

## CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 14  
**Date:** May 26, 2010

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Barbara J. Redlitz, Director of Community Development

**SUBJECT:** Appeal of Planning Commission Decision to Deny an Amendment to the South Escondido Boulevard Area Plan and Conditional Use Permit (2004-02-AZ, 2004-66-CUP)

**STAFF RECOMMENDATION:**

It is requested that Council approve the applicant's appeal and adopt Resolution No. 2010-05(R) and introduce Ordinance 2010-02(R) approving the proposed Conditional Use Permit and Amendment to the South Escondido Boulevard Area Plan.

**PLANNING COMMISSION RECOMMENDATION:**

On January 26, 2010, the Planning Commission voted 3-2 (Weber and Winton opposed, McQuead absent) to deny the proposed Amendment to the South Escondido Boulevard Area Plan and Conditional Use Permit.

**PROJECT DESCRIPTION:**

Appeal of a Planning Commission decision to deny an amendment to the South Escondido Boulevard Area Plan to conditionally allow carwashes in Area 'B,' and denial of a Conditional Use Permit for an approximately 5,500 SF automated carwash and oil change facility with a 4,150 SF restaurant on a 1.34-acre site.

**LOCATION:**

The site is on the northwestern corner of the intersection of Brotherton Road and Centre City Parkway, addressed as 400 Brotherton Road.

**FISCAL ANALYSIS:**

None.

### GENERAL PLAN ANALYSIS:

The City of Escondido General Plan designates the proposed project site as General Commercial, which is characterized by a broad range of retail and service activities in local commercial, community shopping/office complexes and regional shopping centers. The site is regulated by the development standards listed for Area "B" of the South Escondido Boulevard Area Plan.

### ENVIRONMENTAL REVIEW:

A Revised Mitigated Negative Declaration, City Log No. ER 2004-33 was issued on December 10, 2009. Mitigation measures were developed to reduce potential land use, transportation/traffic, air quality and noise impacts to a less than significant level.

### PREVIOUS ACTION:

The City Council considered a slightly different version of the project on March 4, 2009. The project included the same land uses and buildings as currently proposed; but the buildings were shown in different locations. After a considerable amount of public testimony and discussion, the Council voted unanimously to refer the project back to the Planning Commission with direction to the applicant to consider alternative uses or site design to reduce potential impacts to the adjacent residential neighborhood.

The proposed car wash is not a permitted use on the site and would require an amendment to the South Escondido Boulevard Area Plan. On January 21, 2004, the City Council voted 3-1 (Newman opposed, Waldron absent) to initiate for further study the applicant's request for an amendment to the South Escondido Boulevard Area Plan.

### BACKGROUND:

A different version of this project was reviewed by the Planning Commission and City Council early last year. The proposal at that time had the carwash building on the western half of the property and the restaurant building on the northeastern corner of the site. The Planning Commission voted 6-1 (Weber opposed) to recommend denial of the project on January 27, 2009. The City Council considered the project on March 4, 2009, and voted unanimously to refer the project back to the Planning Commission with direction to the applicant to consider alternative uses or site design to reduce potential impacts to the adjacent residential neighborhood.

The applicant responded by changing the location of the buildings on the site. The carwash building was shifted to the eastern property line with the carwash tunnel located closest to Centre City Parkway. The restaurant building was moved from the northeastern corner to the southwestern corner of the site. On June 25, 2009, the Design Review Board voted 6-0 to recommend approval of the relocated building design. The Planning Commission reviewed the current project design on January 26, 2010. The Planning Commission voted 3-2 (Weber and Winton opposed, McQuead absent) to again deny the proposed Amendment to the South Escondido Boulevard Area Plan and Conditional Use Permit. On February 1, 2010, the applicant appealed the Planning Commission's

decision to the City Council. A City Council hearing scheduled for February 24, 2010 was continued indefinitely at the applicant's request to allow time to revisit traffic issues raised by neighbors.

The applicant initially presented a conceptual plan for an auto services and restaurant development in October of 2003. The development consisted of three buildings including a gas station/mini-mart, carwash/oil change facility, and a restaurant. Several meetings were conducted to discuss the plan and the applicant was informed the property was located within the South Escondido Boulevard Area Plan. The area plan allows restaurants as a permitted use and allows a gas station and oil change facility subject to a Conditional Use Permit, but does not allow carwash facilities. The applicant was notified that an amendment to the area plan would be necessary to accommodate his project and that staff could not accept the necessary amendment request until it was initiated by the City Council. On January 21, 2004, the City Council voted 3-1 (Newman opposed, Waldron absent) to initiate for further study the applicant's request for an amendment to the South Escondido Boulevard Area Plan.

The proposed area plan amendment and Conditional Use Permit for the project were submitted in September of 2004. A neighborhood meeting was held on November 16, 2004, where the project was criticized by surrounding neighbors as being incompatible with nearby residential development. During a March 24, 2005, Design Review Board meeting, the applicant was directed to redesign the project and there followed a long period where the applicant considered alternative designs and worked towards completing the required technical studies.

A revised project design was submitted in March of 2008. The revised design eliminated the gas station/mini-mart component while retaining the carwash/oil change facility and the restaurant building. A second neighborhood meeting was held on October 20, 2008, where the project again was criticized by surrounding neighbors as being incompatible with nearby residential development. On November 6, 2008, the Design Review Board voted 7-0 to approve the project and complemented the applicant on the architecture, landscaping and extensive use of decorative pavement. The project was then forwarded to the Planning Commission and City Council with the result being a referral back to the Planning Commission where the most recent redesign that changed the location of the two buildings on the site was rejected again on January 26, 2010.

On May 13, 2010, the project applicant hosted a neighborhood meeting at the Elks Club on South Escondido Boulevard. Approximately 11 neighbors attended the meeting although two left at the start over a disagreement about the meeting format. The meeting was contentious and emotional with the primary issues remaining unresolved. The applicant did indicate to the neighbors that he was willing to pay for additional neighborhood improvements such as a walking path on Brotherton Road or a block wall to replace the backyard wood fences for adjacent residences. Some neighbors were in favor of one or both offers, but there was no strong consensus developed during the meeting.

#### PLANNING COMMISSION RECOMMENDATION AND SUMMARY:

On January 26, 2010, the Planning Commission voted 3-2 (Weber and Winton opposed, McQuead absent) to deny the proposed Amendment to the South Escondido Boulevard Area Plan and Conditional Use Permit. Ten neighboring residents spoke against the proposed development and expressed concerns regarding potential noise from the carwash, odors from the restaurant, and the potential for more traffic through their neighborhood because there is no left turn from Brotherton onto northbound Centre City Parkway. The Planning Commission majority generally concurred with the

neighbors and felt the intensity of the use was not consistent for a site located in such close proximity to a residential neighborhood. Commissioners expressed varying degrees of concern for potential noise issues from the carwash and traffic through residential neighborhoods. The majority felt the potential for conflict with the existing residential neighborhood did not justify changing the city's regulations to allow a carwash on this site. Commissioner Winton noted that he had voted against the previous design, but felt the current proposal resolved his previous concerns. He also concurred with Commissioner Weber that any project built on the site would have some level of impact on adjoining neighbors, and a carwash restricted to daylight operating hours could be less intrusive than other potential uses.

## ANALYSIS:

### *Amendment to the South Escondido Boulevard Area Plan*

The site is zoned CG (General Commercial) and also is within Area "B" of the South Escondido Boulevard Area Plan. While the CG zoning would typically permit all three of the proposed uses (restaurant, car wash and oil change), the South Escondido Boulevard Area Plan is more restrictive.

The South Escondido Boulevard Area Plan was originally adopted in 1996 to implement strategies for the South Escondido Boulevard commercial corridor that would assist in revitalizing the neighborhood. The area plan is divided into two subareas (A and B) and is approximately 2.25 miles in length with Area "A" beginning at 5<sup>th</sup> Avenue and extending just south of Vermont Avenue, and Area "B" beginning just north of Brotherton Road and extending to the terminus of Escondido Boulevard at Centre City Parkway and Verda Avenue. The area plan includes goals and recommendations regarding existing and future land uses, development standards and regulations, and design guidelines that address issues raised by the community and chart a course of action to improve the neighborhood. As the plan was being developed and staff participated in a series of meetings with neighborhood residents and business owners, it became clear the revitalization process could not rely exclusively on the existing General Commercial zoning and some adjustments were necessary. In response to one of the guiding principles that the physical environment of the neighborhood should be more pedestrian friendly, the area plan is generally more restrictive for auto-related uses than the General Commercial zone. A 1998 amendment to the South Escondido Boulevard Area Plan permitted car washes (SLUC 6416-6417) with a Conditional Use Permit on properties where automotive businesses such as gas stations, car lots and auto service/repair have been previously located. Oil change facilities would fall under the SLUC 6419 category (Other automobile services except repair and wash) which would also require a Conditional Use Permit.

The subject property has not been previously developed with an automotive business. Therefore, the proposed carwash would not be permitted under the current South Escondido Boulevard Area Plan. The proposed oil change facility would require the issuance of a Conditional Use Permit and the proposed restaurant would be a permitted use. The applicant is proposing to amend the South Escondido Boulevard Area Plan to make carwashes a conditional use similar to the oil change facility. The applicant has suggested there are no full-service carwashes in the southern part of the city and he would be providing a service for residents in that area. Several water conservation websites estimate that home car washing can use 80 to 140 gallons of water in an uncontrolled setting. Studies prepared by the International Carwash Association indicate professional conveyor belt carwashes with onsite water recycling use an average of approximately 40 gallons per vehicle.



The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road within Area "B" of the South Escondido Area Plan. This area is generally suburban in character with a mix of small commercial businesses, single-family residences and vacant land. This is in contrast to the more compact and urban Area "A" to the north, where it seems most appropriate for pedestrian policies and related land uses. While carwash operations could potentially affect neighboring land uses, staff feels the suburban nature of Area "B" coupled with the underlying General Commercial zoning and lack of full-service carwashes in the area makes this area appropriate to consider potential carwashes on a case-by-case basis. Accordingly, staff supports modifying Area "B" of the South Escondido Boulevard Area Plan to conditionally allow carwashes. Staff feels the Conditional Use Permit process will ensure that all neighborhood compatibility issues are considered through a public hearing process and potential impacts are minimized to the extent feasible.

#### Potential Effect on Neighboring Properties

The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road. The northern and western sides of the site are bordered by the backyards of single-family residences located on lots approximately 4,500 SF to 5,000 SF in size. The homes on the western side are located on Charise Street and include a mix of one and two-story homes that are situated approximately nine feet to 18 feet higher than the project site. The residences along the northern boundary are on Cara Street and also include one- and two-story homes that are approximately 16 feet to 18 feet higher than the project site. Each residential backyard has a wood fence located at the top of a fill slope constructed as part of the residential development that runs down to the retaining wall on the project site's northern and western property lines. The fill slope separating the residential lots from the proposed commercial development is landscaped with numerous ornamental trees and is owned and maintained by the residential HOA.

Both of the neighborhood meetings were attended by about 20 residents and the neighbors were united in their opposition to the project. Issues were raised regarding potential increases in traffic on their neighborhood streets, lighting spillover from the parking lot lights into their backyards, and the potential negative effect on their property values and southern views. Of the issues raised by neighbors, staff felt the potential increase in noise, odors and light spillover could have the most significant impact on the neighborhood. The neighbors noted that the site is situated like a bowl or amphitheatre which enhances the potential for smoke, odors and noise to adversely affect their daily lives. These issues were analyzed and addressed during the environmental review for the project. While the environmental review concluded the effects could be mitigated to a less than significant level, it also indicated that nuisance levels could remain discernible by neighboring residents.

#### Noise

The project design previously reviewed by the Planning Commission and City Council had the auto services building located on the western portion of the property with the carwash tunnel in a north to south alignment near the center of the site. Noise impacts from the carwash and HVAC units required the placement of a noise wall along a portion of the northern boundary of the site to comply with noise limits for the residences to the north. Most of the noise currently occurring on the site is generated from vehicles traveling on Centre City Parkway. The recent change to the building

locations has had the advantageous effect of relocating the highest generating noise source (carwash) further away from most nearby residences and adjacent to Centre City Parkway. As described below, this has reduced potential noise impacts to the point where noise walls are no longer required.

According to the Noise Impact Analysis prepared by Eiler Associates, dated March 14, 2007, and updated on September 16, 2009 for the new building locations, the measured daytime ambient noise level on the site is 54.8 dBA near the center of the property. The proposed project is expected to produce two types of significant noise sources, which are the carwash dryer unit and the restaurant building HVAC equipment. The proposed carwash facility is expected to utilize a new Aerodry Advantage dryer system to be installed within the carwash tunnel and set back about six feet from the exit on the southern side of the building. The manufacturer has indicated the unit has an unmitigated noise level of 82.5 dBA measured at five feet from the source. The proposed restaurant building is expected to utilize four ground-mounted Carrier 25HBB360 (or similar model with equal or less noise emissions) HVAC units installed on the eastern side of the building. These units are expected to produce an unmitigated noise level of 70.9 dBA per unit.

The Noise Impact Analysis assumed a worst case scenario for operations consisting of 30 minutes per hour for the carwash dryer based on the anticipated number of carwash cycles per hour for a busy facility. The ground-mounted HVAC units were considered to be in constant operation for the purposes of the analysis. Based on the project information studied in the analysis, the project equipment noise levels are not expected to exceed City of Escondido property line noise limits at any surrounding property line provided the equipment is installed as specified and the carwash equipment is only operational during daytime hours (as defined in Escondido Noise Ordinance). Combined daytime noise levels at the western and northern property lines would range up to 47 dBA and 50 dBA respectively, which is consistent with City of Escondido noise standards for residential zones and no noise attenuation walls are required. Noise levels at the southern and eastern property lines would be consistent with City of Escondido noise standards for commercial zones.

Mitigation will be required to ensure potential noise impacts identified in the analysis are reduced to a less than significant level and meet City of Escondido property line noise limits. The Noise Impact Analysis concludes the exterior HVAC equipment has to be located on a specific side of each building and the carwash dryer system has to be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier. Once these mitigation measures have been constructed as part of the project, the calculated noise levels would be consistent with Noise Ordinance limits for residential zones.

### Smoke and Odors

The proposed development includes a 4,150 SF restaurant that is expected to offer "family-style" dining, but would not be limited as to the type of cuisine. It is expected that grilling or other cooking methods could potentially generate noticeable odors from the exhaust vents on the roof of the building. The proposed restaurant is located on the southwestern corner of the site with the closest residence being located about 60 feet west of the restaurant. The elevated nature of the residential properties also put them more in line with the anticipated height of the exhaust vents.

While the prevailing winds generally blow easterly away from the residential neighborhood, there is a high likelihood that during unsettled weather or Santa Ana events, smoke and odors from the restaurant could negatively impact nearby residents if not effectively filtered. In recent years, several technologies have been developed to allow restaurants to be good neighbors by effectively controlling their emissions. The most common kitchen emission filtration method involves the use of electrostatic precipitation. Kitchen smoke and grease vapors are pulled up into the hood through fireproof ducts leading to a filtration unit where electrostatic precipitation occurs. Dual-stage electrostatic precipitators include two parts: the charging and the collecting sections. In the charging section, the incoming smoke, grease, mist and other particulates pass by ionizer wires which impart a positive electrical charge to these contaminants. The positively charged contaminants are then drawn through the collection section which contains a secondary electrical field with negatively charged aluminum plates. Since opposite charges attract, the positively charged contaminants collect on the negatively charged aluminum plates, removing them from the air stream. Clean air then flows out of the filtration unit and out through the exhaust fan. A condition has been added to require a kitchen emission filtration system for the restaurant building.

#### Light Spillover

The applicant is proposing site lighting consisting of 70 watt metal halide lamps on pole fixtures that are 20 feet above grade. According to the photometric plan provided by the applicant prior to the hearings last year, the site lighting would result in approximately 0.3 to 0.8 foot candle at the northern property line and approximately 0.7 to 1.7 foot candles at the western property line. Up to 1.5 foot candles is similar to what would be expected of a typical city street light. Actual light levels at the adjacent residential property lines are expected to be less than the measured levels on-site due to the width of the HOA slope area between the project and the residences as well as the height of the slope. All lighting will be required to comply with the City's Outdoor Lighting Ordinance. A condition has been added to require a new photometric plan be submitted for review prior to issuance of building permits. Pole heights, fixture shielding and low wattage lamps will be evaluated at that time to ensure the most appropriate combination that provides sufficient on-site security while minimizing potential light spillover to the extent feasible.

#### Traffic in Residential Neighborhood

An existing median in Centre City Parkway at the intersection with Brotherton Road means vehicles exiting the proposed commercial development have no direct way to go north on Centre City Parkway. Residents of the adjacent 57-lot residential neighborhood on the northern and western sides of the project have suggested that exiting vehicles desiring to go north will travel through their residential streets to reach southbound Centre City Parkway where they can proceed south for a short distance before doing a u-turn north. To accomplish this, vehicles exiting the development would have to turn right on Brotherton and then right on Charise Street before proceeding through the neighborhood.

A Traffic Impact Analysis for the project prepared by Linscott Law & Greenspan, dated December 23, 2008, was criticized by neighbors for conducting traffic counts during the summer when schools were not in session, and not directly reviewing potential traffic increases in the adjacent residential neighborhood. The traffic consultant revised the study (dated 2/15/10) based on new traffic counts conducted during school hours, and included a travel time analysis of several potential exit routes

from the development to northbound Centre City Parkway. This study also was criticized by the neighbors because the new traffic counts were conducted during periods when CalTrans had closed Centre City Parkway access onto I-15. This led to new traffic counts being conducted again on March 16-18. The Centre City Parkway on-ramp was closed on the first day of the three-day count. The consultant noted the difference in daily volumes with the ramp closure versus "open" was less than 5% meaning the closure did not have a significant effect on travel patterns. The traffic consultant updated the traffic study and submitted a revised version on May 5, 2010.

The revised traffic analysis shows that traffic volumes on Brotherton Road have actually decreased by approximately 300 daily trips from 2008, even with schools in session. The project would add approximately 215 daily trips to this segment west of the project site allowing it to continue to operate at an acceptable Level of Service "C" with the project. The number of vehicles exiting the project site needing access to northbound Centre City Parkway is estimated to be 296 each day. Three different routes were observed and traveled to analyze this movement. Two routes went through the residential neighborhood and one went south on Centre City Parkway to a u-turn at Citracado Parkway. The differences in travel time were not substantial enough to clearly favor one route over another. The traffic consultant concluded that the most likely drivers using the neighborhood routes would be those familiar with the neighborhood since it is not much shorter, faster, or convenient. If half of the project traffic used the neighborhood streets to travel north, the traffic in the neighborhood would increase by 148 vehicles over an entire day. This would be well within the capacity of the neighborhood streets and would not substantially change traffic operations in the neighborhood.

Neighborhood residents also expressed concern over the increase in project-related traffic conflicting with the number of schoolchildren walking on Brotherton Road during school hours. The revised traffic study notes field observations indicate 56 to 86 pedestrians along Brotherton Road west of Centre City Parkway during the school PM peak hour (2:15 PM to 3:15 PM). The project is forecasted to generate 13 PM peak hour vehicle trips on this portion of Brotherton Road resulting in minimal conflict.

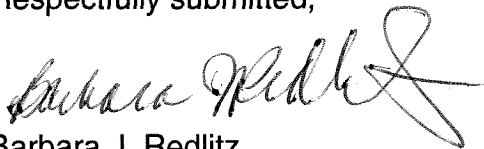
Currently there is no sidewalk on the northern side of Brotherton between Charise Street and Alexander Drive and the minimal width of the traffic lane does not allow pedestrians to walk on the street edge. The applicant has suggested he would be amenable to providing a pedestrian path in this area for the neighbors. Constructing a standard sidewalk would be difficult because of the need to acquire right-of-way from three properties. However, the Engineering Division has indicated it may be possible to shift the travel lanes slightly south to provide extra pavement width on the north side for pedestrians with a painted stripe separating pedestrians from vehicles. The feasibility of providing this improvement could be further investigated if requested by neighbors and supported by the Council.

#### CONCLUSION:

Staff feels the proposed amendment to the area plan to allow carwashes as conditional uses is appropriate given the underlying commercial zoning, the mix of small commercial businesses in the area, the lack of full-service carwashes in the area, and the CUP process enabling review on a case-by-case basis, similar to the other auto-related uses that are conditionally-allowable in Area "B". Staff also feels that any commercial development on the property could potentially result in neighborhood concerns pertaining to noise, traffic, lighting, and odors; however the proposed CUP uses have been

designed and conditioned to address these concerns in order to minimize impacts to the adjacent neighborhood.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Redlitz", with a stylized flourish at the end.

Barbara J. Redlitz  
Director of Community Development

A handwritten signature in black ink, appearing to read "Bill Martin", with a stylized flourish at the end.

Bill Martin  
Principal Planner



CITY OF ESCONDIDO  
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FOR CITY USE ONLY

1740.00	Application Code(s)
420315	Fee (Non-Refundable)
2-1-10	Receipt No.
2-24-10	Date Filed
2004-02-AZ	Council Hearing Date
AZ	Planning Case File No. (if applicable)

APPLICATION TO APPEAL A DECISION TO THE CITY COUNCIL

Applicant: MACADUE ASSOCIATES ARCHITECTS Phone: 760-431-7775  
(Print)

Mailing Address: 5838 EDISON PLACE STE. 100 CARLEBAD. 92008  
(Street) (City) (Zip)

E-mail: EO@macarchitects.com Fax: 760-431-7585

Legal Owner: MUNTER CHAZAL Phone: 619-760-3388  
(Print)

Property Address: 400 BERTHURTON RD.  
(Subject of Appeal)

Assessor Parcel Number: 236-381-03

Project Case Number (if appropriate): 2004-02-AZ ; 2004-66-CUP

Is legal owner aware of this application? ☒ Yes ☐ No

Justification for appeal (Use additional paper, if necessary):

PROJECT WAS REDESIGNED PER CITY COUNCIL DIRECTION LAST  
YEAR. CITY STAFF GAVE SUPPORT FOR NEW SITE DESIGN WITH  
ALL NEIGHBORHOOD COMPLAINTS MITIGATED WITH "FACTUAL"  
REPORTS AND STAFF RECOMMENDATIONS. NEW PROJECT WILL BE  
AN ASSET TO SOUTH CENTER CITY COMMERCIAL AVENUE AND  
CREATE NEW JOBS FOR THE CITY. DEVELOPER HAS SHOWN  
COMMITMENT TO THE PROJECT BY SPENDING SIX YEARS AND MANY  
DOLLARS TO GET CITY STAFF TO APPROVE THE PROJECT.

Distribution:  
Planning Division  
City Manager  
City Clerk  
Other \_\_\_\_\_  
Applicant \_\_\_\_\_

Signature of Applicant

1.28.10

Date

# **CITY OF ESCONDIDO**

## **MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION**

**January 26, 2010**

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

**Commissioners present:** Darol Caster, Chairman; Jack Campbell, Commissioner; Edward Lehman, Commissioner; Guy Winton, Commissioner; and Jeffery Weber, Commissioner.

**Commissioners absent:** Barry Newman, Vice-chairman, and Bob McQuead, Commissioner.

**Staff present:** Bill Martin, Principal Planner; Homi Namdari, Assistant City Engineer; Barbara Redlitz, Assistant Planning Director; Rozanne Cherry, Principal Planner; Jay Paul, Associate Planner; and Ty Paulson, Minutes Clerk.

### **MINUTES:**

Moved by Commissioner Lehman, seconded by Commissioner Winton, to approve the minutes of the January 12, 2009, meeting. Motion carried unanimously. (5-0)

**WRITTEN COMMUNICATIONS** – None.

**NEIGHBORHOOD MEETINGS** – None.

**CITY COUNCIL UPDATE** – None.

### **PUBLIC HEARINGS:**

1. **AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD AREA PLAN AND CONDITIONAL USE PERMIT – 2004-02-AZ; 2004-66-CUP:**  
REQUEST: A Conditional Use Permit for an automobile service commercial development consisting of an approximately 5,500 SF automated car wash and oil change facility and a 4,150 SF restaurant. The proposal also includes an amendment to the South Escondido Boulevard Neighborhood Plan to allow the car wash, which currently is not a permitted use on the site.

LOCATION: The site consists of 1.34 acres of land, located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road, addressed as 400 Brotherton Road (APN: 236-381-03).

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were the appropriateness of amending the South Escondido Boulevard Area Plan to conditionally allow car washes in Area "B," and whether the proposed development is compatible with the adjacent residential neighborhood. Staff recommended approval based on the following: 1) At the time the South Escondido Boulevard Area Plan was developed, it was recognized that auto sales, service and repair should receive additional review considering the goal to create a more pedestrian friendly streetscape on the northern end (Area "A") and the general lack of established auto related businesses in the southern end (Area "B"). All auto related uses are either conditionally permitted or not permitted. An amendment was approved in 1998 to allow carwashes, but was so restrictive as to allow them only where a previous automotive-related business had been legally established. Staff feels the amendment to conditionally allow carwashes in Area "B" is appropriate in this case since the underlying commercial zoning would permit the use; and the Conditional Use permit process would provide the extra level of scrutiny to ensure that potential effects generated by a carwash are minimized to the extent feasible; and 2) The revised project design that relocates the carwash tunnel closest to Centre City Parkway has enhanced the suitability of the project and that the applicant has demonstrated that potential impacts related to noise, odors, light spillover and traffic can be reduced and mitigated to meet city standards and minimize adverse effects on neighboring residents.

Chairman Caster and Mr. Martin discussed the proposed mitigation measures.

Commissioner Campbell asked if the traffic count data taken on December 23 took into account that the schools were all closed and traffic was atypical. Mr. Namdari noted that the study took into account previous counts and what the anticipated counts would be for 2030.

Commissioner Lehman referenced the onsite traffic patterns for the project and questioned whether staff anticipated any stacking problems. Mr. Namdari noted that the project was required to create a deceleration lane on Centre City Parkway as well as provide adequate onsite space so as not to create stacking issues. He also noted that the site would have onsite circulation striping.

Commissioner Lehman referenced the hours of operation and felt there would be issues with vehicles leaving the site onto Centre City Parkway which was already congested in the morning hours.

Commissioner Weber asked if the applicant agreed with the hours of operation in relation to the summer hours being longer. Mr. Martin replied in the affirmative.



Commissioner Winton noted there were impediments that could impact the traffic counts due to the construction in the area.

Chairman Caster asked if a detour was present on the day the traffic counts took place. Mr. Namdari replied in the negative.

Commissioner Winton asked if "No Right Turn" signage could be installed at the driveway exit. Mr. Namdari replied the commission could add that as a condition of approval.

Commissioner Winton asked if "No Right Turn" violations were enforceable. Mr. Namdari replied in the affirmative.

**Ed McArdle, representing the applicant,** provided a PowerPoint presentation outlining the history for the project and the proposed plan for the property. He noted that they began this process in January of 2004. He stated that they had revised their plans numerous times in order to be compatible with the area and to alleviate the concerns of the surrounding residents and the City. He stated that by moving the primary source of noise to Centre City Parkway, they were able to eliminate the sound wall and be further away from the residences. He indicated that the project would incorporate very dense landscaping between the project and the residential area. Mr. McArdle noted the project would incorporate decorative pavement in order to further enhance the project. He stated that they felt the traffic report and signage would help mitigate any traffic issues. He elaborated that the project's lighting would be shielded in order to reduce spill over. He indicated that the project proposed a recycled water system as well as utilizing state-of-the-art equipment. He also stated that the signage would not resemble a typical commercial development. In conclusion, he asked that the Commission approve the project.

Commissioner Winton asked if the air flow of the carwash was directed toward Brotherton. Mr. McArdle replied in the affirmative.

**Kimber Allison, Escondido,** noted the New Traditions HOA, residents, and Escondido Chamber of Citizens were opposed to the project based on the negative impacts it would have on traffic, air quality and orders, nuisance and lighting glare. She stated that the project would result in a reduction of property values and quality of life for the surrounding residents. She indicated that the carwash component was not a permitted use on the site and conflicted with the South Escondido Area Plan and General Plan. Ms. Allison noted that the project had been denied in the past with direction to the applicant to develop an alternative use for the carwash, noting her view that the project had not changed. She stated that the project was inconsistent with the area plan in that it would not encourage pedestrian traffic and be pedestrian friendly. She questioned whether Escondido needed another carwash, noting there were already 15 located within the City. She stated that the traffic counts were inaccurate, noting they were

conducted in June of 2008 when schools were closed and on July 3, 2008. She also noted that the preschools were not mentioned in the report, noting that the addition of over 1500 ADTs would adversely impact the residents and students in the area. She also stated that the traffic report indicated that the speed limit on Centre City Parkway was 55 mph when it was actually 65 mph. Ms. Allison felt the City needed to take into consideration all of the cumulative impacts of all the businesses and schools in the area when considering the subject project.

**Lisa PrazEAU, President of the Escondido Chamber of Citizens**, noted that the surrounding residents would be adversely impacted by odors and noise from the restaurant, vehicles, and carwash. She stated that New Traditions HOA welcomed a new project but not this one. She indicated that the proximity of the project to the adjacent residences rendered the site inappropriate for the use. Ms. PrazEAU stated that the project proposed too many exemptions, mitigation measures, and amendments. She requested that the City request a project that would be consistent with the goals and policies of the General Plan and South Escondido Boulevard Area Plan.

**Mark Weddleton, Escondido**, noted concern with the project creating adverse traffic impacts on Felicita and by the traffic that would be turning right onto Centre City Parkway. He questioned whether the restaurant would be viable as well as questioning where the employees would park. He expressed his view that the traffic study was inaccurate. He also expressed concern with the noise that would be created by the carwash equipment and vehicles. Mr. Weddleton noted concern with the new plan not proposing any mitigation measures for Brotherton. He indicated that the residents in the area had been opposed to the carwash component since first hearing about the project. He also expressed concern with the proposed landscape plan in the rear of the property, noting his view that it would add to the existing problems with migrant camps.

**Rex Little, Escondido**, expressed his view that the proposed project had not changed from the previous project that was denied. He also noted that the proposed project would not be compatible with surrounding neighborhoods.

**Kjerstie Bourne, Escondido**, provided pictures of the surrounding neighborhoods. She expressed concern with the project's traffic adding to the already dangerous condition on Brotherton with students and residents.

**Sam Sapia, Escondido**, concurred with the previous speakers opposed to the subject project. He stated that he and all of his neighbors were opposed to it.

**Kevin Weinberg, Escondido**, noted he currently had an offer to purchase one of the residences behind the proposed project, noting the offer would be taken off the table if the project was approved. He expressed concern with vehicle stacking issues, noting this currently happened with the carwash on Hale. He

also expressed concern with the noise pollution the project's equipment and vehicles would create.

**Andrea Weinberg, Escondido**, noted she was in the process of purchasing a residence behind the subject property, noting she would not purchase it if the project was approved. She expressed concern with the project creating light, noise, and traffic impacts.

**Gayle Lebedda, Escondido**, expressed concern with the project's traffic adding to the already poor shape of the surrounding roads. She also expressed her concern with the project's traffic and potential loitering being difficult to monitor.

**Richard Thompson, Escondido**, expressed concern with the project adding to the problems of vehicles speeding on Brotherton. He also expressed concern with changing the traffic patterns in the area based on a business and not on the residents.

Commissioner Winton noted that the new site plan mitigated concerns he had in the past with the project. He felt that any project built on the subject property would have impacts on the surrounding neighborhoods. He stated that a Conditional Use Permit required the applicant to be held to higher standards. He did not feel the subject use would create additional loitering. He was in favor of the project, feeling that the proposed landscaping, hardscape, and architecture made the project appropriate for the site. He stated that he would support adding a condition not allowing any electronic announcement systems as well as restricting noise associated with the queuing up of vehicles for the carwash. He also suggested that a condition be added that would require the installation of noise walls if the noise levels exceeded the threshold at the project's property line.

Commissioner Weber did not feel the subject property would remain vacant, noting any project would have impacts on the surrounding area. He stated that the only use on the site that was in question was the carwash, noting all of the other uses were allowed. He felt the project was well designed and addressed many of the concerns raised in the past.

Commissioner Lehman noted concern with the onsite traffic patterns for the project. He objected to using the site for a non-conforming use. He also felt the project had not changed from the previous project that was denied.

Commissioner Campbell asked Mr. Namdari if one of the traffic counts was conducted on July 3<sup>rd</sup>. Mr. Namdari replied in the affirmative. Commissioner Campbell asked if the level of service projected for 2030 on Centre City Parkway between Felicita and Brotherton was at an LOS 'F'. Mr. Namdari replied in the affirmative.

Commissioner Campbell was opposed to changing the neighborhood plan for the subject project. He was concerned with the proposed project adding significant traffic to Brotherton and impacting students in the area.

Chairman Caster felt the project would be a quality project but felt the carwash use would be too intense for the subject property. He also felt the project was the same as previously proposed.

