

Attachment "1"

RESOLUTION NO. 2024-183R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING DENIAL OF THE APPLICANT'S PROPOSAL FOR A MODIFICATION TO A CONDITIONAL USE PERMIT AND ADOPTION OF AN ADDENDUM AND APPROVAL OF ALTERNATIVE OPTION (RECOMMENDED ALTERNATIVE)

APPLICANT: Ilan Golcheh

CASE NO(s): PL24-0183

WHEREAS, Ilan Golcheh ("Applicant"), filed a land use development application, Planning Case No. PL24-0183 ("Application") constituting a request to modify a previously approved Conditional Use Permit (PHG19-0049) ("Approved Project"). The modification proposes removal of the Engineering Division's Condition of Approval No. 5 of Resolution No. 2021-05 and Mitigation Measure Condition of Approval TRA-1 of Resolution No. 2021-05 both requiring the construction of a traffic signal at the Rock Springs Road and W. Lincoln Avenue intersection ("Project"). The project site is located on a 1.14-acre site (APNs 228-220-13-00 and 228-220-43-00), within the General Plan Land Use designation of General Commercial (GC), and a zoning designation of General Commercial (CG).

WHEREAS, City staff identified an alternative to the Applicant's request to modify the Conditional Use Permit entailing removal of Engineering Condition of Approval Nos. 2, 3, 6, and 15, and Fee Condition of Approval No. 2, all of Approved Project Resolution No. 2021-05; and

WHEREAS, the Applicant submitted an Addendum to the previously adopted Mitigated Negative Declaration to clarify the environmental record related to mitigation measures associated with the Approved Project's Traffic Impacts; 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

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

WHEREAS, 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, on December 08, 2020, the Planning Commission adopted Resolution No. 2020-19 recommending that the City Council approve a General Plan Amendment, Zone Map Amendment, and Conditional Use Permit for construction of a 4,284 square-foot gas station with the concurrent sale of alcoholic beverages; and

WHEREAS, on January 13, 2021, the City Council adopted Resolutions No. 2021-04 and 2021-05, and Ordinance No. 2021-01, approving the General Plan Amendment, Zone Map Amendment, and Conditional Use Permits for the Approved Project; and,

WHEREAS, the City Council action adopted a Mitigated Negative Declaration (MND), and associated Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, pursuant to Condition of Approval (Conformance to Approved Plans) of Resolution No. 2021-05, modifications to the Approved Project may require submittal of an amendment to the Permit and approval by the authorized agency; and,

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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, in accordance with Section 15164 (Addendum to an EIR or Negative Declaration) an Addendum was prepared for the Project and is incorporated fully herein as Exhibit "C" to clarify the removal of mitigation measures related to traffic impacts; and,

WHEREAS, a revised Mitigation Monitoring and Reporting Program (MMRP) was prepared and incorporated fully herein as Exhibit "D;" and

WHEREAS, on November 12, 2024, the Planning Commission held a duly noticed public hearing and voted 5-0 to adopt Resolution No. 2024-21 recommending that the City Council deny the Applicant's Project and adopt the Addendum to the Mitigate Negative Declaration and an alternative option referred to as Alternative Option (Recommended Alternative); and,

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby **recommends denial** of the Project and instead recommends approval of Alternative Option (Recommended Alternative) as conditioned and detailed in Exhibit "E," 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, as discussed in the City Council staff report dated December 4, 2024 and the Planning Commission staff report dated November 12, 2024 the Project is inconsistent with the City's 2012 General Plan; and,

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WHEREAS, as discussed in the City Council staff report dated December 4, 2024, the Planning Commission staff report dated November 12, 2024, and Exhibit "B" of this resolution, the Alternative Option (Recommended Alternative) is consistent with the City's 2012 General Plan; and,

WHEREAS, upon further deliberation by City Council on December 4, 2024 the Project's alternative option was modified to limit the applicant's financial contribution to pay no more than \$560,000 toward the construction cost of installing the traffic signal at the intersection of Rock Springs Road and Lincoln Avenue; and

WHEREAS, on December 4, 2024 the City Council held a duly noticed public hearing as prescribed by law, at which time the City Council 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 City Council, 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 City Council staff report, dated December 04, 2024, with its attachments as well as City staff's and the Planning Commission'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 City Council was conducted in all respects as required by the Escondido Municipal Code and the rules of the City Council.

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WHEREAS, the City Clerk, whose office is located at 201 North Broadway, Escondido, CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings up on which the City Council's decision is based, which documents and material shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

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

1. That the above recitations are true.
2. That the City Council in its independent judgement have reviewed and determined an Addendum to the adopted Mitigated Negative Declaration prepared in compliance with all the requirements contained in the California Environmental Quality Act (CEQA) Guidelines and Article 47 (Environmental Quality), the staff report dated December 4, 2024, and testimony given at the public hearing, and makes the environmental determinations including with Finding of Fact attached as Exhibit "B" hereto and incorporated by this reference. Further, none of the conditions described in Section 15162 calling for preparation of a subsequent negative declaration have occurred.
3. That the City Council in its independent judgement has determined that this action denying the Project and approving Alternative Option (Recommended Alternative) is reliant upon the adopted Mitigated Negative Declaration for the Approved Project.
4. The City Council, therefore, directs that a Notice of Determination be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.
5. After consideration of all evidence presented, and studies and investigations made by the City Council and on its behalf, the City Council makes the following substantive findings and

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determinations, attached hereto as Exhibit "B," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the City Council reached a decision on the matter as hereinafter set forth. The City Council expressly declares that it would not have made this decision 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 uses permitted hereby.

6. The development plans for the Approved 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 **hereby denied and the Alternative Option (Recommended Alternative) is approved** as set forth within the Staff Report dated December 4, 2024. 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 Approved Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Approved Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in the Development Services 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,

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[www.escondido.gov](http://www.escondido.gov), 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.

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PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof the 4<sup>th</sup> day of DECEMBER, 2024 by the following vote to wit:

AYE : Councilmembers: J. GARCIA, MARTINEZ, MORASCO, WHITE

NOES : Councilmembers: C. GARCIA

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Dane White*  
19FFE5DB8C3B409...  
DANE WHITE, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

RESOLUTION NO. 2024-183R

**Exhibit "A"****Legal Description****Project No(s): PL24-0183**

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

PARCEL 1: APN: [228-220-43](#)

THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THERE OF NO. 724](#), MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SANDIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330 FEET FROM THE MOST NORTHERLY CORNER THEREOF, TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET SOUTHERLY FROM THE MOST WESTERLY CORNER THEREOF AND LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE SOUTHWESTERLY 449.5 FEET - MEASURED BETWEEN PARALLEL LINES - OF SAID LOT 2. EXCEPTING THEREFROM THE NORTHWESTERLY 150 FEET THEREOF. ALSO EXCEPTING THERE FROM THE SOUTHEASTERLY 9 FEET THEREOF. ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9 FEET THEREO. ALSO EXCEPTING THERE FROM THE INTEREST CONVEYED TO THE CITY OF ESCONDIDO IN DEED RECORDED MARCH 25, 1974, AS FILE NO. [74-073291](#) OF OFFICIAL RECORDS, IN AND TO THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 2, BEING ALSO A POINT IN THE CENTER LINE OF THAT CERTAIN 66 FOOT STREET KNOWN AS ROCK SPRINGS ROAD; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2 SOUTH 69° 45' 10" WEST 33.00 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 20° 14' 20" WEST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 9.00 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 20° 14' 20" WEST 137.80 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO ESCONDIDO IMPORTS, INC., A CALIFORNIA CORPORATION, BY DEED RECORDED [MAY 17, 1971, AS FILE NO. 101247](#); THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID ESCONDIDO IMPORTS, INC. LAND SOUTH 69° 44' 40" WEST 9.00 FEET; THENCE SOUTH 20° 14' 20" EAST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 117.81 FEET TO THE BEGINNING OF A TANGENT 20 FOOT RADIUS CURVE, CONCAVE WESTERLY, THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 59' 39" A DISTANCE OF 31.41 FEET TO A POINT OF TANGENCY WITH THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 69° 45' 10" EAST 28.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2: APN: [228-220-13](#)

THE NORTHWESTERLY 150.00 FEET OF THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 724](#), MADE BY J. M. GRAHAM, AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330.00 FEET FROM THE MOST NORTHERLY CORNER THEREOF,

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TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET FROM THE MOST WESTERLY CORNER THEREOF. EXCEPTING THERE FROM THE SOUTHWESTERLY 449.50 FEET BETWEEN PARALLEL LINES. ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9.00 FEET THEREOF.

**EXHIBIT "B"****PROJECT CASE NO. PL24-0183****FACTORS TO BE CONSIDERED / FINDINGS OF FACT****Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project. The project entails the reevaluation of the CEQA metrics used in the original project's adopted MND (ENV19-0006) ("Project"), as the public agency with the principal responsibility for approving the Project.
2. In order to evaluate the General Plan Amendment, Zone Map Amendment, and Conditional Use Permit ("Original Project") under the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) (ENV 19-0006) was prepared and adopted by the Escondido City Council in January 2021.
3. CEQA Guidelines 15164 requires lead agencies to prepare an Addendum to a previously certified environmental document if some changes or additions to the project are necessary, but none of the conditions described in CEQA Section 15162 requiring preparation of a subsequent environmental document are present. The City Council has reviewed and considered the adopted MND and the attached Project Addendum, and finds that these documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the revised Original Project, described herein. The City Council further finds that the Addendum and administrative record have been completed in compliance with CEQA, and that the adopted MND, and this Project Addendum, reflect the City's independent judgement.
4. Based on the substantial evidence set forth in the record, including but not limited to the 2021 adopted MND, and the attached Project Addendum, the City Council finds that, based on whole record before them, none of the conditions under CEQA Guidelines Section 15162 – 15163, requiring subsequent environmental review, have occurred because the revised project:
  - a. Will **not** result in substantial changes that would require major revisions of the 2021 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - b. Will **not** result in substantial changes with respect to the circumstances under which the Project is developed that would require major revisions of the 2021 MND due to

- the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects;
- c. Does **not** present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2021 adopted MND was approved showing any of the following:
- i. The Project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - ii. Significant effects previously examined will be substantially more severe than shown in the previous negative declaration;
  - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - iv. Mitigation measures or alternative which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
5. Further, based on the substantial evidence set forth in the record, including but not limited to 2021 adopted MND, the Addendum prepared for the Project, and the Planning Commission staff report dated November 12, 2024, the City Council finds that the applicable mitigation measures identified in the 2021 MND would ensure that any potential impacts would be reduced to less than significant levels. No new mitigation measures are required to mitigate environmental impacts associated with the Project. Therefore, the Addendum supports the City's consideration of the Project, as outlined in CEQA Guidelines Section 15162 and 15164.
6. Pursuant to CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the original 2021 adopted MND.
7. The recommended action also includes the adoption of the revised Mitigation Monitoring and Reporting Program (MMRP) attached hereto this Resolution.
8. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

**Conditional Use Permits (Section 33-1203 of Article 61 of the Escondido Zoning Code)**

With respect to Planning Case No. PL24-0183, the City Council make the following findings:

- 1. A conditional use permit should be granted upon sound principles of land use and in response to services required by the community.*

Project/Applicant's Request: The modification request to remove the requirement to signalize the Lincoln Avenue and Rock Springs Road intersection does not meet sound principles of land use and is not in response to services required by the community in that removal of the Engineering Condition of Approval No. 5 of Resolution No. 2021-05 is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation -which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Traffic Impact Analysis for the approved project conducted a Level of Service (LOS) analysis of the intersection at West Lincoln Avenue and Rock Springs Road. That intersection was found to operate at an LOS "F". Thresholds in the General Plan based on LOS require an applicant be responsible for improving the functioning of the intersection to a LOS of "C" when such impacts are a result of their development proposal. The construction of the traffic signal as reflected in the original condition of approval would ensure compliance with the City's 2012 General Plan.

Alternative Option 1 (Recommended Alternative): The modification to the existing Conditional Use Permit to remove the condition of approval associated with the requirement to signalize the intersection of West Lincoln Avenue and Rock Springs Road is retained in staff recommendation (Alternative Option 1 [Recommended Alternative]) because removal of this requirement in full is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Recommended Alternative is granted upon sound principles of land use and in response to services required by the community in that it would adjust the timeframe for frontage improvements at the Mission Avenue frontage of the Project site but not eliminate the ultimate future improvement altogether. Section 23-121 of Article 23-5 (Public Improvement Construction, Public Dedication and Mapped Streets) allows for the City Engineer to evaluate a request and determine whether public improvements and public dedication are necessary. Under the Recommended Alternative, the Applicant would still be required to dedicate their frontage as previously identified under the Conditional Use Permit (PHG19-0049) allowing for the waived frontage improvements to be made at a future time.

2. *A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.*

Project/Applicant's Request: The modification request to remove the requirement to signalize the Lincoln Avenue and Rock Springs Road would create special problems for the area in which it is located in that removal of the Engineering Condition of Approval No. 5 of Resolution No. 2021-05 is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation -which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Traffic Impact Analysis for the approved project conducted a Level of Service (LOS) analysis of the intersection at West Lincoln Avenue and Rock Springs Road. That intersection was found to operate at an LOS "F". Thresholds in the General Plan based on LOS require an applicant be responsible for improving the functioning of the intersection to a LOS of "C" when such impacts are a result of their development proposal. The construction of the traffic signal as reflected in the original condition of approval would ensure compliance with the City's 2012 General Plan.

