



CITY of ESCONDIDO

PLANNING COMMISSION MEETING

November 12, 2024 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, NOVEMBER 12, 2024

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, NOVEMBER 12, 2024

AGENDA

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) October 8, 2024 Meeting Minutes

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.

- [2.](#) **PL23-0190, PL24-0225, PL23-0191, PL24-0215, PL24-0229 / Hickory Street Office to Residential Conversion**

REQUEST: Adopt Resolution No. 2024-20 recommending the denial of the following land use applications: a General Plan Amendment to amend the land use designation from Office (O) to Urban V (U5); a Zone Map Amendment to rezone the subject property from Hospital Professional (H-P) to Very High Multifamily Residential (R-5); a Master Plan and Precise Plan to adopt a Planned Development Permit and Zone; and a Design Review Permit for conversion of an existing office building to 21 residential dwelling units. The proposed project also includes a density bonus request to exceed the allowable density permitted by the proposed General Plan land use designation (e.g., U5).

PROPERTY SIZE AND LOCATION: The 0.69-acre site is located on the northeast corner of Hickory Street and E. 3rd Avenue and is addressed as 240 S Hickory Street (Assessor's Parcel Number(s): 229-492-14-00)



CITY of ESCONDIDO

PLANNING COMMISSION

TUESDAY, NOVEMBER 12, 2024

APPLICANT: Escondido Investments, LLC

CEQA RECOMMENDATION: Statutory Exemption – CEQA Guidelines Section 15270 (Projects Which Are Disapproved)

STAFF RECOMMENDATION: Denial

CITY COUNCIL HEARING REQUIRED: YES NO

3. PL24-0183 – 900 W Mission Avenue CUP Modification

REQUEST: Modification to a previously approved Conditional Use Permit (PHG19-0049) to remove a condition of approval requiring installation of a traffic signal at the Rock Springs Rd and Lincoln Ave intersection (“Project”). The previously approved Conditional Use Permit (PHG19-0049) entitled the Project site for development of a gasoline service station and convenience store with concurrent sale of alcoholic beverages (beer and wine). The Project also includes an addendum to the previously adopted IS/MND prepared for the Project.

PROPERTY SIZE AND LOCATION: The 1.14-acre site is located at the northwest corner of West Mission Avenue and Rock Springs Road. The site is addressed as 900 West Mission Avenue, Escondido, CA 92025 (Assessor’s Parcel Numbers: 228-220-43-00; 228-220-13-00).

APPLICANT: Ilan Golchech, Golchech Group

CEQA RECOMMENDATION: In accordance with the California Environmental Quality Act (CEQA) Section 15164 (Addendum to an EIR or Negative Declaration), an addendum to remove two mitigation measures to the adopted Mitigated Negative Declaration (ENV19-0006) has been prepared. Staff recommend adoption of the addendum prepared.

STAFF RECOMMENDATION: Denial of the Project and Approve Alternative Option 1 (Recommended Alternative)

CITY COUNCIL HEARING REQUIRED: YES NO

CURRENT BUSINESS

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.



CITY of ESCONDIDO

PLANNING COMMISSION

TUESDAY, NOVEMBER 12, 2024

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PLANNING COMMISSIONERS REPORT

CITY PLANNER'S REPORT

- [4.](#) Tentative Future Agenda

ADJOURNMENT



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

October 8, 2024 at 7:00 PM

Council Chambers: 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR COMMISSION MEETING

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CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, OCTOBER 8, 2024

MINUTES

CALL TO ORDER: 7:01 p.m.

FLAG SALUTE: Stan Weiler

ROLL CALL:

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

Commissioner Absent: Marc Correll, Commissioner.

City Staff Present: Veronica Morones, City Planner; Dare DeLano, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Ivan Flores, Senior Planner; Greg Mattson, Contract Planner; Alex Rangel, Minutes Clerk.

- 1. APPROVAL OF MINUTES:** September 24, 2024
Motion: Vice-Chair Barber; Second: Commissioner Jester.
Motion carried (5-0) to approve the minutes.
Ayes: Weiler, Barber, Jester, Mecaro, Speer.
Abstain: Steeve.
Absent: Correll.

WRITTEN COMMUNICATIONS:

None.

ORAL COMMUNICATIONS:

None.

PUBLIC HEARINGS:

- 2. PL24-0057, PL22-0396, PL22-0397, PL22-0398, PL24-0198 / Mission and CCP Drive Through Facilities**

REQUEST: Approve Resolution No. 2024-17 recommending approval to City Council of a Tentative Parcel Map to allow the subdivision of a 3.74-acre property comprised of two parcels into four parcels; three Conditional Use Permits for drive-through facilities; a Design Review Permit for the construction of the facilities; and a non-emergency demolition of an existing building (over 50 years old) previously occupied by a restaurant use. The project includes ancillary improvements including but not limited to landscaping, frontage and circulation improvements. The request also includes adoption of the environmental document prepared for the project.



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, OCTOBER 8, 2024

PROPERTY SIZE AND LOCATION: The 3.74-acre site is located on W Mission Avenue and Centre City Parkway and is addressed at 501 – 503 W Mission Avenue. (Assessor’s Parcel Number(s): 229-171-30-00 and 229-171-29-00)

ENVIRONMENTAL STATUS: Recommend adoption of an Initial Study/Mitigated Negative Declaration

APPLICANT: Sally Schifman

STAFF RECOMMENDATION: Recommend approval to City Council.

PUBLIC COMMENT:

Sally Schifman, Applicant, provided a presentation on the project.

COMMISSION DISCUSSION:

The commissioners discussed various aspects of the project, including the proposed traffic improvements, pedestrian access, and economic impact.

COMMISSION ACTION:

Motion to approve Planning Resolution No. 2024-17, recommending to the City Council the adoption of the mitigated negative declaration, and approval of the tentative parcel map, conditional use permits, design review permit, and non-emergency demolition permit request.

Motion: Commissioner Barber. Second: Commissioner Speer.

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

Ayes: Barber, Jester, Mecaro, Speer, Steeve.

Abstain: Weiler.

Absent: Correll.

3. PL23-0296, PL23-0297, PL24-0217 / Chick-Fil-A Restaurant Drive Through Restaurant

REQUEST: Approve Resolution No. 2024-19 recommending approval to City Council of a Specific Plan Amendment to the South Centre City Specific Plan to allow for “auto-oriented eating establishments” as a conditionally permitted use within the 13th Avenue Corners District specifically on the subject site in addition to minor text changes to development standards and definitions; a Conditional Use Permit to permit a proposed drive-through use; and a Design Review Permit for construction of a drive through facility. The project would demolish an existing 9,558 square-foot restaurant building and construct a new 3,124 square-foot drive-through restaurant with a dual lane drive-through and associated menus, surface parking and landscaping improvements, and outdoor dining area. The request also includes adoption of the environmental document prepared for the project.



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, OCTOBER 8, 2024

PROPERTY SIZE AND LOCATION: The 1.4-acre site is located at the southwest corner of W. 13th Avenue and S. Pine Street, addressed as 515 W. 13th Avenue (Assessor's Parcel Number(s): 236-161-07-00 and 236-161-06-00).

ENVIRONMENTAL STATUS: Recommend adoption of an Initial Study/Mitigated Negative Declaration

APPLICANT: Ed Hale, Senior Development Director, 4G Dev. & Consulting.

STAFF RECOMMENDATION: Recommend approval to the City Council.

PUBLIC COMMENT:

None.

COMMISSION DISCUSSION:

The Commissioners discussed various aspects of the project, including the site design, economic impact, and the South Centre City Specific Plan document.

COMMISSION ACTION:

Motion to approve Planning Resolution No. 2024-19, recommending to the City Council the adoption of a mitigated negative declaration, and approval of a specific plan amendment, conditional use permit, and design review permit.

Motion: Commissioner Weiler. Second: Commissioner Jester.

Motion carried (5-1) to approve the project.

Ayes: Weiler, Barber, Jester, Speer, Steeve.

Nays: Mecaro.

Absent: Correll.

CURRENT BUSINESS

None.

FUTURE AGENDA ITEMS:

None.

ORAL COMMUNICATIONS:

None.

PLANNING COMMISSIONERS:

None.



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, OCTOBER 8, 2024

CITY PLANNER'S REPORT:

City Planner Morones provided a Tentative Future Agenda for the upcoming November 12, 2024 Planning Commission meeting.

ADJOURNMENT

Chair Weiler adjourned the meeting at 8:57 p.m.

Veronica Morones. Secretary to the Escondido
Planning Commission

Alex Rangel, Minutes Clerk



STAFF REPORT

DATE: November 12, 2024

PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229 – Hickory Street Office to Residential Conversion

PROJECT NUMBER / NAME: PL23-0190, PL24-0225, PL23-0191, PL24-0215, PL24-0229 / Hickory Street Office to Residential Conversion

REQUEST: Adopt Resolution No. 2024-20 recommending the denial of the following land use applications: a General Plan Amendment to amend the land use designation from Office (O) to Urban V (U5); a Zone Map Amendment to rezone the subject property from Hospital Professional (H-P) to Very High Multifamily Residential (R-5); a Master Plan and Precise Plan to adopt a Planned Development Permit and Zone; and a Design Review Permit for conversion of an existing office building to 21 residential dwelling units. The proposed project also includes a density bonus request to exceed the allowable density permitted by the proposed General Plan land use designation (e.g., U5).

PROPERTY SIZE AND LOCATION: The 0.69-acre site is located on the northeast corner of Hickory Street and E. 3rd Avenue and is addressed as 240 S Hickory Street (Assessor’s Parcel Number(s): 229-492-14-00)

APPLICANT: Escondido Investments, LLC

GENERAL PLAN / ZONING: Office (O)/ Hospital Professional (H-P)

PRIMARY REPRESENTATIVE: Darshan Patel

DISCRETIONARY ACTIONS REQUESTED: General Plan Amendment, Zone Map Amendment, Master/Precise Plans (Planned Development Permit), and Design Review Permit

PREVIOUS ACTIONS: On April 19, 2023, City Council authorized the processing of the requested General Plan Amendment.

CEQA RECOMMENDATION: Statutory Exemption – CEQA Guidelines Section 15270 (Projects Which Are Disapproved)

STAFF RECOMMENDATION: Denial

REQUESTED ACTION: Adopt Planning Commission Resolution No. 2024-20

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Dare DeLano, Assistant City Attorney

Veronica Morones, City Planner



CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

In April of 2023, Escondido Investments LLC (“Applicant”) submitted a request for initiation of a General Plan Map Amendment (GPA) to the City Council. The Escondido Zoning Code requires authorization from the City Council prior to staff processing the proposed GPA, and includes several details of the proposed project.

The staff report for that General Plan amendment authorization noted that while it was possible for the initial project description to change, any “changes will be reviewed to ensure they meet the strategic goals identified in the General Plan” (see Attachment 1 – City Council staff report, dated April 2023). As detailed in Attachment 1, the applicant represented that the project would include “open space and common areas...[the] project would include approximately 2,800 square-feet of common area.” As discussed throughout this staff report, the Project no longer includes open space, and is not consistent with the strategic goals and polices of the City’s adopted 2012 General Plan.

The project site is located at the northeast corner of Hickory Street and 3rd Avenue, and is addressed as 240 S. Hickory Street (APN: 229-492-14-00). The property is within the Office (O) General Plan Land Use designation, and is zoned Hospital Professional (H-P) (see Attachment 2 – Aerial, General Plan, and Zoning). The property previously operated as an office building, which included occupancy by medical office tenants (e.g., dental office). The Project site also includes prior approvals of Plot Plan (ADM14-0100) to allow for wireless communication facilities, which currently exist on the building’s roof. The Applicant proposed to continue to operate the wireless communication facilities under this request.

Surrounding zoning designations to the site include Hospital Professional and Multi-family Residential (H-P and R-2-12) to the north; Planned Development Residential to the west (PD-R-12); and Multifamily Residential (R-2-12) to the south and west. The project site is surrounded by existing development, with a mix of medical office and single-family residences located directly to the north and east, and a mix of multifamily and single-family residences located to the south and west.

As detailed in the summary of request below, the proposed project includes a General Plan Amendment, along with a Zone Map Amendment, Planned Development Permit, and Design Review Permit. As detailed in Table 1 below, there are several actions that require City Council review and approval. The role of the Planning Commission is to make a recommendation to the City Council on the aforementioned entitlements.

SUMMARY OF REQUEST

The Applicant submitted a request to convert an existing office building into 21 residential dwelling units for the property located at 240 South Hickory Street. The request includes the following land use applications: a General Plan Amendment to amend the land use designation from Office (O) to Urban V (U5) to permit residential uses at a maximum residential density of 30 dwelling units per acre; a Zone Map Amendment to rezone the subject property from Hospital Profession (H-P) to Very High Multifamily Residential (R-5); a Master Plan and Precise Plan for adoption of a Planned Development Permit and Zone; and a Design Review Permit for the conversion of an existing 19,431 square-foot office building into 21 residential dwelling units (“Project”) (see Attachment 3 – Project Plans). The Project also includes a Density Bonus Request to exceed the maximum allowable density as established by the proposed U5 General Plan land use designation.



CITY of ESCONDIDO

STAFF REPORT

Table 1 – Requested Entitlements

| Permit Name | Purpose | Typical Ultimate Decision Maker | Municipal Code Section |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-------------------------------------------------|
| General Plan Amendment | Amend the General Plan Land Use Element; <ul style="list-style-type: none"> For the Project: change the land use designation from nonresidential to residential, as denoted in the Land Use Element | City Council, with recommendation by Planning Commission | Ch. 33, Article 61, Sec. 33-1261(b) |
| Zone Map Amendment | Amend the City’s adopted Zoning Map; <ul style="list-style-type: none"> For the Project: rezone the subject property from nonresidential to residential | City Council, with recommendation by Planning Commission | Ch. 33, Article 61, Sec. 33-1261(a) |
| Planned Development Permit | Provide for flexible regulatory procedure; <ul style="list-style-type: none"> For the Project: adopt a Planned Development Permit and Zone to allow flexible setback standards for the existing building | City Council, with recommendation by Planning Commission | Ch. 33, Article 19, Sec. 33-408 (b) |
| Design Review Permit | Regulate exterior appearance of buildings and site development; <ul style="list-style-type: none"> For the Project: Approve the proposed site design | City Staff or Planning Commission* | Ch. 33, Article 64, Sec. 33-1354 and 33-1355(b) |
| * Planning Commission required due to the proposed Planned Development zone | | | |

ISSUES/CONCERNS

The City’s Staff Development Committee (SDC) reviewed the proposed Project for compliance with City regulations and standards. Based on requirements of the entitlements requested, staff recommend denial of the proposed General Plan Amendment. The reasoning for staff’s recommendation is summarized below:

1. Inconsistency with General Plan policies

As detailed in this staff report, and attached draft resolution, the proposed Project is inconsistent with General Plan policies that are required for approval of the requested General Plan Amendment. Therefore, staff are unable to make the findings required to support a General Plan Amendment.

2. Denial of subsequent Permits

All of the subsequent requests are dependent on the General Plan Amendment. Should the Planning Commission adopt Resolution No. 2024-20 recommending denial of the General Plan Amendment for the reasons discussed under the Project Analysis section of this report, the remaining requested entitlements (i.e., Zone Map Amendment, Planned Development Permit, and Design Review Permit) would be inconsistent with the existing General Plan land



CITY of ESCONDIDO

STAFF REPORT

use designation and therefore also be denied (i.e., a residential development request on a site with a non-residential land use designation). Residential uses are not permitted within the Hospital Professional (H-P) zoning district, or the Office (O) land use designation.

Should the Planning Commission choose **not to adopt** Resolution No. 2024-20 and instead recommend approval of the proposed Project to the City Council, the Planning Commission would be required to provide direction to staff on how the Project complies with the findings as outlined in section 33-1263 (Factors to be Considered) of Article 61 (Administration and Enforcement), Section 33-403 (Findings of the Planning Commission and City Council) of Article 19 (Planned Development Zones), and Section 33-1359 (Findings) of Article 64 (Design Review). In certain instances, staff are able to support some of the applicable findings. The findings for each permit, as substantiated by staff for denial, are outlined under Exhibit “B” in the attached draft Resolution No. 2024-20 (see Attachment 4 – draft resolution). Those findings the Commission would need to make to recommend approval of the Project are attached for reference to this staff report in the event the Commission chooses not to adopt Resolution No. 2024-20 (see Attachment 5 – Findings for Approval).

Additionally, as described under the Analysis section of this report, City staff do not concur with the Applicant’s use of a requested waiver from development standards. In the event the Commission decides to direct staff to return with documents to approve the Project, the Commission would need to direct staff on whether to deny the requested waiver or grant the waiver as requested. Refer to Attachment 5 for guidance on the Commission’s options.

To summarize, in the event the Commission recommends approval of the proposed Project, the Commission would need to provide City staff with the justification for approval. In the event the Commission does not adopt Resolution No. 2024-20 (i.e., recommends approval), staff will return with an updated resolution recommending approval to the City Council based on the findings the Commission substantiates for the proposed Project at the December 10, 2024 Planning Commission meeting. City staff would also return with a recommendation to adopt the Initial Study/Mitigated Negative Declaration prepared for the Project for action by decision makers.

SUPPLEMENTAL DETAILS OF REQUEST

| Standard | | Minimum Required* | Proposed |
|----------------------------------|-------------------------------|--------------------------|---------------------------|
| 1. Property Size: | 0.69 net acres | | |
| 2. Number of Units: | 21 residential dwelling units | | |
| 3. Unit Size: | 400 sq. ft. | | 419 sq. ft. – 720 sq. ft. |
| 4. Density: | 14 dwelling units** | | 21 dwelling units*** |
| 5. Lot Coverage/Floor Are Ratio: | None/.9 | | 22%/.65 |
| 6. Building Height | 75’-0” | | 41’-11” |



CITY of ESCONDIDO

STAFF REPORT

| | | |
|------------------------------|------------------------------|----------------------|
| 7. Motor Vehicle Parking: | 40 off-street spaces | 53 off-street spaces |
| 8. Setbacks: | | |
| a. Front Yard: | 15'-0" (S Hickory St.) | 10'-1" existing |
| b. Rear Yard: | 10'-0" | 65'-10" |
| c. Side Yard: | 5'-0" | 72'-0" |
| d. Street Side Yard: | 10'-0" (3 rd Ave) | 9'-10" existing |
| 9. Open Space / Landscaping: | 6,600 sq. ft. | 0 sq. ft. |
| 10. Trees: | 1 per dwelling unit | 0 |
| 11. Signage: | N/A | N/A |
| 12. Trash: | 1 trash enclosure | 1 |

**The minimum requirements for the proposed R-5 zoning district*
***Pursuant to Article 6, development in the R-3, R-5, or R-5, zones are subject to a 70% minimum density requirement*
**** $30 \text{ du/acre} \times .68 = 20 \text{ units plus 1 additional bonus unit pursuant to Density Bonus Law for a total of 21 dwelling units}$*

PROJECT ANALYSIS

- 1. General Plan Conformance:
 - a. Land Use and Community Form

Figure II-6 - General Plan Land Use Designations, Urban IV and V: "Multi-family development includes common open space and recreational amenities"

The intent of the Urban V (U5) land use designation is to permit residential densities up to 30 dwelling units per acre. The Project includes a request to amend the General Plan land use designation from Office (O) to U5 to accommodate a density consistent with the proposed General Plan land use designation. However, the Project as proposed does not include any common/private open space, nor does it include any on-site recreational amenities. Article 6 (Residential Zones) of Chapter 33 (Escondido Zoning Code) enforces the requirement for common/private open space to implement goals and policies of the City's 2012 General Plan relative to new development. Based on the proposed unit count, a total of 6,400 square-feet usable open space is required; however, the Project, as designed and proposed, does not provide any open space. An approval of the General Plan Amendment would be inconsistent with the City's goals and policies for residential development within the City.



CITY of ESCONDIDO

STAFF REPORT

b. Community Health and Services

Health and Wellness Policy 1.1: Encourage the revitalization of existing urban areas to achieve improvements in overall public health by promoting a healthier living environment that includes walkable neighborhoods and access to recreation and open space, healthy foods, medical services, and transit.

The Applicant seeks to amend the land use designation for the property to allow for a multifamily use through the revitalization of a vacant office building. An aerial view of surrounding apartment complexes (Summit Apartments, Rosewood Villas, Montecristo Villas South, and Montecristo Villas) shows the presence of recreational and open spaces for these multifamily developments in alignment with City policy. The Project site is located within approximately one-half mile of Grape Day Park and one-quarter mile of Heritage Garden; however, the Applicant’s proposal to not include recreation and/or common open space is inconsistent with the City’s Goal and Policies that encourage active healthy living and is out of character with surrounding multifamily development which maintain some form of open space as required by the Escondido Zoning Code.

c. Housing Element and “No Net Loss”

The Project site is not identified in the City’s General Plan Housing Element Suitable Sites Inventory for the 6th RHNA Planning Cycle. Because the provision of “no net loss” applies to housing located on any site listed in the City’s Housing Element, the City does not need to determine if this project or a decision related to this project would be subject to No Net Loss Law and its remedies.

Although, the Project site is not located on the City’s Suitable Sites Inventory as identified in the adopted 6th Cycle Housing Element, denial of the General Plan Amendment would not result in the City’s inability to meet the housing needs of the community. The City has identified over 880 sites that are deemed suitable for development in an effort to assist the City in achieving its regional housing need.

2. Zoning Conformance:

The Project site is located within the Hospital Professional (H-P) zoning district. As outlined in Article 16 (Commercial Zones) of the EZC, properties within the H-P zone are subject to the Professional Commercial (C-P) zone. Residential uses are not permitted within the C-P zoning district by-right or via conditional use permit. The Project includes a request to rezone the subject property to Very High Multifamily Residential (R-5) in order to facilitate the residential use and the adoption of a Planned Development Zone (PD) for reductions in setbacks. However, Planned Developments may only include uses that are exclusively permitted by the underlying zoning district, and due to the C-P zoning not allowing residential uses, the Planned Development for residential purposes may not be adopted. Additionally, while Planned Development Permits encourage creative approaches to use of land and establish more flexible regulatory procedures (Section 33-400(b-c)) they specifically serve to promote and create private open spaces as an integral part of land development design. Therefore, unless the General Plan Amendment is approved, the proposed use of the site would remain limited to commercial/office uses.

3. Climate Action Plan Consistency:



CITY of ESCONDIDO

STAFF REPORT

The Project includes a General Plan Amendment which is not subject to the Climate Action Plan consistency checklist. A project-specific Air Quality/Greenhouse Gas Emissions study was conducted, and found that the emissions from the Project would be less than significant as discussed in the draft Initial Study/Mitigated Negative Declaration that was prepared for the Project.

4. Density Bonus

The Project includes a density bonus request to exceed the allowable density permitted under the proposed General Plan Amendment. The Project would provide a total of two low-income-units (“target units”), and is allowed two additional units (“bonus units”) pursuant to Article 67 (Density Bonus and Residential Incentives); however, the Applicant proposes to only utilize one bonus unit for a total of 21 dwelling units. In addition to increased density, the Project is eligible for one incentive/concession, and unlimited waivers from development standards. As defined in State Density Bonus Law (SDBL) and Article 67, an incentive/concession can include a reduction or elimination of site development standards, zoning code requirement, etc. that will result in an identifiable cost reduction to achieve the proposed density. Whereas a waiver is a reduction in a development standard (setbacks, parking, height, etc.) that physically precludes the development of the proposed housing units. The Applicant requests the use of their one incentive/concession to remove the requirement to resurface and reconstruct the adjacent alley frontage with a gutter. Additionally, the Applicant requests the use of four waivers of development standards to modify or remove the following zoning code requirements: 1) required covered parking, 2) required open space for multifamily residential developments, 3) required 2’-0” dedication along the site’s alleyway frontage, and 4) required landscaping within the off-street parking area (see Attachment 6 – Density Bonus Request.

Staff identified an issue surrounding one of the requested four waivers. Based on the information provided by the Applicant, the 2’-0” dedication requirement along the alleyway does not physically impede the Project’s ability to be developed at the proposed density. Therefore, the request to waive the dedication requirement does not meet the definition of a waiver under SDBL.

Ultimately, the Project may not be approved unless the General Plan Amendment is granted, since without that Amendment the Project site would retain the land use designation of Office (O).

5. Site Design

a. Grading, topography, retaining wall, and fencing:

The Project site is an existing developed property, and contains a change in topography along E 3rd Avenue. No significant grading is proposed for the site as a part of the request. The request includes proposal of a new 3’-6” fence along the Project’s frontages.

b. Project Access and Circulation:

The Project site maintains an existing driveway on Hickory Street, and also access from the alleyway. No changes are proposed to the on-site circulation.



CITY of ESCONDIDO

STAFF REPORT

c. Building Orientation:

The existing building is located at the corner of 3rd Avenue and Hickory Street, and no changes are proposed to the orientation of the building. The primary access to the building is proposed to remain and is provided from a sidewalk located on Hickory Street. Currently a secondary access to the building is located on 3rd Avenue via a connecting pedestrian bridge; however, the proposed Project includes removal of this secondary access.

d. Open Space and Landscaping

The Project as proposed does not include any additional landscaping, or propose any open space as required by the Escondido Zoning Code for multifamily residential developments.

e. Parking:

Based on the number of bedrooms, per unit, the proposed Project requires a total 40 off-street parking spaces. The site currently has 59 off-street parking spaces, and proposes the removal of six for a total of 53 spaces. Covered parking is required pursuant to Article 39; however, the Applicant's request entails removal of all covered parking as a part of their density bonus proposal.

6. Building Design:

a. Building Height, Mass, and Scale:

The proposed Project entails the conversion of a vacant office building into residential units. No changes are proposed to the building's height, mass, or scale. The existing building conforms to the height limitations of the requested R-5 zone.

b. Residential Floor Plans:

The proposed Project includes a mix of one- and two- bedroom units ranging from 419 square-feet to 720 square-feet.

c. Building Materials:

The proposed Project does not introduce new building material to the existing office building; however, a new gray paint scheme is proposed.

FISCAL ANALYSIS

Disapproval of the Project would not result in the issuance of building permits, and development impact fees would not be collected.



CITY of ESCONDIDO

STAFF REPORT

ENVIRONMENTAL ANALYSIS

Pursuant to the California Environmental Quality Act Guidelines (CEQA), the denial of the Project is statutorily exempt from CEQA pursuant to section 15270 which applies to projects that a public agency rejects or disapproves.

However, an Initial Study/Mitigated Negative Declaration was prepared for the Project and circulated for public review for a period of 30-days pursuant to CEQA Guidelines Section 15073. The Final Initial Study/Mitigated Negative Declaration is attached as attachment 7 for the Planning Commission's consideration in compliance with CEQA Guidelines Section 15074 (a).

Should staff's recommendation to deny be overturned, the Project does have a draft Final Initial Study/Mitigated Negative Declaration prepared for review and adoption by the City Council.

PUBLIC INPUT

City staff noticed the proposed Project in accordance with State Law, and Article 61 (Administration and Enforcement) of the Escondido Zoning Code. As of the publishing of this report, no public comments have been received.

CONCLUSION AND RECOMMENDATION

The Applicant proposes the conversion of a vacant office building into 21 residential dwelling units. The Project as proposed requires and includes several entitlements necessary for the conversion into residential units. The proposed Project requires a General Plan Amendment to change from a nonresidential designation to one that permits for residential uses; a Zone Map Amendment to rezone the subject property to a zoning district that is consistent with the proposed General Plan land use designation; a Planned Development Permit and adoption of a Planned Development zone to permit for an existing building that is nonconforming with required setbacks for the proposed residential zone; and a Design Review Permit for the proposed site changes. However, based on the analysis contained in this staff report, approval of the General Plan Amendment is inconsistent with the City's 2012 General Plan policies that encourage the development of high-quality residential buildings, including, but not limited to the provision of open space and amenities for residents. As a result of the proposed Project's inconsistency with the General Plan, staff recommend denial of the General Plan Amendment. Due to the recommendation of denial for the General Plan Amendment, staff also recommend denial on the subsequent requested entitlements, all of which are dependent on the General Plan Amendment's approval. Therefore, staff recommend the Planning Commission adopt Resolution No. 2024-20 recommending denial of the proposed Project to City Council.

Alternatively, the Planning Commission may direct staff to return with a resolution recommending approval of the proposed Project, based on findings the Commission provides substantiating the proposed Project is consistent with the goals and policies of the City's 2012 General Plan. Should the Commission recommend approval of the proposed Project, staff would return with a resolution reflecting the Commission's justification for approval and recommending adoption of the environmental document prepared for the Project.

ATTACHMENTS

1. City Council General Plan Map Amendment initiation staff report, dated April 2023



CITY *of* ESCONDIDO

STAFF REPORT

Item 2.

2. Aerial, General Plan Designation, and Zoning Map
3. Project Plans
4. Draft Resolution No. 2024-20 with Exhibit "A" – "C"
5. Required Findings of Fact for Approval
6. Density Bonus Request Form
7. Final Initial Study/Mitigated Negative Declaration



STAFF REPORT

April 19, 2023
File Number 0830-20

SUBJECT

REQUEST FOR AUTHORIZATION TO PROCESS A GENERAL PLAN AMENDMENT OF A COMMERCIAL PROPERTY ADDRESSED AT 240 S. HICKORY STREET (PL23-0128)

DEPARTMENT

Development Services Department, Planning Division

STAFF RECOMMENDATION

Request that the City Council authorize City staff to accept and process an application for an amendment to the General Plan land-use designation from Office (O) to Urban V (U5) with a density of up to 30 dwelling units per acre (du/ac).

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Director of Development Services)

Presenter: Jay Paul, Senior Planner

PROJECT DESCRIPTION

The Development Services Department received a request from Howes/Weiler/Landy ("Applicant") on behalf of Escondido Investments, LLC to initiate a General Plan Amendment of the subject parcel from Office (O) to Urban V (U5). This proposed General Plan Amendment would facilitate the conversion of an existing three-story office/commercial building to multi-family residential development with a density up to 30 du/ac and potential yield of up to approximately 20 units.

