



# STAFF REPORT

DATE: 11/28/2023

PHG20-0036 – 829 S. Escondido Boulevard

**PROJECT NUMBER / NAME:** PHG20-0036 South Centre City Parkway Specific Plan Amendment and 21-unit Multi-Family Residential Project - Plot Plan and Density Bonus

**REQUEST:** The Project includes an Amendment to the South Centre City Specific Plan to extend the mixed-use overlay to the Project site to allow for residential and commercial development (mixed-use) up to 30 dwelling units per acre and building height up to 45 feet. The request also includes a Major Plot Plan and Density Bonus for the development of a four-story building, ground-floor parking garage, up to 4,200 square feet of ground-floor commercial/flex space and 21 multi-family residential units (18 market rate units and 3 affordable units). The Density Bonus would allow for an increase in allowable density but requires 3 of the units to be restricted for “very low-income” tenants, along with certain incentives/concessions and waivers from development standards. The proposal also includes adoption of the environmental determination for the Project.

**PROPERTY SIZE AND LOCATION:** The 0.46-acre project site is located on the northwest corner of S. Escondido Boulevard and W. Ninth Avenue, addressed at 829 – 849 S. Escondido Boulevard and 332 W. Ninth Avenue (APNs 233-371-14-00 and 233-371-15-00).

**APPLICANT:** 9th Avenue Escondido LLC

**GENERAL PLAN / ZONING:** South Centre City Parkway Specific Plan / (S-P) Escondido Boulevard District

**PRIMARY REPRESENTATIVE:** Jim Whalen (J. Whalen Associates, Inc.)

**DISCRETIONARY ACTIONS REQUESTED:** Specific Plan Amendment (SPA), Major Plot Plan and Density Bonus

**PREVIOUS ACTIONS:** N/A

**CEQA RECOMMENDATION:** Recommend adoption of the Addendum to the Negative Declaration – CEQA Guidelines Section 15164

**STAFF RECOMMENDATION:** **1.** Recommend approval of the SPA, Plot Plan and Density Bonus; **2.** Recommend the City Council deny the waiver of the ongoing municipal funding condition.

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2023-23

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**  Dare DeLano, Senior Deputy City Attorney

Veronica Morones, City Planner



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### BACKGROUND

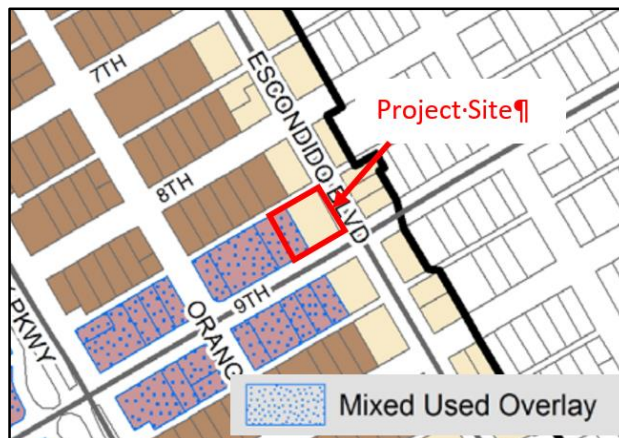
The 0.46-acre project site consists of two parcels (APNs 233-371-14-00 and 233-371-15-00) located at the northwest corner of South Escondido Boulevard and West 9th Avenue, and is bordered by an unnamed 20-foot-wide public alley on the north. The site is developed with four single-story commercial buildings and a paved parking lot with driveway access to the parking lot provided from 9th Avenue. The commercial structures are over 50 years old and were constructed between 1929 and 1964. A Historic Analysis concluded the buildings do not meet specific criteria to be considered significant historic resources or qualify for listing as Local Register structures/properties. All of the existing structures would be demolished in order to accommodate the project. The surrounding area generally consists of one- and two-story commercial uses along South Escondido Boulevard and West 9th Avenue interspersed with one- and two-story residential uses.

### SUMMARY OF REQUEST

The Project applicant, 9th Avenue Escondido, LLC ("Applicant") submitted an application for an Amendment to the South Center City Specific Plan (SPA 15), along with a Major Plot Plan and Density Bonus to construct a four-story, 21-unit multi-family residential mixed-use development with a density of 45.6 dwelling units per acre ("Project"), as depicted on Exhibit E of draft Planning Commission Resolution No. 2023-23, which itself is included as Attachment 4 to this report. The design includes a mix of one-bedroom, and two-bedroom units, along with 27 garage-level parking spaces, and 4,200 square feet of ground-floor commercial space.

The project site consists of two parcels (0.46-acres) with one located within the Escondido Boulevard District (0.3 acres) and the other within the 9th Avenue Overlay District (0.16 acres). The larger 0.3-acre parcel is located within the Escondido Boulevard commercial district (EB commercial) that does not permit residential development. The smaller 0.16-acre parcel includes a mixed-use overlay designation that allows residential mixed-use development up to 24 dwelling units per acre and a height of up to 35 feet. The Applicant requests an amendment to the South Centre City Specific Plan to extend the mixed-used overlay to the larger parcel in order to permit for 30 du/ac and amend the land-use development requirement to allow height of up to 45 feet to facilitate the proposed 21-unit mixed-use development. Figure 1 below shows the existing Specific Plan mixed-use overlay in relation to the project site.

Figure 1: Existing Specific Plan Designation





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The proposed Major Plot Plan and Density Bonus plan includes a request for a 50 percent increase in density pursuant to Density Bonus Law that would allow up to 20 total units consisting of 13 base units and seven density bonus units (includes three units restricted as very-low-income). Article 67 (Density Bonus and Residential Incentives) of the Escondido Zoning Code (EZC), and State Density Bonus law, allow an increase in residential density for projects that restrict a percentage of those base units as affordable housing units. Density Bonus Law permits up to three incentives/concessions for the Project, and the Applicant can request other waivers of development standards that are necessary to accommodate the construction of the Project. The Applicant requests one additional dwelling unit, in excess of the density bonus allowance, in compliance with Section 33-1414(a)(2)(C) of Article 67 (Density Bonus and Residential Incentive) for a total of 21 dwelling units for the Project. Additional information on the Applicant’s requested incentives/concessions and waivers are provided under Project Analysis of this report.

Typically, the Director of Development Services would act on the administrative Plot Plan and Density Bonus request, as outlined in Zoning Code Article 61, Division 8 (Plot Plans) and Article 67 (Density Bonus and Residential Incentives). However, the Applicant requests both a SPA and to waive the condition requiring ongoing municipal funding obligations, which both require ultimate decision by City Council. In this case, the Planning Commission provides a recommendation to the City Council due to the accompanying legislative action (Specific Plan Amendment) and waiver of fees. Therefore, the Planning Commission’s reviewing role is to make a recommendation to City Council for approval or denial of the Plot Plan, Specific Plan Amendment, and waiver of fees.

### SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size:	0.46 gross acres (2 parcels, 13,000 SF and 7,000 SF)	
2. Number of Units:	21 apartment units (3 very-low-income units)*	
3. Building Size:	39,856 Gross Square Feet (4 levels)	
4. Commercial:	4,200 SF ground-level	
	<b><u>Minimum Required</u></b>	<b><u>Provided</u></b>
5. Unit Size:	N/A	1,010 SF – 1,266 SF
6. Unit Type:	N/A	4 one bedroom, 17 two bedroom
7. Density:	Up to 30 du/ac and 24 du/ac	45.6 du/ac (Density Bonus allowance)*
8. Lot Coverage/Floor Are Ratio:	N/A	72% Lot Coverage/1.99 FAR
9. Building Height	Up to 26 feet North of 11 <sup>th</sup> Ave	Up to 47 feet (Density Bonus request)*
10. Motor Vehicle Parking:	29 residential and 16 commercial 45 total required	27 spaces (no commercial spaces)* Up to 7 on-street for the commercial use along the frontages
11. Setbacks:	<b><u>Per SP requirements</u></b>	<b><u>Proposed</u></b>
a. Front Yard:	14’ from curb face	15’ to main structure, 13’ to architectural pop out feature (SEB <sup>1</sup> )*
b. Rear Yard:	15’ first story, 8’ setbacks at 2 <sup>nd</sup> floor and above	24’ west P/L
c. Side Yard:	0’ (5’ if commercial adjacent to residential use)	5’-2” to closed pt. of building (north P/L) Rooftop overhang encroachment*
d. Street Side:	14’ from curb face	15’-4” to main structure, 13’-3” to architectural pop out feature (9 <sup>th</sup> Ave)*
12. Open Space / Landscaping:	6,300 SF (300 SF per unit)	4,808 SF (Density Bonus Request)*



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13. Signage:	Per Article 66 (Sign Ord)	Per Article 66
14. Trash:	1 Trash Enclosure	1 Trash Enclosure
15. Heating and Ventilation:	Screening required	Mech Equipment located in well on roof

**\* Deviations proposed as part of Density Bonus request**

**<sup>1</sup>SEB: South Escondido Boulevard**

**PROJECT ANALYSIS**

1. General Plan Conformance:

a. Land use and density consistency

The City’s General Plan land-use designation for the project site is Specific Planning Area (SPA 15) with an underlying zoning designation of Escondido Boulevard District and 9<sup>th</sup> Avenue Overlay. The 0.16-acre parcel fronting onto 9th Avenue contains the mixed-use overlay that allows for multi-family development up to 24 dwelling units per acre. The larger 0.30-acre parcel fronting onto South Escondido Boulevard is located within the Escondido Boulevard District (commercial district), but does not contain the overlay designation, and therefore does not permit multi-family or mixed-use development. However, based on the proposed Specific Plan Amendment to apply the mixed-use overlay district to the larger 0.30-acre parcel and allow up to 30 dwelling units per acre, along with the combined size of the two parcels (0.46 total acres), the project site would accommodate up to 13 base units (parcel 1: 0.16 acres x 24 du/ac = 3.8 units; parcel 2: 0.30 acres x 30 du/ac = 9.0 units; 3.8 + 9.0 = 12.8 units rounded up to 13 units per Density Bonus calculations – yield fractions round up). The proposed project would include 15 percent of the base units (i.e., three) as very-low-income restricted units, entitling the Applicant to a 50 percent bonus (i.e., 6.5, rounded up to 7) for a total density bonus allowance of 20 units, consistent with State Density Bonus law as described further below.

State Density Bonus law is codified in Government Code Section 65915 – 65918, and specifically states, “granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, zone change, or other discretionary approval.” As such, regardless of density, the Project is consistent with the provisions of the General Plan as long as it complies with State Density Bonus law and Article 67 of the Escondido Zoning Code.

Allowable increases in density are based on a sliding scale that involves both the percentage of affordable units being provided, and the level of affordability of those units. Existing and proposed zoning for the subject parcels (up to 24 du/ac and 30 du/ac with mixed-use overlay zone designation) would allow a total of 13 base units; however, by deed restricting 15 percent of those units (amounting to three units) for very-low-income households, the Project is eligible for a 50 percent increase in allowable density (seven density bonus units), resulting in a total allowance of 20 units. Further, Sec. 33-1414(a), consistent with state law, permits for a project to request excess density bonus exceeding the entitled amount of density bonus denoted under Sec. 33-1313(b) as an incentive for a project. In this instance, the Project would use one of its three permitted incentives/concessions to receive an additional unit in excess of the permitted density bonus to allow for a total of 21 units. Therefore, the Project is consistent with Article 67 of the EZC.



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The South Centre City Specific Plan seeks to create quality housing through new and creative infill of single- and multi-family development to further housing choice and opportunity within the City. The Project would support the Specific Plan's goal by providing an infill project that provides for a mix of market rate and affordable units. Further, the Project provides a mixed-use commercial component, retaining street-level commercial at important corners, such as the 9th Ave. and Escondido Blvd. corner.

### b. Housing Element and "No Net Loss"

The City identified a number of properties within the South Centre City Parkway Specific Plan area where the conditions of existing uses are conducive to future redevelopment. Such conditions include large parking areas, older buildings, marginally operating businesses, nonconforming uses, and capacity for additional units. Overall, the properties in South Centre City Parkway Specific Plan area are projected to accommodate 1,038 new units. As identified in the 2021-2029 Housing Element, (Program 1.1: Sites Inventory and No Net Loss Monitoring) the City of Escondido has been allocated a Regional Housing Needs Assessment ("RHNA") of 9,607 units (1,864 very low income; 1,249 low-income; 1,527 moderate-income, and 4,967 above-moderate income units). The proposed project would not result in the loss of any existing residential units and would result in three new very-low-income apartment units and 18 market rate units. However, the project site is not identified in the City's General Plan Housing Element Suitable Sites Inventory for the 6th RHNA Planning Cycle. Because the provision of "no net loss" applies to housing located on any site listed in the City's Housing Element, the City does not need to determine if this project or a decision related to this project would be subject to No Net Loss Law and its remedies.

### 2. Density Bonus and Residential Incentives:

Article 67 of the Escondido Zoning Code is intended to encourage and incentivize the production of housing affordable to all segments of the population, consistent with State Density Bonus Law. A density bonus project is permitted to construct more units (up to 50 percent increase) than would otherwise be permitted on a particular property in exchange for restricting a percentage of those units for moderate-, low-, or very-low-income households. The increase in density is based on the percentage of units restricted and the income level at which they are restricted for. A density bonus project proposing 15 percent of the base density units for very-low-income households is also entitled up to three incentives or concessions, which are defined in Government Code section 65915(k), in part, to include "[a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements.... that results in identified and actual cost reductions...." Additionally, density bonus projects are entitled to waivers from development standards which would have the effect of physically precluding the construction of the proposed density bonus project. For reference, Article 67 of the Escondido Zoning Code can be found at the following link:

[https://library.qcode.us/lib/escondido\\_ca/pub/municipal\\_code/item/chapter\\_33-article\\_67](https://library.qcode.us/lib/escondido_ca/pub/municipal_code/item/chapter_33-article_67)

Based on Density Bonus Law, the Applicant requests and is entitled to the following incentives/concessions (three total):

- An excess density bonus for one additional dwelling unit.
- Increase in height for certain building elements up to 47 feet in height.
- Reduction in parking (two residential spaces) and elimination of required commercial spaces.

And the following waivers (unlimited):



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- Reduction in setbacks, that would not affect the public right-of-way, pedestrian or utility access, to allow certain encroachments into the front and street-side setbacks, including the overhang of architectural elements, upper-story element, and roof eaves.
- Elimination of upper-story level step-backs (for second story and above).
- Reduction in open space and tree planting requirements (min. 1 tree per unit).
- Allow for tandem parking through the Plot Plan process in-lieu of the Planned Development process.

