

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7:00 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** [08/25/20](#)

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

Pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Zoning Administrator and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link <https://www.escondido.org/public-comment-form.aspx>. Council Chambers will be closed, no public allowed.

Public Comment: To submit comments in writing, please do so at the following link: <https://www.escondido.org/public-comment-form.aspx>. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write "Read Out Loud" in the subject line. All comments received from the public will be made a part of the record of the meeting. The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online at the following link: <https://www.escondido.org/> and click on the graphic showing "live stream - meeting in progress".

To watch the archived Planning Commission meeting(s) please visit:  
<https://escondido.12milesout.com/presentations/boards-and-commissions-and-state-of-the-city-videos>

**Availability of supplemental materials after agenda posting:** any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

**The Planning Division is the coordinating division for the Planning Commission. For information, call (760) 839-4671.**

**E. WRITTEN COMMUNICATIONS:**

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

**1. Future Neighborhood Meetings**

**F. ORAL COMMUNICATIONS:**

"Under State law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda."

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

**G. PUBLIC HEARINGS:**

**Please try to limit your testimony to 3 minutes.**

**1. MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, ZONE CHANGE AND SPECIFIC ALIGNMENT PLAN – PL 20-0447:**

REQUEST: The project involves a Master and Precise Development Plan and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership, which was previously occupied by the Talone Meats/North County Packing Company. The project consists of an approximately 5,800 SF, 8-tier glass and steel tower structure up to 75 feet in height. All existing remaining components of the previous building and site improvements would be removed. The Master Plan also includes a request to allow an increase in allowable wall signage for the project. The existing General Industrial (M-2) zoning designation would be changed to Planned Development-Industrial (PD-I). The project includes a Specific Alignment Plan (SPA) for Hale Avenue to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street to include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The site would be accessed via two project driveways. The northern driveway will allow only right-in right-out movements, and the southern driveway would form the west leg of the N Hale Avenue/Tulip Street intersection, allowing all movements. The proposed class II bike lane would be eliminated across the project frontage. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 1.85-acre site is located along the northern side of Hale Avenue, east of Interstate 15, west of W. Washington Street and NCTD/Sprinter line, addressed as 559 N. Hale Avenue (APN 232-061-2500).

ENVIRONMENTAL STATUS: The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15332, "In-Fill Development Projects."

APPLICANT: Carvana

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

**2. ZONING CODE AMENDMENT (UNCODIFIED CODE AMENDMENT) – PL 20-0528:**

REQUEST: The City Council adopted Urgency Ordinance No. 2020-12 on May 20, 2020 to reduce outdoor retail regulations, parking regulations, and signage restrictions in response to COVID-19. The series of business relief measures was referred to, in part, as the Escondido Business Recovery Strategy. The business relief measures were effective for 90 days. Urgency Ordinance No. 2020-12 was extended by the City Council on August 19, 2020 through Urgency Ordinance No. 2020-21. If City Council does not extend Urgency Ordinance No. 2020-21, it will expire and lapse on the 90<sup>th</sup> day after its adoption. Rather than extending business relief measures by urgency ordinance every 90 days, this proposal includes a term that is tied to the duration of the state of local emergency pertaining to COVID-19. This proposal includes temporary, uncodified amendments to the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), as a project undertaken to prevent or mitigate an emergency; categorical exemption under CEQA Guidelines section 15304(e) for minor alterations to land for temporary uses that have negligible or no permanent effects on the environment; and categorical exemption under CEQA Guidelines section 15311(c) for the construction of or replacement of minor structures and temporary use items accessory to existing commercial, industrial, or institutional facilities.

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

**H. CURRENT BUSINESS:**

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

**1. Climate Action Plan Discussion – PHG 18-0009:**

Provide status update on the on-going Climate Action Plan.

**I. ORAL COMMUNICATIONS:**

"Under State law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda."

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

**J. PLANNING COMMISSIONERS**

**K. ADJOURNMENT**

**CITY OF ESCONDIDO**

**ACTION MINUTES OF THE REGULAR MEETING OF THE  
ESCONDIDO PLANNING COMMISSION  
Video Conference**

**August 28, 2020**

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chair Weiler, in the City Council Chambers, 201 North Broadway, Escondido, California.

**Commissioners present:** Stan Weiler, Chair; Katharine Barba', Commissioner; Dao Doan, Commissioner; Rick Paul, Commissioner; and Ingrid Rainey, Commissioner.

**Commissioners absent:** Joe Garcia, Vice-Chair; 1 Vacancy

**Staff present:** Mike Strong, Director of Community Development; Kurt Whitman, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Kirsten Peraino, Minutes Clerk.

**MINUTES:**

Moved by Commissioner Rainey and seconded by Commissioner Barba' to approve the Action Minutes of the August 11, 2020 Planning Commission meeting. Motion carried unanimously. (5-0-0; Garcia was absent, one vacancy)

**WRITTEN COMMUNICATIONS:** Received.

**FUTURE NEIGHBORHOOD MEETINGS:** None.

**ORAL COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

1. **SPECIFIC PLAN AMENDMENT, GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT PERMIT (MASTER AND PRECISE DEVELOPMENT PLAN), TENTATIVE SUBDIVISION MAP, GRADING EXEMPTIONS, SPECIFIC ALIGNMENT PLANS, AND DENSITY TRANSFER AGREEMENT – SUB18-0011, PHG 18-0049, and ENV 18-0009:**

**(CONTINUED TO A DATE UNCERTAIN—SEE STAFF MEMORANDUM)**

No discussion or action taken as project was continued to a date uncertain.

**CURRENT BUSINESS:**

1. **Climate Action Plan Update – PHG 18-0009:**

Provide an update for the on-going Climate Action Plan.

- **Presentation by Dr. Daniel Cayan of UCSD Scripps Oceanography**
- **Presentation by Mike Strong, Director of Community Development regarding the cost/benefit analysis comparison among four local cities/municipalities (El Cajon, La Mesa, Oceanside and County of San Diego.**

**Commissioner Paul** provided a cost/benefit analysis spreadsheet to be distributed to the Commissioners and the public.

Information was provided and the Commissioners discussed various aspects of the project.

**PUBLIC SPEAKERS**

None.

**COMMISSION ACTION:** None taken, information provided.

**ORAL COMMUNICATIONS:** None.

**PLANNING COMMISSIONERS:**

**ADJOURNMENT:** Chair Weiler adjourned the meeting at 8:54 p.m. The next regularly scheduled Planning Commission meeting will be held at 7:00 p.m. on Tuesday, September 8, 2020, in the City Council Chambers via video conference, 201 North Broadway Escondido, California.

---

Mike Strong, Secretary to the  
Escondido Planning Commission

---

Kirsten Peraino, Minutes Clerk

DRAFT

**PROJECT NUMBER / NAME: PL 20-0447 / Carvana**

**REQUEST:** Master and Precise Development Plan and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A Zone Change from Light Industrial (M-2) zoning to Planned Development-Industrial (PD-I) zoning is requested to implement the Planned Development. A proposed Specific Alignment Plan to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street to include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The proposed class II bike lane would be modified/eliminated across the project frontage. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** 559 N. Hale Avenue

**APPLICANT:** Carvana

**APN / APNS:** 232-061-25-00

**PRIMARY REPRESENTATIVE:** Jo Ryan - Carvana

**GENERAL PLAN / ZONING:** General Industrial (GI) / M-2 General Industrial zone

**DISCRETIONARY ACTIONS REQUESTED:** Master and Precise Development Plan, Conditional Use Permit, Zone Change and Specific Alignment Plan

**PREVIOUS ACTIONS:** None

**PROJECT PLANNER:** Jay Paul, Senior Planner, [jpaul@escondido.org](mailto:jpaul@escondido.org)

**CEQA RECOMMENDATION:** Exemption - Class 32 CEQA Guidelines Section 15332 "Infill Development Projects"

**STAFF RECOMMENDATION:** Recommend City Council approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2020-09

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**  Mike Strong, Community Development Director

**A. BACKGROUND:**

The proposed 1.85-acre project site, located at 559 N. Hale Avenue, previously was occupied by the Talone Meats/North County Packing Company. The building was destroyed by a fire in 2016 and the remaining portions subsequently demolished, but the foundation still remains. The property generally is flat with no significant topographical features. The site is triangle in shape and located adjacent to Interstate 15 and bridge on the west. The freeway lanes are located approximately 20<sup>+</sup> feet higher than the project site. The North County Transit District "NCTD" Sprinter Line and inland bike path are located along the eastern boundary of the site. The property fronts onto Hale Avenue on the south. Surrounding land uses include equipment rental and light/heavy industrial to the north and east, and light industrial/commercial to the south.

The proposed project includes the construction of a 5,800 SF, eight-tier, 75-foot tall glass tower vending machine type structure for the sale of vehicles to the public. Purchasing a vehicle from Carvana is done on-line through their national inventory of 20,000+ vehicles. The Vending Machine tower is a vertical glass and steel parking and exhibition structure that utilizes an automated storage and retrieval system to move vehicles in and out of the tower. The tower allows vehicles to be stacked temporarily (4 vehicles per tier) in a vertical configuration until they are retrieved for the customer. Only cars that were sold online are loaded into the Vending Machine tower. The Carvana Vending Machine operation differs significantly from traditional car dealership models, that typically require larger surface parking areas to store and display new and used vehicles inventory. Vehicles are picked up from Carvana by appointment only, or can be delivered directly to the customer. The facility does not provide parts or services on site, fuel pumps or sales representatives.

Carvana currently operates 24 Vending Machines in 14 states, with two located in California. This would be the first of this type of this facility within the San Diego region. The business generally employs approximately 10 to 12 Customer Advocates with duties ranging from scheduling pick-up appointments, assisting in the off-loading of vehicles from the delivery trucks, loading vehicles into the vending machine, and finalizing paperwork with customers. The facility also provides a wash bay area and vehicle prep. Carvana anticipates two to three truck deliveries each day via a nine-car hauler truck. Carvana owns and operates their own fleet of delivery vehicles. The off loaded vehicles are staged in the parking lot until finally loaded into the tower. Typical hours of operation are daily from 9:00 a.m. to 7:00 p.m., by appointment only.

The proposed Planned Development includes Specific Alignment Plan (SPA) for a modification to the design requirements for Hale Avenue that includes a nine-(9) foot dedication of right-of-way to accommodate the necessary roadway and intersection improvements at Hale Avenue/Tulip Street to support the project and traffic along this section of Hale Avenue. Project plans are attached to draft Planning Commission Resolution No. 2020-09 as Exhibit "D."

## **A. PROJECT ANALYSIS:**

### **1. General Plan / Zoning**

The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Car dealerships ("auto sales") are allowed within the M-2 zoning district subject to the issuance of a Conditional Use Permit. The General Plan's General Industrial land-use designation limits building heights to two stories, but does not define the ultimate height of buildings or stories. The underlying M-2 Zone does not restrict building height, and overall height is subject to conformance with the California Building Code. The City does not interpret the tower structures with its tiers of open vehicles lifts as traditional stories/floors. Therefore, the proposed eight-tiered structure would be in conformance with all of the aforementioned height requirements. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development Zoning (Article 19 of the Escondido Zoning Code) allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels. The property also is located within the Downtown Transit Station Target Area (characterized as Target Area "a" in the "Land Use and Community Form" section of the General Plan). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. Cavana anticipates first year sales of approximately 25<sup>+</sup> million.

### **2. Design**

The project consists of an approximately 5,800 SF, eight-(8) tier contemporary designed glass and steel tower structure up to 75 feet in height. The tower structure would utilize a highly transparent type of low-e "solar control" glass in order enhance the visibility of the vehicles stored in the tower. The glass also maintains a low visible light reflectance to address potential glare issues along Interstate 15, which was a concern raised by Caltrans (provided as Attachment 2). The vehicle lifts would contain accent lighting and colored LED lighting also would be provided to light up the interior of the tower. A condition has been added to include a dimmer device with the interior tower lighting in order to control the intensity of the tower lighting. The top of tower would include a blue color band and framed with two rows of LED accent lighting. The main body of the first floor includes a combination of storefront glass, white exterior walls and a blue accent panel, as shown on the architectural color scheme include with Exhibit "D" to the draft Planning Commission Resolution 2020-09. Mechanical equipment located on the roof would be screened from view by the roof parapet.

### **3. General Provisions and Standards for Planned Development**

The Planned Development Ordinance (Article 19) provides more flexibility in development standards that are adopted as part of the Planned Development Zone for an overall high quality planned development. The project site is located with the Light Industrial (M-2) zone that limits

wall signage to a maximum of 1 SF of signage per every 100 SF of gross floor area. This would allow up to 103 SF of wall signage. For comparison, the General Commercial zone (CG) allows up to 1 SF of signage per 50 SF of gross floor area, that would allow up to 106 SF of wall signage. The applicant is proposing up to 325 SF of wall signage in conformance with their standard corporate branding and typical building design. Therefore, the applicant is requesting a Master and Precise Development Plan along with a Zone Change from General Industrial (M-2) zoning to Planned Development-Industrial (PD-I) to allow for the increase in allowable signage. The applicant also indicated that exterior signage and interior tower lighting would be on from dusk to dawn. Therefore, a condition has been included to incorporate a dimmer type device into the final lighting and signage plans to control intensity during evening hours to avoid potential impacts along Interstate 15 and from distance views from residential areas. Establishment of the Planned Development Zone and Master Development Plan provides for more flexibility in regulatory standards and allows for the Master Plan to establish site specific development standards such as site design and signage to encourage a more desirable project and environment. Staff feels the proposed signage would be appropriate for this specific development given the increased signage allowed for the Escondido Auto Park related uses west of Interstate-15, the off-site Auto Park freeway oriented digital sign, and other signage allowance for the auto dealerships along Interstate-15 south of Ninth Avenue.

#### **4. Specific Alignment Plan**

Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). The Super Major roadway classification was a placeholder designation until the specific needs for this section of roadway was analyzed to determine the actual design improvements to accommodate current and future traffic. Hale Avenue immediately west of the project site is under the jurisdiction of Caltrans and contains the Interstate 15 bridge and High Occupancy Vehicle "HOV" signalized entrance/exits. Therefore, the applicant submitted a Specific Alignment Plan "SAP" for Hale Avenue to include the widening of N. Hale Avenue in order to accommodate two southbound left-turn pocket lanes onto Tulip Street. Improvements include re-striping the roadway for approximately 400 feet, reconstruction of the existing median along N. Hale Avenue, construction of two access driveways to the proposed Carvana project site (right-in and right-out only at eastern driveway), and new sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of Hale Avenue and Tulip Street. An additional nine (9) feet of dedication is required to accommodate the proposed improvements. A striped Class II bicycle lane is identified along Hale Avenue in the City's Bicycle Master Plan. The current and proposed roadway design would not be able to accommodate a Class II lane across the project frontage. Existing improvements east of the project site within the Caltrans section of the roadway and west of the site within the NCTD rail crossing also cannot accommodate a Class II bike lane. These facilities have been fully improved and do not provide on-street bicycle provisions. Therefore, staff is recommending the Class II lane be eliminated along this segment of roadway from the SAP. The existing Class I bike path along Escondido Creek located to the south of Hale Avenue is a preferred east/west route that also connects to the inland bike trail along the southern side of Hale Avenue, that provides a suitable alternative.

**B. SUPPLEMENTAL DETAILS OF REQUEST**

- 1. Property Size: 1.85 acres (1 parcel)
- 2. Building Size: 5,829 SF ground floor area
- 3. Building Height: 75 feet (eight display tiers includes ground floors to accommodate four cars/lifts per tier)
- 4. Materials: Stucco (white) and storefront type glass for first floor with blue trim element. Clear glass tower structure with blue accent trim and signage around roofline.

5. Parking:	<u>Required</u> 21 spaces (1 per 300 SF office space 3,697 SF / 300 = 12.3 spaces) (1 per 800 SF storage area ground level storage 2,132 SF upper level storage 680 SF each level x 7 levels = 4,760 SF 6,892 SF storage/800 = 8.6 spaces	<u>Proposed</u> 54(includes 3 accessible spaces and 4 EV spaces) Temporary vehicle storage in parking spaces before tower loading
-------------	---	---

5. <u>Setbacks</u>	<u>Required (M-1 zone)</u>	<u>Proposed</u>
Front:	10 feet	77 feet
Side:	0 feet	59 feet and 67 feet
Rear:	0 feet	250+ feet

6. Signage:	<u>M-2 zone Allowed</u>	<u>Proposed (Planned Development)</u>
Wall:	103 SF max. (1 SF/100 SF floor area) Based on 5,827 sf ground floor area and area of ind. lifts 8.5' x 20' x 28 lifts (4,480 sf)	325 SF (includes 4 channel letter signs, white 54.8 sf each; 4 logo cabinet 24.2 sf each; and 1 logo cabinet 9.0 sf
Freestanding:	1 per frontage, max. 50 sf and 6' height	None proposed

All signage subject to conformance with Article 66 (Sign Ordinance) and as approved as part of the Planned Development. A separate wall or freestanding commemorative plaque would not be counted towards signage allowance. A separate sign plan/permit will need to be submitted and approved.