The City Council is being asked to determine whether or not to authorize an application to amend the General Plan land-use designation for the subject parcel. Authorizing this request does not have a legally binding effect on any possible future discretionary action. This direction does not reflect whether the City Council would ultimately approve the request or the proposed project. The City Council's formal action on the General Plan Amendment and project would be taken in the future at a public hearing with a recommendation from the Planning Commission.



CITY of ESCONDIDO

STAFF REPORT

LOCATION

The 0.69-acre parcel is located on the northeast corner of S. Hickory Street and E. 3rd Avenue, addressed at 240 S. Hickory Street (Assessor Parcel Number 229-492-14-00) and is depicted in Attachment “1” to this staff report.

FISCAL ANALYSIS

Authorization to process this General Plan Amendment would have no direct fiscal impact. The privately initiated request, if and when submitted, would be processed using existing staff resources with costs to be paid by the project applicant. Future redevelopment of the property would require on- and off-site improvements to conform to current design standards. The applicant would be responsible for constructing these improvements. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency’s general fund and the city or county’s ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself. At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project. This can be accomplished through either formation of a Community Facilities District (“CFD”), annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City (“Public Services Funding Agreement”). It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.

BACKGROUND AND ANALYSIS

In accordance with section 33-1261 of the Zoning Code, a property owner may petition for an amendment to the General Plan by filing a formal request/letter with the Planning Division and the planning staff schedules a review of the request at a City Council meeting. The City Council considers the request and determines whether to allow formal application for processing. If the request is authorized for processing, the interested parties will be advised to submit required application(s) with the City’s Planning Division, which will include initial environmental documentation, submittal of all fees/deposits, and project plans, etc. The proposed amendment to the General Plan and associated project will require consideration by the Planning Commission and City Council at noticed public hearings.

A letter of intent was submitted for consideration to initiate the amendment to the General Plan, and the letter provides additional information on the intent of the application (Attachment “2”). Planning staff has met with the applicant to discuss some preliminary issues related to the feasibility of the request, possible environmental and design concerns, and the procedures to be followed through the process. It is anticipated the application will include requests for the General Plan Amendment, a Zone Change to either R-5-30 (Multi-Family Residential, up to 30 du/ac) or Planned Development-Residential – 30.0 du/ac,



CITY of ESCONDIDO

STAFF REPORT

a Master and a Precise Development Plan or Plot Plan. Details of the proposed project will be analyzed by city staff once a formal application is submitted. It is possible the initial project description may require changes as a result of issues identified during review of the project. Any changes will be reviewed to ensure they meet the strategic goals identified in the General Plan.

The current General Plan designation for the project site and surrounding area is shown in Attachment "3". The project site is located outside of the Downtown Specific Planning Area and East Valley Commercial corridor, and is currently developed with a three-story commercial/office building with an underlying zoning designation of Hospital Profession (HP). The surrounding neighborhood generally consists of a mix of medium density multi-family residential and single-family residential development. Office/commercial development is located further to the north along with the Palomar Heights mixed-use multi-family project currently under construction. The parcel is located in close proximity (one block south) of the proposed East Valley Specific Plan that envisions a land-use designation of Urban IV/V for the parcels north of the subject site as identified in Attachment "4".

In accordance with State law, a General Plan may not be amended more than four times in a calendar year. To date, two General Plan Amendments have been approved this year (Housing Element Update and North Iris Residential Project). The East Valley Parkway Specific Plan/General Plan Amendment is currently being processed and is anticipated to be considered by the Planning Commission and City Council later this calendar year. This proposed project would constitute the fourth amendment request and staff anticipates a fifth amendment request to be considered for potential Council initiation in May. Although these requests may be initiated for processing this calendar year, the more complex projects most likely would not be considered by the Council until calendar year 2024. Depending on the timing of individual applications, requests to amend the General Plan may be bundled into a single amendment.

ENVIRONMENTAL REVIEW

The request to initiate a General Plan Amendment is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15262, Feasibility and Planning Studies, which states that *"A Project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR of Negative Declaration."* Because the request involves only the consideration of whether to process an application for an amendment of the General Plan, and not the amendment itself, action taken by the City Council on this item provides only general direction and does not have a legally binding effect on any possible future discretionary action.

In accordance with CEQA, all Project requests are required to have an environmental assessment to determine potential environmental impact, if any. The proposed project, if submitted, will be subject to environmental assessment to determine potential environmental impacts in accordance with CEQA.

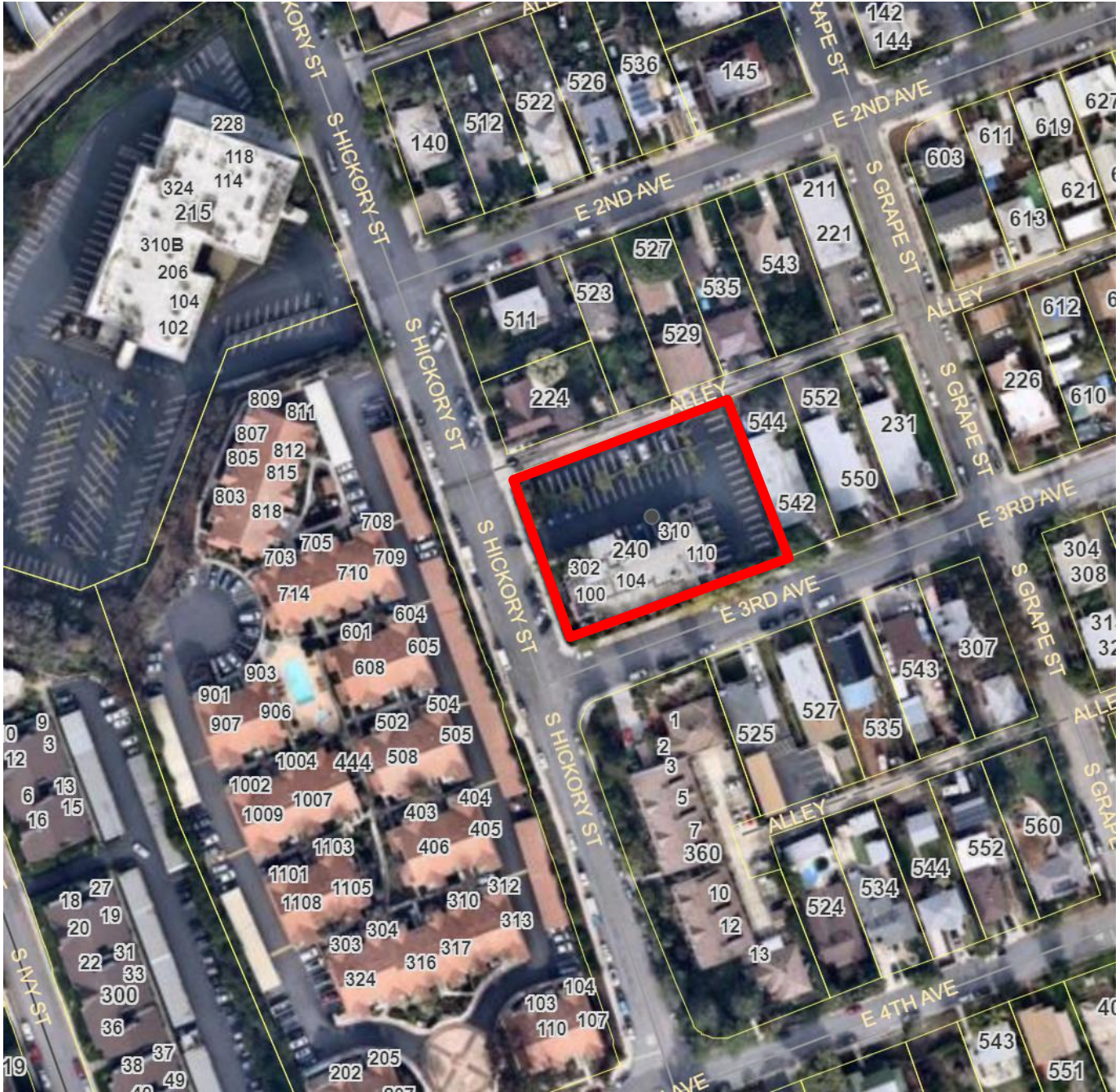


CITY *of* ESCONDIDO

STAFF REPORT

ATTACHMENTS

1. Attachment 1 – Location Map/Aerial
2. Attachment 2 – Request and Project Summary Letter
3. Attachment 3 – General Plan Designation Map
4. Attachment 4 – East Valley Specific Plan Proposed Land Use Plan



Location - Aerial Map
240 S. Hickory Street
APN 229-492-14



March 13, 2023

Mr. Jay Paul
City of Escondido
201 North Broadway
Escondido, California 92025

Re: 240 S. Hickory Street Residential Project – Request for Authorization to Proceed with a General Plan and Zone Amendment Application

Dear Mr. Paul,

It has become clear over the years that the rising housing costs and lack of affordable housing options have led to a rise in homelessness in the region, including within the City of Escondido. The conversion of existing buildings to housing allows for the creation of new housing through adaptive reuse of existing buildings, thereby substantially maintaining the existing scale and character of established neighborhoods. This in turn, allows for lower cost rent for the new units, which provides a much-needed housing type for those seeking housing at the lower end of the cost spectrum.

Therefore, Escondido Investments LLC (applicant) is requesting the City of Escondido (City) process a General Plan Amendment (GPA) and Zone Amendment (AZ) to allow the conversion of an existing medical office building located at 240 S. Hickory Street in Escondido (APN: 229-492-14-00) to a 21-unit, one- and two-bedroom multi-family residential development in accordance with Article 19, Planned Development (P-D) Zone, of the Escondido Municipal Code (EMC).

The project site is approximately 0.69 acres in size and contains one, three-story structure historically used for medical offices. The existing building contains a total of approximately 16,885 square feet (sf) of gross building area with 21 office units. The site is surrounded by single-family residences and low-rise medical offices to the north, single-family residences to the east, condominiums and single-family residences to the south, and multi-family residences (Summit Apartments) to the west.

The current land use designation for the project site is Office, which accommodates a variety of activities in an office environment and is intended to prevent the proliferation of individual isolated offices. The project site has a land use designation of General Office (2.0 FAR), as defined in the City's General Plan. The current zoning designation for the project site is Hospital Professional (H-P), which is considered a commercial zoning designation for interim development of medical or office use. Surrounding zoning and land use designations include H-P and Office to the north, Light-Multiple Residential (R-2-12) and Office to the east, R-2-12 and Urban II (U2) to the south, and Residential Planned Development (PD-R-12) and U2 to the west.



By processing a Planned Development, the project would convert the underutilized medical office building to a 21-unit multi-family residential building, which results in a density of approximately 30 units per acre. The proposed one- and two-bedroom units would range in size from 439 sf to 832 sf. The site would operate as a market-rate rental property offering a lower cost and stable long-term living situation (six-months or longer). This would allow for a greater variety of housing availability for the community. The proposed project will not offer social or transitional support services. However, the proposed physical improvements will result in an enhanced environment for tenants and have a positive influence on the surrounding community.

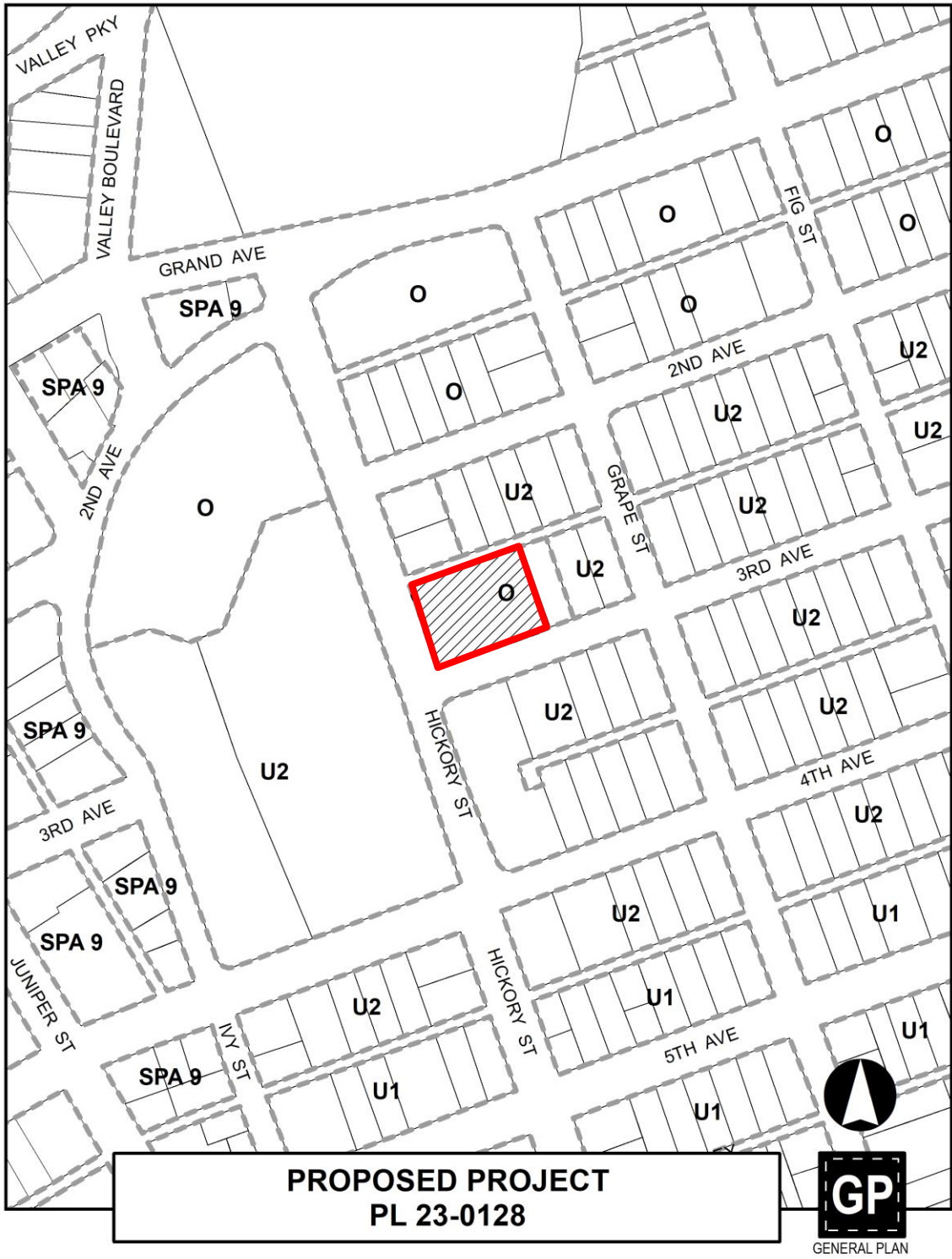
The Project would include interior and exterior site improvements, including, but not limited to, the delineation of living and bedroom space in each unit, installation of kitchens and bathrooms in each unit, shared laundry facility, and tenant storage space, creation of outdoor common areas, and upgrades to the parking lot and outdoor landscaping. Open space and common areas are also proposed to enhance the living experience of tenants. The project would include approximately 2,800 sf of common area.

There are currently a total of 61 parking spaces on site. According to EMC Article 39 Off-Street Parking, 1.5 spaces are required for 1-bedroom units, while 2 spaces are required for 2-bedroom units. In addition, 1 parking space per 4 units is required for guest parking. Therefore, the proposed 21-unit residential project would require 38 parking spaces.

We appreciate the opportunity to present this request for authorization to proceed with the application process.

Sincerely,


Sally Schiffman
Project Manager

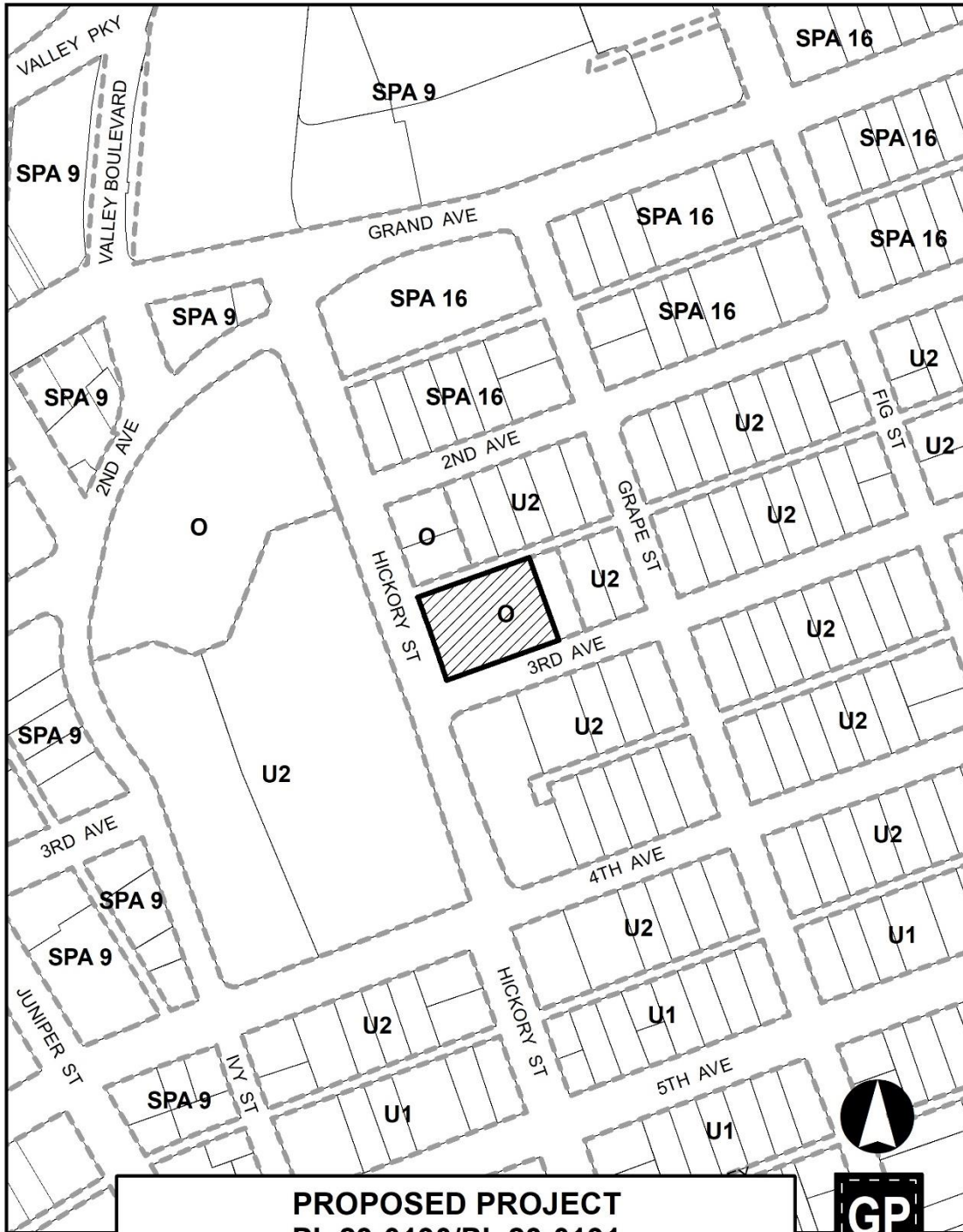


Attachment 2

Aerial, General Plan Designation, and Zoning Maps

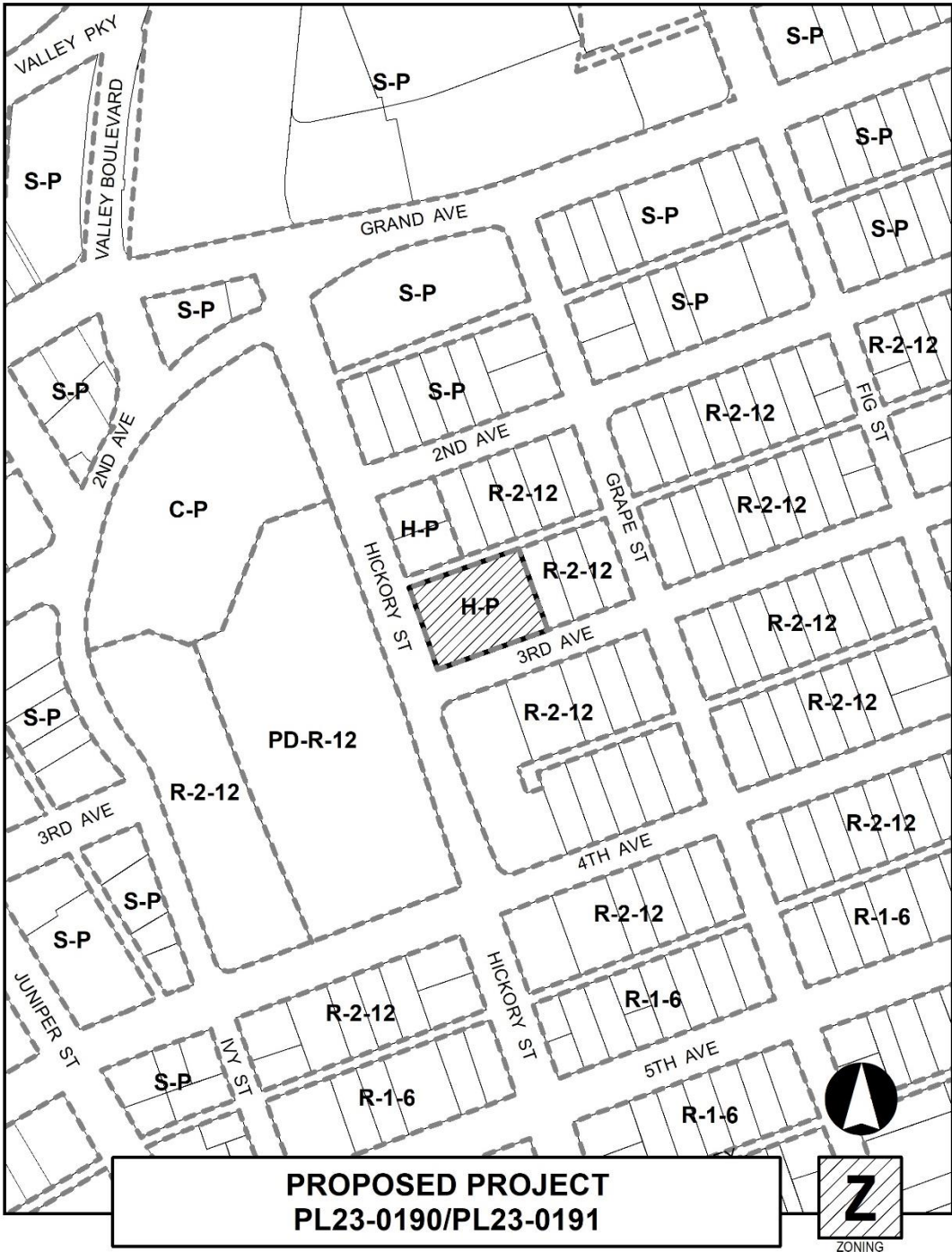
Project No(s): PL23-0190, PL24-0224, PL23-0191, PL24-0215, PL24-0229





**PROPOSED PROJECT
PL 23-0190/PL 23-0191**





**PROPOSED PROJECT
PL23-0190/PL23-0191**

KNA
 KNA CONSTRUCTION AND ARCHITECTURE
 240 S. HICKORY STREET, ESCONDIDO, CA 92025
 TEL: (760) 941-1111 FAX: (760) 941-1112
 WWW.KNA-CA.COM

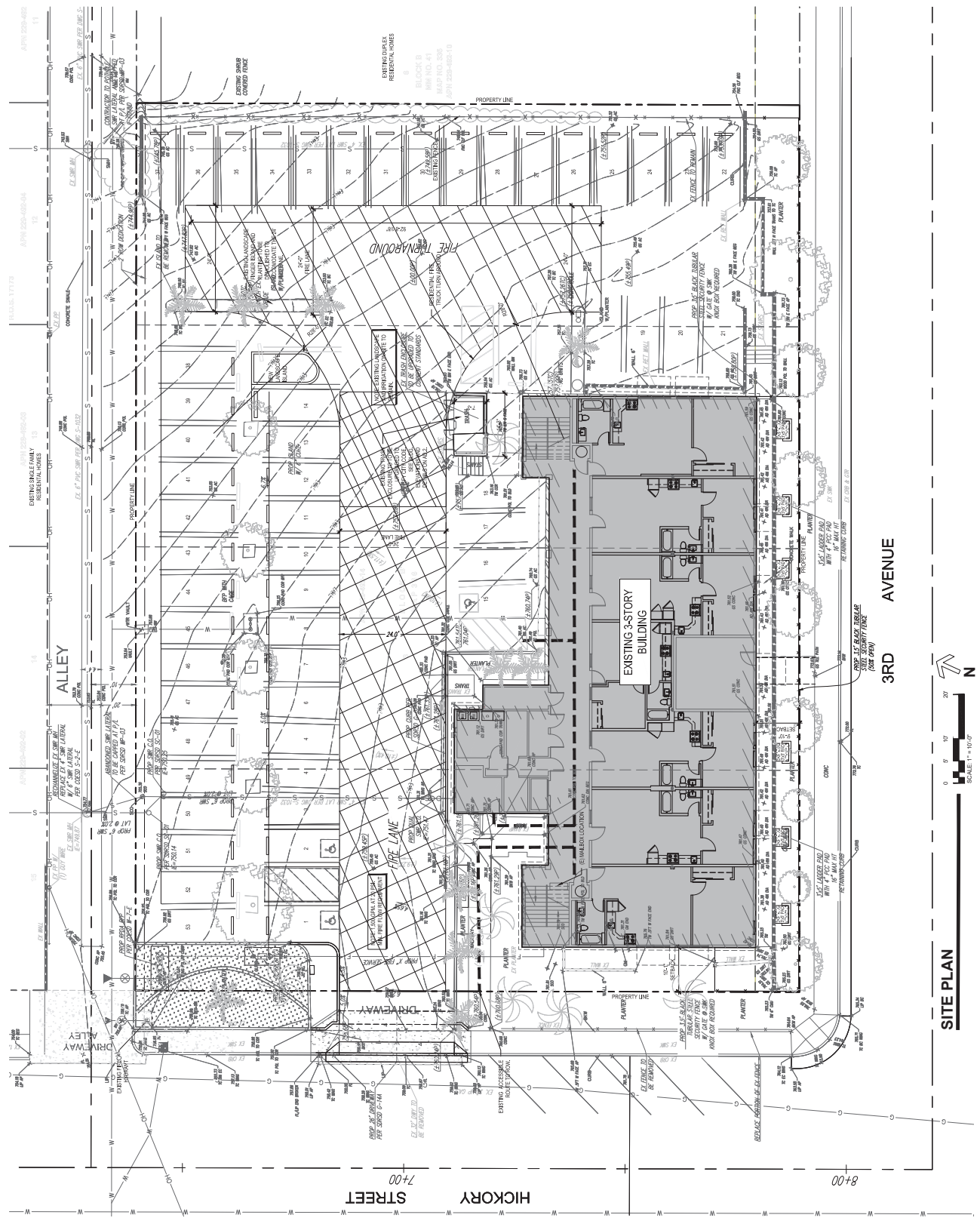
ALL WORK SHOWN ON THIS PLAN IS THE PROPERTY OF KNA CONSTRUCTION AND ARCHITECTURE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED TO BE ASSOCIATED WITH THIS PROJECT. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF KNA CONSTRUCTION AND ARCHITECTURE IS PROHIBITED. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVING AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVING AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVING AGENCIES.

HICKORY STREET RESIDENTIAL
 240 S. HICKORY STREET
 ESCONDIDO CA 92025

| | |
|------------|---------------------------|
| DATE: | 03/20/2023 |
| PROJECT: | HICKORY STREET CONVERSION |
| FILE: | ALL |
| REVISIONS: | 01-2023 |
| | 02-2023 |
| | 03-2023 |
| | 04-2023 |
| | 05-2023 |

SCALE: 1" = 10'-0"
 SHEET NO. 11
 TOTAL SHEETS 11

Item 2.



Planning Commission
Hearing Date: November 12, 2024
Effective Date: November 13, 2024

PLANNING COMMISSION RESOLUTION NO. 2024-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING DENIAL OF A GENERAL PLAN MAP AMENDMENT, ZONE MAP AMENDMENT, MASTER/PRECISE PLAN (PLANNED DEVELOPMENT PERMIT), AND DESIGN REVIEW PERMIT FOR AN OFFICE TO RESIDENTIAL CONVERSION

APPLICANT: Escondido Investments, LLC

CASE NO(s): PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229

WHEREAS, Escondido Investments LLC (“Applicant”), filed a land use development application, Planning Cases No(s). PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229 (“Application”) constituting a request for a General Plan Map Amendment to change the land use designation to Urban V (U5); a Zone Map Amendment to rezone the subject site to Very High Multifamily Residential (R-5); a Master Development Plan and Precise Development Plan for adoption of a Planned Development Zone; and a Design Review Permit for conversion of an existing office building into 21 residential dwelling units (“Project”) on a .69 gross acre site located at 240 S Hickory Street (APN 229-492-14-00), in the Hospital Professional (H-P) zone; and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as though fully set forth herein ("Property"); and

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"); and

WHEREAS, on April 19, 2023, City Council authorized the processing of a General Plan Amendment for the Project, as permitted by Article 61 (Administration and Enforcement); and,

WHEREAS, a General Plan Amendment was submitted to amend the Property's land use designation from Office (O) to Urban V (U5) to permit a maximum residential density of 30 dwelling units per acre,

WHEREAS, General Plan Review and Amendment Policy 17.5 requires that the Applicant submit written findings that the amendment is necessary due to identified physical, social, or city-wide economic factors or changes that have made the General Plan designation, policy statement goal, or intent in question inappropriate from the standpoint of the general public welfare; and

WHEREAS, for reasons discussed in the Planning Commission staff report dated November 12, 2024, the proposed General Plan Amendment is inconsistent with the goals and policies of the City's 2012 General Plan; and

WHEREAS, a Zone Map Amendment was submitted concurrently with the General Plan Amendment to rezone the subject property from Hospital Professional (H-P) to Very High Multifamily Residential (R-5); and,

WHEREAS, disapproval of the General Plan Amendment will result in an inconsistency between the requested proposed zone change, and existing General Plan land use designation; and,

WHEREAS, residential uses are not permitted within the H-P zoning district; and,

WHEREAS, a Master Development Plan and Precise Development Plan were submitted for adoption of a Planned Development Zone in accordance with Article 19; and,

WHEREAS, approval of a Planned Development Zone requires consistency with the underlying zoning district, and General Plan land use designation; and

WHEREAS, approval of the proposed General Plan Amendment is inconsistent with the goals and policies of the City's 2012 General Plan, and consequently inconsistent with the findings necessary for review and approval of a Planned Development Zone; and

WHEREAS, a Planned Development Permit and Zone to permit residential would be inconsistent with the existing General Plan land use designation of Office (O) as a result of the General Plan Amendment's denial;

WHEREAS, a Design Review Permit is required in accordance with Article 64 (Design Review) of the Escondido Zoning Code; and,

WHEREAS, the findings necessary for the review and approval of a Design Review Permit require consistency with landscape standards, and the goals and objectives in the City's General Plan;

WHEREAS, as discussed in the Planning Commission staff report dated November 12, 2024 and Exhibit "B" of this resolution, the Project is inconsistent with the City's 2012 General Plan, and provisions of the Escondido Zoning Code;

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, pursuant to CEQA Guidelines Section 15074 (Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration), the Final Initial Study/Mitigated Negative Declaration was considered by the Planning Commission at the November 12, 2024 regularly scheduled meeting; and,

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements; and

WHEREAS, on November 12, 2024 the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the

Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated November 12, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the public hearing 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. That the Planning Commission in its independent judgement has determined that this action recommending denial is statutorily exempt from the California Environmental Quality Act Guidelines under Section 15270 (Projects Which Are Disapproved).
3. The Planning Commission has received and considered the proposed Final Initial Study/Mitigated Negative Declaration prepared for the Project in accordance with the California Environmental Quality Act Guidelines

under Section 15074 (Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration).

4. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "B," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.
5. The Application to use the Property for the Project is hereby **recommended for denial** by the Planning Commission to the City Council.
6. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein, and attached as Exhibit C of this Resolution.

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 12th day of November, 2024, by the following vote, to wit:

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

STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

VERONICA MORONES, 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

Exhibit "A"

Legal Description

Project No(s): PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 2, 3, 4 AND 5, BLOCK "B" OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886, TOGETHER WITH THE NORTHERLY 10.00 FEET OF THE EAST THIRD AVENUE, ADJOINING SAID LOTS 2, 3, 4 AND 5 ON THE SOUTH, NOW VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION NO. 172 OF THE BOARD OF TRUSTEES OF THE CITY OF ESCONDIDO, RECORDED AUGUST 11, 1947 IN BOOK 243, PAGE 383 OF OFFICIAL RECORDS.

APN: 229-492-14-00

EXHIBIT “B”

Project No(s): PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Planning Commission action qualifies for the following exemption which has been determined to not have a significant effect on the environment, and are declared statutorily exempt from the requirement for the adoption of environmental documents. The recommendation of denial is statutorily exempt pursuant to CEQA Guidelines Section 15270 (“Projects which are disapproved”), in that the request is not recommended for approval. In the event staff’s recommendation of denial is overturned, the Project would return to the Planning Commission with a Final Initial Study/Mitigated Negative Declaration for adoption.
3. In accordance with CEQA Guidelines Section 15074, the Planning Commission considered the proposed Mitigated Negative Declaration before making its recommendation to the City Council on the Project.

General Plan Amendment (PL23-0190)

With respect to the General Plan Amendment, the Planning Commission makes the following findings, and recommends that the City Council make the following findings for denial:

1. General Plan Review and Amendment Policy 17.5: *Identified physical, social, or city-wide economic factors or changes that have made the General Plan designation, policy statement goal, or intent in question inappropriate from the standpoint of the general public welfare. Unless the applicant provides substantial documentation that the changes have occurred, the GPA request shall be denied.*

The City has not identified factors that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, as substantiated below:

- The subject site is located within the Office (O) land use designation of the City's 2012 adopted General Plan. The site is surrounded by primarily office and medium density residential uses as identified on the City's General Plan Map. The intent of the Office land use designation is to accommodate a variety of office uses including but not limited to medical offices, financial offices, and real estate services. Within the vicinity of the subject site, exist various office uses that provide employment opportunities for those in the surrounding community. The existing zoning designation of Hospital Professional (H-P) permits a wide range of commercial/office uses that may be utilized on the subject site, and would fill the employment vacuum caused by the demolition of Palomar Hospital. The existing land use and zoning designations are consistent with the surrounding land uses and patterns of development.
- The subject site is not identified on the City's Suitable Sites Inventory for potential residential development, and denial of the requested General Plan Amendment would not impede the City in achieving its housing unit goals as outlined in the City's adopted 6th Cycle Housing Element. The City identified approximately 888 parcels throughout the City for the purposes of residential development to achieve the City's Regional Housing Needs Allocation (RHNA). The City's 6th Cycle Housing Element identifies capacity for over 12,000 residential units and does not identify this site as a site designated for residential development.

Zone Map Amendment Findings (PL24-0225)

(Section 33-1263 of Article 61 – Administration and Enforcement of the Escondido Zoning Code)

With respect to the Zone Map Amendment, the Planning Commission finds and recommends that that City Council make the following findings for denial:

1. *That the public health, safety and welfare will be adversely affected by the proposed change;*

The Project includes a request to rezone the subject property from Hospital Professional (H-P) to Very High Multifamily Residential (R-5). The adoption of the proposed zone is predicated on the review and approval of the General Plan Amendment. As discussed in the Planning Commission staff report dated November 12, 2024, adoption of the General Plan Amendment will not be consistent with the goals and polices of the City's adopted

2012 General Plan. The public health, safety, and welfare will adversely be affected by the proposed change due to inconsistency between the proposed zone map amendment, and existing General Plan Land Use designation of Office (O) which is prohibited under Government Code section 65860(a).

2. That the property involved is not suitable for the uses permitted by the proposed zone

The Project site is zoned H-P, and does not permit residential uses as outlined in Article 16 (Commercial Zones). The property is approximately 0.69 acre in size, and was developed in conformance with the requirements for commercial/office development. The Project does not conform to the development standards related to setbacks for residential development within the proposed R-5 zone. Therefore, the Project site involved is not suitable for the proposed multifamily use as the H-P zone does not permit for residential use types.

3. That the uses permitted by the proposed zone would not be detrimental to surrounding properties

The Project site is primarily surrounded by low-density residential uses and office uses which are consistent with the surrounding zoning and General Plan land use designations of Urban II (R-2/U2; 12 du/acre) and Office (H-P/O). The inclusion of a very high multifamily residential density (R-5) would be inconsistent with the surrounding approved densities; however, environmental review conducted for the Project as well as the Project's conversion of an existing office building, clarify such impacts would not be detrimental to the surrounding properties.

However, as discussed in the Planning Commission staff report, dated November 12, 2024, the Project does not conform to the goals and policies of the City's 2012 General Plan which outlines requirements for common open space and recreational amenities. Due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment is recommended for denial. Therefore, the proposed Zone Map Amendment for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

4. That the proposed change is not consistent with the adopted general plan;

As discussed in the Planning Commission staff report dated November 12, 2024, the proposed Zone Map Amendment is not consistent with the adopted General Plan land use designation of Office.

Due to the proposed Project's inconsistency with the goals and policies of the City's 2012 General Plan, the proposed General Plan Amendment is recommended for denial. As a

result of the General Plan Amendment's denial, the Office land use designation would remain in effect. The proposed R-5 multifamily residential zoning designation is inconsistent with the Office land use and are not compatible as detailed under Figure II-32 of the Land Use and Community Form chapter. .

5. *That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;*

The proposed Project does include a density that would yield 70% of the maximum density allowed under an Urban V land use designation. However, with denial of the proposed General Plan Amendment the proposed Zone Map Amendment is inconsistent with the existing General Plan land use designation. The subject site is currently zone Hospital Professional (H-P), which does not permit residential uses. Additionally, denial of the General Plan Amendment and Zone Map Amendment would not result in the City being unable to obtain the housing units as required by the City's adopted 6th Cycle Housing Element.

6. *That the relationship of the proposed change is applicable to specific plans*

The Project site is not located within a Specific Plan, and any changes to the existing zoning district are not applicable to specific plans. The proposed change is not applicable to specific plans.

Planned Development Permit Findings (PL23-0191/PL24-0215)
(Section 33-403 of Article 19 – Planned Development Zones of the Escondido Zoning Code)

With respect to the Planned Development Permit, the Planning Commission finds and recommends that that City Council make the following findings for denial:

1. *The location, design, and residential density of the proposed planned development is inconsistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted;*

The Project includes a request to amend the City's 2012 General Plan to amend the land use designation of the subject property from Office (O) to Urban V (U5). A Planned Development permit may only be adopted if the underlying zoning district permits the proposed use. As discussed in the staff report, dated November 12, 2024, the proposed General Plan Amendment is inconsistent with the goals and policies of the Escondido General Plan. Specifically, the Project as proposed does not include any common/private

open space, nor does it include any on-site recreational amenities. Article 6 (Residential Zones) of Chapter 33 (Escondido Zoning Code) enforces the requirement for common/private open space to implement goals and policies of the City's 2012 General Plan relative to new development. Figure II-6 of the Land Use and Community Form chapter specifically notes that for Urban V designations multifamily development include common open space and recreational amenities. Based on the proposed unit count, a total of 6,400 square-foot usable open space is required; however, the Project, as designed and proposed, does not provide any open space. An approval of the General Plan Amendment would be inconsistent with the City's goals and policies for residential development within the City.

Due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment and Zone Map Amendment are denied. Therefore, the proposed Planned Development Permit for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

2. The proposed location allows the planned development to be well integrated with its surroundings;

The proposed Project would result in conversion of an existing office building approved for office uses into a multifamily residential development. The existing building would remain and negligible site changes would occur as a result of the residential development. However, the Planned Development Permit is dependent upon the granting of the General Plan Amendment and Zone Map Amendment. Denial of the General Plan Amendment and subsequent Zone Map Amendment would result in denial of the Planned Development Permit due to the inconsistency between the proposed use and allowable land uses set forth by the Office and Hospital Professional designations.

Due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment and Zone Map Amendment are denied. Therefore, the proposed Planned Development Permit for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

3. All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets;

The Project prepared a traffic scoping agreement which found that the traffic generated by the proposed use will not cause undue congestion upon adjoining streets. However, as discussed in the Planning Commission staff report dated November 12, 2024, the

proposed General Plan Amendment and Zone Map Amendment are not consistent with the adopted General Plan land use designation of Office. This Planned Development Permit is reliant upon the approval of the General Plan Amendment and Zone Map Amendment in order to be approved.

Due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment and Zone Map Amendment are denied. Therefore, the proposed Planned Development Permit for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

4. *The proposed location and design allow residents and business establishments proposed within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. In appropriate circumstances, and as provided elsewhere by city code, the city may require that suitable areas for schools, parks and playgrounds, pedestrian ways or public open spaces be dedicated for public use, or reserved by deed covenant for the common use of all residents, establishments or operations in the development;*

The Project site is located in an urbanized area of the City and is serviced by existing utility connections as it is a developed site. However, the proposed residential conversion Project includes no open space proposed. There is no existing open space on site as it was developed as an office building with parking lot area. The Project includes and is dependent upon a General Plan Amendment to amend the underlying land use designation from O to U5. The Project includes a General Plan Amendment, Zone Map Amendment, Planned Development Permit, and Design Review Permit to facilitate the conversion of an existing office building into residential dwelling units. The Escondido Zoning Code requires the provision of common open space; however, as discussed in the Planning Commission staff report, dated November 12, 2024, the Project is inconsistent with these requirements, and, consequently, inconsistent with the goals and policies of the City's 2012 General Plan.

Due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment and Zone Map Amendment would be denied. Therefore, the proposed Planned Development Permit for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

5. *The overall design of the proposed planned development does not produce an attractive, efficient and stable environment;*

As discussed in the Planning Commission staff report, dated November 12, 2024, the Project does not conform to the goals and policies of the City's 2012 General Plan which outlines requirements for common open space and recreational amenities. This requirement is enforced by the Escondido Zoning Code to ensure that attractive and efficient residential development is provided to the residents of those developments. The Planned Development would not result in the creation of an attractive, efficient, and stable environment as it would eliminate all open space.

However, due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment and Zone Map Amendment would be denied. Therefore, the proposed Planned Development Permit for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

6. *The planned development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties;*

The Project entails conversion of an existing office building on a previously developed site, located within an urbanized area. No significant grading is required due to reuse of a vacant office building. The proposed Project does not result in any visually obstructive or disharmonious patterns of development, nor does it harm any major views due to the existing nature of the Project site. However, as discussed in the Planning Commission staff report, dated November 12, 2024, the Project does not conform to the goals and policies of the City's 2012 General Plan which outlines requirements for common open space and recreational amenities.

Due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment and Zone Map Amendment would be denied. Therefore, the proposed Planned Development Permit for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

7. *The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the planned development in accord with adopted city policy.*

The proposed residential conversion has the potential to produce 19 above moderate and two low-income units toward the City's Regional Housing Needs Allocation (RHNA). However, the subject site is not identified on the City's Suitable Sites Inventory for potential residential development, and denial of the requested General Plan Amendment would not impede the City in achieving its housing unit goals as outlined in the City's adopted 6th Cycle Housing Element. The City identified approximately 888 parcels throughout the City for the purposes of residential development to achieve the City's RHNA. The City's 6th Cycle Housing Element identifies capacity for over 12,000 residential units and does not identify this site as a site designated for residential development.

The Project consist of a General Plan Amendment, Zone Map Amendment, Planned Development Permit, and Design Review Permit to facilitate the residential conversion. As discussed in the Planning Commission staff report, dated November 12, 2024, the Project does not include usable open space as required by Article 6 (Residential Zones) of the Escondido Zoning Code (Chapter 33). The Applicant has not demonstrated that they are unable to obtain the required open space under the existing zoning regulations, and is therefore, not consistent with the goals and policies of the City's 2012 General Plan. The denial of the General Plan Amendment would not permit the adoption of the Planned Development Zone as outlined in Article 19 (Planned Development Zone).

Design Review Permit Findings (PL24-0229)
(Section 33-1359 of Article 64 – Design Review of the Escondido Zoning Code)

With respect to the Design Review Permit, the Planning Commission finds and recommends that that City Council make the following findings for denial:

1. *The proposed site plan has not been designed in a manner which is compatible with the natural and urban characteristics of the site and the surrounding neighborhood;*

The Project includes a General Plan Map amendment to amend the land use designation from Office (O) to Urban V (U5) to accommodate the conversion from office to residential dwelling units. As discussed in the Planning Commission staff report, dated November 12, 2024, the Project is inconsistent with the goals and policies for multi-family development as outlined in the City's 2012 General Plan which requires provision of common open space, and amenities for the residents. The omission of common open

space is inconsistent with the requirements of the Escondido Municipal Code, and with the surrounding neighborhood.

2. *The bulk, scale, and architectural design of the proposed structure are compatible with the character of the surrounding neighborhood; and*

The Project entails conversion of an existing office building previously approved for office uses. The Project does not include any changes to the structure on-site.

3. *The project incorporates landscaping, irrigation and screening which is drought tolerant, appropriate for the site; however, project landscaping is not in compliance with the landscape standards established by the city*

The Project proposes to retain some of the existing landscaping on site. However, the proposed Project is inconsistent with the landscaping and open space requirements as required by Chapter 33 (Escondido Zoning Code). Additionally, the Project is inconsistent with the goals and policies of the City's 2012 General Plan which encourages the incorporation of common open space/recreational areas into multi-family developments, as discussed in the Planning Commission staff report, dated November 12, 2024.

Due to this inconsistency as well as the lack of factors identified that have made the General Plan designation of Office for this site inappropriate from the standpoint of the general public welfare, the proposed General Plan Amendment and Zone Map Amendment would be denied. Therefore, the proposed Design Review Permit for residential development is inconsistent with the existing General Plan land use designation of Office, and would not permit for residential uses on a property that is zoned Hospital Professional (H-P).

4. *All grading related to the project is in conformance to design standards set by Article 55, Grading and Erosion Control.*

The Project entails conversion of an existing office building previously approved for office uses. No grading is proposed due to the reuse of a developed site.

5. *The project has not incorporated the applicable design review standards contained in the ordinance codified in this section and other applicable ordinances into the site layout and building design.*

The Project does not incorporate applicable design review standards relative to the provision of open space as required by Article 64 for the appropriate residential category of very high multifamily residential. Article 64 (Design Review) then points back to Article 6 (Residential Zones) for requirements. While the Project could include reduced open space through the Planned Development Permit process, the proposed Project incorporates no open space and is therefore inconsistent with the 2012 General Plan as discussed in the Planning Commission staff report, dated November 12, 2024.

6. *The project is inconsistent with the goals and objectives on the city general plan*

As discussed in the Planning Commission staff report, dated November 12, 2024, the Project is inconsistent with the goals and objectives of the City's adopted 2012 General Plan. The denial of the General Plan Amendment creates an inconsistency between existing General Plan land use designation and the proposed zoning amendment.

Density Bonus Findings (Section 33-1419 (d) of Article 67 – Density Bonus and Residential Incentives)

1. The Project includes a General Plan Map amendment to amend the land use designation from Office (O) to Urban V (U5) to accommodate the conversion from office to residential dwelling units. As discussed in the Planning Commission staff report, dated November 12, 2024, the Project is inconsistent with the goals and policies for multifamily development as outlined in the City's 2012 General Plan which requires provision of common open space, and amenities for the residents. The approval of the Project is contingent on the approval of the requested General Plan Amendment in order to facilitate the development of the residential units as residential uses are not permitted within the existing underlying district of Hospital Professional (H-P).
2. The City has a legitimate interest in ensuring that development within the city conforms to the circulation element of the general plan. The requirement to dedicate a two-foot public right of way in the area that is an existing alley substantially furthers that goal and in no way impacts the owner's viable use of their land. The dedication requirement along the alleyway does not physically impede the Project's ability to be developed at the proposed density as the dedication requirement would not impact the amount of space available for the Project. Therefore, the request to waive the dedication requirement does not meet the definition of a waiver under SDBL.

Exhibit "C"

Project Case Nos.: PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229

The architectural drawings are copy-right protected. Please contact the case planner at ivan.flores@escondido.gov for further information.

Attachment 5

Findings necessary for Approval of the Project

Project Case No. PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229

General Plan Amendment (PL23-0190)

General Plan Review and Amendment Policy 17.5: *Identified physical, social, or city-wide economic factors or changes that have made the General Plan designation, policy statement goal, or intent in question inappropriate from the standpoint of the general public welfare. Unless the applicant provides substantial documentation that the changes have occurred, the GPA request shall be denied.*

Zone Map Amendment Findings (PL24-0225)

(Section 33-1263 of Article 61 – Administration and Enforcement of the Escondido Zoning Code)

1. *That the public health, safety and welfare will not be adversely affected by the proposed change;*
2. *That the property involved is suitable for the uses permitted by the proposed zone*
3. [Finding No. 3 is able to be substantiated by City staff; refer to Exhibit “B”]
4. *That the proposed change is consistent with the adopted general plan;*
5. [Finding No. 5 is able to be substantiated by City Staff; refer to Exhibit “B”]
6. [Finding No. 6 is not applicable to the Project; refer to Exhibit “B”]

Planned Development Permit Findings (PL23-0191/PL24-0215)

(Section 33-403 of Article 19 – Planned Development Zones of the Escondido Zoning Code)

1. *The location, design, and residential density of the proposed planned development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted;*
2. [Finding No. 2 is able to be substantiated by City Staff; refer to Exhibit “B”]
3. [Finding No. 3 is able to be substantiated by City Staff; refer to Exhibit “B”]

4. [Finding No. 4 is able to be substantiated by City Staff; refer to Exhibit “B”]
5. *The overall design of the proposed planned development does produce an attractive, efficient and stable environment*
6. [Finding No. 6 is able to be substantiated by City Staff; refer to Exhibit “B”]
7. [Finding No. 7 is able to be substantiated by City Staff; refer to Exhibit “B”]

Design Review Permit Findings (PL24-0229)
(Section 33-1359 of Article 64 – Design Review of the Escondido Zoning Code)

1. *The proposed site plan has been designed in a manner which is compatible with the natural and urban characteristics of the site and the surrounding neighborhood*
2. [Finding No. 2 is able to be substantiated by City Staff; refer to Exhibit “B”]
3. *The project incorporates landscaping, irrigation and screening which is drought tolerant, appropriate for the site, and in compliance with the landscape standards established by the city*
4. [Finding No. 4 is able to be substantiated by City Staff; refer to Exhibit “B”]
5. *The project has incorporated the applicable design review standards contained in the ordinance codified in this section and other applicable ordinances into the site layout and building design*
6. *The project is consistent with the goals and objectives on the city general plan*

Density Bonus Findings (Section 33-1419 (d) of Article 67 – Density Bonus and Residential Incentives)

In the event the Planning Commission direct staff to return with approving documents for the Project, the Commission would need to identify whether they will grant the disputed waiver of development standards.

Waiver request denial: *Should the Commission decide to deny the waiver request, the finding is as follows, and is already incorporated into Exhibit “B” of Resolution No. 2024-20:*

As detailed in Resolution No. 2024-20, staff finds that the proposed use of a waiver for the 2’-0” dedication requirement is not a “waiver” as defined by State Density Bonus Law or Article 67 of the Escondido Zoning Code. If the Planning Commission finds that the dedication requirement is a waiver, they must state on the record their justification for such and which will be reflected in the finding.

Waiver request approval: *Should the Commission decide to grant the waiver request, the Commission would direct staff to remove the above written finding.*



CITY OF ESCONDIDO
Planning Division
Density Bonus Request

Project No(s): PL23-0190, PL23-0191

Address: 240 S. Hickory St. Escondido, CA

APN(s): 229-492-14-00

Site History (e.g., past entitlements, actions, CEQA review, existing development/site characteristics):

Existing Office Building

General Plan Designation:

O H-P: Hospital Profession

Base Density Calculation and Allowance:

30 du/acre: 20 units

Proposed Density Bonus Request:

Total Proposed Units: 21 units

No. Affordable Units Proposed
(Affordability Levels): 2 at Low-Income

Percentage of Total Units Affordable: 10%

Density Increase Permitted: 20%, only adding 5%

Density Bonus Units Allowed: 4 allowed, only adding 1

Existing Units proposed for Removal: 0

Incentives/Concessions:

No. of Incentives &/or
Concessions permitted: 1

List those requested: Remove Alley resurfacing and gutter requirement

Waivers/Modifications:

No. of Waivers requested: 3

List those requested:

| Development Standard | Base Zoning Requirement | Proposed |
|----------------------------------------------------------|--------------------------------------|------------------------------------------------|
| <i>Ex: Height</i> | <i>Ex: 35-feet, 2-stories</i> | <i>Ex: 50-feet, 4 stories</i> |
| Covered Parking | 21 covered spaces | 0 covered spaces |
| Open Space | 6,600 sq ft | 0 sq. ft |
| 2 ft dedication islands between double row of parking | | No dedication No island between parking row |
| | | |

Attachment 7**Final IS/MND****Planning Case No. PL23-0190/PL24-0225/PL23-0191/PL24 0215/PL24-0229**

Due to the number of pages, Attachment 7, links have been provided for review of the following items:

[Final Initial Study/Mitigated Negative Declaration](#)

The technical appendices may be reviewed at the following link:

[Appendix A – Architectural Plans](#)

[Appendix B – AQ/GHG Technical Memorandum, revised June 12, 2024](#)

[Appendix C – Energy Technical Memorandum, revised June 12, 2024](#)

[Appendix D – Noise Technical Memorandum, revised June 14, 2024](#)

[Appendix E – Transportation Assessment, dated August 29, 2024](#)

[Appendix F – RC Concerns Response Letters, dated February 07, 2024](#)

[Appendix G – 240 S Hickory Street Will-Serve Letters, dated April 23, 2024](#)



STAFF REPORT

DATE: November 12, 2024
PL24-0183 – 900 W Mission Avenue

PROJECT NUMBER / NAME: PL24-0183 – 900 W Mission Avenue CUP Modification

REQUEST: Modification to a previously approved Conditional Use Permit (PHG19-0049) to remove a condition of approval requiring installation of a traffic signal at the Rock Springs Rd and Lincoln Ave intersection (“Project”). The previously approved Conditional Use Permit (PHG19-0049) entitled the Project site for development of a gasoline service station and convenience store with concurrent sale of alcoholic beverages (beer and wine). The Project also includes an addendum to the previously adopted IS/MND prepared for the Project.

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| PROPERTY SIZE AND LOCATION: The 1.14-acre site is located at the northwest corner of West Mission Avenue and Rock Springs Road. The site is addressed as 900 West Mission Avenue, Escondido, CA 92025 (Assessor’s Parcel Numbers: 228-220-43-00; 228-220-13-00). | APPLICANT: Ilan Golchech, Golchech Group |
| GENERAL PLAN / ZONING: General Commercial (GC) / General Commercial (C-G) | PRIMARY REPRESENTATIVE: Ilan Golcheh, Golcheh Group |

DISCRETIONARY ACTIONS REQUESTED: Modification to the Conditional Use Permit (PHG19-0049)

PREVIOUS ACTIONS: On December 8, 2020, the Planning Commission adopted Resolution No. 2020-19 (PHG19-0049/ENV19-0006) recommending approval of a Conditional Use Permit for a gasoline station and convenience store with concurrent sale of alcoholic beverages at 900 W Mission Avenue to the City Council. On January 13, 2021, the City Council adopted Resolution No. 2021-05 approving the Conditional Use Permit and adopting the Initial Study/Mitigated Negative Declaration for the Project.

CEQA RECOMMENDATION: In accordance with the California Environmental Quality Act (CEQA) Section 15164 (Addendum to an EIR or Negative Declaration), an addendum to remove two mitigation measures to the adopted Mitigated Negative Declaration (ENV19-0006) has been prepared. Staff recommend adoption of the addendum prepared.

STAFF RECOMMENDATION: Denial of the Project and Approve Alternative Option 1 (Recommended Alternative)

REQUESTED ACTION: Adopt Planning Commission Resolution No. 2024-21

CITY COUNCIL HEARING REQUIRED: YES NO



CITY *of* ESCONDIDO

STAFF REPORT

Item 3.

REPORT APPROVALS:

Dare DeLano, Assistant City Attorney

Veronica Morones, City Planner



CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

On January 13th, 2021, the City Council adopted the following resolutions and ordinances for the subject property:

- 1. Ordinance No. 2021-01 – Zoning Map Amendment rezoning the property from Light Industrial (LI) to General Commercial (C-G);
- 2. Resolution No. 2021-04 - General Plan Amendment amending the Light Industrial (LI) to General Commercial (GC);
- 3. Resolution No. 2021-05 - Conditional Use Permit for gas station/convenience store with alcohol sales.

The approved Project also included adoption of a Mitigated Negative Declaration (MND) (ENV19-0006) and Mitigation Monitoring and Reporting Program. The MND contained mitigation measures to reduce potential impacts to cultural/tribal cultural resources, geology, noise, and traffic and can be referenced under Attachment 6.

SUMMARY OF REQUEST

Ilan Golcheh (“Applicant”) requests a modification to the previously approved Conditional Use Permit and its conditions of approval. Specifically, the Applicant requests the removal of Condition of Approval No. 5, which requires the Applicant to install a traffic signal at the intersection of West Lincoln Avenue and Rock Springs Road (see Attachment 2 – Golcheh Group Letter to City Council and Staff) (“Project”).

Traffic Engineering Condition of Approval No. 5: “The Developer shall construct a new traffic signal at the intersection of Rock Springs Road and Lincoln Avenue prior to project occupancy. The Developer shall submit separate traffic signal and signing and striping improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. The traffic signal design shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, and interconnect conduits and cables to an existing traffic signal controller. The Developer’s Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal work with the Developer’s Contractor(s) and Equipment Suppliers and City staff.”

Additionally, the Project includes adoption of an Addendum to the adopted Mitigated Negative Declaration to clarify the environmental record as it relates to the appropriate metric for assessing traffic impacts under CEQA. Specifically, the Applicant requests to remove mitigation measures TRA-1 and TRA-2 as shown below:

TRA-1: “Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportations improvements within the City shall be constructed to the satisfaction of the City Engineer.”

TRA-2: “Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City’s Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right-out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.”



CITY of ESCONDIDO

STAFF REPORT

It should be noted that TRA-1 and TRA-2 appear both within the adopted Mitigation Monitoring and Reporting Program (MMRP) for the original project as well as within the adopted resolution's conditional of approval (denoted as "TRA-1" and "TRA-2").

ISSUES/CONCERNS

As discussed, the Applicant requests the removal of Condition of Approval No. 5 requiring the installation of a traffic signal at Lincoln/Rock Springs to alleviate financial hardships for the Project (see Attachment 3 – Applicant Justification). After further review and analysis by staff, City staff recommend the Planning Commission retain the requirement to install the traffic signal and instead waive the frontage improvements along Mission Road ("Recommended Alternative"). A summary of the Planning Commission's options is provided below for consideration:

1. **Project/Applicant's request:** Remove only the requirement to install traffic signal at Lincoln/Rock Springs to remove financial hardship (i.e., removal of Engineering Condition of Approval No. 5, as well as removal of TRA-1 from the Conditions of Approval);
2. **Alternative Option 1 (Recommended Alternative):** Recommend denial of the Project/Applicant's Request, as well as recommend to the City Council they waive frontage improvement requirements to offset cost. Frontage improvements include the widening of Mission Avenue, a new curb return at the Project corner of Mission and Rock Springs, relocation of a large power pole, overhead lines and traffic signal poles, and the subsequent condition to add protected left turns to the Rock Springs and Mission traffic signal. The Applicant would still be required to dedicate to the City for future improvement of the frontage to be conducted by the City at a later time.

It is important to note the Recommended Alternative includes nominal clean up to Resolution 2021-05's Conditions of Approval by moving conditioned mitigation TRA-1 and TRA-2 to the Engineering section of the approved conditions and identifies them as **new** Condition of Approval Nos. 17 and 18.