Staff has reviewed the requested waivers and determined that they would not create an adverse impact upon the health, safety or the physical environment.

Additional Request for Direct Financial Incentive:

The Applicant is also requesting that the City eliminate the requirement to fund ongoing operational costs of providing municipal services. As discussed in the Fiscal Analysis Section of this Staff Report, the City Council has the discretion to grant this request, but it is not required to do so.

### 3. Climate Action Plan Consistency:

The Applicant prepared and submitted a Climate Action Plan (CAP) Checklist, and is screened out of additional Greenhouse Gas Analysis based on the project type. Projects screened out by the CAP Checklist are assumed to have a less than significant impact on GHG emissions. The screening threshold for multi-family uses is 55 units, and for mixed-use project is less than 36 single-family equivalent units (SFE). The Project only proposes 21 multi-family units and 4,200 square feet of commercial space for a total SFE of 22.26 SFE. As such, the Project has been determined to be consistent with the Climate Action Plan.

### 4. Site Design:

#### a) Project Access, Circulation and Parking:

The project site fronts onto two public circulation element streets (South Escondido Boulevard and West 9th Avenue), along with a 20-foot-wide public alley on the north. The Project design includes an internal ground-floor garage that would accommodate 27 parking spaces, trash facilities and other utilities. Twelve of the spaces are tandem spaces, that would be dedicated to select two-bedroom units. Access to the parking spaces would be provided from a driveway fronting 9th Avenue and the alley. The Project would include widening the alley an additional two-feet along the project frontage, and the intersection redesigned to include a bulb-out feature to enhance public safety and the intersection crosswalks. The Engineering Division indicated the bulb-out feature would not adversely affect circulation along South Escondido Boulevard and 9th Avenue, nor impact turn movements at the intersection, as conditioned.

The Project requires a minimum of 29 residential spaces for the 21 units and 16 spaces for the 4,200 square foot commercial component. The Project would provide a total of 27 garage-level parking spaces, including one disabled space. The Applicant requests a reduction in parking of two required residential spaces and elimination of all the required commercial spaces. Although on-street parking



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may still be allowed along the project frontages, these spaces are open public spaces and are not specifically reserved for the Project. A section of the on-street parking may be posted for short-term parking to facilitate commercial delivery and moving vehicles, as determined by the Engineering Division through the final improvement plans. There is an existing recorded parking agreement between the subject site and the commercial property to the south (Petersons Donuts) to utilize up to 14 on-site parking spaces. However, these are not permanent spaces for the Project site as the agreement may be terminated if the land-use on the Peterson's site changes to require additional on-site spaces to support the use.

b) Open Space and Landscaping:

A minimum of 300 square feet of open space is required per unit, which equates to 6,300 square feet of open space for the 21-unit Project. The Project would provide a combination of private and common open space areas totaling 4,808 square feet. Open space areas/amenities include a central ground-floor courtyard, individual unit balconies, and a common second floor internal terrace that overlooks the central courtyard. In order to accommodate the Project's site design and achieve the desired density, the Project proposes a 24 percent reduction in open space from 300 square feet per unit to 229 square feet per unit. Multi-family residential projects are required to provide a minimum of one tree per unit. However, due to the limited landscape area available for the higher-density project, the remaining available area would accommodate up to 9 street trees along the project frontages within specifically designed planter wells, along with smaller landscape planters along the street frontages and within the central courtyard area.

c) Architectural Design, Color/Materials and Unit Mix:

The Project consists of a four-story structure that includes one- and two-bedroom units. Unit sizes range from 1,119 square feet for the one-bedroom units, to 1,266 square feet for the two-bedroom units. Interior hallways/open terraces provide access to the units. Each unit includes private exterior-facing upper-story decks/balconies with metal railings. The building is approximately 47 feet in height to the top of certain roof elements. The Project utilizes a contemporary style of architecture with varying wall planes and rooflines, with flat and angled metal clad roofs and upper-story roof eyebrow-type overhangs. Exterior materials/colors include white primary stucco with light gray and yellow accent and trim colors; a red brick veneer on ground-floor walls, and; vertical wood siding on select wall recesses. Exterior balconies located at the corner units facing 9th Avenue include a decorative metal grill/screen. The ground floor includes an entry lobby and 4,200 square feet of unplanned commercial space with a ceiling height of approximately 15 feet and store-front type glass windows and doors. Project plans are included with this staff report as Exhibit "E" to draft Planning Commission Resolution No. 2023-23.

5. Specific Plan Amendment –South Centre City Specific Plan

The City's General Plan land-use designation for the project site is Specific Planning Area (SPA 15) with an underlying zoning designation of Escondido Boulevard District and 9<sup>th</sup> Avenue Overlay. The 0.16-acre parcel



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fronting onto 9th Avenue includes the mixed-use overlay that allows for general mixed-use and multi-family development up to 24 dwelling units per acre, with a building height of two stories (up to 26 feet in height). The larger 0.30-acre parcel fronting onto South Escondido Boulevard is also located within the Escondido Boulevard District (commercial designation), but does not contain the overlay designation and does not permit residential development (refer to Figure 1). The Applicant is requesting that the mixed-use overlay designation be applied to the larger corner parcel to facilitate, along with an allowed density of up to 30 dwelling units per acre, the proposed 21-unit mixed-use project. The proposed amendment would also modify the allowable height limits for projects (residential/commercial) in the mixed-use overlay of the Escondido Boulevard District. Specifically, the amendment would allow for up to 45 feet in height on the larger parcel through the expansion of the mixed-use overlay in order to accommodate the desired density. However, the two-story, 26-foot height limit would still apply to parcels not involved within this proposed amendment and located outside of the mixed-use overlay. The amendment would require a revision to Table 5.2 (General Building Height, Setbacks and Coverage Standards) included as Attachment 3 to the Staff Report and Exhibit "D" to draft Planning Commission Resolution No. 2023-23.

### FISCAL ANALYSIS

Density bonus law (Government Code section 65915 et. seq.) and Article 67 of the Escondido Zoning Code (Density Bonus and Residential Incentives) are intended to encourage the development of affordable housing. This is accomplished through the allowance for an increase in residential density above what would typically be allowed for a property, and through the provision of incentives and waivers from development standards that make construction of the project infeasible.

The percentage of affordable units and level of affordability dictates the number of incentives and concessions associated with a density bonus project, and entitles an applicant to certain waivers of development standards. The Applicant requests to eliminate the requirement to fund ongoing operational costs of providing municipal services required for the Project as an incentive. This requirement is identified as Condition of Approval General A.11 attached as Exhibit "F" of Resolution No. 2023-23.

Government Code section 95915(l) states that Density Bonus Law "...does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements." Similarly, section 33-1414(a)(2)(E) of the City of Escondido Municipal Code states that "the city council may, but is not required to, provide direct financial incentives, including direct financial aid in the form of a loan or grant, the provision of publicly owned land, or the waiver of fees or dedication requirements." Staff has consistently interpreted this to mean that the City is not required under Density Bonus Law to waive fees or provide other direct financial incentives for a housing development. Further, staff does not have the authority to do so under the City of Escondido Municipal Code or the current City Council adopted policy concerning the funding of municipal services by new development.

The requirement to fund all on-going operational costs of providing municipal services is a policy established by City Council. City staff or the Planning Commission does not retain decision-making authority to waive Council policy. As such, the Planning Commission is acting in an advisory role to City Council on this request to remove this condition of the Project. The condition cited above is consistent with existing City Council policy requiring all residential development to offset its impact on the general fund by providing an ongoing funding source to pay for public services demanded by a project. Because the condition is consistent with current City Council policy, and





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because neither the Government Code nor the City of Escondido Municipal Code require the City to provide direct financial assistance to a density bonus project, staff does not support the removal of said condition.

### ENVIRONMENTAL ANALYSIS

On March 21, 2018, the Escondido City Council adopted a Final Initial Study/Negative Declaration (IS/ND) for the South Centre City Specific Plan (City Case Nos. PHG15-0003/ENV17-0005). Section 15164 of the State CEQA Guidelines states that an Addendum to a Negative Declaration shall be prepared "if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent Negative Declaration have occurred." The proposed project is consistent with the adopted Final IS/ND. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental Negative Declaration have been met. As detailed in the Addendum to the Final IS/ND prepared for the Project, included as Attachment 2 to the staff report and Exhibit "B" to Draft Planning Commission Resolution No. 2023-23, and the project materials, the City finds that, pursuant to Section 15162, no subsequent Negative Declaration would be required. Because none of the conditions of Section 15162 of the State CEQA Guidelines occur and as the Addendum and the proposed Project satisfy the requirements of Section 15168, an Addendum to the South Centre City Specific Plan Final IS/ND is the appropriate form of environmental documentation required under CEQA for the proposed project.

### PUBLIC INPUT

Staff received one comment from the public regarding an error in the public notice. The public hearing notice included the correct address, Assessor's Parcel Numbers, and map/graphic identifying the proposed project site. However, the notice indicated the project site is located on the southwest corner rather than the northwest corner. The notice was correctly mailed to surrounding property owners, in accordance with City requirements, published in the newspaper, and two public hearing signs physically posted on the site. The staff report and public agenda includes the correct project coordinates. Therefore, this error did not adversely affect the public noticing of the project and future hearing notices will be corrected appropriately.

### CONCLUSION AND RECOMMENDATION

1. The proposed Project is consistent with the General Plan and the South Centre City Specific Plan because it encourages higher density urban residential growth within the Escondido Boulevard District. The Project would further the Land Use and Community Form goals in Chapter II of the Escondido General Plan, including those related to community character and smart growth, as well as the Housing goals in Chapter IV of the General Plan, which include planning for sustainable growth and providing housing opportunities for all income groups and household types.
2. All land use development applications that consist of a Plot Plan, Density Bonus and Specific Plan Amendment are subject to design review and the final decision-maker is the City Council. The proposed Project is consistent with the guiding principles for the South Centre City Specific Plan (as modified by Density Bonus incentives, concessions and waivers) identified in the Land Use and Community Form Element of the Escondido General Plan because such principles accommodate the type of high-density urban development envisioned for the area. The proposed Project also provides for a well-designed, residential development that will be beneficial to its future residents and provide visual appeal in an area that is currently undergoing significant revitalization.



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3. Staff recommends that the Planning Commission adopt Resolution 2023-23, recommending that the City Council approve the proposed Plot Plan and Density Bonus, and Specific Plan Amendment, as described in this staff report and as detailed in Exhibits "A" through "F" to Draft Planning Commission Resolution No. 2023-23.
4. Consistent with City Council policy, Condition of Approval A.11 is added to the project approval, requiring the Project to fund all on-going operational costs of providing municipal services. Because the condition is consistent with current City Council policy, and because neither the Government Code nor the City of Escondido Municipal Code require the City to provide direct financial assistance to a density bonus project, staff does not support the removal of said condition.

### ATTACHMENTS

1. Location Map/Aerial
2. Draft Addendum to the Final Initial Study/Negative Declaration
3. Specific Plan Amendment
4. Draft Planning Commission Resolution No. 2023- 23 including Exhibits A, B, C, D, E, and F














# ATTACHMENT 1

## Project Location

APNs 233-371-14 and 233-271-15



**Legend**

-  Subject Site
-  Mixed Used Overlay
-  West Mercado - Commercial
-  West Mercado - General
-  Escondido Boulevard District
-  9th Avenue Overlay District
-  Quince District - Single Family
-  Quince District - Multi-Family
-  13th Street Corners District
-  Orange District - Urban IV
-  Orange District - Urban V
-  Felicita Commercial District
-  Southern Entry District

## **ATTACHMENT 2**

### Addendum

Due to the number of pages of Exhibit "B," the following link has been provided to review the documents electronically on the City's web site:

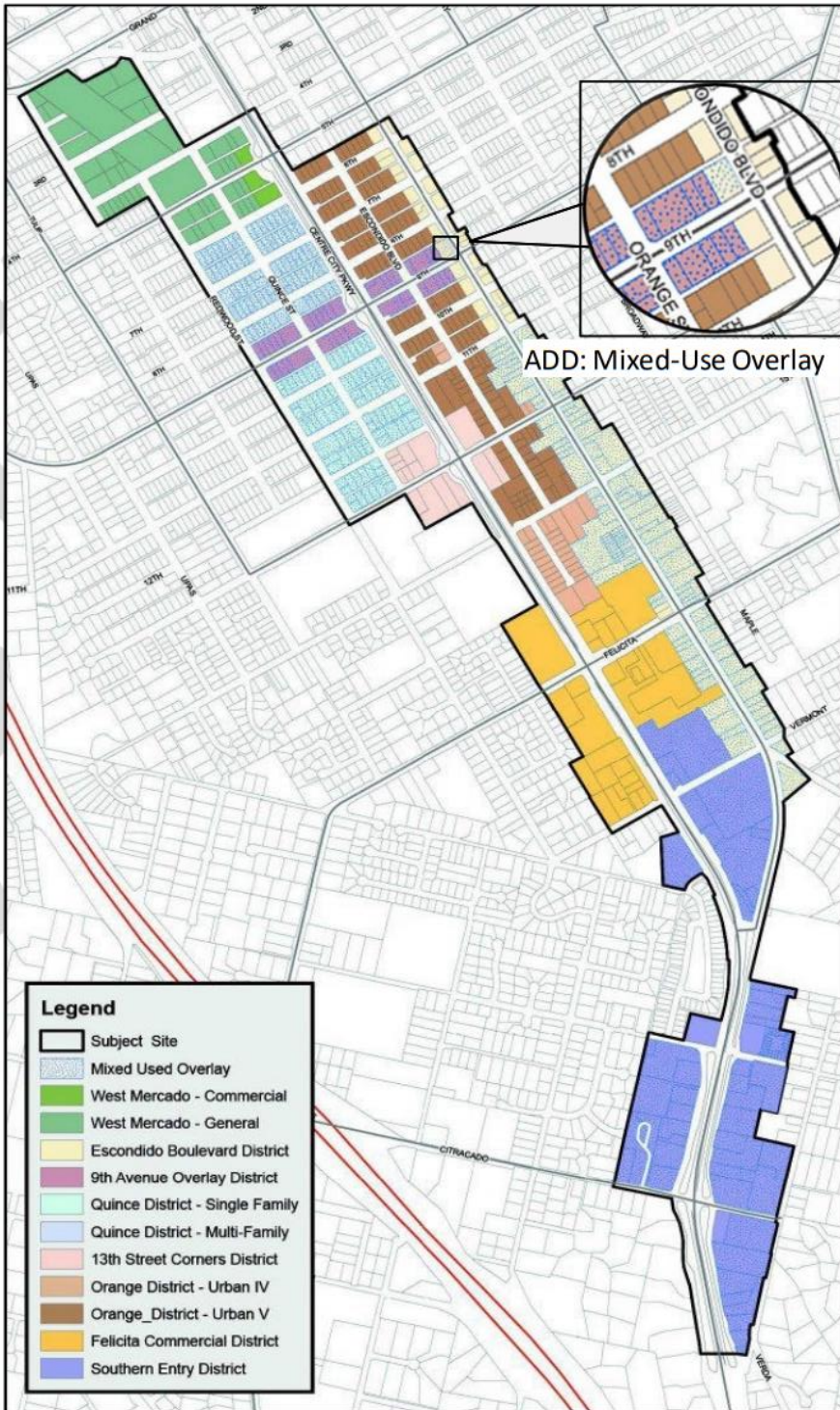
<https://escondido.org/829-south-escondido-blvd-project>

The link includes the following:

Final Initial Study/Negative Declaration ("IS/ND") for the South Centre City Specific Plan (ENV17-0005) and Addendum to the IS/ND

**ATTACHMENT 3**

Proposed Specific Plan Amendment



Add Mixed-Use Overlay to APN 233-371-15 to allow up to 30 du/ac and 45-foot height limit.

