17920.3(l); CBC §§ 105.1, 114.1, 116.1**
5. Garage has been converted from a storage area to a residential unit without required permits. **EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1; CHSC § 17920.3(n)**
6. No fire extinguishers on site. Fire extinguishers are required every 75 feet and must be serviced annually. **EMC § 6-10.2; CFC §§ 906.1, 906.2, & 906.3; CBC § 116.1; CHSC §§ 17920.3(m)**
7. Smoke detectors not located in every sleeping room and in every egress hallway. **EMC § 6-10.1; CFC § 907.2.11.2; CBC § 116.1**
8. No carbon dioxide detectors in some units of the Accessory Dwelling Unit. **EMC § 6-10.1; CFC §§ 915.1, 915.2; CBC § 116.1**
9. Remove all items stored around water heater and keep 3-feet of clearance. **EMC § 6-10.1; CFC § 305.1; CBC § 116.1; CHSC § 17920.3(h)**
10. Multiple power receptacles in main structure missing covers and exposing wires to the elements. **EMC § 6-10.1; CFC § 603.2.2; CBC § 116.1**

March 5, 2025
1004 N. Ash St.
Page 3

11. Water heater installed at main house without required permits. **EMC §§ 6-12, 6-12.2, 6-13.1; CBC §§ 105.1, 114.1**
12. Address and unit numbers must be in approved locations and clearly legible from the street. **CFC § 505.1**

AS THE RESPONSIBLE PERSON, OWNER OF RECORD, AND/OR TENANT(S)/OCCUPANT(S) YOU ARE HEREBY ORDERED WITHIN THREE (3) DAYS FROM THE DATE OF THIS NOTICE TO:

1. Install fire extinguishers per fire code.
2. Install smoke detectors in required locations.
3. Install carbon dioxide detectors in required locations.
4. Remove all items stored around water heater.
5. Install covers on exposed power receptacles.
6. Install address and unit numbers in approved locations.

AS THE RESPONSIBLE PERSON, OWNER OF RECORD, AND/OR TENANT(S)/OCCUPANT(S), YOU ARE HEREBY ORDERED WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE TO:

1. Unlock and/or unseal and open up doors and areas of egress in the Accessory Dwelling Unit, obtain a demolition permit from the City of Escondido Building Department to demolish any improvements, and return the structure to its last-approved intended use.
2. Submit an application, plans, and designs to the City of Escondido Building Department to obtain the required permit(s) to legalize the improvements to the garage and main dwelling. Complete all inspections and corrections required to finalize the permit(s). OR obtain a demolition permit, demolish the improvement(s) and/or unlock, unseal, and/or open up doors and areas of egress, and return the structures to their last-approved intended uses.

Please Note: You must bring this or a copy of this notice with you when applying for the required permits. Failure to do so may result in the permits not being issued until the officer handling this case can be reached.

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Disposal of material involved in public nuisances shall be carried forth in a legal manner. If you fail to comply with this notice in abating all violations as required, within the time allotted, the Building Official may order the building vacated, secured against trespass, and posted to prevent further occupancy until the work is completed. The Building Official may also proceed to cause the work to be done and charge the costs thereof against the property and/or its owner.

Moreover, reinspection fees may be assessed and/or administrative citations may be issued. The first citation has a mandatory fine of \$100.00, the second citation is \$250.00 and each subsequent citation is \$500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorney's Office for other appropriate legal action. The City may amend this Notice and Order upon discovery of additional violations at the Property.

Any person having any interest or record title in the property may appeal the Building Official's action in issuing this notice to the Planning Commission within ten (10) days of the date of this notice, pursuant to EMC section 6-488. Appeals must be filed with the City Clerk, be in writing, and be accompanied by the established filing fee. The appeal must state the decision from which the appeal is taken, and must contain a concise statement of the reasons for appeal.

IF NO APPEAL IS FILED WITHIN THE TIME PRESCRIBED, THE ACTION OF THE BUILDING OFFICIAL WILL BE FINAL.

This notice will be recorded against the property in the office of the San Diego County Recorder, unless the violations are corrected.

FOR NON-OWNER OCCUPIED DWELLINGS

TAX LIABILITY

California Revenue and Taxation Code, sections 17274 and 24436.5, require that this agency report all substandard rental units which do not comply with the State Housing Law or local codes dealing with health, safety, or building within six (6) months of this notice to the State Franchise Tax Board. If compliance is not met within 6 months of this notice, this agency will report such noncompliance to the State Franchise Tax Board, which will disallow any State Income Tax deductions for interest, depreciation, taxes, or amortization for this (these) dwelling unit(s).

