



# City of Escondido Zoning Administrator

## MEETING AGENDA

201 North Broadway  
City Hall – Parkview Conference Room  
**August 15, 2024**  
4 p.m.

A. Call to Order:

Zoning Administrator: Veronica Morones, City Planner

B. Agenda items:

1. [PL24-0102 – Conditional Use Permit Modification](#)

**REQUEST:** Approve a Minor Conditional Use Permit for a General Automotive Repair use, consisting of collision repair and a vehicle paint booth within an existing 9,059 square foot commercial building, located on a 2.33-acre multi-tenant commercial center. The proposed use would conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services. The site is zoned General Commercial (C-G) and has a General Plan land use designation of General Commercial (GC), and is located within the boundaries of the East Valley Parkway Area Plan.

**PROPERTY LOCATION:** On the south side of E. Valley Pkwy., and west side of Quarry Glen, addressed as 2127 E. Valley Pkwy. (APN: 231-092-11-00)

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

**DECISION OF THE ZONING ADMINISTRATOR:**

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

2. [PL22-0525 – Conditional Use Permit Modification](#)

**REQUEST:** A modification to a previously approved Conditional Use Permit for an existing preschool serving 66 students and 6 staff, to modify operations and increase enrollment up to 75 students (9 student increase) and no changes in staffing. Operational changes proposed include elimination of the preschool and instead allow for the school to serve transitional kindergarten (TK) through eighth grade on a 4.81-acre parcel with existing education facilities, located on North Broadway. The site is

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



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zoned Single-Family Residential (R-1) and has a General Plan land use designation of Suburban (S).

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

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

**DECISION OF THE ZONING ADMINISTRATOR:**

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

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

**REQUEST:** A modification to previously approved Conditional Use Permit for an existing preschool/daycare serving 144 children, and 13 staff, to modify operations and increase enrollment up to 160 students (16 student increase) and no change to staffing totals. Operational changes proposed include elimination of the preschool/daycare and instead allow for the school to serve transitional kindergarten (TK) through eighth grade on a 0.99-acre parcel with existing educational facilities. The site is zoned Residential Estate (RE) and has a General Plan land use designation of Estate II (E2).

**PROPERTY LOCATION:** North of Mary Lane, east of Bear Valley Parkway, south of Alamo Lane, and west of Foothill Street, addressed as 3751 Mary Lane (APN: 239-330-85-00).

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

**DECISION OF THE ZONING ADMINISTRATOR:**

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

C. Adjournment: \_\_\_\_\_

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

## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PL24-0102

**APPLICANT:** Royal Collision Centre (c/o CCI, Taylor Harris)

**PROJECT LOCATION:** On the south side of E. Valley Pkwy., and west side of Quarry Glen, addressed as 2127 E. Valley Pkwy. (APN: 231-092-11-00)

**REQUEST:** Approve a Minor Conditional Use Permit for a General Automotive Repair use, consisting of collision repair and a vehicle paint booth within an existing 9,059 square foot commercial building, located on a 2.33-acre multi-tenant commercial center. The proposed use would conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services. The site is zoned General Commercial (C-G) and has a General Plan land use designation of General Commercial (GC), and is located within the boundaries of the East Valley Parkway Area Plan.

**STAFF RECOMMENDATION:** Approval

**GENERAL PLAN DESIGNATION:** GC (General Commercial)

**ZONING:** CG (General Commercial), East Valley Parkway Area Plan

**BACKGROUND/PROJECT DESCRIPTION:**

The project site is located in the General Commercial zone (CG) within the boundaries of the East Valley Parkway Area Plan, which permits general vehicle repair with the approval of a Conditional Use Permit pursuant to provisions within Escondido Zoning Code Chapter 33, Article 61, Division 1. The Project will be reviewed as a minor conditional use permit per Division 1, Section 33-1201(b) and 33-1202(c)(3) where the conditional use requiring the permit makes use of an existing building and does not involve substantial remodeling of the existing building or the use of hazardous substances. Therefore, the request is subject to review and determination by the

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

The project site is in a multi-tenant commercial center built in 1987, with 122 parking spaces on a 2.33-acre parcel. The site is comprised of four, detached, commercial buildings totaling 34,605 square-feet (Building A: 9,059 square feet; Building B: 13,066 square feet; Building C: 8,784 square feet; and Building D: 3,696 square feet), originally approved for an automotive parts and repair center under a Plot Plan review (Planning Case File Number: 87-1306-PPL) prior to the adoption of the East Valley Parkway Area Plan (EVPAP) in 2004. Following the adoption of the EVPAP all uses became subject to the permitted land use table in the area plan.

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

The applicant, Royal Collision Centre, is requesting approval of a Conditional Use Permit to operate a general automotive repair facility in Building A, a vacant, 9,059 square foot building located along the east side of the parcel, with six, existing roll-up garage bay doors on the west side of the building. The previous tenants in Building A were a Taekwondo studio and medical supply retail store; and prior to that an auto repair business originally occupied the building in 1987. The applicant is proposing minor site modifications to remove six parking spaces in front of Building A for a total of 116 on-site spaces, where only 109 are required in order to provide access to the existing garage service bays.

The repair facility would consist of a 5,459 square foot collision repair area and an additional 3,600 square-foot area for a vehicle paint booth and equipment. The facility provides collision repair services for exotic and luxury vehicles inclusive of bumper repairs, wheel repairs, paintless dent removals, and spot paint corrections. The hours of operation will be from 7 a.m. to 5 p.m., Monday through Friday. There will be 5 to 10 employees on-site during the hours of operation with 20 to 25 luxury vehicles housed on site daily, and repair of approximately 4 vehicles per day. A towing service is used to pick up and drop off vehicles from dealerships within the area. The proposed use would conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services.

#### **ANALYSIS:**

##### **1. General Plan Conformance:**

The project site is located within the adopted East Valley Parkway Area Plan. Properties located within the adopted East Valley Parkway Area Plan are designated General Commercial (GC) in the Land Use Element of the General Plan, which accommodates a wide variety of retail and service activities. The proposed Conditional Use Permit would be consistent with the General Plan since the adopted East Valley Parkway Area Plan allows general vehicle repair subject to compliance with Article 16 (Commercial Zones), and Article 57, Section 33-1114 (Vehicle sales,

vehicle repair services, fleet storage and tow yard storage, and junkyards and wrecking yards), of the Escondido Zoning Code.

## 2. Zoning Code Conformance:

The project site is in the CG zone (General Commercial) and located within the boundaries of the East Valley Parkway Area Plan, which permits general vehicle repair with the approval of a Conditional Use Permit. The Area Plan permitted use table requires a Conditional Use Permit, subject to Article 61, Division 1, Section 33-1201(b) and 33-1202(c)(3) to allow for the processing of a minor conditional use permit when requests where the conditional use requiring the permit would make use of an existing building and does not involve substantial remodeling of the existing building or the use of hazardous substances. Therefore, the request is subject to review and determination by the Zoning Administrator pursuant to Article 61, Division 1, Sections 33-1202(c) and Division 9, 33-1319.

Per Article 57, Section 33-1114, Vehicle repair services shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district and development standards of subsection 33-1114 (a) and subsection 33-1114(d). No vehicle repair services project shall be granted a permit unless the requirements of Article 57, Section 33-1114 are satisfied.

Parking requirements are subject to the provisions of Article 39 of the Escondido Zoning Code. The required parking ratio for a vehicle repair garage is one space for each 250 square feet of garage floor area and one space for each 800 square feet of storage area.

## **ENVIRONMENTAL STATUS:**

California Environmental Quality Act ("CEQA") Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15301 (Existing Facilities) as described further in the Findings of Fact, attached as Exhibit "B" to Resolution No. 2024-14 (Attachment 2) and the CEQA Notice of Exemption (Attachment 3).

## **REASONS FOR RECOMMENDATION:**

Staff recommends approval of the Minor CUP for the collision repair facility as the uses adhere to the requirements of the East Valley Parkway Area Plan and municipal code.

The Project site retains two points of ingress/egress for appropriate access and on-site circulation and there is adequate parking provided. The existing project site consists of 122 parking spaces, and the new restriping plan will remove six parking spaces in front of the garage service bays for a total of 116 parking spaces where 109 are required. The applicant prepared a new parking space count analysis with an updated current list of tenants in the commercial buildings which are included with the site plan per the provisions of Article 39 of the Escondido Zoning Code. The parking analysis showed a total of 109 parking spaces are required for all uses in the center, with

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a surplus of 7 spaces, and therefore does not exceed the 116 parking spaces provided on site. This analysis includes the required 25 spaces for the repair facility in Building A.

The new use is not anticipated to have any adverse impacts on the surrounding properties since it is located within an existing commercial building that was originally approved and constructed for auto repair uses prior to the adoption of the Area Plan. The new use is compatible with the surrounding automotive repair uses within the center. The proposed use would conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services. Conditions of approval have been included with the draft resolution to address areas of concern, and ensure compliance with all regulations with the Escondido Zoning Code.

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

Respectfully submitted,

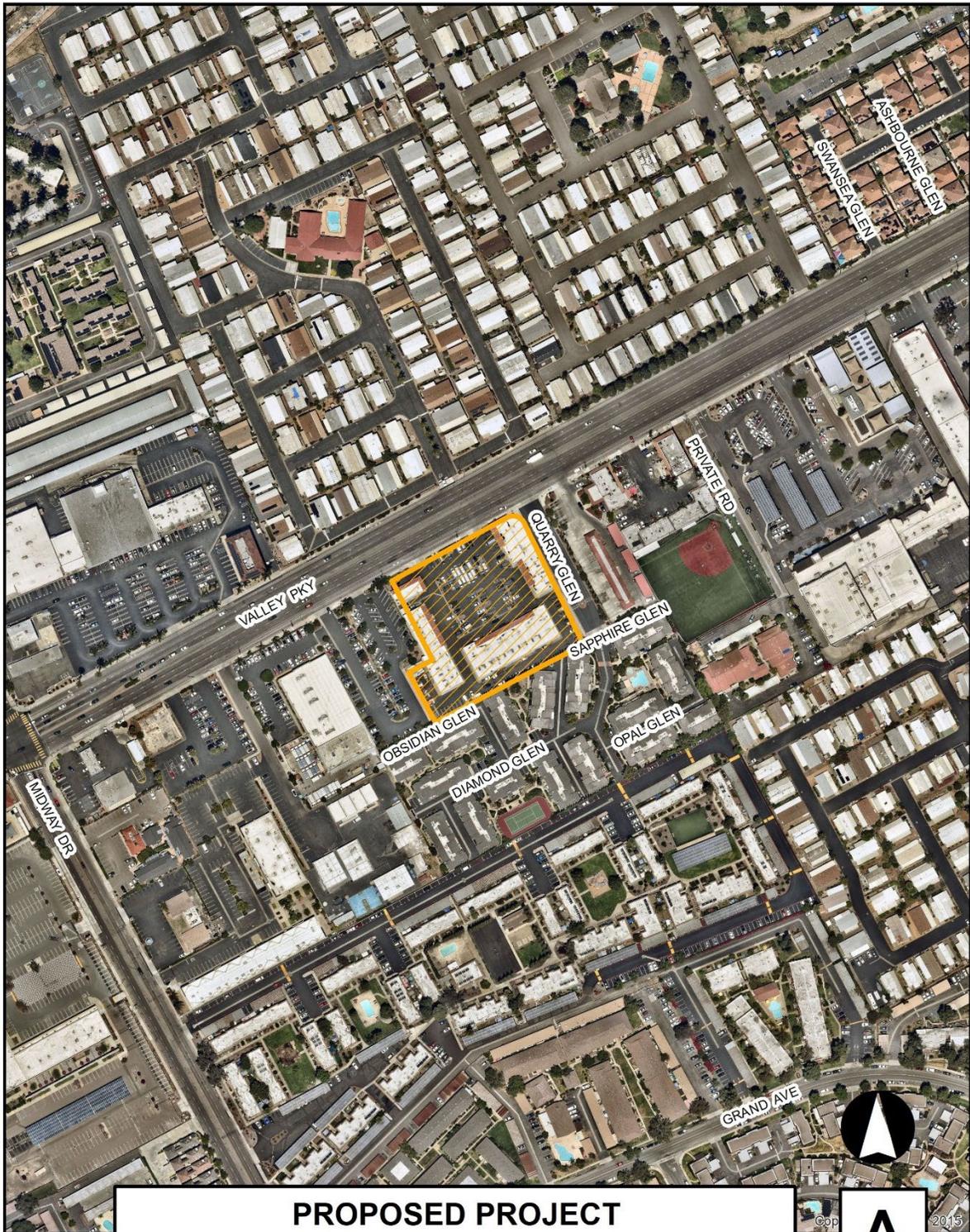
*Jasmin Perunovich*

Jasmin Perunovich  
Assistant Planner II

**ATTACHMENTS:**

1. Project Location, Zoning and General Plan Land Use Maps, Photos
2. Draft Zoning Administrator Resolution No. 2024-14, Including Exhibits A, B, C and D
3. CEQA Notice of Exemption