Alternative Option 1 (Recommended Alternative): The modification to the existing Conditional Use Permit to remove the condition of approval associated with the requirement to signalize the intersection of West Lincoln Avenue and Rock Springs Road is retained in staff recommendation (Alternative Option 1 [Recommended Alternative]) because removal of this requirement in full is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Recommended Alternative is granted upon sound principles of land use and in response to services required by the community in that it would adjust the timeframe for frontage improvements at the Mission Avenue frontage of the Project site but not eliminate the ultimate future improvement altogether. Section 23-121 of Article 23-5 (Public Improvement Construction, Public Dedication and Mapped Streets) allows for the City Engineer to evaluate a request and determine whether public improvements and public dedication are necessary. Under the Recommended Alternative, the Applicant would still be required to dedicate their frontage as previously identified under the Conditional Use Permit (PHG19-0049) allowing for the waived frontage improvements to be made at a future time.

3. *A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.*

Project/Applicant's Request: The modification request to remove the requirement to signalize the Lincoln Avenue and Rock Springs Road intersection does not meet sound principles of land use

and is not in response to services required by the community in that removal of the Engineering Condition of Approval No. 5 of Resolution No. 2021-05 is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation -which states, "Where existing street or intersection capacities are below level of service "C" . . . improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Traffic Impact Analysis for the approved project conducted a Level of Service (LOS) analysis of the intersection at West Lincoln Avenue and Rock Springs Road. That intersection was found to operate at an LOS "F". Thresholds in the General Plan based on LOS require an applicant be responsible for improving the functioning of the intersection to a LOS of "C" when such impacts are a result of their development proposal. The construction of the traffic signal as reflected in the original condition of approval would ensure compliance with the City's 2012 General Plan.

Alternative Option 1 (Recommended Alternative): The modification to the existing Conditional Use Permit to remove the condition of approval associated with the requirement to signalize the intersection of West Lincoln Avenue and Rock Springs Road is retained in staff recommendation (Alternative Option 1 [Recommended Alternative]) because removal of this requirement in full is in conflict with a General Plan Quality of Life Standard 1: Traffic and Transportation which states, "Where existing street or intersection capacities are below level of service "C" ... improvements shall be required or planned to improve the service level to "C" where ever feasible based upon impacts of future development."

The Recommended Alternative is granted upon sound principles of land use and in response to services required by the community in that it would adjust the timeframe for frontage improvements at the Mission Avenue frontage of the Project site but not eliminate the ultimate future improvement altogether. Section 23-121 of Article 23-5 (Public Improvement Construction, Public Dedication and Mapped Streets) allows for the City Engineer to evaluate a request and determine whether public improvements and public dedication are necessary. Under the Recommended Alternative, the Applicant would still be required to dedicate their frontage as previously identified under the Conditional Use Permit (PHG19-0049) allowing for the waived frontage improvements to be made at a future time.

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**ADDENDUM**  
**to the**  
**FINAL MITIGATED NEGATIVE DECLARATION FOR 7-ELEVEN**  
**CONVENIENCE STORE AND SERVICE STATION**

**City File No. ENV19-0006**

**SCH#**

***Prepared for:***

City of Escondido Planning Division

201 North Broadway

Escondido, CA 92025-2798

760.839.4671

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Resolution No. 2024-183R  
Exhibit "C"  
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## INTRODUCTION

This addendum to the final Mitigated Negative Declaration (MND) for the 7-Eleven Convenience Store and Service Station has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164. It updates the MND that was prepared for the City of Escondido (City) and adopted in December of 2020 as a result of a request to modify a previously approved Conditional Use Permit (PHG19-0049) as well as its associated Initial Study and adopted Mitigated Negative Declaration (ENV19-0006) to remove two mitigation measures based on a reevaluation of the criteria used in the analysis. The previously approved Conditional Use Permit (PHG19-0049) entitled the project site for development of a gasoline service station and convenience store with concurrent sale of alcoholic beverages (beer and wine). The City of Escondido is the Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations. The Lead Agency has the principal responsibility for approving and implementing a project that may have a significant effect on the environment.

### Project Description

The 1.14-acre site is located at the northwest corner of West Mission Avenue and Rock Springs Road. The site is addressed at 900 West Mission Avenue, Escondido, CA 92025 (Assessor's Parcel Numbers: 228-220-43-00; 228-220-13-00). The site was originally developed with an auto show room, but since 2019 when the existing structure was demolished, the site is vacant and covered in asphalt. The site is designated as Light Industrial (LI) since the adoption of the General Plan Update in 2012. Building and occupancy records indicate a structure was originally built in 1973, with a plot plan describing the building as an auto showroom and garage. The last building permit on file for the address is the demolition of the existing structure on site on September 14, 2023. The applicant (Applicant) has maintained the validity of the original entitlement (Resolution 2020-19) with the application and approval of the subsequent entitlement (Resolution 2021-05) and the aforementioned demolition permit issued in 2019.

The project (Project) proposes the reevaluation of the CEQA metrics used in the Project's adopted MND (ENV19-0006). As of July 1, 2020 the Level of Service (LOS) criteria was replaced by Vehicle Miles Traveled (VMT) as the only metric valid for CEQA analysis and the determination of Transportation and Traffic impacts mitigation measures and their nexus to mitigation measures when the city or county having primary jurisdiction over the area involved is (1) the site of the project; (2) the area which the major environmental effects will occur; and/or (3) the area in which those citizens reside most directly concerned by any such environmental effects.

Based on the findings of this Addendum, the Project would have less than significant impacts, or no changes or new information requiring the preparation of an MND or EIR for the following environmental categories:

