

ORDINANCE NO. 2014-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND PRECISE DEVELOPMENT PLAN, ZONE CHANGE FROM PD/MU TO PD-R 30.4 AND AN AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD NEIGHBORHOOD PLAN FOR APPROXIMATELY 2.53 ACRE OF LAND LOCATED ON THE EASTERN SIDE OF SOUTH ESCONDIDO BOULEVARD, BETWEEN BROTHERTON ROAD AND CITRACADO PARKWAY, ADDRESSED AS 2412 AND 2418 SOUTH ESCONDIDO BOULEVARD

Planning Case No. SUB13-0009

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and a public hearing has been held before the City Council on this issue.

SECTION 2. On April 22, 2014, the Planning Commission recommended approval of the proposed Master and Precise Development Plan to develop 76-unit residential condominium units, Zone Change from PD/MU to PD-R 30.4, and an Amendment to the South Escondido Boulevard Neighborhood Plan to allow a residential development without a mixed-use component (Resolution No. 6010) on the 2.53-acre subject site.

SECTION 3. That the City Council has reviewed and considered the Addendum to the previously adopted Mitigated Negative Declaration (City File No. ER 2005-02) and Mitigation Monitoring Report and has determined that all environmental

issues associated with the project have been addressed and no significant environmental impacts will result from approving the project.

SECTION 4. That upon consideration of the Findings/Factors to be Considered, attached as Exhibit "A" and incorporated by this reference, the staff report, Planning Commission recommendation, and all public testimony presented at the hearing held on this project, this City Council finds this Master and Precise Development Plan, Zone Change and Amendment to the South Escondido Boulevard Neighborhood Plan is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the Zone District Map of the City of Escondido is hereby amended by reclassifying the real property depicted and legally described on Exhibit "C" from PD/MU to PD-R 30.4.

SECTION 6. That Section 6. Uses and Structures, of the South Escondido Boulevard Neighborhood Plan is hereby amended to include the following language:

- (d) *Residential development without a commercial component may be permitted on the 2.53-acre property located on the eastern side of Escondido Boulevard between Citracado Parkway and Brotherton Road (APNs 238-141-31 and 238-141-36), and shall be processed in accordance with the planned development process specified in Article 19 of the Escondido Zoning Code. The density of any project on APN's 238-141-31 and 238-141-36 shall be a minimum of 30 dwelling units per acre and the maximum height shall be three stories.*

SECTION 7. That the City Council desires at this time and deems it to be in the best public interest to approve the requested Master and Precise Development Plan

to develop 76-unit residential condominium units on approximately 2.53 acres of land located on the eastern side of South Escondido Boulevard, between Brotherton Road and Centre City Parkway, addressed as 2412 and 2418 South Escondido Boulevard, more particularly described in the attached Exhibit "C," and subject to the Conditions of Approval and Mitigation Monitoring Report attached as Exhibit "B," both of which are attached to this Ordinance and are incorporated by this reference.

SECTION 8. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be prepared in accordance with Government Code section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 18th day of June, 2014 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

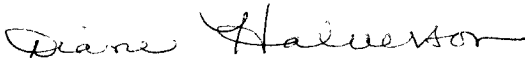
ABSTAIN : Councilmembers: MASSON

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

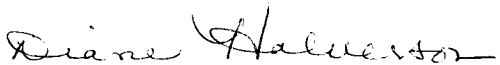
ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2014-10 passed at a regular meeting of the City Council of the City of Escondido held on the 18th day of June, 2014, after having been read at the regular meeting of said City Council held on the 11th day of June, 2014.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2014-10

EXHIBIT "A"

FINDINGS OF FACT/FACTORS TO BE CONSIDERED SUB13-0009

Master and Precise Development Plan

1. The General Plan land-use designation for subject site is General Commercial (GC), which allows for a variety of commercial, retail and service type uses along the South Escondido Boulevard Corridor. The site also is located within the South Escondido Boulevard Neighborhood Plan that was established for the South Escondido Corridor, and the proposed development is subject to the provisions of the overlay zone. The South Escondido Boulevard Neighborhood Plan allows for residential development in conjunction with a commercial component (mixed-use) subject to the approval of a Planned Development with a maximum density of 24 dwelling units per acre. Since the original project was approved, the City updated its General Plan in 2012 that allows for mixed-use and exclusively residential development within a target area of the South Escondido Boulevard Area Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). Residential development within the Target Area is required to provide a minimum density of 30 dwelling units per acre. The proposed development would be consistent with the Escondido General Plan density provisions for the Target Area because the overall density of the project would be approximately 30.4 du/ac (76 residential units/2.50 net acres). The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site.
2. The approval of the proposed Master and Precise Development Plan would be based on sound principles of land use is well-integrated with the surrounding properties because adequate parking, circulation, utilities and access would be provided for the development of the residential project (as detailed in the staff report, Final Mitigated Negative Declaration and Addendum). The residential project also would not be out of character for the area which contains other multi-story residential developments. Appropriate separation and orientation between the proposed commercial and residential elements has been provided to avoid conflicts between the uses. The design of the project would be in conformance with the South Escondido Design Guidelines since the project would provide residential units with varying number of rooms and sizes to accommodate a wide range of needs (with ownership opportunities). The project includes a variety of amenities such as individual patios for selected units, enhanced walkways and paving, and landscape features. A mix of architectural elements has been incorporated into the buildings, especially along the lower levels, to project a more human scale along pedestrian ways and Escondido Boulevard.
3. The proposed Master and Precise Development Plan would not cause deterioration of bordering land uses since the site already is zoned for high density residential development and is adjacent to a mix of commercial, assembly and multi-story residential uses/development. The Engineering Department indicated the project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels of service on any of the adjacent roadways or intersections. No mitigation would be required. The proposed grading design would not result in any manufactured slopes or pad that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views, as discussed in the land-use compatibility and analysis sections of the staff report and environmental analysis. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. Appropriate mitigation would be provided for the removal of habitat area in conformance with the California Environmental Quality Act (CEQA).
4. The overall design of the proposed planned development would produce an attractive commercial and residential project since the project contains single-family condominium type units (with ownership opportunities). The project is located in close proximity to other amenities such as public transit and shopping. The development will not require excessive grading and the grading design would be in conformance with the City's Grading Design Guidelines for slope heights.