Exhibits to Modify (add the mixed-use overlay to APN 233-371-15-00 located within the Escondido Boulevard District):

1. General Map Exhibit, Section 1.3 (Chapter 1, page 4)
2. *South Centre City Specific Plan*, Section 3.1 (Chapter 3, page 2 and page 4) and all applicable exhibits within Ch. 3 corresponding to outside districts for reference/consistency
3. *Northern section of the Area, Southern section of the Area*, Section 4.1 - Figure 4.1 (Chapter 4, page 2)
4. General Map Exhibit, Section 7.2 - Figure 7-2 (Chapter 7, page 4)

Proposed text amendments to the Tables shown in ~~red strikethrough~~ and **bold/underline**.

**VI. Change to Chapter 5, Design Guidelines, Table 5.2, Pages 4-6**

**Table 5.2: General Building Height, Setbacks, and Coverage Standards for Specified Districts**

DEVELOPMENT STANDARDS <sup>(1)</sup>	WEST MERCADO DISTRICT		9TH AVE OVERLAY	13TH AVE. CORNERS DISTRICT	FELICITA DISTRICT	ESCONDIDO BOULEVARD DISTRICT	SOUTHERN ENTRY DISTRICT
	WM-General <sup>(9)</sup> Subareas	WM-Commercial Subarea					
<b>Building Height &amp; Stories (Max.)</b>	UBC; except a maximum of 35' within 50' of a residentially zoned property	35' (up to 2 stories)	35' (up to 2 stories)	45' (up to 3 stories)	45' (up to 3 stories)	<del>North of 11<sup>th</sup> Ave</del> <b><u>EB Commercial</u></b> 26' (up to 2 stories) <del>South of 11<sup>th</sup> Ave</del> <b><u>EB Mixed-Use Overlay</u></b> 45'	SE-Commercial Subarea: 35' (up to 2 stories)  SE-Overlay Subarea: 45' (up to 3 stories)

The Escondido Boulevard, EB Commercial height remains at 26-feet/2-stories for commercial only projects and 45-feet for parcels specifically allowed with this Permit.

Planning Commission  
Hearing Date: November 28, 2023  
Effective Date: December 11, 2023

PLANNING COMMISSION RESOLUTION NO. 2023-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A SPECIFIC PLAN AMENDMENT, MAJOR PLOT PLAN AND DENSITY BONUS FOR A PROPOSED 21-UNIT RESIDENTIAL PROJECT WITHIN THE SOUTH CENTRE CITY SPECIFIC PLANNING AREA

APPLICANT: 9th Avenue Escondido, LLC

CASE NOS: PHG20-0036

WHEREAS, 9th Avenue Escondido, LLC., (“Applicant”), filed a land use development application, Planning Case No. PHG20-0036 (“Application”), constituting a request for an Amendment to the South Centre City Specific Plan (Escondido Boulevard District); Major Plot Plan and Density Bonus for 21 multiple-family residential units Project”), on approximately 0.46 acres generally located on the northwest corner of South Escondido Boulevard and West Ninth Avenue, addressed at 829 – 849 S. Escondido Boulevard and 332 W. Ninth Avenue (Assessor’s Parcel Numbers 233-371-14-00 and 233-371-15-00); and

WHEREAS, the subject property is located within the South Centre City Specific Plan (SPA 15) and is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as though fully set forth herein (“Property”); and

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

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

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act and the City Council adopted a Final Negative Declaration (City File No. ER17-0005) for the South Centre City Specific Plan (SPA 15). In accordance with the California Environmental Quality Act (CEQA) Section 15164, an Addendum to the adopted Final Negative Declaration was prepared to address the proposed project and project-related impacts.

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

WHEREAS, on November 28, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the



Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido that:

1. The above recitations are true and correct.
2. The Planning Commission certifies that it has reviewed and considered the Final Negative Declaration and Addendum, provided as Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein, and determined that it is complete and adequate for this project, and there are no significant environmental effects associated with the proposed project. After consideration of the Addendum and in conjunction with making specific findings, the Planning Commission hereby recommends that the City Council adopt the Addendum to the adopted Negative Declaration in accordance with the requirements of CEQA.

3. The Findings of this Resolution provide environmental determinations required under Section 15091 of the CEQA Guidelines for the Project.

4. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the substantive findings and determinations detailed in Exhibit "C," which is attached hereto and made a part hereof by this reference as though fully set forth herein, relating to the information that has been considered. In accordance with the Findings of Fact and Factors to be Considered and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

5. Considering the Final Negative Declaration, Addendum, CEQA Findings, Project Findings of Fact and Factors to be Considered, and applicable law, the Planning Commission hereby recommends that the City Council approve the amendment to the Specific Plan map and text as shown in Exhibit "D" hereto; and Major Plot Plan and Density Bonus shown on the Project plans attached as Exhibit "E" hereto, and subject to each and all of the conditions thereafter set forth in Exhibit "F," hereto. The Planning Commission expressly declares that it would not have made a recommendation to approve this Application except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

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

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 28th day of November, 2023, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

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Rick Paul, Chair  
Escondido Planning Commission

ATTEST:

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Veronica Morones, Secretary of the  
Escondido Planning Commission

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

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Alexander Rangel, Minutes Clerk  
Escondido Planning Commission

**EXHIBIT "A"**  
**Legal Description**

Lots 6, 7 and 8 in Block 136, in the City of Escondido, County of San Diego, State of California, According to Map Thereof No. 336, filed in the Office of the County Recorder of San Diego County, July 10, 1886.

APNs 233-371-14-00 and 233-371-15-00

**Exhibit B**

Addendum

Due to the number of pages of Exhibit "B," the following link has been provided to review the documents electronically on the City's web site:

<https://escondido.org/829-south-escondido-blvd-project>

The link includes the following:

Final Initial Study/Negative Declaration ("IS/ND") for the South Centre City Specific Plan (ENV17-0005) and Addendum to the IS/ND

**EXHIBIT "C"****FACTORS TO BE CONSIDERED / FINDINGS OF FACT**  
Resolution No. 2023-23

PLANNING CASE NUMBER: PHG20-0036

**Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act, ("CEQA"), Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The City Council adopted a Final Initial Study/Negative Declaration (IS/ND), (City Case No. ENV17-0005) in 2018 for the South Centre City Specific Plan (Resolution No. 2018-20).
3. Section 15164 of the State CEQA Guidelines states that an Addendum to a Negative Declaration shall be prepared "if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent Negative Declaration have occurred." The proposed project is consistent with the adopted Final IS/ND. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental Negative Declaration have been met.
4. As detailed in the Addendum and the project materials, the City finds that, pursuant to Section 15162, no subsequent Negative Declaration would be required. Because none of the conditions of Section 15162 of the State CEQA Guidelines occur and as the Addendum and the proposed project satisfy the requirements of Section 15168, an Addendum to the South Centre City Parkway Specific Plan Final IS/ND is the appropriate form of environmental documentation under CEQA for the proposed project.

**Specific Plan Amendment Determinations:**

1. The public health, safety and welfare would not be adversely affected by the proposed amendment to the South Centre City Specific Plan because the amendment would facilitate a proposed Project that is well-integrated with its surroundings near residentially and commercially developed properties. Adequate parking, access, on-site circulation, utilities, landscaping and open space would be provided (as detailed in the staff report). The Project would not detrimentally impact levels of service on area roadways, would not unduly burden public services in the area, and would be consistent with the transit-oriented development opportunities envisioned for the project area.
2. The project site involved is suitable for the uses permitted by the mixed-use overlay because the amendment would facilitate a proposed Project that is well-integrated with its surroundings near residentially and commercially developed properties. Adequate parking, access, on-site circulation,

utilities, landscaping and open space would be provided (as detailed in the staff report). Further, Project would assist in the implementation of the vision and goals identified in the Specific Plan to provide "Quality Housing" with new and creative infill multi-family development helps support housing choice and opportunity.

3. The proposed amendment to the South Centre City Specific Plan would not be detrimental to surrounding properties because it would assist in the implementation of the vision and goals identified in the Specific Plan to provide "Quality Housing" with new and creative infill multi-family development helps support housing choice and opportunity. The proposed mixed-use overall designation also allows for commercial opportunities to preserve and enhance commercial opportunities as key commercial nodes. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance with relevant City policies and codes, and State Density Bonus statutes.
4. The proposed amendment to the South Centre City Specific Plan would be consistent with the General Plan because the proposed infill residential Project would be in conformance with General Plan Housing Goals and Policies to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The Project would not detrimentally impact levels of services on area roadways nor result in adverse impacts to public services and infrastructure, or Quality of Life Standards. Further, the amendment would retain the General Plan vision for Specific Plan Area #15 that promotes "Quality Housing" as well as to preserve commercial opportunities as key commercial nodes as noted above.
5. Specific plan amendments must comply with the scope and authority of section 65450 to 65457 of the California Government Code. The Planning Commission find the proposed Specific Plan Amendment has been completed in compliance with the law.

### **Plot Plan Determinations:**

1. With the approval of the amendment to the Escondido Boulevard District to include mix-use residential development within the District through the expansion of the mixed-use overlay, the proposed 21-unit mixed-use Density Bonus project is a permitted use in the zone in which it is located. The proposed infill residential Project would be in conformance with General Plan Housing Goals and Policies to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities.
2. The Plot Plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards, as detailed in Exhibit G of Resolution No. 2023-23.



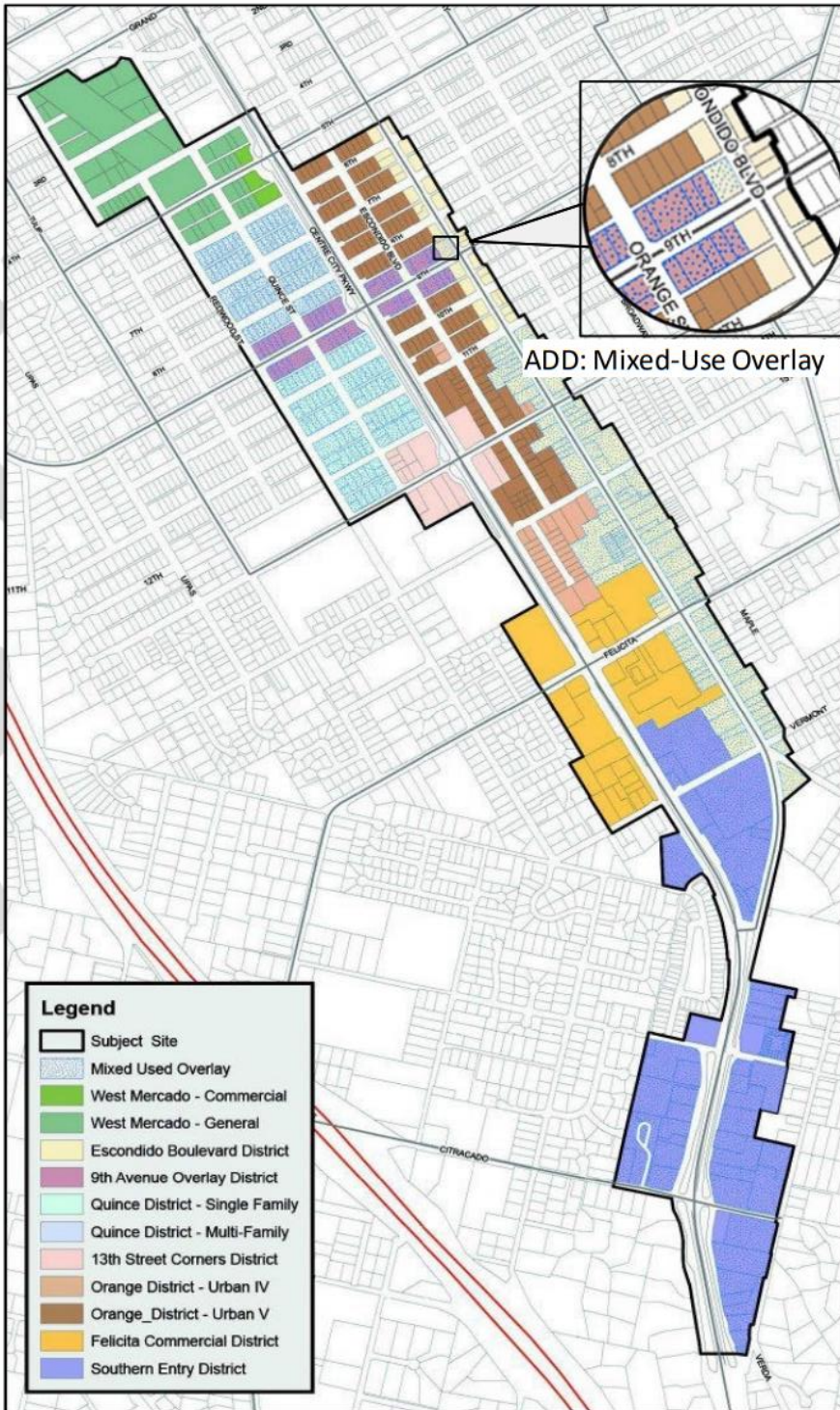
3. The Plot Plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare, as detailed in Exhibit G of Resolution No. 2023-23.

**Density Bonus Determinations:**

1. The requested concessions and waivers would not create an adverse impact upon the health, safety or the physical environment in that the increase in height and additional one unit would allow for increased densities that work to accommodate the City of Escondido's Regional Housing Needs Allocation of 9,607 units within the identified Specific Plan area. The reduction in parking would still yield parking spaces on site for the residential use, and result in a waiver to the process for tandem spaces, which streamlines the housing process.