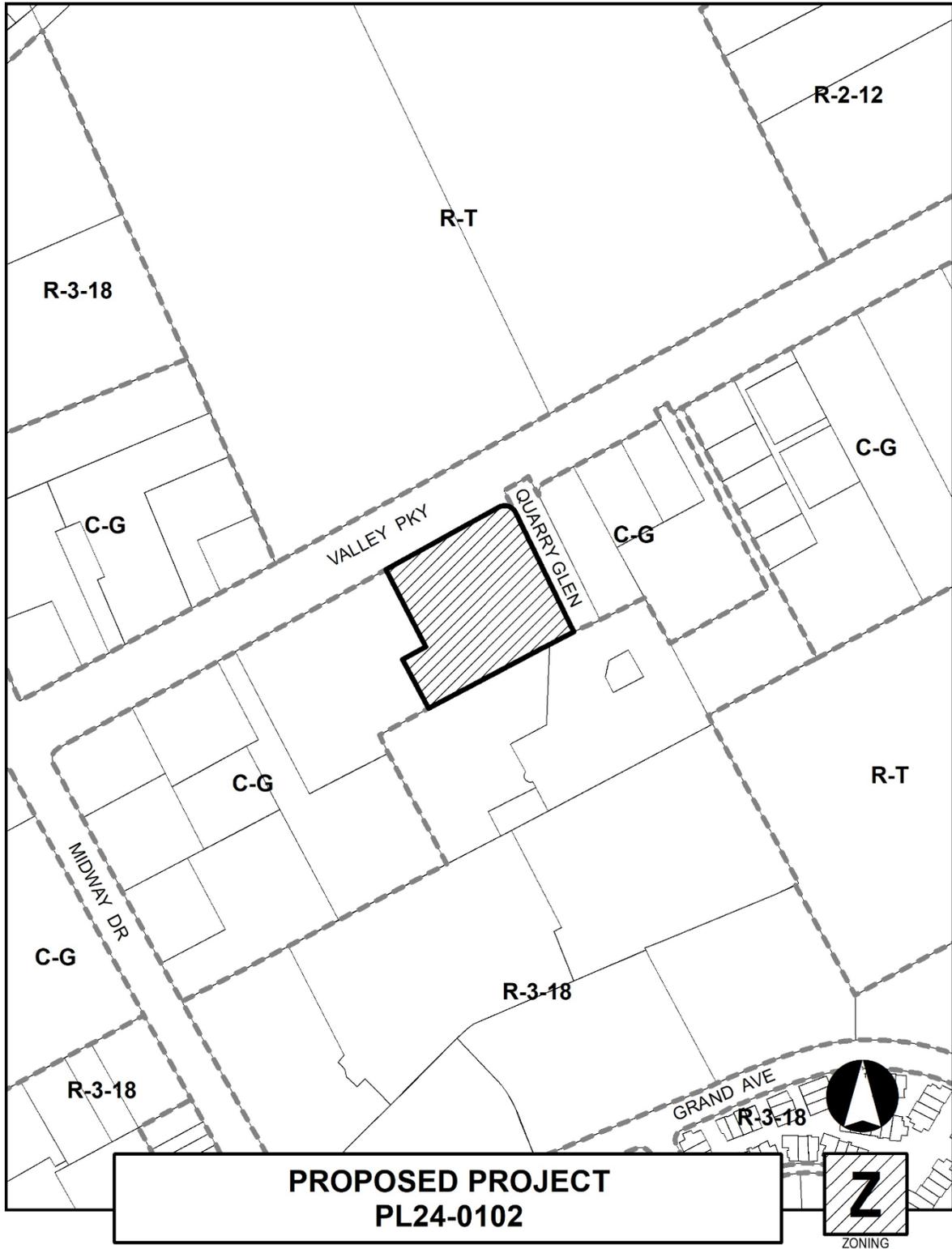
**ATTACHMENT 1**

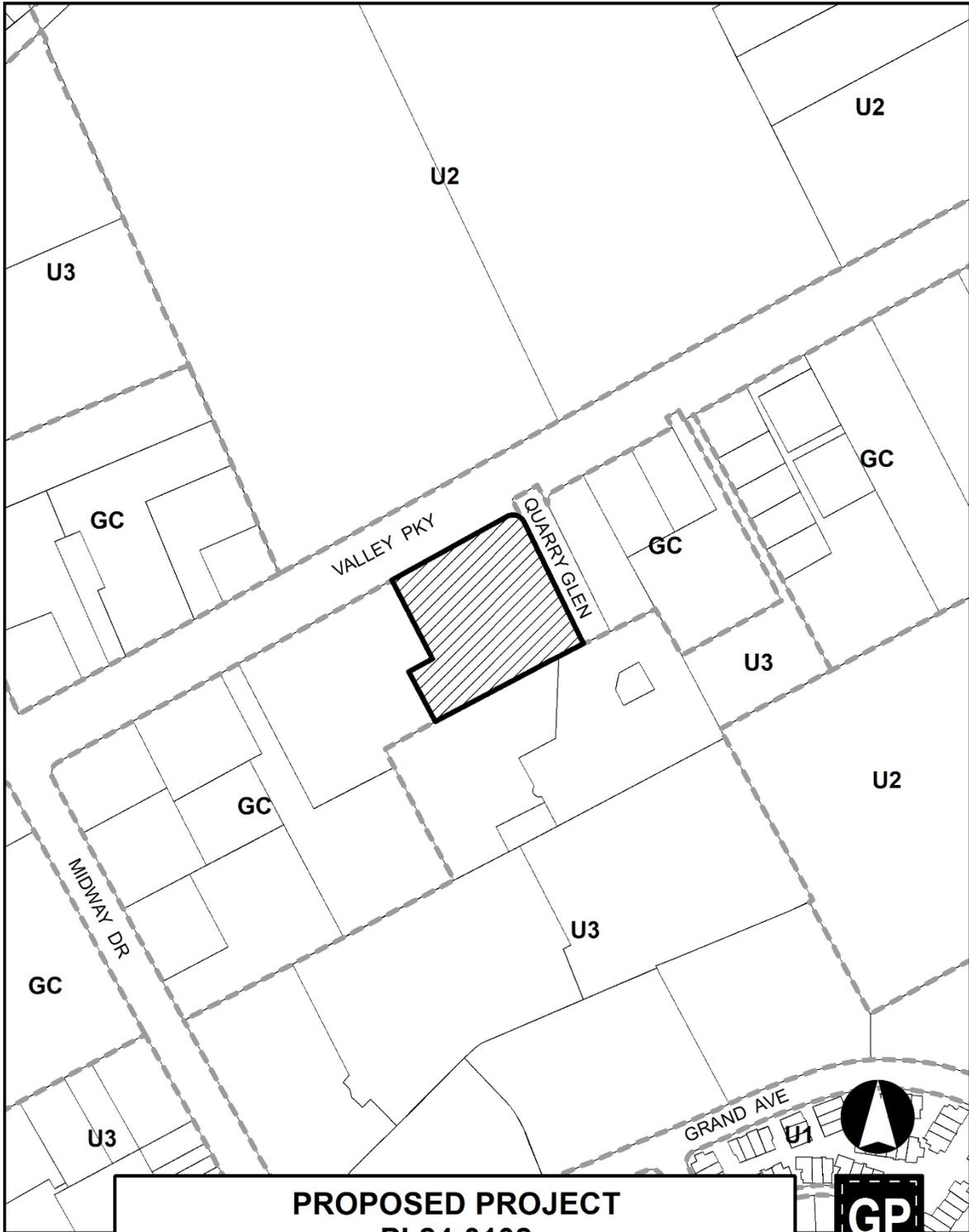


**PROPOSED PROJECT  
PL24-0102**

**A**

AERIAL





**PROPOSED PROJECT**  
**PL24-0102**



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West Building Elevation



North Building Elevation

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East Building Elevation



View of entire commercial center from E. Valley Pkwy.

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**ATTACHMENT 2**  
**PL24-0102**

Zoning Administrator

Hearing Date: August 15, 2024

Effective Date: August 27, 2024

RESOLUTION NO. 2024-14

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MINOR CONDITIONAL USE PERMIT  
FOR A GENERAL AUTOMOTIVE REPAIR USE IN  
THE CG ZONE AND IN THE EAST VALLEY  
PARKWAY AREA PLAN.

APPLICANT: CCI, c/o Taylor Harris, for Royal Collision Centre

CASE NO: PL24-0102

WHEREAS, the Zoning Administrator of the City of Escondido did, on August 15, 2024 hold a public hearing to consider a request for a Minor Conditional Use Permit for a General Automotive Repair use, consisting of collision repair and a vehicle paint booth, within an existing 9,059 square foot commercial building, located on the east side of a 2.33-acre multi-tenant commercial center. The use will conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services.

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

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written information, and the staff report dated August 15, 2024, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code pursuant to Chapter 33, Article 61, Division 6 and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines sections 15061 and 15062; and

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

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

1. That the above recitations are true and correct.
2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines 15301 ("Existing Facilities"). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects and no further environmental review is required.
3. That, considering the Findings of Fact attached as Exhibit "B" hereto, and applicable law, the Zoning Administrator hereby approves said Minor Conditional Use Permit as depicted on the project plans included as Exhibit "C," and subject to the Conditions of Approval attached as Exhibit "D."

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 24 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

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

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PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the  
City of Escondido, California, at a regular meeting held on the 15th day of August, 2024.

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VERONICA MORONES  
Zoning Administrator

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ALEX RANGEL  
Witness

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

Zoning Administrator  
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**EXHIBIT "A"**  
**PLANNING CASE NO. PL24-0102**  
**LEGAL DESCRIPTION**

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

Parcel One:

The Northwestern 330.00 feet of Lot 8 in Block 182 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to [Map thereof No. 723](#), filed in the office of the County Recorder of San Diego County, August 13, 1892.