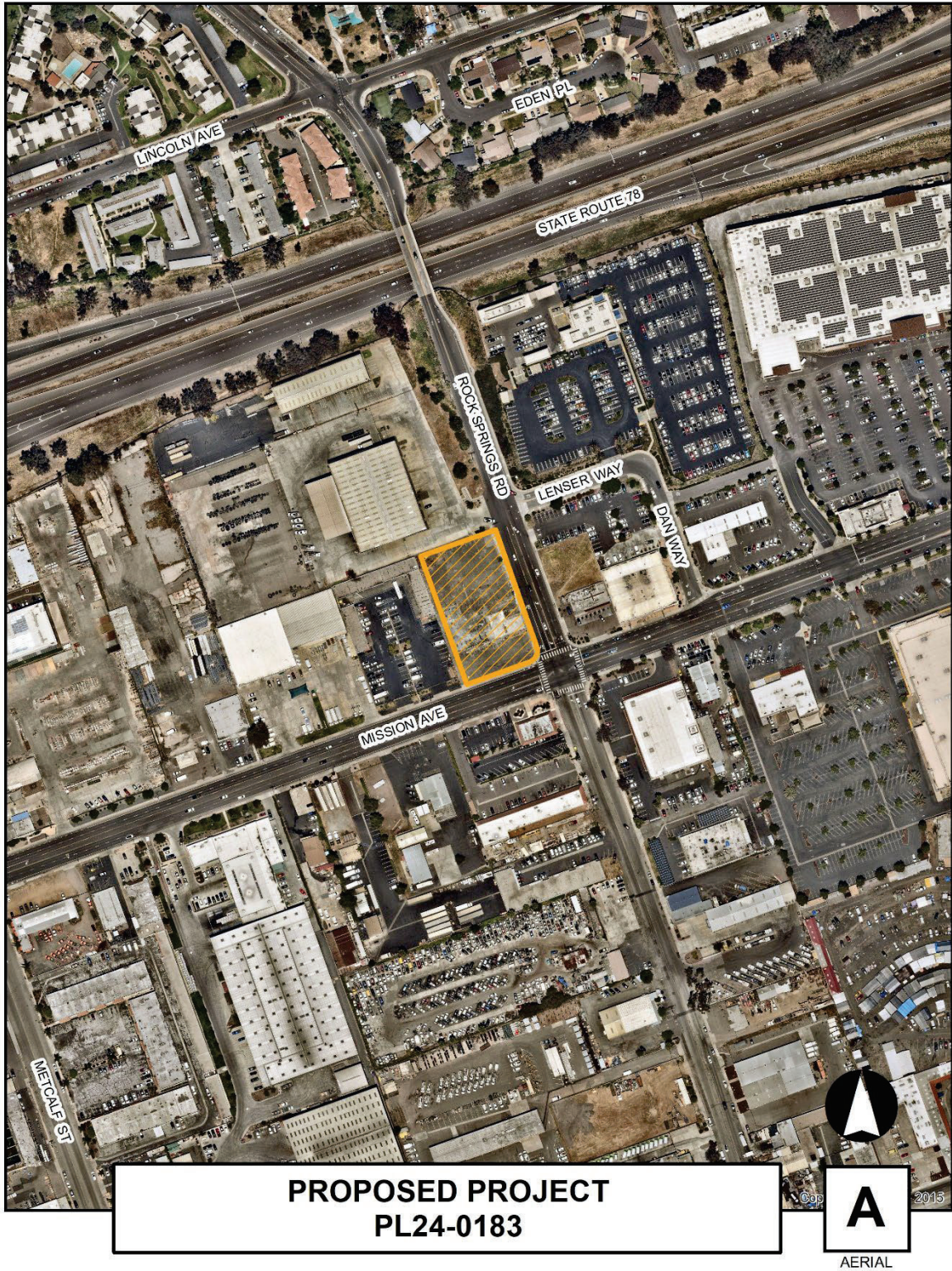
- Transportation and Traffic

## PROJECT REVISION

The Project was evaluated in the 2020 Initial Study which identified the project as having a “potentially significant impact” related to transportation if not mitigated. The Traffic Impact Analysis conducted was based on LOS criteria and methods, and concluded that an off-site intersection ¼ mile north of the project sight would require the installation of a signal at the intersection of West Lincoln Avenue and Rock Spring Roads (TRA-1) as well as physical improvements to West Mission Avenue (TRA-2). The Applicant has requested that staff reevaluate the findings in the December 2020 International Engineering Group Traffic Impact Analysis (IEG TIA) and modify the findings in Section 13.7 of the adopted MND and the Mitigation Monitoring and Reporting Program (MMRP) to align with SB 743 requiring VMT to be the only metrics applied for Transportation and Traffic CEQA assessment and mitigation. Since the time of the Project approval, the City of Escondido has adopted Transportation Impact Analysis Guidance (TIAG, June 21, 2021). This document defines, interprets, and demonstrates how to implement a VMT analysis and uses the same threshold as used in the December 2020 IEG TIA. Based on the current VMT methodology supported by the City’s adopted TIAG and the 2020 IEG TIA report, the mitigation previously required under LOS standards is no longer required.

Planning Commission Resolution No. 2020-19 (PHG19-0049/ENV19-0006) to change the General Plan Designation from Light Industrial (LI) to General Commercial (GC) and approve a Conditional Use Permit (CUP) for a gasoline station was approved on January 13, 2021. In 2021, the Planning Commission adopted Resolution No. 2021-05 (PHG19-0049/ENV19-0006) approving a Conditional Use Permit for a gasoline station and convenience store with concurrent sale of alcoholic beverages at 900 W Mission Avenue. There have been no changes to the parameters of the approved Project. The addendum seeks to comply with state law and recognizes that two mitigation measures imposed on the Project were the result of LOS analysis and would like to formally recognize and support the findings of a VMT analysis and conclusion, which states that the Project would not require mitigation measures TRA-1 and TRA-2.