**Exhibit D**

**Proposed Specific Plan Amendment**



Add Mixed-Use Overlay to APN 233-371-15 to allow up to 30 du/ac and 45-foot height limit.

Exhibits to Modify (add the mixed-use overlay to APN 233-371-15-00 located within the Escondido Boulevard District):

1. General Map Exhibit, Section 1.3 (Chapter 1, page 4)
2. *South Centre City Specific Plan*, Section 3.1 (Chapter 3, page 2 and page 4) and all applicable exhibits within Ch. 3 corresponding to outside districts for reference/consistency
3. *Northern section of the Area, Southern section of the Area*, Section 4.1 - Figure 4.1 (Chapter 4, page 2)
4. General Map Exhibit, Section 7.2 - Figure 7-2 (Chapter 7, page 4)

Proposed text amendments to the Tables shown in ~~red strikethrough~~ and **bold/underline**.

**VI. Change to Chapter 5, Design Guidelines, Table 5.2, Pages 4-6**

**Table 5.2: General Building Height, Setbacks, and Coverage Standards for Specified Districts**

DEVELOPMENT STANDARDS <sup>(1)</sup>	WEST MERCADO DISTRICT		9TH AVE OVERLAY	13TH AVE. CORNERS DISTRICT	FELICITA DISTRICT	ESCONDIDO BOULEVARD DISTRICT	SOUTHERN ENTRY DISTRICT
	WM-General <sup>(9)</sup> Subareas	WM-Commercial Subarea					
<b>Building Height &amp; Stories (Max.)</b>	UBC; except a maximum of 35' within 50' of a residentially zoned property	35' (up to 2 stories)	35' (up to 2 stories)	45' (up to 3 stories)	45' (up to 3 stories)	<del>North of 11<sup>th</sup> Ave</del> <b><u>EB Commercial</u></b> 26' (up to 2 stories) <del>South of 11<sup>th</sup> Ave</del> <b><u>EB Mixed-Use Overlay</u></b> 45'	SE-Commercial Subarea: 35' (up to 2 stories)  SE-Overlay Subarea: 45' (up to 3 stories)

The Escondido Boulevard, EB Commercial height remains at 26-feet/2-stories for commercial only projects and 45-feet for parcels specifically allowed with this Permit.

**Plans**

**Resolution No. 2023-23**



**CHARACTER SKETCH**



**VICINITY MAP**



**STREET LEVEL CHARACTER SKETCH**

**PROJECT INFORMATION**

**ASSESSOR'S PARCEL NUMBER:**

233-371-14, 233-371-15

**GROSS SITE AREA:**

20,000 SF (0.46 ACRES, APPROX.)

**LOT COVERAGE:**

72.8%

**PROJECT DESCRIPTION:**

The proposed 21-unit mixed use development will be (4) stories of new construction with a single level of Type IA construction at grade and (3) levels of Type VA construction above, situated on an approximate 20,000 SF lot currently occupied by single-level businesses and at-grade parking. The ground level will include commercial spaces, building utility spaces, a residential lobby and entry courtyard with an exterior terrace at Level 2 serving the residential units at levels 2-4 above. The site is located at the northwest corner of the intersection of South Escondido Boulevard and West 9th Avenue and will provide (27) total at-grade parking spaces for residential use. These spaces will have two-way access from West 9th Avenue with a secondary exit located into the alley to the north. The proposed development fronts South Escondido Boulevard and West 9th Avenue with dedicated sidewalk plaza/ cafe areas for future commercial use and a small residential entry plaza providing connectivity to the private entry courtyard via the secure residential entry.

**EXISTING USE:**

**AREA SUMMARY**

**Notes:**

Gross areas include the following: Exterior face of walls, stairs at each level, one level of elevator (Level 1) and exterior corridors at each level.

**Total Gross Square Footage (GSF)**

Level 1	14,565 GSF total 6,700 SF Covered Parking 4,200 SF Commercial 900 SF Utility 1,252 SF Residential Use 1,513 Residential Courtyard
Level 2	10,469 GSF total 7,174 GSF Residential 3,295 SF Corridor & Terrace
Level 3	8,441 GSF total 6,864 GSF Residential 1,577 SF Corridor
Level 4	6,381 GSF total 5,059 GSF Residential 1,322 SF Corridor
Overall Total	39,856 GSF

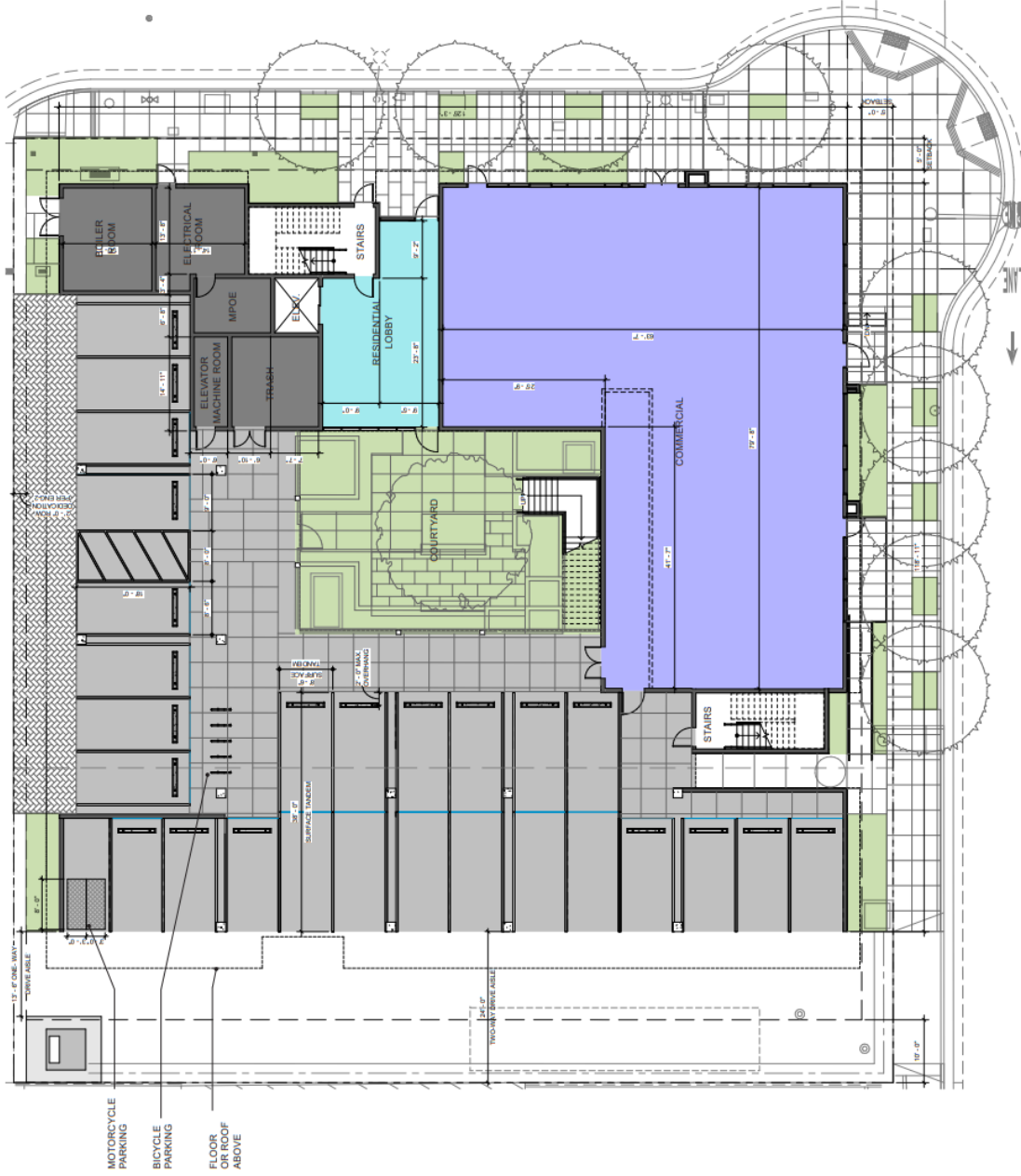


# A1 Site Plan

829 South Escondido Blvd. • Escondido, CA





**LEGEND**

Residential
Private Residential
Utility
Commercial
Common Outdoor



A2 Ground Floor Plan

**LEGEND**

	Residential
	Private Residential Balcony
	Utility
	Residential Storage @ 80 sq ft/unit



A3 Level 2 Plan

**LEGEND**





<span style="display:inline-block; width:15px; height:15px; background-color:#ADD8E6;"></span> Residential
<span style="display:inline-block; width:15px; height:15px; background-color:#FFFF00;"></span> Private Residential Balcony
<span style="display:inline-block; width:15px; height:15px; background-color:#808080;"></span> Utility
<span style="display:inline-block; width:15px; height:15px; background-color:#FF8C00;"></span> Residential Storage @ 80 cu ft/unit

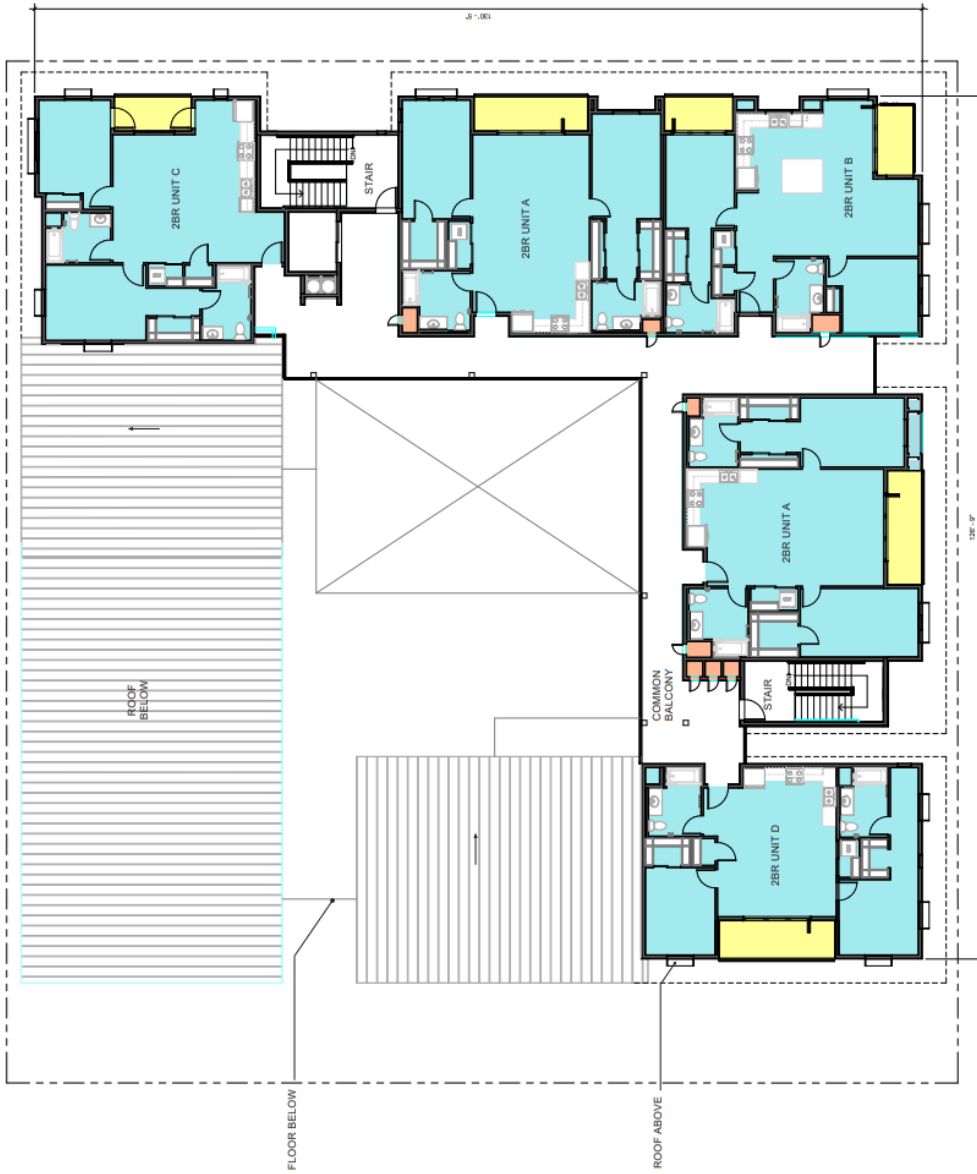


A4 Level 3 Plan



**LEGEND**

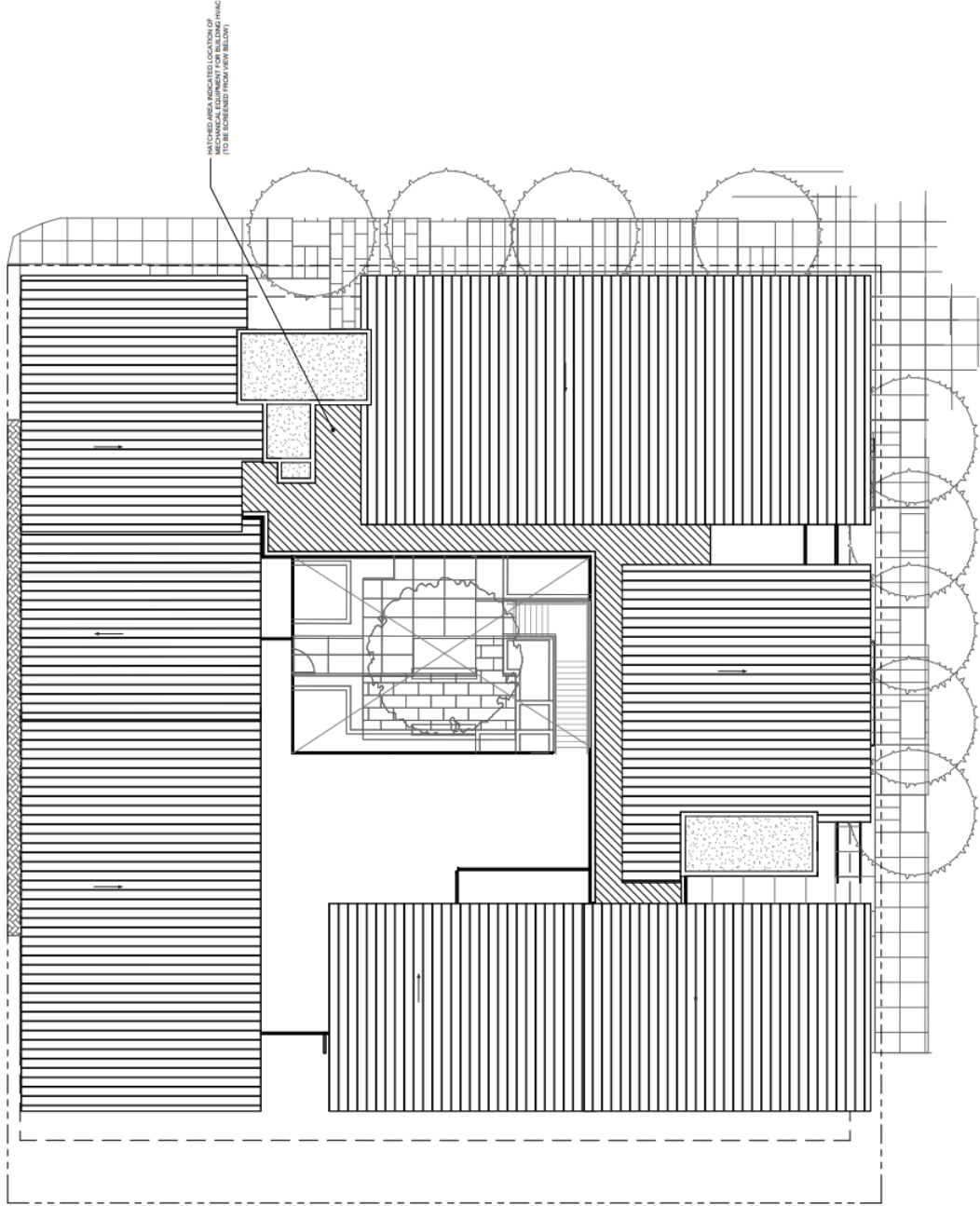
	Residential
	Private Residential Balcony
	Utility
	Residential Storage @ 80 cu ft/unit