**ACTION:**

Moved by Commissioner Campbell, seconded by Commissioner Lehman, to deny staff's recommendation. Motion carried. Ayes: Caster, Campbell, and Lehman. Noes: Winton and Weber. (3-2)

**2. CONDITIONAL USE PERMIT – PHG 09-0047:**

REQUEST: A Conditional Use Permit to allow six dogs where the Zoning Code allows four dogs, on a 20,000 SF lot in the RE-20 zone.

LOCATION: Approximately 20,000 SF on the eastern side of Lomica Place, south of Dexter Place and Derrick Way, addressed as 2320 Lomica Place.

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were the appropriateness of allowing six dogs on the site and whether the property was large enough to accommodate the dogs. Staff recommended approval based on the following: 1) The request to increase the number of dogs permitted on the site is appropriate, since the dogs appear to be well-maintained, there is sufficient yard area to reasonably accommodate the dogs, the yard has perimeter fencing, and an interior area in the home is provided to secure the dogs. In addition, there have been no complaints from neighbors regarding barking or roaming.

**Sonia Rydder, Escondido, applicant,** stated that she did not originally plan on having six dogs, noting that three were found homeless and needed a home.

**ACTION:**

Moved by Commissioner Winton, seconded by Commissioner Campbell, to approve staff's recommendation. Motion carried unanimously. (5-0)

**3. CONDITIONAL USE PERMIT – PHG 09-0043:**

REQUEST: A modification to an existing Conditional Use Permit to add up to six round directional antennas and two rectangular panel antennas to an existing Sprint/Nextel wireless communication facility. The existing Sprint/Nextel facility consists of six panel antennas mounted on the roof of the existing equipment building. The antenna panels are concealed behind solid screen walls. Clearwire proposes to remove or consolidate several of

**From:** Gayle Lebedda <Gayle.Lebedda@watkinsmfg.com>  
**To:** Bill Martin <Bmartin@ci.escondido.ca.us>  
**CC:** Rex Little <rlittle-atsf@sbcglobal.net>, Kjirsty Bourne <kjirstiebourne@...  
**Date:** 5/14/2010 8:45 AM  
**Subject:** Last night's meeting

I am not so bold as to speak for my neighbors; I am only speaking for myself. I am writing to express my disappointment in last night's meeting. I came in hopes that there would be some dialog and possibly some collaboration between the developer, et al, and those of us in attendance. It was clear from the outset, though, that this was not the intention of those running the meeting. If it were, we would not have been required to submit only written questions. While I expect this format at the City Council meeting in a couple of weeks, a less formal meeting last night would have been more productive, in my opinion.

In the past, you have solicited input from the neighbors of this proposed project, including suggestions for types of development that we think would succeed in that location and be a good fit with the area. This has not proven to be the case with the developer. Suggestions we have provided to him have been met with disinterest at best. I don't know what the outcome will be at the upcoming City Council meeting. I do hope that should the project be rejected in any way that the developer will be more open to working with us. I think we have demonstrated a willingness to collaborate if given the opportunity.

Thank you for your time,  
Gayle S. Lebedda

**From:** Rex Little <rlittle-atsf@sbcglobal.net>  
**To:** Gayle Lebedda <Gayle.Lebedda@watkinsmfg.com>, Bill Martin <Bmartin@ci.es...  
**CC:** Kjirsty Bourne <kjerstiebourne@hotmail.com>, Kim & Paul <boomstop@cox.ne...  
**Date:** 5/14/2010 11:55 AM  
**Subject:** Re: Last night's meeting

At least with the Council meetings you can speak. Yes, you need to submit a speaker request, but you can speak and express your opinions. As most of you know I walked out about 6 minutes into the "meeting". It was obvious from the very beginning that this meeting was a sham with no intention of developing a dialog/exchange of ideas. It is obvious to me that the owner/developer is not interested in any meaningful mitigation and will do most anything to force the project on this neighborhood. I'm personally no longer interested in any mitigation. The project must be stopped or allowed to go forward without any automotive related business and conforming to all applicable area plans. I'll be at the Council meeting and will do everything I can to convince the Council Members that this project is not in the best interests of this neighborhood/area or the City of Escondido.  
Rex

---

From: Gayle Lebedda <Gayle.Lebedda@watkinsmfg.com>  
To: Bill Martin <Bmartin@ci.escondido.ca.us>  
Cc: Rex Little <rlittle-atsf@sbcglobal.net>; Kjirsty Bourne <kjerstiebourne@hotmail.com>; Kim & Paul <boomstop@cox.net>; Roger Fannin <rfannin2@yahoo.com>; "ssapia@cox.net" <ssapia@cox.net>; Marty Lebedda <poorbikr@cox.net>; Lisa Prazneau <lisainescondido@cox.net>  
Sent: Fri, May 14, 2010 8:44:44 AM  
Subject: Last night's meeting

I am not so bold as to speak for my neighbors; I am only speaking for myself. I am writing to express my disappointment in last night's meeting. I came in hopes that there would be some dialog and possibly some collaboration between the developer, et al, and those of us in attendance. It was clear from the outset, though, that this was not the intention of those running the meeting. If it were, we would not have been required to submit only written questions. While I expect this format at the City Council meeting in a couple of weeks, a less formal meeting last night would have been more productive, in my opinion.

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Thank you for your time,  
Gayle S. Lebedda

**From:** "Lisa in Escondido" <lisainescondido@cox.net>  
**To:** "Sam Abed" <Sabad@ci.escondido.ca.us>, "Olga Diaz" <Odiaz@ci.escondido.c...  
**CC:** "Rick Moore" <communications@escondidodems.org>, "Richard Barron" <RBarr...  
**Date:** 4/23/2010 7:15 AM  
**Subject:** Time to Hire a Consultant  
**Attachments:** No Car Wash Hog Wash Comm Forum.doc

Dear City Council,

Recently, I (as President of the Chamber of Citizens) wrote a letter to the (NCT) editor regarding an unfair advantage. I wrote the letter to the editor (attached), rather than directly to the Council because I wanted to make a point with the community.

So often, residents receive the short side of development in Escondido. And the proposed Carwash for S. Escondido Blvd. is one of those instances.

For more than six years, this very tight neighborhood group has been fighting against a development that our own General Plan (specifically, the S. Escondido Area Blvd Plan) does not permit without a GP Amendment. Further, the mere nature of the business (automotive driven) flies in the face of the goals of the SEABP. For all the city conversation about "pedestrian friendly" development, I guess it depends on the neighborhood, resident status and individual views and whims.

After having defeated the project four separate times (1 - DRB, 2 times - PC & 1 time Council), the project was set to be heard February 24th. Residents prepared themselves for the meeting - some making special arrangements to attend the meeting. One resident in particular, Mrs. Kimber Allison, has worked tirelessly to Save the Quality of Life in her neighborhood - all while fighting cancer. Even while going through chemo-therapy and after having endured surgery to remove her cancer, Kimber continues to fight for what is right! As is often the case, these residents do not desire to spend their hard earned money to pay a high dollar consultant to lobby the Council. And they shouldn't have to - because they are only asking the Council to uphold the policies of the GP. Collectively, the residents along with the Escondido Chamber of Citizens have presented, recorded and identified several areas of concern regarding this proposed carwash development. We have proven over and over again that the application is not in good order and the development is not suitable for the site.

When the proposed project was in it's "final hour" and all would have been concluded, the Applicant requested a last "hour" cancellation/postponement (whatever you want to call it). As I wrote in my letter to the editor, this cancellation has given the Applicant an unfair advantage. But, more disturbingly for the RESIDENTS of Escondido is we have been left to feel unrepresented.

Residents give to our community on a daily basis. But, it is clear to us that a developer can easily walk into town, consume copious amounts of city staff, management and council time and not an eye is batted. The developer can spend year after year pushing a project that does not follow the policies of the city (whether that be the GP, Area Plan, Design Standards, Municipal Codes, etc). Developers ask for concessions, exceptions, reductions and they ask (without asking) the residents to pay for (part about 2/3) of the "public improvements" related to their proposal. We know that development only pays a portion of the costs for these so-called "public improvements" and more often these days, developers are paying much less than their "fair share". I can prove that fact (again), if requested.

I am writing this letter to express my extreme disappointment that our suspicions have materialized. By cancelling the February 24th public hearing for the car wash, the Applicant has taken advantage of that time to hire a consultant. Not surprisingly, the Applicant has hired Linda Bailey. I am familiar with Linda Bailey's dealings with the City - from New Urban West to Brookside (Ironside, LLC) to T916 (Innovative Communities) to High Point (along I-15) to Harmony Grove Village to Merriam Mountains. I, of course, have shared (with the neighbors of the proposed carwash development) the "wealth of experience" Linda Bailey has when dealing with development. And more specifically, dealing with individuals who oppose development. As you can imagine, they do indeed feel the City is representing the Applicant, rather than

representing the residents and upholding the policies of the General Plan. I very much agree with their frustrations and concerns.

I am aware that Linda Bailey has arranged to meet with each of you to discuss the proposed carwash. I would very much appreciate and frankly, I expect the same.

I would like to set up meetings with each of you to discuss the carwash. Like Linda Bailey, I would like to know each of your concerns with the project and I would like the opportunity to tell you all directly what "our issues" are.

Now, I was always under the impression that this kind of "lobbying" was not allowed. I was under the impression, that as with the County, once an Application is on file, elected officials are not permitted to meet with the Applicant (or any representative thereof) to discuss the application. If that is not the case with the City, then I would ask to schedule individual meetings with each of you.

I am including dates and times that I am available. Can each of you please let me know which date/time works with your individual schedules, so that we can meet? I would very much appreciate it. And I would very much appreciate a response from each of you. Thank you.

Monday, May 3rd: 9 am or 10 am or 11 am --- also, 1 pm or 3pm

Thursday, May 6th: 9 am or 10 am --- also, 3:30 pm or 4:30 pm

Monday, May 10th: 4 pm

Tuesday, May 11th: 4pm

Thank you,  
Lisa Prazeau  
president, Escondido Chamber of Citizens  
760-271-5472 (cell - private) 760-740-6732 (home - private)



**From:** "Kim & Paul" <boomstop@cox.net>  
**To:** "Bill Martin" <Bmartin@ci.escondido.ca.us>  
**Date:** 3/22/2010 12:54 PM  
**Subject:** RE: Carwash project

It appears that the traffic counts were re-done sometime last week, the boxes were placed in the same places as before...this means they did a selective count which did not count "neighborhood" traffic as they claim they have done in the report. I will check with Caltrans again to see what dates the detour was in place, but I expect to be fully informed as to what the dates were of the traffic count and the hours. I also expect this information to be included in the report as it has not been in the past,

If you or Homi knows when the counts were done, please share that information with me.

Kimber Allison

**From:** "Gil" <gsliney@cox.net>  
**To:** <bmartin@escondido.org>  
**Date:** 2/23/2010 8:19 PM  
**Subject:** Car wash

To Bill Martin:

We are residents of the South Escondido neighborhood that the city is considering letting a developer put in a car wash.

This is a totally unacceptable plan for the space and the area. It would be a terrible traffic hazard where

Center City Parkway curves around near that intersection. Also the noise would not be acceptable in a residential area.

This area is not zoned for a car wash and should never be changed for some developer. We are adamant that this should be

A decision made for the good of the citizens who live in this area and not some outsider who wants to ruin our neighborhood.

Sincerely

Sarah Sliney

550 Howe Place

Escondido, CA. 92025

**From:** John Okonski <johnokonski@att.net>  
**To:** <bmartin@escondido.org>  
**Date:** 2/21/2010 2:16 PM  
**Subject:** carwash & restaurant at Centre City and Brotherton

Bill,

I just wish to express my my concern regarding the complex. The restaurant seesm to be a fine addition. With the inclusion of a carwash it appears to be a stretch to include bothe on the same small lot. Therefore, I am opposed. I feel the addition of the carwash would bring extra traffic into my neighborhood.

In my opinion Centre City Pkwy is a pretty much blighted thoroughfare through Escondido. Why put something in that may further continue the blight into a nice neighbrhood such as the New Tradition community.

Thank you,

John Okonski  
2162 Darby St.  
Escondido, CA 92025  
760-743-4448

**From:** Sally Eckert <sally\_eckert@sbcglobal.net>  
**To:** <bmartin@escondido.org>  
**Date:** 2/20/2010 3:35 PM  
**Subject:** car wash

Bill Martin,

I wish to voice my concern re: the car wash that the developer is trying to create on Brotherton and Centre City Parkway. We are a small community here on Charise St. where I live. There are many children who play in the park across the street from my home at 2211. The traffic a car wash would create would be very detrimental....safety for the children, noise as well as strangers being introduced to our area. I am against it.

Sally Eckert,

Charise St. Resident

## PLANNING COMMISSION

Agenda Item No.: G.1

Date: January 26, 2010

**CASE NUMBER:** 2004-02-AZ, 2004-66-CUP

**APPLICANT:** McArdle Associates Architects

**LOCATION:** The site is on the northwestern corner of the intersection of Brotherton Road and Centre City Parkway, addressed as 400 Brotherton Road.

**TYPE OF PROJECT:** Amendment to the South Escondido Boulevard Area Plan and Conditional Use Permit

**PROJECT DESCRIPTION:** A Conditional Use Permit for an automobile service commercial development consisting of an approximately 5,500 SF automated carwash and oil change facility and a 4,150 SF restaurant. The proposal also includes an amendment to the South Escondido Boulevard Neighborhood Plan to allow the carwash, which currently is not a permitted use on the site.

**STAFF RECOMMENDATION:** Approval

**GENERAL PLAN DESIGNATION:** General Commercial

**ZONING:** CG (General Commercial) and South Escondido Boulevard Area Plan (Area B)

**BACKGROUND/SUMMARY OF ISSUES:** A slightly different version of this project was reviewed by the Planning Commission and City Council early last year. The proposal at that time had the carwash building on the western half of the property and the restaurant building on the northeastern corner of the site. The Planning Commission voted 6-1 (Weber opposed) to recommend denial of the project on January 27, 2009. The City Council considered the project on March 4, 2009, and appeared divided on the appropriateness of the carwash and location of the buildings. The Council voted unanimously to refer the project back to the Planning Commission with direction to the applicant to consider alternative uses or site design to reduce potential impacts to the adjacent residential neighborhood.

The applicant responded by changing the location of the buildings on the site. The carwash building was shifted to the eastern property line with the carwash tunnel located closest to Centre City Parkway. The restaurant building was moved from the northeastern corner to the southwestern corner of the site. On June 25, 2009, the Design Review Board voted 6-0 to recommend approval of the relocated building design.

The applicant initially presented a conceptual plan for an auto services and restaurant development in October of 2003. The development consisted of three buildings including a gas station/mini-mart, carwash/oil change facility, and a restaurant. Several meetings were conducted to discuss the plan and the applicant was informed the property was located within the South Escondido Boulevard Area Plan, which does not allow carwash facilities on his property. The applicant was notified that an amendment to the area plan would be necessary to accommodate his project and that staff could not accept the necessary amendment request until it was initiated by the City Council. On January 21, 2004, the City Council voted 3-1 (Newman opposed, Waldron absent) to initiate for further study the applicant's request for an amendment to the South Escondido Boulevard Area Plan.

The proposed area plan amendment and Conditional Use Permit for the project were submitted in September of 2004. A neighborhood meeting was held on November 16, 2004, where the project was criticized by surrounding neighbors as being incompatible with nearby residential development. During a March 24, 2005, Design Review Board meeting, the applicant was directed to redesign the project and there followed a long period where the applicant considered alternative designs and worked towards completing the required technical studies.

A revised project design was submitted in March of 2008. The revised design eliminated the gas station/mini-mart component while retaining the carwash/oil change facility and the restaurant building. A second neighborhood meeting was held on October 20, 2008, where the project again was criticized by surrounding neighbors as being incompatible with nearby residential development. On November 6, 2008, the Design Review Board voted 7-0 to approve the project and complemented the applicant on the architecture, landscaping and extensive use of decorative pavement. The project was then forwarded to the Planning Commission and City Council with the result being a referral back to the Planning Commission for another review, and the most recent redesign that changed the location of the two buildings on the site.

Staff feels that the issues are as follow:

1. Appropriateness of amending the South Escondido Boulevard Area Plan to conditionally allow car washes in Area "B."
2. Whether the proposed development is compatible with the adjacent residential neighborhood.

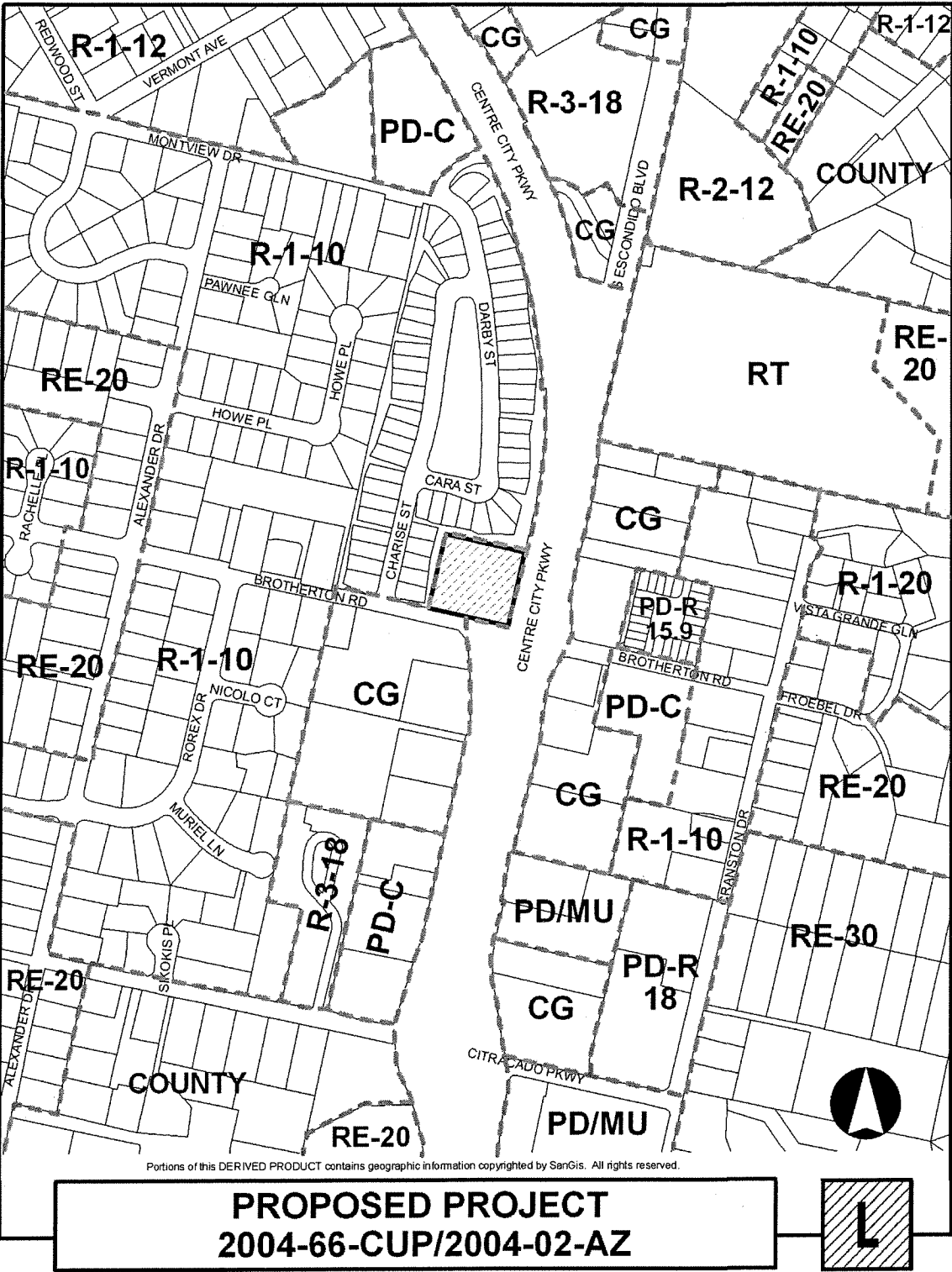
**REASONS FOR STAFF RECOMMENDATION:**

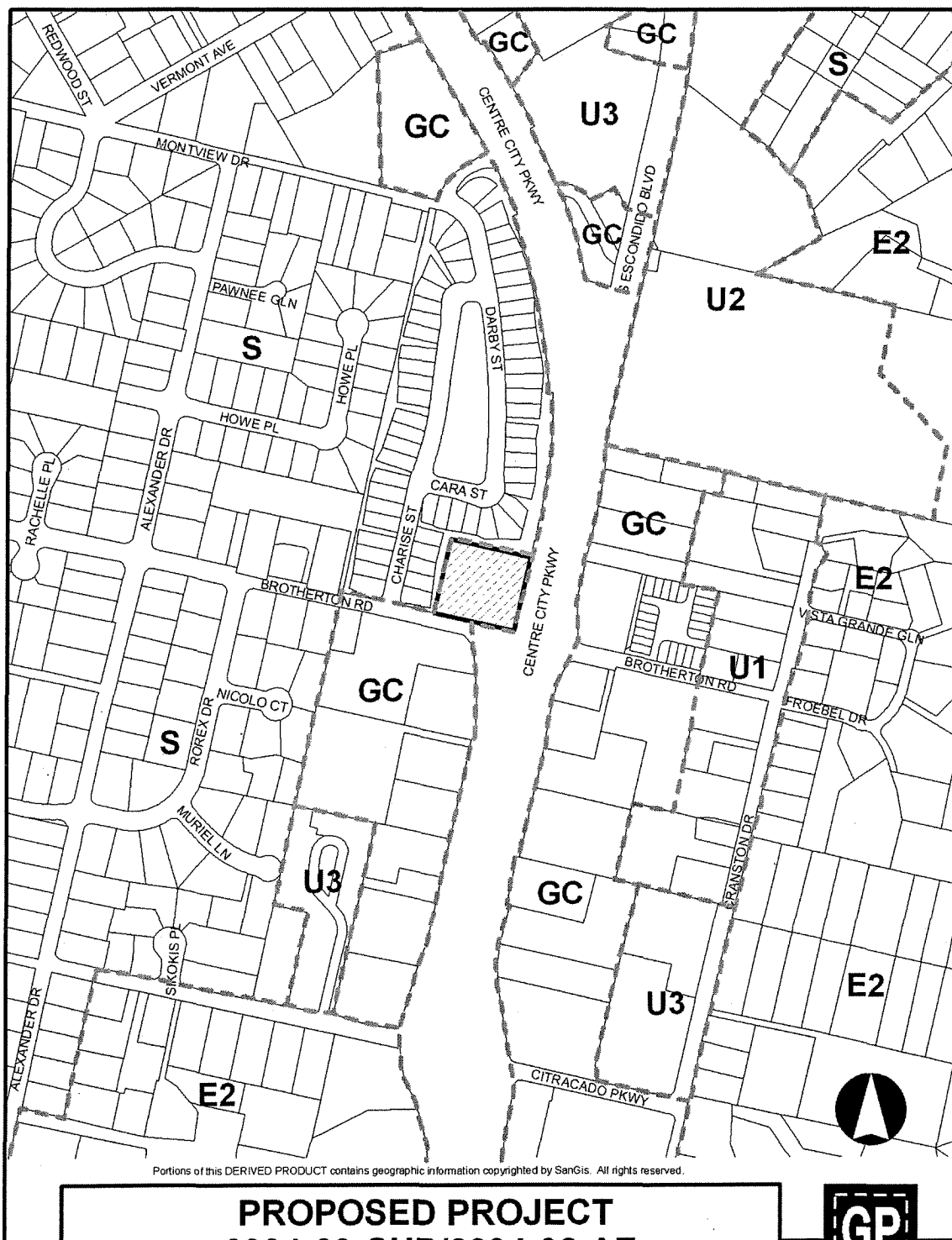
1. At the time the South Escondido Boulevard Area Plan was developed, it was recognized that auto sales, service and repair should receive additional review considering the goal to create a more pedestrian friendly streetscape on the northern end (Area "A") and the general lack of established auto related businesses in the southern end (Area "B"). All auto related uses are either conditionally permitted or not permitted. An amendment was approved in 1998 to allow carwashes, but was so restrictive as to allow them only where a previous automotive-related business had been legally established. Staff feels the amendment to conditionally allow carwashes in Area "B" is appropriate in this case since the underlying commercial zoning would permit the use; and the Conditional Use permit process would provide the extra level of scrutiny to ensure that potential effects generated by a carwash are minimized to the extent feasible.
2. Staff feels the revised project design that relocates the carwash tunnel closest to Centre City Parkway has enhanced the suitability of the project and that the applicant has demonstrated that potential impacts related to noise, odors, light spillover and traffic can be reduced and mitigated to meet city standards and minimize adverse effects on neighboring residents.

Respectfully submitted,



Bill Martin  
Principal Planner



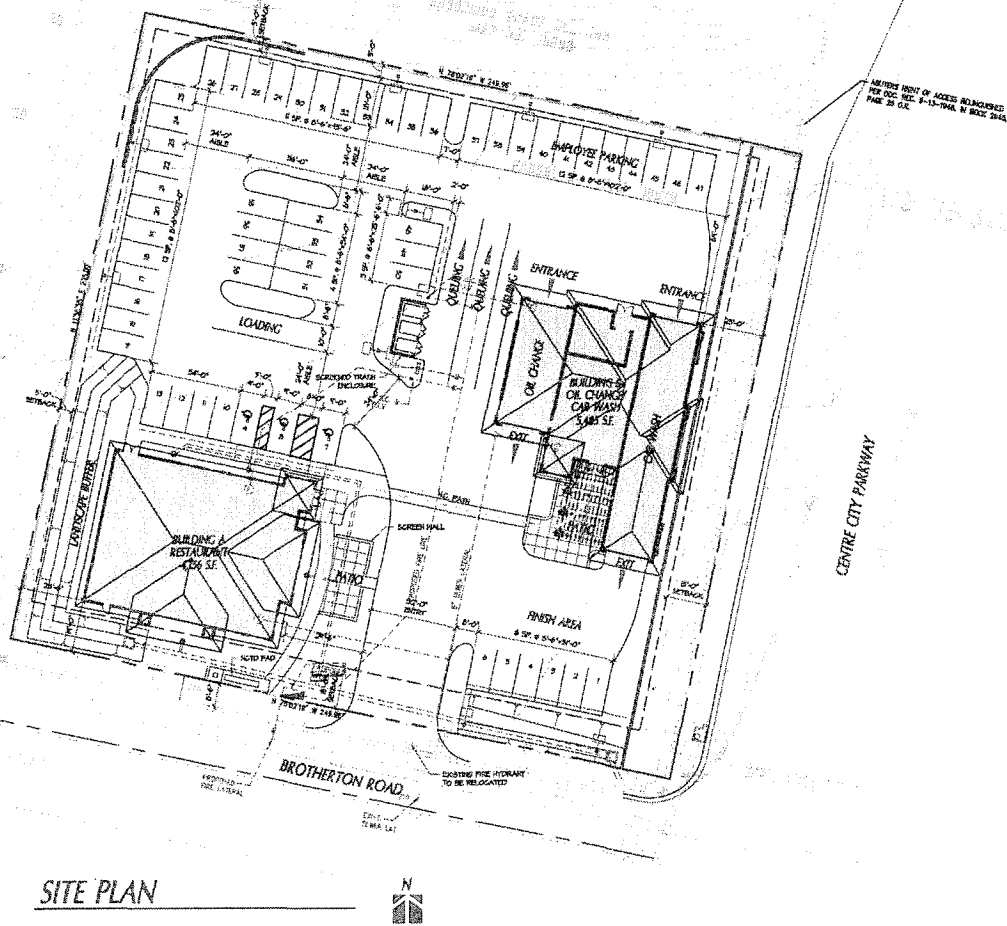


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**PROPOSED PROJECT**  
**2004-66-CUP/2004-02-AZ**



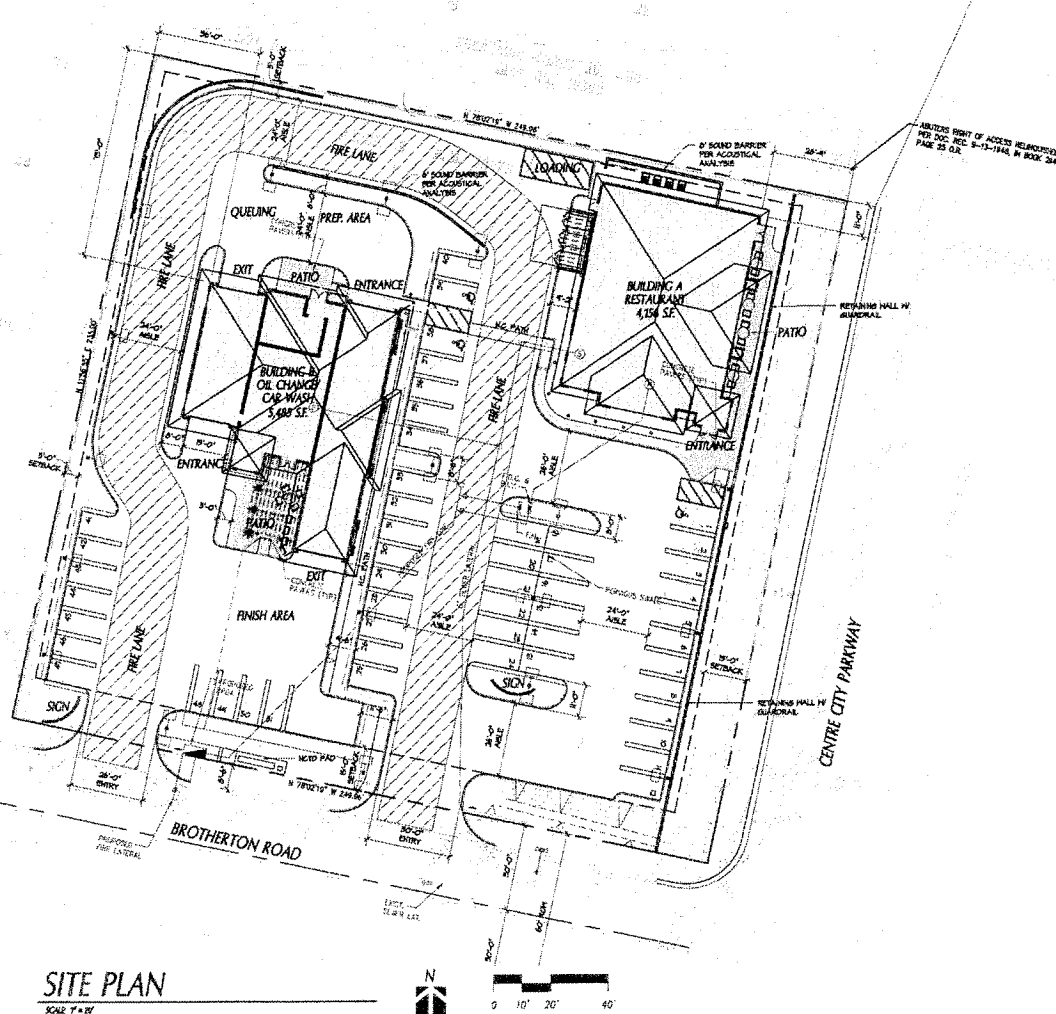




**PROPOSED PROJECT**  
**2004-66-CUP/2004-02-AZ**



SITE PLAN

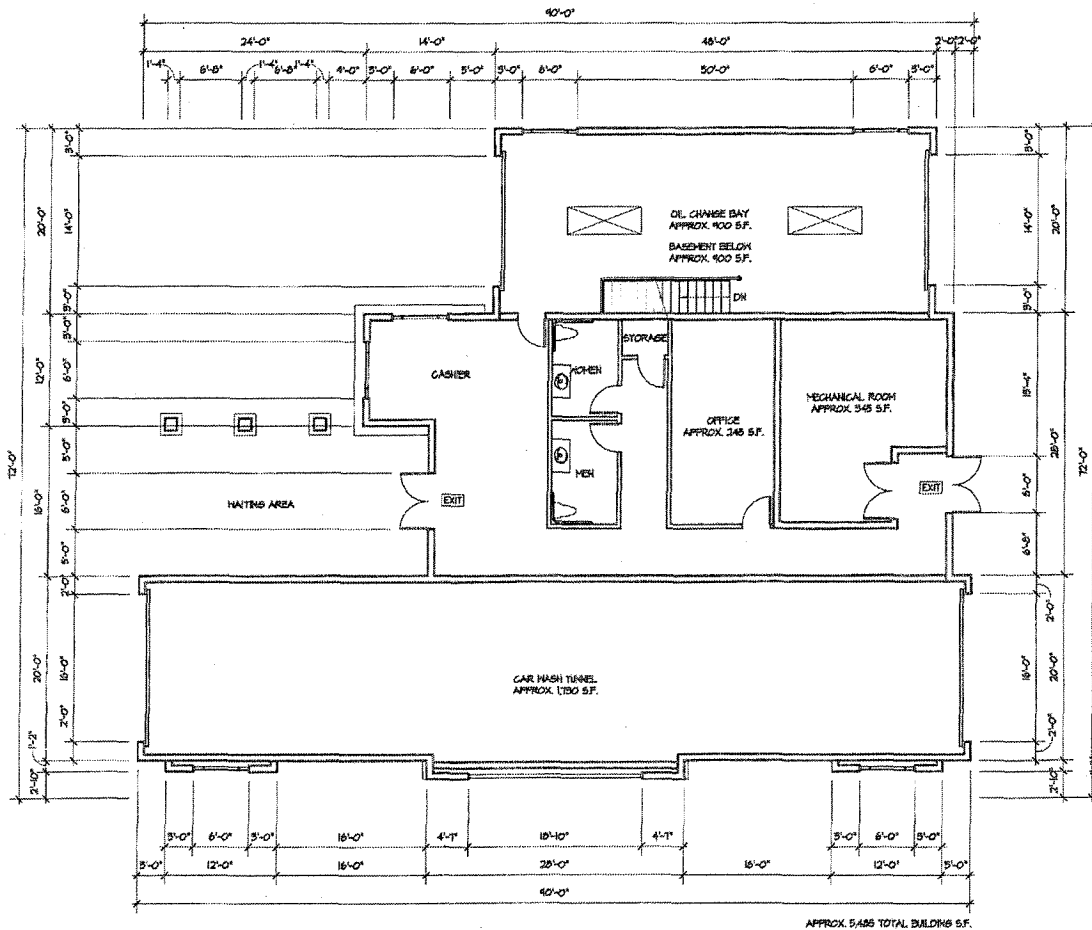


**Previous Site Design Reviewed by  
Planning Commission and City Council**

**PROPOSED PROJECT  
2004-66-CUP/2004-02-AZ**

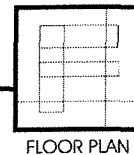


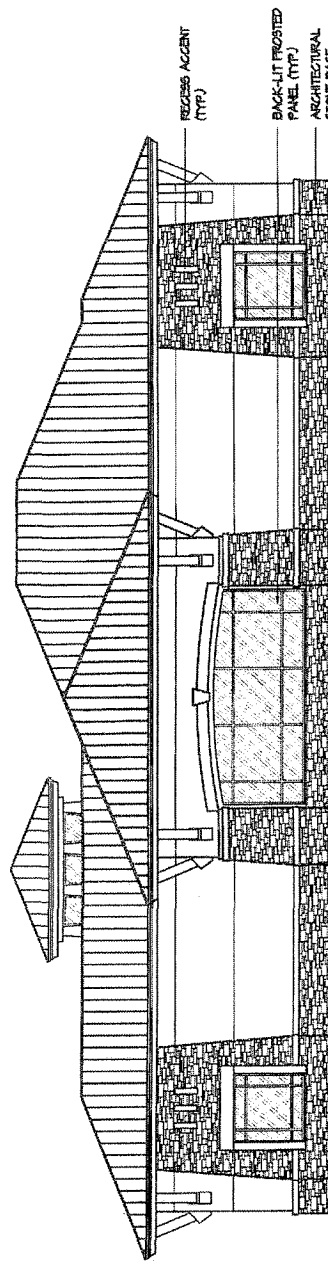
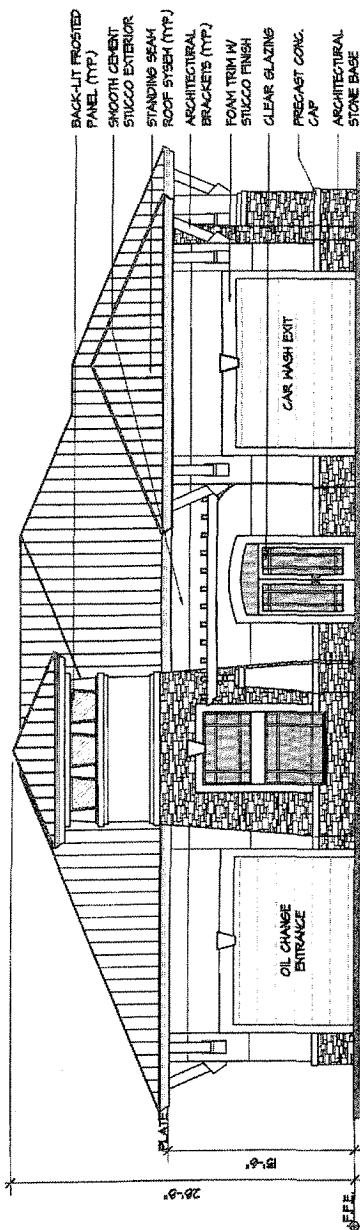
SITE PLAN



