

ORDINANCE NO. 2016-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND PRECISE DEVELOPMENT PLAN ON APPROXIMATELY 5.25-ACRES OF LAND, ALONG WITH A ZONE CHANGE FROM R-1-6 TO PD-I FOR APPROXIMATELY 4.87 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHERN SIDE OF HARMONY GROVE ROAD, SOUTH OF ENTERPRISE STREET, ADDRESSED AS 2005 HARMONY GROVE ROAD

Planning Case Nos.: PHG 15-0042 and ENV 15-0017

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 Planning Commission and City Council on this issue.

SECTION 2. That on August 9, 2016, the Planning Commission recommended approval of the proposed Master and Precise Development Plan (Resolution No. 6073) to develop a 91,000 SF planned industrial development on approximately 5.25 acres of land (4.87-acre on-site and 0.38-acre offsite) in conjunction with a Zone Change from R-1-6 (Single-Family Residential, 6,000 SF min. lot size) to PD-I (Planned Development–Industrial) on approximately 4.87-acres of land.

SECTION 3. That the City Council has reviewed and considered the Mitigated Negative Declaration (City File No. ENV15-0017) and Mitigation Monitoring Program 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, and adopts the Final Mitigated Negative Declaration as reflected on documents on filed in the offices of the City Clerk and Planning Division, and incorporated by this reference.

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 and Zone Change is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. 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 a 91,000 SF planned industrial project subject to the Conditions of Approval and Mitigation Monitoring Program attached as Exhibit "B," on approximately 5.25 acres of land located generally located on the southern side of Harmony Grove Road, south of Enterprise Street and east of Pacific Oaks Place, addressed as 2005 Harmony Grove Road, more particularly described and depicted in the attached Exhibit "C," both of which are attached to this Ordinance and are incorporated by this reference.

SECTION 6. That the Zone District Map of the City of Escondido is hereby amended by reclassifying the real property described and depicted on Exhibit "D" from R-1-6 to PD-I, which is attached to the Ordinance and incorporated by this reference.

SECTION 7. 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 County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 28th day of September, 2016 by the following vote to wit:

AYES : Councilmembers: GALLO, MASSON, MORASCO, ABED
NOES : Councilmembers: NONE
ABSENT : Councilmembers: DIAZ

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



EVA HETER, Assistant City Clerk of the
City of Escondido, California

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

I, EVA HETER, Assistant City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2016-10 passed at a regular meeting of the City Council of the City of Escondido held on the 28th day of September, 2016, after having been read at the regular meeting of said City Council held on the 14th day of September, 2016.



EVA HETER, Assistant City Clerk of the
City of Escondido, California

ORDINANCE NO. 2016-10

EXHIBIT "A"

FINDINGS OF FACT/FACTORS TO BE CONSIDERED PHG15-0042, ENV15-0017

Master and Precise Development Plan and Zone Change

1. The General Plan land-use designation for the project site is Light Industrial (LI), and the proposed industrial project and Planned Development Industrial zoning (PD-I) would be consistent with this land-use designation. The project site currently is zoned single-family residential (R-1-6) and a zone change to Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. The project would be consistent with the General Plan industrial land use goal of providing "a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community." The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets and intersections (as mitigated) or public facilities, create excessive noise or compatibility impacts, 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 and is well-integrated with the surrounding properties because adequate parking, access, on-site circulation, utilities, as well as appropriate setbacks from adjacent industrial uses and the Escondido Creek Flood Control Channel would be provided (as detailed in the staff report and Final Mitigated Negative Declaration). The design of the buildings and quality of the architecture and landscaping would be compatible with the pattern of industrial development throughout the Harmony Grove industrial area. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersection with the implementation of the conditions of approval and as mitigated.
3. The proposed Master and Precise Development Plan would not cause deterioration of bordering land uses and the site is physically suitable for the proposed development because an industrial park type development is proposed and would be located adjacent to similar industrial park type development. The proposed grading design would not result in any manufactured slopes or pads that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. 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 because identified impacts have been mitigated to less than a significant level. 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 located within a developed area characterized by a mix of industrial, single- and multi-family residential uses. Appropriate setbacks and buffer areas would be provided from adjacent industrial uses, the Escondido Creek and nearby residential development. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets and intersection or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided.
4. The overall design of the project would produce an attractive planned industrial development that would be similar in design and architectural quality to exiting industrial development located throughout the Harmony Grove industrial area. The project would be subject to the Industrial Park (IP) list of permitted uses that would allow lower intensity industrial park and office type uses (including restricting outdoor storage) in order to be more compatible with adjacent Specific Plan industrial development and land-use goals for the area (SPA 8 - ERTC) and to reduce the potential any impacts to nearby residential development.
5. The uses proposed have a beneficial effect not obtainable under existing zoning regulations because the project proposes a comprehensively designed industrial development that would be compatible with the surrounding neighborhood. The Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in

the siting of buildings and design that enhances the appearance and livability of the community. The proposed development proposes a variety of setbacks and appropriate orientation of the buildings (including major entries, loading docks, building access areas, and storm water features) to correspond to and reduce potential impacts to the variety of adjacent land uses and the built environment. The project provides 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 (CEQA) have been met because the findings of the environmental analysis (as demonstrated in ENV15-0017) are that the Initial Study identified effects related to biological resources, cultural and tribal cultural resources, and transportation/traffic that might be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures provide mitigation to a point where potential impacts are reduced to less than a significant level. The City also has complied with the provisions of Assembly Bill 52 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources.