7. Landscaping: New ornamental landscaping, irrigation, and street trees to be provided along Hale Avenue, perimeter and parking areas. Biofiltration features are designed within the landscaped area. Preservation of three eucalyptus trees proposed. New decorative tube steel fencing along NCTD frontage (eastern side). No security fencing/gates along frontage proposed.
8. Loading: Loading for deliveries will be provided within the drive aisle adjacent to the building within the interior of the project. Temporary vehicle staging in identified parking spots until loaded into the tower.
9. Trash: Trash and recycling bins will be available within a new trash enclosure. Collection service would be provided by Escondido Disposal (EDI).
10. Lighting: Light fixtures will be installed to illuminate building exterior, walkways and parking areas. Two rows of decorative lighting (approximately 320 lf) also would be provided along the upper roofline/signage color band.
11. Heating & Ventilation: Mechanical equipment (HVAC) units would be installed on the roof (1st floor). All HVAC equipment would be installed on mechanical pads and would be screened by the 1st floor parapet.

**C. AVAILABILITY OF PUBLIC SERVICES**

1. Effect on Police Service – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. Effect on Fire Service – The site is served by Fire Station No. 1 (310 North Quince Street). Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that additional fire hydrants will be constructed for the project and adequate turning radius for fire apparatus will be constructed for the project. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. Traffic – According to the Engineering Division, the project does not materially degrade the levels of service on the adjacent streets. Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). A typical auto dealership operation is anticipated to generate approximately 290 average daily trips (23 peak hour trips). However, based on the Carvana operational characteristics, anticipated daily trips would be significantly less than a typical auto dealership (approximately 142 ADT). As part of the project, an additional nine (9) feet of right-of-way would be dedicated along the project frontage and

Hale Avenue widened to accommodate dual southbound left-turn lanes at the intersection of Hale Avenue/Tulip Street.

4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjacent roadways. The project would not materially degrade the levels of service of the public sewer and water system.
5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project has provided a drainage study and designed drainage facilities to control runoff. Runoff from the project will be directed into a series of BMP treatment features to separate targeted pollutants from the runoff before it leaves the site. The project does not materially degrade the levels of service of the existing drainage facilities. The Engineering Divisions indicated the drainage issues raised by Caltrans will be adequately addressed with the final improvement/civil plans.

#### **D. ENVIRONMENTAL STATUS:**

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under section 15332, Class 32 In-fill Development Project. CEQA Guidelines lists classes of projects that have been determined to not have a significant effect on the environment and as a result are exempt from review under CEQA. The site is currently vacant, disturbed, and cleared of all structures, except for foundations, paving and other on-site infrastructure related to the previous industrial use of the site.

A Class 32 CEQA Exemption for the Carvana demonstrates the project or its circumstances would not result in any exceptions identified in CEQA Guidelines, section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines, section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Based on the environmental analysis provided in the Class 32 CEQA Exemption, no circumstances previously evaluated in the previously certified Final EIR for the General Plan and Downtown Specific Plan (May 23, 2012) and the Addendum to the certified Final EIR (March 21, 2019) have changed with respect to the proposed development. In addition, the proposed project would not create substantial changes or bring to light new information of the substantial importance that was not previously examined in these Final EIR and Addendum. As a result, a

Class 32 CEQA Exemption was prepared pursuant to the CEQA's requirements for an "in-fill development" within an urbanized area. The analysis presented in the Class 32 CEQA exemption demonstrates that the project qualifies for the exemption and does not have significant effects on the environment (Attachment 3).

**E. CONCLUSIONS:**

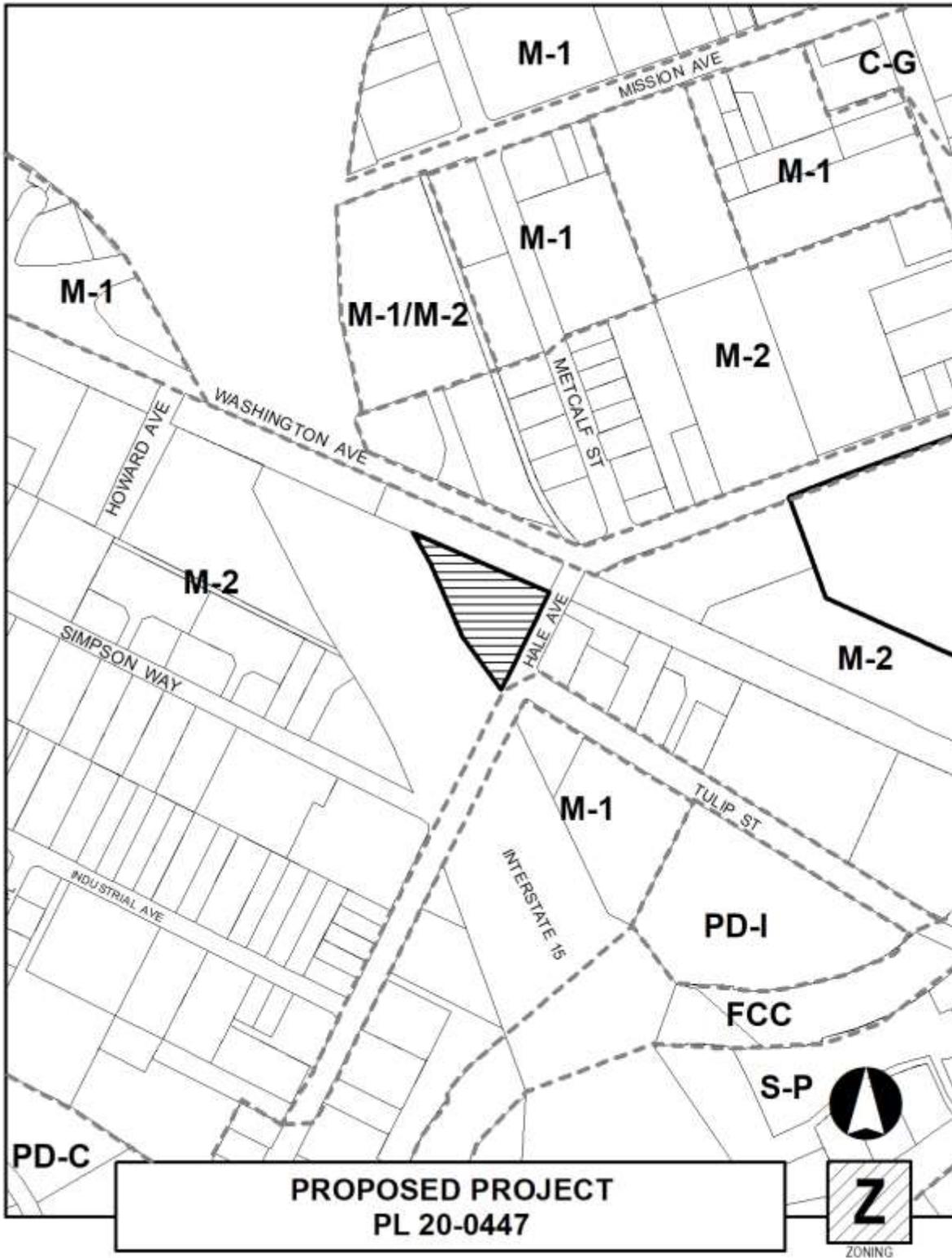
The proposed project is consistent with the General Plan and Downtown Transit Station Target Area (characterized as Target Area "a" in Section II "Land Use and Community Form" of the General Plan) as the project would revitalize the site and expand the commercial base, increase sales tax revenues and create additional jobs. The Planning Commission acts as an advisory body to the City Council on applications for Planned Developments. Staff believes the proposed Planned Development (Master and Precise Development Plan) and Conditional Use Permit provides for a well-designed project that will be beneficial to the Transit Station Target Area and an economic asset to the larger Interstate-15 corridor. The SAP would provide appropriate design features to accommodate the project and anticipated traffic along the project area segment of Hale Avenue.

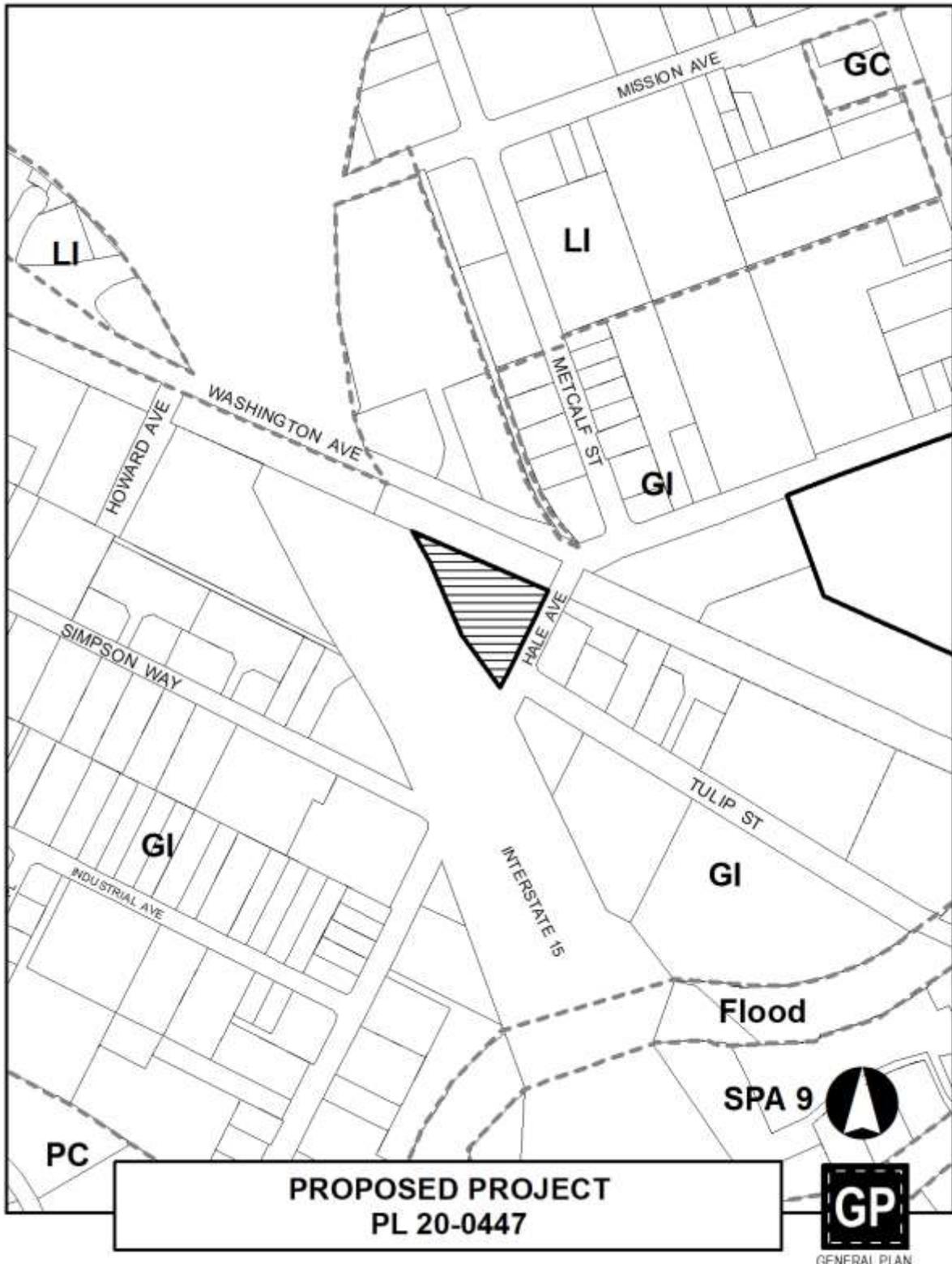
Staff recommends the Planning Commission adopt Resolution 2020-09, recommending approval of the proposed Planned Development (Master and Precise Development Plan), Conditional Use Permit, Zone Change and Specific Alignment Plan described in this staff report, and as detailed in Exhibits "A" through "D" to the draft Resolution.

**ATTACHMENTS:**

1. Location and General Plan Map
2. Comment letter(s)
3. CEQA Exemption
4. Resolution 2020-09

ATTACHMENT 1





## ATTACHMENT 2

### DEPARTMENT OF TRANSPORTATION

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
PHONE (619) 688-3137  
FAX (619) 688-4299  
TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



Making Conservation  
a California Way of Life.

August 24, 2020

11-SD-15

PM 31.053

Carvana Auto Vending Machine  
Site Development Plan

Mr. Jay Paul  
Senior Planner  
Community Development Department  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

Dear Mr. Paul:

Thank you for including the California Department of Transportation (Caltrans) in the review for the Carvana Auto Vending Machine project adjacent to Interstate 15 (I-15). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

#### **Hydrology and Drainage Studies**

1. This development is proposing to divert flows from an existing Caltrans drainage facility to a City owned drainage facility. In order for the diversion of flow to be considered the following items are required:
  - a. Justification from the local agency approving the diversion of flow.
  - b. A letter from the local agency approving the diversion of flow.
  - c. Encroachment policy exception approval through Caltrans HQ for the diversion of flow.
2. The portion of private pipe within Caltrans' R/W must be properly abandoned or removed.
3. Provide a copy of City/County Record Drawings for the City/County owned drainage facilities.

Mr. Jay Paul  
August 24, 2020  
Page 2

4. Provide a copy of Caltrans as-builts for drainage features being affected due to private pipe abandonment/removal.
5. Provide a letter from the City of Escondido accepting the diversion of flow.
6. Coordinate with Caltrans' Survey Branch to obtain Caltrans Right of Way (R/W) and I-15 Caltrans' stationing and centerline to be shown on plans and maps containing I-15.
7. Show and label on existing watershed basin map
  - a. Existing drainage facilities
  - b. Existing contours
  - c. Caltrans R/W
  - d. Caltrans centerline and stationing with alignment name
8. Proposed watershed basin map
  - e. Proposed drainage facilities
  - f. Proposed contours
  - g. Caltrans R/W
  - h. Caltrans centerline and stationing with alignment name

### **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Escondido, is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs.

The City of Escondido Bicycle Master Plan (October 2012) lists North Hale Avenue in the project area as "Proposed Class II Lanes." The Carvana project specific plan for the new proposed alignment of North Hale Avenue does not include bicycle lanes and is therefore inconsistent with the City of Escondido

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

Mr. Jay Paul  
August 24, 2020  
Page 3

Bicycle Master Plan. Based on the North Hale Avenue Specific Alignment Plan, the #2 lane widths in each direction can accommodate shared-lane markings (sharrows). If the City would like to designate this area as a Class III marked bicycle route, it is suggested that the City and Caltrans address how the City would like to address bicycle access on North Hale Avenue.

### **Noise**

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-15.

### **Glare**

The proximity of the project site to I-15 raises some concerns regarding potential glare that could pose a potential risk to motorists traveling on I-15. General information was provided to Caltrans describing the reflective characteristics of these types of facilities. The project's potential glare characteristics should be considered as part of the City's Permit approval. Caltrans would want to ensure that all lighting, including reflected sunlight and reflected night lighting, within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on I-15.

### **Environmental**

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting

Mr. Jay Paul  
August 24, 2020  
Page 4

documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes).

**Right-of-Way**

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <http://www.dot.ca.gov/trafficops/ep/index.html>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

**electronically signed by**

**MAURICE EATON, Branch Chief**  
**Local Development and Intergovernmental Review**



Jay

Hello there,

I have reviewed the email, building plans and the former release (H03740-001) for the Caravana Escondido Site. Based on my review, further evaluation is needed to determine potential health risks from dust and vapors that will be generated during grading and construction of the new complex, and potential benzene vapor intrusion into the new structure. The following comments below detail my review of the Site history, and the current petroleum impacts remaining at the Site that could pose health risks.

#### Summary of Former Local Oversight Program (LOP) case H03740-001

Following the removal of two underground storage tanks (USTs) in 1987, soil contamination was noted, and a Local Oversight Program (LOP) case was opened. Monitoring wells (MWs) were installed which revealed Liquid Phase Hydrocarbons (LPH) and high levels of dissolved volatile organic compounds (VOCs) associated with gasoline, primarily benzene which is a known carcinogen. The Site was remediated by several soil excavation events in 1988, 1990, and 1997. In addition, LPH removal was performed from 1988 to 1996, whereby approximately 3,000 gallons of LPH was removed. On January 2008, a Corrective Action Plan (CAP) was submitted which described the contamination at the Site, and estimated that benzene in groundwater would degrade to the Maximum Contaminant Level (MCL) of 1 ug/l within 177 years (2185). The CAP was approved for natural attenuation, following several groundwater monitoring events. On July 2013, the case was transferred to the San Diego RWQCB. Following the transfer, case closure was requested via the State Water Resources Control Board (SWRCB) Resolution No.2012-0016 Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Based on the LTCP groundwater criteria of benzene concentrations being below 3,000 ug/l, the plume length being less than 250 feet, no remaining LPH, and the nearest supply well being over 1,000 feet away, closure was granted via the LTCP.

