



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall - Parkview Room
January 26, 2023
3:00 p.m.

A. Call to Order: _____

Zoning Administrator: Adam Finestone, City Planner

Staff Present: _____

Public Present: _____

B. Agenda item:

1. **CONDITIONAL USE PERMIT – CASE NO. PL 22-0543:**

A request for a Minor Conditional Use Permit to allow outdoor live entertainment events adjacent to an existing restaurant within a commercial shopping center in the General Commercial zone. Events would take place during weekend, non-peak hours in the lot next to the existing restaurant on an ongoing basis without the need for a Temporary Use Permit for each event.

Location: 1760 E. Valley Parkway (APN: 231-320-37-00)

Applicant: Genaro Rodriguez for Elote Restaurant

Planner: Melissa DiMarzo, Assistant Planner I

Environmental Status: The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15301 (Existing Facilities).

DECISION OF THE ZONING ADMINISTRATOR:

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

C. Adjournment: _____

I certify that these actions were taken at the Zoning Administrator meeting on January 26, 2023.

Zoning Administrator

Witness

ZONING ADMINISTRATOR

- CASE NUMBER:** PL22-0543
- APPLICANT:** Genaro Rodriguez for Elote Restaurant
- PROJECT LOCATION:** On the north side of East Valley Parkway, between North Rose Street and North Midway Drive, addressed as 1760 E. Valley Parkway (APN: 231-320-37-00)
- REQUEST:** A Minor Conditional Use Permit to allow outdoor live entertainment events adjacent to an existing restaurant within a commercial shopping center in the General Commercial Zone. Events would take place during weekend, non-peak hours in the lot next to the existing restaurant on an ongoing basis without the need for a Temporary Use Permit for each event.
- STAFF RECOMMENDATION:** Approval
- GENERAL PLAN DESIGNATION:** GC (General Commercial)
- ZONING:** C-G (General Commercial – East Valley Parkway Area Plan)

BACKGROUND/PROJECT DESCRIPTION:

Elote is a restaurant established in Escondido in 2021 that serves Mexican-style food and beverages. The restaurant is proposing to host Lucha Libre entertainment and various vendor events on a recurring basis as an accessory use to their existing business.

Elote currently operates within a freestanding, 2,520 square foot building on an approximately 0.62-acre parcel. The site is located on a separate parcel adjacent to a larger commercial shopping center (Valley Plaza Shopping Center) in the General Commercial zone, which permits a wide variety of commercial uses, including restaurants.

The request to conduct outdoor live entertainment events and vendor events in the adjacent parking lot on a recurring basis is subject to current land use regulations for the CG zone, pursuant to articles 16 and 61 of the Escondido Zoning Code, subject to issuance of a Minor Conditional

Use Permit (CUP). The applicant proposes no physical changes to the existing building and no expansion of the building or tenant space is proposed. The request only includes the use of temporary structures and equipment to support the events.

The use of the rear area of the site would not affect on-site circulation and adequate parking would be provided to support the various events. Although the subject site provides up to 25 on-site parking spaces, in order to support the larger events, the applicant has obtained approval from property owners on adjacent parcels, for joint use of their underutilized parking spaces.

ENVIRONMENTAL STATUS:

California Environmental Quality Act (“CEQA”) Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities), as described further in the Findings of Fact, attached as Exhibit “B” to Zoning Administrator Resolution No. 2023-01 (Attachment 2 to this staff report).

REASONS FOR RECOMMENDATION:

Staff recommends approval of the Minor CUP to allow Lucha Libre events once a month from 6PM to 9PM on Saturday or Sunday, and outdoor vendor events on Friday evenings from 6PM to 9PM weekly. Staff does not believe that there will be adverse impacts to neighboring properties subject to the project conditions of approval (attached as D). The project also is subject to the City Noise Ordinance to address any potential noise related issues.

Respectfully submitted,

Melissa DiMarzo

Melissa DiMarzo
Assistant Planner I

ATTACHMENTS:

1. Project Location Map and Plans
2. Draft Zoning Administrator Resolution No. 2023-01, Including Exhibits A, B, C, and D
3. CEQA Notice of Exemption