Zone Change

1. The public health, safety and welfare will not be adversely affected by the proposed Zone Change from R-1-6 (Single-Family Residential, 6,000 SF min. lot size) to PD-I (Planned Development-Industrial) because the General Plan land-use designation for the subject site is LI (Light Industrial). The project site currently is zoned as single-family residential (R-1-6) and a zone change to Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets and intersection or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site. The Initial Study/Mitigated Negative Declaration prepared for the project identified effects related to biological resources, cultural and tribal cultural resources, and traffic that might be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures provide mitigation to a point where potential impacts are reduced to less than a significant level.
2. The property involved is suitable for the uses permitted by the proposed PD-I zone because the General Plan for the subject site is Light Industrial and the range of uses proposed would be consistent with the City's Industrial Park zoning requirements. The project has been designed to be compatible with the adjacent industrial development and Escondido Creek with appropriate grading, building design and orientation, setbacks, walls/fencing and perimeter landscaping. The project would be consistent with the General Plan industrial land use goal of providing "a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community."
3. The uses permitted by the proposed Planned Development-Industrial zone would not be detrimental to surrounding properties because the project site is adjacent to similar industrial development on the west and northwest, and is separated and adequately buffered from residential uses to the east, northeast and south by the Escondido Creek Flood Control Channel. The adjacent property immediately on the north is designed for future industrial development with a Light Industrial General Plan land-use designation. The scale of the project would be in conformance with the general pattern of industrial development within the area. The proposed change of zone would not result in a significant impact to the environment (as mitigated), nor impact existing services or degrade levels of-service to adjacent streets, as detailed in the staff report and environmental analysis.
4. The portion of the project site that is proposed for the change of zone to Planned Development-Industrial would not conflict with any specific plans for the area because the site is not subject to any adopted specific plans for the property or within a designated General Plan Specific Planning Area. The project would be in conformance with and Escondido General Plan which allows for light industrial development. The adjacent industrial development on the west is located within Specific Planning Area 8 (ERTC) and the range of industrial uses proposed for the project site and the design of the project would be compatible with the adjacent industrial specific plan and other industrial development throughout the surrounding area.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG15-0042

General

1. 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.
2. 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.
3. 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.
4. 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.
5. 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. 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
6. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75) and be consistent with the lighting design for the shopping center. A copy of the lighting plan shall be included as part of the building plans, to the satisfaction of the Planning Division.
7. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
8. As proposed, the buildings, architecture, color and materials, and the conceptual landscaping of the proposed development shall be in accordance with the staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
9. The proposed uses of the buildings/site shall be in accordance with the Permitted and Conditionally Permitted Principal Uses for the Industrial Park (IP) zone, along with Permitted Accessory Uses and Structures.
10. Signage for the proposed buildings shall be in conformance with the Comprehensive Sign Program prepared for the project. The sign program shall be based on the general signage requirements for the M1 zone, unless specifically modified by the Final Sign Program. A final Sign Program shall be submitted to the City for approval as part of the final building plans. A separate sign permit would be required for any building signage in conformance with the City's Sign Ordinance.

11. Any 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 Planning and Building. 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. Appropriate decorative screening shall be placed around the ground-mounted units where visible from the exterior of the project.
12. As indicated on the plans, 184 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. The parking provided (ratio of 1:494) will allow for all the range of permitted uses within the IP zone. Minor modifications to the number of parking spaces required may be approved by the Director of Community Development to address any necessary future site plan issues such as, but not limited to address ADA parking, path of travel, health and safety, maintenance or code related issues. 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.
13. All new utilities shall be underground.
14. A Boundary Adjustment(s) must be submitted and approved (along with the appropriate processing fees) by the City of Escondido to incorporate the approximately 0.38-acres of land along the western boundary of the project site prior to issuance of development permits for the project. The adjustment affects the subject site (APN 235-050-15) and APNs 235-040-46, -47, -48 and -49). The adjusted parcels will need to conform to the minimum lot size for the underlying zone or Specific Plan. Should the Boundary Adjustment not be completed and/or become feasible, then the project site plan and buildings will need to be modified to adjust for the reduction in lot area. Certifications of Compliance will be prepared with the Boundary Adjustments. The project applicant/owner shall create an easement over the project site to provide appropriate maintenance access to the existing storm water basin/features and retaining wall for the Harmony Grove Industrial Park parcels/development.
15. Any proposed retaining walls and perimeter or screen walls shall incorporate decorative block materials. This shall be noted on the project improvement plan (i.e., type of block, color, decorative cap, etc.). The trash enclosures also shall utilize a decorative masonry block material. The sides of the enclosures that face the Escondido Creek Channel shall incorporate appropriate landscaping to screen the enclosures.
16. The project shall provide for appropriate pedestrian and bicycle access to the Escondido Creek Channel to accommodate for the future extension of the Escondido Creek bicycle and pedestrian path.
17. 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 \$2,260.25 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.

18. The project shall be in compliance with all of the following mitigation measures:

Biological Resources Mitigation

BIO-1: Prior to issuance of grading permits, the following shall be identified on the grading plan:

A qualified biologist shall determine if any active raptor nests occur on or in the immediate vicinity of the project site if construction is set to commence or continue into the breeding season of raptors (January 1 to September 1). If active nests are found, their situation shall be assessed based on topography, line of sight, existing disturbances, and proposed disturbance activities to determine an appropriate distance of a temporal buffer.

BIO-2: Prior to issuance of grading permits, the following shall be identified on the grading plan:

If project construction cannot avoid the period of January 1 through September 1, a qualified biologist shall survey potential nesting vegetation within the project site for nesting birds prior to commencing any project activity. Surveys shall be conducted at the appropriate time of day, no more than three days prior to vegetation removal or disturbance. Documentation of surveys and findings shall be submitted to the City for review and concurrence prior to conducting project activities. If no nesting birds were observed and concurrence was received, project activities may begin. If an active bird nest is located, the nest site shall be fenced a minimum of 200 feet (500 feet for special status species and raptors) in all directions on-site, and this area shall not be disturbed until after September 1 or until the nest becomes inactive. If threatened or endangered species are observed within 500 feet of the work area, no work shall occur during the breeding season (January 1 through September 1) to avoid direct or indirect (noise) take of listed species.