#### Discussion of groundwater contamination

The first attachment, GW H03740, shows the extent of dissolved benzene in groundwater during the last sampling event in January 2013. The outermost iso-concentration contour (1 ug/l) would define the estimated limits of the benzene plume, primarily because 1 ug/l is the MCL for benzene in groundwater. Moreover, the somewhat similar value of 1.8 ug/l benzene is the 2019 San Francisco Environmental Screening Level (ESL) for benzene in groundwater with the potential to volatilize with an excess cancer risk, based on commercial land use (see attached ESL Benzene GW). This ESL would bear more relevance to the construction project.

Further analysis of the benzene plume presented GW H03740, suggests that its size had been underestimated. Put another way, it infers that the southern, eastern, and western portions of the dissolved benzene plume (1 ug/l) immediately decrease moving downgradient from MW-1, MW-2 and MW-7, respectively. By interpolating the iso-concentration contours based on concentrations between MW-1, MW-2 and MW-7, and their respective downgradient MWs, the iso-concentration contours should have been spread out further. The second attachment, GW Rev H03740, presents this more conservative estimate of the 1 ug/l (or 1.8 ug/l) iso-concentration contour. This area would be considered to have the potential of benzene vapor migration into any future structure. Considering that the 2008 CAP estimated that benzene in groundwater would not degrade until the year 2185, it can be implied that somewhat similar benzene groundwater concentrations currently remain in groundwater beneath the Site today. Essentially, the entire area within blue dashed circle of GW Rev H03740 has the potential for health risks and requires further evaluation as it appears that the new building will be constructed over it.

#### Remaining Soil Contamination

The attached Soil H03740 shows the location of residual soil contamination, generally defined by the 100 mg/kg Total Petroleum Hydrocarbon (TPH) iso-concentration contour. The cross sections show the depth of the soil impacts. The diagrams show the impacts would primarily be in the former UST areas extending into the groundwater. As noted on the first page of the diagram, there are some residual benzene levels in soil (samples highlighted). Most of the benzene in soil is at 10 to 13 feet below grade surface (bgs). The benzene remaining in soil has the potential to volatilize into any structure that is built over it. Moreover, if excavation were to occur in these areas, monitoring is necessary to ensure that the health of construction workers and the surrounding community is protected.

#### Soil Vapor

The attached Soil Vapor H03740 shows the location and sampling results for the soil vapor survey performed at the Site on July 2007. The benzene soil gas results were as high as 0.2 ug/l at 5-feet bgs. The Johnson and Elfinger (J&E) model was used by inputting both the highest soil vapor concentration (0.2 ug/l), and the depth of collection (5-feet bgs) into the model. The model then calculated an excess benzene cancer risk value of  $3.78 \times 10^{-4}$  which was less than the acceptable  $1.0 \times 10^{-6}$ , meaning that the level was acceptable. At 5-feet bgs, a benzene soil gas concentration of up to 5.4 ug/l would pass using the J&E model.

Even though a soil vapor survey was conducted and passed in 2007, it was done for the footprint of the former buildings, and most likely have would not have evaluated the new building footprint, or portions thereof. Moreover, the criteria for soil vapor has since become stricter, inasmuch that the 2007 results would not pass today. At this time, the J&E model is no longer used. Instead, the soil vapor concentration is now compared to the soil vapor ESL for benzene subsurface vapors with an excess cancer risk for commercial uses (see attached ESL Benzene Soil Gas). This ESL is 14 ug/m<sup>3</sup> (0.014 ug/l). Because the 2007 soil vapor result of 0.2 ug/l is greater than 0.014 ug/l ESL, the 2007 soil gas data would now be considered in exceedance, and therefore requires further evaluation.

#### Summation of Items that Need Further Evaluation

1. Even though the actual land use designation of commercial will not change, the placement of new structures over the existing soil and groundwater contamination requires evaluation of potential soil vapor intrusion for the proposed structure. In addition, engineering controls may be necessary if levels of vapors are found that exceed health risk standards.
2. Excavation, management and disposal of impacted soil needs to be managed through an approved Soil Management Plan (SMP). This is for any impacted soil left in place from the former LOP case and any unanticipated contamination that may be found during the course of the excavation / grading. In addition, a Community Health and Safety Plan (CHSP) is needed to ensure that potential odors and dust from the excavated soils do not impact the community.

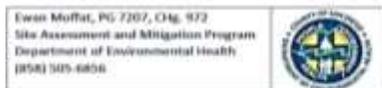
#### Closing Statement

Since further evaluation for soil vapor intrusion and soil management during excavation are necessary, DEH recommends that the applicant enter the Voluntary Assistance Program for regulatory oversight.

Please feel free to contact me if you have any questions.

Regards,

Ewan



**ATTACHMENT 3**



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

**Notice of Exemption**

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

**From:** City of Escondido  
201 North Broadway  
Escondido, CA 92025

**Project Title/Case No.: MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, ZONE CHANGE AND SPECIFIC ALIGNMENT PLAN / PL 20-0447 "CARVANA"**

**Project Location - Specific:** The approximately 1.85-acre generally is located on the northern side of N. Hale Avenue, east of Interstate 15, west of Washington Avenue, addressed at 559 N. Hale Avenue (APN 232-061-25-00)

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

**Description of Project:** Master and Precise Development Plan and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A Zone Change from Light Industrial (M-2) zoning to Planned Development-Industrial (PD-I) zoning is requested to implement the Planned Development. A proposed Specific Alignment Plan to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street to include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The proposed class II bike lane would be modified/eliminated across the project frontage.

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

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

Name: Carvana (Representative Jo Ryan) Telephone: (503) 515-7861

Address: 1930 W. Rio Salado Parkway, Tempe, AZ 85281

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

**Exempt Status:** Categorical Exemption. CEQA Sections 15332 "In-fill Development Projects."

**Reasons why project is exempt:**

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 In-fill Development Project. CEQA Guidelines lists classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from review under CEQA.

The proposed project or its circumstances would not result in any exceptions identified in CEQA Guidelines, Section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that

are specifically identified as urban in-fill development. CEQA Guidelines, Section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

No circumstances previously evaluated in the previously certified Final EIR for the General Plan and Downtown Specific Plan (May 23, 2012) and the Addendum to the certified Final EIR (March 21, 2019) have changed with respect to the proposed development. In addition, the proposed project would not create substantial changes or bring to light new information of the substantial importance that was not previously examined in these Final EIR and Addendum. As a result, the project qualifies for a Categorical Exemption pursuant to the CEQA's requirements for an "in-fill development" within an urbanized area as detailed below:

### **General Plan and Zoning Consistency**

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Car dealerships ("auto sales") are allowed within the M-2 zoning district subject to the issuance of a Conditional Use Permit. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development Zoning (Article 19 of the Escondido Zoning Code) allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels. The property also is located within the Downtown Transit Station Target Area (characterized as Target Area "a" in the "Land Use and Community Form" section of the General Plan). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The proposed Planned Development (Master and Precise Development Plan) and Conditional Use Permit provides for a well-designed project that will be beneficial to the Transit Station Target Area and an economic asset to the larger Interstate-15 corridor. The SAP would provide appropriate design features to accommodate the project and anticipated traffic along the project area segment of Hale Avenue.

### **Project Location, Size and Context**

CEQA, Section 21072, defines a qualified urban use as "any residential, commercial, public institutional, transit, or transportation passenger facility, or retail use, or any combination of those uses." The project is on a site within City limits that is no more than five (5) acres and substantially surrounded by urban uses.

The 1.85-acre project site previously was occupied by the Talone Meats/North County Packing Company. The building was destroyed by a fire in 2016 and the remaining portions subsequently demolished, but the foundation still remains. The property generally is flat with no significant topographical features. The site is triangle in shape and located adjacent to Interstate 15 and bridge on the west. The freeway lanes are located approximately 20+ feet higher than the project site. The North County Transit District "NCTD" Sprinter Line and inland bike path are located along the eastern boundary of the site. The property fronts onto Hale Avenue on the south. Surrounding land uses include equipment rental and light/heavy industrial to the north and east, and light industrial/commercial to the south.

### **Endangered, Rare or Threatened Species**

The project site is located within the highly developed and urban area of the City. The project site currently is vacant, disturbed and has been clear of all structures, except for the previous concrete foundations/pads and asphalt paving. Vegetation primarily consists of ornamental landscaping, mature palm trees, various weeds and grasses from the previous development/activities. The project site does not contain habitat suitable for candidate, sensitive or special status species. In addition, no riparian habitat or other sensitive natural community, or potential jurisdictional features were observed within the project site or within a 100-foot boundary from the project site. The project site has no value as a habitat or special-status species and, therefore, adheres to the criteria of CEQA Guidelines, Section 15332(c).

### **Traffic**

The Engineering Division concluded the project would not result in any significant traffic or transportation-related impacts, and no mitigation measures are required. A preliminary Traffic Statement was prepared for the project by Kimley Horn (dated July 20, 2020). Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). A typical auto dealership operation is anticipated to generate approximately 290 average daily trips (23 peak hour trips). However, based on the Carvana operational characteristics, anticipated daily trips would be significantly less than a typical auto dealership (approximately 142 ADT). As part of the project, an additional nine (9) feet of right-of-way would be dedicated along the project frontage and Hale Avenue widened to accommodate dual southbound left-turn lanes at the intersection of Hale Avenue/Tulip Street.

The traffic assessment indicated the project does not meet any of the trigger categories to conduct a Traffic Impact Analysis (TIA) as the number of daily trips on the surrounding street segments would be below the threshold guidelines. The project also does not trigger TIA thresholds for project traffic added to a leg of an intersection during AM or PM peak hour. Based on the City's roadway and intersection project contributions threshold guidelines, the project would not add a significant amount of traffic to the surrounding street network. The project would not require alterations to the roadways or intersections such that the project would conflict with SANDAG's Congestion Management Program.

Specific Alignment Plan "SAP" - Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). The Super Major roadway classification was a placeholder designation until the specific needs for this section of roadway was analyzed to determine the actual design improvements to accommodate current and future traffic. Hale Avenue immediately west of the project site is under the jurisdiction of Caltrans and contains the Interstate 15 bridge and High Occupancy Vehicle "HOV" signalized entrance/exits. The SAP includes the widening of N. Hale Avenue in order to accommodate two southbound left-turn pocket lanes onto Tulip Street. Improvements include re-striping the roadway for approximately 400 feet, reconstruction of the existing median along N. Hale Avenue, construction of two access driveways to the proposed Carvana project site (right-in and right-out only at eastern driveway), and new sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of Hale Avenue and Tulip Street. An additional nine (9) feet of dedication is required to accommodate the proposed improvements. A striped Class II bicycle lane is identified along Hale Avenue in the City's Bicycle Master Plan. The current and proposed roadway design would not be able to accommodate a Class II lane across the project frontage. Existing improvements east of the project site within the Caltrans section of the roadway and west of the site within the NCTD rail crossing also cannot accommodate a Class II bike lane. These facilities have been fully improved and do not provide on-street bicycle provisions. Therefore, the Class II lane would be eliminated along this segment of roadway from the SAP. The existing Class I bike path along Escondido Creek located to the south of Hale Avenue is a preferred east/west route that also connects to the inland bike trail along the southern side of Hale Avenue that provides a suitable alternative.

## **Noise**

The project site is commercial in nature and located within an urban (commercial/industrial) area of the City. Primary noise sources in the area are traffic noise along Interstate 15, Hale Avenue, Tulip Street and Washington Avenue. Surrounding noise sources also include the variety of industrial and commercial uses. The auto dealership would be compatible with the adjacent uses and as such, the project is not anticipated to generate any significant increases to the existing ambient noise level. Any stationary operational noise sources are regulated by the limits outlined in the Escondido Municipal Code. The City's Noise Ordinance also states that if the ambient noise level exceeds that permissible standard, the allowable noise exposure standard shall be the ambient noise level.

Construction would result in a temporary noise increase on and around the project site. Construction-related impacts are short term and would cease once the project is completed. No special construction techniques (i.e. pile driving or blasting) are anticipated to be necessary for construction of the project. The City also has a maximum 1-hour average construction noise limit of 75 dB at noise-sensitive land uses. Contractors are required to comply with the Noise Ordinance for noise levels from project-related grading and construction activities set forth in the Escondido Municipal Code. The Escondido Municipal Code also restricts the times of day when construction may occur (7:00 a.m. to 6:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m. on Saturday; and not at all on Sunday or public holidays). Construction of the project would take place within the hours specified in Section 17,234 of the Escondido Municipal Code. There are no noise sensitive uses adjacent or within close proximity to the project site.

## **Air Quality**

Due to the nature of the project and low traffic generation, the project is not anticipated to exceed screening-level criteria thresholds for construction or operational level impacts, nor create any operational related dust or odor-related impacts. The size of the project is smaller than the air-quality study trigger criteria presented in Table 4.3-12 of the City's General Plan EIR that would trigger the need for an air-quality impact assessment.

Construction activities would include grading, building construction, and architectural coatings. The greatest potential for toxic air contaminants emissions would be related to diesel particulate matter (DPM) emissions that are associated with heavy equipment operations during the project construction. Due to construction activity being short-term and the limited number of heavy-duty construction equipment the project would not result in long-term substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Additionally, the California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. Therefore, no significant short-term toxic air contaminants impacts would occur during the construction of the proposed project. Construction phase impacts would be less than significant and no mitigation is required.

## **Water Quality**

The project would not result in any significant effects related to water quality. A preliminary drainage study and Storm Water Quality Management Plan (SWQMP) was prepared for the project. Storm water quality impacts during construction would be prevented through implementation of a grading and erosion control plan that is required by the City's Grading and Erosion Control Ordinance (Article 55 of the Municipal Code) and the State General Permit to Discharge Stormwater Associated with Construction Activities (NPDES No. CA2000002), which requires preparation of a SWPPP by a Qualified SWPPP Developer. Adherence to applicable requirements and implementation of the appropriate BMPs would ensure that potential water quality degradation associated with construction related activities would be minimized and impacts less than significant.

The Project would mimic the existing drainage pattern, and runoff from the roof and outdoor areas would be discharged towards on-site storm water facilities located along Hale Avenue to treat pollutants and meet flow control requirements for the project. With the implementation of the operational treatment control biofiltration basin and BMPs that would be required by the City pursuant to the SUSMP, potential pollutants

would be reduced to the maximum extent possible. Therefore, development would not violate any water quality standards or water discharge requirements.

**Utilities and Public Services:**

The Fire Department indicated that appropriate fire protection can be provided with the implementation of the required building/site design features. Appropriate fire flow will be provided to the project site with the installation of the required fire hydrants.

The Engineering Division indicated that appropriate utilities will be provided to the project with existing facilities located within adjacent Hale Avenue.

**Section 15300.2 (Exceptions)**

**Location:** Not applicable to Class 32 exemption

**Cumulative Impact:** All resource topics associated with the project have been analyzed and were found to pose no significant impact. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative impact.

**Significant Effect:** There are no known unusual circumstances applicable to the project or project site that could result in a significant effect on the environment.

**Scenic Highway:** The project is not located in the vicinity of any designated or eligible state scenic highway.

**Hazardous Waste Site:** They are no on site hazardous waste sites listed under Section 65962.5 of the Government code. However, the site did contain a previous leaking underground tank (UST) that was remediated and the case closed by the County Department of Environmental Health “DEH” in 2013, and the case was transferred to the San Diego RWQCB. Following the transfer, case closure was requested via the State Water Resources Control Board (SWRCB) Resolution No.2012-0016 Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Based on the LTCP groundwater criteria of benzene concentrations being below 3,000 ug/l, the plume length being less than 250 feet, no remaining LPH, and the nearest supply well being over 1,000 feet away, closure was granted via the LTCP. However, the DEH requested certain measures be implement to assure that all excavated soils is managed correctly and all potential health risks associated with dust and soil vapor intrusion have been adequately addressed. Therefore, the following design features/conditions have been included in the project conditions of approval:

**DF-Haz 1:**

In accordance with the San Diego County Department of Environmental Health (DEH) recommendations, prior to the issuance of grading and building permits for the project, the applicant/owner shall enter the Voluntary Assistance Program (VAP) for regulatory oversight to assure that all excavated soil is managed correctly and all potential health risks have been properly addressed. In addition, the following shall be required:

- a. Evacuation, management and disposal of impacted soils shall be managed through an approved DEH Soils Management Plan (SMP) and Community Health and Safety Plan (CHSP).
- b. Appropriate engineering controls shall be incorporated into the improvements plans, as may be required by the DEH, to address any soil vapor intrusion.