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RELOCATION MAY BE REQUIRED

Pursuant to California Health and Safety Code section 17975, an owner must pay relocation benefits to any tenant who is displaced or subject to displacement from a residential unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered. The local enforcement agency shall determine the eligibility of tenants for benefits and the amount of the benefit.

RETALIATION PROHIBITED

California Civil Code section 1942.5 prohibits a lessor of rental housing from retaliating against a lessee because of the exercise by the lessee of his or her rights under Civil Code section 1940 *et seq.* or because of a lessee's complaint to an enforcement agency as to the tenability of a dwelling. (See California Health and Safety Code section 17980.6).

MAY BE UNLAWFUL FOR LANDLORD TO DEMAND OR COLLECT RENT OR ISSUE NOTICE


Pursuant to California Civil Code section 1942.4(a), a landlord of a dwelling may not demand rent, collect rent, issue a notice of rent increase, or issue a three-day notice to pay rent or quit pursuant to Code of Civil Procedure section 1161(2), if all of the following conditions exist prior to the landlord's demand or notice:

- The dwelling substantially lacks any of the affirmative standard characteristics listed in section 1941.1 or violates section 17920.10 of the Health and Safety Code, or is deemed and declared substandard as set forth in section 17920.3 of the Health and Safety Code because conditions listed in that section exist to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants of the dwelling;
- A public officer or employee who is responsible for the enforcement of any housing law, after inspecting the premises, has notified the landlord or the landlord's agent in writing of his or her obligations to abate the nuisance or repair the substandard conditions; and
- The conditions have existed and have not been abated 35 days beyond the date of service of the notice specified in paragraph (2) and the delay is without good cause, and the conditions were not caused by an act or omission of the tenant or lessee in violation of section 1929 or 1941.2.

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If you have any questions regarding this case, please contact me at (760) 839-4667 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Sincerely,

Frank Sandoval 
Code Compliance Officer II



STAFF REPORT

DATE: 04/08/2025

Downtown Specific Plan Retail Corridor Subcommittee

PROJECT NUMBER / NAME: Downtown Specific Plan Retail Corridor Subcommittee

REQUEST: Status report from the Downtown Specific Plan Retail Corridor Subcommittee.

PROPERTY SIZE AND LOCATION: N/A

APPLICANT: N/A

GENERAL PLAN / ZONING: N/A

PRIMARY REPRESENTATIVE: N/A

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: On March 25, 2025, Chair Weiler appointed Commissioner Mecaro, Commissioner Speer, and Commissioner Steeve to the Downtown Specific Plan Retail Corridor Subcommittee and requested the Subcommittee report out at the next regularly scheduled meeting.

On February 25, 2025, Commissioner Steeve motioned, and Commissioner Mecaro concurred, that the Commission discuss the Downtown Specific Plan specifically with respect to the retail corridor on and around Grand Avenue. On March 11, 2025, Vice-Chair Barber motioned, and Chair Weiler concurred, that the commission further discuss the Downtown Specific Plan, specifically with respect to the formation of a Planning Commission subcommittee regarding the retail corridor on and around Grand Avenue.

CEQA RECOMMENDATION: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

STAFF RECOMMENDATION: None.

REQUESTED ACTION: None.

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

REPORT APPROVALS:

_____ Chris McKinney, Deputy City Manager/Interim Director of Development Services

X Veronica Morones, City Planner



CITY of ESCONDIDO

STAFF REPORT

Agenda Item No. 4

April 8, 2025

Tentative Future Agenda Items

DATE: April 8, 2025
TO: Planning Commissioners
FROM: Veronica Morones, City Planner
SUBJECT: Tentative Future Agenda Items

The items listed below are anticipated to be brought to the Planning Commission for consideration, discussion, and/or recommendation to the City Council over the next several months. Because there are factors out of City staff's control, this list is subject to change. The intent is to provide visibility regarding projects that the Commission should expect to see in the near future. (Items are listed in no particular order.)

Additionally, these items shall not be considered to be agenda items for this meeting so no discussion is permitted other than clarification of what the item is.

Private Development Projects:

- Residential subdivision (density bonus) and CUP Modification for religious facility

Policy Work:

- Housing Element Implementation Ordinances
 - o Ministerial/by-right ordinance
 - o Permanent Supportive Housing ordinance
 - o ADU ordinance comprehensive update
- Climate Action Plan Annual Progress Report (2023 & 2024 CY)
- General Plan Annual Progress Report

Informational Presentations:

- General Plan Amendment – Safety and Community Health and Services
- California Environmental Quality Act
- North County Mall Permit History