5. The uses proposed have a beneficial effect not obtainable under existing zoning regulations since an exclusively residential development within the South Escondido Boulevard Neighborhood Plan must be processed through the Planned Development process in accordance with the South Escondido Boulevard Neighborhood Plan (Ord. 92-01). The project would provide single-family ownership opportunities integrated into a comprehensive and self-contained development, which creates an environment of sustained desirability and stability through the controls offered and regulated through the Planned Development process.
6. All of the requirements of the California Environmental Quality Act have been met since the findings of the environmental analysis (as demonstrated in ER 2005-02) and Addendum to the Final Mitigated Negative Declaration did not identify any substantial or potentially substantial environmental impacts from the proposed project since all project related impacts would be mitigated to less than a significant level. A Mitigated Negative Declaration (MND) was adopted by the City Council for the previously approved project in conformance with the California Environmental Quality Act (CEQA). The MND identified potential impacts to the environment as a result of the project in the areas of biology and air quality, but mitigation measures were adopted with the Final MND to reduce the impacts to less than significant levels.

An Addendum to the adopted MND has been prepared to addresses potential impacts of the proposed changes in the proposed modified project. Under CEQA (Guidelines § 15164) an Addendum to a Negative Declaration may be appropriate if modifications to a project are proposed and only if the modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines § 15164(c)); however, an Addendum is to be considered along with the adopted mitigated negative declaration by the decision-making body prior to making a decision on the project (CEQA Guidelines § 15164(d)). This Addendum demonstrates and concludes that the environmental analysis, impacts and mitigation requirements identified in the adopted 2005 MND remain substantively unchanged and supports the finding that the proposed project modifications do not result in new significant impacts and do not exceed the level of impacts identified in the 2005 MND. Therefore, a subsequent Mitigated Negative Declaration would not be required under CEQA to implement the proposed project modifications and recirculation of the adopted MND for public review is not required.

Neighborhood Plan/Code Amendment and Zone Change

1. The public health, safety and welfare will not be adversely affected by the proposed Zone Change from PD/MU (Planned Development Mixed Use) to PD-R (Planned Development-Residential) because the proposed density of the project is 30.4 du/ac, which is consistent with 2012 General Plan that allows for mixed-use and exclusively residential development within a target area of the South Escondido Boulevard Area Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). Residential development within the Target Area is required to provide a minimum density of 30 dwelling units per acre. The proposed project would provide an appropriate transition to low intensity commercial development to the north and south, and multi-family development to the east. Adequate public services and access can be provided to the site. The project would not result in any significant impacts to the environment, as demonstrated in adopted Final Mitigated Negative Declaration (MND) and Addendum to the MND prepared for the project.
2. The property involved is suitable for the uses permitted by the proposed PD-R zone because the site currently is zoned for mixed-use/residential development and multi-story residential development already is permitted on the subject site. The General Plan allows for exclusively residential development within the South Escondido Boulevard corridor subject to the Planned Development Zone. The project has been designed to be compatible with the mix of surrounding commercial and multi-family residential development through the use of appropriate grading, building design and orientation, setbacks, walls/fencing and perimeter landscaping.
3. The uses permitted by the proposed PD-R -zone would not be detrimental to surrounding properties since a mix of commercial and residential uses surround the project site and the proposed the PD/MU zone and amendment to the South Escondido Boulevard Neighborhood Plan to allow for an exclusively residential project would be in conformance with the Escondido General Plan. Commercial development is located to the north, south and west, and single- and multi-family type residential development to the east and northeast. The scale of the project would be in substantial conformance with the general pattern of

commercial and residential development within the area. The proposed change of zone would not result in a significant impact to the environment, nor impact existing services or degrade levels of-service to adjacent streets.

4. The proposed zone change would not conflict with any specific plans for the area since the project would be in conformance with and Escondido General Plan which allows for exclusively residential development. The proposed amendment to the South Escondido Boulevard Neighborhood Plan is necessary to implement to provisions of the Escondido General Plan, as indicated in the staff report and above. The Planned Residential Development zoning designation is necessary to implement the project in conformance with the General Plan and South Escondido Boulevard requirements.
5. All of the requirements of the California Environmental Quality Act have been met since the findings of the environmental analysis (as demonstrated in ER 2005-02) and Addendum to the Final Mitigated Negative Declaration did not identify any substantial or potentially substantial environmental impacts from the proposed project since all project related impacts would be mitigated to less than a significant level. A Mitigated Negative Declaration (MND) was adopted by the City Council for the previously approved project in conformance with the California Environmental Quality Act (CEQA). The MND identified potential impacts to the environment as a result of the project in the areas of biology and air quality, but mitigation measures were adopted with the Final MND to reduce the impacts to less than significant levels.

An Addendum to the adopted MND has been prepared to addresses potential impacts of the proposed changes in the proposed modified project. Under CEQA (Guidelines § 15164) an Addendum to a Negative Declaration may be appropriate if modifications to a project are proposed and only if the modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines § 15164(c)); however, an Addendum is to be considered along with the adopted mitigated negative declaration by the decision-making body prior to making a decision on the project (CEQA Guidelines § 15164(d)). This Addendum demonstrates and concludes that the environmental analysis, impacts and mitigation requirements identified in the adopted 2005 MND remain substantively unchanged and supports the finding that the proposed project modifications do not result in new significant impacts and do not exceed the level of impacts identified in the 2005 MND. Therefore, a subsequent Mitigated Negative Declaration would not be required under CEQA to implement the proposed project modifications and recirculation of the adopted MND for public review is not required.