**Historic Resource:** The 1.85-acre project site previously was occupied by the Talone Meats/North County Packing Company that was destroyed by a fire in 2016. The remaining structure(s) subsequently were demolished and removed from the site. These “Vernacular” style industrial/commercial structures were listed on the City’s Historic Sites Survey as they were constructed in the 1930s. The structures were not listed on the City’s Local Register. Because the historic resources no longer exist on the site, no impacts

PL20-0447  
September 8, 2020  
Planning Commission

to historic resources would occur and no mitigation is required. However, the project has been conditioned to include a plaque noting the previous use of the project site.

**Lead Agency Contact Person:** Jay Paul, Planning Division Area Code/Telephone/Extension (760)  
839-4537

Signature: Jay Paul

Jay Paul, Senior Planner

September 2, 2020

Date

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: N/A

## ATTACHMENT 4

Planning Commission  
Hearing Date: September 8, 2020  
Effective Date: September 9, 2020

### PLANNING COMMISSION RESOLUTION NO. 2020-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF A MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, ZONE CHANGE AND SPECIFIC ALIGNMENT PLAN FOR THE DEVELOPMENT OF A CARVANA AUTO DEALERSHIP

APPLICANT: Carvana

CASE NO: PL 20-0447

WHEREAS, Carvana (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PL 20-0447) constituting a request for a Master and Precise Development Plan, and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A Zone Change from Light Industrial (M-2) zoning to Planned Development-Industrial (PD-I) zoning is requested to implement the Planned Development. The project also includes a Specific Alignment Plan for Hale Avenue to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street. The approximately 1.85-acre project site is located on the northern side of N. Hale Avenue, addressed as 559 N. Hale Avenue; and

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

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

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

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project as depicted on the plan set shown in Exhibit "D," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

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

WHEREAS, the Planning Commission of the City of Escondido did, on September 8, 2020, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;

- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated September 8, 2020, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. That the above recitations are true and correct.
2. Public resources Code section 21084 requires the CEQA Guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be categorically exempt from the provisions of CEQA. The Planning Commission, in its independent judgment, has determined the Project to qualify for the "In-Fill Development Projects" exemption under CEQA Guidelines section 15332.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "B," relating to the information that has been considered. In accordance with the Findings of Fact/Factors to be Considered and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby recommends that the City Council approve the application to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "C." This Planning Commission expressly declares that it would not have approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. That, considering the Findings of Fact/Factors to be Considered and applicable law, the Planning Commission hereby makes a motion to recommend approval of the Master and Precise Development Plan, Zone Change, Conditional Use Permit and Specific Alignment Plan, subject to the conditions of approval attached as Exhibit "C."

6. The Planning Commission, therefore, recommends that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

7. Said plan is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein. This Project is conditionally approved as set forth on the application and Project drawings, all designated as approved by the Planning Commission, and shall not be altered without the express authorization by the Planning Division. Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, [www.escondido.org](http://www.escondido.org), and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 8<sup>th</sup> day of September, 2020, by the following vote, to wit:

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

---

Stan Weiler, Chairman  
Escondido Planning Commission

ATTEST:

---

MIKE STRONG, Secretary of the  
Escondido Planning Commission

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

---

KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

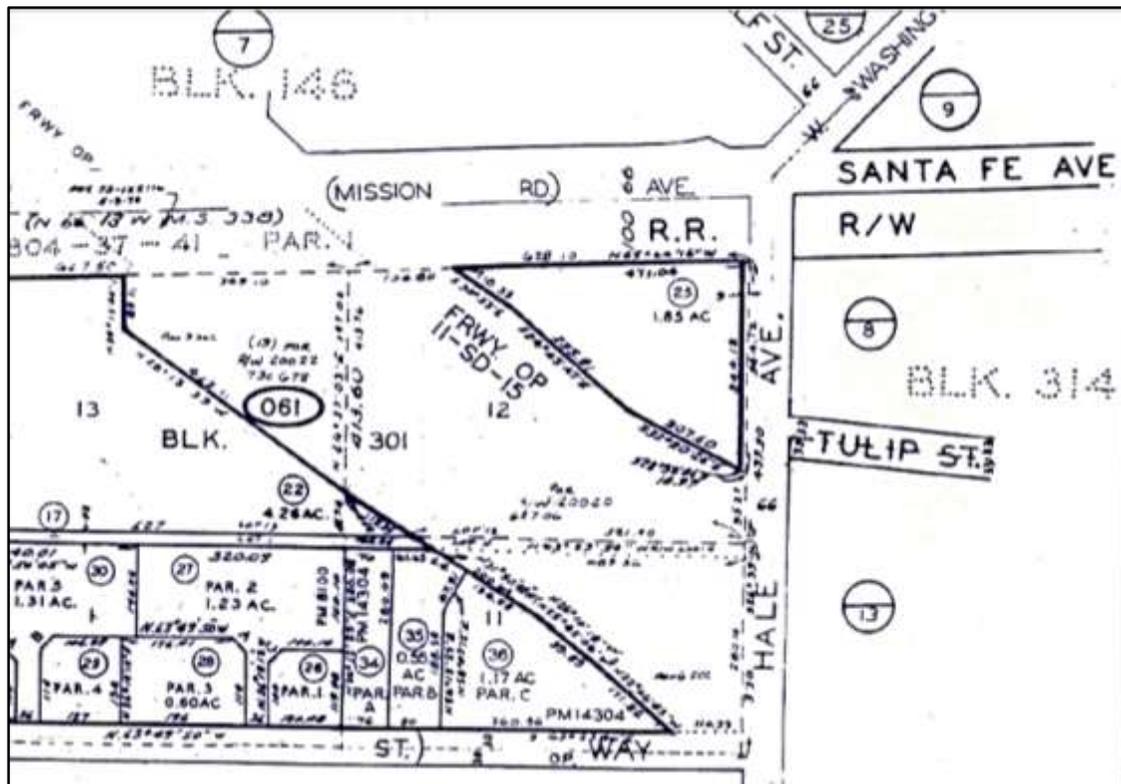
**EXHIBIT "A"**  
**LEGAL DESCRIPION**  
**Planning Case No. PL 20-0447**

That portion of Lot 12 in Block 301 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 724, filed in the office of the County Recorder of San Diego County, August 13, 1982, described as follows:

Beginning at the most easterly corner of said Lot 12; thence along the northeasterly line of said Lot 12, north 65 degrees 44' 16" west 471.04 feet; thence south 30 degrees 33' 00" east 118.33 feet; thence south 24 degrees 43' 47" east 235.81 feet; thence south 32 degrees 20' 26" east 207.60 feet; thence south 28 degrees 30' 06" east 10.97 feet to the southeasterly line of said Lot 12; thence along said southeasterly line, north 26 degrees 39' 01" east 344.12 feet to the point of beginning.

Excepting therefrom the southeasterly 9.00 feet as conveyed to the City of Escondido, in deed recorded June 13, 1975 as File No. 75-149673 of official records.

APN 232-061-25-00



**EXHIBIT “B”**  
**FINDINGS OF FACT/FACTORS TO BE CONSIDERED**  
**PL 20-0447**

**Environmental Determination(s):**

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations Section 15000 et. seq., the City of Escondido is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption in CEQA Guidelines section 15332, “In-fill Development Projects.” Project design measures were incorporated into the Conditions of Approval to address potential issues related to hazardous site impacts.

**Conditional Use Permit (CUP):**

1. Granting the Conditional Use Permit for auto sales 559 N. Hale Avenue would be based on sound principles of land use because and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the proposed use would not create any adverse traffic or noise impacts to surrounding properties, as indicated in the staff report and environmental document prepared for the project. Outdoor lighting would be designed in accordance with the City’s outdoor lighting requirements, which would minimize potential glare and spillover to adjacent properties, and Interstate 15. Appropriate setbacks and perimeter landscaping would be provided. Appropriate access, street improvements and on-site circulation and parking would be provided. The proposed project would not diminish the Quality of Life Standards of the General Plan as the project does not materially degrade public facilities.
2. The Conditional Use Permit has been considered in relationship to its effect on the community and area plan. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses. The property also is located within the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city’s median income and improving the jobs/housing balance. The Carvana auto dealership would assist in achieving the goals and policies in the General Plan and Target Area because it would establish a new commercial use that would rehabilitate the deteriorated project site and enhance commercial service opportunities, tax base and jobs within this target area.
3. The proposed CUP to allow auto sales would provide a necessary and desirable service to the Escondido community without adversely affecting the surrounding area or the city as a

whole, as noted in Findings 1 and 2 above, and further detailed in the Planning Commission staff report dated September 8, 2020.

4. The CUP would become effective on the effective date of the proposed Zone Change and Master and Precise Development Plan.

**Master and Precise Development Plan:**

1. The proposed Planned Development is consistent with the adopted general plan and applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The proposed Planned Development would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The Carvana auto dealership would assist in achieving the goals and policies in the General Plan and Target Area because it would establish a new commercial use that would rehabilitate the deteriorated project site and enhance commercial service opportunities, tax base and jobs within this target area.
2. The proposed location allows the planned development to be well integrated with its surrounding surroundings. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets. The Specific Alignment Plan (SAP) establishes the appropriate level of roadway and intersection improvements to accommodate project related and anticipated future traffic along Hale Avenue project frontage.
4. The proposed location and design allows residents and business establishments proposed within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services.
5. The overall design of the proposed planned development produces an attractive, efficient and stable environment.
6. The planned development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties.
7. The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements (allowable signage) are warranted by the

design and the amenities incorporated in the planned development in accord with adopted city policy.

### **Zone Change**

1. The public health, safety and welfare will not be adversely affected by the proposed zone change from General Industrial (M-2) to Planned Development-Industrial (PD-I) as the subject site still will remain industrial zoning with similar permitted and conditionally permitted uses.
2. The property involved is suitable for the uses permitted by the proposed zone and would not be detrimental to surrounding properties because auto sales is a conditionally permitted use within underlying General Industrial (M-2) and proposed Planned Development-Industrial (PD-I) zone. The proposed PD-I zone would not introduce any additional uses not already allowed or conditionally allowed within the underlying industrial zone. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. The proposed change is consistent with the adopted general plan and the relationship of the proposed change is applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development zoning allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels (Zoning Code Article 19). The proposed zone change also would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance.

**EXHIBIT “C”**  
**CONDITIONS OF APPROVAL**  
**Planning Case No. PL20-0447**  
**Carvana**

Nothing in this permit shall relieve the Applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. **This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.**

Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

**A. GENERAL:**

1. **Acceptance of Permit.** Should the applicant fail to file a timely and valid appeal of this Permit with 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 (2) years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code or Zoning Code. The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
3. **Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with final action on the Project. This includes amending the Project drawing as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Said Plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the project.

**4. Conformance to Approved Plans.**

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

**5. Limitations of Use.** Prior to any use of the Project site pursuant to this Permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Director.

**6. Certificate of Occupancy.**

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

**7. Availability of Permit Conditions.**

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

**8. Right of Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or opening hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The applicant shall provide such business records,

licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.

9. **Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

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

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

12. **Clerk Recording.**

- a. **Exemption;** The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project, a check payable to the "County Clerk" for \$50.00. 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 specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

13. **Legal Description Adequacy.** The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
14. **Application Accuracy.** The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The applicant may be liable for any costs associated with rescission of such permits.
15. **Revocation, Suspension, Modification.** At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Community Development for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

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

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates or constitutes a nuisance.
16. **Indemnification.** The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damage, cost and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, cause of action, liabilities, cost and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sub lessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death, or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the applicant or owner's business or from any activity, work or thing done, permitted or suffered by the applicant or owner or its sub lessees, contractors, employees, or invitees, in or about

the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or ones part to performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees , ag4ents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney fees.

**B. Construction, Maintenance, and Operation Obligations;**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
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 regulation or to obtain permits from other agencies

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 undergrounded.
4. **Signage.** All proposed signage associated with the Project must comply with the City of Escondido Sign Ordinance (Ord. 92-47, Zoning Code Article 66) for the underling zone, and as may be approved pursuant to the Master Development Plan along with any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits (Planning Division Sign Permit) will be required for Project signage prior to the issuance of building permits for the signage.
  - a. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11:00 p.m. and sunrise, unless exempt pursuant to Article 25, Outdoor Lighting. All illuminated signs shall be equipped with

- a dimmer type device in order to control the intensity of illumination between the hours of 11:00 p.m. and sunrise, unless exempt pursuant to Article 25.
- b. The sign package shall include a plaque (mounted on the wall and small monument) noting the previous history of the Talone operation/building on the site.
- 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 1072, Outdoor Lighting (Ordinance No. 86-75).
- a. The interior tower lighting shall be equipped with a dimmer type device in order to control the intensity of illumination between the hours of 11:00 p.m. and sunrise.
- 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. Any roof equipment visibly from Interstate 15 shall be painted to blend in with the roof color.
- 11. Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

**12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.

**13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

**14. Parking and Loading/Unloading.**

a. A minimum of twenty-one (21) parking spaces shall be provided on site as discussed in the staff report to the satisfaction of the City Engineer and Director of Community Development. 54 parking spaces are proposed by the applicant, as shown on the site plan. Parking for disabled persons shall be provided in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All required parking spaces shall remain available for operable vehicles and shall not be used for inoperable vehicles or general storage.

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

a. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in an operational condition.

b. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

c. 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.

**16. Landscaping Plans.** Applicant shall install all required improvements including any fencing, walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.

a. A final landscape and irrigation plan shall be submitted to the Engineering Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project any fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits

may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

- b. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- c. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.
- d. The mature eucalyptus trees located within the southeastern corner of the site shall be retained (if feasible) and incorporate into the landscape design. The root zones shall be protected during grading operations and this shall be noted on the grading plans. The trees shall be trimmed property prior to final certificate of occupancy.

**C. Project Specific Conditions:**

1. In accordance with the San Diego County Department of Environmental Health (DEH) recommendations, prior to the issuance of grading and building permits for the project, the applicant/owner shall enter the Voluntary Assistance Program (VAP) for regulatory oversight to assure that all excavated soil is managed correctly and all potential health risks have been properly addressed. In addition, the following shall be required:
  - a. Evacuation, management and disposal of impacted soils shall be managed through an approved DEH Soils Management Plan (SMP) and Community Health and Safety Plan (CHSP).
  - b. Appropriate engineering controls shall be incorporated into the improvements plans, as may be required by the DEH, to address any soil vapor intrusion.

- c. Prior to Certificate of Occupancy, the applicant shall submit either a “No Further Action” letter or “Concurrence” letter from DEH, or other appropriate certification from DEH.
2. This PD-I zoning designation shall be subject to the same permitted and conditionally permitted uses pursuant to Article 26 (Industrial Zones) for the M-2 zone, unless specifically modified/permitted or conditionally permitted by the Master and Precise Development Plan.

### **BUILDING**

1. Approval and subsequent development is subject to all conditions and requirements of the California Building Code and Building Division.

### **ENGINEERING**

#### **GENERAL**

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer’s engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by a Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer’s Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to the approval of any building permit.

6. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Department 3 copies of the Site/Plot Plan as approved the Planning Commission together with any changes contained in the adopted final conditions of approval. The Master and Precise Development Plan will be certified by the Planning Department verifying that they are an accurate reproduction of the approved Site/Plot Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. Public street improvements shall be constructed to City Standards in effect at the time of Final Engineering approval and shall be submitted on public improvement plans prepared by a Civil Engineer to the satisfaction of the City Engineer. Specific details, including final concrete driveway apron design for the project entrances, concrete curb & gutter and sidewalk replacement, drainage, street lighting, etc. shall be to the satisfaction of the City Engineer.
2. The Developer shall remove the existing Hale Avenue street improvements and widen Hale Avenue and construct new frontage street improvements including modification to the raised median in accordance with the approved Hale Avenue Specific Alignment Plan. The intent of this Hale Avenue Specific Alignment plan is to accommodate the construction of and striping for dual left turn lanes from west-bound Hale Avenue to south-bound Tulip Street.
3. To the extent the existing traffic signal poles and equipment are impacted by the required widening of Hale Avenue and to make the Project's westerly entrance the fourth leg of this signalized intersection, the Developer will be required to modify the existing traffic signal and associated equipment at the intersection of Hale Avenue and Tulip Street to the satisfaction of the City Engineer.