Figure 1: Project Site



**PROPOSED PROJECT  
PL24-0183**

**A**  
AERIAL

Figure 2: General Plan

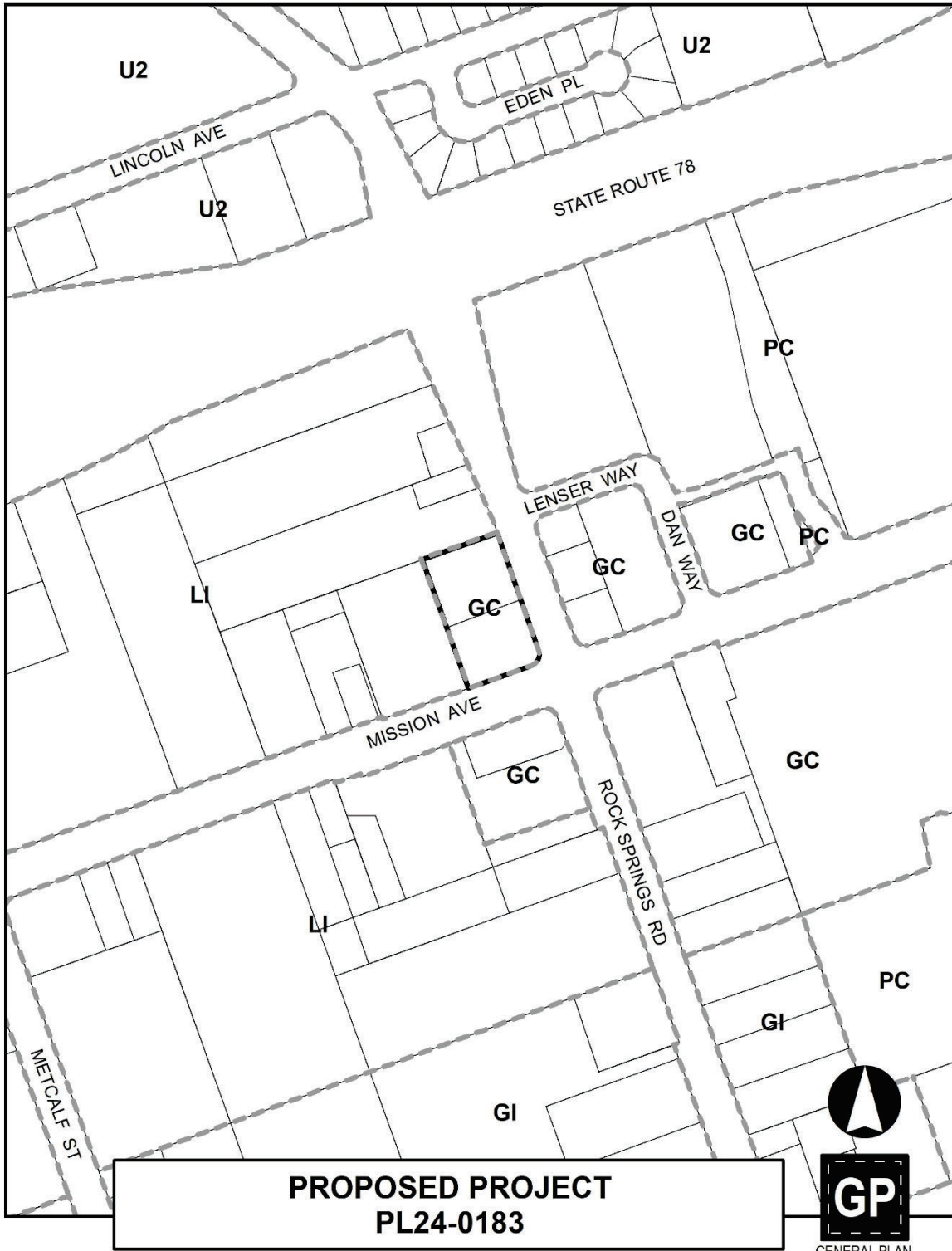


Figure 3: Zoning

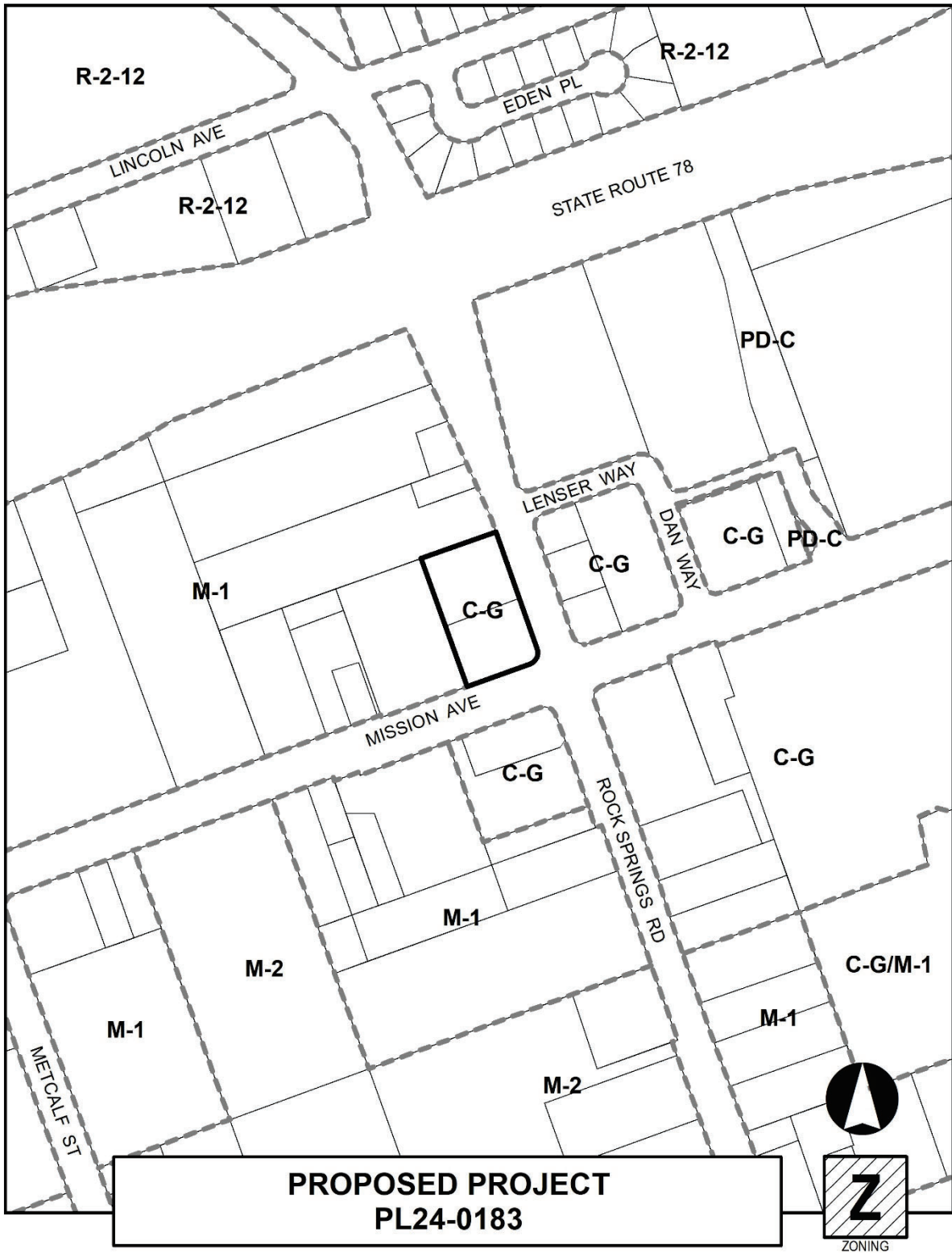




Figure 5: Exterior Elevations



## STATUTORY BACKGROUND

The City of Escondido is the CEQA lead agency for the proposed Project. Under CEQA, an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration may be appropriate if minor technical changes or modifications to the project are proposed (CEQA Guidelines Section 15164). An Addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines Section 15164(c)). Because no changes in the approved project are proposed, this Addendum does not require a public hearing or consideration by the City Council.

This MND Addendum demonstrates that the environmental analysis, impacts, and mitigation measures/requirements identified in the December 2020 MND remain substantively unchanged by the situation described herein, and it supports the finding that the proposed VMT methodology and conclusions do not result in new significant impacts and do not exceed the level of impacts identified in the December 2020 MND. Therefore, recirculation of the adopted MND for public review is not required, pursuant to CEQA Guidelines Section 15164. The City has also determined that preparation of a subsequent EIR or MND is not required under CEQA Guidelines Section 15162. To support this decision, the following discussion describes the proposed project modifications and the associated environmental analysis.

## IMPACT ANALYSIS

The Project would result in little change with respect to the environmental issue areas analyzed in this Addendum (see Table 1 below). Table 1 demonstrates the result of the Addendum and the conclusions drawn from using a VMT analysis versus one using LOS. With the application of the VMT criteria, the need for mitigation related to LOS criteria is unnecessary. Therefore, as described in further detail in this section, the CEQA analysis supports the determination that the Project would not involve new significant environmental effects or result in a substantial increase in the severity of previously identified significant effects which would call for the preparation of a subsequent EIR, as provided in §15162 of the State CEQA Guidelines.