3. **Alternative Option 2:** Modify only the requirement to construct the offsite Lincoln and Rock Springs traffic signal by amending condition of approvals (i.e., Engineering Condition No. 5, and TRA-1 and TRA-2) to require the Applicant pay a fair-share cost of this traffic signal for installation at a later time by the City. All other conditions of approval would remain (i.e., the frontage improvements would be required under this alternative).
4. **Denial of Applicant's Request:** Recommend denial of the Project/Applicant's request to the City Council with no alternative. This would retain the Project as previously approved and conditioned.

The draft Conditions of Approval (see Exhibit "E" of Attachment 6) in the draft Planning Commission Resolution No. 2024-21 (Attachment 6) reflect the Recommended Alternative option (no. 2 above). The Recommended Alternative would deny the Project/Applicant's Request and also eliminate five conditions associated with the required frontage improvements while retaining the requirement to construct the traffic signal. Attachment 4 includes the excerpted conditions of approval in a strikethrough/underlined format to show which conditions would be modified under the Recommended Alternative option.

If the Planning Commission chooses solely to recommend denial of the Project/Applicant's request, the motion may state such; however, if the Planning Commission recommends Alternative Option 2, the motion must include the modified condition language for fair share contributions so that City staff may update the Conditions of Approval



CITY of ESCONDIDO

STAFF REPORT

Item 3.

to reflect the chosen option. A motion to recommend Alternative Option 2 would need to address Engineering Condition of Approval No. 5, and the conditions titled TRA-1 and TRA-2.

If the Planning Commission chooses to recommend approval of the Project/Applicant's request, the motion must include justification of the following Conditional Use Permit findings, and include a statement to incorporate and retain TRA-2 within the Conditions of Approval:

1. *A conditional use permit should be granted upon sound principles of land use and in response to services required by the community.*
2. *A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.*
3. *A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.*

PROJECT ANALYSIS

1. General Plan Conformance:
 - a. Mobility and Infrastructure (Circulation Element)

Street Network Policy 7.3: *Strive to maintain LOS C or better throughout the city except for within the urban core. Establish LOS D as the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented "smart growth" and Complete Streets design improvements, high density infill areas, environmental resource considerations, existing development, freeway interchange impacts, and incomplete system improvements, alternative levels of service may be appropriate for isolated areas as determined by the city.*

The Traffic Impact Study (TIS) conducted by IEG (dated October) 2020 studied four intersections: West Lincoln Avenue and Rock Springs Road; West Mission Avenue and Rock Spring Road; West Mission Avenue and North Quince Street; and West Mission Avenue and Metcalf Street. The study's methodology utilized Level of Services (LOS) similar to the General Plan use of LOS in a comparison of "apples to apples." The assessment of the intersection analyzed its existing state (without the Project), with the Project, and various future scenarios. The study indicated that of the four intersections studied, only one is currently operating at a level below LOS "C" which is located at West Lincoln Avenue and Rock Springs. The study characterizes the existing Level of Service at the Rock Springs Road and West Lincoln intersection as functioning at a LOS of "F", and with the proposed Project, would continue to function at a LOS of "F". The study identified installation of a traffic signal at this location would improve the Level of Service to "C", and maintain consistency with the General Plan policies related to Quality of Life.

Street Network Policy 7.7: *Require new development projects to analyze local traffic impacts, and construct and implement the improvements required for that development.*



CITY of ESCONDIDO

STAFF REPORT

As discussed throughout this staff report, a Traffic Impact Study (dated October 2020) was prepared for the approved Project. Based on the analysis contained within the study, the approved Project would result in a degradation in the LOS at the intersection of Rock Springs Road and West Lincoln. Due to this, the approved Project was conditioned to install a traffic signal at the affected intersection to conform the City's Quality of Life Standards. Therefore, the requirement to provide the traffic signal at this location aided in the justification of the Conditional Use Permit's ability to comply with the General Plan.

b. Housing Element and "No Net Loss"

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City's share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction's Regional Housing Needs Allocation ("RHNA"), especially for lower- and moderate-income households. In general, jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels "lost" as a result of the approval. The so-called "no net loss" provisions apply when a site is included in the jurisdiction's Housing Element's inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density than shown in the Housing Element. (Gov't Code § 65863(b)).

The Project site is not identified in the City's General Plan Housing Element Suitable Sites Inventory for the 6th RHNA Planning Cycle. Because the provision of "no net loss" applies to housing located on any site listed in the City's Housing Element, the City does not need to determine if this Project or a decision related to this Project would be subject to No Net Loss Law and its remedies.

2. Zoning Conformance:

The approved Project was analyzed for conformance with Chapter 33 of the Escondido Municipal Code. The Applicant's request to remove the traffic signal requirement at an off-site location would not conflict with the City's Zoning Ordinance; however, it would result in Level-of-Service issues inconsistent with the City's General Plan Quality of Life Thresholds. The Project Applicant proposes no changes to the development of the site as a part of their request. However, the Recommended Alternative would result in off-site changes immediately adjacent the Project site's frontages. However, these potential changes would not conflict with the City's Zoning Ordinance, as they are not requirements of the Chapter 33 of the Municipal Code. The Project is a request to modify a Condition of Approval, and does not apply to on-site improvements. The Planning Commission report for the Approved Project is attached for reference only (see Attachment 04 – Planning Commission staff report dated December 08, 2020).

An addendum to the originally adopted IS/MND is included as part of the action before the Planning Commission. The request to clarify the environmental record by removing the two traffic mitigation measures pertaining to the traffic signal is appropriate, as described in the Environmental Analysis section of this report and would comply with Article 47 (Environmental Quality) of the Zoning Ordinance.



CITY of ESCONDIDO

STAFF REPORT

Item 3.

3. Climate Action Plan Consistency:

A project specific Air Quality and Greenhouse Gas (GHG) Emissions Impact Analysis was conducted for the Approved Project. Air Quality impacts are less than significant as was discussed in the adopted Mitigated Negative Declaration, and no mitigation is required. The Project does not include changes to the Air Quality and GHG analysis.

4. Site Design

As discussed, the approved Project was analyzed for conformance with the standards of the Escondido Zoning Code (Chapter 33), and the Project does not propose any modifications to the on-site improvements. The site design analysis related to grading, Project access and circulation, building orientation, and parking were analyzed as part of the approved Project. The site plan has been provided for referenced only (see Attachment 05 – Approved Site Plans)

FISCAL ANALYSIS

The analysis provided below is only intended to address the financial impacts based on the various options relative to the Conditions of Approval.

- 1. Project/Applicant's Request:** The Applicant's request to remove Engineering Condition of Approval No. 5 and TRA-1, requiring construction of a traffic signal at the intersection of Rock Springs and Lincoln results in a cost savings to the Applicant of approximately \$560,000. However, the cost to the City is fully unknown at this time as the municipal cost to construct a traffic signal fluctuates based on time of procurement due to market costs of material and labor. Eliminating this requirement would result in a fiscal onus for the City to construct the traffic signal at a future time when funding is available.
- 2. Alternative Option 1 (Recommended Alternative):** Staff's recommendation to require construction of the traffic signal and instead eliminate frontage improvements along Mission Road results in a cost savings to the Applicant of approximately \$600,000. Eliminating the Applicant's requirement to improve their site's frontage would not cost the City immediately at this time. However, at a future point in time, should the City widen this portion of Mission to its ultimate right-of-way width, the City would be the entity improving this frontage in lieu of the Applicant and responsible for all costs.
- 3. Alternative Option 2:** This alternative option would retain frontage improvement requirements but modify the requirement to construct the traffic signal to that of the Applicant paying a fair-share cost. This alternative option would result in a cost savings to the Applicant of approximately \$481,600. An analysis conducted by Fehr & Peers concluded that a fair-share cost to construct the traffic signal based on the approved Project is approximately 14% of the cost to construct the signal. Under this option, the Applicant would be responsible for paying approximately \$78,400 toward the construction of the traffic signal, to be undertaken at a future time by the City. The Applicant would still be responsible for construction of the frontage improvements along Mission Road.

As noted above, the cost to the City to construct the traffic signal is unknown; however, Alternative Option 2 would still result in a cost burden to the City at a future time of signal improvement.



CITY of ESCONDIDO

STAFF REPORT

- 4. Denial of Applicant’s Request:** Recommending denial of the Project would result in no fiscal impacts and the developer would be responsible for payment of all impact fees and improvements associated with the previous approval.

ENVIRONMENTAL ANALYSIS

In accordance with Section 15164 (Addendum to an EIR or Negative Declaration) of the California Environmental Quality Act (CEQA), an Addendum to the Mitigated Negative Declaration (MND) was prepared to clarify the environmental record. An Addendum may be prepared for a MND when none of the conditions described in Section 15162 (Subsequent EIRS and Negative Declaration) calling for preparation of a subsequent negative declaration have occurred.

Based on the analysis contained in the Addendum, none of the conditions described in Section 15162 have occurred. The Addendum (Exhibit “C” under Attachment 7) serves to clarify the record as it relates to the environmental review. Further, the Recommended Alternative would be covered under the previously prepared and adopted MND.

At the time of the original project review, CEQA methodology related to traffic impact analyses was in a state of change. Prior to 2020, Level of Service (LOS) was the applicable CEQA metric for determining traffic impacts; however, Senate Bill 743 (SB 743) ushered in a new metric: Vehicle Miles Travelled (VMT). During the submittal and review of the approved project, the review for traffic analysis entailed both LOS and VMT as the methodology of review. However, pursuant to SB 743, only VMT was (and still is) the applicable metric for purposes of CEQA. Therefore, the previously identified mitigation measures related to LOS-specific traffic impacts (TRA-1 and TRA-2) analyzed within the adopted MND and as discussed in the Integrated Engineering Group (IEG) Traffic Impact Study (TIA) (dated October 2020), are technically not applicable for the purposes of CEQA and are proposed for removal from the adopted Mitigation Monitoring and Reporting Program under the Addendum.

PUBLIC INPUT

The Project was noticed in accordance with local (Article 61, Division 6) and state requirements. Pursuant to Section 15164 (c) of CEQA, an Addendum need not be circulated for public review. At the time of writing this staff report, one public comment in opposition of the Project has been received (Attachment 8).

CONCLUSION AND RECOMMENDATION

The Applicant requests to remove a previously approved project requirement for construction of a traffic signal at the intersection of Rock Springs Road and W. Lincoln Avenue (Engineering Condition of Approval No. 5 and Condition of Approval TRA-1 from Resolution No 2021-05). These conditions are required to support policies in the City’s adopted 2012 General Plan as they relate to Quality-of-Life Standards. City staff evaluated the Applicant’s request, and conclude construction of the traffic signal is necessary for consistency with the City’s General Plan. City staff recommend denial of the Project along with a Recommended Alternative to alleviate financial burdens to the Applicant while still conforming to the City’s adopted General Plan.

Based on the analysis contained in this staff report, City staff recommends the Planning Commission adopt Resolution No. 2024-21, recommending denial of the Project and recommending approval of Alternative Option 1 (Recommended Alternative) to retain Engineering Condition of Approval No. 5 and to clarify nominally TRA-1 and



CITY of ESCONDIDO

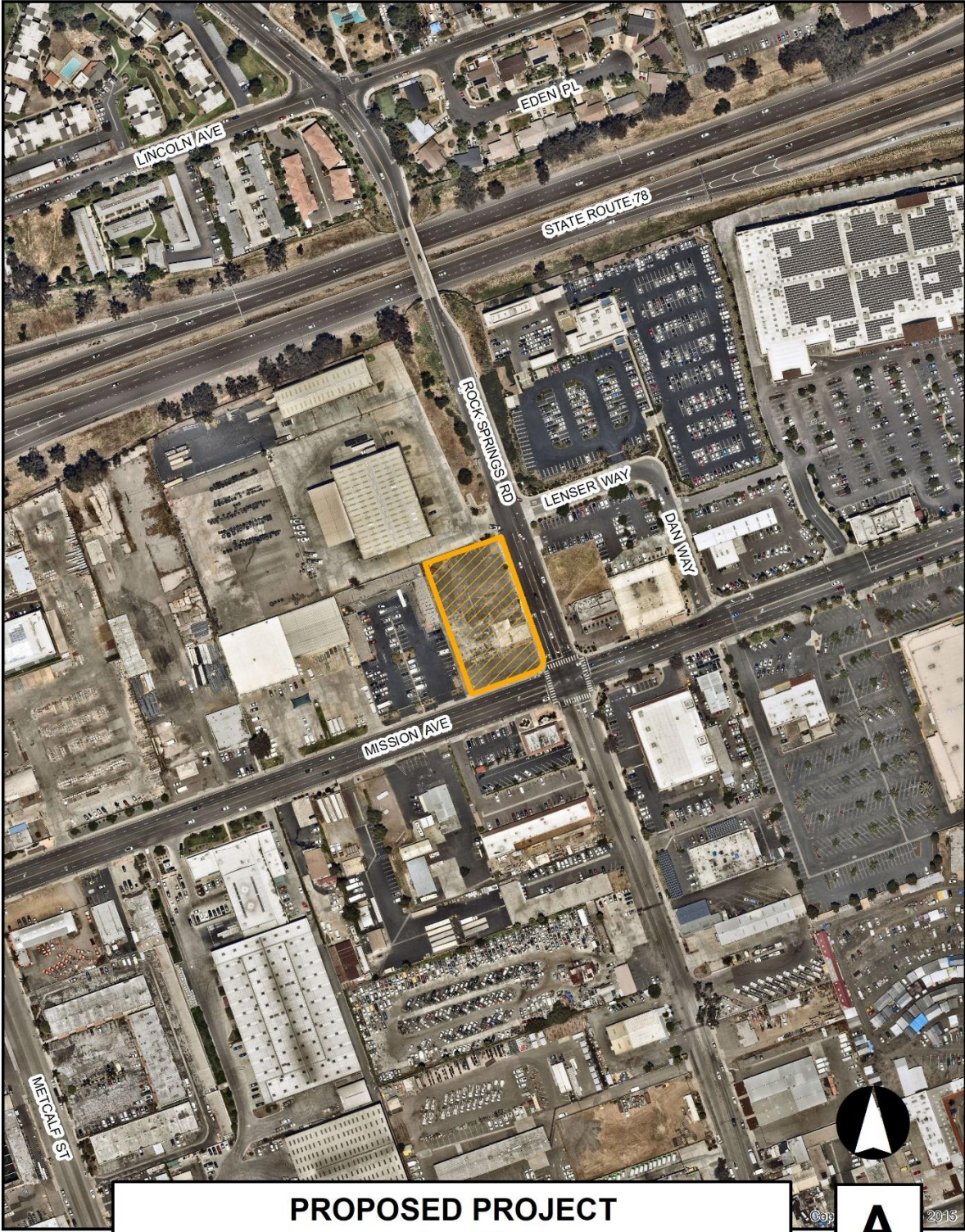
STAFF REPORT

Item 3.

TRA-2 as conditions not mitigation, thus maintaining the requirement to construct the traffic signal at Lincoln Avenue and Rock Springs Road, and to remove the requirements to construct frontage improvements along Mission Avenue identified within Engineering's Conditions of Approval Nos. 2, 3, 6, and 15, and Fee Condition of Approval No. 2 (all of Resolution No. 2021-05) to the City Council.

ATTACHMENTS

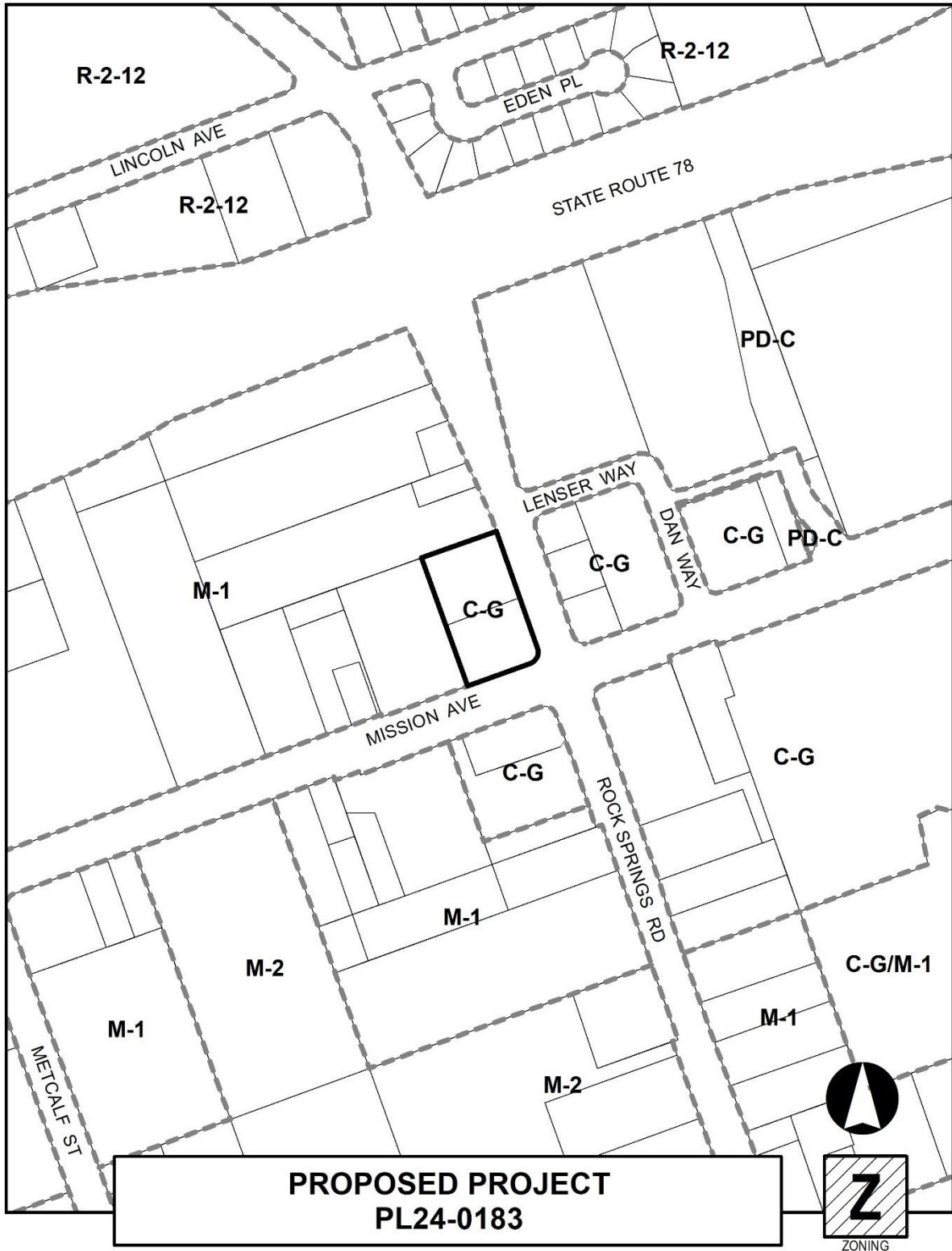
1. Location and Zoning
2. Planning Commission report dated December 08, 2020
3. Letter from property owner to City Council and staff (dated June 17, 2024)
4. Strikethrough/Underlined Conditions of Approval
5. Applicant justification for removal of mitigation measures and conditions of approval
6. Approved Project Plans (for reference only)
7. Draft Planning Commission Resolution No. 2024-21, including Exhibits "A" – "E"
8. Public Comment



**PROPOSED PROJECT
PL24-0183**

A

AERIAL





PLANNING COMMISSION

Agenda Item No.: **G.1**
Date: December 8, 2020

PROJECT NUMBER / NAME: PHG19-0049 and ENV19-0006 “7-Eleven”

REQUEST: Conditional Use Permit (“CUP”) for the development of a proposed gasoline station/convenience store with concurrent sale of alcoholic beverages (beer and wine). The project consists of a 4,088 square foot convenience store with a 4,284 square foot gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles. A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the CUP. The project also includes a request to adopt a Mitigated Negative Declaration in accordance with the California Environmental Quality Act (“CEQA”).

LOCATION: 900 W. Mission Avenue

APPLICANT: Golcheh Group, LLC
(representing 7-Eleven)

APNs: 228-220-13-00 and 228-220-43-00

PRIMARY REPRESENTATIVE: Ilan Golcheh, Golcheh Group, LLC

EXISTING GENERAL PLAN / ZONING:

Light Industrial (LI) / (M-1) Light Industrial zone

PROPOSED GENERAL PLAN / ZONING:

General Commercial (GC) / (CG) Commercial General

DISCRETIONARY ACTIONS REQUESTED: General Plan Amendment, Zone Change and Conditional Use Permit

PREVIOUS ACTIONS: City Council authorization to process a General Plan Amendment request on May 15, 2019

PROJECT PLANNER: Jay Paul, Senior Planner, jpaul@escondido.org

CEQA RECOMMENDATION: Recommend adoption of Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (“Final IS/MND”)

STAFF RECOMMENDATION: Recommend approval by the City Council

REQUESTED ACTION: Approve Planning Commission Resolution No. 2020-19

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS:

Mike Strong, Community Development Director

Adam Finestone, City Planner

A. BACKGROUND:

The 1.14-acre project site is relatively flat and developed with an approximately 5,300 square foot building, accessory outbuildings and paved parking lot. The site is currently used for used automobile sales, service and auto body shop. The property is bounded by light industrial land uses to the west and north (vehicle sales, repair and various service-related uses) and by general commercial land uses (restaurant/retail) to the east and south. Project implementation involves minimal grading and demolition of the existing buildings and surface parking lot.

7-Eleven, Inc. proposes to construct a new 4,088 square foot convenience store with a 4,284 square foot gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles at a time, and the installation of underground storage tanks (USTs). A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the CUP. A CUP is necessary because the service station proposes to sell alcoholic beverages (beer and wine only) at a facility that can dispense fuel to five (5) or more vehicles. The applicant indicated the existing 7-Eleven store located on the northeastern corner of Mission Avenue/Rock Springs Road would close upon completion of the proposed development project subject to this request, and the existing alcohol license transferred to the new facility.

The proposed project includes an associated parking lot with up to 25 parking spaces, on site landscaping, and storm water facilities. Street widening and median improvements are proposed along the W. Mission Avenue. Access would be provided from a single driveway along W. Mission Avenue (right-in and right-out only) and a single-driveway along Rock Springs Road (left turn out restricted). An off-site traffic signal would be installed at the intersection of Rock Springs Road and W. Lincoln Avenue. Project plans are attached to draft Planning Commission Resolution No. 2020-19, as Exhibit "D."

B. PROJECT ANALYSIS:

1. General Plan / Zoning

The City's General Plan land-use designation for the project site is Light Industrial (LI) with an underlying zoning designation of Light Industrial (M-1). The project site also is located within a General Plan Opportunity area (Figure II-19) and Target Area (a), Downtown Transit Station (Figure II-20). Opportunity Areas call for implementing smart growth principles that promote development/redevelopment that enhance job growth and revitalize the community. The Guiding Principles for the Target Area supports a variety of commercial uses incorporating unified development standards and design guidelines. The subject site is located at the intersection of W. Mission Avenue and Rock Springs Road, with commercial zoning and development on the northeastern, southeastern and southwestern corners. The Light Industrial land-use designation and corresponding industrial zoning does not permit retail type uses such as gasoline stations

and convenience stores. Therefore, the project proponent is requesting an amendment to the General Plan to change the land-use designation from Light Industrial to General Commercial, along with a corresponding change to the underlying zoning designation from Light Industrial to General Commercial (CG). The Zone Change to CG allows for the consideration of the CUP for the convenience store/gasoline station along with the concurrent sale of alcoholic beverages. Final approval of the alcoholic permit is subject to approval by the State Department of Alcoholic Beverage Control (ABC).

California Government Code section 65358(a) provides that, "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan." The Planning Commission acts as an advisory body to the City Council on applications for General Plan Amendments and Zone Changes. The City may approved up to four amendments to any element of the General Plan per year. If recommended for approval, the City Council would consider the request in calendar year 2021, and the request would constitute the first amendment to the Land Use and Community Form Element of the General Plan that year. There were no amendments to any element of the General Plan approved in 2020.

2. Design:

The project consists of a 4,088 square foot, single-story convenience store structure with a contemporary commercial design consisting of a storefront glass entry along the southern elevation with stone cladding around the main entry tower element and columns. Decorative wooden fascia is incorporated into the upper tower element. The main body includes exterior stucco walls (brown and tan colors) with decorative column elements and popouts to break up wall planes. The flat roof includes decorative parapet trim. Mechanical equipment located on the roof would be screened from view by the roof parapet. The 4,284 square foot rectangular-shaped canopy is 17.5 feet in height with an aluminum-clad fascia and the bottom portion of the supporting columns finished in stone cladding to match the main structure. Landscaping, including street trees, would be installed along the perimeter of the project site and adjacent to the proposed building. The architectural plans, color scheme and conceptual landscape design are included with Exhibit "D" to the draft Planning Commission Resolution 2020-19.

3. Alcohol Sales:

The California Department of Alcoholic Beverage Control ("ABC") is a State agency charged with regulation of alcoholic beverages. Before issuing a state liquor license, the ABC requires that businesses obtain zoning permits that may be required. California Business and Professions Code section 23790.5 authorizes land use authority of local governments to enact ordinances that requires conditional use permits for the concurrent retailing of beer and wine for off-premises consumption and motor vehicle fuel. In general, approval of a conditional use permit to authorize the sale of alcoholic beverages on the property itself and may remain for use by a future business if ownership changes. Article 16 of the Escondido Zoning Code requires the review and consideration of a Minor CUP application for off-premise alcohol sales with gas stations. Ordinarily the decision-maker of Minor CUPs is the Zoning Administrator. Because the totality of

the application request consists of a General Plan Amendment and Zone Change, the authorized decision-maker to grant final approval of the land use development request is the City Council.

The consideration of a conditional use permit and a California alcoholic beverage license may be reviewed and considered alongside each other, but they are two different permits. Both local municipalities and the ABC monitor the number of businesses serving alcohol within census tracts to avoid “overconcentration” and/or “high crime” rates. “Overconcentration” means that the ratio of existing licenses to population exceeds the ratio of licenses to population in the County. “High crime” exists if the crime rate exceeds the municipality’s average by 20 percent or more. Therefore, as part of the City review process, the Police Department was asked to analyze the role of the business in the area as it pertains to incompatible use, alcohol consumption, building occupancy, higher than average crime, specific problems with alcohol in the past, or any other negative impacts to the community that an additional alcohol license may create. This area of the City is already oversaturated with establishments and is in what is considered a high crime area. There are no sensitive land uses within the immediate vicinity, such as a school or independent education facility for students in grades Kindergarten through 12th grade. However, the addition of this establishment could potentially make illegal sales to minors more convenient. Therefore, a condition of approval has been added to Exhibit “C” of draft Resolution No. 2020-19 to prohibit the sales of all beer, malt beverages, and wine coolers by single container regardless of size. Other specific operational conditions are proposed to control the sale, display and advertising of alcohol on the premises in accordance with State law and Article 57 of the Escondido Zoning Code (Section 33-1115 - Concurrent sale of motor vehicle fuel and alcoholic beverages). In consideration of the foregoing, the Planning Division and the Police Chief support the proposed application because project would transfer a California alcoholic beverage license from the existing 7-Eleven store across the street, and the request would be consistent with the goals, objectives and policies of the General Plan and the Zoning Code in that the license would not be detrimental to the public health, safety or welfare of the community.

C. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 1.14 acres (2 parcels) A Lot Tie will be required.
2. Building Size:
 - Proposed New: 4,088 SF convenience store
4,284 SF gasoline canopy structure
 - Demo: 5,300 SF single-story building
874 SF storage/accessory building
Removal of modular trailer
3. Building Height: 26.5' highest point roof peak, 20' parapet. 17.5' to top of canopy
4. No. Pumps: 8 pumps (16 fueling stations)
5. Materials: Stucco main exterior (brown/tan tones) and storefront type glass. Stone veneer column and wall accents.
6. Parking:

| | <u>Required</u> | <u>Proposed</u> |
|--|-------------------------|----------------------------------------------------------------------------|
| | 21 spaces | 25 (includes 1 van accessible space and 1 electric vehicle charging space) |
| | 1 per 250 SF bldg. area | |
| | canopy exempt | |
7. Setbacks

| | <u>Required</u> | <u>Proposed</u> |
|--------------|-----------------|----------------------------------|
| Front: | 5' (corner lot) | 43' to canopy (Mission Ave.) |
| Street Side: | 5' (corner lot) | 14.5' to store (Rock Spring Rd.) |
| Side: | 0' | 80'+ to store |
| Rear: | 0' | 9'+ |
8. Signage:

| | <u>CG zone Allowed</u> | <u>Proposed</u> |
|-------|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wall: | 166.7 SF max. (1 SF/50 SF) 4,088 SF store plus 4,248 SF canopy | 158.2 SF 3 illuminated logo type signs, vinyl window graphics and interior ATM sign on building 3 illuminated logo signs and colored graphics on canopy |

Freestanding: 1 per frontage, max. 50 SF and max 6' height 2 monument signs (1 per frontage) 7-Eleven logo with digital pricing (49.8 SF sign display area internally lit)

All building/wall signage and freestanding signage subject to conformance with Article 66 (Sign Code). A separate sign plan/permit will need to be submitted and approved prior to building permit issuance.

- 9. Landscaping: New ornamental landscaping, irrigation, and street trees to be provided along W. Mission Avenue and Rock Springs Road, perimeter and parking areas. Two biofiltration features are designed within the landscaped area.
- 10. Trash: A new covered trash enclosure would be provided. Collection service would be provided by Escondido Disposal (EDI).
- 11. Lighting Security and accent light fixtures will be installed on building and parking area.
- 12. Heating & Ventilation: Mechanical equipment (HVAC) units would be installed on the roof. All HVAC equipment would be installed on mechanical pads and would be screened by the roof parapet.

D. AVAILABILITY OF PUBLIC SERVICES

- 1. Effect on Public Safety Services (Police and Fire/EMS) – The Police Department and Fire Department determined that existing and/or proposed infrastructure is adequate to provide services to the site, and the project would not impact levels of service. The site is served by Fire Station No. 1 (310 North Quince Street) located approximately one mile to the southeast.