BIO-3: Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 1.28 acres. Mitigation shall be provided by either 1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or 2) purchase of non-native grassland or equivalent habitat credits at an approved mitigation bank, to the satisfaction of the City.

BIO-4: Prior to the issuance of grading permits, impacts to disturbed wetland shall be mitigated at a ratio of 3:1 and shall consist of 0.002 acre of wetland creation and 0.004 acre of wetland restoration or enhancement. Mitigation shall be provided by either 1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or 2) purchase of wetland or equivalent habitat credits at an approved mitigation bank, to the satisfaction of the City. Additionally, prior to the issuance of grading permits, the project shall obtain a California Department of Fish and Wildlife 1600 Streambed Alteration Agreement, a San Diego Regional Water Quality Control Board Construction General Permit (401), and a U.S. Army Corps of Engineers Section 404 permit.

Cultural Resources Mitigation:

CUL-1: An archaeological resources monitoring program shall be implemented, which shall include the following:

1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of Escondido that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.
2. The qualified archaeologist and a Native American representative shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) shall be on-site full-time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features.
4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.
5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency, then carried out using professional archaeological methods. If any human bones are discovered, the county coroner and lead agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains.
6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.
8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms.

- CUL-2:** Prior to commencement of project construction, a qualified paleontologist shall be retained to attend the project pre-construction meeting and discuss proposed grading plans with the project contractor(s). If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined below.
1. A qualified paleontologist or a paleontological monitor shall be on site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is defined as an individual who has at least one year of experience in the field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation, and may be either increased or decreased thereafter depending on initial results (per direction of a qualified paleontologist).
 2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days). All collected fossil remains shall be cleaned, sorted, catalogued and deposited in an appropriate scientific institution (such as the San Diego Museum of Natural History) at the applicant's expense.
 3. A report (with a map showing fossil site locations) summarizing the results, analyses and conclusions of the above described monitoring/recovery program shall be submitted to the City within three months of terminating monitoring activities.
- CUL-3:** The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between 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 proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
- CUL-4:** 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.
- CUL-5:** The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
- CUL-6:** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated,

and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

- CUL-7:** In the event that previously unidentified Tribal Cultural Resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
- CUL- 8:** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
- CUL-9:** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant Tribal Cultural Resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
- CUL-10:** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

- CUL-11:** If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or 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 and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any Tribal Cultural Resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe 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.
- CUL-12:** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

Transportation/Traffic Mitigation:

- TRA-1:** Intersection #4. Harmony Grove Road at Hale Avenue – Prior to the issuance of occupancy permits, restripe the approach on Hale Avenue within the existing 21-foot southbound lane to provide one dedicated right-turn lane (11-feet wide) and one through lane (10-feet wide) extending 120 feet from the stop bar. Figure 11-1 of the TIA shows the conceptual striping plan for these improvements.
- TRA-2:** Street Segment #2. Harmony Grove Road between the Project Driveway and Enterprise Street – Prior to the issuance of occupancy permits, widen Harmony Grove Road within the existing right-of-way between the project driveway to Enterprise Street to provide a two-way left-turn lane serving as a refuge for left-turning vehicles in and out of the project site and nearby industrial driveways, thus allowing for improved flow for thru traffic along Harmony Grove Road. From the project driveway to Enterprise Street (a length of approximately 415 feet), widen Harmony Grove Road extending north along the project frontage to provide a 13 to 18-foot northbound lane and an 11-foot two-way left-turn lane for a total paved width varying between 38 and 54 feet. Appendix H of the TIA contains the City of Escondido preferred concept drawing with truck turning analysis along this segment.
- TRA-3:** Street Segment #2. Harmony Grove Road between Enterprise Street and Hale Avenue – Prior to the issuance of occupancy permits, the applicant shall pay a fair share (0.4 percent) toward the Citracado Parkway Extension Project to improve and redirect the flow of traffic along this roadway.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division in conjunction with the submittal of the Final Map and Grading Plans, and shall be equivalent or superior to the concept plan attached as exhibit(s) in the staff report(s). A plan check fee of will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. The landscaping plan shall include specimen sized evergreen trees, to the satisfaction of the Planning Division. Root barriers shall be provided in accordance with the Landscape Ordinance. The applicant and future owners shall be responsible for landscaping and ongoing maintenance (landscape and irrigation) the off-site slopes (within the City property) along the Escondido Creek Channel. Because the planting of trees may be limited on site along the eastern property boundary due to proposed storm drain infrastructure, the off-site slope along the creek shall include appropriate trees to be included in the design.
3. Appropriate landscape planters shall be incorporated around certain perimeters of the buildings, as indicated on the concept landscape plan.
4. The off-site slopes on the northern parcel shall include appropriate erosion control (temporary landscaping and irrigation) to the satisfaction of the Engineering Division.
5. The final fencing design shall be included with the landscape plans. Standard chain-link fencing is not allowed. Black or green vinyl-clad fencing is acceptable. Screening shrubs and vines shall be incorporated into the landscape design along eastern side of the perimeter fence to provide additional visual screening into the site.
6. The landscape design for the storm water basins shall be a visual amenity for the project to include an appropriate variety of plants and features (trees, shrubs and groundcover). The landscape should include appropriate outdoor amenities for the employees (i.e., outdoor seating and shade areas). The landscape plan also shall include appropriate access for future pedestrian and bicycle access to the adjacent Escondido Creek.
7. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
8. 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 an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
9. Prior to occupancy of the buildings, 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.
10. 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.

ENGINEERING CONDITIONS OF APPROVAL

Victory Industrial Park

GENERAL.