FLOOR PLAN (CAR WASH)

**PROPOSED PROJECT**  
**2004-66-CUP/2004-02-AZ**

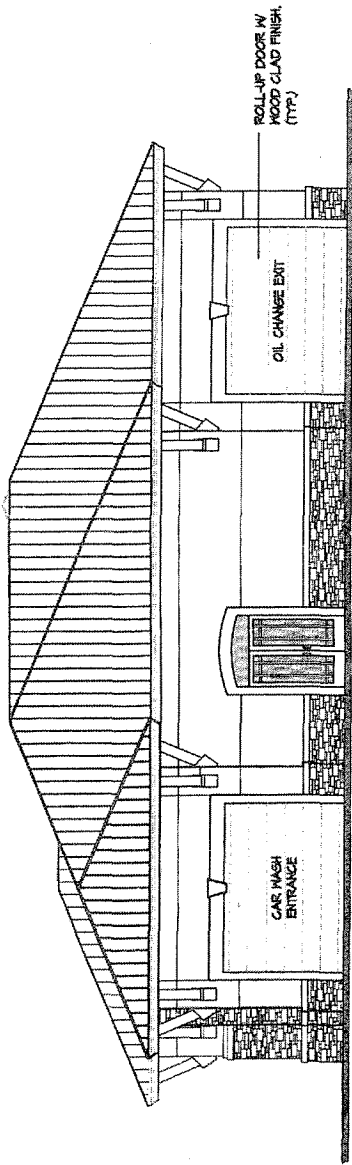




CAR WASH

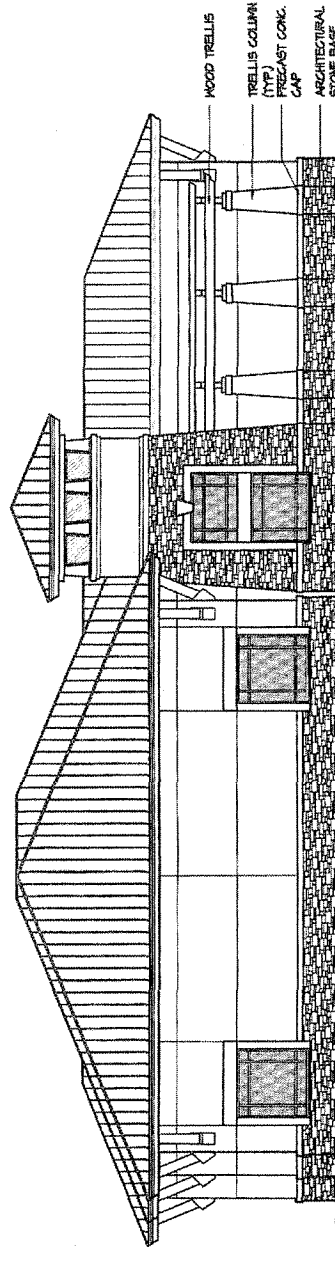
PROPOSED PROJECT  
2004-66-CUP/2004-02-AZ





NORTH ELEVATION

1

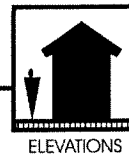


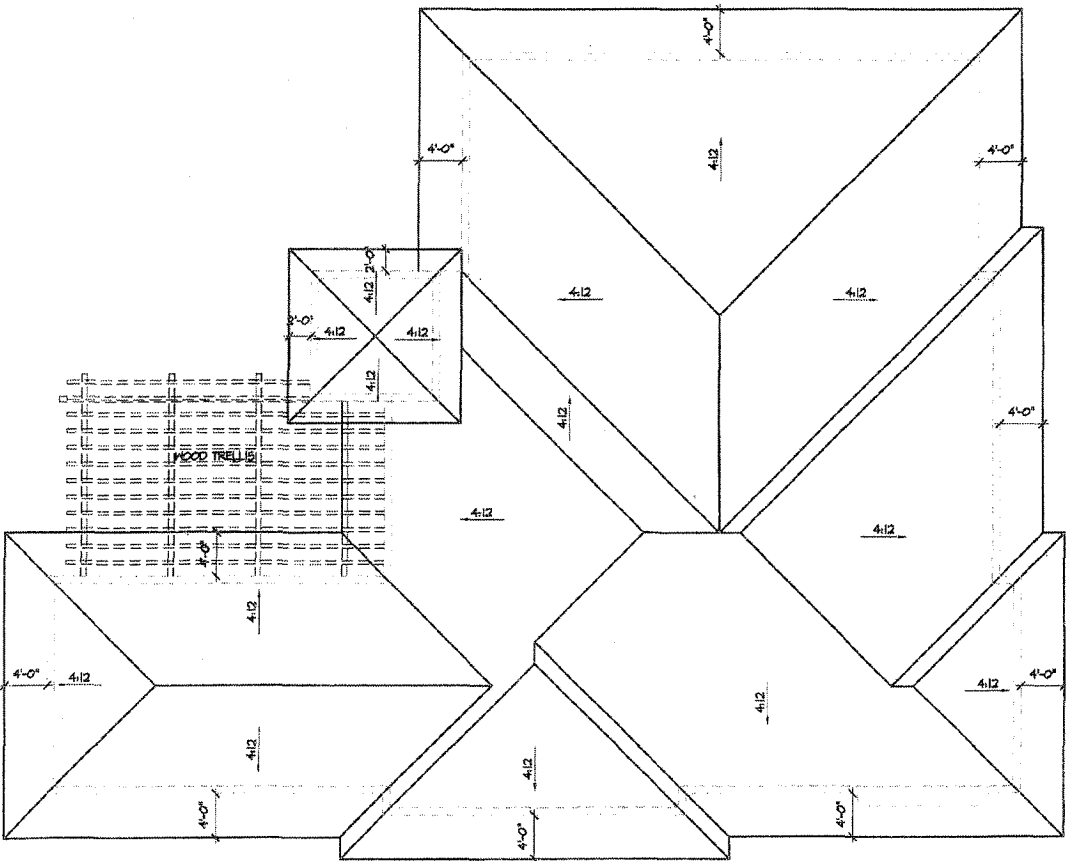
WEST ELEVATION

2

CAR WASH

PROPOSED PROJECT  
2004-66-CUP/2004-02-AZ





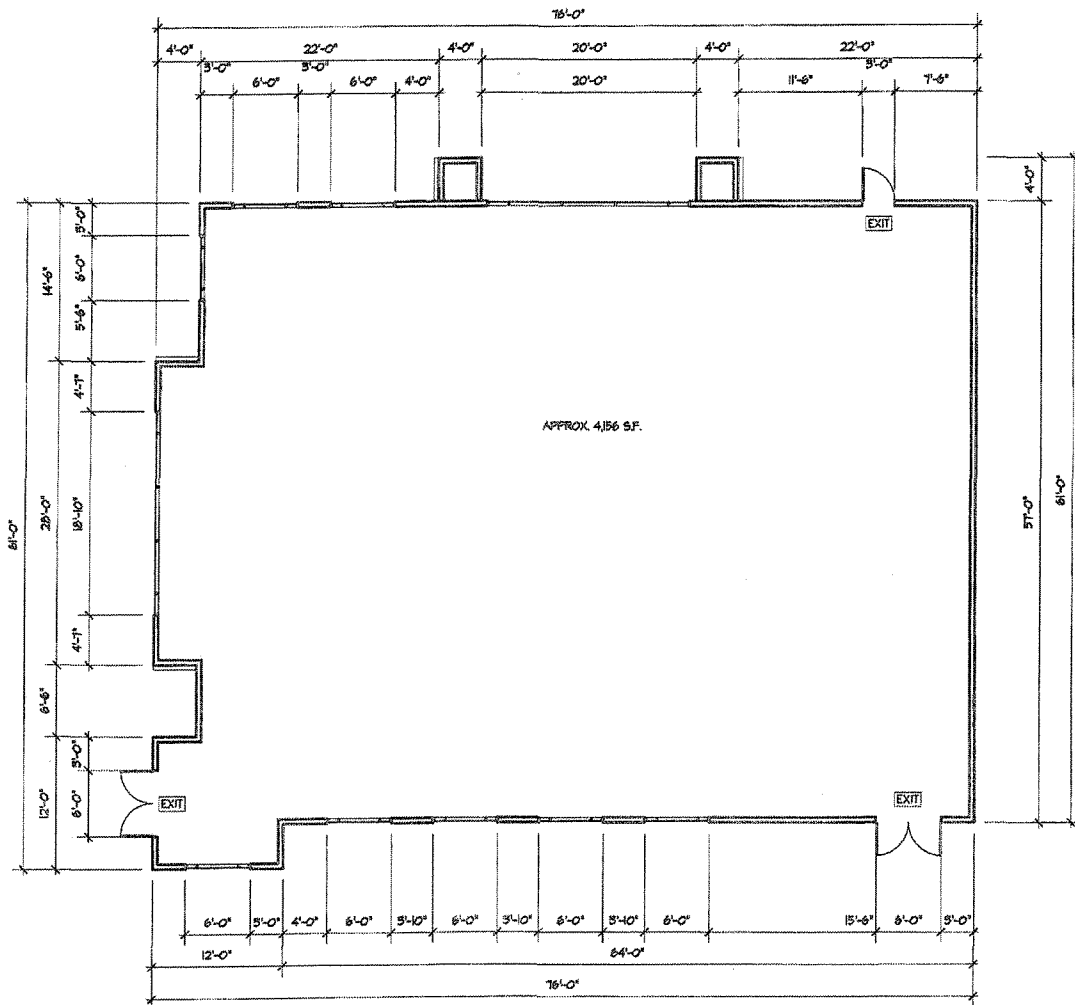
NOTE: A STANDING SEAM METAL ROOF SYSTEM WILL BE USED FOR ALL ROOF SURFACES.

ROOF PLAN (CAR WASH)

**PROPOSED PROJECT**  
**2004-66-CUP/2004-02-AZ**

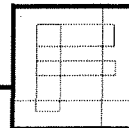


ROOF PLAN

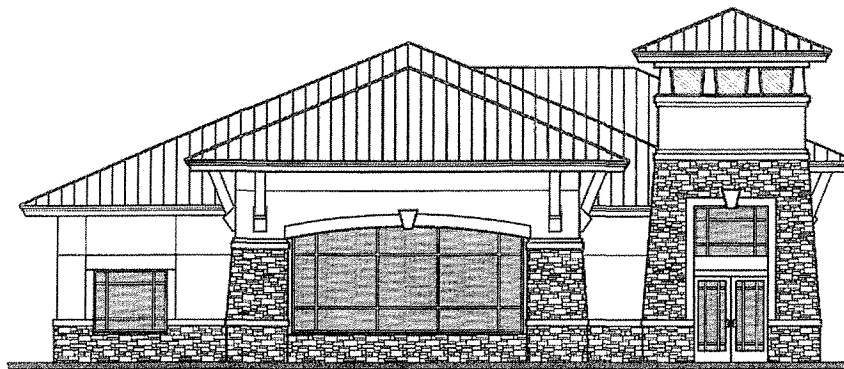


FLOOR PLAN (RESTAURANT)

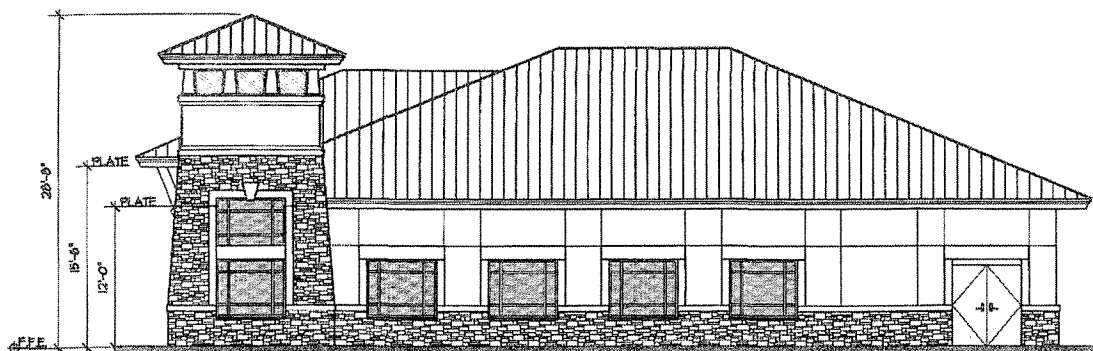
**PROPOSED PROJECT  
2004-66-CUP/2004-02-AZ**



FLOOR PLAN



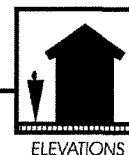
3 EAST ELEVATION



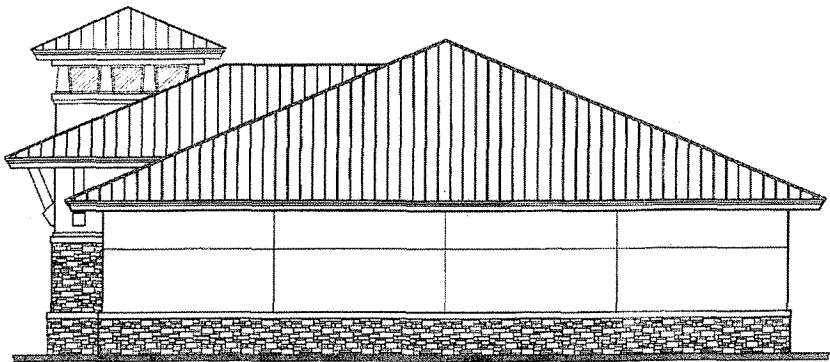
4 NORTH ELEVATION

RESTAURANT

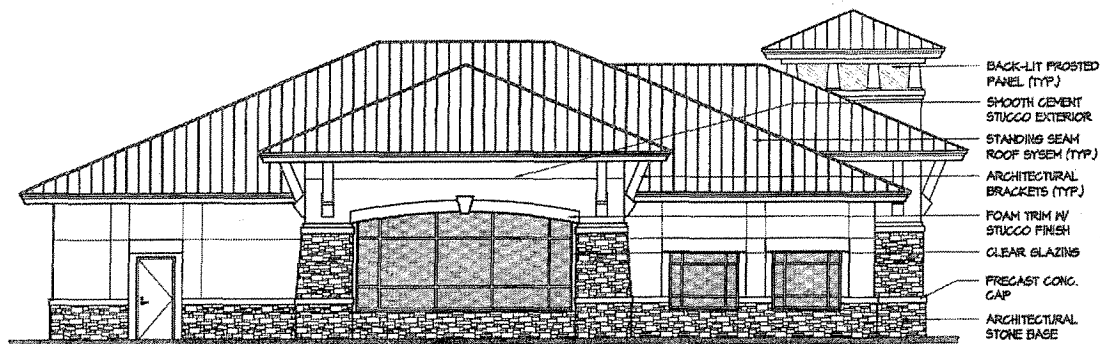
PROPOSED PROJECT  
2004-66-CUP/2004-02-AZ







① WEST ELEVATION

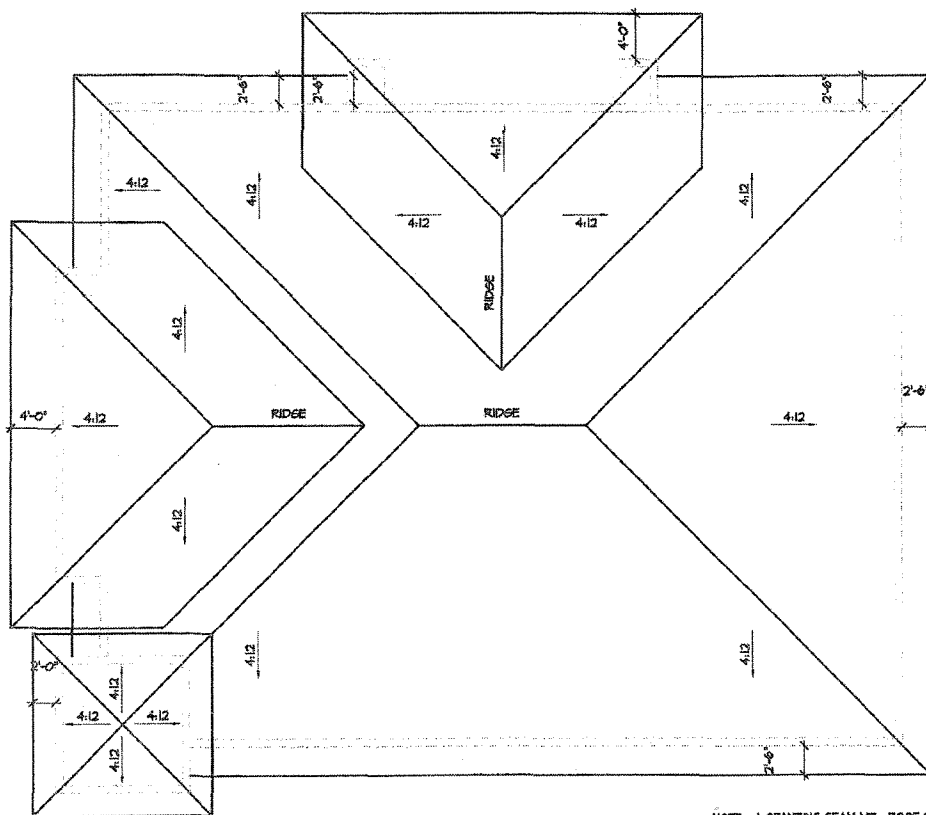


② SOUTH ELEVATION

RESTAURANT

PROPOSED PROJECT  
2004-66-CUP/2004-02-AZ





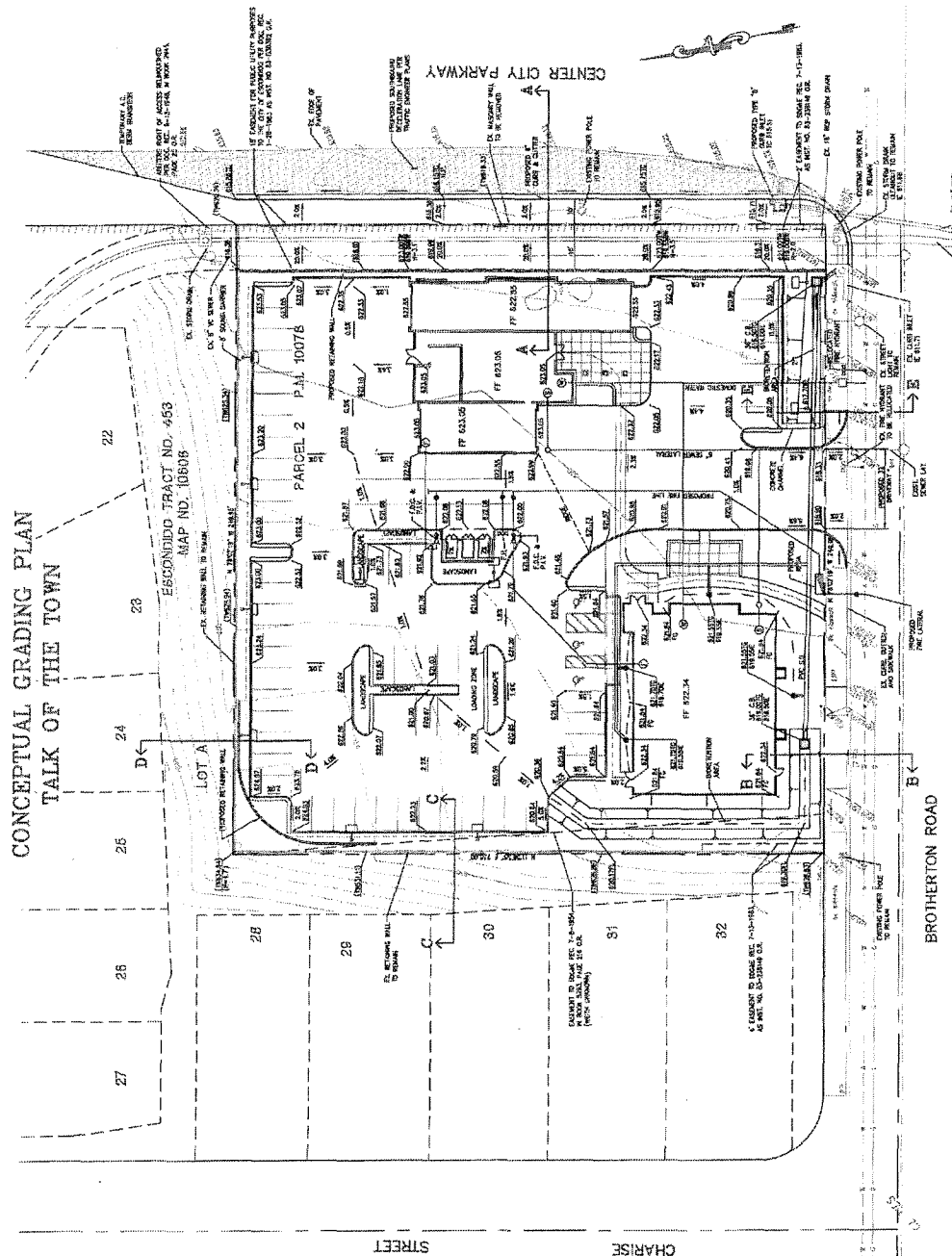
NOTE: A STANDING SEAM METAL ROOF SYSTEM WILL BE USED FOR ALL ROOF SURFACES.

## ROOF PLAN (RESTAURANT)

**PROPOSED PROJECT  
2004-66-CUP/2004-02-AZ**

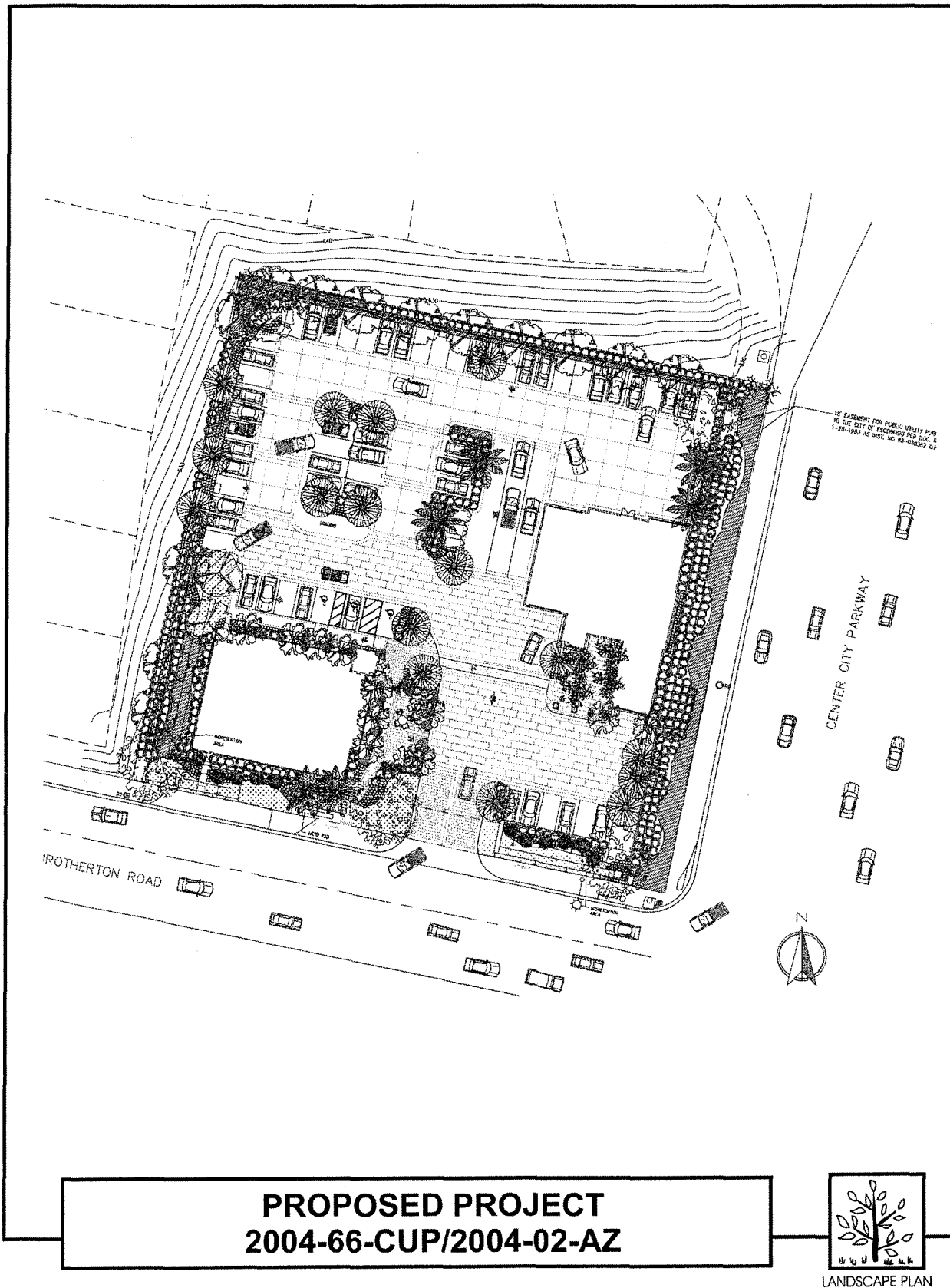


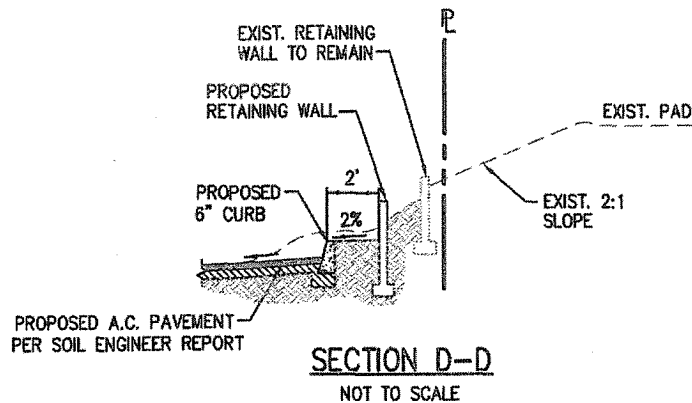
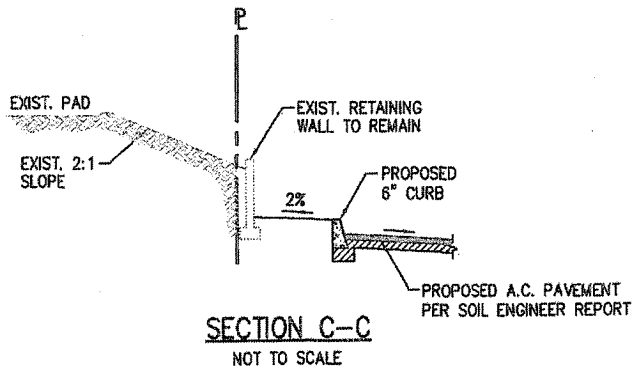
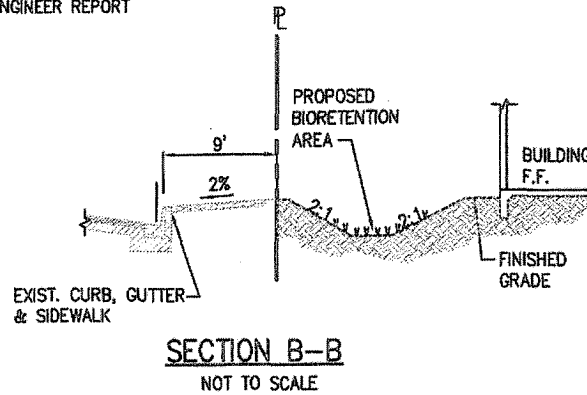
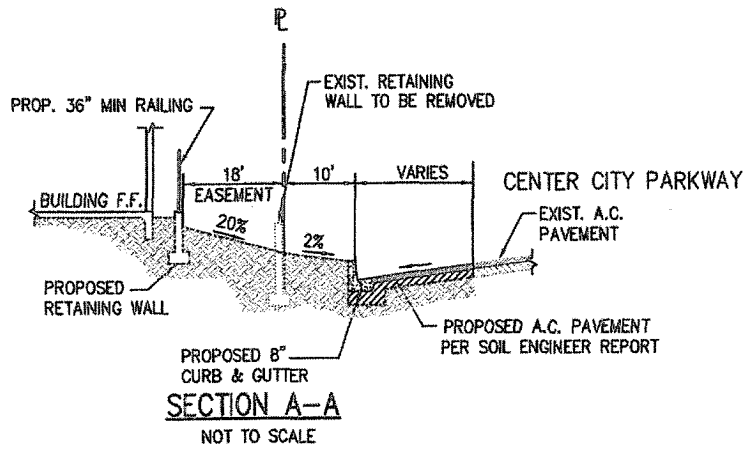
ROOF PLAN



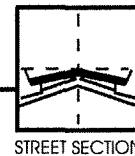
**PROPOSED PROJECT**  
**2004-66-CUP/2004-02-AZ**

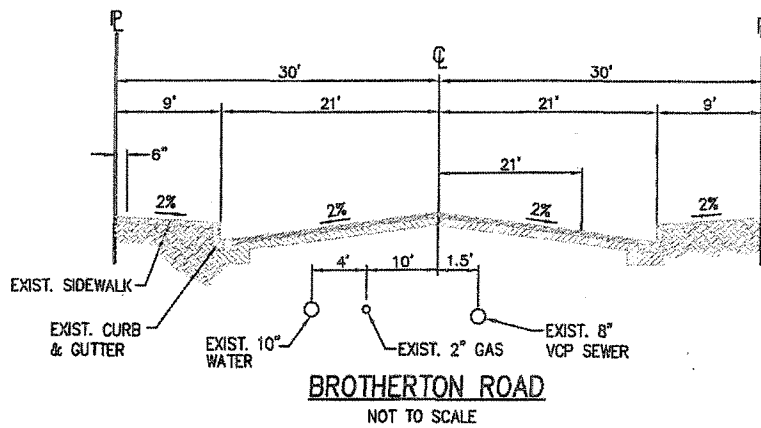
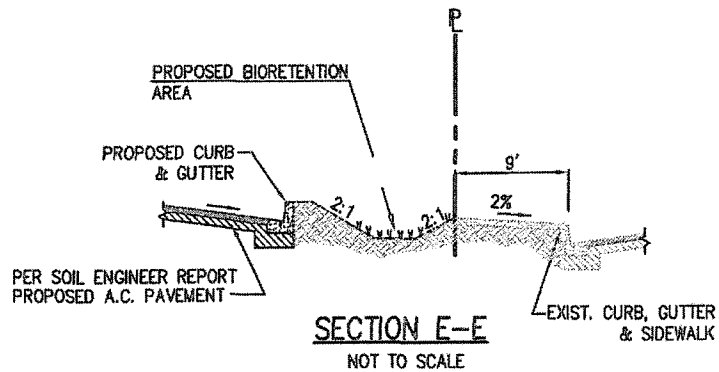




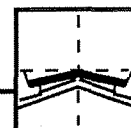


**PROPOSED PROJECT**  
**2004-66-CUP/2004-02-AZ**





**PROPOSED PROJECT**  
**2004-66-CUP/2004-02-AZ**



## ANALYSIS

### A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - R-1-10 zone (Single-family Residential – 10,000 SF minimum lot size). Single-family residences on lots approximately 4,500 SF to 5,000 SF in size. The backyards of the four adjacent single-family residences to the north are situated higher than the subject property and are separated from the site by a 16'-18'-high fill slope that is owned and maintained by their homeowners association. The width of the association property varies in this area from approximately 26 feet to 44 feet.