The proposed project is a private development that will require the payment of fees in effect at the time permits are requested, as well as the development of required infrastructure (e.g., street improvements, traffic signals, utility upgrades, etc.) to support the project. The City has not yet analyzed the fiscal impact of commercial development on municipal services, but that studies conducted by other Cities have generally found that sales taxes generated by commercial development cover the cost of municipal services required to serve those developments.

- 2. Traffic – A Traffic Impact Study was prepared by Integrated Engineering Group to analyze the proposed project traffic impacts. The proposed project is estimated to generate 1,650 net new daily trips, 122 net new A.M peak hour trips (7:00 AM and 9:00 AM) and 59 net new P.M. peak hours trips (4:00 PM to 6:00 PM). Access to the site will be provided from one driveway fronting Rock Springs Road and one driveway fronting Mission Avenue. The Rock Springs Road driveway will restrict left turn movements exiting the site in order to reduce northbound

vehicles trips along Rock Springs Road. With the installation of appropriate signage and/or design feature to restrict left-turn movements exiting the Rock Springs driveway, the proposed project would not exceed the City's threshold of significance for the roadway segment. The restriction on left-turn out movements also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road. The Mission Avenue driveway will be restricted to right-in/right-out movements only and appropriate median improvements would be installed. All analyzed study area intersections are operating at an acceptable Level of Service (LOS) under existing conditions except for Rock Springs Road/W. Lincoln Avenue. Therefore, per Mitigation Measure TRA-1, the intersection will need to be signalized and in operation prior to occupancy of the facility.

3. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjacent roadways. The project would not materially degrade the levels of service of the public sewer and water system.
4. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project has provided a drainage study and designed drainage facilities to control runoff. Runoff from the project will be directed into a series of BMP treatment features to separate targeted pollutants from the runoff before it leaves the site and then connection to an existing storm water drainage pipe in Rock Springs Road. The project does not materially degrade the levels of service of the existing drainage facilities.

E. ENVIRONMENTAL STATUS

A draft Initial Study/Supplemental Mitigated Negative Declaration “IS/MND” (Case No. ENV19-0006) was issued for the project for 20-day public review in accordance with the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration is prepared when an Initial Study identifies project related impacts that might be potentially significant. The IS/MND identified effects related to cultural/tribal cultural resources, geology, noise and traffic that might be potentially significant. However, design and minimization measures, revisions in the project plans, and/or mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. No comments were received during the public comment period. The final IS/MND and technical studies are available on the City's web site and can be viewed at: <https://www.escondido.org/7-eleven-900-w-mission-avenue.aspx>.

F. CONCLUSIONS

The proposed General Plan Amendment and Zone Change would be compatible with adjacent commercial zoning and development patterns, and the project is consistent with the design requirements for the proposed General Commercial zone. A gasoline station/convenience store would provide additional commercial services at this busy intersection as there is no gasoline station within the immediate area. The CUP provides for a well-designed project that will be beneficial to this commercial/industrial corridor and to surrounding businesses.

The Planning Division depends on the Police Department to evaluate a request for an alcohol license and to recommend appropriate conditions for the site and use, if a license is to be granted. The City has not identified any concerns with the request with the implementation of the recommend conditions of approval in conformance with Article 57. The alcohol permit also would need to be considered and approved by the Department of Alcoholic Beverage Control (ABC). Therefore, staff feels the CUP should be approved as conditioned. Staff recommends the Planning Commission adopt Resolution 2020-19, recommending approval of the proposed General Plan Amendment, Zone Change and Conditional Use Permit described in this staff report, and as detailed in Exhibits “A” through “D” to the draft Resolution.

ATTACHMENTS

1. Location and General Plan Map
2. Final Initial Study/Mitigated Negative Declaration
3. Resolution 2020-19



July 17 2024

Dear Honorable Members of the Escondido City Council,

I hope this letter finds you well. I would like to take a moment to commend the City of Escondido for its vibrant community and commitment to growth and development. The city's dedication to preserving its beautiful parks, dynamic cultural scene, and thriving local businesses make it a wonderful place to rich history while fostering innovation and inclusivity is truly commendable. Escondido's live, work, and visit. It is with great respect and admiration for our city that I write to you today.

Thank you very much for your consideration of our situation and our desire to develop this critical corner at 900 W Mission according to your vision.

It is important that we all pay our "fair share." I would like to emphasize that fairness is our fundamental principle. It is evident by the fact that in over 40 years of real estate development, we have never been involved in legal disputes in a court of law. This speaks volumes about our commitment to fairness and integrity.

OUR REQUEST

With this in mind, we respectfully request that the City Council remove the condition requiring our project to install a traffic signal at Rock Springs and Lincoln from the Mitigated Negative Declaration (MND) through an addendum. This will allow us to develop our project and greatly enhance the community.

Please allow me to address *two critical points* that illuminate our request:

A. Fulfilling Our Fair Share Responsibilities

1. Economic Enhancement and Job Creation

We are investing significant resources to construct a beautiful building and develop the corner of this intersection. This project will generate economic growth and create jobs and enhance the community.

2. Intersection Improvements

We are also undertaking extensive improvements to the intersection, including installing curbs, gutters, sidewalks, and a traffic light. A fair argument could be made that these enhancements, which are on city property, should be funded by the city. Nevertheless, we are covering 100% of these costs.

B. Managing Financial Challenges

We currently lack the financial capacity to fund improvements for an additional intersection beyond our own. The economic landscape has drastically changed since the project's inception five years ago. Here are the key reasons for our financial constraints:

1. Tenant Challenges

When we purchased this property, the previous owner informed us that the existing tenant was on a month-to-month lease. However, after closing, the tenant claimed to have a long-term lease, asserting that his son, who had no authority, signed the estoppel certificate. To avoid validating the tenant's claim, our attorney advised us not to accept any rent payments. We aimed to avoid litigation with both the tenant and the previous owner. Consequently, we received no income from the tenant and ultimately had to pay substantial sums to have the tenant vacate the property, along with ongoing legal fees. This unforeseen issue has further strained our project's finances.

2. Homelessness, Drugs, and Prostitution Challenges

This project was initially expected to be completed three years ago. After evicting the tenant, the property became a hub for homeless individuals, drug dealers, and prostitution. The city fined us repeatedly and eventually forced us to demolish the building. This situation prevented us from renting out the property and generating income. Additionally, we have incurred significant expenses, to demolishing the building, to maintain and clean the property, as mandated by the city.

3. Increased Carry Costs Challenges

Interest rates have soared, causing our borrowing costs to increase by over 250%. The mortgage expenses for this project have become a substantial financial burden.

4. Higher Interest rates, casing to lower the price Challenges

As interest rates rise, the cost of getting a loan on behalf of the buyer also increases. In order for the buyers to have the same return as the past. This forces us to lower our sale price significantly, diminishing the property's value.

5. Impact of COVID-19 Challenges

The pandemic adversely affected many businesses, including ours. Unlike others, we did not seek or receive any (none) government assistance, which has further strained our resources.

6. Architectural Delays Challenges

Our local architectural firm, ACT Design, lost several key personnel during the pandemic, causing significant delays in the project completion. As of yet the firm has not been able to retain all the people that they lost

7. City Staff Shortages Challenges

The city's staffing issues have led to prolonged approval processes, incurring additional costs for us.

8. 7-Eleven Acquisition Delays

The \$21 billion acquisition of Speedway Oil by 7-Eleven caused management upheavals. Three times the entire staff of 7 eleven has changed. Each new management team, required substantial changes in the plans. the constant changes and delays, impacting our project timeline.

9. Rising Construction Costs

Construction expenses have skyrocketed, exceeding our original budget and depleting our funds.

10. Rent Price Stagnation

We signed the lease five years ago, and since then, the cost of everything has increased significantly. However, the rent price has remained unchanged, devaluing the property and the eventual building to be constructed. This situation has left us with no additional funds for further developments.

11. Lack of Precedent

In my experience, no city has ever required developers to improve unrelated intersections. This request is unprecedented and fundamentally unfair.

Considering all these challenges, this project has cost us far more than anticipated. We have no financial means to undertake any additional obligations. Our best hope is to complete the project and maybe if we are lucky to break even after five years of hard work. During this time, we have had to borrow money to cover living expenses and avoid financial collapse. If the city insists on additional financial burdens, it will jeopardize the project, leaving the area undeveloped and plagued by illegal activities. In this event the project will foreclose and it will be lose, lose for all.

If the city is committed to community development and economic growth, it should reconsider its request for us to fund improvements to another intersection which really has nothing to do with us. I kindly ask that the City Council to recognize our Commitment and our fairness and allow this project to proceed.

Therefore, considering the eleven significant challenges we have faced over the past five years, we earnestly request the City Council's understanding and support. We kindly ask that the condition requiring our project to install a traffic signal at Rock Springs and Lincoln be removed from the Mitigated Negative Declaration (MND) through an addendum. Your compassion and consideration in this matter would greatly alleviate the financial and logistical burdens on our project, allowing us to move forward successfully.

Thank you for your time, understanding, fairness, and commitment to making our city great.



Morrie Golcheh

President

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Golcheh Group

1180 S Beverly Dr, Suite 300

Los Angeles, CA 90035

Tel: (310) 266-6858

ATTACHMENT 4

PLANNING CASE NO. PL24-0183

EXCERPTED STRIKETHROUGH/UNDERLINED CONDITIONS OF APPROVAL

Text shown in ~~strikethrough~~ is proposed for removal.

Text shown in **bold/underline** is proposed.

F. Mitigation Measures:

TRA-1 Removed by Resolution No. 2024-21. ~~Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportation improvements within the City shall be constructed to the satisfaction of the City Engineer.~~

TRA-2 Removed by Resolution No. 2024-21. ~~Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right-out only (left-out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.~~

ENGINEERING CONDITIONS OF APPROVAL

STREET IMPROVEMENTS AND TRAFFIC

- 1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
- 2. ~~**Removed by Resolution No. 2024-21.** Prior to first occupancy the developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:~~

| <u>STREET</u> | <u>CLASSIFICATION</u> |
|-----------------|-----------------------------|
| W. Mission Ave. | Major Road (41' half width) |

~~See appropriate typical sections in the current Escondido Design Standards for additional details.~~

- 3. ~~**Removed by Resolution No. 2024-21.** Median curb shall be installed on W. Mission Avenue to limit the W. Mission Avenue driveway to right turns in and out only. Paving or overlay within and near the left turn pocket may be needed for proper drainage within the left turn pocket.~~
- 4. The project's access drive shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the right-of-way line to the satisfaction of the City Engineer.
- 5. The Developer shall construct a new traffic signal at the intersection of Rock Springs Road and Lincoln Avenue prior to project occupancy. The Developer shall submit separate traffic signal and signing and striping improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. The traffic signal design shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, and interconnect conduits and cables to an existing traffic signal controller. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal work with the Developer's Contractor(s) and Equipment Suppliers and City staff.
- 6. ~~**Removed by Resolution No. 2024-21.** As part of the required Mission Avenue widening and new 30' curb return improvements and to add protected left turn phasing to the south and north bound legs, the Developer will be required to modify the existing Rock Springs Road and Mission Avenue traffic signal and~~

~~associated equipment. The Developer shall submit separate traffic signal and signing and striping modification improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. These traffic signal modifications shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, left turn phasing heads, APS, and shall include a new controller and cabinet. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal modification work with the Developer's Contractor(s) and Equipment Suppliers and City staff.~~

7. The Developer may be responsible for an overlay of Rock Springs Road due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
8. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
9. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
10. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
11. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
12. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
13. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.
14. The existing W. Mission Avenue bus stop shall be relocated to the satisfaction of the North County Transit District (NCTD) and the City Engineer. The relocated bus stop shall be constructed on W. Mission Avenue along the project frontage. The developer shall provide written correspondence from NCTD stating they have approved the proposed location of

the bus stop prior to approval of the Improvement Plan. The NCTD approved bus stop location shall be shown the Improvement Plan.

- 15. ~~**Removed by Resolution No. 2024-21.** The existing Rock Springs Road storm drain inlet near W. Mission Avenue shall be relocated to the satisfaction of the City Engineer. The existing 29"x18" corrugated steel arch pipe (CSPA) that connects to this storm drain inlet shall be replaced with a reinforced concrete pipe (RCP). The new storm drain pipe shall connect to the existing 36" RCP in Rock Springs Road with a cleanout per San Diego Regional Standard Drawings.~~
- 16. The proposed Rock Springs Road driveway shall be signed and striped for right turns in and out only.
- 17. Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportation improvements within the City shall be constructed to the satisfaction of the City Engineer.**
- 18. Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right-out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.**

FEES

- 1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of 36,000, unless a higher amount is deemed necessary by the City Engineer.
- 2. ~~**Removed by Resolution No. 2024-21.** The City shall credit the Developer \$50,000 in Traffic Impacts Fees as the City's contribution towards the addition of protected left turn phasing to the south and north bound legs at this intersection.~~
- 3. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

Attachment A to Discretionary Permit General Application Form

Applicant: Ilan Golcheh
 Site: 900 W Mission Ave
 APN 228-220-43 and 228-220-13
 Prepared July 16, 2024

Request for:

- CUP Modification Planning Case No. ENV 19-0006: Removal of Conditions of Approval requiring a traffic signal to be installed at Rock Springs and W Lincoln. Specifically, remove Section F, Mitigation Measures TRA-1 and TRA-2; remove Engineering Conditions of Approval, Condition F
- Initial Study/MND and MMRP Modification: Remove mitigation measures TRA-1 and TRA-2.

Project Description:

Applicant met with the City Manager who agreed that the City would be amenable to considering the request, but noted that a fair share agreement would be more agreeable.

Applicant formally requests the removal of the traffic signal installation from all project documents.

JUSTIFICATION FOR REMOVAL OF TRAFFIC SIGNAL REQUIREMENT

The traffic signal requirement needs to be removed from the following project documents:

1. *Final 7-11 Convenience Store and Service Station Initial Study/Mitigated Negative Declaration*, December 2020, prepared by The Altum Group (and related Project MMRP).
 - Traffic Study (Appendix G of IS/MND) – The intersection Rock Springs and W Lincoln Avenue is located approximately 0.24 mile north of the Project Site as a street stop-controlled intersection. The Traffic Study identified that this intersection already operates at a LOS F in existing conditions (Table 3-1), and a signal warrant is met in the existing condition. The Traffic Study recommended that a traffic signal be installed at Rock Springs and W Lincoln to bring the intersection to a LOS C.

A fair share analysis was not conducted. However, the area is fully developed so we are not sure how existing development would be backcharged for their portion of the signal thus leaving the applicant to pay for the entire traffic signal where the existing condition is already LOS F.

- Section 3.17 Transportation. According to the Traffic Study (Appendix G), the existing condition of Rock Springs and W Lincoln functions at LOS F without the Project, which is not consistent with the City's General Plan Circulation Element to maintain an LOS C. Two mitigation measures were identified to mitigate for LOS F. Mitigation Measure TRA-1 requires a signal at Rock Springs and W Lincoln, and Mitigation Measure TRA-2 requires a right-in/right-out driveway

The document was prepared in December 2020, at a time when all jurisdictions were struggling how to balance the LOS impacts with newly adopted SB 743 (VMT) which identified that LOS was

no longer the standard to mitigate traffic impacts. Since that time, the State has created guidance identifying how to analyze VMT as the metric for determining an impact. Therefore, the Initial Study erred in requiring mitigation for LOS – especially since the intersection functions at LOS F without the Project. The VMT analysis determined that the the proposed project is a locally serving land use and any potential project VMT related impacts would be presumed to be less that significant.

Therefore, due to the error, both mitigation measures MM TRA-1 and MM TRA-2 should be removed from the Initial Study and the CUP conditions. Removing these would have no environmental impact because they should not have been environmental mitigation measures based on current guidance. The Project screens out of a VMT analysis due to the land use being locally serving.

Proposed Action: Applicant proposes to prepare a CEQA Initial Study Addendum for only the Traffic section to explain the error and correct the Administrative Record. The Addendum would be prepared by an experienced environmental consultant, for the City Planning Department’s approval.

2. *Conditional Use Permit (Planning Case No. ENV 19-0006)* approved January 13, 2021.
 - Section: F – Mitigation Measures (repeats from the MMRP, both TRA-1 and TRA-2, both of which are in error because LOS is not the metric for mitigation for traffic impacts)
 - Section: Engineering Conditions of Approval, Condition 5 (signal).

The applicant will retain the right-in/right-out driveway configuration (Engineering Condition 3).

Proposed Action: The Planning Department would support modifying Section F and removing Engineering Condition 5 from the Conditional Use Permit, and prepare actions for Planning Commission and City Council.

JUSTIFICATION FOR NOT PARTIPATING IN FAIR SHARE AGREEMENT

Typically “fair share” agreements are conditioned when an area is developing, and multiple projects can share in the cost based upon their contribution to the traffic impacts.

In the case of this Project, the Project Site is located on the corner of Rock Springs Road and W Mission Avenue, a signalized intersection. The signal is being requested approximately 0.24 mile north of the intersection, at Rock Springs Road and W. Lincoln. The entire area is built out, including a multi-family complex that was recently built at the intersection of Rock Springs Road and W Lincoln.

Unless the City has been collecting fair share contributions, from residential and business properties along Rock Springs, Lincoln and W Mission, there are no developments that can contribute to the fair share. Refer to the Traffic Study, Figure 1-2 (reproduced at the end of this attachment).

In conclusion signal should be removed from the project for the following reasons:

1. The Project would be directly served by a signalized intersection.
2. The signal is being required approximately 0.24 mile away at the only stop-sign intersection in the area.
3. The existing condition is LOS F.

4. The Project is not contributing to the degradation of the intersection because it already is F.
5. The entire area is built out. There are no new developments in the vicinity that could be assigned a fair share.
6. For the applicant to be assigned a fair share, the applicant would require an identification of all other developments that have been contributing to the fair share.

Therefore, unless the City plans to tax or bill all development along Rock Springs, Lincoln and W Mission in the vicinity of the traffic study for the signal, it would be “unfair” to have the applicant be the sole contributor to the traffic signal when so many existing multi-family residential, businesses and large retail centers are also responsible for contributing to the existing condition.

A signal at Rock Springs Road and W. Lincoln should be the City’s responsibility under its Capital Improvement Budget.



LEGEND # Intersection ○ Project Driveway — Roadway Segment

ATTACHMENT 6 PHG19-0049 Approved Plans (REFERENCE ONLY)

Item 3.

Project No.: PL24-0183



CONSTRUCTION NOTES

DEMOLITION

- 1 REMOVE EXISTING BUILDING
- 2 REMOVE EXISTING BLOCK WALL
- 3 REMOVE EXISTING CHANGING TRAILS
- 4 REMOVE EXISTING TRAILS AND FENCE
- 5 REMOVE CONCRETE DRIVEWAY & APRON (PUBLIC)
- 6 REMOVE EXISTING LIGHT POLE
- 7 REMOVE CONCRETE SIDEWALK CURB AND GUTTER (PUBLIC)
- 8 REMOVE ALL GUARD RAILS
- 9 REMOVE ALL PAVING
- 10 EXISTING LIGHT POLE CONNECTION TO REMAIN IN PLACE & IN PLACE

PROPOSED IMPROVEMENTS

- 1 NEW 12'-0" TYPE C GROUNDWATER PER SERVO NO. C-5-E
- 2 NEW CONCRETE CURB & GUTTER PER SERVO NO. 5-2 (PUBLIC & PRIVATE)
- 3 NEW CONCRETE SIDEWALK PER SERVO NO. 5-1 (PUBLIC)
- 4 NEW 4" CONCRETE CURB PER SERVO NO. 5-1 (PRIVATE)
- 5 NEW AC PAVING
- 6 TRASH ENCLOSURE
- 7 HEAVY TRAIL ENCLOSURE
- 8 BIOPRETENTION LANDSCAPE BASIN (SERV. NO. 5-1)
- 9 4" BACKFLOW PREVENTER DETECTOR ASSEMBLY PER CITY OF ROCKSPRING STANDARD DRAWING NO. W-3-E
- 10 NEW LOCATION OF BUS APPURTENANCES
- 11 4" FIRE SERVICE LINE AND GATE VALVE PER CITY STANDARDS

- 12 NEW 12" STREET LIGHT PER CITY OF ROCKSPRING STANDARD DRAWING NO. 5-1
- 13 NEW LOCATION OF TRAFFIC SIGNAL REGULATION SIGNAL VALVE ASSEMBLY PER CITY STANDARDS DRAWING NO. W-3-E (SERVO NO. 5-1)
- 14 NEW LOCATION OF SIGNAL CORNER WATER PUMP, ETC.
- 15 24" URBAN INLET
- 16 FALL SIGN
- 17 GAS MOUNTED GAS PUMPS
- 18 48" GAS, GAS WATER
- 19 BIODECK PAVING
- 20 BIODECK SIGN
- 21 RELOCATED STORM DRAIN AND RISE TO CONNECT TO PUBLIC STORM DRAIN
- 22 NEW 48" GAS WATER
- 23 NEW TRAFFIC SIGNAL ONLY SIGNAL POLE REQUIRED

- 24 48" 4" CONCRETE CURB METAL PER CITY OF ROCKSPRING STANDARD DRAWING NO. 5-1 (PUBLIC)
- 25 4" TRIP DOWNS
- 26 4" PRECASTED INTERLOCK
- 27 4" CONCRETE
- 28 1/2" CONNECTION TO UNDERGROUND STRUCTURE
- 29 RELOCATED STORM DRAIN TO CONNECT TO PUBLIC STORM DRAIN
- 30 48" URBAN INLET TO BE RELOCATED
- 31 RELOCATED CURB AND GUTTER
- 32 48" STORM DRAIN ASSEMBLY
- 33 48" 4" TRIP DOWNS

**PROPOSED PROJECT: PHG 19-0049
CIVIL PLAN**

MATERIALS BOARD



'CASA BLANCA' SW7571
SHERWIN WILLIAMS



'MEXICAN SAND' SW7519
SHERWIN WILLIAMS



'QUARTERSAWN OAK' SW2836
SHERWIN WILLIAMS



DARK ANODIZED BRONZE



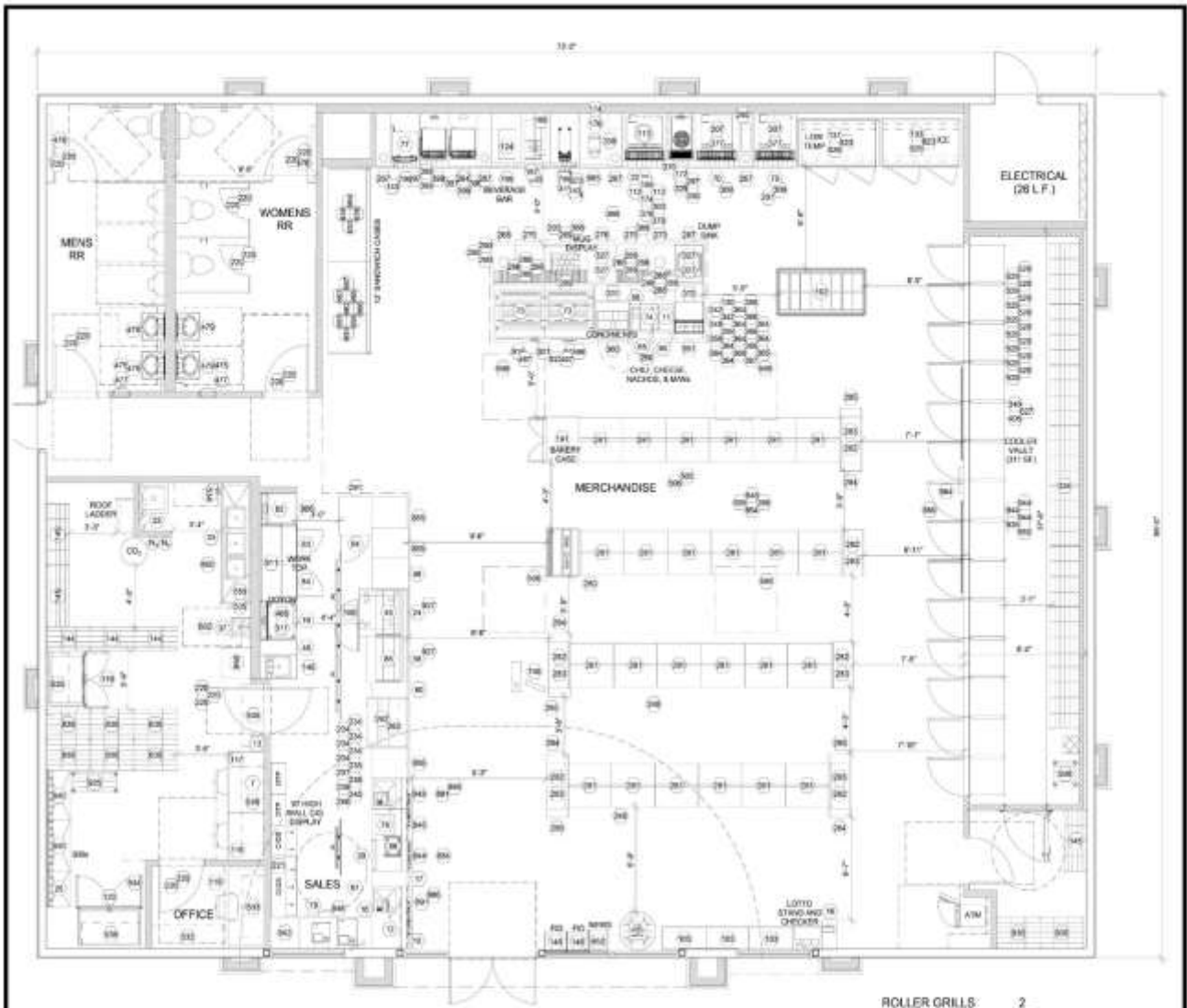
QUICKSTACK 'COASTAL BROWN'
CORONADO STONE



STANDING SEAM METAL ROOF
BRIDGER STEEL



**PROPOSED PROJECT: PHG 19-0049
MATERIALS**



1045089 - ESCONDIDO, CA - LAYOUT 02

05/21/2019

ROCK SPRINGS & MISSION
ESCONDIDO, CA

SCALE: 1/4"=1'-0"

TDG #19-372

APPROVED: YES NO
05/22/2019

OCCUPANCY CALCULATION

| | | | | | |
|--------------------|---------|---|-----|---|--------------------|
| MERCHANDISE | 2317 SF | / | 30 | = | 77 PEOPLE |
| KITCHEN / SALES | 298 SF | / | 200 | = | 2 PEOPLE |
| STORAGE/ BACK ROOM | 506 SF | / | 300 | = | 2 PEOPLE |
| OFFICE | 51 SF | / | 100 | = | 1 PERSON |
| RESTROOM | 478 SF | / | N/A | = | 0 PEOPLE |
| TOTAL | | | | | = 82 PEOPLE |

WALL TYPE LEGEND

| | |
|---------------------|--|
| EXTERIOR WALL | |
| COLUMN | |
| INTERIOR WALL | |
| PARTIAL HEIGHT WALL | |
| COOLER WALL | |

| | |
|-----------------------------|---------------------|
| ROLLER GRILLS | 2 |
| SANDWICH CASE | 12 |
| VAULT DOORS | 14 |
| LOW TEMP DOORS | 2 |
| ICE MERCH DOORS | 2 |
| NOVELTY CASE | 1 (LG) |
| BAKERY CASE | 1 (LG) |
| SLURPEE BARRELS | 5 |
| GONDOLA UNITS (60"H) | 48 |
| END CAPS (60"H) | 08 |
| POWER WINGS | (08) - NOT IN TOTAL |
| LOW WALLS (36"H) | 03 |
| HIGH WALLS (72"H) | 00 |
| TOTAL | 58 |
| TOTAL SQ FT | = 4089 SF |
| SALES FLOOR AREA | = 2614 SF |
| GAS: YES | LIQUOR: NO |
| BEER: YES | WINE: YES |
| OCCUPANCY LOAD (>49) | = 82 |
| TRAVEL DISTANCE (<200) | = 79' |
| COMMON PATH OF TRAVEL (<75) | = 88' |
| RESTROOMS REQUIRED | = 2 |
| EXITS REQUIRED | = 2 |
| OVERHEAD SHELVES | = 42 FT |
| FLOOR SHELVES | = 45 FT |

**PROPOSED PROJECT: PHG 19-0049
LAYOUT**



EXTERIOR ELEVATION - NORTHEAST SCALE 1/8" = 1'-0" 2



EXTERIOR ELEVATION - SOUTHEAST SCALE 1/8" = 1'-0" 1

MATERIAL SAMPLES

| | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  |  |
|  |  |
|  |  |
|  |  |