1. Improvement plans prepared by a Civil Engineer are required for all public street and sewer improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
2. The developer shall post securities in accordance with the City prepared bond and fee letter based on a final estimate of grading and improvements cost prepared by the project engineer. The project owner is required to provide Grading Bond and Cash Clean Up deposit for all grading, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. Grading bond amount shall be 10% the total cost of the project private improvements, drainage and landscaping minus the cash clean up deposit. The project owner 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 Improvement Plans and issuance of Building Permit. All improvements shall be completed prior to issuance of Occupancy Permit.
3. As surety for the construction of required off-site and 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 Grading Permit and/or Final Subdivision Map.
4. No construction permits will be issued until Final Plans and Storm Water Quality Management Plan (SWQMP) have been approved and appropriate securities are deposited and agreements executed to the requirements of the City Engineer and City Attorney.
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 project owner shall submit to the Planning Division 3 copies of the approved Planned Development certified by the Planning Division and must be included in the first submittal for final plans plan check, together with a final Storm Water Quality Management Plan (SWQMP) to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public streets improvements shall be designed in compliance with City of Escondido Design Standards and requirements of the City Engineer. Private Street improvements shall be designed in accordance with the requirements of the City Engineer, Fire Marshal and Director of Community Development and shall be shown on the Grading/Private Improvement Plans.
2. The project owner shall construct public and private street improvements for the following streets:

STREET

CLASSIFICATION

Harmony Grove Road

Industrial Street

3. The project owner shall be responsible for construction of project entrance and offsite improvements on Harmony Grove Road in accordance with the project tentative plans and to the requirements of the City Engineer. All required improvement plans shall be approved by the City Engineer prior to issuance of grading permit and shall be constructed prior to project occupancy.
4. The project owner shall be responsible to prepare and submit a signing and striping plan for proposed signing and striping improvements on Harmony Grove Road and intersection of Harmony Grove Road and Hale Avenue in accordance with the project tentative plans and to the requirements of the City Engineer. All required improvement plans shall be approved by the City Engineer prior to issuance of grading permit and shall be constructed prior to project occupancy.
5. The project owner shall be responsible to remove existing striping on Harmony Grove Road and intersection of Harmony Grove Road and Hale Avenue and slurry seal and re-stripe in accordance with the project tentative plans and traffic study mitigation exhibits and to the requirements of the City Engineer. All required improvement plans shall be approved by the City Engineer prior to issuance of grading permit and shall be constructed prior to project occupancy.
6. The project owner will be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the City Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

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 or her recommendations.

2. All onsite parking and access drives are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included in Grading Plans subject to review and approval by the City Engineer, Fire Marshall and Director of Community Development.
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 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.
4. The project owner 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.
5. A General Construction Activity Permit is required from the State Water Resources Board prior to issuance of Grading Permit.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

DRAINAGE

1. A Final Storm Water Quality Management Plan(SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 BMP Manual) shall be prepared for all onsite and newly created impervious frontage and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, treatment calculations, post construction storm water treatment measures and maintenance requirements.
2. The project owner will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. The maintenance agreement shall indicate property owner's responsibility for maintenance of all proposed frontage Green Street landscaping, onsite drainage system, storm water treatment and hydro-modification facilities and their drainage systems.

WATER SUPPLY

1. This project is located within Escondido Water service area, however, Rincon Del Diablo will serve the project with a Water Meter Exchange Agreement between the City of Escondido and Rincon Del Diablo Water District. The developer is responsible for coordination of the Water Meter Exchange Agreement and provide the City with approved Rincon Del Diablo Water improvement plans and a copy of the executed Rincon approved by the Escondido City Council and Rincon Del Diablo Water District Board. Prior to issuance of Building Permit, the developer shall complete Meter Exchange Agreement between the City and Rincon and provide the City Engineer with a copy of the executed agreement and approved plans by the Rincon Del Diablo Water District.

2. All onsite detector checks and fire hydrants shall be designed to be located as determined by the Fire Marshal.

SEWER

1. The project owner is required to design and construct an onsite/offsite public sewer system and access to serve the project in accordance with the City of Escondido Design Standards and to the requirements of Utilities Engineer.
2. All sewer laterals within the project are private and shall be maintained by the project applicant/owner.

EASEMENTS AND DEDICATIONS

1. The project owner shall dedicate right-of-way on Harmony Grove Road at project entrance to accommodate for completion of frontage improvements at the project entrance. Legal description and plat shall be prepared and submitted to the City Engineer for preparation of dedication document to be executed by the project owner. Right-of-way dedication shall be completed prior to approval of the frontage public improvement plans.
2. Necessary public utilities easements for sewer shall be granted to the City. The minimum easement width is 20 feet.
3. All easements, both private and public, affecting subject property shall be shown and delineated on the plot plan.
4. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permit, unless approved by the easement owner. 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 Grading or Building permit, as determined by the City Engineer.

REPAYMENTS, FEES AND CASH SECURITIES

1. The project owner shall be required to pay all development fees, including any repayments in effect prior to approval of the. All development impact fees are paid at the time of Building Permit or as determined by the Building Official.
2. 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 project owner 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 deposit for the project shall be \$50,000.
3. The project owner shall provide the city with cash contribution towards future construction of Citracado Parkway between Andreasen Drive and Harmony Grove Village Parkway.

The required cash contribution shall be deposited with the City Engineer prior to issuance of Building Permit.