SOUTH - CG zone (General Commercial). Across Brotherton Rd. is a 3.14 acre vacant parcel zoned for commercial uses. A former restaurant/bar on the property was recently demolished and the site remains in a highly disturbed, unimproved state.

EAST - CG zone. Across Centre City Parkway is a small commercial center with associated parking on a 1.09 acre property.

WEST - R-1-10 zone. Single-family residences on lots approximately 4,500 SF to 5,000 SF in size. The backyards of the five adjacent single-family residences to the west are situated higher than the subject property and are separated from the site by a 9'-18'-high fill slope that is owned and maintained by their homeowners association. The width of the association property varies in this area from approximately 15 feet to 24 feet.

### B. 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. 5 (2319 Felicita Road), which is within the seven and one-half minute response time specified for urbanized areas in the General Plan. Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that fire sprinklers will be required for the buildings and that a fire hydrant must be located within 50 feet of the fire department connection. The Escondido Fire Department indicated their ability to adequately serve the proposed project and no significant impacts to fire services are anticipated.
3. Traffic – The property fronts onto and takes access from Brotherton Road, which is an unclassified street. The property also fronts on Centre City Parkway but will not take access from this street since access has previously been relinquished. An analysis of nearby street segments and intersections under current and future conditions was submitted as part of the Traffic Impact Analysis prepared by Linscott Law & Greenspan, dated December 23, 2008. Based on SANDAG Traffic Generation Rates for the San Diego region, the proposed project is anticipated to generate approximately 1,645 Average Daily Trips (ADT) with 95 A.M. peak hour trips (48 inbound/47 outbound) and 139 P.M. peak hour trips (73 inbound/66 outbound). The analysis of near-term scenarios concluded that under Existing + Cumulative Projects + Project all signalized and unsignalized intersections are calculated to continue operate at Level of Service (LOS) D or better. All street segments are calculated to operate at LOS B or better. The analysis of Year 2030 long-term scenarios with the project traffic included indicates that all signalized and unsignalized intersections are calculated to operate at LOS D or better except the minor street left-turn movement at Felicita Avenue/Brotherton Road, which is calculated to operate at LOS F during the A.M. peak hour and LOS E during the P.M. peak hour. Similarly, the segment of Centre City Parkway between Felicita Avenue and Brotherton Road is calculated to continue to operate at LOS F. The project contributes long-term cumulative impacts at these locations and mitigation measures have been developed to reduce the impact significance.
4. Utilities – Sewer from the site would flow south through a 6" lateral to the existing 8" main in Brotherton Road. Escondido's wastewater treatment plant, located on Hale Avenue, has the capacity to handle the potential increase in demand for service generated by the project. The anticipated increase would be relatively small and would have an

insignificant impact to the existing facilities. The project also complies with established General Plan Quality-of-Life Standards for sewer service. Sewer service could be provided by the extension of mains within the adjoining street system or easements. Water service for the project would be provided by the City of Escondido. There is an existing 10" water main in Brotherton Road that would provide service into the site. An existing fire hydrant on the southern boundary of the property is located inside the proposed eastern driveway and would be relocated approximately 38 feet further east. The carwash shall be designed with a water recycling system. The Utilities Division has not noted any issues with the ability to provide adequate water service to the site.

5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. The amount of run-off from the site would be expected to increase upon development due to additional impervious surfaces associated with the development of the project. According to the Water Quality Technical Report for Talk of the Town, prepared by K&S Engineering, dated March 2008 and updated September 2009, the decrease in permeable surface area produces a total runoff from the site for a 50-year design storm event of 3.35 cfs as compared to the 3.05 cfs before development. In general, the project surface drains via overland flow and curb containment to two separate bioretention areas each containing a vegetated biofilter swale for storm water treatment. The biofilters terminate in a constructed drop inlet connected to the existing storm drain located on the eastern side of the project paralleling Centre City Parkway. The Engineering Division has indicated the existing storm drain system is adequately sized to accommodate the proposed development and the proposed increase in drainage is not considered significant and would not pose any adverse impacts to downstream facilities. The project would be required to comply with National Pollution Discharge Elimination System (NPDES) standards; consequently, the Engineering Department has determined that runoff from the project would not be considered significant and the project would not materially degrade the existing drainage facilities.

#### **C. ENVIRONMENTAL STATUS**

1. A Revised Mitigated Negative Declaration, City Log No. ER 2004-33 was issued on December 10, 2009. Mitigation measures were developed to reduce potential land use, transportation/traffic, air quality and noise impacts to a less than significant level.
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements, mitigation measures and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

#### **D. CONFORMANCE WITH CITY POLICY/ANALYSIS**

##### General Plan

The City of Escondido General Plan designates the proposed project site as General Commercial, which is characterized by a broad range of retail and service activities in local commercial, community shopping/office complexes and regional shopping centers.

##### Appropriateness of Amending the South Escondido Boulevard Area Plan to Conditionally Allow Car Washes in Area "B"

The site is zoned CG (General Commercial) and also is within Area "B" of the South Escondido Boulevard Area Plan. While the CG zoning would typically permit all three of the proposed uses (restaurant, car wash and oil change), the South Escondido Boulevard Area Plan is more restrictive.

The South Escondido Boulevard Area Plan was originally adopted in 1996 to implement strategies for the South Escondido Boulevard commercial corridor that would assist in revitalizing the neighborhood. The area plan is divided into two subareas (A and B) and is approximately 2.25 miles in length with Area "A" beginning at 5<sup>th</sup> Avenue and extending just south of Vermont Avenue, and Area "B" beginning just north of Brotherton Road and extending to the terminus of Escondido Boulevard at Centre City Parkway and Verda Avenue. The area plan includes goals and recommendations



regarding existing and future land uses, development standards and regulations, and design guidelines that address issues raised by the community and chart a course of action to improve the neighborhood. As the plan was being developed and staff participated in a series of meetings with neighborhood residents and business owners, it became clear the revitalization process could not rely exclusively on the existing General Commercial zoning and some adjustments were necessary. In response to one of the guiding principles that the physical environment of the neighborhood should be more pedestrian friendly, the area plan is generally more restrictive for auto-related uses than the General Commercial zone. A 1998 amendment to the South Escondido Boulevard Area Plan permitted car washes (SLUC 6416-6417) with a Conditional Use Permit on properties where automotive businesses such as gas stations, car lots and auto service/repair have been previously located. Oil change facilities would fall under the SLUC 6419 category (Other automobile services except repair and wash) which would also require a Conditional Use Permit.

The subject property has not been previously developed with an automotive business. Therefore, the proposed carwash would not be permitted under the current South Escondido Boulevard Area Plan. The proposed oil change facility would require the issuance of a Conditional Use Permit and the proposed restaurant would be a permitted use. The applicant is proposing to amend the South Escondido Boulevard Area Plan to make carwashes a conditional use similar to the oil change facility. The applicant has suggested there are no full-service carwashes in the southern part of the city and he would be providing a service for residents in that area. Several water conservation websites estimate that home car washing can use 80 to 140 gallons of water in an uncontrolled setting. Studies prepared by the International Carwash Association indicate professional conveyor belt carwashes with onsite water recycling use an average of approximately 40 gallons per vehicle.

The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road within Area "B" of the South Escondido Area Plan. This area is generally suburban in character with a mix of small commercial businesses, single-family residences and vacant land. This is in contrast to the more compact and urban Area "A" to the north, where it seems most appropriate for pedestrian policies and related land uses. While carwash operations could potentially affect neighboring land uses, staff feels the suburban nature of Area "B" coupled with the underlying General Commercial zoning and lack of full-service carwashes in the area makes this area appropriate to consider potential carwashes on a case-by-case basis. Accordingly, staff supports modifying Area "B" of the South Escondido Boulevard Area Plan to conditionally allow carwashes. Staff feels the Conditional Use Permit process will ensure that all neighborhood compatibility issues are considered through a public hearing process and potential impacts are minimized to the extent feasible.

#### Whether the Proposed Development is Compatible with the Adjacent Residential Neighborhood

The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road. The northern and western sides of the site are bordered by the backyards of single-family residences located on lots approximately 4,500 SF to 5,000 SF in size. The homes on the western side are located on Charise Street and include a mix of one and two-story homes that are situated approximately nine feet to 18 feet higher than the project site. The residences along the northern boundary are on Cara Street and also include one- and two-story homes that are approximately 16 feet to 18 feet higher than the project site. Each residential backyard has a wood fence located at the top of a fill slope constructed as part of the residential development that runs down to the retaining wall on the project site's northern and western property lines. The fill slope separating the residential lots from the proposed commercial development is landscaped with numerous ornamental trees and is owned and maintained by the residential HOA.

Both of the neighborhood meetings were attended by about 20 residents and the neighbors were united in their opposition to the project. Issues were raised regarding potential increases in traffic on their neighborhood streets, lighting spillover from the parking lot lights into their backyards, and the potential negative effect on their property values and southern views. Of the issues raised by neighbors, staff felt the potential increase in noise, odors and light spillover could have the most significant impact on the neighborhood. The neighbors noted that the site is situated like a bowl or amphitheatre which enhances the potential for smoke, odors and noise to adversely affect their daily lives. These issues were analyzed and addressed during the environmental review for the project. While the environmental review concluded the effects could be mitigated to a less than significant level, it also indicated that nuisance levels could remain discernible by neighboring residents.

### Noise

The project design previously reviewed by the Planning Commission and City Council had the auto services building located on the western portion of the property with the carwash tunnel in a north to south alignment near the center of the site. Noise impacts from the carwash and HVAC units required the placement of a noise wall along a portion of the northern boundary of the site to comply with noise limits for the residences to the north. Most of the noise currently occurring on the site is generated from vehicles traveling on Centre City Parkway. The recent change to the building locations has had the advantageous effect of relocating the highest generating noise source (carwash) further away from most nearby residences and adjacent to Centre City Parkway. As described below, this has reduced potential noise impacts to the point where noise walls are no longer required.

According to the Noise Impact Analysis prepared by Eiler Associates, dated March 14, 2007, and updated on September 16, 2009 for the new building locations, the measured daytime ambient noise level on the site is 54.8 dBA near the center of the property. The proposed project is expected to produce two types of significant noise sources, which are the carwash dryer unit and the restaurant building HVAC equipment. The proposed carwash facility is expected to utilize a new Aerodry Advantage dryer system to be installed within the carwash tunnel and set back about six feet from the exit on the southern side of the building. The manufacturer has indicated the unit has an unmitigated noise level of 82.5 dBA measured at five feet from the source. The proposed restaurant building is expected to utilize four ground-mounted Carrier 25HBB360 (or similar model with equal or less noise emissions) HVAC units installed on the eastern side of the building. These units are expected to produce an unmitigated noise level of 70.9 dBA per unit.

The Noise Impact Analysis assumed a worst case scenario for operations consisting of 30 minutes per hour for the carwash dryer based on the anticipated number of carwash cycles per hour for a busy facility. The ground-mounted HVAC units were considered to be in constant operation for the purposes of the analysis. Based on the project information studied in the analysis, the project equipment noise levels are not expected to exceed City of Escondido property line noise limits at any surrounding property line provided the equipment is installed as specified and the carwash equipment is only operational during daytime hours (as defined in Escondido Noise Ordinance). Combined daytime noise levels at the western and northern property lines would range up to 47 dBA and 50 dBA respectively, which is consistent with City of Escondido noise standards for residential zones and no noise attenuation walls are required. Noise levels at the southern and eastern property lines would be consistent with City of Escondido noise standards for commercial zones.

Mitigation will be required to ensure potential noise impacts identified in the analysis are reduced to a less than significant level and meet City of Escondido property line noise limits. The Noise Impact Analysis concludes the exterior HVAC equipment has to be specifically located for each building and the carwash dryer system has to be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier. Once these mitigation measures have been constructed as part of the project, the calculated noise levels would be consistent with Noise Ordinance limits for residential zones.

### Smoke and Odors

The proposed development includes a 4,150 SF restaurant that is expected to offer "family-style" dining, but would not be limited as to the type of cuisine. It is expected that grilling or other cooking methods could potentially generate noticeable odors from the exhaust vents on the roof of the building. The proposed restaurant is located in northeastern corner of the site with the closest residence being located about 70 feet north of the restaurant. The elevated nature of the residential properties also put them more in line with the anticipated height of the exhaust vents.

While the prevailing winds generally blow easterly away from the residential neighborhood, there is a high likelihood that during unsettled weather or Santa Ana events, smoke and odors from the restaurant could negatively impact nearby residents if not effectively filtered. In recent years, several technologies have been developed to allow restaurants to be good neighbors by effectively controlling their emissions. The most common kitchen emission filtration method involves the use of electrostatic precipitation. Kitchen smoke and grease vapors are pulled up into the hood through fireproof ducts leading to a filtration unit where electrostatic precipitation occurs. Dual-stage electrostatic precipitators include two parts: the charging and the collecting sections. In the charging section, the incoming smoke, grease, mist and other particulates pass by ionizer wires which impart a positive electrical charge to these contaminants. The positively charged

contaminants are then drawn through the collection section which contains a secondary electrical field with negatively charged aluminum plates. Since opposite charges attract, the positively charged contaminants collect on the negatively charged aluminum plates, removing them from the air stream. Clean air then flows out of the filtration unit and out through the exhaust fan. A condition has been added to require a kitchen emission filtration system for the restaurant building.

#### Light Spillover

The applicant is proposing site lighting consisting of 70 watt metal halide lamps on pole fixtures that are 20 feet above grade. According to the photometric plan provided by the applicant prior to the hearings last year, the site lighting would result in approximately 0.3 to 0.8 foot candle at the northern property line and approximately 0.7 to 1.7 foot candles at the western property line. Up to 1.5 foot candles is similar to what would be expected of a typical city street light. Actual light levels at the adjacent residential property lines are expected to be less than the measured levels on-site due to the width of the HOA slope area between the project and the residences as well as the height of the slope. All lighting will be required to comply with the city's Outdoor Lighting Ordinance. A condition has been added to require a new photometric plan be submitted for review prior to issuance of building permits. Pole heights, fixture shielding and low wattage lamps will be evaluated at that time to ensure the most appropriate combination that provides sufficient on-site security while minimizing potential light spillover to the extent feasible.

#### Traffic in Residential Neighborhood

An existing median in Centre City Parkway at the intersection with Brotherton Road means vehicles exiting the proposed commercial development have no direct way to go north on Centre City Parkway. Residents of the adjacent 57-lot residential neighborhood on the northern and western sides of the project have suggested that exiting vehicles desiring to go north will travel through their residential streets to reach southbound Centre City Parkway where they can proceed south for a short distance before doing a u-turn north. To accomplish this, vehicles exiting the development would have to turn right on Brotherton and then right on Charise Street before proceeding through the neighborhood.

The Traffic Impact Analysis prepared by Linscott Law & Greenspan, dated December 23, 2008, indicates that only 10% of the 1,645 daily vehicle trips generated by the project would travel on Brotherton Road in the vicinity of Charise Street. If half of them are inbound and half are exiting the development, approximately 82 exiting vehicles would have an opportunity to turn on to Charise Street. It can be assumed that not all would do so because traveling west on Brotherton also provides the quickest access to Felicita Road and northbound I-15.

The traffic study assumes a more direct and intuitive route for people exiting the commercial development and desiring to travel north on Centre City Parkway. Vehicles would exit the project driveway and proceed directly south down the frontage road to a left turn onto Citracado Parkway where they could left turn again at a signalized intersection onto northbound Centre City Parkway. This route is more direct and apparent to those not familiar with the residential streets behind the development. The Engineering Division agrees that this is the most appropriate and likely route for drivers and feels the project would not place an undue traffic burden on adjacent residential streets.

## **SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST**

### **A. PHYSICAL CHARACTERISTICS**

The project site is a vacant property nearly square in shape that is surrounded by streets on two sides and fill slopes for adjacent residential development on the other two sides. The slightly sloping site has a high elevation of 628' in the northwestern corner down to a low point of 618' on the southeastern corner. The property has been zoned for general commercial uses for many years. The property is significantly disturbed and there are no trees on the site. All vegetation consists of non-native weedy species. Several mature California pepper trees along the eastern boundary are actually located within the Centre City Parkway right-of-way.

### **B. SUPPLEMENTAL DETAILS OF REQUEST**

1. Property Size: 1.34 acres
2. Number of Lots: One
3. Building Size:  
    Auto Services Building: 5,485 SF  
    Restaurant: 4,156 SF
4. Hours of Operation:  
    Restaurant: 6:00 A.M. to 10:00 P.M. 7 days/week  
    Carwash/Oil Change: Limited to daytime hours. Opening no earlier than 8:00 A.M. and closing no later than sunset.
5. Building Colors/Materials: The proposed buildings have been designed in a contemporary manner with the inclusion of some craftsman elements. The primary surface material is stucco with architectural stone used for the base and columns. A standing seam metal roof system is provided on both buildings. Other features include wood trellises, architectural brackets, roll-up doors with a wood-clad finish, back-lit frosted panels, and foam trim with a stucco finish. Proposed colors are generally in the cream, beige and tan range.
6. Landscaping: Extensive plant palette including coral trees or jacarandas for street trees (42"-box), Italian cypress and crape myrtle as thematic trees (24"-box), Queen palm, date palm and poplar for accent and screening trees. Bamboo, escallonia and privet for informal hedges. Vine plantings on buildings and walls. Mix of low and medium shrubs throughout the site combined with groundcover and turf for drainage swales.

### **C. CODE COMPLIANCE ANALYSIS**

	<u>Proposed</u>	<u>Required</u>
1. Building Setbacks:		
Front (East):	21 feet	15 feet
Rear (West):	23 feet	20 feet
Street Side (South):	15 feet	10 feet
Side (North):	69 feet	5 feet

2. Parking:	58spaces provided + 1 loading space	
Restaurant:		1/100 up to 4,000 SF = 40 spaces 1/50 ≥ 4,000 SF = 3 spaces Outdoor dining ≥ 300 SF = 1 space
Carwash:		No parking requirement for carwashes.
Oil Change:		1/250 for 900 SF = 3.6 spaces
Cashier/Retail		1/250 for 400 SF = 1.6 spaces
Car Care Office:		<u>1/300 for 245 SF = 0.8 spaces</u>
TOTAL:	58 spaces provided	50 spaces required
3. Building Height:	Single-story up to 28'-8"	Per UBC
4. Signage:	No wall signage proposed as part of this approval. All signs by separate permit.	All wall signage per CG zone standards.
	No freestanding signs proposed. All signs by separate permit.	One freestanding sign permitted per CG. standards.

**FINDINGS OF FACT/FACTORS TO BE CONSIDERED**  
**2004-02-AZ, 2004-66-CUP**  
**EXHIBIT "A"**

Amendment to the South Escondido Boulevard Area Plan

1. The public health, safety and welfare would not adversely be affected by the proposed amendment to Area "B" of the South Escondido Boulevard Area Plan to allow carwashes as a conditional use because the underlying General Commercial zoning already permits carwashes and each carwash application would receive heightened scrutiny through the public hearing process to ensure potential impacts to surrounding properties and neighbors are minimized.
2. The proposed amendment to Area "B" of the South Escondido Boulevard Area Plan to conditionally permit carwashes would not be detrimental to surrounding properties since the Conditional Use Permit process will provide an extra level of review to ensure proposed carwash facilities are not disruptive to neighboring property owners.
3. The carwash use that would be permitted by the proposed amendment would not be detrimental to surrounding properties because potential adverse effects associated with noise, odors and light spillover have been reduced to meet city standards and minimize impacts to the adjacent residential neighborhood.
4. The proposed amendment to the South Escondido Boulevard Area Plan to conditionally allow carwashes in Area "B" would be consistent with the General Commercial land use designation of the Escondido General Plan.
5. The proposed amendment would not establish a residential density below 70% of the maximum permitted density for any parcel previously zoned R-3 or R-4 because the proposed amendment only would affect commercially zoned property in Area "B" of the South Escondido Boulevard Area Plan.
6. The relationship of the proposed amendment is not applicable to specific plans because there are no specific plans located within Area "B" of the South Escondido Boulevard Area Plan.

Conditional Use Permit

1. Granting the proposed Conditional Use Permit would be consistent with sound principles of land use or in response to services required by the community because there currently is a lack of full service carwashes in the southern area of the city and potential noise and odor generated from the development has been reduced to minimize disruption to neighboring property owners.
2. Granting the proposed Conditional Use Permit would not cause a deterioration of bordering land use or create special problems in the area because the relocation of the two buildings has reduced noise levels to the point where city standards are met and noise walls are no longer needed, kitchen odors and smoke will be reduced through electrostatic filtration, parking lot lighting will be designed to meet city standards and reduce light spillover, and traffic is not anticipated to significantly increase in the adjacent residential neighborhood.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the community and it has been determined the revised project design that relocates the carwash tunnel closest to Centre City Parkway has enhanced the suitability of the project and that the applicant has demonstrated that potential impacts related to noise, odors, light spillover and traffic can be reduced and mitigated to meet city standards and minimize adverse effects on neighboring residents.

**CONDITIONS OF APPROVAL**  
**2004-02-AZ, 2004-66-CUP**  
**EXHIBIT "B"**

**Project Mitigation Measures**

1. Contribute a fair share amount of approximately 2.18% towards the cost of installing a traffic signal at the intersection of Felicita Avenue and Brotherton Road.
2. Contribute a fair share amount of approximately 2.16% towards the cost of improving the segment of Centre City Parkway, between Felicita Avenue and Brotherton Road to City of Escondido Major Road standards.
3. The restaurant kitchen equipment shall include an emission control system such as an electrostatic precipitation filtration system or other filtration system satisfactory to the Planning Division.
4. All parking lot light fixtures shall be installed on the lowest pole height feasible as determined by a lighting analysis. All light fixtures near the northern and western property lines shall be directed downward and provided with shields to minimize potential impacts related to light spillover and glare.
5. All exterior HVAC units for the restaurant building shall be installed within a screened area on the eastern side of the building to meet sound attenuation standards. The HVAC unit for the auto services building shall be installed within a screened area on the southern side of the building. HVAC equipment shall be as specified in the Noise Impact Analysis or a similar model with equal or less noise emissions.
6. The carwash dryer system shall not to exceed 82.5 dBA unmitigated noise level at 5 feet and shall be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier.
7. All carwash supporting equipment including pumps, compressors, and vacuum motor and canister system shall be installed within a dedicated equipment room equipped with passive rooftop ventilation.
8. In order to meet daytime noise limits as defined in the Escondido Noise Ordinance, the carwash must cease operating no later than 10:00 p.m. (this is further modified by Planning Division Condition No. 16 below).
9. The use of pneumatic tools shall be prohibited at the oil change facility.

**Planning Division Conditions**

1. 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, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. 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.
5. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

6. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. Prior to issuance of a building permit, the applicant shall submit a photometric plan for the parking lot lighting to ensure that light spillover has been minimized to the extent feasible through the use of reduced-height light poles, low wattage lamps and shielding.
7. A minimum of 50 striped parking spaces shall be provided in conjunction with this development. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards
8. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
9. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
10. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
11. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the Design Review Board on June 25, 2009, and the exhibits and details in the staff report to the satisfaction of the Planning Division.
12. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code). Only one freestanding sign shall be permitted for the development.
13. All new utilities shall be underground.
14. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
15. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of \$2,060.25 for a project with a Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the



project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

16. The hours of operation for the restaurant building shall be limited to 6:00 A.M. to 10:00 P.M. 7 days/week. The hours of operation for the Carwash/Oil Change facility shall be limited to daytime hours defined as opening no earlier than 8:00 A.M. and closing no later than sunset.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
18. This CUP shall become null and void unless utilized within twelve months of the effective date of approval.
19. The carwash/oil change facility may not receive a building permit prior to issuance of a building permit for the restaurant building. Occupancy of the carwash/oil change facility shall not be granted prior to occupancy of the restaurant building unless a determination is made by the Planning and Building Divisions that a final inspection for the restaurant building is imminent.
20. Employees of the carwash shall be prohibited from honking car horns to signal the owners that the car is ready.
21. No exterior loudspeakers for music, paging or announcements shall be permitted on the site.
22. The car wash design and building plans shall incorporate water conservation features including a water recycling system satisfactory to the Planning and Utilities Divisions.
23. All outdoor dining or smoking areas for the restaurant shall be limited to the eastern side of the building.

#### **Landscaping Conditions**

1. Prior to issuance of a building permit, the conceptual landscape plan shall be reviewed by the Design Review Board.
2. Prior to occupancy, all perimeter, slope and parking lot landscaping shall be installed. Additionally, all landscaping proposed in conjunction with each building to be developed shall be installed. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
3. In compliance with Article 62 (Landscape Standards), Section 1327 (Slope Planting) of the Escondido Zoning Code, all manufactured slopes over three feet high shall be irrigated and planted with landscape materials as follows: Each one thousand SF of fill slope shall contain a minimum of six (6) trees, fifteen gallon in size; ten shrubs, five gallon in size; and groundcover to provide one hundred percent coverage within one year of installation. Each one thousand SF of cut slope shall contain a minimum of six (6) trees, five gallon in size; ten (10) shrubs, one gallon in size; and groundcover to provide one hundred percent coverage within one year of installation. The type of plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Division. In particular, the ground cover shall be a fast-growing species which establishes quickly and is capable of choking out weeds. All slopes over three vertical feet shall be irrigated as part of the irrigation system approved by the Planning Division.
4. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. 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. The plans shall be prepared by, or under the supervision of a licensed landscape architect.

5. 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.
6. All manufactured slopes or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
7. Street trees shall be provided along every frontage within, or adjacent to this subdivision in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
8. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans.

**Building Division Conditions**

1. Appropriate accessible paths of travel shall be required from the public way.
2. Plans shall comply with the 2007 California Code

**Fire Department Conditions**

Fire Protection Systems

1. ☒ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D **automatic fire sprinkler system** will be required.
2. **Automatic fire sprinkler system** will be required in the entire structure for the following reasons:
  - ☐ The project is more than three minutes driving time and five miles from the nearest fire station.
  - ☒ The structures are more than 3,600 square feet and exceed 1,500 GPM needed fire flow.
  - ☐ High fire severity area.
  - ☐ Other: \_\_\_\_\_
3. Sprinklers will be required on all overhangs exceeding four feet.
4. An approved fire alarm system shall be required if the number of sprinkler heads exceed 100.
5. A fire hydrant is required to be located within 50 feet of the fire department connection, unless otherwise specified. Please show location on plans.
6. Fire hydrants capable of delivering ☐ 1,500 GPM ☒ 2,500 GPM at 20 PSI residual pressure shall be required every 300 feet.
7. Fire suppression system required for hood system.

8. Extinguisher(s) shall be provided at locations indicated with a minimum rating of 2A-10B:C in a visible and accessible location, at an exit or in the exit path. Walking distance is not to exceed 75 feet (CFC 1002.1; T-19 Art. 5). Extinguishers must be mounted not more than 5 feet nor less than 3 ½ feet above the floor.

#### Access

9. Commercial access roads/drive aisles shall be a minimum of 24-feet wide.
10. Speed humps/bumps will not be allowed.
11. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site.
12. Knox box shall be required.
13. A 28' inside turning radius is required on all corners.
14. Barricades shall not obstruct fire hydrants or impede emergency vehicle access.
15. 13'6" vertical clearance must be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access width must be trimmed or removed.
16. Red curbs with 4" white lettering, "NO PARKING FIRE LANE" signs are required in 24'-wide access areas.

#### Engineering Division Conditions

##### GENERAL

1. 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 plans and the issuance of Building Permits.
2. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
3. An engineered improvement plan prepared by a Registered Civil Engineer is required for all public improvements. The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

##### STREET IMPROVEMENTS AND TRAFFIC

1. The developer shall construct a 15 foot wide south bound deceleration lane along project frontage on Centre City Parkway (250 feet long with 120 foot long transition) to the satisfaction of the City Engineer. Roadway improvements shall include construction of roadway widening, curb and gutter, drainage improvements and two street lights along deceleration lane. The developer shall also be responsible to prepare a striping & signage plan to allow for a fourteen foot wide deceleration lane and widen the existing bike lane from four to five feet.
2. The developer shall be responsible to landscape and irrigate the parkway areas along project frontage on Centre City Parkway and Brotherton Road to the satisfaction of the Planning Director.
3. The developer shall re-establish the striping at the intersections of Centre City Parkway /Brotherton Road and Brotherton Road/Frontage Road. This work shall be shown and approved as part of the striping & signage plan.

4. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. 3, with a minimum throat width of minimum 24 feet.
5. The developer shall install a street light at the intersection Brotherton Road and new easterly driveway that shall be aligned with frontage road.
6. The developer shall be responsible for replacement of the existing drainage pipe across Brotherton Road, if it were found to be damaged at the time of final plans review, as determined by the City Engineer.
7. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
8. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
9. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Developer's contractor shall do any removal of existing striping and all new signing and striping.
10. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
11. The developer shall provide the City with cash contribution in the amount of \$50,000 towards future improvement of Centre City Parkway between Felicita Avenue and Brotherton Road, prior to issuance of Building Permit.
12. The developer shall provide the City with cash contribution in the amount of \$7,500 towards future improvement of the intersection of Brotherton Road and Felicita Avenue, prior to issuance of building permit.

#### **GRADING**

1. Site grading and erosion control plans prepared by a Registered Civil Engineer are required for all onsite improvements and shall submitted to the Engineering Department. Grading Plans are subject to approval by the Planning, Fire and Engineering Departments prior to issuance of a Grading Permit.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5.1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC. (This requirement may be reduced to 2" AC over 4" AB or 5 1/2" P.C.C. over native for single family residential only)
3. All proposed retaining 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 retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
4. Erosion control, including riprap, interim sloping planting, gravel bags, 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 development of the project.
5. A General Construction Activity Storm Water Permit is required from the State Water Resources 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. Two copies of the Storm Water Pollution Prevention Plan shall be submitted to the City.

#### **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. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted together with the final improvement and grading plans. Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements.
3. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of grass bio-swaes or rock/gravel swales within or along the perimeter of the parking and driveway areas as the primary method of storm water treatment. The landscape plans will need to reflect these areas of storm water treatment.
4. The on-site trash enclosure area shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
5. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the property owner.

#### **WATER SUPPLY**

1. Fire hydrants together with an eight (8") inch supply line from Brotherton Road shall be installed at locations approved by the Fire Marshal, designed and constructed to the satisfaction of the Utilities Director.
2. Separate water meters shall be installed for each building.
3. A Public Utility Easement shall be granted to the City of Escondido for all public water mains within the project site. The easement shall include all fire hydrants, water meters and other appurtenances. The minimum easement width shall be 20 feet.