The Developer shall submit separate traffic signal and signing and striping modification improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. These traffic signal modifications shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, LED street lighting, and shall include a new controller and cabinet if the controller must be relocated. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal modification work with the Developer's Contractor(s) and Equipment Suppliers, City staff, and Caltrans due to the close proximity of the Caltrans Direct Access ramp traffic signal system.

4. The project's access driveways shall be constructed as alley-type driveway aprons with minimum throat widths of 24-feet for the easterly driveway and 28 feet minimum for the westerly signalized driveway.

5. The Project's easterly driveway shall be restricted to right turns in and out and must be signed accordingly to the satisfaction of the City Engineer.
6. All on-site driveways and parking areas will be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director.
7. The existing LS1 street light mounted on a power pole along the project frontage shall be removed and returned to SDG&E.
8. The Developer shall relocate the existing City owned street light to a location on the west side of the project's proposed easterly driveway entrance and retrofit it with an LED light fixture in accordance with Escondido Standard Drawing No. E-1-E.
9. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
10. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
11. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
12. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
13. An Encroachment Permit shall be obtained from CALTRANS for any work within the CALTRANS right-of-way.
14. The Developer will be responsible for an overlay of Hale Avenue to centerline along the project frontage due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
15. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
16. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
17. All gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
18. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

### **GRADING and SITE IMPROVEMENTS**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.
4. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or work necessary to construct the project and/or the required improvements.
5. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.
6. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
7. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
9. All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.
10. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

## **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Drainage Study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The Developer shall remove the existing curb inlet along the project's Hale Ave frontage and construct a new curb inlet and modular wetland unit with the required Hale Avenue street widening.
3. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
4. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basins shall be submitted and approved as part of the grading plan check.
5. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
6. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
7. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
8. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

## **WATER SUPPLY**

1. Based on a 1500 gpm fire flow determined for this project by the Fire Department, the existing 8" water main in Hale Avenue will not be required to be upsized. If the fire flow requirements increase, the existing 8" water main in Hale Avenue may need to be upsized to provide adequate water service and/or fire protection to the proposed project. The Developer will be required to design and construct an onsite public 8" looped water main that shall serve the 2

- required onsite fire hydrants, the detector check assembly for the fire sprinkler system, and the potable water meter.
2. The locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
  3. Improvement plans for all proposed water mains shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.
  4. All water improvements shall be designed and constructed per the City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
  5. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
  6. The Developer shall install Fire hydrants together with an adequate water supply at locations approved by the Fire Marshal.
  7. All proposed/required fire hydrants shall be public and meet the current City of Escondido Standards, and shall connect to a minimum 8" diameter public water main.
  8. Water services, meters and backflow prevention devices shall be a minimum of 1-inch in size. Water meters and backflow prevention devices shall not be installed within driveway aprons or drive areas.
  9. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
  10. All water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
  11. All fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.
  12. No trees or deep-rooted plants shall be planted within 10 feet of any public water main.
  13. All water mains within easements shall be installed under a min. 20-foot wide all-weather road surface designed to the satisfaction of the Utilities Engineer.
  14. There shall be no permanent structures or private facilities allowed within a public utility easement. Where private storm drains are necessary, they shall be the outer-most utility.
  15. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.
  16. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department.

## **SEWER**

1. A private 6" minimum PVC sewer lateral with a standard clean-out within 18" of the public utility easement/sewer easement/right-of-way shall be constructed for the proposed project. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform Plumbing Code. The developer may use an existing sewer lateral provided it is 6" in diameter and has been inspected via CCTV and found to be in good condition.
2. All sewer laterals are considered private and the Property Owner is responsible for all maintenance of their sewer lateral to the public sewer main.
3. No trees or deep-rooted bushes shall be planted within 10 feet of any sewer lateral, or within 15 feet of any sewer mains.
4. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
5. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

## **LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.

## **EASEMENTS AND DEDICATIONS**

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
2. The developer shall dedicate 9 feet of right-of-way along Hale Avenue to the City of Escondido per the approved Hale Avenue Specific Alignment Plan.
3. Public easements for sewer, water, traffic signal equipment, etc. which are deemed necessary by the City Engineer and/or Utility Engineer shall be granted to the City.
4. A public utility easement or water easement shall be granted to the City of Escondido for any proposed public waterlines within the project. The easement shall include all fire hydrants, water meters and other public water appurtenances. The minimum easement width for public mains shall be 20-feet.
5. The Developer is responsible for making the arrangements to quitclaim any easements of record which conflict with the proposed development prior to approval of the Grading plans

and Building Permits. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading plans. Building Permits will not be issued for construction which will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

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

### **REPAYMENTS AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer.
2. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

### **UTILITY UNDERGROUNDING AND RELOCATION**

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

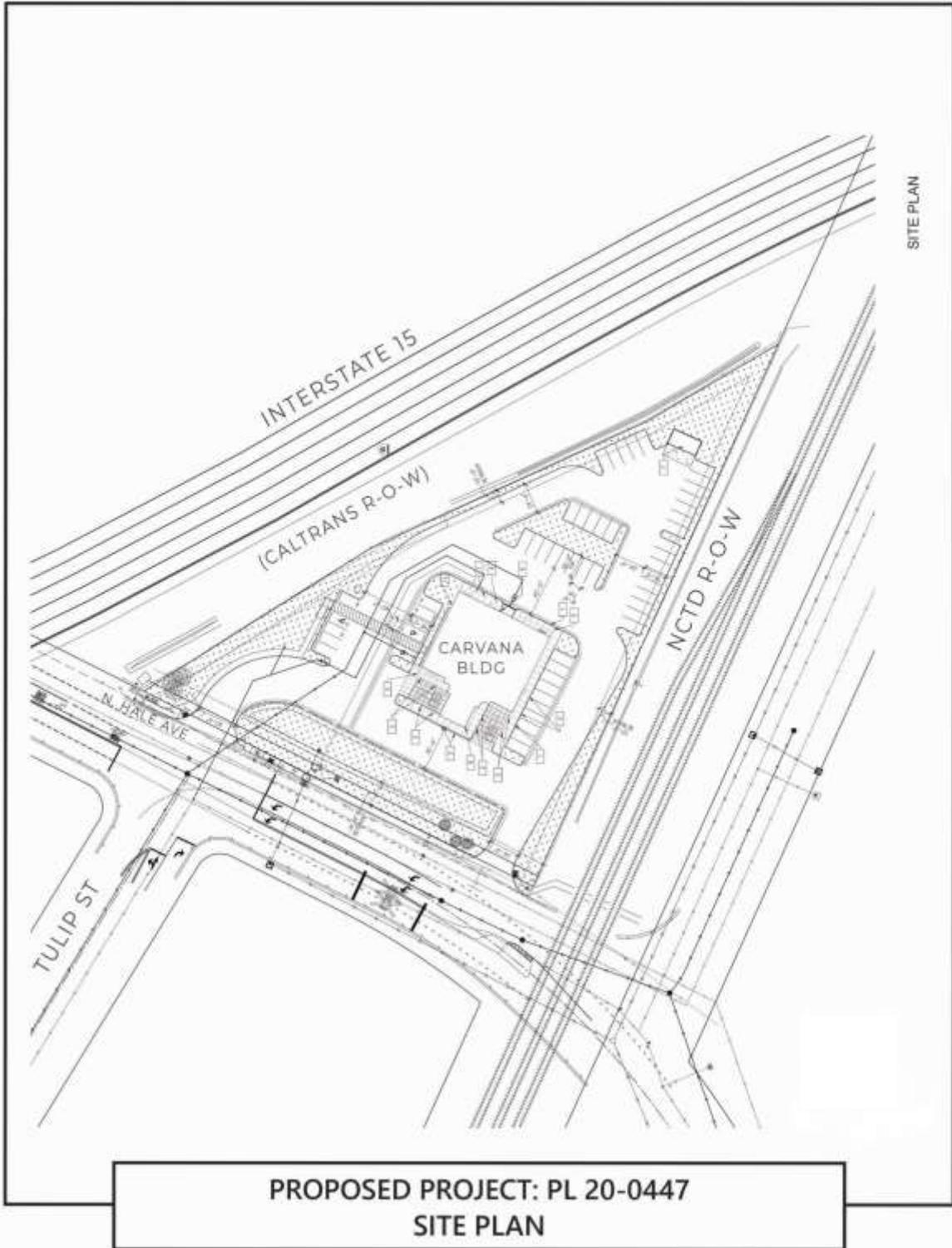
### **SURVEYING AND MONUMENTATION**

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

**FIRE**

1. Emergency back up power shall be provided to maintain emergency evacuation procedures (moving vehicles to ground floor in the event of a fire).
2. All underground fire lines, fire sprinklers, and fire alarm plans shall be deferred submittals to the Escondido Fire Department.
3. Minimum fire flow is 1500 GPM and hydrant spacing at 350ft. Hydrant shall be within 40ft of the FDC location (in an approved location).

