



PLANNING COMMISSION

Agenda Item No.: 2
Date: March 28, 2023

PROJECT NUMBER / NAME: PL22-0512 – West Coast Arborists

REQUEST: The Project includes a modification to the Montiel Road Master Development Plan to allow construction services and outdoor storage, including fleet and construction equipment storage as a conditionally permitted use. The request also includes a Precise Development Plan for the remodel of the exterior and interior of the existing 1,288 square foot building and proposed 2,370 square foot building additions, site improvements and landscaping. A Conditional Use Permit also is requested to allow the proposed use in conformance with the requested modification to the land-use matrix.

LOCATION: The 1.3-acre project site is located on the south side of Montiel Road, north of State Route 78, and west of Interstate 15, address at 1359 Montiel Road

APPLICANT: West Coast Arborists

PRIMARY REPRESENTATIVE: West Coast Arborists (Pat Mahoney).

APN / APNS: 228-290-54-00

GENERAL PLAN / ZONING: Planned Commercial (PC) / Planned Development-Commercial (PD-C) - Montiel Road Planning Area

DISCRETIONARY ACTIONS REQUESTED: Master Development Plan Modification, Precise Development Plan and Conditional Use Permit

PREVIOUS ACTIONS: The Montiel Road Planned Development was approved in 1986 and the subject parcels subsequently designed Planned Commercial with the adoption of the 1990 General Plan.

PROJECT PLANNER: Jay Paul, Senior Planner

CEQA RECOMMENDATION: Categorical Exemption

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2023-06

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS:

- Andrew Firestine, Director of Development Services
- Adam Finestone, City Planner

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BACKGROUND:

The approximately 1.3-acre project site was developed as a residential property in the early 1960s and is currently developed with a former residential structure, office, garage and shop building(s). The site also has been used for commercial office/storage type uses. The property is located within the 15-acre Montiel Road Planning Area that was originally designated Planned Commercial (PC) in the mid-1980s that allowed commercial and office uses. The Planned Development has been amended over the years to revise the list of permitted and conditionally permitted uses to include various limited industrial uses, self-storage facilities, motorcycle sales and service, and religious facilities. Three of the parcels have been developed with industrial/commercial/office type uses that include North Coast Church, Escondido Cycle Center and Cube Smart Self-Storage.

SUMMARY OF REQUEST:

West Coast Arborists (“Applicant”) submitted an application to utilize the Project site to establish a satellite office and training facility to serve as their North County operation. West Coast Arborists was established in 1972 and provides professional tree maintenance and management services to municipalities and public agencies throughout California and Arizona. The company has ten locations throughout both states. The proposed site and existing building would be modified to support office uses, a training facility and warehouse, and to serve as a staging area for company trucks, trailers and chippers. The existing building would be modified with a new contemporary design to support the office operations, and a new 1,325 square foot training building and 1,045 square foot warehouse. Full-width street improvements across the Montiel Road frontage would be installed, to include curb, gutter, sidewalk and landscaping. Three accessory structures would be demolished. The Montiel Road Planning land-use matrix does not list contractor office/services and fleet storage as a permitted use. Therefore, a modification to the list of permitted and conditional permitted uses is necessary. Contractor services/office and fleet and outdoor equipment storage is proposed to be a conditionally allowed use in order to establish appropriate design, screening and operational conditions to address any potential visual and compatibility impacts with adjacent uses. Project plans are included as Exhibit “B” to draft Planning Commission Resolution No. 2023-06, which itself is included with this report as Attachment 3.

A. SUPPLEMENTAL DETAILS OF REQUEST:

1. Property Size	1.3 acres		
		<u>Planned Development Requirements:</u>	<u>Provided:</u>
2. Setbacks			
Front	20’ Montiel Road		30’ to existing building
Side	15’ to structure, 5’ to parking		40’ minimum to closest structure
Rear (HWY 78)	25’		90’ to building
3. Building Height	35’		Approximately 21’

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4. Architecture/Colors Contemporary redesign with white and light tan stucco exterior, varied roof lines and wall planes, and brown wood trellis accents.
5. Landscape Front: Ranges from 24' along building frontage and 8' to 15' along remaining Montiel Road frontage (includes parkway landscaping).
Combination of screening shrubs along decorative 6' tall security fencing, street trees and groundcover.
Side: Min. 5' adjacent to commercial/industrial office building on the west.
Rear: HWY 78 – New 5' landscape planter along the Highway 78 frontage to include trees and shrubs to provide screening from adjacent highway views.
6. Fencing Decorative tube metal with green mesh screening along Montiel Road frontage (6 feet in height). 6-foot-high chain-link fencing along Highway 78 frontage with tan mesh screening. Driveway entrances to be gated.
7. Outdoor Storage Limited to fleet vehicles and support equipment, and landscape stock
8. Hours of Operation Typical hours
Monday through Saturday (6:30 AM to 6:30 PM). These hours may vary as calls for service may change over time.
9. Number of Employees/Trucks 15 to 20 trucks (typical trucks, trailers and chippers)
3-4 office employees
20 – 30 field employees

B. PROJECT ANALYSIS:

1. General Plan Conformance:

The City's General Plan land-use designation for the project site is Planned Commercial (PC, Montiel Road #11). The Guiding Principles for this planning area include limited light industrial and commercial uses. Development is implemented through the Montiel Road Planning Area Development Plan. The Montiel Road Planning Area development plan allows for a variety of commercial, light industrial, warehouse, service, schools, trades, repair and warehouse type uses. The proposed use of the site for construction type services with fleet storage would be similar to the variety of uses currently permitted/conditionally permitted. Therefore, the proposed Project, with the requested land-use amendment, would be consistent with the General Plan Guiding Principles for the planning area and the Montiel Road Planning Area planned development.

2. Site and Architectural Design:

The Project consists of the modification of the existing 1,288 square foot single-story structure to support office uses along with the construction of a 1,325 square foot addition to provide

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employee training space and a 1,045 square foot warehouse. The architecture would be updated to provide a more contemporary style similar to other commercial/industrial buildings along Montiel Road. The building would focus the main office entry towards Montiel Road with an enhanced entry/trellis type feature. A similar type feature would be added to the warehouse roll-up doors, which are recessed into the site to provide the main visual focus on the office portion of the building. The building includes a stepped-back architectural design with the taller portion of the building (up to 21 feet in height) located behind the office structure, and includes varied rooflines. The wall planes incorporate vertical score lines and varied colors to help break up the mass and scale of the walls.

The eastern section and rear of the property are located at a lower elevation than Montiel Road, as well as the adjacent Interstate 15 northbound transition lanes to the east and Highway 78 on the south. The existing landscaped berms/topography along the highways screen most views into the site and the areas that would be used primarily for truck and equipment parking. The project will install a row of trees and shrubs along the highway frontages to further screen views into the site. An existing six-foot high chain link fence is located along the freeway frontage and includes a tan mesh screening material. The Montiel Road frontage would be landscaped to accent the building architecture and help soften views along the roadway and from residential properties north of the project site. The existing building also will screen views to the lower section of the site for any storage behind the building. In order to provide appropriate screening of the fleet parking and equipment area located within the eastern portion of the site, a six-foot high decorative metal fence would be installed along the street frontage and include a layered planting of taller screening shrubs and trees. The fencing also will provide a security barrier and the two access driveways fronting Montiel Road would be gated. The gates would be recessed into the property approximately 40 feet to reduce the visual impact of security type fencing along the roadway.