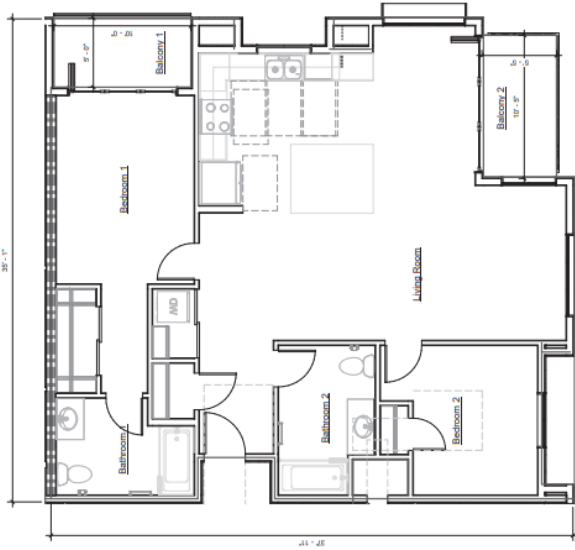
A5 Level 4 Plan

**LEGEND**

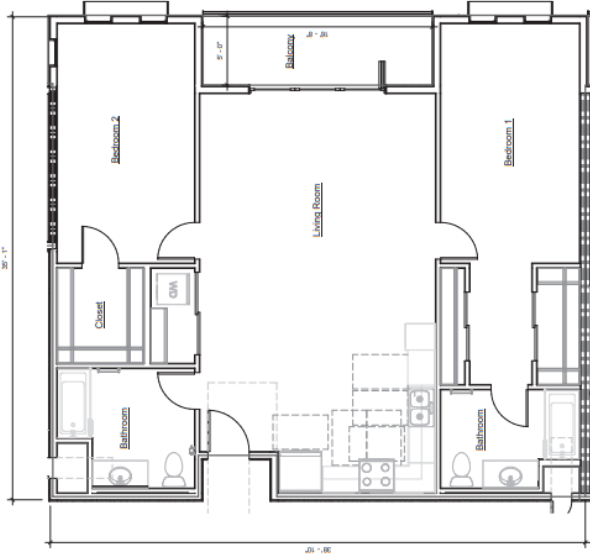
- Standing Seam Metal Roof
- TPO Roof
- Location of Mechanical Equipment



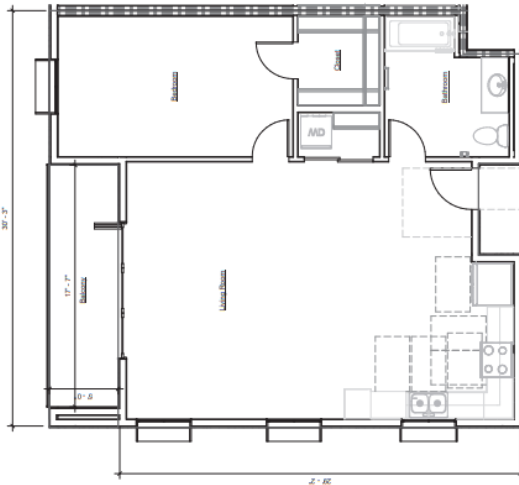
A6 Roof Plan



2 BR UNIT B

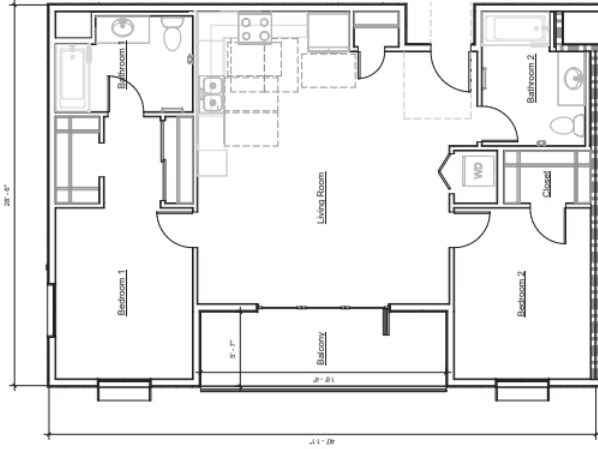


2 BR UNIT A

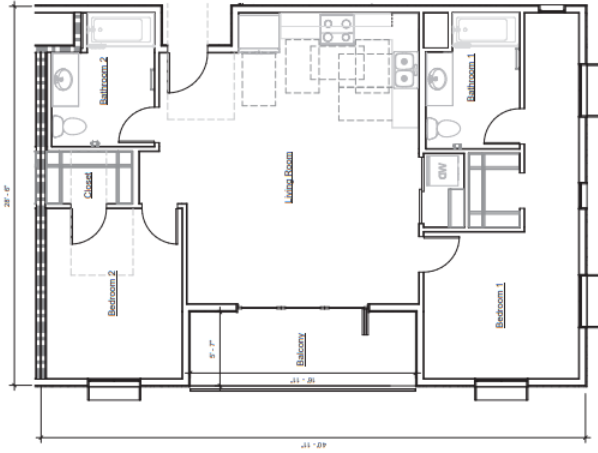


1 BR UNIT

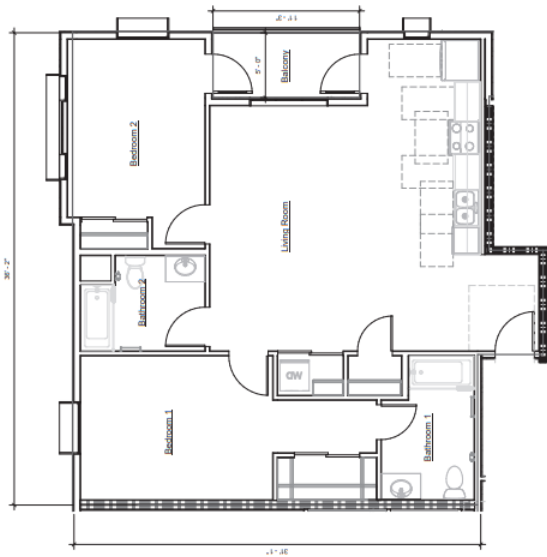
A7 Enlarged Unit Plans



2 BR UNIT D.1



2 BR UNIT D



2 BR UNIT C

A8 Enlarged Unit Plans



North Elevation



South Elevation

# A9 Exterior Elevations



East Elevation



West Elevation

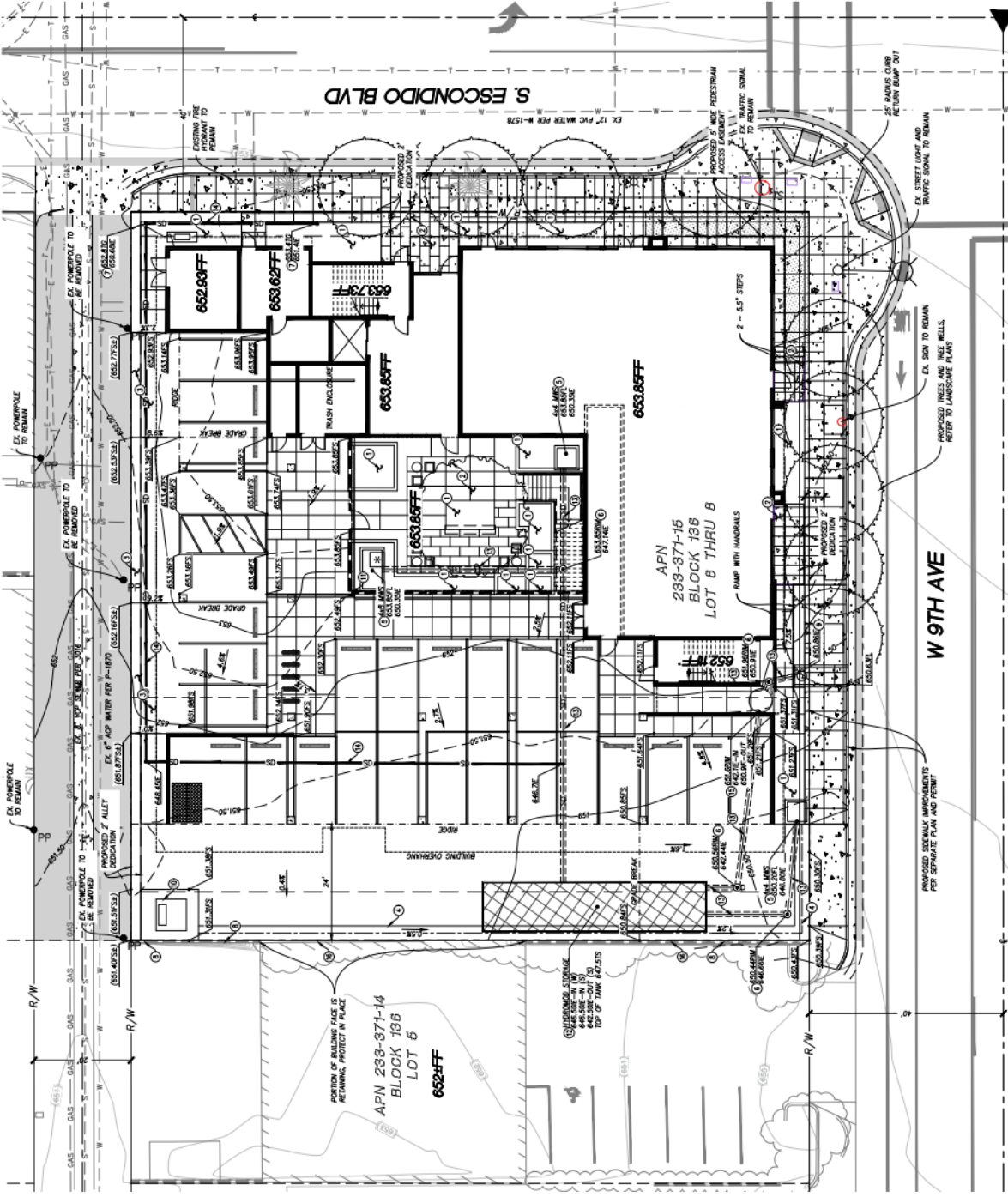
A10 Exterior Elevations



STUDIO E  
ARCHITECTS

# A11 Perspective Renderings & Material/Finish Board

	<p>Field Plaster: Colorhexa eae8eb</p>		<p>Railing Systems: Terracotta tones</p>
	<p>Accent Plaster 1: SW 0037- Morris Room Gray</p>		<p>Building Corner Screen Window Frames Storefront Frames Metal Fences SW 7048- Urbane Bronze</p>
	<p>Accent Plaster 2: Pantone 7409 C Fuel Yellow</p>		
	<p>Vertical Wood Siding: Wall Recesses</p>		
	<p>Traditional Brick (veneer): Level 1 Walls</p>		



**CONSTRUCTION NOTES:**

1. PLANTING PER LANDSCAPE ARCHITECT PLANS.
2. P.C.C. HARDSCAPE PER LANDSCAPE ARCHITECT PLANS.
3. FURNISHABLE PAVERS, SEE DETAIL PER LANDSCAPE ARCHITECT PLANS.
4. 3" WIDE ANCHOR GUTTER, SEE DETAIL ON THIS SHEET.
5. WMS INSULATION TREATMENT, SEE PER PLAN.
6. PROPOSED 4" HDPE/PLAST AND BAGN WITH SOLO COVER.
7. 6" ANTI-ROT DRAIN.
8. EXISTING RETAINING WALL TO REMAIN, PROTECT IN PLACE.
9. PROPOSED CURB OUTLET, SEE PUBLIC IMPROVEMENT PLANS, JDDX.
10. TRANSFORMER PAD PER ELECTRIC PLANS.
11. DOWNSPOUT LOCATION PER ARCHITECT PLANS.
12. FORWARD STORAGE FACILITY, EXISTING RECT. EXISTING PROPOSED.
13. 12" HOPE STONE DRAIN.
14. 4" P.C.C. AREA DRAIN.
15. PUMP VALVE AND EXTERIOR.
16. EXISTING WATER MAINS, WASTEWATER MAINS, BARRIERS BETWEEN EXISTING WALL AND BUILDING, MAINTAIN, OR APPROVED EQUAL.

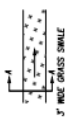
**GENERAL NOTES:**

1. PAVEMENT PER PLAN AND VERIFY, SEE FINISHING NOTES.
2. ALL CONCRETE UTILITIES SHALL BE UNCOVERED AND PROTECTED.
3. EXISTING PALM TREES TO BE REMOVED, NEW TREE WELLS AND TREES.

