



STAFF REPORT

DATE: August 22, 2023
PL23-0270 – 661 Bear Valley Parkway

PROJECT NUMBER / NAME: PL23-0270 / Extension of Time for 661 Bear Valley Development Agreement

REQUEST: A request for an Extension of Time to amend a previously executed Development Agreement for SUB15-0002, PHG15-0004, and ENV15-0001 (661 Bear Valley Parkway Development). The Extension of Time is to extend the term of the Development Agreement by two years while the applicant finalizes permits for the Final Map, grading permit, and other post-entitlement permits related to the Project.

PROPERTY SIZE AND LOCATION: The approximately 42-acre site is located on the east side of Bear Valley Parkway, and is addressed at 661 Bear Valley Parkway. (Assessor's Parcel Numbers: 237-131-01-00 and 237-131-02-00)

APPLICANT: Trumark Homes

GENERAL PLAN / ZONING: Estate II (E2) / Planned Development – Residential (PD-R)

PRIMARY REPRESENTATIVE: Paul Faye (Trumark)

DISCRETIONARY ACTIONS REQUESTED: Extension of Time for a Development Agreement

PREVIOUS ACTIONS: The project was approved by the City Council on August 22, 2018.

CEQA RECOMMENDATION: The City Council certified a Final Environmental Impact Report (SCH No. 2016111060) on August 22, 2018.

STAFF RECOMMENDATION: Recommend approval to City Council

REQUESTED ACTION: Approve Planning Commission Resolution No. 2023-14

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Andrew Firestine, Director of Development Services

Adam Finestone, City Planner



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BACKGROUND

Trumark Homes (“Applicant”) has submitted an Extension of Time for a previously executed Development Agreement associated with Planning Case Nos. SUB15-0002, PHG15-0004, and ENV15-0001 (Bear Valley Parkway Development) (“Project”). On August 22, 2018, the City Council approved a Tentative Subdivision Map, Master Plan, Grading Exemption, and Development Agreement for 55 residential lots. The approval included the certification of a Final Environmental Impact Report (SCH No. 2016111060).

On October 25, 2022, the Planning Commission reviewed and approved the Precise Development Plan for the architectural details of the homes.

SUMMARY OF REQUEST

The Project site is located at the intersection of Encino Drive and Bear Valley Parkway, on the east side of Bear Valley Parkway, and is addressed at 661 Bear Valley Parkway (see Attachment 1). The Applicant request an Extension of Time to amend the terms of a previously executed Development Agreement (see Attachment 2) by an additional two years so that they may finalize their post-entitlement permits related to recordation of the Final Map, grading, building, and landscaping permits. The only amendment to the Development Agreement is to extend its term; no other changes are proposed.

SUPPLEMENTAL DETAILS OF REQUEST

The Applicant is working to finalize permits associated with on-site and off-site improvements for the development of the Project. The following permits have been applied for and their statuses are provided below:

L22-0009 (On-Site Landscape Plan): Approved on 2/15/22 - pending outstanding fees and security bonds.

L22-0022 (Habitat Mitigation Landscape Plan - Bear Valley Parkway): Approved on 2/28/22 - pending outstanding fees and security bonds.

L22-0023 (Fence and Wall Plan): 3rd plan check returned on 5/2/23 – several minor corrections.

P22-0004 (On-site Public Improvement Plan): Approved on 01/05/2023 - pending outstanding fees and security bonds.

P22-0003 (Off-site Public Improvement Plan): 3rd plan check returned on 4/10/23 – several major corrections on retaining wall design and street design.

E22-0007 (Final Map): 3rd plan check returned to applicant on 11/17/22 – several minor corrections.

GP22-0003 (Rough Grading Plan): 4th plan check returned on 5/23/23 – several minor corrections, fees balance and bonds are outstanding.

GP22-0057 (Precise Grading Plan): Screen check conducted of the Precise Grading Plan, returned on 11/29/2022 – on hold until Final Map records.

T22-0005 (Traffic Control Plans: 2nd plan check returned on 2/16/23 – several corrections outstanding.



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B23-2326 (Building Permit for Private Streetlights): 1st plan check returned on 7/31/23 – several minor corrections.

B22-4285 (Building Permit for Construction of Homes): 1st plan check returned 01/04/23 – corrections.

PROJECT ANALYSIS

1. General Plan Conformance:

a. Land Use and Community Form:

The City's 2012 General Plan has several policies and goals related to the use of Development Agreements.

Development Agreement Policy 15.1: Encourage Development Agreements as a mechanism to secure community benefits from applicants that the City cannot require as part of a project's approval

The original Development Agreement outlined several public benefits and improvements related to designing and constructing 2,937 -lineal feet of Bear Valley Parkway; contributing \$215,000 for security related to the off-site improvements; and construction of 528-lineal feet of Northbound Bear Valley Parkway from the south edge of the residential development to Ranchito Drive. The Project will retain the previously identified public benefits and improvements, and will provide the Applicant an additional two years to finalize the outstanding plans and permits identified above.

2. Zoning or Specific Plan Conformance:

Article 58 (Development Agreements) of the Escondido Zoning Code allows for the execution of Development Agreements. The Project is for the extension of a previously executed Development Agreement. Amendments to Development Agreements are permitted under Section 33-1142 (Amendments and cancellation of agreement by mutual consent). The amendment will amend the terms of the agreement to allow for an additional 2 years for the Applicant to finalize their permits.

FISCAL ANALYSIS

None.