ATTACHMENT 1



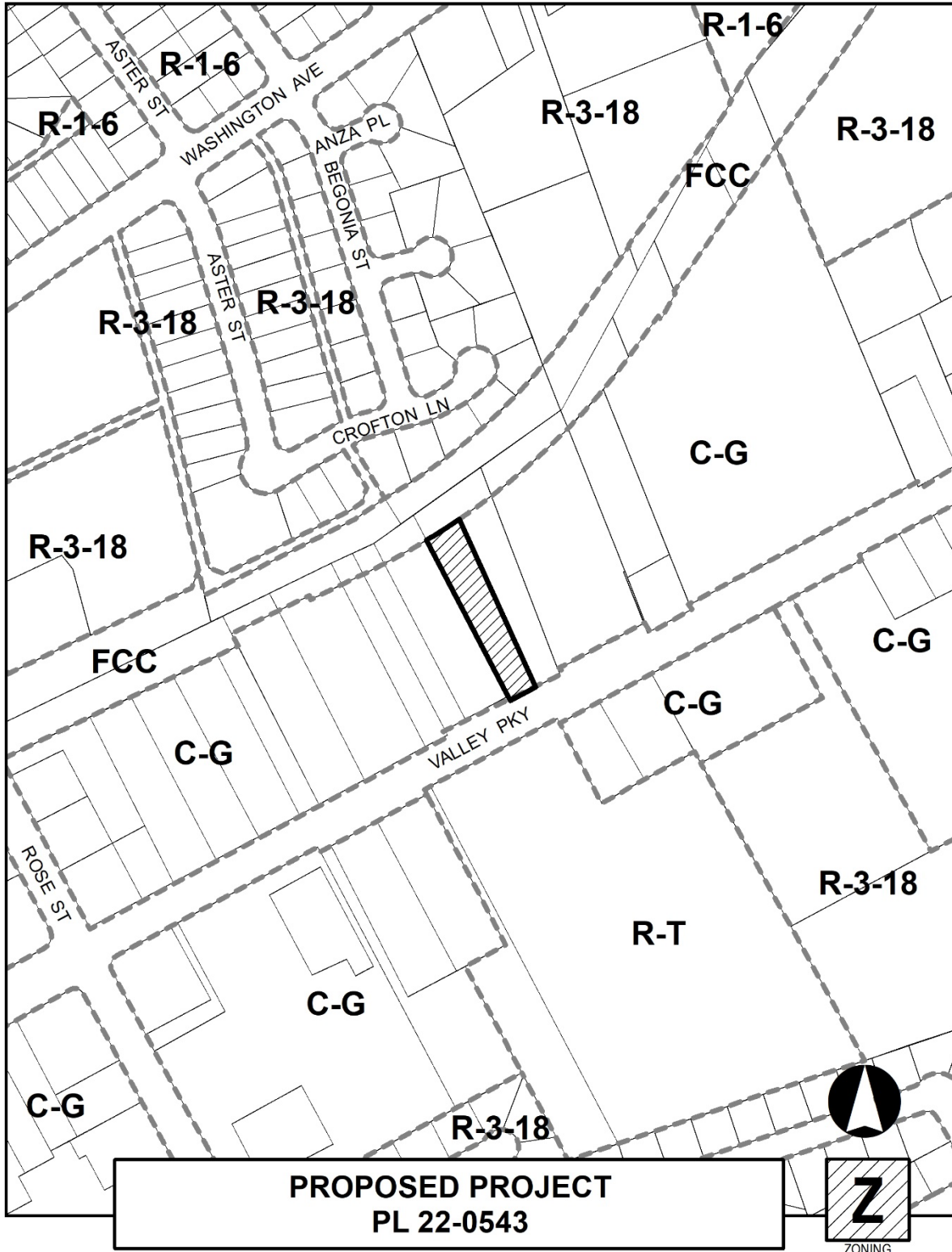
**PROPOSED PROJECT
PL 22-0543**

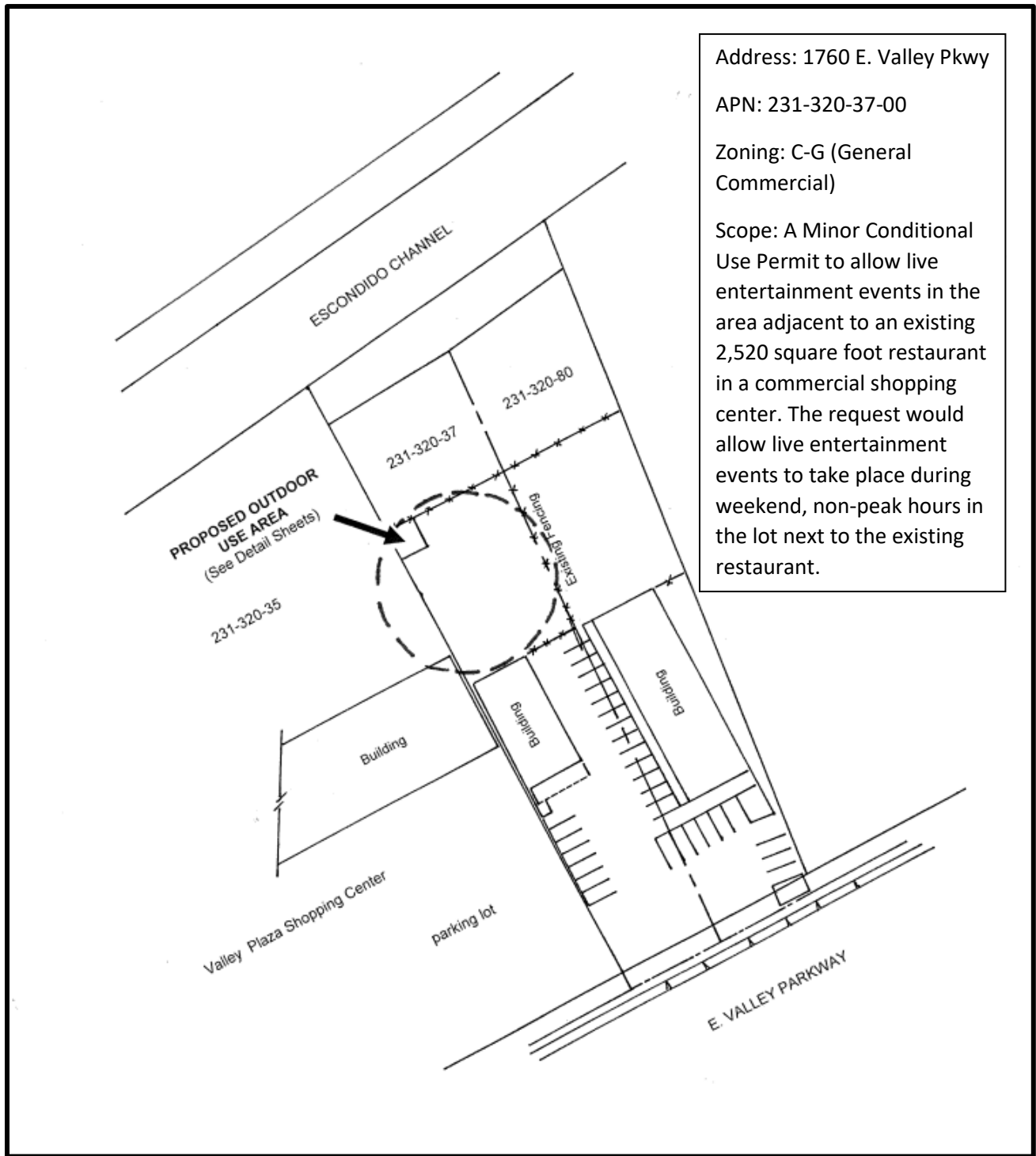