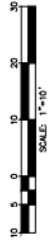


1. CONCRETE SHALL BE 3000-PSI, 4000-PSI FINISH.
2. FINISH SHALL BE BROOM FINISH, SANDWICH, TYPICAL, 1/2" CENTER.
3. (1) #4 LONGITUDINAL, 18" P.C.C.
4. (1) #4 LONGITUDINAL, 18" P.C.C.
5. LAYER 18" OF SUBGRADE SHALL BE COMPACTED TO 90% RELATIVE COMPACTION.

**P.C.C. RIBBON GUTTER DETAIL**  
NO SCALE



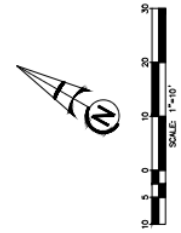
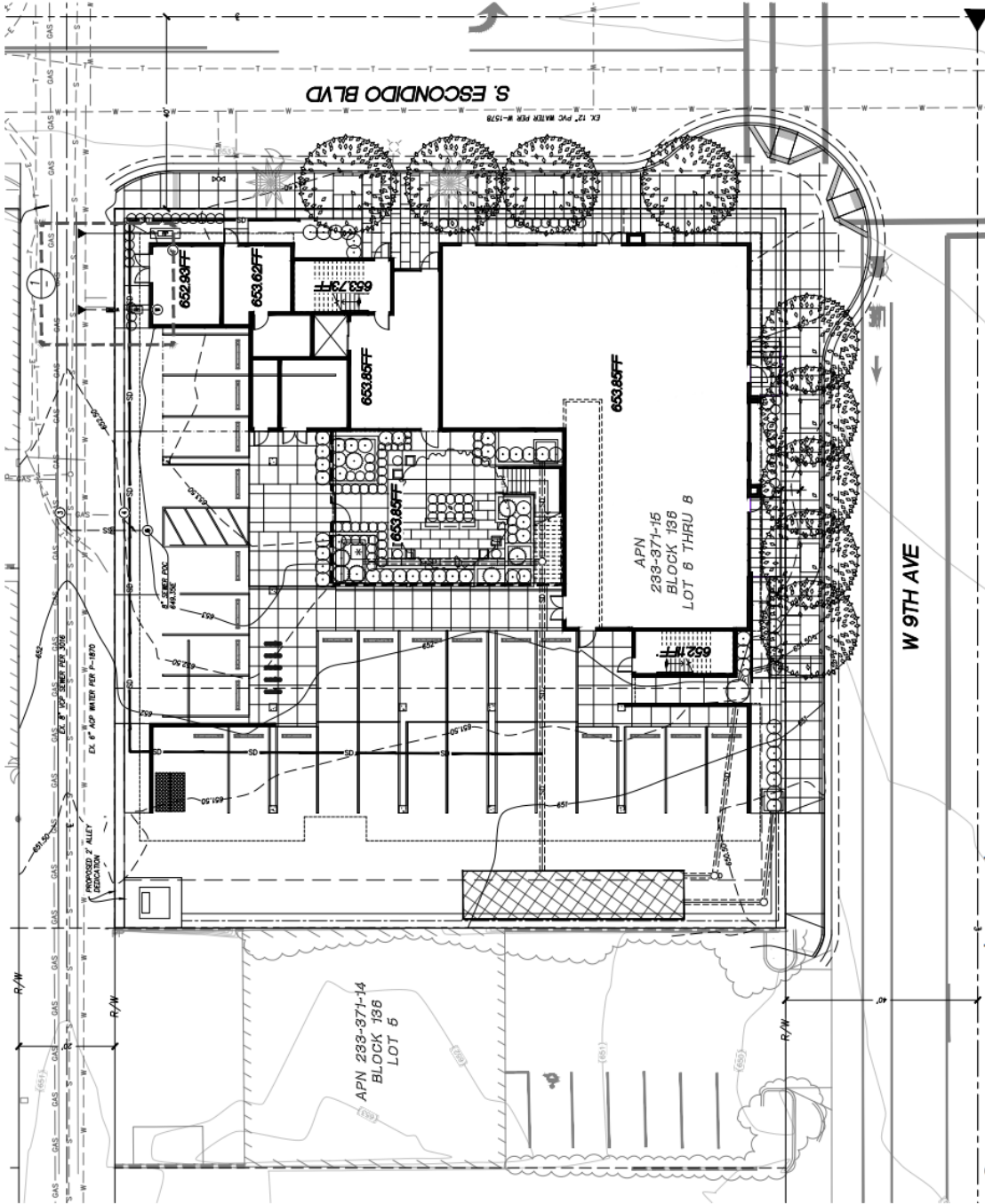
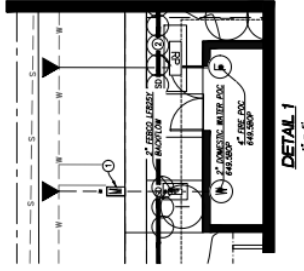
**GRASS SWALES**  
NTS



**C1 Precise Grading Plan**



- CONSTRUCTION NOTES:**
- 1. 2" DOMESTIC WATER SERVICE FOR #1-2-E WITH 2" BACKFLOW PER EQUAL-C.
  - 2. 2" FIBRO DUCTILE IRON BACKFLOW OR APPROVED EQUAL-C.
  - 3. 4" PIPE SERVICE FOR #1-2-E WITH BACKFLOW FOR #1-2-E, JAMES
  - 4. 4" PIPE SERVICE FOR #1-2-E WITH BACKFLOW FOR #1-2-E, JAMES
  - 5. CONNECT TO EXISTING 4" PVC SEWER. SEE PUBLIC IMPROVEMENT PLANS XXXXXX.
  - 6. 4" SEWER LATERAL PER 5-2-E.



**AC ENGINEERING  
+ GEOMATICS**  
6640 N HARBOR DR, STE 200, (619) 443-8332  
SAN DIEGO, CA 92108 www.ac-engineering.com

**STUDIO E**  
ARCHITECTS

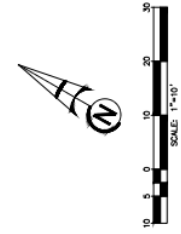
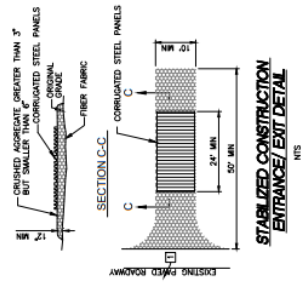
C2 Private Utility Plan

**LEGEND**

DESCRIPTION	SYMBOL	QUANTITY
STANDARD CONSTRUCTION ENTRANCE	[Symbol]	1 EA
SILT FENCE	[Symbol]	500 LF
CONSTRUCTION FENCE	[Symbol]	500 LF
GRAVEL BASS	[Symbol]	120 EA

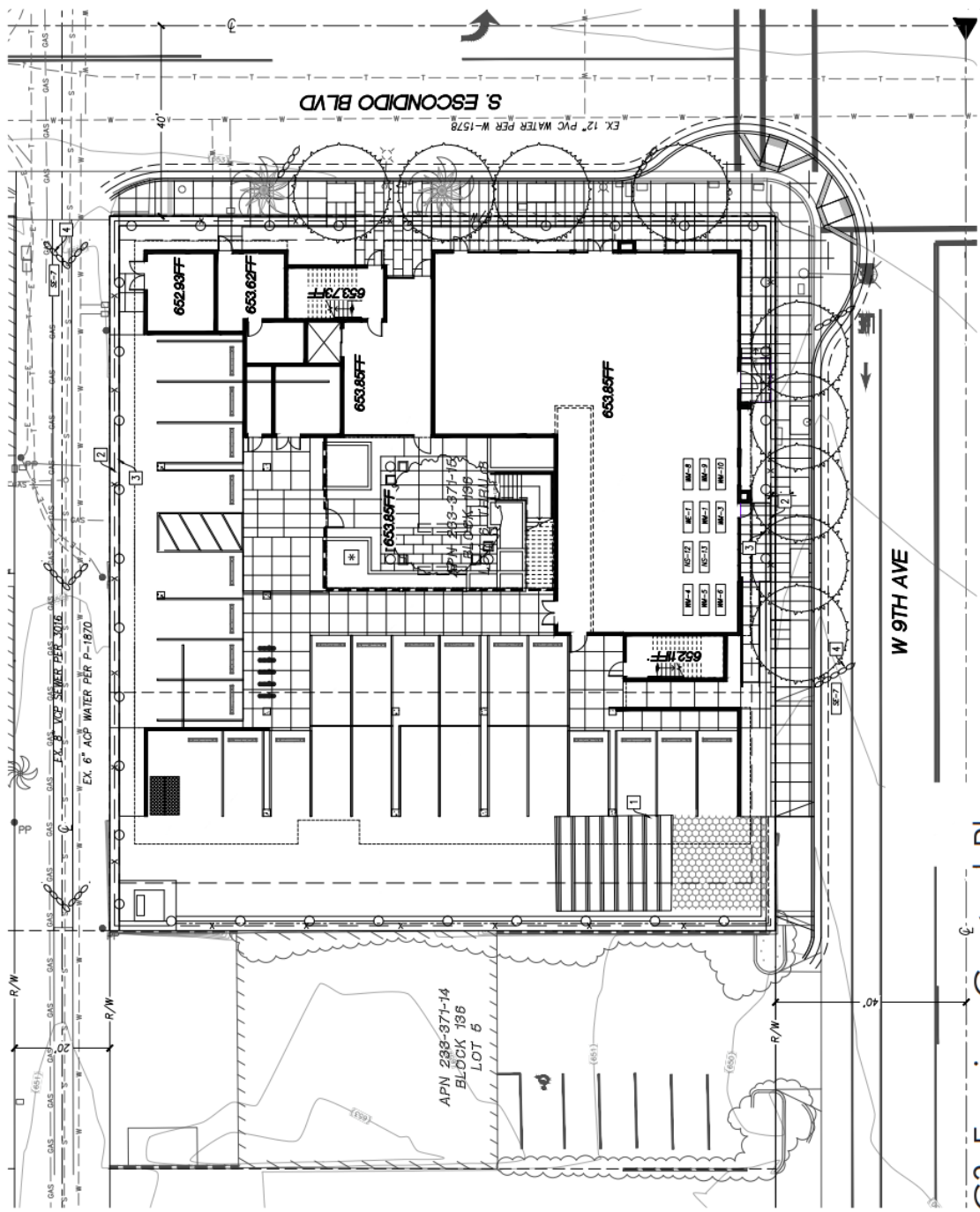
  

NON-PLUTABLE BEST MANAGEMENT PRACTICE (BMP)
MS-12
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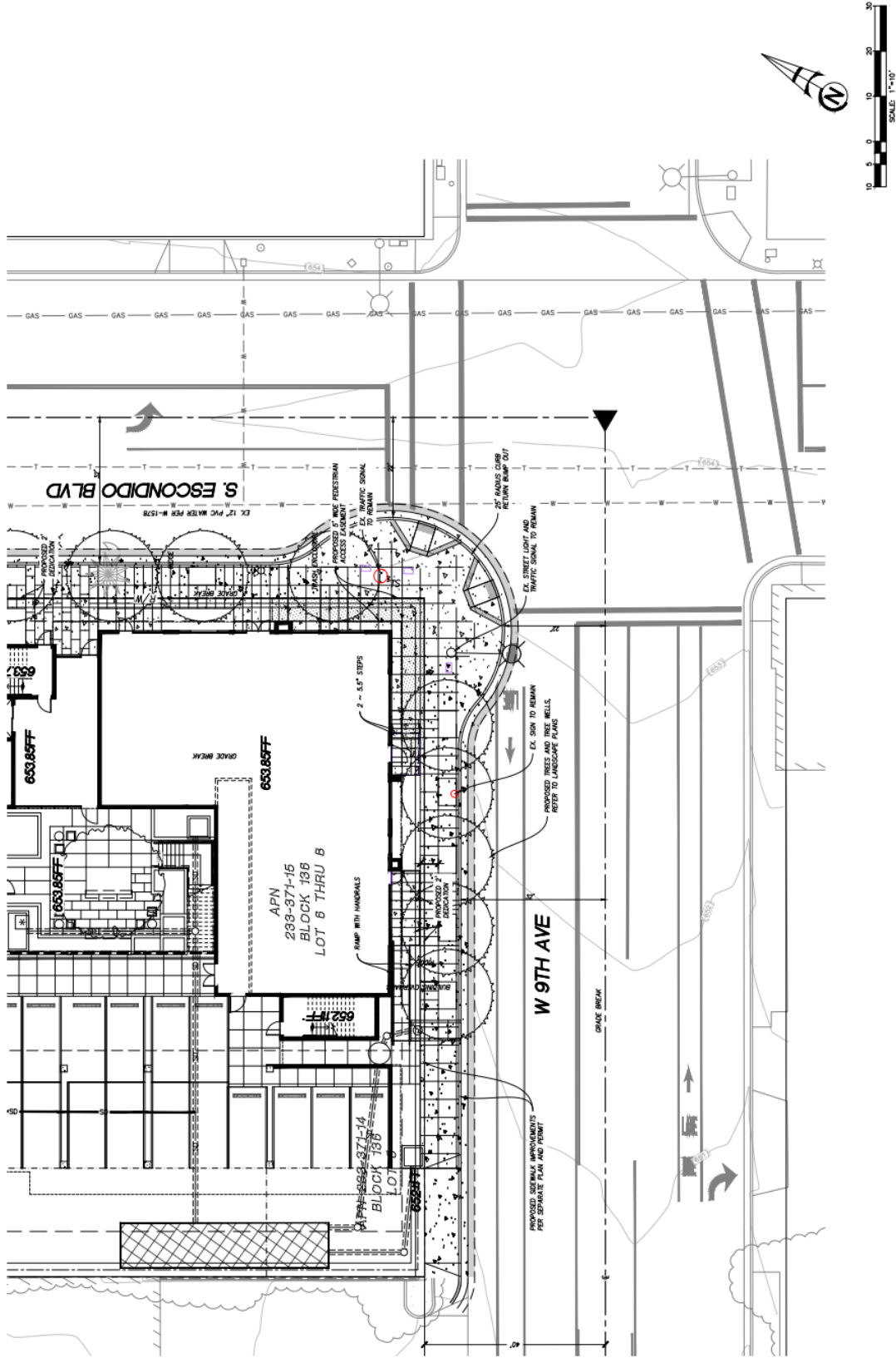


**4C ENGINEERING + GEOMATICS**  
 4640 N. HARBOR DR., STE. 200, IRVINE, CA 92614  
 SAN DIEGO, CA 92108 www.4c-engineering.com

**STUDIO E ARCHITECTS**



C3 Erosion Control Plan



C4 Site View @ Intersection



SITE ADDRESS: 4000 BLDV ESCONDIDO, CA 92025  
 LANDSCAPE ARCHITECT: HOWARD ASSOCIATES, INC.  
 1557 FOURTH AVENUE, SUITE 302  
 SAN DIEGO, CA 92101  
 619-718-9660