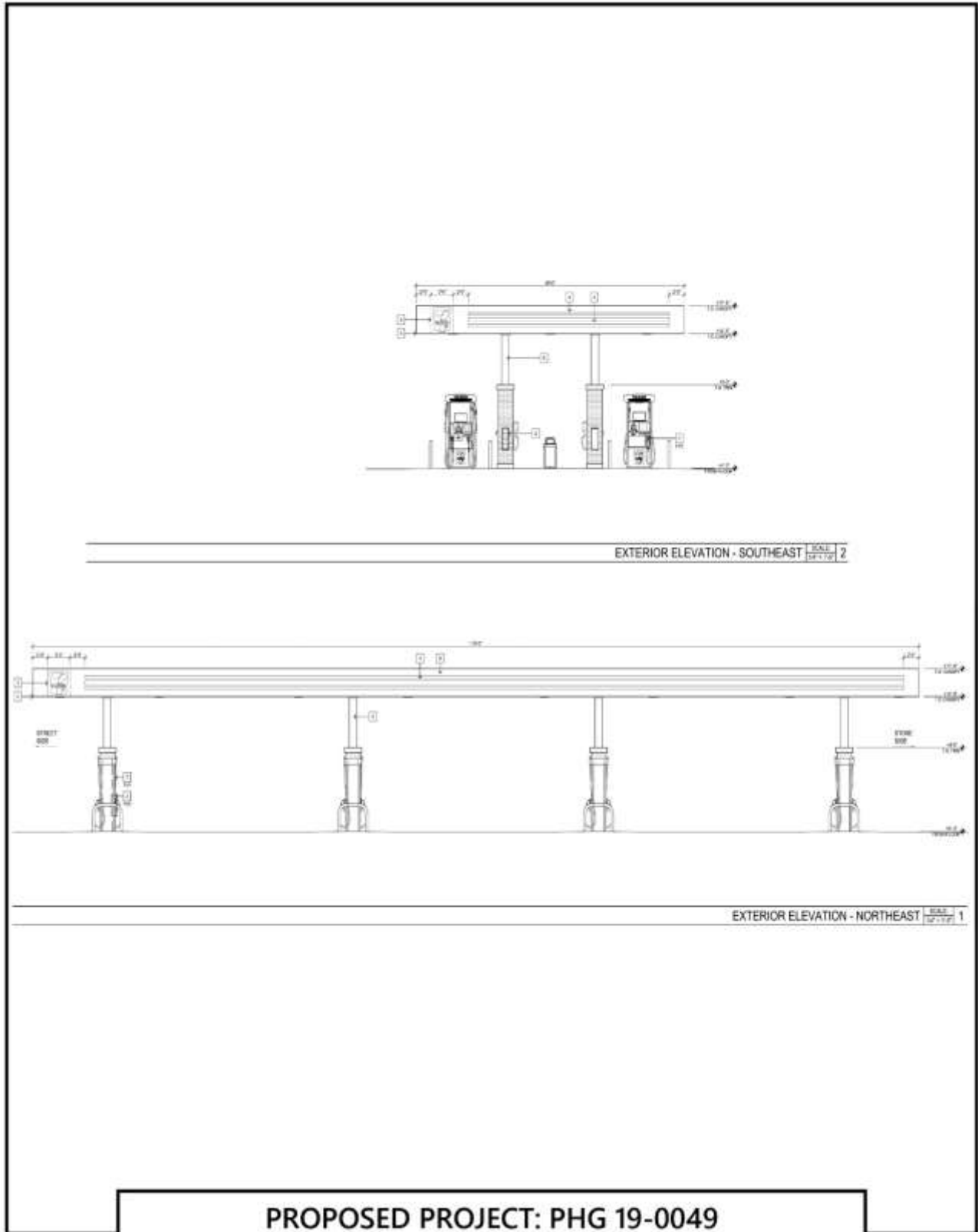
FINISHES

| | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 1/2" EXTERIOR CEMENT PLASTER OVER 3/4" GYP. DIAMOND MESH OVER "TYVEK" COMMERCIAL WRAP OVER THE BUILDING PAPER. MANUFACTURER LA HABRA STUCCO A LIGHT DAM. MACHINE APPLY. |
| 2 | STOREFRONT 45174G. FINISH: ANODIZED ALUMINUM. M.F.: ANVIER. |
| 3 | STONE VENEER. FINISH: GRAY STONE. M.F.: CORONADO STONE. |
| 4 | 6/8" TRANSCORNE. FINISH: 1/2" EXTERIOR STUCCO - SMOOTH FINISH. M.F.: |
| 5 | METAL ROOF SYSTEM. FINISH: STANDING SEAM - POWDERCOAT TO MATCH QUARTER SAWN OAK SPOUSE. M.F.: BRONZE STEEL OR EMILAN. |
| 6 | DECORATIVE METAL WALL TRILLES. FINISH: POWDERCOAT TO MATCH SITES. M.F.: |
| 7 | DECORATIVE WOOD FASCIA. FINISH: POWDERCOAT TO MATCH SITES. M.F.: 1 & D. |

MATERIAL SAMPLES

| | |
|---|-----------------------------------------|
| A | OAK BLANK - 2x 10T SHEVRON PLANKS |
| B | MEXICAN SAND - 2x 10T SHEVRON PLANKS |
| C | QUARTER SAWN OAK - 2x 8W SHEVRON PLANKS |
| D | DARK BRONZE 4x4 HAMMER |
| E | COASTAL BROWN CORONADO STONE |

**PROPOSED PROJECT: PHG 19-0049
EXTERIOR**



**PROPOSED PROJECT: PHG 19-0049
EXTERIOR CANOPY ELEVATION**

ENCLOSURE SECTION SCALE: 1/8" = 1'-0" 7

ENCLOSURE ELEVATION SCALE: 1/8" = 1'-0" 2

ENCLOSURE ELEVATION SCALE: 1/8" = 1'-0" 6

ENCLOSURE PLAN SCALE: 1/8" = 1'-0" 1

ENCLOSURE ROOF PLAN SCALE: 1/8" = 1'-0" 5

MATERIAL SAMPLES

| | |
|------------------------------------------|--------------------------------------------|
| | |
| GASA BLANCA - SW 101 SHERWIN WILLIAMS | MEXICAN SAND - SW 1019 SHERWIN WILLIAMS |
| | |
| ANODIZED DARK BRONZE KAMPERER | KRYTONE PG 480C BALLARD CLONK, TVI |

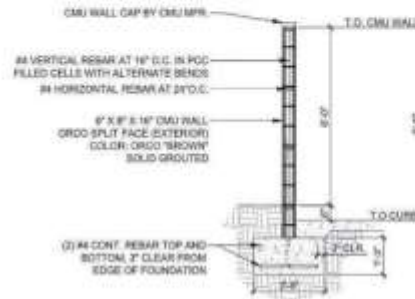
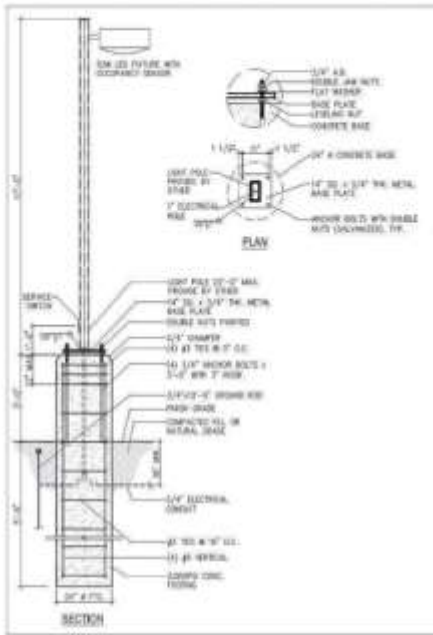
FINISHES

- 1" EXTERIOR CEMENT PLASTER OVER 5/8" X 3/4" GYPSUM BOARD. FINISH: DRAFTY RESISTANT COATING. 1/2" ISOLATION MIN. OVER 1/2" X 1/2" COMMERCIAL WRAP OVER 1/4" BUILDING PAPER.
- 4" X 4" STEEL COLLARS (TRUSSES) FINISH: DARK BRONZE ANODIZED. SW: T.B.D.
- 11 GA. FINISHED METAL (GATES) FINISH: DARK BRONZE ANODIZED. SW: T.B.D.
- METAL FLASHING (GAP) FINISH: SHERWIN WILLIAMS. SW: T.B.D.
- PARKING BOLLARD PLASTIC COVER FINISH: BRUSH - PAINTS® PG 480C. SW: T.B.D.
- CORRUGATED METAL PANEL FINISH: MEXICAN SAND - SW 1019. SW: T.B.D.

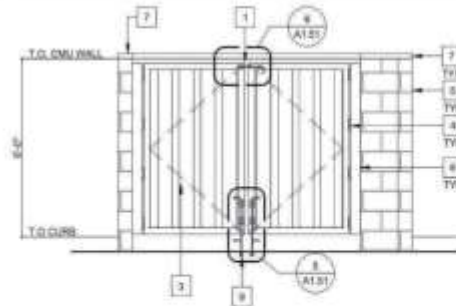
MATERIAL SAMPLES

- 1 GASA BLANCA - SW 101
SHERWIN WILLIAMS
- 2 MEXICAN SAND - SW 1019
SHERWIN WILLIAMS
- 3 DARK BRONZE #12
KAMPERER

**PROPOSED PROJECT: PHG 19-0049
ENCLOSURE**



HEALY TANK ENCLOSURE SCALE: 3/8" = 1'-0" 4

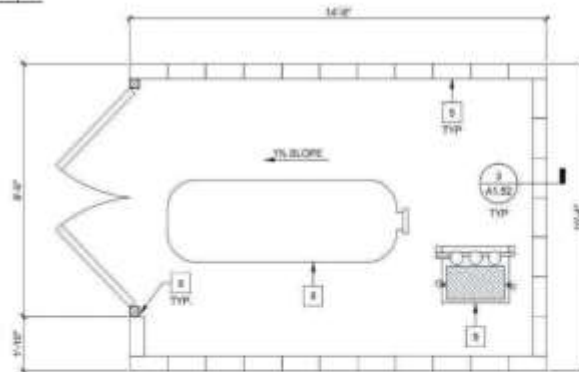


ENCLOSURE SECTION SCALE: 3/8" = 1'-0" 2

STORE OPERATES 24HR /7-DAYS

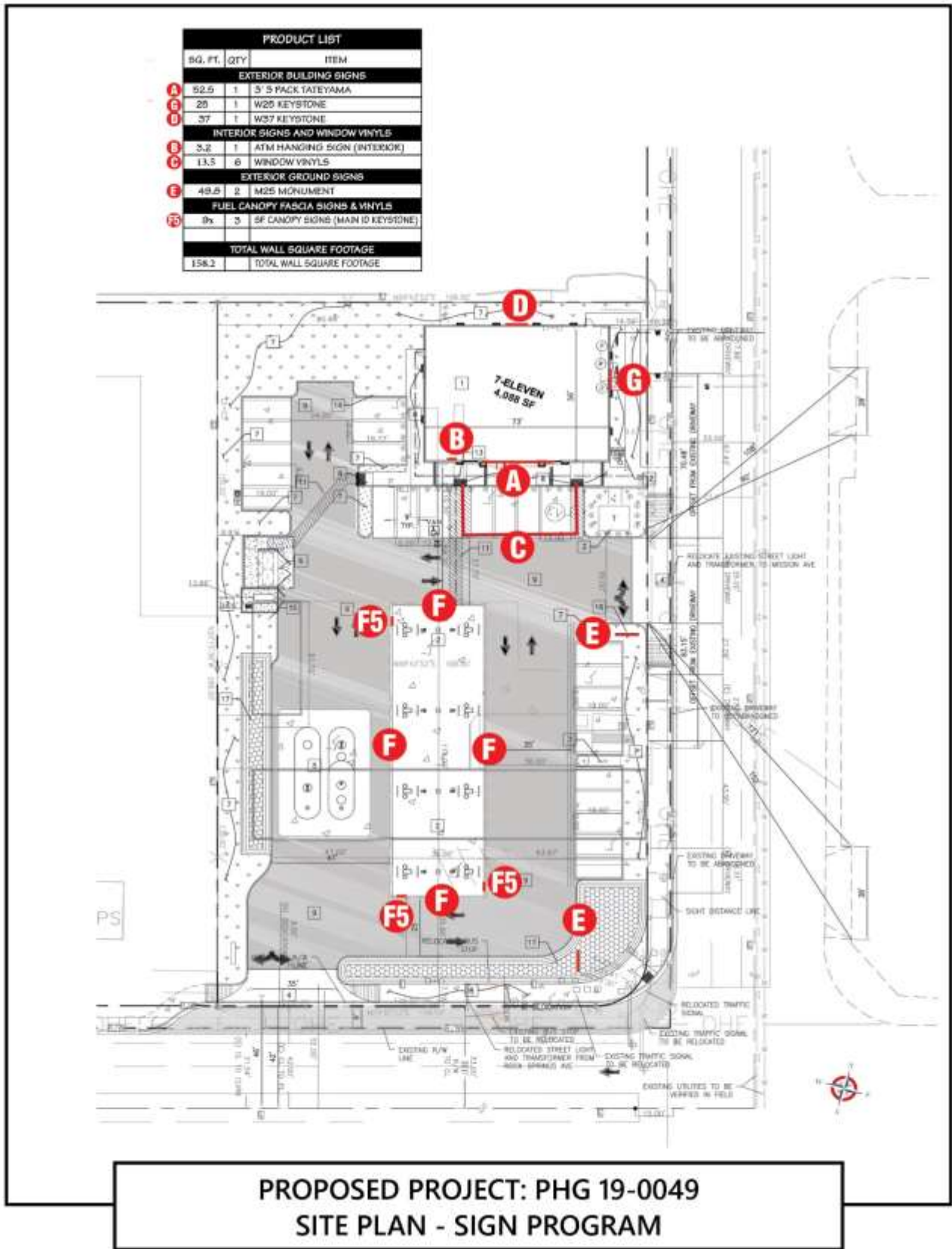
THE POLE MOUNTED FIXTURES ARE MOUNTED ON A 17" HIGH CONCRETE BASE WITH INTERNAL HOUSESIDE SHIELD PLUS EXTERNAL SHIELD.

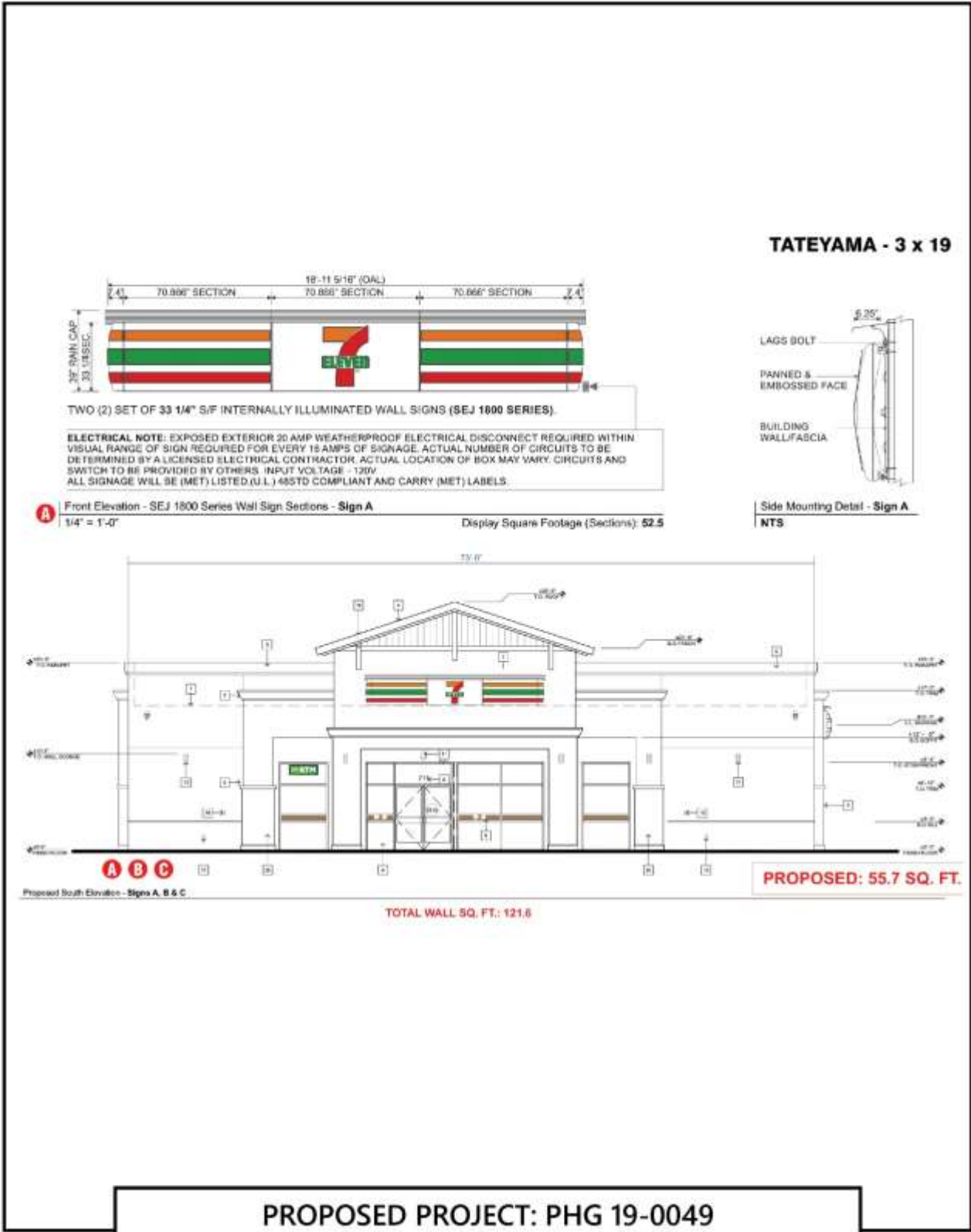
LIGHT POLE DETAIL SCALE: 3/32" = 1' 5



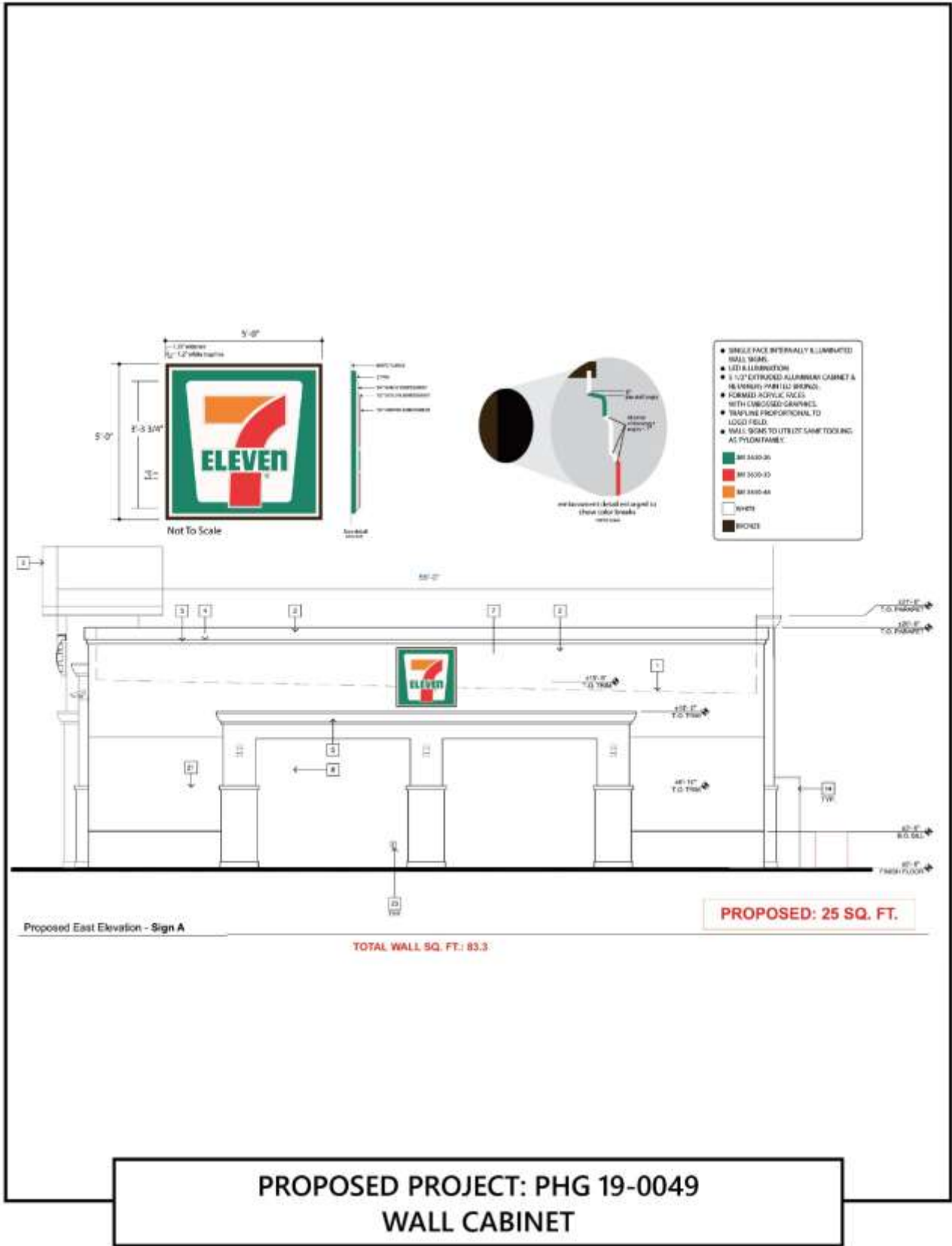
ENCLOSURE ELEVATION SCALE: 3/8" = 1'-0" 1

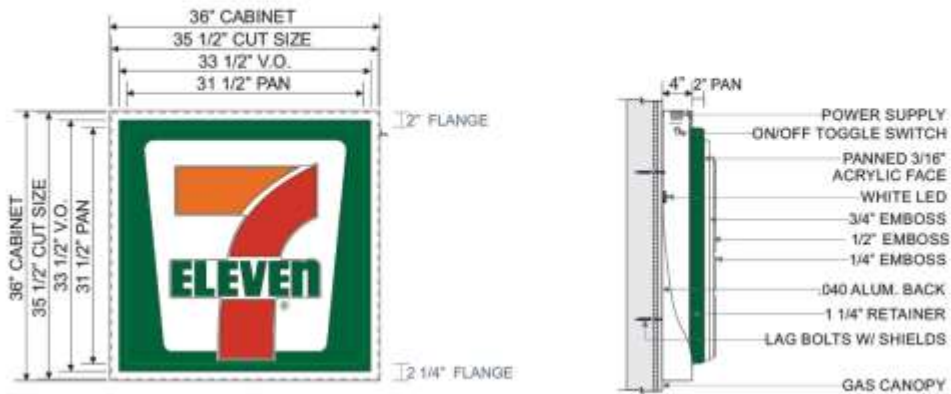
**PROPOSED PROJECT: PHG 19-0049
ENCLOSURE TANK**





**PROPOSED PROJECT: PHG 19-0049
WALL SIGNAGE - ELEVATION**





THREE (3) W9 S/F INTERNALLY ILLUMINATED CANOPY SIGN CABINET.
 3/16" THICK PAN FORMED & EMBOSSED WHITE ACRYLIC FACE W/ TRANSLUCENT VINYL GRAPHICS
 APPLIED FIRST SURFACE. 4" DEEP EXTRUDED ALUM. CABINET W/ 1 1/4" RETAINERS TO BE
 PAINTED WHITE. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.

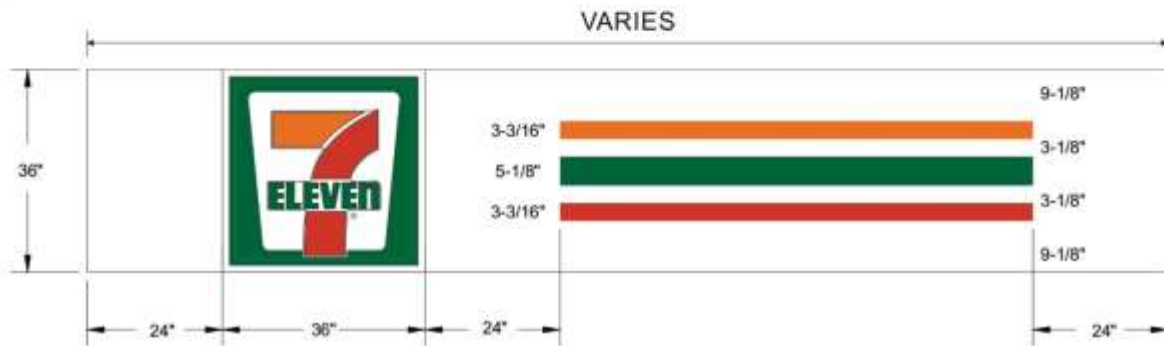
VINYL SPECS: 3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN
 PAINT SPECS: PMS WHITE

NOTE: SIGN TO BE INSTALLED 2'-0" FROM LEFT EDGE OF GAS CANOPY.
NOTE: ACCOMPANYING TRI-STRIPE GRAPHICS TO BEGIN 2'-0" FROM CABINET.
NOTE: TRI-STRIPE GRAPHICS TO BE SUPPLIED BY 7-ELEVEN CANOPY CONTRACTOR.

7-ELEVEN LOGO
 DIMENSIONS:
 OAH: 29 1/2"
 OAL: 27"

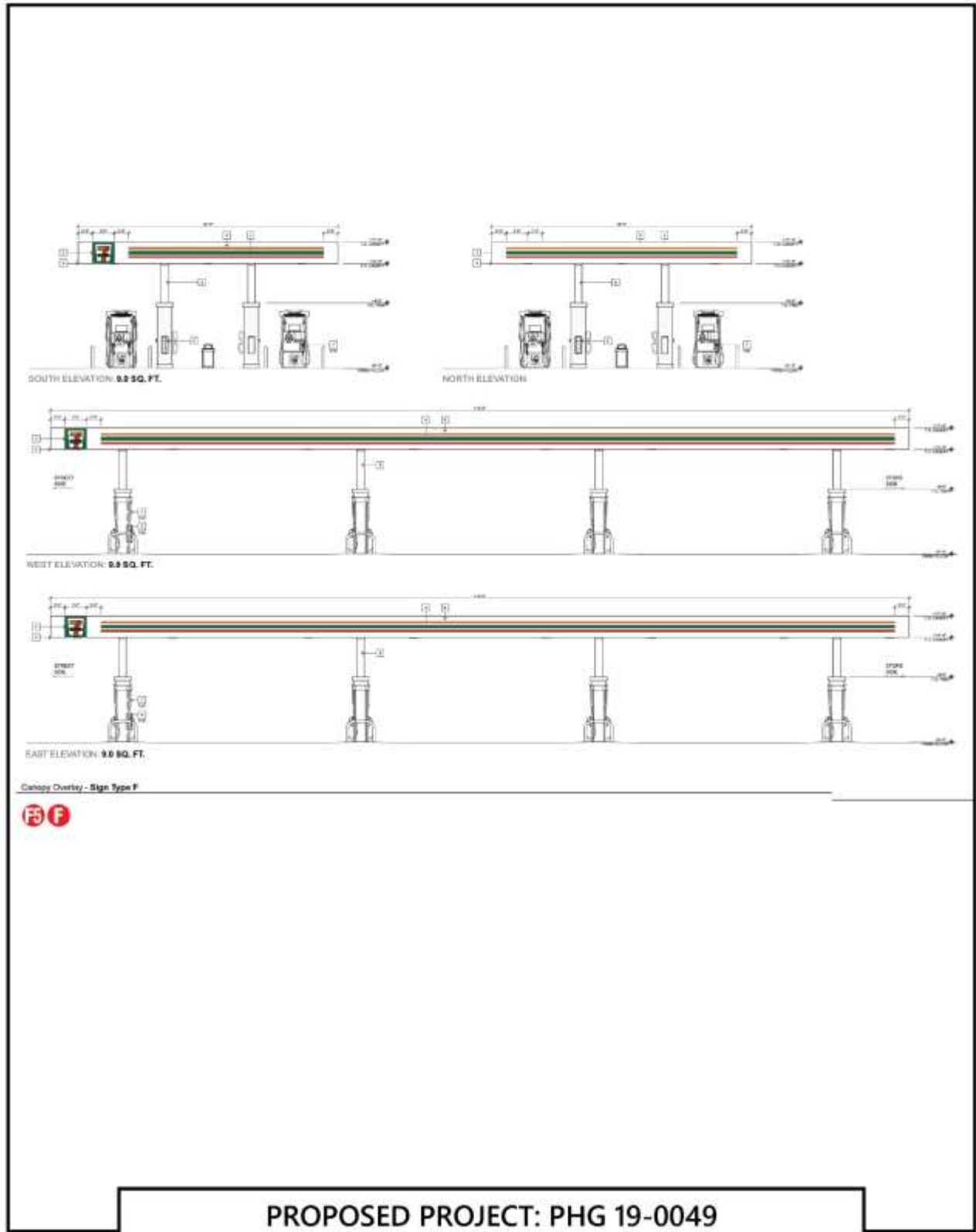
F5 Face & Side Detail - W9 Canopy Sign Cabinet - Sign F
 NTS

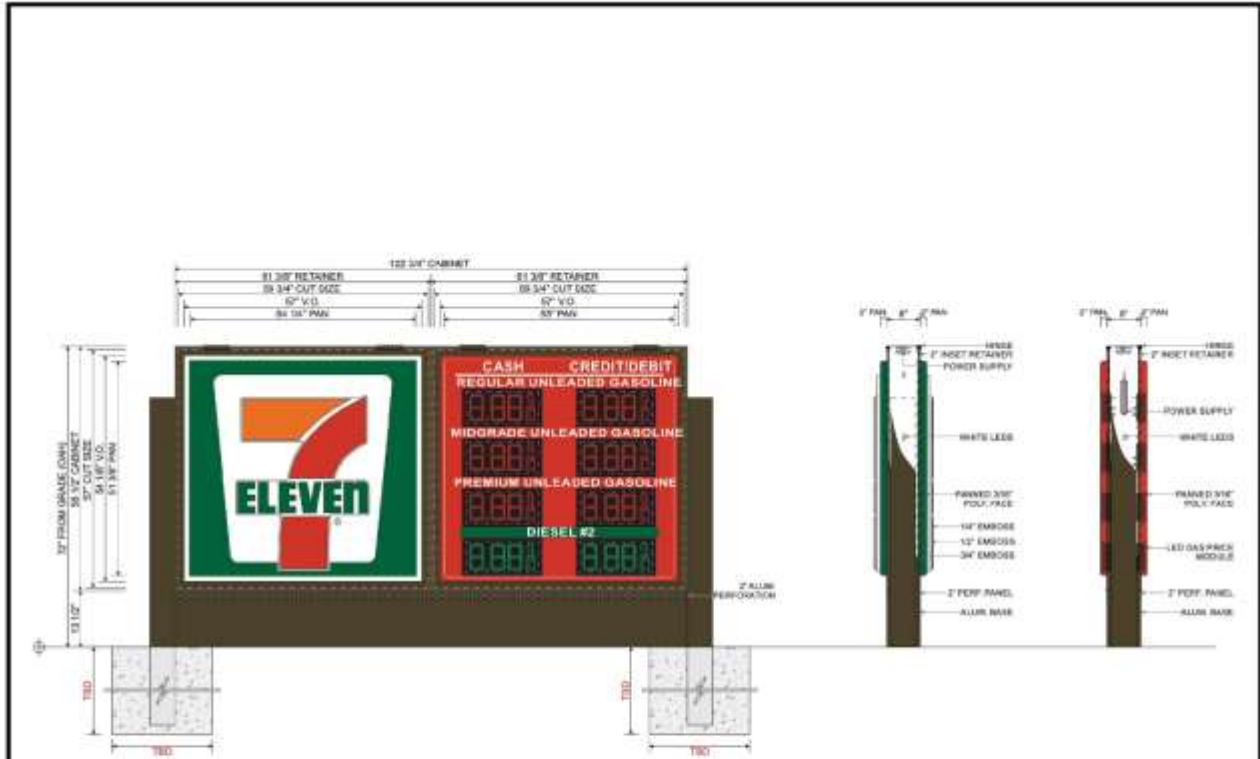
Display Square Footage(Cabinet): 9.0



F5 F Front Elevation - 36" Canopy Height - Sign And Graphics Layout - Sign F
 NTS

**PROPOSED PROJECT: PHG 19-0049
 CANOPY CABINET AND VINYL**





TWO (2) CUSTOM 01F INTERNALLY ILLUMINATED MAIN ID/GAS PRICE MONUMENT SIGN.