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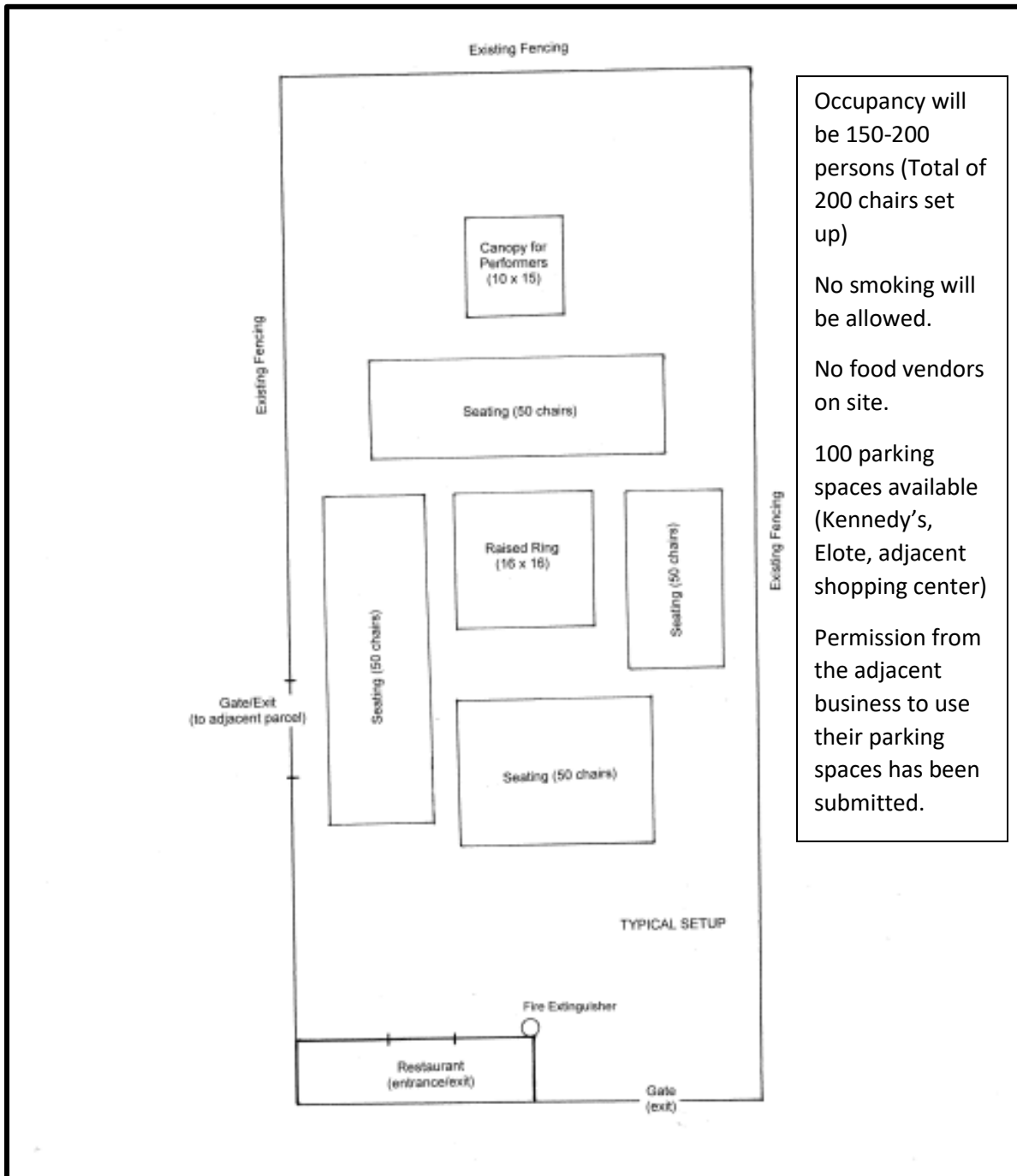
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SITE PLAN PL22-0543