#### **RECYCLED WATER**

1. The developer is required to construct an irrigation system, for the frontage on Centre City Parkway and Brotherton Road that can use either potable or recycled water. This system should be built to the satisfaction of the Planning and Utilities Directors.

#### **SEWER**

1. An access driveway shall be provided from Centre City Pkwy. to the existing sewer manhole in the northeast corner of the proposed project to the satisfaction of the Director of Utilities.
2. Separate 6" sewer laterals shall be installed from the public main to each building.
3. No trees or deep rooted plants shall be planted within 15' of sewer lines.

### **EASEMENTS AND DEDICATIONS**

1. Necessary public utility easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
2. Vehicular access rights to Center City Parkway shall be waived and relinquished to the City of Escondido.

*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 documents.*

### **REPAYMENTS AND FEES**

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.
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.

### **SURVEYING AND MONUMENTATION**

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded.
2. A current preliminary title report shall be submitted with the grading plans.

### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground in accordance with City's Utilities Undergrounding Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.



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

## **REVISED MITIGATED NEGATIVE DECLARATION**

CASE NO.: ER 2004-33

DATE ISSUED: December 10, 2009

PUBLIC REVIEW PERIOD: December 15, 2009 – January 4, 2010

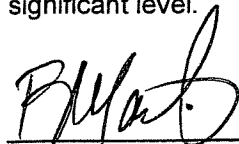
PROJECT DESCRIPTION: A Conditional Use Permit for an automobile service commercial development consisting of an approximately 5,500 SF automated car wash and oil change facility and a 4,150 SF restaurant. The proposal also includes an amendment to the South Escondido Boulevard Neighborhood Plan to allow the car wash, which currently is not a permitted use on the site.

LOCATION: The site consists of 1.34 acres of land, located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road, addressed as 400 Brotherton Road (APN: 236-381-03).

APPLICANT: McArdle Associates Architects

An Initial Study has been prepared to assess this project as required by the California Environmental Quality Act and Guidelines, Ordinance and Regulations of the City of Escondido. The Initial Study is on file in the City of Escondido Planning Division.

Findings: The findings of this review are that the Initial Study identified potentially significant impacts associated with transportation/traffic, air quality and noise levels. However, mitigation measures incorporated into the project, and agreed to by the applicant, would reduce impacts to a less than significant level.

  
Bill Martin, Principal Planner



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

## **REVISED MITIGATED NEGATIVE DECLARATION**

(Case No.: ER 2004-33)

### **ENVIRONMENTAL CHECKLIST SUPPLEMENTAL COMMENTS**

#### **INTRODUCTION**

This Revised Mitigated Negative Declaration assesses the environmental effects of a revised project design for the construction of a commercial development consisting of an automobile service facility and a restaurant on approximately 1.34 acres of land, located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road, addressed as 400 Brotherton Road (APN: 236-381-03). In the time since the public review period closed for the original Mitigated Negative Declaration, the applicant has modified the site design to change the location of both buildings. The restaurant building has been moved from the northeastern corner of the site to the southwestern corner; and the automobile services building has been moved from a central location to where it now abuts the eastern property line. The revised design reduces the level of potential noise impact and necessitates changing the project mitigation measures through the issuance of this Revised Mitigated Negative Declaration.

An Initial Study Environmental Checklist was prepared for this project and is included as a separate attachment to the Supplemental Comments within this report. The information contained in the Initial Study Environmental Checklist and the Supplemental Comments will be used by the City of Escondido to determine potential impacts associated with the proposed development.

The detailed Supplemental Comments included in this document identifies and evaluates physical impacts to the environment associated with developing or implementing the proposed project based on preliminary review of a variety of environmental factors identified in the attached Environmental Checklist. In analyzing the project it has been determined that impacts related to transportation/traffic, noise and air quality would occur. Based on information and documentation incorporated in the analysis, it has been concluded that this Initial Study warrants issuing a Revised Mitigated Negative Declaration (MND). The Revised MND acknowledges that certain aspects of the project would cause significant impact(s) on the environment but those impacts would be reduced to an acceptable level by incorporating Mitigation Measures. As provided by CEQA, the City of Escondido will act as a responsible agency because of its role in reviewing and potentially approving or issuing permits for the project.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the Revised Mitigated Negative Declaration in writing before the end of the 20-day public review period starting on December 15, 2009 and ending on January 4, 2010. Written comments on this



environmental document shall be submitted to the following address by 5:00 p.m. January 4, 2010. Following the close of the public comment review period, the City of Escondido will consider this Revised Mitigated Negative Declaration and all received comments in determining the approval of this project.

City of Escondido  
Planning Division  
201 North Broadway  
Escondido, CA 92025-2798

Contact: Bill Martin, Principal Planner  
Telephone: (760) 839-4557  
Fax: (760) 839-4313  
e-mail: Bmartin@escondido.org

A hard copy of this document and any associated plans and/or documentation are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division

#### **DETAILED PROJECT DESCRIPTION / LOCATION**

The 1.34-acre site consists of a vacant, slightly sloping property located on the northwestern corner of Centre City Parkway and Brotherton Road. The property is located within the CG (General Commercial) zone and Area "B" of the South Escondido Boulevard Area Plan.

The modified project design consists of the same two commercial structures including an approximately 5,500 SF automated car wash and oil change facility and a 4,150 SF restaurant which have been moved on the site to new locations. Up to 60 parking spaces, including three accessible parking spaces, would be provided for customers and employees. The project includes a request to amend the South Escondido Boulevard Area Plan to allow car washes within Area "B" as a conditional use. A Conditional Use Permit is also requested for both the car wash and the oil change facility.

The proposed buildings have been designed in a contemporary manner with the inclusion of some craftsman elements. Both buildings are single-story with maximum height of 28'-8". The primary surface material is stucco with architectural stone used for the base and columns. A standing seam metal roof system is provided on both buildings. Other features include wood trellises, architectural brackets, roll-up doors with a wood-clad finish, back-lit frosted panels, and foam trim with a stucco finish. Proposed colors are generally in the cream, beige and tan range.

Access to the site would be provided from a single driveway with a 32'-wide entry width on Brotherton Road located about 100 feet west of Centre City Parkway. Driveway access from Centre City Parkway would be prohibited. Frontage improvements would include an additional pavement width of approximately 20 feet on southbound Centre City Parkway to provide a deceleration lane for the right-turn onto Brotherton Road. Curb, gutter, sidewalk and bus stop improvements would also be upgraded along the site frontage on Brotherton Road.

An existing masonry retaining wall along the northern and western property lines would remain as part of the project. A new four-foot-high curving keystone retaining wall would be constructed as part of the cut slope in the northwestern corner. An existing three-foot-high masonry wall along the eastern property line would be

removed and replaced by a new retaining wall up to 4.5 feet in height set back 18 feet from the Centre City Parkway right-of-way. The wall will be located on the western edge of an existing 18-foot-wide public utility easement that runs along the entire eastern boundary.

**ANTICIPATED PUBLIC HEARINGS:**

***-Planning Commission:***

The proposed project is tentatively scheduled for Planning Commission consideration on January 26, 2010. A separate public hearing notice will be mailed confirming the Planning Commission time and date.

***-City Council:***

The proposed project is tentatively scheduled for City Council consideration on February 24, 2010. A separate public hearing notice will be mailed confirming the City Council time and date.

## **PROJECT ENVIRONMENTAL SETTING**

The 1.34-acre project site is a vacant property nearly square in shape that is surrounded by streets on two sides and fill slopes for adjacent residential development on the other two sides. The slightly sloping site has a high elevation of 628' in the northwestern corner down to a low point of 618' on the southeastern corner. The property has been zoned for general commercial uses for many years. The property is significantly disturbed and there are no trees on the site. All vegetation consists of non-native weedy species. Several mature California pepper trees along the eastern boundary are actually located within the Centre City Parkway right-of-way.

The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road. Centre City Parkway is designated as a Major Road and is constructed as a divided roadway with two travel lanes in each direction. Brotherton Road is an unclassified street and lacks full width improvements on the southern side opposite of the project site. Existing land uses across Centre City Parkway generally range from small commercial businesses along the street frontage with residential development of varying densities as one gets further east from Centre City Parkway. The property across Brotherton Road from the project site is currently vacant and was most recently occupied by a now-demolished restaurant/bar. The northern and western sides of the site are bordered by the backyards of single-family residences. The homes on the western side are located on Charise Street and include a mix of one and two-story homes that are situated approximately nine feet to 18 feet higher than the project site. The residences along the northern boundary are on Cara Street and also include one- and two-story homes that are approximately 16 feet to 18 feet higher than the project site. Each residential backyard has a wood fence located at the top of a fill slope constructed as part of the residential development that runs down to the retaining wall on the project site's northern and western property lines. The fill slope is landscaped with numerous ornamental trees and is owned and maintained by the residential HOA.

Existing utilities on the site include an eight-inch sewer line and a storm drain located within an 18-foot-wide public utility easement that runs along the eastern boundary of the site. There are also overhead utility lines along the southern and eastern boundaries of the site. While it is expected that some of these overhead lines would be undergrounded as part of the project. Others are too high in voltage to be placed underground and would be left as they exist.

The zoning and land uses adjacent to the proposed development area are as follows:

- North:** R-1-10 zone (Single-family Residential – 10,000 SF minimum lot size). Single-family residences on lots approximately 4,500 SF to 5,000 SF in size. The backyards of the four adjacent single-family residences to the north are situated higher than the subject property and are separated from the site by a 16'-18'-high fill slope that is owned and maintained by their homeowners association. The width of the association property varies in this area from approximately 26 feet to 44 feet.
- South:** CG zone (General Commercial). Across Brotherton Rd. is a 3.14 acre vacant parcel zoned for commercial uses. A former restaurant/bar on the property was recently demolished and the site remains in a highly disturbed, unimproved state.
- East:** CG zone. Across Centre City Parkway is a small commercial center with associated parking on a 1.09 acre property.
- West:** R-1-10 zone. Single-family residences on lots approximately 4,500 SF to 5,000 SF in size. The backyards of the five adjacent single-family residences to the west are situated higher than the

subject property and are separated from the site by a 9'-18'-high fill slope that is owned and maintained by their homeowners association. The width of the association property varies in this area from approximately 15 feet to 24 feet.

## **I. LAND USE AND PLANNING**

### **Significance Criteria and Impact Analysis**

*The effects of a project on existing or planned land uses are considered significant if the proposed project would:*

- a. Physically divide an established community;*
- b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;.*

The City of Escondido General Plan designates the proposed project site as General Commercial, which is characterized by a broad range of retail and service activities in local commercial, community shopping/office complexes and regional shopping centers. The site is zoned CG (General Commercial) and also is within Area "B" of the South Escondido Boulevard Area Plan. While the CG zoning would typically permit all three of the proposed uses (restaurant, car wash and oil change), the South Escondido Boulevard Area Plan is more restrictive.

The South Escondido Boulevard Area Plan was originally adopted in 1996 to implement strategies for the South Escondido Boulevard commercial corridor that would assist in revitalizing the neighborhood. The area plan is divided into two subareas (A and B) and is approximately 2.25 miles in length with Area "A" beginning at 5<sup>th</sup> Avenue and extending just south of Vermont Avenue, and Area "B" beginning just north of Brotherton Road and extending to the terminus of Escondido Boulevard at Centre City Parkway and Verda Avenue. The area plan includes goals and recommendations regarding existing and future land uses, development standards and regulations, and design guidelines that address issues raised by the community and chart a course of action to improve the neighborhood. As the plan was being developed and staff participated in a series of meetings with neighborhood residents and business owners, it became clear the revitalization process could not rely exclusively on the existing General Commercial zoning and some adjustments were necessary. In response to one of the guiding principles that the physical environment of the neighborhood should be more pedestrian friendly, the area plan is generally more restrictive for auto-related uses than the General Commercial zone. The South Escondido Boulevard Area Plan only permits car washes (SLUC 6416-6417) with a Conditional Use Permit on properties where automotive businesses such as gas stations, car lots and auto service/repair have been previously located. Oil change facilities would fall under the SLUC 6419 category (Other automobile services except repair and wash) which would also require a Conditional Use Permit.

The subject property has not been previously developed with an automotive business. Therefore, the proposed car wash would not be permitted under the current South Escondido Boulevard Area Plan. The proposed oil change facility would require the issuance of a Conditional Use Permit and the proposed restaurant would be a permitted use. The applicant is proposing to amend the South Escondido Boulevard Area Plan to make car washes a conditional use similar to the oil change facility. A Conditional Use Permit has been submitted for both the car wash and oil change facility.

The requested change to add car washes as a conditional use in the South Escondido Boulevard Area Plan could potentially have local environmental issues associated with a particular car wash location, but is not expected to have a significant land use policy effect because car washes are already permitted in the underlying General Commercial zone. Each Conditional Use Permit application for a car wash would be reviewed for potential environmental effects specific to that location and project design.

The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road. The northern and western sides of the property are bordered by a manufactured fill slope with the backyards of single-family residences located at the top of the slope. As discussed in the following sections of this document, the project has the potential to create significant noise and air quality impacts for the adjacent residents although mitigation measures have been developed to reduce those impacts to a less than significant level. While the mitigated impacts would not rise to the level of environmental significance, it could be determined that the proximity of the proposed development to the existing residential neighborhood could result in a finding that nuisance issues associated with the use render the site inappropriate for the proposed development.

The proposed project would not disrupt or divide the physical arrangement of the area because the site is bordered on two sides by streets and has been zoned for commercial use for many years. Access to the project site currently is provided by Brotherton Road, which is a public street with a 60-foot-wide right-of-way. The street is not identified on the City's Circulation Element. Development of the project and proposed improvements would not significantly alter the existing circulation pattern throughout the surrounding neighborhood, nor preclude the development of surrounding parcels because no changes are proposed for the existing street circulation system and intersection controls. The project's construction also would not create any new land use barriers, or otherwise divide or disrupt the physical arrangement of the surrounding community because nearby commercial and residential properties would maintain their existing access to the city's circulation system. Further, the configuration of the areas' existing street network and sidewalks would not be affected by the project because proposed street and sidewalk improvements would only occur within existing public right-of-way and there is no proposal to vacate any existing right-of-way. Adequate public facilities are available and water and sewer service can be provided to the project with nominal extension of nearby existing facilities.

*c. Conflict with any applicable habitat conservation plan or natural community conservation plan;*

The proposed project would not conflict with applicable environmental plans since the subject site does not contain any sensitive species/habitat, or any area designated for preservation (as indicated on the latest MHCP maps) or any other conservation planning area. There are no existing trees on the property. The removal of any off-site mature trees in conjunction with the project would be replaced in conformance with the City's Landscape Ordinance with specimen sized trees at a minimum 1:1 ratio.

*d. Have a substantial adverse effect on a scenic vista;*

*e. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*

*f. Substantially degrade the existing visual character or quality of the site and its surroundings;*

The property slopes from the northwestern corner to the southeastern corner with an elevation change of 10 feet across the site. There are no significant visual resources on the site or any significantly prominent topographical features as identified in the City's General Plan or Area Plans. The property is not located on a ridgeline identified in

the Community Open Space/Conservation Element of the General Plan. Development of the proposed use would not significantly alter the developed character of the site nor adversely impact any scenic views through and across the property. Residents along the northern boundary of the site have southern views looking towards the San Dieguito River and Lake Hodges watershed. These residences are elevated approximately 16-18 feet above the project site. Both proposed buildings are single-story with maximum height of 28'-8". This height represents the maximum height of architectural tower elements on the buildings while most of the roof is less than this height. While some southern views from adjacent properties will be slightly modified by the placement of the two structures, it is not considered significant because the varied roof lines and distance between the two commercial buildings allows view corridors to be maintained through the site. Existing vegetation would be replaced by new landscaping. The project would not damage any significant scenic resources within a designated State scenic highway or create an aesthetically offensive site open to the public since the site is not located along a State scenic highway and the property would be developed with a commercial development in accordance with the underlying General Plan land-use designation. A moderate amount of grading is proposed for the site and any grading and subsequent compaction of the site, as necessary, will be per City standards (Article 55, Escondido Zoning Code) to the satisfaction of the City Engineer.

Cumulative Impacts: Existing and planned developments have altered and would continue to alter the existing landforms and visual setting throughout the general project area. However, given the existing, approved and proposed development pattern in the project area, as well as what is anticipated in the General Plan buildout, the change in the visual setting would not represent a significant individual or cumulatively significant impact.

*g. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.*

Development of the subject site would create some additional sources of light and glare in the area. The primary source of light would be from on-site parking, building and security lighting. Installation of the proposed exterior lighting would create potential light spillage and glare. Light spillage refers to light measured in foot candles, which reaches and illuminates objects beyond the intended target. Glare is a subjective term and relates principally to the direct view of the lights. A foot candle (fc) of illumination is equivalent to the illumination produced by one candle at a distance of one foot striking a surface one square foot in area. There is neither an adopted City standard or commonly accepted industry standard that prescribes acceptable limits on light spillage and glare. The City's Lighting Ordinance provisions state that lights should minimize unnecessary glare by:

- (a) Using outdoor light fixtures with good optical control to distribute the light in the most effective and efficient manner;
- (b) Using the minimum amount of light to meet the lighting criteria;
- (c) Using shielded outdoor light fixtures;
- (d) Require that certain outdoor light fixtures be turned off between 11:00 p.m. and sunrise.

As a means of comparison, the following table compares the foot candle illumination typically associated with various sources of light.

### Comparative Illumination of Typical Outdoor Light Sources

Light Source	Illumination Expressed in Foot Candles (fc)
Direct Sunlight	10,000 to 13,000 fc
Full Daylight	1,000 fc
Overcast Day	100 fc
Dusk	10 fc
Twilight	1 fc
Typical City Street Light	0.5 to 1.5 fc
Full Moon	0.01 to 0.02 fc
Typical interior office	30 to 40 fc-
Typical living room at night	6 fc
Front porch lit with 60 watt bulb	1.5 to 3 fc

Source: [www.EngineeringToolBox.com](http://www.EngineeringToolBox.com) Illuminance-Recommended Light Levels.

[www.lashen.com](http://www.lashen.com) Typical Light Levels

<http://phoenix.gov> Lighting White Paper

In order to estimate light spillage, a lighting analysis was provided to the City by the applicants electrical consultant, which evaluated the proposed fixtures and lamps and estimated the foot candle level near property lines. The applicant is proposing site lighting consisting of 70 watt metal halide lamps on pole fixtures that are 20 feet above grade. Shielding would be provided for the fixtures adjacent to the western property line. According to the photometric provided by the applicant, the site lighting would result in approximately 0.3 to 0.8 foot candle at the northern property line and approximately 0.7 to 1.7 foot candles at the western property line. As indicated in the table above, 0.5 to 1.5 foot candles is similar to what would be expected of a typical city street light. Actual light levels at the adjacent residential property lines are expected to be less than the measured levels on-site due to the width of the HOA slope area between the project and the residences as well as the height of the slope.

Glare generally is considered a nuisance and can become distracting. In order to address potential glare issues, the proposed light fixtures would be directed downward and shielded as needed, cutting off any potential glare onto adjacent properties. Appropriate shielding of the lamp and maintaining a downward angle would greatly reduce the potential for glare.

All proposed lighting near adjacent properties would be designed to minimize the overflow of light onto off-site areas. Compliance with the City's Outdoor Lighting Ordinance and implementation of the recommended fixtures and shielding would ensure that impacts related to light and glare, resulting from development of the site, are less than significant.

In order to ensure that impacts related to light and glare, resulting from development of the site, are less than significant, the following mitigation measure is required.

#### Mitigation Measure

1. All parking lot light fixtures shall be installed on the lowest pole height feasible as determined by a lighting analysis. All light fixtures near the northern and western property lines shall be directed downward and provided with shields to minimize potential impacts related to light spillover and glare.

## **II. AGRICULTURE RESOURCES**

### **Significance Criteria and Impact Analysis**

*In determining whether impacts to agricultural resources are significant environmental effects, the City has referred to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. The effects of a project on agricultural resources are considered significant if the proposed project would:*

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;*
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract; or,*
- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The project site is within an identified commercial area that is adjacent to developed residential properties. The site is not listed as Prime Agricultural Lands as identified in the General Plan Final EIR, which was prepared for the City's most recent General Plan revisions in 2000. The site does not appear to have been used for agricultural purposes and is not involved in a Williamson Act Contract or other agricultural land contract. Therefore, the proposed development would not result in significant individual or cumulative impacts to agricultural resources.

## **III. TRANSPORTATION/TRAFFIC**

*According to the City of Escondido Environmental Quality Regulation (Article 47, Sec. 33-924), impacts are considered significant if the project:*

- 1. Causes the level of service (LOS) of a circulation element street to fall below a mid-range of LOS "D" and /or adds more than 200 ADT to a circulation element street with a LOS below the mid-range "D" yet above LOS "F". According to the Escondido General Plan, the minimum acceptable LOS is "C";*
- 2. Exceeds, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways;*
- 3. Results in a change of air traffic patterns, including either an increase in traffic levels or in a location that results in substantial safety risks or increased hazards due to a design feature; or,*
- 4. Results in inadequate emergency access or parking capacity, or conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).*
- 5. General Plan Circulation Policy D2.3 states that: "...Due to the physical design characteristics, environmental resource considerations, existing development, freeway interchange impacts and incomplete system improvements, level of service "C" may not be feasible in all areas at all times. However, level of service "C" should be pursued in the ultimate implementation of the circulation system."*

**Project Impacts** - The property fronts onto and takes access from Brotherton Road, which is an unclassified



street. The property also fronts on Centre City Parkway but will not take access from this street since access has previously been relinquished. An analysis of nearby street segments and intersections under current and future conditions was submitted as part of the Traffic Impact Analysis prepared by Linscott Law & Greenspan, dated December 23, 2008. At these locations, traffic operations were studied prior to and after implementation of the proposed project, and deficiencies and impacts were identified.

Under the City of Escondido's adopted standards, a direct significant impact would occur on a street if project implementation degrades the LOS to worse than mid-level "D" and increases the v/c ratio by more than 0.02. If the segment already operates at mid-LOS D or worse in the baseline condition, a significant cumulative impact would result if the project increases v/c by more than 0.02. Based on SANDAG Traffic Generation Rates for the San Diego region, the proposed project is anticipated to generate approximately 1,645 Average Daily Trips (ADT) with 95 A.M. peak hour trips (48 inbound/47 outbound) and 139 P.M. peak hour trips (73 inbound/66 outbound). According to the Traffic Impact Analysis, a portion of the restaurant trips are not new to the street system, but are captured from trips already on the street system. These trips are termed "pass-by" trips and are assumed to already be on Centre City Parkway. A reduction of 20% was applied to the restaurant generated P.M. peak hour trips as suggested by the SANDAG data. Applying the pass-by reduction, the project is calculated to generate a net of approximately 1,579 ADT with 89 A.M. peak hour trips (45 inbound/44 outbound) and 130 P.M. peak hour trips (68 inbound/62 outbound).

The analysis of near-term scenarios concluded that under Existing + Cumulative Projects + Project all signalized and unsignalized intersections are calculated to continue operate at Level of Service (LOS) D or better. All street segments are calculated to operate at LOS B or better. No significant impacts are anticipated to the street segments since all continue to operate at LOS B or better. No mitigation is required for the intersections because the increase in delay does not reach two seconds or greater for those intersections operating in the LOS D range.

The analysis of Year 2030 long-term scenarios with the project traffic included indicates that all signalized and unsignalized intersections are calculated to operate at LOS D or better except the minor street left-turn movement at Felicita Avenue/Brotherton Road, which is calculated to operate at LOS F during the A.M. peak hour and LOS E during the P.M. peak hour. Similarly, the segment of Centre City Parkway between Felicita Avenue and Brotherton Road is calculated to continue to operate at LOS F. The project contributes long-term cumulative impacts at these locations and mitigation will be required.

In order to reduce long-term, Year 2030 cumulative traffic impacts to a less than significant level, the following mitigation measures are required.

#### Mitigation Measures

1. *Contribute a fair share amount of approximately 2.18% towards the cost of installing a traffic signal at the intersection of Felicita Avenue and Brotherton Road.*
2. *Contribute a fair share amount of approximately 2.16% towards the cost of improving the segment of Centre City Parkway, between Felicita Avenue and Brotherton Road to City of Escondido Major Road standards.*

#### Queuing on the Centre City Parkway to Southbound I-15 On-Ramp

Currently, queues are formed on the Centre City Parkway On-Ramp to Southbound I-15 during the A.M. peak hour. The total storage available is approximately 2,000 feet. Two general purpose lanes and one carpool lane are provided on the on-ramp. The total observed A.M. peak hour traffic on the southbound on-ramp is 864. The queues are reported to backup northwards towards Citracado Parkway during the winter season. The queues were observed for a period of one hour during the A.M. peak hour on a weekday. The longest queue observed was 8 cars or 200 feet in one lane, at 7:45 A.M. The total available storage is 2,000 feet, while the current queue is only 200 feet, or 1/10<sup>th</sup>. Seasonal variation in the queue lengths may be expected. The project is expected to add 10 vehicles during the A.M. peak hour or one vehicle every six minutes. Therefore, the current queue lengths are expected to increase by less than one vehicle during the A.M. peak hour, due to the project traffic. This is not considered to be significant.

Design Features/Hazards/Emergency Access – The proposed development would not result in inadequate emergency access, as determined by the Fire Department. Emergency and non emergency response times of the Escondido Fire Department would remain the same with the proposed development. Appropriate sight distance along Brotherton Road would be provided at the project driveways and a looped fire lane has been provided through the site.

Temporary Construction Traffic – Temporary construction-related traffic impacts would occur during grading and construction activities. Moderate grading is anticipated to prepare the site and equipment used for grading and excavation generally would remain on site and would not contribute to a substantial increase in traffic. Approximately 29 truck loads (18 cubic yards per truck) equal to 58 truck trips would be anticipated over the course of the grading operations to bring in the fill material to the site. Additional traffic would be associated with employee trips to and from the site, equipment delivery and removal, and other related activities. Potential impacts from hauling and construction operations would be avoided by requiring the project proponent to coordinate and implement safety/traffic control measures with the City that minimize potential conflicts. All measures would be implemented prior to the onset of construction activities.

On-Site Parking – The project has been designed to provide up to 60 parking spaces for the various commercial uses where the Escondido Zoning Code would require 50 parking spaces. The appropriate number of accessible parking spaces have been included on the site plan.

Airport-Impacts - The project is not located within the vicinity of a public or private airstrip and would not result in a change in air traffic patterns, increase in traffic levels, or a change in location that results in substantial safety risks.

Adopted Plans/Policies – The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. As requested by the North County Transit District, one new bus stop will be constructed by the applicant along the project frontage on Brotherton Road.

#### **IV. AIR QUALITY**

##### **Significance Criteria and Impact Analysis**

*Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Impacts would be significant if the project:*

- a. *Conflicts with or obstruct implementation of the applicable air quality plan;*
- b. *Violates any air quality standard or contribute substantially to an existing or projected air quality violation;*
- c. *Results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors;*
- d. *Exposes sensitive receptors to substantial pollutant concentrations; or,*
- e. *Creates objectionable odors affecting a substantial number of people.*

**City of Escondido Significance Criteria:**

*Project related impacts exceeding any of the following South Coast Air Quality Management District (SCAQMD) daily emissions criteria can be considered significant:*

• Carbon Monoxide (CO)	550 lbs
• Reactive Organic Gases (ROG)	55 lbs
• Oxides of Nitrogen (NOx)	55 lbs
• Fine Particulate Matter (PM)	150 lbs

The project area is within the San Diego Air Basin (SDAB). Air quality at a particular location is a function of the kinds and amounts of pollutants being emitted into the air locally, and throughout the basin, and the dispersal rates of pollutants within the region. The major factors affecting pollutant dispersion are wind, speed and direction, the vertical dispersion of pollutants (which is affected by inversions) and the local topography. The air basin currently is designated a state and federal non-attainment area for ozone and particulate matter. However, in the SDAB, part of the ozone contamination is derived from the South Coast Air Basin (located in the Los Angeles area). This occurs during periods of westerly winds (Santa Ana condition) when air pollutants are windborne over the ocean, drift to the south and then, when the westerly winds cease, are blown easterly into the SDAB. Local agencies can control neither the source nor transportation of pollutants from outside the basin. The Air Pollution Control District (APCD) policy therefore, has been to control local sources effectively enough to reduce locally produced contamination to clean air standards.

For long-term emissions, the direct impacts of a project can be measured by the project's consistency with regional plans to improve and maintain air quality. Local air-quality impacts are directly related to the number of vehicle trips and operation levels on adjacent streets and intersections. For planning purposes, the APCD assumed the City's General Plan designation of General Commercial for the site in calculating the air quality impacts. According to CEQA Guidelines, a project normally is considered to have a significant air quality impact if it violates any ambient air quality standard, contributes substantially to an existing or projected air-quality violation, or exposes sensitive receptors to substantial pollution concentrations.

**Project-Related Impacts** – Long-term emissions are related to the amount of vehicular traffic generated by the project. The Engineering Department indicated the anticipated additional trips generated from the project would not significantly impact the existing Levels of Service on the adjacent streets or intersections. Therefore, the anticipated daily emissions would not exceed local or South Coast Air Quality Management District (SCAQMD) daily emissions criteria. Since the project would not deteriorate the level of service on adjacent streets and intersections, and is not anticipated to exceed SCAQMD thresholds of significance, the project would not result in a significant impact to local or regional air quality. While the proposed project would have an incremental impact to basin-wide air-quality, the individual impacts attributed to the project are immeasurably small on a regional scale and would not cause ambient air-quality standards to be exceeded on a regional scale.

Therefore, the project will not have a significant impact on air quality and no mitigation measures are required for mobile sources.

#### Construction-Related Emissions

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emission include:

- Fugitive dust from grading activities;
- Construction equipment exhaust;
- Construction-related trips by worker, delivery trucks and material-hauling trucks; and
- Construction-related power consumption.

Typical earthwork operations would include clearing, grubbing, general pad formation and construction of retaining walls. Proposed grading consists of approximately 975 cubic yards of cut and approximately 1,488 cubic yards of fill, with import of approximately 513 cubic yards of material. Construction equipment primarily would be utilized in an incremental fashion over the course of construction. Due to the relatively small amount of grading anticipated and small size of the project, no significant earthwork or diesel truck impacts are anticipated. Approximately 29 truck loads (18 cubic yards per truck) equal to 58 truck trips would be anticipated over the course of the grading operations to bring in the fill material to the site. It is expected that this volume of material could be brought onto the site within one or two days. Maximum daily emissions of NO<sub>x</sub> during construction periods are not projected to exceed City thresholds or APCD standards based on similar studies performed for similar size grading operations.

Construction activities also are a source of fugitive dust emissions that may be a substantial, but temporary impact on local air quality. Dust from grading and other site preparation would generate particulate matter emission. With appropriate use of grading and operation procedures (in conformance with APCD Best Management Practice for dust control), the project would not generate significant particulate matter or dust. The City of Escondido Grading Ordinance and erosion control requirements include provisions for dust control to reduce impacts to air quality during grading and construction activities. At a minimum, these ordinances and provisions require projects to perform regular watering and timely revegetation of disturbed areas to minimize the dust and airborne nuisance impacts to off-site receptors.

Emissions from construction equipment, worker and delivery and material-hauling trucks, and construction-related power consumption would be temporary and would result in an extremely small contribution to the SDAB and therefore would not result in a significant impact. Operations emissions come from area sources, including natural gas for space and water heating, and gasoline-powered landscaping and maintenance equipment, and from vehicle operations associated with the project. The proposed project would not significantly increase traffic volumes on local streets and intersections, as indicated in the Traffic/Transportation Section III above, and the proposed project would not result in a substantial increase in the number of vehicles operating in cold start mode or substantially increase the number of vehicles on local roadways. Therefore, the project would not cause an unacceptable concentration of CO at any project-affected intersection.

Consistency with the RAQS - Consistency with the Regional Air-Quality Standards (RAQS) assumptions is determined by analyzing the project with the assumptions in the RAQS. Forecasts used in the RAQS are developed by the San Diego Association of Governments (SANDAG). The SANDAG forecasts are based on local general plans and other related documents that are used to develop population projections and traffic

projections. The current City plans allow for and encourage the project site to be developed with commercial retail and service businesses, thus, the proposed project would not exceed the assumptions used to develop the RAQS and would not obstruct or conflict with the SDAPCD's RAQS.

Odors – The proposed development includes a 4,150 SF restaurant that is expected to offer “family-style” dining, but would not be limited as to the type of cuisine. It is expected that grilling or other cooking methods could potentially generate noticeable odors from the exhaust vents on the roof of the building. The proposed restaurant is located in close proximity to existing residences to the north and west with the closest residence being located about 60 feet west of the restaurant. The elevated nature of the residential properties also put them more in line with the anticipated height of the exhaust vents.