Excepting therefrom the Southwesterly 180.00 feet and the Northeasterly 170.00 feet thereof.

Also excepting therefrom: All of the Northwestern 23.00 feet of the Southwesterly 310.00 feet of the Northeasterly 480.00 feet of Lot 8 in Block 182 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to [Map thereof No. 723](#), filed in the Office of the County Recorder of San Diego County, August 13, 1892.

And further excepting therefrom: That certain portion of said Lot 8, described as follows:

Beginning at the most Easterly corner of the last above described exception; thence along the Southeasterly line thereof South 61° 23' 44" West, 20.02 feet to a point of curvature of a tangent 20.00 foot radius curve concave Southerly; thence Northerly, Northeasterly and Easterly along the arc of said curve through a central angle of 90° 02' 58" a distance of 31.43 feet to a point of tangency; thence North 28° 33' 18" West, 20.02 feet to the point of beginning.

Parcel Two:

The Northeasterly 50.00 feet of the Southwesterly 180.00 feet of the Southeasterly 130.00 feet of the Northwestern 330.00 feet of Lot 8 in Block 182 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to [Map thereof No. 723](#), filed in the office of the County Recorder of San Diego County, August 13, 1892.

APN: [231-092-11-00](#)

**EXHIBIT “B”**  
**PLANNING CASE NO. PL24-0102**  
**FINDINGS OF FACT**

**Environmental Determination:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15301 (Existing Facilities). The proposed Project meets all applicable conditions, as further described below:
  - a. The project is consistent with the applicable General Commercial (GC) General Plan land use designation and the Commercial General (CG) zoning designation. General automotive repair is permitted, subject to the approval of a Conditional Use Permit within the CG zone of the East Valley Parkway Area Plan. The project involves the use of an existing, vacant 9,059 square foot building within one of four commercial buildings in a multi-tenant center which was comprehensively designed and approved for automotive repair prior to the adoption of the Area Plan. The Project will consist of minor interior and exterior alterations and the proposed use, a collision repair with vehicle paint booth, would conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services. The project site is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive. The project thus adheres to the criteria of CEQA Guidelines section 15301(a).
  - b. Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed project is consistent with the Municipal Code and General Plan policies. There are no unusual circumstances surrounding the proposed project that would result in a reasonable possibility of a significant effect on the environment in that the area of impact is already disturbed and improved with an existing, permitted building and parking lot, and all improvements would be required to comply with local and state laws. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources, because the locations of the proposed

improvements would be located within an area of the City previously disturbed and developed. The project area is not environmentally sensitive.

3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the August 15, 2024 Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

**Conditional Use Permit Findings (Escondido Zoning Code Section 33-1203):**

The Zoning Administrator has reviewed the record, including the applicable CEQA findings, and makes the following findings for a Minor Conditional Use Permit:

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

The approval of this Minor Conditional Use Permit is granted upon sound principles of land use in that the use is proposed within an existing commercial building, which fronts on East Valley Parkway and located on the eastern part of East Valley Parkway Area Plan. Properties within the East Valley Parkway Area Plan are designated General Commercial (GC) in the Land Use Element of the General Plan (refer to Figure 2 – General Plan). This area accommodates a broad range of retail and service activities, including personal and business retail sales and service, eating and drinking establishments, and offices. Automobile sales and service, while generally allowed in the general commercial area, are subject to special zoning restrictions along East Valley Parkway.

Surrounding uses to the project site do include two residential uses—mobile homes to the north and multifamily residential to the south. The project site is an already established commercial center that maintains a masonry block wall at the southern and eastern boundaries. Further East Valley Parkway, a Super Major Road per the Circulation and Mobility Element of the General Plan, intervenes between the project site and mobile homes to the north. Therefore, existing conditions of the project site and intervening infrastructure make the proposed use a reasonable land use in this location.

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

The business operations will be conducted entirely inside the building and no building expansions are proposed as part of the project. As such, the Project remains consistent

with the existing uses of the commercial center originally developed to accommodate automotive vehicle repair services. Outdoor storage, outdoor car wash or outdoor detailing services are not allowed within the center and all activities will be conducted within the existing building. The Project site retains two points of ingress/egress for appropriate access and on-site circulation and adequate parking. All activities would be subject to the requirements of the Noise Ordinance and the East Valley Subarea Plan and the Escondido Municipal Code.

Surrounding uses to the project site do include two residential uses—mobile homes to the north and multifamily residential to the south. The project site is an already established commercial center that maintains a masonry block wall at the southern and eastern boundaries. Further East Valley Parkway, a Super Major Road per the Circulation and Mobility Element of the General Plan, intervenes between the project site and mobile homes to the north. Therefore, existing conditions of the project site and intervening infrastructure make the proposed use a reasonable land use in this location.

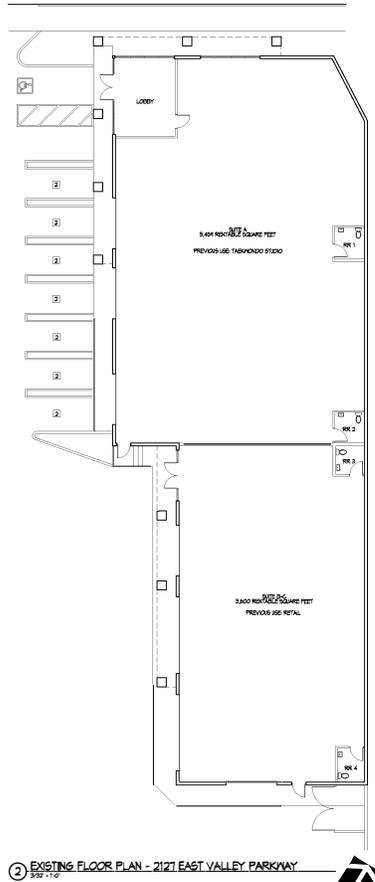
3. *A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.*

The proposed use is conditionally permitted within the CG zone of the East Valley Parkway Area Plan, subject to compliance with the requirements of the Escondido Municipal Code. The proposed use is located within an existing commercial building and meets the development and performance requirements of Article 16, Article 57, and the East Valley Parkway Area Plan.

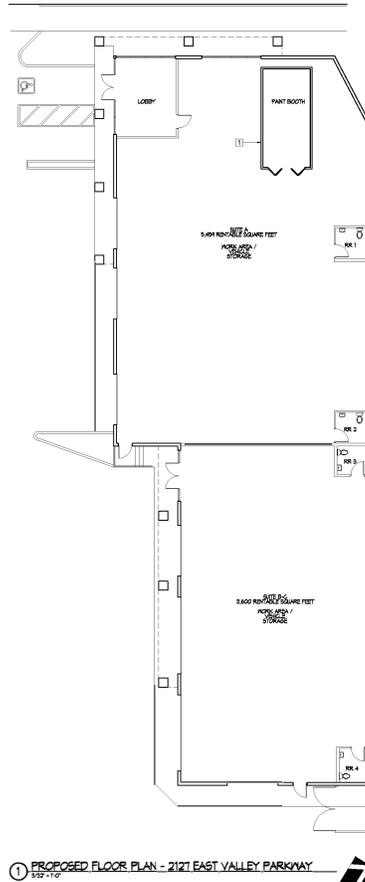
Surrounding uses to the project site do include two residential uses—mobile homes to the north and multifamily residential to the south. The project site is an already established commercial center that maintains a masonry block wall at the southern and eastern boundaries. Further East Valley Parkway, a Super Major Road per the Circulation and Mobility Element of the General Plan, intervenes between the project site and mobile homes to the north. Therefore, existing conditions of the project site and intervening infrastructure make the proposed use a reasonable land use in this location.

This Minor Conditional Use Permit was reviewed by Staff and determined, based on the conditions outlined under Exhibit “D” and project scope described within this staff report, is compatible with the surrounding properties. The proposed project would not diminish the quality-of-life standards of the General Plan because the Project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided on site.





2 EXISTING FLOOR PLAN - 2121 EAST VALLEY PARKWAY  
 5/22/17



1 PROPOSED FLOOR PLAN - 2121 EAST VALLEY PARKWAY  
 5/22/17

PLANNING CASE FILE NUMBER:  
 PL24-0102

GENERAL NOTES - FLOOR PLANS

1. THIS FLOOR PLAN IS NOT A SURVEY. IT IS PROVIDED FOR GENERAL LAYOUT OF EXISTING CONDITIONS ONLY.
2. DIMENSIONS ARE APPROXIMATE ONLY.
3. PROPOSED AREAS TO BE REMOVED OR RELOCATED SHALL BE IN COMPLIANCE WITH ALL APPLICABLE ORDINANCES.
4. IT IS ASSUMED THAT EXISTING CONSTRUCTION WAS DESIGNED BY A LICENSED PROFESSIONAL AND PERMITTED.

APN  
 281-02-01-00

SCOPE OF WORK

- EXTERIOR:  
 EXISTING PARKING SPACES IN FRONT OF BLDG. AT DOORS. NO MODIFICATIONS TO THE EXTERIOR OF THE BUILDING ARE PROPOSED OTHER THAN MECHANICAL EQUIPMENT ON THE ROOF AND THE SCREENING OF THIS EQUIPMENT, AS PART OF FUTURE TRAVEL IMPROVEMENT.
- INTERIOR:  
 PAINTING OF FLOORS, WALLS AND CEILING AND ADDITION OF PAINT BOOTHS AS PART OF FUTURE TRAVEL IMPROVEMENT TO BE SUBMITTED TO THE BUILDING DEPARTMENT.

FIRE SPRINKLERS ARE NOT REQUIRED.

THE BUSINESS OPERATIONS WILL BE CONDUCTED ENTIRELY INSIDE THE BUILDING.  
 NO OUTDOOR STORAGE, REPAIR OR MAINTENANCE OF VEHICLES, MACHINERY OR EQUIPMENT WILL BE PERFORMED ON SITE.  
 NO DELIVERY, LOADING AND/OR UNLOADING OF VEHICLES SHALL OCCUR ON PUBLIC STREETS OR HIGHWAYS.

KEYNOTES - SITE PLAN

- 1 PROPOSED PAINT BOOTHS
- 2 PARKING SPACE TO BE REMOVED

FORE Studio  
 3011 Bayview Drive  
 Emeryville, CA 94608  
 415.434.9119



THE ROYAL COLLISION CENTER  
 2121 EAST VALLEY PARKWAY, ESCONDIDO, CA 92027

7.1.2024  
 UPDATE

FLOOR PLANS

A1-1

## EXHIBIT “D”

### PLANNING CASE NO. PL24-0102

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on April 12, 2024 and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations, received on July 1, 2024; all designated as approved on August 15, 2024, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term “Applicant” shall also include the Project proponent, owner, permittee, and the Applicant’s successors in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall automatically expire after 24 months from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to

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

**4. Conformance to Approved Plans.**

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

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

**6. Certificate of Occupancy.**

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

**7. Availability of Permit Conditions.**

- a. Prior to building permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.