**Table 1**

**COMPARISON OF ENVIRONMENTAL FINDINGS BETWEEN THE MODIFIED PROJECT AND THE PREVIOUS APPROVED PROJECT**

Environmental Issue	Conditional Use Permit at 900 W Mission IS/MND	Addendum Conclusions for Modified Project	Modified Project Impacts in Comparison to Conclusions of the Approved Project
<b>Transportation and Traffic</b>	Less Than Significant with mitigation	Less Than Significant Impact	Lesser impact

The Lead Agency, the City of Escondido, conducted an Initial Study with the aid of consultants preparing several technical studies to support their environmental findings (ENV19-0006) in response to the application for General Plan Amendment, Rezone and Conditional Use Permit (PHG19-0049) and again when the entitlement expanded to include a Conditional Use Permit (PHG19-0049) for alcohol sales. In Section 13.7.2, the Initial Study poses four questions to determine a project’s potential impact on the city’s transportation system. The Project’s impact in relation to three of the four CEQA checklist thresholds for transportation or circulation impacts were found to have a less than significant impact. However, one threshold was less than significant with mitigation due to a “conflict with a program, plan, ordinance or policy affect[ing] the circulation system including transit roadway, bicycle or pedestrian facilities” (Section XVII, Appendix G CEQA Guidelines). The Project was determined to conflict with a particular threshold within the General Plan Quality of Life Standards. The Quality-of-Life Standard is used as the threshold for significant impacts, with mitigation using the LOS CEQA transportation metric.

However, the December 2020 IS/MND includes the following language, “Based on the VMT assessment and technical information provided in the VMT Impact Analysis, the proposed project designation is a locally serving land use and any potential project VMT related impacts would be presumed to be less than significant. Therefore, the proposed project would not conflict with CEQA Guidelines section 15064.3 and impacts would be less than significant. No mitigation is required.”

This threshold, criteria, and conclusion are supported by VMT analysis (IS/MND, December 2020) and have since been codified in the adopted TIAG using the same threshold that was used in the December 2020 IEG TIA report, which determined the project to be less than significant using the VMT methodology and requiring no CEQA-related mitigation (TIAG, Section 3.3).

For these reasons, the removal of both TRA-1 and TRA-2 in the MMRP along with the adoption of VMT analysis and conclusions, which represent no nexus between the new development Project or the need to include signalization at West Lincoln Avenue and Rock Springs Road, is consistent with CEQA Guidelines and State Law. However, staff supports the retention of the Condition of Approval requiring the signalization of the West Lincoln Avenue and Rock Springs Road. City staff will maintain the ability to

impose conditions based on threshold and standards using LOS to assess and address traffic impacts of development project.

## **SUMMARY AND FINDINGS**

As analyzed in this report, the Project would not result in any new significant environmental impacts. The original June 2020 IS/MND was modified in December 2020 with an updated environmental analysis. The December 2020 MND update stated that VMT criteria and analysis applied to the project and no mitigation would be required. The analysis contained herein demonstrates that the proposed Project is consistent with the prior Approved Project and many of the impact issues previously examined in the Approved Project would remain unchanged with the proposed Project.

## EXHIBIT "D"

### MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

**PROJECT NAME:** 7-Eleven (City File Nos.: PL24-0183/PHG19-0049)  
**NEG. NEC. NO.:** ENV 19-0006  
**SCH NO.:** N/A  
**APPROVAL BODY:** Escondido City Council

**PROJECT DESCRIPTION:** An Addendum to the Final Mitigated Negative Declaration (MND) for the 7-Eleven Convenience Store and Service Station was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164 (Addendum to an EIR or Negative Declaration). The Addendum also updates the Mitigation Monitoring Reporting Program (MMRP) contained herein. The project consists of an approximately 4,088 SF convenience store with a 4,284 SF gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles. A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the Conditional Use Permit. As of July 1, 2020 the Level of Service (LOS) criteria was replaced by Vehicle Miles Traveled (VMT) as the only metric valid for CEQA analysis and the determination of Transportation and Traffic impacts mitigation measures. The Addendum demonstrates the use of Level of Service (LOS) standards to impose mitigation measures on the project was not in alignment with state standards. When employing the state mandated Vehicles Miles Traveled (VMT) metric and analysis, the project creates "less than significant impacts" without any mitigation. The MMRP will be modified to remove mitigation measures that were identified using the LOS methodology.

**PROJECT LOCATION:** 900 W. Mission Avenue (APNs 228-220-13-00 and 228-220-43-00)

**APPLICANT/CONTACT PERTSON:** Ilan Golchek, Golchek Group, LLC

**PROJECT MANAGER:** Vicrim Chima, Planning Consultant, City of Escondido Phone No.: (760) 839-4537  
Email: vicrim.chima@escondido.gov

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# Mitigation Monitoring and Reporting Program

## Mitigated Negative Declaration/Initial Study Environmental Checklist

### Project No. ENV 19-0006

The City of Escondido adopts this revised Mitigation Monitoring and Reporting Program (MMRP) in accordance with the findings of the Addendum to the Final MND (Attachment XX). The purpose of the MMRP is to ensure that the Project, which is the subject of the Mitigated Negative Declaration (MND) and Initial Study Environmental Checklist, complies with all applicable CEQA criteria and environmental mitigation requirements. The mitigation described in the MND and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts associated with cultural resources, geologic hazards and noise impacts.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for reviewing all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the MND and Initial Study Environmental Checklist. Only those subsections of the environmental issues presented in the Initial Study Environmental Checklist that have mitigation measures are provided below in the MMRP table. All other subsections do not contain mitigation measures. For each mitigation measure, the MMRP table identifies the following: (1) mitigation measure; (2) implementation action; (3) responsible agency/party; (4) monitoring schedule; and (5) verification date.

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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<b>Cultural Resources</b>						
<p>CUL-1: The City of Escondido Planning Division (City) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.</p>	<ul style="list-style-type: none"> <li>Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement.</li> </ul>	Applicant; City of Escondido Community Development Planning Division	X			
<p>CUL-2: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitors associated with TCA Tribes have been retained to implement the monitoring program. Because the project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people will be retained for the Project. The archaeologist shall be responsible for coordinating with the Native American monitors. This verification shall be presented to the City in a letter from the project archaeologist that confirms</p>	<ul style="list-style-type: none"> <li>Require verification and approval of qualified archaeologist.</li> </ul>	Applicant; City of Escondido Community Development Planning Division	X			

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
that Native American monitors representing both Luiseño and Kumeyaay associated with a TCA Tribes have been retained. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.						
CUL-3: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.	<ul style="list-style-type: none"> <li>Require monitoring program coordination.</li> </ul>	City of Escondido Community Development Planning Division; Qualified Archaeologist; Grading Contractor	X			
CUL-4: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.	<ul style="list-style-type: none"> <li>Require on-site archaeological monitor and Native American Monitor.</li> </ul>	City of Escondido Community Development Planning Division; Archaeological Monitor; Field Engineering Division	X	X		
CUL-5: In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant	<ul style="list-style-type: none"> <li>Require identification and preservation of any unidentified cultural resources.</li> </ul>	City of Escondido Community Development Planning Division; Project Archaeologist; County Coroner;		X		