UTILITY UNDERGROUNDING AND RELOCATION

1. The developer shall be required to underground the existing power line at project entrance if it is in conflict with the proposed improvements at the project entrance or pay in lieu fee and relocate the section of overhead utilities along project frontage on Harmony Grove Road.
2. All new dry utilities to serve the project shall be constructed underground. The project owner 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 PROGRAM

PROJECT NAME: Escondido Victory Industrial Park (ENV15-0017 and PHG15-0042)
PROJECT LOCATION: 2005 Harmony Grove Road, Escondido, CA 92025
PROJECT DESCRIPTION: The project involves a Master and Precise Development Plan and rezone to allow for the development of 91,000 square feet of light industrial uses in two, one-story buildings on 5.24-acres (4.87 acres on-site and 0.37 acre off-site). Building 1 would be approximately 55,500 square feet and Building 2 would be approximately 35,500 square feet. The project would also include 184 surface parking spaces, landscaping, and infrastructure improvements. A rezone will be required to bring the city-approved zoning change from residential to planned-development industrial to be consistent with the General Plan.
APPROVAL BODY/DATE: City Council
CONTACT: Jay Paul, Associate Planner
PHONE NUMBER: 760-839-4537

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
|--|---|--|-------------------|----------------------|----------|
| <p>Potential impact to raptors protected by the California Department of Fish and Wildlife, and potential impact to nesting birds protected by the Migratory Bird Treaty Act</p> | <p>BIO-1 Prior to issuance of grading permits, the following shall be identified on the grading plan: A qualified biologist shall determine if any active raptor nests occur on or in the immediate vicinity of the project site if construction is set to commence or continue into the breeding season of raptors (January 1 to September 1). If active nests are found, their situation shall be assessed based on topography, line of sight, existing disturbances, and proposed disturbance activities to determine an appropriate distance of a temporal buffer.</p> <p>BIO-2: Prior to issuance of grading permits, the following shall be identified on the grading plan: If project construction cannot avoid the period of January 1 through September 1, a qualified biologist shall survey potential nesting vegetation within the project site for nesting birds prior to commencing any project activity. Surveys shall be conducted at the appropriate time of day, no more than three days prior to vegetation removal or disturbance. Documentation of surveys and findings shall be submitted to the City for review and concurrence prior to conducting project activities. If no nesting birds were observed and concurrence was received, project activities may begin. If an active bird nest is located, the nest site shall be fenced a</p> | <p>Section IVa, Biological Resources</p> | <p>Applicant</p> | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
|--|---|-----------------------------------|-------------------|----------------------|----------|
| Impact to 2.57 acres of non-native grassland and 0.002 acre of disturbed wetland | <p>minimum of 200 feet (500 feet for special status species and raptors) in all directions on-site, and this area shall not be disturbed until after September 1 or until the nest becomes inactive. If threatened or endangered species are observed within 500 feet of the work area, no work shall occur during the breeding season (January 1 through September 1) to avoid direct or indirect (noise) take of listed species.</p> <p>BIO-3: Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 1.28 acres. Mitigation shall be provided by either 1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or 2) purchase of non-native grassland or equivalent habitat credits at an approved mitigation bank, to the satisfaction of the City.</p> <p>BIO-4: Prior to the issuance of grading permits, impacts to disturbed wetland shall be mitigated at a ratio of 3:1 and shall consist of 0.002 acre of wetland creation and 0.004 acre of wetland restoration or enhancement. Mitigation shall be provided by either 1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or 2) purchase of wetland or equivalent habitat credits at an approved mitigation bank, to the satisfaction of the City. Additionally, prior to the issuance of grading permits, the project shall obtain a California Department of Fish and Wildlife 1600 Streambed Alteration Agreement, a San Diego Regional Water Quality Control Board Construction General Permit (401), and a U.S. Army Corps of Engineers Section 404 permit.</p> | Section IVb, Biological Resources | Applicant | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| Potential impact to unknown subsurface archaeological resources | <p>CUL-1: An archaeological resources monitoring program shall be implemented, which shall include the following:</p> <ol style="list-style-type: none"> 1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of Escondido that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program. 2. The qualified archaeologist and a Native American representative shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. 3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) shall be on-site full-time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features. 4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed. | Section Vb, Cultural Resources | Applicant | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| | <p>5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency, then carried out using professional archaeological methods. If any human bones are discovered, the county coroner and lead agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains.</p> <p>6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.</p> | | | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| Potential impact to unknown subsurface paleontological resources | <p>7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.</p> <p>8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms.</p> <p>CUL-2: Prior to commencement of project construction, a qualified paleontologist shall be retained to attend the project pre-construction meeting and discuss proposed grading plans with the project contractor(s). If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined below.</p> <p>1. A qualified paleontologist or a paleontological monitor shall be on site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is defined as an individual who has at least one year of experience in the field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation, and may be either increased or decreased thereafter</p> | Section Vc, Cultural Resources | Applicant | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| <p>Potential impact to any significant known and unknown tribal cultural resources</p> | <p>depending on initial results (per direction of a qualified paleontologist). 2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days). All collected fossil remains shall be cleaned, sorted, catalogued and deposited in an appropriate scientific institution (such as the San Diego Museum of Natural History) at the applicant's expense. 3. A report (with a map showing fossil site locations) summarizing the results, analyses and conclusions of the above described monitoring/recovery program shall be submitted to the City within three months of terminating monitoring activities.</p> | <p>Section Ve, Cultural Resources</p> | <p>Applicant</p> | | |
| <p>CUL-3: The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between 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 proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.</p> | | | | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| | <p>CUL-4: 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.</p> | | | | |
| | <p>CUL-5: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.</p> | | | | |
| | <p>CUL-6: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p> | | | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| | <p>CUL-7: In the event that previously unidentified Tribal Cultural Resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p> | | | | |
| | <p>CUL-8: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.</p> | | | | |
| | <p>CUL-9: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant Tribal Cultural Resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be</p> | | | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
|--------|---|----------------------|-------------------|----------------------|----------|
| | <p>recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p> <p>CUL-10: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p> | | | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| | <p>CUL-11: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or 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 and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any Tribal Cultural Resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe 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.</p> | | | | |
| | <p>CUL-12: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p> | | | | |