## 12. Clerk Recording.

- a. **Exemption.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.
- b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

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

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

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

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

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

**16. Indemnification, Hold Harmless, Duty to Defend.**

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).
- b. The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City,

including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

- c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

## **B. Construction, Maintenance, and Operation Obligations:**

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

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent

structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

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

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

- 8. Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
- 9. Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
- 10. Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- 11. Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

**C. Parking and Loading/Unloading.**

1. Based on the parking analysis provided by the applicant and shown on the Site Plan, a total of 116 parking spaces are provided on site. A total of 109 parking spaces are required for all uses in the center with a surplus of 7 spaces. This total includes the 25 parking spaces required for the repair facility in Building A. Said parking spaces provided by the Property owner and Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

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

**E. Specific Planning Division Conditions:**

1. This Minor Conditional Use Permit allows for General Automotive Repair for Royal Collision Centre in Building A only as described in the August 15, 2024 Zoning Administrator staff report. No other activities are permitted by this approval.
2. This project shall adhere to all applicable development standards for a General Vehicle Repair/Vehicle Repair Services in the General Commercial (CG) zone set forth in Article 16, Article 57, Section 33-1114(a) (1 through 4) and (d) (1 through 6) of the Escondido Zoning Code, and the East Valley Parkway Area Plan.
3. Applicant shall acquire all permits required from the San Diego County Air Pollution Control District prior to building permit issuance. Documentation for permit requirements shall be provided to the satisfaction of the Planning Division.
4. The proposed vehicle paint booth and associated roof-mounted, ground-mounted, or wall-mounted mechanical equipment and devices shall comply with the screening requirements of Article 56, Section 33-1085 of the Escondido Zoning Code. The type of screening method and materials used for the mechanical equipment is subject to the architectural design guidelines of Article 64 of the Escondido Zoning Code and the East Valley Parkway Area Plan and may be subject to a separate Design Review.
5. No retail sales of vehicles allowed.
6. No outdoor dismantling, repair, painting, or washing of equipment or vehicles, trucks and/or trailers allowed on the property.
7. There are no outdoor storage areas permitted with this project. No outdoor storage of vehicles, materials or tires shall occur on the property.
8. Delivery, loading, and unloading shall occur on-site. No delivery, loading, and/or unloading shall occur on public streets or rights-of-way.
9. The hours of operation for the facility shall be limited to 7 a.m. to 5 p.m., Monday through Friday.
10. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
11. A valid City of Escondido Business License shall be maintained at all times.
12. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering Services, and Building Divisions have been completed.

13. The Applicant shall provide the Planning Division with revised plan sets for this Permit record prior to building plan submittal. The plans shall be revised to address the following, to the satisfaction of the Director of Development Services or their designee:
  - Site Plan, Parking Calculation:
    - a. Include in the parking calculation the vacant 2121 E Valley Pkwy, Suite F, under Retail Use.
    - b. Revise the Total Required Parking to 109.
    - c. Revise the Total Parking Provided on site to 116.
  - Label each building with the following letters:
    - Building A: 2127 E. Valley Pkwy.
    - Building B: 2121 E. Valley Pkwy.
    - Building C: 2115 E. Valley Pkwy.
    - Building D: 2109 E. Valley Pkwy.
  - Include building elevation drawings to show all four sides of Building A.
  - Include the proposed vehicle paint booth details and associated mechanical equipment. The vehicle paint booth may also be submitted separately to Building Division as part of a future tenant improvement.
14. Building plans, prepared by a licensed design professional, shall be submitted for this project and shall comply with the building and fire codes in effect at the time of building plan submittal.
15. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.

**F. Specific Building Division Conditions:**

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



## ATTACHMENT 3 NOTICE OF EXEMPTION

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

### Notice of Exemption

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

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

**Project Title/Case No:** The Royal Collision Centre / PL24-0102

**Project Location - Specific:** On the south side of E. Valley Pkwy., and west side of Quarry Glen, addressed as 2127 E. Valley Pkwy. (APN: 231-092-11-00)

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

#### Description of Project:

A Minor Conditional Use Permit for General Automotive Repair use, consisting of collision repair and a vehicle paint booth within an existing 9,059 square foot commercial building, located on a 2.33-acre multi-tenant commercial center. The proposed use would conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services. The site is zoned General Commercial (C-G) and has a General Plan land use designation of General Commercial (GC), and is located within the boundaries of the East Valley Parkway Area Plan.

**Name of Public Agency Approving Project:** City of Escondido

#### Name of Person or Agency Carrying Out Project:

Name: CCI, (c/o Taylor Harris)

Address: 160 Industrial St. #200, San Marcos, CA 92078

Telephone: 760-471-2365

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

#### Exempt Status:

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

#### Reasons why project is exempt:

The proposed project qualifies for a categorical exemption pursuant to CEQA Guidelines section 15301(a) meeting all applicable conditions, as further described below.

1. The project is consistent with the applicable General Commercial (GC) General Plan land use designation and the Commercial General (CG) zoning designation. General automotive repair is permitted with the approval of a Conditional Use Permit within the CG zone of the East Valley Parkway Area Plan. The project involves the use of an existing, vacant 9,059 square foot commercial building in a multi-tenant center which was comprehensively designed and approved for automotive repair prior to the adoption of the Area Plan, with minor interior and exterior alterations. The proposed use, a collision repair with vehicle paint booth, would conduct all activities indoors, and there will be no outdoor vehicle storage, outdoor repair, outdoor car wash or outdoor detailing services. The project site is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive. The project thus adheres to the criteria of CEQA Guidelines section 15301(a).
2. Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed project is consistent with the Municipal Code and General Plan policies.

Updated: 6/17/2021

Zoning Administrator  
August 15, 2024

PL24-0102 There are no unusual circumstances surrounding the proposed project that would result in a reasonable possibility of a significant effect on the environment in that the area of impact is already disturbed and improved with an existing, permitted building and parking lot, and all improvements would be required to comply with local and state laws. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources, because the locations of the proposed improvements would be located within an area of the City previously disturbed and developed. The project area is not environmentally sensitive.

**Lead Agency Contact Person:**

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

Signature: \_\_\_\_\_

Jasmin Perunovich  
Assistant Planner II

\_\_\_\_\_ Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PL22-0525

**APPLICANT:** Bill Hofman, Hofman Planning Associates

**PROJECT LOCATION:** 1800 N. Broadway (APN: 227-680-47-00)

**REQUEST:** A modification to a previously approved Conditional Use Permit for an existing preschool serving 66 students and 6 staff, to modify operations and increase enrollment up to 75 students (9 student increase) and no changes in staffing. Operational changes proposed include elimination of the preschool and instead allow for the school to serve transitional kindergarten (TK) through eighth grade on a 4.81-acre parcel with existing education facilities, located on North Broadway. The site is zoned Single-Family Residential (R-1) and has a General Plan land use designation of Suburban (S).

**STAFF RECOMMENDATION:** Approval

**GENERAL PLAN DESIGNATION:** S (Suburban)

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

### **BACKGROUND/PROJECT DESCRIPTION:**

The project site is located within the R-1 (Single-Family Residential) zone (Attachment 1), which permits primary and secondary schools subject to the approval of a Conditional Use Permit (CUP). Per Article 61, Division 1, Section 33-1202(C)(8), a modification to an existing major Conditional Use Permit that otherwise meets the criteria under sections 33-1202(c)(1)-(7) can be heard by the Zoning Administrator. Further, pursuant to Article 61, Section 33-1201(b), the Director of Development Services is authorized to determine that a conditionally permitted use qualifies for processing as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request, which includes no new construction or changes to existing buildings for the proposed use.

The project site consists of a 1,771 square-foot office building and a 11,241 square-foot, one-story primary religious facility constructed in 1989 with 130 parking spaces on a 4.81-acre property. The project site is surrounded by single-family residential uses along the north, east

and south sides with multi-family residential and educational uses on the west side. The original Conditional Use Permit for the site, 87-66-CUP, permitted the church with a preschool use for up to 66 students and 6 staff members on-site. The applicant proposes to modify the existing Conditional Use Permit to expand grade levels to transitional kindergarten through eighth grades. The facility will increase enrollment with the addition of 9 students and have a maximum capacity of 75 children, and up to 6 staff members.

The school will continue to utilize the existing church property with a total of 130 parking spaces, with 6 allotted to school staff parking spaces and 27 spaces for the church office use on weekdays. The original CUP utilized the one space per 100 square feet of floor area parking calculation for the church office, resulting in a requirement of 16 spaces for the office floor area (1,664 square-foot). Pursuant to Article 39 of the Escondido Zoning Code, one parking space per staff person is required during the shift with the maximum number of employees for the school, resulting in 6 required spaces. The original CUP approved for hours of operation between 7:30 a.m. and 6:00 p.m.; however, the proposed hours of operation are from 8:00 a.m. to 4:00 p.m. for the school Monday through Friday with the church continuing its operation as specified in the CUP (87-66-CUP). Per typical church operations, 27 church staff are on site during the weekdays from 9:00 a.m. to 5:00 p.m., requiring 27 spaces for the office use and varied on-site staff for varied church-activities taking place during after school hours. On occasion, a memorial service may be held on-site at the church, requiring a maximum of 67 spaces on a weekday, where 124 spaces would be available for such service.

The proposed schedule for the school operations will be as follows:

8:40 a.m. - 9:00 a.m.	Drop-off, outdoor play, breakfast
9:00 a.m. - 9:50 a.m.	Classes
9:50 a.m. - 10:00 a.m.	Recess
10:00 a.m. - 10:50 a.m.	Classes
10:50 a.m. - 11:00 a.m.	Recess
11:00 a.m. - 12:15 p.m.	Classes
12:15 p.m. - 1:00 p.m.	Lunch and movement
1:00 p.m. - 2:20 p.m.	Classes
2:20 p.m. - 3:00 p.m.	Pick-up

The proposed project will not make any physical modifications to the site, and will utilize the existing parking areas, and designated drop-off and pick-up areas for students using the circulation pattern depicted in the Resolution attachment (Attachment 2 to the report).

The project was reviewed by the Staff Development Committee, including by Traffic Engineering and determined that significant traffic impacts on the surrounding streets and intersections would not occur. The portion of North Broadway the project site fronts is identified as a Major Road per Figure III-6 of the City's General Plan. The Traffic Engineering Division reviewed the project and confirmed that the proposed scope of work would not generate more than 200 average daily trips (ADTs), as referenced within the SANDAG (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region. Therefore, pursuant to the City's Transportation Impact Analysis Guidelines Sections 3 and 4, no further study is required.

**PUBLIC NOTICE:**

Staff published and mailed public notices in adherence of the Escondido Zoning Code (Article 61, Division 6, Section 33-1300) and received one letter of opposition. The letter referenced traffic queueing concerns with the project.

**ENVIRONMENTAL STATUS:**

California Environmental Quality Act (“CEQA”) Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes) as described further in the Findings of Fact, attached as Exhibit “B” to Resolution No. 2024-12 (Attachment 2) and the CEQA Notice of Exemption (Attachment 3).

**REASON FOR STAFF RECOMMENDATION:**

Staff recommends approval of the modification to the current CUP for the expansion of TK through eighth grades as the use adheres to the requirements within the municipal code. All prior conditions not otherwise modified by this request shall remain in full force and effect. This includes a maximum of 33 students outdoors in the designated play areas at any given time; playground use between the hours of 7:30 a.m. and 5:00 p.m. only; a minimum of 2 adult supervisors during playground use.

Ingress and egress on and off the site will be accommodated via the driveway at the west side of the property. Parking for the primary school requires a total of 6 parking spaces, one parking space per staff person (6) during the shift and 27 spaces for the church administrative staff. On-site parking will provide adequate loading and unloading or pick-up and drop-off zones on the property per the provided site plan.