MAIN ID (MDS) FACES W/ RETAINERS: 3/16" THICK PAN FORMED & EMBOSSED WHITE POLY. FACES W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. 2" INSET RETAINERS TO BE HINGED ON BOTH SIDES OF CABINET.

GAS PRICE (L25G8D-CA) FACES W/ RETAINERS: 3/16" THICK PAN FORMED CLEAR POLY. FACES BACK SPRAYED PMS 485 RED THEN PMS WHITE W/ 3M 3630-26 GREEN TRANSLUCENT VINYL & 3M 7725-12 BLACK VINYL TRIM AROUND LED WINDOW APPLIED SECOND SURFACE. 2" INSET RETAINERS TO BE HINGED ON BOTH SIDES OF CABINET.

1/2" DEEP EXTRUDED ALUM. CABINET W/ 2" INSET HINGED RETAINERS TO BE PAINTED DURANODIC BRONZE. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDs.

PROVIDE CUSTOMER W/ PRICE VISION 6" DIGIT RED & GREEN LED MODULES.
PROVIDE CUSTOMER ALUM. SIGN & FRAME BASE, PAINTED DURANODIC BRONZE.

7-ELEVEN VINYL SPECS: 3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN, 3M 7725-12 BLACK
7-ELEVEN PAINT SPECS: PMS 485 RED & PMS WHITE

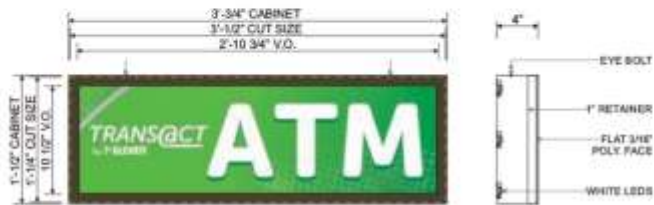
NOTE: VERTICAL STEEL SUPPORT & FOOTING TO BE SPECIFIED BY ENGINEERING & PROVIDED BY INSTALLER
NOTE: MONUMENT SIGN CABINET TO HAVE AT LEAST 1" OF SPACE BELOW CABINET FOR VENTILATION.
NOTE: CUSTOMER TO CONFIRM FUEL GRADES PRIOR TO PRODUCTION

| | |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 7-ELEVEN LOGO DIMENSIONS: OAH: 47" OAL: 42 1/2" | 6" GAS PRICE VISION LED UNITS: LED UNIT SIZE: 5 1/8" X 18.00" LED CHARACTER SIZE: 6.3MM |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------|

E Face & Site Detail - M25 & L25G8D-CA Monument Sign - Sign E
NTS

Display Square Footage (Cabinet): 49.8

**PROPOSED PROJECT: PHG 19-0049
MONUMENT**



ONE (1) **INTERIOR ATM INTERNALLY ILLUMINATED S/F WINDOW SIGN**. 3/16" THICK FLAT WHITE POLYCARBONATE FACE W/ DIGITALLY PRINTED IMAGE VINYL TO BE APPLIED FIRST SURFACE. CABINET TO BE INTERNALLY ILLUMINATED W/ GE WHITE LEDS. 4 DEEP ALUM. CABINET & 1" RETAINERS ALL PAINTED 313E DURANODIC BRONZE. SIGN TO HANG INSIDE THE STORE BEHIND GLASS AS INDICATED IN PHOTO OVERLAY WITH EYE BOLTS.

VINYL SPECS: **DIGITALLY PRINTED IMAGE VINYL**
 PAINT SPECS: **313E DURANODIC BRONZE**

NOTE: ATM SIGN TO BE FABRICATED & INSTALLED BY OTHERS

B Front Elevation & Side Mounting Detail - ATM S/F Window Sign - Sign B
 NTS Display Square Footage (Cabinet): 3.2



WINDOW VINYL GRAPHICS:
 VINYL GRAPHICS TO BE APPLIED SECOND SURFACE ONTO DESIGNATED STORE WINDOWS.
NOTE: WINDOW GRAPHICS KITS TO BE PROVIDED AND INSTALLED BY OTHERS. NOT PART OF HARBINGERS SCOPE OF WORK.
NOTE: FOR FULL INSTALLATION INSTRUCTIONS, REFER TO 7-ELEVEN SIGNAGE MANUAL.

C Front Elevation - Typical Window Vinyl Graphics - Sign C

**PROPOSED PROJECT: PHG 19-0049
 WINDOW SIGNAGE**

Planning Commission
Hearing Date: November 12, 2024
Effective Date: November 13, 2024

PLANNING COMMISSION RESOLUTION NO. 2024-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF A MODIFICATION TO A CONDITIONAL USE PERMIT FOR A SERVICE STATION, AND ADOPTION OF AN ADDENDUM, TO THE CITY COUNCIL

APPLICANT: Ilan Golcheh (Golcheh Group, LLC)

CASE NO: PL24-0183

WHEREAS, Ilan Golcheh (“Applicant”), filed a land use development application, Planning Case No. PL24-0183 (“Application”) constituting a request to modify a previously approved Conditional Use Permit (PHG19-0049) (“Approved Project”). The modification proposes removal of the Engineering Division’s Condition of Approval No. 5 of Resolution No. 2021-05 and Mitigation Measure Condition of Approval TRA-1 of Resolution No. 2021-05 both requiring the construction of a traffic signal at the Rock Springs Road and W. Lincoln Avenue intersection (“Project”). The Project site is located on a 1.14-acre site (APNs: 228-220-13-00 and 228-220-43-00), within the General Plan Land Use designation of General Commercial (GC), and a zoning designation of General Commercial (CG).

WHEREAS, City staff identified an alternative to the Applicant’s request to modify the Conditional Use Permit entailing removal of Engineering Condition of Approval Nos. 2, 3, 6, and 15, and Fee Condition of Approval No. 2, all of Resolution No. 2021-05; and

WHEREAS, the Applicant submitted an Addendum to the previously adopted Mitigated Negative Declaration to clarify the environmental record related to mitigation measures associated with the Approved Project's Traffic Impacts; and

WHEREAS, the subject property is all that real property described in Exhibit "A" which is attached hereto and made a part hereof by this reference as though fully set forth herein ("Property"); and

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"); and

WHEREAS, on December 08, 2020, the Planning Commission adopted Resolution No. 2020-19 recommending that the City Council approve a General Plan Amendment, Zone Map Amendment, and Conditional Use Permit for construction of a 4,284 square-foot gas station with the concurrent sale of alcoholic beverages; and

WHEREAS, on January 13, 2021, the City Council adopted Resolutions No. 2021-04 and 2021-05, and Ordinance No. 2021-01, approving the General Plan Amendment, Zone Map Amendment, and Conditional Use Permits for the Approved Project; and,

WHEREAS, the City Council action adopted a Mitigated Negative Declaration (MND), and associated Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, pursuant to Condition of Approval No. 4 (Conformance to Approved Plans) of Resolution No. 2021-05, modifications to the Approved Project may require submittal of an amendment to the Permit and approval by the authorized agency; and,

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, in accordance with Section 15164 (Addendum to an EIR or Negative Declaration) an Addendum was prepared to clarify the environmental record of the Approved Project and is incorporated fully herein as Exhibit "C" to clarify the removal of mitigation measures related to traffic impacts; and,

WHEREAS, a revised Mitigation Monitoring and Reporting Program (MMRP) was prepared and incorporated fully herein as Exhibit "D;"

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby **recommends denial** of the Project and instead recommends approval of the staff identified alternative, as conditioned and detailed in Exhibit "E," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements; and

WHEREAS, on November 12, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;

- c. The staff report, dated November 12, 2024, with its attachments as well as City staff's recommendations on the Project, which are incorporated herein as though fully set forth herein;
- d. Additional information submitted during the public hearing; and

WHEREAS, the public hearing 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. An Addendum to the adopted Mitigated Negative Declaration has been prepared in compliance with all the requirements contained in the California Environmental Quality Act (CEQA) Guidelines. None of the conditions described in Section 15162 calling for preparation of a subsequent negative declaration have occurred.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "B," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.
4. The Application to remove the Approved Project's Condition No. 5 and TRA-1, requiring construction of a traffic signal at the Rock Springs Road and W. Lincoln Avenue intersection, is hereby **recommended for denial** and an alternative option is recommended by the Planning Commission to the City Council. The Planning Commission expressly declares that it would not have recommended approval of the alternative option for this Application except upon and subject to each and all of the conditions as

set forth in Exhibit “E”, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

5. The development plans for the Approved Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is **hereby recommended for denial and an alternative option is recommended for approval** as set forth within the Staff Report dated November 12, 2024. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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 12th day of November, 2024, by the following vote, to wit:

| | |
|------------|----------------|
| AYES: | COMMISSIONERS: |
| NOES: | COMMISSIONERS: |
| ABSTAINED: | COMMISSIONERS: |
| ABSENT: | COMMISSIONERS: |

STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

VERONICA MORONES, 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

|

Exhibit "A"

Legal Description

Project No(s): PL24-0183

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: APN: [228-220-43](#)

THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THERE OF NO. 724](#), MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SANDIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330 FEET FROM THE MOST NORTHERLY CORNER THEREOF, TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET SOUTHERLY FROM THE MOST WESTERLY CORNER THEREOF AND LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE SOUTHWESTERLY 449.5 FEET - MEASURED BETWEEN PARALLEL LINES - OF SAID LOT 2. EXCEPTING THEREFROM THE NORTHWESTERLY 150 FEET THEREOF. ALSO EXCEPTING THERE FROM THE SOUTHEASTERLY 9 FEET THEREOF. ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9 FEET THEREO. ALSO EXCEPTING THERE FROM THE INTEREST CONVEYED TO THE CITY OF ESCONDIDO IN DEED RECORDED MARCH 25, 1974, AS FILE NO. [74-073291](#) OF OFFICIAL RECORDS, IN AND TO THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 2, BEING ALSO A POINT IN THE CENTER LINE OF THAT CERTAIN 66 FOOT STREET KNOWN AS ROCK SPRINGS ROAD; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2 SOUTH 69° 45' 10" WEST 33.00 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 20° 14' 20" WEST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 9.00 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 20° 14' 20" WEST 137.80 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO ESCONDIDO IMPORTS, INC., A CALIFORNIA CORPORATION, BY DEED RECORDED [MAY 17, 1971, AS FILE NO. 101247](#); THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID ESCONDIDO IMPORTS, INC. LAND SOUTH 69° 44' 40" WEST 9.00 FEET; THENCE SOUTH 20° 14' 20" EAST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 117.81 FEET TO THE BEGINNING OF A TANGENT 20 FOOT RADIUS CURVE, CONCAVE WESTERLY, THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 59' 39" A DISTANCE OF 31.41 FEET TO A POINT OF TANGENCY WITH THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 69° 45' 10" EAST 28.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2: APN: [228-220-13](#)

THE NORTHWESTERLY 150.00 FEET OF THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 724](#), MADE BY J. M. GRAHAM, AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN. FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330.00 FEET FROM THE MOST NORTHERLY CORNER THEREOF, TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET FROM THE MOST

WESTERLY CORNER THEREOF. EXCEPTING THERE FROM THE SOUTHWESTERLY 449.50 FEET BETWEEN PARALLEL LINES. ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9.00 FEET THEREOF.

EXHIBIT “B”**PRJOECT CASE NO. PL24-0183****FACTORS TO BE CONSIDERED / FINDINGS OF FACT****Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project. The project entails the reevaluation of the CEQA metrics used in the original project’s adopted MND (ENV19-0006) (“Project”), as the public agency with the principal responsibility for approving the Project.
2. In order to evaluate the General Plan Amendment, Zone Map Amendment, and Conditional Use Permit (“Original Project”) under the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) (ENV 19-0006) was prepared and adopted by the Escondido City Council in January 2021.
3. CEQA Guidelines 15164 requires lead agencies to prepare an Addendum to a previously certified environmental document if some changes or additions to the project are necessary, but none of the conditions described in CEQA Section 15162 requiring preparation of a subsequent environmental document are present. The Planning Commission has reviewed and considered the adopted MND and the attached Project Addendum, and finds that these documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the revised Original Project, described herein. The Planning Commission further finds that the Addendum and administrative record have been completed in compliance with CEQA, and that the adopted MND, and this Project Addendum, reflect the City’s independent judgement.
4. Based on the substantial evidence set forth in the record, including but not limited to the 2021 adopted MND, and the attached Project Addendum, the Planning Commissions finds that, based on whole record before them, none of the conditions under CEQA Guidelines Section 15162 – 15163, requiring subsequent environmental review, have occurred because the revised project:
 - a. Will **not** result in substantial changes that would require major revisions of the 2021 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. Will **not** result in substantial changes with respect to the circumstances under which the Project is developed that would require major revisions of the 2021 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects;

- c. Does **not** present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2021 adopted MND was approved showing any of the following:
 - i. The Project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous negative declaration;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - iv. Mitigation measures or alternative which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
5. Further, based on the substantial evidence set forth in the record, including but not limited to 2021 adopted MND, the Addendum prepared for the Project, and the Planning Commission staff report dated November 12, 2024, the Planning Commission finds that the applicable mitigation measures identified in the 2021 MND would ensure that any potential impacts would be reduced to less than significant levels. No new mitigation measures are required to mitigate environmental impacts associated with the Project. Therefore, the Addendum supports the City's consideration of the Project, as outlined in CEQA Guidelines Section 15162 and 15164.
6. Pursuant to CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the original 2021 adopted MND.
7. The recommended action also includes the adoption of the revised Mitigation Monitoring and Reporting Program (MMRP) attached hereto this Resolution.
8. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

Conditional Use Permits (Section 33-1203 of Article 61 of the Escondido Zoning Code)

With respect to Planning Case No. PL24-0183, the Planning Commission recommends that the City Council make the following findings:

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

Project/Applicant's Request: The modification request to remove the requirement to signalize the Lincoln Avenue and Rock Springs Road intersection does not meet sound principles of land use and is not in response to services required by the community in that removal of the Engineering Condition of Approval No. 5 of Resolution No. 2021-05 is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation -which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Traffic Impact Analysis for the approved project conducted a Level of Service (LOS) analysis of the intersection at West Lincoln Avenue and Rock Springs Road. That intersection was found to operate at an LOS "F". Thresholds in the General Plan based on LOS require an applicant be responsible for improving the functioning of the intersection to a LOS of "C" when such impacts are a result of their development proposal. The construction of the traffic signal as reflected in the original condition of approval would ensure compliance with the City's 2012 General Plan.

Alternative Option 1 (Recommended Alternative): The modification to the existing Conditional Use Permit to remove the condition of approval associated with the requirement to signalize the intersection of West Lincoln Avenue and Rock Springs Road is retained in staff recommendation (Alternative Option 1 [Recommended Alternative]) because removal of this requirement in full is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Recommended Alternative is granted upon sound principles of land use and in response to services required by the community in that it would adjust the timeframe for frontage improvements at the Mission Avenue frontage of the Project site but not eliminate the ultimate future improvement altogether. Section 23-121 of Article 23-5 (Public Improvement Construction, Public Dedication and Mapped Streets) allows for the City Engineer to evaluate a request and determine whether public improvements and public dedication are necessary. Under the Recommended Alternative, the Applicant would still be required to dedicate their frontage as previously identified under the Conditional Use Permit (PHG19-0049) allowing for the waived frontage improvements to be made at a future time.

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

Project/Applicant's Request: The modification request to remove the requirement to signalize the Lincoln Avenue and Rock Springs Road would create special problems for the area in which it is located in that removal of the Engineering Condition of Approval No. 5 of Resolution No. 2021-05 is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation -which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Traffic Impact Analysis for the approved project conducted a Level of Service (LOS) analysis of the intersection at West Lincoln Avenue and Rock Springs Road. That intersection was found to operate at an LOS "F". Thresholds in the General Plan based on LOS require an applicant be responsible for improving the functioning of the intersection to a LOS of "C" when such impacts are a result of their development proposal. The construction of the traffic signal as reflected in the original condition of approval would ensure compliance with the City's 2012 General Plan.

Alternative Option 1 (Recommended Alternative): The modification to the existing Conditional Use Permit to remove the condition of approval associated with the requirement to signalize the intersection of West Lincoln Avenue and Rock Springs Road is retained in staff recommendation (Alternative Option 1 [Recommended Alternative]) because removal of this requirement in full is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Recommended Alternative is granted upon sound principles of land use and in response to services required by the community in that it would adjust the timeframe for frontage improvements at the Mission Avenue frontage of the Project site but not eliminate the ultimate future improvement altogether. Section 23-121 of Article 23-5 (Public Improvement Construction, Public Dedication and Mapped Streets) allows for the City Engineer to evaluate a request and determine whether public improvements and public dedication are necessary. Under the Recommended Alternative, the Applicant would still be required to dedicate their frontage as previously identified under the Conditional Use Permit (PHG19-0049) allowing for the waived frontage improvements to be made at a future time.

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

Project/Applicant's Request: The modification request to remove the requirement to signalize the Lincoln Avenue and Rock Springs Road intersection does not meet sound principles of land use

and is not in response to services required by the community in that removal of the Engineering Condition of Approval No. 5 of Resolution No. 2021-05 is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation -which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Traffic Impact Analysis for the approved project conducted a Level of Service (LOS) analysis of the intersection at West Lincoln Avenue and Rock Springs Road. That intersection was found to operate at an LOS "F". Thresholds in the General Plan based on LOS require an applicant be responsible for improving the functioning of the intersection to a LOS of "C" when such impacts are a result of their development proposal. The construction of the traffic signal as reflected in the original condition of approval would ensure compliance with the City's 2012 General Plan.

Alternative Option 1 (Recommended Alternative): The modification to the existing Conditional Use Permit to remove the condition of approval associated with the requirement to signalize the intersection of West Lincoln Avenue and Rock Springs Road is retained in staff recommendation (Alternative Option 1 [Recommended Alternative]) because removal of this requirement in full is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Recommended Alternative is granted upon sound principles of land use and in response to services required by the community in that it would adjust the timeframe for frontage improvements at the Mission Avenue frontage of the Project site but not eliminate the ultimate future improvement altogether. Section 23-121 of Article 23-5 (Public Improvement Construction, Public Dedication and Mapped Streets) allows for the City Engineer to evaluate a request and determine whether public improvements and public dedication are necessary. Under the Recommended Alternative, the Applicant would still be required to dedicate their frontage as previously identified under the Conditional Use Permit (PHG19-0049) allowing for the waived frontage improvements to be made at a future time.

-

ADDENDUM
to the
FINAL MITIGATED NEGATIVE DECLARATION FOR 7-ELEVEN
CONVENIENCE STORE AND SERVICE STATION

City File No. ENV19-0006

SCH# XXXXXXXXXXX

Prepared for:

City of Escondido Planning Division

201 North Broadway

Escondido, CA 92025-2798

760.839.4671

October 30, 2024

Contents

INTRODUCTION1

PROJECT REVISION.....1

STATUTORY BACKGROUND8

IMPACT ANALYSIS8

SUMMARY AND FINDINGS10

INTRODUCTION

This addendum to the final Mitigated Negative Declaration (MND) for the 7-Eleven Convenience Store and Service Station has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164. It updates the MND that was prepared for the City of Escondido (City) and adopted in December of 2020 as a result of a request to modify a previously approved Conditional Use Permit (PHG19-0049) as well as its associated Initial Study and adopted Mitigated Negative Declaration (ENV19-0006) to remove two mitigation measures based on a reevaluation of the criteria used in the analysis. The previously approved Conditional Use Permit (PHG19-0049) entitled the project site for development of a gasoline service station and convenience store with concurrent sale of alcoholic beverages (beer and wine). The City of Escondido is the Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations. The Lead Agency has the principal responsibility for approving and implementing a project that may have a significant effect on the environment.

Project Description

The 1.14-acre site is located at the northwest corner of West Mission Avenue and Rock Springs Road. The site is addressed at 900 West Mission Avenue, Escondido, CA 92025 (Assessor's Parcel Numbers: 228-220-43-00; 228-220-13-00). The site was originally developed with an auto show room, but since 2019 when the existing structure was demolished, the site is vacant and covered in asphalt. The site is designated as Light Industrial (LI) since the adoption of the General Plan Update in 2012. Building and occupancy records indicate a structure was originally built in 1973, with a plot plan describing the building as an auto showroom and garage. The last building permit on file for the address is the demolition of the existing structure on site on September 14, 2023. The applicant (Applicant) has maintained the validity of the original entitlement (Resolution 2020-19) with the application and approval of the subsequent entitlement (Resolution 2021-05) and the aforementioned demolition permit issued in 2019.

The project (Project) proposes the reevaluation of the CEQA metrics used in the Project's adopted MND (ENV19-0006). As of July 1, 2020 the Level of Service (LOS) criteria was replaced by Vehicle Miles Traveled (VMT) as the only metric valid for CEQA analysis and the determination of Transportation and Traffic impacts mitigation measures and their nexus to mitigation measures when the city or county having primary jurisdiction over the area involved is (1) the site of the project; (2) the area which the major environmental effects will occur; and/or (3) the area in which those citizens reside most directly concerned by any such environmental effects.

Based on the findings of this Addendum, the Project would have less than significant impacts, or no changes or new information requiring the preparation of an MND or EIR for the following environmental categories:

- Transportation and Traffic

PROJECT REVISION

The Project was evaluated in the 2020 Initial Study which identified the project as having a “potentially significant impact” related to transportation if not mitigated. The Traffic Impact Analysis conducted was based on LOS criteria and methods, and concluded that an off-site intersection ¼ mile north of the project sight would require the installation of a signal at the intersection of West Lincoln Avenue and Rock Spring Roads (TRA-1) as well as physical improvements to West Mission Avenue (TRA-2). The Applicant has requested that staff reevaluate the findings in the December 2020 International Engineering Group Traffic Impact Analysis (IEG TIA) and modify the findings in Section 13.7 of the adopted MND and the Mitigation Monitoring and Reporting Program (MMRP) to align with SB 743 requiring VMT to be the only metrics applied for Transportation and Traffic CEQA assessment and mitigation. Since the time of the Project approval, the City of Escondido has adopted Transportation Impact Analysis Guidance (TIAG, June 21, 2021). This document defines, interprets, and demonstrates how to implement a VMT analysis and uses the same threshold as used in the December 2020 IEG TIA. Based on the current VMT methodology supported by the City’s adopted TIAG and the 2020 IEG TIA report, the mitigation previously required under LOS standards is no longer required.

Planning Commission Resolution No. 2020-19 (PHG19-0049/ENV19-0006) to change the General Plan Designation from Light Industrial (LI) to General Commercial (GC) and approve a Conditional Use Permit (CUP) for a gasoline station was approved on January 13, 2021. In 2021, the Planning Commission adopted Resolution No. 2021-05 (PHG19-0049/ENV19-0006) approving a Conditional Use Permit for a gasoline station and convenience store with concurrent sale of alcoholic beverages at 900 W Mission Avenue. There have been no changes to the parameters of the approved Project. The addendum seeks to comply with state law and recognizes that two mitigation measures imposed on the Project were the result of LOS analysis and would like to formally recognize and support the findings of a VMT analysis and conclusion, which states that the Project would not require mitigation measures TRA-1 and TRA-2.