While the prevailing winds generally blow easterly away from the residential neighborhood, there is a high likelihood that during unsettled weather or Santa Ana events, smoke and odors from the restaurant could negatively impact nearby residents. In recent years, several technologies have been developed to allow restaurants to be good neighbors by effectively controlling their emissions. The most common kitchen emission filtration method involves the use of electrostatic precipitation. Kitchen smoke and grease vapors are pulled up into the hood through fireproof ducts leading to a filtration unit where electrostatic precipitation occurs. Dual-stage electrostatic precipitators include two parts: the charging and the collecting sections. In the charging section, the incoming smoke, grease, mist and other particulates pass by ionizer wires which impart a positive electrical charge to these contaminants. The positively charged contaminants are then drawn through the collection section which contains a secondary electrical field with negatively charged aluminum plates. Since opposite charges attract, the positively charged contaminants collect on the negatively charged aluminum plates, removing them from the air stream. Clean air then flows out of the filtration unit and out through the exhaust fan. Variations of this design include low maintenance, self-cleaning options.

In order to reduce potential smoke and odor impacts to a less than significant level, the following mitigation measure shall be incorporated into the project design.

#### Mitigation Measure

1. *The restaurant kitchen equipment shall include an emission control system such as an electrostatic precipitation filtration system or other filtration system satisfactory to the Planning Division.*

During construction, diesel equipment operating at the site may generate some nuisance odors. However, due to the temporary nature of construction, odors associated with project construction would not be considered significant.

Global Climate Change - Global climate change alleged to be caused by greenhouse gases (GHG) is currently one of the important and widely debated scientific, economic, and political issues in the United States. Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. With the adoption of AB 32, the California Global Warming Solutions Act of 2006, the State of California has determined that global warming proposes a serious threat to the State's economy, public health and environment. As such, actions which may contribute to global warming are to be addressed in CEQA documents. The adopted legislation requires the reduction of GHG emissions to 1990 levels by 2020. This means cutting approximately 30% from business-as-usual emission levels projected for 2020, or about 15% from today's levels. Greenhouse gasses to be considered and regulated include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

An individual project of this scale and nature would not generate enough greenhouse gas emissions to significantly influence global climate change. Greenhouse gas emissions occur in a worldwide system and the project does participate in this potential impact through its incremental contribution, which is combined with the cumulative increase of all other sources of greenhouse gases. There currently are no published thresholds for measuring the significance of a project's cumulative contribution to global climate change. The State of California currently is working to define the greenhouse gas inventory which existed in 1990 to provide a statewide benchmark against which to measure progress. Once that inventory is determined, AB 32 measures future acceptable emissions against that standard over a period of several years. The incremental contribution to CHG from this project is not considered significant due to the relatively small size and potential impact from the project.

## **V. BIOLOGICAL RESOURCES**

### **Significance Criteria and Impact Analysis**

*The effects of a project on biological resources are considered to be significant if the proposed project would:*

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;*
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;*
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- e. Conflict with any local policies/ ordinance that protect biological resources (e.g. tree preservation policy or ordinance); or,*
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

The 1.34-acre site has been disturbed and all native plant cover has been removed from the project site. The site does not contain any sensitive or protected plants, habitat or animal species. No mature trees exist on the project site. The development of the proposed project would not conflict with the provisions of an adopted or proposed Habitat Conservation Plan. A review of the City's draft MHCP planning efforts indicates that the project site is not considered biologically significant or strategically located to warrant being included in a regional or local natural open space preserve.

No plant or animal species recognized as threatened or endangered by the U.S. Fish and Wildlife Service, or California Department of Fish and Game are located or anticipated to be present within the proposed development area, and no mitigation measures are required. The property is not listed as an open space corridor or animal migration corridor on any City open space planning maps, nor is the site listed on the City' Parks, Trails and Open Space Plan, or any local or regional plan. No Resource Agency permits would be

required for the proposed development since the project would not remove any protected or endangered habitats.

## **VI. CULTURAL RESOURCES**

### **Significance Criteria and Impact Analysis**

*The effects of a project on cultural resources are considered to be significant if the proposed project would:*

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5;*
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5;*
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or,*
- d. Disturb any human remains, including those interred outside of formal cemeteries.*

The site's current condition is highly disturbed from past activities that include the construction of the residential development on the northern and western boundaries of the site as well as the annual mowing of weeds and illegal dumping. Based on the highly disturbed nature of the site and a review of aerial photographs and the City's Archaeological Resource Inventory, it is not anticipated that there are any cultural or historically sensitive resources located on the site. There are no structures currently located on the site and it does not appear the site has ever been developed. No significant archaeological or paleontological impact has been identified for the project site and no prehistoric resources have been previously recorded on the project site. The City of Escondido General Plan EIR (1990) does not include the project site in areas identified as having potential paleontological resources. The site also does not contain any historic resources listed on the City's Historic Sites. Therefore, the project would not result in a significant impact to these resources.

## **VII. GEOLOGY AND SOILS**

### **Significance Criteria and Impact Analysis**

*The effects of a project on geology and soils are considered to be significant if the proposed project would:*

- a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:*
  - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (Refer to Division of Mines and Geology Special Publication 42).*
  - ii. Strong seismic ground shaking;*
  - iii. Seismic-related ground failure, including liquefaction; or,*
  - iv. Landslides.*

Although Escondido is located within a Seismic Zone 4, the project site is not located within proximity to active faults as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The closest known active faults are the Rose Canyon Fault and the Elsinore Fault. The Rose Canyon Fault is located approximately 15 miles southwest of the project site. The Julian segment of the Elsinore Fault is approximately 17 miles northeast of the project site. Accordingly, fault surface rupture is not likely at this project. In the event of a major earthquake on these faults or other faults within the Southern California region, the site could be subjected to moderate to severe ground shaking. However, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general.

- b. *Result in substantial soil erosion or the loss of topsoil;*
- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or,*
- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.*

The topography of the site generally slopes and drains from the northwest to the southeast. Elevations on the site range from 628' in the northwestern corner down to a low point of 618' on the southeastern corner. Proposed grading consists of approximately 975 cubic yards of cut and approximately 1,488 cubic yards of fill, with import of approximately 513 cubic yards of material.

The proposed grading would not result in a significant visual impact since all proposed slopes and retaining walls are generally less than four feet in height. All slope heights would be within the acceptable limits of the City's Grading Ordinance and no exemptions are necessary. If any potential groundwater or drainage issues are encountered they are effectively addressed through appropriate grading and drainage techniques/improvements. Due to the limited depth of cut needed to construct building pads it is anticipated that blasting will not be required. The proposed development would not result in any substantial soil erosion or the loss of topsoil because all areas not developed with structures, paving or hardscape would be landscaped. Appropriate compaction of the site would be required to support the proposed buildings and other improvements. Appropriate on-site drainage facilities would be constructed in conformance with the city's grading and storm water provisions. Other potential geologic hazards such as tsunamis, seiches, liquefaction or should be considered to be negligible or nonexistent. Grading and development of the site would be constructed in conformance with any recommendations of a final soils and engineering report, and therefore a significant geology and soils impact would not occur.

- e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

The project site would be served by an existing wastewater/sewer pipeline system within the City of Escondido. No septic tanks or alternative wastewater disposal system would be utilized as part of the project.

## **VIII. HAZARDS AND HAZARDOUS MATERIALS**

### **Significance Criteria and Impact Analysis**

*The effects of a project on hazards and hazardous materials are considered to be significant if the proposed project would:*

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*
- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or,*



- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment*

The project would be required to comply with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. Development of the auto service building would include the use and storage of oil, vehicle fluids, cleaning agents and other materials which are categorized as hazardous substances. However, the risk of an accidental release is considered minimal since there will be no bulk sales and all technicians associated with the auto service function will be properly trained to handle any standard hazardous materials used as part of their work. Accordingly, the project will not create a significant risk of upset or hazard to human health and safety.

The site is not listed on the County of San Diego Site Assessment Mitigation List or any of the searched regulatory databases. No significant odors, pools of liquid, significantly stained soils, indicators of underground storage tanks, pits or ponds were observed on the site. No evidence or indication of releases of petroleum hydrocarbons, heavy metals, hazardous chemicals, or other "recognized environmental conditions" have been revealed at the subject site in its present or previous conditions. Development of the site would not involve the routine transport or disposal of hazardous materials. The project would not emit hazardous emissions or handle acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Water for the site would be provided by the City of Escondido from existing mains located within the adjacent streets/easements. No groundwater wells would be used to supply water for the site. Accordingly, the project will not create a significant risk of upset or hazard to human health and safety.

- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, impacts would occur if the project results in safety hazard for people residing or working in the project area; or,*
- f. For a project within the vicinity of a private airstrip, the project results in a safety hazard for people residing or working in the project area; or,*
- g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or,*
- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

The project is not located within an airport land-use plan, an airport land-use plan that is to be adopted, or within 2 miles of a public airport. The project is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area.

Based on comments from the Police and Fire Departments the project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan. The proposed development is not expected to result in the need for additional emergency and fire facilities. The project would be required to comply with all applicable Fire, Building, and Health and Safety Code, which would eliminate any potential risk of upset.

The Escondido Fire Department has indicated their ability to adequately serve the proposed project. The project would not expose people or structures to a significant risk of loss, injury or death involving wild fires since the site is in an urban setting and would be irrigated. The project is located within an identified High Fire Hazard

Area as indicated on the Fire Severity Zone Map (November 2007). Project design features including on-site fire hydrants and sprinklers in both buildings render potential fire hazards to below a level of significance.

## **IX. HYDROLOGY AND WATER QUALITY**

### **Significance Criteria and Impact Analysis**

*The effects of a project on hydrology and water quality are considered to be significant if the proposed project would:*

- a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants);*
- b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);*
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site;*
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts;*
- e. Cause significant alteration of receiving water quality during or following construction;*
- f. Cause an increase of impervious surfaces and associated runoff;*
- g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;*
- h. Cause potentially significant adverse impact on ground water quality;*
- i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses;*
- j. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired;*
- n. Otherwise substantially degrade water quality;*
- k. Create or exacerbate already existing environmentally sensitive areas;*
- l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters; or,*
- m. Impact aquatic, wetland or riparian habitat.*

The topography of the site generally slopes and drains from the northwest to the southeast. Elevations on the site range from 628' in the northwestern corner down to a low point of 618' on the southeastern corner. Runoff from the site currently drains toward a small headwall behind the curb return and an existing storm drain inlet at the end of the curb return on Brotherton Road. The headwall picks up runoff from a seasonal drainage swale along the western side of Centre City Parkway where it is then carried south through a 24-inch concrete masonry pipe. The existing storm drain inlet directs runoff to a 24 x 35-inch concrete masonry pipe that also runs south under Brotherton Road to point where both pipes outlet into a densely vegetated open ditch.

The amount of run-off from the site would be expected to increase upon development due to additional impervious surfaces associated with the development of the project. According to the Water Quality Technical Report for Talk of the Town, prepared by K&S Engineering, dated March 2008, and updated September 2009, the decrease in permeable surface area produces a total runoff from the site for a 50-year design storm event of 3.35 cfs as compared to the 3.05 cfs before development. In general, the project surface drains via overland flow and curb containment to two separate bioretention areas each containing a vegetated biofilter swale for storm water treatment. The biofilters terminate in a constructed drop inlet connected to the existing storm drain located on the eastern side of the project paralleling Centre City Parkway. The Engineering Division has indicated the existing storm drain system is adequately sized to accommodate the proposed development and the proposed increase in drainage is not considered significant and would not pose any adverse impacts to downstream facilities. The project would be required to comply with National Pollution Discharge Elimination System (NPDES) standards; consequently, the Engineering Department has determined that runoff from the project would not be considered significant and the project would not materially degrade the existing drainage facilities. The City would provide sewer and water service from mains located within the adjacent street or easements; consequently, no significant impact is expected to occur to the groundwater table. The project is outside the 100-year flood plain area as identified on current Flood Insurance Rate Maps (FIRM). Therefore, the project site is not subject to potential flooding, landslides or mudflows.

Typical urban pollutants associated with this type of project include oil, grease, solvents, antifreeze, cleaners, various fluids and fuels, trash/debris, fertilizers, and organic matter, which require proper use, storage, and disposal. Under the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued in 1990 to the County of San Diego and to the City of Escondido, as one of the co-permittees, all development and significant redevelopment is obligated to implement structural and non-structural non-point source pollution control measures known as Best Management Practices (BMPs) to limit urban pollutants reaching the waters of the U.S. to the maximum extent practical. The NPDES permit requires the preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP). The implementation of this permit system requires that specific management practices be implemented at the time of construction. Post-construction BMPs include vegetated biofilter swales along the western and southern edges of the development for the filtration and settlement of silt, sediment, and other pollutants. The biofilter swales are comprised of one approximately 125-foot long swale that wraps the southwestern corner of the site, and one approximately 55-foot long swale between the project entrance and Centre City Parkway. The biofilter swales ultimately discharge into a drop inlet. A final Water Quality Technical Report for the project will determine the full range of methods necessary to ensure water quality is not adversely affected.

The project would not withdraw groundwater or interfere with groundwater recharge and groundwater table level. Grading operations associated with the project development are not expected to impact groundwater or be a factor during removal and any recompaction onsite. Water service to the site would be provided by the City of Escondido. Standard BMPs would be implemented during construction to adequately control erosion and siltation impacts to a less than significant level. The development of the site would not cause any diversion to or from the existing watershed. The project does not include activities that would discharge pollutants into groundwater aquifers.

- o. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;*
- p. Place project within a 100-year flood hazard area structures which would impede or redirect flood flows;*

- q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or,*
- r. Inundate the site by seiche, tsunami, or mudflow.*

The project site is located outside the 100-year flood zone according to SanGIS. Therefore, no structures would impede or redirect flood flows. The project does not propose to construct a levee or dam and would not otherwise expose people or structures to a significant risk of flooding. The project does not include activities that would increase the risk of inundation by seiche, tsunami, or mudflow.

## **X. MINERAL RESOURCES**

### **Significance Criteria and Impact Analysis**

The effects of a project on mineral resources are considered to be significant if the proposed project would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or,*
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan.*

No known locally important mineral resource recovery site is located on the project site or within the vicinity of the project site. The project would not change the existing availability of mineral resources that would be of value to the region and residents of the state.

## **XI. NOISE**

### **Significance Criteria and Impact Analysis**

The effects of a project on noise are considered to be significant if the proposed project would result in:

- a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*
- b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels;*
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or,*
- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.*

### **Operational Noise**

Noise generally is defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and that interferes with or disrupts normal activities. The human environment is characterized by a certain consistent noise level which varies by location and is termed ambient noise. The City's Noise Ordinance establishes acceptable sound level limits associated with each type of land use. Property line noise limits vary depending on whether the receiving property is zoned for commercial or residential use. In this case, the commercial limits of 60 dBA from 7:00 a.m. to 10:00 p.m. (daytime) and 55 dBA from 10:00 p.m. to 7:00 a.m. (nighttime) have been applied to the southern and eastern property lines; and the residential limits of 50 dBA from 7:00 a.m. to 10:00 p.m. and 45 dBA from 10:00 p.m. to 7:00 a.m. have been applied to the northern and western

property lines.

According to the Noise Impact Analysis prepared by Eiler Associates, dated March 14, 2007, and updated on September 16, 2009, the measured daytime ambient noise level on the site is 54.8 dBA near the center of the property. The proposed project is expected to produce two types of significant noise sources, which are the carwash dryer unit and the restaurant building HVAC equipment. Additional equipment planned to be installed for the proposed project that are not considered to significant noise sources include the conveyor wash system in the carwash tunnel as well as supporting equipment including pumps, compressors, and a vacuum motor and canister system that are planned to be isolated in a dedicated equipment room equipped with passive rooftop ventilation. Additionally, the oil change facility is considered to be a very light duty automotive service operation relying on hand tools and is not considered to be a significant noise source.

The proposed carwash facility is expected to utilize a new Aerodry Advantage dryer system to be installed within the carwash tunnel and set back about six feet from the exit on the southern side of the building. The manufacturer has indicated the unit has an unmitigated noise level of 82.5 dBA measured at five feet from the source. The proposed restaurant building is expected to utilize four ground-mounted Carrier 25HBB360 (or similar model with equal or less noise emissions) HVAC units installed adjacent to the eastern side of the building. These units are expected to produce an unmitigated noise level of 75.1 dBA per unit. In addition to the HVAC units outside the restaurant building, a single Carrier 25HBB336 HVAV unit will be installed outside of the retail area of the auto services building. This unit is expected to produce an unmitigated noise level of 70.9 dBA.

The Noise Impact Analysis assumed a worst case scenario for operations consisting of 30 minutes per hour for the carwash dryer based on the anticipated number of carwash cycles per hour for a busy facility. The ground-mounted HVAC units were considered to be in constant operation for the purposes of the analysis. Based on the project information studied in the analysis, the project equipment noise levels are not expected to exceed City of Escondido property line noise limits at any surrounding property line provided the equipment is installed as specified and the carwash equipment is only operational during daytime hours (as defined in Escondido Noise Ordinance). Combined daytime noise levels at the western and northern property lines would range up to 47 dBA and 50 dBA respectively, which is consistent with City of Escondido noise standards for residential zones. Noise levels at the southern and eastern property lines would be consistent with City of Escondido noise standards for commercial zones.

Mitigation will be required to ensure potential noise impacts identified in the analysis are reduced to a less than significant level and meet City of Escondido property line noise limits. The Noise Impact Analysis concludes the exterior HVAC equipment has to be specifically located for each building and the carwash dryer system has to be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier. Once these mitigation measures have been constructed as part of the project, the calculated noise levels would be consistent with Noise Ordinance limits for residential zones.

Noise impacts associated with the operation of mechanical equipment on the site can be reduced to a less than significant level with the implementation of the following mitigation measures.

Mitigation Measures:

1. *All exterior HVAC units for the restaurant building shall be installed within a screened area on the*

*eastern side of the building to meet sound attenuation standards. The HVAC unit for the auto services building shall be installed within a screened area on the southern side of the building. HVAC equipment shall be as specified in the Noise Impact Analysis or a similar model with equal or less noise emissions.*

- 2. The carwash dryer system shall not to exceed 82.5 dBA unmitigated noise level at 5 feet and shall be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier*
- 3. All carwash supporting equipment including pumps, compressors, and vacuum motor and canister system shall be installed within a dedicated equipment room equipped with passive rooftop ventilation.*
- 4. In order to meet daytime noise limits as defined in the Escondido Noise Ordinance, the carwash must cease operating no later than 10:00 p.m.*
- 5. The use of pneumatic tools shall be prohibited at the oil change facility.*

While the mitigation measures listed above would reduce the environmental effect of the noise impacts to a less than significant level, it should be noted that nuisance noise from the start/stop cycle of the carwash and auto service employee activities may still be audible to neighbors. This will have to be taken into consideration by the Planning Commission and City Council when determining whether all the land uses included in the project are appropriate for this particular site.

### **Construction Noise**

Noise impacts from construction are a function of the noise generated by the construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Noise levels within and adjacent to the specific construction sites would increase during the construction period. Construction would not cause long-term impacts since it would be temporary and daily construction activities would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. Upon completion of the project, all construction noise would cease. No pile driving or explosives blasting is anticipated as a result of the project and, thus, no significant vibrations or groundborne noise would be associated with construction of the proposed project.

- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, significant impact would occur if the project exposed people residing or working in the project area to excessive noise levels; or ,*
- f. For a project within the vicinity of a private airstrip, if the project exposed people residing or working in the project area to excessive noise levels.*

No private or public airstrips are located within 2 miles of the proposed project site; thus, people residing or working in the project area would not be exposed to excessive noise levels due to airport operations.

## **XII. POPULATION AND HOUSING**

### **Significance Criteria and Impact Analysis**

The effects of a project on population and housing are considered to be significant if the proposed project would:

- a. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Population within the surrounding area and would not incrementally increase as a result of this commercial project. The intensity of this development would be in conformance with the General Plan's land-use designation of General Commercial. The site is considered an "infill" project site and is located within a developed area of the city and near similar commercial development and vacant land designated for commercial development. Therefore, the proposed development of a commercial auto service facility and restaurant would not significantly alter the location, distribution or population density within the area, nor would it adversely impact the City's housing demand.

The site does not contain any existing housing or rental units that would be displaced. The proposed project is a small commercial development that would not create a demand for additional housing. The project would not be considered growth inducing since the project site is within a developed area and adequate public facilities are available within the area to serve the project.

### **XIII. PUBLIC SERVICES**

#### **Significance Criteria and Impact Analysis**

The effects of a project on public services are considered to be significant if the proposed project would:

- a. *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

- i. *Fire protection*

The site is served by Fire Station No. 5, which is located at 2319 Felicita Road. Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that fire sprinklers will be required for the buildings and that a fire hydrant must be located within 50 feet of the fire department connection. The Escondido Fire Department indicated their ability to adequately serve the proposed project and no significant impacts to fire services are anticipated.

- ii. *Police protection*

Development of the site would result in an incremental increase in demand for Police Services. However, the Escondido Police Department indicated their ability to adequately serve the proposed project and no significant impacts to police services are anticipated.

### *iii. Schools*

The site is within the Escondido Union School District and the Escondido Union High School District. The proposed development is not residential in nature and would not create an additional demand for school facilities. No significant impacts to school services are anticipated.

### *iv. Parks*

The project would not affect existing recreational opportunities since the site currently is not used for recreational activities and is not listed as a potential park site in the City's Master Plan of Parks, Trails and Open Space. The proposed development is not residential in nature and would not create an additional demand for park facilities. Therefore, no significant impact to recreational resources would occur as a result of the project.

### *v. Libraries*

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities or staff. The project would not result in a significant increase in demand on library services, or the development of additional library spaces, books or other related items since it is a commercial development.

### *vi. Gas/Electric*

SDG&E would provide gas and electric facilities to the project. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered SDG&E facilities.

## **XIV. UTILITIES AND SERVICE SYSTEMS**

### **Significance Criteria and Impact Analysis**

The effects of a project on utilities and service systems are considered to be significant if the proposed project would:

- a. exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;*
- b. require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- c. require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- d. have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;*
- e. result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;*
- f. be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs;*
- g. comply with federal, state, and local statutes and regulations related to solid waste;*



Solid Waste – Escondido Disposal, Inc. (EDI) currently provides solid waste removal service for the Escondido area. EDI also operates a solid waste transfer station at their Washington Avenue site where solid waste is consolidated into larger transfer trucks and taken to a class III landfill for disposal. Solid waste pick-up will be available for the project by EDI for all phases of project implementation, including from construction to residential curbside collection.

Sewer Service – Sewer from the site would flow south through a 6" lateral to the existing 8" main in Brotherton Road. Escondido's wastewater treatment plant, located on Hale Avenue, has the capacity to handle the potential increase in demand for service generated by the project. The anticipated increase would be relatively small and would have an insignificant impact to the existing facilities. The project also complies with established General Plan Quality-of-Life Standards for sewer service. Sewer service could be provided by the extension of mains within the adjoining street system or easements.

Water Service – Water service for the project would be provided by the City of Escondido. There is an existing 10" water main in Brotherton Road that would provide service into the site. An existing fire hydrant on the southern boundary of the property would be relocated approximately 38 feet further east to avoid a conflict with the proposed driveway. The Utilities Division has not noted any issues with the ability to provide adequate water service to the site.

Drainage Facilities – See analysis contained within Water Section No. IV.

## **MANDATORY FINDINGS OF SIGNIFICANCE**

Potential impacts to the environment as a result of this project are in the areas of Traffic and Circulation, Air Quality and Noise. With the implementation of the mitigation measures and conditions of approval, the project is not expected to have any significant impacts, either long-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. The project will not degrade the quality of the environment for plant or animal communities since the project will not cause fish and wildlife populations to drop below self-sustaining levels nor reduce the number or restrict the range of endangered plants or animals. The project will not materially degrade levels of service of the adjacent streets, intersection or utilities. Therefore, in staff's opinion, the proposed project would not have a significant individual or cumulative impact to the environment.

## **SUMMARY OF MITIGATION MEASURES**

### **Land Use and Planning Mitigation Measure**

In order to ensure that impacts related to light and glare, resulting from development of the site, are less than significant, the following mitigation measure is required.

#### **Mitigation Measure**

1. *All parking lot light fixtures shall be installed on the lowest pole height feasible as determined by a lighting analysis. All light fixtures near the northern and western property lines shall be directed downward and provided with shields to minimize potential impacts related to light spillover and glare.*

### **Transportation/Traffic Mitigation Measures**

In order to reduce long-term Year 2030 cumulative traffic impacts to a less than significant level, the following mitigation measures are required.

1. *Contribute a fair share amount of approximately 2.18% towards the cost of installing a traffic signal at the intersection of Felicita Avenue and Brotherton Road.*
2. *Contribute a fair share amount of approximately 2.16% towards the cost of improving the segment of Centre City Parkway, between Felicita Avenue and Brotherton Road to City of Escondido Major Road standards.*

### **Air Quality Mitigation Measure**

In order to reduce potential restaurant smoke and odor impacts to a less than significant level, the following mitigation measure shall be incorporated into the project design.

1. *The restaurant kitchen equipment shall include an emission control system such as an electrostatic precipitation filtration system or other filtration system satisfactory to the Planning Division.*

### **Noise Mitigation Measures:**

Noise impacts associated with the operation of mechanical equipment on the site can be reduced to a less than significant level with the implementation of the following mitigation measures.

1. *All exterior HVAC units for the restaurant building shall be installed within a screened area on the eastern side of the building to meet sound attenuation standards. The HVAC unit for the auto services building shall be installed within a screened area on the southern side of the building. HVAC equipment*

*shall be as specified in the Noise Impact Analysis or a similar model with equal or less noise emissions.*

- 2. The carwash dryer system shall not to exceed 82.5 dBA unmitigated noise level at 5 feet and shall be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier*
- 3. All carwash supporting equipment including pumps, compressors, and vacuum motor and canister system shall be installed within a dedicated equipment room equipped with passive rooftop ventilation.*
- 4. In order to meet daytime noise limits as defined in the Escondido Noise Ordinance, the carwash must cease operating no later than 10:00 p.m.*
- 5. The use of pneumatic tools shall be prohibited at the oil change facility.*



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

## ACKNOWLEDGEMENT OF ENFORCEABLE COMMITMENT

Case No.: ER 2004-33  
Talk of the Town Commercial Development

The items listed on the attached Mitigation Monitoring Program constitute an enforceable commitment in conformance with Section 21081.6(b) of the California Environmental Quality Act (Public Resources Code Sections 21000-21178). The applicant shall be required to provide, and comply with, all of the mitigation measures listed herein. These mitigation measures also have been included as conditions of the project approval.

12.9.09

Date

McArdle Associates Architects for

Applicant's Name (printed)

A handwritten signature in black ink, appearing to be a stylized representation of the letters "M" and "A", likely representing the architect or representative of McArdle Associates Architects.

Applicant's Signature



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

**ATTACHMENT "A"**  
**REVISED MITIGATION MONITORING REPORT 12/09**  
**CASE NO.: ER 2004-33**

**PROJECT NAME:** Talk of the Town  
**PROJECT LOCATION:** Northwestern corner of Centre City Parkway and Brotherton Road, addressed as 400 Brotherton Road.  
**PROJECT DESCRIPTION:** A Conditional Use Permit for an automobile service commercial development consisting of an approximately 5,500 SF automated car wash and oil change facility and a 4,150 SF restaurant. The proposal also includes an amendment to the South Escondido Boulevard Neighborhood Plan to allow the car wash, which currently is not a permitted use on the site.  
**APPROVAL BODY/DATE:**  
**PROJECT MANAGER:** Bill Martin, Principal Planner  
**CONTACT PERSON:** Andy Champion, McArdle Associates Architects  
**PHONE NUMBER:** (760) 431-7775

Phase at which the Mitigation  
Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTING	CERTIFIED INITIAL/DATE	COMMENTS
<b>PRIOR TO APPROVAL OF GRADING PLANS</b>					
Project traffic will contribute to poor cumulative levels of service on adjacent streets and intersections	1. Contribute a fair share amount of approximately 2.18% towards the cost of installing a traffic signal at the intersection of Felicita Avenue and Brotherton Road.	3. Transportation/Traffic	Project Applicant		
	2. Contribute a fair share amount of approximately 2.16% towards the cost of improving the segment of Centre City Parkway, between Felicita Avenue and Brotherton Road to City of Escondido Major Road standards.	3. Transportation/Traffic	Project Applicant		
Light and glare resulting from development of the site could adversely affect neighboring residential properties.	3. All parking lot light fixtures shall be installed on the lowest pole height feasible as determined by a lighting analysis.	1. Land Use and Planning	Project Applicant		

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
<b>PRIOR TO APPROVAL OF BUILDING PLANS</b>					
Smoke and odors from the restaurant kitchen exhaust could significantly impact people living in nearby residences.	4. The restaurant kitchen equipment shall include an emission control system such as an electrostatic precipitation filtration system or other filtration system satisfactory to the Planning Division.	4. Air Quality	Project Applicant/ Planning Division		
Noise generated by mechanical equipment on-site could significantly impact people living in nearby residences.	5. All exterior HVAC units for the restaurant building shall be installed within a screened area on the eastern side of the building to meet sound attenuation standards. The HVAC unit for the auto services building shall be installed within a screened area on the southern side of the building. HVAC equipment shall be as specified in the Noise Impact Analysis or a similar model with equal or less noise emissions.	11. Noise	Project Applicant/ Planning Division		
	6. An enclosure/wall shall be provided for the HVAC units at the restaurant building and shall meet sound attenuation standards with a minimum height of eight feet relative to the adjacent grade elevation.	11. Noise	Project Applicant/ Planning Division		
	7. The carwash dryer system shall not to exceed 82.5 dBA unmitigated noise level at 5 feet and shall be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier.	11. Noise	Project Applicant/ Planning Division		
	8. All carwash supporting equipment including pumps, compressors, and vacuum motor and canister system shall be installed within a dedicated equipment room equipped with passive rooftop ventilation.	11. Noise	Project Applicant/ Planning Division		
<b>PRIOR TO CERTIFICATE OF OCCUPANCY</b>					
Noise generated by mechanical equipment on-site could significantly impact people living in nearby residences.	9. Install conforming mechanical equipment identified in Measures 4, 5, 6, and 7 above.	11. Noise	Project Applicant		
Light and glare resulting from development of the site could adversely affect neighboring residential properties.	10. All light fixtures near the northern and western property lines shall be directed downward and provided with shields to minimize potential impacts related to light spillover and glare.	1. Land Use and Planning	Project Applicant		
<b>ONGOING</b>					
Noise generated by mechanical equipment on-site could significantly impact people living in nearby residences.	11. In order to meet daytime noise limits as defined in the Escondido Noise Ordinance, the carwash must cease operating no later than 10:00 p.m.	11. Noise	Project Applicant/ Code Enforcement		
	12. The use of pneumatic tools shall be prohibited at the oil change facility.	11. Noise	Project Applicant/ Code Enforcement		

## **Materials Use in Preparation of this Analysis**

Escondido General Plan and Environmental Impact Report

Escondido General Plan Update and Environmental Impact Report, 2000

Escondido Zoning Code and Land Use Maps

SANDAG Summary of Trip Generation Rates

Escondido Historic Sites Survey

City of Escondido

Public Works Department

Engineering Division

Traffic Division

Building Division

Fire Department

Police Department

Planning Division

FIRM maps (Flood Insurance Rate Maps)

Draft MHCP maps (Multiple Habitat Conservation Program)

USGS Map for San Diego (Escondido) area

County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List

Traffic Impact Analysis prepared by Linscott Law & Greenspan Engineers, dated December 23, 2008

Noise Impact Analysis prepared by Eiler Associates, dated March 14, 2007, and updated September 16, 2009

Preliminary Noise Study prepared by Medlin & Associates, dated November 11, 2004

Water Quality Technical Report prepared by K&S Engineering, dated March 2008, and updated September 2009

Escondido Drainage Master Plan (1995)

Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents (Comment Draft, March 5, 2007).



**From:** Rex Little <rlittle-atsf@sbcglobal.net>  
**To:** Bill Martin <Bmartin@escondido.org>  
**Date:** 1/4/2010 3:52 PM  
**Subject:** ER 2004-33

Bill,

I've reviewed the environmental study that was posted on the Escondido web site. If you will remember, during the last hearing in front of the full Council, one of the applicants own experts indicated that the noise study was probably inaccurate as noise does travel upward. The grading of the subject site creates an amphitheater and sound would most likely travel into the homes on the perimeter as well as those North and West of the site. In my opinion it is impossible to accurately predict the extent of the negative impact on the adjacent neighborhoods of this site. Until accurate measurements of all environmental factors, applied to the actual (or reasonable facsimile) of the site the studies done are pure speculation with no basis in fact. Use of the site for automotive service of any type is not fitting for the site for any number of environmental reasons including noise, traffic, hazardous materials and toxic runoff. I request that the project be rejected as it now exists with no further review unless a project suitable in scope can be presented that will fit the neighborhood and not destroy it.

Rex J. Little  
760-747-5656  
2163 Charise St.  
Escondido, CA 92025  
Bill,  
Thanks for all your help.  
Rex

January 04, 2010

Bill Martin  
City of Escondido Principal Planner  
Planning Division  
201 North Broadway  
Escondido, CA 92025

Subject: Comment on Environmental Review Determination, Case No. ER 2004-33

Dear Mr. Bill Martin:

After reading the various reports that are under public review on the above sited development project we believe that the reports are inadequate and flawed.