ENVIRONMENTAL ANALYSIS

On August 22, 2018, the City Council adopted Resolution No. 2018-120 for certification of a Final Environmental Impact Report (EIR) and adoption of a Mitigation Monitoring and Reporting Program. The Project is for an Extension of Time for a previously recorded Development Agreement. Pursuant to Section 15162 of the California Environmental Quality Act Guidelines, a subsequent EIR is only required if substantial changes are proposed which will require major revisions of the previous EIR; substantial changes with respect to the circumstances under which the project is undertaking due to the involvement of new significant environmental effects or substantial increase in the severity of the previously identified significant effects; or new information of substantial importance, which



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was not known and could not have been known with exercise of reasonable diligence at the time previous EIR was certified. The Project would not exceed the parameters outlined for requiring a subsequent EIR. A Notice of Determination will be filed with the County of San Diego per CEQA Guidelines Section 15075.

PUBLIC INPUT

The project was noticed consistent with the requirements of both the Escondido Zoning Code and the State Law. Staff has not received any correspondence from the public regarding the project as of the preparation of this report.

CONCLUSION AND RECOMMENDATION

Staff has found that the Project is consistent with policies outlined in the 2012 General Plan. The amended Development Agreement will provide an additional 2 years for the Applicant to finalize outstanding post-entitlement permits. The Project does not otherwise change the prior approvals, conditions of approval, or the previously certified Final Environmental Impact Report.

Based on the analysis contained in this staff report, staff recommends that the Planning Commission adopt Resolution No. 2023-14, recommending approval of the Extension of Time to amend a previously executed Development Agreement as described in this staff report, as detailed in Exhibits "A" and "B" of Resolution No. 2023-14. The draft Planning Commission Resolution No. 2023-14, including Exhibits "A," "B," and "C" is included as Attachment 3 to this staff report.

ATTACHMENTS

1. Location Map, General Plan, and Zoning
2. Executed Development Agreement
3. Draft Planning Commission Resolution No. 2023-14 including Exhibits "A," "B," and "C"



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ATTACHMENT 1

GENERAL PLAN, ZONING, AND LOCATION MAP



**PROPOSED PROJECT
PL 23-0270**

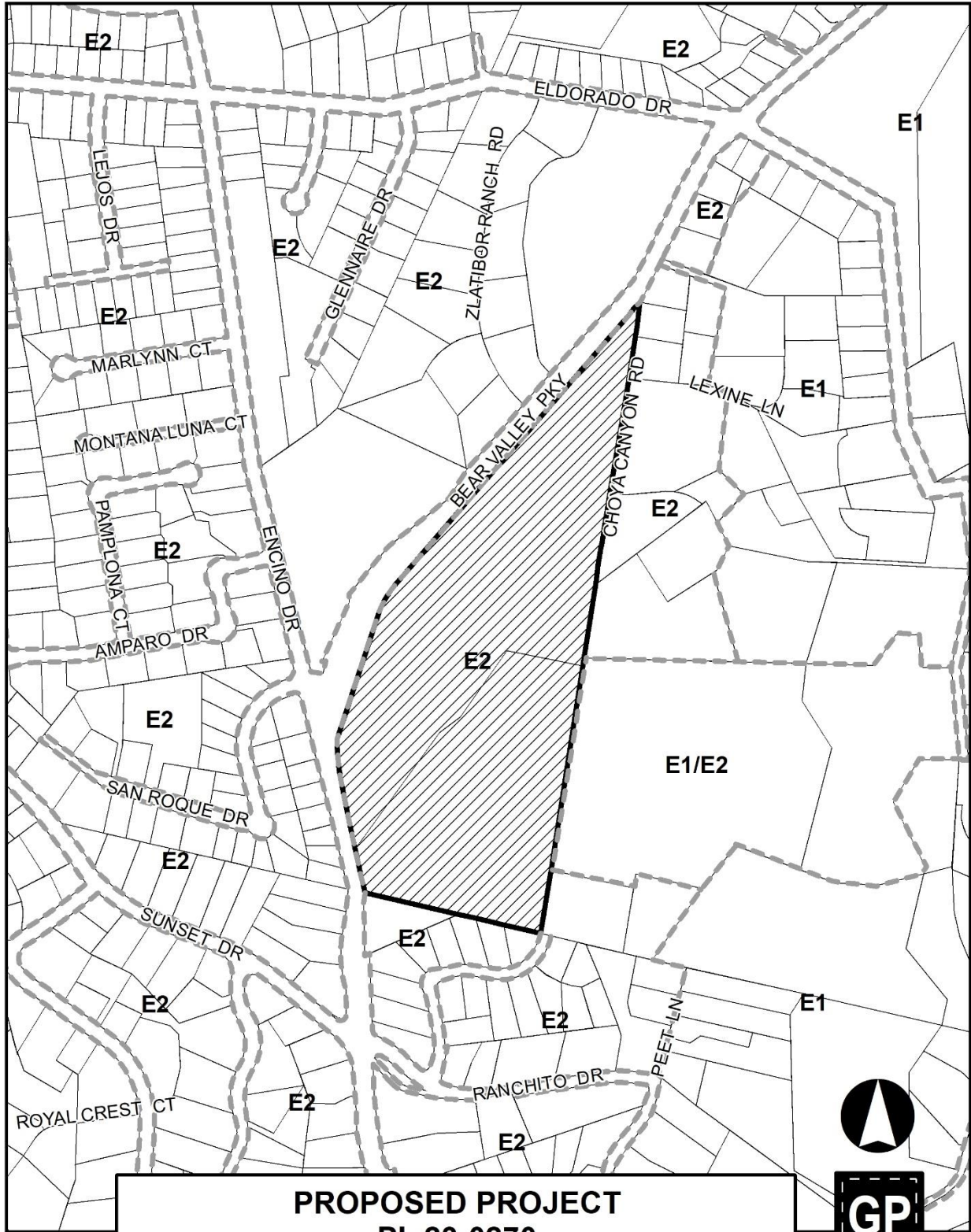
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