Occupancy will be 150-200 persons (Total of 200 chairs set up)

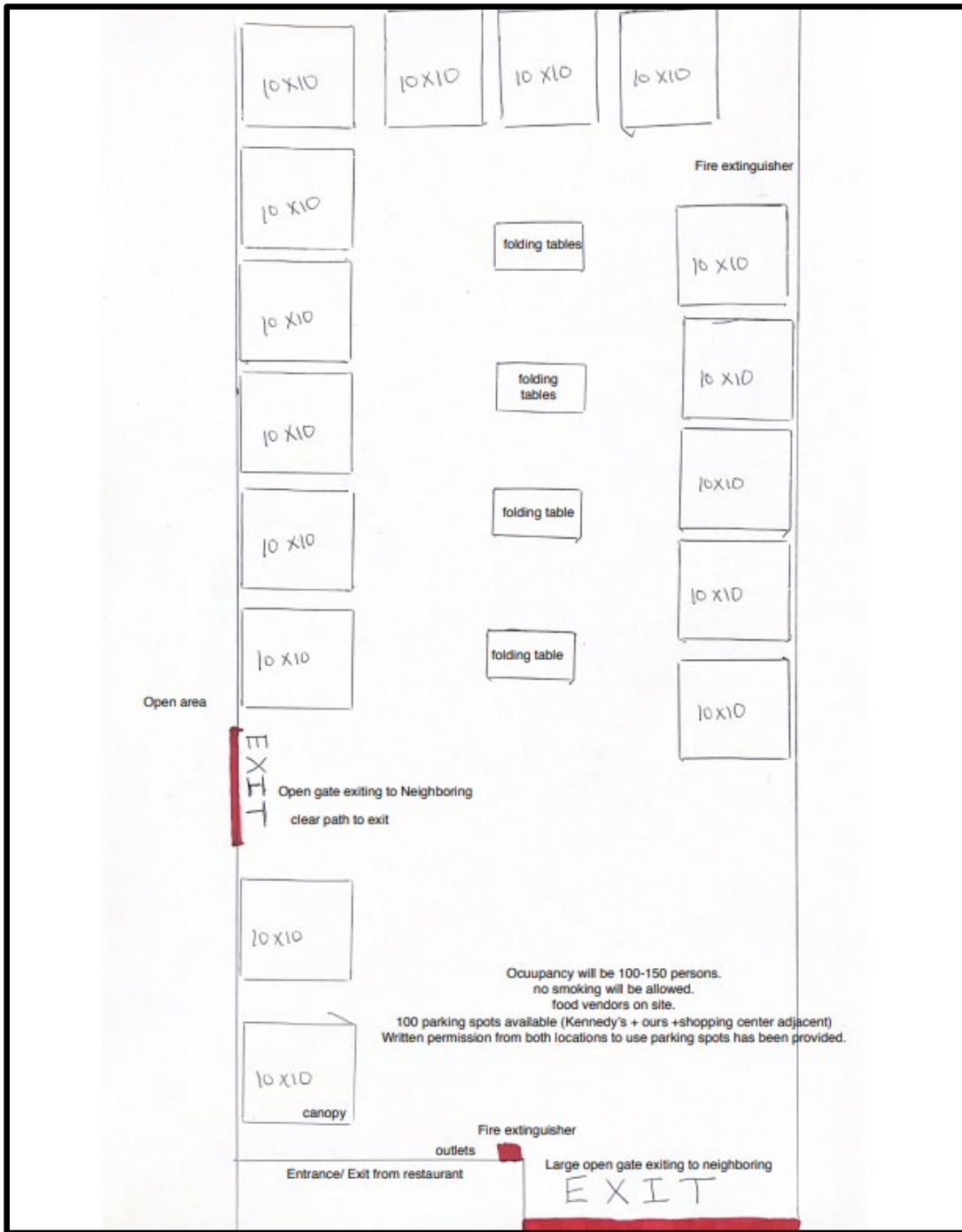
No smoking will be allowed.