The project would not have a significant traffic impact on the surrounding streets and intersections as all maneuvering will be on-site. The pick-up/drop-off area would occur on-site at the east side of the building and not on public streets or rights-of-way. Therefore, the impacts along the main corridor would be minimal. The project meets the Transportation Impact Analysis Guidelines Appendix D: Screening Criteria and Threshold Evidence. The proposed use qualifies as a “Small Project” per the City’s Adopted Transportation Impact Analysis Guidelines and is not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis or complete a Local Mobility Analysis.

Zoning Administrator  
August 15, 2024  
PL22-0525

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

Respectfully submitted,

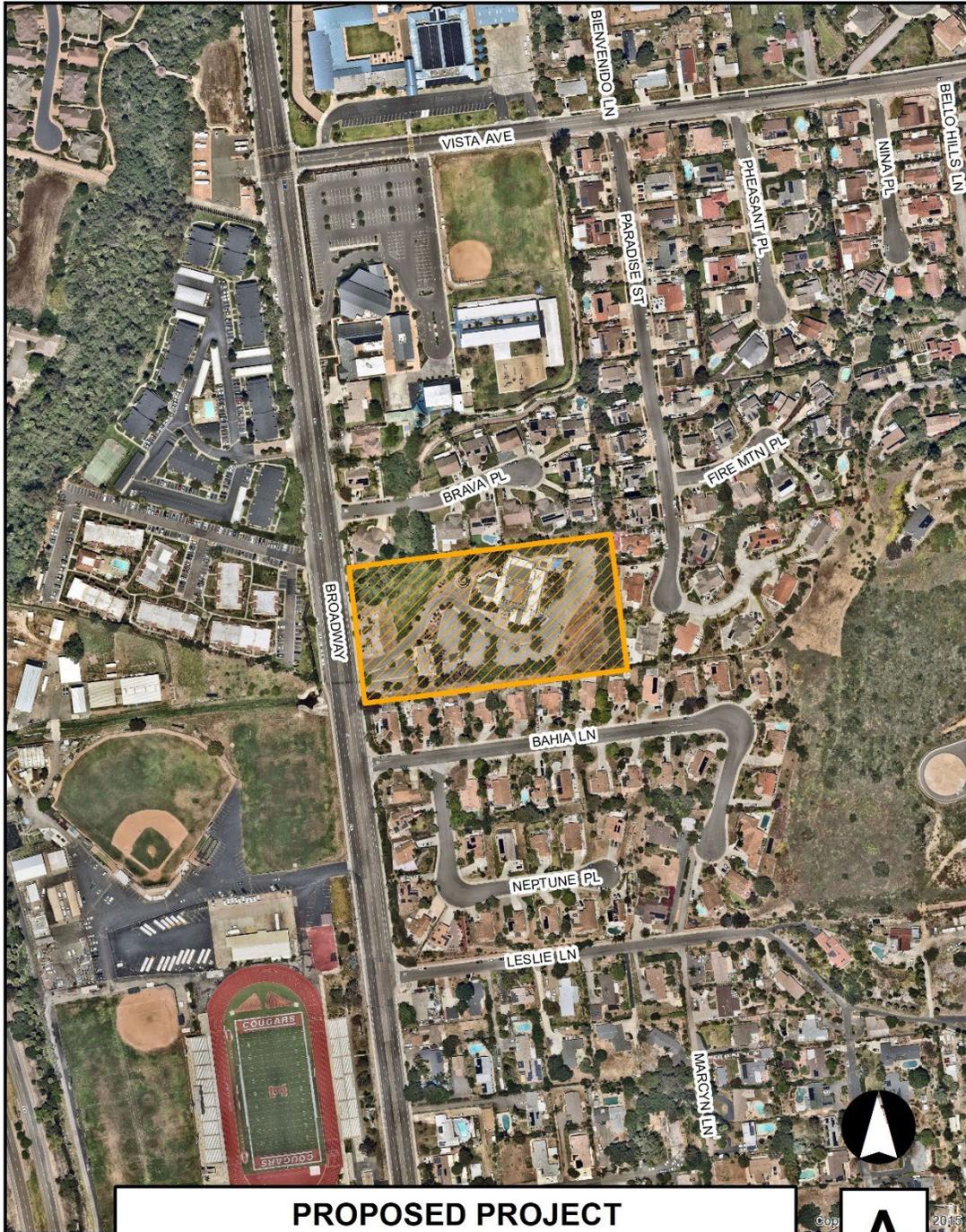
*Melissa DiMarzo*

Melissa DiMarzo  
Assistant Planner II

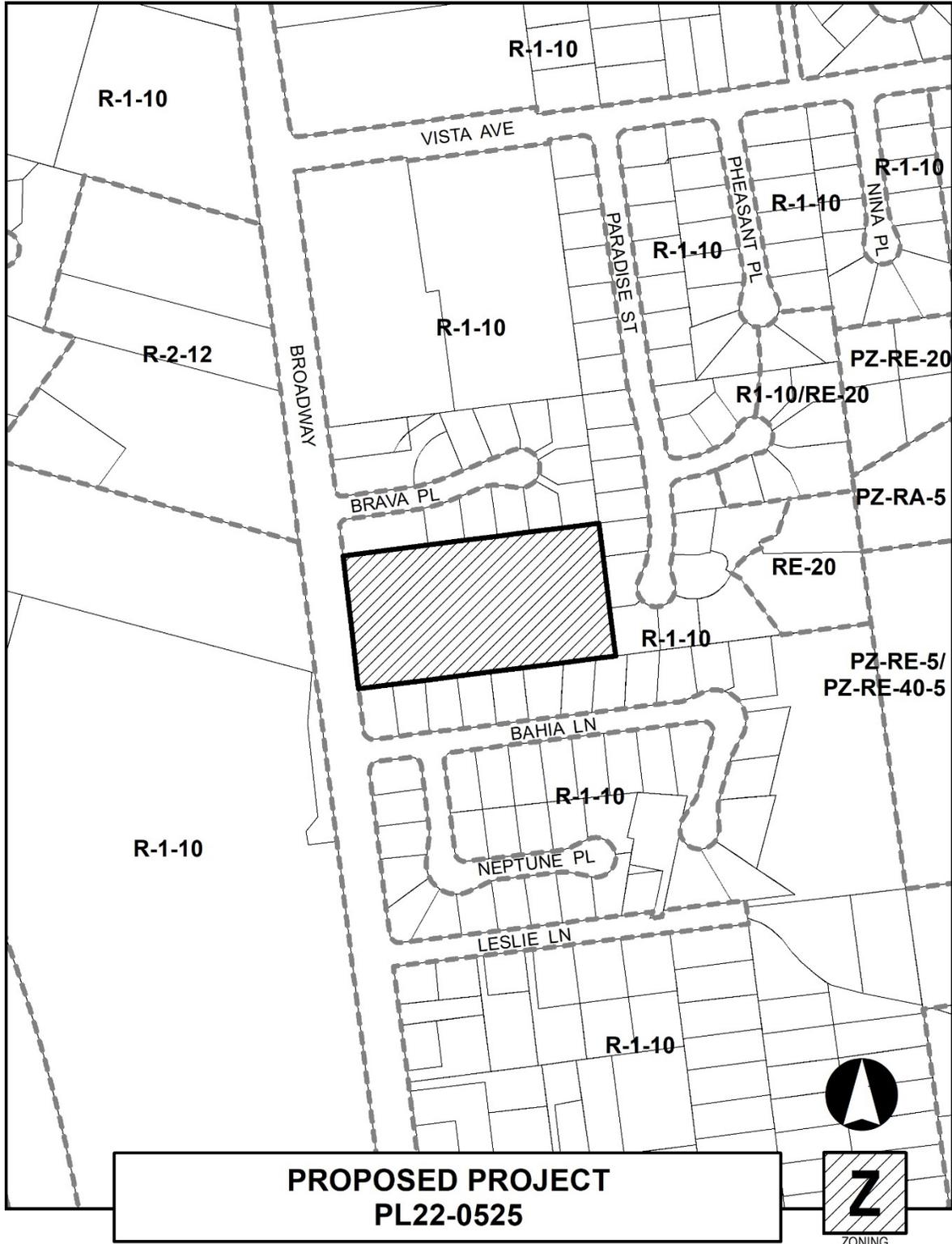
**ATTACHMENTS:**

1. Project Location, Zoning and General Plan Land Use Maps, Photos
2. Draft Zoning Administrator Resolution No. 2024-12, Including Exhibits A, B, C and D
3. CEQA Notice of Exemption

# ATTACHMENT 1 – PROJECT LOCATION, ZONING AND GENERAL PLAN LAND USE, AND PHOTOGRAPHS



AERIAL





**PROPOSED PROJECT  
PL22-0525**



GENERAL PLAN

**Adjacent  
Properties**



**Property  
View**



Adjacent  
Properties



Property  
View



Adjacent  
Properties



Property  
View



## Adjacent Properties



## Property View



**ATTACHMENT 2**  
**PL22-0525**

Zoning Administrator  
Hearing Date: August 15, 2024  
Effective Date: August 27, 2024

RESOLUTION NO. 2024-12

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MODIFICATION TO A CONDITIONAL  
USE PERMIT FOR THE OPERATION OF A TK –  
EIGHTH GRADE SCHOOL WITH 75 CHILDREN IN  
THE R-1 ZONE (SINGLE-FAMILY RESIDENTIAL).

APPLICANT: Bill Hofman, Hofman Planning Associates

CASE NO: PL22-0525

WHEREAS, the Planning Commission conditionally approved Conditional Use Permit 87-66-CUP to permit the construction of an approximately 11,241 square-foot religious facility consisting of a sanctuary, fellowship hall, administrative offices, and preschool for up to 66 children on September 22, 1987.

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

WHEREAS, the Zoning Administrator of the City of Escondido did, on August 15, 2024, hold a public hearing to consider a request for a Minor Conditional Use Permit

for the modification of a Conditional Use Permit for the operation of a preschool to a transitional kindergarten (TK) through eighth grade school for up to 75 children from 66 preschool children. The existing educational facility would continue to occupy an existing 11,241 square-foot church facility on a 4.81-acre property in the Single-Family Residential (R-1) Zone. No physical changes or enhancements to the buildings on-site are proposed as a part of this project, as all educational and parking facilities exist. The project site is addressed as 1800 North Broadway (APN: 227-680-47-00).

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

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written information, and the staff report dated August 15, 2024, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code (Article 61, Division 6, Section 33-1300) and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines sections 15061 and 15062; and

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

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

1. That the above recitations are true and correct.

2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines 15322 (Educational or Training Programs Involving No Physical Changes). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects which cannot be mitigated.

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

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 24 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

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

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

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PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the  
City of Escondido, California, at a regular meeting held on the 15<sup>th</sup> day of August, 2024.

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VERONICA MORONES  
Zoning Administrator

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ALEX RANGEL  
Witness

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

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**EXHIBIT "A"**  
**PLANNING CASE NO. PL22-0525**  
**LEGAL DESCRIPTION**

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

**PARCEL A:**

THE SOUTHERLY 330 FEET OF THE WESTERLY 635 FEET OF LOT 2 IN BLOCK 422 OF RANCHO RINCON DEL DIABLO, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892.

EXCEPTING THEREFROM A STRIP OF LAND 25 FEET IN WIDTH ALONG THE SOUTHERLY LINE OF SAID ABOVE DESCRIBED PROPERTY FOR ROAD PURPOSES, SAME BEING THE SOUTHERLY 25 FEET OF THE ABOVE DESCRIBED LAND.