3. Conditional Use Permit

The Montiel Road Planning land-use matrix does not list contractor office/services and fleet storage as a permitted use. In order to establish appropriate conditions for the development and operation of a contractor type operation that includes fleet and outdoor equipment storage, the discretionary Conditional Use Permit process is recommended. The CUP process also allows for public input on any development requests. The Conditions of Approval for the project include requirements for screening of the outdoor storage areas, design of the fencing and gates, and limits outdoor storage to the fleet vehicles, support equipment and potted or boxed plant materials for future planting. Any construction materials (such as fertilizer, pots, soils, etc.) must be stored within a completely enclosure building. Due to the proximity of residential development and views from the freeway, no outdoor storage or processing of green waste materials is allowed to include mulching, shredding or chipping of green waste.

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C. ENVIRONMENTAL STATUS:

The Project qualifies for an exemption under CEQA Guidelines section 15301 (Existing Facilities), section 15303 (New Construction of Small Structures), section 15305 (Minor Alteration in Land-Use Limitations), and section 15332 (Infill Development), which is included as Attachment 2 to this report.

D. PUBLIC INPUT:

Staff has not received any written correspondence from the public regarding the project as of the date of publication of this report.

CONCLUSION AND RECOMMENDATION:

The proposed Project is consistent with the Montiel Road Planning Area planned development, as proposed to be amended. The Project as proposed will not have a significant effect on the environment, as designed and conditioned. The location, size, design, and operating characteristics of the proposed project will not be incompatible with, adversely affect, nor be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use and development which is proposed. Staff recommends that the Planning Commission recommend approval of the Project based upon the factors/findings and conditions as described in this staff report and as detailed in Exhibits "A" through "E" to Draft Planning Commission Resolution No. 2023-06.

ATTACHMENTS:

1. Location and Aerial
2. Notice of Exemption
3. Planning Commission Resolution No. 2023- 06, with Exhibits "A" through "E"



1359 Montiel Road
APN 228-240-53-00



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

Notice of Exemption

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

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

Project Title/Case No.: West Coast Arborist / PL22-0512

Project Location - Specific: The approximately 1.3-acre site is located on southern side of Montiel Road, north of Highway 78, west of Interstate 15, addressed as 1359 Montiel Road (Assessor Parcel No. 228-240-54-00).

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

Description of Project: Modification to the Montiel Road Planning Area Development Plan, to allow construction services and outdoor storage, including fleet and construction equipment storage, as a conditionally permitted use. The request also includes a Precise Development Plan for the remodel of an existing 1,288 square foot building, demolition of three small accessory structures, and a 2,370 square foot building addition for employee training and warehouse/storage purposes, along with site and street frontage improvements and landscaping. A Conditional Use Permit also is requested to allow the proposed use in conformance with the modification to the land-use matrix.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: West Coast Arborists, Inc (Pat Mahoney) Telephone: (714) 991-1900

Address: 2200 E. Via Burton Street, Anaheim, CA 92806

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

Exempt Status: The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities), section 15303 (New Construction of Small Structures), section 15305 (Minor Alteration in Land-Use Limitations), and section 15332 (Infill Development).

Reasons why project is exempt:

The 1.3-acre project site is within City limits and is surrounded by urban/commercial/industrial uses. The Project building additions would not exceed 10,000 square feet and all public facilities are available to serve the site. The project site has previous been used for office, warehouse and outdoor storage uses. The design of the project is consistent with the applicable Planned Commercial (PC) General Plan land-use designation and all applicable general plan policies as well as with applicable Montiel Road Planning Area regulations. It has been determined the project would not result in any significant impacts to traffic, noise, air quality, or water quality. The project site does not contain any sensitive habitat or environmentally sensitive areas. All required utilities and public services can be provided to the site with existing facilities located within adjacent streets or easements.

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

Signature J Paul 3-23-2023

Jay Paul, Senior Planner

Date

Signed by Lead Agency

Date received for filing at OPR: N/A

Planning Commission
Hearing Date: March 28, 2023

Effective Date: March 29, 2023

PLANNING COMMISSION RESOLUTION NO. 2023-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A MODIFICATION TO THE MONTIEL ROAD PLANNING AREA MASTER PLAN IN CONJUNCTION WITH A PRECISE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A CONSTRUCTION SERVICES COMPANY WITH ANCILLARY OUTDOOR STORAGE OF FLEET VEHICLES

APPLICANT: West Coast Arborists

CASE NOS: PL22-0512

WHEREAS, West Coast Arborist, Inc., (“Applicant”), filed a land use development application, Planning Case No. PL22-0512 (“Application”), constituting a request for an Amendment to the land use matrix of the Montiel Road Planning Area Development Plan, along with a Precise Development Plan and Conditional Use Permit to allow construction services with fleet parking and construction equipment storage as a conditionally permitted use (“Project”), on approximately a 1.3 parcel located on the south side of Montiel Road, north of Highway 78 and east of Deodar Road, addressed at 1359 Montiel Road (Assessor’s Parcel Number 228-240-54-00); and

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

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

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

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the Project as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

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

WHEREAS, on March 28, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated March 28, 2023, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

1. The above recitations are true and correct.
2. The Planning Commission, in its independent judgment, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines section 15301 (Existing Facilities) and section 15303 (New Construction of Small Structures), section 15305 (Minor Alteration in Land Use Limitations), and section 15332 (In-fill Development Projects).
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning

Commission makes the substantive findings and determinations detailed in Exhibit “C,” which is attached hereto and made a part hereof by this reference as though fully set forth herein, relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The amendment to the Montiel Road Planning Area land-use matrix set forth in Exhibit “D,” and the application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit “E,” are hereby recommended for approval by the City Council. The Planning Commission expressly declares that it would not have recommended approval of this Application except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

5. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is recommended for conditional approval as set forth on the Application and Project drawings, all recommended for approval by the City Council, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

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

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 11th day of April, 2023, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Katharine Barba, Chair
Escondido Planning Commission

ATTEST:

Andrew Firestine, Secretary of the
Escondido Planning Commission

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

Annie Ward, Minutes Clerk
Escondido Planning Commission

EXHIBIT "A"

Legal Description

Resolution No. 2023-06

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

THAT PORTION OF LOTS 13 AND 14 IN BLOCK 1 OF RANCHO LOS VALLECITOS DE SAN MAROOS SHOWN ON MAP NO. [806](#), IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895, LYING NORTHERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF THE INTERCHANGE OF STATE FREEWAYS 11-SD-78 AND 11-SD-15; SAID PORTION HEREBY CONVEYED DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 13; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOTS 13 AND 14, SOUTH 62° 20' 58" EAST, 368.04 FEET TO SAID NORTHWESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 70° 39' 15" WEST, 149.23 FEET AND SOUTH 85° 12' 46" WEST, 314.42 FEET TO THE NORTHWESTERLY, LINE OF SAID LOT 13; THENCE ALONG LAST LINE, NORTH 27° 27' 59" EAST, 277.79 FEET TO THE POINT OF BEGINNING.