EXHIBIT "B"

**CONDITIONS OF APPROVAL
SUB13-0009**

Planning Division/General

1. This approval terminates the previous Tentative Map (TR 911) and Planned Development (2005-03-PD) approvals for the project site.
2. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
3. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. Access for use of heavy fire fighting equipment as required by the Fire Chief shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshal.
5. 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.
6. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to 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
7. Prior to or concurrent with the issuance of building permits, 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 Community Development.
8. All habitable buildings shall be noise-insulated to maintain interior noise levels not to exceed 45 dBA or less. An updated Acoustical Analysis shall be submitted with the building plans for the project. Any measures recommended in the study shall be incorporated into the building plans with appropriate notes/specifications.
9. Solid masonry screen walls, with graffiti-resistant coating, shall be constructed along the northern and southern property boundaries. Appropriate sight distance shall be maintained at driveways and intersections, to the satisfaction of the Engineering Division. Any walls (retaining and screen) shall be constructed with split-face masonry with a mortar cap consistent with the Master and Precise Development Plan.
10. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). A copy of the lighting plan shall be included as part of the building plans, to the satisfaction of the Planning Division.
11. Prior to final map approval, a note shall be included on the final map, or other documents provided, stating that grading shall be in conformance to the submitted conceptual design.

12. Three (3) copies of a revised tentative map, reflecting all modification and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading and landscape plans and the final map.
13. A Final Map shall be recorded prior to the issuance of grading permits for the site.
14. Any parcels not associated with this Tentative Map shall be labeled "Not a Part."
15. No street names are part of this approval. A separate request shall be submitted prior to Final Map, if required or proposed.
16. Copies of the CC&Rs shall be submitted to the Planning Division for review and approval prior to Final Map. The CC&Rs shall detail the responsibility for the maintenance of any parkway landscaping, landscape easements, exterior walls/fencing, slopes/landscaping, utility easements, driveways, roads, parking areas, structures, and any common drainage facilities. The CC&Rs also shall contain a provision indicating the garages shall be maintained to accommodate up to one vehicle. Any storage shall not restrict the parking of vehicles within the garage. A homeowners' association shall be established in accordance with Department of Real Estate requirements.
17. Permitted animals/pets shall be allowed in conformance with the R-4 standards, unless CC&Rs are more restrictive.
18. Prior to the Final Map approval and issuance of grading permits, a parking management plan shall be included with the CC&Rs which details any assigned spaces, overflow, on-site vehicular maintenance and guest parking.
19. As proposed, the buildings, architecture, color and materials, and the conceptual landscaping of the proposed development shall be in accordance with the Master and Precise Development Plan, staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division. Any major modifications to the exterior architectural building elements or lessening of the quality of the exterior design shall require approval by the Director of Community Development, and or the Planning Commission as may be recommended by the Director.
20. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47). Separate sign permits will be required for project signage.
21. All trash enclosures must be designed and installed per the Master and Precise Development Plan and in coordination with Engineering Department storm water control requirements.
22. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building, to the satisfaction of the Director of Community Development. The final building plans shall clearly indicate that any proposed rooftop equipment is properly screened. A cross section and roof plan shall be included (which details the location and height of all rooftop equipment) to demonstrate that the height of the parapet is sufficient to screen the mechanical equipment. Ground mounted equipment should be located to avoid conflict with pedestrian circulation and access, as well as to screen the equipment from view as much as possible. Mechanical units also shall be located and appropriate measures incorporated to avoid potential noise conflict with the residential units.
23. A minimum of 144 on-site spaces shall be provided and maintained in conjunction with this development, as indicated in the Details of Request and site plan. The spaces shall be striped in accordance with the Zoning Code. Driveways and fire lanes do not allow for parking, and curb markings and fire lane signs are required, to the satisfaction of the Fire Marshall. Parking for

disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage.

24. All project generated noise shall conform with the City's Noise Ordinance (Ordinance 90-08).
25. Any decorative pavement, driveways and sidewalks shall be indicated on the building and landscape plans, including appropriate notes regarding type and color of materials. Decorative paving, colored concrete or other decorative materials shall be incorporated at the project entry drive, along with appropriate landscaping consistent with the Master and Precise Development Plan.
26. Balconies and patios shall be kept in a neat and orderly manner, especially along South Escondido Boulevard. 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.). This condition shall be included in the CC&Rs.
27. All new utilities shall be underground.
28. Appropriate backup/kicker areas shall be provided at the terminus of drive isles. These area shall be identified on the grading and site plans per the Master and Precise Development Plan.
29. The term of the Master and Precise Development Plan shall be the same as the corresponding Tentative Subdivision Map, and shall expire according to the same schedule and procedure as the Tentative Subdivision Map (SUB13-0009).
30. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping, identification of handicap parking stalls and required signage, perimeter walls and landscaping, trash enclosure, as well as any other conditions of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
31. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,181.25 for a project with a Negative Declaration. In addition, these fees include an additional authorized County administrative handling fee of \$50.00. 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.
32. Prior to the issuance of grading permits for the project, the applicant/developer shall provide documentation establishing/demonstrating compliance with all of the following mitigation measures, to the satisfaction of the Planning Division:
33. As proposed by the applicant, a qualified archaeological monitor and a Native American monitor are required during all ground-disturbing activities in native sediments that are Holocene in age. The monitors will have the authority to temporarily halt work upon the discovery of potentially significant cultural resources. The resource area will be protected until the resource has been

documented and evaluated regarding eligibility for listing in the California Register of Historical Resources and National Register of Historic Places. As newly discovered, resources that are *in situ* (original location and context) cannot be removed without an evaluation, efforts will be made to complete such evaluation within 48 hours of discovery. Construction (not limited to grading) will be allowed to continue in other portions of the project site while the resource is being assessed.