No food vendors on site.

100 parking spaces available (Kennedy's, Elote, adjacent shopping center)

Permission from the adjacent business to use their parking spaces has been submitted.

TYPICAL WRESTLING EVENT LAYOUT
PL22-0543



TYPICAL VENDOR LAYOUT PL22-0543

Zoning Administrator
January 26, 2023
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ATTACHMENT 2
PL22-0543

Zoning Administrator

Hearing Date: January 26, 2023

Effective Date: February 6, 2023

RESOLUTION NO. 2023-01

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MINOR CONDITIONAL USE PERMIT
TO ALLOW LIMITED OUTDOOR LIVE
ENTERTAINMENT AT AN EXISTING 2,520 SQUARE
FOOT RESTAURANT LOCATED AT 1760 E. VALLEY
PARKWAY

APPLICANT: Elote Restaurant (Genaro Rodriguez)

CASE NO: PL22-0543

WHEREAS, the Zoning Administrator of the City of Escondido did, on January 26, 2023 hold a public hearing to consider a request for a Minor Conditional Use Permit to allow for limited live entertainment within an outdoor area at an existing 2,520 square foot restaurant located on an approximately 0.62-acre commercial parcel in the East Valley Parkway Area Plan General Commercial District. The request would allow Lucha Libre entertainment events in the parking lot located to the rear of the existing restaurant once per month between the hours of 6 PM and 9 PM on weekends, and vendor events from 6 PM to 9 PM on Fridays.

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

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written information, and the staff report dated January 26, 2023, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines section 15301; and

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

WHEREAS, Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

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

1. That the above recitations are true and correct.
2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities). The Zoning

Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects which are cannot be mitigated.

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

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 12 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

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

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

Zoning Administrator
January 26, 2023
PL22-0543

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the
City of Escondido, California, at a regular meeting held on the 26th day of January, 2023.

ADAM FINESTONE
Zoning Administrator

ANNIE WARD
Witness

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

Zoning Administrator
January 26, 2023
PL22-0543

EXHIBIT "A"

PLANNING CASE NO. PL22-0543

LEGAL DESCRIPTION

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

PARCEL 1 OF [PARCEL MAP NO. 1214](#), IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 10, 1973 AS [FILE/PAGE NO. 73-8044 OF OFFICIAL RECORDS](#).

EXHIBIT “B”
PLANNING CASE NO. PL22-0543
FINDINGS OF FACT

Environmental Determination:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15301 (Existing Facilities). The proposed Project meets all applicable conditions, as further described below:
 - a. The project is consistent with the applicable General Commercial General Plan land use designation and the East Valley Parkway Area Plan. No variances are required.
 - b. The project involves only minor changes to the operational characteristics of an existing use.
 - c. The subject parcel is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the January 26, 2023, Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