APN: 228-290-54-00

EXHIBIT "B"

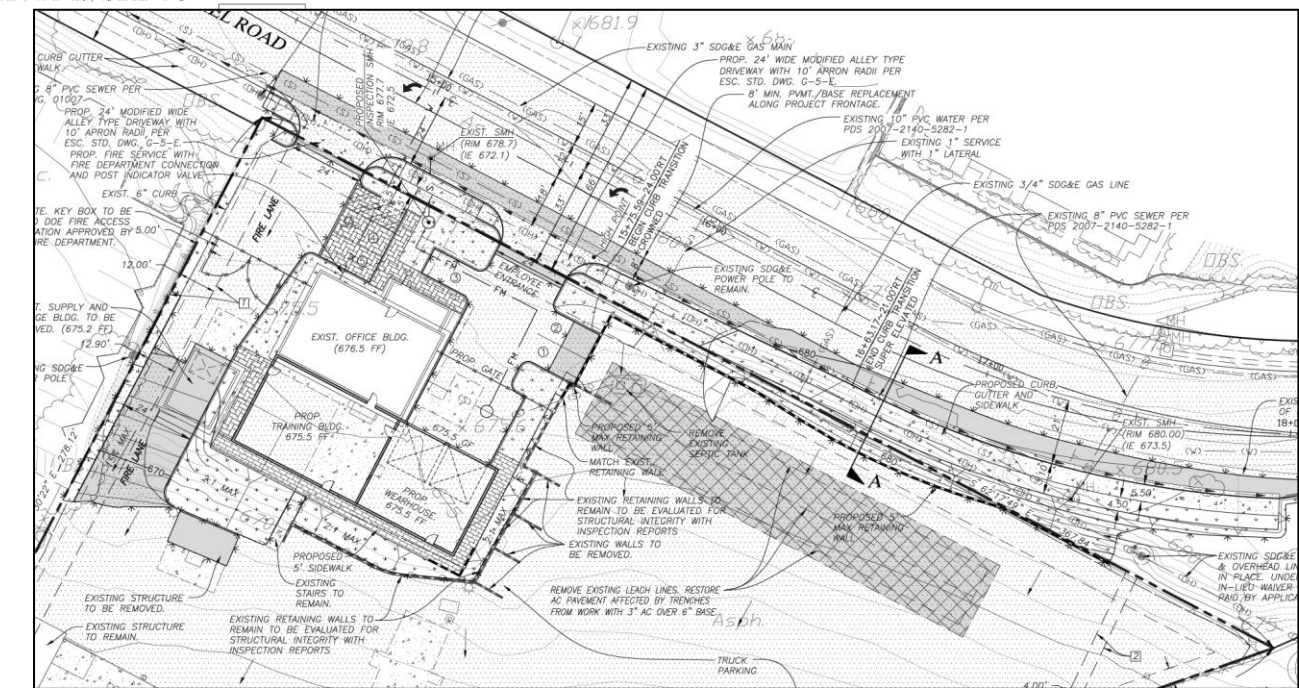
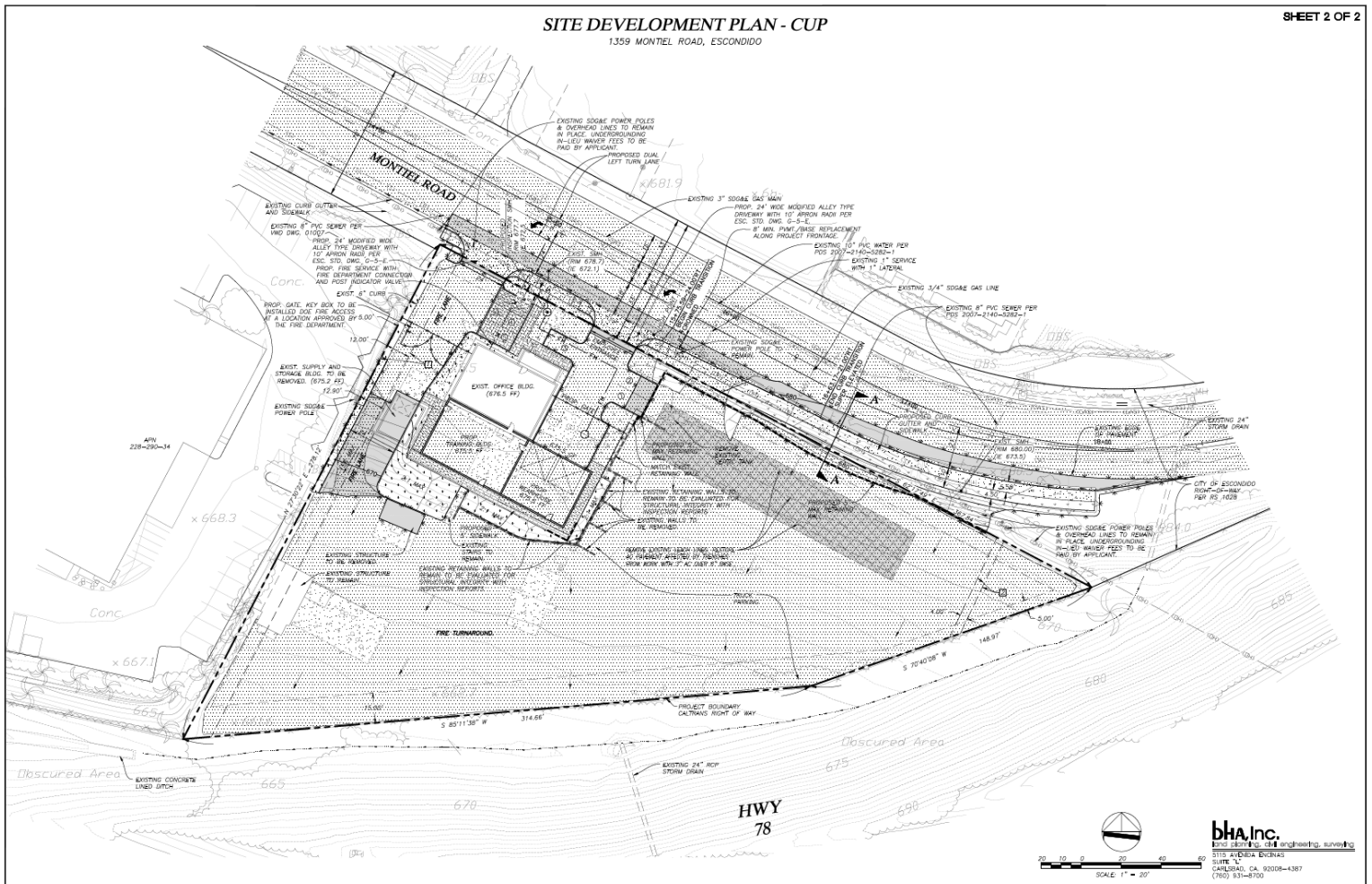
Plans