Biology

Bio 1: Mitigation for the loss of 0.43 acre of southern willow scrub shall be designed to accomplish the “no net loss” policy defined by the Corps. “No net loss of wetlands” refers to a no net loss of both wetland area and function (USEPA and the Department of the Army 1990). A Conceptual Mitigation Plan has been prepared to provide specific measures for the proposed mitigation required by the Corps and CDFG. Generally, all direct permanent impacts to jurisdictional wetland habitat are mitigated in kind at an offsite mitigation area(s), preferably in the same watershed, through some combination of creation, restoration, enhancement, and/or preservation of existing habitat. Mitigation will include a minimum 1:1 creation ratio component to adhere to the federal policy of a no net loss of wetlands. The CDFG also requires replacement of affected habitat, typically at ratios similar to the Corps. The CDFG typically requires a minimum ratio of 1:1 creation for all permanent impacts to habitats within their jurisdiction. Generally, the resource agencies require more than a 1:1 replacement ratio and it is anticipated that a ratio of 2:1 is likely to be required. The Mitigation Plan provides for a 4:1 replacement ratio for the 0.43 acre of arroyo willow scrub habitat and 0.04 acre of unvegetated waters of the U.S.

The acquisition of high-quality, in-kind habitat at an offsite location may be considered at the agencies’ discretion. The use of mitigation credits at an approved mitigation bank will be possible if the project is located in one of the bank’s service areas and the appropriate habitat credits are available.

In addition, the applicant will be required to obtain a Section 404 Nationwide Permit from the Corps, a Section 1600-1607 Streambed Alteration Agreement from the CDFG, and a Section 401 Waste Discharge Certification from the RWQCB.

Bio 2: To avoid potential impacts to the federally protected least Bell’s vireo, construction activities will occur outside the breeding season (March 15 through September 15). However, if construction activities do occur during the breeding season, then U.S. Fish and Wildlife Service (USFWS) protocol surveys will be required to determine the presence or absence of the least Bell’s vireo. If the surveys determine that the least Bell’s vireo is not present and nesting onsite, construction can proceed during the breeding season, as long as there are also no migratory birds nesting onsite. If the surveys determine that the least Bell’s vireo is breeding onsite, construction cannot proceed during its breeding season and a Section 7 Consultation with the USFWS will be required to determine appropriate mitigation.

The southern willow flycatcher is not expected to nest or breed onsite, only possibly migrate through the site. As such, protocol level surveys for this species are not deemed necessary.

Pre-construction surveys will be conducted by a qualified biologist to determine the presence or absence of migratory birds protected under the Migratory Bird Treaty Act. The nest survey will also determine if migratory birds are nesting onsite. If no nesting activity is observed, construction activity can proceed. If the biologist determines that migratory birds are nesting onsite, construction shall be avoided until after the young have fledged from the nest and it is no longer occupied. Results of the nest survey will be submitted to the CDFG via a letter report.

Should construction halt for any reason for longer than 1 week after the commencement of activities and potential nesting habitat still remains onsite, an additional focused survey for migratory bird nests will be required 1 week prior to the recommencement of construction (only if during the breeding season for migratory birds, which typically extends from February 1 through

September 30). If the surveys determine that no species or nests were observed, construction could recommence during the nesting season.

Bio 3: According to Chapter 33, Article 55, Section 33-1069 of the Municipal Code, if protected trees cannot be preserved on site, they shall be replaced at a minimum of 2:1. The number, size, and species of the replacement trees shall be determined on a case-by-case basis based on the characteristics and condition of the individual tree(s) involved. The preferred replacement is a tree(s) of equal size. Given the size of the one impacted oak tree, it is recommended that nursery-grown specimen trees (24-inch box) be used as replacement trees. If possible, these replacement trees should be planted as part of any wetland/riparian restoration component for this project. In accordance with the California Department of Fish and Game recommendations, oak trees shall be mitigated in the following manner:

In the disturbed upland area of the project, two oaks (*Quercus agrifolia*) will be impacted. One has a diameter at breast height of approx. 12 inches and the other approx. 3 inches. These two upland oaks shall be mitigated by planting acorns or 1-gallon oaks at a ratio of 5:1 for impacts to the 12-inch DBH oak and at a ratio of 3:1 for impacts to the 3-inch DBH oak. As an alternative, impacts to these two oaks may be mitigated at a 3:1 ratio through purchase of oak credits at a mitigation bank.

Mitigation for impacts to the 30, 1 to 2-inch DBH oak saplings that are within the southern willow scrub habitat will need to be determined through the Streambed Alteration Agreement process.

Bio 4: Impacted non-native grassland (2.1 acres) will be mitigated at a 0.5:1 ratio through either of the following:

- a. Purchase of similar habitat as approved by the Wildlife Agencies; or
- b. Payment of monies to an approved habitat mitigation bank.

Off-Site Mitigation

The following mitigation measures are designed to reduce impacts to biological resources on the offsite mitigation site to below a level of significance:

Bio 5: A biological monitor knowledgeable of arroyo toad biology and field identification shall be present daily when planting holes are dug for container plants between September 15 and March 15, and when container plants and the drips irrigation system are checked and maintained (i.e. 3 to 4 times) between March 15 and August 15. Locals where arroyo toad activity is documented during this monitoring shall be flagged and planting locations shall be shifted an appropriate distance from the toad locales. Documentation from the biological monitor submitted to the Service will include depth and locale where toads may be found, distance from and elevation above the stream bed, type of vegetation in which arroyo toad is found, and number of toads detected and affected (if any).

Bio 6: Data collection by the biological monitor shall be analyzed annually during the 5-year program to determine what activities have direct impacts on arroyo toad, which activities appear to have no impact. Monitoring will not be discontinued without concurrence from the Service.

Bio 7: Work is not planned in the more open sandy habitat adjacent (e.g., within 40 feet) to the creek bottom, except for removal of scattered exotic plants. Work adjacent to the creek bottom shall be limited to periods of time when there is no surface flow. Removal of exotics adjacent to the creek bottom shall be performed September 15 to when there is creek flow. After stream flow commences, if the channel subsequently becomes dry, the maintenance activities may resume upon agreement between a qualified biologist and the Service, and continue until March 15.

Bio 8: A biological monitor shall inspect the site immediately after heavy seasonal rains and prior to re-initiation of exotics removal, planting, seeding and maintenance of the drip irrigation system.