Figure 1: Project Site

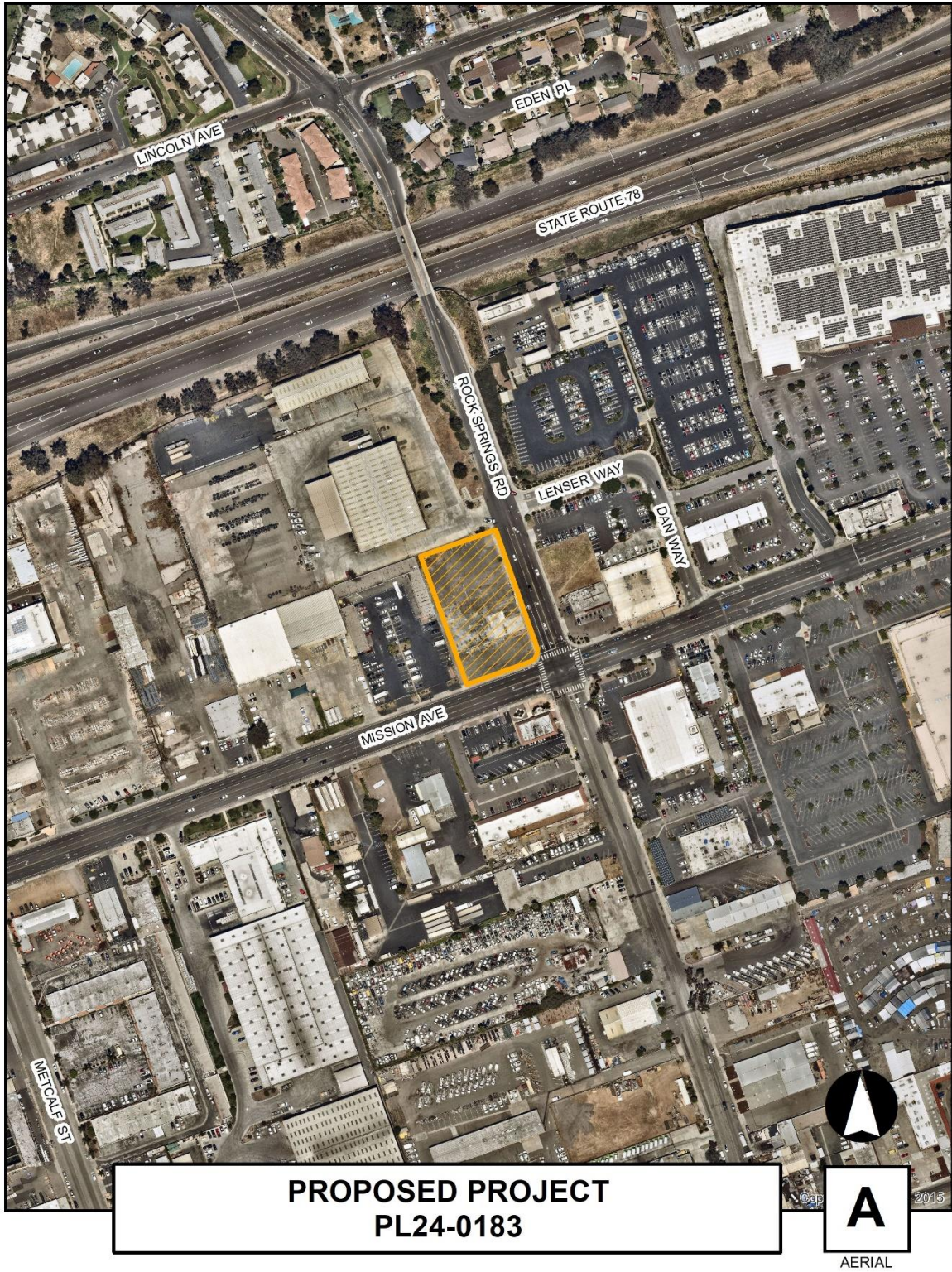


Figure 2: General Plan

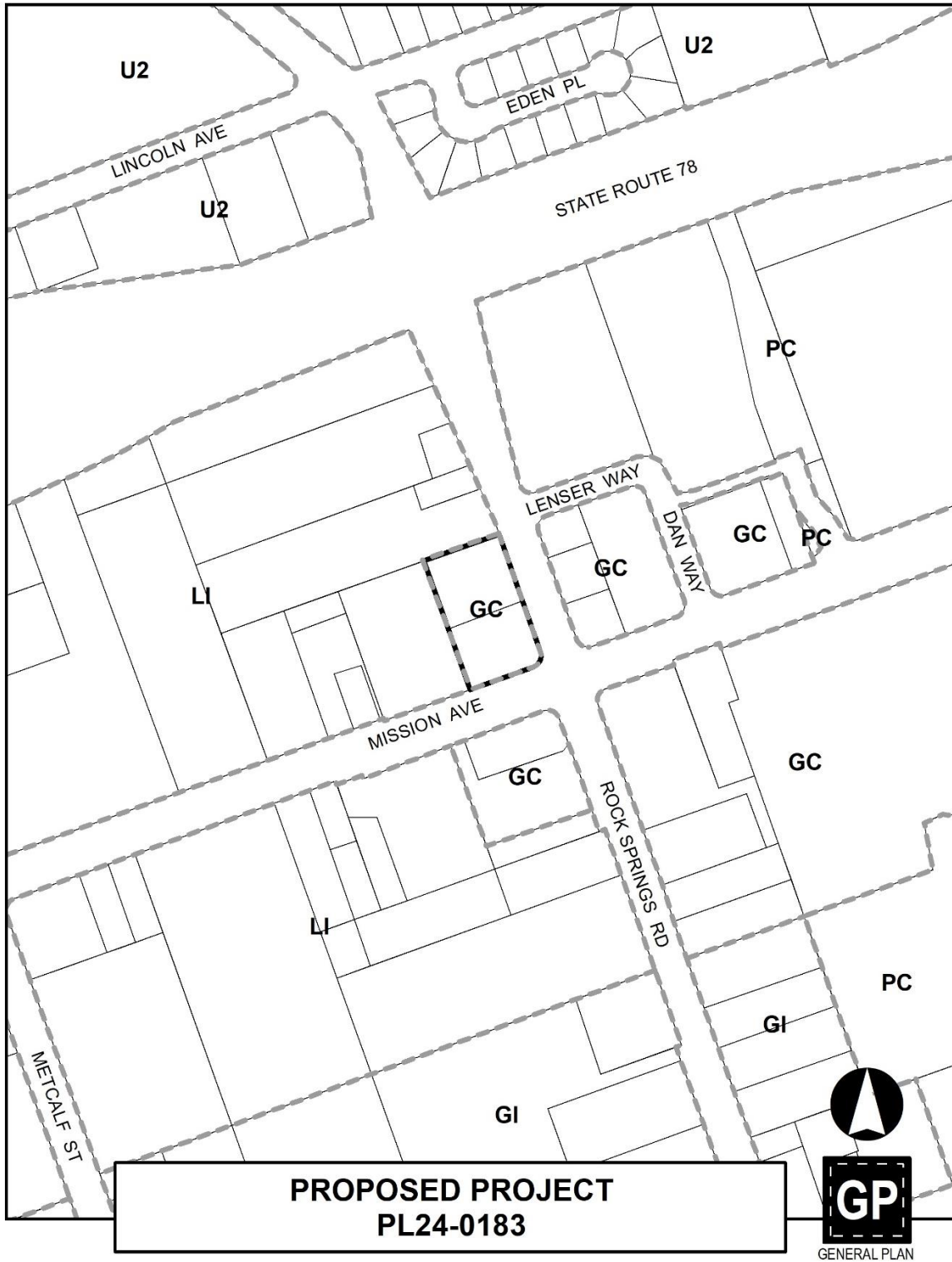


Figure 3: Zoning

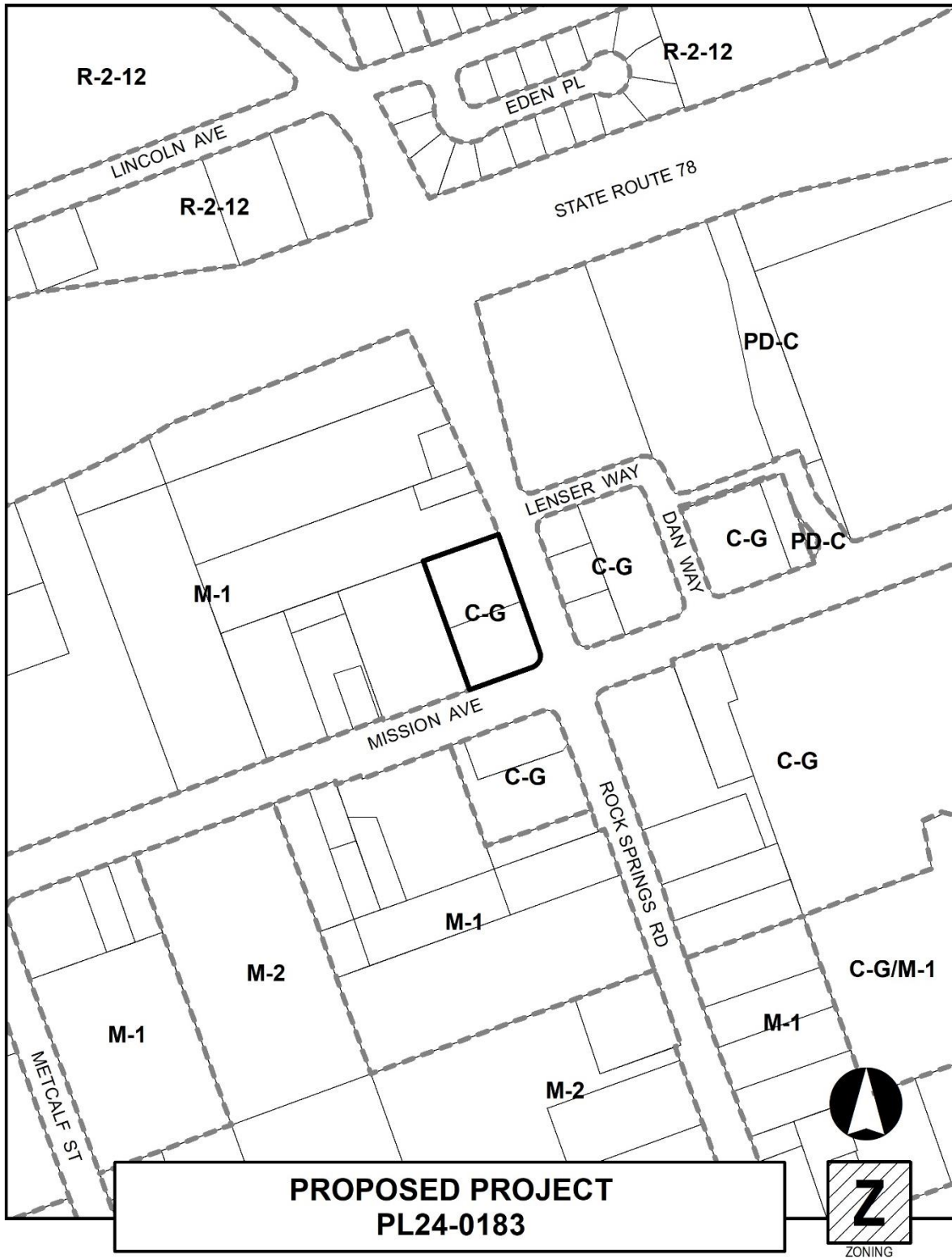


Figure 5: Exterior Elevations



STATUTORY BACKGROUND

The City of Escondido is the CEQA lead agency for the proposed Project. Under CEQA, an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration may be appropriate if minor technical changes or modifications to the project are proposed (CEQA Guidelines Section 15164). An Addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines Section 15164(c)). Because no changes in the approved project are proposed, this Addendum does not require a public hearing or consideration by the City Council.

This MND Addendum demonstrates that the environmental analysis, impacts, and mitigation measures/requirements identified in the December 2020 MND remain substantively unchanged by the situation described herein, and it supports the finding that the proposed VMT methodology and conclusions do not result in new significant impacts and do not exceed the level of impacts identified in the December 2020 MND. Therefore, recirculation of the adopted MND for public review is not required, pursuant to CEQA Guidelines Section 15164. The City has also determined that preparation of a subsequent EIR or MND is not required under CEQA Guidelines Section 15162. To support this decision, the following discussion describes the proposed project modifications and the associated environmental analysis.

IMPACT ANALYSIS

The Project would result in little change with respect to the environmental issue areas analyzed in this Addendum (see Table 1 below). Table 1 demonstrates the result of the Addendum and the conclusions drawn from using a VMT analysis versus one using LOS. With the application of the VMT criteria, the need for mitigation related to LOS criteria is unnecessary. Therefore, as described in further detail in this section, the CEQA analysis supports the determination that the Project would not involve new significant environmental effects or result in a substantial increase in the severity of previously identified significant effects which would call for the preparation of a subsequent EIR, as provided in §15162 of the State CEQA Guidelines.

Table 1

COMPARISON OF ENVIRONMENTAL FINDINGS BETWEEN THE MODIFIED PROJECT AND THE PREVIOUS APPROVED PROJECT

| Environmental Issue | Conditional Use Permit at 900 W Mission IS/MND | Addendum Conclusions for Modified Project | Modified Project Impacts in Comparison to Conclusions of the Approved Project |
|-----------------------------------|------------------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------|
| Transportation and Traffic | Less Than Significant with mitigation | Less Than Significant Impact | Lesser impact |

The Lead Agency, the City of Escondido, conducted an Initial Study with the aid of consultants preparing several technical studies to support their environmental findings (ENV19-0006) in response to the application for General Plan Amendment, Rezone and Conditional Use Permit (PHG19-0049) and again when the entitlement expanded to include a Conditional Use Permit (PHG19-0049) for alcohol sales. In Section 13.7.2, the Initial Study poses four questions to determine a project’s potential impact on the city’s transportation system. The Project’s impact in relation to three of the four CEQA checklist thresholds for transportation or circulation impacts were found to have a less than significant impact. However, one threshold was less than significant with mitigation due to a “conflict with a program, plan, ordinance or policy affect[ing] the circulation system including transit roadway, bicycle or pedestrian facilities” (Section XVII, Appendix G CEQA Guidelines). The Project was determined to conflict with a particular threshold within the General Plan Quality of Life Standards. The Quality-of-Life Standard is used as the threshold for significant impacts, with mitigation using the LOS CEQA transportation metric.

However, the December 2020 IS/MND includes the following language, “Based on the VMT assessment and technical information provided in the VMT Impact Analysis, the proposed project designation is a locally serving land use and any potential project VMT related impacts would be presumed to be less than significant. Therefore, the proposed project would not conflict with CEQA Guidelines section 15064.3 and impacts would be less than significant. No mitigation is required.”

This threshold, criteria, and conclusion are supported by VMT analysis (IS/MND, December 2020) and have since been codified in the adopted TIAG using the same threshold that was used in the December 2020 IEG TIA report, which determined the project to be less than significant using the VMT methodology and requiring no CEQA-related mitigation (TIAG, Section 3.3).

For these reasons, the removal of both TRA-1 and TRA-2 in the MMRP along with the adoption of VMT analysis and conclusions, which represent no nexus between the new development Project or the need to include signalization at West Lincoln Avenue and Rock Springs Road, is consistent with CEQA Guidelines and State Law. However, staff supports the retention of the Condition of Approval requiring the signalization of the West Lincoln Avenue and Rock Springs Road. City staff will maintain the ability to

impose conditions based on threshold and standards using LOS to assess and address traffic impacts of development project.

SUMMARY AND FINDINGS

As analyzed in this report, the Project would not result in any new significant environmental impacts. The original June 2020 IS/MND was modified in December 2020 with an updated environmental analysis. The December 2020 MND update stated that VMT criteria and analysis applied to the project and no mitigation would be required. The analysis contained herein demonstrates that the proposed Project is consistent with the prior Approved Project and many of the impact issues previously examined in the Approved Project would remain unchanged with the proposed Project.

EXHIBIT “D”

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT NAME: 7-Eleven (City File Nos.: PL24-0183/PHG19-0049)
NEG. NEC. NO. : ENV 19-0006
SCH NO.: N/A
APPROVAL BODY: Escondido City Council

PROJECT DESCRIPTION: An Addendum to the Final Mitigated Negative Declaration (MND) for the 7-Eleven Convenience Store and Service Station was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164 (Addendum to an EIR or Negative Declaration). The Addendum also updates the Mitigation Monitoring Reporting Program (MMRP) contained herein. The project consists of an approximately 4,088 SF convenience store with a 4,284 SF gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles. A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the Conditional Use Permit. As of July 1, 2020 the Level of Service (LOS) criteria was replaced by Vehicle Miles Traveled (VMT) as the only metric valid for CEQA analysis and the determination of Transportation and Traffic impacts mitigation measures. The Addendum demonstrates the use of Level of Service (LOS) standards to impose mitigation measures on the project was not in alignment with state standards. When employing the state mandated Vehicles Miles Traveled (VMT) metric and analysis, the project creates "less than significant impacts" without any mitigation. The MMRP will be modified to remove mitigation measures that were identified using the LOS methodology,.

PROJECT LOCATION: 900 W. Mission Avenue (APNs 228-220-13-00 and 228-220-43-00)

APPLICANT/CONTACT PERSON: Ilan Golcheh, Golcheh Group, LLC

PROJECT MANAGER: Vicrim Chima, Planning Consultant, City of Escondido Phone No.: (760) 839-4537
Email: vicrim.chima@escondido.gov

Mitigation Monitoring and Reporting Program

Mitigated Negative Declaration/Initial Study Environmental Checklist

Project No. ENV 19-0006

The City of Escondido adopts this revised Mitigation Monitoring and Reporting Program (MMRP) in accordance with the findings of the Addendum to the Final MND (Attachment XX). The purpose of the MMRP is to ensure that the Project, which is the subject of the Mitigated Negative Declaration (MND) and Initial Study Environmental Checklist, complies with all applicable CEQA criteria and environmental mitigation requirements. The mitigation described in the MND and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts associated with cultural resources, geologic hazards and noise impacts.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for reviewing all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the MND and Initial Study Environmental Checklist. Only those subsections of the environmental issues presented in the Initial Study Environmental Checklist that have mitigation measures are provided below in the MMRP table. All other subsections do not contain mitigation measures. For each mitigation measure, the MMRP table identifies the following: (1) mitigation measure; (2) implementation action; (3) responsible agency/party; (4) monitoring schedule; and (5) verification date.

MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Implementation, Monitoring, and Reporting Action | Responsibility | Monitoring Schedule | | | Verification Date |
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| | | | Before Construction | During Construction | After Construction | |
| Cultural Resources | | | | | | |
| CUL-1: The City of Escondido Planning Division (City) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. | <ul style="list-style-type: none"> Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement. | Applicant; City of Escondido Community Development Department Planning Division | X | | | |
| CUL-2: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitors associated with TCA Tribes have been retained to implement the monitoring program. Because the project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people will be retained for the Project. The archaeologist shall be responsible for coordinating with the Native American monitors. This verification shall be presented to the City in a letter from the project archaeologist that confirms | <ul style="list-style-type: none"> Require verification and approval of qualified archaeologist. | Applicant; City of Escondido Community Development Department Planning Division | X | | | |

MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Implementation, Monitoring, and Reporting Action | Responsibility | Monitoring Schedule | | | Verification Date |
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| | | | Before Construction | During Construction | After Construction | |
| that Native American monitors representing both Luiseño and Kumeyaay associated with a TCA Tribes have been retained. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program. | | | | | | |
| CUL-3: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. | <ul style="list-style-type: none"> Require monitoring program coordination. | City of Escondido Community Development Department Planning Division; Qualified Archaeologist; Grading Contractor | X | | | |
| CUL-4: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring. | <ul style="list-style-type: none"> Require on-site archaeological monitor and Native American Monitor. | City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division | X | X | | |
| CUL-5: In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant | <ul style="list-style-type: none"> Require identification and preservation of any unidentified cultural resources. | City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner; | | X | | |

MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Implementation, Monitoring, and Reporting Action | Responsibility | Monitoring Schedule | | | Verification Date |
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| | | | Before Construction | During Construction | After Construction | |
| deposits shall be minimally documented in the field and collected so the monitored grading can proceed. | | Native American Monitor | | | | |
| CUL-6: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval. | <ul style="list-style-type: none"> Require identification and preservation of any significant tribal resource. Consultation with Native American Monitor. | City of Escondido Community Development Department Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe | | X | | |
| CUL-7: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City. | <ul style="list-style-type: none"> Require research design and data recovery program. Consultation with Native American Monitor. | City of Escondido Community Development Department Planning Division; Project Archaeologist; TCA Tribe | | X | | |

MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Implementation, Monitoring, and Reporting Action | Responsibility | Monitoring Schedule | | | Verification Date |
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| | | | Before Construction | During Construction | After Construction | |
| <p>CUL-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p> | <ul style="list-style-type: none"> Require identification and preservation of any undiscovered cultural resources or human remains. | <p>City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner</p> | | X | | |

MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Implementation, Monitoring, and Reporting Action | Responsibility | Monitoring Schedule | | | Verification Date |
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| | | | Before Construction | During Construction | After Construction | |
| <p>CUL-9: If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows:</p> <ol style="list-style-type: none"> 1. It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received. <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 2. Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be | <ul style="list-style-type: none"> • Require that a Native American monitor is present during any testing or cataloging. • Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe, and/or curated. | <p>City of Escondido Community Development Department Planning Division; Project Archaeologist</p> | | X | X | |

MITIGATION MONITORING AND REPORTING PROGRAM

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| | | | Before Construction | During Construction | After Construction | |
| professionally curated and made available to other archaeologists/researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid. | | | | | | |
| CUL-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. | <ul style="list-style-type: none"> Require documentation of analysis and data by the qualified archaeologist. Consultation with Native American Monitor. | Qualified Archaeologist; Native American Monitor | | | X | |
| Geology | | | | | | |
| GEO-1 Prior to issuance of a grading permit or ground disturbing activities, a preliminary assessment by a professional paleontological resource consultant shall be conducted to determine if the characteristics of a unique paleontological resource or site are present. If determined to be present, and the potential for destruction of a unique paleontological resource or site exists, the preliminary assessment must make recommendations for mitigating potential | <ul style="list-style-type: none"> Paleontological analysis required | Applicant Paleontological consultant | X | X | | |

MITIGATION MONITORING AND REPORTING PROGRAM

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| | | | Before Construction | During Construction | After Construction | |
| impacts, such as monitoring during construction, or identify requirements for the proper documentation per state or federal guidelines, of any significant resource proposed to be impacted. | | | | | | |
| Noise | | | | | | |
| NOI-1: To reduce potential construction noise impacts, the following multi-part mitigation shall be implemented for the proposed project: <ul style="list-style-type: none"> The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. The construction contractor shall ensure that unnecessary idling of internal engines (i.e., idling in excess of 5 minutes) is prohibited. The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. At all times during proposed project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures | <ul style="list-style-type: none"> Requires applicant and contractor to implement specific operational measures to reduce potential noise impacts | Applicant; Construction Contractor | | X | | |

MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Implementation, Monitoring, and Reporting Action | Responsibility | Monitoring Schedule | | | Verification Date |
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| | | | Before Construction | During Construction | After Construction | |
| necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site. | | | | | | |
| Traffic | | | | | | |
| TRA-1 Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportation improvements within the City shall be constructed to the satisfaction of the City Engineer. | Installation of Traffic Signal | Applicant | <u>X</u> | X | X | |
| TRA-2 Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet. | Installation of roadway improvements | Applicant Engineering Services Division | <u>X</u> | X | X | |

EXHIBIT “E”
RESOLUTION NO. 2024-21
PLANNING CASE NO. PL24-0183

Alternative Option No. 1 (Recommended Option) is hereby **recommended for conditional approval** as set forth within the Planning Commission Staff Report dated November 12, 2024.

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

A. General:

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

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
3. **Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes

amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three (3) copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

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

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

6. Certificate of Occupancy.

- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Community Development.

7. Availability of Permit Conditions.

- a. Prior to building permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Community Development.
- b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted

to the Building Division for plan check processing.

- 8. Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
- 9. Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.
- No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. During Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.
- 10. Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.
- 11. Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
- 12. Clerk Recording.**
- a. State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental

impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.

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

13. Legal Description Adequacy. The legal description attached to the application has been provided by the Applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.

14. Application Accuracy. The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.

15. Revocation, Suspension, Modification. At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Community Development for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

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

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or

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

16. Indemnification. The Applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of any approval or denial of the application and from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Applicant, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the Applicant or owner's business or from any activity, work or thing done, permitted or suffered by Applicant or owner or its sublessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Applicant's or owner's part to be performed under the terms of this Agreement, or arising from any negligence of Applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Applicant further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by City in such action(s), including reasonable attorney's fees.

B. Construction, Maintenance, and Operation Obligations:

1. **Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of Community Development, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

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

2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies (including County Department of Environmental Health for USTs, APCD for Healy Tanks and Alcohol Beverage Control type 20 license). Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project,

as necessary to maintain clean, safe, and efficient appearances.

8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

C. Parking and Loading/Unloading.

1. A minimum of 21 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The stripping shall be drawn on the plans or a note shall be included indicating double stripping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

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

- b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) are to be provided prior to final occupancy.
- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Community Development.
- e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

E. Specific Planning Conditions:

1. Prior to the issuance of building permits for the project, a Lot Tie shall be recorded between APNs 228-220-13-00 and 228-220-43-00. The project applicant shall be responsible for the submittal of the Lot Tie application, all required documents, application fees and recording.
2. The landscape plan attached to the project exhibits is conceptual only. The final landscape plan shall include appropriate screening around the main building, to include taller shrubs along the northern and eastern sides of the building. Appropriate street trees also shall be provide along the Rock Springs Road frontage, including along the eastern building frontage. Trees (min. 15 gallon) also shall be provided along the northern perimeter of the site. The final landscape design also shall provide 50 percent or more of shade coverage in 10 years for the open parking spaces.
3. An appropriate property boundary fence or wall shall be provided along the northern and western property boundaries. Appropriate sight distance shall be provided at driveways. Standard chain-link fencing shall not be permitted. Vinyl-clad fencing (with or without slats) would be acceptable. Any perimeter masonry walls shall include pilaster at wall corners, to the satisfaction of the Director of Community Development.

4. The sale of alcoholic beverages as part of this CUP is for the sale of beer and wine only. An appropriate license shall be required from the Department of Alcoholic Beverage Control.
5. Loitering is prohibited on or around these premises or the area under the control of the licensee.
6. No alcoholic beverage shall be displayed within five feet of the cash register of the front door unless it is in a permanently affixed cooler.
7. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
8. No sale of alcoholic beverages shall be made from a drive-in window.
9. No display or sale of alcoholic beverages shall be made from any ice container.
10. No self-illuminating advertising for beer and wine shall be located on the buildings or windows.
11. The facility (convenience store and gasoline station operations) shall be allowed to operate 24 hrs. a day. Employees selling alcoholic beverages between the hours of 10:00 p.m. and 12:00 a.m. shall be at least twenty-one years of age.
12. No beer and wine shall be sold between the hours of 12:00 a.m. and 8:00 a.m.
13. At least two signs shall be posted in visible places on the convenience store building (one adjacent to the entrance) stating the consumption of alcoholic beverages on the premises is prohibited and that violators will be prosecuted.
14. The licensee shall comply with all conditions set forth in the premise license issued through the Department of Alcoholic Beverage Control at all times.
15. If the restrictions imposed by the conditions of approval included with this CUP are stricter than those placed on the ABC license, these conditions shall take precedent.
16. There shall be no amusement machines or video game devices in the premises at any time.
17. No wine shall be sold with an alcohol content of greater than 15 percent by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
18. Beer, malt beverages, and wine coolers shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
19. No other laws shall be violated. Any violation of this Conditional Use Permit or additional conditions set forth in the premise license issued by the Department of Alcoholic Beverage Control may result in a suspension or revocation of this CUP.
20. Prior to the issuance of building permits for the development of the gasoline station, the applicant shall provide evidence to the Escondido Building Division of the issuance of appropriate permits from the San Diego County Department of Environmental Health for the installation of underground storage tanks (USTs), and

appropriate permits for the installation of Healy Tanks from the Air Pollution Control District (APCD).

F. Mitigation Measures:

- CUL-1** The City of Escondido Planning Division (City) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre- excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of
- the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
- CUL-2** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitors associated with TCA Tribes have been retained to implement the monitoring program. Because the project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people will be retained for the project. The archaeologist shall be responsible for coordinating with the Native American monitors. This verification shall be presented to the City in a letter from the project archaeologist that confirms that Native American monitors representing both Luiseño and Kumeyaay TCA Tribes have been retained. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
- CUL-3** The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
- CUL-4** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be

responsible for determining the duration and frequency of monitoring.

- CUL-5** In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
- CUL-6** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
- CUL-7** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
- CUL-8** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and

disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

CUL-9 If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows:

- 1) It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

OR

- 2) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally- affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/ researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.

CUL-10 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

GEO-1 Prior to issuance of a grading permit or ground disturbing activities, a preliminary assessment by a professional paleontological resource consultant shall be conducted to determine if the characteristics of a unique paleontological resource or site are present. If determined to be present, and the potential for destruction of a unique paleontological resource or site exists, the preliminary assessment must make recommendations for mitigating potential impacts, such as monitoring during construction, or identify requirements for the proper documentation per state or federal guidelines, of any significant resource proposed to be impacted.

NOI-1 To reduce potential construction noise impacts, the following multi-part mitigation shall be implemented for the proposed project:

- The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall ensure that unnecessary idling of internal engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- At all times during proposed project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
- The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.

TRA-1 *Removed by Resolution No. 2024-21.*

TRA-2 *Removed by Resolution No. 2024-21.*

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to the approval of any building permit.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Division three (3) copies of the Site Plan as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Site Plan will be certified by the Planning Division verifying that they are an accurate

reproduction of the approved Site Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
2. *Removed by Resolution No. 2024-21.*
3. *Removed by Resolution No. 2024-21.*
4. The project's access drive shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the right-of-way line to the satisfaction of the City Engineer.
5. The Developer shall construct a new traffic signal at the intersection of Rock Springs Road and Lincoln Avenue prior to project occupancy. The Developer shall submit separate traffic signal and signing and striping improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. The traffic signal design shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, and interconnect conduits and cables to an existing traffic signal controller. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal work with the Developer's Contractor(s) and Equipment Suppliers and City staff.
6. *Removed by Resolution No. 2024-21.*
7. The Developer may be responsible for an overlay of Rock Springs Road due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
8. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
9. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
10. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.

11. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
12. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
13. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.
14. The existing W. Mission Avenue bus stop shall be relocated to the satisfaction of the North County Transit District (NCTD) and the City Engineer. The relocated bus stop shall be constructed on W. Mission Avenue along the project frontage. The developer shall provide written correspondence from NCTD stating they have approved the proposed location of

the bus stop prior to approval of the Improvement Plan. The NCTD approved bus stop location shall be shown the Improvement Plan.
15. *Removed by Resolution No. 2024-21.*
16. The proposed Rock Springs Road driveway shall be signed and striped for right turns in and out only.
17. Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportation improvements within the City shall be constructed to the satisfaction of the City Engineer.
18. Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right-out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.

GRADING and SITE IMPROVEMENTS

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.

2. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of asphalt base (AB) or 7" portland concrete cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or work necessary to construct the project and/or the required improvements.
4. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.
5. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.
9. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Drainage Study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
3. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities

located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.

4. Storm water runoff from the W. Mission Avenue frontage improvements shall be treated in accordance with Green Streets" best management practices (BMPs).
5. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
7. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

WATER SUPPLY

1. All water services, detector check assemblies, and other water appurtenances shall be designed and installed at locations required and approved by the Director of Utilities. All new water lateral locations and sizing shall be to the satisfaction of the City Engineer and, in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal. Fire hydrants shall connect to a minimum 8-inch water main.
3. Where fire hydrants are being relocated, the abandoned fire hydrant laterals shall be abandoned at the water main. All existing gate valves and tees shall be removed and a straight run of pipe shall be replaced within the water main to the nearest joints.
4. A fire suppression sprinkler system shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings and per the requirements of the Fire Marshal.
5. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.
6. All on-site water lines and backflow prevention devices not in public easements or the City's Right of Way shall be considered a private water system. The Property Owner will be solely responsible for all maintenance of these water lines and facilities.
7. No trees or deep rooted plants shall be planted within 10-feet of any water service.

SEWER

1. A private 6-inch minimum (PVC) sewer lateral with a standard clean-out within the right-of- way shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye fitting or Inserta-Tee. 8-inches in diameter sewer laterals shall be connected to the public sewer at a manhole.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. No trees or deep rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
5. All sewer lateral(s) and grease traps shall be considered a private sewer system. The Property Owner will be responsible for all maintenance of the sewer lateral(s) and system to the sewer main.
6. A grease trap, if required for the restaurant component of the project, shall be installed at an approved location to the satisfaction of the Director of Utilities.

LANDSCAPE

7. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.
8. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs and landscaping installed in the right-of-way, shall be maintained by the property owner.

EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET

CLASSIFICATION

W. Mission Avenue

Major Road (51' CL to R/W - 9' dedication)

2. All easements, both private and public, affecting subject property shall be shown and

delineated on the Grading and Improvement Plans.

3. The developer shall dedicate to the public a 20-foot radius corner rounding at W. Mission Avenue and Rock Springs Road.
4. The Developer is responsible for making the arrangements quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading plans and Building Permits. Building permits will not be issued for lots in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed. The initial submittal of the plat and legal shall include the required dedication fee in effect at the time of the submittal.

Material necessary for processing a dedication or easement shall include: a current grant deed or title report, a legal description and plat of the dedication or easement signed and sealed by a person authorized to practice land surveying and traverse closure tapes. The City will prepare all final public documents.

FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of 36,000, unless a higher amount is deemed necessary by the City Engineer.
2. *Removed by Resolution No. 2024-21.*
3. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The Developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction,

relocation and undergrounding. All new utilities shall be constructed underground.

SURVEYING AND MONUMENTATION

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey (or Corner Record if appropriate) shall be recorded.

From: [MunicodeEmails](#)
To: [Annie Ward](#); [Dare DeLano](#); [Veronica Morones](#)
Subject: FW: Form submission from: Public Comment
Date: Friday, November 1, 2024 10:56:17 AM

From: Escondido Meetings Portal via Municode Portal <no-reply-portal@municodeweb.com>
Sent: Friday, November 1, 2024 10:56:06 AM (UTC-08:00) Pacific Time (US & Canada)
To: MunicodeEmails <MunicodeEmails@escondido.gov>
Subject: Form submission from: Public Comment

Submitted on Friday, November 1, 2024 - 10:56am

Submitted by user: Visitor

Submitted values are:

Board or Commission for Public Comment Planning Commission
Email mr.jmmartinez@gmail.com
Council Meeting Date 11/12/2024
Item # PL24-0183
Subject Conditional Use Permit Modification
Position In Opposition
First and Last Name Juan Martinez
Are you an Escondido Resident? Yes
Comments
Good morning,

The developer is requesting a modification to remove a previously agreed upon condition. The developer would like to not install a traffic signal at the intersection of Lincoln Ave and Rock Springs. This intersection has needed a traffic signal for many years. I have seen many accidents and close accidents there. My father was involved in an accident and I have been involved in a few near misses. I do not support the removal of the condition. We need a traffic signal there. If not now, when? Will the city install one?



CITY of ESCONDIDO

STAFF REPORT

Agenda Item No. 4

November 12, 2024

Tentative Future Agenda Items

DATE: November 12, 2024
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:

- New construction of an administrative building for an existing charter school

Policy Work:

- Annual Zoning Code Clean Up
- Housing Element Implementation Ordinances
- Planning Commission Bylaw Clean Up

Informational Presentations:

- California Environmental Quality Act
- North County Mall Permit History