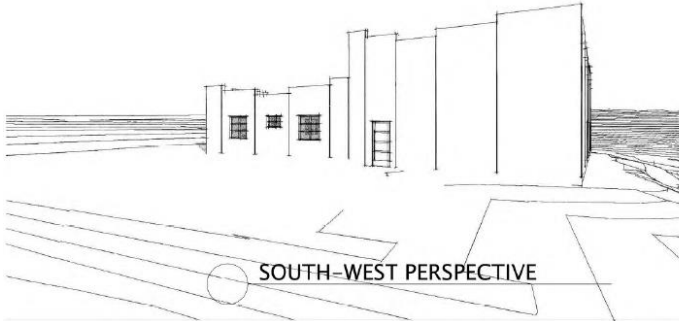
Resolution No. 2023-06

SITE DEVELOPMENT PLAN - CUP

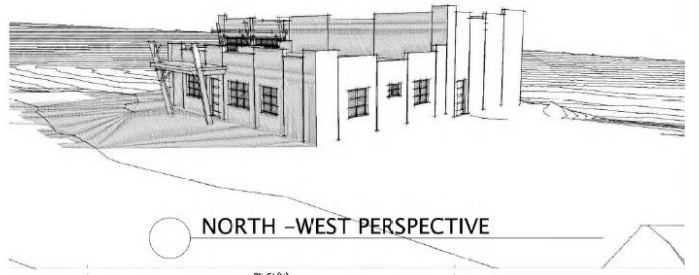
1359 MONTEIL ROAD, ESCONDIDO

SHEET 2 OF 2





SOUTH-WEST PERSPECTIVE



NORTH -WEST PERSPECTIVE

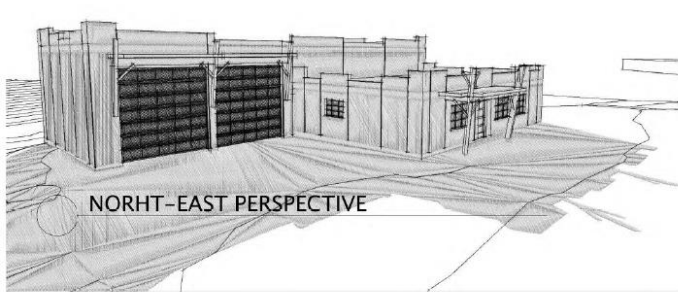


4 WEST ELEVATION

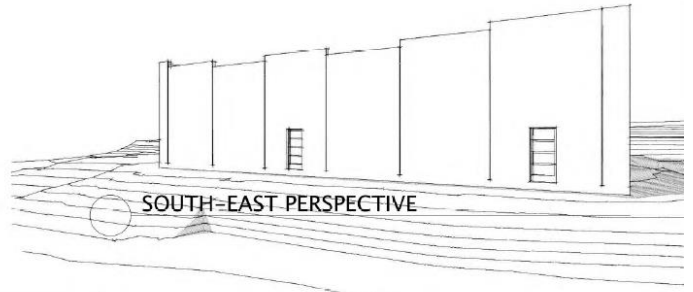
- EXTERIOR FINISHES
- 1. ROOF PARAPET
 - 2. FLAT ROOF BEYOND
 - 3. MAIN STUCCO COLOR WITH BREAKS
 - 4. SHADE ROOF
 - 5. DECORATIVE COLUMNS
 - 6. OFFICE WINDOWS
 - 7. OVERHEAD SECTIONAL DOORS
 - 8. EXTERIOR DOORS



1 NORTH ELEVATION



NORTH-EAST PERSPECTIVE



SOUTH-EAST PERSPECTIVE

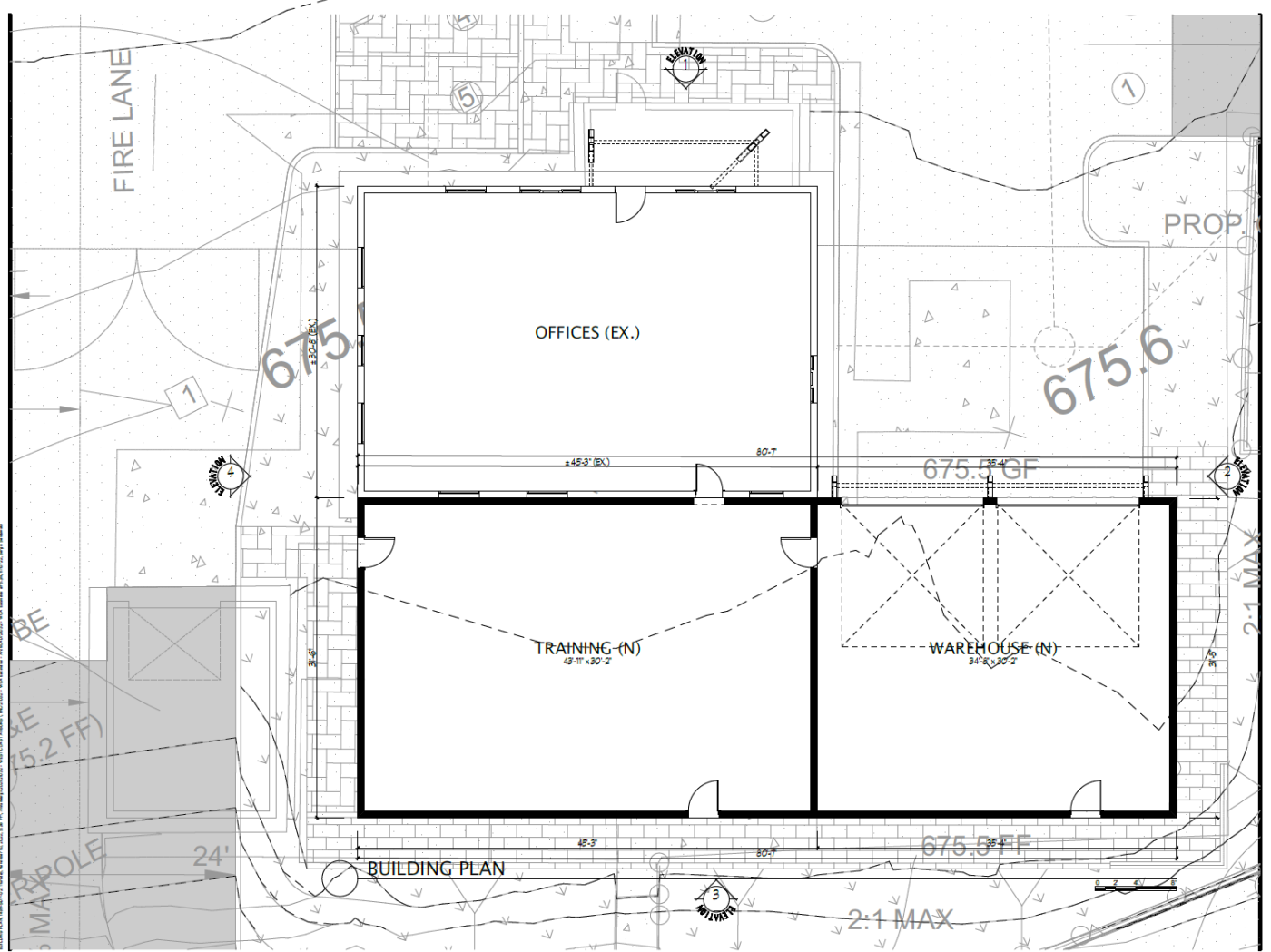


2 EAST ELEVATION

- EXTERIOR FINISHES
1. ROOF PARAPET
 2. FLAT ROOF BEYOND
 3. MAIN STUCCO COLOR WITH BREAKS
 4. SHADE ROOF
 5. DECORATIVE COLUMNS
 6. OFFICE WINDOWS
 7. OVERHEAD SECTIONAL DOORS
 8. EXTERIOR DOORS