Air Quality

Air 1: The project proponent will ensure construction equipment staging areas are located a minimum of 300 feet from residential land uses, when feasible. The staging area(s) shall be identified on the grading and building plans.

Landscaping

1. Seven copies of the detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division prior to issuance of Grading or Building permits, and shall be equivalent or superior to the concept plan attached as exhibit(s) to the satisfaction of the Planning Department. The appropriate plan check fee will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards of the City's Water Efficient Landscape Requirements (Article 62). The plans shall be prepared by, or under the supervision of a licensed landscape architect. Seven copies of the final plans shall be submitted for approval in order to distribute to the appropriate City Departments and to the project applicant.
2. The landscaping plan shall include evergreen trees at a maximum size of 36" box consistent with the Master and Precise Development Plan, to the satisfaction of the Planning Division. Root barriers shall be provided in accordance with the Landscape Ordinance.
3. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
4. All manufactured slopes, or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then installation of the erosion control plan and suitable BMPs may be acceptable.
5. Prior to occupancy of future units, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
6. The streetscape along Escondido Boulevard shall include appropriate sidewalks and landscape planters, along with the required number of street trees, to the satisfaction of the Planning Division.
7. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

Fire Department Conditions

1. Tiff or PDF file copy, of project (minimum 11"x17") shall be provided showing building floor plan, roof plan and site plan.

2. NFPA 13 and NFPA 13R automatic fire sprinkler system will be required.
3. Smoke detectors are required above all stairwell landings.
4. Standpipe systems will be required at the following locations:
 - a. Stairwell landings (location to the satisfaction of the Fire Dept.).
5. An approved fire alarm system will be required.
6. A fire hydrant is required to be located within 50 feet of the fire department connection, unless otherwise specified on the Master and Precise Development Plan to the satisfaction of the Fire Department. Fire hydrants shall be shown on the appropriate improvement plans.
7. Fire hydrants capable of delivering 1,500 GPM at 20 PSI residual pressure are required every 300 feet in conjunction with NFPA 13 and NFPA 13R automatic fire sprinkler system for the building.
8. Additional hydrants may be required near intersections, fire department connections or other locations.
9. Extinguisher(s) will be provided at locations indicated with a minimum rating of 2A-10B:C in a visible and accessible location, at an exit or in the exit pathway. Walking distance is not to exceed 75 feet (CFC 1002.1; T-19 Art. 5). Extinguishers must be mounted not more than 5 feet nor less than 3 ½ feet above the floor.
10. Driveways serving three or more homes are considered access roads and must be a minimum of 24' wide with no parking per the Master and Precise Development Plan.
11. Speed humps/bumps will not be allowed on fire access roads.
12. All-weather, paved access must be able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be installed and in service prior to placing any combustible materials on the job site.
13. All gated entrances must be equipped with electric switches accessible from both sides and operable by dual-keyed switches for both fire and police. Electric gates must be operable by Fire Department strobe detectors and allow free exiting. A funding method to provide ongoing maintenance of fire lanes, electric gates, and other fire & life safety requirements must be provided for in the CC&Rs and/or the Association, to the satisfaction of the Fire Department. A responsible property manager must be easily accessible to the Fire Department.
14. A Knox box will be required where access to or within a structure or area is restricted (CFC Section 506).
15. The inside turning radius on all corners shall be consistent with the Master and Precise Development Plan.
16. Roof access to structures must be provided from one stairwell per building with appropriate signage to the satisfaction of the Fire Marshal and consistent with the Master and Precise Development Plan.
17. Barricades (other than the vehicular gates included on the Master and Precise Development Plan) shall not obstruct fire hydrants or impede emergency vehicle access.

18. Vertical clearance must be provided in all access and driveway areas consistent with the Master and Precise Development Plan and to the satisfaction of the Fire Marshal. Trees that obstruct the vertical clearance or access width must be trimmed or removed and provisions to provide ongoing maintenance must be reflected in the CC&Rs. A copy of the CC&Rs listing this requirement must be submitted.
19. Red curbs with 4" white lettering, "NO PARKING FIRE LANE" signs are required in 24'-wide access areas and provisions to provide ongoing maintenance must be reflected in the CC&Rs. A copy of the CC&Rs listing this requirement must be submitted. "FIRE LANE" signs and red curbs must meet specifications of the Escondido Police Department.

Building Division Conditions

1. An accessible route shall be required from the public way and accessible parking to all buildings, facilities and entrances. The route shall coincide with the routes of the residence.
2. The plans shall show complying accessible parking per CBC Section 1109A. Where accessible van parking is required and provided, show a minimum 9-foot wide parking stall and 8-foot wide access aisle with the space a minimum of 18 feet in length. Show that the access aisle is on the passenger side of the parking space. Show the percentage of accessible parking at all assigned, not assigned and at each type of parking.
3. All covered ground floor units without elevators shall be accessible and adaptable per CBC 1102A.
4. The plans shall show that the pool gates swing out away from the pool.
5. Dimension the distance from the trash enclosure to the property lines and detail any fire rated wall assembly and opening protection required per CBC Section 705 and Table 705.8.

Engineering Department Conditions

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all on-site utilities shall be determined by the Developer's engineer. If a conflict occurs with proposed lots, these utilities shall be relocated.
3. 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 this Subdivision.
4. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.

5. 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.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
7. The engineer shall submit to the Planning Department a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval, in accordance with the project's master and precise plan and to the satisfaction of the City Engineer.
2. The developer shall construct frontage street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets:

STREET

Escondido Boulevard

CLASSIFICATION

Frontage Road w/ left turn pocket
(34' min. curb to curb)

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

3. The project frontage improvements shall be designed to align with and match up to the existing street improvements on either side of the project.
4. The developer shall construct a 6" concrete curb and gutter or curb only, as determined in final design, along the west side of Escondido Boulevard to complete the improvements to Frontage Road Standards and shall be signed for "No Parking".
5. The Developer shall install a South Bound Left Turn pocket into the project with required transitions and storage per current City and MUTCD Standards. Parking along Escondido Boulevard shall be restricted to accommodate lane widths and this left turn pocket into the project. The Developer shall install "No Parking" signage per an approved Signing and Striping plan.
6. The project entrance shall be designed as a street intersection with curb returns, cross gutters and spandrels, sidewalk ramps, etc. with a minimum throat width of 24 feet.
7. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for South Escondido Boulevard, along project frontage and transitions to join existing striping beyond project frontage, including the creation of a South Bound Left Turn pocket into the project and all parking restriction signage. Any removal of existing striping and all new striping shall be done by developer's contractor. All new signing and striping shall be in accordance with current Escondido Design Standards and MUTCD. The final striping plan shall be based on the conceptual striping plan submitted for the project finalized to the satisfaction of the City Engineer.