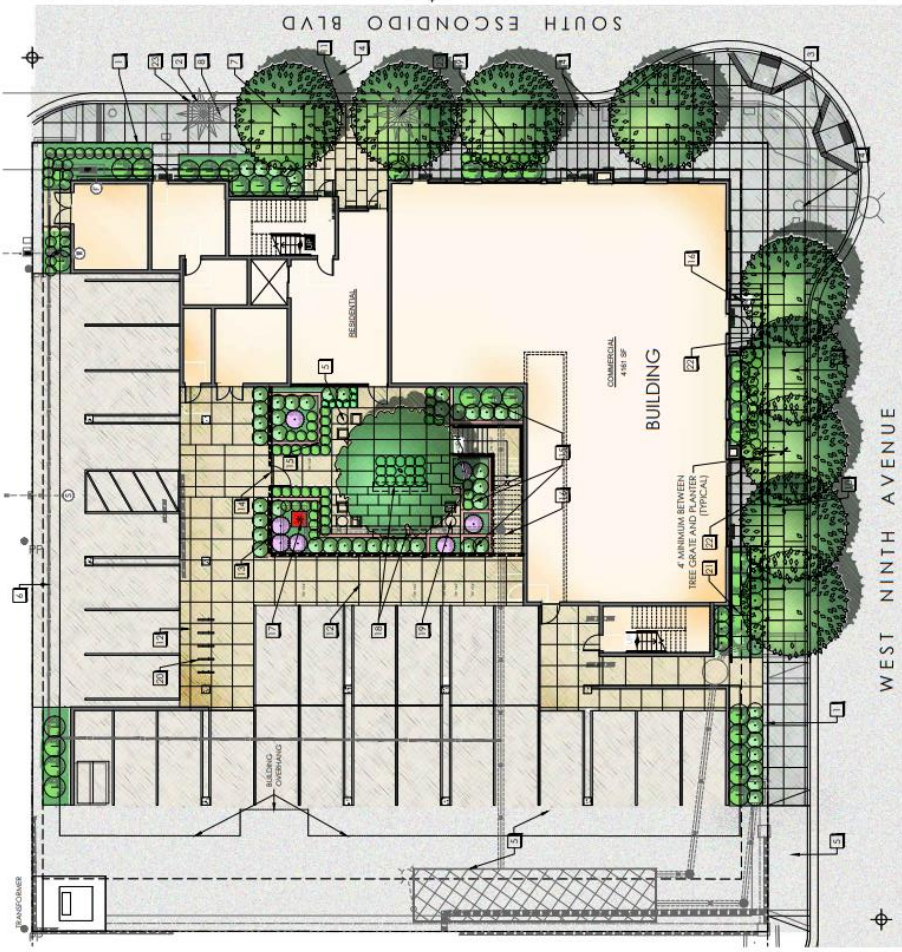
SYMBOL	BOTANICAL NAME	COMMON NAME	ZONE 4 WUCOLS	QTY.
	<i>Interior Courtyard Tree (24' Box)</i>			
	MAGNOLIA SAMUEL SOMMER	SOUTHERN MAGNOLIA	M	1
	<i>Street Trees (24' Box)</i>			
	LAGERSTROMIA ZUNI	CRANE WATTLE	M	7
	<i>Shrubs &amp; Ground Covers (1 gal - 5gal)</i>			
	AGAVE SPP.	AGAVE	L	
	ALOE	FANGRASS PAW	L	
	ANGUSTIFOLIUM HTB.	NEW ZEALAND FLAX	L	
	AGAVE SPP.	AGAVE	L	
	<i>Foundation and Missing Shrubs (1.5 gal - 3' x 4' o.c.)</i>			
	BULBACANTHUS	JAVANES BROWSDOOD	M	
	DANIELA REVOLUTA	LIPTON'S BROOM	L	
	FESTUCA O. VILANICA	LITTLE REY FLAX LILY	L	
	MULBERGERIA SPP.	DEER GRASS	L	
	WESTRINGIA TRUCICOSA	COAST ROSEMARY	L	
	<i>Ground Covers (Pots @ 12' o.c.)</i>			
	ROSMARINUS HUNTINGTONI CARPET	ROSEMARY	L	
	SENECIO MANDRALEARAE	BLUE CHALK STICKS	L	

- REGULATIONS:**
- THE BRONKHORST SYSTEM SHALL COMPLY WITH THE LANDSCAPE REGULATIONS, AIC 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.
  - ALL PLANTINGS SHALL BE PERFORMED BY THE CONTRACTOR IN ACCORDANCE WITH THE CALIFORNIA PLANTING STANDARDS (CALPFS).
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**HARDSCAPE LEGEND**

**SEE FEATURES:**

- RIGHT-OF-WAY
- CURB PER CIVIL PLANS
- CURB RAMP PER CIVIL PLANS
- STREET LIGHTS AND UTILITIES
- VEHICULAR PAVING PER CIVIL PLANS
- CONCRETE PAVING PER CIVIL PLANS
- PAVING AND LANDSCAPE
- 4'x6' TREE GRATE
- CONCRETE PAVING - NATURAL COLOR, MEDIUM BROOM FINISH, SAWCUT SCORE JOINTS AT 4' o.c. BOTH WAYS
- CONCRETE PAVING - NATURAL COLOR, MEDIUM BROOM FINISH, SAWCUT SCORE JOINTS @ 24" x 48"
- COMMERCIAL ENTRY CONCRETE - TOPCAST FINISH, SAWCUT SCORE JOINTS @ 24" x 48"
- RESIDENTIAL ENTRY CONCRETE - COMPLEMENT BUILDING, TOPCAST FINISH, SAWCUT SCORE JOINTS @ 24" x 48", BOND PATTERN
- INDOOR CONCRETE - INTEGRAL COLOR, SAWCUT FINISH, SAWCUT SCORE PATTERN AS SHOWN
- WALLS AND FENCES
- METAL SECURITY FENCE (ON TOP OF WALL WHERE SHOWN)
- PEDESTRIAN ENTRY GATE
- RAISED PLANTERS
- MISCELLANEOUS
- STAIRS PER ARCHITECT'S PLANS
- ACCENT SCULPTURE
- BUILT-IN BENCH
- BISTRO TABLE
- BIKE PARKING
- PEDESTRIAN RAMP AND HANDRAIL
- SAFETY RAIL
- EXISTING PALM TREE AND PLANTER TO BE REMOVED

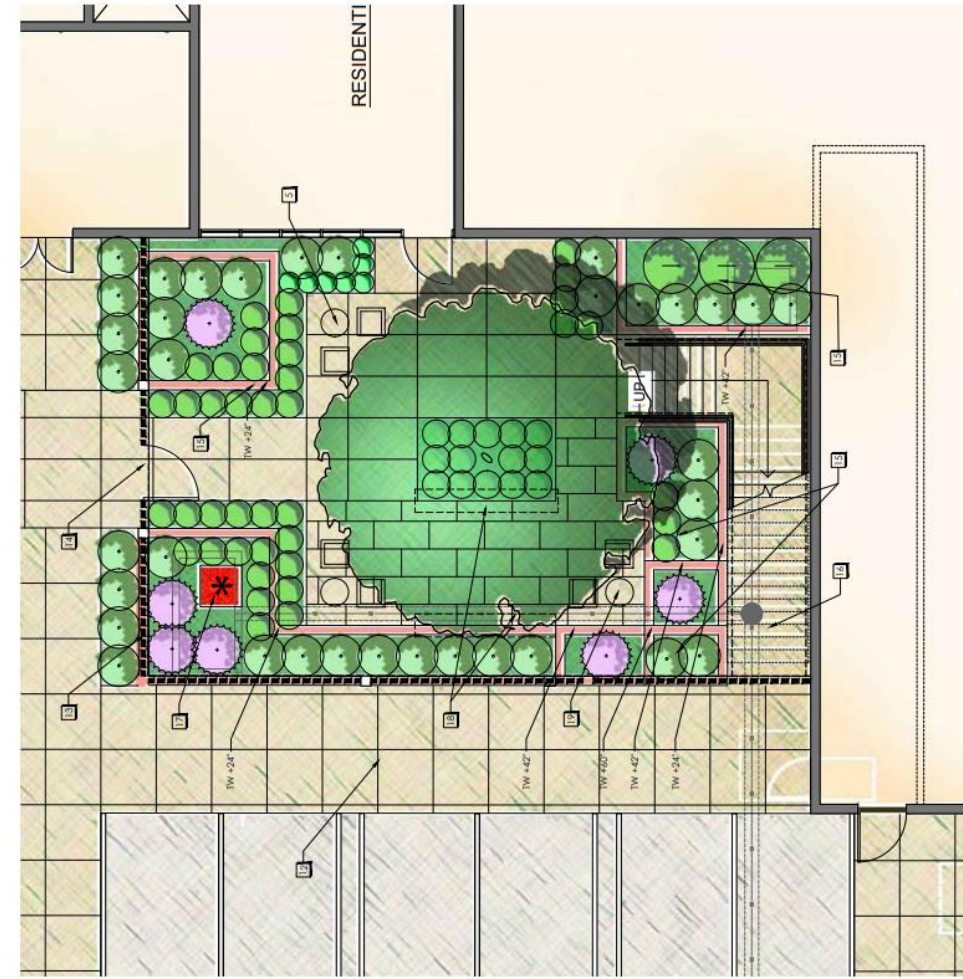


**Water Efficient Landscape Worksheet**

Hydrozone (See Appendix A)	Hydrozone # (Group)	Plant Factor (PF)	Irrigation Method	Efficiency (EI) (PF/EI) Area (Sq. Ft.)		Estimated Total Water Use (ETWU) <sup>1</sup>
				Area (Sq. Ft.)	Area (Sq. Ft.)	
1	0.45	1800	800	3148		
Regular Landscape Areas		0.81	1800	800	3148	
Special Landscape Areas						
Total					3148	

Maximum Allowed Water Allowance (MAWA)<sup>2</sup>: 3000

L1 Landscape Plan



**HARDSCAPE LEGEND**

- 16 RIGHT-OF-WAY
- 17 CURB PER CIVIL PLANS
- 18 CURB RAMP PER CIVIL PLANS
- 19 STREET LIGHTS AND UTILITIES
- 20 VEHICULAR PAVING PER CIVIL PLANS
- 21 CONCRETE PAVING PER CIVIL PLANS
- 22 4"X 4" TREE GRATE
- 23 CONCRETE PAVING - NATURAL COLOR, MEDIUM BROOM FINISH, SAWCUT SCORE JOINTS AT 48" O.C. BOTHWAYS
- 24 CONCRETE PAVING - NATURAL COLOR, MEDIUM BROOM FINISH, SAWCUT SCORE JOINTS @ 24" X 48"
- 25 COMMERCIAL ENTRY CONCRETE FINISH, TOPCAST FINISH, SAWCUT SCORE JOINTS @ 24" X 48"
- 26 RESIDENTIAL ENTRY CONCRETE - INTEGRAL COLOR TO COMPLEMENT BUILDING, TOPCAST FINISH, SAWCUT SCORE JOINTS @ 24" X 48"
- 27 INTERIOR CONCRETE - INTEGRAL COLOR, TOPCAST FINISH, SAWCUT SCORE PATTERN AS SHOWN
- 28 WALLS AND FENCES
- 29 METAL SECURITY FENCE (ON TOP OF WALL WHERE SHOWN)
- 30 PEDESTRIAN ENTRY GATE
- 31 RAISED PLANTERS
- 32 MISCELLANEOUS
- 33 STAIRS PER ARCHITECT'S PLANS
- 34 ACCENT SCULPTURE
- 35 BUILT-IN BENCH
- 36 BIOTRO TABLE
- 37 BIKE PARKING
- 38 PEDESTRIAN RAMP AND HANDRAILS
- 39 SAFETY RAIL
- 40 EXISTING PALM TREE AND PLANTER TO BE REMOVED

**HOWARD ASSOCIATES**  
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 ESCONCADO, CA 92025  
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 HOWARD ASSOCIATES, INC.  
 1951 FOURTH AVENUE, SUITE 302  
 SAN DIEGO, CA 92101  
 619.718.9660

**STUDIO E**  
 ARCHITECTS

L2 Courtyard Plan

## EXHIBIT "F"

### CONDITIONS OF APPROVAL

Planning Case Number: PHG20-0036

This Project is conditionally approved as set forth on the application received by the City of Escondido on **August 6, 2022**, and the Project drawings consisting of Civil Plans/Grading, Sections, Site Plans, Floor Plans, Architectural Elevations, Landscape Plans and Colored Elevations; all designated as recommended for approval on **November 28, 2023**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, 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.** The Permit shall expire 24 months from the effective date of City Council approval of the Plot Plan and Density Bonus unless additional time is granted pursuant to Zoning Code Article 61, Division 8 (Plot Plans).
3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three 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 Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to any Grading Exemptions for the slopes up to an additional one foot in height, and modifications to retaining wall heights. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.
- 5. Limitations on Use.** Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.
- 6. Certificate of Occupancy.**
- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
  - b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Community Development.
- 7. Availability of Permit Conditions.**
- a. Prior to issuance of building permits, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.
  - b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.
- 8. Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
- 9. Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from

other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

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

- 10. Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Development Services. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Development Services Department.
- 11. Community Facility District or Funding Mechanism.** In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with City Ordinance 2020-10, unless another amount is approved by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into Services CFD 2020-1 or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.
- 12. Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
- 13. Clerk Recording.**

  - a. State Law (SB 1535), effective January 1, 2007, requires certain projects to 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 increases 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.

**14. 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.

**15. 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.

**16. Enforcement.** If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, the City of Escondido shall have the right to deny or withhold subsequent permit approvals or permit inspections that are derived from the application entitlements herein granted; issue stop work orders; pursue abatement orders, penalties, or other administrative remedies as set forth in state and local laws; or institute and prosecute litigation to compel compliance with said conditions or seek damages for their violation. The applicant/developer shall be notified in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

**17. Indemnification, Hold Harmless, Duty to Defend.**

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such

activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

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

## **B. Construction, Maintenance, and Operation Obligations:**

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

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

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

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

- 3. Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
- 4. Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code, unless modified by this Project Planned Development. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
- 5. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 6. Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
- 7. General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all

exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.

- 8. Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
- 9. Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
- 10. Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- 11. Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Services Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii)

functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Community Development that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary Project-generated functional equivalencies in the diesel PM emissions level are achieved, consistent with the environmental review/Addendum.