3 SOUTH ELEVATION



Street Trees

- 24" BOX such as:
 - Laurus nobilis (Sweet Bay)
 - Magnolia grandiflora Little Gem' (Magnolia Little Gem)
 - Umbellularia californica (California Laurel)

Entry and Interior Trees:

- Variety to exhibit trees with different characteristics.
- 24" BOX such as:
 - Quercus virginiana (Southern Live Oak)
 - Taxodium aurea (Cajalputo Trumpet Tree)
 - Lagerstroemia indica (Crape Myrtle)
 - Eriobotrya delavaya (Bronze Loquat)
 - Palm Species

Freeway Screen Trees:

- 15 Gal. MIN. such as:
 - Lophostemon confertus (Brisbane Box)
 - Cupressus x leylandii (Leyland Cypress)
 - Pinus thunbergii (Japanese Black Pine)

Perimeter Screening Shrubs:

- 5 Gal. Min. - such as:
 - Photinia davidiana (Chinese Photinia)
 - Nerthalia fruticosa (Coast Rosemary)
 - Dodonaea viscosa 'Purplea' (Purple Hopseed Bush)

Parkway Shrubs:

- 1 Gal. Min. - such as:
 - Lamandra longifolia 'Breeze' (Dwarf Mat Rush)
 - Callistemon x viminalis 'Little John' (Bottlebrush Little John)

Perimeter Groundcover:

- 1 Gal. or flats - such as:
 - Myoporum parvifolium (Myoporum)
 - Rosmarinus officinalis (Rosemary)

Interior Shrubs and Groundcover:

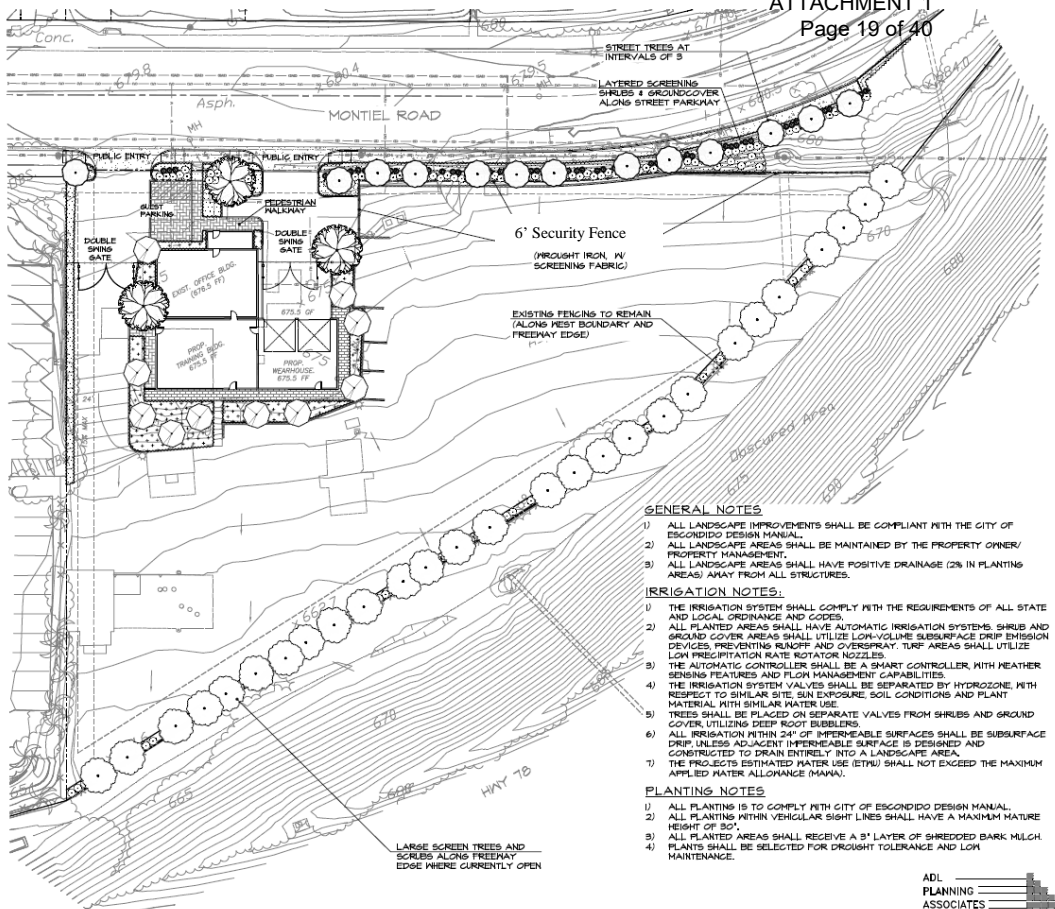
- 5 Gal. 1 Gal. or Liners - such as:
 - Agapanthus africanus (Lily of the Nile)
 - Agave attenuata (Foxtail Agave)
 - Salvia leucantha (Mexican Bush Sage)
 - Streptocarpus reginae (Bird of Paradise)
 - Myoporum parvifolium (Myoporum)
 - Lamandra longifolia 'Breeze' (Dwarf Mat Rush)
 - Baccharis pilularis (Dwarf Coyote Bush)
 - Rosmarinus officinalis (Rosemary)



6' Security Fence

WROUGHT IRON STYLE FENCE

(SHOWN WITHOUT SCREENING FABRIC AND PLANT MATERIAL)
(GATES TO BE OF SAME STYLE)



GENERAL NOTES

- 1) ALL LANDSCAPE IMPROVEMENTS SHALL BE COMPLIANT WITH THE CITY OF ESCONDIDO DESIGN MANUAL.
- 2) ALL LANDSCAPE AREAS SHALL BE MAINTAINED BY THE PROPERTY OWNER/ PROPERTY MANAGEMENT.
- 3) ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE (2% IN PLANTING AREAS) AWAY FROM ALL STRUCTURES.