8. Adequate horizontal sight distance shall be provided at project entrance on Escondido Boulevard in accordance with the requirements of the City Engineer.
9. The address of each dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer and Fire Marshal.
10. All on-site roads, driveways and parking areas shall be private. Typical sections and design details shall be in accordance with current Escondido Design Standards to the satisfaction of the City Engineer and Fire Marshal. The private street improvements shall include, but not be limited to, the construction of concrete curb, gutters, sidewalks, street lights, paving and base.
11. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
12. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
13. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
14. The developer shall be required to construct a 5600 lumen minimum street light in accordance with Escondido Standard Drawing No. E-1-E at the project entrance.
15. All gated entrances and areas shall be designed and improved to the satisfaction of the City Engineer and the Fire Marshal.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and on the grading plan, that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his/her recommendations.
2. 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.
3. All proposed retaining 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 retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.
4. Increased cut slope setbacks may be required along the project boundary to avoid disrupting any existing septic systems in the adjoining residential areas and may be required to avoid encountering ground water problems. Actual setbacks to be used will be based on recommendations of the soils engineer. The requirements of the San Diego County Health

Department should be consulted in this regard. In lieu of these requirements, or if the County Health Department requirements cannot be met, the developer must arrange to connect adjoining existing dwelling units, now on private septic systems, to the public sewer system. In this regard, the developer will be required to make necessary arrangements for all main extensions, easements and payment of all connection and permit fees. Any dwellings in the unincorporated areas must have special approval of the City Council before being connected to the City sewer system.

5. It shall be the responsibility of the developer to pay all plan check and inspection fees required by the San Diego County Health Department.
6. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
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. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one (1) or more acres.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
10. All existing foundations and structures, other than those designated "to remain" on the Tentative Map, shall be removed or demolished from the site.
11. Unless specifically permitted to remain by the County Health Department, any existing wells within the project shall be abandoned and capped, and all existing septic tanks within the project shall be pumped and backfilled per County Health Department requirements.
12. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Developer's engineer. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The Developer shall remove the existing public reinforced concrete box storm drain that protrudes into the project and shall construct a rerouted public storm drain pipe system sized to convey the ultimate storm water flows through the project. Improvement plans for this public storm drain system shall be designed by the Developer's engineer and submitted for approval by the City Engineer.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for detention basins shall be submitted in the drainage study and approved as part of the grading plan check.
4. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval together with the final improvement and grading plans. The Water Quality Technical Report shall include hydro-

modification calculations, post construction storm water treatment measures and maintenance requirements.

5. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. The Permeable Paver areas and their approximate 10' wide by 10' deep gravel HMP storm water underground Storage Basins will need to be located a minimum of 5 feet from all proposed Public Utility and Storm Drain Easements.
7. Landscaping in and around the proposed Bio-retention basins shall be designed to be able to flourish in the well-draining soils required in the basins.
8. All storm water treatment and retention facilities and their drains including the bio-retention basins, the permeable paver areas and their gravel HMP underground storage basins shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner's Association. Provisions stating this shall be included in the CC&Rs.
9. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement. This Agreement shall be referenced in the CC&Rs.
10. All storm drain systems not within public easements and not specifically noted as public on the project grading and improvement plans shall be considered private. The responsibility for maintenance of these storm drains shall be that of the Property Owner's Association. Provisions stating this shall be included in the CC&Rs.

WATER SUPPLY

1. All onsite public water main locations and sizing shall be in accordance with the project's master and precise plans and designed and constructed to the satisfaction of the Utilities Engineer. Required water main improvements shall include a minimum 8" PVC onsite public water main looped through the project and designed for the required fire flows.
2. Fire hydrants shall be installed at locations approved by the Fire Marshal and in accordance with the project's master and precise plans.
3. Where the required looped 8" PVC waterline passes adjacent to Building No. 2 at the Southwest corner of the project, it shall be sleeved within a 16" PVC sleeve to the satisfaction of the Utilities Engineer.
4. All water services that must pass through the gravel HMP underground storage basin areas shall be sleeved within PVC sleeves to the satisfaction of the Utilities Engineer.
5. All on-site water lines not in public easements will be considered a private water system. The property owner's association will be responsible for all maintenance of these waterlines. This shall be clearly stated in the CC&Rs.

RECLAIMED WATER

1. The developer is required to install a separate irrigation system for the major common areas, street parkways that can use either potable or reclaimed water. This system should be built to the satisfaction of the Planning Director and the City Engineer.