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			Before Construction	During Construction	After Construction	
deposits shall be minimally documented in the field and collected so the monitored grading can proceed.		Native American Monitor				
CUL-6: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.	<ul style="list-style-type: none"> <li>Require identification and preservation of any significant tribal resource.</li> <li>Consultation with Native American Monitor.</li> </ul>	City of Escondido Community Development Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe	X			
CUL-7: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.	<ul style="list-style-type: none"> <li>Require research design and data recovery program.</li> <li>Consultation with Native American Monitor.</li> </ul>	City of Escondido Community Development Planning Division; Project Archaeologist; TCA Tribe	X			

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p>	<ul style="list-style-type: none"> <li>Require identification and preservation of any undiscovered cultural resources or human remains.</li> </ul>	<p>City of Escondido                      Community Development Planning Division;                      Project Archaeologist;                      County Coroner</p>		X		

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-9: If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows:</p> <ol style="list-style-type: none"> <li>It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.</li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li>Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be</li> </ol>	<ul style="list-style-type: none"> <li>Require that a Native American monitor is present during any testing or cataloging.</li> <li>Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe, and/or curated.</li> </ul>	<p>City of Escondido                      Community Development Department                      Planning Division;                      Project Archaeologist</p>	X	X	X	

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			Before Construction	During Construction	After Construction	
professionally curated and made available to other archaeologists/researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.						
CUL-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.	<ul style="list-style-type: none"> <li>Require documentation of analysis and data by the qualified archaeologist.</li> <li>Consultation with Native American Monitor.</li> </ul>	Qualified Archaeologist; Native American Monitor			X	
<b>Geology</b>						
GEO-1 Prior to issuance of a grading permit or ground disturbing activities, a preliminary assessment by a professional paleontological resource consultant shall be conducted to determine if the characteristics of a unique paleontological resource or site are present. If determined to be present, and the potential for destruction of a unique paleontological resource or site exists, the preliminary assessment must make recommendations for mitigating potential	<ul style="list-style-type: none"> <li>Paleontological analysis required</li> </ul>	Applicant Paleontological consultant	X		X	

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			Before Construction	During Construction	After Construction	
<p>impacts, such as monitoring during construction, or identify requirements for the proper documentation per state or federal guidelines, of any significant resource proposed to be impacted.</p>						
<p><b>Noise</b></p> <p>NOI-1: To reduce potential construction noise impacts, the following multi-part mitigation shall be implemented for the proposed project:</p> <ul style="list-style-type: none"> <li>The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</li> <li>The construction contractor shall ensure that unnecessary idling of internal engines (i.e., idling in excess of 5 minutes) is prohibited.</li> <li>The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.</li> <li>At all times during proposed project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.</li> <li>The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures</li> </ul>	<ul style="list-style-type: none"> <li>Requires applicant and contractor to implement specific operational measures to reduce potential noise impacts</li> </ul>	Applicant, Construction Contractor	X			

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			Before Construction	During Construction	After Construction	
<b>Traffic</b>						
<del>TRA 1</del> Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportation improvements within the City shall be constructed to the satisfaction of the City Engineer.	<del>Installation of Traffic Signal</del>	<del>Applicant</del>	<u>X</u>	*	*-	
<del>TRA 2</del> Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.	<del>Installation of roadway improvements</del>	<del>Applicant- Engineering Services Division</del>	<u>X</u>	*-	*-	

## Attachment "1"

**EXHIBIT "E"**  
**RESOLUTION NO. 2024-183R**  
**PLANNING CASE NO. PL24-0183**

Alternative Option No. 1 (Recommended Option) is hereby **recommended for conditional approval** as set forth within the Planning Commission Staff Report dated November 12, 2024.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

**A. General:**

- 1. Acceptance of Permit.** Should the Applicant fail 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.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall expire thirty-six (36) months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map or Planned Development application, the Permit shall automatically expire after one (1) year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
- 3. Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally

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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. Three (3) copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

**4. Conformance to Approved Plans.**

- a. The operation and/or use of the subject property shall be consistent with the 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 Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

**5. Limitations 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 Community Development 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 Community Development.

**7. Availability of Permit Conditions.**

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



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pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.

- 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 Community Development for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the

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same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

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

**16. Indemnification.** The Applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of any approval or denial of the application and from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Applicant, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the Applicant or owner's business or from any activity, work or thing done, permitted or suffered by Applicant or owner or its sublessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Applicant's or owner's part to be performed under the terms of this Agreement, or arising from any negligence of Applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Applicant further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by City in such action(s), including reasonable attorney's fees.

**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

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Services Department, Director of Community Development, 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 (including County Department of Environmental Health for USTs, APCD for Healy Tanks and Alcohol Beverage Control type 20 license). 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).

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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.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

**C. Parking and Loading/Unloading.**

1. A minimum of 21 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The stripping shall be drawn on the

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plans or a note shall be included indicating double stripping per City standards.

2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. 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 Planning Division for review and approval, if meeting any of the criteria listed under Section 33- 1323 of the Zoning Code. Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal 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

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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) are 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 Community Development.
- 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 Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

**E. Specific Planning Conditions:**

- 1.** Prior to the issuance of building permits for the project, a Lot Tie shall be recorded between APNs 228-220-13-00 and 228-220-43-00. The project applicant shall be responsible for the submittal of the Lot Tie application, all required documents, application fees and recording.
- 2.** The landscape plan attached to the project exhibits is conceptual only. The final landscape plan shall include appropriate screening around the main building, to

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include taller shrubs along the northern and eastern sides of the building. Appropriate street trees also shall be provide along the Rock Springs Road frontage, including along the eastern building frontage. Trees (min. 15 gallon) also shall be provided along the northern perimeter of the site. The final landscape design also shall provide 50 percent or more of shade coverage in 10 years for the open parking spaces.

3. An appropriate property boundary fence or wall shall be provided along the northern and western property boundaries. Appropriate sight distance shall be provided at driveways. Standard chain-link fencing shall not be permitted. Vinyl-clad fencing (with or without slats) would be acceptable. Any perimeter masonry walls shall include pilaster at wall corners, to the satisfaction of the Director of Community Development.
4. The sale of alcoholic beverages as part of this CUP is for the sale of beer and wine only. An appropriate license shall be required from the Department of Alcoholic Beverage Control.
5. Loitering is prohibited on or around these premises or the area under the control of the licensee.
6. No alcoholic beverage shall be displayed within five feet of the cash register of the front door unless it is in a permanently affixed cooler.
7. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
8. No sale of alcoholic beverages shall be made from a drive-in window.
9. No display or sale of alcoholic beverages shall be made from any ice container.
10. No self-illuminating advertising for beer and wine shall be located on the buildings or windows.
11. The facility (convenience store and gasoline station operations) shall be allowed to operate 24 hrs. a day. Employees selling alcoholic beverages between the hours of 10:00 p.m. and 12:00 a.m. shall be at least twenty-one years of age.
12. No beer and wine shall be sold between the hours of 12:00 a.m. and 8:00 a.m.
13. At least two signs shall be posted in visible places on the convenience store building (one adjacent to the entrance) stating the consumption of alcoholic beverages on the premises is prohibited and that violators will be prosecuted.
14. The licensee shall comply with all conditions set forth in the premise license issued through the Department of Alcoholic Beverage Control at all times.
15. If the restrictions imposed by the conditions of approval included with this CUP are stricter than those placed on the ABC license, these conditions shall take precedent.
16. There shall be no amusement machines or video game devices in the premises at

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any time.