IRRIGATION NOTES:

- 1) THE IRRIGATION SYSTEM SHALL COMPLY WITH THE REQUIREMENTS OF ALL STATE AND LOCAL ORDINANCE AND CODES.
- 2) ALL PLANTED AREAS SHALL HAVE AUTOMATIC IRRIGATION SYSTEMS. SHRUB AND GROUND COVER AREAS SHALL UTILIZE LOW-VOLUME SUBSURFACE DRIP EMISSION DEVICES. PREVENTING RUNOFF AND OVERSPRAY. TURF AREAS SHALL UTILIZE LOW PRECIPITATION RATE ROTATOR NOZZLES.
- 3) THE AUTOMATIC CONTROLLER SHALL BE A SMART CONTROLLER, WITH WEATHER SENSING FEATURES AND FLOW MANAGEMENT CAPABILITIES.
- 4) THE IRRIGATION SYSTEM VALVES SHALL BE SEPARATED BY HYDROZONE WITH RESPECT TO SIMILAR SITE, SUN EXPOSURE, SOIL CONDITIONS AND PLANT MATERIAL WITH SIMILAR WATER USE.
- 5) TREES SHALL BE PLACED ON SEPARATE VALVES FROM SHRUBS AND GROUND COVER, UTILIZING DEEP ROOT BUBBLERS.
- 6) ALL IRRIGATION WITHIN 24" OF IMPERMEABLE SURFACES IS DESIGN CONSTRUCTED TO DRAIN ENTIRELY INTO A LANDSCAPE AREA.
- 7) THE PROJECTS ESTIMATED WATER USE (ETWU) SHALL NOT EXCEED THE MAXIMUM APPLIED WATER ALLOWANCE (MAWA).

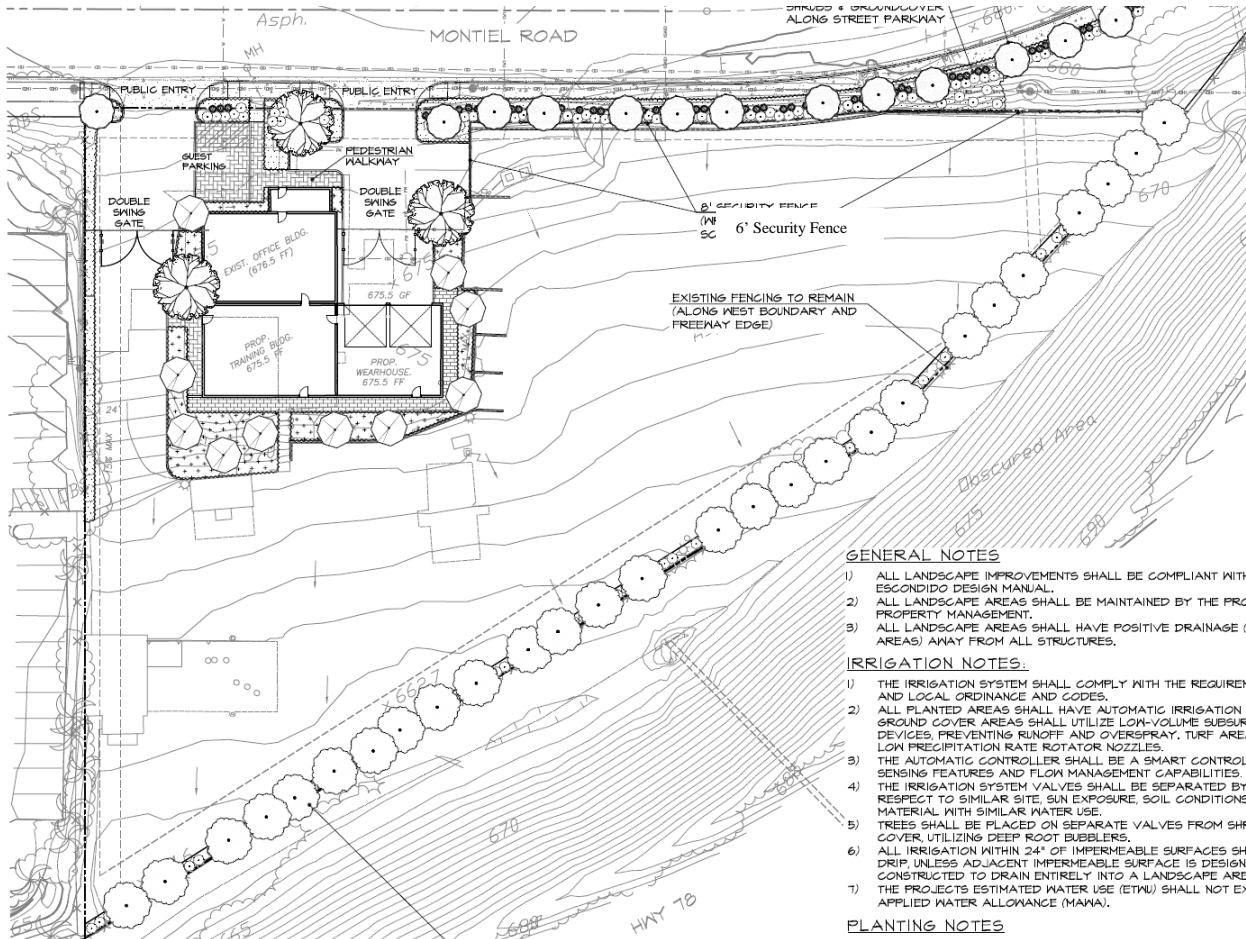
PLANTING NOTES

- 1) ALL PLANTING IS TO COMPLY WITH CITY OF ESCONDIDO DESIGN MANUAL.
- 2) ALL PLANTING WITHIN VEHICULAR SIGHT LINES SHALL HAVE A MAXIMUM MATURE HEIGHT OF 8'0".
- 3) ALL PLANTED AREAS SHALL RECEIVE A 3" LAYER OF SHREDDED BARK MULCH MAINTENANCE.
- 4) PLANTS SHALL BE SELECTED FOR DROUGHT TOLERANCE AND LOW MAINTENANCE.

ADL
PLANNING
ASSOCIATES
LANDSCAPE ARCHITECTURE
3979 STATE STREET SUITE 100
ESCONDIDO, CA 92026
951-281-1317 FAX 951-281-1314
FEBRUARY 6, 2023



Landscape Concept Plan for:
West Coast Arborist



GENERAL NOTES

- 1) ALL LANDSCAPE IMPROVEMENTS SHALL BE COMPLIANT WITH ESCONDIDO DESIGN MANUAL.
- 2) ALL LANDSCAPE AREAS SHALL BE MAINTAINED BY THE PRC PROPERTY MANAGEMENT.
- 3) ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE (AREAS) AWAY FROM ALL STRUCTURES.