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

1. As shown on the site plan, a minimum of 27 on-site parking spaces (which includes up to 12 tandem spaces) shall be provided at all times. Parking shall be subject to the on-site parking requirements of Article 39 and Density Bonus Requirements, as identified in the Project details of request. Garages shall be maintained to provide parking for vehicles and storage (as may be designed) and other use of the garage space shall not impede the use of the garages for parking of vehicles.
2. 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.
3. Prior to issuance of building permits, a parking management plan shall be submitted to the Planning Division for review and approval. Said plan shall address space assignment(s), tandem spaces (assignment and use) gate hours (if provided), general maintenance, signage and striping, delivery and other short-term parking allowances/requirements, guest parking (if provided), and any other issues which affect the use and maintenance of the parking areas/spaces, including access and staging of the trash bins for access by Escondido Disposal.

**D. Landscaping:** The property owner or owners' association assumes all responsibility for maintaining all on-site landscaping; storm water facilities, any landscaping in the public right-of-way, and other common areas 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 concept plans detailed in the Planning Commission staff report and associated Resolution exhibits.
  - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Division prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
  - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e., planting and irrigation) is to be provided prior to final occupancy, to the satisfaction of the Director of Development Services.
  - c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. The landscape architect shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
  - d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.

#### **E. Specific Planning Division Conditions:**

##### Tribal Cultural Resource Conditions (TC)

1. TC-1 - Prior to the issuance of a grading permit, the Applicant shall 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"). 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 the 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 Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in conditions of approval TC-2 through TC-10, and the following information:

- Parties entering into the agreement and contact information.
  - Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
  - Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
  - Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
  - Treatment of identified Native American cultural materials.
  - Treatment of Native American human remains and associated grave goods.
  - Confidentiality of cultural information including location and data.
  - Negotiation of disagreements should they arise.
  - Regulations that apply to cultural resources that have been identified or may be identified during project construction.
2. TC-2 - Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
  3. TC-3 - The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.
  4. TC-4 - During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring 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. The qualified archaeologist, in consultation with the Native American monitor, shall be

responsible for determining the duration and frequency of monitoring considering these factors. 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 (i.e., soil conditions are comprised solely of fill or granitic bedrock).

5. TC-5 - In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.
6. TC-6 - A potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), 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(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.
7. TC-7 - All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant conditions of approval for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Development Services (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant conditions of approval for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing 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. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). 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.

8. TC-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 a temporary 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. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.
9. TC-9 - If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.
10. TC-10 - Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions 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. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.

11. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning and Building Divisions, Fire Department and Engineering Services Division have been completed.
12. Building plans, prepared by a licensed design professional, must be submitted for the Project and must comply with the building and fire codes in effect at the time of building plan submittal.
13. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these Project conditions.
14. Three residential units shall be deed restricted to households qualifying as very-low-income households, and rented at very-low-income rents per state policy ("Affordable Units").
15. The screening of roof-mounted, ground-mounted, or wall-mounted mechanical equipment and devices is required in accordance with Section 33-1085 of the Escondido Zoning Code.
16. The Affordable Units shall be constructed concurrently with, or earlier than construction of the unrestricted units. The City shall not issue building permits for more than fifty (50) percent of the unrestricted units until the City has issued building permits for all of the Affordable Units.
17. The Affordable Units shall be constructed with the same exterior appearance and interior features, fixtures, and amenities, and shall use the same type and quality of materials as provided for the unrestricted units in the Project.
18. The design, appearance, and general quality of the Affordable Units shall be consistent or compatible with the design of the total housing development in terms of appearance, materials, and finished quality.
19. The average square footage for the unrestricted units shall be approximately the same as the average square footage for the Affordable Units of the same number of bedrooms.
20. All Affordable Units shall have at least two (2) bedrooms as required by Municipal Code Section 33-1417(d).
21. The Affordable Units shall be disbursed within the housing development.
22. The City shall not approve any final inspections or issue any certificates of occupancy for more than fifty (50) percent of the unrestricted units until the City has issued certificates of occupancy for all of the Affordable Units.
23. The building, architecture, colors and materials, and conceptual landscaping shall be in substantial conformance with the Plot Plan exhibits attached as Exhibit "F" and on-file with the Planning Division, except as modified by these conditions of approval. Minor modifications may be approved by the City Planner. Major modification will require a modification to the Plot Plan in

accordance with Article 61. The final design of the western screen wall, pedestrian entry gate/trellis, street frontage landscape design, vehicular access gate and western building elevation and stairs shall be approved by the Planning Division prior to the submittal of grading and building plans for the Project.

24. Permitted animals/pets shall be allowed in conformance with those identified in the Escondido Zoning Code for R-4/5 zoned properties (pursuant to Article 57), unless more restrictive standards are applied by the property owner.
25. Balconies and patios shall be kept in a neat and orderly manner. Items stored on balconies should be kept out of view or properly screened. Items shall not be hung over, across or on balconies or patios (such a towels, clothing, etc.).
26. Any materials containing asbestos that will be disturbed during demolition activities must be managed in accordance with any applicable local, State and Federal regulations by a licensed abatement contractor under controlled conditions. Current federal and state regulations require any repair, renovation and/or demolition of such materials be conducted only by workers and/or contractors who have been properly trained in the correct handling of asbestos. All asbestos work should be accomplished under the direction of an Independent State Certified Asbestos Consultant with oversight performed by a State Certified Site Surveillance Technician. The materials must be disposed of at an approved facility licensed to handle such waste.
27. Prior to issuance of building permits, the building plans, a final technical noise assessment shall be submitted to the Planning Division to ensure all rooms comply with the relevant interior noise standards of 45 CNEL for habitable areas. Appropriate means of air circulation and provision of fresh air also shall be incorporated into the final building plans to ensure that windows would be able to remain closed.

#### **F. Housing and Neighborhood Services Conditions:**

1. The Project shall provide a minimum of 3 dwelling units for very-low-income households (those earning less than 50 percent of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to issuance of a building permit, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements (Within the affordable housing agreement, the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits). The agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for all target units as described in Government Code section 65915(c)). Income qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.
2. All affordability agreements shall run with the land and be binding on the applicant and its heirs, transferees, assigns, successors, administrators, executors, and other representatives, and recorded on the applicable property for the requisite period of time.

**G. General Building Division Conditions:** Building plans must be submitted for the Project. These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

1. The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The International Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). Commercial and Multi-residential construction must also contain details and notes to show compliance with State disabled accessibility mandates. These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance, additional technical code requirements may be identified, and changes to the originally submitted plans may be required.

**H. General Fire Division Conditions:**

1. Fire underground line, fire sprinkler, and fire alarm plans shall be a deferred submittal to the Escondido Fire Department. An approved paved access and adequate water supply shall be provided prior to any combustible being brought to the site. FDC and hydrant placement shall be approved by the Escondido Fire Department.

**I. Specific Engineering Conditions of Approval:**

**GENERAL**

1. The Developer shall provide the City Engineer with a current Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, these utilities shall be relocated subject to approval of the owner of the utility/facility prior to approval of Grading plans and issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance

of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

5. As surety for the construction of required 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 corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Department 2 copies of the Plot Plan as conditionally approved. These copies shall be stamped and signed by the Planning Department verifying that they are an accurate reproduction of the approved Plot Plan and a PDF of this approved plot must be included with the upload of the first Final Engineering submittal for plan check to the Engineering Department.

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

1. The developer shall reconstruct and widen the existing public alley to 22' wide with 3" asphalt concrete over approved aggregate base together with a 4' wide concrete ribbon gutter in the center to the satisfaction of the City Engineer.
2. The driveway apron for the project's new 9th Avenue entrance shall have a minimum throat width of 24' and be constructed as an alley-type driveway apron in accordance with Escondido Standard Drawing No. G-5-E modified to the satisfaction of the City Engineer to accommodate the wider sidewalk and immediately adjacent existing driveway apron to the west.
3. The existing substandard radius curb return at the northwest corner of 9th Avenue and Escondido Blvd. (SE cor. of project frontage) shall be bulbed out into the intersection as a pedestrian plaza and enhanced crossing and reconstructed with minimum radius of 30 feet per City Standard together with new pedestrian ramps to the satisfaction of the City Engineer. This curb return reconstruction shall include the relocation and/or adjustment to grade of various utility and traffic signal equipment including any affected traffic signal poles, pull boxes, etc.
4. The Developer will be required to modify any affected existing traffic signal equipment, signing, and striping as needed to accommodate the curb return reconstruction in Condition 2 above. The Developer shall submit separate traffic signal and signing and striping modification plan sheets prepared by a Traffic Engineer for review and approval by the City Engineer. All necessary traffic signal, signage, and striping modifications shall be per current City, Caltrans, and MUTCD Standards and shall include video detection and APS as needed. The Developer's Traffic Engineer will also be responsible for any required signal timing and coordinating traffic signal modification work with the Developer's Contractor(s) and Equipment Suppliers and City staff.

5. The developer will be responsible for removal of all existing and installation of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
6. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
7. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
8. The Developer will be required to install building mounted lighting that adequately illuminates the adjacent public alley and all on-site private drive aisles and parking areas, to the satisfaction of the Building Official and City Engineer. It shall be the responsibility of the Property Owner to operate and maintain these outdoor lighting systems.
9. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
10. 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.
11. The Developer may be responsible for an overlay of portions of Escondido Blvd. and 9th Avenue due to utility trenches necessary to serve this project. The determination of the extent of any required overlay shall be to the satisfaction 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. All gated entrances shall be separately approved by the City Engineer, Building Official, and the Fire Marshal.
14. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities within the Escondido Blvd., 9<sup>th</sup> Avenue, and public alley 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.

## **GRADING**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by a copy 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 access drive aisles and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" Portland cement concrete over 6" aggregate base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with Portland cement concrete.
3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. The Developer will be required to pay for all required third party structural engineering review of these structural calculations and details. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Department plan review and Building Permit process.
4. Any retaining walls and screen walls, stairs and raised landings shall be constructed completely within the Project property and shall not encroach into the public rights-of-way or public easement areas.
5. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or other work necessary to construct the project and/or the required improvements.
6. 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.
7. 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.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
9. All existing foundations, structures, trees not otherwise designated "to remain" on the Plot Plan, shall be removed or demolished from the site.
10. 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 Final 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 are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for any detention vaults shall be submitted and approved as part of the grading plan check.

4. A Final Storm Water Quality Management Plan (SWQMP) in compliance with the City's 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 calculations for treatment, hydromodification, pump, and storage volumes. The SWQMP shall include detailed maintenance requirements and responsibilities for all onsite conveyance, treatment, detention, and pump facilities. The SWQMP shall demonstrate how any proposed proprietary best management practices like modular wetlands meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
5. If a stormwater discharge pump system cannot be avoided, any pump system proposed to meet project discharge flow rates must be redundant and include an alarm panel in case of failure. Pumps must have operating curves verified to meet the proposed flow rates. Pumps and accompanying electrical connections must be called out on the building plans and are subject to building permit approval. Underground storage/detention vaults must have appropriate inspection and maintenance access.
6. Trash enclosures shall be covered and be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer. The Developer will be required to provide evidence that Escondido Disposal Inc. is able and willing to provide trash and recycling service given this project's internal trash collection and dumpster area.
7. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
8. All onsite and offsite storm water treatment and retention facilities and their drains including modular wetlands, underground storage and pumps, any permeable paver areas shall be considered private. The responsibility for maintenance and repair of all project constructed/installed post construction storm water treatment facilities both onsite and in the adjacent public right-of-way shall be that of the Property Owner.

## **WATER SUPPLY**

1. Fire hydrants, if required, together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main. Fire service lines shall connect to a minimum 8-inch water main.
2. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
3. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines shall be shown for reference and review on the various final engineering plan sets.



4. All on-site water lines and backflow prevention devices beyond the City water meter or DCA shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
5. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or on private drive areas.
6. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.
7. There shall be no permanent structures located within the City's Public utility Easements.
8. Improvement plans for all proposed water mains and appurtenances shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.
9. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
10. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
11. Any water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
12. Any fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.
13. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.

## **SEWER**

1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utility Easement or ROW 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 or Inserta-Tee.
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 sewer laterals shall be considered a private sewer system. The Home property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.

5. Any sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
6. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vector trucks for maintenance.
7. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.
8. The location of all sewer laterals shall be shown on the grading and improvement plans.

### **LANDSCAPING**

1. Site landscaping and irrigation plan for the project and for all right-of-way areas along the project frontages shall be prepared by a Licensed Landscape Architect and submitted to the Engineering Division with the second submittal of the grading plans for review and approval by Engineering and Planning Divisions. The initial submittal of the landscape plans shall include the required plan check fees. The responsibility for maintenance and irrigation of all project landscaping both onsite and in the adjacent public rights-of-way shall be that of the Property Owner.

### **EASEMENTS AND DEDICATIONS**

1. The developer shall irrevocably offer to dedicate to the public a 5-foot minimum wide pedestrian access easement beyond the existing rights-of-way at the northwest corner of 9<sup>th</sup> Ave. and Escondido Blvd., extending from this corner 20 feet along both Escondido Blvd. and 9<sup>th</sup> Ave. This irrevocably offered pedestrian access easement shall be for potential future pedestrian ramp landing area if a "bus only" lane is ever added along the project's Escondido Blvd. frontage.
2. All private and public easements affecting subject property both proposed and existing to remain shall be shown, delineated, dimensioned, and clearly labeled on all plan sets.
3. The Developer shall grant to the public an additional 2 feet of public right-of-way along the project's entire alley frontage.
4. The Developer shall grant to the public additional areas of public utility easement as needed for any onsite placement of water meters, DDCAs, and air valves to the satisfaction of the City Engineer and Utilities Engineer.
5. The Developer is responsible for making the arrangements to quitclaim any easements of record which conflict with the proposed project prior to issuance of Building Permits. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading plans. Building permits will not be issued for structures in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

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

**CITYWIDE COMMUNITY FACILITIES DISTRICT (CFD)**

1. In accordance with the General Plan, the Developer shall offset the cost of public services through an approved funding mechanism. The Developer shall fund all on-going operational costs of providing municipal services required for the Project, and such funding shall occur through either an agreement to form or annex into a Community Facilities District (CFD) or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

**SURVEYING AND MONUMENTATION**

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

**REPAYMENTS AND 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 Best Management Practices devices and materials, 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, retaining walls, walls, drainage facilities, landscaping and irrigation, and best management practices items of work up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when Building Permits are issued.

**UTILITY UNDERGROUNDING AND RELOCATION**

1. Any existing overhead utilities within the project boundary or along fronting streets and the alley shall be relocated underground as required by the City's Undergrounding Ordinance.
2. The Developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.