17. No wine shall be sold with an alcohol content of greater than 15 percent by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
18. Beer, malt beverages, and wine coolers shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
19. No other laws shall be violated. Any violation of this Conditional Use Permit or additional conditions set forth in the premise license issued by the Department of Alcoholic Beverage Control may result in a suspension or revocation of this CUP.
20. Prior to the issuance of building permits for the development of the gasoline station, the applicant shall provide evidence to the Escondido Building Division of the issuance of appropriate permits from the San Diego County Department of Environmental Health for the installation of underground storage tanks (USTs), and appropriate permits for the installation of Healy Tanks from the Air Pollution Control District (APCD).

**F. Mitigation Measures:**

- CUL-1** The City of Escondido Planning Division (City) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre- excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of
- the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
- CUL-2** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitors associated with TCA Tribes have been retained to implement the monitoring program. Because the project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people will be retained for the project. The archaeologist shall be responsible for coordinating with the Native American monitors. This verification shall be presented to the City in a letter from the project

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archaeologist that confirms that Native American monitors representing both Luiseño and Kumeyaay TCA Tribes have been retained. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

- CUL-3** The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
- CUL-4** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
- CUL-5** In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
- CUL-6** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
- CUL-7** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and

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data recovery program activities must be concluded to the satisfaction of the City.

**CUL-8** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

**CUL-9** If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows:

- 1) It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

OR

- 2) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a

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culturally- affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/ researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.

**CUL-10** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

**GEO-1** Prior to issuance of a grading permit or ground disturbing activities, a preliminary assessment by a professional paleontological resource consultant shall be conducted to determine if the characteristics of a unique paleontological resource or site are present. If determined to be present, and the potential for destruction of a unique paleontological resource or site exists, the preliminary assessment must make recommendations for mitigating potential impacts, such as monitoring during construction, or identify requirements for the proper documentation per state or federal guidelines, of any significant resource proposed to be impacted.

**NOI-1** To reduce potential construction noise impacts, the following multi-part mitigation shall be implemented for the proposed project:

- The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall ensure that unnecessary idling of internal engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- At all times during proposed project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.

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- The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.

**TRA-1** *Removed by Resolution No. 2024-183.*

**TRA-2** *Removed by Resolution No. 2024-183.*

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**ENGINEERING CONDITIONS OF APPROVAL****GENERAL**

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to the approval of any building permit.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Division three (3) copies of the Site 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

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Site Plan will be certified by the Planning Division verifying that they are an accurate reproduction of the approved Site Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

**STREET IMPROVEMENTS AND TRAFFIC**

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. 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. *Removed by Resolution No. 2024-183.*
3. *Removed by Resolution No. 2024-183.*
4. The project's access drive shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the right-of-way line to the satisfaction of the City Engineer.
5. The Developer shall pay \$560,000 of the "construction cost" of a new traffic signal at the intersection of Rock Springs Road and Lincoln Avenue prior to project occupancy. The Developer shall submit separate traffic signal and signing and striping improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. The traffic signal design shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, and interconnect conduits and cables to an existing traffic signal controller. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal work with the Developer's Contractor(s) and Equipment Suppliers and City staff.
6. *Removed by Resolution No. 2024-183.*
7. The Developer may be responsible for an overlay of Rock Springs Road due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
8. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
9. 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.
10. The Developer shall repaint all pavement striping and markings adjacent to the project

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that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.

11. 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
12. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
13. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.
14. The existing W. Mission Avenue bus stop shall be relocated to the satisfaction of the North County Transit District (NCTD) and the City Engineer. The relocated bus stop shall be constructed on W. Mission Avenue along the project frontage. The developer shall provide written correspondence from NCTD stating they have approved the proposed location of

the bus stop prior to approval of the Improvement Plan. The NCTD approved bus stop location shall be shown the Improvement Plan.

15. *Removed by Resolution No. 2024-183.*
16. The proposed Rock Springs Road driveway shall be signed and striped for right turns in and out only.
17. Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportation improvements within the City shall be constructed to the satisfaction of the City Engineer.
18. Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right-out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.

**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

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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. 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.
4. 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.
5. 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.
6. 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.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
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 and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Drainage Study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. 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. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's

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latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.

4. Storm water runoff from the W. Mission Avenue frontage improvements shall be treated in accordance with Green Streets" best management practices (BMPs).
5. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
7. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

**WATER SUPPLY**

1. All water services, detector check assemblies, and other water appurtenances shall be designed and installed at locations required and approved by the Director of Utilities. All new water lateral locations and sizing shall be to the satisfaction of the City Engineer and, in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal. Fire hydrants shall connect to a minimum 8-inch water main.
3. Where fire hydrants are being relocated, the abandoned fire hydrant laterals shall be abandoned at the water main. All existing gate valves and tees shall be removed and a straight run of pipe shall be replaced within the water main to the nearest joints.
4. A fire suppression sprinkler system shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings and per the requirements of the Fire Marshal.

## Attachment "1"

5. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.
6. All on-site water lines and backflow prevention devices not in public easements or the City's Right of Way shall be considered a private water system. The Property Owner will be solely responsible for all maintenance of these water lines and facilities.
7. No trees or deep rooted plants shall be planted within 10-feet of any water service.

**SEWER**

1. A private 6-inch minimum (PVC) sewer lateral with a standard clean-out within the right-of-way shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye fitting or Inserta-Tee. 8-inches in diameter sewer laterals shall be connected to the public sewer at a manhole.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. No trees or deep rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
5. All sewer lateral(s) and grease traps shall be considered a private sewer system. The Property Owner will be responsible for all maintenance of the sewer lateral(s) and system to the sewer main.
6. A grease trap, if required for the restaurant component of the project, shall be installed at an approved location to the satisfaction of the Director of Utilities.

**LANDSCAPE**

7. 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.
8. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs and landscaping installed in the right-of-way, shall be maintained by the property owner.

Attachment "1"

**EASEMENTS AND DEDICATIONS**

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

<b>STREET</b>	<b>CLASSIFICATION</b>
W. Mission Avenue	Major Road (51' CL to R/W - 9' dedication)

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
3. The developer shall dedicate to the public a 20-foot radius corner rounding at W. Mission Avenue and Rock Springs Road.
4. 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. Building permits will not be issued for lots in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed. The initial submittal of the plat and legal shall include the required dedication fee in effect at the time of the submittal.

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

**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 36,000, unless a higher amount is deemed necessary by the City Engineer.
2. *Removed by Resolution No. 2024-183.*
3. 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.

Attachment "1"

**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 City Council resolution.
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**

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