## EXHIBIT "D" PROJECT PLANS





HALE STREET VIEW



WEST WASHINGTON VIEW



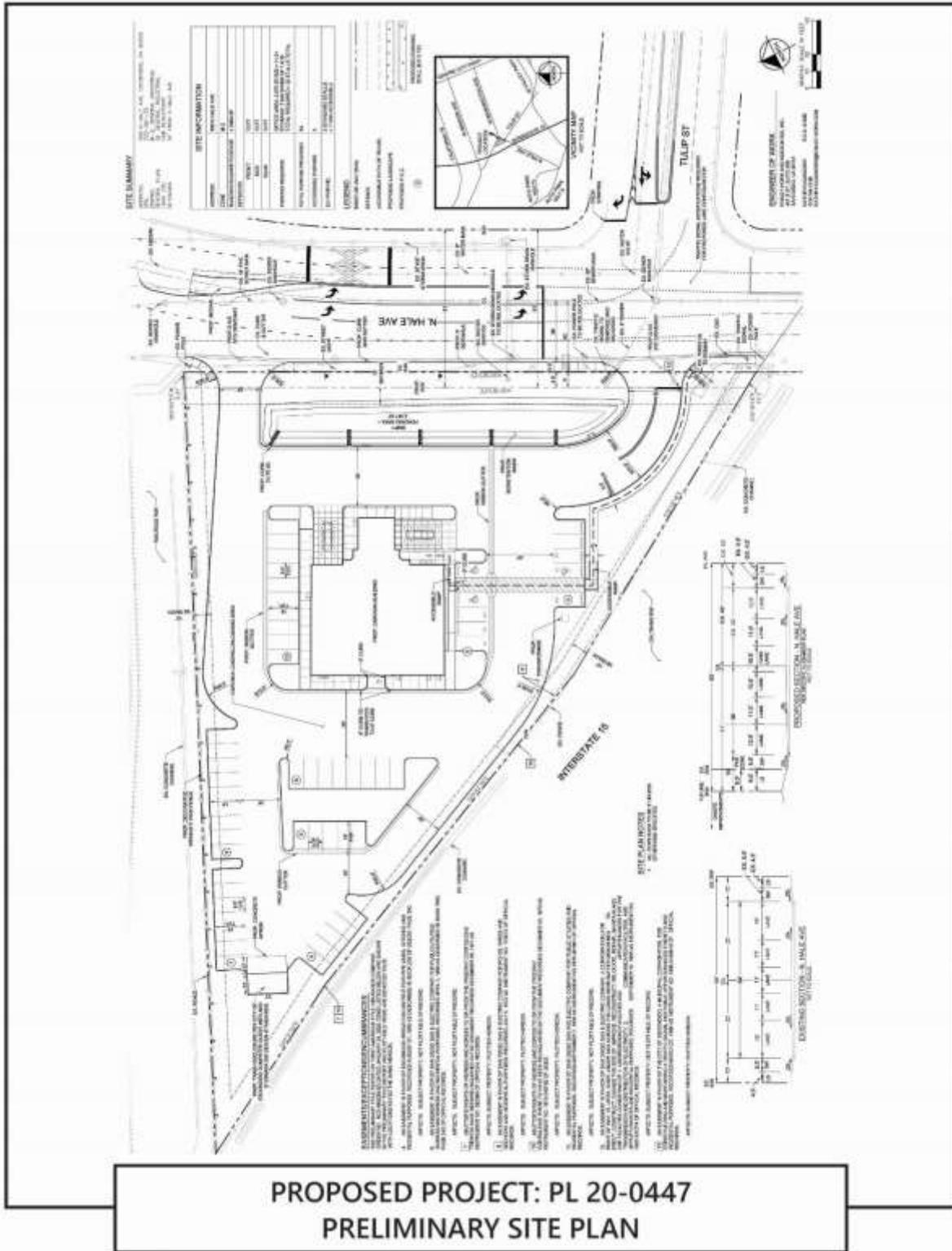
AERIAL VIEW

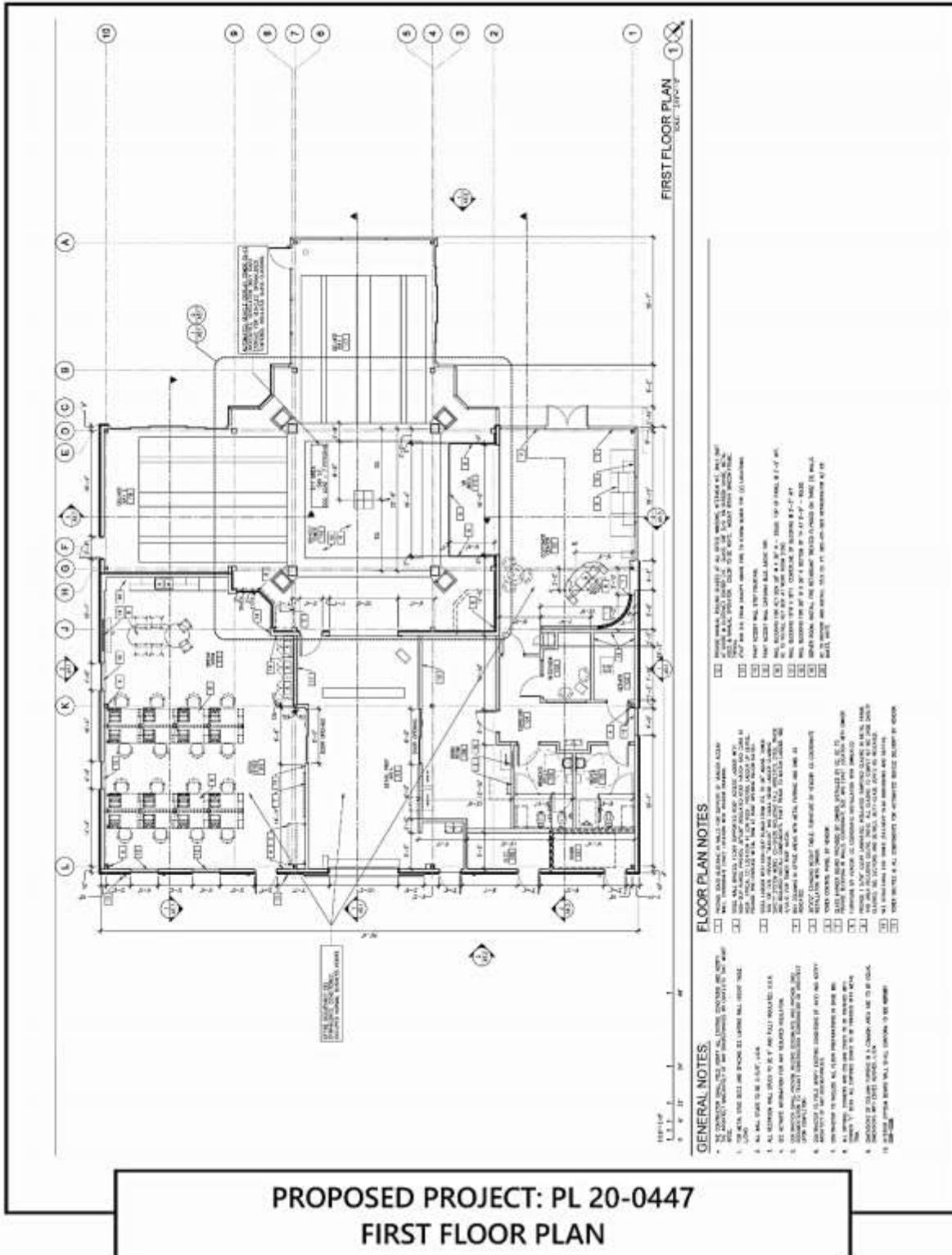


HALE STREET VIEW

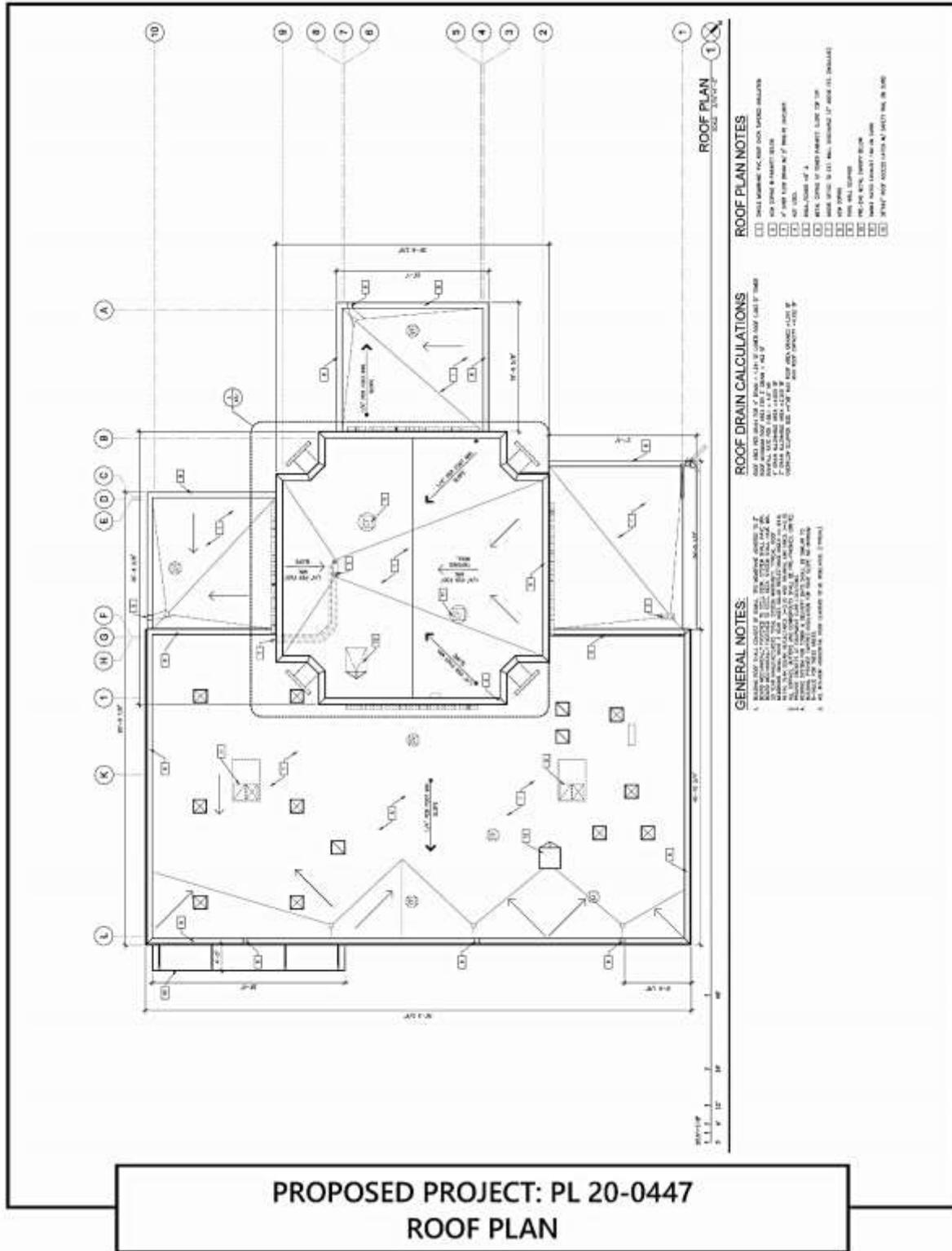
**PROPOSED PROJECT: PL 20-0447  
SITE PHOTOGRAPHS**





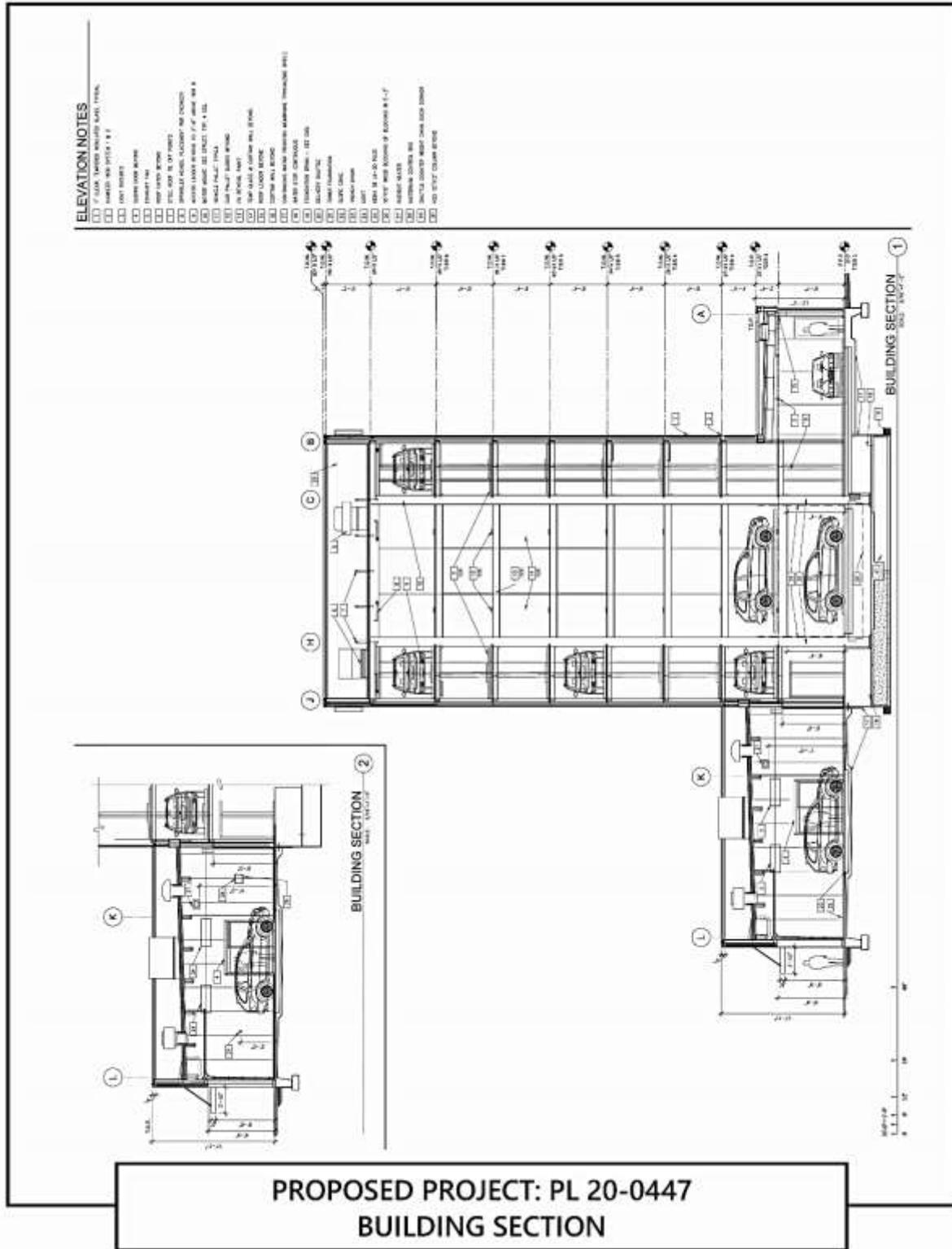












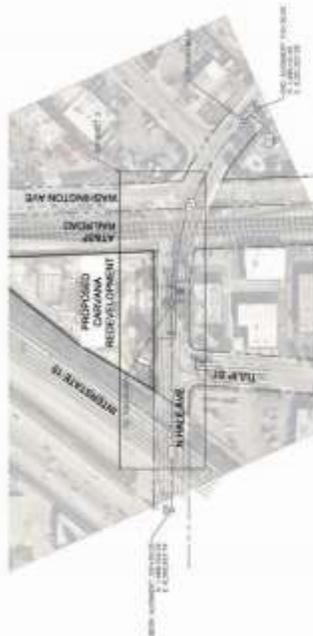




**SPECIFIC PLAN FOR THE ALIGNMENT OF:  
 N HALE AVE**



**Scope of Work:**  
 The Specific Plan Alignment of N. Hale Ave. includes the widening of N. Hale Ave to accommodate two left turn pocket lanes only. Traffic ID improvements include re-striping of roadway for approximately 400 feet, reconstruction of the existing median along N Hale Ave, construction of two access driveways to the proposed Carvana redevelopment and sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of N-Hale Ave and Tulip St.



SEE MAP FOR CENTERLINE DATA

N HALE AVENUE CENTERLINE DATA			
STATION	DATE	PROJECT	DATE
0+00	08/18/2020	0	0
0+10	08/18/2020	0	0
0+20	08/18/2020	0	0
0+30	08/18/2020	0	0
0+40	08/18/2020	0	0
0+50	08/18/2020	0	0
0+60	08/18/2020	0	0
0+70	08/18/2020	0	0
0+80	08/18/2020	0	0
0+90	08/18/2020	0	0
0+100	08/18/2020	0	0

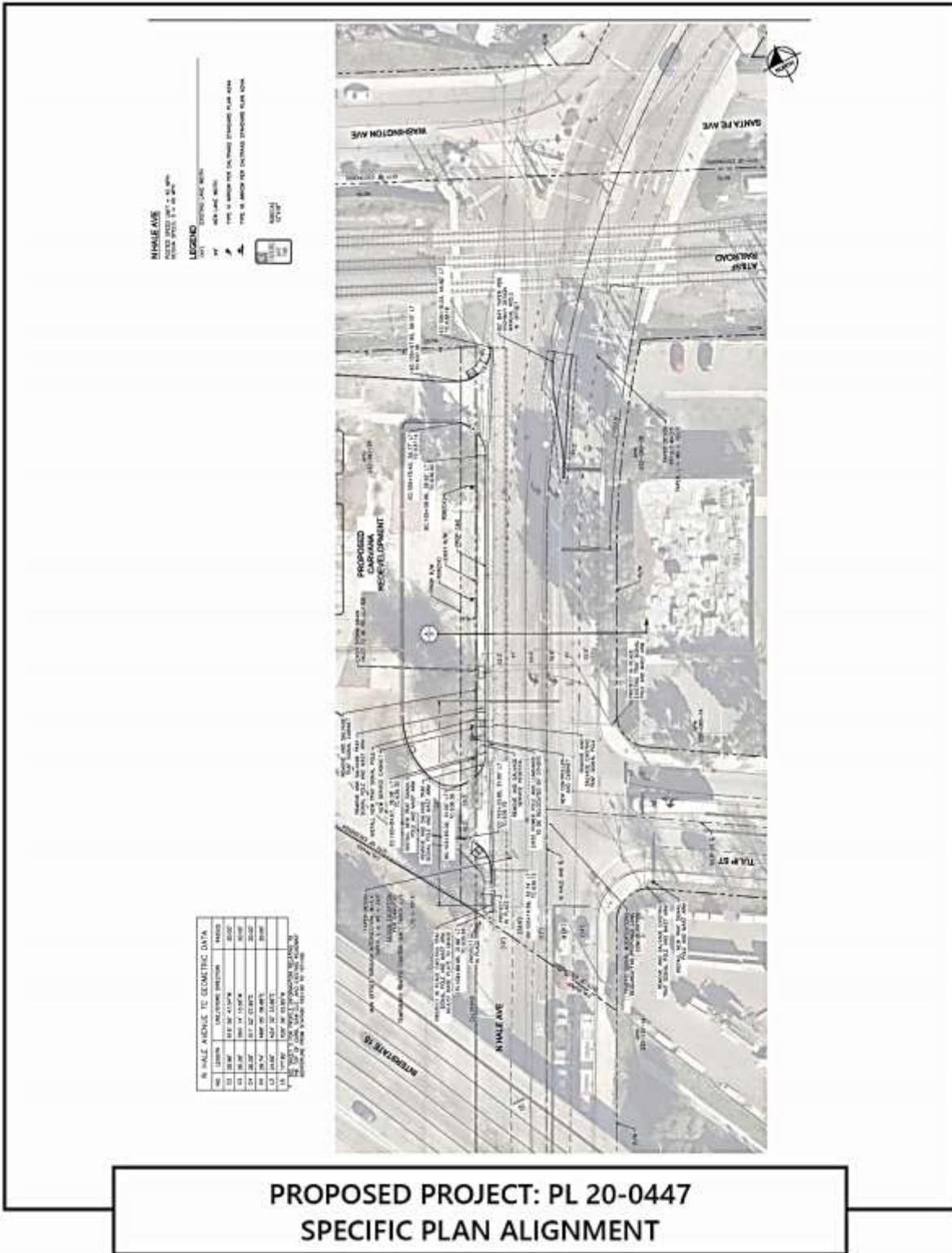
**SHEET INDEX**  
 SHEET NO. 1  
 SHEET TITLE: N HALE AVE & N HALE AVENUE

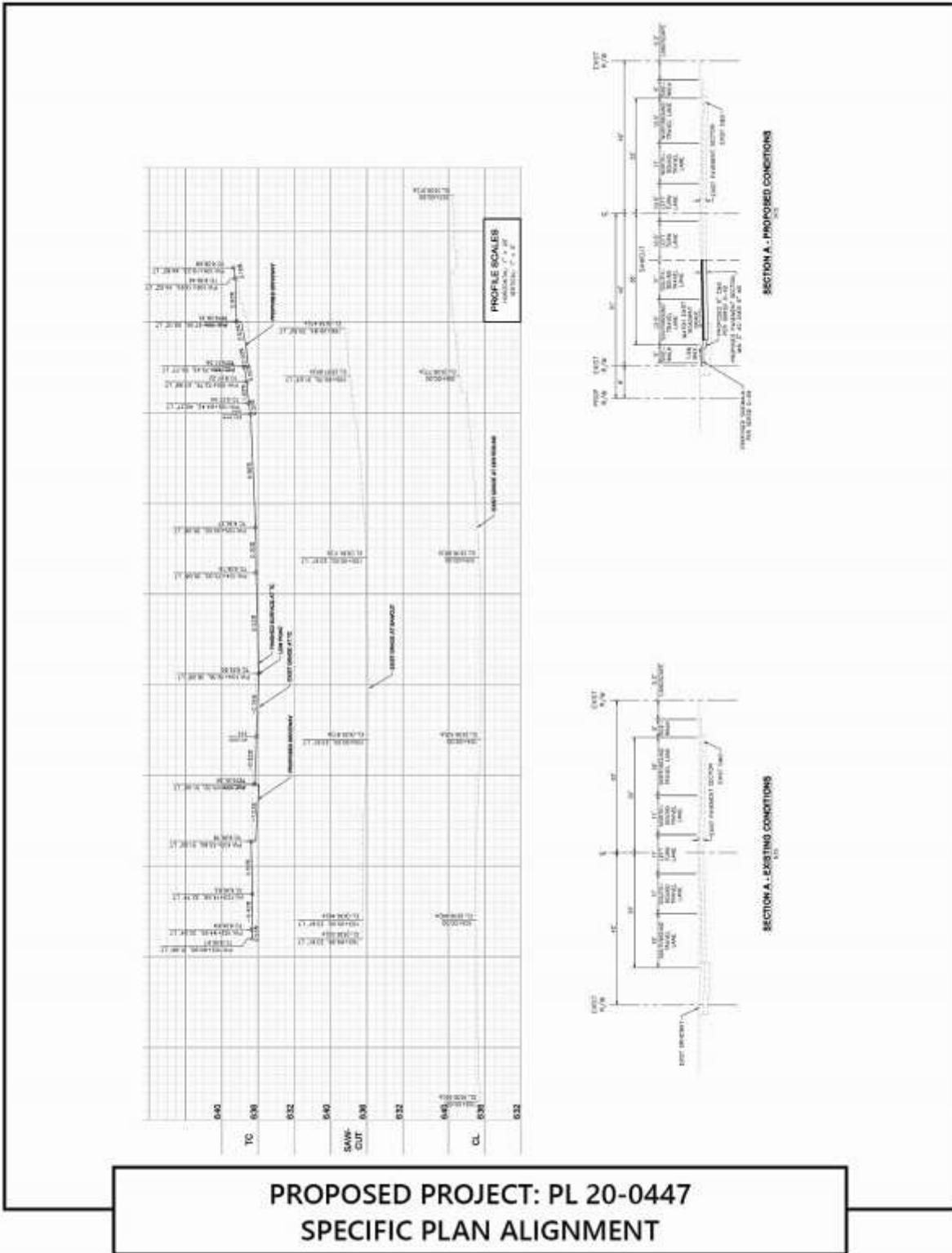
**APPROVALS**  
 PROJECT ENGINEER: [Signature]  
 CHECKED BY: [Signature]  
 DATE: 08/18/2020  
 PROJECT NO.: 20-0447  
 SHEET NO.: 001