The Traffic Impact Analysis report, dated December 23, 2008 is outdated and lacks substantial facts that clearly define a true picture of current traffic circulation in the area of this proposed development. Specifically it lacks traffic flow information around the multiple schools in the area and fails to identify several of those schools. The study did not include traffic counts at the intersection of Brotherton Road and Charise Street or at Montview and Darby Street accounting for additional traffic flow through the New Tradition neighborhood.

All of these issues were raised at the city Planning Commission meeting in 2009 and City Council meeting on March 4, 2009, on this same development project by area residents.

The report lacked accurate information about speed limit postings on Center City parkway. In the notations on Figure 3-1 "Existing Conditions Diagram" where the diagram indicates that the speed limits on Center City Parkway is 45 mph and it states that the speed limit is posted. That is false. The speed limit is not 45mph, it is at least 55mph if not 65mph, and it is not posted which is why we do not know the exact speed limit. Center City Parkway is a business route and is still considered Old CA Highway 395.

Although the study suggests a turn lane off of the parkway, it does not recommend any alterations to the roadway as it adjoins Brotherton Rd. We believe this is because the study's findings reflects only traffic counts taken just prior to a major holiday, July 4, 2008 when traffic flow was lighter than average. At that time there was a reduction on TPD since area schools were not in session and people took the whole week off or the second half of the week since the 4<sup>th</sup> of July fell on a Friday that year.

The Noise Impact Analysis dated March 14 2007 this study does not address the sound or noise conditions that the previous study did not address which is the topography of the project site. The condition that exists causes amplification of sound at the higher point on the hillside than at the lower point. The residences are located higher on the hill surrounding the development site and the studies both failed to address the noise impact

at the residence level or elevation. Currently the noise from business' located across Center City Parkway is carried across the valley and less audible at the development site level and more audible at the residence level due to the amphitheater-like topography of the area.

We believe that the environmental study and report did not address issues that we feel will have a negative impact on us as nearby residents such as vibrations from the car wash's mechanical equipment that will travel to nearby homes, exhaust from idling vehicles on the carwash complex property and odors and air pollution generated by the carwash and oil change facility.

There has been **no** study that adequately address' any airborne pollution, such as the smells that will be generated by car wash soaps which cannot be contained within the development site by any means. Depending upon weather conditions, especially during Santa Ana conditions (winds from the East) or common southerly flow (winds from the South), smells and other airborne pollutants will be carried in the wind directly into the properties of adjacent residents potentially creating hazardous living conditions.

There were no requirements to protect residents from horn honking, car alarms and employee radios, nor other loud speakers from the businesses on the carwash complex. Loud voices, the dropping of hand tools are all sounds that are generated in automotive related businesses.

As for the restaurant, there are no current restrictions on building such a facility on this site, however, the location is in very close proximity to homes and though landscape plantings are planned as a screen between properties, sounds generated from an outdoor patio area and from parking lot will be at nuisance levels.

This developer was required by the city to redesign the project and at this time he has only shuffled the elements in the original design. The same elements are planned which include the same issues regarding sound intrusion and added traffic burden in and around the neighborhood, and lighting issues. These are all problems that area residents opposed a year ago during this process and have yet to be adequately addressed in these studies.

Sincerely,

Mr. & Mrs. Paul Allison  
2264 Charise Street  
Escondido, CA 92025  
(760) 738-5505

**From:** Kjerstie Bourne <kjerstiebourne@hotmail.com>  
**To:** <bmartin@escondido.org>  
**Date:** 1/5/2010 8:02 AM  
**Subject:** update Case No. ER 2004-33  
**Attachments:** Traffic letter - January 4.doc

Goodness, I am so sorry. I keep having to make small changes. This is my final version. Take Care,  
Kjerstie

January 4, 2010

To: Escondido Planning Commission  
Re: Case No. ER 2004-33 "Talk of the Town"

I would like to express my concerns about this project. My concerns are one of a Mother. This project would interfere with the safety of my two small children and the other children in our neighborhood. The traffic study for this project is deeply flawed. The study was performed on Dec 23, 2008. School was out of session this day and it was the day before Christmas Eve. Most of our traffic on Brotherton comes from Miller School and the 3 close by preschools. The traffic study needs to be repeated on a Monday, Tuesday, Wednesday or Thursday during a week where school is in session and it is not near a major holiday. It also needs to be conducted during school drop off and pick up time. A study that does not take these things into consideration is not complete.

Please take this concern about the traffic study to heed. I fully protest this project. I instead suggest a business that would not create lots of extra traffic. My suggestion for this location is an office building for professionals (ex: doctor's, dentist, CPA's).

Thank you for your time.

A concerned Mother,

Kjerstie Bourne  
2217 Charise Street Escondido, CA 92025  
760-294-4317

From: kjerstiebourne@hotmail.com  
To: bmartin@escondido.org  
Subject: update Case No. 2004-02-AZ, 2004-66-CUP  
Date: Tue, 5 Jan 2010 00:08:09 +0000

January 4, 2010

To: Escondido Planning Commission  
Re: Case No. 2004-02-AZ, 2004-66-CUP "Talk of the Town"

I would like to express my concerns about this project. My concerns are one of a Mother. This project would interfere with the safety of my two small children and the other children in our neighborhood. The traffic study for this project is deeply flawed. The study was performed on Dec 23, 2008. School was out of session this day and it was the day before Christmas Eve. Most of our traffic on Brotherton comes

from Miller School and the 3 close by preschools. The traffic study needs to be repeated on a Monday, Tuesday, Wednesday or Thursday during a week where school is in session and it is not near a major holiday.

Please take this concern about the traffic study to heed. I fully protest this project. I instead suggest a business that would not create lots of extra traffic. My suggestion for this location is an office building for professionals (ex: doctor's, dentist, CPA's).

Thank you for your time.

A concerned Mother,

Kjerstie Bourne  
2217 Charise Street Escondido, CA 92025  
760-294-4317

Hotmail: Free, trusted and rich email service. Get it now.

Hotmail: Powerful Free email with security by Microsoft. Get it now.

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Hotmail: Free, trusted and rich email service.  
<http://clk.atdmt.com/GBL/go/171222984/direct/01/>

**From:** Gayle Lebedda <Gayle.Lebedda@watkinsmfg.com>  
**To:** Bill Martin <Bmartin@ci.escondido.ca.us>  
**Date:** 12/18/2009 12:45 PM  
**Subject:** Talk of the Town project

Good afternoon, Bill. My husband and I recently received the flyer discussing the latest proposal for the Talk of the Town project at the intersection of Centre City Parkway and Brotherton. I feel compelled to reiterate my concerns that this location just isn't well designed to handle the traffic from a project such as this. There is no easy outlet from this location to travel northbound on Centre City Parkway upon leaving the proposed car wash/restaurant site. In addition, many of the streets in this area are not in the greatest condition as it is, plus not all streets have sidewalks. To add more traffic to this area will compound these issues.

Thank you for your time,  
Gayle S. Lebedda  
425 Cara Street, Escondido, CA 92025

January 17, 2010

To: Mr. Bill Martin, Escondido Planning Division

Reference: 2004-02-AZ, 2004-66-CUP

Site: Address – 400 Brotherton Road

Project name: Talk of the Town

Attachment: Letter dated January 17, 2009. Same subject.

The Escondido Planning Commission is (again) urged to **REJECT** this project; the requested amendment of the South Escondido Boulevard Area Plan and conditional use permits for this and similar projects on subject site and any adjacent sites. The attached letter is still relevant even though we are now a year down the line. The applicant has moved the pieces around on the “chess board” and updated some insignificant studies, but no matter how it is cloaked it is still automotive service in a residential area. This project doesn’t belong at this location.

Based on experience with the owner in several hearings in front of the Escondido Planning Commission, City Council and neighborhood meetings it has become obvious that the applicant will be a poor neighbor. There has never been any attempt by the Architect (applicant) or owner to review or discuss the project with neighbors. Attempts to speak with the project owner have produced only threats from the owner.

**Automotive service of any type is unacceptable on this site.**

If approved this project will seriously degrade the neighborhood and in all likelihood become blight on the area when it fails.

Preserve the integrity of the families and neighborhood rather than allow a doomed project to destroy the neighborhood and families.

**REJECT THIS PROJECT. IT DOES NOT BELONG ON THIS SITE.**

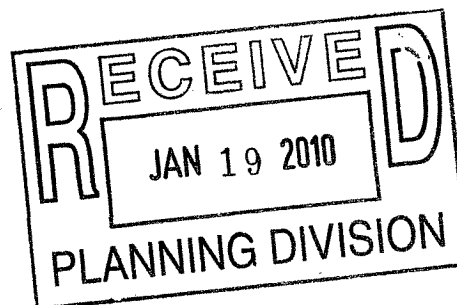
Respectfully submitted.

Rex J. Little

2163 Charise St.

Escondido, CA 92025

760-747-5656



January 17, 2009

To: Escondido Planning Commission

Re: Case No. 2004-02-AZ, 2004-66-CUP

"Talk of the Town"

The Escondido Planning Commission is urged to **REJECT** this project; the requested amendment of the South Escondido Boulevard Area Plan and conditional use permits for this and similar projects on subject site.

- **PROJECT IS OUT OF CHARACTER FOR NEIGHBORHOOD.**
- **PROJECT DOES NOT FIT INTO THE PLAN FOR REVITALIZING THE SOUTHERN ENTRY TO THE CITY.**
- **PROJECT WILL MOST LIKELY HAVE A NEGATIVE IMPACT ON PROPERTY VALUES FOR ADJACENT HOMES AS WELL AS THOSE HOMES IN THE ADJACENT NEIGHBORHOODS.**

The property location is zoned GC (General Commercial) and would be highly suitable for offices, professional offices, medical offices and similar uses.

The proposed use in this case is very likely to fail and the property would become a blight on the neighborhood and a safety hazard. (There have been four (4) restaurant failures on the property located on the southwest corner of Brotherton & Centre City Parkway)

**The mixture of a restaurant with automotive services makes sense on the Interstate, not in a residential neighborhood.**

**The street layout provides limited access and will increase traffic in the adjacent residential area.**

**Traffic exiting the site is forced to use west and north routes or east to Centre City Parkway or frontage road south. These routes are residential, in poor repair, unimproved, narrow and used by children and parents as access to Miller school to the west. A traffic signal proposed for Felicita Avenue and Brotherton Road would most likely not have any impact on reducing the traffic in the residential area.**

Mitigation measures will most likely not produce the desired or expected control of noise, light pollution, air quality and control of hazardous materials being used and stored on the property.

**THE PROJECT DOES NOT BELONG AT THIS SITE. THE PROJECT SHOULD BE REJECTED**

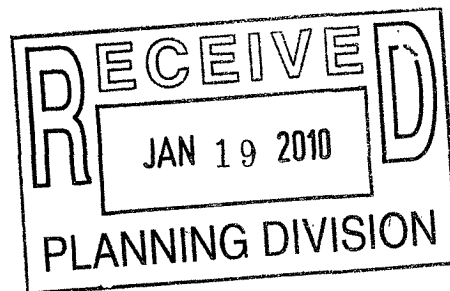
Respectfully submitted.

Rex J. Little

2163 Charise St.

Escondido, CA 92025

760-747-5656





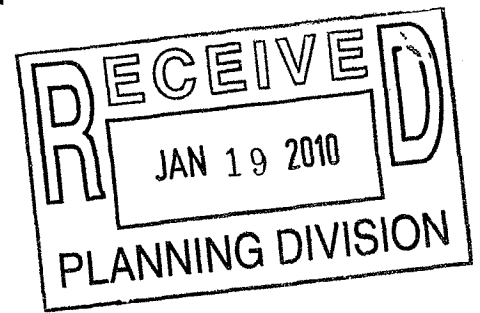
**<http://www.thepetitionsite.com/1/NoCarWash>**

Target:

The city of Escondido

Sponsored by:

a group of concerned neighbors



PETITION AGAINST CARWASH COMPLEX IN

RESIDENTIAL NEIGHBORHOOD

Case No.: ER 2004 - 33

To: The city of Escondido Planning Commission; Mayor of the city of Escondido; the Escondido City Counsel Members:

We the undersigned have taken a *negative position and stand united against* the current proposed AMENDMENT TO THE SOUTH ESCONDIDO AREA PLAN AND THE GRANTING OF A CONDITIONAL USE PERMIT -2004-02-AZ, 2004-66-CUP

Our position on the proposed amendment to the South Escondido Boulevard Area Plan and Conditional Use Permit -2004-02-AZ, 2004-66-CUP the area plan not be amended, and no conditional use permit be granted now or at anytime in the future.

We believe that the proposed development is an inappropriate use of this land parcel as it borders a residential community.

We are in agreement that by making such changes to the city's plan will pave the way to future changes leading to developments that are adverse to any and all residents within our city.

The residents and other residents of our city would be adversely affected because it would disrupt the quiet residential use and enjoyment for area residents; potential environmental hazards, safety hazards as a result of increased traffic within a quiet family neighborhood, and monetary losses to property values of surrounding residential owners.

Families who reside in this area have trusted the plan that states that no automotive use for this site and surrounding sites would be allowed and rely on city to adhere to that plan and protect residents against such allowances. This would ensure that area residents can continue to enjoy the city's protective buffer zone against hazards inherent in

automotive type operations. We wish to reside here and plan to raise our families here without additional concerns about our health and safety.

The inclusion of automotive use substantially increases the risk that local families, including young children, will be exposed to hazardous chemicals and waste as well as an increase in traffic flow through our neighborhood could lead to potential liability actions against the city in the future.

The potential for loss in property values on neighboring properties is great, especially within the climate of our current economy. Home appraisals on adjacent properties would be adversely affected and would reflect the carwash complex as a detriment to home values and would be adjusted accordingly and ultimately affecting the property values of other area properties within this city. This can result in an overall lowered tax base to the County of San Diego and to the city of Escondido.

We are petitioning the Mayor of Escondido, the members of the City Counsel and the Planning Commission to follow the example of their predecessors and protect the quality of life in our city. We ask that our current civic leaders adhere strictly to the recommendations established, after many hours of debate and deliberation, in the City's Master Plan particularly when considering future development and rezoning.

Despite findings in the Environmental Review Determination, Case No. 2004-33; we believe that there are no effective mitigation measures that are sufficient to protect our quality of life, that of our children and the families who will seek out our quiet community as a place to raise their children in years to come.

We implore you to protect the citizens of Escondido specifically nearby area residents; do not move forward with amendment to the plan and do not grant a conditional use permit on this item.

Thank you.

## The city of Escondido

	<b>Name</b>	<b>From</b>	<b>Comments</b>
1.	Kjerstie Bourne	Escondido, CA	
3.	Kimber Allison	Escondido, CA	Wrong project for site. Too close to residences, traffic will increase through residential streets, city can't or will not enforce noise ordinance to protect citizens.
7.	Rachelle Witt	San Diego, CA	
8.	Lisa Spahn	San Diego, CA	Please do not change the zoning! The streets in the adjacent neighborhood are rural and have no sidewalks. Additionally, there is a neighborhood preschool and elementary school and families in the neighborhood walk their children to school daily.
9.	Elizabeth campillo	escondido, CA	
10.	Martin Lebedda	Escondido, CA	If members of the City Council of Escondido go directly against a publicly voted on South Center City Parkway initiative from 1994 and allows this detriment to our city to be built, then I can assure that in the next election, I will not vote for any council member that upholds the request to allow a carwash! It is not an authorized use for this property, and I do not want it in my backyard!
11.	Migdalia Bozzay	Escondido, CA	Not another Car Wash! Keeping the Residential Zoning. That is what the people want. When is the next election?
12.	Kimberly Pidgeon	Escondido, CA	I don't understand why this site was selected for a car wash. The left hand turn onto Brotherton from Centre City seems dangerous to me since there is no light at this intersection. Why would you want to increase the traffic turning left there? Aren't there enough commercial zones in Escondido where a car wash could be built?
13.	Amy Madriz	Escondido, CA	
14.	Robert Jones	Escondido, CA	City Council should realize the proposed car wash is not in the best interests of the community, and surrounding property values.
15.	Linda Christofferson	Escondido, CA	
16.	Jessica Lossner	Escondido, CA	A car wash here would be a terrible idea! There are no other retail venues in this area and would detract from the residential and church in the area.
17.	Cory Schaller	San Diego, CA	As a former Escondido resident and current patron of many Escondido businesses, I think putting a car wash in this location is a terrible idea. The traffic on Centre City (continues on next page)

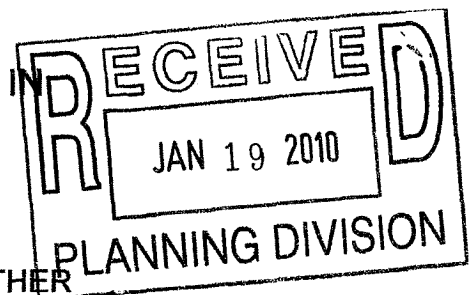
	<b>Name</b>	<b>From</b>	<b>Comments</b>
17.	Cory Schaller	San Diego, CA	<i>(continued from previous page)</i> Parkway travels at highway speeds and increasing the cars that turn on Brotherton to utilize this car wash would only increase the traffic hazards.
18.	Ann Freeman	San Diego, CA	
19.	Leeza Land	Escondido, CA	
20.	Lili Alten	san diego, CA	
21.	janice nyberg	bakersfield, CA	My Grandchildren are growing up on Charise Street. I do not want the traffic to increase as it will put their personal safety at risk. They currently cross the street frequently walking to the park which is located across the street from their home. The neighborhood integrity would be damaged by a business which focuses on a quick in and out of cars. The neighborhood was there first. Please reconsider your business choice.
22.	kim carrasco	escondido, CA	
23.	Rex Little	Escondido, CA	Automotive Services are not compatible with neighborhood character. These services belong in the Auto Park.
24.	Vicki Harman	Escondido, CA	A carwash in our residential neighborhood would have a negative effect on property values and increase noise to adjoining properties. The traffic flow would filter thru our streets becoming a nuisance and safety hazard to our resident children.
25.	Elenita Guevarra	Escondido, CA	We strongly opposed your proposal plan to erect an automotive oil change and car wash. It will bring an adverse effect on our property value, increase traffic, increase crime and will be hazardous to our health.
26.	Ricardo Guevarra	Escondido, CA	No cash wash and automotive oil change in my neighborhood. This is a residential and a quiet area. Please, no car wash!
27.	Gayle Lebedda	Escondido, CA	This neighborhood cannot handle the level of traffic that this project would invite, and the intersection of Centre City Parkway and Brotherton is not designed for business traffic. The neighborhood streets are already badly in need of repair; more traffic would only add to the problem. There are also few sidewalks for existing pedestrians. This project does not belong in this location.
28.	Rich Bourne	Escondido, CA	A carwash is not a good choice for that lot as the level of traffic will increase past tolerable and safe levels.
29.	Barbara Letsom	Escondido, CA	This is a residential neighborhood with a day care center next door to this site.
30.	Andrea Weinberg	Escondido, CA	My husband and I are moving to this neighborhood, and we are pleased by how quaint and quiet the area is ... it is such a treat to find such a peaceful pocket of residential <i>(continues on next page)</i>

	<b>Name</b>	<b>From</b>	<b>Comments</b>
30.	Andrea Weinberg	Escondido, CA	<i>(continued from previous page)</i> loveliness ... please do NOT allow this permit - please help Escondido earn a reputation as a city that draws quality, caring residents. Thank you.
31.	Kevin Weinberg	Escondido, CA	This really does not make sense for the location. One of the other petitioners hit the nail on the head -- Center City Parkway travels at highway speeds. Every time I drive by the two roads to access this area, I almost miss it. I can see this causing accidents, not to mention traffic in an area otherwise unsuited for such a thing. This just does not sound like a good idea to me. Not to mention it was struck down (the same proposition) a year ago --- 6-1! JUST SAY NO!
32.	Shauna Young	San Diego, CA	We have repeatedly said that we do not want this business in our neighborhood. We already get non resident traffic driving through at speeds well above the 25mph limit. We don't need any extra traffic in our neighborhood!! In addition, I was told that condo's are to be built on the site where Woody's sports bar once sat and if that comes to be, we will see double if not more traffic from that project. Please do not allow this business in our community!
33.	Steve Young	San Diego, CA	
34.	Terri Chappell	Escondido, CA	
35.	Wirt Dorman	Escondido, CA	

PETITION AGAINST CARWASH COMPLEX IN  
RESIDENTIAL NEIGHBORHOOD

Case No.: ER 2004-33

Wednesday Jan 6<sup>th</sup> 2010



A PETITION BY AREA RESIDENTS AND HOMEOWNERS AND OTHER  
INTERESTED PARTIES WHO DO NOT SUPPORT AN AMENDMENT TO THE  
SOUTH ESCONDIDO BOULEVARD AREA PLAN AND CONDITIONAL USE PERMIT  
204-02-AZ-2004-66-CUP

***IF AMENDED AND A CONDITIONAL USE PERMIT IS APPROVED, THE  
PROPOSED PLANNED DEVELOPMENT CALLED "TALK OF THE TOWN," WILL  
MOVE FORWARD. IT WILL RESULT IN THE BUILDING OF AN AUTOMATED  
CARWASH; AN AUTOMOTIVE OIL CHANGE STATION & A RESTAURANT ON THE  
CORNER LOT LOCATED ON THE NORTH WEST CORNER AT CENTER CITY  
PARKWAY AND BROTHERTON IN THE CITY OF ESCONDIDO IN THE STATE OF  
CALIFORNIA.***

To: The city of Escondido's Planning Commission; Mayor of the city of Escondido; the  
Escondido City Counsel Members:

We the undersigned have taken a ***negative position and stand united against*** the current  
proposed AMMENDMENT TO THE SOUTH ESCONDIDO AREA PLAN AND THE GRANTING  
OF A CONDITIONAL USE PERMIT -2004-02-AZ, 2004-66-CUP

Our position on the proposed amendment to the South Escondido Boulevard Area Plan and  
Conditional Use Permit -2004-02-AZ, 2004-66-CUP the area plan not be amended, and no  
conditional use permit be granted now or at anytime in the future.

We believe that the proposed development is an inappropriate use of this land parcel as it  
borders a residential community.

We are in agreement that by making such changes to the city's plan will pave the way to future  
changes leading to developments that are adverse to any and all residents within our city.

The residents and other residents of our city would be adversely affected because it would  
disrupt the quiet residential use and enjoyment for area residents; potential environmental  
hazards, safety hazards as a result of increased traffic within a quiet family neighborhood, and  
monetary losses to property values of surrounding residential owners.

Families who reside in this area have trusted the plan that states that no automotive use for this  
site and surrounding sites would be allowed and rely on city to adhere to that plan and protect  
residents against such allowances. This would ensure that area residents can continue to enjoy  
the city's protective buffer zone against hazards inherent in automotive type operations. We  
wish to reside here and plan to raise our families here without additional concerns about our  
health and safety.

The inclusion of automotive use substantially increases the risk that local families, including  
young children, will be exposed to hazardous chemicals and waste as well as an increase in  
traffic flow through our neighborhood could lead to potential liability actions against the city in  
the future.

The potential for loss in property values on neighboring properties is great, especially within the climate of our current economy. Home appraisals on adjacent properties would be adversely affected and would reflect the "carwash complex" as a detriment to home values and would be adjusted accordingly and ultimately affecting the property values of other area properties within this city. This can result in an overall lowered tax base to the County of San Diego and to the city of Escondido.

We are petitioning the Mayor of Escondido, the members of the City Counsel and the Planning Commission to follow the example of their predecessors and protect the quality of life in our city. We ask that our current civic leaders adhere strictly to the recommendations established, after many hours of debate and deliberation, in the City's Master Plan particularly when considering future development and rezoning.

Despite findings in the Environmental Review Determination, Case No. 2004-33; we believe that there are no effective mitigation measures that are sufficient to protect our quality of life, that of our children and the families who will seek out our quiet community as a place to raise their children in years to come.

We implore you to protect the citizens of Escondido specifically nearby area residents – do not move forward with amendment to the plan and do not grant a conditional use permit on this item.

Sincerely,

Printed Name	Signature :	Address:
1 Kelly Stansel	<i>Kelly Stansel</i>	13918 Calle de Vista, Valley Lake, CA 92088
2 Shelley Kreger	<i>Shelley Kreger</i>	1316 Pearl Ave, ESC, CA 92027
3 Judith Tillyer	<i>Judith Tillyer</i>	1129 Viewmont Dr. Escondido, 92027
4 Lauranell Laboyppa	<i>Lauranell Laboyppa</i>	1972 Nutmeg St. Escondido, CA 92027
5 Jennifer Rivers	<i>Jennifer Rivers</i>	644 Camellia St Escondido 92027
6 Karrie Wheeler	<i>K Wheeler</i>	31655 STARDUST LANE, V.C 92088
7 Jennifer Vander Voort	<i>J Vander Voort</i>	3175 Amberwood Ln Esc 92027
8 Jennifer Bill	<i>Jennifer Bill</i>	2310 Ranchview Pl. ESC 92027
9 Lalaneya Worley	<i>Lalaneya Worley</i>	1057 Nordale Rd San Marcos CA 92088
10 Michelle Spounias	<i>Michelle Spounias</i>	322 E Mission Ave Apt 4 Escondido 92028
11 Evelyn Arguelles	<i>E Evelyn Arguelles</i>	1343 Morning View Dr. 324 Escondido CA 92027
12 Catalina Ramirez	<i>Catalina Ramirez</i>	3945 Sherbourne Dr O'side 92056
13 Liliana	<i>Liliana</i>	809 Palo Alto Ct San Marcos, CA 92069
14 Gregalado	<i>Gregalado</i>	524 Debra Pl San Marcos CA 92078
15 Rosa Villa	<i>Rosa Villa</i>	760 4459708

Printed Name \_\_\_\_\_ Signature : \_\_\_\_\_ Address: \_\_\_\_\_

16 Martina Orozco Martini Orozco 1471 Borden Rd, 9202

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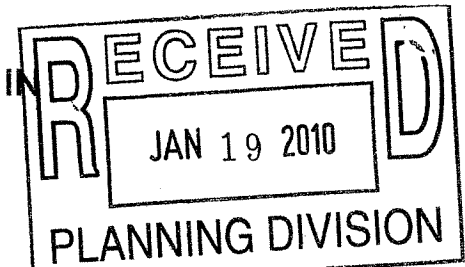
Wednesday Jan 6<sup>th</sup> 2010



PETITION AGAINST CARWASH COMPLEX IN  
RESIDENTIAL NEIGHBORHOOD

Case No.: ER 2004-33

Wednesday Jan 6<sup>th</sup> 2010



A PETITION BY AREA RESIDENTS AND HOMEOWNERS AND OTHER  
INTERESTED PARTIES WHO DO NOT SUPPORT AN AMENDMENT TO THE  
SOUTH ESCONDIDO BOULEVARD AREA PLAN AND CONDITIONAL USE PERMIT  
204-02-AZ-2004-66-CUP

***IF AMENDED AND A CONDITIONAL USE PERMIT IS APPROVED, THE  
PROPOSED PLANNED DEVELOPMENT CALLED "TALK OF THE TOWN," WILL  
MOVE FORWARD. IT WILL RESULT IN THE BUILDING OF AN AUTOMATED  
CARWASH; AN AUTOMOTIVE OIL CHANGE STATION & A RESTAURANT ON THE  
CORNER LOT LOCATED ON THE NORTH WEST CORNER AT CENTER CITY  
PARKWAY AND BROTHERTON IN THE CITY OF ESCONDIDO IN THE STATE OF  
CALIFORNIA.***

To: The city of Escondido's Planning Commission; Mayor of the city of Escondido; the  
Escondido City Counsel Members:

We the undersigned have taken a ***negative position and stand united against*** the current  
proposed AMMENDMENT TO THE SOUTH ESCONDIDO AREA PLAN AND THE GRANTING  
OF A CONDITIONAL USE PERMIT -2004-02-AZ, 2004-66-CUP

Our position on the proposed amendment to the South Escondido Boulevard Area Plan and  
Conditional Use Permit -2004-02-AZ, 2004-66-CUP the area plan not be amended, and no  
conditional use permit be granted now or at anytime in the future.

We believe that the proposed development is an inappropriate use of this land parcel as it  
borders a residential community.

We are in agreement that by making such changes to the city's plan will pave the way to future  
changes leading to developments that are adverse to any and all residents within our city.

The residents and other residents of our city would be adversely affected because it would  
disrupt the quiet residential use and enjoyment for area residents; potential environmental  
hazards, safety hazards as a result of increased traffic within a quiet family neighborhood, and  
monetary losses to property values of surrounding residential owners.

Families who reside in this area have trusted the plan that states that no automotive use for this  
site and surrounding sites would be allowed and rely on city to adhere to that plan and protect  
residents against such allowances. This would ensure that area residents can continue to enjoy  
the city's protective buffer zone against hazards inherent in automotive type operations. We  
wish to reside here and plan to raise our families here without additional concerns about our  
health and safety.

The inclusion of automotive use substantially increases the risk that local families, including  
young children, will be exposed to hazardous chemicals and waste as well as an increase in  
traffic flow through our neighborhood could lead to potential liability actions against the city in  
the future.


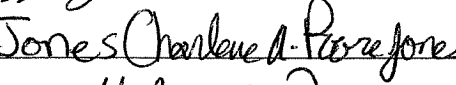
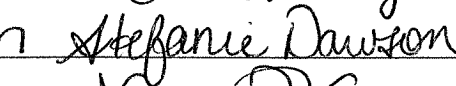

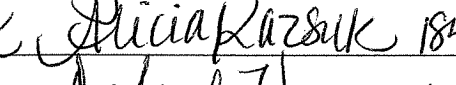
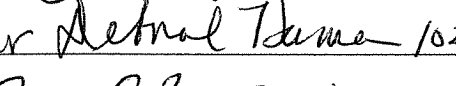
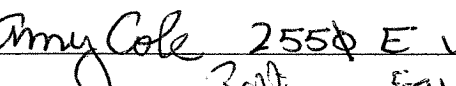
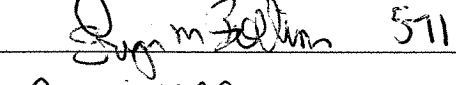
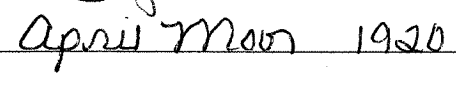
The potential for loss in property values on neighboring properties is great, especially within the climate of our current economy. Home appraisals on adjacent properties would be adversely affected and would reflect the "carwash complex" as a detriment to home values and would be adjusted accordingly and ultimately affecting the property values of other area properties within this city. This can result in an overall lowered tax base to the County of San Diego and to the city of Escondido.

We are petitioning the Mayor of Escondido, the members of the City Counsel and the Planning Commission to follow the example of their predecessors and protect the quality of life in our city. We ask that our current civic leaders adhere strictly to the recommendations established, after many hours of debate and deliberation, in the City's Master Plan particularly when considering future development and rezoning.

Despite findings in the Environmental Review Determination, Case No. 2004-33; we believe that there are no effective mitigation measures that are sufficient to protect our quality of life, that of our children and the families who will seek out our quiet community as a place to raise their children in years to come.

We implore you to protect the citizens of Escondido specifically nearby area residents – do not move forward with amendment to the plan and do not grant a conditional use permit on this item.

Sincerely,

Printed Name	Signature :	Address:
1 Emily R. Blanchill		1301 Hildebrand Escondido 92029
2 Charlene A. Poore Jones		1580 South Juniper St. Apt. 5 920
3 Stefanie Dawson		3495 Holly Oak Ln. Escondido
4 THERESA DUNBAR		2052 BAKER CIRCLE Esc. 92029
5 Alicia KAZSUK		1840 Windriver St. San Marcos 9207
6 Deborah Hamer		10287 Spruce Woodland Way 92026
7 AMY COLE		2550 E VALLEY PKWY SPIRIT ESCONDIDO 92027
8 Eryn Bollish		571 Shadywood Dr. ESC CA 92026
9 April Moor		1920 Casa Bonita Way, Esc., CA 92021
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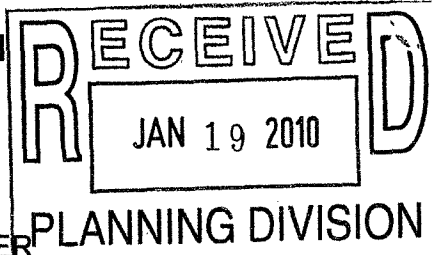
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Wednesday Jan 6<sup>th</sup> 2010

PETITION AGAINST CARWASH COMPLEX IN  
RESIDENTIAL NEIGHBORHOOD

Case No.: ER 2004-33

Wednesday Jan 14<sup>th</sup> 2010



A PETITION BY AREA RESIDENTS AND HOMEOWNERS AND OTHER INTERESTED PARTIES WHO DO NOT SUPPORT AN AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD AREA PLAN AND CONDITIONAL USE PERMIT 2004-02-AZ-2004-66-CUP

***IF AMENDED AND A CONDITIONAL USE PERMIT IS APPROVED, THE PROPOSED PLANNED DEVELOPMENT CALLED "TALK OF THE TOWN," WILL MOVE FORWARD. IT WILL RESULT IN THE BUILDING OF AN AUTOMATED CARWASH; AN AUTOMOTIVE OIL CHANGE STATION & A RESTAURANT ON THE CORNER LOT LOCATED ON THE NORTH WEST CORNER AT CENTER CITY PARKWAY AND BROTHERTON IN THE CITY OF ESCONDIDO IN THE STATE OF CALIFORNIA.***

To: The city of Escondido's Planning Commission; Mayor of the city of Escondido; the Escondido City Counsel Members:

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We believe that the proposed development is an inappropriate use of this land parcel as it borders a residential community.