SEWER

1. All sewer main extensions and the location and sizing of mains shall be to the satisfaction of the Utilities Engineer. Required onsite sewer main improvements include an 8-inch PVC public main connecting to the existing 8-inch sewer in Escondido Boulevard with a new 5' diameter manhole and extending into the project such that sewer laterals for each building can be constructed per City Standard and Uniform Plumbing Code. A 5' diameter sewer manhole shall be constructed at the end of this new sewer main extension.
2. Sewer manholes less than 4 feet deep shall be per special design as directed by the Utilities Engineer.
3. No trees or deep rooted bushes shall be planted within 10' of any sewer main or lateral.
4. All sewer laterals that must pass through the gravel HMP underground storage basin areas shall be sleeved within PVC sleeves to the satisfaction of the Utilities Engineer.
5. All on-site sewer lines not in public easements and all laterals will be considered a private sewer system. The Home Owners' Association will be responsible for all maintenance and repair of these sewer lines and laterals. This shall be clearly stated in the CC&Rs.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET

Escondido Boulevard

CLASSIFICATIONFrontage Road
(50' min. RW or 12' min. behind face of curb)

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, and storm drain shall be granted to the City on the Final Map. The minimum easement width is 20 feet with additional easement width to accommodate for multiple public utilities in accordance with the project's master and precise plans. Reduced Public Utility Easement with a minimum width of 10 feet will be allowed solely for where the looped waterline passes adjacent to Building No. 2 at the Southwest corner of the project.
4. A public utility easement shall be dedicated over the private streets. The public utility easement shall extend to include all public utility facilities including water meters, fire hydrants, air valves, etc.
5. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the final map. 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 Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS AND FEES

1. A sewer repayment of \$2,167.11 is due to the City of Escondido for existing sewer improvements approved for repayment by Resolution 75-280 and that will serve this development.
2. A waterline repayment of \$3,977.85 is due to the City of Escondido for the existing waterline improvements approved for repayment by Resolution 85-28 and that will serve this development.
3. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
4. 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.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, private street lighting, storm drains, storm water treatment basins and facilities, and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Water Quality Technical Report for the project.
4. The CC&Rs must state that the Property Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the Property Owners' Association when repair or replacement of private utilities is done.
5. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the Property Owners' Association is responsible for replacing the pavers and/or stamped concrete in kind if the City has to trench the street for repair or replacement of an existing utility.
6. The CC&Rs must state that the Property Owners' Association is responsible for replacing and/or repairing the gravel HMP storm water underground Storage Basins if the City has to trench the street for repair or replacement of an existing utility.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. All new dry utilities to serve the project shall be constructed underground.
3. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

MITIGATION MONITORING REPORT

PROJECT NAME: Escondido Mixed-Use Development Project
PROJECT DESCRIPTION: Mixed-use development of attached residential dwelling units and commercial/retail shopkeeper units

NEG .NEC. NO. ER 2005-02
ASSOC. CASE NO.: TR 911, 2005-03-PD/CZ
APPROVAL BODY/DATE:
PROJECT MANAGER: Jay Paul, Assoc. Planner
 (760) 839-4537

PROJECT LOCATION: 2412 & 2418 S. Escondido Blvd. (APN 238-141-31 and -36).
CONTACT PERSON: Robert Richardson, Richardson Partners, Inc.
PHONE NUMBER: (760) 438-9711

Phase at which the Mitigation Measures are to be Implemented

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
<p>Air Quality Construction equipment could result in diesel particulate emission concentrations.</p>	<p>Prior to issuance of grading plans and building permits, and as a condition of project approval, ensure plans designate that equipment staging areas are located a minimum of 300 feet from residential land uses, when feasible.</p>	Air 1	Planning Division Engineering Division		
<p>Biological Resources Direct impacts from development could result in the loss of southern willow scrub habitat.</p>	<p>Prior to issuance of Grading Permits Mitigation for the loss of 0.43 acre of southern willow scrub. A Mitigation Plan will be prepared and approved to provide specific measures for the proposed mitigation required by the Corps and California Department of Fish and Game (CDFG). All direct permanent impacts to jurisdictional wetland habitat are mitigated in kind at an offsite mitigation area(s), preferably in the same watershed, through some , through some combination of creation, restoration, enhancement, and/or preservation of existing habitat. Mitigation will include a minimum 1:1 creation ratio component to adhere to the federal policy of a no net loss of wetlands. The CDFG also requires replacement of affected habitat, typically at ratios similar to the Corps. The CDFG typically requires a minimum ratio of 1:1 creation for all permanent impacts to habitats within their jurisdiction. Generally, the resource agencies require more than a 1:1 replacement ratio and a ratio of 2:1 is likely to be required. The Mitigation Plan provides for a 4:1 replacement ratio for the 0.43 acre of arroyo willow scrub habitat and 0.04 acre of unvegetated waters of the U.S.</p>	Bio 1	Project Applicant		<p>Ordinance No. <u>2014-10</u> Exhibit <u>B</u> Page <u>16</u> of <u>19</u></p>

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
<p>Biological Resources Direct impacts from development could result in the loss of southern willow scrub</p>	<p>Prior to the issuance of grading permits and a condition of project approval Applicant to obtain a Section 404 Nationwide Permit from the Corps, a Section 1600-1607 Streambed Alteration Agreement from the CDFG, and a Section 401 Waste Discharge Certification from the Regional Water Quality Control.</p>	<p>Bio 1</p>	<p>Project Applicant</p>		
<p>Biological Resources</p>	<p>Prior to issuance of grading permits Ensure required Agency permits have been issued and incorporate any recommendations into plans.</p>	<p>Bio 1</p>	<p>Planning Division Engineering Div. Building Division</p>		
<p>Biological Resources Construction noise could result in potential temporary impacts to least Bell's vireo.</p>	<p>Prior to the issuance of grading and building permits, and a condition of project approval To avoid potential impacts to the federally protected least Bell's vireo, construction activities will occur outside the breeding season (March 15 through September 15). However, if construction activities do occur during the breeding season, then U.S. Fish and Wildlife Service (USFWS) protocol surveys would be required to determine the presence or absence of least Bell's vireo. If the surveys determine that least Bell's vireo is not present and nesting onsite, construction can proceed during the breeding season, as long as there are also no migratory birds nesting onsite. If the surveys determine that least Bell's vireo is breeding onsite, construction cannot proceed during its breeding season and a Section 7 Consultation with the USFWS would be required to determine appropriate mitigation. Pre-construction surveys will be conducted by a qualified biologist to determine the presence or absence of migratory birds protected under the Migratory Bird Treaty Act. The nest survey will also determine if migratory birds are nesting onsite. If no nesting activity is observed, construction activity can proceed. If the biologist determines that migratory birds are nesting onsite, construction shall be avoided until after the young have fledged from the nest and it is no longer occupied. Results of the nest survey will be submitted to the CDFG via a letter report. Should construction halt for any reason for longer than 1 week after the commencement of activities and potential nesting habitat still remains onsite, an additional focused survey for migratory bird nests would be required 1 week prior to the commencement of construction (only if during the breeding season for migratory birds, which typically extends from February 1 through September 30). If the surveys determine that no species or nests were observed, construction could recommence during the nesting season.</p>	<p>Bio 2</p>	<p>Project Applicant Planning Division verify preconstruction surveys and results</p>		<p>Ordinance No. <u>2014-10</u> Exhibit <u>B</u> Page <u>17</u> of <u>19</u></p>