LOCATION MAP  
 SEE

**PROPOSED PROJECT: PL 20-0447  
 SPECIFIC PLAN ALIGNMENT**









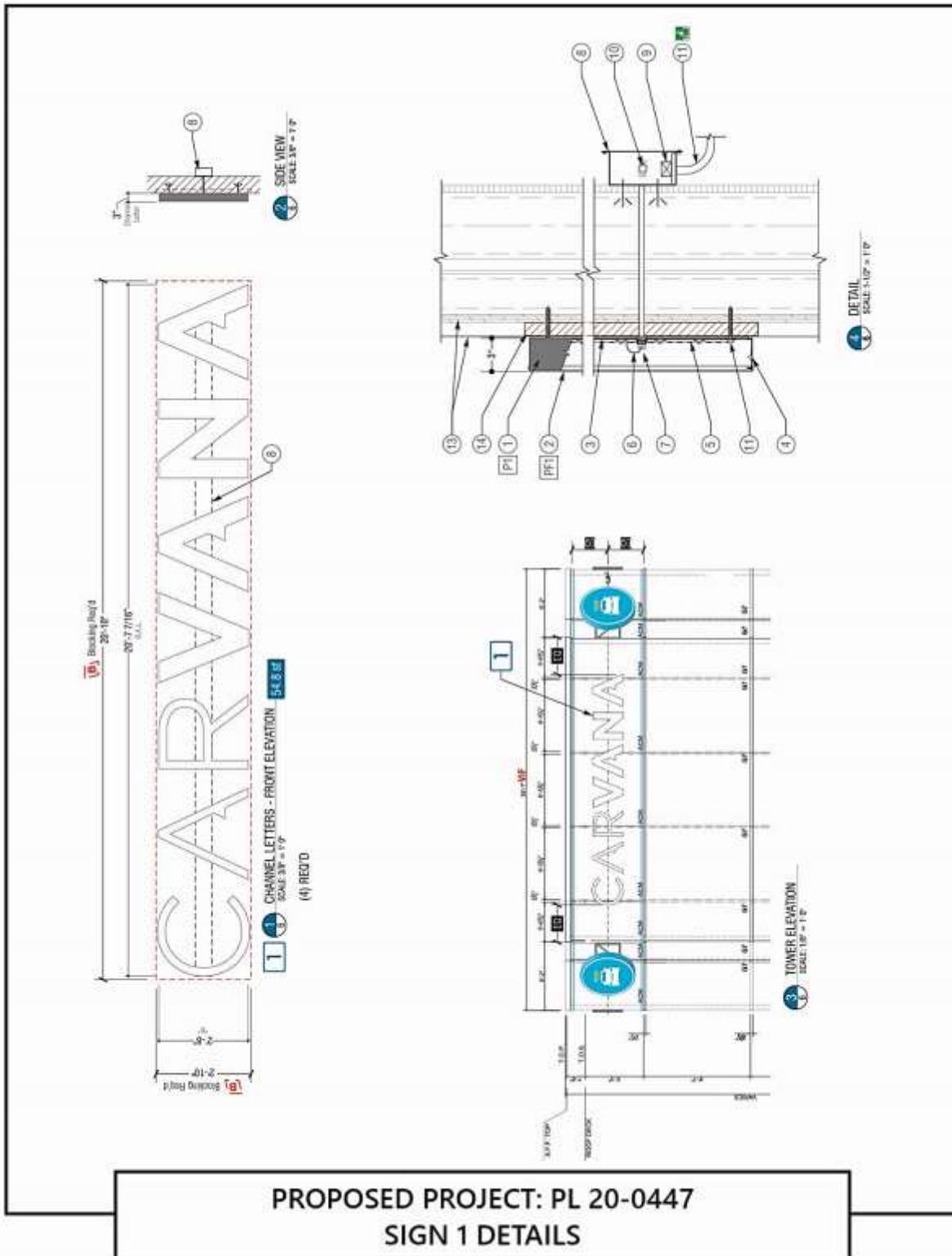
DAY



DUSK

PROPOSED PROJECT: PL 20-0447  
3D RENDERINGS







# PLANNING COMMISSION

Agenda Item No.: G.2  
Date: September 8, 2020

**PROJECT NUMBER / NAME:** PL20-0528 / COVID-19 Business Relief Measures

**REQUEST:** The City Council adopted Urgency Ordinance No. 2020-12 on May 20, 2020 to reduce outdoor retail regulations, parking regulations, and signage restrictions in response to COVID-19. The series of business relief measures was referred to, in part, as the Escondido Business Recovery Strategy. The business relief measures were effective for 90 days. Urgency Ordinance No. 2020-12 was extended by the City Council on August 19, 2020 through Urgency Ordinance No. 2020-21. If City Council does not extend Urgency Ordinance No. 2020-21, it will expire and lapse on the 90<sup>th</sup> day after its adoption. Rather than extending business relief measures by urgency ordinance every 90 days, this proposal includes a term that is tied to the duration of the state of local emergency pertaining to COVID-19. This proposal includes temporary, uncodified amendments to the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** Citywide

**APPLICANT:** City of Escondido

**APN / APNS:** N/A

**PRIMARY REPRESENTATIVE:** Planning Division

**GENERAL PLAN / ZONING:**  
N/A

**DISCRETIONARY ACTIONS REQUESTED:** Zoning Code Amendments (Uncodified)

**PROJECT PLANNER:** Mike Strong, Director of Community Development  
[mstrong@escondido.org](mailto:mstrong@escondido.org)

**CEQA RECOMMENDATION:** Exempt - Public Resources Code section 21080(b)(4) and CEQA Guidelines sections 15269(c), 15304(e), and 15311(c).

**STAFF RECOMMENDATION:** Provide a recommendation to City Council to approve the Project.

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2020-04

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**  Mike Strong, Assistant Planning Director

**A. BACKGROUND:**

On May 20, 2020, the City Council voted unanimously to adopt an Urgency Ordinance No. 2020-12 to establish and allow temporary business relief measures during the COVID-19 pandemic. The Urgency Ordinance was effective for a 90-day period and was set to expire on August 20, 2020. On August 19, 2020, the City Council adopted Urgency Ordinance No. 2020-21 to extend the ordinance an additional 90-days. Urgency Ordinance 2020-21 also provided new measures to further support the safe reopening and operation of relevant business operational matters until the expiration of the temporary regulations. Without further action, Urgency Ordinance No. 2020-21 will lapse on November 17, 2020. Urgency Ordinance Nos. 2020-12 and 2020-21 are provided as Attachment 1 and 2 respectively.

This proposed ordinance only applies to temporary modifications undertaken in order to comply with a federal health order, State Shelter Order, County Health Order, or physical distancing requirements to reduce the risk of transmission of COVID-19. The existing conditions that prompted the adoption of Urgency Ordinance Nos. 2020-12 and 2020-21 and City Council's Proclamation of Local Emergency continue to exist. Rather than extending the Urgency Ordinance every 90-days, this project proposes to enact the business recovery strategy through typical ordinance adoption. Unlike the urgency ordinances previously adopted, this proposed ordinance will remain in effect until 30 days after expiration or termination of the Local Emergency, or until this Ordinance is modified or revoked by the City Council whichever is sooner.

**B. PROJECT ANALYSIS:**

A novel coronavirus referred to as COVID-19, which causes infectious disease, was first detected in December 2019, and has now spread throughout the world. The COVID-19 disease is believed to be spread through person-to-person contact between people who are in close proximity with others up to six (6) feet and through respiratory droplets when a person coughs or sneezes, even when that person is asymptomatic. There have been numerous and continued deaths attributed to COVID-19 in the United States and around the world. Health agencies have recommended various protective measures to reduce the likelihood of transmission of the virus.

On March 4, 2020, California Governor Gavin Newsom proclaimed that a State of Emergency exists in California as a result of the threat of COVID-19. Shortly after, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all residents "to immediately heed the current State public health directives," which included a Department of Public Health directive that people who leave their homes or places of residences "should at all times practice social distancing." Within Executive Order N-33-20, the State Public Health Officer ordered "all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors," thereby shutting down or substantially limiting the operations of all non-essential business and services. During this time of shelter-in-place, self-isolation, and other social distancing measures, many individuals experienced substantial loss of personal or business income. While the social distancing and stay-at-home orders supported the need to slow the spread of the virus, there

were immediate adverse impacts to businesses, the workforce, and residents. Specifically, the orders precluded some residents of the city from working, required some businesses to close or significantly decrease customer capacity, and required residents to work fewer hours to take care of children who remained at home due to school closures or take care of ill family members. As the public health emergency intensified in Spring 2020, and the number of people infected by COVID-19 increased, cities and counties in the State of California began to develop local economic relief plans so that businesses had the ability to rebound from the adverse impacts of COVID-19 and continue to provide employment and generate tax revenue to set the stage for economic recovery after the emergency is over, while continuing to help ensure the safety and protection of individuals.

The City Council adopted Urgency Ordinance No. 2020-12 on an interim basis on May 20, 2020, to establish temporary business relief measures and reduce outdoor retail regulations and signage restrictions in response to COVID-19, while also helping to ensure the health and safety of employees, customers, and the general public. The City Council adopted Urgency Ordinance No. 2020-21 to extend the business relief program. Urgency Ordinance 2020-21 also provided new measures to further support the safe reopening and operation of relevant business operational matters until the expiration of the temporary regulations. Without further action, Urgency Ordinance No. 2020-21 will lapse on November 17, 2020.

In many ways, this proposed ordinance can be considered an extension of Urgency Ordinance Nos. 2020-12 and 2020-21, as a local measure that advances temporary business relief measures that protect life and property, and the general health and safety of businesses and employers, residents, and visitors of Escondido who are affected by the declared Local Emergency. Below is a list of the business relief measures include in this ordinance.

- Sign limits and regulations (creating more flexibility to advertise business, adjusted hours and/or COVID-19 precautions).
- Regulations of alcohol sales (off-site sale allowances).
- Carryout zones (creating flexible drop-off and pick-up options).
- Outdoor activities in parking and non-parking areas (supporting the expansion of outdoor sales, displays, and services).
- Indoor expansions for uses (streamlining temporary expansions without zoning permits).
- Parking regulations exemption (creating more flexibility for businesses).
- New structure and modification exemption (streamline business activity).
- Agricultural experiences (incidental use of agricultural lands).
- Home occupations (allowing customers and employees).
- Other use activities not specified (providing adaptive ways to solve future problems).

For more background information about the business recovery strategy and/or the proposed relief measures, please refer to the May 20, 2020 and August 19, 2020 City Council Staff Reports. The business relief measures are provided in draft Planning Commission Resolution No. 2020-10.

**C. ENVIRONMENTAL STATUS:**

The City finds that the adoption of the Zoning Code Amendments would be exempt from Environmental Review pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), as a project undertaken to prevent or mitigate an emergency; categorical exemption under CEQA Guidelines section 15304(e) for minor alterations to land for temporary uses that have negligible or no permanent effects on the environment; and categorical exemption under CEQA Guidelines section 15311(c) for the construction of or replacement of minor structures and temporary use items accessory to existing commercial, industrial, or institutional facilities.

**D. CONCLUSIONS:**

The City Council adopted a series of business relief measures to help maintain the safety, security, and health of Escondido residents, businesses, and other community members. This proposed ordinance is a continuation of existing City policy, consisting of temporary, uncodified amendments to the Escondido Zoning Code. Rather than extending business relief measures by urgency ordinance every 90 days, this proposal includes a duration that is tied to the state of Local Emergency pertaining to COVID-19. The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. No other discretionary permits are requested or required.

**ATTACHMENT:**

1. City Council Urgency Ordinance No. 2020-12
2. City Council Urgency Ordinance No. 2020-21
3. Draft Planning Commission Resolution No. 2020-04

PL20-0528  
September 8, 2020  
Planning Commission

**ATTACHMENT 1**

**PLANNING COMMISSION STAFF REPORT PACKET**

**PL20-0528**

**(September 8, 2020)**

Due to the number of pages of Attachment 1, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/Ordinances/2020/ORD2020-12MAY202020.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

**ATTACHMENT 2**

**PLANNING COMMISSION STAFF REPORT PACKET**

**PL 20-0528**

**(September 8, 2020)**

Due to the number of pages of Attachment 2, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/Ordinances/ORD2020-21AUG192020.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

### ATTACHMENT 3

Planning Commission  
Hearing Date: September 8, 2020  
Effective Date: September 9, 2020

#### PLANNING COMMISSION RESOLUTION NO. 2020-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, TO RECOMMEND CITY COUNCIL APPROVAL OF UNCODIFIED ZONING CODE AMENDMENTS RELATED TO STATEWIDE RECOVERY AND RE-OPENING EFFORTS DUE TO NOVEL CORONAVIRUS (“COVID-19”)

APPLICANT: City of Escondido

CASE NO: AZ 20-0001

WHEREAS, in a short period of time, COVID-19, which is a new strain of coronavirus that is the cause of an outbreak of respiratory illness, has rapidly spread throughout the State of California, necessitating stringent public health emergency orders as well as guidance and directives from federal, state, and local public officials; and

WHEREAS, as of March 18, 2020, the Escondido City Council adopted Proclamation No. 2020-01, ratifying the declaration of the Director and declaring the existence of an on-going local emergency pursuant to COVID-19; and

WHEREAS, the City Council adopted Urgency Ordinance No. 2020-12 to facilitate necessary measures within the City’s control to ensure compliance with constantly evolving plans and health orders, to help ensure the safety and protection of individuals, and to reduce the risks of community spread of COVID-19; and

WHEREAS, the City Council adopted Urgency Ordinance No. 2020-21, as an extension and modification to Urgency Ordinance No. 2020-12; and

WHEREAS, the existing conditions that prompted the Director's and City Council's Proclamation of Local Emergency continue to exist; and

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

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

WHEREAS, the Planning Commission of the City of Escondido did, on September 8, 2020, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated September 8, 2020, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. That the above recitations are true and correct.
2. That the Planning Commission, in its independent judgement, finds that the proposed amendment to the Escondido Zoning Code (uncodified) is exempt from environmental review pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), as a project undertaken to prevent or mitigate an emergency; categorical exemption under CEQA Guidelines section 15304(e) for minor alterations to land for temporary uses that have negligible or no permanent effects on the environment; and categorical exemption under CEQA Guidelines section 15311(c) for the construction of or replacement of minor structures and temporary use items accessory to existing commercial, industrial, or institutional facilities.
3. The Planning Commission finds that local measures that advances temporary business relief measures that protect life and property, and the general health and safety, of the businesses and employers, residents, and visitors of Escondido who are affected by the declared Local Emergency is a necessary action. The Planning Commission makes this recommendation to the City Council to help facilitate compliance of all stated precautions recommended by health authorities, to increase and improve patron and pedestrian mobility and access, to maximize the ability of free open public or semi-public space to facilitate business engagement practices that are conducive to

social distancing, to provide special accommodation for additional signage and notifications regarding business hours or closures and on-site risk reduction measures, and to promote stability among commercial retail, industrial manufacturing, and logistics businesses, thereby allowing businesses and employers to decide whether and how to remain open providing both income to employees and needed services to residents and not simply closing due to economic or health advisory pressures.

4. In the interest of protecting the public health and safety, and minimizing and reducing the spread of the transmission of COVID-19 and loss of life, property, and essential public services, the Planning Commission finds a compelling need to establish a series of temporary business relief measures and otherwise mitigate the adverse effects of COVID-19 and the gradual re-opening process among all residents, businesses, and visitors of Escondido.

5. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes these substantive findings and determinations and reached a recommendation on the matter as hereinafter set forth.

6. The business relief measures, which constitute as temporary and uncodified zoning code amendments, hereinafter set forth in Exhibit "A," is hereby recommended for City Council **approval**.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 8<sup>th</sup> day of September, 2020, by the following vote, to wit:

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

---

Stan Weiler, Chair  
Escondido Planning Commission

ATTEST:

---

MIKE STRONG, Secretary of the  
Escondido Planning Commission

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

---

KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

**EXHIBIT "A"**

**PL20-058**  
**UNCODIFIED ZONING CODE AMENDMENTS**

SECTION 1. During this state of Local Emergency, the City Council hereby adopts the following temporary business relief measures:

- 1) **Temporary Sign Limits.** Section 33-1396(a) of Article 66 of the Escondido Zoning regulates the time, place, and manner of temporary signs, and limits these special event signs for a total duration of not more than sixty (60) days in a calendar year. Section 33-1396(a) of Article 66 of the Escondido Zoning Code regulates temporary banner signs including an allowance for seventy-two (72) square feet and only one (1) special event banner is allowed for each street frontage, except for individual in-line shops in commercial centers where one (1) banner is allowed for each building face fronting on a parking lot or a street. The foregoing limitations of temporary banner signs are hereby provisionally modified to allow for the following:
  - a. One (1) banner sign of up to seventy-two (72) square feet and one (1) additional banner sign of up to thirty-two (32) square feet for each street frontage or each building face fronting on a parking lot or a street.