| Impact | Mitigation Measure | Location in Document | Responsible Party | Certified Completion | Comments |
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| <p>Direct impacts to the intersection of the Harmony Grove Road and Hale Avenue</p> <p>Cumulative impacts to the roadway segments of Harmony Grove Road between the Project Driveway and Enterprise Street and Harmony Grove Road between Enterprise Street and Hale Avenue</p> | <p>TRA-1: Intersection #4. Harmony Grove Road at Hale Avenue – Prior to the issuance of occupancy permits, restripe the approach on Hale Avenue within the existing 22-foot southbound lane to provide one dedicated right-turn lane (12 feet wide) and one through lane (10 feet wide) extending 125 feet from the stop bar. Figure 11-1 of the TIA shows the conceptual striping plan for these improvements.</p> <p>TRA-2: Street Segment #2. Harmony Grove Road between the Project Driveway and Enterprise Street – Prior to the issuance of occupancy permits, widen Harmony Grove Road within the existing right-of-way between the project driveway to Enterprise Street to provide a two-way left-turn lane serving as a refuge for left-turning vehicles in and out of the project site and nearby industrial driveways, thus allowing for improved flow for thru traffic along Harmony Grove Road. From the project driveway to Enterprise Street (a length of approximately 415 feet), widen Harmony Grove Road extending north along the project frontage to provide a 13 to 18-foot northbound lane and an 11-foot two-way left-turn lane for a total paved width varying between 38 and 54 feet. Appendix H of the TIA contains the City of Escondido preferred concept drawing with truck turning analysis along this segment.</p> <p>TRA-3: Street Segment #2. Harmony Grove Road between Enterprise Street and Hale Avenue – Prior to the issuance of occupancy permits, the applicant shall pay a fair share (0.4 percent) toward the Citracado Parkway Extension Project to improve and redirect the flow of traffic along this roadway.</p> | <p>Section XV/a and b, Transportation/Traffic</p> <p>Section XV/a and b, Transportation/Traffic</p> | <p>Applicant</p> <p>Applicant</p> | | |

EXHIBIT "C"

PHG 15-0042
Property Description and Depiction

Master and Precise Development Plan Area

APN 235-050-15

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

PARCEL 1:

ALL THAT PORTION OF BLOCK 143 OF THE RANCHO DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY E. L. DORN, BEING MAP NO. 527, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 10, 1888, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHWESTERLY BOUNDARY LINE OF SAID RANCHO, DISTANT THEREON 500.3 FEET IN A SOUTHWESTERLY DIRECTION FROM THE MOST NORTHERLY CORNER OF SAID BLOCK 143,

THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHWESTERLY BOUNDARY OF THAT CERTAIN TRACT OF LAND CONVEYED TO ONE PITSCKE, BY DEED RECORDED IN BOOK 166, PAGE 197, OF DEEDS, A DISTANCE OF 525.7 FEET,

THENCE IN A SOUTHWESTERLY DIRECTION FORMING AN INSIDE ANGLE OF 56° 44' WITH THE LINE LAST RUN, A DISTANCE OF 922.2 FEET,

THENCE WESTERLY FORMING AN INSIDE ANGLE OF 123° 16' WITH THE LINE LAST RUN, A DISTANCE OF 21.3 FEET TO THE NORTHWESTERLY LINE OF SAID RANCHO,

THENCE IN A NORTHERLY DIRECTION ALONG NORTHWESTERLY LINE OF SAID RANCHO, 771 FEET TO THE POINT OF COMMENCEMENT.

PARCEL 2:

A STRIP OF LAND 20 FEET IN WIDTH LYING WITHIN BLOCK 143 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY J. M. GRAHAM, NO. 724 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, THE NORTHWESTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID BLOCK 143,

THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID BLOCK 143 A DISTANCE OF 500.3 FEET (RECORD 500.5 FEET, MORE OR LESS) TO THE MOST WESTERLY CORNER OF LAND DESCRIBED IN DEED TO J.E. MARTIN, RECORDED JULY 27, 1962, RECORDER'S INSTRUMENT NO. 128101 OF OFFICIAL RECORDS.

EXCEPTING THAT PORTION LYING WITHIN ROAD SURVEY NO. 298, ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY.