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
<p>Biological Resources: Direct impacts from development would result in the loss of one mature oak tree with a dbh of 12 inches.</p>	<p>Nursery-grown specimen trees (24-inch box) be used as replacement trees. As such, two 24-inch box replacement trees would offset the impacts to the one protected oak tree. If possible, these replacement trees should be planted as part of any wetland/riparian restoration component for this project, or be planted on-site as part of the landscape plan.</p>	Bio 3	Planning Division Engineering Division Building Division		
<p>Biological Resources: Direct impacts from development would result in the loss of non-native grassland</p>	<p>Prior to the issuance of grading permits Impacted non-native grassland (2.1 acres) will be mitigated at a 0.5:1 ratio through either of the following: a. Purchase of similar habitat as approved by the Wildlife Agencies; or b. Purchase of credits from an approved habitat mitigation bank.</p>	Bio 4	Project Applicant		
<p>Biological Resources: Direct impacts from development would result in the loss of non-native grassland</p>	<p>Prior to the issuance of grading permits, and condition of project approval: Verify appropriate off-site mitigation has been approved or credits obtained for impacts to non-native grassland</p>	Bio 4	Planning Division Engineering Div.		
<p>Biological Resources: Off-site mitigation area (Fenton Ranch)</p>	<p>A biological monitor knowledgeable of arroyo toad biology and field identification shall be present daily when planting holes are dug for container plants between September 15 and March 15, and when container plants and the drips irrigation system are checked and maintained (i.e. 3 to 4 times) between March 15 and August 15. Locals where arroyo toad activity is documented during this monitoring shall be flagged and planting locations shall be shifted an appropriate distance from the toad locales. Documentation from the biological monitor submitted to the Service will include depth and locale where toads may be found, distance from and elevation above the stream bed, type of vegetation in which arroyo toad is found, and number of toads detected and affected (if any).</p>	Bio 5	Project Applicant Wildlife Agencies		
<p>Biological Resources: Off-site mitigation area (Fenton Ranch)</p>	<p>Data collection by the biological monitor shall be analyzed annually during the 5-year program to determine what activities have direct impacts on arroyo toad, which activities appear to have no impact. Monitoring will not be discontinued without concurrence from the Service.</p>	Bio 6	Project Applicant Wildlife Agencies		
<p>Biological Resources: Off-site mitigation area (Fenton Ranch)</p>	<p>Work is not planned in the more open sandy habitat adjacent (e.g., within 40 feet) to the creek bottom, except for removal of scattered exotic plants. Work adjacent to the creek bottom shall be limited to periods of time when there is no surface flow. Removal of exotics adjacent to the creek bottom shall be performed September 15 to when there is creek flow. After stream flow commences, if the channel subsequently becomes dry, the maintenance activities may resume upon agreement between a qualified biologist and the Service, and continue until March 15.</p>	Bio 7	Project Applicant Wildlife Agencies		<p>Ordinance No. <u>2014-10</u> Exhibit <u>B</u> Page <u>18</u> of <u>19</u></p>

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
Biological Resources: Off-site mitigation area (Fenton Ranch)	A biological monitor shall inspect the site immediately after heavy seasonal rains and prior to re-initiation of exotics removal, planting, seeding and maintenance of the drip irrigation system.	Biology	Project Applicant Wildlife Agencies		
Noise: Noise levels post-development may impact interior noise levels	Prior to the issuance of building permits, the project proponent shall submit an interior noise analysis to demonstrate to the City Planning Department that interior noise levels will remain below 45 dBA Leq.	Noise 1	Project Applicant		
Noise: Noise levels post-development may impact interior noise levels	Prior to the issuance of building permits, recommendations from the interior noise analysis shall be incorporated into the building plans.	Noise 1	Planning Division Building Division		

CODE COMPLIANCE

Ongoing monitoring to ensure compliance with all mitigation measures, conditions of approval, operational requirements, standards, codes and regulations.	Project Applicant City of Escondido Planning Division Wildlife Agencies	Public Works Dept. Code Enforcement Div. Police Dept.	Building Dept. City Attorney Fire Dept.
Enforcement of the project conditions, mitigation measures, codes, standards and regulations are handled through inspection and evaluation procedures by the above mentioned City Departments and upon failure to comply with the conditions, the project may be referred to the Planning Commission for review and possible modification or revocation of the permit.	City of Escondido		

EXHIBIT "C"

LEGAL DESCRIPTION
SUB13-0009

All that certain real property situated in the County of San Diego, State of California, described as follows:

PARCEL 1:

Parcel A in the City of Escondido, County of San Diego, State of California as shown at Page 9666 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, February 5, 1980.

PARCEL 2:

That portion of the Northerly 154.00 feet of Lot 2 in Block 31 of Homeland Acres Addition to Escondido No. 2, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 1241, filed in the Office of the County Recorder of San Diego County, lying Westerly of a line which bears South 12°06'50" West from a point in the Northerly line of said Lot, distant thereon, South 77°53'10" East, 300.00 feet from the point of intersection of said Northerly line with the Easterly line of the State Highway XI-SD-77-ESD, as described in Deed to the State of California, recorded July 27, 1936 as File No. 48041 of Official Records.

EXCEPTING that portion lying in said Street Highway described in Deed recorded January 2, 1954 in Book 5152, Page 593 of Official Records.

Assessor's Parcel Number: **238-141-36 and 31**

PROPERTY DEPICTION

SUB13-0009

APNS 238-141-31 AND -36