The City Council also hereby adopts provisions to allow for the following temporary signs that are neither expressly allowed nor prohibited by the zoning ordinance, when they are on private property, project from private property over or into City property, or are located within the public right-of-way.

- a. A-frame sign(s) placed on private property adjacent to the primary entrance to the property, building, or tenant space for the purpose of identification, protection or directing persons to a use conducted therein, or identification of on-site protection or safety measures.
- b. Wayfinding or directory ground-mounted signs placed immediately adjacent to pick-up and carry-out zones, or parklets, designed or intended to be displayed for each service or delivery entrance.

Temporary signs specifically allowed by this Ordinance are exempt from and would not be counted towards the sixty (60) day calendar limit. An act to establish, erect, or maintain temporary banner, temporary A-frame signs, or wayfinding or directory ground mounted signs, as allowed by this Ordinance, shall be exempt from the application and sign permit requirements but must be in conformance with all other requirements of this section. Except as modified by this section, the provisions, terms, and limitations of Article 66 shall remain in full force and effect, including any timeframe or permit requirements with respect to signs not otherwise described herein.

2) **Regulation of Alcohol Sales.** The City Council hereby suspends local permit restrictions on Alcohol Beverage Control (“ABC”) licensed restaurants that prevent off-site sale and delivery of alcohol, to the extent applicable, subject to the following conditions:

- a. No wine or beer shall be sold with an alcohol content of greater than fifteen (15) percent by volume.

- b. The sale of alcoholic beverages for off-site consumption shall only be made to patrons who purchase meals as defined in Business and Professions Code Section 23038.
  - c. All alcohol delivery persons shall be an employee of the restaurant who is twenty-one (21) years of age or older. Drivers delivering alcohol to said patrons shall document that the customer is twenty-one (21) years of age or older. No individual under twenty-one (21) years of age, or without proper identification, shall be served or sold alcohol.
  - d. Restaurants shall comply with the conditions contained within the ABC's Notice of Regulatory Relief.
  - e. That the suspension of local permit restrictions on ABC licensed restaurants shall be effective during the Urgency Ordinance's effective period and/or shall last until the withdrawal of ABC Notice of Regulatory Relief, whichever occurs first.
- 3) **Carry-Out Zones Established.** The City Council desires to convert underutilized parking spaces into more functional spaces and to include use of parking space(s) or portion of the parking lane(s) as described herein. The City Council hereby authorizes the reservation of no more than four (4) existing, striped parking space on the same premises for curbside pick-up, restaurant carry-out zones, and/or other drop-off and pick-up related uses and activities. The City Council furthermore authorizes the temporary use of no more than two (2) existing, striped parking spaces in the public street

immediately adjacent to a businesses or employer, if any, for curbside pick-up, restaurant carry-out zones, and/or other drop-off and pick-up related uses and activities to the fronting private property. Temporary use of on-street parking spaces shall be limited to streets with speed limits of thirty (30) mph or less and shall be coordinated with neighboring businesses and business associations.

4) **Accessory Retail Use in Industrial Areas.** Retail accessory uses and structures are permitted in the industrial zones, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Said regulations, described in Section 33-565 of Article 26 of the Escondido Zoning Code, limit accessory retail use to fifteen (15) percent of the gross building square footage. The foregoing limitation is hereby provisionally modified from fifteen (15) percent to fifty (50) percent. Henceforth, no additional parking associated with this expanded accessory use authorization shall modify or change any on-site parking requirements. Except as modified by this section, the provisions, terms, and limitations of Article 26 shall remain in full force and effect.

5) **Outdoor Activities on Private Property (in Non-Parking Areas).** Authorization of temporary outdoor display and sale events in commercially zoned districts of the City, described in Sections 33-1533(b) and 33-1534(c)(1) of Article 73 of the Escondido Zoning Code, are hereby provisionally modified and henceforth to allow a variety of outdoor sale events; displays; professional, recreation or instructional services; and/or

assembly in non-parking areas of private property. Henceforth, no zoning permit or fees shall be required to establish outdoor activities in non-parking areas of private property. Furthermore, outdoor activities on private property shall be allowed to recur during normal business hours and for as many days as necessary within the time limits of the Ordinance's effective period. All shade tents shall be reviewed by the building division and fire department for compliance with all building and fire codes. No fees shall be required for tent permit applications or tent inspection, if required by the Fire Chief or designee. Except as modified by this section, the provisions, terms, and limitations of Article 73 shall remain in full force and effect.

- 6) **Outdoor Activities on Private or Public Property (Parking Areas).** A business establishment can be expanded into temporary outdoor areas to allow a variety of outdoor sale events; displays; professional, recreation, or instructional services in parking areas located on private or public property. Outdoor activities in parking areas shall be allowed to recur during normal business hours, subject to a special temporary use permit. No permit or fee shall be required for assembly or assembly services, which may include social clubs, churches, and/or protests. All shade tents shall be reviewed by the building division and fire department for compliance with all building and fire codes. No fees shall be required to review special temporary use permit and/or tent permit applications or tent inspection.

- a. A temporary outdoor use in a private parking area can only be located in a zone in which the primary use is an allowed use or

conditionally permitted use under the base zoning designation. A temporary outdoor use in a private parking area can only be located on the same parcel that is entitled for the use.

- b. A temporary outdoor use in a public parking lot shall obtain authorization by the City's Manager's Office or Community Services Department.

7) **Parklets Established.** The City Council desires to convert underutilized on-street parking spaces and/or public sidewalks into more functional spaces and hereby authorizes the conversion of on-street parking or public sidewalks to parklets through the issuance of special temporary use permits. Henceforth, parklets are permitted on streets with less than 12,000 Average Daily Trips and speed limits of thirty (30) mph or less. Each parklet must be located within an existing, striped space and located immediately adjacent to a business or employer. Additional parklet space(s) and/or public sidewalk space(s) may be utilized if the associated property owner and/or business establishment assigns rights to use the associated parklet space(s) and public sidewalk.

8) **Temporary Indoor Expansions.** A legal and conforming business area can be expanded into temporary indoor areas subject to a special temporary use permit, including into an existing nearby space or building, when shown to be necessary to comply with continued specific public health requirements associated with the pandemic and to accommodate physical distancing without increasing the overall capacity or occupancy of the

operation. However, a temporary indoor area can only be located in a zone in which the primary use is an allowed use or conditionally allowed under the base zoning designation.

- 9) **Parking Regulations Exemption.** A temporary modification is exempt from additional parking regulations. Any temporary off-site parking arrangements or reciprocal parking agreements, necessary to temporarily support a business recovery and/or implementation of a temporary outdoor use subject to a special temporary use permit, may similarly be reviewed and considered as a special temporary use.
- 10) **New Structures and Modifications.** A business may erect a new temporary structure or make a minor modification to an existing structure as part of a temporary modification. A temporary modification is exempt from Design Review or other zoning permits.
- 11) **Agricultural Experiences.** An allowed agricultural use may conduct an agricultural experience that complies with all of the following:
  - a. The use is incidental to a primary agricultural use and features predominately agricultural products grown or produced onsite.
  - b. Hikes, tours, educational seminars, and/or food sales or service must occur during business hours. No overnight sleeping accommodations are allowed.
  - c. No permanent improvements are necessary to accommodate or support the agricultural experience, such as construction or grading.

- d. The use complies with environmental health requirements, including those related to food service, porta-toilets, trash containers, fire and building codes, the Department of Alcoholic Beverage Control requirements, and any other applicable requirements.

12) **Home Occupations.** Home occupations require a home occupation permit. Henceforth, all bona fide home occupations shall allow on-premises employees and customers.

- a. No more than two (2) non-residents who commute to the home to work may be continuously employed at any one time on the site, except where specifically permitted by law.
- b. No more than eight (8) clients or customers shall be on the premises in any one (1) day.

Each and every one of the other conditions listed in Section 33-852 of the Escondido Zoning Code must be observed at all times by the holder of a home occupation permit. A home occupation shall continue to comply with all of the codes adopted by reference (including but not limited to the Uniform Building Code, Uniform Plumbing Code, Uniform Fire Code, etc.) and shall require ADA clearances as determined necessary by the Building Official. The Director of Community Development may, upon application, issue a home occupation permit, which shall state the home occupation permitted, the conditions attached, and any time limitations thereon.

SECTION 2. In addition to the temporary uses or operational needs expressively stated within this Ordinance, the Director of Community Development, or his

designee, may issue a special temporary use permit for a temporary indoor or outdoor use found to be necessary to respond to the current and continuing health, safety, and financial circumstances of the COVID-19 emergency. Such uses must serve to increase and improve patron and pedestrian mobility and access to businesses engaging in practices that are conducive to social distancing and other applicable health and safety practices, including complying with the County Public Health Order and all other applicable governmental and agency health and safety requirements. Such uses may include temporary use allowances, expanded business hours, drive-through or drop-off/pick-up operations, or other measures if it is shown necessary for business recovery or other pressing need related to the pandemic.

SECTION 3. The City Manager, or his designee, shall create and maintain a master permitting and/or tracking program to help implement this Ordinance. Each application shall be reviewed for public safety issues unique to the pedestrian and vehicular needs of the specific location. The business or employer must agree to provide to the City a Certificate of Liability insurance naming the City as additional insured. Additional conditions may be included prior to the issuance of any permit covered by this Ordinance.

SECTION 4. This Ordinance is effective on the date of its adoption and shall remain in effect until 30 days after expiration or termination of the Local Emergency, or until this Ordinance is modified or revoked by the City Council whichever is sooner. All ordinances or parts of ordinances in conflict herewith are hereby temporarily suspended, effective immediately and in effect through the time the Ordinance is in effect, unless stated otherwise. After the expiration of the Ordinance, the provisional business relief

measures shall be deemed expired and of no further force or effect. All rights and obligations under this Ordinance shall be concluded.

SECTION 5. During the effective period of the Ordinance, businesses and employers have a right to undertake and complete the development and use of property or utilize any and all business relief measures, or portions thereof. All temporary modifications must comply with all other state and local laws, including encroachment, building, grading, fire, and health code requirements, the California Disabled Persons Act, the State Shelter Order, and the County Health Order.

SECTION 6. No Property Rights Conferred. Use or development of a temporary modification does not confer a property interest, vested right, or entitlement to continue through the Ordinance's effective period or receive a future entitlement for use of the temporary modification. These business relief measures shall not be extended by any amendments or modifications unless expressly provided by the City Council. Upon the Ordinance's expiration, the City Council's policy shall revert to the zoning ordinance as written and all temporary displays and physical improvements authorized by this Ordinance shall be removed immediately, at the expense of the business or employer. Temporary modifications must either be restored to their prior condition or the applicant must apply for and diligently pursue retention of these modifications on a permanent basis.

SECTION 7. The City of Escondido reserves the right to enforce this Ordinance pursuant to Escondido Municipal Code Section 1-13 and to pursue any other remedies legally available against individuals or entities who knowingly or intentionally violate the provisions of this Ordinance or falsify information to qualify for the relief granted

by this Ordinance. If the Director of the Community Development Department, or his/her designee, determines that a temporary modification is a nuisance or does not comply with this Ordinance or applicable provision of the Zoning Code, it may, at the Director's discretion, require changes to the temporary modification, suspend use of the temporary modification, or require that the temporary modification cease.

SECTION 8. There are no assurances to residents, businesses, or visitors that the affected chapters and sections of this Ordinance will not be subject to future revisions. The establishment of this Ordinance shall not preclude, change, or impair the authority of the City to adopt and/or enforce Zoning Code provisions, Municipal Code ordinances, or other governing situations.

SECTION 9. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

- Actions and proceedings that began before the effective date of this Ordinance;
- Prosecution for ordinance violations committed before the effective date of this Ordinance; and/or
- The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance.

SECTION 10. This Ordinance is intended to supplement, not to duplicate, supplant, or contradict, applicable state and federal law, as well as the County Public Health Order, and shall be interpreted in light of that intent. If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is, for any reason, held invalid

or unconstitutional, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 11. All businesses that are allowed to open must modify operations to comply with the State and County Public Health Orders, guidelines, and regulations specific to their industry sector from relevant local and state agencies, as well as prepare, post, and implement a social distancing protocol to protect employees, customers, and the general public, and self-certify compliance. Businesses that perform group instruction or assembly must not exceed the maximum number of individuals in a group allowed under the County Public Health Order for outdoor activity businesses or for gatherings.

SECTION 12. The City Council does not request codification of this Ordinance because the Ordinance is temporary and, therefore, not a general ordinance in force.



# PLANNING COMMISSION

Agenda Item No.: H.1  
Date: September 8, 2020

**PROJECT NUMBER / NAME:** PHG 18-0009 / Climate Action Plan Update

**REQUEST:** Receive presentation and file report.

**LOCATION:** Citywide

**APPLICANT:** City of Escondido

**APN / APNS:** N/A

**PRIMARY REPRESENTATIVE:** Planning Division

**GENERAL PLAN / ZONING:**  
N/A

**DISCRETIONARY ACTIONS REQUESTED:** N/A

**PREVIOUS ACTIONS:** Previous informational presentations to the Planning Commission as described in the staff report.

**PROJECT STAFF:** Mike Strong, Director of Community Development  
[mstrong@escondido.org](mailto:mstrong@escondido.org)

**CEQA RECOMMENDATION:** The City of Escondido, as the lead agency, has prepared a draft Initial Study/Mitigated Negative Declaration (“IS/MND” [SCH No. 2020079003]) for the project. The review and comment period ended on July 31, 2020. City staff is currently reviewing comments, preparing responses, and preparing the Final IS/MND. Written communications and technical information obtained during the course of the work program will be utilized in finalizing the IS/MND.

**STAFF RECOMMENDATION:** Receive and file report.

**REQUESTED ACTION:** None.

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**  Mike Strong, Director of Community Development

**BACKGROUND:**

In 2013, the City of Escondido adopted a CAP as a pathway toward creating a more sustainable, healthy, and livable community. The strategies outlined in the CAP were to not only reduce greenhouse gas emissions, but also to provide energy, fuel, water, and monetary savings to residents, businesses, and other community members – while improving the quality of life in Escondido. Although the City of Escondido was one of the first group of cities to prepare and adopt a CAP in the San Diego region, a lot has changed since then and the City’s CAP needs to be amended.

During the course of the CAP update work program, City staff has prepared regular, status updates to Planning Commission, each meeting intended to advertise a project milestone and/or to examine a specific component of the project. The “review meetings” schedule is reflected below, in Table 1. This eighth “review meeting” helps present recommendations of the Environmental Community Advisory Group. This meeting will also provide information about potential staff resourcing impacts associated with the CAP implementation.

**Table 1: Planning Commission Review Schedule**

<b>Meeting No.</b>	<b>Topic Or Discussion Item Covered</b>	<b>Milestone or Target Date</b>
1	General overview about the process and public engagement.	May 8, 2018
2	Review of Phase 1 outreach materials and workshop format.	July 10, 2018
3	Presentation on greenhouse gas emission inventory and forecasts.	August 28, 2018
4	Informational meeting on Phase 1 outreach results.	November 27, 2018
5	Draft CAP presentation.	July 28, 2020
6	CEQA significance thresholds discussion.	August 11, 2020
7	1) Presentation: Climate change impact overview with guest speaker Dr. Daniel Cayan, Research Meteorologist UCSD Scripps Institution of Oceanography; and 2) Presentation: Preliminary benefit/cost analysis.	August 25, 2020
8	1) Presentation: Environmental Community Advisory Community (“ECAG”) recommendations; and 2) Presentation: Implementation staff resourcing impacts.	September 8, 2020
---	Additional work sessions if needed.	<i>tbd</i>
---	Planning Commission public hearing and recommendation to City Council.	<i>tbd</i>

Up to this point, attachments to the Planning Commission staff reports have served as the basis of the Planning Commission's discussion. However, there are no project materials to attach to this staff report. All information will be provided by presentation. Background project material and is provided on the City's project website.

<https://www.escondido.org/climate-action-plan-documents.aspx>

**ATTACHMENTS:**

1. Public correspondences

**ATTACHMENT 1**  
**PLANNING COMMISSION STAFF REPORT**  
**PHG 18-0009**  
**(September 8, 2020)**

The following link has been provided to review the documents electronically.

- Public correspondences received from August 8, 2020 to September 3, 2020

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/ClimateActionPlan/CAPUpdate/Correspondences/doc03604120200903125423.pdf>

When users select a link to an outside website, they are leaving the City's website and are subject to the privacy and security policies of the external website. The City does not control or guarantee the accuracy, relevance, timeliness, or completeness of information contained on a linked website.