We are in agreement that by making such changes to the city's plan will pave the way to future changes leading to developments that are adverse to any and all residents within our city.

The residents and other residents of our city would be adversely affected because it would disrupt the quiet residential use and enjoyment for area residents; potential environmental hazards, safety hazards as a result of increased traffic within a quiet family neighborhood, and monetary losses to property values of surrounding residential owners.

Families who reside in this area have trusted the plan that states that no automotive use for this site and surrounding sites would be allowed and rely on city to adhere to that plan and protect residents against such allowances. This would ensure that area residents can continue to enjoy the city's protective buffer zone against hazards inherent in automotive type operations. We wish to reside here and plan to raise our families here without additional concerns about our health and safety.

The inclusion of automotive use substantially increases the risk that local families, including young children, will be exposed to hazardous chemicals and waste as well as an increase in traffic flow through our neighborhood could lead to potential liability actions against the city in the future.

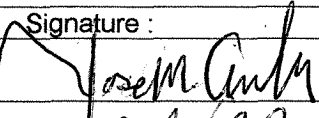

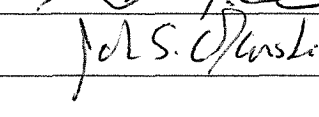
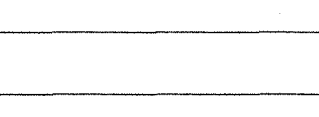
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Despite findings in the Environmental Review Determination, Case No. 2004-33; we believe that there are no effective mitigation measures that are sufficient to protect our quality of life, that of our children and the families who will seek out our quiet community as a place to raise their children in years to come.

We implore you to protect the citizens of Escondido specifically nearby area residents – do not move forward with amendment to the plan and do not grant a conditional use permit on this item.

Sincerely,

Printed Name	Signature :	Address:
1 Jose M. Amador		2246 Chanse St Escondido 92025
2 PAT KELLEY		2151 CHANSE ST ESCON 92025
3 STEVE EVERS		2156 DARBY ST, ESCONIDO 92025
4 John Okonski		2162 Darby St Escondido 92025
5 Mani Bawa		2184 PINE ST.
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Wednesday Jan 14<sup>th</sup> 2010

**January 19, 2010**

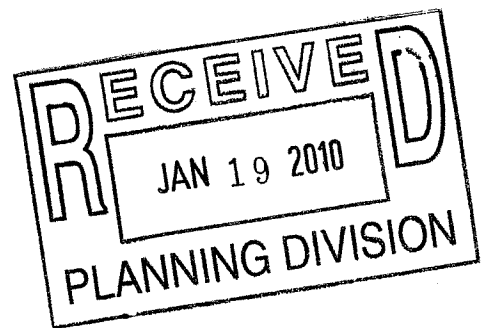
**To: Escondido Planning Commission**

Re: Case No. 2004-02-AZ, 2004-66-CUP, "Talk of the Town"

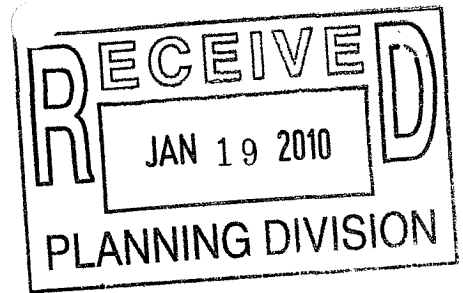
As a father of two children who are under the age of 5, I oppose the car wash. I feel strongly that the car wash will increase traffic past acceptable levels. The streets in this area are not meant for increased traffic and there are no sidewalks so kids have to ride their bikes and walk in the streets. The streets on the way to Miller, Kindercare Preschool and Bethel Preschool do not have sidewalks. A car wash is designed for an in and out operations, it promotes traffic flow. Anything else, like just the restaurant would be fine.

Regards,

Rich Bourne  
2217 Charise Street  
Escondido, CA



January 19, 2010  
To: Escondido Planning Commission  
Re: Case No. 2004-02-AZ, 2004-66-CUP  
"Talk of the Town"



I would like to express my concerns about this project. My concerns are one of a Mother. This project would interfere with the safety of my two small children and the other children in our neighborhood.

When we purchased our house 4 years ago we bought it because it enabled us to raise our children the way that was important to us. There are many open spaces in our neighborhood (i.e. Charise, Darby and Cara Street). There are large easements, a large park and a playground. The park sits on an island and then the homes all center around the park. Neighbors with small children go there regularly. The neighborhood has sidewalks and since it is in a circle it is perfect for bike or tricycle rides. My children and I spend most of our days outside enjoying and exploring our area. We don't get much traffic but in the traffic we get there is clearly a difference between neighbors traveling home and people trying to get back to Center City Parkway. Our neighborhood is not built for through traffic. There are blind corners, no stop signs and no speed bumps. The people that are cutting through our neighborhood go through very quickly and with no awareness to small children playing. This would be the case with the car wash as the patrons would have no way to turn left on Center City Parkway. To turn left on Center City Parkway they would have to cut through our neighborhood and would be quickly passing by our park/playground and the kids on bikes. I worry for my children's safety due to the increased traffic in our community.

I would also worry about their safety when walking to school. We currently send our daughter part time to Bethel Baptist Preschool, which is on Brotherton Street across the street from Miller Elementary School. Next year my son will also attend Bethel and when time comes they will attend Miller Elementary. We walk to and from school and will continue to do so. A portion of Brotherton Street is more rural in design. It is narrow and has no sidewalks. When car's pass by the kids and I have to literally stand in someone's yard to be out of the way of traffic. At this time it is safe as there is not much traffic on Brotherton Street but the increased traffic from the in and out nature of a car wash would make this walk unsafe. The pick up and drop off at Miller school is already over crowded and unsafe and adding additional family's (like ours) that would have to drive instead of walk would make this situation at Miller school unsafe for us and all children there.

Another thing that I worry about as a Mother is the restaurant, carwash and oil change would bring more people to our area that are hanging out. These people would be waiting for their table at the restaurant or waiting for the car to be done at the carwash/oil change. Being we have a community park it would be natural

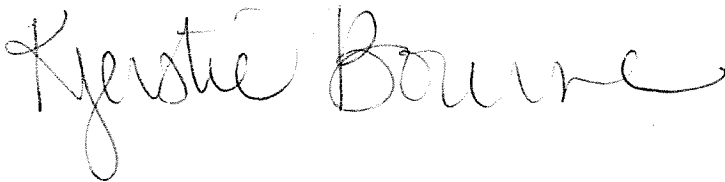


that people would walk to our area to hang out while they wait. Having unknown people just sitting around outside my front door is not safe to my children or myself.

Please take these three safety concerns to heed. I fully protest this project. I instead suggest a business that would not create lots of extra traffic and would not have people waiting on cars/tables to be ready. My suggestion for this location is an office building for professionals (ex: doctor's, dentist, CPA's).

Thank you for your time.

A concerned Mother,

A handwritten signature in cursive script that reads "Kjerstie Bourne". The signature is written in dark ink and is positioned above the printed name.

Kjerstie Bourne

2217 Charise Street Escondido, CA 92025

760-294-4317

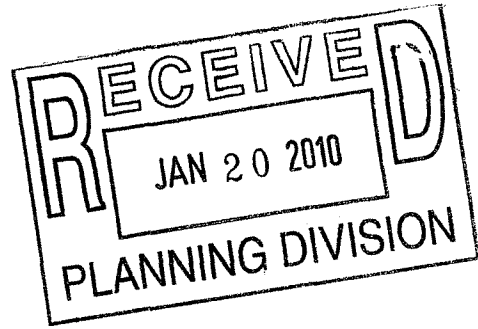
1/20/2010 1:11 PM

Attn: Bill Martin

City of Escondido Planning Division

201 North Broadway

Escondido, CA 92025-2978



RE: Amendment to the South Escondido Boulevard Area Plan and a Granting of a Special Use Permit 20 402 AZ, 2004-66-CUP

Dear City of Escondido Planning Commission, City Counsel Members and the Mayor of the city of Escondido:

I am writing to ask you to NOT support the applicants request to change to the South Escondido Boulevard Area Plan and that you DO NOT grant a special use permit to the applicant. This is the wrong project for this site, no automotive use and no restaurants within a few feet of lot lines.

I live at 2264 Charise Street, my home backs up against the proposed development sight. Per current proposed design, this carwash, oil change station and restaurant would be built in close proximity to existing residential properties. These properties have been built, on small lots and have little to no buffer zone between residential and commercial lot lines which means sound barriers are not buildable nor can there be enough vegetation grown to protect adjacent residents from additional noise generated by such proposed businesses. There are no mitigation measures suggested as a result of questionable environmental studies such as an abbreviated noise study that did not take into account the topography of the slope and how sound carries higher on the hill than lower.

**Noise and Nuisance:**

Since we purchased this house in March of 2003, we have endured countless disruptions to our peace and quiet by neighboring business that regularly violated city noise ordinance. The first of which was the old Woody's Sports bar which has since

closed as a result of property ownership and liquor license violations. Since its closure, the regular patrons from that bar have moved their business across the street to the Sunset Lounge. This has been equally disruptive not to mention frustrating for the residents here in New Tradition who regularly call Escondido Police Department when the sound of the amplified music pounds through our walls while we try to sleep or watch TV inside our homes. The calls have done nothing to change the practices of bar management and even one personal conversation I had with the bar owner suggested that she did not care that the music from her bar was disruptive to her neighbors. Police take the call, "Noise Complaint," respond when they can, quiets the music some of the time and then at closing time (2am) the mufflers roar of exiting patrons and employees. Until the City of Escondido can and will enforce its own noise ordinance or pass an ordinance that is enforceable, no new developments such as one with inherent noise producing attributes should be allowed to be built near or adjacent to residential communities.

**Traffic Concerns:**

When we purchased our home it was our understanding that there was an area plan written not to include automotive use and we felt comfortable believing that the land behind our home might be developed with non - automotive business. We believe that any automotive type of businesses would require a high level of traffic flow in order to be profitable. With that traffic flow as great as needs to be, although measurement standards do not quantify for a specific area for air pollution, realistically the car exhausts will flow into area residences and into the lungs of young children.

The traffic report that was included in the environmental report is outdated and inaccurate. Speed limits are wrong, preschools are not identified, and traffic counts were taken during school holiday during the summer. A bogus report looks bad for the city as it invites any unscrupulous behavior by potential applicants in order to get an ok for development.

This past New Years Eve, there were patrons of Sunset Lounge parking in the New Tradition neighborhood observed by residents. This strongly suggests that there is the potential for this to recur on a regular basis if a traffic dependent business is built next to our neighborhood.

As for safety and the increase in traffic volume, the intersection at Center City and Brotherton is a dangerous one and is not designed to accommodate much more traffic than it does today. It would be interesting to view the crash statistics on that intersection. The streets within the New Tradition Development are also not designed to withstand increases in traffic. With small driveways street parking is common; homes are located close to the intersections at Brotherton and Charise and Darby Street and Montview; any additional through traffic to the neighborhood will pose a danger to resident's property and physical safety. As it is now the traffic of area residents is enough of a safety hazard to life and property as we have only two entrances and exits to our homes.

As for the carwash plan, it is inherent in the type of facility that a large amount of noise be generated, despite the promises made by the carwash manufacturer. They promise "state of the art equipment that is virtually noiseless" and the architect has drawn plans for a building that is most appealing, but a carwash... is a carwash... is a carwash. No matter where it is located on the 1.35 acre parcel. If the property just south of this site is developed as planned, the developer will be hard pressed to sell residential condominiums that look out on a carwash complex. This will be a hard sell for that site in the future. Proper and smart planning is essential.

A carwash business must have large numbers of patrons in order to be profitable. If the numbers are not there, you will have a failing business and a non functioning carwash. If it is profitable, the sounds from workers voices, car horns and portable radios and the regular dropping of hand tools from early morning hours to at least family supper times. And do not forget the sounds that travel through the soils, the vibrations that carry through our decomposed granite base that will come from the mechanical equipment in the carwash.

Bottom line, this project is wrong for the site and the architect and the owner have not shown very much respect towards the nearby residents. At the neighborhood meeting, the architect was asked if he could live with a carwash in his backyard; he replied with, "I do not have a busy street behind my house," my understanding is that he figures that additional noise should not bother us and that we should just accept the fact that the

owner wants to do what he wants to do and we should just support it regardless of its impact.

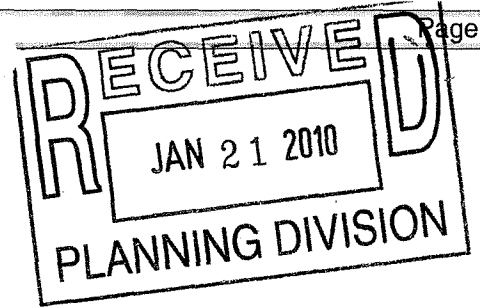
This developer has failed to meet the residents in the middle and seek to find a development project that the locals will support. At a community meeting held in 2004, we made suggestions to the developer and the architect as to what we thought would be the highest and best use for the site and what types of business' we would support based upon what we know as area residents. It was suggested to him that he conduct some market research to see what is needed there and what is the highest and best use for the site. As far as we can tell, he ignored our attempt to meet him in the middle.

It is not the fault of the area residents that the owner of the property did not do his due diligence before he purchased the land. Had he done so, he would have read in the area plan that a carwash was not permitted. If he cared about the potential patrons to his proposed business' he would not so carelessly set aside the interest of the homeowners and residents in favor of his own. He bought the property for about \$10 per square foot, cheap or not I am unsure...build a carwash and you will cheapen our quality of life and our property values.

Sincerest thank you to this commission for you for your time and effort in making this city better for all of its inhabitants and protecting the interest of residents who have sought out this city as a place to reside and to raise their children. Please continue in your efforts and despite challenging economic times we must not rush to build what is not suited to a specific site.

Sincerely,

Kimber L. Allison  
2264 Charise Street  
Escondido, CA 92025



**From:** "Chris Wickersham" <wickersham1@cox.net>  
**To:** <bmartin@escondido.org>  
**Date:** 1/21/2010 8:17 AM  
**Subject:** Case # 2004-02-AZ, 2004-66-CUP

Mr. Martin:

I am sending this email letter to you to convey my wife and my thoughts and feeling regarding this proposal for the construction of the restaurant and carwash on the corner of Brotherton and Centre City Parkway.

We urge the Escondido Planning Commission to REJECT this project.

We wholeheartedly agree with the 1996 South Escondido Boulevard Area Plan and absolutely DO NOT agree with the proposal for the requested amendment of the South Escondido Boulevard Area Plan and conditional use permits for this and similar projects on the subject site. We agree with our neighbors and fellow voters in that the:

Ø PROJECT IS OUT OF CHARACTER FOR NEIGHBORHOOD.

Ø PROJECT DOES NOT FIT INTO THE PLAN FOR REVITALIZING THE SOUTHERN ENTRY TO THE CITY.

Ø PROJECT WILL HAVE A NEGATIVE IMPACT ON PROPERTY VALUES FOR ADJACENT HOMES AS WELL AS THOSE HOMES IN THE ADJACENT NEIGHBORHOODS.

Our specific issues with this proposed usage:

Decreased Property Values:

The property location is zoned GC (General Commercial) and would be suitable for professional offices and similar uses, which would not impact existing property values. This mixture of a restaurant with automotive services makes sense in a commercial area, not in a residential neighborhood. In fact, while not impacting existing property values, multiple professional offices at this site has the potential to produce more tax revenue for the city than the proposed restaurant and car wash.

Another serious concern for our neighborhood is that the proposed use in this case is very likely to fail during these tough economic times, and the property would become a blight on the neighborhood as well as a safety hazard. (There have been four (4) restaurant failures on the property located on the southwest corner of Brotherton & Centre City Parkway).

Increased Traffic/Safety:

While we appreciate the traffic studies that were performed, we believe that a serious omission has been made in regard to the study on traffic flow. There is no direct access to north bound Centre City Parkway from this location. Patrons of the car wash and restaurant would likely travel through our neighborhood on Charise, Cara and Darby streets to be able to travel north on Centre City Parkway. This would increase unwanted non-resident traffic through our neighborhood, causing a safety hazard for children, pets, as well as residents.

In addition, all of Brotherton is in poor repair, unimproved, narrow and used by children and parents as access to Miller school to the west. A traffic signal proposed for Felicita Avenue and Brotherton Road would most likely not have any impact on reducing the traffic in the residential area.

#### Flawed Impact Studies:

While we appreciate the noise and light impact studies that were performed, they were performed against minimum standards, with no consideration as to the types of residences in the area. We suggest that while these minimum standards may be suitable for apartment complexes and lower income residences, that these minimums are not appropriate for a middle class single residence neighborhoods like ours.

#### Increased Noise:

We also believe the noise study to be flawed. Noise tests were apparently performed at the site, but not in our back yards. For whatever reason, and I am not a sound engineer, sounds coming from Centre City Parkway and that lot are amplified when they reach my backyard. It is already difficult for us to relax in our own home, especially on the weekends, with the traffic noise from Centre City Parkway. So, while the mitigation measures may meet noise level minimums at the site ground level, we suspect that the noise will only increase in my backyard.

And at the earlier meeting with the architect, it was stated that the noise levels, or decibel levels, were barely acceptable. This report was based solely on the amount of noise being generated by the car vacuum station. This did not take into account the additional noise that would be generated by any other source: by the vehicles themselves, car radios, car wash attendants' communication, or any other additional increase to the decibel levels. This is simply not acceptable to us, as our backyard directly contacts the proposed building site. This would definitely adversely affect the value and resale potential of my property.

We are also concerned about the planned hours of operation and the noise levels of both the restaurant and carwash. In the previous meeting with the architect, it was stated that planned hours of operation are to be 9 am to 10 pm. It is completely unacceptable to have to listen to decibel levels, barely acceptable at best, until 10:00pm. A multiplex of professional offices, medical offices, would be much more reasonable as their operations are more typically "9 to 5" establishments.

#### Increased Pollutants:

In addition to the noise pollution, we are also very disturbed by the high potential for air pollutants, directly from the oil change station and the restaurant, and also, indirectly from their wastes. As indicated on the architects' sketches, the trash dumpsters would be placed towards the back of the lot, and, therefore, be in the closest location possible to my property.

Our Conclusion:

We believe that these mitigation measures will not produce the desired or expected control of noise, light pollution, air quality and control of hazardous materials being used and stored on the property. Please consider that this is in my backyard! Would you want this in your backyard?

The 1996 South Escondido Boulevard Area Plan was voted on, in part, for the protection of the residents of Escondido. Please do not grant approval for an amendment that would go against this plan.

The south end of Center City Parkway should welcome visitors to our wonderful city, not invite them with a "welcome to our carwash" kind of statement.

THE PROJECT DOES NOT BELONG AT THIS SITE.

THE PROJECT SHOULD BE REJECTED!

Respectfully submitted,

Chris and Yoko Wickersham

435 Cara Street

Escondido, CA 92025

760-432-6484



## RESOLUTION NO. 2010-05(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN APPEAL OF A PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 5,500 SF AUTOMATED CARWASH AND OIL CHANGE FACILITY ON A 1.34 ACRE SITE LOCATED IN AREA "B" OF THE SOUTH ESCONDIDO BOULEVARD AREA PLAN

Applicant: McArdle Associates Architects  
Planning Case No.: 2004-66-CUP

WHEREAS, pursuant to Article 61 of the Escondido Zoning Code, the Planning Commission did, on January 26, 2010, consider, and by Resolution No. 5885, deny an application for a Conditional Use Permit for the construction of an automobile service commercial development consisting of an approximately 5,500 SF automated carwash and oil change facility as well as a 4,150 SF restaurant on a 1.34-acre site located in Area "B" of the South Escondido Boulevard Area Plan, on the northwestern corner of the intersection of Brotherton Road and Centre City Parkway, addressed as 400 Brotherton Road; and

WHEREAS, pursuant to Article 61 of the Escondido Zoning Code, the applicant filed a written appeal of the Planning Commission decision within the specified time period; and

WHEREAS, pursuant to the California Environmental Quality Regulations, a Revised Mitigated Negative Declaration, City Log No. ER 2004-33, was issued on December 10, 2009; and

WHEREAS, this City Council has reviewed the Revised Mitigated Negative Declaration, the staff report, a copy of which is on file in the Planning Department, the recommendations of the Planning Commission and the applicant's written appeal; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said appeal of a Planning Commission decision and approve the Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That on the basis of the above review and consideration this City Council makes the following findings of fact:
  - A. That the facilities to be constructed pursuant to the Conditional Use Permit are required by, and beneficial to, the community.
  - B. That issuance of this Conditional Use Permit will not result in a deterioration of bordering land uses or create special problems for the area in which it is located.
  - C. That issuance of this Conditional Use Permit will not adversely affect the community or neighborhood plan for the area in which it is located.

3. That in view of the above findings and applicable law, the City Council approves the applicant's appeal and approves the Conditional Use Permit (a copy is on file in the Planning Division) subject to the Conditions of Approval, attached as Exhibit "A" to this resolution and incorporated by this reference.

**CONDITIONS OF APPROVAL**  
**2004-02-AZ, 2004-66-CUP**

**Project Mitigation Measures**

1. Contribute a fair share amount of approximately 2.18% towards the cost of installing a traffic signal at the intersection of Felicita Avenue and Brotherton Road.
2. Contribute a fair share amount of approximately 2.16% towards the cost of improving the segment of Centre City Parkway, between Felicita Avenue and Brotherton Road to City of Escondido Major Road standards.
3. The restaurant kitchen equipment shall include an emission control system such as an electrostatic precipitation filtration system or other filtration system satisfactory to the Planning Division.
4. All parking lot light fixtures shall be installed on the lowest pole height feasible as determined by a lighting analysis. All light fixtures near the northern and western property lines shall be directed downward and provided with shields to minimize potential impacts related to light spillover and glare.
5. All exterior HVAC units for the restaurant building shall be installed within a screened area on the eastern side of the building to meet sound attenuation standards. The HVAC unit for the auto services building shall be installed within a screened area on the southern side of the building. HVAC equipment shall be as specified in the Noise Impact Analysis or a similar model with equal or less noise emissions.
6. The carwash dryer system shall not to exceed 82.5 dBA unmitigated noise level at 5 feet and shall be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier.
7. All carwash supporting equipment including pumps, compressors, and vacuum motor and canister system shall be installed within a dedicated equipment room equipped with passive rooftop ventilation.
8. In order to meet daytime noise limits as defined in the Escondido Noise Ordinance, the carwash must cease operating no later than 10:00 p.m. (this is further modified by Planning Division Condition No. 16 below).
9. The use of pneumatic tools shall be prohibited at the oil change facility.

**Planning Division Conditions**

1. 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, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. 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.
5. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

6. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. Prior to issuance of a building permit, the applicant shall submit a photometric plan for the parking lot lighting to ensure that light spillover has been minimized to the extent feasible through the use of reduced-height light poles, low wattage lamps and shielding.
7. A minimum of 50 striped parking spaces shall be provided in conjunction with this development. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards
8. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
9. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
10. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
11. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the Design Review Board on June 25, 2009, and the exhibits and details in the staff report to the satisfaction of the Planning Division.
12. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code). Only one freestanding sign shall be permitted for the development.
13. All new utilities shall be underground.
14. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
15. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of \$2,060.25 for a project with a Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the

project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

16. The hours of operation for the restaurant building shall be limited to 6:00 A.M. to 10:00 P.M. 7 days/week. The hours of operation for the Carwash/Oil Change facility shall be limited to daytime hours defined as opening no earlier than 8:00 A.M. and closing no later than sunset.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
18. This CUP shall become null and void unless utilized within twelve months of the effective date of approval.
19. The carwash/oil change facility may not receive a building permit prior to issuance of a building permit for the restaurant building. Occupancy of the carwash/oil change facility shall not be granted prior to occupancy of the restaurant building unless a determination is made by the Planning and Building Divisions that a final inspection for the restaurant building is imminent.
20. Employees of the carwash shall be prohibited from honking car horns to signal the owners that the car is ready.
21. No exterior loudspeakers for music, paging or announcements shall be permitted on the site.
22. The car wash design and building plans shall incorporate water conservation features including a water recycling system satisfactory to the Planning and Utilities Divisions.
23. All outdoor dining or smoking areas for the restaurant shall be limited to the eastern side of the building.

#### **Landscaping Conditions**

1. Prior to issuance of a building permit, the conceptual landscape plan shall be reviewed by the Design Review Board.
2. Prior to occupancy, all perimeter, slope and parking lot landscaping shall be installed. Additionally, all landscaping proposed in conjunction with each building to be developed shall be installed. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
3. In compliance with Article 62 (Landscape Standards), Section 1339 of the Escondido Zoning Code, all manufactured slopes over three feet high shall be irrigated and planted with landscape materials. The type of plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Division. In particular, the ground cover shall be a fast-growing species which establishes quickly and is capable of choking out weeds. All slopes over three vertical feet shall be irrigated as part of the irrigation system approved by the Planning Division.
4. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. 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. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
5. 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.

6. All manufactured slopes or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
7. Street trees shall be provided along every frontage within, or adjacent to this subdivision in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
8. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans.

**Building Division Conditions**

1. Appropriate accessible paths of travel shall be required from the public way.
2. Plans shall comply with the 2007 California Code

**Fire Department Conditions**

Fire Protection Systems

1. ☒ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D **automatic fire sprinkler system** will be required.
2. **Automatic fire sprinkler system** will be required in the entire structure for the following reasons:
  - ☐ The project is more than three minutes driving time and five miles from the nearest fire station.
  - ☒ The structures are more than 3,600 square feet and exceed 1,500 GPM needed fire flow.
  - ☐ High fire severity area.
  - ☐ Other: \_\_\_\_\_
3. Sprinklers will be required on all overhangs exceeding four feet.
4. An approved fire alarm system shall be required if the number of sprinkler heads exceed 100.
5. A fire hydrant is required to be located within 50 feet of the fire department connection, unless otherwise specified. Please show location on plans.
6. Fire hydrants capable of delivering ☐ 1,500 GPM ☒ 2,500 GPM at 20 PSI residual pressure shall be required every 300 feet.
7. Fire suppression system required for hood system.
8. Extinguisher(s) shall be provided at locations indicated with a minimum rating of 2A-10B:C in a visible and accessible location, at an exit or in the exit path. Walking distance is not to exceed 75 feet (CFC 1002.1; T-19 Art. 5). Extinguishers must be mounted not more than 5 feet nor less than 3 ½ feet above the floor.

Access

9. Commercial access roads/drive aisles shall be a minimum of 24-feet wide.

10. Speed humps/bumps will not be allowed.
11. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site.
12. Knox box shall be required.
13. A 28' inside turning radius is required on all corners.
14. Barricades shall not obstruct fire hydrants or impede emergency vehicle access.
15. 13'6" vertical clearance must be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access width must be trimmed or removed.
16. Red curbs with 4" white lettering, "NO PARKING FIRE LANE" signs are required in 24'-wide access areas.

#### **Engineering Division Conditions**

##### **GENERAL**

1. 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 plans and the issuance of Building Permits.
2. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
3. An engineered improvement plan prepared by a Registered Civil Engineer is required for all public improvements. The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

##### **STREET IMPROVEMENTS AND TRAFFIC**

1. The developer shall construct a 15 foot wide south bound deceleration lane along project frontage on Centre City Parkway (250 feet long with 120 foot long transition) to the satisfaction of the City Engineer. Roadway improvements shall include construction of roadway widening, curb and gutter, drainage improvements and two street lights along deceleration lane. The developer shall also be responsible to prepare a striping & signage plan to allow for a fourteen foot wide deceleration lane and widen the existing bike lane from four to five feet.
2. The developer shall be responsible to landscape and irrigate the parkway areas along project frontage on Centre City Parkway and Brotherton Road to the satisfaction of the Planning Director.
3. The developer shall re-establish the striping at the intersections of Centre City Parkway /Brotherton Road and Brotherton Road/Frontage Road. This work shall be shown and approved as part of the striping & signage plan.
4. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. 3, with a minimum throat width of minimum 24 feet.
5. The developer shall install a street light at the intersection Brotherton Road and new easterly driveway that shall be aligned with frontage road.



6. The developer shall be responsible for replacement of the existing drainage pipe across Brotherton Road, if it were found to be damaged at the time of final plans review, as determined by the City Engineer.
7. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
8. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
9. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Developer's contractor shall do any removal of existing striping and all new signing and striping.
10. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
11. The developer shall provide the City with cash contribution in the amount of \$50,000 towards future improvement of Centre City Parkway between Felicita Avenue and Brotherton Road, prior to issuance of Building Permit.
12. The developer shall provide the City with cash contribution in the amount of \$7,500 towards future improvement of the intersection of Brotherton Road and Felicita Avenue, prior to issuance of building permit.

#### **GRADING**

1. Site grading and erosion control plans prepared by a Registered Civil Engineer are required for all onsite improvements and shall be submitted to the Engineering Department. Grading Plans are subject to approval by the Planning, Fire and Engineering Departments prior to issuance of a Grading Permit.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC. (This requirement may be reduced to 2" AC over 4" AB or 5 1/2" P.C.C. over native for single family residential only)
3. All proposed retaining 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 retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
4. Erosion control, including riprap, interim sloping planting, gravel bags, 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 development of the project.
5. A General Construction Activity Storm Water Permit is required from the State Water Resources 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. Two copies of the Storm Water Pollution Prevention Plan shall be submitted to the City.

#### **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. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted together with the final improvement and grading plans. Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements.
3. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of grass bio-swales or rock/gravel swales within or along the perimeter of the parking and driveway areas as the primary method of storm water treatment. The landscape plans will need to reflect these areas of storm water treatment.
4. The on-site trash enclosure area shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
5. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the property owner.

#### **WATER SUPPLY**

1. Fire hydrants together with an eight (8") inch supply line from Brotherton Road shall be installed at locations approved by the Fire Marshal, designed and constructed to the satisfaction of the Utilities Director.
2. Separate water meters shall be installed for each building.
3. A Public Utility Easement shall be granted to the City of Escondido for all public water mains within the project site. The easement shall include all fire hydrants, water meters and other appurtenances. The minimum easement width shall be 20 feet.

#### **RECYCLED WATER**

1. The developer is required to construct an irrigation system, for the frontage on Centre City Parkway and Brotherton Road that can use either potable or recycled water. This system should be built to the satisfaction of the Planning and Utilities Directors.

#### **SEWER**

1. An access driveway shall be provided from Centre City Pkwy. to the existing sewer manhole in the northeast corner of the proposed project to the satisfaction of the Director of Utilities.
2. Separate 6" sewer laterals shall be installed from the public main to each building.
3. No trees or deep rooted plants shall be planted within 15' of sewer lines.

#### **EASEMENTS AND DEDICATIONS**

1. Necessary public utility easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.

2. Vehicular access rights to Center City Parkway shall be waived and relinquished to the City of Escondido.

*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 documents.*

#### **REPAYMENTS AND FEES**

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.
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.

#### **SURVEYING AND MONUMENTATION**

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded.
2. A current preliminary title report shall be submitted with the grading plans.

#### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground in accordance with City's Utilities Undergrounding Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

## ORDINANCE NO. 2010-02(R)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN APPEAL OF A PLANNING COMMISSION DECISION TO DENY AN AMENDMENT TO SECTION 8 (CONDITIONAL USE PERMITS) OF THE SOUTH ESCONDIDO BOULEVARD AREA PLAN TO ADD AUTOMATED CARWASHES (SLUC 6416) AS A CONDITIONAL USE IN AREA "B"

Planning Case No.: 2004-02-AZ

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That the City Council has reviewed and considered the Revised Mitigated Negative Declaration, City Log No. ER 2004-33, prepared for this project, and has determined that all environmental issues associated with the project have been addressed and no significant environmental impacts will result from approving this project.

SECTION 3. That upon consideration of the staff report, Planning Commission recommendation, written appeal filed by the applicant and all public testimony presented at the hearing held on this amendment, this City Council finds that this amendment is consistent with the General Plan and appropriate for Area "B" of the South Escondido Boulevard Area Plan.

SECTION 4. That Section 8 (Conditional Use Permits) of the South Escondido Boulevard Area Plan is hereby amended to add automated carwashes (SLUC 6416) as a conditionally permitted use in Area "B" of the South Escondido Boulevard Area Plan.

SECTION 5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.