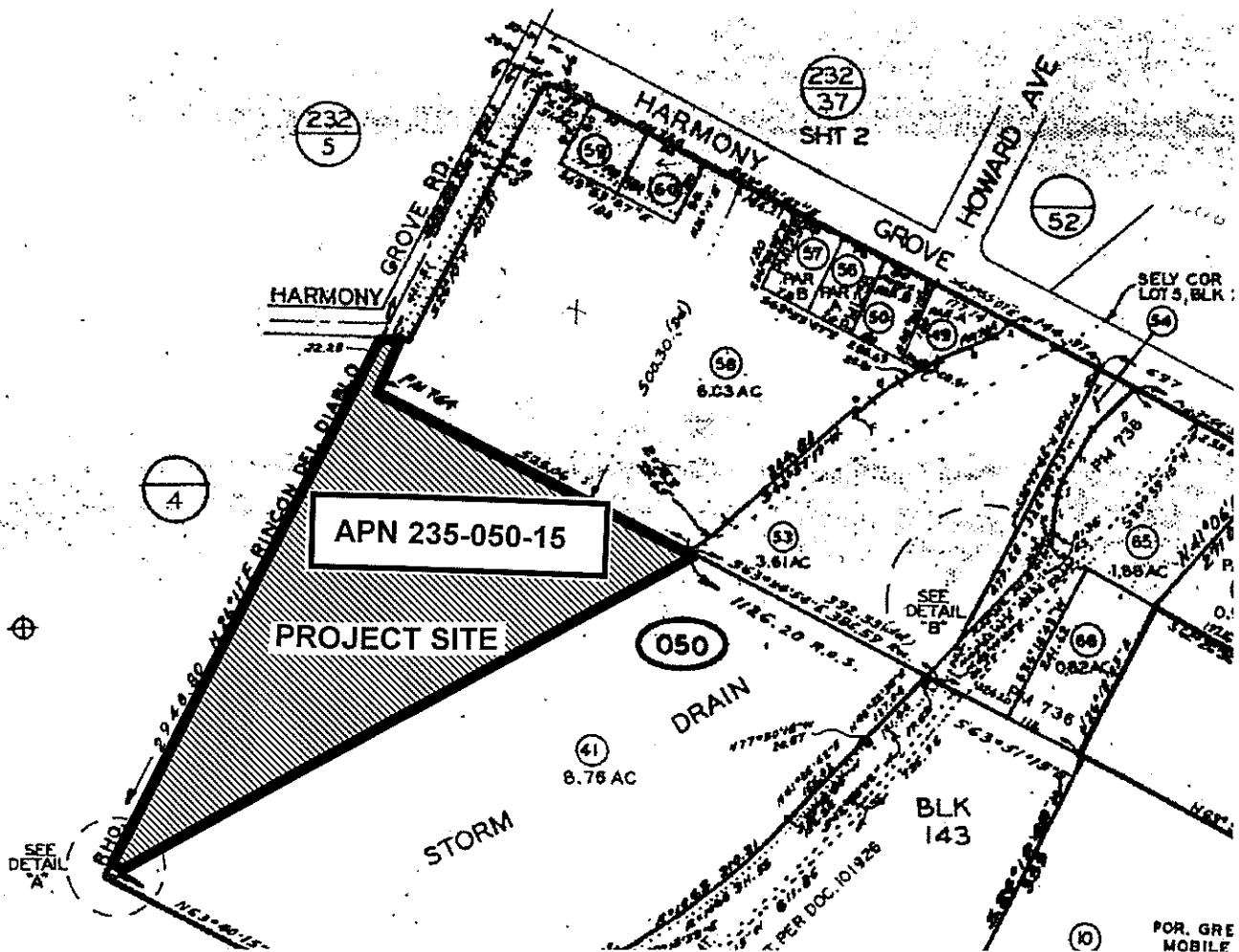
SAID STRIP TO TERMINATE IN THE SOUTHWEST WITH THE NORTHEASTERLY LINE OF PARCEL 1 ABOVE.

PARCEL 3:

AN EASEMENT FOR PRIVATE ROAD AND PUBLIC AND PRIVATE UTILITIES EASEMENT OVER

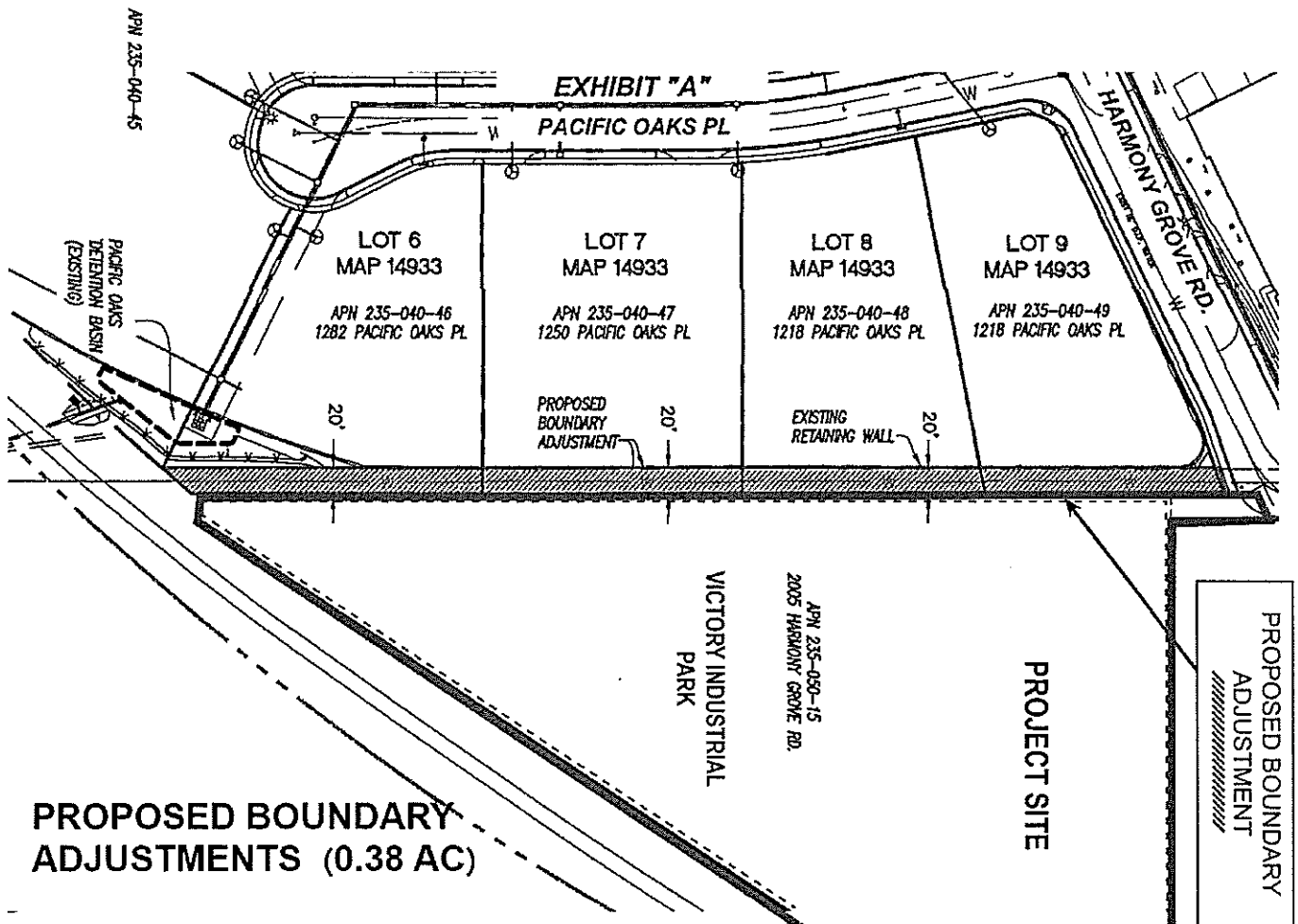
THAT PORTION OF LOT 1, BLOCK 308A OF RANCHO RINCON DEL DIABLO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, MADE BY J.M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, SOUTH $26^{\circ} 38' 59''$ WEST, 181.10 FEET TO A POINT ON A NON-TANGENT 300.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH $84^{\circ} 23' 23''$ EAST; THENCE LEAVING SAID SOUTHEASTERLY LINE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $21^{\circ} 02' 22''$ AN ARC DISTANCE OF 110.16 FEET TO THE NORTHWESTERLY LINE OF LAND DESCRIBED AS EASEMENT TO RINCON DEL DIABLO MUNICIPAL WATER DISTRICT RECORDED FEBRUARY 25, 1964 AS FILE NO. 35251, OFFICIAL RECORDS; THENCE ALONG SAID NORTHWESTERLY LINE AND TANGENT TO SAID CURVE, NORTH $26^{\circ} 38' 59''$ EAST, 63.57 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 1; THENCE ALONG SAID NORTHERLY LINE SOUTH $89^{\circ} 31' 26''$ EAST, 22.29 FEET TO THE POINT OF BEGINNING.