IRRIGATION NOTES:

- 1) THE IRRIGATION SYSTEM SHALL COMPLY WITH THE REQUIREMENTS AND LOCAL ORDINANCE AND CODES.
- 2) ALL PLANTED AREAS SHALL HAVE AUTOMATIC IRRIGATION. GROUND COVER AREAS SHALL UTILIZE LOW-VOLUME SUBSURFACE DRIP DEVICES. PREVENTING RUNOFF AND OVERSPRAY. TURF AREAS SHALL UTILIZE LOW PRECIPITATION RATE ROTATOR NOZZLES.
- 3) THE AUTOMATIC CONTROLLER SHALL BE A SMART CONTROL WITH WEATHER SENSING FEATURES AND FLOW MANAGEMENT CAPABILITIES.
- 4) THE IRRIGATION SYSTEM VALVES SHALL BE SEPARATED BY HYDROZONE WITH RESPECT TO SIMILAR SITE, SUN EXPOSURE, SOIL CONDITIONS AND PLANT MATERIAL WITH SIMILAR WATER USE.
- 5) TREES SHALL BE PLACED ON SEPARATE VALVES FROM SHRUBS AND GROUND COVER, UTILIZING DEEP ROOT BUBBLERS.
- 6) ALL IRRIGATION WITHIN 24" OF IMPERMEABLE SURFACES IS DESIGN CONSTRUCTED TO DRAIN ENTIRELY INTO A LANDSCAPE AREA.
- 7) THE PROJECTS ESTIMATED WATER USE (ETWU) SHALL NOT EXCEED THE MAXIMUM APPLIED WATER ALLOWANCE (MAWA).

PLANTING NOTES



EXHIBIT “C”

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Resolution No. 2023-06

PLANNING CASE NUMBER: PL22-0512

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act, ("CEQA"), Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido ("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), section 15303 (New Construction of Small Structures), section 15305 (Minor Alteration in Land-Use Limitations), and section 15332 (Infill Development). The proposed development is located on an infill commercial/industrial zoned parcel surrounded by urban uses and proposes building additions less than 10,000 square feet. The site has previously been developed and fully disturbed, and used for a variety of residential, commercial and industrial/storage type uses. Therefore, the site has no value for special status species. The property can be adequately served by all required utilities and public services, and the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed modification to land-use limitations only involves a modification to the list of permitted/conditionally permitted uses. The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.
3. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the March 28, 2023, Planning Commission staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements have not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.
3. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Class 1, 3, 5, and 32 CEQA Exemption prepared for the Project, dated March 23, 2023.

Planned Development Determinations:

1. The City's General Plan land-use designation for the project site is Planned Commercial (PC - Montiel Road #11). The Guiding Principles for this planning area include limited light industrial and commercial uses. Development is implemented through the Montiel Road Planning Area development plan. The Montiel Road Planning Area development plan allows for a variety of commercial, light industrial, warehouse, service, schools, trades, repair and warehouse type uses. The proposed use of the site for construction type services (office, storage and warehouse) with fleet/equipment storage would be similar to the variety of uses currently permitted/conditionally

permitted. Therefore, the proposed Project, with the requested land-use amendment, would be consistent with the General Plan Guiding Principles for the planning area and the Montiel Road Planning Area planned development. The overall design of the proposed Project will produce an attractive, efficient development that utilizes quality building materials and ample landscaping with appropriate on-site parking. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets and intersections or public facilities, create excessive noise or compatibility impacts. Adequate on-site parking, circulation and public services can be provided to the site.

2. The approval of the proposed Project would be based on sound principles of land use and the project is well-integrated with the surrounding residential and commercially developed properties. The overall design produces an attractive, efficient and stable environment. The project site is zoned for limited industrial/commercial development and is adjacent to commercial/industrial development to the west and south across State Route 78. Multi-family residential development is located to the north across Montiel Road. Adequate on-site parking, access, on-site circulation and utilities would be provided. The Engineering/Traffic Division determined that all vehicular traffic generated by the Project would be accommodated safely and would not create any adverse impacts to the adjacent roadways or intersections. On-site grading would be minimal and the street along the site frontage would be improved to include appropriate road widening, curb, gutter and sidewalk. The proposed modification to the building and additions would be consistent with the height limits of the planned development and compatible with one- and two story residential and commercial/industrial developments along Montiel Road. The building architecture includes a more contemporary style and utilizes certain exterior elements and materials to be compatible with the mix of architectural styles and materials throughout the area. In addition, the perimeter of the site will be landscaped to further soften and screen views into the site from the adjacent roadways.
3. The Engineering Department and Utilities Department indicated there are adequate public services in the adjacent street and/or easements to support the project and the project would not provide an undue or negative impact on existing public facilities and services. The Project would be service by the Escondido Police and Fire Departments. The project would not adversely impact emergency services.
4. The site has previously been developed and paved and does not require extensive earth moving. Limited grading will be necessary to support the required street improvements and new building pad areas. A retaining wall up to five feet in height will be constructed along a portion of the Montiel Avenue street frontage and face inward towards the project site. The site is an infill development located within an urban area and does not contain any desirable natural features. The project is not located within a significant view-shed corridor and would not adversely obstruct any views of identified hillside and ridgelines from Interstate 15 and Highway 78. The project and building design/modifications with limited building height would not result in any visual obstruction or be disharmonious with the surrounding area and facilities, as described in the sections above.
5. The uses proposed have a beneficial effect not obtainable under existing zoning regulations and the Planned Development process is required to facilitate development of the project in accordance with the General Plan Land-Use designation of Planned Commercial, and the Guiding Principles for the Montiel Road Planning Area Planned Development. The subject site is zoned Planned Development-Commercial (PD-C) and Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in the siting of buildings and design that enhances the appearance and usability of the project. The development proposes a variety of setbacks and appropriate orientation of the buildings and design features (including entries, loading and building access areas, storm water features, landscaping and walls) to correspond to and reduce potential impacts to the variety of adjacent land uses and the built environment. Approval of the proposed Project would be based on sound principles of land use and is well-integrated with its

surroundings. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.

Conditional Use Permit Determinations

1. Granting the Conditional Use Permit to allow for contractor services along with fleet and outdoor equipment storage is based on sound principles of land use because adequate parking, access, on-site circulation, utilities, storm water facilities, and landscaping would be provided (as detailed in the staff report). 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. The proposed development would be well integrated into its surroundings because the proposed structures would incorporate compatible architectural design, materials, and colors, and the Project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. The proposed use is in response to services required by the community because the facility provides a North County satellite for professional tree maintenance and management services to municipalities and public agencies. Appropriate conditions have been incorporated to address any potential impacts related to storage of equipment/materials and operations.
2. The proposed Conditional Use Permit will not cause deterioration of bordering land uses or create special problems for the area in which it is located. The Engineering/Traffic Division determined that all vehicular traffic generated by the Project would be accommodated safely and would not create any adverse impacts to the adjacent roadways or intersections. On-site processing of materials is not permitted and therefore would not create any adverse noise impacts to adjacent uses. On-site grading would be minimal and the street along the site frontage would be improved to include appropriate road widening, curb, gutter and sidewalk. The proposed modification to the building and additions would be consistent with the height limits of the planned development and compatible with one- and two-story residential and commercial/industrial developments along Montiel Road. The building architecture includes a more contemporary style and utilizes certain exterior elements and materials to be compatible with the mix of architectural styles and materials throughout the area. In addition, the perimeter of the site will be landscaped to further soften and screen views into the site from the adjacent roadways. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning district.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood and it has been determined to be compatible with the surrounding commercial, industrial and residential properties and General Plan policies because the use would not create any land use or other adverse impacts that are not adequately mitigated. The Conditional Use Permit is subject to conditions of approval necessary and desirable to preserve the public health, safety, and general welfare. The use also would not create any excessive noise, traffic, or other adverse impacts, as noted in the sections above.