ALSO EXCEPTING THEREFROM THE NORTHERLY 137 FEET OF THE SOUTHERLY 162.00 FEET OF THE WESTERLY 180.00 FEET OF LOT 2, IN BLOCK 422 OF RANCHO RINCON DEL DIABLO ACCORDING TO THE MAP THEREOF NO. 723 MADE BY 3. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AUGUST 13, 1892.

**PARCEL B:**

THE NORTHERLY 137 FEET OF THE SOUTHERLY 162.00 FEET OF THE WESTERLY 180.00 FEET OF LOT 2 IN BLOCK 422 OF THE RANCHO RINCON DEL DIABLO, ACCORDING TO MAP THEREOF NO. 723, MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892.

**PARCEL C:**

THE SOUTHERLY 25 FEET OF THE WESTERLY HALF OF LOT 2 IN BLOCK 422 OF THE RANCHO DEL DIABLO, ACCORDING TO MAP THEREOF NO. 723, MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892.

[APN: 227-680-47-00](#)

**EXHIBIT “B”**  
**PLANNING CASE NO. PL22-0525**  
**FINDINGS OF FACT**

**Environmental Determination:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes). The proposed Project meets all applicable conditions, as further described below:
  - a. A primary school facility is a permitted use within the R-1 (Single-Family Residential) zone subject to the issuance of a Conditional Use Permit and adherence to the City of Escondido Municipal Code. The project involves a change in use of an existing commercial building from church assembly and preschool to church assembly and primary/secondary educational use, not exceeding 11,241 square feet in floor area, where no modifications are made to the exterior of the structure and only a change in grade-level is being proposed. The modification in use does not include any modifications to on-site circulation, parking, or transportation. The project site is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive. The project thus adheres to the criteria of CEQA Guidelines section 15322.
  - b. Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed project is consistent with the Municipal Code and General Plan policies. There are no unusual circumstances surrounding the proposed project that would result in a reasonable possibility of a significant effect on the environment in that the area of impact is already disturbed and improved with an existing, permitted building and parking lot, and all improvements would be required to comply with local and state laws. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources, because the locations of the proposed improvements would be located within an area of the City previously disturbed and developed. The project area is not environmentally sensitive.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the August 15, 2024 Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been

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

**Conditional Use Permit:**

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

The proposed primary and secondary educational use is permitted, subject to a conditional use permit (CUP) when proposed within the R-1 Single-Family Residential zone, subject to compliance with the requirements of the Escondido Municipal Code. Granting the modification to the existing Conditional Use Permit (87-66-CUP) would provide a service to the community in the form of a primary and secondary school within close proximity to residential neighborhoods. The educational facility would be within walking distance to neighborhood residents and in close proximity to public transit. As currently permitted, the subject use would only increase the existing number of students by 9, and continue to operate under a similar operation. The proposed project, as conditioned, would comply with such requirements.

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

The Project site is located in an area surrounded by a variety of residential uses. The proposed use would be conducted within an existing commercial building with no exterior modifications proposed. The project site can reasonably accommodate the use because there is a surplus in parking, and adequate drop-off and pick-up area provided on site with no impact to the public right-of-way. The outdoor playground is located in a designated area as depicted, on the northeast side of the property with existing shade structures, and as approved by the originally issued Conditional Use Permit. A maximum of 33 children would be allowed on the playground at any one time as previously permitted, and all outdoor activities are subject to the City Noise Ordinance.

The project would not have a traffic impact on the surrounding streets and intersections as the two-way driveway extends approximately 300 feet to the school facility permitting queueing of roughly 20 vehicles in either direction. The pick-up/drop-off area would occur on-site at the east side of the building and not on public streets or rights-of-way. Staff determined that the project is a "Small Project" and not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis. A small project would redistribute trips and would not create new trips.

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

The project site is located within the R-1 (Single-Family Residential) zone (Attachment 1), which permits primary and secondary schools subject to the approval of a Conditional Use

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Permit (CUP). Per Article 61, Division 1, Section 33-1202(C)(8), a modification to an existing major Conditional Use Permit that otherwise meets the criteria under sections 33-1202(c)(1)-(7) can be heard by the Zoning Administrator. Further, pursuant to Article 61, Section 33-1201(b), the director is authorized to determine that a conditionally permitted use qualifies for processing as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request, which includes no new construction or changes to existing buildings for the proposed use.

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

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**EXHIBIT "C"**  
**PLANNING CASE NO. PL22-0525**  
**PROJECT PLANS**

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

## EXHIBIT "D"

### PLANNING CASE NO. PL22-0525

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on May 26, 2023, and the Project drawings consisting of a Site Plan designated as conditionally approved on **August 15, 2024**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, and the Applicant's successors in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall automatically expire after two years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be

certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

**4. Conformance to Approved Plans.**

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

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

**6. Certificate of Occupancy.**

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

**7. Availability of Permit Conditions.**

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

8. **Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
9. **Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. **During** Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Development Services. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Development Services Department.

Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code.

11. **Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

## 12. Clerk Recording.

- a. **Exemption.** The environmental determination prepared for the Project is a categorical exemption. The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines

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

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

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

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

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

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

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

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or

- c. The use as presently conducted creates or constitutes a nuisance.

**16. Indemnification, Hold Harmless, Duty to Defend.**

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).
- b. The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in

defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

- c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

## **B. Construction, Maintenance, and Operation Obligations:**

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

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

2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.

- 10. Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- 11. Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at

least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

**C. Parking and Loading/Unloading.**

1. A minimum of 6 parking spaces shall be provided at all times for school use and 27 spaces for the church administration use. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.

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

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

**E. Specific Planning Division Conditions:**

1. The maximum capacity for the TK-eighth grade school shall be for 75 children. Any request to increase the maximum allowable capacity will require further modification to the CUP.
2. The maximum number of persons including children and staff in the building shall be subject to Building and Fire Codes, as approved by the Building Division and Fire Department.
3. The school facility hours of operation shall be limited to 7:30 a.m. to 4:00 p.m., Monday through Friday. Any request to modify said hours of operation shall be made in writing to the Director of Development Services, who may approve or disapprove said request.
4. A maximum of 33 children shall be allowed on the outdoor playground at any time. The school operator shall require all staff be notified of such restriction upon hiring and ensure staff comply with such requirement. Any request to modify said number of children shall be made in writing to the Director of Development Services, who may approve or disapprove said request.
5. All outdoor play or recreation activity shall be supervised at all times by a minimum of 2 adult employees to ensure that activities are confined to the areas identified on the plans attached as Exhibit "C" to Zoning Administrator Resolution No. 2024-12.
6. The pick-up/drop-off area shall occur on-site at the east side of the building. This area shall be marked with painted curb and/or signage. No pick-up/drop-off shall occur on public streets or rights-of-way.
7. The property owner shall be responsible for maintaining the fence and gates around the perimeter of the property and designated playground areas.
8. A valid City of Escondido Business License shall be maintained at all times, and shall specify the maximum capacity of 75 children served at the facility, as approved by this CUP.
9. The number of children authorized for enrollment shall not exceed 75 children, as approved by this CUP.
10. All southwestern lot parking spaces shall be re-stripped for visibility in the manner required by City standards and as provided in Section C.1 above.
11. Prior to Business License approval, a revised site plan showing all parking spaces on the property with updated calculations shall be submitted to the Planning Division.
12. Applicant shall provide proof of permits for outdoor shade structures prior to the project approved by this Modification to the Conditional Use Permit. In the event the outdoor

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shade structures are found to be unpermitted, the Applicant shall apply for the proper permits from the Building Division. The Applicant shall obtain a Design Review permit from the Planning Division prior to operation of the expansion granted under this Modification.

13. All prior conditions issued under 87-66-CUP and 88-87-CUP not otherwise modified herein shall remain in full force and effect.

### ATTACHMENT 3 – NOTICE OF EXEMPTION



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

#### Notice of Exemption

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

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

**Project Title/Case No:** Element Education/PL22-0525

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

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

**Description of Project:** A modification to a previously approved Conditional Use Permit for an existing preschool serving 66 students and 6 staff, to modify operations and increase enrollment up to 75 students (9 student increase) and no changes in staffing. Operational changes proposed include elimination of the preschool and instead allow for the school to serve transitional kindergarten (TK) through eighth grade on a 4.81-acre parcel with existing education facilities, located on North Broadway. The site is zoned Single-Family Residential (R-1) and has a General Plan land use designation of Suburban (S).

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Bill Hofman, Hofman Planning Associates

Address: 5900 Pasteur Ct., Suite 200A, Carlsbad, CA 92008 Telephone: 760-692-4011

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

**Exempt Status:**

The project is categorically exempt pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes).

**Reasons why project is exempt:** The project is categorically exempt pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes) because the project does not involve any physical changes to the project site. Further, the modification to the use only involves a change in grade structure and does not involve any changes related to transportation of students and staff.

**Lead Agency Contact Person:**

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

Signature: \_\_\_\_\_  
Melissa DiMarzo  
Assistant Planner II

\_\_\_\_\_  
Date

Signed by Lead Agency  
 Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_

## ZONING ADMINISTRATOR

**CASE NUMBER:** PL22-0526

**APPLICANT:** Bill Hofman, Hofman Planning Associates, on behalf of Element Education

**PROJECT LOCATION:** 3751 Mary Lane (APN: 239-330-85-00)

**REQUEST:** A modification to previously approved Conditional Use Permit for an existing preschool/daycare serving 144 children, and 13 staff, to modify operations and increase enrollment up to 160 students (16 student increase) and no change to staffing totals. Operational changes proposed include elimination of the preschool/daycare and instead allow for the school to serve transitional kindergarten (TK) through eighth grade on a 0.99-acre parcel with existing educational facilities. The site is zoned Residential Estate (RE) and has a General Plan land use designation of Estate II (E2).

**STAFF RECOMMENDATION:** Approval

**GENERAL PLAN DESIGNATION:** E2 (Estate II)

**ZONING:** RE-20 (Residential Estates)

### BACKGROUND/PROJECT DESCRIPTION:

The project site is located within the RE (Residential Estates) zone (Attachment 1), which permits primary and secondary schools subject to the approval of a Conditional Use Permit (CUP). Per Article 61, Division 1, Section 33-1202(C)(8), a modification to an existing major Conditional Use Permit that otherwise meets the criteria under sections 33-1202(c)(1)-(7) can be heard by the Zoning Administrator. Further, pursuant to Article 61, Section 33-1201(b), the Director of Development Services is authorized to determine that a conditionally permitted use qualifies for processing in the same manner as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request, which includes no new construction or changes to existing buildings for the proposed use.

The project site consists of a 6,816 square-foot, one-story building, constructed in 1986 with 24 parking spaces on a 0.99-acre property. The project site is surrounded by single-family residential uses along the north and east sides, a high school along the southern end of Mary Lane, and a church on the west side of the property. The existing Conditional Use Permit (84-87-CUP),

permitted a daycare/preschool with up to 144 students on site. In 2015, the Deputy Planning Director approved the applicant's request for a substantial conformance modification as part of their business license to permit a change in grade levels to allow for kindergarten through fifth grade with no change to the number of students enrolled or staffing, nor physical expansion to the existing building.