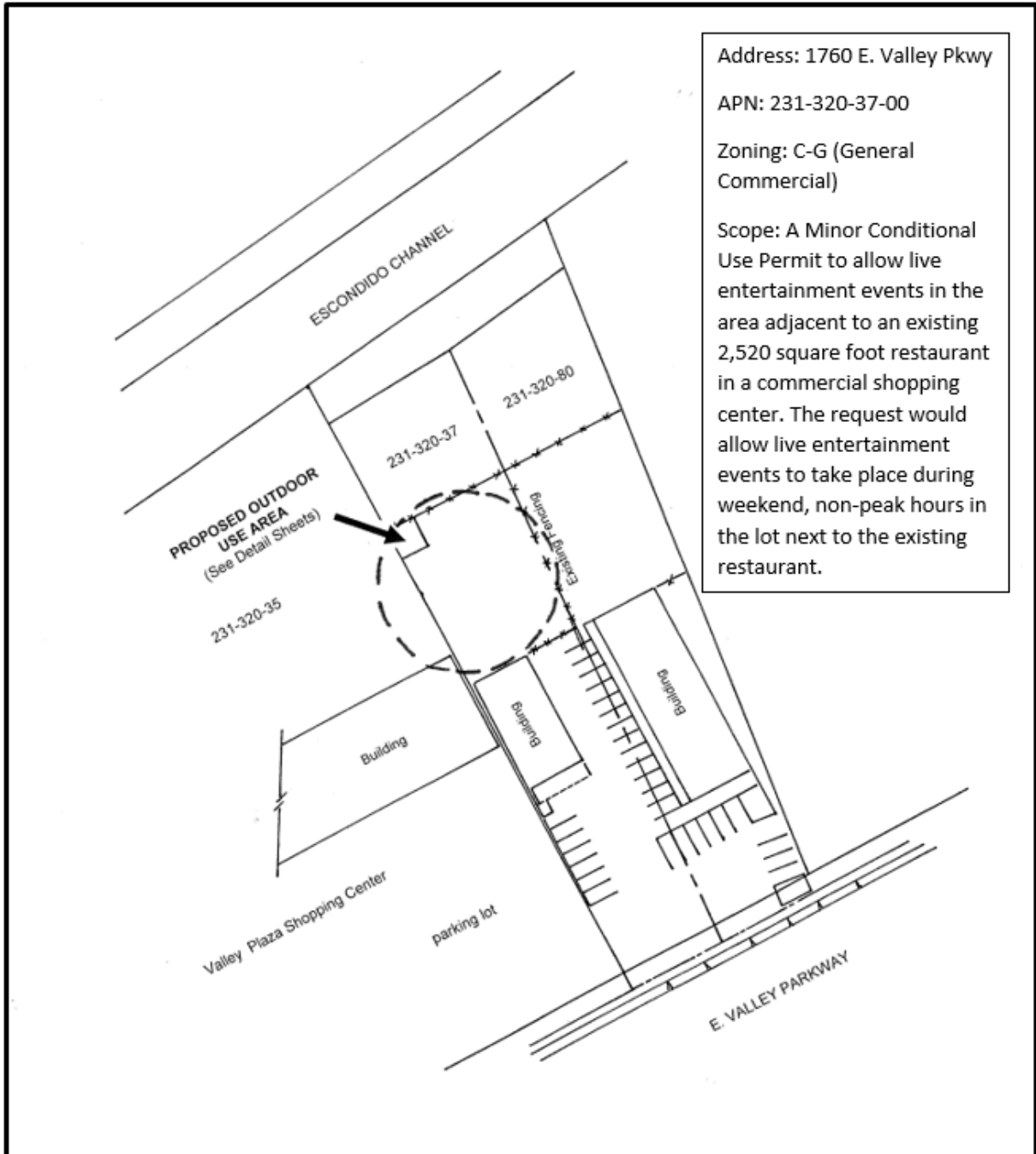
Conditional Use Permit:

1. A Conditional Use Permit should be granted upon sound principles of land use and in response to services required by the community. Granting the Conditional Use Permit would provide a service desirable for the community in allowing for entertainment and vendor events to be held adjacent to an existing restaurant.