Portions of APNs 235-040-46, -47, -48 and -49 as follows:

The southeasterly 20.00 feet of Lots 6, 7, 8 and 9 of Escondido Tract No. 828 per Map No. 14933 Recorded December 20, 2004 as file No. 2004-1193170 official records in the City of Escondido, County of San Diego, State of California.



**PROPOSED BOUNDARY
ADJUSTMENTS (0.38 AC)**

PROJECT SITE

**PROPOSED BOUNDARY
ADJUSTMENT**

EXHIBIT "D"

**Zone Change Area
from R-1-6 to PD-I zoning
PHG15-0042**

APN 235-050-15

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

PARCEL 1:

ALL THAT PORTION OF BLOCK 143 OF THE RANCHO DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY E. L. DORN, BEING MAP NO. 527, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 10, 1888, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHWESTERLY BOUNDARY LINE OF SAID RANCHO, DISTANT THEREON 500.3 FEET IN A SOUTHWESTERLY DIRECTION FROM THE MOST NORTHERLY CORNER OF SAID BLOCK 143,

THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHWESTERLY BOUNDARY OF THAT CERTAIN TRACT OF LAND CONVEYED TO ONE PITSCKE, BY DEED RECORDED IN BOOK 166, PAGE 197, OF DEEDS, A DISTANCE OF 525.7 FEET,

THENCE IN A SOUTHWESTERLY DIRECTION FORMING AN INSIDE ANGLE OF 56° 44' WITH THE LINE LAST RUN, A DISTANCE OF 922.2 FEET,

THENCE WESTERLY FORMING AN INSIDE ANGLE OF 123° 16' WITH THE LINE LAST RUN, A DISTANCE OF 21.3 FEET TO THE NORTHWESTERLY LINE OF SAID RANCHO,

THENCE IN A NORTHERLY DIRECTION ALONG NORTHWESTERLY LINE OF SAID RANCHO, 771 FEET TO THE POINT OF COMMENCEMENT.

PARCEL 2:

A STRIP OF LAND 20 FEET IN WIDTH LYING WITHIN BLOCK 143 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY J. M. GRAHAM, NO. 724 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, THE NORTHWESTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID BLOCK 143,

THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID BLOCK 143 A DISTANCE OF 500.3 FEET (RECORD 500.5 FEET, MORE OR LESS) TO THE MOST WESTERLY CORNER OF LAND DESCRIBED IN DEED TO J.E. MARTIN, RECORDED JULY 27, 1962, RECORDER'S INSTRUMENT NO. 128101 OF OFFICIAL RECORDS.

EXCEPTING THAT PORTION LYING WITHIN ROAD SURVEY NO. 298, ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY.

SAID STRIP TO TERMINATE IN THE SOUTHWEST WITH THE NORTHEASTERLY LINE OF PARCEL 1 ABOVE.

PARCEL 3:

AN EASEMENT FOR PRIVATE ROAD AND PUBLIC AND PRIVATE UTILITIES EASEMENT OVER

THAT PORTION OF LOT 1, BLOCK 308A OF RANCHO RINCON DEL DIABLO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, MADE BY J.M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, SOUTH 26° 38' 59" WEST, 181.10 FEET TO A POINT ON A NON-TANGENT 300.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 84° 23' 23" EAST; THENCE LEAVING SAID SOUTHEASTERLY LINE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21° 02' 22" AN ARC DISTANCE OF 110.16 FEET TO THE NORTHWESTERLY LINE OF LAND DESCRIBED AS EASEMENT TO RINCON DEL DIABLO MUNICIPAL WATER DISTRICT RECORDED FEBRUARY 25, 1964 AS FILE NO. 35251, OFFICIAL RECORDS; THENCE ALONG SAID NORTHWESTERLY LINE AND TANGENT TO SAID CURVE, NORTH 26° 38' 59" EAST, 63.57 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 1; THENCE ALONG SAID NORTHERLY LINE SOUTH 89° 31' 26" EAST, 22.29 FEET TO THE POINT OF BEGINNING.