The applicant, along with the school operator, Element Education, propose to modify the existing Conditional Use Permit (84-87-CUP) to add transitional kindergarten and grade levels sixth through eighth to the existing operations. The facility will have a maximum capacity of 160 children, and up to 13 employees. The school will continue to utilize an existing property with a total of 13 parking spaces, and one ADA compliant space designated on site (per Article 39 of the Escondido Zoning Code, one parking space per staff person (13) during the shift with the maximum number of employees. The original CUP approved for hours of operation between 7:00 a.m. and 6:00 p.m.; however, the applicant intends to operate from 8:00 a.m. to 4:00 p.m. for staff, and 8:30 a.m. to 3:00 p.m. for students Monday through Friday.

The proposed project will not make any physical modifications to the site, and will utilize the existing parking area, and designated drop-off and pick-up areas for students as depicted in the Resolution attachment (Attachment 1 to the report).

#### **PUBLIC NOTICE:**

Staff published and mailed public notices in adherence of the Escondido Zoning Code (Article 61, Division 6, Section 33-1300) and received three letters of opposition. The letters referenced items of concern with the project, such as traffic queueing concerns, queueing along the public right-of-way, and supervision of students and noise. The Traffic Engineering Division reviewed the project and confirmed that the proposed scope of work would not generate 500 average daily trips (ADTs), as referenced within the SANDAG (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region. In addition, a traffic management plan is required by the draft conditions of approval to ensure that ingress/egress to private property is not encumbered by the project and corridor access continues to flow along Mary Lane. Furthermore, students and staff are subject to the noise ordinance and not permitted to exceed the required decibel level for residential.

#### **ENVIRONMENTAL STATUS:**

California Environmental Quality Act ("CEQA") Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes) as described further in the Findings of Fact, attached as Exhibit "B" to Resolution No. 2024-13 (Attachment 2) and the CEQA Notice of Exemption (Attachment 3).

#### **REASON FOR STAFF RECOMMENDATION:**

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Staff recommends approval of the modification to the current CUP for the addition of TK and sixth to eighth grades as the use adheres to the requirements within the Escondido Municipal Code. All prior conditions not otherwise modified by this request shall remain in full force and effect. This includes a maximum of 46 students outdoors in the designated play areas at any given time, playground use between the hours of 7:00 a.m. and 6:00 p.m. only, a minimum of 2 adult supervisors during playground use.

Ingress and egress on and off the site will be accommodated via the ingress/egress entryway along Mary Lane at the southern end of the property. Parking for the primary school requires a total of 13 parking spaces, one parking space per staff person (13) during the shift with the maximum number of employees with one designated for ADA. Parking will provide adequate on-site circulation for loading and unloading or pick-up and drop-off zones (per Article 39 of the Escondido Zoning Code).

The project would not have a significant traffic impact on the surrounding streets and intersections as the number of students will increase by 16. The Traffic Engineering Division reviewed the project and confirmed that the proposed scope of work would not generate 500 average daily trips (ADTs), as referenced within the SANDAG (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region. Furthermore, pick-up/drop-off will occur on-site at the south side of the building and not on public streets or rights-of-way. A traffic management plan will be required as part of the project to show that queueing will not impact adjacent neighbors or corridors within the area. Therefore, the impacts along the main corridor would be minimal. The project meets the Transportation Impact Analysis Guidelines Appendix D: Screening Criteria and Threshold Evidence. The proposed use qualifies as a "Small Project" per the City's Adopted Transportation Impact Analysis Guidelines and is not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis or complete a Local Mobility Analysis.

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

Respectfully submitted,

*Melissa DiMarzo*

Melissa DiMarzo  
Assistant Planner II

**ATTACHMENTS:**

1. Project Location, Zoning and General Plan Land Use Maps, Photos
2. Zoning Administrator Resolution No. 2024-13, Including Exhibits A, B, C and D
3. CEQA Notice of Exemption

### ATTACHMENT 1 – PROJECT LOCATION, ZONING AND GENERAL PLAN LAND USE, AND PHOTOGRAPHS



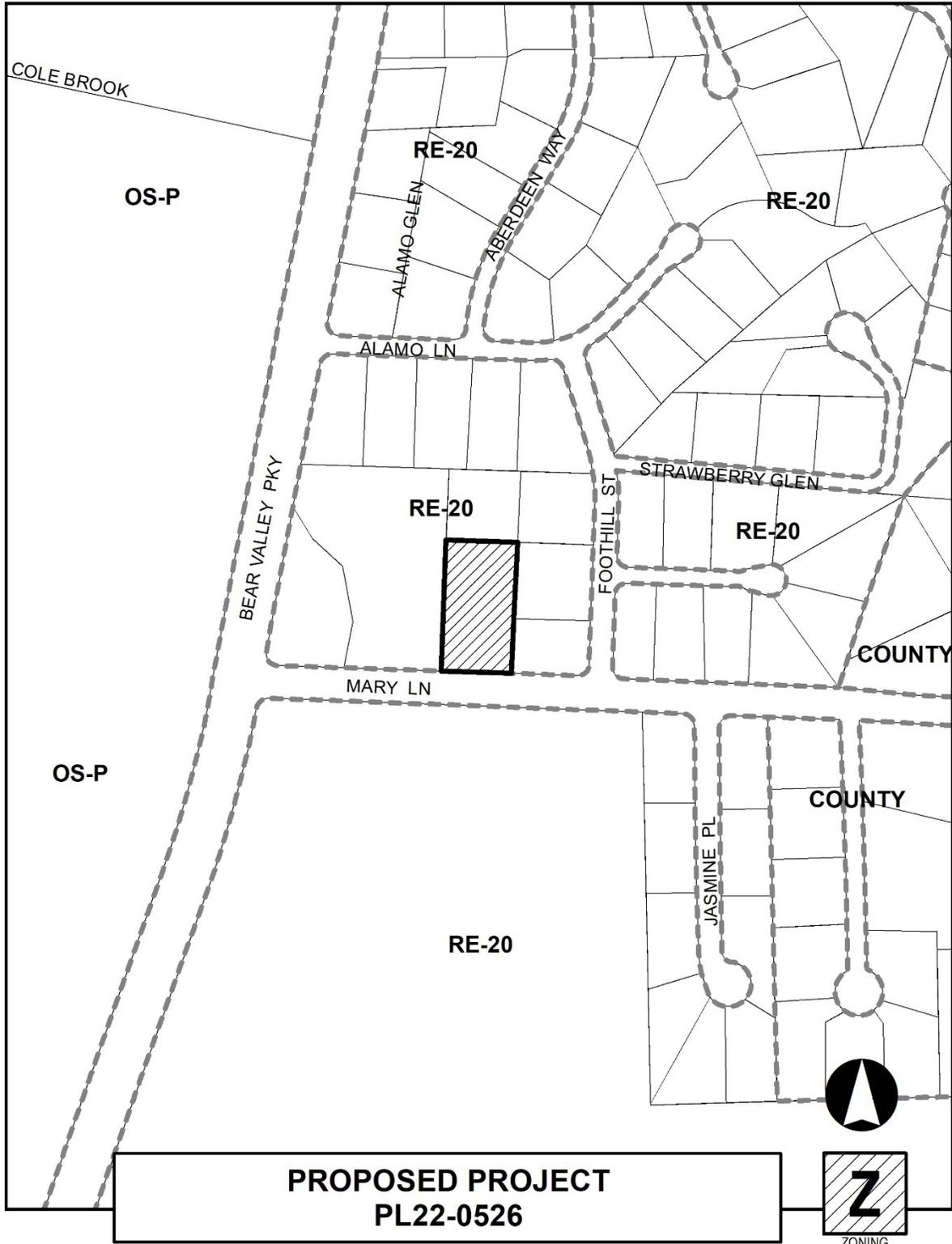
**PROPOSED PROJECT  
PL22-0526**

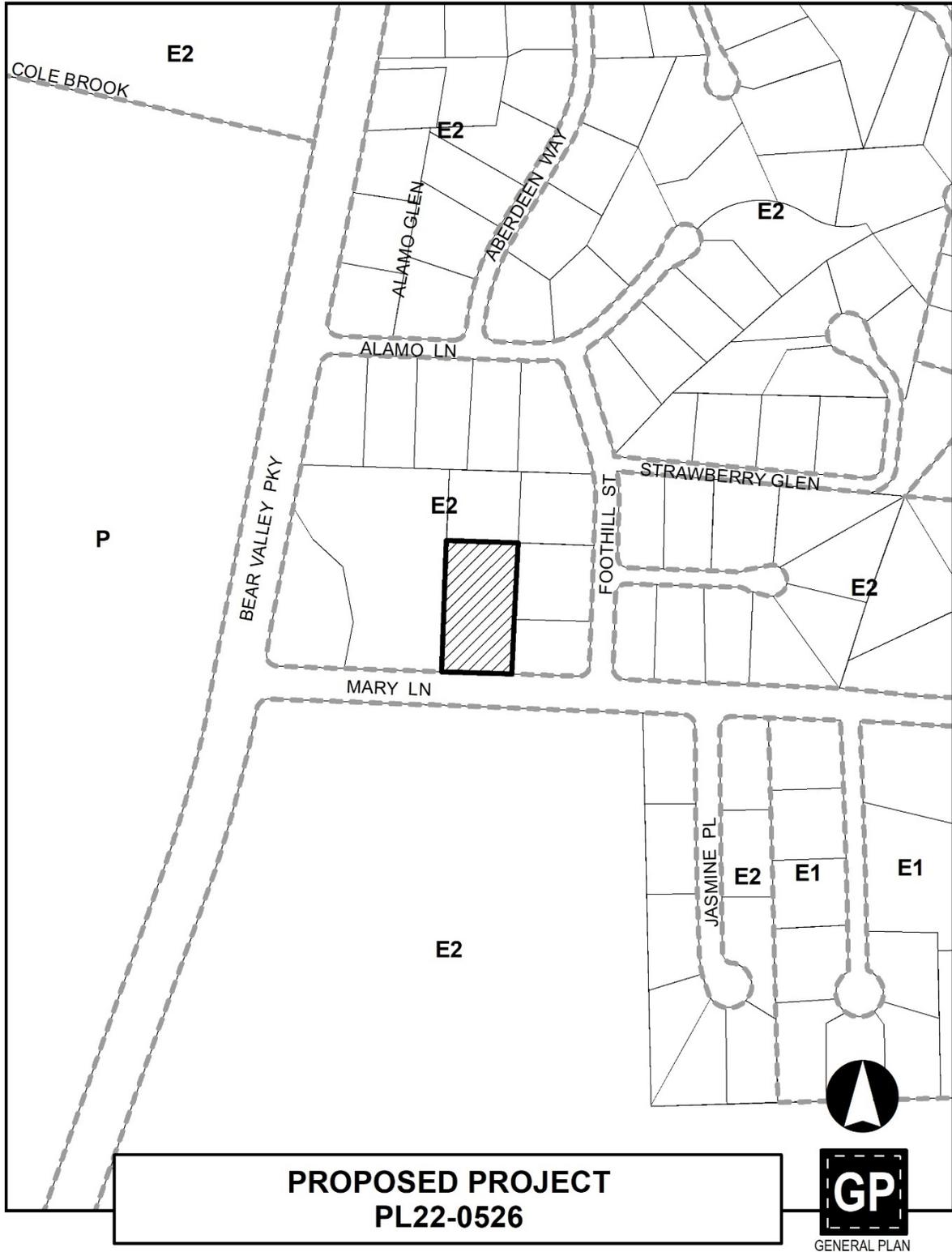


**A**

AERIAL

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## Adjacent Properties



## Property View



Adjacent  
Properties



Property  
View



## Adjacent Properties



## Property View



## Adjacent Properties



## Property View



**ATTACHMENT 2**  
**PL22-0526**

Zoning Administrator

Hearing Date: August 15, 2024

Effective Date: August 27, 2024

RESOLUTION NO. 2024-13

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO A CONDITIONAL USE PERMIT FOR THE OPERATION OF A TK – EIGHTH GRADE SCHOOL WITH 160 CHILDREN IN THE RE ZONE (RESIDENTIAL ESTATES).