EXHIBIT “D”

Proposed Amendment (Text)
Use Matrix (Montiel Road Master Plan)
Resolution No. 2023-06

The following land use is added to the Land-Use Matrix:

Section 2.0 Land Uses

Use Title	Permitted	Conditional Use Permit
Contractor Office and Support Services (including warehouse facilities, and fleet and support equipment storage as accessory uses, but excluding outdoor storage of materials unless kept on fleet vehicles).		C

EXHIBIT “E”

CONDITIONS OF APPROVAL

PLANNING CASE NO. PL22-0512

This Project is conditionally approved as set forth on the application received by the City of Escondido October 12, 2022, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Concept Landscape Plans and Colored Elevations; all designated as approved on March 28, 2023, and shall not be altered without express authorization by the Development Service 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 rights granted within this Permit shall be utilized within two years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code, or it shall expire and become null and void.
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 and/or grading 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 City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the

Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

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

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

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

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

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

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

16. Indemnification, Hold Harmless, Duty to Defend.

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other

- related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).
- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and

reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

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

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

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

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

- 3. Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
- 4. Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.

5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
14. **Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

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

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

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

16. Construction Equipment Emissions. Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

17. Phasing. A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall

be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

C. Parking and Loading/Unloading.

1. A minimum of 10 parking spaces shall be provided on the site. The amount of parking spaces may vary based on use of the site, in accordance with the City's Parking Ordinance (Article 39), and as determined by the Director of Development Services. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards. Parking is based on the following calculations:

Office (1:300 ratio):	1,288 SF = 4.29 spaces
Training/Office (1:300 ratio):	1,325 SF = 4.41 spaces
<u>Warehouse (1:800 ratio):</u>	<u>1,045 SF = 1.30 spaces</u>
Total required:	10 spaces

2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. In accordance with the California Green Building Standard Code, clean air vehicles (CAV) parking spaces shall be shown on the revised site plan to the satisfaction of the Planning and Building Divisions.
4. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

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

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

- a. A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal If the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
- b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.
- e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

E. Specific Planning Division Conditions:

1. Outdoor storage shall be limited to landscape stock (e.g., trees and similar materials in planter pots/boxes). Any other storage shall be completed screen within a full enclosed building (e.g.,

landscape materials such as soils, fertilizers, pallets, pots, etc.). No green waste materials and tree branches/trunks etc., shall be stored/staged outdoors.

2. No processing of landscape materials is permitted (e.g., shredding, mulching, wood splitting etc.).
3. The use of trash bins must be within a trash enclosure designed in accordance with the City's Trash Enclosure Guidelines. If residential type trash bins are used, they shall be stored within an appropriate fenced and screened enclosure area. Vinyl-clad chain-link fencing with appropriate slats may be allowed.
4. Chain-link fencing with tan screening material is allowed along the Highway 78 frontage to enhance with screening in conjunction with the perimeter landscaping. Other colored screening mesh type materials also may be used (such as brown, green, etc.) that blends with the adjacent landscape areas.
5. Decorative tube steel fencing (min. 6 feet in height) shall be installed along the Montiel Road frontage, to include heavy green mesh screening materials attached to the back side of the fence. Dense shrubs shall be planted and maintained on the street side of the fencing, along with evergreen trees. The entry/security gates shall utilize the same decorative tube steel materials as the security/screening fencing along Montiel Road.
6. A minimum five-foot wide landscape planter shall be installed along entire western property boundary. Due to the existing utility easement, trees may be restricted and landscaping limited to shrubs (non-deep rooted) and groundcover/mulch. The width of the landscape planter may be reduced along a portion of its length where a minimum 24-foot wide fire lane is required if the five-foot width cannot be achieved.
7. The two roll-up doors facing Montiel Road shall be used for short-term parking of vehicles engaged in the loading/offloading of materials into the warehouse. After loading activities have ceased, the vehicles shall be parked in the dedicated on-site parking areas and the roll-up doors shall be closed.

F. Specific Building Division Conditions:

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

G. Specific Engineering Division Conditions:

GENERAL

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.

3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. As surety for the construction of required frontage improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to the approval of any Grading Plan, Improvement Plan, or Building Permit.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Department 3 copies of the Master and Precise Development Plan as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Master and Precise Development Plan will be certified by the Planning Department verifying that they are an accurate reproduction of the approved Master and Precise Development Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street and drainage improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer prior to occupancy. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
2. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
Montiel Road	Modified Local Collector (24' centerline to curb face)

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

3. The project's access driveways shall be constructed as alley-type driveway aprons per Escondido Standard Drawing G-5-E with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel.
4. The project's access drive and unloading area shall be adequately illuminated from the project building structure to the satisfaction of the City Engineer and Building Official. This lighting shall be maintained by the property owner.
5. The Developer shall install a LED street light at the southeasterly side of the project's westerly (customer) driveway entrance in accordance with Escondido Standard Drawing No. E-1-E.
6. The Developer shall install a West Bound Left Turn pocket into the project with required transitions and storage per current City and MUTCD Standards. Parking along Montiel Road shall be restricted to accommodate lane widths and this left turn pocket into the project. The Developer shall install "No Parking" signage per an approved Signing and Striping plan.
7. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
8. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
9. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
10. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
11. All gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
12. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

GRADING and SITE IMPROVEMENTS

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of asphalt Base (AB) or 7" Portland Concrete Cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the

site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.

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

DRAINAGE

1. Final on-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Drainage Study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basins if required shall be submitted and approved as part of the grading plan check.
4. All storm water facilities and their drains including any basins, planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.
5. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H20 loading.
6. The project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third-party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The project owner will be required to repair or reinstall

the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system or will be required to transition the project to a priority storm water development project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.

WATER SUPPLY

1. If required by the Fire Marshal, fire hydrants together with an adequate water supply shall be installed at locations identified by the Fire Marshall.
2. This project is located within the Vallecitos Water District. It will be the developer's responsibility to arrange with the Vallecitos Water District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence that such arrangements have been made prior to release of Building Permits, to the satisfaction of the City Engineer and Building Official.

SEWER

1. This project is located within the Vallecitos Sewer District potential area of service. It will be the developer's responsibility to annex into and arrange with the Vallecitos Sewer District as necessary for sewer service. The developer shall provide evidence of such arrangements for sewer service prior to release of Building Permits, to the satisfaction of the City Engineer and Building Official.
2. This project proposes a private sewer pump. The developer shall provide evidence that Vallecitos Sewer District will allow a private sewer pump and the design and details of this sewer pump, sump tank, lateral, etc. shall be included on and approved with the Building plans to the satisfaction of Vallecitos Sewer District and the City of Escondido Building Official.
3. All existing septic tanks to be abandoned shall be pumped and backfilled, per the San Diego County Health Department Requirements. It shall be the responsibility of the developer to pay all plan check and inspection fees required by the San Diego County Health Department.

LANDSCAPE

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

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
2. The Developer is responsible for making the arrangements quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading plans and Building Permits. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading plans and Building Permits. Building permits will

not be issued for locations in which the proposed construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by current City Council Resolution and 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.

SURVEYING AND MONUMENTATION

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