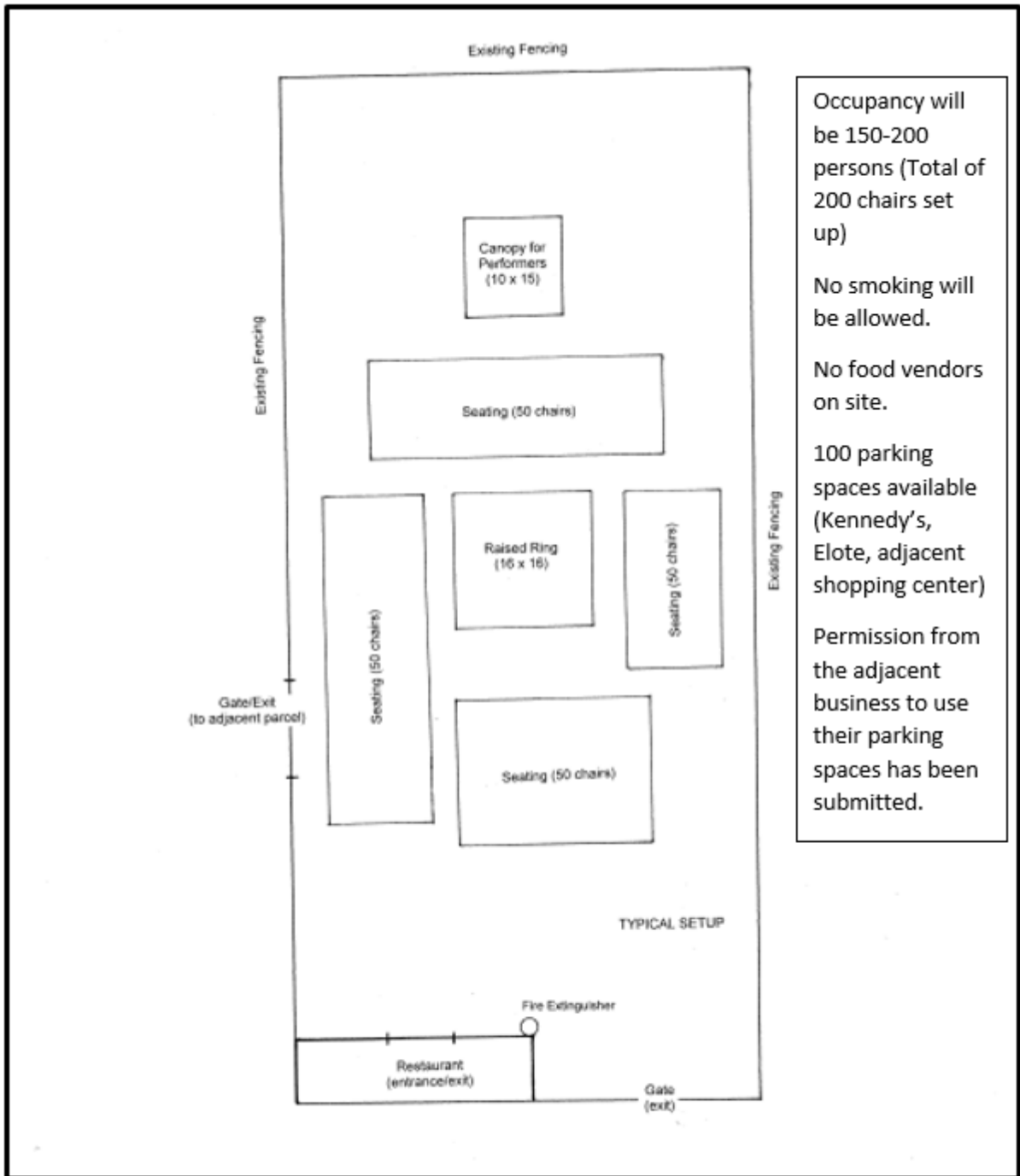
2. A Conditional Use Permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located. Granting the Conditional Use Permit would not cause a deterioration of bordering land uses or create special problems for the area. The restaurant is an existing use that is located in an existing commercial center that has been developed with a variety of commercial uses, and no building expansions are proposed; and the conditions relating to alcohol sales applied through the ABC license adequately address any potential alcohol-related problems. The business is located within an established commercial area where on-site parking and circulation will not change. All potential noise issues would be subject to the requirements of the Noise Ordinance and project conditions of approval.

3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located. The proposed Conditional Use Permit has been determined to be compatible with the surrounding properties and General Plan policies. The East Valley Parkway Area Plan supports accessory uses for restaurants through the Conditional Use Permit process. The proposed project would not diminish the quality of life standards of the General Plan because the project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided on site.

EXHIBIT "C"
PLANNING CASE NO. PL22-0543
PROJECT PLANS



SITE PLAN PL22-0543



**TYPICAL WRESTLING EVENT LAYOUT
PL22-0543**

EXHIBIT “D”
PLANNING CASE NO. PL22-0543
CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on November 1, 2022, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations, received on November 22, 2022; all designated as approved on **January 26, 2023**, and shall not be altered without express authorization by the Development Services Department.

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

A. General:

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

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

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

incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval.

A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

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

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

6. Certificate of Occupancy.

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

7. Availability of Permit Conditions.

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

approval and shall be of a form and content satisfactory to the Director of Development Services.