APPLICANT: Bill Hofman, Hofman Planning Associates

CASE NO: PL22-0526

WHEREAS, the Planning Commission conditionally approved Conditional Use Permit 84-87-CUP to permit a preschool and daycare for up to 144 children.

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

WHEREAS, the Zoning Administrator of the City of Escondido did, on August 15, 2024, hold a public hearing to consider a request for a Minor Conditional Use Permit for the modification of a Conditional Use Permit for the operation of a Transitional Kindergarten (TK) through eighth grade school with an increase of 16 students for up to

160 children. The proposed use would occupy an existing 6,816 square-foot commercial facility on a 0.99-acre property in the Residential Estate (RE) Zone. No physical changes or enhancements are being proposed as a part of this Project, as all educational and parking facilities are existing. The project site is addressed as 3751 Mary Lane (APN: 239-330-85-00).

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

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written information, and the staff report dated August 15, 2024, which along with its attachments is incorporated herein by this reference; and

WHEREAS, three letters of opposition were submitted as part of the public review period and determined not to provide substantial information to reflect exceedance of thresholds within the SANDAG (Not So) Brief Guide of Vehicular Traffic Generation Rates, or City of Escondido Noise Ordinance;

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code (Article 61, Division 6, Section 33-1300) and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines sections 15061 and 15062; and

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

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

1. That the above recitations are true and correct.
2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines 15322 (Educational or Training Programs Involving No Physical Changes). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects which cannot be mitigated.
3. That, considering the Findings of Fact attached as Exhibit "B" hereto, and applicable law, the Zoning Administrator hereby approves said Modification to the Conditional Use Permit as depicted on the project plans included as Exhibit "C," and subject to the Conditions of Approval attached as Exhibit "D."
4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 24 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in the Development Services Department. The project is also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval as applicable.
2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in

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this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

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PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the  
City of Escondido, California, at a regular meeting held on the 15<sup>th</sup> day of August, 2024.

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VERONICA MORONES  
Zoning Administrator

---

ALEX RANGEL  
Witness

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

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**EXHIBIT "A"**

**PLANNING CASE NO. PL22-0526**

**LEGAL DESCRIPTION**

**Parcel "A" of Parcel Map No. 13477 in the City of Escondido, County of San Diego, as recorded on September 13, 1984, in the Office of the Recorder of San Diego County as file/page number 84-347842.**

**EXHIBIT “B”**  
**PLANNING CASE NO. PL22-0526**  
**FINDINGS OF FACT**

**Environmental Determination:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes). The proposed Project meets all applicable conditions, as further described below:
  - a. A primary school facility is a permitted use within the RE (Residential Estate) zone, subject to the issuance of a Conditional Use Permit and adheres to the City of Escondido Municipal Code. The project involves a change in occupancy of an existing commercial building, not exceeding 6,816 square feet in floor area, from a preschool/daycare to a TK-eighth primary school use, where no modifications are made to the exterior of the structure. The modification in use does not include any parking lot modifications. The project site is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive. The project thus adheres to the criteria of CEQA Guidelines section 15301.
  - b. Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed project is consistent with the Municipal Code and General Plan policies. There are no unusual circumstances surrounding the proposed project that would result in a reasonable possibility of a significant effect on the environment in that the area of impact is already disturbed and improved with an existing, permitted building and parking lot, and all improvements would be required to comply with local and state laws. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources, because the locations of the proposed improvements would be located within an area of the City previously disturbed and developed. The project area is not environmentally sensitive.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the August 15, 2024 Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not

have a significant effect on the environment, and all of the requirements of CEQA have been met.

**Conditional Use Permit:**

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

A primary school facility is a permitted use within the RE (Residential Estate) zone, subject to the issuance of a Conditional Use Permit and adheres to the City of Escondido Municipal Code. Granting the modification to the existing Conditional Use Permit would increase an existing service to the surrounding community in the form of a primary school within close proximity to residential neighborhoods. In adding this service, students are provided an educational experience with smaller student to teacher ratios which benefits the community. The proposed project, as conditioned, would comply with such requirements.

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

The Minor Conditional Use Permit is located in an area surrounded by a variety of residential uses. The proposed use would be conducted within an existing 6,816 square-foot building. The project site can reasonably accommodate the use with the implementation of a traffic management plan to protect private property from being encumbered by morning drop-off and afternoon pick-up. Within the plan, vehicles will be prohibited from idling in front of ingress/egress areas to avoid neighborhood concerns. The site provides sufficient parking and adequate drop-off and pick-up area during morning and afternoon hours. The outdoor playground is located in a designated area as approved by the originally issued Conditional Use Permit. A maximum of 46 children would be allowed on the playground at any one time as previously permitted, and all outdoor activities are subject to the Noise Ordinance.

The Traffic Engineering Division reviewed the project and confirmed that the proposed scope of work would not generate 500 average daily trips (ADTs), as referenced within the SANDAG (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region. In addition, a traffic management plan is required to ensure that ingress/egress to private property is not encumbered by the project and corridor access continues to flow along Mary Lane.

The project would not have a significant traffic impact on the surrounding streets and intersections. The pick-up/drop-off area would occur on-site at the south side of the building and not on public streets or rights-of-way. Therefore, the impacts along the main corridor would be minimal. The project meets the Transportation Impact Analysis Guidelines Appendix D: Screening Criteria and Threshold Evidence. Staff determined that the project is a "Small Project" and not required to complete a Vehicles Miles Traveled (VMT) CEQA impact analysis or prepare a Local Mobility Analysis.

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

The proposed use is conditionally permitted within the RE Residential Estate zone, subject to compliance with the requirements of the Escondido Municipal Code. Article 6 of the Escondido Zoning Code supports primary school facilities through the review of a Conditional Use Permit process. The proposed project would not diminish the quality-of-life standards of the General Plan because the Project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided on site.

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**EXHIBIT “C”**

**PLANNING CASE NO. PL22-0526**

**PROJECT PLANS**

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

## EXHIBIT "D"

### PLANNING CASE NO. PL22-0526

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on May 22, 2023, and the Project drawings consisting of a Site Plan and Floor Plan designated as conditionally approved on **August 15, 2024**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, and the Applicant's successors in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall automatically expire after two years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be

certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

**4. Conformance to Approved Plans.**

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

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

**6. Certificate of Occupancy.**

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

**7. Availability of Permit Conditions.**

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

8. **Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
9. **Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. **During** Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Development Services. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Development Services Department.

Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code.

11. **Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

## 12. Clerk Recording.

- a. **Exemption.** The environmental determination prepared for the Project is a categorical exemption. The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines

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

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

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

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

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

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

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

## **16. Indemnification, Hold Harmless, Duty to Defend.**

- a.** The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, “Indemnified Parties”) from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney’s fees and other related litigation costs and expenses (collectively, “Claims”), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant’s or the owner of the Property’s contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney’s fees (including the full reimbursement of any such fees incurred by the City’s outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).
- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project’s environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant’s payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney’s fees (including the full reimbursement of any such fees incurred by the City’s outside counsel, who may be selected by the City at its sole

and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

- c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

## **B. Construction, Maintenance, and Operation Obligations:**

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

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

2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain

permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or

management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and

documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

**C. Parking and Loading/Unloading.**

1. A minimum of 14 parking spaces shall be provided at all times for school use. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. The applicant shall submit a traffic management plan to the Planning Division that describes and details to the satisfaction of the Director of Development Services or their designee, how the applicant shall enforce that no vehicles will encumber private ingress/egress to surrounding properties as part of pick-up/drop-off.
4. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

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

**E. Specific Planning Division Conditions:**

1. The maximum capacity for the TK-eighth grade school shall be for 160 children. Any request to increase the maximum allowable capacity will require further modification to the CUP.
2. The maximum number of children and staff in the building shall be subject to Building and Fire Codes, as approved by the Building Division and Fire Department.
3. The school facility hours of operation shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday. Any request to modify said hours of operation shall be made in writing to the Director of Development Services, who may approve or disapprove said request.
4. A maximum of 46 children shall be allowed on the outdoor playground at any time. The school operator shall require all staff be notified of such restriction upon hiring and ensure staff comply with such requirement.
5. All outdoor play or recreation activity shall be supervised at all times by a minimum of 2 adult employees to ensure that activities are confined to the areas identified on the plans attached as Exhibit "C" to Zoning Administrator Resolution No. 2024-13. Any noise complaints shall be immediately addressed by the supervising adult(s).
6. The pick-up/drop-off area shall occur on-site at the south side of the building. This area shall be marked with painted curb and/or signage. No pick-up/drop-off shall occur on public streets or rights-of-way.
7. Fire lanes shall remain clear and unobstructed at all times.
8. The property owner shall be responsible for maintaining the fence and gates around the perimeter of the property.
9. A valid City of Escondido Business License shall be maintained at all times, and shall specify the maximum capacity of 160 children served at the facility, as approved by this CUP.
10. The number of children authorized for enrollment shall not exceed 160 children, as approved by this CUP.
11. All parking spaces shall be re-stripped for visibility in the manner required by City standards and as provided in Section C.1 above.
12. Prior to Business License approval, a revised site plan showing all parking spaces on the property with updated calculations shall be submitted to the Planning Division.

Zoning Administrator  
August 15, 2024  
PL22-0526

13. All prior conditions issued under 84-87-CUP not otherwise modified herein shall remain in full force and effect.

### ATTACHMENT 3 – NOTICE OF EXEMPTION



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

#### Notice of Exemption

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

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

**Project Title/Case No:** Element Education/PL22-0526

**Project Location - Specific:** North of Mary Lane, east of Bear Valley Parkway, south of Alamo Lane, and west of Foothill Street, addressed as 3751 Mary Lane (APN: 239-330-85-00).

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

**Description of Project:** A modification to previously approved Conditional Use Permit for an existing preschool/daycare serving 144 children, and 13 staff, to modify operations and increase enrollment up to 160 students (16 student increase) and no change to staffing totals. Operational changes proposed include elimination of the preschool/daycare and instead allow for the school to serve transitional kindergarten (TK) through eighth grade on a 0.99-acre parcel with existing educational facilities. The site is zoned Residential Estate (RE) and has a General Plan land use designation of Estate II (E2).

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Bill Hofman, Hoffman Planning Associates

Address: 5900 Pasteur Ct., Suite 200A, Carlsbad, CA 92008 Telephone: 760-692-4011

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

**Exempt Status:**

The project is categorically exempt pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes).

**Reasons why project is exempt:** The project is categorically exempt pursuant to CEQA Guidelines section 15322 (Educational or Training Programs Involving No Physical Changes) because the project does not involve any physical changes to the project site. Further, the modification to the use only involves a change in grade structure and does not involve any changes related to transportation of students and staff.

**Lead Agency Contact Person:**

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

Signature: \_\_\_\_\_

Melissa DiMarzo  
Assistant Planner II

\_\_\_\_\_ Date

Signed by Lead Agency  
 Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_