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

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

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

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

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

12. Clerk Recording.

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

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

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

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

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

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

16. Indemnification, Hold Harmless, Duty to Defend.

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

(including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

- 1. Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of

Development Services, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

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

2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.
3. **Business License.** At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.

7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

C. Parking and Loading/Unloading.

1. The required minimum number of parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.

D. Specific Planning Division Conditions:

1. Minor modifications to the conditions and operational details may be approved by the Director or Development Services and/or Police Chief without requiring a modification to the use permit, as determined by the Director of Development Services.
2. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Development Services or Police Chief for reconsideration and possible revocation or modification should the use be operated in conflict with these Conditions of Approval.
3. The Lucha Libre event hours shall be limited to one time per month, from 6-9 p.m. on a Saturday or Sunday.

Any request to modify said hours of events shall be made in writing to the Director of Development Services, who may approve or disapprove said request subsequent to consultation with the Police Department.

4. Authorization for adjacent property owner(s) for use of parking spaces on said adjacent properties shall be maintained at all times. Should the neighboring property owner(s) withdraw consent for use of parking spaces, authorization for use of parking spaces on alternate neighboring property/properties shall be obtained. Events authorized by this permit shall be suspended until written consent of neighboring property owner(s) for use of parking spaces is obtained and provided to the City.
5. All conditions related to the current Alcohol Beverage License shall be observed, including alcohol service and consumption limitation to indoor areas of the restaurant only. Alcohol shall not be permitted outside.
6. No signage is approved as a part of this permit. All proposed signage associated with the project shall comply with Article 66 of the Escondido Zoning Code.
7. A valid City of Escondido Business License shall be maintained at all times for the restaurant as well as for the event promoter.
8. All required permits shall be obtained from the Fire and Building Divisions prior to proposed events.
9. Live music is not permitted as part of this approval.
10. All speakers shall be directed away from the flood control channel.
11. Noise curtains shall be installed between the event area and the flood control channel.
12. Temporary use permits shall not be required for events authorized by this permit. This permit does not prohibit the applicant from requesting temporary use permits for other events, subject to Article 73 of the Escondido Zoning Code.

13. The applicant shall provide notice to the Police Department at least 14 days prior to each event. Notice shall be provided by contacting the COPPS Unit Business Liaison Officer at (760)839-4947.
14. Vendor events shall be permitted on Fridays from 6-9 p.m. No amplified sound is permitted during vendor events.

E. Police Department Conditions:

1. If a disproportionate response is required by from the Police Department as a result of the events permitted by this conditional use permit, the minor CUP shall be suspended until it is reconsidered by the Planning Commission at a noticed public hearing.
2. A minimum of 6 private, uniformed security guards shall be required on-site as requested by the Police Department for the duration of each event. Said security guards shall be dedicated exclusively for the purposes of providing security services and shall not serve in any other capacity during the events. 2 security guards shall be posted at the event entrance(s) to ensure alcohol is not brought into the event, and 4 guards shall circulate throughout the event site for the duration of the event.

F. Fire Department Conditions:

1. Event requires a Special Event Fire permit; Contact Fire department at least 15 days prior to each event. Must include a site plan for emergency response.
2. All exiting and seating must be reviewed and approved by Fire Department prior to the event.
3. Provide fire extinguishers every 75ft of travel with a min. rating of 2A 10B:C.
4. Emergency access shall be maintained at all times.

ATTACHMENT 3



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

Notice of Exemption

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

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

Project Title/Case No: Elote Restaurant / PL22-0543

Project Location - Specific: In a commercial center on the north side of East Valley Parkway, between North Rose Street and North Midway Drive, addressed as 1760 E. Valley Parkway (APN: 231-320-37-00)

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

Description of Project: A Minor Conditional Use Permit to allow live entertainment events in the area adjacent to an existing 2,520 square foot restaurant in a commercial shopping center in the General Commercial district of the East Valley Parkway Area Plan. The request would allow live entertainment events to take place during weekend, non-peak hours in the lot next to the existing restaurant.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Genaro Rodriguez for Elote Restaurant

Address: 1760 E. Valley Parkway, Escondido, CA 92025

Telephone: 760-703-0816

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

Exempt Status:

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

Reasons why project is exempt:

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

1. The project is consistent with the applicable East Valley Parkway Area Plan General Commercial land use designation. No variances are required.
2. The project involves only minor changes to the operational characteristics of an existing use.
3. The subject parcel is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive.

Lead Agency Contact Person: Melissa DiMarzo

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

Signature: _____
Melissa DiMarzo, Assistant Planner I

_____ Date

Signed by Lead Agency

Date received for filing at OPR: _____

Signed by Applicant